

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
September 17, 2020**

This meeting of the Emerson Land Use Board was held on "Gotomeeting." Land Use Vice-Chairman Schwinder opened the meeting at 7:33 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.

Roll call was taken:

Mayor DiPaola	Absent
Stephanie Clark	Present
Councilwoman Jill McGuire	Present
Chairman Jeff Bischoff	Absent
Vice-Chairman Gary Schwinder	Present
Don Pierro	Absent
Mike Myers	Present
Bill Loschiavo	Present
Paul Hulburt	Present (Arrived after roll call)
Michael Timmerman	Present
Mike Cimino	Present (Caller 1)
Andy Sarkisian	Absent
Carl Carbo	Absent
Christopher Martin, LUB Attorney	Present
Caroline Reiter, Planner	Not Requested
David Atkinson, LUB Engineer	Not Requested
Richard, Silvia, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Borough Administrator, Richard Hermansen	Not Requested
Marie Shust, Secretary	Present

Vice Chairman Schwinder asked if there were any comments or changes for the minutes of the meeting of September 3, 2020, hearing none he asked for a motion to approve and publish the minutes, which was made by Mr. Myers, second was offered by Mr. Loschiavo. Vice-Chairman Schwinder, Ms. Clark, Mr. Loschiavo, Mr. Myers, Mr. Cimino and Mr. Timmerman voted to approve the minutes for publication

Mr. Loschiavo advised the Board that since he is related to Mr. Reed, he will recuse himself on that application.

Ms. Clark and Mr. Myers reminded the participants to turn off their microphones if they are not speaking.

Correspondence, Vouchers:

Ms. Shust was asked to read the vouchers that had been received since the last meeting:

20-01201	Morrison Mahoney	LUB Affordable Housing	\$	2,495.00
20-01247	Neglia Eng	Emerson Station	\$	300.00
			\$	2,795.00

Due to the nature of the invoices due for payment, Councilwoman McGuire abstained from voting on the above invoices.

Mr. Myers made a motion to approve the vouchers for payment, second was offered by Mr. Loschiavo. Vice Chairman Schwinder, Ms. Clark, Mr. Loschiavo, Mr. Myers, Mr. Cimino and Mr. Timmerman voted to approve the vouchers.

20-01201	Morrison Mahoney	General Matters	\$	821.50
20-01210	Morrison Mahoney	Ciolino 71 Palisade Ave	\$	1,050.00
20-01180	Morrison Mahoney	Baxter Res. 80 Demarest Ave	\$	301.00
20-01180	Morrison Mahoney	Obernauer 161 Kinderkamack	\$	408.50

20-01247	Neglia Eng	Obernauer 161 Kinderkamack	\$	150.00
20-01249	North Jersey Media	Yochevid's notice	\$	71.25
			\$	2,802.25

Councilwoman McGuire made a motion to approve the general invoices for payment, second was offered by Mr. Myers. Ms. Clark, Vice-Chairman Schwinder, Mr. Loschiavo, Mr. Myers, Mr. Cimino and Mr. Timmerman voted to approve the vouchers.

Ms. Shust briefly described the correspondence received since the last meeting. The first being a notice/warning regarding incoming emails. The memo suggested that any incoming mail with attachments requiring a password should be checked with the sender before opening.

The second was a memo from the Shade Tree Commission regarding the fees due on 146 Ackerman Ave for tree removal. Mr. Martin said the Board could not comment since it was not an issue before the Board.

RESOLUTIONS:

NONE

APPLICATIONS:

Jacobacci Residence, 87 Dorchester

Variance required for a 6 foot fence on corner property, to keep dogs fenced in and for privacy.

Mr. Martin confirmed information regarding the applicant, John Jacobacci, and stated the notices were satisfactory.

Vice Chairman Schwinder asked Mr. Jacobacci why he wanted to replace the 3 ft. fence that is on his property currently. Mr. Jacobacci stated he has 2 puppies, 2 years old, that can already jump the 3 ft. fence. He also said he wants a fence that conforms with the neighborhood and for privacy. He stated the current 3 ft. wooden fence only goes approximately half way along Chandler. He would like to have his yard completely fence in uniformly, with a 6 ft. white vinyl fence. The fence would have no ornamentation.

When asked about obstruction of vision, Mr. Jacobacci replied the current bushes/greenery block/create more of a vision obstruction than the fence. He stated he would be cutting back on some of the greenery as well.

Mr. Martin reviewed the statements made by Mr. Jacobacci, white vinyl fence, 6 foot tall, completely around his property, but not in front of the house. Mr. Martin confirmed there was no need for setback variances, and the fencing would conform with the neighborhood and not be a detriment.

Mr. Martin told Mr. Jacobacci if the application was approved he would have to get approval from the Building Dept., Police Dept. and Borough Engineer before a permit could be issued.

Vice Chairman Schwinder asked for a motion to open the floor to the public on this application, which was made by Mr. Myers, second was offered by Mr. Timmerman, all were in favor. Seeing no public in attendance, Mr. Timmerman made a motion to close the floor, second was offered by Mr. Hulburt, all were in favor.

Since there were no other questions or comments from the members Vice Chairman Schwinder asked for a motion on the application. Mr. Myers made a motion to approve the application with the provisions requested by Mr. Martin, second was offered by Councilwoman McGuire. Ms. Clark, Councilwoman McGuire, Vice Chairman Schwinder, Mr. Loschiavo, Mr. Myers, Mr. Hulburt, Mr. Cimino and Mr. Timmerman voted to approve the application.

Mr. Jacobacci was advised that a Resolution would be voted on at the next meeting, after approval he could apply for his permit.

Reed Residence, 24 Dorchester,

Variance required for a 6 foot fence on corner property, to keep dogs fenced in and for privacy

Mr. Martin confirmed information regarding the applicants, James and Katie Reed, and stated the notices were satisfactory.

Mr. Martin reminded the Board that Mr. Loschiavo has recused himself on this application.

Vice Chairman Schwinder asked Mr. Reed to explain why he wanted to install a 6 foot fence on his property.

Mr. Reed explained that similar to Mr. Jacobacci, he has a dog that can jump a 3 foot fence. He also wants to ensure the safety of visiting children, as well having some privacy. He continued that the fence would be similar to others in the neighborhood: 6 foot white vinyl with no ornamentation.

He stated that his property was actually on the corner of a "paper" street and he and his neighbor have been maintaining that particular piece of property. He said the developers had never developed beyond that street, and now there was no available property to develop.

Mr. Martin reminded Mr. Reed and the Board that as a matter of law, the fence cannot be installed beyond the property line and must meet any setback requirements of the Borough.

When asked by the Vice Chair, Mr. Reed replied the fence would not go beyond the front of the house. He continued there would be a gate on the north (right) side next to the driveway.

Mr. Martin asked Katie Reed if she thought the fence would be consistent with the neighborhood and not be a detriment. She replied it would definitely be an improvement, as well as a safety measure and consistent with the neighborhood.

Mr. Martin told Mr. & Mrs. Reed that if the application was approved they would have to get approval from the Building Dept., Police Dept. and Borough Engineer before a permit could be issued.

Mr. Myers made a motion to open the floor to the public on this application only, second was offered by Mr. Timmerman, all were in favor.

Mr. Loschiavo, wanted to know what, if anything, could be done about a paper street causing a variance to be required. He stated there is no intention to improve the street as there is nowhere for it to go. Mr. Martin replied that as long as the Borough has it listed as a thoroughfare, whether paper or paved, it needs to confirm with the Borough Ordinance.

Seeing no other hands, Mr. Myers made a motion to close the floor to the public on this application, second was offered by Mr. Hulburt, all were in favor.

Vice Chairman Schwinder asked if there were any other questions, hearing none he asked for a motion on this application. Councilwoman McGuire made a motion to approve the application with the provisions requested by Mr. Martin, second was made by Mr. Timmerman. Vice Chairman Schwinder, Ms. Clark, Councilwoman McGuire, Mr. Loschiavo, Mr. Myers, Mt. Hulburt, Mr. Cimino and Mr. Timmerman were in favor.

OPEN TO PUBLIC:

Councilwoman McGuire made a motion to open the floor to the public on any matter, second was offered by Mr. Cimino, all were in favor. Seeing no hands Councilwoman McGuire made a motion to close the floor second was offered by Mr. Myers, all were in favor.

BOARD BUSINESS:

None

ANY MEMBER:

Mr. Martin asked Ms. Clark to please email her questions and suggestions as mentioned in the previous meeting to him for review and comment at the next meeting. Ms. Clark agreed and said she would create an outline which might help streamline some of the applications.

GOOD & WELFARE

None

Since there was no further business, Vice Chairman Schwinder asked for a motion to adjourn the meeting which was made Councilwoman McGuire, second by Mr. Cimino, all were in favor.

The meeting was adjourned at 8:25 pm.
Respectfully submitted,

M. Marie Shust
Board Secretary