

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
December 5, 2019**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Land Use Chairman Bischoff opened the meeting at 7:30 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 was taken:

Mayor DiPaola	Present
Stephanie Clark	Leave of Absence
Councilwoman Jill McGuire	Absent
Chairman Jeff Bischoff	Present
Vice-Chairman Gary Schwinder	Present
Don Pierro	Present
Evan Kutzin	Resigned
Mike Myers	Present
Bill Loschiavo	Present
Doug McKendry	Absent
Paul Hulburt	Present
Michael Timmerman	Absent
Mike Cimino	Present
Christopher Martin, LUB Attorney	Present
Caroline Reiter, Planner	Not Requested
David Atkinson, LUB Engineer	Not Requested
Richard, Silvia, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Borough Administrator, Richard Hermansen	Not Requested
Marie Shust, Secretary	Present

Chairman Bischoff asked if there were any questions or comments on the minutes of November 7. Seeing no hands, the Chairman asked for a motion to approve the minutes, which was made by Mr. Myers, second was offered by Mr. Pierro, by roll call vote all were in favor.

Ms. Shust was asked to read the vouchers

Nov. 22	19-01846	Morrison Mahoney	221 Palisade Ave.	\$ 126.00
Dec, 4	19-01892	Morrison Mahoney	Wenesco	\$ 7,831.53
Dec. 4	19-01893	Bogart Planning	Wenesco	\$ 1,466.10
Nov. 25	19-01860	Jeff Bischoff	Convention Expenses	\$ 105.00
			<b>TOTAL</b>	<b>\$ 9,528.63</b>

Mr. Martin advised the Board that some of the above charges may appear to be late; however, there was a lot of follow up to be done on the applications and withdrawals. The invoices would be applied against the Escrow Funds on deposit.

Mr. Myers made a motion to approve the vouchers, second was made by Vice Chairman Schwinder, by roll call vote all were in favor.

Additional Vouchers

Nov. 22	19-01846	Morrison Mahoney	ERUR/Block 419	\$ 315.00
Nov. 25.	19-1858	Morrison Mahoney	Genl Matters vs Emerson	\$ 705.32
TOTAL				\$ 1.020.32

Mr. Pierro made a motion to approve the vouchers, second was offered by Mr. Hulburt. By roll call vote all eligible members voted to approve. Since the vouchers are related to the redevelopment, Mayor DiPaola abstained.

**CORRESPONDENCE:**

Chairman Bischoff advised the Board there had been a response received form Bowman in response to questions from the Borough Engineer and Planner. The Chairman was concerned about the responses of “previously approved, no longer applicable”. The correspondence would be shared with the Board for their review and comment.

Vice Chairman Schwinder asked if this was in regard to Block 419 and the redevelopment, to which he received a yes reply.

Mr. Martin told the Board that there had been questions from the Borough Engineer, Building Dept. and Planner. He continued that if there were any material or changes in the plans it would return to the Board. Otherwise it is for the Borough Engineer, Planner and Building Dept. to resolve. The Affordable Housing attorney would also be involved.

**RESOLUTION:**

**221 Palisade Ave. Block 728, Lot 2  
Emerson NJ 07630  
Che-Yuan Yeh  
Hung-Ling Su**

Construct two new 2-Story additions to the premises requires a variance due to non-conforming pre-existing side yard setback,

Mr. Pierro made a motion to approve the Resolution, second was offered by Mr. Hulburt. Chairman Bischoff, Vice Chairman Schwinder, Mr. Pierro, Mr. Myers, Mr. Loschiavo, Mr. Hulburt and Mr. Cimino all voted to approve the Resolution. Mayor DiPaola had not been present when the application was heard, therefore, was not eligible to vote.

**APPLICATION:**

**Stephanie & Joseph Maddolin  
90 Hartman, Block 217, Lot 19**

The applicants came before the Board to explain they want to install a 6 foot fence on their corner property. They have a large dog, that can jump a 3 foot fence and for the safety of the neighbors and the dog they would like a taller fence.

Chairman Bischoff noted that the Borough Engineer had reviewed the application and could see no reason not to allow the fence. It is not in the line of sight, and would be the same height as the existing fencing around the property. The current 3 foot fence, which is being replaced, is in the right of way, and the new fence will have to be installed at the proper distance from the curb line.

Mayor DiPaola said she knew the property and the placement of the fence would not obstruct the view for traffic.

Mr. Pierro asked if the 3 ft. fence would be removed to which he received a yes answer. Vice Chairman Schwinder asked about the type of fence, and was told it would be white vinyl.

Chairman Bischoff asked for a motion to open the floor to the public, which was made by Vice Chairman Schwinder, second was made by Mr. Myers, all were in favor. Seeing no hands, Mayor DiPaola made a motion to close the floor on this subject, second was offered by Vice Chairman Schwinder, all were in favor.

Mr. Martin asked the applicants if they felt the fence height would be an enhancement/betterment to the neighborhood, with no adverse impact. Mr. Maddolino replied it would be an improvement.

Vice Chairman Schwinder made a motion to approve the application, second was offered by Mr. Pierro, all were in favor.

Chairman Bischoff told the applicants that the Resolution would not be available until the first meeting in 2020 which is January 9<sup>th</sup>.

## **BOARD BUSINESS:**

Ordinance updates regarding Permitted uses in the RC Zone.

Mayor DiPaola reminded the Board that it was not only the RC Zone, but all Zones in the Borough.

Chairman Bischoff advised the Board that the Borough Planner was working on the updates, but would not have a proposal until the second meeting of January, which is the 23rd

Vice Chairman Schwinder asked if Craft Breweries would be considered. He was advised by Mr. Martin that a liquor license would be required for such a business.

Chairman Bischoff continued that after the initial report by the Planner, it was hoped it could be completed during the second meeting of February.

Mr. Martin reminded the Board that a formal notice would be required when the final proposal was brought before the Board.

The Mayor added that this would not be the standard 200 ft. notice but a general notice to all residents as well as surrounding municipalities.

Chairman Bischoff returned to the Bowman engineer letter, and stated the Planner and Engineers would be doing a formal review and hopefully, the Board would be kept advised.

Mr. Martin reminded the Board they would be advised depending on the findings. If there was no material change, there would be no need for the Board to be involved.

#### CHAPTER 248, SECTION 38

Mr. Martin advised the Board that Councilman Hoffman, questioned some items in the updates and the Board may have to make some clarifications in the wording.

Chairman Bischoff asked for a motion to open the floor to the public which was made by Vice Chairman Schwinder, second by Mr. Loschiavo, all were in favor. Seeing no hands, Vice Chairman Schwinder made a motion to close the floor, second was offered by Mayor DiPaola, all were in favor.

Chairman Bischoff thanked the Board for their service during the past year. He was pleased with the many accomplishments made by the Board, and wishes everyone a very Happy Holiday season with good health for the new year.

Mayor DiPaola also wished the Board a happy holiday season. She mentioned that there would be changes in the new year, as well as some additions/replacements to positions that are open or expiring. The Mayor told the Board that Jane has the list of expiring and replacement positions. Mr. Martin asked for a copy of the list for his records.

Mayor DiPaola told the Board the tree lighting is rescheduled take place on December 8<sup>th</sup> at 6pm. Mr. Cimino told the Board that Santa would be in town on the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup>. And the live Nativity scene would be held in the firehouse.

Mr. Martin advised the Board that Governor Murphy had just signed into law a regulation for charging stations in every municipality.

Since there was no other business, Chairman Bischoff asked for a motion to adjourn the meeting, which was made by Mayor DiPaola, second by Vice Chairman Schwinder, all were in favor.

The meeting was adjourned at 8:00pm.

Respectfully submitted  
M. Marie Shust  
Board Secretary