

**MUNICIPAL LAND USE BOARD
MINUTES
EMERSON, NEW JERSEY
MARCH 20, 2014**

This meeting of the Municipal Land Use Board was held in the Municipal Building. Chairman Orecchio opened the meeting at 8:00 p.m. 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 Building. In the case of a fire, all were instructed to follow the Fire Exit signs above the doors to the right and left in the Council Chambers, and exit calmly.

Pledge of Allegiance

Roll Call:

Robert Adams	Present
Thomas Callagee	Absent
Carlos Colina, Mayor	Absent
John DeThomasis	Present
Gary Goursky	Present
Mark Orecchio, Chairman	Present
Germaine Ortiz	Present 8:30 p.m.
Gary Schwinder	Present
Michael Wallace	Present
Richard Worthington, Council	Absent
Christopher Martin, Attorney	Present
Berge Tombalakian, Engineer	Present
David Troast, Substitute Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

Correspondence: none

Vouchers:

Bridget Bogart Planning and Design – Town and Country - \$145.00
Bridget Bogart Planning and Design – Zoning Ordinances - \$1,450.00
Bridget Bogart Planning and Design – 30 Highland Avenue - \$108.75
Bridget Bogart Planning and Design – Elm Terrace - \$181.25
North Jersey Media – Galeazza publication - \$35.52
North Jersey Media – misc. publication - \$27.06
NJ Planning Officials – Mandatory training for M. Wallace - \$70.00

Vouchers and correspondence were approved on a motion from Mr. Adams, seconded by Mr. DeThomasis, and carried.

Minutes: Minutes of March 6, 2014 were approved on a motion from Mr. Goursky, seconded by Mr. Schwinder, and carried.

RESOLUTION

**Town and Country Developers
70 Patrick Avenue
Block 901.02, Lot 9
New Home**

Russell Huntington was present as the Attorney for the applicant. The second draft of the resolution was sent to Mr. Huntington for his review. Additional suggestions were received by Mr. Martin yesterday, so these changes have yet to be made. A 7’ sidewalk is now requested since Berge Tombalakian of Boswell met with the DPW after the approval was given and the DPW has requested a paved 4’ walkway – a 7’ easement with a 4’ walkway. It was decided that the resolution could be voted on with these changes. The resolution is subject to changes by the Borough Engineer and the DPW Superintendent. A motion to approve was made by Mr. Goursky, seconded by Mr. Schwinder, and carried by roll call vote as follows:

Mr. Wallace	Yes
Mr. Schwinder	Yes
Mr. Goursky	Yes
Chairman Orecchio	Yes

This resolution will be published and distributed as required.

NEW APPLICATION

**Hackensack Golf Club
Soldier Hill Road
Proposed new pool**

Mr. Thomas Herten, Esq. with Archer and Greiner of Hackensack was present as the Attorney for the applicant. Board Attorney Martin stated that all notice and proof of publication was found to be satisfactory. An exhibit list from A-1 to A-23 was submitted. The applicant is here for preliminary site plan approval, major soil removal and a sign permit. There are three (3) variances requested:

- 1- size of parking stalls - 10’x20’ required, 9’x18’ proposed
- 2- sign variance -2 sided, 18 sq. ft. permitted, 22 sq. ft. proposed
- 3- height of the accessory building – 20’ allowed, 28’ proposed

Mr. Herten went over the witness list. The review reports from the Board Planner and the Board Engineer have been received by the applicant and will be addressed at this meeting. Plans will be given to the Shade Tree Commission for their review.

The first witness sworn in by Attorney Martin and accepted was Mr. Norman Forsyth, the General Manager of the Golf Club. He has been working at the Club for 12 years. Mr. Forsyth showed all present the current pool location on the exhibits presented. He stated that the current pool complex was built in the 1950's and needs to be replaced. The pool is open from Memorial Day to Labor Day. The hours of operation were also given. Mr. Forsyth informed all members that the club has family days for members, 2 paddle courts, and 6 tennis courts. There is also grandstand decking. This was all shown on the plan. This is all consolidated in one area. The tennis season is different from the paddle season. There are no specific hours for these sports, but they usually occur more in the morning hours. Mr. Forsyth stated that the neighbors on Longview Drive were invited to a presentation of what is planned recently. Two neighbors attended the presentation. Referring to Exhibit A-6 lighting and landscaping were discussed. Deliveries to the pool house were also discussed. The present one sided sign to the proposed two sided sign was also talked about. There is a storage shed proposed. There were no board questions at this time.

The second witness sworn in by Attorney Martin and accepted was Engineer Daniel Lamoth of Lapatka Associates. His office is located at 12 Rte 17 in Paramus, NJ. Mr. Lamoth stated his credentials and experience to the Board. He referred to Exhibit A-1. Mr. Lamoth stated that there are approximately 117 acres of the Golf Club in Emerson. He discussed the two sided sign saying they would like it to be read from both directions. Sheet A-7 was referred to regarding the tree location map. All trees are tagged and will be reviewed by an expert. The applicant proposes to remove approximately 110 trees. Mr. Lamoth stated that in 2003 a resolution was given to the club for a 3rd paddle court. He believes that the permit extension act applies to this approval. Exhibit A-8, sheet 2 of 12 shows the pool and tennis layout plans. There will be a 2 story pool house, a pool, a kiddie pool, tennis courts, and a small recreation area for a playground. All will be ADA compliant. There will be two handicapped parking spaces close to the facility. There will be over 250 parking spaces when all is complete. (245 parking spaces are required). The parking spaces are proposed at 9'x18' with a 24' aisle width. There will be a 90 degree 2 way parking lot that meets the RSIS standards. The circulation of traffic was discussed. There will be a valet service for customers. The proposed landscaping was discussed. There will be an evergreen buffer of Norway and Colorado spruce trees. The steep slope was also discussed. There will be shade trees. Proposed retaining walls were discussed and shown; some are tiered due to the grade changes. The height of the trees in the buffer area was discussed. All of these are shown on Exhibit A-8. The distance between the property line and the equipment storage building is approximately 124'. The pool house from the property line is approximately 250' to 260'.

Exhibit A-9 the drainage and grading plan was discussed next. Utilities are shown on this exhibit. The sewer will be revised. Drainage pipe size was discussed.

Exhibit A-10 the lighting plan, was next to be discussed. There will be an even pattern of lantern lights along Golf Club Road.

Exhibit A-11, the landscape enhancement sheet, was prepared after the presentation was given to the neighbors. American Holly's are proposed along with plantings around the retaining walls.

Exhibit A-12 is the site section exhibit – the upper half of the section was discussed.

Exhibit A-13, sheet 9 of 12 dated 3-17-14 is the tree location plan. All trees to be removed are shaded on the plan.

Exhibit A-14, sheet 8 of 12, shows the existing landscaping, the new lawn area and the sand traps. It also shows the clubhouse and the patio area. There is a 13,700 sq. ft. reduction in impervious coverage in this area. All proposed landscaping in this area was shown.

Exhibit A-15 addresses the proposed two sided sign. The variance involved with the signage was discussed. The sign will be perpendicular to the roadway and the exterior will be illuminated. It may be finished in blue and gold – this has not been decided as of yet. There will be a spotlight ground lit on both sides. Sewer flow generation will be provided to Mr. Tombalakian of Boswell Engineering. Soil was discussed, not much soil should be leaving the site. Truck travel route will be discussed later on.

Board questions:

Chairman Orecchio asked the Planner if the two sided sign would count as two signs. Mr. Goursky asked if the piers were calculated into the sign calculation. He was told no. Mr. Goursky agrees with LED lighting. Fairly high candle levels were discussed. The applicant is looking for the 10-15 range. The poles will be 20' high, not 25'. The 2005 resolution for the 3rd paddle court was discussed. The applicant feels that due to the permit extension act that resolution is good until the end of 2014. They are now requesting a 4th paddle court. The Borough (substitute) Planner stated that the applicant is allowed a double sided sign and that the sign has to be off by 11:00 p.m. Mr. Schwinder questioned the new pool house. It will be two stories (the current one is one story). It will be approximately 5000 sq. ft. and will front to the west – the pool area and the recreation area. Mr. Schwinder asked Mr. Forsyth how many additional events were held in the pool area with loud speakers after normal pool hours. He was told none, that all events are held within normal operating hours. Mr. Forsyth stated that there are no private parties, no loud speakers, no loud entertainment – all club operated parties. The retaining walls will be visible from the pool. There will be 6' between the patio area and the north parking lot. The buffer zone will not be blocked. Water issues were discussed since there is a flooding issue on Longview Drive. Drainage was also discussed and the Board was told that what is proposed will help the situation. There will be security lights in the pool area at night and there will be cameras. This area will be fenced in. Mr. Schwinder is concerned with children getting into the pool area when it is closed. This

will be researched. The pool decking will be poured concrete. Mr. Schwinder asked Mr. Forsyth if there have been any noise complaints from the neighbors. He was told none – that this is not an issue.

The Architect will testify to the building height referred to on Exhibit A-21.

The next witness was William Comery, the Landscape Architect and Tree Expert. Mr. Comery is from 285 Farview Avenue in Paramus. He is licensed by the State as a Tree Expert and has testified before many Boards and Superior Court. Mr. Comery has been with the Paramus Shade Tree Commission for 35 years. Mr. Comery was accepted as an expert witness. He prepared the tree evaluation report as referenced on Exhibits A-7 and A-13. Regarding A-7, Mr. Comery evaluated the site using the Borough ordinance. Species of replacement trees were discussed – referring to Exhibit A-20. A detailed list of trees to be removed and trees to be planted was submitted. Mr. Comery stated that a softening of the wall was requested by the neighbors and that American Holly was chosen as a species. Our ordinance, section 266-7D regarding sound barriers was discussed. He stated that deer resistance trees will be used. Ground cover was also discussed. It was stated by Attorney Martin that wetlands is not an issue with this application.

The meeting was opened to the public on a motion from Mr. Schwinder, seconded by Mr. Adams, and carried. With no one from the public wishing to be heard, the meeting was closed to the public on a motion from Mr. Schwinder, seconded by Mr. Adams, and carried by all.

This matter will return on April 3rd.

NEW APPLICATION

**Robert Obernauer/Obernauer Enterprises (Valero Station)
161 Kinderkamack Road
Amended Site Plan approval requested**

This application will be carried to the next meeting of April 3 with no new notice required and no prejudice to the Board.

Any Board Member – nothing at this time

Good and Welfare – the meeting was opened to the public on a motion from Mr. Adams, seconded by Mr. Schwinder, and carried. With no response from the public, the meeting was closed to the public on a motion from Mr. Goursky, seconded by Ms. Ortiz, and carried.

A motion was made to enter into Executive Session to discuss the Home for the Armenian Aged/Attorney report by Mr. Schwinder, seconded by Mr. Goursky, and carried. Mr. Martin stated that Attorney Alan Bell needs to name the Board as a nominal

defendant. The payment in lieu of taxes (PILOT) issue has been resolved with the Borough so the litigation on the developer's agreement should be ending shortly. **A motion to go back into open session** was made by Mr. Adams, seconded by Ms. Ortiz, and carried by all.

The Meeting was adjourned on a motion by Mr. Goursky, seconded by Ms. Ortiz, and carried by all.

Respectfully Submitted,

Kathleen S. Rizza