



MUNICIPAL LAND USE BOARD
EMERSON, NEW JERSEY
JANUARY 20, 2011

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, January 20, 2011. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mayor Colina to lead the assembly in the Pledge of Allegiance.

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 Office. In case of a fire, follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and please exit calmly.

ROLL CALL:

Mr. Tom Callagee – Absent
Mayor Carlos Colina – Present
Councilwoman Danielle DiPaola – Present
Mr. Patrick Gagliardi – Absent
Mr. Gary Goursky – Present
Mr. Louis Lamatina – Present
Mr. Christopher Leins – Present
Chairman Mark Orecchio – Present
Mrs. Germaine Ortiz – Present
Vice Chairman Gary Schwinder – Present
Mr. Brian Todd – Present
Mr. Richard Worthington – Present
Mr. Christopher Martin – Present
Mrs. Barbara Looney – Present
Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested
Mr. Joe Solimando – Absent – attendance not requested

MINUTES:

A motion was made to table approval of the minutes for the meeting held on December 16, 2010 by Mr. Schwinder, seconded by Mr. Goursky, and carried. The only 2 members eligible to vote on the approval are Mr. Goursky and Mr. Callagee.

A motion was made to approve the minutes for the meeting held on January 6, 2011 by Mr. Schwinder, seconded by Councilwoman DiPaola, and carried.

CORRESPONDENCE:

- Memo from Sgt. Richard Mottley – dated 1/18/11 – Re: BMAI, LLC
- Memo from Boswell McClave Engineering – dated 1/19/11 – Re: BMAI, LLC
- New Jersey Planner – December 2010 / January 2011 edition

VOUCHERS:

- \$787.06 – Morrison Mahoney – Re: Kesilyas
- 253.75 – Maser Consulting – Re: Hackensack Golf Club
- 580.00 – Maser Consulting – Re: Grand Investments, IV
- 435.00 – Maser Consulting – Re: BMAI, LLC
- 72.50 – Maser Consulting – Re: Onik & Ripsik

A motion was made to approve these vouchers by Mr. Todd, seconded by Mr. Schwinder, and carried.

BOARD ENGINEER: A motion was made to appoint Boswell McClave Engineering as temporary Land Use Board Engineer by Mr. Schwinder, seconded by Councilwoman DiPaola, and carried, with all members voting in the affirmative, none opposed.

BABIKIAN – 15 RIDGE ROAD – NEW APPLICATION:

Mr. Babikian was present and submitted proof of notice which was reviewed by Mr. Martin, and deemed sufficient. The application is for the construction of a pergola fully covered canopy – side yard variance of 2.8 feet - side yard required setback is 8 feet. Mr. Babikian distributed a photo of the proposed pergola – would like to have an additional outdoor seating area to be more comfortable – if the structure was smaller – no variance would be needed. Mr. Schwinder addressed his concerns with run-off, closeness to the neighbor, and the possible installation of a seepage pit. Mr. Babikian stated there is currently open space, he would like to install a patio, and all the gutters drain onto his property. Mr. Babikian also stated he has a good relationship with his neighbors, and has spoken to them. Mr. Martin stated we are not engineers, and we don't know where the additional run-off will wind up. Mr. Schwinder inquired whether or not Mr. Sartori saw the photo the applicant distributed this evening – Mr. Babikian said he did not. After Board discussion, Mr. Babikian agreed to meet with Mr. Sartori tomorrow to show him the photo of the proposed structure, and the application will be continued at our next meeting to see if any engineering issues need to be addressed. Mr. Babikian thanked the Board for their time and consideration.

BMAI, LLC – 129 KINDERKAMACK ROAD – NEW APPLICATION:

Mr. Louis Flora was present and is representing the applicant. Proof of notice was submitted, reviewed, and deemed sufficient by Mr. Martin. Mr. Flora stated the developer wishes to demolish the existing single family home and construct a 2,616 square foot 7 Eleven convenience store – open for business 24 hours a day. The site consists of 12,088 square feet and the project proposes the change of the use from residential to retail. Additional site features include a concrete parking area, access drives, concrete walkways, lighting, drainage, and landscaping. The applicant is the contract purchaser of the property, and the final purchase is contingent upon obtaining all approvals for development and operation. Mr. Flora stated that he has received copies of the reports from Maser Consulting, Boswell Engineering, and Sgt. Mottley of the Police Department.

Mr. Flora introduced to the Board and the public Mr. John Bleeker of Bleeker Architectural Group, who gave his credentials, was sworn in by Mr. Martin, and accepted as a witness. Mr. Bleeker stated he prepared the plans submitted, the property is in the Borough's Redevelopment zone, and unusual in shape – New Jersey Transit runs along the rear of the property. We have designed 2 plans – one as the site exists today, and one with the proposed roadway improvements with a bus stop – a controlled intersection at Ackerman Avenue and Kinderkamack Road. An easement would be needed from New Jersey Transit in order to provide parking in the

rear of the site. The proposed building will be a 2 story design – one story consisting of approximately 2,600 square feet of retail space, clock tower, with brick and masonry design. The variances that are required are as follows:

- Square footage based on the Kinderkamack Road project and New Jersey Transit lease agreement
- Lot area size
- Front yard setback
- Side yard – southern property line
- Rear yard
- Impervious coverage
- Parking
- Front yard parking
- Front yard trash enclosure
- Street landscaping – islands and shrubs

Mr. Schwinder would like to see planting boxes, with greenery, along the front of the building instead of large trees, and see the dumpsters relocated further south on the site. Mr. Lamatina agreed with Mr. Schwinder, and would like to see a full scale landscape plan, and a fence installed along the railroad tracks with landscaping. Mr. Flora stated revised plans will address site lighting – height and type – and the meters will be installed on the south side of the building. Mr. Schwinder commented on the 7 Eleven location in Montvale, and would like to see the same type of building and signage here in Emerson.

At this time, Mr. Flora introduced to the Board and the public Mr. Armand Keuran, Real Estate Manager for 7 Eleven in New Jersey and Pennsylvania. Mr. Keuran stated there are 6,700 7 Elevens' in the United States, and would welcome another location, similar to Montvale, here in Emerson. The Hillsdale and Montvale locations are open 24 hours – River Vale is open from 5 AM to midnight. Typically we have 2 employees plus one manager on duty; most locations have any where from 8 to 13 parking spaces – 24 hour operations is crucial for the business, due to competitors, such as Quick Chek and Dunkin Donuts. Councilwoman DiPaola stated she felt business would be good without 24 hours of operations.

A motion was made to open public session by Councilwoman DiPaola, seconded by Mr. Schwinder, and carried, with no comments.

A motion was made to close public session by Councilwoman DiPaola, seconded by Mr. Todd, and carried.

Mr. Flora requested the application be continued at our next meeting, and agreed to extend the time for review. Mr. Flora agreed to contact New Jersey Transit for the parking easement, will contact the Governing Body with regard to the 24 hour operations, and meet with officials at the County Planning Board.

ANY BOARD MEMBER: No comments at this time.

GOOD AND WELFARE:

A motion was made to open public session by Mr. Todd, seconded by Mayor Colina, and carried, with no comments.

A motion was made to close public session by Mr. Schwinder, seconded by Mrs. Ortiz, and carried.

ADJOURNMENT:

A motion was made to adjourn the meeting by Councilwoman DiPaola, seconded by Mr. Worthington, and carried.

Respectfully submitted,


Barbara Looney