

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
MAY 1, 2014**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Orecchio opened the meeting at 8:15 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 fire you will be instructed to follow the fire exit signs above the doors to the right and left of the Chambers, and exit calmly.

**Pledge of Allegiance**

**Roll Call**

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

**Minutes** of April 17, 2014 were approved, as amended, on a motion from Mr. Schwinder, seconded by Mr. Adams, and carried.

**Vouchers**

Bridget Bogart, Planner – ordinance issue - \$1,558.75  
Bridget Bogart, Planner – Valero - \$471.25

Vouchers were approved on a motion from Mr. Schwinder, seconded by Mr. Adams, and carried.

There was no correspondence.

### **Continued**

#### **Zeller**

**140 Eagle Drive  
Residential Addition**

Mr. Zeller was again sworn in by Attorney Martin. Mayor Colina and Chairman Orecchio listened to the previous meeting tape on this issue so they are able to vote. The math error was explained to all – the addition totals 426 sq. ft. and the variance remains the same at 13’ . There will be a 22’ rear setback with no overhang. No one from the public was present to comment.

A roll call vote was taken to approve this application with the requested variances. The motion to approve was made by Mr. Schwinder, seconded by Mr. Adams.

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

The resolution will be memorialized at the next meeting.

### **New Application**

#### **Colin**

**187 Randolph Avenue  
Residential Addition**

Mr. David Colin, the homeowner, was sworn in. The applicant wishes to add a front porch and a one-car garage on the side street side. A side yard variance is requested – 22’ is required and 8’ is proposed. Mr. Colin agreed to request 8’ to the garage since it wasn’t clear where the measurement was taken from and he could not contact his architect. The porch was measured to the overhang. A side yard aggregate variance is also requested – the total will be 23’ where 30’ is required. The lot area and lot width are pre-existing conditions. The front yard will be 17’ where 20’ is proposed. Mr. Colin purchased the home in August of 2013 and resides there with his girlfriend and family pets. There is a gravel area in the front where he now parks. This area will be grassed over and landscaped after the addition and alterations are complete. The house will eventually be sided with all matching. A variance will be needed to allow the driveway pavement to go to the property line – 22’ is required, 23.8’ is proposed. The walkway will be of a different material.

A motion to open the meeting to the public was made by Mr. Schwinder, seconded by Mr. Adams, and carried. With no one to comment from the audience, this matter was closed to the public on a motion from Mr. Adams, seconded by Mr. Schwinder and carried.

A motion to approve the application with the requested variances was made by Mr. Adams, seconded by Mr. Schwinder, and carried by roll call vote as follows:

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

The resolution will be memorialized at the next meeting.

## **New Application**

## **24 and 30 Highland Avenue Soil Movement**

Mr. Bob Mueller of Huschman Engineering was present for this application. Chairman Orecchio gave a history of this property regarding the two homes that were previously approved. Regarding this soil movement application Borough Engineer Berge Tombalakian has no issue with what is requested by the application in the submitted plans for both lots. There were no board comments.

A motion to open the meeting to the public was made by Mr. Schwinder, seconded by Mr. Adams. With no response the meeting was closed to the public on a motion from Mr. Adams, seconded by Mr. Schwinder and carried.

A motion to approve the application was made by Mr. Adams, seconded by Mr. Schwinder, and carried by roll call vote as follows:

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

The resolution will be memorialized at the next meeting.

## **New Application**

### **Valero Gas Station Diesel Tanks**

Mr. Russell Huntington, Attorney and Mr. Bruno Cividini, the Engineer, were present. The owner, Robert Obernauer, was also present. Mr. Obernauer bought the station, which is now a Valero Station. There are two issues to be discussed – signage and diesel tanks.

There is a pre-existing dumpster enclosure in the rear corner. A 1000-gallon diesel tank is slated to go here. Mr. Sartori, the Zoning Official says the tank should be 15' from the property line. Mr. Huntington feels that since this a vaulted tank it can be on the property line. The tank would share the enclosure with the dumpster. Mr. Tombalakian of Boswell says that the tank should be set back because it is a protected tank. The International Fire Code (IFC) requires a 15' setback for a protected tank. DEP requirements are not known at this time. The Board is concerned with the fire code issue, the protected tank issue and the tank being next to a dumpster.

The Engineer, Mr. Cividini, was sworn. He is from 17 Werimus Lane in Hillsdale and is a registered Civil and Structural Engineer and a registered Architect. His professional experience and education was given and accepted by the Board. Attorney Martin asked if he had any toxic fuel experience. Mr. Cividini stated no he did not. Regarding the proposed tank, the manufacturer stated it is a vaulted tank in communication with Mr. Cividini. Berge Tombalakian will have to look into this and the DEP issues that may be involved. It was stated that there would be a bollard in the enclosure to keep the garbage from hitting the tank. Both Engineers will discuss this issue and get back to the Board.

Regarding signage – the resolution from December 2010 was referenced. Mr. Obernauer, the owner, was sworn in by Attorney Martin. Canopy signage was shown to all on older exhibits. It was stated by Mr. Obernauer that there is less wordage requested on the Valero signs than what was previously approved for Sunoco. There will not be four (4) colors like previously approved, just the Valero colors. Attorney Martin asked how big the proposed lettering would be. Chairman Orecchio stated that this information is needed.

The following signs were approved for Sunoco:

- 1 pylon sign
- 4 canopy signs
- 2 storefront signs

The following signs are requested for Valero:

- 1 smaller pylon sign
- 2 canopy signs
- 1 building face sign

The following exhibits were submitted:

- A-2 4-sided canopy sign with less lettering but size of lettering was unknown.
- A-3 the dumpster
- A-4 pylon sign and 4 message signs

A kiosk and plate glass window signs with sunshades in the booth and in the front window were also discussed. Mr. Schwinder stated that in the last application sunshades were denied. Chairman Orecchio stated that the word “Valero” would be on each tank. Mr. Huntington stated that this falls under the ordinance and proceeded to read that portion of the ordinance to all present. The pylon sign will have a height of 20’ . Chairman Orecchio stated that he doesn’ t see anything objectionable, but needs dimensions. Mr. Obernauer stated that he would like a “Goodyear” sign on the bay doors. Mr. Huntington will take an inventory and will also take pictures. The Board will like to see the original resolution. This matter will be carried until the next meeting. Mr. Schwinder stated that he had spoken with Joe Solimando of the DPW in the past and that Joe had told him that this was the safest way to store diesel fuel. No further notice is needed and there is no prejudice to the Board. Mr. Obernauer stated that he would like an additional tank in the future. Attorney Martin stated that this is a significant amendment. Notice would have to be modified for this request.

### **Any Board Member**

All members were asked to please inform the Secretary of summer vacation schedules.

### **Good and Welfare**

The ordinance regarding propose zoning changes will be put on the next agenda for discussion.

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

**A motion to adjourn** was made by Mr. Adams, seconded by Mr. Schwinder, and carried.

Respectfully submitted,

Kathy Rizza, Secretary