MUNICIPAL LAND USE BOARD
EMERSON, NEW JERSEY
SEPTEMBER 6, 2012

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, September 6 2012. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mr. Adams 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. Robert Adams – Present
Mr. Tom Callagee – Present
Mayor Carlos Colina – Present
Councilwoman Danielle DiPaola – Present
Mr. Gary Goursky – Present
Mr. Christopher Leins – Absent
Chairman Mark Orecchio – Present
Mrs. Germaine Ortiz – Absent
Mr. Matthew Ryan – Present
Mr. Gary Schwinder – Present
Mr. Brian Todd – Present
Mr. Christopher Martin – Present
Mrs. Barbara Looney – Present
Mr. Berge Tombalakian – Absent
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 August 16, 2012 by Mr. Schwinder, seconded by Mr. Goursky, and carried.

CORRESPONDENCE: The Secretary stated no correspondence.

VOUCHERS:

$1,160.00 – Boswell Engineering – Re: MSH Management LLC
300.00 – Boswell Engineering – Re: Kesilyas
1,000.00 – Morrison Mahoney – Re: 3rd quarter retainer

A motion was made to approve these vouchers by Councilwoman DiPaola, seconded by Mr. Goursky, and carried.

STOP & SHOP SUPERMARKET – 600 KINDERKAMACK ROAD – RESOLUTION

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution by Mr. Schwinder, seconded by Mr. Callagee, and carried, as amended – Mr. Schwinder would like "visible permanent defined marking area" added. Roll call vote as follows:

Mayor Colina – yes
Mr. Todd – yes
Mr. Callagee – yes
Mr. Schwinder – yes
Chairman Orecchio – yes

BUONO – 161 RANDOLPH AVENUE – RESOLUTION

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution by Mr. Schwinder, seconded by Mr. Todd, and carried. Roll call vote as follows:

Mayor Colina – yes
Mr. Callagee - yes
Mr. Todd – yes
Mr. Schwinder – yes
Chairman Orecchio – yes

TRAVERS – 2 LAKEVIEW DRIVE – NEW APPLICATION

Mr. Travers was present and submitted proof of notice, which was reviewed by Mr. Martin and deemed sufficient. Mr. Travers was sworn in by Mr. Martin and stated the application is for the construction of a rear yard deck – side yard setback required is 22 feet, where 9.2 feet is proposed – and the rear yard setback required is 35 feet, where 25.8 feet is proposed. Mr. Travers submitted an architectural site plan, which was marked as Exhibit A1. Chairman Orecchio commented to the Board and the public that this lot is in the R – 22.5 zone, which we have discussed a possible zoning change to an R-7.5 zone.

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

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

Mr. Callagee – yes
Councilwoman DiPaola – yes
Mr. Schwinder – yes
Mayor Colina – yes
Mr. Adams – yes
Mr. Ryan – yes
Mr. Todd – yes
Mr. Goursky – yes
Chairman Orecchio – yes

Mr. Martin will prepare a Resolution for our next meeting. Mr. Travers thanked the Board for their time and consideration.

LC DEVELOPERS – 251 RANDOLPH AVENUE – CONTINUED

Mr. Bruce Dexter was present and is representing the applicant. Mr. Dexter stated that since the last meeting, Mr. Chiellini met with the Site Plan Committee, adjoining neighbors, prepared a google site map, based on the site inspection, and revised drawings of the proposed home, which will be pushed back 52 feet back off Auricchio Avenue – the Mill's will have a view, and the garage will be moved more on center to the property to allow the water run-off onto Randolph Avenue. Mr. Chiellini stated the windows from the bedroom and family room have been eliminated on the west side of the proposed home. Chairman Orecchio questioned the 2 trees on Auricchio Avenue side of the property – Mr. Todd stated they are in bad shape, and we need to get input from the Shade Tree Commission. Mr. Chiellini further stated the proposed garage will be 12 feet high – existing garage is between 15 to 16 feet in height. Mayor Colina questioned the location of the proposed central air conditioning units – Mr. Chiellini stated they would be on the east side of the home, which will be heavily landscaped.

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

Donna and Wayne Mills – 48 Auricchio Avenue – distributed photos of their property overlooking the site – our home is 20 feet from the front property line, concerned with the location of the garage, eaves, and asbestos; read from the Borough Zoning Code, Sections 290-34 and 36. Mr. Martin stated the whole section of that Code deals with a Use Variance – the proposed use is residential, however, on a non-conforming existing lot.

Mark and Marilyn Bensen – 255 Randolph Avenue – thanked Mr. Chiellini for addressing the concerns of the neighbors; there are windows on the west side of his home – if house turned around onto Randolph Avenue it will give a boxy impression, will seem like an alleyway blocking all views – no one will purchase the home.

Liz Petriano – 92 Orchard Avenue – feels the town may be opened to unnecessary lawsuits. Four families will be affected over 43 feet in lot width.

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

A discussion ensued between the developer and the neighbors, with regard to a side yard variance. Mr. Martin suggested a final plan be submitted to the Board and Board Engineer for consideration, before this Board votes on the application.

After Board discussion, the application will be carried to our October 4, 2012 meeting with no additional notice required. Mr. Dexter and Mr. Chiellini thanked the Board for their time and consideration.

ANY BOARD MEMBER:

Chairman Orecchio stated we may want to consider eaves when sending the proposed zoning changes to Joe Burgis to review, before sending our recommendations to the Governing Body. Chairman Orecchio will prepare a list of the proposed changes for an upcoming meeting.

GOOD AND WELFARE:

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

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

ADJOURNMENT:

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

Respectfully submitted,

Barbara Looney

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