

MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
January 18, 2018

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary Schwinder opened the meeting at 8:07 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:

Chairman Schwinder turned the meeting over to Mr. Tortora, attorney, for the reorganization of the Land Use Board. Mayor Lamatina administered the Oath of Office to Mr. Alban Bresa and Mr. Norman Rieger. Due to Mr. DeOrio's absence, he will be administered the Oath at the next meeting. Mr. Bresa noted that his first name was spelled incorrectly. Ms. Shust said she would have it taken care of.

Mr. Tortora asked for a motion to nominate a Chairman for the Land Use Board. Mr. Goursky nominated Chairman Schwinder to continue as Board Chair, second by Mr. Malone, all were in favor.

Chairman Schwinder then nominated Mr. Goursky to continue as Vice Chairman of the Board which was seconded by Mr. Rieger, all were in favor.

Chairman Schwinder made a motion to retain Mr. Chris Martin as the Board Attorney, Mr. Goursky seconded the motion, Mr. Adams, Mr. Bresa, Mr. Carlos, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Rieger, Councilman Falotico, Mayor Lamatina and Chairman Schwinder all voted yes. There were no abstaining or negative votes.

Chairman Schwinder made a motion to retain Mr. Gary Ascolese as the Board Engineer. The motion was seconded by Mr. Adams. Mr. Adams, Mr. Bresa, Mr. Carlos, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Rieger, Councilman Falotico, Mayor Lamatina and Chairman Schwinder all voted yes. There were no abstaining or negative votes.

Chairman Schwinder made a motion to retain Ms. Brigitte Bogart as Board Planner, Mr. Malone seconded the motion. Mr. Adams, Mr. Bresa, Mr. Carlos, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Rieger, Councilman Falotico, Mayor Lamatina and Chairman Schwinder all voted yes. There were no abstaining or negative votes.

Chairman Schwinder stated that the 2018 Land Use Board Budget would be voted on at the next meeting.

Since the Board was now officially sworn in, Chairman Schwinder asked for a roll call.

Roll Call:

Robert Adams	Present
Alban Bresa	Present
Fire Chief Tom Carlos	Present
Michael DeOrio	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Absent
Norman Rieger	Present
Thomas Sudano	Absent
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Absent
Neil Tortora, attorney in Mr. Martin's absence	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
Judy Collins, Incoming Secretary	Present

Chairman Schwinder asked if there were any questions in regard to the minutes of the December 7, 2017 meeting. Mr. Kutzin noted that the date was incorrect on the Agenda, that the meeting was on the 7th not on the 9th. Chairman Schwinder verified that the actual minutes reflected the correct date of December 7th.

Chairman Schwinder then asked for a motion to accept the minutes, which was made by Mr. Goursky, second was made by Mr. Malone. Mr. Adams, Mr. Bresa, Mr. Carlos, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Rieger, and Chairman Schwinder all voted yes. Councilman Falotico and Mayor Lamatina, who had recused themselves from that meeting, abstained from voting. There were no negative votes.

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

Vouchers 4-Jan-18

12/8/2017	17-02016	Morrison Mahoney	Legal Services	\$	936.32
12/11/2017	17-02034	Bogart Planning	4th Quarter Retainer	\$	800.00
12/11/2017	17-02036	Bogart Planning	109 Linwood Ave, CIBCO Corp	\$	187.50
12/18/2017	17-02079	Morrison Mahoney	Bollbach Residence	\$	392.00
12/15/2017	17-02065	Morrison Mahoney	214 Kinderkamack LLC vs Emerson	\$	590.56
12/15/2017	17-02065	Morrison Mahoney	Dolores Della Volpe vs Emerson	\$	452.64
12/13/2017	17-020419	Shust	Land Use Meeting Dec. 7	\$	150.00
1/8/2018	18-00024	Morrison Mahoney	Ziamba Resolution	\$	280.00
1/8/2018	18-00025	North Jersey Media	Land Use Resolution Advertisement	\$	132.25
1/16/2018	18-00076	Boswell Eng.	166 Palisade Ave.	\$	632.00
1/16/2018	18-00076	Boswell Eng.	109 Linwood Ave, CIBCO Corp	\$	1,106.00
1/16/2018	18-00080	Bogart Planning	109 Linwood Ave, CIBCO Corp	\$	40.00
1/18/2018	18-00110	Boswell Eng.	6/3 Douglas St.	\$	98.72

Total \$ 5,797.99

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

Chairman Schwinder asked if there was any correspondence. Ms. Shust replied she had none. Chairman Schwinder read a letter from the Emerson Board of Education regarding expansion and improvements in the amount of \$ 15,900,576.00, for which we were expecting plans and would be scheduling the hearing. Councilman Falotico stated that due to several issues including a bonding issue, there was an update to the expansion and the Board of Education did not expect to present the application before November 2018. Mayor Lamatina said he had heard it was September, and the Councilman replied there had been additional updates and they are expecting to be ready in November.

Chairman Schwinder thanked Councilman Falotico for his update and told the Board that as soon as the information was ready it would be distributed to them.

Chairman Schwinder then brought up the subject of six-month look-back review of the Starbuck's site. Mr. Kutzin was concerned about the entry/exit onto the site. Chairman Schwinder asked Mr. Ascolese for his updates, and thought Mr. Kutzin's concerns would be addressed during the report.

Mr. Ascolese reported that the concerns of the Board had been addressed and corrected. There was an infrared inspection of the site to determine the depressions causing the standing water, which had been corrected. All signage had been clarified. There was no issue with the lighting, and no complaints from the neighbors, as the lights were well shielded. Temporarily cones had been placed at the northeast exit to prevent cars short-cutting onto the drive-thru line. Mr. Ascolese suggested that weighted bollards be installed rather than the cones, just before the raised curb, to eliminate incoming traffic using the exit. Chairman Schwinder asked if a "Do Not Enter" sign should be placed at the exit. Mr. Ascolese replied it was already in place. Mr. Ascolese further stated that to date, there had not been a snowfall issue.

Mr. Goursky made a motion that the floor be opened to the public for discussion, the second was made by Mr. Rieger. Seeing no hands, Chairman Schwinder asked for a motion to close the floor, which was made by Mr. Rieger, second by Mr. Goursky, all were in favor.

Mr. Ascolese then asked the board for permission to send a letter to Starbuck's requesting the installation of the weighted bollards in the northeast exit onto the easement, all were in favor and Mr. Ascolese was instructed to send the letter.

Chairman Schwinder then reviewed future applications: 166 Palisade was carried over March 15th and updated plans had been distributed to the Board. A new application for 16 Furman Dr. was scheduled for February 1. The plans for 16 Furman were been distributed to the Board.

The CIBCO application, 109 Linwood Ave was scheduled for February 15th. There was no update on the Valero application.

Chairman Schwinder then asked for a motion to open the floor to the public, which was made by Mr. Goursky, second by Councilman Falotico, all were in favor. Seeing no hands, Chairman Schwinder asked for a motion to close the floor, which was made by Mr. Rieger, second by Mr. Goursky, all were in favor.

Chairman Schwinder then asked if the Board had any concerns, any Good and Welfare, the asked the Mayor for updates.

Mayor Lamatina first welcomed Ms. Collins as the new Secretary, and Chief Carlos as a new board member saying that Chief Carlos will not only add valuable input from the Fire Dept., but the DPW as well.

The Mayor went on to state that the Council had reluctantly voted 4-1 to establish Eminent Domain for the redevelopment area, and would be heard and adopted at the Public Meeting of February 6.

Mayor Lamatina stated that the attorney for two property owners was challenging the Fair Housing basis being used for the Eminent Domain decision.

Chairman Schwinder wanted to know if the proposal would come before the Land Use Board and if it anything needed to be prepared by Brigette Bogart. The Mayor replied that the work had already been done and Ms. Collins should check with Mr. Hoffman about placing Ms. Bogart on the Agenda for an upcoming meeting.

Mayor Lamatina explained that he and the Council were not in favor of Eminent Domain but indicated its use may be necessary to redevelop block 419.

Chairman Schwinder asked if it was possible that Eminent Domain would not come into play, that the property owners might settle?

The Mayor thought it was highly unlikely. The parties would not let the assessors into the property for evaluation for Fair Market Value. The litigating property owners believe that the use of Eminent Domain based on Fair Housing would be rejected by the courts. Judge Toscos is to review the matter. And appeals of the decision would most likely occur. The Mayor said the holdup was for 4 properties, which were owned by 2 parties, 2 lots each. Chairman Schwinder asked about the status of the multi-family home on Lincoln Blvd. and was told it was under contract.

Chairman Schwinder then addressed Mr. Kutzin's request to take additional courses. Chairman Schwinder had checked with Ms. Roeher regarding the budget and was advised there was money available for continued education, therefore, Mr. Kutzin could take the classes.

Chairman Schwinder also advised Chief Carlos that there was a mandatory class that he had to take, which would probably be held in the Spring in Paramus. As soon as the schedule is available, the Secretary will send it to him.

Mr. Goursky asked if there was a contact list available. Ms. Shust replied that she was obtaining the information for Chief Carlos after the meeting. She would then update the contact list and distribute to the Board.

Since there was no further business chairman Schwinder asked for a motion to adjourn the meeting, which was made by Mayor Lamatina, second was offered by Councilman Falotico, all were in favor.

The meeting was adjourned at 8:50 pm.

Respectfully submitted,
Marie Shust
Interim Board Secretary