

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
March 7, 2019**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Land Use Chairman Bischoff opened the meeting at 7:30 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 was taken:

Mayor DiPaola	Present
Stephanie Clark	Absent
Councilwoman Jill McGuire	Present
Chairman Jeff Bischoff	Present
Vice-Chairman Gary Schwinder	Present
Don Pierro	Present
Evan Kutzin	Absent
Mike Myers	Present
Bill Loschiavo	Present
Doug McKendry	Present
Michael Timmerman	Absent
Mike Cimino	Present
Christopher Martin, LUB Attorney	Arrived Late
David Atkinson, LUB Engineer	Not Requested
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Borough Administrator	Not Requested
Marie Shust, Secretary	Present

Chairman Bischoff asked if there were any comments or corrections on the minutes of February 21st meeting. Mayor DiPaola had two corrections in the minutes. In regard to the application for 129 Palisade Ave., she did not make the comment in regard to trees. Mr. Pierro advised the Board he had made the statement, Mayor DiPaola also made a spelling correction, the gentlemen who approached during the open floor was Mr. Kayan, not Mr. Klein.

Mr. Myers made a motion to accept the minutes as amended, second was made by Mr. Schwinder. Aye votes were cast by Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Myers, Mr. Loschiavo, Mr. Pierro, and Mr. McKendry.

Chairman Bischoff asked if there was correspondence. Ms. Shust advised the Board they each had a copy of correspondence in regard to the pending Ordinance that was on the Agenda for tonight.

Ms. Shust read the vouches that had been received:

Vouchers 7-Mar-19

2/28/2019	19-00351	Boswell Eng.	76 Palisade Ave.	\$	237.00
2/27/2019	1900346	NJ Planning Officials	Training - Hulburt	\$	119.00
			Training DiPaola, Pierro, Loschiavo, Bischoff, Clark, Timmerman		
2/25/2016	1900327	NJ Planning Officials		\$	510.00
3/4/2019	1900358	Morrison Mahoney	1st Quarter Retainer;	\$	1,000.00
			TOTAL	\$	1,866.00

Mayor DiPaola offered a motion to accept the vouchers, second was made by Councilwoman McGuire. Aye votes were cast by Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Myers, Mr. Loschiavo, Mr. Pierro, and Mr. McKendry.

Chairman Bischoff advised the Board and the public that the Ordinance that was listed on the Agenda was being tabled for this meeting. He continued that the Planner was not available for this meeting and the opinion of the Planner was needed in regard to this matter. Mayor DiPaola agreed it should be tabled and rescheduled for the meeting of March 21. Mayor DiPaola apologized for the inconvenience caused to the Board and the public in this matter, but was only advised earlier that day that the Planner could not attend. She told the Board and the public that the matter would come before the Governing Body on April 2, in order to give the Land Use Board and Planner time to review the Ordinance.

Mayor Di Paola made a motion to table the Ordinance, which was seconded by Mr. Pierro. . Aye votes were cast by Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Myers, Mr. Loschiavo, Mr. Pierro, and Mr. McKendry.

Chairman Bischoff told the Board he wanted to finalize the selection of Board Secretary to complete the calendar year. He said he would like Ms. Shust to continue and wanted to know if there were any nominations from the Board. Mayor DiPaola made a motion to appoint Ms. Shust to complete the calendar year, Councilwoman McGuire made a second. Aye votes were cast by Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Myers, Mr. Loschiavo, Mr. Pierro, and Mr. McKendry

Chairman Bischoff asked if there were any comments on the Resolution for the application by International Construction, 129 Palisade Ave. Hearing none he asked for a motion. Vice Chairman Schwinder made a motion to approve the Resolution, which was seconded by Councilwoman McGuire. Aye votes were cast by Mayor DiPaola, Councilwoman McGuire, Vice Chairman Schwinder, Chairman Bischoff, Mr. Myers, Mr. Pierro. Mr. Loschiava had recused himself on this application. Mr. Mc Kendry was not eligible to vote on the Resolution.

Isabel Zakoscielny and Antonio Ramos approached the podium to present their application to add a level and garage to the home they bought at 19 Sycamore St, which is in the R10 zone. Ms. Zakoscielny described the current house as a ranch style home with 2 bedrooms, 1 bath, and no garage on a downward sloping property. Their plan is to add a level with additional bedrooms and bath, add a 2-car garage. Construct a stone wall along the north side of the property. Ms. Zakoscielny said the stone wall would not interfere with the neighbors. Ms. Zakoscielny supplied pictures of the some neighboring homes, which were marked as Exhibit A 1.

Vice Chairman Schwinder asked about tree removal. Mr. Ramos replied that their application had been incorrect. They intended to remove 4 trees in the rear which will be replaced by trees in the front of the property. Mr. Schwinder told the applicant to be sure to provide a Tree Management Form to the Environmental Committee Chairman Bischoff asked if there would be any type of bright lighting around the property. He was told there would not. Mr. Martin asked Mr. Ramos if he agreed to conform to the stipulations of the Board Engineer in regard to surveys, impervious coverage, drainage, etc. Mr. Ramos said they would be in complete compliance with those specs.

Chairman Bischoff remarked the only variance that was needed from the Board was confirmation of the pre-existing non-conforming conditions. Mr. Ramos agreed there were no other variances required.

Mr. Martin thanked Mr. Ramos and Ms. Zakoscielny for their notices and stated they were satisfactory.

Mr. Pierro asked about the location of the HVAC, he wanted to know if it could be moved from the side of the home to the rear. Mr. Ramos agreed to have the HVAC installed in the rear of the house.

Chairman Bischoff advised the Board there is an Ordinance in regard to the location of the HVAC units and the Board would make determinations in accordance with that Ordinance.

Mayor Di Paola wanted to know if they had discussed the construction with their neighbors and if there were any concerns. Ms. Zakoscielny replied the neighbors were happy to see the home purchased and improvements being made.

Chairman Bischoff asked for a motion to open the floor to the public which was made by Mayor DiPaola, second by Councilwoman McGuire, all were in favor. Since there was no public Councilwoman McGuire made a motion to close the floor, second was made by Mr. Pierro, all were in favor.

Vice Chairman Schwinder made a motion to approve the application with the stipulations they conform to the Engineer's recommendations, install the HVAC in the rear and present a Tree Management form to the Environmental Commission. Second was made by Councilwoman

McGuire. Aye votes were cast by Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Myers, Mr. Loschiavo, and Mr. Pierro.

Chairman Bischoff advised the applicants their Resolution would be available in two weeks, after which they could start the process of improving their home and welcomed them to Emerson.

Chairman Bischoff then asked if there were any matters the Board members wanted to discuss, seeing no hands he said there was a matter he wanted to discuss: Liaison of the Board to the Historical Committee. He said he had an appointee in mind, but wanted to hear from the Board members. Mayor DiPaola nominated Councilwoman McGuire as the Liaison, second was made by Mr. Myers. Chairman Bischoff stated an excellent choice. He asked if there were any other nominations, hearing none he asked for a vote. Aye votes were cast by Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Myers, Mr. Loschiavo, and Mr. Pierro.

Mayor DiPaola asked for clarification as to when an Alternate can vote. Mr. Martin replied Alternates vote when a regular member of the Board is absent. When there is a Zoning matter before the Land Use Board the Mayor and Council representative cannot vote. Planning requires 9 votes, Zoning 7. Alternates would vote on matters when there is an absence of a regular member.

Mr. Martin advised the Board that some of the Ordinances date back to 1954 and have not been upgraded. Some of the Zoning, Planning and Land Use Ordinances are in conflict with each other, perhaps due to combining the Zoning and Planning Boards. Chairman Bischoff also mentioned that the Land Use Application that is on line has errors and needs to be updated.

Mayor DiPaola made a motion to have the Board Attorney review the Ordinances for the Zoning, Planning and Land Use Boards, and make recommendations as to how to improve and update them, as well as the Land Use application, second was made by Mr. Loschiavo. It was noted that since Mayor DiPaola was on the Governing 'body, and this matter would come before that body, she could not vote on this matter. She therefore withdrew her motion. Vice Chairman Schwinder made the motion to review and update the Ordinances and application for the Land Use Board, Mr. Loschiavo repeated his second. Aye votes were cast by Chairman Bischoff, Vice Chairman Schwinder, Mr. Myers, Mr. Loschiavo, Mr. Pierro, Mr. McKendry, Mr. Hulburt, and Mr. Cimino. Mayor DiPaola abstained. Councilwoman McGuire had left.

Chairman Bischoff asked about Good and Welfare, there was none.

Seeing no other hands, Chairman Bischoff asked for a motion to adjourn the meeting which was made by Vice Chairman Schwinder, second was made by Mr. Pierro, all were in favor. The meeting was adjourned at 8:04 pm

Respectfully submitted,
Marie Shust
Board Secretary