

**MUNICIPAL LAND USE BOARD MINUTES**  
**BOROUGH OF EMERSON**  
**September 5, 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 p.m. 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	Present
Mike Myers	Present
Bill Loschiavo	Present
Doug McKendry	Absent
Paul Hulbert	Present
Michael Timmerman	Present
Mike Cimino	Present
Christopher Martin, LUB Attorney    Pre	Present
David Atkinson, LUB Engineer	Not Requested
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super Borough Administrator	Not Requested
Marie Shust, Secretary	Present

**Approval of Minutes – August 8, 2019**

Chairman Bischoff asked if there were any comments or changes in regard to the minutes of the meeting held on August 8, 2019. Vice Chairman Schwinder said he had an excused absence. Chairman Bischoff told all the members, that the minutes show absent, but there is a notation on the records for “excused”. Since there were no other comments, the Chairman asked for a motion to approve the minutes, which was made by Mr. Myers, second was made by Mr. Pierro. Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Mr. Pierro, Mr. Myers, Mr. Loschiavo, Mr. Timmerman voted to accept. Vice Chairman Schwinder, Mr. Kutzin, Mr. Cimino and Mr. Hulbert abstained as they had not been present at that meeting.

**Vouchers, Correspondence and Communications**

Chairman Bischoff read a memo from the Fire Dept. regarding the schedule of the 9/11 ceremony.

Chairman Bischoff asked for a reading of the Purchase Orders for approval.

The secretary read the purchase orders:

12-Aug	19-01363	North Jersey Media	Public Notice - Zindel	\$ 115.50
19-Aug	19-01382	North Jersey Media	Public Notice - Chavez	\$ 89.10
28-Aug	19-01430	Morrison Mahoney	Ciolino Application	\$ 315.00
28-Aug	19-01430	Morrison Mahoney	Chavez Application	\$ 294.00
				\$ 813.60

Chairman Bischoff asked if there were any questions in regard to the Purchase Orders. Mr. Myers made a motion to approve the Purchase Orders for payment, second was made by Mr. Schwinder, by roll call vote, all were in favor.

Purchase Orders in regard to litigation and Block 419 were read

**BLOCK 419**

19-Aug	19-01381	Christopher Statile	Planning Services for Emerson Station	\$ 2,700.00
			Planning Service for general & Redevelopment	\$ 225.00
14-Aug	19-01364	Phillips Preiss Grygiel	WRAP services Redevelopment	\$ 140.00
14-Aug	19-01366	Neglia Engineering	Engineering Services Emerson Station	\$ 3,965.00
19-Aug	19-01436	Morrison Mahoney	General Matters vs Emerson Land Use	\$ 210.64
28-Aug	19-01430	Morrison Mahoney	Urban Renewal	\$ 840.00
				\$ 8,080.64

Since there were no questions or comments on the above, Chairman Bischoff asked for a motion to approve the Purchase Orders for payment, which was made by Mr. Myers, second was made by Mr. Pierro. Chairman Bischoff, Vice Chairman Schwinder, Mr. Pierro, Mr. Myers, Mr. Kutzin, Mr. Loschiavo, Mr.

Hulburt, Mr. Timmerman and Mr. Cimino voted to approve the Purchase Orders. Mayor Di Paola and Councilwoman McGuire abstained due to the nature of the bills.

**RESOLUTIONS:**

**Ciolino Residence, 76 Palisade Ave; Block 617.01, Lot 6**

**Add a level, front and side yard setbacks, pre-existing non-conforming lot.**

Hearing no comments or questions, Chairman Bischoff asked for a motion. Mayor DiPaola made a motion to approve the Resolution, second was made by Councilwoman McGuire. Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Mr. Pierro, Mr. Myers, Mr. Loschiavo and Mr. Timmerman voted yes. Vice Chairman Schwinder, Mr. Kutzin, Mr. Hulburt and Mr. Cimino were not eligible to vote.

**Zozzaro Residence, 178 Colonial Rd, Block 1013, Lot 5**

**Add a room at the rear, pre-existing non-conforming lot.**

Since there were no comments from the Board, Chairman Bischoff asked for a motion on the Resolution. Councilwoman McGuire made a motion to approve the Resolution, second was made by Mr. Myers. Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Mr. Pierro, Mr. Myers, Mr. Loschiavo and Mr. Timmerman voted yes. Vice Chairman Schwinder, Mr. Kutzin, Mr. Hulburt and Mr. Cimino were not eligible to vote.

**CONCEPTUAL MEETING**

Shop Rite Plaza, Main St and Old Hook Rd.

Present for the owners were

Mr. Willing L. Biddle, President & Chief Executive Office, Urstadt Biddle Properties

Mr. Joseph Allegretti, Vice President/Leasing, Urstadt Biddle Properties

321 Railroad Ave., Greenwich, Ct 06830

Mr. James Henry, Principal, Dynamic Engineering

1904 Main St, Lake Como, NJ 07719

Mr. Bruce R. Rosenberg, Counsellor at Law, Winne, Banta, Basralian & Kahn, P.C,

21 Main St, Suite 101, Hackensack, NJ 070601

Mr. Martin explained to the Board that this was an informal meeting introducing an idea the owner had to develop his property. The Board could ask questions throughout the presentation. The purpose of the presentation was to find out if the concept is acceptable to the Board and in conformance with the Ordinances.

Mr. Biddle told the Board that the current building has been vacant for several years, and it was their idea that an upscale strip mall would be more appealing to the neighbors and community. They were looking for feedback on this idea. He reminded the Board that several previous applications had been denied for one reason or another. The idea of an attractive single story strip mall, with an enlarged ingress and egress would be more appropriate to the area.

Mr. Henry presented a drawing showing the current layout of the corner property and a second drawing showing the plan of the strip mall, an enlarged 2 way driveway, and parking. He said the egress would be a right turn only. The only left hand turn driveway would be the existing one on the northeast side of the property on Main St. The entry on Old Hook Rd would be enhanced, which would allow for better flow from Old Hook into the parking lot. The existing egress lanes on Old Hook Rd would not be changed.

The parking lot would be multi leveled, utilizing the existing stairway to the upper level. They had been in contact with the County in regard to the Old Hook Rd entry and it met with their approval. The County did request that a study and improvement be made at the traffic light for pedestrian safety. Mr. Henry told the Board that with this concept, they are losing two parking spaces, which might require a variance.

Mr. Pierro asked about the driveway and how they planned to enforce the right turn only. Mr. Henry said they were considering a right turn channel.

Mr. Pierro wanted to be sure the existing drive through for the bank would be eliminated. Chairman Bischoff said he would be happy to see the building demolished as it already has broken windows, and has become a safety hazard.

Chairman Bischoff wanted to know how the storefronts would face. Mr. Rosenberg said the main entrances to the stores would be facing into the parking lot, which means the rear of the building would be on Main St. He explained it was their intent to have storefronts on both sides, so the residents on Main St. would not be looking at a brick or cement wall.

Vice Chairman Schwinder wanted to be sure there would be no garbage containers on the Main Street side of the mall. He was told there is a planned dumpster area in the parking lot side of the project, as well as a loading zone on the parking lot side, not on the Main St. side.

Chairman Schwinder asked about access since the parking would actually be on two levels. He was told the existing stairs would remain. Mr. Henry also advised the Board that there would be an entry ramp to the upper level from the Old Hook entrance.

Vice Chairman Schwinder asked about the retainer wall between the two parking lots. He was told the wall would remain.

Mayor DiPaola said she likes the idea of the store fronts on both sides, and would also like to see better pedestrian access to the area. Mr. Schwinder reminded them that a previous applicant was going to provide a walkway down the two way driveway for the pedestrians, and wanted to be sure it would be incorporated into any plans.

Vice Chairman Schwinder recalled that at a prior presentation, Inserra was going to improve the parking lot, expand the store. He thought that one of the stores in the new mall might be for the Shop Rite liquors, and then Shop Rite could expand the store.

Mr. Biddle liked the idea, but said they would work on one plan at a time. Mayor DiPaola wanted to know if Shop Rite had a long term lease, to which Mr. Biddle replied, Shop Rite would be there for many years.

Mr. Martin stated that 7,000 sq. ft. was not a particularly large facility, but the idea of two sided store windows and entry was appealing. He mentioned the Tice's project where Panera bread is a brick wall with no windows. He also stated there are extensive paver walkways around the perimeter and walkways throughout the Tice's complex.

Chairman Bischoff said he was looking forward to a change on that corner. Mayor DiPaola wanted to know if there was any problem with the zoning on that parcel. Mr. Rosenberg replied it was in an RC zone, which

allows for a strip mall similar to the one on Kinderkamack where the Post Office is located. Mr. Rosenberg said it would not be a shopping mall which requires 6 acres.

Mayor DiPaola wanted to know about the footprint of the office building and the footprint of the strip mall. Mr. Rosenberg said the office building was 4500 square feet, cantilevered to 5100. Mayor DiPaola asked about the access from below. Mr. Henry replied the driveway would be 36 ft. wide, and the grading would meet ADA requirements. The stairway would remain where it is.

Mr. Martin asked about the landscaping and was told there would be plenty of greenery inside the mall area, as well as on the Main Street side

Mr. Pierro asked if there would be basement storage. Mr. Henry replied they did not know at this time.

Mr. Henry stated it would be a one story retail strip. Mr. Bischoff wanted confirmation that the drive through lane would be removed, which was confirmed by Mr. Henry. Mr. Loschiavo asked what the plans were to fill the stores, since there were so many empty stores in the area, including the Shop Rite Plaza.

Mr. Joseph Allegretti told the members that there was a lot of interest in the location and they were looking to lease to an upscale market. Chairman Bischoff asked if there had been any traffic studies done, and was told once the plans were more concrete there would be. Mayor DiPaola said the sight is in need of updating and the pictures presented were appealing, as long as they included pedestrian access.

Since there were no other questions or comments, Mr. Rosenberg thanked the Board on behalf of the applicants for their attention and input and hoped to get back with a formal presentation soon.

#### **OPEN TO THE PUBLIC:**

Mayor Di Paola made a motion to open the floor to the public, second was made by Vice Chairman Schwinder, all were in favor.

Seeing no hands, Mayor DiPaola made a motion to close the floor, second by Vice Chairman Schwinder, all were in favor.

#### **BOARD BUSINESS:**

There was an email from the Shade Tree Commission in regard to the trees illegally removed from the lot on the corner of Palisade and Union. Chairman Bischoff conferred with Mr. Martin and it was determined, it was not a Land Use matter, but should be handled by the Construction Official.

Mayor DiPaola made a motion to table the Land Use Application until the next meeting to give the members more time to review it. Second was made by Vice Chairman Schwinder, all were in favor.

There was no other Board business. Chairman Bischoff reminded the Board that school was now open and they should be extra careful while driving, especially at night. Mayor DiPaola told the Board that Emerson has joined the "Street Smart" campaign, as well as the no cell phone campaign. Mr. Pierro noted that he had seen Police at crosswalks. Chairman Bischoff said there should be an education campaign informing children and their parents that it is important they not wear all dark clothes, but some light colored clothing or reflective strip to let drivers know they are present.

Mr. Martin asked about the Munsey Rd. application and was told it was scheduled for the September 19th 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 by Mr. Myers. All were in favor.

The meeting was adjourned at 8:19 pm.

Respectfully submitted,

Marie Shust  
Board Secretary