

**MUNICIPAL LAND USE BOARD  
MINUTES  
EMERSON, NEW JERSEY  
JULY 18, 2013**

This meeting of the Municipal Land Use Board was held in the Municipal Building. Vice Chairman Schwinder 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	Absent
Thomas Callagee	Absent
Carlos Colina, Mayor	Present
John DeThomasis	Present
Gary Goursky	Present
Mark Orecchio, Chairman	Absent
Germaine Ortiz	Present
Matthew Ryan	Present
Gary Schwinder	Present
Brian Todd	Present
Neil Tortora	Present
Richard Worthington, Council	Absent
Christopher Martin, Attorney	Present
Berge Tombalakian, Engineer	Present
Brigette Bogart, Planner	Not Requested
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

**Minutes:**

The minutes of June 20, 2013 were approved on a motion from Mr. Todd, seconded by Mr. Goursky, and carried by all.

**Correspondence:**

Memo to the Mayor and Council regarding Bond Ordinance 1457-13.

Letter from the County regarding the Armenian Home stating that Bergen County Planning Board site plan review and approval are not needed.

Letter regarding the Rizzo property at 52 Broad Street from the Battles of 155 Samuel Street stating their approval of proposed addition.

June budget information from the CFO.

**Vouchers:**

Boswell Engineering - \$3,944.00 for the Hackensack Golf Club  
North Jersey Media - \$11.07 for the Galang application  
North Jersey Media - \$10.25 for the Melillo application  
Morrison Mahoney - \$1,000.00 for the second quarter retainer

All vouchers and correspondence were approved on a motion from Mr. Goursky, seconded by Ms. Ortiz, and carried by all.

**Resolution:**

**Shannon Hassett  
202 Colonial Road  
Fence**

The resolution had been read by all present. A motion to approve the resolution was made by Mr. Todd, seconded by Mr. Goursky, and carried by all members listed:

Ms. Ortiz  
Mr. Tortora  
Mayor Colina  
Mr. DeThomasis  
Mr. Ryan  
Mr. Goursky  
Mr. Todd  
Vice Chairman Schwinder

A letter from the Police Department has been received and is on file stating that there is no visual obstruction due to the location of the new fence at the corner of Washington Avenue and Colonial Road. The resolution will be published and distributed as required.

**Public Hearings:**

**Issac Degenars Company  
17 Chestnut Street**

**Block 405, Lot 14  
Site Plan Approval with Variances**

This matter has been continued, without prejudice, until the meeting of August 15<sup>th</sup>. No new notification is necessary.

**Emerson Real Estate LLC  
Emerson Golf Club  
99 Palisade Avenue  
Emerson Block and Lots  
Block 617.01, Lots 7.01, 7.03, 9 and 10  
Block 738, Lot 9.01  
Block 732, Lot  
Oradell Block and Lot  
Block 1105, lot 17  
Use and Related Variances Hearing  
New application as of 7-18-13**

Attorney Louis Lamatina was present on behalf of the applicant. The purpose of this appearance is for an application completeness review only. Mr. Lamatina stated that the new application is for 35 units in 6-7 buildings. He will be requesting preliminary and final site plan review. Deed restriction information has been submitted by Mr. Lamatina. Attorney William Smith (on behalf of the neighbors) will be asked for his comment on the deed restriction submittal and invited to attend the next meeting when this application is discussed.

Board Engineer Berge Tombalakian stated that the application is quite comprehensive and covers all details; therefore he has no objections and deems the application complete. Board Attorney Christopher Martin stated that legally the application is also deemed complete.

This application will return to the Board, without prejudice, on August 15<sup>th</sup>. All notice is carried to this date. Mr. Lamatina stated that this prior application has been withdrawn.

**Carl and Michelle Rizzo  
52 Broad Street  
Residential Addition**

Both Carl and Michelle Rizzo, as homeowners of 52 Broad Street, were sworn in by Board Attorney Martin. Notice to the neighbors and the publication in the newspaper were found to be satisfactory by the Board Attorney. The Rizzo's have lived in this house since 2006. They have one daughter and would like to expand their family in the future. They presently have a small 2 bedroom home and plan to expand their home by adding a second story. They are not increasing the footprint of the house. The floor plan was explained to all present. A new master suite is proposed for the second floor.

The general contractor from GTFM, Gary Hipp, was sworn in by Attorney Martin. Mr. Hipp works at 355 Summit Avenue in Hackensack, NJ. He spoke to variances that are needed. Mr. Hipp explained that the existing home is already non-conforming; therefore a lot of pre-existing conditions are causing the variances. Front Yard setbacks, rear yard setbacks, side yard setbacks, minimum lot area, minimum lot width and maximum coverage pre-existing conditions that are causing the variances were discussed. A zoning table is included in the file with all dimensions.

The plans for this proposed project, dated 4-15-13, prepared by Mark Thomas, Architect, were marked as Exhibit A-1. A letter from the Battles of 155 Samuel Street, in favor of the proposed addition, was marked as exhibit A-2. Vice Chairman Schwinder had taken a picture of the home and this was marked as Exhibit A-3.

Michelle Rizzo stated why this proposed addition is beneficial. She stated that it will add value to the neighborhood and to their home. She has lived in Emerson since 1986 and wants to stay here with her family. Mr. Schwinder stated that he rode past the home and feels that what is proposed is very nicely designed and is in keeping with the look of the neighborhood.

**Board Comments:**

Mr. Goursky asked about the rear setback and the distance from the rear neighbor’s house to their rear property line. Mrs. Rizzo stated that there are no windows proposed in the rear of the new addition, other than a small window in the new bathroom, because the houses are quite close. There will be 2 egress windows on the Broad Street side. Exhibit A-3 was referred to for window location clarification. Vice Chairman Schwinder asked if a fireplace will be added to the home. He was told no. The air conditioning and heating will have to be increased for the addition. The units will be in the attic. There will be condenser unit that will not be installed in the rear or side yards. This will be a condition of the resolution. There were no other board member comments.

**The meeting was opened to the public** for comments on this application on a motion from Mr. Tortora, seconded by Mr. Ryan, and carried.

Joseph Boselli – 94 Palisade Avenue – spoke in support of the proposed addition.

**The meeting was closed to the public** on a motion from Mr. Ryan, seconded by Mr. Todd, and carried.

A motion to approve the second story addition as presented, was made by Mr. Ryan, seconded by Mr. Tortoro, and carried by roll call vote as follows: The condition that the condenser unit not be on the left side of the house or in the rear of the house applies.

Mr. DeThomasis	Yes
Mr. Ortiz	Yes
Mr. Todd	Yes

Mayor Colina	Yes
Mr. Goursky	Yes
Mr. Tortora	Yes
Mr. Ryan	Yes
Vice Chairman Schwinder	Yes

The resolution will be read at the next meeting of the Board.

**Any Board Member:**

Mr. Todd inquired as to the status of the ‘tree house’ in the Washington Avenue neighborhood. The Secretary stated that she has heard once from Attorney Russell Huntington and is awaiting future correspondence from him.

**Good and Welfare:**

Nothing at this time.

**The meeting was opened to the public** on a motion from Mr. Goursky, seconded by Mr. Ryan, and carried. With no one from the audience wishing to be heard, **the meeting was closed to the public** on a motion from Mr. Todd, seconded by Ms. Ortiz, and carried by all.

**The meeting was adjourned** at 8:56 p.m. on a motion from Mr. Ryan, seconded by Ms. Ortiz, and carried.

Respectfully Submitted,

Kathleen S. Rizza, Secretary