

**RESOLUTION OF THE MUNICIPAL LAND USE BOARD
THE BOROUGH OF EMERSON**

In the matter of:

**NORTHERN VALLEY DEVELOPERS
12 MARIANNA PLAC
BLOCK 710, LOT 10
EMERSON, NEW JERSEY**

WHEREAS, Northern Valley Developers (“Applicant”) has made application to the Municipal Land Use Board of the Borough of Emerson (the “Board”) for variance approval to raze the existing home and on-site improvements on the premises and to construct a two -and one-half (2 ½) story frame dwelling with an attached garage and an asphalt driveway. Additional improvements include a patio, walkway, new utility lines and a seepage pit on the subject property located at 12 Marianna Place, Block 710, Lot 10 on the Tax Assessment Map of the Borough of Emerson (the “Property”); and

WHEREAS, the Property is located in the R-7.5 Residential Single-Family Zone of the Borough of Emerson; and

WHEREAS, the application requires the following variance relief from the requirements of the Emerson Zoning Ordinance in the R -7.5 Zone: (1) as to minimum lot area, whereas 7,500 sf is required and 5,976 sf is an existing nonconforming condition and is proposed; (2) as to minimum lot width, whereas 75 ft is required and 60 ft is an existing nonconforming condition and is proposed; (3) as to minimum rear yard setback, whereas 35’ is required, 50.9 ft is existing and 30.8 feet is proposed; and

WHEREAS, the Applicant has filed the appropriate application materials timely; and

WHEREAS, the Applicant has presented satisfactory proof to the Board that Notice of the application was published and served in accordance with the Municipal Land Use Laws of the State of New Jersey; and

WHEREAS, Applicant was represented by Dermot Doyle, Esq. at the hearing on the application; and

WHEREAS, the Board was represented by John W. McDermott, Esq. ; and

WHEREAS, the Board reviewed this matter at a public hearing on November 4, 2021;
and

WHEREAS, George Bueno, on behalf of Applicant, Northern Valley Developers, 12 Marianna Place, Emerson, New Jersey appeared, was sworn, and testified in support of the application as follows:

- a. Mr. Bueno is a principal of Applicant, Northern Valley Developers, and the owner of the subject property.
- b. Applicant seeks to raze the existing home on the property and construct a new two and one half (2 ½) story home with an attached garage and an asphalt driveway, Applicant also proposes to install a patio, a walkway , ne utility lines and seepage pit.
- c. There are existing non-conforming conditions on the property as to lot area and lot width which will remain. Applicant is seeking a variance for minimum rear setback,

is no negative impact from same. The Applicant has met its burden of demonstrating the positive and negative criteria to justify granting of the bulk variances and therefore the Applicant's request conforms within the requirements of the Borough and may be granted without substantial detriment to the public safety, health and general welfare and will not deter the efforts of the Borough to effectuate the general purposes of municipal planning.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Land Use Board of the Borough of Emerson that the Application of Northern Valley Developers with respect to the subject Property requesting minor site plan and variance approval be and is hereby **APPROVED** subject to the terms and conditions hereinafter set forth:

STIPULATION AGREED TO BY APPLICANT

- 1) Applicant stipulates and agrees to abide by all the recommendations and conditions of the Borough Engineer.

GENERAL CONDITIONS:

- 1) The foregoing findings of fact and conclusions of law are incorporated herein as if set forth at length.
- 2) In reviewing the Application, the Board concludes that the proposed variances comply with the Municipal Ordinances and the Municipal Land Use Law.
- 3) Approval as necessary from the Bergen County Planning Board. If any material changes are required by Bergen County Planning Board to what is approved by this Resolution,

said changes are to be brought by the Applicant on a forthwith basis before this Board, which retains jurisdiction over the Application.

- 4) Approval from the Bergen County Soil Conservation District if applicable.
- 5) Approval from the Emerson Police if applicable.
- 6) The Applicant shall at all times comply with the applicable rules, regulations, ordinances and statutes of the Borough of Emerson, County of Bergen, State of New Jersey, and the Federal Government with regard to the construction of the Property including but not limited to the Americans with Disabilities Act.
- 7) The Applicant shall obtain all other required permits and approvals, inclusive of but not limited to the Applicant's satisfaction of the Ordinances imposed conditions which relate to tree removal and replacement and water drainage.
- 8) Building permits as needed must be obtained before any work begins at the site and in accordance with the approval(s) conferred herein.
- 9) The Applicant shall comply with any and all conditions and requirements rendered by this Board's Engineer and/or the Borough's Engineer and the Construction Code Official.
- 10) The Applicant shall comply with any and all other federal, state, county and local government rules and regulations regarding the subject application, including, but not necessarily limited to, the payment of all fees and charges as established by the Borough of Emerson for the application and as applicable compliance with all sign ordinances and the payment of any and all COAH fees and charges.

11) Nothing contained in this Resolution shall supersede the provisions of the Uniform Construction Code of the State of New Jersey or any other applicable law or regulation.

12) Any damage to the public areas, including streets, curbs or sidewalks, a result of the construction of the additions and site work must be remediated to the satisfaction of the Borough Engineer.

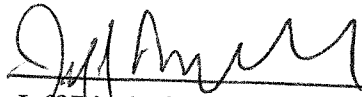
13) Applicant agrees to comply with all conditions of the Borough Engineer.

BE IT FURTHER RESOLVED that this Resolution does not constitute approval or recommendation for approval for any variance or any exception not requested by the Applicant, nor any variance or exception which may not be expressly or specifically created by this Resolution.

NOW THEREFORE, BE IT RESOLVED that the Chairman and Secretary of the Board are hereby authorized to affix their signatures to this Resolution granting the requested application, to advertise the action taken, by way of Resolution, in the local newspaper, and furthermore to send certified copies to the Zoning Officer, Construction Code Enforcement Official and/or Building Sub-Code Official, the Applicant and/or the Applicant's attorney, the subject property Owner if other than the Applicant, and to the Borough Attorney, Borough Engineer and Board Engineer.

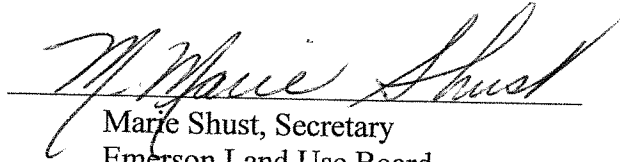
The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on December 2, 2021.

Dated: December 2, 2021



Jeff Bischoff, Chairman
Emerson Land Use Board

Dated: December 2, 2021



Marie Shust, Secretary
Emerson Land Use Board

OFFERED BY: Mr. Loschiavo

SECONDED BY: Vice Chairman Myers

VOTE: Ayes: 5

Nays: 0

Abstain: 0