

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
MARCH 1, 2018**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary Schwinder opened the meeting at 8:13 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	Absent
Alban Bresa	Present
Fire Chief Tom Carlos	Present (Late)
Michael DeOrio	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Absent
Steven Malone	Present
Doug McKendry	Absent
Norman Rieger	Present
Thomas Sudano	Present
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB Engineer	Present
Bridgette Bogart, Borough Planner	Absent
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 February 15, 2018. Hearing none he asked for a motion to accept the minutes, which was made by Mr. Goursky, second by Mayor Lamatina, all were in favor.

Chairman Schwinder asked for approval of the following vouchers:

Vouchers 1-Mar-18

2/21/2018 18-00307	Morrison Mahoney	214 KK	\$780.85
2/21/2018 18-00307	Morrison Mahoney	Della Volpe	\$854.00
2/21/2018 18-00307	Morrison Mahoney	Cibco	\$420.00
2/20/2018 18-00293	No.Jersey Media	Starbucks	\$56.19
9/20/1907 18-00292	Morrison Mahoney	Northern Valley	\$644.00
			\$2,755.04

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

Chairman Schwinder advised the Board that Mr. Kutzin was taking some mandatory Thursday evening classes for his role on the Old Tappan Fire Dept. The classes will cause Mr. Kutzin to miss several Municipal Land Use Board meetings for which he will be excused.

Chairman Schwinder then asked Mr. Ascolese if he had followed up on the correspondence received from Bergen County at the previous meeting regarding county road width regulations as they pertain to Kinderkamack Road and Old Hook Road. Mr. Ascolese replied he had been in touch with both the County and the Freeholders. The Master Plan would regulate future development along the County roadways and would not affect any established communities. He did state that the County parks and recreation intentions would move forward, but the roadway program would be tabled for further review. He said there were many “grey areas” regarding road widths and the opportunity for communities to challenge the requirements.

Chairman Schwinder asked if there was documentation of the conversations. Mr. Ascolese stated the County Engineer’s intent was to remain consistent with the character of the community, that the Resolution only refers to the Master Plan and there would be a reading of the Ordinance in late March or early April.

Mr. Schwinder thanked Mr. Ascolese for his attention to the proposals and his report.

Mayor Lamatina wanted to know if these width specifications would apply to the repaving of Kinderkamack Rd. Mr. Ascolese replied that milling and paving is done by the maintenance

department and this project is not currently under the Master Plan. He said the County is responsible for paving not walkways or curbs.

Mayor Lamatina repeated the inquiry regarding widening Kinderkamack Rd. Mr. Ascolese replied that the County plans may take effect if a new development were to take place, but there are no plans to undo what Emerson has already done. The 25 or 35 foot requirement from the center of the roadway may apply to future developments.

The Mayor confirmed the current dimensions of 18 ft from the center with a 17 ft setback.

Resolution:

**Renee Adams, 71 Hartland Ave., Block 218 Lot 15
Fence height variance**

Mr. Martin reviewed the special circumstances regarding this variance application approval. He stated that in no way would an 8 ft. fence become a norm due to this Resolution. It was only due to the special factors regarding the terrain and pool safety that this Resolution should be considered.

Chairman Schwinder stated that it was the homeowner's concern that if the rear neighbor removed their fence, then the Adams' fence would be in violation of fence height. This higher fence would assure them of being in compliance at all times. Mr. Martin stated that it is the duty of the applicant to be sure they are in compliance. Mr. Schwinder reiterated that this is a unique situation.

Mr. Goursky made a motion that the Resolution be passed, which was seconded by Mr. Sudano. Aye votes were made by Mr. Carlos, Mr. Goursky, Mr. Malone, Mr. Sudano, Mayor Lamatina, and Chairman Schwinder. Mr. Bresa, Mr. Rieger, Councilman Folatico abstained as they had not been present for the presentation of the application.

The Resolution was passed and Ms. Shust was directed to distribute and publish it.

Applications:

Armenian Home – extension request.

Chairman Schwinder then asked Mr. Martin to advise the Board of the response of Mr. Bell regarding the circumstances behind the extension request.

Mr. Martin stated that Mr. Bell had responded clearly that due to several changes in the State regulations, the construction of the new building could not begin until the revised Architectural plans (due to new building code requirements since original plan approval) were approved. Mr. Martin stated that there did not appear to be a financial burden, but a regulatory one, which he believed was not willful or deliberate.

Mr. Schwinder asked Mr. Ascolese if any progress relating to the project had been made. Mr. Ascolese replied that a temporary 15" drainage pipe had been installed as well as several additional catch basins. Mr. Ascolese stated that even if the construction were not undertaken, it is the responsibility of the Armenian Home to install the 36" drainage and additional catch basins, which would be on the westerly side under the proposed new parking lot.

Mr. Schwinder asked if more catch basins were necessary. Mr. Ascolese replied yes, but the 16" drain could not handle them, that's why the 36" drain is necessary.

Mr. Martin added that the Armenian Home is regulated by the State DCA and construction is being held up pending corrected plans which need to be approved by the State.

Mr. Schwinder asked about the financial section of the letter from Mr. Bell wherein he referred to a recession in 2014/2015. Mr. Martin explained that the problem seems to have been resolved and he recommended the extension of the development agreement for one year.

Chairman Schwinder wanted to know if the Armenian Home had to present the revised plans to the Board. Mr. Martin said that would only be the case if there were in conflict of the Borough Ordinances.

Mr. Goursky asked if this matter had to be voted on tonight. He wanted to know if additional research could be done by the Land Use Board and the Borough Engineer into the status of the finances and the progress of the construction.

Chairman Schwinder wanted to know if the Board could specify that this would be a final extension. Mr. Martin said that each request would have to be considered by the Board and processed accordingly.

Mayor Lamatina asked if the State changes were made in 2015, why has it taken so long for this process? Mr. Sudano said that the C1 stream environment is under the DCA. Mr. Martin said he believed the delay was caused by the DCA.

Mr. Sudano wanted to know if the Board could find out what has been done to date. Mr. Ascolese stated that there had been work done on the Main Street side as far as drainage. But he did not know what was happening on Broad Street or other areas.

Mr. Schwinder stated that the original contractor had been fired, and the Director had been replaced. Mr. Martin suggested Mr. Ascolese review the engineering plans and submit a progress report.

Mayor Lamatina agreed that a vote should be floored for a future meeting, after progress and financial information had been obtained. Ms. Shust was directed to obtain Escrow information, balances and expenses to date.

Mr. Sudano wanted to know if we could grant the extension with Board oversight. Councilman Folatico asked to table the request until the meeting of March 15th at which time Mr. Ascolese can provide more detailed and up to date information. Mr. Goursky was in agreement with that suggestion. Mr. Martin agreed the matter should be reviewed at the meeting of March 15th.

Chairman Schwinder stated that as long as the Board was in agreement, the matter would be tabled until the meeting of March 15th. There was complete agreement.

Mr. Martin asked Mr. Ascolese to contact Mr. Sartori with regard to any open permits for the project. What they are for and the amount of the proposed work.

Chairman Schwinder told the Board that the application for the Valero project was carried over to April 19th.

Chairman Schwinder asked for a motion to open the floor to the public which made by Mr. Sudano, second by Mr. Rieger, all were in favor. Seeing no hands, Chairman Schwinder asked for a motion to close the floor which was made by Mr. Goursky, second by Mr. Malone, all were in favor. The floor was closed to public comment.

Mr. Ascolese presented a revised photo of the proposed sign for the northern façade of the Emerson Hotel. He said the Resolution of July 27, 2017 agreed to the installation of two signs, one in front and one on the north façade. The description of the sign for the north façade included size, extension from the building and materials. He said that he had been in contact with Ms. Bogart, who could see no conflict with the regulations in the Ordinance.

After discussion with Mr. Ascolese, Mr. Martin, and various board members it was determined that the sign is of a different material than the original. Mr. Schwinder was concerned that this type of sign might set a precedent. He stated that the Borough had issued a temporary allowance of various signs during the roadway widening, which will end at the end of the year.

Councilman Folatico wanted to know if this change could be regulated by a proposed Sign Ordinance which is going to be discussed at the next meeting. Mr. Martin replied that the ordinance would not happen overnight, therefore, this application would require a variance.

The Board members all agreed that the materials to be used in the new sign were different than those approved in the original Resolution, and, therefore, would require an application for an Amended Resolution. Ms. Shust was directed to create correspondence to the Emerson Hotel, with copies to Mr. Giannantonio, Esq. and Mr. Scara of Valley Sign, explaining that an application must be completed with notice to all the neighbors.

Mr. Sudano stated that the Board had received a copy of the current Ordinance, proposed changes and a chart for their review. He stated that there would be some final changes coming, which he would have emailed to each member.

Mr. Schwinder made note of the various lighting materials installed by individual business owners throughout the Borough to draw attention to their respective businesses, and wanted to know how this could be controlled. Mayor Lamatina suggested that those questions be held until that next meeting as they had not been listed on the Agenda.

Mr. Schwinder reminded the Board to make note of any questions they might have, to take a ride through the neighboring boroughs to make note of any suggestions they might have for Emerson. Any concerns they might have as to size, lighting, colors, etc should also be brought to the Committee's attention.

Ms. Shust asked if the presentation of the proposed sign Ordinance had to be published. She was advised that listing it on the Agenda would be sufficient.

Chairman Schwinder advised the Board that Mr. Russ Huntington had requested a brief hearing at the next meeting in regard to 166 Palisade Ave - Northern Valley Developers. Since this matter was scheduled for a hearing on April 5th, the Board decided not to hear it on the 15th. Ms. Shust was

directed to advise Mr. Huntington of the Board's decision. If he had any questions regarding this decision he should reach out to Mr. Martin.

Mr. Schwinder stated that the application for 109 Linwood as been withdrawn.

Mr. Schwinder asked for a motion to adjourn the meeting which was made by Mayor Lamatina, seconded by Mr. Malone, all were in favor.

The meeting was adjourned at 9:28pm

Respectfully submitted,
Marie Shust
Board Secretary