

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
JUNE 5, 2014**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Orecchio opened the meeting at 8:15 p.m. In compliance with the Open Publics Meetings Act, the Clerk has notified all officially published newspapers of this meeting and notice has been posted in the Municipal Building. In the case of fire you will be instructed to follow the fire exit signs above the doors to the right and left of the Chambers, and exit calmly.

Pledge of Allegiance

Roll Call

Robert Adams	Absent
Thomas Callagee	Present
Carlos Colina, Mayor	Present
John DeThomasis	Present
Gary Goursky	Present
Mark Orecchio, Chairman	Present
Germaine Ortiz	Present
Gary Schwinder, Vice Chairman	Present
Michael Wallace	Present
Richard Worthington, Council	Absent
Christopher Martin, Attorney	Present
Berge Tombalakian, Engineer	Present
Kevin Kain, Sub. Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

Minutes of May 15, 2014 were approved, as amended, on a motion from Mr. Goursky, seconded by Mr. DeThomasis, and carried.

Vouchers

none

Correspondence

none

Resolutions:

**Leshinsky
60 Karen Lane
Deck**

A motion to approve the resolution was made by Mr. Goursky, seconded by Mr. DeThomasis, and carried by roll call vote as follows:

Mr. DeThomasis	Yes
Mr. Wallace	Yes
Mr. Schwinder	Yes
Mr. Goursky	Yes

The above resolution will be published as required.

New Application:

**Weise/Petrozella
15 Dorchester Road
Deck**

Mr. Petrozella is the new owner of the home. He was sworn in by Attorney Martin. Mr. Petrozella is from 62 Knollwood Drive in Paramus. All notice and proof of publication was found to be sufficient. A 16' x 14' deck is proposed off the family room requiring a rear yard setback. Relief requested is 9.4'. The proposed deck will be parallel with the family room. Mr. Schwinder asked what is behind the subject property. He was told that there is a house to the left in the rear. There will be steps to the rear from the new deck to a concrete pad then grass.

A motion to open the meeting to the public on this application was made by Mr. Goursky, seconded by Mr. Callagee, and carried.

There was no public comment.

A motion to close the meeting to the public was made by Mr. Worthington, second by Mr. Goursky, and carried.

A motion to approve the application as amended was made by Mr. Goursky, seconded by Mr. Callagee, and carried by roll call vote as follows:

Mr. DeThomasis	Yes
Mr. Wallace	Yes
Mr. Schwinder	Yes

Ms. Ortiz	Yes
Mayor Colina	Yes
Mr. Goursky	Yes
Mr. Callagee	Yes
Chairman Orecchio	Recused

The resolution will be read at the next meeting.

Continued:

**Valero Gas Station
Diesel Tanks and Signs**

Mr. Russell Huntington, Attorney for the applicant was present. The owner, Robert Obernauer, was also present, and still sworn from the previous meeting.

Regarding the tank issue:

A new site plan has been provided showing the movement of the tank 15' off the property line. New notice has been done and was found to be satisfactory. An additional tank was also included on the plan. The Board was told to ignore the underground tank on the plan. The changes pertain to the location. The tank has been moved forward 2 spaces and where it was planned will be 2 more parking spaces. The access doors for the tank will face space #7. Mr. Tombalakian suggested that spaces 7 & 8 be marked as employee spaces so if access is needed an employee would be present to move the vehicle. Mr. Tombalakian asked if the above ground tank could be removed if the underground tank is put in. He was told yes by Mr. Obernauer. Mr. Tombalakian would like this stated in the resolution. Mr. Huntington agreed. Mr. Schwinder asked about the refuse pick up situation. He was told that the dumpster is on wheels. The Board would like reflective tape of some kind attached to this and bollards. Mr. Tombalakian stated that the plan shows detail but not location.

Regarding signs:

Exhibit A-7 was submitted regarding signage. Each request was discussed in detail by all present. There will not be any neon signs. The lights will be off when the station is closed – closing time is midnight. Mr. Schwinder asked if a light should be left on over the tanks during the night. Mr. Tombalakian agreed and stated that this should be done without disturbing the neighbors. This will be done. The 'Goodyear' sign will be the only wall sign and will not exceed 50%. Mr. Obernauer stated that he has no need to use sandwich board signs. Exhibit A-7 is in agreement with the Planners report.

A motion to open the meeting to the public on this issue was made by Mr. Schwinder, seconded by Mr. Goursky, and carried.

With no one wishing to be heard from the public, **a motion to close the meeting** to the public was made by Mr. Schwinder, seconded by Ms. Ortiz, and carried.

A motion to approve the application for diesel tanks and signs as presented in Exhibit A-7 and the sign ordinance, and for site plan approval for the relocation of the diesel tank and the enclosure per Exhibit C-1 (drawing) and the International Fire Code adherence, was made by Mr. Schwinder, seconded by Mr. Goursky and carried by roll call vote as follows:

Mr. Callagee	Yes
Mr. DeThomasis	Yes
Ms. Ortiz	Yes
Mr. Wallace	Yes
Mr. Goursky	Yes
Mr. Schwinder	Yes
Chairman Orecchio	Yes

In addition, there will be bollards and reflective material on the enclosure, a security light and spaces 7 & 8 will designated as employee parking.

The resolution will be read at the next meeting.

Any Board Member/ Good and Welfare

A discussion took place regarding abandoned use variances in the redevelopment zone.

The meeting was opened to the public on a motion from Mr. Schwinder, seconded by Mr. Callagee, and carried.

No one wished to be heard

The meeting was closed to the public on a motion from Mr. Schwinder, seconded by Ms. Ortiz, and carried.

A motion to adjourn was made by Mr. Schwinder, seconded by Mr. Goursky, and carried.

Respectfully submitted

Kathy Rizza, Secretary

