

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
APRIL 20, 2017**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 8:10 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	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Absent
Steven Malone	Absent
Doug McKendry	Present
Norman Rieger	Present
Thomas Sudano	Present
Gerry Falotico, Councilman	Absent
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 then asked if there were any comments on the minutes of April 6<sup>th</sup> meeting, hearing none he asked for a motion to approve, which was offered by Mr. Mc Kendry, second by Mr. Sudano. All present voted aye to accept the minutes.

Mr. Schwinder asked if there was any correspondence, hearing none, he asked for the vouchers to be read to the Board.

Vouchers		20-Apr-17		
4/7/2017	17-00527	Shust	LUB meeting 4/6	\$ 150.00
4/6/2017	17-00521	Boswell	118 Eagle Dir.	\$ 39.50
4/6/2017	1700521	Boswell	39-41 Chestnut St.	\$ 632.00
4/18/2017	17-00588	Boswell	90 Jefferson Ave	\$ 276.50

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

**APPLICATIONS:**

**Ciuppa Residence, 73 Sullivan Ave, Block 324, Lot 1  
Variance, side yard and rear yard setbacks.**

After being sworn in, Mr. Ciuppa addressed the Board stating he had recently moved from Hillsdale and wanted to add a level to his home as his family was growing and his mother-in-law would also be moving into the home with his family. He would be adding a second level and would not exceed the depth and width of the current home.

Mr. Ciuppa stated that during his conversations with Mr. Ascolese, it was determined he would need a variance for the side yard setback due to the chimney addition, as well as the rear yard setback which is a non-conforming pre-existing condition.

He stated that his property was a corner lot, therefore, the chimney extension would not be adjacent to any properties. The addition would be four bedrooms and two bathrooms, as well as converting a downstairs room to a family room.

Mr. Ciuppa then introduced his architect, John Giammarino, 327 Maple St., Ramsey, NJ. Mr. Giammarino stated that he was a licensed architect in the state of New Jersey for 20 years and has previously appeared before various Boards.

Mr. Martin accepted his credentials.

Mr. Schwinder asked Mr. Giammarino to explain the addition. Mr. Giammarino stated that the current structure is on a pre-existing nonconforming lot, which requires a variance due to existing distance of rear yard setback.

Mr. Schwinder asked if the chimney was the only increase in the dimensions of the structure, to which Mr. Giammarino replied there was no other outside expansion. Mr. Schwinder asked Mr. Ascolese for any comments he had.

Mr. Ascolese stated that he had inspected the property and only found the problem with the extension of the chimney into the yard, which would require a side yard setback variance. The neighboring homes were approximately 80 ft. away. There was no additional impervious coverage to be taken into consideration. He did ask Mr. Giammarino if the soffits exceeded the 12 inch overlap dimension, and was told they did not.

Mr. Ascolese asked if there would be any change to the driveway which is now gravel and was told there were no plans to make any changes there, which does not affect impervious coverage. Mr. Schwinder suggested that while there was construction being done, they might consider installing a seepage pit, so that if/when a paved driveway were installed, the seepage problem would be covered.

Mr. Giammarino replied that it was possible to do that.

Mr. Schwinder inquired as to the location of the HVAC units, and was told they were 17 ft. 6 inches from his neighbor. Mr. Schwinder then asked if it would be possible to move them to the other side by the chimney. Mr. Ascolese stated that would require a wider side yard setback and wondered if

the units could be located in the pocket in the fence, which is near the garage. That solution was agreeable to Mr. Ciuppa and to Mr. Giammarino.

Mr. Schwinder asked if there were any comments from the Board. Mr. Rieger wanted to know if the addition would be cantilevered, and was told the structure would be a straight line upward from the existing structure

Mr. Schwinder asked about the siding and was told three sides were vinyl and the front would be stone. The garage would not be expanded from the current oversized one car garage.

Mr. Schwinder asked that the floor be opened to the public, Mr. Rieger made the motion, second by Mr. Goursky, and all were in favor. Hearing no comments from the floor, Mr. Schwinder asked for a motion to close the floor, which was made by Mr. McKendry, second by Mr. Rieger, all were in favor.

Hearing no other comments from the Board, Mr. Schwinder asked for a motion on the application. Mayor Lamatina made a motion that the application be accepted with variances for side yard setback and pre-existing non-conforming rear yard setback, as well as the HVAC units being placed inside the fence pocket. The motion was seconded by Mr. Goursky. Mr. Goursky, Mr. McKendry, Mr. Rieger, Mr. Sudano, Mayor Lamatina and Mr. Schwinder all were in favor. The application was approved and is to be memorialized.

**APPLICATION:**

**Bollbach Residence, 122 Colonial Rd., Block 1012, lot 5  
Variance rear yard setback**

After being sworn in, Mr. Bollbach stated that he wanted to build a 3-season room on top of the existing deck. He explained that neither his wife nor son were “sun” people but they do like the fresh air and a 3 season porch would suit their purpose. They intend to add a roof and screen sides to the porch.

Mr. Ascolese stated that the current pre-existing non-conforming set back is 29 ft. but would be reduced to 25’8”.

Mr. Bollbach stated that his neighbors were agreeable to the construction. He stated there is one house behind him, and that his house is laid out on an angle on a corner lot.

Mr. Bollbach introduced his architect, Brian Callahan. Mr. Martin verified Mr. Callahan’s credentials, he is a licensed architect in New Jersey since 1997 and in New York since 2002. His office is located at 333 Fairview Ave., Westwood, NJ 07675.

Mr. Schwinder asked Mr. Callahan to explain the drawings which were marked Exhibit A-1. Mr. Callahan confirmed that the lot is a pre-existing non-conforming, on the corner in an R1- zone. That the intent was to close in the existing wood deck, and add a roof. The current deck is 332 sq. and the proposed enclosure would be 368 sq. as shown on exhibit A-1. He stated the additional 36 sq. was to square off the existing deck with the back of the house, which would slightly reduce the current non-conforming rear setback. Because of the layout of the house on the lot, it would not be practical to conform to the existing set back regulations.

Mr. Schwinder asked if the new room would have a gas fireplace. He was told that would be the only source of heat for the 3 season porch. There would be no ductwork from the existing heat units, and only the "house wall" would be insulated, the other three walls would be screen.

Mr. Ascolese stated that the property survey showed no dimension on the original plan. He did state that he tried to locate the "pins" but was unsuccessful. He did mention he was confused by the fencing in the yard.

Mr. Bollbach asked his wife to come to the podium to explain. Kim Bollbach of 122 Colonial Rd was sworn in by Mr. Martin. She stated that when they bought the house, they had a dog and asked the neighbor if they could piggy-back their fence off of his. There is additional fencing around a tree. Mrs. Bollbach explained that the previous owner had planted the tree and she believed it was on the neighbor's property, not theirs.

Mr. Ascolese stated that the roof is now considered impervious coverage and therefore some type of seepage pit must be installed. A large one would not be necessary, but something is required. Mr. Ascolese and Mr. Callahan would get together to determine the size and location of the pit.

Mr. Ascolese also inquired about the windows and doors. Mr. Callahan explained that the second story window would be relocated so it would not be obstructed by the roof of the porch. He also stated that there would be a new sliding door between the house and the porch. No other windows or doors would be changed.

Mr. Schwinder asked about the flooring under the deck and suggested they consider a slab, for run off and for cleaner storage.

Mr. Callahan stated that had not been considered but it was a good idea.

Mr. Martin asked if a slab would create more impervious coverage to which Mr. Ascolese replied no, The roof would determine the coverage, since it extended over the walls.

Mr. Martin also noted that the stairway was being moved. Mr. Bollbach replied that this was for convenience, since the pavers were on the opposite side of the existing stairway. The stairway would not extend beyond the depth of the 3 season porch.

Mayor Lamatina noted the dotted lines on the drawing indicating the relocation of the stairway.

Mr. Schwinder mentioned that an oversized TV screen could be a nuisance to the neighbors and the position, size and volume of the TV should be carefully monitored as it could be the cause of a rift between neighbors and a summons as well.

Mr. Schwinder also suggested that they install a large door in the sun room base to storage of off season materials. He also suggested that vents of some type be placed into the walls of the base.

Mr. Schwinder asked the Board if they had any additional questions, hearing none he asked for a motion to open the floor to the public, which was made by Mr. Goursky, second by Mayor Lamatina., agreed by all. Since there was no public comment, Mr. Schwinder asked for a motion to close the floor, which was made by Mayor Lamatina and seconded by Mr. Rieger again all voted to close the floor.

Mr. Goursky made a motion to allow the variance of a rear yard setback and installation of a seepage pit in accordance with Mr. Ascolese's recommendations. The motion was seconded by Mayor Lamatina. Mr. Goursky, Mr. Mc Kendry, Mr. Rieger, Mr. Sudano, Mayor Lamatina and Mr. Schwinder all voted to allow the variance. The variance is to be memorialized.

Mr. Martin reminded Ms. Shust that we had not received the green certified mail signature cards, or the newspaper ads for the Ciuppa residence and would she follow up on that.

Mr. Schwinder announced that the application for Rich's Auto had been carried over to the next meeting of May 4.

Mayor Lamatina made a motion to add the Bond Ordinance matter to the agenda. Mr. Martin asked if the Mayor wanted an amended Agenda to which the Mayor replied it was procedurally acceptable. Mr. Martin explained that he did not want to impact the Board by adding an item to the agenda without notice.

Mr. Schwinder then read the summary of the Ordinance and it was determined that there was no effect to the Land Use Board, therefore a letter of recommendation would be issued.

Mr. Schwinder then asked for a motion to open the floor to the public which was made by Mr. Goursky and second by Mr. McKendry, all were in favor.

Mr. Sal Gebbia, owner of the property at 13 Emerson Plaza East, Weathercraft Mfg., approached the podium. He stated that at the meeting of March 21<sup>st</sup>, it was determined that the Emerson Plaza East properties were being restudied to determine if they should be in the redevelopment area. He wanted to know when this was going to happen.

Mayor Lamatina replied that additional funding had to be found to do the study and as soon as it was available, Ms. Bogart would be given the authority to proceed with the study. Mr. Gebbia wanted to know if there was a timeline, to which the answer was no.

Mr. Martin stated that this was not a matter for the Land Use Board, but for the Mayor and Council.

Mayor Lamatina told Mr. Gebbia that he would check into the matter further and get back to him.

Mr. Goursky made a motion to close the floor to the public, second by Mayor Lamatina, all were in favor.

Mayor Lamatina noted that at the last meeting, the Board discussed presenting modification of the IM zone, to the Mayor and council. This is a matter for the Planner to investigate and make a report.

Mr. Schwinder noted that Mr. Sartori had mentioned there was very little manufacturing – except for the auto body shop – in the area. Mostly the buildings are used for warehousing and distribution.

Mayor Lamatina thought it would be an excellent area for multi-family development, of which 20% would be affordable housing. He said that Ms. Bogart agreed that this would be a good area for owner development of the areas that had been removed from the redevelopment area.

Mr. Martin mentioned the expansion of the walking trail and asked Mr. Ascolese to explain the concept. Mr. Ascolese explained that a grant had been received to widen and beautify the existing

worn path from Patrick St to the Golf course and cover with stone. The path would be wide enough to accommodate emergency vehicles. He explained that due to the terrain and the stone covering it would not be ADA approved.

Mr. Martin stated that the improvement would likely improve run-off.

Mayor Lamatina made a motion to close the meeting at 9:25, second by Mr. Mc Kendry, all were in favor.

The meeting was adjourned at 9:35 pm.

Respectfully submitted,  
Marie Shust  
Interim Board Secretary