

**MUNICIPAL LAND USE BOARD
MINUTES
EMERSON, NEW JERSEY
NOVEMBER 14, 2013**

This meeting of the Municipal 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 a fire, please follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and exit calmly.

Pledge of Allegiance

Roll Call:

Robert Adams	Present
Thomas Callagee	Present
Carlos Colina, Mayor	Present
John DeThomasis	Present
Gary Goursky	Present
Mark Orecchio, Chairman	Present
Germaine Ortiz	Present
Matthew Ryan	Absent
Gary Schwinder	Present
Neil Tortora	Absent
Richard Worthington, Council	Present
Christopher Martin, Attorney	Present (8:00 p.m.)
Berge Tombalakian, Engineer	Present
Brigette Bogart, Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

Correspondence:

Letter from the Police Department dated 9-16-13 regarding the Locust Avenue Subdivision stating no objection.

An email response has been received from Joe Solimando regarding the 82 Locust Avenue subdivision. This will be forwarded to the Attorney for the application.

A verbal response has been received from the Volunteer Fire Department stating that they have no objection to the subdivision.

2014 Budget request information has been received from the CFO. This will be discussed under New Business.

An email has been received from Russell Huntington, Esq. regarding Town and Country Developers. They will not be appearing at this meeting – they will be heard at the December 5th meeting.

Vouchers:

- Boswell Engineering – \$612.00 – Elm Terrace
- Boswell Engineering - \$153.00 – Northern Valley Developers
- Boswell Engineering - \$153,00 – Ghougas
- Boswell Engineering - \$3,978.00 – Golf Club
- Boswell Engineering - \$153.00 – Stickeys BBQ
- Morrison Mahoney - \$1,027.50 – Golf Club
- Gramco Business Communications - \$195.89 – recording equipment

All vouchers and correspondence were approved on a motion from Mr. Goursky, seconded by Mr. Adams, and carried by all.

The application of Town and Country has been carried to the meeting of December 5th on a motion from Mr. Goursky, seconded by Ms. Ortiz and carried by all members present.

The application of Elm Terrace for a subdivision at 82 Locust Avenue has also been carried to the meeting of December 5th on a motion from Mr. Goursky, seconded by Mr. Schwinder and carried by all members present.

No further notice is needed for either application.

Resolution:

DiAmbrosio
31 Charles Street Block 301, Lot 1
Addition – rear yard, maximum lot coverage variances

The resolution had been read by all present. A motion to approve the resolution was made by Mr. Schwinder, seconded by Mr. Goursky, and carried by all members listed:

Mr. Adams	Yes
Mayor Colina	Yes
Mr. DeThomasis	Yes
Ms. Ortiz	Yes
Mr. Councilman Worthington	Yes
Mr. Goursky	Yes

Mr. Schwinder Yes
Chairman Orecchio Yes

This resolution will be published and distributed as required.

**Hilda Lopez – Bella’s Beauty Salon
381 Kinderkamack Road Block 215, Lot 1
Use variance**

The resolution was read by all present. A motion to approve was made by Mr. Schwinder, seconded by Ms. Ortiz, and carried by roll call vote as follows:

Mr. Adams Yes
Mr. DeThomasis Yes
Mr. Goursky Yes
Ms. Ortiz Yes
Mr. Schwinder Yes
Chairman Orecchio Yes

This resolution will be published and distributed as required.

New Business:

**Klein
207 High Street
Dormer Addition
Lot area, lot width and rear yard setback variances required**

Mr. Adams recused himself from this application since he lives within 200’. Ms. Christina Klein, the homeowner, was sworn in by Attorney Martin. A dormer in the back of the house is what is requested, requiring variances. The notice and proof of publication was found to be satisfactory by the Board Attorney. The footprint is not changing and there will be no excavation done at the site. The siding and the roof shingles will match to the existing. Mr. Schwinder asked if the existing air conditioning and heat units will be sufficient for the new addition.

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

With no one from the public wishing to be heard, the public portion of the meeting for this application was **closed** on a motion from Mr. Goursky, seconded by Ms. Ortiz, and carried by all.

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

Mr. Callagee Yes

Mayor Colina	Yes
Mr. DeThomasis	Yes
Mr. Schwinder	Yes
Councilman Worthington	Yes
Mr. Goursky	Yes
Ms. Ortiz	Yes
Chairman Orecchio	Yes

The resolution will be read at the December 5th meeting of the Land Use Board.

Houda Kesilyas
30 Highland Avenue Block 219, Lot 23
Minor Subdivision
Lot width variance requested

Mr. Richard A. Hubschman, Jr. was present as the Attorney for this application. The application is to subdivide one lot into two. The first witness was Mr. Michael J. Hubschman, PE, PP - Engineer and Planner, from 263A South Washington Avenue in Bergenfield. Mr. Hubschman has over 30 years of experience in his field and was deemed qualified by the Board. He has prepared the plans marked as Exhibit A-1. The lot proposed to be subdivided is 125' wide x 152' deep, on the north side of Highland Avenue in the RB zone bordering the R75 zone. The lot and the existing structure and garage were described to all present. The proposed plan meets all zoning requirements except lot width. The neighborhood was described as mostly single family with a couple of two family homes nearby. Mr. Hubschman showed 30 lots within 500' that are less than 75' wide, nineteen of which are 50' or less in width. The area within 200' was also examined. The applicant is allowed by code to construct a two family home on this site but has chosen not to. The plan is to remove the existing garage, therefore, reducing the impervious coverage. Two seepage pits will be provided. A colonial style home is proposed and a rendering was shown to all. Attorney Hubschman stated that the benefits outweigh the detriments. The need for a C2 variance was discussed. Mr. Goursky asked why the proposal does not show two equal sized lots instead of one lot being bigger than the other. He was told that this was considered, but that the owner would like one smaller lot and one larger lot. Chairman Orecchio informed the applicant's Attorney and Engineer of the way that setbacks are measured in Emerson. This will be compiled with.

The following exhibits were presented:

- Exhibit A-1 1st page of proposed plans
- Exhibit A-2 soil erosion plan (2nd page)
- Exhibit A-3 existing conditions
- Exhibit A-4 200' map
- Exhibit A-5 500' map
- Exhibit A-6 rendering of house exterior

There were no additional board comments and/or questions at this time. Ms. Bogart, the Board Planner stated that a tree management plan is needed from the applicant and that

two shade trees would be needed and replacement trees would also be needed for the fifteen proposed tree removals. The applicant will comply. This application will be continued at the next meeting of the Land Use Board in December.

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

Scott Luke – 38 Highland Avenue – Mr. Luke has no objection to the application but would like to go on the record and state that his basement does not flood at this time. He added that he would like the seepage pit moved to the other side of the property if possible. Mr. Luke was told that this could be done. Mr. Goursky asked if there will be a grade change. He was told no, that the land is flat, by Engineer Hubschman. Mayor Colina asked what the distance will be between the two homes. He was told approximately 22'. The Mayor stated that he would like to see the air conditioning units for each home installed between the two new homes and not on the side of Mr. Luke's property.

A motion to close the public session was made by Mr. Schwinder, seconded by Mr. DeThomasis, and carried by all.

Mr. Schwinder stated that the presentation given was good and thorough but that he would rather see equalized lots with two same size homes. Councilman Worthington and Mr. Goursky agree. Mr. Hubschman, the Engineer, asked if the Board would consider equal lots needing side yard variances. Mr. Tombalakian, the Board Engineer of Boswell Engineering would like to see a schematic of two similar lots with two similar sized homes.

Mr. Houda Kesilyas, the property owner and applicant, from 3 Stoneridge Lane in Hohokus, was sworn in by Attorney Martin. Mr. Kesilyas stated that he didn't think two same size lots would work due to a lack of footage, but a schematic will be provided at the next meeting.

This matter is carried to December 5th with no further notice required.

Any Board Member:

The 2014 Budget was discussed by all members present and will be submitted to the Borough CFO.

Since there has been no communication from Attorney Lamatina on the Emerson Golf Club application a letter will be written to him advising him of the need to re-notice when the application returns to the Board.

Zoning Ordinances will be discussed at 7:00 p.m. on December 5th. Ms. Bogart will distribute the necessary documentation needed.

Good and Welfare:

Nothing at this time.

The meeting was opened to the public on a motion from Mr. Adams, seconded by Ms. Ortiz, and carried. With no one from the audience wishing to be heard, **the meeting was closed to the public** on a motion from Councilman Worthington, seconded by Ms. Ortiz, and carried by all.

The meeting was adjourned on a motion from Mr. Callagee, seconded by Mr. Schwinder, and carried by all.

Respectfully Submitted,

Kathleen S. Rizza, Secretary