



**MUNICIPAL LAND USE BOARD**  
**EMERSON, NEW JERSEY**  
**MARCH 17, 2011**

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, March 17, 2011. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mr. Martin to lead the assembly in the Pledge of Allegiance. 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 Office. In case of a fire, follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and please exit calmly.

**ROLL CALL:**

Mr. Tom Callagee – Present  
Mayor Carlos Colina – Present  
Councilwoman Danielle DiPaola – Present  
Mr. Patrick Gagliardi – Absent  
Mr. Gary Goursky – Present  
Mr. Louis Lamatina – Absent  
Mr. Christopher Leins – Absent  
Chairman Mark Orecchio – Present  
Mrs. Germaine Ortiz – Absent  
Vice Chairman Gary Schwinder – Present  
Mr. Brian Todd – Present  
Mr. Richard Worthington – Present  
Mr. Christopher Martin – Present  
Mrs. Barbara Looney – Present  
Mr. Berge Tombalakian – Land Use Engineer – Absent – attendance not requested  
Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested  
Mr. Joe Solimando – Absent – attendance not requested

**MINUTES:**

A motion was made to approve the minutes for the meeting held on January 20, 2011 by Mr. Todd, seconded by Mr. Schwinder, and carried.

A motion was made to approve the minutes for the meeting held on February 17, 2011 by Mr. Goursky, seconded by Mayor Colina, and carried.

**CORRESPONDENCE:**

- Memo from Bertone Piccini – dated 2/18/11 – Re: 22 Clinton Street
- Memo from Christina Napolitano – dated 2/20/11 – Re: 22 Clinton Street
- Memo from Tesser & Cohen – dated 3/15/11 – Re: BMAI, LLC
- Email from Joe Solimando – dated 3/17/11 – Re: Parking at 22 Clinton Street

**VOUCHERS:**

- \$700.00 – Morrison Mahoney – Re: Onik & Ripsik

A motion was made to approve this voucher by Mr. Schwinder, seconded by Mr. Goursky, and carried.

**NATIONAL INSTITUTE FOR PEOPLE WITH DISABILITIES – 22 CLINTON STREET – CONTINUED**

Ms. Grace Bertone was present and is representing the applicant. Since our last appearance, the Site Plan Committee conducted an inspection. Mr. Todd, who attended the inspection, stated the inside of the home was clean, well kept, and seemed pleasant for the residents. The exterior issues include the caretakers parking on the street, outside garbage blowing around, and garbage being stored in the existing garage. The exterior of the home is in poor shape – in need of painting, soffits are loose, driveway in poor condition, and a lack of gutters on some areas. Mr. Kayan who also attended the inspection, stated there is excessive noise during shift changes, the air conditioning unit is noisy and runs all the time, during the warm months. A major concern of the residents in the area is the lack of communication between the staff and operators of the home. If this Board was to approve the variance, we would like to see the following conditions:

- Adequate parking – possibly widening the driveway
- A barrier between the house and the driveway
- Garbage containment in the rear of the home
- Sound attenuation around the existing air conditioning unit
- Operators of the home to communicate with the neighbors
- If home was to be sold, the room be converted back to a garage

Mr. Schwinder stated his disappointments from the time of the last meeting and this week – not all cars were parked in the driveway – when parked on the street, they were parked haphazardly. When trying to apply for a variance, the cars should not have been parked on the street to annoy the neighbors, and feels nothing has changed since the first meeting, and the easiest to address with the staff is the parking. Mr. Goursky stated maybe the operators / staff could approach the Emerson Golf Course for parking and walk to the home. Chairman Orecchio stated if the driveway was to be widened, we would need to see a site plan, which has not been submitted. Mr. Schwinder further stated the importance of garbage containment, due to the additional resident and the garage being converted to living space – you may have to go back to the State for additional funding. Ms. Bertone stated this is a non-conforming lot and structure, and feels if the Borough requires this as a condition of approval, we feel we would be able to obtain the funding. If there are any issues, our manager, Ralph Coloma would be more than happy to give the neighbors his business cards, and they are welcomed to call him to address the issues – there are no parking restrictions other than overnight during the winter. Mr. Schwinder stated the parking issue is a courtesy to the neighbors.

A motion was made to open public session by Mr. Schwinder, seconded by Councilwoman DiPaola, and carried.

Cathy Hornyak – 123 Palisade Avenue – unable to attend the last meeting due to being on vacation. My concerns are garbage, especially since now stored in garage, where will it be – animals will be a problem. I feel this is a business in a residential area – it is not the residents – it is the caretakers. I went over to the property 3 times last year and asked the caretakers not to throw cigarette butts. My husband has tried to call a telephone number on a newsletter to have landscaping issues addressed and no one has called him back. If this is approved, how much is the grant – where will the funds go? The management does not know what goes on; they do not live at the site.

Donna Block – 126 Randolph Avenue – the fence on the property has termites and carpenter ants. There is a large tree in the yard with a hole – if it falls – it will fall on my shed. Trash will end up in our yard and the yards of other neighbors. A glass table broke after a storm last year, and was not cleaned up for over 3 months.

Pat Kayan – 18 Clinton Street – since the last meeting we tried to see another location in Northvale. The Northvale Police would not give us the address, but assured us the property is in good condition. I feel this home on Clinton Street is a business use and no longer a residence. The vans are back, and many vehicles are parked on the street – if this is a business, they should park off site. Zoning laws are designed to protect the value of properties. Please deny this petition for the variance, and this business should be in Northvale or at their Montvale location.

A motion was made to close public session by Councilwoman DiPaola, seconded by Mr. Worthington, and carried.

Chairman Orecchio questioned Mike Sartori on any violations or property maintenance issues at the site. Mr. Sartori stated there was a complaint of overgrowth in the rear yard, which was addressed – the posting of a contractor's sign, and the exterior paint on the home. Mr. Martin questioned if there was room for the construction of an additional room in the rear – Mr. Sartori stated he would have to see the survey before making a determination. Mayor Colina stated being a "good neighbor" is an issue, and there is a lack of documentation of any complaints. Ms. Bertone once again stated this is a non-conforming lot and structure – we feel this conversion of the garage to living space, is the least intrusive to the neighborhood.

A motion was made to open public session by Mr. Todd, seconded by Mayor Colina, and carried.

Cathy Hornyak – 123 Palisade Avenue – the management has been to the home over the last few years – where are the funds received from the State – Ms. Bertone stated we cannot spend the funds, they are in the State Treasury – we cannot spend the funds until we receive approval from this Board.

Carol Guglielmi – 23 Clinton Street – would like to know when a decision will be made. Chairman Orecchio stated it depends on how the applicant intends to proceed – such as with a site plan, rear addition, or as the application has been presented.

A motion was made to close public session by Mr. Todd, seconded by Mr. Goursky, and carried.

At this time, Ms. Bertone requested a brief recess to consult with the applicant.

Chairman Orecchio called the meeting back to order. Ms. Bertone referred to the conditions spoken earlier during the Site Plan Committee report, and would like to come back to the Board with a plan to include these conditions.

The application will be continued at our next meeting scheduled for April 7, 2011. Mrs. Bertone thanked the Board for their time and consideration.

#### **HISTORICAL PRESERVATION – AMENDEMENT TO MASTER PLAN**

Chairman Orecchio requested a motion to have this matter tabled, due to the absence of former Councilman Ken Hoffman. A motion was made to table this matter by Councilwoman DiPaola, seconded by Mr. Goursky, and carried.

**CHANGE OF TENANCY / OCCUPANCY**

Mr. Sartori stated he will like the Board's guidance with regard to the existing Ordinance on Change of Occupancy / Tenancy, to deal with parking, square footage, and uses. Mr. Sartori will provide the Secretary with an Ordinance from Closter to discuss at a future meeting.

**ANY BOARD MEMBER:**

Mayor Colina stated a meeting was held at the County on February 25, 2011 with regard to the road plans, and former Borough Engineer, Maser Consulting has not yet turned over the most current set of plans and documents, due to a disputed bill remaining unpaid. This matter will be discussed in closed session at the next meeting of the Governing Body. Mayor Colina further stated that the Borough will continue working on the Kinderkamack Road redesign, although answers would not likely be forthcoming in the next week or month, and when the road plans are done, we will go back to the County for funding.

**GOOD AND WELFARE:**

A motion was made to open public session by Councilwoman DiPaola, seconded by Mr. Schwinder, and carried, with no comments.

A motion was made to close public session by Mr. Todd, seconded by Mayor Colina, and carried.

**ADJOURNMENT:**

A motion was made to adjourn the meeting by Councilwoman DiPaola, seconded by Mr. Goursky, and carried.

Respectfully submitted,

  
Barbara Looney