

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
June 7, 2018**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary Schwinder opened the meeting at 8:11 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
Mike Cimino	Present
Michael DeOrio	Absent
Gary Goursky	Absent
Louis Lamatina, Mayor	Absent
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Absent
Norman Rieger	Absent
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	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

Chairman Schwinder asked the Board if there were any comments or corrections on the minutes of the meeting of May 17, hearing none he asked for a motion to accept the minutes, which was made by Mr. Carlos, second was made by Mr. Cimino, all were in favor. The minutes were accepted.

Chairman Schwinder asked Ms. Shust if there was any correspondence, there was none.

Ms. Shust then read the vouchers.

Vouchers June 7,2018

18-00813	22-May	Morrison Mahoney	Armenian Home	\$	322.00
18-00808	22-May	Boswell Eng	161 Kinderkamack Rd	\$	316.00
18-00861	31-May	Boswell Eng	161 Kinderkamack Rd	\$	474.00
18-00710	7-May	Boswell Eng	166 Palisade Block 715, Lot 2, 3 and 4	\$	44.95
18-00806	22-May	North Jersey Media	166 Palisade Block 715, Lot 2, 3 and 4	\$	50.38
18-00806	22-May	North Jersey Media	466 Old Hook B1101/L5.01	\$	23.25
18-00806	22-May	North Jersey Media	Armenian Home	\$	90.75
18-00806	22-May	North Jersey Media	166 Palisade Block 715, Lot 2, 3 and 4	\$	44.55
18-00806	22-May	North Jersey Media	Armenian Home	\$	102.30
				\$	1,468.18

Chairman Schwinder asked if there were any comments or questions about the vouchers. Hearing none he asked for a motion to accept, which was made by Councilman Falotico, second was offered by Mr. Adams, all were in favor.

Chairman Schwinder announced to the Board and spectators that the Valero application had requested and was granted a carry over to the meeting of July 12th. Mr. Martin stated that the applicant need not repeat their notice and there was no prejudice on the part of the Board.

Applications

Korik Residence, 17 Furman Dr., Block 107A, Lot 6
Rear yard setback variance

Chairman Schwinder called the Korik applicant the podium. Mr. Sudano recused himself from the hearing as he is a resident within 200 ft. of the applicant.

Mr. Michael Korik, the attorney and son of Maria and Boris Korik, the applicants, of 231 Vittorio, Park Ridge, NJ 075656 came before the Board to present the application. Mr. Martin asked Mr. Korik if he was familiar with the application and was allowed to present as attorney and family member.

Mr. Korik noted that the Agenda had been incorrectly noted as Furnam, not Furman and the application is for a rear yard set back, not side yard. He continued that his parents wanted to install a 14 x 20 ft. rear deck, with a sliding door access from the house. He then presented an updated drawing, marked Exhibit A-1, showing the location of the existing garages and the proposed deck.

Mr. Martin asked Mr. Ascolese if he was satisfied with the materials presented and if he had all the information he needed to proceed.

Mr. Ascolese replied that he had just received all the information that was needed.

Mr. Ascolese continued that the new information included the impervious coverage and the building coverage. Mr. Ascolese stated that the proposed deck created a need for a second variance due to the building coverage, which is now 28.53% rather than the required 28%. The rear yard set back is 29.9 ft. rather than the 35 ft. required. He stated there is a pre-existing variance for the garage.

Mr. Martin asked if there were any changes to the previous variance. Mr. Ascolese replied there was none.

Mr. Ascolese confirmed that there were now two variances being sought, The rear yard set back of 29.9 ft. instead of the required 35 ft., and the building coverage (impervious coverage not changing) from 28% to 28.53%.

Mr. Adams questioned the location of the steps from the deck, He wanted to be sure they were set to the side, rather than the rear, as that would increase building coverage and require a larger rear yard set-back variance.

Mr. Kutzin wanted to know if there was a survey of the existing deck, to which Mr. Korik replied no.

Mr. Ascolese emphasized that the deck must be 14' x 20.' The applicant should not allow the contractor to expand beyond those dimensions as the Resolution will specify building coverage at 28.8%, which includes the 20 sq.ft for the stairs.

Chairman Schwinder asked for a motion to open the floor to the public which was made by Mr. Adams, 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. Adams, second by Councilman Falotico, all were in favor.

Mr. Adams made a motion to approve the application with the specified building coverage of 28.75% and rear setback of 29.9 ft., the deck made to the exact dimensions, which include side access stairs.

Mr. Martin asked if the side staircase would affect the side yard setback. Mr. Ascolese stated the staircase should be centered to the right from the street. Not to the left.

Mr. Adams thought the calculation for building coverage might be slightly off and amended his motion to 28.8% coverage. Mr. Ascolese agreed with that number. Councilman Falotico seconded the motion. Mr. Adams, Mr. Bresa, Mr. Carolos, Mt. Kutzin, Councilman Falotico and Chairman Schwinder all voted yes. Mr. Sudano had been recused.

The application was approved, a Resolution will be prepared for the June 21st meeting.

Board Business:

Sub-Division update:

Mr. Ascolese wanted to review some of the information he had accumulated for the update to the Sub-division code. He reminded the Board that the code had not been updated since 1978. He told the Board that the Oradell Ordinance best reflects a major/minor sub-division that would work for Emerson. Mr. Ascolese said he would have a letter of recommendation for the Board at the meeting of June 21st, which could then be presented to the Mayor and council for implementation.

Sign Ordinance update:

Mr. Sudano stated he and Ms. Bogart were to get together to complete the recommendations.

Affordable Housing:

Mr. Schwinder stated that Ms. Bogart had told him she was waiting for additional information and would have her report ready for the June 21st meeting.

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

Chairman Schwinder asked if there was any other business to be discussed, hearing none he asked for a motion to adjourn the meeting, which was made by Mr. Adams, Second was offered by Councilman Falotico, all were in favor.

The meeting was adjourned at 9:04 PM.

Respectfully submitted,
Marie Shust
Board Secretary