

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
Sept. 6, 2018**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary Schwinder opened the meeting at 8:15 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:**

Robert Adams	Present
Alban Bresa	Absent
Mike Cimino	Present
Tom Carlos	Absent
Michael DeOrio	Absent
Gary Goursky	Absent
Louis Lamatina, Mayor	Present
Evan Kutzin	Absent
Steven Malone	Absent
Doug McKendry	Present
Norman Rieger	Absent
Thomas Sudano	Present
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB Engineer	Present
Bridgette Bogart, Borough Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Secretary	Present

Chairman Schwinder asked the Board if there were any comments or corrections on the minutes of the meeting of August 9 and August 15, hearing none he asked for a motion to accept the minutes, which was made by Mr. Mc Kendry, second was made by Councilman Folatico, all were in favor. The minutes were accepted.

Ms. Shust then read the vouchers.

6-Sep-18		Land Use Vouchers		
8-Aug	18-01238	Morrison Mahoney	Valley Office Park, 466 OH	\$ 39.00
8-Aug	18-01238	Morrison Mahoney	NV Developers 1q66 Palisade	\$ 14.00
8-Aug	18-01238	Morrison Mahoney	Armenian Home for Aged	\$ 98.00
21-Aug	18-01303	Morrison Mahoney	214 Kinderkamack LLC	\$ 994.00
21-Aug	18-01303	Morrison Mahoney	Dolores Del Volpe	\$ 1,106.00
20-Aug	18-01297	Boswell Eng	Amer. Legion 324 Main	\$ 79.00
20-Aug	18-01297	Boswell Eng	Amer. Legion 324 Main	\$ 79.00
20-Aug	18-01296	Morrison Mahoney	Boris Korik, 17 Furman Dr.	\$ 487.50
17-Aug	18-01293	Morrison Mahoney	161 Kinderkamack, Valero	\$ 253.50

17-Aug	18-01293	Morrison Mahoney	Wenesco, 411 Old Hook	\$	351.00
17-Aug	18-01293	Morrison Mahoney	Berens, 2 Hartland Ave.	\$	351.00
<b>TOTAL</b>				\$	3,852.00

Chairman Schwinder asked if there were any comments or questions about the vouchers. Hearing none he asked for a motion to approve the vouchers, which was made by Councilman Folatico, second was offered by Mr. McKendry, all were in favor. The vouchers were approved for payment.

**Resolutions:**

**Robert Obernauer application, Valero station alteration and multi-use building construction.**

Chairman Schwinder advised the Board and the public that the Resolution for the Valero application was not ready to be voted on by the Board. The vote will be carried over to the next meeting. Mr. Martin added that the applicant’s attorney had not replied to the draft Resolution submitted.

**Resolution:**

**Emerson Board of Education, Addition to the Junior Senior High School, improvements to Villano and Memorial Schools.**

Chairman Schwinder made a statement that the wording on the Agenda was incorrect. The Board is not recommending a referendum, but recommending the improvements to the schools as indicated, with the changes suggested.

Mr. Martin noted that the Board does not approve the plans of non-profits, but makes recommendations only. He stated that the Board of Education has addressed the problem of flooding, neighbor inconvenience, landscape buffer, air conditioning, parking improvements, and including “green” design by the architect, etc.

Ms. Bogart and Mr. Martin asked Ms. Shust when they would receive the revised plans. Ms. Shust replied that she had requested the delivery of the plans before the meeting of October 4<sup>th</sup> so they could be distributed at that meeting.

**Board Business**

**First draft Sign Ordinance revision**

Mr. Sudano was asked to bring the Board up to date on the suggested changes to the Sign Ordinance. Chairman Schwinder asked if there was any restriction to lighting around houses. He wanted to be sure there would be no “Christmas” lights permanently built into a home as seen on the new construction on Forest Ave in Paramus.

Mr. Cimino commented that he was surprised the lighting on that particular home didn’t cause more traffic problems. Mr. Sudano stated that he had reviewed the situation with Nelson Fullam and Mike Sartori and instituted time limits on holiday lighting.

Ms. Bogart distributed copies of the draft Ordinance and accompanying chart. She noted that the first four pages dealing with definitions had not changed. She said that pages 5 through 7 deals with commercial and non-profit regulations, and permit requirements. Mr. McKendry asked for the clarification on public, commercial and non-profit entities.

Chairman Schwinder wanted to know if there was a fee associated with non-profit permit application and was told not at this time. Councilman Folatico wanted to know if there were any limitations as to how many signs.

Chairman Schwinder asked if the signs were not visible from the street, were they subject to regulation. He mentioned the sign on the temple on Palisade Ave, which only faces the woods, and not the street, whereas the signs/lighting in the Verizon store at the Shop Rite Shopping plaza could be seen from the street.

Mr. Sudano then went on to other types of signs. Chairman Schwinder asked about sandwich board signs, which were located in front of the stores, but not on the street. It was mentioned that Jersey Mike's has a sandwich menu board in front of the store, but it can't be seen from the street. Ms. Bogart stated the visibility from the right of way is of most importance. Mr. Mc Kendry mentioned that flashing lights, even in a parking lot, is a traffic hazard.

Ms. Bogart stated that the restrictions for the CBD were geared to safety and aesthetics. Mr. Martin expressed concern for safety. Mr. Ascolese added that some signs in shopping centers can be distracting and cause safety problems.

Ms. Bogart stated that shopping centers would be covered separately. Are A-frames allowed? How many signs? Mr. Sudano stated that all signs will be covered by the Ordinance. Chairman Schwinder asked if a sign could not be seen from the street why would a permit be required. Ms. Bogart stated that there had to be control over the quantity and sizes of signs, as well as the frequency of use. And installation of all signs must require a permit application. Councilman Folatico stated that the review of all these permits would be very time consuming for the Zoning Official. Mr. Sudano confirmed that there needed to be control. Mr. Martin asked about fund raising signs, such as those put up by Penn State, and the difference in private/public, governmental, non-profit. He said that fund raising for several non-profit colleges and organizations is being done by a professional profit company. Councilman Folatico said he did not want to see signs all over the town. He wanted to know if there would be a limit on the number of signs at residential locations. He suggested each home would be allowed one sign at a time.

Mr. Martin reminded the Board about free speech. Mr. Cimino asked about the sign on the Fire House where does that fit into the regulations? Mr. Martin stated the Fire House was a public facility, as long as a replacement sign is the same size and location, there would be need to re-apply.

Mr. Adams directed attention to page 7, item #6, public athletic field, is there a regulation for the sign size, along the fence? Mr. Bogart replied there was no recommendation. Mr. Adams thought a defining statement should be included. Chairman Schwinder stated the signs are a benefit to teams. Councilman Folatico stated the schools do not allow advertising along the fencing. Mayor Lamatina thought there is some regulation, which would be controlled by the Friends of Emerson and suggested Ms. Bogart contact them for more information.

Mr. Adams then asked about Real Estate signs. Ms. Bogart stated they had been previously discussed, Mayor Lamatina did not see where there was a recommendation.

Chairman Schwinder asked Ms. Bogart if a private entity provided an electronic scoreboard with their name on it, would it fall under the restrictions. Councilman Folatico stated that currently it says "Giants". Mayor Lamatina asked about the brightness. Chairman Schwinder asked if the Land Use Board would have jurisdiction if the sign were to be replaced.

Ms. Bogart wanted to know if all signs should be covered/exempt. Mayor Lamatina suggested signs over 'x' dimensions require a variance. Mr. Bogart stated she would follow up with the Friends of Emerson for recommendations and if there were any regulations in effect.

Mr. Martin thought whatever regulations were in effect for Friends of Emerson could cover all entities, such as Board of Education and the Borough.

Councilman Folatico returned to the Real Estate signs. He wanted to know if there were restrictions for size and number. He wanted to know if a limit of one sign could be regulated. He was also concerned about the open house signs that were seen on street corners every weekend, sometimes with balloons. Chairman Schwinder stated they usually were in place only for about 4 hours and since the agents were responsible for the signs, for the most part they are removed immediately.

Mr. McKendry asked about the size of the commercial rental/lease signs. Chairman Schwinder stated currently they are all of different size depending on the location. He thought the Borough could be empathetic and business friendly. Councilman Folatico said there should be some parameters, ie not to exceed 'X' size. Chairman Schwinder wanted to know what would be a reasonable size, Ms. Bogart replied 4 x 4. Councilman Folatico said we could always revisit and change if it were determined it was detrimental to the intent.

Mr. Ascolese wanted to define the size, quantity and design of traffic signs inside shopping plazas, in particular those with logos on them. He said there should be a uniform size and conform to the standards of the National Traffic Book. Ms. Bogart asked if they had to be visible externally, as well as in the right of way. Mr. Martin stated they must comply if they can be seen in the parking lot.

Ms. Bogart stated that signs inside of shopping centers are regulated differently. She went on to the truck signs which are being left in shopping centers as advertising. She stated that the trucks must be removed from the business lot during non-operating hours. Mr. Sudano mentioned the truck advertising for the window tint company – he mentioned the size of the truck and also mentioned that by parking in the Stop n Shop lot, he was adhering to the rule about not having the truck in his business lot after hours, but was still advertising after hours in a different lot. Mr. Schwinder stated that the landlord for that particular shopping center was very liberal with parking.

Ms. Bogart then went on to holiday signs and lighting. She said there would be a 4 event limit for any business, and a prior limitation of 30 days with a 10 day post event limitation for all signs. She said entities could determine their own "holiday", which would have to be permitted. The Borough could not dictate the holiday events, as that would be restrictive.

Chairman Schwinder asked about streamers, flags, banner as temporary signs, where would they be anchored. Ms. Bogart said that had not been determined. Mr. Adams stated that on page 7, it states utility poles cannot be used. Chairman Schwinder explained that there are two locations in the Borough where the DPW installs a banner across the road. He further stated that the Borough is exempt from the utility pole usage restrictions.

Ms. Bogart continued with A-frame signs, she said they would be allowed on premises provided there was a four foot passageway around the sign. Mr. Mc Kendry and Mayor Lamatina agreed this would be a business friendly application. Chairman Schwinder wanted a limit of one for A-frame signs. Mr. Ascolese wanted to be sure the location of these signs would meet with the ADA requirements as well as the streetscape specifications.

Ms. Bogart stated that she would review and revise as needed. When asked by Chairman Schwinder if this was a similar chart to that used by Park Ridge, and was it enforceable? Ms. Bogart replied yes to both questions.

Mayor Lamatina wanted to know the time frame and whether he would have the Ordinance for the Mayor and Council meeting of October 16<sup>th</sup>. Ms. Bogart said there were several changes, but she hoped to have the revisions for the meeting of September 18. Mayor Lamatina wanted to know if there would be any effect on the Wendy's application. Mr. Martin advised the Mayor that the Ordinance in effect at the time of filing is what would be applicable to the Wendy's application.

Councilman Folatico returned to the question of real estate signs on residential property. Is there a limit? Ms. Bogart said there was none listed for residential only for commercial. Councilman Folatico asked that a limit of one sign be allowed.

Mr. Martin asked about signs for gas stations, Ms. Bogart replied as currently in effect.

Chairman Schwinder asked for a motion to open the floor to the public which was made by Councilman Folatico, second by Mr. Adams, all were in favor. Mr. Ed Bueti of 91 Chestnut, said he agreed with the Mayor, to have the new Ordinance ready to apply to the Wendy's application. He said he did not want to see repercussions to all that you are trying to do. Mayor Lamatina said there will be objections raised. Mr. Bueti agreed.

Mayor Lamatina stated the new Ordinance would apply going forward. Mr. Martin stated public perception may differ. But time of filing is the determining factor. Mr. Bueti stated that he knew how long the Board had been working on this project, and was impressed with the integrity the Board is showing and knows the Board will act properly.

Chairman Schwinder asked for a motion to close the floor, which was made by Mr. Mc Kendry, Councilman Folatico offered a second, all were in favor.

#### **Other Business:**

Chairman Schwinder asked if there were any matters the Board members would like to Discuss. Mr. Sudano mentioned the intersection between Starbucks, the Bank, the laundromat/cleaner, and back side of the strip mall. He said there was no traffic control at that particular spot, and it was the only location in the shopping center that was not controlled.

Chairman Schwinder stated the Board had no jurisdiction as it was private property. Mr. Sudano said it was an easement which should be controlled. Mr. Ascolese said he would look into it. Mr. McKendry also stated that there was no pedestrian safety area for crossing to Starbuck's from the stripmall. Mr. Ascolese asked if there was striping and was told no. Mr. Ascolese said it was the first he was hearing of this and would look into it immediately.

Chairman Schwinder said he had received complaints that there was no crosswalk across Kinderkamack Rd. at Starbucks. Mr. Ascolese replied the county refused to put a crosswalk in that location as the traffic was not heavy enough.

Seeing no other hands, Chairman Schwinder asked for a motion to adjourn the meeting, which was made by Mayor Lamatina, second by Mr. Cimino, all were in favor. The meeting was adjourned at 9:50 pm.

Respectfully submitted,  
Marie Shust  
Board Secretary