

MUNICIPAL LAND USE BOARD
EMERSON, NEW JERSEY
APRIL 19, 2012

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, April 19, 2012. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mr. Martin 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 – Absent
Mr. Tom Callagee – Absent
Mayor Carlos Colina – Present
Councilwoman Danielle DiPaola – Present
Mr. Gary Goursky – Absent
Mr. Christopher Leins – Absent
Chairman Mark Orecchio – Present
Mrs. Germaine Ortiz – Present
Mr. Matthew Ryan – Present
Mr. Gary Schwinder – Present
Mr. Brian Todd – Absent
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 table approval of the minutes for the meeting held on March 15, 2012 by Councilwoman DiPaola, seconded by Mrs. Ortiz, and carried.

CORRESPONDENCE:

Memo from Emerson Board of Education – dated 3/30/12 – Re: Memorial School
Memo from Carol Dray – dated 3/21/12 – Re: Stop & Shop – Outside Saleable Floral
New Jersey Planner – March / April 2012 Edition

VOUCHERS:

\$1,224.00 – Boswell Engineering – Re: MSH Management
1,050.00 – Boswell Engineering – Re: Goldian Realty, LLC
765.00 – Boswell Engineering – Re: 58 Kinderkamack Road
306.00 – Boswell Engineering – Re: Brenner
306.00 – Boswell Engineering – Re: Armenian Home
750.00 – Boswell Engineering – Re: Brenner
900.00 – Boswell Engineering – Re: MSH Management
450.00 – Boswell Engineering – Re: Armenian Home

\$425.00 – Morrison Mahoney – Re: Goldian Realty, LLC
 550.00 – Morrison Mahoney – Re: Armenian Home
 19.85 – North Jersey Media Group – Re: Service Master
 27.40 – North Jersey Media Group – Re: Patel
 20.79 – North Jersey Media Group – Re: Brenner

A motion was made to approve these vouchers by Mr. Schwinder, seconded by Councilwoman DiPaola, and carried.

BOARD OF EDUCATION – MEMORIAL SCHOOL – TEMPORARY CLASSROOMS

Dr. Phil Nisonoff, Acting Superintendent and Mr. John DiNiro, President of the Board of Education were present this evening for the Board's review and comments, based on the New Jersey Public School Law. Mr. Martin swore in Dr. Nisonoff and Mr. DiNiro – Dr. Nisonoff stated the Board of Education is to vote at their next meeting of April 30th to proceed with the installation of 3 temporary trailers outside the Memorial School to function as classrooms; the costs of the trailers should be around \$230,000, and will be paid for using funding from the district's capital reserve – no tax impact on the residents – Dr. Nisonoff stated this is a short-term solution which will give us time to observe future enrollment and to determine whether a long-term plan, such as constructing additional classrooms onto Memorial School. The units which will be in place for the 2012/13 school year due to a surge in enrollment. At this time, it has not yet been determined what grades will be using the portable classrooms – that decision will be up to the principal, Mrs. Espinoza.

A motion was made to open public session by Mr. Schwinder, seconded by Councilwoman DiPaola, and carried, with no comments.

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

Dr. Nisonoff requested the Board draft a letter to William Bauer at the New Jersey Department of Education indicating the Board has reviewed the proposal, which Chairman Orecchio agreed to.

Mr. DiNiro and Dr. Nisonoff thanked the Board for their time and consideration.

PORTSCHER – 62 CLINTON STREET – NEW APPLICATION

Mr. & Mrs. Portscher were present. Proof of notice was submitted, reviewed, and deemed sufficient by Mr. Martin. Mr. Portscher stated the application is to install a 4 foot adjacent to an existing retaining wall for safety of their dog, where a 3 foot fence is permitted. Mr. Portscher distributed photos of the site and stated that an existing wood stockade 6 foot fence, on the other side of the property, will be replaced.

A motion was made to open public session by Mayor Colina, seconded by Mr. Schwinder, and carried, with no comments.

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

Chairman Orecchio stated he would like the Police Department to review for possible line of sight issues, and requested the Secretary prepare a memo to Chief Rossi and provide the survey. After Board discussion, the application will be continued at our next meeting of May 3rd, and Chairman Orecchio requested Board members to do a site visit.

Mr. & Mrs. Portscher thanked the Board for their time and consideration.

DITRANI – 143 PASCACK AVENUE – NEW APPLICATION

Mr. & Mrs. DiTrani were present. Proof of notice was submitted and reviewed by Mr. Martin. Sufficient notice was given to the property owners' within 200 feet; however, the applicant did not publish notice in The Record. Mr. Martin advised the applicant that under New Jersey State Statute, publication is required. Mr. DiTrani questioned whether or not he had to renote the property owners' within 200 feet, due to the cost. Mr. Martin stated you must start the process over again, as it is required. Mr. DiTrani stated he will contact the Secretary and advise when they will appear.

PATEL – 136 DYER AVENUE – NEW APPLICATION

Mr. Patel was present and submitted proof of notice which was reviewed and deemed sufficient by Mr. Martin. Mr. Patel was sworn in by Mr. Martin and stated the application is for the removal of an existing garage and shed for the construction of an addition and new garage. Chairman Orecchio referred to the site plan and floor plan submitted, which do not seem to be drawn to scale, and not quite clear. Mr. Schwinder stated without architectural drawings, it is very difficult to understand these plans with any intelligence. Mr. Martin suggested the applicant have architectural drawings prepared and submit to the Board Secretary, in a timely manner, for our meeting of May 3rd or May 17th as the Board is not prepared to move forward at this time.

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

Dave Pinchefskey – 140 Dyer Avenue – would like this application denied; loss of privacy, will affect my quality of life, and property value; there are property maintenance issues – mice and garbage; concerned with puddles and flooding.

Rich Hanson – 146 Dyer Avenue – large addition and concerned with property values, due to close proximity to Mr. Pinchefskey's home.

Bob Brancato – 141 Dyer Avenue – house is on a tight site and close to the street; concerned with property values and curb appeal.

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

Chairman Orecchio advised the Board and the public that we are not ready to proceed – we need more detailed plans, variance table, possible stormwater management, and encouraged Board members to visit the site.

BOND ORDINANCE - # 1444-12

Mr. Martin stated the Board is required to review any Bond Ordinance which covers any conditions involving Land Use issues, under the Master Plan, and also should be reviewed by Burgis Associates – such as land acquisition and expansion of Kinderkamack Road.

ANY BOARD MEMBER:

Chairman Orecchio stated we need address the email from Ms. Lebrun with regard to the possible removal of a planter island in the parking lot. Mr. Tombalakian stated that since there is no formal application has been submitted, there is nothing for us to do. The Secretary stated she will contact Ms. Lebrun and give her the necessary paperwork, if the Association wants to move forward.

Chairman Orecchio distributed a copy of the proposed zoning code changes that were discussed with Mike Sartori at a recent sub-committee meeting – would like all Board Members to review to discuss at an upcoming meeting.

GOOD AND WELFARE:

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

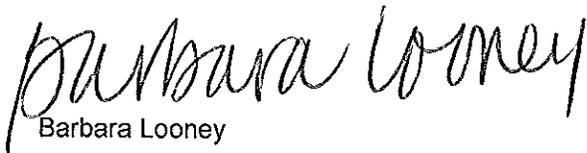
Stan Woods – 56 Maepaul Drive – here this evening with regard to the approval of the Use Variance granted last year to Academy Electric; referred to the Resolution the Board memorialized in April of 2011 – warehouse / generator parts; tractor trailers, generators, a boat, and lighting are now being stored on the site; concerned with property values. Mr. Martin stated we gave an approval, at this point, it is a Code Enforcement issue – advised the Board not to comment as it may go to Court. Chairman Orecchio stated he will contact Mr. Sartori and advise him residents did appear before the Board with concerns.

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

ADJOURNMENT:

A motion was made to adjourn the meeting by Mr. Callagee, seconded by Mr. Adams, and carried.

Respectfully submitted,


Barbara Looney