

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
September 8, 2016**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 8:07 PM. In compliance with the Open Publics 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	Present
Steven Malone	Present
Doug McKendry	Absent
Germaine Ortiz	Arrived Late
Norman Rieger	Present
Thomas Sudano	Present
Vincent Tripodi, Councilman	Absent
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

Approval of Minutes:

Mr. McKendry made a motion to accept minutes of July 14th meeting as presented, seconded by Mr. Goursky. All were in favor.

Vouchers:

Date	Vendor	Location	Amount
7/27/2016	Boswell	Emes 272/b214, L1.01	\$ 1,027.00
7/20/2016	Boswell	Emes 252/B421, L8	\$ 829.50
7/20/2016	Boswell	Emes 181, b313, L11	\$ 39.50
7/19/2016	Boswell	Emes 283, B610, L10	\$ 1,343.00
7/19/2016	Boswell	Emes 267, B112, L10	\$ 158.00
8/2/2016	Boswell	Insp Svc Inv.,. 103638	\$ 1,583.50
8/2/2016	Boswell	Emerson Afford Housing (Emes 234)	\$ 158.00

8/2/2016 Boswell	Kuiken Bros (Emes 235)	\$ 79.00
8/2/2016 Boswell	Emes 252/B421/L8 (Inv, 103642)	\$ 118.50
8/2/2016 Boswell	Emes 267/B112, L10 (Inv, 103644)	\$ 39.50
8/2/2016 Boswell	Emes 272/b214, L1.01 (Inv.103331)	\$ 13.14
8/23/2016 Morrison	Legal Services - LUB (Inv, 884040)	\$ 448.00
8/24//16 Boswell	187 Randolph (Emes 269/b733/l1.02)	\$ 517.88
7/28/2016 Boswell	187 Randolph (Emes 269/b733/l1.02)	\$ 395.00
8/3/2016 Morrison	Carvajal Application	\$ 434.00
8/3/2016 Morrison	Albano Application	\$ 350.00
7/21/2016 M. Shust	LUB meeting 7/14/16	\$ 150.00
7/27/2016 Morrison	Starbucks Resolution (Inv,. 885067)	\$ 966.00
8/5/2016 Boswell	31 Emwood Dr (Emes 181)	\$ 462.00
8/5/2016 Boswell	31 Emwood Dr (Emes 181)	\$ 152.00
7/21/2016 M. Shust	LUB meeting 7/14/16	\$ 150.00
7/21/2016 M. Shust	LUB meeting 6/16/16	\$ 150.00
7/27/2016 B. Bogart	Starbuck (B214/L1.1)	\$ 1,123.75
7/27/2016 B. Bogart	Starbucks (b214/L1.1)	\$ 253.75
7/21/2016 B. Bogart	77 Jefferson, Planning Service LUB (Inv.1647)	\$ 978.75
7/21/2016 B. Bogart	147 Chestnut St. (Inv. 1632)	\$ 108.75
8/23/2016 Boswell	7 Arthur - Seepage pit (Inv. 103641)	\$ 79.00
8/23/2016 Boswell	77 Jefferson Ave, (Inv. 133645)	\$ 79.00
8/23/2016 Boswell	7 Arthur - Seepage pit (Inv. 103326)	\$ 961.14
8/16/2016 Boswell	21 Revere (Inv. 104261)	\$ 158.00
8/16/2016 Boswell	147 Chestnut St (Inv. 104202)	\$ 395.00

8/16/2016 Boswell	324 Main - American, Legion., (Inv. 104257)	\$ 79.00
8/16/2016 Boswell	5 Rudolph Way (Inv. 104263)	\$ 711.00
		\$ 14,490.66

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

Correspondence:

Chairman Schwinder presented Certificates of Completion from the State of New Jersey to Mr. McKendry and Mr. Kutzin.

Chairman Schwinder advised the Board of an inquiry from Mr. Jack Pousty in regard to converting the vacant nail salon on Kinderkamack Rd. (Between Chinese Restaurant and Cork & Keg). Mr. Pousty had been advised by Mr. Bob Hoffman that his building was in the redevelopment zone and he would have to bring an application before the Mayor and Council.

Chairman Schwinder then read a letter from The County of Bergen that gave conditional approval for the construction of the Starbucks. It was noted that the contractor for the project had picked up the paperwork to apply for demolition of the home on the property.

Application for logo signage at 17 Ackerman Ave.

Mr. Joe Scara of Valley Sign appeared to describe the sign to be applied on the building located at 17 Ackerman Ave. The matter had to be brought in front of the Board due to there being a logo on the sign. Mr. Schwinder read the Ordinance that was to be addressed under section 232 of the Borough By-laws. The illustration of the sign was presented as Exhibit A-1. The sign itself complies with borough requirements; it was only the logo that had to be approved.

A motion was made by Mayor Lamatina to open the floor to the public for discussion, second by Mr. Goursky. Since there was no public input, Mr. Goursky motioned for the floor to be closed to the public, second by Mayor Lamatina.

Mr. Goursky then made a motion to approve the sign with the logo, which was seconded by Mayor Lamatina. All were in favor. The Board attorney will prepare a resolution for the next meeting.

Resolutions:

Tripodi Residence:

Chairman Schwinder asked for discussion on the Tripodi resolution for an addition as presented at the meeting of July 16. No discussion was forthcoming. Mr. Sudano made a motion to approve the Resolution, which was seconded by Mr. McKendry. Mr. DeOrio, Mr. Kutzin, Mr. Malone, Mr. McKendry, Mr. Sudano, Mayor Lamatina and Mr. Schwinder all voted in favor. There were no Nays. Mr. Goursky abstained since he had not been present at the original presentation. The Resolution was approved.

Cannici Residence:

Chairman Schwinder then asked for discussion on the Cannici resolution. There was no discussion and a motion was made by Mr. Kutzin to approve the Resolution, seconded by Mr. McKendry. Mr. DeOrio, Mr. Kutzin, Mr. Malone, Mr. McKendry, Mr. Sudano, Mayor Lamatina and Mr. Schwinder all voted in favor. Mr. Goursky abstained as he had not been present at the original presentation. The Resolution was approved.

Liberty Subaru

Mr. DeSilva was asked to explain in detail the error that had been on the plans. He showed where the Architect had configured the square footage of the addition to the building using the dimension of 4.4 ft. on three sides, when actually the front of the building is 6.4 ft. thus increasing the square footage of the expansion to 633 rather than the 512 stated on the original plan.

Mr. De Silva also confirmed that the pavers, as suggested by the Board, would be installed in the current "gravel" area. Mr. Ascolese questioned the impervious coverage of the pavers, and if a retention system would then be required.

Mr. De Silva agreed to have his Architect/Engineer meet with Mr. Ascolese to discuss installation of a paver system that would not require any run off management, possible by using grass pavers.

Mr. Goursky made a motion to approve the Resolution with the understanding that the paver/water run-off situation would be resolved to Mr. Ascolese's specifications. The motion was seconded by Mr. Malone. Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Rieger, Mr. Sudano, Mayor Lamatina and Mr. Schwinder all voted to approve. Mr. Mc Kendry and Ms. Ortiz abstained as they had not been present at the original presentation. The Resolution was approved.

Borough Redevelopment Ordinance

Mr. Doug Doyle, the Borough's Redevelopment Attorney from the firm of DeCotiis, Fitzpatrick & Cole, LLP, was called upon to review amendments that were suggested by the Borough Planner to the Redevelopment Program.

Mr. Doyle asked Ms. Bogart to explain the reasons for the changes. Ms. Bogart is a Professional Planner located at 648 Godwin Ave., Midland Park, NJ. Ms. Bogart is totally familiar with the redevelopment plan and explained several changes to the plan that she was recommending.

Ms. Bogart explained that she added Item 7 to Section A1. This specifically permitted multi-family residential dwellings at grade level only where they front on Lincoln Boulevard in areas where the building is behind a building that fronts on Kinderkamack Road.

In Section 2, the building distance on Kinderkamack Rd was designated to be 17 ft. from the curb, which would allow for a walkway and sidewalk dining.

Walk areas on the side streets are designated as 5 ft. from the property line.

East of the railroad there would be a 35 ft. access way for emergency vehicles.

The height of buildings on the Master plan was changed to 50 ft at the railroad. And, a maximum of 42 ft on Kinderkamack Rd. Parapets which would cover lighting and mechanism are not included in the height maximum. Mr. Goursky was assured there would be no mechanical equipment visible to any of the tenants.

Section 3 – Parking

Ms. Bogart stated that by using a shared usage parking system, the parking spaces can be reduced by a maximum of 25%. By decreasing the number of parking spaces, Medical offices, including, labs, therapists, treatment facilities, dental Emergi-care, etc. would not be included in the zoning for this area.

Mr. Schwinder questioned if 25% was too high a percentage for reduction and suggested 20% be used, to which Ms. Bogart replied that surrounding communities use between 20 and 30% reduction.

Mr. McKendry questioned if the shared parking system would meet the needs of retailers in the redevelopment. Ms. Bogart confirmed that a traffic study would be performed to be sure the shared usage is a workable program for this redevelopment, and 25% would be the maximum reduction. Ms. Bogart also stated that there would be 55 parking spaces for commuters versus the current number of 40.

Design section Letter 'E', Lighting

All lighting on the building and the rooftops would conform to the specifications as stated in the Master Plan.

Mayor Lamatina requested that all lighting be shielded to prevent inconvenience to residents and other businesses in the development.

The section addressing the acquisition and condemnation of properties by the Borough was changed to meet the guidelines of the court.

Mr. Doyle stated that he was looking for an approval and input on the proposed Ordinance to be presented to the Mayor and council at their next meeting, which would then be re-presented to the Land Use Board in their meeting immediately following presentation to the Mayor and council.

Chairman Schwinder also read a memo from the Borough's Redevelopment Council, DeCotiis, Fitzpatrick & Cole, LLP (attached hereto), that describes Notice Requirements for the area designated In Need of Redevelopment in the central business district for the purpose of efficient land utilization and fulfillment of the Borough's affordable housing obligation.

The floor was opened to the public with a motion Mr. McKendry and second by Mr. Kutzin, all were in favor.

Mr. Jan Blough of 77 Hasbrouck Ave. commented that the area under discussion is not suitable for residential due to the noise of the trains and the truck traffic at all hours on Kinderkamack Rd.

There were no other comments from the floor, which was closed by a motion from Mr. McKendry and second by Mr. Goursky. All were in favor.

A motion was made by Mr. DeOrio To accept the proposed ordinance with the recommended changes, seconded by Mr. Goursky.

Mayor Lamatina abstained from voting in this matter, all others present voted to accept the revised Ordinance with the suggested changes. The Matter was approved for Resolution.

The Mayor interjected that the owner of the home on Lincoln Blvd, next to the Railroad has plans to demolish the home and construct a retail site with residential above. This matter will eventually come before the Board.

New Applications:

Monchino, 3 Douglas St, Dining room expansion

Chairman Schwinder called Mr. Peter Monchino of 3 Douglas St, to the podium. He was accompanied by his Architect, Mr. Chris Block of 155 North Washington St., Bergenfield, NJ.

Mr. Monchino stated that he wanted to expand the dining room side of his home by 3 feet to allow for a larger dining area for his growing family.

Mr. Schwinder asked Mr. Ascolese if he had been able to review the plans and the property. Mr. Ascolese stated that the lot number on the plans was incorrect. The correct location is block 223, lot 6. The area in question would leave a 6.5 ft, side set back, according to the plans. Mr. Block stated that there was an error in the dimension and the set-back would only be 5.05 ft.

Mr. Ascolese questioned the total impervious coverage, including the deck, the patio, and in-ground pool, and if there was any type of drainage/seepage on the property. Mr. Ascolese could not recommend either way on the addition as he could not determine the impervious coverage and drainage.

Mr. Monchino was asked to return at a later date with all the information requested by Mr. Ascolese before the Board could make a determination in regard to the addition.

Mr. Block was asked if he could have the corrected plans and drawings including impervious coverage available by Monday Sept 12, so Mr. Monchino could appear again at the meeting of September 22. Mr. Monchino indicated that he would have all of the papers ready and this matter was tentatively rescheduled for Sept. 22.

Emerson Convalescent – Patio/parking addition

Mr. Santo Alampi approached the Board in the matter of the Emerson Convalescent Home at 100 Kinderkamack Rd. Mr. Alampi is a member of the firm of Alampi & De Marrais, located at One University Plaza, Ste 404, Hackensack, NJ.

The purpose of the application is a clarification of the current plans, submitted as Exhibit A-1.

Mr. Alampi introduced his engineer, Dave Sudake, of Lapatka Associates, Inc., located at 12 Route 17 North, Ste 230, Paramus, NJ

Mr. Alampi explained that there had been changes to the property that were not shown on the latest architectural and property plans, and the work for which the application was presented had already been completed.

Mr. Ascolese noted that there were additions that had been made, for which there is no documentation. And the latest change to the property, which is a paving of a grass area, may not meet the current impervious coverage regulations. Mr. Ascolese needs to review the property to answer questions as to the location of a grate, where the water flows, does water run-off onto Kinderkamack Rd present a flooding problem? Is a storm water management system now required?

The Board questioned the purpose of the presentation. Mr. Alampi explained that Emerson wants an updated plan which includes all the additions, paved areas, and drainage included.

Mr. Ascolese agreed to meet with the Engineer/Architect at the property to review what was done, where the water goes, the impervious coverage.

The floor was opened to the public, Ms. Susan Liddy of 58 Kinderkamack Road wanted to know why she had received the certified mail about the alteration, when it had already been done.

Hearing no other public comments, the floor was closed.

Mayor Lamatina made a motion that new plans be drawn in accordance with the recommendations of Mr. Ascolese, which was seconded by Mr. McKendry. All were in favor.

Clark, 90 Jefferson St. 2nd floor addition

Ms. Stephanie Clark presented her application for adding a second level and side porch to her home at 90 Jefferson.

Ms. Clark was accompanied by her Architect, Richard Clark of 239 Vivian Ct., Paramus, NJ.

Chairman Schwinder read the letter of denial from the Building Dept, and directed his first question to Mr. Ascolese who explained that the existing house is non-conforming to current regulations for Zone A-1 housing in regard to set-backs in the front and side yards, particularly since this is a corner lot.

Mr. Ascolese requires a survey of set-backs on High Street, so the side 3 yard set back can be determined and in line with the other homes on High St. Mr. Clark stated that the Building Dept. has that survey, which was submitted with the original application.

Mr. Clark also stated that the set back as stated on the plans is off by 1 inch, and would actually be 9 ft. 8 in, rather than 9 ft. 9in.

Mr. Ascolese also requires a determination of the impervious coverage with the improvement, as the concrete patio which previously existed had been removed and how much the new construction would add, to determine if some type of water management would be required.

Mr. Clark produced a rendering of landscaping options which was submitted to Mr. Ascolese. Ms. Clark stated that she had decided on Option #1. A detailed drawing would be required with impervious coverage identified.

In addition to the requirements of Mr. Ascolese, Chairman Schwinder stated that the previous installation of fencing, although approved by the Board, was constructed without a permit and did not follow proper approval requirements, and it currently blocks corner line of sight as per the Police Dept.

Ms. Clark stated that her attorney told her not to address that situation, to which Mr. Martin replied that he would like to have her attorney appear before the Board at her next presentation to explain his determination. Ms. Clark also stated that she had the canceled check for the permit, and was told to bring that to the Board at the next meeting.

Ms. Clark was told that in order to appear at the next Board meeting she would have to provide all the paperwork by Monday, Sept. 12. Ms. Clark is tentatively scheduled for Sept. 22, pending receipt of all paperwork.

Chairman Schwinder then asked if there was any other business for the Board to address, then asked for a motion to open the floor to the Public, which was made by Mayor Lamatina, second by Mr. Goursky. Hearing no comments and discussion from the Public, Chairman Schwinder then accepted a motion from Mr. Kutzin to close the floor, second by Ms. Ortiz.

Chairman Schwinder then accepted a motion from Mayor Lamatina to close the meeting at 11:01 pm, seconded by Mr. McKendry, passed unanimously.

Respectfully submitted,

Marie Shust
Interim Board Secretary