

**MUNICIPAL LAND USE BOARD MINUTES**  
**BOROUGH OF EMERSON**  
**June 15, 2017**

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

**Roll Call:**

Robert Adams	Absent
Alban Bresa	Present
Thomas Callagee	Absent
Michael DeOrio	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Present
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	Present
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Interim Secretary	Present

Mr. Schwinder asked if there were any comments on the minutes of June 1<sup>st</sup> meeting, hearing none he asked for a motion to approve, which was offered by Mr. Goursky, second by Mr. McKendry. All eligible members, Mr. Bresa, Mr. Kutzin, Mr. Goursky, Mr. Bresa, Mayor Lamatina, Mr. Mc Kendry, Councilman Falotico and Mr. Schwinder voted aye to accept the minutes.

Mr. Schwinder asked if there was any correspondence, hearing none, he asked for the vouchers to be read for approval.

Vouchers		June 15, 1017			
6/12/2017	17-00957	Boswell	324 Main St, Amer Legion	\$	2,614.00
6/7/2017	17-00929	Boswell	Elm Terrace, LLC	\$	191.50
6/7/2017	17-00929	Boswell	322 Kinderkamack,Starbuck's	\$	39.50
6/8/2017	17-00935	Morrison Mahoney	214 Kinderkamack -Litigation	\$	1,067.13
6/8/2017	17-00935	Morrison Mahoney	Dolores Della Volpe -Litigation	\$	939.85
				\$	4,851.98

By a unanimous vote, the vouchers were approved for payment.

**RESOLUTIONS:**

**Elm Terrace, LLC, Block 421, Lot 1 & 11, 77 Jefferson  
Landscaping Plan**

Mr. Schwinder asked if there were any comments, discussion on the Resolution, hearing none, he asked for a motion. Mr. Goursky made a motion to approve the Resolution, second by Mr. McKendry. All eligible voters: Mr. Bresa, Mr. Goursky, Mr. Kutzin, Mr. McKendry, Councilman Falotico, Mayor Lamatina and Chairman Schwinder, voted aye. The Resolution was approved.

Mr. Schwinder announced that he was rearranging the agenda to allow for the applications to be heard before the IM change in zoning presentation and discussion.

**Adams, 71 Hartland, Block 218, Lot 15**

In ground pool, rear yard setback and impervious coverage.

Ms. Renee Adams and her husband Michael of 71 Hartland, approached the podium and were sworn in by Mr. Martin. Renee explained that their application was for an in ground pool in the back yard which would require variances for impervious coverage and side yard setback.

Ms. Adams introduced her engineer, Mr. Charles Osterkorn, Jr., P.E. I.S. P.P., 121 Goldwin Ave., Wyckoff, NJ 07481. Mr.Osterkorn's credentials as a licensed Civil Engineer in New Jersey were verified.

Mr. Schwinder asked why the original application to the building department had been denied. Ms. Adams replied that the impervious coverage and building covering exceeded the codes. This application reduced the pool size and restructured the patio area.

Mr. Schwinder asked for a description of the proposed alteration/addition. Mr. Osterkorn replied that the plans, which were marked Exhibit A-1, had originally been drawn on May 24, 2017 and revised June 12, 2017, shows where the pool would be built with a rear set back of 5 ft., and 14 ft. from the house, includes a seepage pit. Mr. Osterkorn stated that there were in ground pools in many of the neighboring homes.

Mr. Schwinder asked about the property to the rear of the proposed pool site. Ms. Adams replied that there was a rear yard adjacent to her yard, and the house in the rear property was actually behind her neighbor's property.

Mr. Schwinder asked if there was an existing seepage pit on the property. Ms. Adams replied no.

Mr. Ascolese responded to Mr. Schwinder's request for his input. He referred to his original response of June 8th based on the original plans, but had not had time to completely review the new proposal, but had a few questions which would resolve his issues. He stated that Section 290 of the Emerson code states that an in ground pool cannot exceed 50% of the backyard, which according to the new drawings would not. He asked for clarification of the existing deck area, the proposed patio area, and pool, concrete walk around pool including zipper drains, and pool equipment. According to his numbers the impervious coverage would be approximately 55% of the lot, where 40% is allowed.

Mr. Ascolese wanted to know about the current deck. Mr. Adams replied it was wood over concrete, which had been installed by the previous owner. Mr. Osterkorn stated that the current deck was to be removed to allow for a yard level patio and the concrete base could be removed, which was agreed by Mr. & Mrs. Adams. It was also agreed that the patio area would be reduced slightly to bring the impervious area to 50%. Mr. Schwinder inquired as to the possibility of installing a different type material for the patio. Mr. Ascolese replied that there are materials, but it would probably be cost prohibitive.

Mr. Martin wanted to know if they had applied for a soil removal permit. Renee replied that they would do that if the application was approved per instructions on the application. Mr. Ascolese mentioned they would have to be in contact with Bergen County Soil Conservation.

Mr. Ascolese inquired about the 4 ft. fence bordering the neighbor's property, and any proposed fencing. Mr. Schwinder asked about the fence materials. Ms. Adams replied the new fence was a vinyl privacy fence. There is a current fence on a wall in the back which belongs to the neighbor.

Mayor Lamatina wanted to know if the water that would be sitting in a pool's cover would possibly run off into a neighbor's yard. Mr. Ascolese replied the yard of the neighbor to the rear is higher in elevation than that of the Adams'.

Mr. Martin asked about the proportion of the scale back and Mr. Ascolese replied that he would work with Mr. Osterkorn and the Adams' in order to keep within the 50% impervious coverage.

Mr. McKendry wanted to know if any of these changes would add to the cost for Mr. & Mrs. Adams. Mr. Ascolese replied that there might be an addition of about \$200.00 worth of gravel to increase the seepage pit/retention area.

Mr. Martin asked for confirmation on the variances required: existing non-conforming, property, building coverage, impervious coverage. Mr. Ascolese reiterated that the deck is considered building coverage according to the Building Department.

Mayor Lamatina inquired as to where the backwash water would go, it should not be directed to the front curb/street. Mr. Osterkorn replied that backwash is usually less than two inches of water, but he could configure so it would run through the zipper drains to the seepage pit.

Mr. Schwinder wanted to know if any additional seepage pit would be required in the front and Mr. Osterkorn replied only the one dug by Renee Adams.

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

Mr. Schwinder asked the board if they had any questions. Councilman Falotico asked Ms. Adams if she had been in contact with the neighbors and if they had any complaints. She replied that most of her neighbors already have in-ground pools and had no objection.

Mr. Rieger made a motion to approve the application with the stipulations and changes as discussed: reduction of impervious coverage to under 50%, direction of backwash, reduction of deck and patio, all subject to approval by the Borough Engineer. The motion was seconded by Councilman Falotico, Mr. Bresa, Mr. Goursky, Mr. Kutzin, Mr. McKendry, Mr. Rieger, Mr. Sudano, Councilman Falotico, Mayor Lamatina, Chairman Schwinder all voted yes.

### **Emerson Hotel, Block 616, Lot 19**

Sign variance, front and side of building

Gary H. Giannantonio, Esq. of Giannantonio & Roth, LLC, 167 Main Street, Hackensack, NJ 07601 approached the Podium to present the application of a sign variance on behalf of Cheng Investments, dba The Emerson Hotel. He was accompanied by Mr. Joe Scara of Valley Sign Company. Mr. Giannantonio explained that a new sign would be installed on the west facing facade and a marquee type sign would be installed on the side of the hotel facing north.

Mr. Giannantonio turned the presentation over to Mr. Scara. Mr. Scara explained that he had been working on a design for a sign for the Emerson Hotel for approximately one year. He stated that the current sign could not be read from any distance and they were seeking a variance to install a sign on the front façade as well as a sign on the side of the building facing north.

Mr. Schwinder asked as to the materials and lighting of the proposed sign. Mr. Scara replied it would be LED lighting similar to Emerson Cleaners. The letters would be white on a burgundy metal backer plate. The letter size would 18" for the capital "E" and "H", the other letters would be 13".

Mr. Schwinder asked how old the building was.

Mr. Skara replied it was built in the 1800's, that there were records of signs being made in 1908, 1930's and 1980. He stated that the last sign that had been on the chimney was removed for safety issues when the deck area had been added. That sign had been 32 sq.ft. In 2009 the Emerson Hotel had applied to have that oval sign re-installed, but was denied.

Mr. Schwinder asked how the sign was to be affixed to the building. Mr. Skara replied that behind

The railing on the upper façade there is a flat roof. The sign would be attached to the railing and anchored into that roof area.

Mr. Schwinder asked how far the sign would stand away from the building. Mr. Scara replied it would be 8 inches from the building, set back between the two towers.

Mr. Schwinder asked the board if there were any comments – since he heard none, he explained that he applauded the design for the front sign, but thought the north facing sign should be scrapped. It was not in conformance with the style of the building and thought a smaller sign similar to that on the front would be more appropriate. He did not like the marquee effect of the proposed sign.

Mr. Scara stated that the owners wanted to announce their live bands on weekends. And that there was a marquee style sign down the street, to which Mr. Schwinder explained that it was a pre-existing design.

Ms. Bogart agreed with Mr. Schwinder and suggested another design and other methods of announcing their entertainment, such as social media, newspapers. She agreed a smaller version of the front sign would be appropriate.

Mr. Schwinder did mention that the Emerson Cleaners were allowed to change their message once a day with channel letters.

Ms. Bogart inquired about the use of banners, to which Mr. Schwinder replied there were regulations regarding the use of banners and their time limitation

Mr. Schwinder suggested the use of the indoor backlight signs to announce the upcoming entertainment.

Mr. Schwinder asked the board if they had any comments. Mayor Lamatina agreed the size of the side sign was too large and did not fit.

Mr. Scara stated that he would like to keep the 30 sq. sign as the visual site line from the stop sign is 234 ft, and the traffic light another 30 ft away and the 3 x 10 sign would then be visible from that distance.

Mr. Kutzin compared the distance to a city block of 316 ft.

Councilman Falotico asked about using smaller letters on the side sign 4 inches instead of 6". Mr. Scara did not feel that would be seen from a distance.

Mr. Schwinder suggested that Mr. Scara come up with a design similar to the front but smaller.

Mayor Lamatina thought an approval of the 30 sq.ft. sign on the side would work.

Mr. Schwinder stated that the allowable size would be ½ of the front sign, which is 50 sq., and a variance would be required to increase the size.

Mr. McKendry asked if there was live music to which he received a yes for Friday nights.

Mr. Schwinder asked Mr. Ascolese about the projection of the sign on the side of the building. Mr. Ascolese stated the proposed design is 12 inches from the building.

Ms. Bogart wanted to know if that projection could be reduced. Mr. Skara replied no, as the piping running up the building is in the way, and the sign would have to cover the piping.

Mr. Schwinder asked if the sign for the front conforms to the 8" projection, to which he received a yes reply. He then asked if the side sign could go between the piping and was told the area was too narrow and a sign would not look good there.

Mr. Kutzin thought the sign covering the piping might be aesthetically more pleasing.

Mr. Ascolese stated that he had seen 9 or 10 "EH" logo plaques around the gables of the building, and were they to be considered logos or part of the design as cut outs.

Mr. Schwinder thought they should be considered decorative cutouts of architecture as they were part of the original building.

Mr. McKendry asked Ms. Bogart about the lighting.

Ms. Bogart replied that there is a 6 month review period, but asked Mr. Scara if he would install dimmer switches on the signs, to which he replied he would do that.

Mr. Schwinder stated that the lighting would have to clear Emerson Plaza East, the grass area, the railroad tracks, another grass area, Kinderkamack Rd., and Dunkin Donuts before any residential area, similar to Emerson Cleaners, in the opposite direction.

Mr. Ascolese asked about the street level sign on the Emerson Hotel., the one with the famous sliced steak sandwich plaque. Mr. Schwinder replied that he thought it part of the history of the hotel and therefore should not be removed.

Mr. Martin then reviewed the required variances- size of the front sign, plus existing sign on the lower front level, size of the side sign, projection of the side sign and overall coverage, all subject to the Borough Engineer approval.

Mr. Schwinder asked the board if they had any other questions or comments, hearing none he asked the floor be opened to the public, motion was made by Mayor Lamatina, second by Mr. Goursky, seeing no hands from the public, Mr. Schwinder asked for a motion to close the floor, which was made by Mr. Goursky and second by Councilman Folaotico.

Mr. Goursky made a motion that the application be accepted with the changes suggested, the side sign redesigned, and the variances include the square footage of the front sign, including the original "sliced steak" sign on the lower level, the square footage of the side sign, the projection

away from the building of the side sign, and the CBC covering. . The motion was second by Councilman Falotico. Aye votes were cast by Mr. Bresa, Mr. Goursky, Mr. Kutzin, Mr. McKendry, Mr. Rieger, Mr. Sudano, Councilman Falotico, Mayor Lamatina and Mr. Schwinder.

**Gitto, 208 Lincoln Blvd, Block 115, Lot 8**

Front entry, rear porch and 2<sup>nd</sup> story addition to dwelling, rear, front and side yard setback variances.

Mr. Norm Rieger approached Mr. Martin and asked to be recused as he could possibly be a contractor if the variance is granted. Mr. Martin excused Mr. Rieger for business reasons.

Mr. Larry Gitto and his wife Debbie of 208 Lincoln Blvd. approached the podium They introduced their architect Mr. Kevin Martin of Kevin M. Martin Architecture, LLC., 226 W Allendale Ave, Allendale, New Jersey. Chris Martin verified Mr. Kevin Martin's credentials.

Mr. Schwinder asked Mr. Gitto to explain their reason for coming before the Board

Mr. Gitto replied that they wanted to expand their Cape Cod by removing the existing second floor and adding a level with two bedrooms and ½ bath. They also wanted to reconfigure the front entrance and add a nook on the side of the home. The current lot is an existing non-conforming property on a corner lot adjacent to an unimproved "paper" street.

Mr. Schwinder asked if that was the area that was blocked off by a telephone pole, and where would the bump out for the nook be placed.

Mr. Gitto replied that yes there was a pole across the entry to the paper street, and the proposed nook would be facing the paper street, with steps to the back yard.

Mr. Martin stated that they were seeking a variance on the front set back to 20.41', from 23.7'.

Mr. Schwinder asked if there were other homes in the area with front set-backs that did not meet the requirements of the Borough.

Mr. K Martin replied that yes there were several in the area with less than the required set back. He also stated that they proposed to change the direction of the walk from the house to the driveway, rather than the front.

Mr. Ascolese stated that since this was a corner property to the paper street, variances would be required for the setbacks on the south and west sides of the property.

Mr. Schwinder asked Mr. Ascolese if he had any other comments. Mr. Ascolese explained that he only received the revised drawings that day, and had not been able to fully review. He needed to review the setbacks, zoning requirements, building coverage, impervious coverage. Mr. Ascolese referred to an aerial photo of the property dated April 21, 2013, which shows a deck, pavers, in ground pool, patio and trampoline all of which would have to be calculated for the impervious coverage. Again Mr. Ascolese stated that the building department now considers decks as structural coverage. Due to the various structures, extensions, he would need time to review the plans.

Mr. Schwinder asked about the fencing. Mr. Gitto replied there is a chain link fence completely around the sides and rear of the property. The fence on the west side backs up to the neighbor. He stated that the paper street is above his property and is currently blocked by a tree that was damaged in a recent storm. He had tried to contact the Borough to see if he could remove the damage tree as it is leaning on his fence, but did not receive an answer. He said the previous owners had installed the fence, and the fallen tree is an eyesore.

Mr. Schwinder wanted to know if Mr. Gitto maintained the property inside the fence on the paper street side of the home, to which Mr. Gitto replied yes.

Mr. Ascolese stated that he needed to go to the site, review the zoning table corrections, the on-site seepage pit, the pre-existing pool, and other structures.

Mr. Kutzin asked about the retaining wall on the driveway and where the HVAC would be located. Mr. Schwinder added that the HVAC unit should be facing the paper street, so it does not affect neighbors.

Mayor Lamatina wanted to know if a motion could be made this evening. Mr. Ascolese replied that there were too many factors which needed clarification for a motion to be made.

Mr. C. Martin asked if there were two variances involved, Building and impervious coverage. Mr. Schwinder stated the application would have to be carried to the next meeting, in order for Mr. Ascolese to obtain all the correct numbers.

Mr. Martin wanted to know about the fence along the paper street, if it could be repaired or relocated. Mr. Gitto replied that it is on Borough property, therefore, when he applied to the Borough he was denied. Debbie Gitto stated that the paper street is quite high above their property and needs to be fenced to avoid any potential falls and injuries.

Mr. Schwinder asked Mr. Ascolese and Ms. Bogart for any ideas to resolve the fencing issue.

Councilman Falotico stated the town should look at the damaged tree and fence.

Mr. Schwinder asked about the Borough giving up a portion of the land that is on the downslope. Mr. C. Martin replied that this was not the time for that discussion. If the Gitto's were interested in pursuing that possibility, they should retain an attorney to do so.

Mr. Schwinder stated that the application would be carried over to the next meeting which is scheduled for July 13<sup>th</sup>, but may be moved to July 27<sup>th</sup>, depending on the Vice-Chairman's availability.

Mr. C. Martin stated the application would require no further notification and would be carried over without prejudice.

**Ordinance Amendment - IM zone**  
**Addition of multifamily housing**

Mr. Schwinder invited Ms. Bogart to explain her findings on the IM Zone. Ms. Bogart explained that she had spent 3 weeks reviewing the current designations, as well as meeting with the Land Use Chairman and Building Dept.

Mr. Martin asked Ms. Bogart if she were testifying as the Planner or a member of the Board. As the Planner, she gave her address as 366 Harvey Ct. Wyckoff, and Mr. Martin verified her credentials.

Mr. Schwinder asked Ms. Bogart to review the streets involved. She pointed out the IM district northern portion, which is East and West of Blanch northwest of Chestnut and south of the Stop and Shop. It was her opinion that the properties on the south of Chestnut were too small to receive any advantage by being considered.

Ms. Bogart stated that the area consists of warehousing, auto, landscaping, etc. In addition to the current allowed businesses, she would like to suggest mixed use and multi-family designations, which would be advantageous to the current property owners. The multi-family mixed use residential would be in walking distance to the local retail including the supermarket.

Ms. Bogart stated that any Amendment made by the Land Use Board to update the Master Plan must be in conformity with the intent of the original plan. Ms. Bogart also mentioned that at the meeting of the governing body she was asked to review the CB10 area which is Blocks 616 and 617 and it was her suggestion that both of these areas be reviewed and rezoned together to avoid future conflicts.

Mr. Martin asked if this was to be an overall rezoning, to which Ms. Bogart replied she was only looking at the IM Zone and the CB10, which she believes should have similar rezoning. And allow for affordable housing in both areas.

Mr. Martin stated that there had been an 8 year span since the Master Plan had been reviewed and it was appropriate to review the Master plan, it's goals and objectives.

Mayor Lamatina asked what was required from the Land Use Board.

Ms. Bogart replied that the Land Use Board would have to review and discuss the proposed changes and make recommendations accordingly.

Mr. Martin thought this was an area for the Governing Body, to which Ms. Bogart replied it was the responsibility of the Land Use Board to review and propose an Amendment.

Mayor Lamatina wanted to know if the Board could authorize and go forward at this meeting.

Mr. Martin replied that the Land Use Board would have to review and analyze the information, then proceed with recommendations.

Mayor Lamatina wanted to know if the plan would be bogged down with review. Ms. Bogart replied that she needed to prepare a report to present to the Land Use Board.

Mr. Schwinder replied that the upcoming meeting was fully booked, Ms. Bogart replied she only needed 5 – 10 minutes.

Mr. Schwinder wanted to know what changes were necessary for Valero and 109 Linwood and south overlay of mixed use. What is the change?

Ms. Bogart replied the suggested change would allow current uses to continue plus mixed use/residential.

Mr. Schwinder asked, other than including residential, what else is included as there is limited density.

Ms. Bogart replied it would give the landowners the ability to combine lots.

Mayor Lamatina stated that the current zoning allows for retail plus 2 stories. Mr. Schwinder asked what is preventing this from happening, to which the mayor responded the size of the lots. Allowing the combination of would also add to the value of the properties. The Mayor also stated that Rispoli wanted to add two floors, but because of the individual lots, they could not do so at this time.

Mr. Martin wanted to know what additional uses would be included. Ms. Bogart replied that the owners and/or new owners would have the opportunity to continue the current businesses without variance in the future.

Mr. Martin wanted to know if this would only be for the IM and CB10 zones, and the Master plan does allow for review and re-designation.

Ms. Bogart replied she is only recommending changes to those two areas at this time.

Mr. Sudano wanted to know if the rezoning/overlay on Chestnut would address the parking.

Ms. Bogart replied parking was the biggest concern.

Mr. Sudano wanted to be sure this was not just a quick fix. Ms. Bogart replied there are parking specifications in the proposal.

Mayor Lamatina stated the area south of Chestnut would require variances.

Mr. Rieger wanted to know why the smaller lots south of Chestnut could not be zoned the same as those in area 616 & 617 CB10 zone.

Mayor Lamatina wanted to know why this could not be done.

Mr. Rieger asked Ms. Bogart to include that in her proposal.

Mr. Martin wanted to know what needs to be done.

Ms. Bogart replied the Chairman and Board need to instruct the planner to make a presentation of the proposal at the next available meeting.

Mayor Lamatina stated the Board should instruct Ms. Bogart to go forward with the study to amend the Master Plan.

Mr. Schwinder stated that the IM zone south of Chestnut should not be omitted.

Mr. Goursky asked if there was property on the south side of Chestnut that belonged to Mr. Petrow. Mr. Schwinder replied that Mr. Petrow owned 3 of 4 lots on the south side and that he may have plans to redevelop.

Mr. Martin agreed that the southern section of the IM zone should be included.

Mr. Goursky stated that rezoning of blocks 616 and 617 would clear the way for development. Ms. Bogart stated it would also allow for existing businesses to continue.

Mayor Lamatina stated the change would enhance the value of the properties and they can sell if they want.

Mr. Bresa inquired about the lot next to Valero. Ms. Bogart replied that lot was in the RD zone.

Mr. Schwinder stated that the Valero application would be coming before the Board in August, and asked what variances would be required for the 10 family unit.

Ms. Bogart replied that a 'D' variance would be required plus 1 or 2 "C" variances.

Mayor Lamatina stated there was no zoning change for one property.

Mr. Sudano asked Ms. Bogart if the report could be reviewed zone by zone. Mr. Martin asked what the specific uses would be for the CB10 Zone. Ms. Bogart responded it would be mixed use, allowing existing to stay and an overlay for redevelopment.

Mr. Bresa asked if there would be restrictions. Mayor Lamatina replied property owners would be responsible.

Mayor Lamatina motioned that the Board instruct Ms. Bogart to prepare a report for review on the IM zone and CB 10 zone. Mr. Martin asked if this was to be for overall look at the Master Plan, Mr. Schwinder inquired as to whether this research would be covered with the Land Use Board budget and Mayor Lamatina replied that the budget did include funds for redevelopment the motion was seconded by Mr. McKendry, Mr. Goursky, Mr. Kutzin, Mr. McKendry, Mr. Rieger, Mr. Sudano, Councilman Falotico, Mayor Lamatina, Chairman Schwinder and Mr. Bresa all voted yes.

### **Open to the Public**

Mr., Schwinder asked for a motion to open the floor to the public which was made by Mr. Goursky, second by Mr. Sudano.

Mr. Ed Bueti approached the podium. He said that the Board had discussed the IM and CB10 zones, but that lot 616.2 is in the RB zone. The RB zone is not included in the CB10, and that a precedent would be set by rezoning 616.2 when there is a 10 unit application for 616.3 pending.

Mayor Lamatina wanted to know how the RB zone is included in the CB10 zone. Mr. Schwinder replied that Valero had purchased lot 616.2, and was there any change in the zoning designation. Ms. Bogart stated only the governing board could change the zoning designation.

Mr. Bueti stated that with the change in zoning for lot 2, then lot 3 so on down the road would it eventually apply to other streets.

Mayor Lamatina said lot 616.2 need to be part of the CB10 zone. Mr. Bueti said the November 2016 study of the area, shows that lot is not a part of the CB10. He also said that according to Mr. Ascolese the impervious coverage would be 28% rather than 15%.

Mr. Schwinder asked if there were any other members of the audience who would like to speak. Ms. Jill McGuire of 154 Dyer, approached and stated she hoped the Board would retain lot 616.2 in the RB zone as there was enough traffic on Linwood Ave now and further development should be limited to the IM and CB zones.

Mr. Schwinder asked for a motion to close the floor, which was made by Mr. Goursky and second by Councilman Falotico.

Mr. Lamatina asked to vacate his previous motion in regard to the Master Plan and reword the motion.

Mayor Lamatina's new motion: to Direct Ms. Bogart to present to the Board a plan analyzing the re-designation of allowed uses for the IM and CB10 zones, to analyze the effects on the neighboring districts and the Master Plan as well as the Master Plan in totality.

Mr. Kutzin wanted to be sure lot 616.2 was not included, but remained in the RB zone. Mr. Martin replied that it would be part of the overall review as presented by Ms. Bogart.

Mayor Lamatina confirmed the motion, which was seconded by Mr. McKendry, Mr. Goursky, Mr. Kutzin, Mr. McKendry, Mr. Rieger, Mr. Sudano, Councilman Falotico, Mayor Lamatina, Chairman Schwinder and Mr. Bresa all voted yes.

#### **Any Board Member**

Mr. Kutzin stated that he had seen cars enter the Starbuck's through the exit turn on the easement, more than once. Mr. Ascolese stated that the one way sign is in plain sight, but he would revisit. Mr. Martin said that the Board does have a right to look back at the traffic flow according to the resolution that was passed. Mr. Ascolese stated there was also a ponding issue approximately 5 4 – 5ft wide running 35 ft. along the curbing, which is being reviewed by the County Engineer

Hearing no other comments, Mr. Schwinder asked for a motion to adjourn the meeting, which was made by Mayor Lamatina, second by Mr. McKendry, all were in favor. The meeting was adjourned at 11:18 pm.

Respectfully submitted,  
Marie Shust  
Interim Board Secretary