

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
February 7, 2019**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Land Use Chairman Bischoff opened the meeting at 7:38 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
Councilwoman Jill McGuire	Present
Chairman Jeff Bischoff	Present
Vice-Chairman Gary Schwinder	Present
Evan Kutzin	Absent
Mike Myers	Present
Bill Loschiavo	Present
Doug McKendry	Absent
Paul Hulburt	Present
Christopher Martin, LUB Attorney	Present
Dave Atkinson, LUB Engineer	Present
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super. Borough Admin.	Not Requested
Marie Shust, Secretary	Present

Land Use Professionals were confirmed as follows:

Emerson Land Use Attorney

Councilwoman McGuire made a motion to confirm Morrison Mahoney, represented by Christopher Martin, Esq. to be the Land Use Attorney for the period of January 17, 2019 through the reorganization meeting of January 2020. Second was offered by Gary Schwinder, all were in favor.

Emerson Land Use Engineer

Councilwoman McGuire made a motion to confirm Michael J Neglia and staff of Neglia Engineering Associates as Land Use Board Engineer for the period of January 17, 2019 through the reorganization meeting of January 2020. Second was offered by Michael Myers. All were in favor.

Emerson Land Use Planner

Michael Myers made a motion to confirm Christopher P. Statile, P.E. and staff of C.P. Statile, P.A. as Land Use Board Planner for the period of January 17, 2019 through the reorganization meeting of January 2020. Second was offered by Councilwoman McGuire. All were in favor

Emerson Land Use Secretary

Councilwoman McGuire made a motion to confirm Marie Shust at the Land Use Secretary for the period of January 17 2019 to April 17, 2019. Second was made by Michael Myers, all were in favor.

Chairman Bischoff asked if there were any comments or corrections on the minutes of January 17th. Vice Chair Schwinder said the Chairman's name was incorrectly spelled in the first paragraph. There were no other comments regarding the minutes. Councilwoman McGuire made a motion to accept the minutes with the spelling correction. Second was made by Michael Myers. All were in favor.

Chairman Bischoff asked if there was any correspondence. Ms. Shust had two Certificates of Appointment that were issued to Chairman Bischoff and Mr. Martin. Ms. Shust was asked if there were any additions to the vouchers that had been emailed to the Board. Ms. Shust replied, there was not and read the vouchers to be approved.

Vouchers February 7, 2019

1/22/2019	19-00107	Morrison Mahoney	Obernauer/Valero	\$	448.50
1/22/2019	19-00107	Morrison Mahoney	Emerson Sta (Urban Renewal	\$	9,145.50
1/22/2019	19-00108	Boswell Eng	Obernauer/Valero	\$	13.14
1/22/2019	19-00130	Boswell Eng	51 Vivien	\$	4.38
1/22/2019	19-00131	North Jersey Media	Armenian Home notice	\$	53.35
1/22/2019	19-00131	North Jersey Media	Armenian Home notice	\$	30.99
1/22/2019	19-00118	North Jersey Media	Calendar publication	\$	19.80

TOTAL \$ 9,715.66

Vice Chair Schwinder made a motion to accept the vouchers as read for payment, second was made by Councilwoman McGuire. All were in favor.

Mayor DiPaola introduced Paul Hulburt as the Alternate II to the Land Use Board

Chairman Bischoff asked Mr. Martin to briefly describe the Resolution for the Reithmayr home at 76 Palisade Ave. Mr. Martin stated there was a pre-existing setback on the property which is being reduced to five feet due to the roof soffit on the second level which is being added.

Mr. Loschiavo made a motion to approve the Resolution. Second was made by Mayor DiPaola. All were in favor.

Mr. Martin then read the conditions for the resolution of the proposed multi use construction on the corner of Kinderkamack Rd and Linwood Ave, aka Valero station or 161 Kinderkamack Rd. The complete resolution with all conditions is on file in the Clerk's office 146 Linwood Ave, 1st Floor. Some of the areas covered are safety bollards, ADA compliance, treescape, arrows, signs and stop signs, traffic patterns, fuel delivery, parking, deed restrictions, fair housing requirements, hours of operation, run-off control, and will meet all specifications of the Land Use Planner and Engineer.

Mr. Loschiavo asked if the hours of delivery could be reviewed due to inconvenience to residents of the area. He said that the clanking of the delivery pipes may awaken the neighbors. Mr. Martin asked Mr. Russ Huntington, attorney for Mr. Obernauer if his client would agree to a look back if the overnight deliveries caused any inconvenience to the neighbors. Mr. Huntington agreed that they would agree to work with the Borough to minimize any inconvenience.

Mayor DiPaola stated she thought the overnight delivery was originally designated to avoid traffic blockage with the tankers making daytime deliveries. She stated that many times she had seen the tankers blocking the walkways and/or extending into the street. Mayor DiPaola also stated that daytime delivery would probably block parking and access to the store and pumps. Mayor DiPaola wanted the delivery hours addressed in the Resolution to resolve any complaints that may be made by the neighbors due to excessive noise. Mayor DiPaola asked Mr. Huntington if the deliveries would be 7 days a week. Mr. Huntington replied he honestly did not know the answer. Chairman Bischoff stated that fuel delivery of every day during the week is a lot of fuel. He thought the delivery frequency would be less.

Vice Chair Schwinder thought the hours listed in the Resolution were to eliminate blocked traffic ways and business access. Chairman Bischoff also thought there was a safety consideration in not having deliveries made during the day due to commuters, pedestrians and students. Mr. Martin asked Mr. Huntington if he was agreeable to a lookback statement in paragraph 20.

With no other comments from the Board on this application, Chairman Bischoff asked for a motion to approve the Resolution, which was made by Vice Chair Schwinder, second was made by Mr. Cimino. Mr. Cimino and Vice Chair Schwinder voted to approve the Resolution. No other members of the sitting Board were eligible to vote on the Resolution.

Chairman Bischoff asked for a motion to open the floor to the public which was made by Mayor DiPaola, second was made by Councilwoman McGuire, all were in favor.

Amy Gordon of 112 Linwood Ave approached the podium. She wanted to know if an actual traffic study had been made before approving this application. She noted that traffic on Linwood Ave is very difficult as it is. How could this project be authorized without a plan for traffic? Further with the addition of 10 apartments, two pumps and a convenience store, there has got to be an increase in traffic. Where are all those cars going to go?

Mr. Martin replied that on p8, paragraph 12, there is a stipulation for a six month look back at the traffic pattern. He further stated that a 6 month review usually helps to resolve many traffic problems.

Ms. Gordon asked where the trees were going to be planted, and was told they would be along Linwood Ave.

Mayor DiPaola wanted to clarify that the barriers listed in the Resolution had to be in compliance with the Borough Ordinance and were seen as a buffer zone. Mr. Martin added that the Resolution addressed the proposed plantings.

Don Pierro of 70 Eagle Drive, stated that he wanted to thank the Mayor for her attention to the safety of the residents of the Borough

Councilman Ken Hoffman of 61 Elmwood Dr., asked about the trees and tree management in the Resolution. He continued that Councilman Falotico at the Mayor and Council meeting stated the Class II members of the Board must be a part of the Environmental Commission and wondered why this had not been brought up during previous administration. He stated that the November vote was a mandate by the residents to clean up what was going on in Emerson.

Councilman Brian Gordon 112 Linwood Ave. addressed the delivery hours. He said that the tractors at 2:30 in the morning were quite noisy as the drivers are not concerned with the residents but with their schedules so do not take the time to remove pipes and hoses quietly. He also wanted to know if there were diesel pumps. Vice Chair Schwinder replied there was an above ground pump along the side of the current building. Councilman Gordon asked whether the existing building would remain and where would the convenience store and apartments be added. Chairman Schwinder replied the existing buildings (the current auto repair and the house on the lot next to the station) would be demolished. The convenience store and apartments would be constructed where the two story home is located on Linwood Ave. There would be no automotive repair business. When Councilman Gordon asked about trash, Mr. Martin replied it was addressed in paragraph 13. Councilman Gordon then stated there was a truck illegally parked on the premises. Chairman Bischoff replied that enforcement is a Mayor and Council issue, not Land Use.

Mr. Jim Collis of 16 Crest Rd read a letter regarding the 30% expansion of Memorial School and the lack of response from the Council and Board of Education to the concerns of the residents. He stated he and his neighbors are very concerned about the narrowness of the streets, the additional traffic due to additional students, the limitation of access to the school by emergency vehicles during drop off and pick up, The limited parking due to snow plowing. He thought there was not much foresight used in presenting the proposal. Memorial School is on a narrow residential street where the other schools in the borough are on a main thoroughfare. He also wanted to know if the addition of a community recreation center changed the status of the building and the regulations that would apply to it. He continued that he had been invited to the "Tea and Coffee" meeting and wondered what good that would do. Councilwoman McGuire replied that she had attended those meetings and found them to be very informative with some give and take conversations. She strongly urged Mr. Collis to attend those as well as any Board of Education meetings.

He told the Board that he was a retired policeman from Clifton and is very familiar with traffic patterns and problems. He noted the street at Villano School is 35 ft. wide, where at Memorial School it is only 30 ft. wide. He said he feels there are many safety issues with the increase of students and expansion of the school. Mr. Collis asked who was the liaison between the Mayor and Council and the Board of Education. He asked who he could speak with and how the situation might be remedied. Mayor DiPaola told him that the liaison between the Council and the Board of Education was Councilman Gordon who was sitting in the audience. She suggested that he get together with the Councilman, as well as attending the "Tea and Coffee" sessions and Board of Education meetings, the next being on February 25th.

Mr. Collis said he had heard there would be new plans available in March. Chairman Bischoff advised Mr. Collis that they could not speak about plans that had not been received. Mr. Martin confirmed that the Board would have to see the plans before any comments or recommendations could be made.

Mayor DiPaola strongly emphasized that he continue to be in touch with the Board of Education, attend their meetings and make known his concerns. Mr. Martin told Mr. Collis that the Board of Education had presented their proposal to the Board to enable them to put the referendum on the ballot. Mr. Martin asked Mr. Atkinson for his comments.

Mr. Atkinson stated the Boards of Education generally present their plans to the Land Use Board for review as a courtesy. They do not necessarily need to abide by the suggestions or recommendations. Mr. Martin added that all entities must defer to the Land Use Board when it comes to traffic, ADA compliance, etc.

Vice Chair Schwinder told Mr. Collis and the Board that the Land Use Board has always placed safety concerns most important when reviewing any plans, and plans are submitted to the Fire and Police Depts. for review and suggestions.

Since there were no other hands Chairman Bischoff asked for a motion to close the floor to the public, which was made by Vice Chair Schwinder, Mayor DiPaola made the second, all were in favor.

Vice Chair Schwinder mentioned that during the Mayor and Council meeting earlier in the week, there was a Bond Ordinance which needed to be brought before the Board. Chairman Bischoff did not believe the Board had to address the drainage corrections that were the subject of the Ordinance. He asked Mr. Martin, who told Chairman Bischoff to send a memo stating there were no comments or recommendations from the Land Use Board. Ms. Shust had a prepared memo for Chairman Bischoff's signature.

Mr. Myers asked about enforcement for the Valero station, convenience store and the traffic flow. Mr. Loschiavo asked how the noise factor could be addressed. Mayor DiPaola told the Board that during a recent conversation with the Zoning and Construction Officials, she was told there would be two warnings issued per offense before a fine would be imposed.

Chairman Bischoff told the Board they all should take the Land Use course, even if previously taken, to become familiar with any changes. Mayor DiPaola agreed with Chairman Bischoff and told the Board she and Councilwoman McGuire would be taking the course even though they had both taken it several years ago. Ms. Shust was asked to send the application link out the Board members again.

Chairman Bischoff asked for a motion to adjourn the meeting, which was made by Vice Chair Schwinder, second was offered by Mr. Myers, all were in favor.

The meeting was adjourned at 9:00 pm.

Respectfully submitted,

M. Marie Shust
Board Secretary