

MUNICIPAL LAND USE BOARD MINUTES

BOROUGH OF EMERSON

October 6, 2016

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 8:08PM. 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	Absent
Michael DeOrio	Present
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Absent
Steven Malone	Present
Doug McKendry	Present
Germaine Ortiz	Absent
Norman Rieger	Present
Thomas Sudano	Absent
Vincent Tripodi, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, MLUB Attorney	Present
Gary Ascolese, MLUB 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 and/or corrections on the October 6, 2016 MLUB meeting minutes. Hearing none, he asked for a motion to accept the minutes, which was made by Mr. McKendry and was seconded by Mr. Malone. All were in favor.

Chairman Schwinder then asked Ms. Shust to review vouchers for approval.

Vouchers:

7/28/2016	Bogart	Starbuck's	\$ 870.00
7/28/2016	Boswell	Starbuck's	\$ 869.00
7/28/2016	Boswell	Kuiken	\$ 231.00
7/29/2016	Bogart	Emerson Subaru	\$ 750.00
9/29/2016	Boswell	17 Chestnut St.	\$ 1,659.00
10/3/2016	Boswell	Emerson Conv Ctr	\$ 79.00
10/3/2016	Boswell	10 Rudolph Way	\$ 608.66
10/3/2016	Boswell	Armenian Home, Main St.	\$ 39.50
10/3/2016	Boswell	17 Furman Dr.	\$ 79.00
10/3/2016	Boswell	38 First St.	\$ 237.00
10/3/2016	Boswell	Armenian Home, Main St.	\$ 39.50
10/3/2016	Boswell	183 Palisade Ave	\$ 39.00
9/23/2016	Shust	Secretary 9/22	\$ 150.00
9/30/2016	Shust	Secretary 9/8	\$ 150.00
			\$ 5,800.66

Mr. Schwinder asked for a motion to approve the vouchers for payment, which was made by Mr. Goursky, seconded by Mr. Malone. All were in favor.

Correspondence:

There was no correspondence,

Resolutions:

Chairman Schwinder asked the Board for any comments on the Monchino Resolution. Hearing none, he asked for a motion to approve. Mayor Lamatina made a motion to approve the Resolution, seconded by Mr. DeOrio. All present voted yes, except Mr. Tripodi, who abstained.

Applications:

Unity Bank Sign Approval, 4 Emerson Plaza West

Unity Bank was represented by Robert J. Mancinelli of Rubenstein, Meyerson, Fox, Mancinelli, Conte & Bern, P.A., One Paragon Dr, Ste 240, Montvale, NJ 07645. Mr. Mancinelli explained the purpose of the application was approval of the Unity Bank logo on the signage on the Kinderkamack Rd. and Ackerman Ave. sides of the building,

Mr. Mancinelli called Ms. Jackie Riegel, Assistant Vice President, Facilities Manager of Unity Bank to testify. Ms. Riegel stated that she was responsible for

securing additional properties for the expansion of bank branches. Ms. Riegel confirmed that all the Unity Bank branches had the same signage. Whether the signs were on the building, a pylon or a monument, the design was all the same.

Ms. Riegel stated that Unity Bank had received a Temporary CO and that employees would begin to work this week, with the bank opening for business soon. Mr. Schwinder interjected that she should contact the Building Dept. in regard to Emerson sign ordinances related to temporary grand opening banners.

Witness Mr. Michael Tironi, of JHM Signs, was called upon to describe the elements and construction of the sign. Mr. Tironi stated that he had installed signs in various locations in Bergen, Hunterdon, Essex counties. His primary accounts were Unity Bank, PNC Bank and Valley National Bank. He stated the sizes were in conformity with borough ordinances. The sign facing Kinderkamack Rd. would be 27" high x 127" long, and the sign facing Ackerman Ave would be 18" high x 88" long. The signs would have "halo" lighting which would not be blinding to drivers and nearby residents. He also stated that he was familiar with other signage in the Borough, and the Unity Bank signs would conform in design, size and square footage allowed.

Mr. Goursky inquired about the timing of the lighted signs. Ms. Riegel and Mr. Tironi both stated that the signs would be turned off at 11:00 pm.

Mr. Goursky made a motion to open the floor to the public for comment. Mr. DeOrio seconded the motion. All were in favor. Hearing no comments from the floor, Mr. Schwinder asked for a motion to close to the public, which was made by Mr. McKendry, seconded by Mr. DeOrio. All were in favor.

Mr. Schwinder asked for a motion to approve the application, which was given by Mr. Goursky, and seconded by Mr. McKendry. All were in favor.

Elley Kim, 118 Eagle Drive

Chairman Schwinder called Ms. Elley Kim, 270 Grand Ave, Palisades Park, NJ to present her application for 118 Eagle Drive. Ms. Kim stated that she had been gifted the house by her uncle and she would like to remove the existing home since it was uninhabitable and construct a newer, larger one. Ms. Kim was accompanied by her architect, Daniel Dressel of 19 Edstan Dr., Moonachie, NJ 07074. Mr. Dressel confirmed that he was a licensed architect (1996) in his own business since 2006. He has worked on both residential and commercial properties in Essex and Bergen counties.

Mr. Dressel presented the drawings of the interior of the proposed residence, marked as Exhibit A-1. The plans show a ground floor with a two-car garage, kitchen, dining room, large family room and full bath. On the upper floor, there are

four bedrooms, 1 ½ baths and a playroom over the garage. There is no basement, only a slab, the same as the original home.

All of the dimensions of the proposed home meet the regulations except for the rear-yard setback, which would only be 27.3 ft rather than 35 ft., and the percentage of impervious coverage which exceeds regulations by approximately 4 sq. ft.

Mr. Schwinder asked Mr. Ascolese if he had visited the property and if he had any comments. Mr. Ascolese confirmed that Ms. Kim and her architect have agreed to install a storm water retention system that would exceed Borough recommendations. He also stated that there was excessive foliage on the corner which was a hazard to traffic. There is a large tree on the corner. Ms. Kim was asked her intention for the tree and replied that it was her intent to leave all trees on the property in place as long as they were healthy, however, she thought the large tree would have to be pruned for the proposed construction.

Mr. Schwinder asked about landscaping, and was told they had not gotten that far, but thought plantings around the front of the home. Ms. Kim replied that she would want fencing around the property to allow a play area for her three children.

Mr. Schwinder asked Mr. Dressel if he compared construction in the area, and was told there were several other homes in the area of approximately the same size (4,354 sq. ft.), though most of them were less than the 31 ft. height specified in the drawings. Mr. Schwinder then asked if the air conditioning units could be moved to the rear of the home, rather than the side, to abate some of the noise factors for the neighbors. Mr. Dressel agreed that they could.

Mr. Schwinder asked about the appearance of the home and was told it would be hardy plank in a light grey with white trim. The 12 inch overhang was within Borough specifications and did not exceed the maximum coverage.

Mr. McKendry wanted clarification as to the total square footage, and the square footage without the two car garage. He was told the garage was 660 sq. ft and would reduce the total square footage to approximately 3700 sq. ft. Mr. McKendry also asked about the 31 ft height and if there were comparable in the area. Mr. Dressel responded that there were other homes in the area that were similar in height, but believed most of them were less than 30 ft. high.

Mr. Schwinder then asked for a motion to open the floor to the public, which was made by Mr. McKendry and second offered by Mr. Tripodi. All were in favor.

Mr. Lou Saulo of 126 Eagle St., came to the podium. His main concern was the nearness of the new construction only allowed for 14 ft. between the two homes. He stated that the other larger homes were located in an area where there were no homes to the rear and therefore the setbacks did not conform to the Borough

regulations. He also stated that he and his wife felt the design was out of character with the current well-kept, well-manicured homes in the neighborhood. He also commented on the loss of sunshine the large home would create.

Mr. Saulo was advised that the new home met all of the side set-back and height requirements.

Ms. Brenda Van Welden of 133 Eagle Drive then approached the podium, and commented that the size of the home was not comparable to the current homes in that area. And the larger homes that were mentioned were several blocks away. She commented that Emerson was known as a family town and compared the size and closeness to Palisades Park, where she claimed the homes were closer to one another.

Mr. Mike Wilson of 105 Eagle, then approached the podium and wanted to know why the substandard lot did not require a size variance as his had several years ago.

He was told by Mr. Schwinder that at the time the subdivision was created the lot size were specified and it was not possible to increase the lot size, therefore it is a pre-existing nonconforming lot and does not require variance, which was confirmed by Mr. Martin.

Mr. Martin questioned the plans for the large tree in the front yard that expands over the proposed construction. Mr. Dressel responded that they would prune the tree, however, there were no plans to remove it. Mr. Ken Hoffman of the Shade Tree Commission interjected that the tree was actually on Borough property and therefore, nothing could be done to the tree without the authority of the Shade Tree Commission. Ms. Kim was invited to appear before the Shade Tree Commission meeting on October 12. Mr. Martin stated the Shade Tree Commission regulations must be met.

Ms. Danielle DePaola, of 93 Union St., came the podium and explained that the tree was very healthy and had a beautiful canopy that spread over the corner. She wondered if the narrow alley between the two homes would create a problem for the Fire Dept. and create a wind tunnel.

Mr. Ken Hoffman, 61 Emwood, of the Shade Tree Commission then approached the podium and reiterated the fact that the tree is on Borough property, Any removal and/or pruning must be approved by the Shade Tree Commission and he would be happy to put Ms. Kim in contact with his expert arborist to examine the tree if Ms. Kim would like. He also mentioned that there were arborvitae growing and was wondering what was to be done with them. He mentioned that he had not seen any landscaping renderings. He repeated his invitation to Ms. Kim to attend the upcoming Shade Tree Commission meeting.

Mr. Schwinder asked Ms. Kim if there were windows on the east side of the home and whether they would consider a single garage door rather than the double doors, thus reducing the size of the home by about 2 ft to allow for more room between the homes. Mr. Dressler stated that would not work, but perhaps a slight draw down within each room of the home would create a similar reduction in overall size.

Mrs. Louise Saulo approached the podium and stated that the proposed home is much larger than the original proposal. Ms. Saulo was advised that the previous application drawing for the property was presented by a contract purchaser of the property, which was eventually withdrawn and had nothing to do with this application. Mr. Ascolese reviewed the original site plan of the Saulo home at 126 Eagle and found that it was not in conformity with the current ordinance (due to a previous variance by earlier owners of the Saulo home, as far as side set-back and that would explain the short distance between the two homes.

Mayor Lamatina inquired as to the reduction of the patio size therefore, eliminating the request for a variance. Mr. Ascolese mentioned that if the patio was reduced thereby meeting the rear set back requirements, the Kim family would not have to install the retention system, which would in effect create a flood hazard for the entire neighborhood.

Mr. Wilson again approached the podium and again wanted an explanation as to why a new construction did not have to meet current regulations for lot size. Again it was explained that it was a pre-existing non-conforming lot.

Mr. Schwinder asked if there were any other comments from the floor, hearing none, he asked for a motion to close the floor, which was given by Mr. McKendry and second offered by Mr. Rieger. All were in favor.

Mr. Schwinder then asked Ms. Kim if she would return to the next meeting and bring with her the required information:

- Shade Tree Commission recommendations
- Tree specialist recommendations
- Fire Dept recommendations
- Landscape renderings
- Revised architectural drawings

Mr. Schwinder appointed three Board members to make a site visit to the subject property and report back to the board with their findings and recommendations: Mr. Goursky, Mr. DeOrio, Mr. McKendry.

Mr. Martin explained to Ms. Kim that she would not have to notify again, as the Board had asked for a continuance.

Ms. Kim stated that she would be on vacation for the next meeting of October 20, and therefore, requested the November 3rd meeting, which was scheduled.

Mr. Schwinder opened the floor to the public for discussion other matters on a motion offered by Mr. McKendry and seconded by Mr. DeOrio. All were in favor. Hearing no comments Mr. Mc Kendry motioned to close the floor, second by Mr. DeOrio.

Mr. Schwinder asked the Board for any other matters that should be addressed. He then asked Mayor Lamatina to update the board on Kinderkamack Rd. construction. The Mayor stated that the Kinderkamack Road railroad crossing road close the next day and traffic would be routed around Emerson Plaza East, onto Linwood Ave.

Mr. Schwinder then asked for a motion to close the meeting, which was made by Mayor Lamatina and seconded by Mr. Goursky. All were in favor.

The meeting was adjourned at 10:21PM.

Respectfully submitted.

Marie Shust
Interim Board Secretary