

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
March 23, 2017**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 8:06 PM. In compliance with the Open Public Meeting Act, the Clerk has notified The Record and The Ridgewood News of this meeting and notice has been posted in the Municipal Building.

**Pledge of Allegiance**

**Roll Call:**

Robert Adams	Absent
Thomas Callagee	Absent
Michael DeOrio	Present
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Present
Norman Rieger	Absent
Thomas Sudano	Present
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Present
Gary Ascolese, MLUB Engineer	Present
Bridgette Bogart, Borough Planner	Absent
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Interim Secretary	Present

Mr. Schwinder asked if there were any comments on the minutes of March 9th meeting, hearing none he asked for a motion to accept the minutes, which was made by Mr. Goursky, second by Mr. Sudano. All present voted aye to accept. The minutes were approved.

Mr. Schwinder then asked if there was any correspondence, Ms. Shust advised the Board, we had received a soil erosion certification from Bergen County for the Kim residence, 118 Eagle Dr.

Mr. Schwinder then asked for the vouchers received, which Ms. Shust read to the Board.

23-Mar-17

10-Mar	17-00380	Boswell	26 Palisade Ave	\$ 79.00
10-Mar	17-00380	Boswell	100 KK Rd, Em.Conv.	\$ 237.00
13-Mar	17-00391	Boswell	324 Main, Am. Leg	\$ 1,520.00
13-Mar	17-00396	Shust	LUB meeting 3/9	\$ 150.00

20-Mar	17-00421	Boswell	77 Jefferson Ave., ( Elm Terrace,LLC)	\$ 316.00
22-Mar	17-00436	New Jersey planners	Education Folatico	\$ 80.00

\$ 2,382.00

Mr. Schwinder asked for a motion to approve the vouchers, which was given by Mr. Goursky, seconded by Mr. Sudano, all were in favor.

Mr. Schwinder then asked Mr. Martin to explain the application by the Armenian Home for the Aged. Mr. Martin explained that due to the State Regulations for construction of this type, it does take longer for construction to begin and be completed, therefore, an extension is requested at this time, since each segment must be approved by State agencies.

Mr. Kutzin asked if there were a limit to the number of extensions being requested/granted, and if the extensions could be for a period longer than one year.

Mr. Martin replied that the length of an extension is limited to one year by law, and normally, the number of extensions would be limited to three, of course, there are always extenuating circumstances.

Mayor Lamatina stated that the construction permits had been issued, to which Mr. Martin replied, that the request is for an extension of the Resolution, and that it might be possible that an additional building permit and additional fees would be required from the Building Dept.

Mr. Schwinder then asked for a motion to extend the Resolution by one year, which was made by Mr. Goursky and second by Mr. DeOrio. Aye votes were cast by Mr. De Orio, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. McKendry, Councilman Folatico, Mayor Lamatina and Mr. Schwinder. The motion was passed and certification was signed by Mayor Lamatina and Mr. Schwinder, witnessed by Ms. Shust.

Mr. Schwinder then stated that the sign sub-committee presentation was postponed until the next meeting, however, he did direct the Board members to review the documentation that was provided as well as visit Park Ridge, upon which the information was based, and travel through Emerson to see whether the proposals would suit our vision.

Mr. Schwinder stated that there are two rather involved applications for the next meeting, and it is possible that discussion on the sign sub-committee report could be postponed to the following meeting. But, the Board should still be ready with comments at the next meeting. He stated that the Board should carefully review the proposal, and be especially cognizant as it relates to projection signs, 'A' frames, second floor window signs or possible projection signs for the second floor businesses. Mr. Schwinder also mentioned that the sign for the business over Franco's was on the building itself and not in the window. There were also provisions included for neon and lighted signs. Mr. Schwinder also wants the sign sub-committee to investigate a Sign Review sub-

committee which would oversee the proposed signs, for size and design. Content is a First Amendment matter and, according to Mr. Martin, would fall under the jurisdiction of the Police Dept., once installed. Mr. Schwinder in particular wanted the sign sub-committee to check with Paramus and Park Ridge in regard to the Sign Review Board, and what the responsibilities and powers include.

Mr. Ascolese mentioned that any banner signs across County Roads would have to be in accordance with County rules. Emerson specifications cannot not override County rules. Mr. McKendry admitted he was not aware of that fact and would look into it further.

Mr. Martin stated that profanity and threats would be considered restricted content.

Mr. McKendry stated that as far as logo signs were concerned, the committee was trying to reduce the cost to the businesses, and thought there was no reason attorneys would be required for a logo approval. Mr. Schwinder replied that for the most part, logos are presented by the business owner(s), without the presence of an attorney. Mr. McKendry referred to the sign application by Unity Bank. Mr. Schwinder stated that Unity Bank was over represented when they appeared before the Land Use Board, but they felt comfortable having all contingencies covered.

Mayor Lamatina stated that permits were issued by the Building Dept, to which Mr. Schwinder replied that as long as there were no variances required, the Building Dept would issue the permit so long as the Land Use Board approved the logo according to current ordinances.

Mr. Schwinder inquired as to whether temporary contractors signs would be covered under the proposed ordinance.

Both Mr. McKendry and Mayor Lamatina replied that the temporary signs were not covered by the old or new regulations.

Mr. Schwinder suggested Mr. Sartori of the Building Dept. be invited at the next presentation of the sign sub-committee to contribute ideas/opinions regarding the proposed regulations.

Mr. Schwinder then asked for a motion to open the floor to the public, which was made by Mr. Malone and second by Mr. DeOrio, all were in favor. Seeing no hands, Mr. Schwinder asked for a motion to close the floor which was made by Mr. Goursky, second by Mr. Sudano. All were in favor.

Mr. Schwinder asked for any business/comments from the Board. Mayor Lamatina stated that the Mayor and Council had redefined some of the redevelopment area, including removal of some properties. Complete information is listed in Resolution No 112-17, of February 21, 2017. Many of the properties removed from the list have undergone improvements by the owners. There are some areas that require additional study.

Mr. Schwinder then asked about the progress of Kinderkamack Road widening. Mayor Lamatina replied that the weather had caused a halt, but the contractor would resume, once the threat of a freeze was over. Mr. Ascolese stated that he had a meeting with the contractor on Friday morning to review the status and progress. He said that most of the utilities had been moved, but the utility companies worked on their own schedules, and it was difficult to plan around them.

Mr. Schwinder stated that at the Mayor and Council meeting there were complaints from residents and businesses that they were not being advised of the schedules/progress. Mayor Lamatina

replied that the information was posted on the website every Monday. And emails are sent out to those who have requested such notification.

Mr. Schwinder then asked about the monitoring of construction at Starbuck's. Mr. Ascolese replied that he had staff on site every day. However, they did run into a problem with the pavers, as the design which meets the Regulation is no longer available. Mr. Ascolese found a design similar to the original, which would be incorporated into the Regulation for future construction. The walk would be stamped or scored 4 foot wide with the paver accent.

Mr. Schwinder then asked about the two trees that were removed. Mr. Ascolese replied that trees would be planted on another area of the lot. Mayor Lamantina stated that the root system of the trees should not be able to grow up into the sidewalk area.

Mr. Schwinder asked if there a projected completion date, to which Mr Ascolese replied – 2 months.

Mr. Schwinder then asked about the completion of the Kuiken addition. Mr. Ascolese replied that the warehouse had been completed, however the front had not. The light fixtures throughout would adhere to the streetscape design. Mr. Schwinder then asked about the sidewalk extension to Lincoln Blvd as had been discussed at a previous meeting. Mr. Ascolese said he would check with Kuiken, but remembered that the cost of the elongated walk was a factor.

Mr. Schwinder then asked about the Subaru paver installation. Mr. Ascolese stated that a final inspection had not been arranged. But he knew that the pavers would be of the porous type to avoid sitting water.

Mr. Schwinder then asked Councilman Folatico if he had made arrangements to attend classes, to which the Councilman replied he was scheduled to attend on Saturday 3/25/17. Mr. Schwinder then asked if there were any other members who needed to attend the classes. All replied they had already attended.

To this the Mayor mentioned that there was an Arbor Day Ceremony being held on April 29<sup>th</sup>, at which time a tree would be planted in memory of the Emerson residents that had passed in the last year. There will be light refreshments at 1 pm and the ceremony at 2 pm. Mr. Schwinder asked Ms. Shust to send details to all Land Use Board Members.

Hearing no other comments from the Board, Mr. Schwinder asked for a motion to adjourn the meeting, which was given by Mr. Malone and second by Mr. Sudano. All were in favor.

The meeting was adjourned at 8:50 pm.

Respectfully submitted  
Marie Shust  
Interim Board Secretary