

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
MAY 7, 2015**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Orecchio opened the meeting at 8:00 p.m. In compliance with the Open Public 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	Present
Thomas Callagee	Present
Louis Lamatina, Mayor	Present
John DeThomasis	Absent
Gary Goursky	Present
Mark Orecchio, Chairman	Present
Germaine Ortiz	Present
Gary Schwinder, Vice Chairman	Present
Vincent Tripodi, Council	Present
Steven Malone	Present
Norman Rieger	Present
Thomas Sudano	Present
Christopher Martin, Attorney	Present
Gary Ascolese, Engineer	Present
Bridgette Bogart Planner	Present
Michael Sartori, CCO/Zoning	Present
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

**Minutes:**

The minutes of December 2014 were approved on a motion from Mr. Goursky, seconded by Mr. Tripodi, and carried by all.

## **Vouchers:**

The following vouchers were approved on a motion from Mr. Adams, seconded by Ms. Ortiz, and carried by all.

NJ Planning Officials for 2015 dues \$315.00  
NJ Planning Officials – Steve Malone Land Use Class - \$80.00  
Boswell Eng. – Armenian Home - \$1,608.00  
Boswell Eng. – Kesilyas - \$316.00  
Brigette Bogart, Planner – 1<sup>st</sup> qtr. retainer - \$800.00  
North Jersey Media – 93 Dyer Ave - \$34.57

## **2015 Re-Organization continued**

The 2015 Meeting Schedule was approved on a motion from Mr. Adams, seconded by Mayor Lamatina, and carried. This will be published and posted.

Mr. Malone was sworn in as an Alternate member of the Board by Attorney Martin. The Oath of Office form will be forwarded to the Clerk.

## **New Applications:**

**Colin**

**187 Randolph**

**Extension of Time for 2014 resolution request**

Mr. Colin was sworn in by Attorney Martin. Due to the harsh winter Mr. Colin was unable to start his improvement and would like a one-year extension on his resolution.

**The meeting was opened to the public** on a motion from Mr. Adams, seconded by Mr. Goursky, and carried by all. With no one wishing to comment, the public session was closed on a motion from Mr. Goursky, seconded by Mr. Adams, and carried by all.

**A motion to approve a one-year extension was made by Mr. Goursky**, seconded by Mr. Adams and carried by roll call vote with all members present in favor. The resolution will be memorialized at the next meeting.

**Korik**  
**17 Furman Drive**  
**B126 - L6**  
**Garage Addition**

Mrs. Maria Korik of 17 Furman Avenue and her son Michael Korik of 78 First Avenue in Westwood were sworn in by Attorney Martin. The applicant would like to add an additional garage next to the existing one. Mr. Adams questioned the measurements in the notice – they did not agree with the floor plans. He also stated that the dimension of the soffit is needed and should be measured to the wall if less than 12” . Mr. Korik was told that the drawings need to be revised. Mr. Sartori has the plot plan. No neighbors were present on this issue. This matter has been carried till May 21<sup>st</sup>. Attorney Martin stated that there is no prejudice to the Board if there is a need to change the variance. If the variance is changed re-notice will be necessary.

**A motion to open to the public** on this matter was made by Mr. Adams, seconded by Ms. Ortiz, and carried. With no one wishing to be heard, the meeting was **closed to the public** on a motion from Mr. Schwinder, seconded by Mr. Adams, and carried.

**Tenebruso**  
**65 Washington Avenue**  
**Children ’ s Playhouse**

Paula Tenebruso of 65 Washington Avenue was sworn in by Attorney Martin. Her request for a permit was denied. Mr. Sartori, the CCO, was present and stated that the applicant did apply to relocate the tree house on their property. In his opinion this creates a variance but a tree/play house does not require a permit from the State of New Jersey. The term ‘accessory structure’ was defined. Chairman Orecchio read from the Borough ordinance. A height variance may be needed. The height was not known at this time. The structure has four walls and a roof and screen door – like a gazebo in the air. It is enclosed with a deck and has beds in inside. Mayor Lamatina showed pictures to all present. The applicant proposes to elevate the structure 6’ off the ground. The roof will be 14’ 8” above the grade. Chairman Orecchio stated that in his opinion it sounds like an accessory structure. Attorney Martin

agrees. Necessary permits were discussed. Mr. Al Chaloub of 65 Washington Avenue was sworn in. He showed a picture of a playhouse that Mike Sartori said would not require a permit. Ms. Tenebruso showed a picture with both her playhouse and her neighbor's playhouse. Attorney Martin stated that there is no application here tonight and that the applicant should go to the Building Department with the size and square footage. Mr. Sartori again stated that the State says no permit is needed. If it is an accessory structure than it requires a variance, but a tree house requires nothing. Ms. Tenebruso stated that the structure is 144 square feet, and if it is relocated it will be rebuilt smaller. Ms. Bogart, the Board Planner stated that she feels this is an accessory structure and that it should comply. A new plan is needed to show where it will go. Mr. Reiger stated that if the structure were within the setbacks no variance would be needed. Mr. Sartori said that the applicant can have a 200 square foot structure that is not attached to the ground which would not be considered an accessory structure as long as they comply with the zoning regulations – what and where is the issue.

**Emerson Cleaners  
20 Kinderkamack Road  
B606 – L4  
Sign Variance and Exterior Renovations**

This application will be heard on May 21<sup>st</sup>. No further notice required.

**Kuiken Lumber  
17 Chestnut Street  
B405 – L14  
Reconstruction and Alternations of Existing Building**

Mr. Reiger has recused himself from this application. Mr. Russell Huntington is the Attorney present for the applicant. Also present are three members of the Kuiken family and the Engineer and the Architect. A conditional certificate of occupancy and a use permit were given last year and a parking variance was discussed. Notice has been submitted and found to be satisfactory.

Mr. Douglas R. Kuiken of 246 Kinderkamack Road was first to testify. Mr. Kuiken stated that he plans to reconstruct the entire building. Ex. A-

1 and A-2, the architectural plans were shown. He plans to close one set of garage doors. Mr. Huntington stated that it is not really an expansion but what is planned will allow them to do what they do more efficiently. Additional height is needed for a racking system that the applicant will be using. Presently there is a bow truss roof and that this is not the best type of roof. Parking was discussed next. The code calls for 48 and the applicant is providing 38. Mr. Huntington stated that it is safer with 38 spaces but they could get to 48 if the Board says they need to. There will be two means of ingress –Lozier and Chestnut. Mr. Kuiken stated that this building will be used for storage and parking trucks. People will be able to park and walk to the main store on Kinderkamack Road. Store hours will be the same. Mr. Schwinder stated the store on Kinderkamack Road is beautiful, although it is a hazard area in regard to parking. Mr. Schwinder asked Mr. Kuiken if he would consider eliminating the parking in the front of the Kinderkamack Road store. Mr. Kuiken stated that this has been discussed.

The next witness was Mr. Eric Kiellar from Blueline Architecture. His qualifications and educational background were given to the Board and he was accepted as an expert witness. He is a licensed Architect in New York and New Jersey and has testified before many boards in Bergen and Passaic counties. Mr. Kiellar stated that 17 Chestnut Street is a tired old masonry and brick building. He referred to sheet E-1 of Exhibit A-3 speaking of the existing condition of the building and the roof. The new structure will be safer for the employees. There will be clean metal, new paint, and new garage doors. The view to the neighbors was discussed. The building will be 9’ taller than it currently is but will still conform to the code. The proposed site plan, sheet A-1 (marked as a whole set – A-3) was shown to show the filling in of one garage bay and the interior travel access. HVAC was discussed. There are four exhaust fans inside and locations were shown to all. There is no heat and no air conditioning. There is a closed dry sprinkler system. The floor will be raised 2’ due to flooding. Site lighting was discussed – it will be energy efficient. The lights can be lowered and moved if needed. Exhibit A-4 the lighting schedule was shown and discussed. The lights will be on from dusk to dawn. Mr. Malone asked about how many cars can be inside at one time. This is not known – it would depend on the size.

The next witness was Robert Weissman of Weissman Engineering Co. Mr. Weissman gave his credentials to the Board and was accepted as an expert witness who has testified before many boards during his career. Mr. Weissman described the site and the traffic flow. He said there will be a slight reduction in footprint but coverage remains the same. Mr. Schwinder asked how many employees there are. Mr. Kuiken replied approximately 25. They park on Lozier and all over the site. The rack storage system was described as 23' high and 11' deep. There will be no adverse changes that would affect the neighbors on Kinderkamack Road. All the activity will be on the west side of the building. The Mayor asked for a landscape plan on the west side to buffer the rack system. This is not available at this time. Mr. Schwinder stated that greenery or fencing with green slats would be a good buffer. Mr. Huntington stated that the rack system will have a cover to it.

The Chairman asked for professional comments. Mr. Ascolese of Boswell Engineering asked about tanks at the site. It was stated that the Emerson Auto Body security gate blocks the entrance. The applicant stated that they have that property under contract. Ms. Bogart asked for the fence detail to be put on the plan. It was stated that there will be water and heat for the bathrooms. They would rather not enclose the dumpster since the doors always get broken. Ms. Bogart stated that they should extend the wall behind the dumpster. Mr. Schwinder asked if there will be any signage. He was told no.

**This matter was opened to the public** on a motion from Mr. Adams, seconded by Ms. Ortiz, and carried.

Ronnie Pierri – 268 Kinderkamack Road – concerned with noise of trucks, forklifts and activity. He would like as much buffer as possible.

Robert Skrable of Emerson Fence spoke regarding the fence and gate for fire truck access.

Neil DeSai – 43 Lozier – concerned with wood burning – has fire prevention concerns. Also had questions regarding landscaping and fencing. Stated that this is a residential area. Concerned with the rack system. He would like landscaping behind this rack system. Mr. Kuiken stated that nothing will work and that the wall behind the rack system

will be maintained and cleaned of graffiti. There will be no rail lines into the facility and there are no plans for this.

Michael Esqueu – 276 Kinderkamack Road – Asked if there will be retail sales in the new building. He was told no, pick ups only as per Mr. Kuiken. Stated that there is a fence and gate along the rear of the houses on Kinderkamack Road for security purposes. Mr. Esqueu was concerned with the landscaping access in the rear of his home.

Eduardo Cordero – 11 Chestnut Street – concerned with vehicular traffic.

Rosella Cordero – 11 Chestnut Street – concerned with the safety of the children at the day care center.

**The public session was closed** on a motion from Mr. Adams, seconded by Mr. Callagee and carried.

Mayor Lamatina would like information on the landscaping facing the tracks. The applicant is willing to submit an agreement regarding landscaping.

**A motion to approve the application** as agreed upon by all present was made by Mr. Schwinder, seconded by Mr. Adams and carried by roll call vote as follows:

Mr. Callagee	Yes
Mayor Lamatina	Yes
Mr. Goursky	Yes
Ms. Ortiz	Yes
Mr. Malone	Yes
Mr. Sudano	Yes
Councilman Tripodi	Yes
Mr. Adams	Yes
Mr. Schwinder	Yes
Chairman Orecchio	Yes

The resolution will be read at the next meeting.

**A motion to open the meeting to the public** was made by Mr. Adams, seconded by Mayor Lamatina, and carried.

Robert Pavese – Eagle Drive – Stated that the Housing Authority has destroyed the property behind his home that will be developed with Veteran/Senior Housing. The landscape plan will be reviewed by the Board Planner and Mr. Sartori will ensure that the site is cleaned up.

Mike Sartori – CCO – asked the Board if occupancy loads should change when an establishment has a band performing. He was informed by the Board that the load should stay as established with the appropriate site plan

**The public portion of the meeting was closed** on a motion from Mr. Callagee, and seconded by Ms. Ortiz.

#### **Any Board Member/ Good and Welfare**

**99 Kinderkamack Road** – For the possibility of all apartments at this location the applicant should first go to the Mayor and Council.

**Lighting Ordinance Discussion** – this discussion will take place on May 21<sup>st</sup>.

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

Respectfully submitted,

Kathy Rizza, Secretary