

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
April 16, 2020**

This meeting of the Emerson Land Use Board was held on "Gotomeeting." Land Use Chairman Bischoff opened the meeting at 7:30pm. 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.

Roll call was taken:

Mayor DiPaola	Absent
Stephanie Clark	Arrived at 7:35 pm
Councilwoman Jill McGuire	Present
Chairman Jeff Bischoff	Present
Vice-Chairman Gary Schwinder	Present
Don Pierro	Present
Mike Myers	Present
Bill Loschiavo	Arrived at 7:37pm
Paul Hulburt	Present
Michael Timmerman	Present
Mike Cimino	Absent
Andy Sarkisian	Present
Carl Carbo	Present
Christopher Martin, LUB Attorney	Present
Caroline Reiter, Planner	Not Requested
David Atkinson, LUB Engineer	Not Requested
Richard, Silvia, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Borough Administrator, Richard Hermansen	Not Requested
Marie Shust, Secretary	Present

Chairman Bischoff asked if there were any comments or changes for the minutes of the meeting of March 5th. Hearing none he asked for a motion to approve and publish the minutes, which was made by Vice-Chairman Schwinder, second by Mr. Timmerman, by roll call vote all were in favor. Councilwoman McGuire and Ms. Clark were not eligible to vote as they were not in attendance at the meeting.

Correspondence, Vouchers:

Ms. Shust referred to the letter that had been received regarding the Armenian Home. Mr. Martin explained that the letter would be addressed by him once he received the comments/recommendations from the Borough Engineer. He continued that this was a State matter, however, the Board had 15 days to submit a response.

Ms. Shust was asked to read any vouchers.

Vouchers		16-Apr-20		
Date	Number	From:	For	Amount
16-Mar	20-00394	North Jersey Media	Resolution 52 Granger	\$ 70.65
16-Mar	20-00395	Statile Planning	9A Ackerman Ave	\$ 375.00
31-Mar	20-00465	Neglia Eng. Morrison	52 Granger	\$ 495.00
27-Mar	20-0446	Mahoney Morrison	General Matters	\$ 2,914.00
13-Mar	20-00390	Mahoney	1st Quarter Retainer	\$ 1,000.00
17-Mar	20-00409	Statile Planning	Reexamination & General	\$ 2,100.00

		North Jersey		
13-Mar	20-00393	Media	Re-examination MP	\$ 54.95
17-Mar	20-00397	Neglia Eng.	40 Dogwood	\$ 450.00
25-Mar	20-00437	Statile Planning	9 Ackerman	\$ 150.00
				\$ 7,609.60
16-Apr	Redevelopment Vouchers			
			Block 419,	
16-Mar	20-00395	Statile Planning	Redevelopment	\$ 828.00
		Neglia	Block 419,	
17-Mar	20-00397	Engineering	Redevelopment	\$ 75.00
			Block 419,	
25-Mar	20-00437	Statile Planning	Redevelopment	\$ 900.00
				\$ 1,803.00
				\$ 9,412.60

Chairman Bischoff asked Councilwoman McGuire to abstain from voting on the vouchers so they could be combined on one vote.

Vice-Chairman Schwinder made a motion to approve the vouchers, second was made by Mr. Myers, by roll call vote, all were in favor. Councilwoman McGuire abstained.

Resolutions:

None

APPLICATIONS:

Chairman Bischoff announced for the record that the following applications have been carried with no further notice required and with no prejudice to the Board which was confirmed by Mr. Martin:

Dr. Dental: 600 Kinderkamack Rd, block 211, Lot 1, Use variance, carried to May 21, 2020

Yochevid's Gift Shop: 9A Ackerman Ave. Block 60, Lot 2, Use variance, carried to May 21, 2020

Board Business: Hearing on Amendments to the Master Plan carried to June 2, 2020

Mr. Loschiavo asked about the location of the Gift Shop, Chairman Bischoff replied: 9A Ackerman Ave, adjacent to the Dunkin Donuts.

Costantini Residence: 40 Dogwood Lane, Block 326, Lot 4
 Addition/Alteration to Single Family Residence
 Pre-existing non-conforming side yard setbacks and rear yard setback

Chairman Bischoff introduced Louis & Jaclyn Costantini, and asked Mr. Martin to swear them in, after which Chairman Bischoff asked for confirmation of the application:

Existing single family home	Reply by Louis Costantini	Yes
Addition to be constructed on top of current home		Yes
Will remain a single family home		Yes
Addition is for comfort and expansion of family		Yes
The non-conforming setback are pre-existing		Yes
The addition will cause no increase in setbacks		Yes, it will not.

Chairman Bischoff asked if there were any questions from the Board members:

Don Pierro asked about the eave hangover on the first floor over the living room. Was this included in the setback figure? He said there was only a 3'7" section with this overhang of 1-1/2 ft. Mr. Costantini replied the measurement was taken from the edge of the overhang roofline

Mr. Pierro then asked if the Block and Lot number were corrected on the application and plans as required by the Engineer's review letter. Mrs. Costantini replied that revised plans and application had been delivered to Borough Hall, which Ms. Shust confirmed.

Vice-Chairman Schwinder asked about the existing and new HVAC units. Where would they be located? Mr. Costantini replied all units would be placed where the current unit is located alongside the garage against the wall facing the rear yard. There would be no increase in the setback dimensions. Vice Chairman Schwinder then asked if there was enough room for construction equipment to pass on either side of the existing home during the renovations Mr. Costantini replied yes.

Mr. Loschiavo asked about the impervious coverage. Mr. Pierro replied that the impervious coverage was actually being decreased.

Mr. Martin had some questions in regard to the neighborhood:

Is the address a residential area	Mr. Costantini replied	Yes
Is the proposed addition consistent with the neighborhood		Yes
Will the expansion affect the pre-existing conditions		No
Did you receive a copy of the Engineer's letter		Yes
Do you agree to the recommendation of the Engineer, if any?		Yes
Per Mr. Schwinder's question, the mechanicals (HVAC) will remain in the same location		Yes
They will be not closer to the house, side or front boundary		Yes they will not
Per earlier statement they are located on the right side of the garage		Yes
Do you see any negative aspects to this addition		No

Mr. Costantini told Mr. Martin and the Board they had received 23 signatures from the mailings they sent out. Mr. Martin asked the Costantini's to please drop off or mail the receipts to the Borough Hall.

Vice Chairman Schwinder had another question in regard to the exterior of the current home and addition. Would the addition be covered to match the existing or would the entire residence be sided? Mr. Costantini replied the entire residence would be resided in the same material.

Chairman Bischoff asked for a motion to open the floor to the public on this application only, which was made by Vice Chairman Schwinder, second by Mr. Myers, all were in favor. Since there was not public in attendance Vice Chairman Schwinder made a motion to close the floor to the public, second by Mr. Hulburt, all were in favor.

Chairman Bischoff asked for a motion on the application. Mr. Pierro made a motion to approve the application with the recommendations as stipulated by the Borough Engineer. Second was offered by Councilwoman McGuire. By roll call vote, all were in favor.

Chairman Bischoff congratulated Mr. & Mrs. Costantini, and told them a resolution memorializing the approval would be voted on at the next meeting, after which they could apply for their building permit. The Chairman asked Mr. Martin to confirm that the applicants had one year from the date of the Resolution to begin construction, which he did. Vice Chairman Schwinder asked about the role of the newly created committee to oversee applications Mr. Martin replied that the committee reviewed before the matter was put on the agenda.

Chairman Bischoff asked Mr. Pierro about construction permits. Mr. Pierro replied that construction permits are good for two years, and with the one year limit of the Resolution, the applicants would have plenty of time for their construction in light of the current quarantine limitations.

Mr. Martin told the Chairman that under the circumstances he could authorize the application of a building permit before the Resolution was confirmed

Mrs. Costantini wanted to confirm that the variance is not for the side with the HVAC units.

PUBLIC COMMENT:

Vice Chairman Schwinder made a motion to open the floor to the public on any matter, second was offered by Mr. Pierro, all were in favor. Since there was no public, Mr. Schwinder made a motion to close the floor, second by Mr. Timmerman, all were in favor.

ANY BOARD MEMBER:

Mr. Loschiavo asked for more clarification on the letter regarding the Armenian Home for flood relief. Mr. Martin replied that this was a matter under State jurisdiction, but that the community has the right to make comment, Chairman Bischoff said he would speak with the Engineer the following day. Mr. Martin told the Board that the reply would come from him, once he received the Engineer's comments.

Vice Chairman Schwinder mentioned that Cork & Keg would be moving to the location where Mara's Deli is currently located.

Mr. Martin commented on the accomplishments of the Chairman and the Secretary in getting the meeting scheduled and run smoothly.

Councilwoman McGuire also commented on how proud she was of the accomplishments of the Land Use Board during this period, and the fact that applications are not being delayed.

Ms. Clark was welcomed back and congratulated on the birth of her son, Leo

Vice Chairman Schwinder made a motion to adjourn the meeting, second was offered by Mr. Sarkisian. All were in favor.

The meeting was adjourned at 8:03 pm.
Respectfully submitted,

M. Marie Shust
Board Secretary

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