

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
May 2, 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	Present
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	Absent
Paul Hulburt	Absent
Michael Timmerman	Present
Mike Cimino	Absent
Christopher Martin, LUB Attorney	Absent
Neil Tortora sitting in for Mr. Martin	Present
David Atkinson, LUB Engineer	Not Requested
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super. Borough Admin.	Not Requested
Marie Shust, Secretary	Present

Chairman Bischoff asked if there were any comments or corrections to the minutes of the meeting of April 4. Hearing none he asked for a motion to approve the minutes as written, which was made by Vice Chairman Schwinder, second was made by Mr. Myers. Councilwoman McGuire abstained as she had not been present for the entire meeting of April 4th. Mr. Pierro & Mr. Timmerman were absent for that meeting therefore were not eligible to vote. Mayor Di Paola, Ms. Clark. Chairman Bischoff, Vice Chairman Schwinder, Mr. Myers and Mr. Loschiavo were in favor.

Ms. Shust had no correspondence, however, Chairman Bischoff had been hand delivered a letter from the residents in the area of Clinton and Palisade requesting that a sidewalk not be installed at the new residential construction due to potential flooding as had been the history of the area. Mayor DiPaola thought a legal decision was required. Mr. Tortora asked if sidewalks were required, Vice Chairman Schwinder replied yes, there is an ordinance to that effect. Mayor DiPaola thought a look back into the tapes and statements made during the public section of the meeting should be reviewed. Mr. Loschiavo stated there are no walks on that side of Clinton. Mayor DiPaola asked that the matter be put on the Agenda for the next meeting and the testimony be reviewed.

Ms. Shust was asked to read the vouchers

Vouchers 2-May-19

4/9/2019	19-00625	Morrison Mahoney	Wenesco Application	\$ 39.00
4/9/2019	19-00626	Brigette Bogart Planning	Wenesco Application	\$ 262.50
4/12/2019	19-00642	Morrison Mahoney	Chow Wow Resorts	\$ 207.00
4/12/2019	19-00642	Morrison Mahoney	Ramos Residence	\$ 651.00
4/12/2019	19-00645	Neglia Engineering	161 KK Rd., Valero	\$ 300.00
4/15/2019	19-00646	Neglia Engineering	166 Palisade Ave,	\$ 435.24
4/15/2019	19-00650	Morrison Mahoney	Northern Valley Dev.	\$ 225.00
4/15/2019	19-00650	Morrison Mahoney	General Matters vs Emerson LUB	\$ 3,759.00
4/23/2019	19-006994	Neglia Engineering	19 Sycamore, Ramos Res	\$ 375.00

TOTAL \$ 6,253.74

Mayor DiPaola stated that the Board was not eligible to vote on the some of the vouchers as the expenses were incurred by a previous Board and she wanted the vouchers broken out for last year and for the current year. The only qualified member of the Board to approve the vouchers for expenses incurred during 2018 is Vice Chairman Schwinder, who made a motion to approve those bills for payment. A second could not be made as there were no eligible members. Mr. Tortora advised the Board that he believed it was the responsibility of the Land Use Board, not individual members to approve the bills and all current members were eligible to vote.

The vouchers which were in question are:

4/9/2019	19-00625	Morrison Mahoney	Wenesco Application	\$ 39.00
4/9/2019	19-00626	Brigette Bogart Planning	Wenesco Application	\$ 262.50
4/12/2019	19-00642	Morrison Mahoney	Chow Wow Resorts	\$ 207.00
4/15/2019	19-00650	Morrison Mahoney	Northern Valley Dev.	\$ 225.00
Total				\$ 733.50

Mayor DiPaola also wanted to exempt the invoices from Neglia Engineering for Valero and 166 Palisade, however, since Neglia had been appointed by this Board, those bills could not be exempted.

Mr. Myers made a second to approve the vouchers for 2018. Chairman Bischoff, Vice Chairman Schwinder, and Mr. Myers voted to approve those bills. Mayor DiPaola, Ms. Clark, Councilwoman McGuire, Mr. Pierro, Mr. Loschiavo and Mr. Timmerman abstained.

Mayor DiPaola questioned what was covered by the invoice from Morrison Mahoney. Mr. Tortora thought it was the quarterly fee. Mayor DiPaola added that invoice to those to be approved for payment.

Mayor DiPaola made a motion to approve the balance of the vouchers which are:

4/12/2019	19-00642	Morrison Mahoney	Ramos Residence	\$ 651.00
4/12/2019	19-00645	Neglia Engineering	161 KK Rd., Valero	\$ 300.00
4/15/2019	19-00646	Neglia Engineering	166 Palisade Ave,	\$ 435.24
4/23/2019	19-006994	Neglia Engineering	19 Sycamore, Ramos Res	\$ 375.00
4/15/2019	19-00650	Morrison Mahoney	General Matters vs Emerson LUB	\$ 3,759.00
Total				\$ 5,520.24

Second was offered by Mr. Myers. Mayor DiPaola, Ms. Clark, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Pierro, Mr. Myers, Mr. Loschiavo, and Mr. Timmerman voted to approve the vouchers.

Applications:

Flannelly Residence, 160 Eagle Drive, Block 324, Lot 11
Rear and second story addition, pre-existing non-conforming lot, variance for rear yard setback

Mr. Robert Flannelly introduced himself and his friend/contractor Bill Marzo, of 312 Old Tappan Rd., Old Tappan, NJ.

Chairman Bischoff asked Mr. Flannelly if this was his personal residence. Mr. Flannelly replied he had been living there for 7 years. Chairman Bischoff continued asking if expansion was due to growing family and what was the purpose for the addition. Mr. Flannelly replied the purpose was to increase the living area in the home, add a personal office and a family room. Chairman Bischoff asked if there were any changes to the setbacks. Mr. Marzo replied they would be using the existing slab and expand it slightly, but it would remain hidden under the house.

Mr. Tortora marked the drawing as Exhibit A1, and the zoning table as A-2.

Chairman Bischoff asked if there were any other questions. Vice Chairman Schwinder asked for confirmation that this was a preexisting non-conforming property with a shed in the rear and wanted to know if the shed would remain, Mr. flannelly confirmed it was preexisting and the shed would remain.

Mayor DiPaola asked about the 500 gallon seepage area. Chairman Bischoff said it was overkill, but it was what the architect and owner had decided upon. Mr. Pierro asked if there was tree management involved. Mr. Flannelly replied no. Chairman Bischoff told the Board that the soil movement appeared to be minimal and did not believe permits would be required, but Mr. Flannelly needed complete that form, as well as the tree management form and provide a new survey, per the Engineer's request.

Ms. Clark told Mr. Flannelly that he should be sure he has all his bases covered. She asked about the rear door and suggested it be placed convenient to the patio which will be eventually added. She said she had recently gone through an expansion of her home and was so glad it was over. Mr. Schwinder asked about the exterior of the home, would it be in keeping with the original building. Mr. Marzo replied they would be using material as close to the existing as possible, or a contrast, so the appearance would blend together. Vice Chairman Schwinder asked about pavers and walkways. Mr. Flannelly replied nothing additional at this time.

Mayor DiPaola made a motion to open the floor to the public, second was offered by Councilwoman McGuire, all were in favor. Seeing no public, Mayor DiPaola made a motion to close the floor, second was offered by Mr. Pierro, all were in favor.

Chairman Bischoff asked for a motion in regard to the Flannelly application., Mr. Pierro made a motion that the application be approved, as long as the applicant conforms to the requirements of the Land Use Engineer. The motion was seconded by Councilwoman McGuire. Mayor DiPaola, Ms. Clark, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Pierro, Mr. Myers, Mr. Loschiavo and Mr. Timmerman were in favor.

Chairman Bischoff said he would like to carry review of the Land Use Application in order to allow the Board members to review the proposed update. Mayor DiPaola made a motion to carry the Application update to the next meeting, Mr. Myers made the second, and all were in favor.

Mayor Di Paola made a motion to open the floor to the public on any matter, second was made by Vice Chairman Schwinder, all were in favor. Since there was no public, Ms. Clark made a motion to close the floor, second was made by Mayor DiPaola, all were in favor.

Ms. Shust asked why the Ridgewood News, which is not distributed in this area, was used as the second publication. Mayor DiPaola replied it was due to the lower rates.

Chairman Bischoff asked if everyone had signed the form stating they had viewed the Stormwater article that had been distributed. Vice-Chairman Schwinder said he had not yet reviewed the materials.

Mayor Di Paola thanked Mr. Tortora for sitting in for Mr. Martin at this meeting.

Since there was no other business, chairman Bischoff asked for a motion to adjourn the meeting, which was made by Vice-Chairman Schwinder, second was made by Mayor DiPaola, all were in favor.

The meeting was adjourned at 8:07 pm.

Respectfully submitted,
Marie Shust
Board Secretary