

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
MAY 15, 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 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	Absent
Thomas Callagee	Absent
Carlos Colina, Mayor	Absent
John DeThomasis	Present
Gary Goursky	Present
Mark Orecchio, Chairman	Present
Germaine Ortiz	Absent
Gary Schwinder, Vice Chairman	Present
Michael Wallace	Present
Richard Worthington, Council	Present
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 1, 2014 were approved, as amended, on a motion from Mr. Schwinder, seconded by Mr. Worthington, and carried.

Vouchers

Bridget Bogart, Planner – Elm Terrace - \$217.50

Bridget Bogart, Planner – Borough ordinances - \$688.75
Bridget Bogart, Planner – Hack. Golf Club - \$1,558.75
Bridget Bogart, Planner – Valero - \$471.25
Bridget Bogart, Planner – Tri Tech Const. - \$1,087.50
Morrison Mahoney, Attorney – Arm. Home - \$484.12
Morrison Mahoney, Attorney –Tri Tech Const. - \$575.16
Boswell Engineering – No. Valley Developers - \$153.00
Boswell Engineering – Hack. Golf Club - \$2,907.00
Boswell Engineering – 200 Kinderkamack - \$2,142.00
Boswell Engineering – Kesilyas - \$153.00
Boswell Engineering - Hack. Golf Club - \$306.00
Boswell Engineering – Town and Country Dev. - \$771.78

Vouchers were approved on a motion from Mr. Goursky, seconded by Mr. DeThomasis, and carried.

There was no correspondence.

Resolutions:

Zeller
140 Eagle Drive
Residential Addition

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

Mr. DeThomasis	Yes
Mr. Wallace	Yes
Mr. Schwinder	Yes
Chairman Orecchio	Yes

Colin
187 Randolph Avenue
Residential Addition

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

Mr. Wallace	Yes
Mr. DeThomasis	Yes
Mr. Schwinder	Yes
Chairman Orecchio	Yes

**Kesilyas
24 and 30 Highland Avenue
Soil Movement**

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

Mr. Schwinder	Yes
Mr. DeThomasis	Yes
Mr. Wallace	Yes
Chairman Orecchio	Yes

All of the above will be published as required.

New Application:

**Leshinsky
60 Karen Lane
Residential Deck**

Chairman Orecchio recused himself from this application since he resides within 200' . Mr. Schwinder will assume the role of Chairman for this portion of the meeting. Attorney Martin stated that the notice and proof of publication is satisfactory. Albert Leshinsky, the homeowner, was sworn in by Attorney Martin. There was an error in the setback calculation on the application– it is a 19.25' setback, not 25' . Attorney Martin stated that this is not a material defect in the notice. There are two side neighbors to this home with none in the rear. There is currently a 10' deck, the proposed deck will be 20' . The applicant moved to this home in May of last year. There were no comments from the board members.

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

Mark Orecchio of 78 Karen Lane spoke in favor of the application. Mr. Orecchio explained how the current deck was allowed with a blanket variance when the homes in this development were built. Mr. Orecchio feels that this proposal will be a benefit.

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. Worthington, and carried by roll call vote as follows:

Mr. DeThomasis	Yes
Mr. Wallace	Yes
Mr. Schwinder	Yes
Mr. Worthington	Yes
Mr. Goursky	Yes
Chairman Orecchio	Recused

The resolution will be read at the next meeting.

Continued:

Valero Gas Station Diesel Tanks

Mr. Russell Huntington, Attorney for the applicant was present. The owner, Robert Obernauer, was also present. The new notice was found to be satisfactory by Attorney Martin. All proposed signs were measured by Mr. Obernauer and all signs were explained. There will be four kiosk signs, not two. This will be amended. The purpose of these kiosk signs are to shade the computers from the sun, but at night you are able to see right through them. Mr. Huntington stated that they are not shades, they adhere to the window. Mr. Kain, the substituting Planner, asked why solid panels without any printing could not be used.

Mr. Huntington stated that that American flags were counted as signs. The applicant is trying to make a fair representation to the board. Mr. Schwinder asked if the shades are all one piece. He was told yes. Past signage approvals for Sunoco were discussed. Mr. Huntington stated that this application is not an expansion of what was approved for Sunoco. Mr. Huntington stated that his client is looking for a total of 191 sq. ft. of signage. The denial from Mr. Sartori was reviewed. Mr. Huntington is looking for approval as an amendment. Mr. Schwinder stated that the code refers to the square footage of the structure and the amount of signs allowed to cover the building. He feels that the proposed looks like a clutter of signs. The fact that the site has been cleaned up nicely was mentioned. Mr. Obernauer was asked which signs are the most important to him. He responded that the kiosk signs are the most important and that he didn't realize a variance was necessary. Attorney Martin suggested to Attorney Huntington that a accurate count of the signs proposed and their location and size be developed. There are four types to be dealt with – pylon and message board, kiosk, building, and canopy. The Board suggested leaving the kiosk signs as proposed but doing away with the commercial messages on the garage. The only signs on the building will be the Goodyear sign and the sign with the American flag. All Under New Management signs have been taken down. The canopy was discussed – is this one sign or four? Mr. Huntington will prepare a new exhibit for the next meeting.

The tank issue was next to be discussed. The tank is a vaulted tank. Mr. Tombalakian disagrees. The tank needs to be 10' further away than originally proposed. This will be accomplished by moving closer to Linwood Avenue. But it will use up two more parking spaces, but frees up two spaces behind the dumpster. The proximity to the condos was discussed, along with the location of the dumpster. A new sketch was submitted to the Board Engineer. The tank will now be 15' from the property line. Parking was discussed and Mr. Tombalakian suggested moving the handicapped space. The possibility of an additional tank being needed was discussed. This may be added to this application. If so, amended notice will be done.

This matter will be carried without prejudice.

Any Board Member/ Good and Welfare

Vacation schedules should be given to the board Secretary.

The Board had no comment on Ordinance 1477-14. Regarding Ordinance 1478-14 – the zoning changes recommended by the Land Use Board - the second reading is next week.

Mr. Schwinder asked Mr. Worthington if there is any news on the Kinderkamack Road project from the County and if there is any news on the old Ramaglia property at the traffic light. Mr. Tombalakian stated that he heard the Ramaglia site will be sold again. Mr. Goursky asked about the property next to the Subaru dealer. Mr. Tombalakian stated that this is outside the project limit.

Mr. Schwinder asked for Armenian Home Status and if the developers agreement had been signed.

The sale of 17 Chestnut Street fell through and right now there are no plans for this application to return to the board.

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

Steven Paino – 51 Colonial Road – Spoke regarding procedures of the Land Use Board for continuous use if ownership changes in a business.

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

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

Respectfully submitted - Kathy Rizza, Secretary