

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
January 17, 2019**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Land Use Chairman Bischoff opened the meeting at 7:43 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
Don Pierro	Present
Evan Kutzin	Present
Mike Myers	Present
Bill Loschiavo	Present
Doug McKendry	Absent
Mike Cimino	Absent
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB Engineer	Present
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Secretary	Present

Chairman Bischoff stated that Neglia Engineering Associates had been appointed Borough Engineer by the Mayor and Council at their last meeting. He continued that he would like to appoint them as Land Use Board engineers as well to keep a continuity throughout the Borough. Mayor DiPaola stated that Neglia Engineering Associates had reduced their rates to form with the municipal rates. Mr. Myers made a motion to appoint Neglia Engineering Associates as the Land Use Engineer, the second was made by Mr. Pierro. Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chair Schwinder, Mr. Pierro, Mr. Myers, Mr. Loschiavo, voted yes. Mr. Kutzin abstained.

For the same reasoning, Chairman Bischoff stated he would like to appoint Statile Associates as the Land Use Board Planners. Mr. Myers made a motion to appoint Statile Associates, which was seconded by Mayor DiPaola, Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice-Chair Schwinder, Mr. Myers, Mr. Pierro, Mr. Loschiavo voted yes. Mr. Kutzin abstained.

Mr. Kutzin stated the reason for his abstention on both votes was that he had not received any data on any of the applicants either for Engineer or Planner. Ms. Shust was advised that all Board members should receive the data for future appointees when available.

Chairman Bischoff then asked for a motion to appoint Ms. Shust on a 90-day holdover as Board Secretary. Mayor DiPaola made appoint of order that she believed the secretaries should be reviewed and a 90 day trial period would provide that opportunity. Mayor DiPaola made a motion to appoint Ms. Shust as Board Secretary for the next 90 days, the second was made by Councilwoman McGuire. All were in favor.

Chairman Bischoff asked if there were any comments, corrections on the minutes of the meeting of January 3rd. Mr. Schwinder stated he had made his corrections directly with Ms. Shust and the corrected minutes had been distributed. A motion to accept the minutes was made by Mr. Schwinder, second by Mr. Kutzin, all were in favor.

Chairman Bischoff read a letter from PSE&G, which was a legal notification about an application for Flood Hazard Area Individual Permit to NJDEP, and the use of selective herbicides application on incompatible vegetation in the zones.

Ms. Shust then read the vouchers.

Vouchers 17-Jan-19

1/4/169	19-00003	Morrison Mahoney	Keeler, 137 Linden	\$	468.00
1/7/2019	19-00029	Bogart Planning	Emerson Station, Block 419	\$	2,550.00
11/14/2018	18-01715-02	Bogart Planning	Retainer 4th quarter	\$	800.00
1/9/2018	19-00034	Bogart Planning	Sign Ordinance	\$	234.30
1/9/2018	19-00034	Bogart Planning	Affordable Housing	\$	338.88
1/115/19	1900066	NJ Planning Officials	Mike Meyers Training	\$	119.00
1/15/2019	19-00088	NJ Planning Officials	Jill McGuire Training	\$	85.00
1/10/2019	19-00056	Boswell Eng.	Armenian Home Expense	\$	79.00
1/10/2019	19-00056	Boswell Eng.	Emerson Station, Block 419	\$	2,212.00
1/10/2019	19-00056	Boswell Eng.	16 Furman Dr.	\$	152.00
1/10/2019	19-00056	Boswell Eng.	166 Palisade Ave	\$	79.00
1/10/2019	19-00056	Boswell Eng.	161 Kinderkamack Rd. Valero	\$	948.00
TOTAL				\$	8,065.18

Mr. Schwinder made a motion to accept the vouchers for payment, second was made by Mr. Kutzin, all were in favor.

Mr. Pierro mentioned that he would like to be able to see the vouchers prior to voting on them at the meeting. Ms. Shust was asked to forward the vouchers at the same time that the minutes and agenda are sent to the Board members.

Application:

Reithmayr residence, 76 Palisade Ave, Block 616, lot 35
Add a level, pre-existing variances.

James Reithmayr was asked to approach the podium to present his application to add a level with two pre-existing setback variances and a change to one of them. Mr. Martin examined the notices to the newspapers and the neighbors, and marked them as acceptable.

Chairman Bischoff stated he had provided pictures to the Board of Mr. Reithmayr's home and surrounding neighborhood, so they could be familiar with the area. He further stated that the setbacks appear to be in conformity with all of the other homes in that area.

Mr. Reithmayr explained further that they would like to add a second level which would include two bedrooms and a bath. The bump-out on the first floor would continue in the addition. Due to the overhang of the new addition the area of impervious coverage would be reduced. Mr. Schwinder asked how that would occur. Mr. Reithmayr replied that since the overhang is now considered building coverage and not impervious coverage. Mr. Ascolese confirmed the specification which is due to the cantilever construction.

Mr. Schwinder asked about the current side yard setback variance. Chairman Bischoff indicated the two foot bump-out on the photos submitted which is the reason for the variance on the left side, no variance is needed on the right side.

Mr. Loschiavo noted that there is an overhang/soffit of 1-1/2 ft. shown on the plans, which creates a 5 foot setback, rather than a 6 foot setback, Mr. Martin asked Mr. Ascolese if the setback is actually 5 foot, which Mr. Ascolese confirmed.

Mr. Martin wanted to know if there were any other variances. Mr. Ascolese stated that the existing driveway is gravel and therefore, does not affect the impervious coverage. If at a future date, a paved driveway is desired they would have to apply for a variance.

Mr. Schwinder asked about the neighbor to the left, if he was agreeable to the addition of a second floor. Mr. Reithmayr stated they were good friends and neighbors. Mr. Pierro stated that may not always be the case, one or the other might move.

Mr. Schwinder noted that the boundary on the left is very tight, but there is plenty of room on the driveway/right side between the homes.

Mr. Schwinder asked about the mechanicals. Where were they currently located, he was told they were under the dining room bump-out. Mr. Schwinder asked if additional equipment was going to be installed for the addition and zone control. When told yes, Mr. Schwinder suggested that all mechanicals be moved to the rear of the house to reduce noise for the neighbors. Mr. Martin stated it was highly recommended and preferred that the mechanicals be in the rear of the house. Mr. Reithmayr said he saw no reason why the mechanicals could not be moved. Mr. Ascolese also wanted it noted that Neglia Engineering Associates should be contacted for final inspection.

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

Mr. Schwinder made a motion that the application be approved with the notes and changes as discussed during the meeting. Mr. Pierro made a second all were in favor. Mr. Reithmayr was advised the Resolution would be ready for the meeting of February 7.

Chairman Bischoff asked for a motion to open the floor to the public on any matter. Mayor DiPaola asked to make a point of order. She advised the Board that due to a conflict of scheduling Councilwoman McGuire had to leave the meeting at 8:03 pm. Chairman Bischoff knew that the Councilwoman had an obligation at the Recreation meeting and wanted to know if this was to be the case for all meetings. Mayor DiPaola assured Chairman Bischoff that the situation was being addressed.

Mayor DiPaola then made a motion to open the floor to the public on any matter, second was made by Mr. Pierro, all were in favor.

Ms. Teresa Cannata, 132 Clinton, approached the podium. Her main concern is there is still flooding in the area of the Armenian Home. Unfortunately she did not think to take pictures, but her lower floor had recently flooded and she wanted to know what was being done to address the problem. She thought there should be no further construction until the flooding situation had been addressed.

Catherine Orwell of 33 Broad St. also addressed the flooding during large rain storms. She did not see where any drainage work had been done and was concerned as to additional flooding when the parking lot was paved and the new construction begins. She still sees flooding at the corner of Broad and Clinton.

Mayor DiPaola asked both Ms. Orwell and Ms. Cannata to document flooding when it occurred so it could be addressed with the Armenian Home.

Ms. Cannata also wondered what changes were being made now that the lower floor was to be expanded. She felt this additional building coverage would increase flooding. She said a neighbor's home had recently been flooded.

Mr. Martin assured the public that the Borough Engineer would follow up on the situation. He noted that the previous Resolution indicated the flooding issue had to be addressed and corrected. Mr. Ascolese advised the Board and public that when the old building comes down a retention basin and 36" drainage pipe would be installed.

Mr. Martin advised all that this matter was not on the Agenda and no formal action could be taken. Ms. Cannata stated she wanted the Board to be aware of the situation.

Councilman Ken Hoffman, 61 Emwood Dr., approached the podium. He stated that the flooding at the Armenian was a large concern to the public and the Borough. He reminded the Board that the property where the Armenian Home sits on what was once a wetlands, ending in a stream to the Hackensack River, through the High School property. He stated at the last meeting that a deadline had been included in the Resolution. Mr. Martin confirmed April 20 as the deadline date to start/. Chairman Bischoff reminded Councilman Hoffman that State regulations and changes had caused several delays. Councilman Hoffman did not believe all of the delays were due to State Regulations. Mr. Martin responded that other issues delaying the project could be problematic.

Mayor DiPaola asked Mr. Ascolese to identify the changes to the application that the Armenian Home had presented. Mr. Ascolese described the changes as being minor – a change to the courtyard, and expansion of the basement." Mayor DiPaola asked if the Armenian Home had to apply to the Land Use Board again. Mr. Martin explained only if there were major changes, such as materials to be used or any expansion to the building itself. Mayor DiPaola asked if there had to be a notice issued to the neighbors. Mr. Martin said no, only if major changes. Mayor DiPaola told the audience to be sure to watch the upcoming agendas for any mention of The Armenian Home coming before the Board.

Mr. Martin suggested the neighbors reach out to the Borough Engineer if they see anything that is out of the ordinary. Mayor DiPaola said they could also file a complaint with the Borough Administrator or Borough Clerk.

Mr. Loschiavo, wondered how the increase to the basement floor, and the dredging did not change the foot print. It appeared there was twice as much available space. He thought the extra dredging to increase the floor space would increase the flooding problems.

Chairman Bischoff determined the Board was getting too involved in a matter that was not on the agenda. Mr. Schwinder asked if the work being done could be causing more problems. Mr. Ascolese said that over the years the Armenian Home has installed catch basins. Mr. Schwinder asked, if there are no changes to materials, why would the Armenian Home come back before the Board. Chairman Bischoff replied that if there were continual flooding problems the Board would ask them to come back to remedy the situation.

Chairman Bischoff asked for a motion to close the floor, which was made by Mr. Schwinder, second was offered by Mr. Kutzin, all were in favor.

Mr. Kutzin asked Chairman Bischoff why the members had not received hard copies of the Professional's applications. When the question was posed to Ms. Shust she replied the applications were between 70 and 100 pages each, she had only received them on Wednesday, Mr. Martin told the Board that the RFQ's had been in the Clerk's office. Ms. Shust was told to copy the Board on applications received in the future.

Mayor DiPaola took a moment to thank Mr. Ascolese for his past services, his knowledge and helpfulness. She looked forward to working with him on the several projects that were still open.

Mr. Ascolese told the Mayor there were still items open on the Valero application, in regard to the sidewalk, easement, and County curb cuts.

Mr. Martin told the Mayor and Board that he planned on having the Resolution for Valero ready for the next meeting.

Mr. Martin also stated that all members should take the Land Use courses being offered by NJPO. He said it would benefit all of them to be updated on the various changes that may have taken place.

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

The meeting was adjourned at 8:48 pm.

Respectfully submitted,
Marie Shust
Board Secretary