

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
October 17, 2019**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Land Use Chairman Bischoff opened the meeting at 7:33 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 was taken:

Mayor DiPaola	Absent
Stephanie Clark	Present
Councilwoman Jill McGuire	Absent
Chairman Jeff Bischoff	Present
Vice-Chairman Gary Schwinder	Present
Don Pierro	Present
Evan Kutzin	Absent
Mike Myers	Present
Bill Loschiavo	Present
Doug McKendry	Present
Paul Hulburt	Absent
Michael Timmerman	Arrived Late (7:40pm)
Mike Cimino	Absent
Christopher Martin, LUB Attorney	Arrived Late (7:40pm)
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 questions or comments on the minutes of October 3, Vice Chairman Schwinder asked if the names should be changed for the Borough Administrator and the Construction Official. Ms. Shust said she would make the changes. (Note: Since Mr. Hermansen had not begun his term as Borough Administrator at the time of the October 3rd meeting, his name was not entered into those minutes.) Vice Chairman Schwinder made a motion to approve the minutes with the name corrections, second was offered by Mr. Myers, by roll call vote all were in favor.

There was no correspondence. Ms. Shust was asked to read the vouchers

Vouchers	17-Oct-19				
4-Oct	19-00611	Neglia Eng. North Jersey	129 Palisade Ave.	\$	202.50
16-Oct	19-01625	Media	Notices for Ciolino, 71 Palisade Ave	\$	178.61
16-Oct	19-01626	Morrison Mahoney	178 Colonial Rd.	\$	336.00
19-Oct	19-01660	Resorts AC	NJSLOM reservation	\$	188.00
				\$	905.11

16-Oct	19-01626	Morrison Mahoney	Emerson Redevelopers	\$	399.00
16-Oct	19-01659	Morrison Mahoney	Tanverr Hassan vs Emerson	\$	135.00
				\$	534.00
				\$	1,439.11

Mr. Pierro made a motion to approve the vouchers for payment, second was offered by Mr. Myers, by roll call vote, all were in favor.

BOARD BUSINESS:

Chairman Bischoff introduced Caroline Reiter to the Board and asked her to begin the discussion of the RC Zone additional permitted use.

Ms. Reiter began by reviewing her experience and the municipalities she has been working with. She told the Board that most communities are reviewing the permitted uses in RC Zones to encourage experiential outings. She explained that brick and mortar stores are suffering and there are certain industries that cannot be addressed online, in particular medical and dental, exercise studios, doggie care and other areas that need a personal touch.

She strongly recommended the addition of these types of businesses to increase the walk in shoppers in other businesses in the strip mall areas. Ms. Reiter also stated that some of the businesses that are listed as permitted use may no longer be relevant, and a thorough review of uses in all the designated zones might be in order.

Ms. Reiter continued that although a review of the Master Plan is required every ten years, there is no reason that certain areas cannot be re-examined before that time in order to meet the needs of the Borough.

Vice Chairman Schwinder stated that there was a dentist in the RC Zone when the bank building was open and wanted to know how that happened if dental was not included in the current permitted use. Mr. Martin replied that in the years he had been representing the Board, he did not remember a dental application and thought it might have happened before the current listing of permitted uses was published.

Vice Chairman Schwinder continued that medical and dental offices had not been included in the redevelopment area due to lack of parking. He also asked about other businesses such as Title Search, Insurance, and other professional offices being included in the RC Zone

Mr. Martin stated some of those businesses are covered under the current permitted use, but medical and dental are not. Mr. Myers stated that there are many medical venues on the other side of Old Hook Rd. Mr. Martin replied that area was designated as the LB zone. Mr. Loschiavo wanted to know if check cashing would be covered and allowed in the RC Zone. Mr. Martin believed that was covered as retail.

Mr. Martin asked Ms. Reiter if she thought a “turn-over” of parking would be in the range of 2-4 cars an hour for a medical/dental facility. Ms. Reiter agreed that the traffic pattern would be similar to Real Estate offices or financial services. Vice Chairman Schwinder wanted to know if employee parking was included in that count, to which he received a ‘no’ reply.

Mr. Martin agreed with Ms. Reiter that a reexamination of the various zones in the Borough would be beneficial, however, this evening's meeting was to address two particular areas of business and the meeting should not get off track. He suggested that the re-examination be slated for a later meeting.

Chairman Bischoff reminded the Board of the many clothing stores that are closing due to the increase in internet shopping. He continued that strip malls needed an attraction to draw customers to the mall and away from online shopping where possible.

Vice Chairman Schwinder reminded the Board that a little over a year ago, there was an application for a Doggie Day Care. There were many reasons for the applicant to withdraw, among which 1) lack of parking after converting several spaces to a doggie run; 2) Neighbors complained about the expected barking; 3) Westwood hired an attorney to fight the application.

Mr. Loschiavo said that Emerson needs to be concerned with the needs of Emerson and not worry about Westwood. Vice Chairman Schwinder advised the Board that the attorney had said he would tie up the application in court for years if necessary.

Chairman Bischoff didn't know how the location of the formerly proposed doggie day care could interfere with residents of Westwood, since it is on the fenced border of the woods, and behind and under the strip mall. He didn't know how a few dogs could compete with four lanes of traffic on Old Hook Rd.

Mr. Martin reminded the Board that there is no application before the Board, therefore there are no specifics to be addressed. The purpose of the meeting was to consider doggie day care as a permitted use.

Ms. Reiter told the Board that the use is consistent with the Master Plan, but recommended a reexamination of permitted uses be conducted in the near future. Mr. McKendry wanted to know if an updated list could be provided for review. Chairman Bischoff wanted to know if an Adult Day care could be considered for the area. Ms. Clark also suggested child care. Mr. Martin also thought charging stations, other suggestions included axe throwing, wine/painting studio.

Mr. Myers asked Mr. Martin about policing a doggie day care. He said he had heard many complaints about the veterinary hospital that just opened in Westwood. That the dogs were walked on the sidewalks in town even though there is a fenced area; as well as the barking.

Vice Chairman Schwinder advised the Board he was not against the business, just feels strongly that the RC zone is not the proper area. Mr. McKendry agreed medical/dental use should be permitted. He was not sure about the doggie day care. Mr. Myers wondered if a storage facility could be included as a permitted use. Mr. Martin said he thought the IM zone would be more appropriate for that type of business. Chairman Bischoff agreed it was a good rationale, but not a draw for potential customers to the RC zone.

Chairman Bischoff asked for a motion to open the floor to the public on this subject, which was made by Mr. McKendry, second was offered by Mr. Myers, all were in favor. Seeing no public, Mr. McKendry made a motion to close the floor, second was offered by Mr. Myers, all were in favor.

Chairman Bischoff commented that by the conversations the Board was in favor of the medical/dental practices being added as a permitted use, but would like to hold off on a vote for the doggie day care until more information can be gathered. Ms. Clark agreed the definitions should be revisited and be made more specific.

Mr. Martin reminded the Board that the Borough, in order to avoid challenges, was undertaking an examination of codification and that comments from the Land Use Board would be beneficial. He suggested the Chairman request a complete examination of codes, permitted uses and definitions.

Ms. Clark wanted to know if the codification has already gone to contract. Mr. Martin replied that it had.

Chairman Bischoff said the Board should become more educated in the field of doggie day care. Ms. Reiter asked if the Board wanted more study done. The Chairman replied he believed more information was required before a decision could be made. Mr. Martin told the Board that a letter would be issued by the Chairman recommending the permitted use of medical and dental practices. He stated a second letter should be issued requesting more information before a decision can be made on the doggie day care.

Chairman Bischoff said there was a folder downstairs that should be reviewed before making any decision on the doggie day care. Ms. Clark wanted to know why that information had not been provided to the Board prior to the meeting. Vice Chairman Schwinder asked Ms. Reiter if she had any feedback from any other communities that had permitted doggie day care facilities – either good or bad. Ms. Reiter said she would do some research.

Mr. Loschiavo commented that certain businesses can be beneficial to one area, but not to others.

Ms. Reiter stated that by the conversations she believes a “conditional” permitted use might apply in this instance. There are certain requirements that must be met, which would be outlined in the specifications of the use. Such requirements could include required parking spaces, outdoor pens, fencing, a run area, safety requirements, landscaping buffers, hours of operation, etc.

Ms. Clark wanted to know if the Board’s concerns would be addressed by the Ordinance update. Mr. McKendry wanted to be sure the conditions set would work. Mr. Martin said if the business did not conform to any of the conditions it would have to apply for a variance. Mr. McKendry wanted to be sure the Ordinance would define the conditions. Ms. Clark also wanted to be sure the Land Use Board would be more involved in the definitions and conditions.

Ms. Reiter confirmed the ‘conditions’ must be specific and in particular include square footage, outside facilities, fencing for safety, parking and hours.

Mr. Martin wanted to be sure the Land Use Board would have oversight.

Chairman Bischoff asked for a motion on the additional permitted uses. Vice Chairman Schwinder made a motion to recommend medical and dental practices be added as a permitted use in the RC Zone, second was offered by Mr. McKendry. All were in favor.

Mr. Myers made a motion that Doggie Day Care be added as a conditional permitted use in the RC Zone, based on the recommendations and specifications of the Borough Planner. Second was offered by Ms. Clark, all were in favor.

Ms. Shust was directed to compose the memos for the Governing body.

OPEN TO PUBLIC:

Chairman Bischoff asked for a motion to open the floor to the public, which was made by Mr. McKendry, second by Mr. Timmerman, all were in favor. Seeing no public, the Chairman asked for a motion to close the floor, which was made by Mr. McKendry, second by Mr. Timmerman, all were in favor.

ANY BOARD MEMBER:

Vice Chairman Schwinder wanted to know the status of the Armenian Home. Chairman Bischoff replied that the Engineer had not been able to contact the Armenian Home, but hoped to do so before the end of the week and hoped to have an update for the Board by the next meeting.

Since there was no other business Chairman Bischoff asked for a motion to adjourn the meeting. Mr. Loschiavo made the motion to adjourn, second was made by Mr. McKendry, all were in favor.

The meeting was adjourned at 8:45 pm.

Respectfully submitted
M. Marie Shust
Board Secretary