



MUNICIPAL LAND USE BOARD
EMERSON, NEW JERSEY
FEBRUARY 2, 2012

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, February 2, 2012. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mr. Callagee to lead the assembly in the Pledge of Allegiance. 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 Office. In case of a fire, follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and please exit calmly.

ROLL CALL:

Mr. Robert Adams – Present
Mr. Tom Callagee – Present
Mayor Carlos Colina – Present
Councilwoman Danielle DiPaola – Present
Mr. Gary Goursky – Absent
Mr. Christopher Leins – Present
Chairman Mark Orecchio – Present
Mrs. Germaine Ortiz – Absent
Mr. Matthew Ryan – Present – arrived at 8:15
Mr. Gary Schwinder – Present
Mr. Brian Todd – Present
Mr. Christopher Martin – Present
Mrs. Barbara Looney – Present
Mr. Berge Tombalakian – Present
Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested
Mr. Joe Solimando – Absent – attendance not requested

MINUTES:

A motion was made to approve the minutes for the meeting held on January 5, 2012 by Mr. Schwinder, seconded by Mr. Adams, and carried, with Councilwoman DiPaola abstaining.

CORRESPONDENCE:

- Memo from Azzolina & Feury Engineering – dated 1/13/12 – Re: MSH Management
- Memos from Mayor Colina – dated 1/18/12 – Re: Appointments of Mr. Adams, Mr. Goursky, Mr. Leins, Mr. Ryan, Mr. Schwinder, and Mr. Todd
- Memo from Sgt. Richard Mottley – Emerson Police Department – dated 1/19/12 – Re: Emerson Convalescent Center – soil movement
- Memo from Boswell Engineering – dated 1/24/12 – Re: MSH Management
- Memo from Boswell Engineering – dated 1/25/12 – Re: Emerson Convalescent Center
- Memo from Sgt. Richard Mottley – Emerson Police Department – dated 1/30/12 – Re: Goldian Realty LLC
- Memo from Boswell Engineering – dated 2/1/12 – Re: Goldian Realty LLC
- Borough of Emerson – Resolution # 12-12- dated 1/3/12 – Re: Council Liaisons
- Borough of Emerson – Resolution # 20-12 – dated 1/3/12 – Re: Council Appointment of Land Use Board Class III Member

VOUCHERS:

\$2,100.00 – Boswell Engineering – Re: Armenian Home
 900.00 – Boswell Engineering – Re: Armenian Home
 975.00 – Boswell Engineering – Re: Emerson Convalescent Center
 14.50 – Crown Trophy – Re: name plate – Mr. Ryan
 64.26 – North Jersey Media – Re: 2012 meeting dates
 19.85 – North Jersey Media – Re: Koch
 20.79 – North Jersey Media – Re: Sabatella
 20.79 – North Jersey Media – Re: Northern Valley Developers
 128.00 – MGL Printing – Re: Minute book and paper
 267.00 – NJ Planning Officials – Re: 2012 dues
 325.00 – Morrison Mahoney – Re: Sabatella
 575.00 – Morrison Mahoney – Re: Emerson Convalescent Center
 602.00 – Morrison Mahoney – Re: Armenian Home
 287.50 – Morrison Mahoney – Re: Liguori
 1,000.00 – Ann Ritacco – Re: refund of escrow – application withdrawn

A motion was made to approve these vouchers by Mr. Todd, seconded by Mr. Adams, and carried.

HOME FOR THE ARMENIAN AGED – MAIN STREET – RESOLUTION

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution, as amended, by Mr. Callagee, seconded by Mr. Todd, and carried. Roll call vote as follows:

Mayor Colina – yes
 Mr. Schwinder – yes
 Mr. Todd – yes
 Mr. Callagee – yes
 Chairman Orecchio – yes

GOLDIAN REALTY LLC – 205 ACKERMAN AVENUE – NEW APPLICATION

Mr. Russell Huntington was present and is representing the applicant. Proof of notice was submitted, reviewed, and deemed sufficient by Mr. Martin. Mr. Huntington stated the applicant is here this evening for variances required to construct a single family home in the R 10 zone, on an undersized lot. The following were marked and entered as Exhibits:

A1 – Site plan
 A2 – Photo of proposed home
 A3 – Photos of homes in area
 A4 – Analysis of lot sizes in area

Mr. Huntington introduced to the Board and the public Mr. Avo Goldian, who was sworn in by Mr. Martin and accepted as a witness. Mr. Goldian stated he owns the property, proposes to construct the home as presented, and reside there. Mr. Huntington referred to exhibit A3 – which shows homes on Ackerman and Park Avenues – similar in size to the proposed home. An analysis of the lots in the area – exhibit A4 – 77 lots in the area, 65 are non-conforming representing 85 percent, and 18 lots have frontage of 50 or less, which represents 23 percent, 15 lots – 17 lots are conforming to the zone. Mr. Goldian stated the adjacent lot 2, on Ackerman Avenue, is owned by his sister. Mr. Adams questioned the chimney setback, which extends out beyond the side of the house – does it impact the side yard set back – Mr. Huntington stated the measurement is from the house, but we will address with the Engineer. Chairman Orecchio stated the variance may change based on the measurement. Mr. Huntington stated the trees on Ackerman Avenue will remain, and additional plantings are proposed on Linden Avenue.

Mr. Huntington introduced to the Board and the public Mr. Ernest Myhren, Professional Engineer and Surveyor, who gave his credentials, sworn in by Mr. Martin, and accepted as a witness. Mr. Myhren stated he visited the site, prepared the plan, and is familiar with the Borough's zoning code – lot size is 50 x 128. The following variances are required – lot area (corner lot), lot width, both side yards, and maximum lot coverage. The lot is on a flat area, and a 1000 gallon seepage pit has been proposed for zero run-off. Trees on Ackerman Avenue, with additional plantings proposed on Linden Avenue – there is an additional 25 ½ feet on the Linden Avenue portion of the site. Mr. Tombalakian stated drainage calculations and grading plan have not been submitted, but can be made a condition of approval. Chairman Orecchio stated his concerns with a corner lot, and the possibility of 2 front yards - Mr. Myhren stated he was not aware of this. The Secretary obtained the Zoning Code, and brought to the attention of Chairman Orecchio. Mr. Schwinder questioned the number of undeveloped lots in the area or in the Borough, that were 50 x 100 – Mr. Goldian stated he did not have this information at this time. Mr. Schwinder questioned the square footage of the proposed home – Mr. Myhren approximately 2600 to 2700 square feet – the area above the garage is intended for storage. Chairman Orecchio feels the one side requested 12 feet should be 25 feet, the other side requested 8 feet should be 15 feet – maybe an issue with the covered porch, and we would like the homes to align in frontage on Ackerman Avenue.

At this time, Chairman Orecchio stated he would like the Site Plan Committee to review the conditions of the property – Mr. Callagee, Mr. Schwinder, Mr. Adams, and Mr. Todd agreed to do the inspection.

A motion was made to open public session by Mr. Todd, seconded by Mr. Adams, and carried.

Robert Greenfield – 20 Linden Avenue – complimented the Board on their knowledge; the property owned by Mr. Goldian and his sister were owned by one owner; questioned the number of families residing in the sister's home due to the number of vehicles parked in the area; proposed home would be in my side yard – Mr. Huntington inquired if Mr. Greenfield would be objective to larger plantings on Linden Avenue, which Mr. Greenfield stated he would not.

Marie Argenzia – 94 Greta Place – nice presentation and have been a realtor in the area for years; properties to the east are in the exhibits – the area should have encompassed lots to the west, which are larger in size; concerned with the corner setbacks, the area is congested; the proposed home should be setback further.

A motion was made to close public session by Mr. Schwinder, seconded by Mayor Colina, and carried.

Chairman Orecchio stated the application will be carried to our next meeting of February 16, 2012, and the following issues will be addressed:

- Setbacks for stairs, portico, fireplace, and chimney
- Revised zoning table
- Size of vacant lots in the area and within the Borough of Emerson
- Exact square footage of proposed home – including the storage area – deck / patio area
- Excess parking – Linden Avenue narrow street

Mr. Huntington and Mr. Goldian thanked the Board for their time and consideration.

ANY BOARD MEMBER:

The Secretary reminded Board members of the NJ Planning Officials training scheduled for March 17, 2012 – so far 2 members have expressed an interest – Mr. Ryan and Mr. Adams – Mayor Colina stated he would also attend.

Mr. Schwinder commented on the recent approval this Board gave to the home on the corner of Main Street and Eagle Drive – construction of a berm to avoid a variance on a corner and side lot. A friend of mine – who serves on a Board in another town – has addressed this issue, and I would like to further investigate the change to their ordinance, which the Board agreed too.

GOOD AND WELFARE:

A motion was made to open public session by Mr. Adams, seconded by Mr. Schwinder, and carried.

Mr. Russell Huntington – Kinderkamack Road – Westwood – stated he would like to appear at the next meeting for a Use Variance for CPP – one of 3 buildings that he appeared before this Board last year for 9 Van Buren LLC / Academy Electric. The Secretary stated she has been in contact with Mr. Christopher Plunkett and given him the 200 foot list.

A motion was made to close public session by Mr. Schwinder, seconded by Councilwoman DiPaola, and carried.

ADJOURNMENT:

A motion was made to adjourn the meeting by Councilwoman DiPaola, seconded by Mr. Todd, and carried.

Respectfully submitted,


Barbara Looney