

**MUNICIPAL LAND USE BOARD
MINUTES
EMERSON, NEW JERSEY
JUNE 20, 2013**

This meeting of the Municipal Land Use Board was held in the Municipal Building. Chairman Orecchio opened the meeting at 8:00 p.m. In compliance with the Open Public Meetings Act, the Clerk has notified all officially published newspapers of this meeting, and notice has been posted in the Municipal Building. In the case of a fire, please follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and exit calmly.

Pledge of Allegiance

Roll Call:

Robert Adams	Present
Thomas Callagee	Present
Carlos Colina, Mayor	Present
John DeThomasis	Present
Gary Goursky	Absent
Mark Orecchio, Chairman	Present
Germaine Ortiz	Present
Matthew Ryan	Absent
Gary Schwinder	Present
Brian Todd	Present
Neil Tortora	Absent
Richard Worthington, Council	Present
Christopher Martin, Attorney	Present
Berge Tombalakian, Engineer	Present
Brigette Bogart, Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

Minutes:

The minutes of May 16, 2013 were approved on a motion from Mr. Todd, seconded by Mr. DeThomasis, and carried by all.

The minutes of June 6, 2013 were approved on a motion from Mr. Schwinder, seconded by Mr. DeThomasis, and carried by all.

Correspondence:

None

Vouchers:

Boswell Engineering - \$2,652.00 for Emerson Golf Club

Boswell Engineering - \$468.00 for 17 Chestnut Street

Morrison Mahoney - \$300.16 for Mrkic

All vouchers were approved on a motion from Mr. Adams, seconded by Mayor Colina, and carried by all.

Resolution:

**Galang
15 Parker Drive
Deck Application**

The resolution was read by all present. A motion to approve the resolution was made by Mr. Schwinder, seconded by Mr. Adams, and carried by roll call vote as follows:

Mr. DeThomas	Yes
Mr. Todd	Yes
Mr. Adams	Yes
Mr. Schwinder	Yes
Chairman Orecchio	Yes

The resolution will be published and distributed as required.

New Business:

**Shannon Hassett
202 Colonial Road
Fence**

Ms. Germaine Ortiz excused herself from this application since she lives within 200’ of the applicant. Ms. Hassett was sworn in by Attorney Martin. The notice to the neighbors and the newspaper advertisement were found to be sufficient. The applicant requests a variance for a 4’ privacy fence on the side of her corner property and along part of the rear property line. The fence will not be in the front. The fence will be a 4’ solid vinyl fence with 1’ of lattice on the top. The fence will not be constructed on a burm. There were no questions from the members of the Board.

The meeting was opened to the public on a motion from Mr. Todd, seconded by Mr. Schwinder, and carried.

Mr. Ortiz of 15 Washington Avenue – stated that he is in support of the fence since it will also give him privacy. He feels that there is no detrimental effect.

A motion to close the public session on this matter was made by Mayor Colina, seconded by Mr. Todd, and carried by all.

The Board decided that a contingency of approval is a receipt of correspondence from the Emerson Police indicating that there are no line of sight issues for the installation of the 4' fence at the intersection of Colonial and Washington Avenues. A motion to approve the 4' fence where 3' is allowed, with a variance of 1', was made by Mr. Todd, seconded by Mr. DeThomasis, and carried by roll call vote as follows:

Mr. Adams	Yes
Mayor Colina	Yes
Mr. Schwinder	Yes
Mr. DeThomasis	Yes
Mr. Todd	Yes
Chairman Orecchio	Yes

The resolution will be read at the next meeting.

Public Hearing:

Issac Degenars Company 17 Chestnut Street Block 405, Lot 14 Site Plan Approval with Variances

Attorney Gerald Salerno was present as the Attorney for this matter. Notice to the neighbors and the publication in the newspaper were found to be sufficient by the Board Attorney. Berge Tombalakian of Boswell Engineering stated that the plans he has do not provide guidance on parking regulations and types of uses to see if a variance is needed. Mr. Salerno stated that the application shows the proposed tenants and their addresses and that he will provide testimony at this meeting. Board Attorney Martin stated that the applicant needs to show this information on a revised plan. Mr. Salerno stated that he will provide testimony on all vehicles including landscape trailers. Mr. Salerno doesn't think that a parking variance is needed. The Board Planner, Ms. Bogart, stated that the applicant is requesting a use variance for a multi-tenant building. She continued by saying that the site plan does not address parking and the application is also unclear on the proposed uses – additional variances may be needed. A revised site plan is needed with these revisions. Ms. Bogart has submitted a letter dated 4-28-13 and none of what was requested has been provided. Ms. Bogart asked if the application can be deemed complete the way it is. Land Use Board Attorney Martin stated that the applicant can work with the Borough professionals and the applicant's professionals. He stated that

testimony will be allowed. Mr. Salerno will do what is required and thanked the board for being allowed to continue.

The property is located at 17 Chestnut Street, block 405 lot 14. There is approximately 2.8 acres zoned industrial/manufacturing. The building on the site was occupied from 1956 to 2010 by Bell Atlantic and its successors. There will be testimony on this. The property has been vacant since 2010 and has been for sale since then. Mr. Salerno stated that they can't seem to market the property for a single use tenant. At this time they have accumulated 4-5 small business tenants who have expressed an interest in occupying parts of the building. There is an office, a warehouse, and storage areas in the building and possibly outside storage of vehicles. Mr. Schwinder asked what percentage of the 2.8 acres is the building. He was told 20%. There will be no changes to the building, no change in lighting, and no change in the landscape screening. The intent is to occupy the building even though many waivers may be required. In addition, site plan approval is requested and a use variance for multi uses on one property is also requested. There are five (5) proposed users and at least three (3) may need use variances. Mr. Salerno stated that parking will be difficult.

The first witness was Steve Mackwell of 1398 Dewberry Drive in Hawley, PA. Mr. Mackwell was sworn in by Attorney Martin. Mr. Mackwell has been with the Issac Degenars Company since 1956 and is familiar with the previous tenants – Bell Atlantic to Verizon. Mr. Mackwell stated that the previous tenants utilized 30' trucks at the site that would install telephone poles. Inside the building there was an auto mechanic to repair the trucks when in need. Verizon vacated the building on June 1, 2010 and no one has occupied the building since then. Issac Degenars has tried to sell and/or lease the building. They had one single use tenant that was interested but the deal did not go through. Since it seems that they cannot sell or lease to a single tenant the applicant would like to have multi tenants since cash flow is needed. Mr. Mackwell stated that a company has tested the soil and it was found to be contaminated – 600 tons of dirt was taken out and replaced. The issue has since been monitored. All DEP (Department of Environmental Protection) documentation will be provided to the Borough Engineer. Mr. Schwinder asked if the interior partitions on the site plan exist. He was told yes and that the next witness could better address this issue. Mr. Adams asked if Turbo Wash would be washing at the site. He was told no.

The next witness was Charles A. Blessing of Bless Realty located at 500 West Main Street in Wyckoff New Jersey. Mr. Blessing is a licensed realtor since 1980 and has been retained by the applicant since 2011. He stated that the building was originally marketed for sale and/or lease. There was a single use contract with an auto body business in 2011 that fell through. There also was one other possibility but that also fell through. Since then Mr. Blessing and the applicant started talking to smaller tenants. Mr. Blessing stated that he would also have a 210 sq. ft. office in the building and he would be the building manager. Mr. Blessing explained the floor plan to all as it is shown on the plan. He stated that renovations will be needed. There are bathrooms in the building. Mr. Schwinder asked if the driveway from Chestnut Street is included in this property. He was told yes. Chairman Orecchio clarified that on the site plan the interior walls exist.

The five (5) proposed tenants were named as:

S&K – boiler repair business. There will only be one employee. The business will store equipment (tools) and materials.

Turbo Wash – This business will be moving to this site from their present site nearby. There will not be any washing at the site. There will be two (2) employees.

Buldo Waste Management Company – will be storing waste containers outside for delivery with their trucks. There will be two (2) employees.

Dinardi Landscaping – Mr. Dinardi will be testifying.

Blessing Realty – one employee – Mr. Charles Blessing.

Additional space that still could be rented was shown on the site plan to all. There will not be any more offices – they are not changing the layout of the building. Mr. Schwinder asked which tenants want to bring vehicles inside the building. Mr. Blessing stated that they all do except for him. Parking spaces will be delineated. Mr. Schwinder asked if there have been any issues with the neighbors in the past. This was not known. Mr. Schwinder would like photos of all vehicles parked on the property. A visual of this will be provided.

Mr. Sal Dinardi of Dinardi Landscaping was the next witness. He is from 136 Jordan Road in Emerson. Mr. Dinardi was sworn in by Attorney Martin. Mr. Dinardi is the owner of Sal Dinardi Landscape and Design and has been for 29 years. He does light construction, driveways, lawns, general maintenance, snow plowing and lawn design. Mr. Dinardi employs nineteen (19) field workers. He has two (2) secretaries and since only half of his employees drive to work parking is not a problem. Mr. Dinardi has a Ford F350 pickup truck, a 7 yard dump truck, and case loader and a Bobcat. He also has two (2) roll off dumpsters. Mr. Dinardi stated that he is satisfied with the spaces for his trucks and his employees. His hours of operation are from 6:50 a.m. to 5:00-6:00 p.m., sometimes 3:30-4:00 p.m. Mr. Dinardi maintains the property for the owner and does operate a blower when cleaning the property. He also will snow plow the property in the winter for the owner. Mr. Dinardi stated that he would not store oil at this site and would not do any refueling of any kind and that he will work on the truck inside, not outside. Mr. Schwinder asked if he would be storing fertilizer or insecticides at this location. Mr. Dinardi responded no hazardous materials will be at this site. Mr. Salerno asked Mr. Dinardi if he has ever had a problem with the neighbors. Mr. Dinardi responded yes that there is one neighbor that is upset with the noise when he power washes his vehicle. He met with this neighbor and talked to him, he even pruned his property. The Police were still called and he felt he was doing nothing wrong.

Attorney Salerno stated that he feels it makes sense for the applicant to return to the next meeting of the Board on July 18th. At this time there will be Planner testimony and possibly an additional tenant.

The meeting was opened to the public on a motion from Mr. Schwinder, seconded by Mr. Adams, and carried by all.

Janet Schultz of 167 Hasbrouck Avenue - Mrs. Schultz disagreed with Mr. Dinardi regarding noise. Asked what other noise there will be with the Buldo Company. Also asked what kind of garbage disposal business they are. Mrs. Schultz stated that the noise is annoying. Mr. Schwinder asked Mrs. Schultz exactly where she lives on Hasbrouck. Chairman Orecchio stated that the applicant will have testimony from each proposed tenant.

The public session was closed on a motion from Mr. Todd, seconded by Mr. Adams, and carried.

This matter will be extended to July 18th without prejudice. Mr. Schwinder stated that he is concerned with carbon monoxide and feels that a full board needs to be present for this application.

Any Board Member:

Chairman Orecchio instructed the Secretary to write a memo to the Mayor and Council stating that the Land Use Board has reviewed and agrees with the latest Borough bond ordinance.

A memo has been given to the Mayor and Council recommending zoning changes by the Planner. The Mayor and Council will make recommendation to the Municipal Land Use Board.

Upcoming applications to the Land Use Board were discussed.

The Emerson Golf Club will be coming back to the Board with a new application and new notification to the neighbors and the newspapers. Attorney Martin recommended carrying this through to the July 18th meeting. A motion stating this was made by Mr. Adams, seconded by Ms. Ortiz and carried by all present.

The meeting was opened to the public on a motion from Mr. Todd, seconded by Mayor Colina, and carried. With no one from the audience wishing to be heard, **the meeting was closed to the public** on a motion from Mr. Schwinder, seconded by Mr. Todd, and carried by all.

The meeting was adjourned on a motion from Mr. Schwinder, seconded by Ms. Ortiz, and carried.

Respectfully Submitted,

Kathleen S. Rizza, Secretary