

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
May 7, 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 7:40
Stephanie Clark	Present
Councilwoman Jill McGuire	Present
Chairman Jeff Bischoff	Present
Vice-Chairman Gary Schwinder	Present
Don Pierro	Absent
Mike Myers	Present
Bill Loschiavo	Present
Paul Hulburt	Present
Michael Timmerman	Absent
Mike Cimino	Absent
Andy Sarkisian	Present
Carl Carbo	Present
Christopher Martin, LUB Attorney	Present
Caroline Reiter, Planner	Not Requested
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: Page one; Ms. Reiter was not present. Page three; the answer to the questions about the setbacks should be “No”. Councilwoman McGuire wanted a correction on the location of the gift shop at 9A Ackerman. She said it should not say above DD as that sounds like a two-story building for DD, instead it should say adjacent to DD. There were no other corrections. Vice-Chairman Schwinder made a motion to approve the minutes as amended, second was offered by Mr. Myers. Roll call vote, Ms. Clark, Councilwoman McGuire, Chairman Bischoff, Vice-Chairman Schwinder, Mr. Loschiavo, Mr. Myers, Mr. Hulbert, Mr. Carbo and Mr. Sarkisian voted yes.

Correspondence, Vouchers:

Ms. Shust was asked to read any vouchers.

Vouchers		May 7, 2020		
Date	Number	From:	For	Amount
20 Apr	20-00554	Morrison Mahoney	Flannelly, 160 Eagle Dr	\$ 798.00

23 Apr	20-00572	North Jersey Media	Carrying items on Agenda	\$ 17.58
1-May	20-00595	Morison Mahoney	Fringuello, 15 Orchard	\$ 430.00
6 May	20-00608	Morrison Mahoney	General Matters	\$ 1,379.50
			Total	\$ 2,625.08

Note: there was a calculation error made on the total announced during the meeting, due to elimination of one bill at the last minute.

Vice-Chairman Schwinder inquired about an invoice that had been listed from Statile Planning. He was told the invoice needed to be corrected and therefore, was pulled.

Vice-Chairman Schwinder made a motion to accept the vouchers as read, second was offered by Mr. Loschiavo. Roll call vote: Mayor DiPaola Ms. Clark, Councilwoman McGuire, Chairman Bischoff, Vice-Chairman Schwinder, Mr. Loschiavo, Mr. Myers, Mr. Hulburt, Mr. Carbo and Mr. Sarkisian voted to approve the vouchers.

Resolutions:

Costantini Residence:

40 Dogwood Lane Block 326, Lot 4
Addition/Alteration to Single Family Residence
Pre-existing non-conforming side yard setbacks and rear year setback.

Chairman Bischoff asked if there were any comments regarding the Resolution. Hearing none he asked for a motion to approve, which was made by Mr. Myers, second by Councilwoman McGuire. Roll call vote: Ms. Clark, Councilwoman McGuire, Chairman Bischoff, Vice-Chairman Schwinder, Mr. Loschiavo, Mr. Myers, Mr. Hulburt, Mr. Carbo and Mr. Sarkisian voted to approve the Resolution. Mayor DiPaola abstained as she had not been present when the application was presented.

APPLICATIONS:

Rice Residence

3 Crest Rd, Block 130, Lot 4
Installation of 6-foot fence, over-sized fence variance

Ashley and Patrick Rice introduced themselves and stated their address for the record. Mr. Martin told them the notifications that had been sent out to the neighbors and published were satisfactory.

Chairman Bischoff asked the applicants;

Single family home and their primary residence	Ashley Rice	Yes
There is currently a fence around the property	Ashley Rice	Yes – split rail on the side street.

Patrick Rice told the Board they needed a regular fence to keep their children in the yard.

Chairman Bischoff asked about the type of fence. Ashley replied it was a white fence matching their neighbors. Chairman Bischof asked if they were removing the split rail fence, which runs along the side street (Parker). Ashley replied yes, and was pleased to know it could be removed. Chairman Bischoff asked if the applicants saw any downside to the fence installation. Ashley replied no, she thought it would fit in with the neighborhood and other fencing.

Charmin Bischoff asked the Board if there were any questions. Vice-Chairman Bischoff asked about a pre-existing fence in the rear yard. Ashley replied it was the neighbors and the fence that is to be installed where the split rail is being removed and to meet the house in front matches that fence. Vice-Chairman Schwinder asked about the material Ashley replied it was white PVC matching the neighbors.

Ms. Clark asked about the entry was it a double entry or single. Ashley replied there were two single entries one on each side of the house.

Mr. Loschiavo asked how close the fence would be to the corner Chairman Bischof replied there is no setback variance required, it met regulation, the only variance is for the height. Mr. Martin stated that the Resolution would include a statement regarding meeting Police safety sight lines.

Mayor DiPaola asked about the existing fence, which is 2 feet from the curb. Ashley replied the new fence would be ten feet from Parker Dr. Mayor DiPaola then asked if the fence would just box in the yard, Ashley replied yes, it was for the safety of the children.

Mayor DiPaola wanted to be sure the sight line would not be blocked. Mr. Martin replied the Resolution would contain stipulation that the fence meet the standards of all departments and there would be a final review after installation is completed.

Mr. Martin listed several items to be sure they were included in the Resolution:

- The fence would be 8 feet further from the curb than the current split rail for a total of ten feet from the curb.

- There is no set back variance required, the fence will not be too close to the curb

- The fence installation will comply with all codes of the Borough

- The fence is going to be the same height, color and style as the neighbors existing fence.

- There are similar fence installations on Crest St.

- There is no negative impact on the neighborhood

- The installation will be an enhancement to neighborhood in style and height.

Chairman Bischoff asked for a motion to open the floor to the public, which was made by Mayor DiPaola, second was offered by Mr. Myers, all were in favor.

Mr. & Mrs. Paul Kim of 10 Crest were recognized. They introduced themselves as Paul and Emma Kim. Emma Kim said her main concern was the sight line from Parker onto Crest. They welcomed the Rice family to the neighborhood and had no other concerns regarding the fence. Mr. Martin directed Ms. Shust to provide Chief Mazzeo with a copy of the application for his review and comment regarding the sight line. Mr. Martin assured Mr. & Mrs. Kim that the Resolution would include adherence to traffic safety codes.

Seeing there were no other neighbors in the audience, Chairman Bischoff asked for a motion to close the floor to the public, which was made by Mayor DiPaola, seconded by Vice-Chairman Schwinder, all were in favor.

Chairman Bischoff asked for a motion on the application. Mayor DiPaola made a motion to approve the application. Second was offered by Councilwoman McGuire. By roll call vote, all were in favor.

Chairman Bischoff congratulated Mr. & Mrs. Rice, and told them a resolution memorializing the approval would be voted on at the next meeting, after which they could apply for their building permit

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 was no public, Mr. Schwinder made a motion to close the floor, second by Mr. Timmerman, all were in favor.

Ashley Rice thanked the Board for their consideration and the efficiency of the procedure. She thanked Ms. Shust for all her help during preparation and submittal of the application.

BOARD BUSINESS:

Bond Ordinance 1612-20. Chairman Bischoff told the Board there was no objection to the Ordinance and would submit a letter stating that fact. Ms. Shust was directed to provide the letter to the Chairman with a copy to Mr. Martin.

ANY BOARD MEMBER:

Mayor DiPaola said she had been unable to attend the last meeting, but reviewed the tape and was impressed with how smoothly the meeting had run.

Chairman Bischoff told the Board that the times were uncertain, and he didn't know how long virtual meetings would be held. He was concerned with additional public attending future meetings and how they could be controlled. Mayor DiPaola asked Ms. Shust to check with Coleen to see how the public could be monitored.

Chairman Bischoff asked if there was any other business. Ms. Shust asked for a moment to get confirmation that all Board members had reviewed the Stormwater Management course, as required.

Chairman Bischoff wished a Happy Mother's Day to the ladies in attendance and the wives/mothers of the gentlemen in attendance.

Mayor DiPaola made a motion to adjourn the meeting, which was seconded by Mr. Myers, all were in favor.

The meeting was adjourned at 8:03 pm.
Respectfully submitted,

M. Marie Shust
Board Secretary