

**MUNICIPAL LAND USE BOARD
MINUTES
EMERSON, NEW JERSEY
FEBRUARY 6, 2014**

This meeting of the Municipal Land Use Board was held in the Municipal Building. Chairman Orecchio opened the meeting at 8:00 p.m. In compliance with the Open Public Meetings Act, the Clerk has notified all officially published newspapers of this meeting, and notice has been posted in the Municipal Building. In the case of a fire, please follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and exit calmly.

Pledge of Allegiance

Roll Call:

Robert Adams	Present
Thomas Callagee	Absent
Carlos Colina, Mayor	Present
John DeThomasis	Present
Gary Goursky	Present
Mark Orecchio, Chairman	Present
Germaine Ortiz	Absent
Gary Schwinder	Absent
Michael Wallace	Present
Richard Worthington, Council	Absent
Christopher Martin, Attorney	Present
Nick DeNicola, Engineer	Present
Brigette Bogart, Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

Michael Wallace was sworn in by Attorney Christopher Martin as an Alternate 2 member of the Planning Board.

Correspondence: none

Vouchers:

North Jersey Media – Town and Country - \$145.00
B. Bogart, Planner – Stickeys BBQ - \$435.00
B. Bogart, Planer – Zoning issues - \$978.75
B. Bogart, Planner – Zoning issues - \$1,921.25
B. Bogart, Planner - Zoning issues - \$471.25

Boswell Eng. – Kesilyas - \$765.00
Boswell Eng. - Hack. Golf Club - \$306.00
Boswell Eng. – Zoning map preparation - \$3,351.50
Boswell Eng. – Armenian Home - \$1,224.00
Boswell Eng. – Town and Country - \$153.00

All vouchers were approved on a motion from Mr. Adams, seconded by Mr. DeThomasis, and carried.

Minutes:

The minutes of January 9, 2014 were approved on a motion from Mr. Adams, seconded by Mr. DeThomasis, and carried by all.

**New Hearing –
Galeazza
166 High Street
Block 421, Lot 3
Rear addition and deck
Rear yard variance requested**

Mr. DeThomasis recused himself from this application as he was the Architect who prepared the plans. Notice and proof of publication was found to be in order by Board Attorney Martin. Mr. and Mrs. Galeazza were sworn in by Mr. Martin. A rear yard variance is requested for a proposed addition and a deck. The applicant wishes to extend the kitchen with sliding glass doors to a deck. Setbacks were reviewed and it was determined that 11.5' variance is requested. The plans submitted are dated 1-17-14 and were done by John DeThomasis, AIA. Mr. Adams stated that pavers are counted in the coverage calculation, but that it not an issue with this application. There is vacant land behind the home of the applicant. There are no engineering issues with this application. Mr. Adams mentioned that the building code may require a seepage pit and this will be determined by the CCO. Attorney Martin stated that the resolution will be subject to the approval of the Board Engineer, the Borough Engineer, and the Construction Code Official.

A motion to open this portion of the meeting to the public was made by Mr. Adams, seconded by Mayor Colina, and carried. With no wishing to be heard against or for the application, the public portion was closed on a motion from Mr. Adams, seconded by Mr. Wallace.

Mrs. Galeazza was questioned as to the purpose of the addition. She would like to update the kitchen and have access to the back yard. The exterior will be finished to match the existing.

A motion to approve the addition and deck was made by Mr. Adams, seconded by Mr. Wallace, and carried by roll call vote as follows:

Mayor Colina	Yes
Chairman Orecchio	Yes
Mr. Goursky	Yes
Mr. Wallace	Yes
Mr. Adams	Yes

The resolution will be heard at the meeting of February 20th.

Mr. DeThomasis rejoined the meeting.

**Continued Hearing –
Town and Country Developers
70 Patrick Avenue
New Home**

Attorney Russell Huntington was present on behalf of the applicant. New notice was submitted and found to be in order by the Board Attorney. Mr. Huntington noticed for the purpose of continuity. There are no changes in the application except for walkway access – an easement along the south property line which was requested by a resident of Tarnapoll Road. The applicant is also proposing to dedicate space at the top of Tarnapoll Road for a hammerhead area for cars to be able to turn around. The time limits were discussed by both Attorneys. It was determined that the time for decision making starts with the last filing with an extension given by Mr. Huntington. Chairman Orecchio stated that the cul de sac and the back taxes are the main issues. Mr. Huntington stated that 80' of cul de sac is a huge part of the back yard of the proposed home. He also stated that the taxes are paid on this lot. Board Attorney Christopher Martin stated that the taxes on this lot are the only ones that matter – not the taxes for the entire development. Mr. DeNicola from Boswell Engineering stated that there is nothing in the code regarding cul de sacs but that the RSIS requires a cul de sac. Mr. Huntington stated that a full cul de sac is costly and does not seem warranted. Mr. Orecchio asked if the house would still fit without variances if a full cul de sac was put in. This is not known, a plan would be needed to determine this. Mr. Huntington gave all present a history on how this lot used to be a wetlands lot but is not anymore. Mr. Huntington added that this lot is variance free with a walk thru for the neighbors and a hammerhead improvement. Chairman Orecchio asked if it is an issue that the resolution for the development states 59 houses and this proposal would make 60. Mr. Martin has reviewed the resolution and would like to see the developer's agreement which Mr. Huntington has and will forward to the Board Secretary who will then forward to all members of the Board. Ms. Bogart, the Board Planner stated that we cannot deviate from the RSIS which states there shall be a cul de sac. Mr. Huntington doesn't feel there is a way to impose the cul de sac on his client. Ms. Bogart feels that there should be a plan with the outline of the house, the walkway and the proposed turn around. It was stated that the turn around benefits Tarnapoll Road residents not residents of the Town and Country Development. Ms. Bogart stated that the easement (the walk thru) exists and that the Borough has to maintain it and ensure that it remains. Mr. Adams asked if we can make the easement

bigger. It was stated that the developer's agreement will be very helpful. Chairman Orecchio stated that a plan showing exactly what is proposed will be needed. Attorney Martin agreed.

The meeting was opened to the public on this application on a motion from Mayor Colina, seconded by Mr. Adams, and carried by all.

Mrs. Capuano – 31 Tarnapoll Road – Mrs. Capuano spoke regarding her concerns with this application which are documented in a letter to the Board members and will be made part of the file. Concerns included continuation of wetlands status, inadequate current turn around, drainage, and responsible parties.

Patricia Bianchi – 26 Tarnapoll Road – Ms. Bianchi has lived at this residence for 3 years and loves her street. She is concerned about the cul de sac, there is a lot of traffic on her street and no place to turn around. She feels that a hammerhead will not be sufficient. Attorney Martin asked what happens if this application goes away and nothing changes. Ms. Bianchi is also concerned with drainage since she recently did her property over. She also spoke about the tax issue and the character of the applicant relating to the payment of taxes.

Lora Garda – 23 Tarnapoll Road – Stated that she uses the walkway everyday to get her child to the bus and for walking her dog. Is in favor of obtaining a cul de sac. Snow removal was discussed – the snow gets pushed into the turn around.

Mr. Szott – 65 Patrick Avenue – Mr. Szott lives across the street from the proposed home. He asked if there is any rule that states how long a street has to be before a cul de sac is required. He was told that the RSIS dictates that. Ms. Szott stated that he thinks the proposed new home is an improvement over the vacant lot and it is a ratable for the town.

The public portion of the meeting was closed on a motion from Mr. Adams, seconded by Mr. Goursky, and carried by all.

Chairman Orecchio stated that the developer's agreement is needed and that a plan of the entire proposal is needed. Mr. Huntington agreed. This matter will return on February 20th and no new notice is required, and there is no prejudice to the board. Mr. Adams asked if an exception to the size of the cul de sac can made. He was told yes.

Any Board Member:

All members welcomed Mike Wallace as a new member of the Land Use Board.

Good and Welfare:

Nothing at this time.

The meeting was opened to the public on a motion from Mr. Goursky, seconded by Mr. Adams. With no one from the public wishing to be heard **the meeting was closed to the public** on a motion from Mr. Adams, seconded by Mr. DeThomasis, and carried.

The meeting was adjourned on a motion from Mr. Adams, seconded by Mayor Colina, and carried.

Respectfully Submitted,

Kathleen S. Rizza, Secretary