

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
MARCH 15, 2018**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary Schwinder opened the meeting at 8: 06PM. 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
Fire Chief Tom Carlos	Absent
Michael DeOrio	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Absent
Steven Malone	Present
Doug McKendry	Absent
Norman Rieger	Absent
Thomas Sudano	Present
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Absent
Ryan Franco, LUB Attorney	Present
Gary Ascolese, LUB Engineer	Present
Bridgette Bogart, Borough Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Interim Secretary	Present

Chairman Schwinder asked if there were any comments, questions or corrections for the minutes of the meeting of March 1, 2018. Hearing none he asked for a motion to accept the minutes, which was made by Mr. Goursky, second by Councilman Folatico, all were in favor.

Chairman Schwinder read a letter from the County of Bergen stating no permits should be issued for the new application by the Valley Office Park Association regarding the expansion of their parking lot without their written consent. Chairman Schwinder asked Mr. Ascolese if he was aware of the letter. Mr. Ascolese replied he had only received the application and a copy of the letter prior to the start of this evening's meeting. Mr. Ascolese did make reference to the flood water and the onsite water retention system. He stated that he would review the application and the letter and forward his comments to the Board before the next meeting

Chairman Schwinder asked for approval of the following vouchers, which were read by Ms. Shust:
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Vouchers 15-Mar-18

3/8/2018	18-00370	Boswell Eng.	166 Palisade	\$	316.00
3/6/2018	18-00357	Bogart Planning	161 KK Rd.	\$	300.00
3/15/2018	18-00430	Boswell Eng.	71 Hartland	\$	316.00
3/15/2018	18-00430	Boswell Eng.	161 KK Rd.	\$	750.50
3/15/2018	18-00430	Boswell Eng.	90 Jefferson	\$	79.00
3/14/2018	18-00429	North Jersey Media	Ad - 16 Furman, Del Rosso Res.	\$	41.85
3/14/2018	18-00429	North Jersey Media	Ad -75 Hartland, Adams Res.	\$	48.44
					\$ 1,851.79

A motion to accept the Vouchers was made by Mr. Goursky, second by Councilman Folatico, all were in favor.

Chairman Schwinder announced that the attorney for The Armenian Home had requested a carry-over to the meeting of April 5 without further notice or prejudice to the Board. Councilman Folatico told the Chairman that Ms. Debra Peterson, Administrator for The Armenian Home was in attendance. Chairman Schwinder asked Ms. Peterson to introduce herself to the Board.

Ms. Peterson stated that she is a licensed Nursing Home Administrator and has been the Administrator of The Armenian Home since August 2017. Chairman Schwinder thanked her for introducing herself and told her she was welcome to stay and listen to the Board meeting, however, the Armenian extension request would not be heard. Ms. Peterson thanked Chairman Schwinder and the Board for their warm welcome and looked forward to the next meeting.

Chairman Schwinder then turned the meeting over to Mr. Sudano, who led the introduction of the sign regulations, changes and charts. Mr. Sudano thanked Ms. Bogart, Mr. Rieger and Mr. McKendry for their efforts and input into the recommendations shown on the chart which had been distributed. Ms. Bogart stated that some of the recommendations were similar to those initiated by Park Ridge, which seemed to be working well for them.

Mr. Sudano stated there were fewer limitations on the number of colors allowed on signs, but more restrictions in regard to lighted signs. He said there were no sandwich signs, or banners permitted.

Mr. Schwinder asked if there were specifics in regard to what was not allowed. Mr. Sudano replied there were restrictions as to size and quantity of signs. And anything that is not specifically covered would have to be addressed by the Board as a variance.'

Mr. Schwinder mentioned the advances in technology and how it would be addressed by the sign recommendations. Ms. Bogart replied it is difficult to address a situation that is not in existence, however if it is not covered by the recommendations, then there would have to be a variance application which would be addressed by the Board.

Mr. Schwinder stated there were many items that were not covered by the original ordinance and wanted to know if they were addressed by the new recommendations.

Ms. Bogart stated there was a two-page narrative that accompanied the charts, which addressed many of the outdated regulations.

Mr. Schwinder asked Mr. Sudano if he wanted questions from the Board first or if he would like to outline the recommendations first. Mr. Sudano opted for questions first. Chairman Schwinder asked the Board if there were any questions or if he should refer to his list? The Board opted to have Chairman Schwinder list his concerns and comment if there were items missing.

1. Project/contractor signs on lawns, are they allowed, how long
 - a) Tom Sudano: These are considered temporary signs, which require a permit for a period of 60 days, an extension of 30 days may be requested.
2. Political signs
Councilman Folatico stated that political signs cannot be prohibited Chairman Schwinder wanted to know if the size and quantity can be controlled.
 - a) Mr. Sudano replied the signs cannot be placed in common areas, Borough property or school property.
 - b) Mr. Ascolese wanted to be sure there was a provision that all signs must be xx number of feet from the roadway.
 - c) Chairman Schwinder wanted to know if the length of time could be regulated.
 - d) Ms. Bogart replied they would be considered a temporary sign and the 60/90 day rule would apply.
 - e) Chairman Schwinder noted that many of the political signs remain on lawns several months after the event.
 - f) Mr. Franco responded that it was to Borough to enforce the temporary signage rules.
 - g) Ms. Bogart replied that the current ordinance did not specify time for political signs.
 - h) Mr. Franco advised Ms. Bogart to be sure to specify them as temporary signs emphasizing the 60/90 day rule.
 - i) Chairman Schwinder noted that there are several staggered elections throughout the year.
 - j) Ms. Bogart replied this could be regulated with a specification that signs could only be on a given property x many times a year and a maximum of 31 days prior to the event and 10 after.
 - k) Mayor Lamatina stated the current ordinance regulates the size to 16 sq. ft. He also noted that it is difficult to regulate political signs.
3. Chairman Schwinder asked Ms. Bogart to be sure location restrictions were included for all signs. There should be no signs on poles, street signs, and utility poles. He also wanted the materials for signs to be specified. No paper signs should be allowed.
 - a) Ms. Bogart replied signs would be prohibited on trees, utility poles, street signs, fences,
 - b) Mayor Lamatina stated restrictions may be unconstitutional.

- c) Mr. Franco advised Ms. Bogart to do some research, but believed if the ordinance covered all signs, not specific signs, it would be allowed.
4. Chairman Schwinder then asked about billboards, signs on the signs of building, painted signs on buildings
 - a) Mr. Sudano replied those signs would not be allowed.
 5. Councilman Folatico wanted to be sure the Real Estate signs advertising open houses, and for sale, were at least 10 ft. off the street edge. He also wanted to know about the size for various signs, such as “For Lease” in windows.
 - a) Ms. Bogart stated the maximum sign size would be 24 sq.ft. and would have to be set 10 ft. off the edge of the street.
 - b) Councilman Folatico wanted to know if the setback could be off the property line on all sides.
 - c) Mr. Bresa wanted to be sure the ordinance would include that signs must include English translation.

Mr. Sudano stated that windsox, sandwich, and “wavy” signs would be prohibited. Ms. Bogart stated that this information was included in the narrative.

Mayor Lamatina stated that people holding signs cannot be prohibited. However a setback for those people can be implemented.

Councilman Folatico wanted to know if there were different regulations for the various zones. Ms. Bogart replied it was covered in the chart. Councilman Folatico wanted to be sure the temporary window signs were covered for size and length of display.

6. Chairman Schwinder asked if professional business “at home” signs, listing credentials, etc. were covered.
 - a) Ms. Bogart replied they were included and only one sign would be allowed per dwelling. Mr. Sudano commented that the max sign would be 10 x 18 for a professional home office.
7. Mr. Goursky asked about vehicle and truck signs.
 - a) Ms. Bogart replied that during business hours the signs would be allowed, however they must off the streets after business hours.
8. Chairman Schwinder asked about pylon and monument signs, which were imprinted to be seen from both directions.
 - a) Councilman Folatico wanted to be sure existing pylon and monument signs were “grandfathered”.
9. Chairman Schwinder brought to everyone’s attention that the dispensations that had been granted during the road construction period would be ending at the end of 2018. He was hopeful that the new sign ordinance would be effect in by that time.
10. Mr. Bresa wanted to know if there was any control over verbiage.
 - a) Ms. Bogart replied only so far as profanity. There is no control over free speech.

11. Chairman Schwinder asked about special event/funding signs, such as Project graduation, yard sales, many of which were hand written and often hung on poles, trees and street signs. Do we look away?
 - a) Councilman Folatico thought these should be considered temporary signs and the same rules would apply.
 - b) Ms. Bogart stated they were considered temporary signs, and paper signs would not be allowed. The use of foam board, etc. would be encouraged.
 - c) Mr. Sudano mentioned that to date, the people have been courteous in removing the short term signs.
 - d) Chairman Schwinder commented that again, these signs are being put on poles, trees and street signs. Some of the trees and poles show many staple marks.
 - e) Councilman Folatico asked about the enforcement issue, He thought the police, zoning officer or DPW could issue summonses if necessary.

12. Chairman Schwinder wanted to know about special signs for grand openings, special occasions. Pennants, string lights, bunting .
 - a) Mr. Goursky said there should be a maximum of 60 days for advertising these events.
 - b) Chairman Schwinder asked how many of these events would be allowed per business.
 - c) Mr. Goursky did not want to restrict these events.
 - d) Mr. Franco suggested that the Ordinance specify that there must be a least 60 days between events.
 - e) Chairman Schwinder wanted confirmation of 2 events per year with a minimum of 60 days between events.
 - f) Councilman Folatico asked about enforcement.
 - g) Chairman Schwinder thought it was a zoning/property maintenance issue.

13. Chairman Schwinder asked about banners.
 - a) Mr. Sudano said they were not permitted.

14. Chairman Schwinder was concerned about advantages businesses would have with pylon or monument signs, where other smaller businesses did not have that opportunity. And would there be a competition in regard to height, color light if all businesses were allowed pylons.
 - a) Councilman Folatico wanted to know if there was a setback requirement in place.
 - b) Ms. Bogart stated that Park Ridge did not see an increase in applications for pylons when the new ordinance was enacted.

15. Chairman Schwinder wanted to be sure that the frequency in message changes was limited to once daily, similar to the restrictions set out for Emerson Cleaners and the one currently being applied for by the Emerson Hotel. He wanted to be sure there were no changes made during the day to distract drivers.
 - a) Mr. Sudano stated that there was to be no scrolling or changing of messages during the business day to interfere with traffic.
 - b) Chairman Schwinder asked if interior advertising/displays such as TV monitors would be considered signs under the ordinance.
 - c) Ms. Bogart replied that if the TV/sign can be seen from the exterior it would be considered a sign and covered by the new ordinance.
 - d) Mr. Sudano stated scrolling would not be allowed.
 - e) Chairman Schwinder wanted to be sure the ordinance stated there would only be one message per day, no changes during the day.

- f) Councilman Folatico and Mayor Lamatina, wanted to be sure the signs at Borough Hall and the High School would be grandfathered.
16. Chairman Schwinder wanted to know about streamers, pennants and flags.
- Ms. Bogart said they were prohibited.
 - Councilman Folatico mentioned that State and U.S. flags were exempt.
 - Chairman Schwinder wanted to know about roof signs, particularly possible in the redevelopment zone
 - Ms. Bogart replied they were prohibited.
17. Chairman Schwinder then asked about perimeter lighting, light strings, window outlines, doorway outlines and other lighting
- Mayor Lamatina referred to Section 101.39C which prohibits lights around windows, doors and roofs.
 - Chairman Schwinder wanted to know about light strings, strips.
 - Mr. Sudano replied that on Kinderkamack Rd, the light strings are set back, and those in T-Mobile are off the street.
 - Chairman Schwinder advised Mr. Sudano that if the lights are allowed in a mall, they must be allowed for all.
 - Mr. Sudano said he was getting mixed feelings on this.
 - Mayor Lamatina said there were new restaurants coming into the Borough and wanted to be sure the lighting issue was resolved.
 - Mayor Lamatina then asked about “holiday” lighting, which is allowed under the current ordinance.
 - Ms. Bogart stated that “holiday” lighting was prohibited, since there are so many interpretations as to “holidays”. All lighting will conform to the Ordinance and if any special events occur, the parties can apply for a variance.
 - Chairman Schwinder stated that the lighting at T-Mobile is not allowed per the current ordinance and wondered how it was installed.
 - Mr. Sudano asked for a consensus regarding the window diversions at T-Mobile
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| Mr. Bresa | Yes |
| Mr. Goursky | No |
| Councilman Folatico | No |
| Mayor Lamatina | No |
| Mr. Adams | No. |
| Mr. Malone | No. |
18. Chairman Schwinder referred to the exterior of building outline lighting that had been installed at the Emerson Pharmacy and wanted to know if this would be allowed.
- Ms. Bogart said that type of lighting would no longer be allowed.
 - Mr. Franco wanted to be sure there were restrictions as to the brightness of lighting to avoid possible distraction problems.
19. Chairman Schwinder asked about artwork/mural that is painted on the side of buildings.
- Mr. Franco described it as a graphic presentation
 - Mr. Bogart stated it was prohibited under the new regulations.
20. Mr. Malone wanted to know about signs on fences.
- Mr. Bogart said they were prohibited except for signs on public recreation areas which are restricted as to size.
21. Chairman Schwinder wanted to know about the signs on delivery vehicles.
- Councilman Folatico said they were technically not allowed on private vehicles.

22. Mr. Ascolese wanted to be sure that the ordinance included a notation that any borough banners are placed 300 ft. from traffic lights. He said that for the most part these had been under the control of the County but with the merge, he is not sure whose jurisdiction it now is.

a) Councilman Folatico stated the banners were put up by the DPW.

23. Mr. Bresa wanted to know if directory signs on lawns, such as houses of worship, town signs on poles would be covered.

a) Ms. Bogart replied they were covered and had a maximum size limit.

Chairman Schwinder asked if there were any additional questions.

Mr. Sudano thanked the Board for their input. Ms. Bogart wanted to summarize what the committee was trying to accomplish

Simplification of rules

Allowing 1 sign per business except on corners

Allowing 1 – 4 window signs

Allowing for signage on the exit canopy

Standardizing sizes

Minimizing distractions

Chairman Schwinder recommended that the Sign committee meet with the Zoning Officer, Nelson Fullam and the Building Dept. Supervisor, Mike Sartori to get their input. He suggested a draft be sent to them for review beforehand. He then thanked the committee for their hard work.

Chairman Schwinder asked for a motion to open the floor to the public which was made by Mr. Goursky and second was made by Councilman Folatico, all were in favor. Seeing no hands he asked for a motion to close the floor, which was made by Mr. Goursky, second by Councilman Folatico, all were in favor.

Chairman Schwinder asked if there was any other business. Mayor Lamatina said there was a lot going on, which would be discussed at the Mayor and Council meeting.

Seeing no other hands, Chairman Schwinder asked for a motion to adjourn the meeting, which was made by Mayor Lamatina and second by Councilman Folatico. All were in favor.

The meeting was adjourned at 9:44pm

Respectfully submitted,
Marie Shust
Interim Board Secretary