

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
December 6, 2018**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Acting Chairman Bob Adams opened the meeting at 8:00 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:

Robert Adams	Present
Alban Bresa	Present
Mike Cimino	Present
Tom Carlos	Absent
Michael DeOrio	Absent
Gary Goursky	Absent
Louis Lamatina, Mayor	Present
Evan Kutzin	Absent
Steven Malone	Absent
Doug McKendry	Present
Norman Rieger	Present
Thomas Sudano	Absent
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Absent
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB Engineer	Present
Bridgette Bogart, Borough Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Secretary	Present

Acting Chairman Adams asked the Board if there were any comments or corrections on the minutes of the meeting of November 8, 2018. Since there were no comments, Councilman Falotico made a motion to accept the minutes, second was made by Mr. Cimino. Mr. Adams, Mr. Bresa, Mr. Cimino, Mr. McKendry and Councilman Falotico were in favor. The minutes were accepted.

Acting Chairman Adams asked Ms. Shust if there was any correspondence. A letter from Carmine Alampi of Alampi & De Marrais, which formalized the withdrawal of the Wendy's application, was read by Mr. Martin.

Ms. Shust then read the vouchers.

Vouchers 12/6//18

10/29/2018	18-01641	Boswell Eng.	Valero	\$	79.00
10/29/2018	18-01641	Boswell Eng.	161 KK Valero	\$	79.00
10/29/2018	18-01641	Boswell Eng.	411 Old Hook, Wendy's	\$	948.00

10/29/2018	18-01641	Boswell Eng.	161 KK Valero	\$	316.00
10/29/2018	18-01641	Boswell Eng.	473 Old Hook, Chow Wow	\$	790.00
11/8/2018	18-01693	Price, Meese, Shulman	1200 Chestnut Rich's	\$	2,072.00
11/14/2018	18-01715-01	Bogart Planning	2018 Planner Fee	\$	800.00
11/15/2018	18-01718	Boswell Eng.	411 Old Hook, Wendy's	\$	399.38
11/18/2018	18-01719	Boswell Eng.	473 Old Hook, Chow Wow	\$	158.00
11/19/2018	18-01737	Boswell Eng.	70 Main, Armenian	\$	316.00
11/19/2018	18-01737	Boswell Eng.	411 Old Hook, Wendy's	\$	711.00
11/29/2018	18-01739	Morrison Mahoney	473 Old Hook, Chow Wow	\$	331.50
11/26/2018	18-01773	Boswell Eng.	Memorial School	\$	79.00
11/26/2018	18-01771	North Jersey Media	Conflict Engineer	\$	73.50
11/27/2018	18-01782	North Jersey Media	Conflict Engineer,	\$	38.75
11/26/2018	18-01772	Morrison Mahoney	Memorial School	\$	409.50
11/27/2018	18-01787	Kim, Eilly	Escrow Refund	\$	1,010.98
11/26/2018	18-01752	Morrison Mahoney	Emerson Sign Ordinance	\$	182.00
11/29/2018	18-01792	Morrison Mahoney	Armenian Home	\$	406.00
TOTAL				\$	9,199.61

Acting Chairman Adams asked Ms. Shust if there were enough funds in the Escrow Accounts to cover the vouchers. Ms. Shust replied there was, as additional funds had been received to cover conflict attorney bills. Mr. Adams then asked the Board if there were any comments or questions about the vouchers. Hearing none he asked for a motion to approve the vouchers, which was made by Mayor Lamatina, second was offered by Councilman Falotico, all were in favor.

Resolutions:

Eric Keeler, 137 Linden Ave., Block 126, Lot 3

Approval of fence variance.

Mr. Martin told the Board that the variance was very simple, the applicant requested a height variance for his yard, and was granted a variance for a 5 foot fence.

Since there were no questions from the Board, Acting Chairman Adams asked for a motion to approve the Resolution, which was made by Mr. McKendry, second was offered by Mr. Cimino. Mr. Adams, Mr. Bresa, Mr. Cimino, Mr. Mc Kendry, and Councilman Falotico were in favor. The Resolution was approved.

Mr. Martin advised the Board that the Resolution for the Armenian Home would be addressed when the applicant appears before the Board on January 3, 2019 to address the progress and status of the construction and ownership.

Board Business:

Notice of Public Hearing on proposed 2018 Housing Element and Third Round Fair Share Plan of The Borough of Emerson Master Plan

Mr. Adams asked Ms. Bogart to advise the Board why there were changes being made to the Master Plan. Ms. Bogart explained the changes, which were requested by the Court Master, were minor to match the language and charts used in the Ordinance to those used in the judgment. She identified the charts on pages 1 through 15 in the proposed 2018 Housing Element and Third Round Fair Share Plan of The Borough of Emerson Master Plan as being reworded.

Ms. Bogart explained that the major change was on page 11 in regard to income ceilings.

There were also changes on pp. 17 & 18 in regard to approval dates, Page 19 in regard to overlay description and Ordinance number, page 20 regarding the appointment of an Administrative Agency and page 23 regarding specific language to be included.

Ms. Bogart stated that the Court Master also wanted it stated that the area to the south on Emerson Plaza East would include first floor retail and second floor residences.

Mr. Martin explained that the Court Master, Mary Beth Lonigan, was working with the Borough and any changes she suggests/requests are to the benefit of the Borough and not a whim. He continued that in his experience Ms. Lonigan was working for the betterment of the communities and the residents. Ms. Bogart confirmed Mr. Martin's assessment of Ms. Lonigan.

Mayor Lamatina and Councilman Falotico were advised they could not comment or vote on this matter as it would be coming before the Governing body.

Acting Chairman Adams asked the Board if there were any comments. Mr. McKendry stated there were some inconsistencies on page 7, section 1 A & B, as well as a typo. He also said the word borough should be capitalized on Page 20.

Mr. Martin asked Ms. Bogart to provide a final corrected copy of the document to be included with the Resolution. He then asked Ms. Shust to obtain the proof of advertisement to also be included when submitting the documentation to the Governing Body. He then asked Ms. Shust to provide a copy of the documents to his office.

Mr. Adams made a motion to recommend the revised 2018 Housing Element and Third Round Fair Share Plan of The Borough of Emerson Master Plan to the Governing Board,, second was made by Mr. Mc Kendry. Mr. Adams, Mr. Bresa, Mr. Cimino, Mr. McKendry and Mr. Rieger voted yes.

'Review of Comments on Sign Ordinance at Request of the Emerson Governing Body'.

Acting Chairman Adams asked Ms. Bogart to review the changes requested by the Governing Body on the recommendations originally offered by the Land Use Board. Ms. Bogart explained the Governing Body wanted the color restrictions of the original Ordinance to be included, rather than an unlimited number. There should be four colors, including white and black on any sign in the Borough.

There was also a change on Page 10 in regard to prohibiting certain signs. The Governing body wanted to allow moving signs inside an established, which could be changed a maximum of once a day.

Mr. Rieger asked for clarification on page 9, he thought the wording was incorrectly edited. Ms. Bogart agreed, It should be “or” not “and.”

Again, the Mayor and Councilman were advised they could not comment on the Ordinance as it would be brought before the Governing Body.

Mr. Mc. Kendry made a motion to accept the changes recommended by the Governing Body, and the corrections noted during this meeting, Mr. Rieger made the second. Mr. Adams, Mr. Bresa, Mr. Cimino, Mr. Mc Kendry and Mr. Rieger voted aye. A letter would be issued to the Governing Body recommending acceptance and passage of the amended Ordinance.

Acting Chairman Adams asked for a motion to open the floor to the public, which was made by Councilman Falotico, second by Mr. Rieger, all were in favor. Seeing no hands, Acting Chairman Adams asked for a motion to close the floor, which was made by Mr. McKendry, second by Councilman Falotico, all were in favor.

Acting Chairman Adams asked if there was any other business to discuss. Mr. Martin asked for confirmation of time for the special meeting on December 10th, Ms. Shust advised him and the Board that the meeting would be held in the Chambers at 7 pm on the 10th.

Mr. Martin expressed his appreciation for the work the Governing Body and Planner had done in getting the Housing Element and Fair Share Plan accomplished, as so many other communities were still in litigation trying to settle the matter.

A motion was made by Mayor Lamatina to adjourn the meeting, second was made by Councilman Falotico, all were in favor. The meeting was adjourned at 8:35 pm

Respectfully submitted,
Marie Shust
Board Secretary