

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
MARCH 3, 2016**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 8:10PM. In compliance with the Open Public Meetings 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
Thomas Callagee	Present
Michael DeOrio	Present
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Present
Germaine Ortiz	Present
Norman Rieger	Present
Thomas Sudano	Present
Vincent Tripodi, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, MLUB Attorney	Present
Elliot Sachs, MLUB Engineer Substitute	Present
Bridgette Bogart, Borough Planner	Not Requested
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Kristi Giambona, Secretary	Present

Vouchers:

There were no vouchers to be approved.

Approval of Minutes:

The minutes from the February 18, 2016 meeting were approved on a motion from Mr. Malone, seconded by Mayor Lamatina and carried by all.

Correspondence:

A memo from the Emerson Police Chief Donald Rossi was read aloud. The memo stated that the application for a minor subdivision at 147 Chestnut Street on the agenda, does not affect any traffic related issues.

Resolutions:

**Carvajal – Single Family Home Addition
203 Wortendyke Avenue, Block 410, Lot 3**

The resolution was read by all. A motion to approve the resolution was made by Mr. Goursky, seconded by Mrs. Ortiz, and carried by roll call vote as follows:

Mr. DeOrio	Yes
Mr. Goursky	Yes
Mr. Kutzin	Yes
Mr. Malone	Yes
Mr. McKendry	Yes
Mrs. Ortiz	Yes
Mr. Sudano	Yes
Councilman Tripodi	Yes
Mayor Lamatina	Yes
Chairman Schwinder	Yes

Application:

**SAR4, LLC - Minor Sub Division
147 Chestnut Street - Block 112, Lot 10**

All notice and proof of service for this application was found to be satisfactory. Mr. Robert Maloof, esq. of 645 Westwood Avenue in River Vale and Mr. Christopher Statile, P.A. of 3 Fir Court in Oakland were both present on behalf of the applicant. The MLUB attorney swore in both Mr. Maloof and Mr. Statile. Mr. Statile presented architectural plans dated January 12, 2016, which were marked as Exhibit A-1. Mr. Statile explained that there is currently a single-family home on the property and that the lot would be sub-divided into two lots. The first lot would be 12,000 sq. feet with a proposed frontage of 95 feet and the 2nd lot would be 11,000 sq. feet with a proposed frontage of 85 feet.

Mr. Statile explained that there is currently a 24" pipe located in the southern portion of the lot to carry water northerly into the Musquapsink Brook. His plan is to add another 190 feet of 24" pipe and add a new catch basin and curbing and fill in the current man-made ditch. Mr. Statile has filed the paperwork for this with the state Department of Environmental Protection and is awaiting response. Mr. Sachs, Substitute Borough Engineer inquired about the condition of the pipe and if there was any silt inside of it. Mr. Statile confirmed that the current pipe is in good condition.

Mr. Sachs presented photos to the Board of flooding in that area after the rainstorm of February 25, 2016, which created the existing pipe to be covered by water. The photos were marked as Exhibit BD-1. Mr. Sachs explained that the proposed 5 ft. drainage pit easement should instead be 15 ft. all the way around the property. Mr. Statile concurred with Mr. Sachs. Mr. Sachs then inquired about Lot #13 and how that lot would evacuate its water. A picture of where Lot #11 and Lot #13 meet and the 24" pipe was shown to the Board and marked as Exhibit BD-2.

Mr. Statile offered to do a blown up drawing of the section where the pipe is and explained that both of the new homes will have 1,000-gallon capacity seepage pits installed. Mr. Sachs recommended two manholes to make a 45-degree angle as opposed to a 90-degree angle. Mr. Sachs also requested a hold harmless agreement in regards to the easement if the board approves. Mr. Statile will provide revised plot plans to the Board and will also advise the Shade Tree Commission of the plans.

Both houses to be built will be 3,000 sq. ft. each and no variances are needed. The applicant will forward sub-division deeds to Mr. Martin, Borough Attorney.

Chairman Schwinder asked how the pipe would be buried? Mr. Statile explained that the current concrete pipe would be changed to a plastic pipe and the contractor would excavate 1 ft. below the pipe. It would then be graded with stone and covered with topsoil. Mr. Statile also explained that they would be moving 1,045.3 cubic yards of soil and that a Soil Movement application has already been submitted.

Mr. Statile explained that the existing wall in the back of the property would stay there and that they would grade up to the front of the wall. They would be adding swales in the front of each of the homes and in the middle of the homes to capture water. Building plans for Lot 11.02 was marked as Exhibit A-2 and building plans for Lot 11.01 was marked as Exhibit A-3.

This matter was opened to the public on a motion from Mayor Lamatina, seconded by Mr. Tripodi and carried by all.

Steven Smith of 161 Chestnut Street stated that he had a few concerns. His property gets severe ponding even after he had installed drainage in the back of his property; he asked how the new construction was going to affect this? Chairman Schwinder suggested to Mr. Statile to create an additional swale on Mr. Smith's property. Mr. Statile concurred.

Mark Paco of 129 Chestnut Street stated that the outlet pipe starts on the new property and the inlet pipe ends on his property. He inquired if the applicant would be willing to remove the large cherry tree that sits on the border of the two properties. He also inquired if the applicant would be agreeable to add a curb in front of his property to avoid ponding on his property. Mr. Sachs suggested to Mr. Statile to work together with the neighbors on the topography of the properties.

Glenn Cariddi of 284 Birch Street just wanted to confirm that the existing retaining wall would stay. Mr. Statile confirmed this.

The public portion was closed on a motion from Mr. Goursky, seconded by Mr. Sudano, and carried by all.

A motion to approve the application, subject to the conditions that were spoken about was made by Mr. Goursky, seconded by Mayor Lamatina and carried by a roll call vote as follows:

Mr. Callagee	Yes
Mr. DeOrio	Yes
Mr. Goursky	Yes
Mr. Kutzin	Yes
Mr. Malone	Yes
Mr. McKendry	Yes
Mrs. Ortiz	Yes
Mr. Rieger	Yes
Mr. Sudano	Yes
Councilman Tripodi	Yes
Mayor Lamatina	Yes
Chairman Schwinder	Yes

Mr. Joe Scara of the Valley Sign Company was in attendance as the sign contractor for the Emerson Cleaners to propose a new type of sign to replace the existing sign. Mr. Scara is proposing a 21" high x 52" wide color digital sign. The sign would not be too bright and would have a single message that would change every few days. Mr. Scara would like a decision on his informal application by the first meeting in April.

Chairman Schwinder recommended having a sign design sub-committee consisting of five Board members. Mr. Sudano will be the Team Leader along with Mr. DeOrio, Mr. Rieger, Mrs. Ortiz and Mr. McKendry.

Chairman Schwinder stated that he would be out of town for the March 17th meeting, as well as Vice Chairman Goursky. He is requesting all applications be moved to the April 7th meeting. The Board Secretary will inform the appropriate parties of this cancelation.

A memo from the Emerson Borough Clerk was read aloud by Chairman Schwinder regarding a recent Bond Ordinance. Ordinance 1520-16 authorizing the acquisition of real property for municipal purposes in, by and for the borough of Emerson, in the County of Bergen, State of New Jersey, to appropriate the sum of \$430,000 to pay the cost thereof, to make a down payment, to authorize the issuance of bonds to finance such appropriation and to provide for the issuance of bond anticipation notes in anticipation of the issuance of such bonds. Chairman Schwinder requested comments, recommendations and/or objections from the board. The board had no comments or objections.

This matter was opened to the public on a motion from Mr. Goursky, seconded by Mr. Sudano and carried by all. As there was no public comment, the public portion was closed on a motion from Mr. Goursky, seconded by Mayor Lamatina, and carried by all.

Any Board Member:

Mayor Lamatina informed the Board that two development companies made presentations at the last Mayor and Council meeting. He stated that two additional companies would be presenting at the next meeting.

Good and Welfare:

None

A motion to adjourn was made by Mr. Callagee, seconded by Mr. Goursky, and carried by all.

Meeting adjourned at 10:38 p.m.

Respectfully submitted,
Kristi Giambona, Secretary