

RESOLUTION OF THE MUNICIPAL LAND USE BOARD

THE BOROUGH OF EMERSON

In the matter of:

**CATERINA PALLADINO
46 COLONIAL ROAD
BLOCK 1006, LOT 6
EMERSON, NEW JERSEY**

WHEREAS, Caterina Palladino (“Applicant”) has made application to the Municipal Land Use Board of the Borough of Emerson (the “Board”) for variance approval to construct an in-ground pool with an associated paver patio. The proposed improvements will include a new semi-circular driveway, and a groundwater recharge system on the subject property located at Block 1006, Lot 6 on the Tax Assessment Map of the Borough of Emerson, commonly known as 46 Colonial Road (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: Maximum Impervious Coverage whereas a maximum of 15% is permitted and Applicant proposes 24.6%; 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, pursuant to N.J.S.A. 40:55D-10g, a decision must be reduced to writing and shall include findings of fact, based upon the evidence presented at its public hearings; and

WHEREAS, the Municipal Land Use Board of the Borough of Emerson makes the following factual findings and conclusions:

1. The Applicant is the owner of the Property located at 46 Colonial Road, Block 1006, Lot 6, which currently contains a two (2) story frame dwelling with an attached garage, asphalt driveway connecting to Colonial Road and paver walkways.
2. The Applicant proposes to construct an in-ground swimming pool with a solid paver patio. The proposed improvements will include the installation of a new semi-circular driveway and a groundwater recharge system.
3. The application requires the following variance relief: Maximum Impervious Coverage, whereas a maximum of 15% is permitted and Applicant proposes 24.6%.
4. The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., gives the Board the power, when reviewing applications for bulk variances, to grant variances in accordance with N.J.S.A. 40:55D-70(c). In order for the Board to grant variances, however, the applicant must demonstrate either: (1) hardship arising out of the exceptional narrowness, shallowness, shape or exceptional topographic conditions of a specific piece of property; or (2) that the purposes of the Municipal Land Use Law would be advanced by a deviation from the requirements of the ordinances and that the benefits of granting a variance would outweigh any detriment to the public good (the "positive criteria"). The applicant must further demonstrate that granting the requested

2. Applicant agreed, as a condition of this approval, that Applicant shall comply with all conditions of the Borough Engineer, with the rules and regulations the Borough Building Department and with all Borough Ordinances.

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.

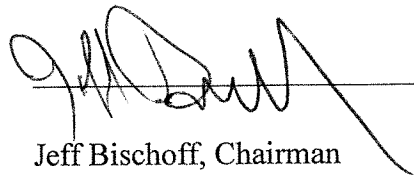
BE IT FURTHER RESOLVED that this Resolution does not constitute approval or recommendation for approval for any variance or any exception not requested by the Applicant,

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.

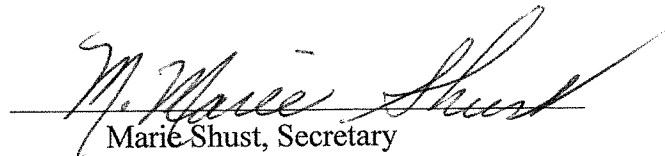
The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on December 2, 2021.

Dated: December 2, 2021



Jeff Bischoff, Chairman
Emerson Land Use Board

Dated: December 2, 2021



Marie Shust, Secretary
Emerson Land Use Board

OFFERED BY: Vice Chairman Myers

SECONDED BY: Mr. Loschiavo

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Caterina Palladino
46 Colonial Road
Block 1006, Lot 6

VOTE: Ayes: 5

Nays: 0

Abstain: 0