

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
FEBRUARY 1, 2018**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary 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

REORGANIZATION:

Mayor Lamatina issued the Oath of Office to Michael DeOrio

Roll Call:

Robert Adams	Absent
Alban Bresa	Absent
Fire Chief Tom Carlos	Present
Michael DeOrio	Present
Gary Goursky	Absent
Louis Lamatina, Mayor	Present
Evan Kutzin	Absent
Steven Malone	Absent
Doug McKendry	Absent
Norman Rieger	Present
Thomas Sudano	Present
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB 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

Chairman Schwinder advised the Board about the change in the Board Secretary Position. He reminded everyone about his announcement at the previous meeting, where Judy Collins was to take over the position. Since Ms. Collins is no longer an employee of Emerson, Ms. Shust was asked to remain as Secretary. Chairman Schwinder also stated that Ms. Shust is the Secretary for the Emerson Environmental Commission and a part-time employee in the Building Dept.

Chairman Schwinder asked if there were any questions in regard to the minutes of the January 18 2017 meeting. Hearing none, Chairman Schwinder then asked for a motion to accept the minutes, which was made by Mr. Falotico, second was made by Mr. DeOrio. Mr. Carlos, Mr. Rieger, Mayor Lamatina, Councilman Falotico and Chairman Schwinder all voted yes. Mr. DeOrio and Mr. Sudano were not eligible to vote on the minutes as they had not been present at the previous meeting.

Chairman Schwinder then introduced a letter from Jacobs and Bell, in which they requested an extension on the Resolution regarding the construction of a new building at the Armenian Home. Mr. Martin was consulted about the request and replied that he had spoken with the attorney and additional information was needed before the matter could come before the Board. As soon as that information is received a hearing date will be set.

Chairman Schwinder asked Ms. Shust to read the vouchers that had been received.

Vouchers 1-Feb-18

1/22/2018	18-00132	Morrison Mahoney	9 Van Buren, LLC, Resolution	\$ 378.00
1/23/2018	18-00139	Boswell Eng.	39-41 Chestnut	\$ 162.38
1/23/2018	18-00139	Boswell Eng.	39-41 Chesnutt	\$ 79.00
1/23/2018	18-00140	No Jersey Media	Rich's Auto Resolution	\$ 140.25
1/23/2018	18-00141	Bogart Planning	3941 Chestnut	\$ 273.00
1/26/2018	1800162	Margaret Shust	Land Use Mtg 1.10 & 1/24	\$ 300.00

\$ 1,332.63

Ms. Shust did not read the last voucher. Chairman Schwinder wanted to know why it was being eliminated. Ms. Shust replied that that item is now in payroll and not the Voucher System.

Chairman Schwinder asked if there were any comments regarding the vouchers, hearing none he asked for a motion to accept, the vouchers, which was made by Mr. Falotico, second was made by Mr. DeOrio, all were in favor.

RESOLUTION:

Chairman Schwinder brought up the Resolution for the Starbucks location, which included the installation of the missing signs, as well as the bollards to prevent incoming traffic from using the wrong driveway. Mr. Martin commended Mr. Ascolese on his expertise in traffic control.

Mr. Ascolese stated that he had spoken with Starbucks. The signs had originally been installed, but had fallen and were lying on the ground near the driveway. They would be reinstalled, and the bollards installed per the Board recommendations at the meeting of January 18.

A motion to accept the Resolution was made by Mr. Rieger second was made by Mr. Falotico. Mr. Carlos, Mr. Rieger, Mr. Sudano, Mayor Lamatina, Councilman Falotico and Chairman Schwinder all voted yes. Mr. DeOrio and Mr. Sudano were not eligible to vote as they had not been present at the previous meeting

APPLICATION: Anthony Del Rosso, 16 Furman Drive, Block 103, Lot 10
Request for variances on front, side and rear yard setbacks.

Mr. Sudano recused himself from the application as he lived within the 200 ft. radius.

Chairman Schwinder invited Mr. Del Rosso and his fiancé to come up to the podium to present their application.

Anthony Del Rosso stated they were looking for three bulk variances,
Front yard of 20.5 ft. rather than the average 25 ft.
Side yard setback of 7 ft. rather than 8 ft.
Rear yard setback of 32 ft. rather than 35 ft.

Mr. Ascolese stated that he had spoken with the Architect about the plans. The side yard setback would be 5.5 ft. rather than 7 ft. as the chimney extension had not been calculated in the plans.

Mr. Del Rosso stated that he had three sets of revised plans with him for distribution to the Board and Mr. Ascolese. Mr. Martin entered the revised plans dated Feb 1, 2018 as exhibit A-1. Mr. Ascolese reminded the Board that he needed a set of the signed revised plan before leaving the meeting. He said he had requested changes in the zoning table on the first page to reflect the correct setback changes.

Mr. Schwinder asked Mr. Del Rosso about the style of the home, to which Mr. Del Rosso replied, it was currently a split level. Mr. Ascolese reviewed the correct dimensions to be inserted into the table, 32 ft. rear, 3 ft. variance; 5.5 ft. side yard (due to the chimney), variance 2.5 ft. (the other side of the property has a 15 ft. set back); front yard setback of 20.5 ft. variance of 5.3, which does not include the front porch as it is not enclosed.

Mr. Del Rosso presented a rendering of the proposed home, marked as Exhibit A-2 and several pictures of neighboring homes, marked as Exhibits A-3 to A-8.

Mr. Ascolese mentioned that the plans indicated a 1,000 gallon pre-cast seepage pit, which was not necessary, and recommended a smaller unit. There is also a slight east to west slope.

Mr. Ascolese introduced the subject of the fence on the east side. He stated the fence which belongs to a neighbor may be incorrectly placed. His main concern is if the fence has to be moved during the construction that it be replaced in the proper location. Mr. Del Rosso replied that since the other side of the home had a larger setback, that is probably where any equipment would enter the property. He also stated that he had been discussing the fence with the neighbors and they were contemplating a gateway between the two properties. Mr. Schwinder asked the height and was told it was a 6 ft. PVC fence.

Mr. Ascolese said the HVAC units were in the back of the house in the area where there was a jut out for the bathroom and therefore, did not affect the setbacks. He did say that Mr. Del Rosso

would have to apply for a soil removal application from Emerson, but did not believe the content was large enough to require a permit from the County, but Mr. Del Rosso's Architect can confirm that.

Mr. Martin asked if Mr. Ascolese saw any major soil removal, Mr. Ascolese replied no.

Mr. Schwinder asked about the impervious coverage and any deck proposal. He was told there was a small deck to the side of the rear door, which would remain. At this time there is no intent to increase the size. Mr. Schwinder asked Mr. Ascolese if there was an alternative to the impervious pavers, Mr. Ascolese replied it was quite expensive. If a larger deck were to be required at a future date the Del Rosso's would have to come before the Board for an impervious coverage variance.

Mr. Martin wanted to address the matter of the fence. Mr. Ascolese stated that if removed it must be replaced. Mr. Schwinder just wanted them to be sure there was no conflict that would cause a problem if either of the owners decided to sell. He wondered if proper placement during construction might avoid any future conflict. Mr. Ascolese stated that the encroachment was minimal and he really didn't want to cause them any additional expense. Mayor Lamatina agreed that if the fence does not have to be moved due to construction, if the neighbors are in agreement, there is no need to move it.

Mr. Schwinder asked about the reduction in impervious coverage according to the plans. Mr. Ascolese stated that the current cement patio would be removed and the extension to the home would not be as large as the existing patio.

Mr. Schwinder asked Mr. Del Rosso to describe how these changes would affect the home and neighborhood.

Mr. Del Rosso stated that currently it was 1500 sq. ft. split level, which was not adequate for the 4 children he and his fiancé had between them. They had very large families and on any given Sunday there could be up to 20 people visiting or having dinner with them. He wanted to enlarge the living room and dining room, and install a powder room on the first floor. Since he had a handicapped sister, the interior of the home had to be ADA compliant for her wheelchair. There had to be a 3 ft. aisle for access to the dining table. The powder room was also needed for her use, as well as the rest of the family. The Architect had determined the best place for that was off the kitchen, which also provided the location for the HVAC units. On the second floor, he was creating a master suite and a laundry room.

Mr. Ascolese asked about the fireplace. Mr. Del Rosso replied it was a gas fireplace. When asked about the HVAC, Mr. Del Rosso replied it was a two zone. Mr. Rieger pointed out that the plans indicate a 3 zone. Mr. Rieger also asked about the indicated storage area on the upper floor. Mr. Del Rosso replied it was an unfinished room they would use for storage rather than having a basement. The room would be sheet rocked and have heat. It was 7 ft. in the middle and sloped down on both sides to a 5 ft. knee wall.

Mr. Schwinder asked for a motion to open the floor to the public, which was made by councilman Falotico, a second was made by Mr. Sudano, all were in favor. Seeing no hands, Mr. Schwinder asked for a motion to close the floor which was made by Councilman Falotico, second was made by Mr. De Orio, all were in favor.

Mr. Martin did ask for the address of the neighbor whose fence was in question, and was told it was 10 Furman.

Mr. Ascolese suggested that Mr. Del Rosso find the property pin which should be somewhere near the rear shed. There may be no issue at all, and finding the pin would help determine that. Mr. Martin stated that he agreed with the Mayor and additional expense was unnecessary.

Mr. Schwinder asked for a motion on the application. Mayor Lamatina made a motion to accept the application with the changes recommended by Mr. Ascolese, a second was made by Mr. DeOrio. Mr. Carlos, Mr. Rieger, Mr. DeOrio, Mayor Lamatina, Councilman Falotico and Chairman Schwinder all voted yes. Mr. Sudano had recused himself.

Mr. Schwinder advised Mr. Del Rosso that a Resolution would be ready for the next meeting; however, he need not be present. Mr. Del Rosso replied he probably would be as he wanted to get started on the construction.

Chairman Schwinder asked for a motion to open the floor to the public, which was made by councilman Falotico, a second was made by Mayor Lamatina, all were in favor. Seeing no hands, a motion to close the floor was requested, which was made by Mr. DeOrio, second by Mr. Rieger, all were in favor.

Mr. Schwinder asked if there was any other business, any good and welfare. He asked the Mayor if there was any update. Mayor Lamatina replied there would be a second reading the Eminent Domain proposal at the Council Meeting on Tuesday, February 6.

Mr. Schwinder asked for a motion to close the floor which was made by Mayor Lamatina, second was made by Mr. De Orio, all were in favor.

The meeting was adjourned at 8:50 pm.

Respectfully submitted,
Marie Shust
Interim Board Secretary