

MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
June 1, 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
Thomas Callagee	Absent
Michael DeOrio	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Present
Norman Rieger	Absent
Thomas Sudano	Absent
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB Engineer	Absent
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

Mr. Schwinder asked if there were any comments on the minutes of April May 18th meeting, hearing none he asked for a motion to approve, which was offered by Mr. Goursky, second by Mr. Malone. All eligible members, Mr. Adams, Mr. Kutzin, Mr. Goursky, Mr. Bresa, Mayor Lamatina and Mr. Schwinder voted aye to accept the minutes.

Mr. Schwinder announced that the minutes of the May 18th had been deleted from the recording system accidentally, and the written minutes were the only record on file.

Mr. Schwinder advised the Board and audience that the application for Rich's Auto had been withdrawn for this meeting and rescheduled for July 13th, with no further notice required.

Mr. Martin stated that Mr. Botta would be hearing the application for Rich's Auto and that a final decision had not been made in regard to re-notification. It would depend on the changes of the application.

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

Vouchers 1-Jun-17

17-00813	22-May	Boswell	322 Kinderkamack Rd, Starbuck's	\$ 462.00
17-00829	24-May	Boswell	322 Kinderkamack Rd, Starbuck's	\$ 1,672.00
17-00829	24-May	Boswell	322 Kinderkamack Rd, Starbuck's	\$ 1,319.00
17-00829	24-May	Boswell	322 Kinderkamack Rd, Starbuck's	\$ 647.50
17-00829	24-May	Boswell	322 Kinderkamack Rd, Starbuck's	\$ 152.00
17-00827	23-May	Shust	Meetings 5/4 and 5/18	\$ 300.00
17-00869	31-Aug	Boswell	73 Sullivan Dr., Ciuppa Residence	\$ 329.14

\$ 4,881.64

Mr. Schwinder asked for a motion to approve the vouchers, which was made by Mr. McKendry, seconded by Councilman Falotico, all were in favor.

Since Mr. Schwinder had recused himself from the presentation of the application by Urstadt-Biddle Properties, LLC. he also recused himself in presenting the Resolution. Mr. Goursky took over the meeting at that time.

RESOLUTIONS:

Urstadt-Biddle Properties Inc.

Shop Rite Plaza, 495 & 411 Old Hook Rd, Block 1301, Lots 1.01 & 1.02
 Change of entry and exit on Old Hook Rd and Main St, additional parking spaces, walkways, change of configuration of parking lot per recommendations by Boswell Engineering, the County of Bergen, subject to the approval of Gary Ascolese, Emerson Police and Fire Depts., and Westwood Police Dept., with review within 6 months.

Mr. Martin stated that the resolution is based on the original concept plus any recommendations made by Mr. Ascolese and subject to changes if it is found necessary for emergency vehicle access, safety and traffic flow.

Hearing no comments or questions from the Board, Mr. Goursky asked for a motion to approve the Resolution. A motion was made by Mayor Lamatina, second by Mr. Malone. Eligible members: Mayor Lamatina, Mr.Kutzin, Mr. Malone, Mr. Goursky, and Councilman Falotico voted to approve the Resolution.

Mr. Schwinder returned to his seat on the Board, and introduced Mr. Hank Groenwal, of Groenwal Construction, LLC, 383 Dorothy Lane, Wyckoff, NJ 07481, representative for Elm Terrace, LLC regarding the landscaping plan for property formerly known as 77 Jefferson Ave., Block 421, Lot 11.01 & 1.01.

Mr. Groenwal introduced drawings, which were marked Exhibits A-1L and A-2L, which displayed the layout of the trees planted on each lot. He explained that they had removed 7 trees from the property, but planted 8 trees, and made payment to the Shade Tree Commission on this project of \$ 100.00 application fee and \$ 3,150.00 tree fund.

Mr. Schwinder asked the status of the construction sale of the homes in the project. Mr. Groenwal replied three were sold and the final two are in the last phases of construction and will be going on the market within

the next few months. Mr. Groenwal also stated that on the previous three homes, they had paid the Shade Tree Commission \$7,050.00. There had been several diseased trees which had to be removed and some replacement red oaks had been planted.

Mr. Schwinder then read the memo prepared by Mr. Ascolese:

Land Use Board Members:

I am in receipt of a landscape plan for each lot of the two lot subdivision formally known as 77 Jefferson Street, regarding the planting of trees in these two properties. These plans show 5 -3 inch caliper red oak trees to be installed on the corner lot and 3 -3 inch caliper red oak trees on the internal lot. In addition, I understand the developer posted a tree contribution of \$3,150 to the Emerson shade tree fund, as well as paid to remove three diseased trees along Jefferson Street at the request of the Borough officials. I understand that all the Borough requirements regarding shade trees have been satisfied. I am satisfied with the proposed design and installation of these trees.

This memo was marked as Exhibit Board 1.

Mr. Martin asked for clarification as to which lot is the corner. Mr. Groenwal replied the corner lot is Lot 1.01 and the interior is Lot 11.01

Mr. Schwinder asked if the new home owners were aware there was parking allowed only on one side of the street, and the status of the installation of signs. Mr. Groenwal stated that yes, the neighbors knew and he was in contact with Perry Solimando in regard to the signs, verbiage and locations. Mr. Schwinder mentioned that he thought the cost and installation of these signs were the responsibility of Elm Terrace, LLC. Mr. Groenwal replied that he was working with Mr. Solimando on that. Mr. Groenwal also inquired as to the status of the "one-way" designation of Arthur St. Mr. Schwinder asked Mayor Lamatina if the Mayor and Council had made that determination, the Mayor replied he was unsure. Mr. Schwinder directed Ms. Shust to follow up on the designation.

Mr. Schwinder asked Mr. Groenwal if the neighbors were away that Arthur St would be designated as a one-way street northbound, to which he replied yes.

Mr. Schwinder then asked the Board if there were any additional questions.

Mr. Kutzin wanted to know who was responsible for the trees that were in the 10 ft. easement area. Mayor Lamatina replied that the owners were responsible if there were diseased or distressed trees to be cared for or removed. The 10' easement is for access by the Borough. The ordinance was amended when the Shade Tree Commission was replaced by the Shade Tree Committee.

Mr. Groenwal stated that lawn sprinklers had been installed on the lots.

Mayor Lamatina stated the Borough could not require the landowner to remove diseased trees. The Shade Tree Committee could make the recommendation. Mr. Schwinder stated, as the newly appointed liaison to the Environmental/Shade Tree Committee, that this would be news to the committee.

Mr. Schwinder asked for a motion to vote on the application by Elm Terrace, LLC, which was made by Mr. McKendry, second by Councilman Falotico. All present voted yes.

Mr. Schwinder asked the Mayor about the parking situation on Lozier Street where Kuiken Brothers had eliminated employee parking. Mr. Schwinder stated that the area was now being used by customers, and thought the area was to be no parking on both sides within 50 ft. of the corner. He wanted to know if this was a Mayor/Council matter. Mr. Martin said the matter should be brought before the Police Dept.

Mr. Schwinder then asked for a motion to open the floor to the public which was made by Councilman Falotico and second by Mr. Kutzin.

Mr. Ed Bueti, 91 Chestnut St., approached the podium, he stated that he saw a woman walking westward on the Starbuck's drive-up lane, possibly thinking it was a walkway. There were no rails to deter pedestrians and the thoroughfare was of cement, not macadam, where the rest of the lot is macadam. He said pedestrians on that thoroughfare would be a hazard to drivers making the turn into the drive-thru.

Mr. Bueti also mentioned that there were only minutes of three sessions of the Land Use Board on the website. Ms. Shust was directed to check into the matter. Mr. Bueti was thanked for bringing both matters before the board.

Other Board Business

The Mayor stated that they had a contract on the house located Lincoln Blvd., Lot 419 for \$500,000.

Mr. Schwinder then inquired as to the status of the Settlement Conference and was told it was to take place on June 7, and was told Mr. Martin, Mayor Lamatina, Mr. Doyle and several others would attend. Mr. Schwinder was also invited to attend.

Hearing no other business, Mr. Schwinder asked for a motion to close the meeting which was made by Mayor Lamatina, second by Mr. Malone. The meeting was adjourned at 8:46 pm

Respectfully submitted,
Marie Shust
Interim Board Secretary