

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
September 22, 2016**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 8:10PM. 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	Present
Thomas Callagee	Absent
Michael DeOrio	Present
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Present
Germaine Ortiz	Absent
Norman Rieger	Present
Thomas Sudano	Present
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 made an announcement that the Master Plan Ordinance review would not be on the Agenda for this evening.

Chairman Schwinder asked the Board for any comments on the minutes of the September 8 meeting, hearing none, he asked for a motion to accept.

**Approval of Minutes:**

Mr. Malone made a motion to accept minutes of September 8th meeting as presented, seconded by Mr. Goursky. All were in favor.

Chairman Schwinder then asked Ms. Shust to read the vouchers that needed approval.

**Vouchers:**

9/8/2016	Boswell	660 Old Hook Brookdale	\$ 79.00
9/7/2016	Bogart	Planning Svs Em. Conv.	\$ 225.00
8/30/2016	Boswell	55 Kinderkamack Rd.	\$ 79.00
8/30/2016	Boswell	9 Arthur St.	\$ 158.00

8/30/2016	Boswell	7 Arthur St.	\$ 4.38
9/2/2016	Mor.Mahoney	Legal Svc - Cannici	\$ 448.00
9/19/2016	Boswell	187 Randolph	\$ 231.00
9/19/2016	Boswell	336 Grand Blvd	\$ 144.00
9/19/2016	Boswell	336 Grand Blvd	\$ 330.00
9/19/2016	Boswell	73 Emwood Dr	\$ 158.00
9/19/2016	Mor.Mahoney	Resolution Subaru	\$ 448.00
			\$ 2,304.38

Mr. Goursky motioned that the vouchers be approved, second by Mayor Lamatina. All were in favor.

**Correspondence:**

There was no correspondence to review.

**Resolutions:**

**Prudential Sign at 17 Ackerman Ave.**

Chairman Schwinder asked for comments on the resolution. Hearing none, he made a request for a motion to approve. Mayor Lamatina motioned to approved the resolution, seconded by Mr. Goursky. Mr. Adams and Mr. Tripodi abstained as they had not present during testimony. All in favor: Mr. Deorio, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Mc Kendry, Mr. Rieger, Mr. Sudano, Mayor Lamatina, Mr. Schwinder. The Resolution was passed.

**Emerson Convelescent:**

Chairman Schwinder asked Mr. Ascolese for any further input on the application and drainage. Mr. Ascolese explained that he had been in touch with the engineer for Emerson Convalescent to discuss the drainage. The engineer advised Mr. Ascolese that they were still investigating the drainage grate that had been located and take whatever steps were recommended to correct any noncompliance. Mr. Schwinder then asked Mr. Martin if the current Resolution would be sufficient or would a new resolution be required. Mr. Martin replied that the current Resolution provided a clause which covered the possible drainage correction. Being satisfied that the Land Use requirements were covered, Chairman Schwinder asked Mr. Ascolese to continue to monitor and advise the Board. Chairman Schwinder then asked for any further comments from the board. Hearing none, he asked for a motion to approved the Resolution. A motion was made by Mr. McKendry and seconded by Mr. Goursky. Mr. Adams and Mr. Tripodi abstained. All in favor: Mr. Deorio, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Mc Kendry, Mr. Rieger, Mr. Sudano, Mayor Lamatina, Mr. Schwinder. The Resolution was passed.

**Resolution to Amend Redevelopment Ordinance:**

Chairman Schwinder asked the Board for any comments on the Resolution and Ordinance that was distributed. Upon passage, the Ordinance will be sent to the Mayor and Council for a final vote. Mr. DeOrio made a motion to accept the Resolution, seconded by Mr. Goursky. vote. Mr. Tripodi and Mayor Lamatina abstained. Mr. Adams was ineligible to vote. All in favor: Mr. DeOrio, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. McKendry, Mr. Rieger, Mr. Sudano, Mr. Schwinder. The Resolution was passed.

**New Applications:**

**3 Douglas St., Dining room wall extension**

Chairman Schwinder called Mr. Peter Monchino of 3 Douglas St, to give testimony on his application. He was accompanied by Architect, Mr. Chris Blake of 155 North Washington St., Bergenfield, NJ.

At the September 8<sup>th</sup> meeting, Mr. Monchino presented an application to add a small addition to the north wall of his home, 13 ft x 3 ft. As requested at the previous meeting, Mr. Blake presented updated plans showing the existing impervious coverage of the property, and the addition.

Chairman Schwinder asked Mr. Ascolese if he inspected the property and if he had any questions. Mr. Ascolese replied that he had, and was assured by Mr. Blake that the soffit would be less than 12 inches, therefore requesting a variance for approval a side set-back of 6.08 feet. Mr. Ascolese then verified that the existing impervious coverage of 2,523 sq.ft. (22.67%) exceeded the current specifications of 1,669 sq.ft. (15%), however, since it was a pre-existing condition and not created with this application, it should be noted in any Resolution. Mr. Ascolese also confirmed that the addition would not create additional impervious coverage since it would be cantilevered, which would not interfere with ground water absorption.

Mr. Martin asked for clarification on the set-back dimension as the original discussion had been for 5.08 feet, and the current application is 6.08. Mr. Ascolese confirmed that the soffit dimension is within the code established in 2014 and therefore would not decrease the side set-back.

Mr. Schwinder asked that the questioning on this application be opened to the public. There was no public comment.

Hearing no other questions from the Board, Chairman Schwinder asked for a motion on the variance application. A motion to approve was made by Mr. Goursky and seconded by Mr. Deorio. In favor were Mr. Deorio, Mr. Goursky, Mr. Kuitzin, Mr. Malone, Mr. McKendry, Mr. Rieger, Mr. Sudano, Mayor Lamatina, Mr. Schwinder. Mr. Adams and Mr. Tripodi abstained. The motion passed, Mr. Martin is to create the Resolution.

Chairman Schwinder asked for a motion to open the floor for Public Comment, which was made by Mr. Malone, seconded by Mr. McKendry. Hearing no comments from the Public, Chairman Schwinder then accepted a motion from Mr. Mayor Lamatina to close the floor, seconded by Mr. Adams.

Chairman Schwinder then asked if there was any other business for the Board to address. Mayor Lamatina updated the progress on the Kinderkamack Road construction. Mr. Ascolese and the Mayor both commented on the delays caused by the utility companies, and NJ Transit. Mr. Ascolese disclosed that the drainage pipes would be twin 30 inch, rather than one 42 inch drain due to underground utility placement.

Chairman Schwinder then accepted a motion from Mayor Lamatina to close the meeting at 8:48PM, seconded by Mr. Tripodi, passed unanimously.

Respectfully submitted,

Marie Shust  
Interim Board Secretary