

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
May 21, 2020**

This meeting of the Emerson Land Use Board was held on "Gotomeeting." Land Use Chairman Bischoff opened the meeting at 7:30pm. 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.

Roll call was taken:

Mayor DiPaola	Arrived 7:33
Stephanie Clark	Absent
Councilwoman Jill McGuire	Present
Chairman Jeff Bischoff	Present
Vice-Chairman Gary Schwinder	Present
Don Pierro	Present
Mike Myers	Present
Bill Loschiavo	Present
Paul Hulburt	Absent
Michael Timmerman	Present
Mike Cimino	Absent
Andy Sarkisian	Present
Carl Carbo	Absent
Christopher Martin, LUB Attorney	Present
Caroline Reiter, Planner	Present
David Atkinson, LUB Engineer	Not Requested
Richard, Silvia, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Borough Administrator, Richard Hermansen	Not Requested
Marie Shust, Secretary	Present

Chairman Bischoff asked if there were any comments or changes for the minutes of the meeting of April 16th. Vice Chairman Schwinder had two corrections to be made: On Page 2, in reference to the application by Ashley and Patrick Rice, the split rail fence is only on the side street, not the entire property and should be so noted. On Page 3, the new fence would only be installed on the side street and to the side of the house, the rear fence is a neighbor's pre-existing fence, and the other side is already fenced.

Mayor DiPaola made a motion to accept the minutes as amended, second was offered by Mr. Myers, Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Loschiavo, Mr. Myers, Mr. Pierro, Mr. Timmerman and Mr. Sarkisian voted to approve the amended minutes.

There was a lot of inference in the audio. Mr. Myers suggested that all unnecessary electronics be turned off. It did lesson the problem

Mayor DiPaola asked for a point of order, that all responses should be verbally, not with a shake of the head.

Correspondence, Vouchers:

Ms. Shust was asked to read any vouchers.

Vouchers		May 21, 2020		
Date	Number	From:	For	Amount
18 May	20-00649	North Jersey Media	40 Dogwood Reso Fringuello, 15	\$ 47.50
18-May	20-00650	Neglia Eng	Orchard	\$ 645.00
11 May	20-00608	NJ Planning	Training Carl Carbo	\$ 85.00
Total				\$ 777.00

Vice Chairman Schwinder made a motion to approve the vouchers for payment, second was offered by Mr. Myers. Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Loschiavo, Mr. Myers, Mr. Pierro, Mr. Timmerman and Mr. Sarkisian voted to approve the vouchers.

Resolutions:

Rice Residence

3 Crest Rd, Block 130, Lot 4

Installation of 6-foot fence, over-sized fence variance

Chairman Bischoff asked if there were any comments regarding the Resolution Mr. Schwinder asked that clarification of the location of the 57 ft. fence be included. He asked to have the name of the side street (Parker) included since that is where that portion of the fence is being installed. Mr. Martin said he would have the Resolution amended to include the street name. Mr. Loschiavo made a motion to accept the amended Resolution, second was offered by Mr. Myers. Mayor DiPaola, Councilwoman McGuire, Chairman Bischoff, Vice Chairman Schwinder, Mr. Loschiavo, Mr. Myers, Mr. Pierro, Mr. Timmerman and Mr. Sarkisian voted to approve the Resolution as amended.

APPLICATIONS:

Mr. Martin advised the Board that the application for Yochevid’s Gift Shop is being carried to the meeting of June 4th with no further notice required and no prejudice to the Board.

Dr. Dental, 600 Kinderkamack Rd, Use Variance

Block 211 Lot 1

Chairman Bischoff reminded the Board that he taken pictures of the parking lot and sent them to the members for their review prior to the COVID quarantine.

Mr. Paul Conciatori introduce himself and the witnesses who were present:
Richard Preiss of Phillips, Preiss, Grygiel, Leheny, Hughes, LLC, Planner
Alex Faigel, owner of the Dr. Dental Chain
Michael Blozski representative for the shopping plaza

Mr. Conciatori briefly described the business. He told the Board the dental office would be located in the unattached building to the side of the Stop & Shop building. There would be no exterior renovations, only the interior would be fitted out to suit the purpose of the business. He noted that in this particular zone, although offices were allowed, medical and dental were not included, therefore a variance is required

Mr. Martin told Mr. Conciatori that he was in receipt of the notices and they were satisfactory.

Mr. Conciatori addressed his questions to Mr. Faigel. Mr. Martin asked Mr. Faigel for his name and address. Alex Faigel, owner with his sister of the Dr. Dental franchise. Their main business address is 945 Concord, Framingham, MA 01701.

Mr. Faigel told the Board he and his sister established the company in East Boston, 16 years ago, and now have 44 branches in New Hampshire, Massachusetts, Connecticut, and New Jersey, sites in New Jersey include Clifton, and Edison, they are opening a branch in East Orange in addition to this application.

Mr. Faigel continued that he is the Operations Manager. When asked about the property, Mr. Faigel replied they would be leasing an existing space in the stand alone building next to the Stop and Shop. There would be no external changes, only internal fit-out for a dental practice. The signage over the front of the building would be in conformance with the Borough Ordinance. He stated that a large percentage of the Plaza was food oriented, and this traffic would be beneficial to his business. He advised the Board that 50% of the population do not use a dentist regularly. It was hoped that this location would lead to increased visits by the residents.

Mr. Conciatori asked about staffing. Mr. Faigel replied in the beginning there would be one dentist, one dental assistant and one receptionist. It is hoped that this would expand to two doctors and two assistants. At this time, due to the quarantine, they are not opening a waiting room. There would only be one chair. He said patients would be booked 1 – 2 at a time, as the dentist moved between rooms waiting for anesthesia to take effect.

Mr. Conciatori asked about the floor plan. Mr. Faigel said they were providing 6 examination rooms, a lab, break room, restroom and reception area. He did not expect the examination rooms to be fully occupied due to the quarantine. He continued that patients could call or make appointments on line. He said advertising would be done on line as well as the old-fashioned way in a phone book.

When asked about the hours of operation, Mr. Faigel stated they would be open Monday through Friday 10 am to 7 pm, and on Saturday, 9 am to 3 pm.

Mr. Conciatori asked about the steps being taken in regard to the COVID 19 epidemic. Mr. Faigel replied that there was a compliance team in place who had issued guidelines. Patients would be screened, especially for international travel, there would be social distancing in place, the chairs have already been removed from waiting rooms. There is increased sterilization and disinfecting. The staff is being temperature checked and wear PPE and a face shield.

Mr. Conciatori called on Mr. Blazoski, representing the shopping plaza through Keystone 219 main St. Chatham, NJ

Mr. Blazoski provided background information for himself and the shopping plaza. Stating he has been in the commercial real estate field for 30 years. He was involved in the plaza since it's conversion in 2006. From the long-term ground lease, the buy out of existing tenants, creation of the new plaza and the new tenants. He manages the property, collecting rents and taxes, and arranging maintenance.

Mr. Conciatori asked if this business would be a detriment to the plaza. Mr. Blazoski thought it would be an improvement, since it would fill a vacancy and invite new shoppers. When asked about parking, Mr. Blazoski said there was actually an overflow of spaces. Since it's beginning, there has never been a shortage of parking. He stated that the front parking area was used for commuters, and that tenants from Bland St., the bank and the beauty salon were also parking in the lot. He said if parking for any reason became a concern, he would ask non-tenant parking to find another location.

Mr. Conciatori introduced Mr. Philip Preiss, planner for the plaza since 2006 Mr. Martin welcomed Mr. Preiss and asked him to state his name and address for the record. He is associated with Phillips, Preiss, Grygiel, Leheny, Hughes, LLC, 3341 Newark, Hoboken. He said he is qualified before many Boards, as well as being the Planner for several municipalities including Woodcliff Lake and Harrington Park.

Mr. Preiss continued that the use variance was being sought for the unit located in the side building where Verizon, Jersey Mike, Hand n Stone, Super Cuts are located. He said the tenant is seeking to occupy 1573 sq. ft of space with no change to the exterior and the sign would conform to Borough specifications. He said currently the RC Zone does not allow medical or dental offices, which is the reason for a variance request.

Mr. Preiss continued that the current uses are being reviewed, but until such time a variance would be required. He said as noted in the 2020 draft of the Reexamination that brick and mortar stores are suffering and the current COVID 19 situation is causing some retailers to fail. It is necessary to fill the vacancies with service type businesses which cannot be done on the internet. He said that the dental office would also attract foot traffic form local residents to the plaza stores.

Mr. Preiss said there is sufficient parking for this business and it would be beneficial to public health, safety and general welfare. This is not a high-density traffic business. Patients would come in at appointed times, using 3-4 parking spaces at a time, at peak perhaps 6 – 8 spaces, which is in line with the ICC guidelines. As stated by Mr. Blazoski, there are 37 parking spaces in front of that stand-alone building, even if 7 parking spaces were filled, that would leave 30 for other businesses. Mr. Preiss also stated that there were guidelines in effect to properly protect against the pandemic. He did not see any detriment to the public in granting this variance.

Negatively, there is no impairment to the Master Plan planning and redevelopment. The existing building would be enhanced with a new tenant and vitality would be brought to an underutilized vacant storefront.

Chairman Bischoff asked Ms. Reiter if she had any comments on the application. Mr. Martin verified that Ms. Reiter is the Borough Planner and asked Mr. Conciatori if he accepted Ms. Reiter's credentials, to which he replied yes.

Ms. Reiter asked about the last tenant in the space and was told it was Cost Cutter Hair Salon. Ms. Reiter continued that the applicant needed a D1 zoning variance, the that applicant's business is suitable for the location. She also stated she believed the dental office would have less traffic density than a hair salon. She felt the applicant would have a low impact and the parking seemed to be ample, and as stated if a problem does arise, it can be addressed.

Negatively, she continued, no impact on open space, and would eliminate an empty storefront. She also stated that the re-examination of the Master Plan, which had been delayed due to the COVID 19 quarantine, would support the changes to "permitted use" businesses for the brick and mortar storefronts.

Chairman Bischoff stated it was a good idea. There was plenty of parking, would fill an empty storefront, and hopefully, create more foot traffic for the plaza. He was happy to see vacancies being filled. He then asked the Board if there were any questions or comments.

Mr. Sarkisian wanted to know if there would be any flags, banners, etc. announcing the opening of the location. Mr. Conciatori replied no. Mr. Sarkisian said he thought it was a great idea and excellent business plan.

Councilwoman McGuire recused herself on this application since it involved D-1 zoning.

Mr. Loschiavo stated the business would be beneficial. His concern is with the parking spaces on the far side of the island and plantings. He said there is no walkway and people are trampling through the plants to get form one side to the other. He thought perhaps a walkway could be considered.

Mr. Blazoski said they encourage employees to park on the far side of the island and walk around. He has noticed the worn areas.

Mr. Pierro also said it was a great idea, to broaden uses, relax restrictions and he saw no problem with parking.

Mr. Myers also liked the idea, and just wanted clarification as to which unit the dental office would be occupying. He was told lit would be between Pet Value and Jersey Mike. Mr. Myers stated that he visited Pet Value quite often and commented that the spaces facing the storefront seemed to be narrower. He was also concerned with the speed which some drivers use coming around the corner. He shared the concerns about the trampled landscape.

Mr. Timmerman felt there was no increase in intensity of traffic.

Vice Chairman Schwinder stated it was an excellent presentation and kudos for presenting a perfect use for the center, which improves area retail and is in walking distance for residents.

Ms. Reiter closed saying it was a good clear and thorough presentation. Less intense, improving appearances by filling a vacant space and positive impact on the Master Plan planning goals.

Vice Chairman Schwinder had one last question for Mr. Faigel, in regard to supervision/oversight of the 44 stores. Mr. Faigel replied he had an office manager at each location, and there was a regional manager for the last 7 or so years who visited each location.

Mr. Martin wanted to review some of the statements made by Ms. Reiter and Mr. Preiss regarding the location. It was last used as a hair salon, and the dental practice is considered an essential usage according to the Governor's declaration. Therefore, this application would be doubly beneficial.

Mr. Martin reminded the Board that the Mayor and Councilwoman were recused since this is a D-1 variance.

Vice Chairman Schwinder made a motion to open the floor to the public on this matter and this matter only, second was offered by Mr. Timmerman, all were in favor. Seeing no hands from the public, Vice Chairman Schwinder made a motion to close the floor, second by Mr. Sarkisian. All were in favor. The floor was closed to the public on this application.

Vice Chairman Schwinder made a motion to approve this application for a use variance. Second was offered by Mr. Loschiavo. Chairman Bischoff, Vice Chairman Schwinder, Mr. Loschiavo, Mr. Myers, Mr. Pierro, Mr. Timmerman and Mr. Sarkisian voted to approved the variance application.

Chairman Bischoff thanked the applicants for their presentation and wished them well.

PUBLIC COMMENT:

Vice Chairman Schwinder made a motion to open the floor to the public on any matter, second was offered by Mr. Pierro, all were in favor. Since there were no hands from the public, Mr. Schwinder made a motion to close the floor, second by Mr. Pierro, all were in favor.

BOARD BUSINESS:

Ms. Reiter reminded the Board members that the Re-examination report would be reviewed at the next meeting on June 4th. Ms. Shust was instructed to send a copy of the Master Plan Re-examination Draft to the members as well as Mr. Martin. Ms. Reiter requested that all questions be directed to Ms. Shust to be forwarded to her in a batch.

Chairman Bischoff thanked Mr. Pierro and Mr. Myers for their input during the several workshops to update the Master Plan and brick and mortar businesses.

ANY BOARD MEMBER:

There were no comments from the Board members. Chairman Bischoff wished everyone a happy holiday and to stay safe and healthy.

Councilwoman McGuire advised the Board there would be a virtual memorial ceremony held on GoToMeeting and the details would be listed on the website

Vice Chairman Schwinder made a motion to adjourn the meeting, second was offered by Mr. Sarkisian, all were in favor.

The meeting was adjourned at 8:43 pm.
Respectfully submitted,

M. Marie Shust
Board Secretary