

**MUNICIPAL LAND USE BOARD
MINUTES
EMERSON, NEW JERSEY
MAY 2, 2013**

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, May 2, 2013. Chairman Orecchio opened the meeting at 8:00 p.m. In compliance with the Open Public Meetings Act, the Clerk has notified all officially published newspapers of this meeting, and notice has been posted in the Municipal Building. In the case of a fire, please follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and exit calmly.

Pledge of Allegiance

Roll Call:

Robert Adams	Present
Thomas Callagee	Present
Carlos Colina, Mayor	Present
John DeThomasis	Present
Gary Goursky	Present
Mark Orecchio, Chairman	Present
Germaine Ortiz	Present 8:10 p.m.
Matthew Ryan	Absent
Gary Schwinder	Present
Brian Todd	Present
Neil Tortora	Present
Richard Worthington, Council	Absent
Christopher Martin, Attorney	Present
Berge Tombalakian, Engineer	Present
Brigette Bogard, Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

Minutes:

Not available for approval as of yet.

Correspondence:

Boswell letter dated 4-30-13 regarding the Emerson Golf Club.

Vouchers:

Escrow Refund to 17 Palisade Avenue LLC \$1,304.99

A motion to pay was made by Mr. Todd, seconded by Mr. Goursky and carried by all present.

Amended resolution:

**Mazhar Siddiqi
243 Lincoln Blvd
Rear yard setback revision**

A motion to approve the amended resolution was made by Mr. Goursky, seconded by Mr. Adams, and carried by all members present. The revision will be published and sent to the applicant.

**Melillo – 18 Vivian Avenue
Block 204, Lot 5
Driveway widening**

Notice to the neighbors and the publication in the newspaper was submitted to the Board Attorney and found to be sufficient. Attorney Martin swore in Corey and Larry Melillo of 18 Vivian Avenue. The following exhibits were marked:

- Exhibit A-1 Existing survey
- Exhibit A-2 Photograph of the home
- Exhibit A-3 Photograph of the home
- Exhibit A-4 Photograph of neighbor's driveway
- Exhibit A-5 Photograph of neighbor's driveway

A 3' variance is requested is requested so that the driveway can extend to the property line. The existing driveway measures 13' and the property is 75' wide. The applicants wish to extend the driveway 6'6" to the property line and 2'4" on the other side. The existing curb would be removed. Mr. Todd asked how close the neighbor's home is. This dimension was not known. Mr. Todd also asked if the driveway is to be extended back along the side of the garage. He was told no. Mayor Colina asked if the applicant has spoken to his neighbor. Mrs. Melillo stated yes. Mr. Schwinder stated that he would like to see a permanent buffer on the property line side of the driveway. All members agreed with this. Mr. Tombalakian of Boswell Engineering asked where the winter snow from the driveway would be put. He was told by the applicant that the snow would go to the rear. Mr. Adams asked Mr. Tombalakian what the normal width of a driveway is. Mr. Tombalakian responded 22' is the maximum by ordinance but that 20' to 22' is

adequate. Mr. Schwinder asked what the normal parking stall size is. He was told that the Residential Site Improvement Standards (RSIS) state 9'. Chairman Orecchio asked if the applicant would have a problem taking off one (1) foot on one side and adding it to the other side. Mr. Melillo stated that he doesn't feel this is good for curb appeal and he would have to move some of his landscaping. Mr. Goursky asked if the homeowners would be using Belgium block or do they plan to pave the driveway. Mr. Melillo stated that he is not sure of this yet. Attorney Martin asked the applicant if he would consider an angled driveway. Mr. Melillo stated yes but it would not be practical in the snow. It was stated by the homeowner that presently his sidewalk is concrete and the driveway is asphalt. Mr. Tortora asked if the applicants know of any objections from the neighbors. He was told no. Mr. Todd would like Belgium block on the neighbor's side as a permanent buffer.

This application was opened to the public on a motion from Mr. Schwinder, seconded by Mr. Adams, and carried by all. With no response from the public, **the matter was closed to the public** on a motion from Mr. Todd, seconded by Mr. Goursky, and carried.

A motion was made by Mr. Goursky, seconded by Mr. Todd, to approve the driveway extension with a 3' variance with a curb or block buffer on the neighbor's side. This motion was carried by roll call vote as follows:

Mr. Adams	Yes
Mr. Callagee	Yes
Mr. DeThomasis	Yes
Ms. Ortiz	Yes
Mr. Schwinder	No
Mr. Tortora	Yes
Mayor Colina	Yes
Mr. Todd	Yes
Mr. Goursky	Yes
Chairman Orecchio	Yes

The resolution will be approved at the next meeting.

**Emerson Real Estate LLC
Emerson Golf Club
99 Palisade Avenue
Emerson Block and Lots
Block 617.01, Lots 7.01, 7.03, 9 and 10
Block 738, Lot 9.01
Block 732, Lot
Oradell Block and Lot**

Block 1105, lot 17
Use and Related Variances Hearing continued

Attorney Louis Lamatina for the Emerson Golf Club was present. Board Attorney Christopher Martin spoke regarding the Bergen SWAN agreement. He stated that there should be a legal opinion on this by next month. The location of the property deeds were also discussed. Mr. Lamatina stated that the Volunteer Fire Department comments will be discussed at this meeting. There was a meeting with the Fire Chief and the Subcode Official that will also be referred to. The parking space formula will also be discussed. Mr. Adams asked if the clubhouse will be used for banquets. At this time Mr. Kim, the applicant, was sworn in. Mr. Kim is from 200 E. 69th Street in New York, New York. Mr. Kim stated that yes, the clubhouse could be used for banquets. Mr. Martin asked what is the maximum amount of people allowed at a banquet. Mr. Kim responded 120. It was stated that there are offices and a pro shop downstairs from the banquet room.

Mr. Keith Michaels, the Architect, was sworn in by Board Attorney Martin. Mr. Michaels is from 645 Westwood Avenue in River Vale and is part of the firm Michaels and Waldren Architects. Mr. Michaels is a registered Architect who has testified many times in front of Municipal Boards. Mr. Michaels was accepted as a qualified witness. A 3D drawing of the building was shown to all present. This was marked as Exhibit A-6 – a computer rendering dated 3-1-13. Mr. Michaels explained the site as follows: the building is four (4) stories with parking underneath (three (3) stories of residential above the parking). There will be a two (2) story lobby with a club room and a gym. There will also be a pedestrian entrance. The shape of the building will maximize golf course views. A prior exhibit (A-2) was referred to regarding access routes to the residential units. Exhibit A-2 shows three (3) levels of residential units and the stairs and elevators. Standpipes will be there as required by the Fire Department. Garages and residential units will be sprinkled. The northerly end of the property will be used for refuse pickup. There will be trash rooms on each floor with maintenance people to remove the trash. Mr. Schwinder asked what the trash container size will be. Mr. Michaels stated that this depends on the number of pick ups. Mr. Schwinder is concerned with the closest neighbor since there will be a lot of garbage from the residential units. The trash container area will be screened and buffered. Attorney Lamatina stated that he was not sure if the Borough will be picking up the garbage. Mr. Goursky asked about the space allocated for garbage. He was shown the northwest corner of the property on Exhibit A-3 for this purpose. The location of the trash area being too close to the neighbor was discussed. Mr. Todd asked if there will be a recycling shoot. He was told yes. Mr. Lamatina stated that he will take all comments relating to garbage under advisement.

Fire Department issues were next to be discussed. On Tuesday afternoon there was a meeting with the Fire Chief, Deputy Chief and the Fire Subcode Official regarding the fire pump and hose length. A letter from the Emerson Fire Department received April 18, 2013 was referred to. The applicant agrees with item #1 regarding limited access. Regarding #2 the plan shows a 24' wide aisle on two (2) sides and the applicant feels that this should suffice. Regarding item #3 the Fire Department feels that in accordance with the IFC (International Fire Code) access to the main courtyard should be shown. The

applicant is looking to provide a 20' grass paver access road. They need to avoid wetlands and buffers. The applicant may have to move or shorten the west wing of the building. Attorney Lamatina stated that the Fire Department will be accommodated. Item #4 refers to underneath parking lot access by a fire truck. The applicant will be extending access for the Fire Department, provide standpipes and will work with the Fire Department to locate additional hydrants. Item #5 relates to water pressure. A water test is needed to see if an additional pump is needed. If an additional pump is needed, the applicant will comply. The location of a possible additional pump was shown on exhibit A-1. It was stated that an emergency generator was not needed at this time. Mr. Schwinder mentioned that the applicant may want to research the number of power outages in this area. Chairman Orecchio stated that he doesn't think a generator is required by code but may be a good idea. Mr. Goursky stated that a pump can accommodate the increase in PBI. Chairman Orecchio mentioned that the plans do not show a reduction in parking to satisfy the Fire Department. Mr. Todd is concerned with the ladder truck maneuvering the proposed building. Ms. Ortiz asked how far the wetlands property is from the building. She was told that there is a 50' buffer to the wetlands, but this will be studied. Mr. Schwinder asked if there will be fireplaces in the units. He was told no. Mr. Schwinder also asked for the locations of heating and air conditioning units. There will be condensers on the roof. There will be electric air conditioning and gas heat. There will not be any large mechanical units on the ground level for anyone to see. Chairman Orecchio asked if each unit will have its own laundry facility. He was told that this has not been decided as of yet. There will be an area for electric and gas metering on the ground level and there will be fire grade walls between units. The garage level will be concrete. The upper levels will be wood frame construction. Sound ratings will be in compliance. Mr. Todd asked if the structure maximizes the use of the property. He was told that the application is restricted by the parking requirements. Eighty-five (85) units are requested; sixty-nine will be two (2) bedroom units and sixteen (16) will be one (1) bedroom units. The two (2) bedroom units will be 1200 – 1250 sq. ft. and the one (1) bedroom units will be 900 – 1000 sq. ft. Mr. Goursky asked if the applicant intends to sell or rent the units. He was told the units will be available for sale. Purchase price was discussed, depending on market value. Purchase of a unit entitles the owner to a lifetime golf membership. This will not be an 'over 55' facility.

The following additional exhibits were shown:

Exhibit A-7 Exterior rendering and building elevations

Exhibit A-8 Floor plans

Exhibit A-9 underground parking plan

Regarding Exhibit A-7 – the applicant is making every effort to minimize the look of the height. The building will have a brick facade and vinyl siding. The Exhibit shows balconies. The setback is approximately 140' back from Palisade Avenue. There will be landscaping between the street and the building. The courtyard will be landscaped. Mr. Schwinder questioned the north elevation and he asked for confirmation on the location of the main entrance. Attorney Lamatina asked Mr. Michaels why they are proposing a

brick façade on Palisade Avenue. Mr. Michaels stated that this is the best feature and that it should face the neighbors. The design is consistent with the neighborhood, but denser than the immediate area. Chairman Orecchio asked about the type of lighting that will be used. Mr. Michaels stated that all lighting will be contained in the parking area. The lighting for the lanterns on the balconies has not been designed as of yet. Mr. Goursky asked if the lights will be on timers. This is not known at this time. Mr. Schwinder stated that lights would have to be left on for security reasons. Mr. Michaels stated that the parking lot now has PSE&G solar lights. An explanation of how the 45' height was measured was given to all. It was noted that the zone does not provide for a development such as this proposal. Mr. Schwinder asked if elevators are proposed on each end of the building. Exhibit A-1 shows the elevators in the front of the building. Mr. Schwinder feels this is a long walk for a resident with groceries. Mr. Tombalakian, the Board Engineer asked for clarification on the location of the individual utility meters. This was shown on Exhibit A-1 in the front, middle section. The booster pump for the fire department would be located in the southeast corner of the building.

Referring to Exhibit A-1, Mr. Adams asked Mr. Michaels if a parking space has to be wider if a column is present. He was told no. This will be researched with the Board Engineer and the Construction Code Official. Fire booster pump and tandem parking was discussed. Tandem parking would be available to some unit owners. Whether or not a machine room will be required was discussed. Ms. Bogart, the Borough Planner asked for the number of tandem parking spaces. She was told sixteen (16) by Mr. Michaels. Ms. Bogart stated that these spaces do not qualify as required spaces, they need to be accessible with a drive aisle as per code. Attorney Lamatina will look into this – a variance may be necessary. Emergency access roads were discussed. Buffer issues will be discussed with Mr. Lapatka, the Engineer for the project. Board Attorney Martin informed Attorney Lamatina that COAH requirements will have to be complied with. Mr. Martin also stated that he feels that the elevations should be made clearer to the public. Mr. Martin also asked if any other elevation plans have been prepared. Mr. Tombalakian, of Boswell Engineering, would like to see an elevation view from Palisade Avenue looking at the entire site – a panoramic view. Mr. Michaels showed a view from Palisade Avenue from Exhibit A-6. Ms. Bogart would like to see the impact on the entire building. Board member Brian Todd agrees with this. Attorney Martin stated that the burden of proof is on the applicant. Mr. Martin asked Ms. Bogart if there are any structures in Emerson that are this high. Is there any comparison to what is being built on Kinderkamack Road? It was stated that behind the gas station on Main Street at Kinderkamack Road the building is three (3) stories, but the size of that building is not known. Mr. Martin informed Mr. Michaels that fire walls need to be considered with multi family housing. Mr. Schwinder asked if the architectural plans allow for access to the roof for recreational activities. He was told no, and that the roof will be a flat roof with a wooden frame.

The meeting was opened to the public on this issue on a motion from Mr. Schwinder, seconded by Mr. Todd, and carried by all.

Mr. William Smith, Attorney for Mr. Michael Wallace - Mr. Smith questioned how the location for this building was decided upon. He was told that the decision was between Mr. Lapatka, the Engineer, and Mr. Michaels, the Architect. Mr. Smith also asked who decided upon 85 units. He was told that was a joint decision also. Mr. Michaels stated that they could have decided upon more units, but they would have to be smaller. Mr. Smith asked where the additional parking would be if there were more units. Mr. Smith asked why four stories, not two or three? Could townhomes have gone on this location? He was told that Mr. Kim; the property owner, wanted the scenario that has been presented. Regarding the elevations exhibit, Mr. Smith asked if this was the way the site would look. He was told that this was an artist rendering of possibilities. It was noted by Attorney Smith that no parking is shown on the rendering. The west elevation was discussed. Mr. Smith asked Attorney Lamatina if a resident would know how this proposal will look from their homes. The lots with the best views were discussed. Mr. Smith inquired about a lighting and landscaping plan. He was told that this has not been prepared yet.

Cathy Hornyak – 123 Palisade Avenue - Asked if single family homes would be allowed on this property. Mr. Michaels stated that there would be constraints. Mr. Michaels will research similar zones for comparison. Mrs. Hornyak was concerned with a possible evacuation of this property. The Borough Planner will speak on this issue at a future hearing.

Tom Kelly – 86 Palisade Avenue – Asked how consistent is this proposal with the existing neighborhood. Mr. Kelly asked if the applicant will rent if they can't sell the units. He was told yes. Would an owner be allowed to rent his unit? This would depend on the by-laws of the association. Mr. Kelly would like to look at a comparable building. Mr. Michaels will try to assemble a listing. The height of the building was discussed – proposed vs. allowable.

Mike Wallace – 114 Palisade Avenue – Asked if the balconies will face Palisade Avenue. The answer to that question is yes. Mr. Wallace stated that he observed two (2) beer truck deliveries yesterday. He asked where all the cars will be parked when there is a golf outing.

Dan O'Brien – 38 Palisade Avenue – Mr. O'Brien spoke regarding parking and detailed a specific day and event at the Club.

The public session was closed on a motion from Mr. Adams, seconded by Mr. Schwinder, and carried by all.

Chairman Orecchio stated that a new witness; a traffic expert, will be heard at the next hearing. Attorney Lamatina stated that briefs will be provided on Bergen SWAN and he will obtain the necessary deeds. The garbage and trash ordinance will be reviewed regarding private vs. public pick up. Mr. Michaels will provide a listing of similar buildings for the residents. He will correspond with the Board Secretary. This matter will be carried to the May 16th meeting without prejudice.

The meeting was opened to the public on a motion from Mr. Adams, seconded by Ms. Ortiz, and carried by all,

Ken Hoffman – 61 Emwood Drive - Mr. Hoffman, Chairman of the Shade Tree Commission requested tree management plans from the Armenian Home and the home construction on Auricchio and Randolph. The Board Secretary will research.

Adjournment – A motion was made by Mr. Adams, seconded by Mr. Todd, and carried by all.

Respectfully Submitted,

Kathleen S. Rizza, Secretary