



MUNICIPAL LAND USE BOARD
EMERSON, NEW JERSEY
JUNE 7, 2012

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, June 7, 2012. Chairman Orecchio opened the meeting at 8:00 PM, and led 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. Robert Adams – Absent
Mr. Tom Callagee – Absent
Mayor Carlos Colina – Present
Councilwoman Danielle DiPaola – Present
Mr. Gary Goursky – Present
Mr. Christopher Leins – Absent
Chairman Mark Orecchio – Present
Mrs. Germaine Ortiz – Present
Mr. Matthew Ryan – Present
Mr. Gary Schwinder – Present
Mr. Brian Todd – Present
Mr. Christopher Martin – Present
Mrs. Barbara Looney – Present
Mr. Berge Tombalakian – Present
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 May 17, 2012 by Councilwoman DiPaola, seconded by Mr. Todd, and carried.

CORRESPONDENCE:

Memo from Lapatka Associates – dated 6/4/12 – Re: Home for the Armenian Aged
Memo from Boswell Engineering – dated 6/6/12 – Re: Patel

VOUCHERS:

\$1,000.00 – Morrison Mahoney – Re: 2nd quarter retainer
612.00 – Boswell Engineering – Re: MSH Management
2,524.50 – Boswell Engineering – Re: Home for the Armenian Aged
32.30 – Staples – paper

A motion was made to approve these vouchers by Mr. Todd, seconded by Mr. Goursky, and carried.

TIMMERMAN & GILROY – 83 DYER AVENUE – FENCE APPLICATION

Mr. Timmerman was present, submitted proof of notice which was reviewed and deemed sufficient by Mr. Martin. Mr. Timmerman was sworn in by Mr. Martin and stated the application is for the installation of a 4 foot fence on a corner lot – 3 foot is permitted – they have 2 dogs, close proximity to the Villano and Emerson High School. Mr. Timmerman also stated the fence would provide a sufficient barrier, 10 feet off Dyer Avenue, and adds curb appeal – a PVC white picket. Chairman Orecchio would like the Police Department to review for possible sight line issues, due to the corner lot – the Secretary agreed to forward the application to Chief Rossi.

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 Councilwoman DiPaola, seconded by Mr. Todd, and carried.

A motion was made to approve the application, based on a review by the Police Department for possible sight line issues, by Mrs. Ortiz, seconded by Councilwoman DiPaola, and carried. Roll call vote as follows:

Mr. Schwinder – yes
 Mr. Goursky – yes
 Mayor Colina – yes
 Mr. Todd – yes
 Mr. Ryan – yes
 Councilwoman DiPaola – yes
 Mrs. Ortiz - yes
 Chairman Orecchio – yes

Mr. Martin will prepare a Resolution for our next meeting. Mr. Timmerman thanked the Board for their time and consideration.

PATEL – 136 DYER AVENUE - CONTINUED

Mr. Patel was present and introduced to the Board and the public Mr. Bill Cocoros, licensed architect, who was sworn in by Mr. Martin, gave his credentials, and accepted as a witness. Mr. Cocoros stated the applicant is proposing to construct an addition on the east side of the property, and a second floor addition to the rear of the home. A stone walk is also proposed along the rear of the structure. The property currently contains a single family home that has several non-conformities. Mr. Cocoros reviewed for the Board the revisions to the plan – dated 5/22/12 – which were marked as exhibits A1 and A2:

- Landscaping – planting of arborvitaes along the east side of the property
- Seepage pits revisions – any addition over 100 square feet, the Borough does require the installation of a seepage pit – no sump pump currently in the home
- Roof overhang – 8 inches on the west side
- Existing home is on an undersized lot – 1.7 or 1.9 inches off property line
- Enclosure of one car garage – with new addition over garage area – 5 cars currently parked on the site

Mr. Tombalakian stated that if an overhang is installed, it may trigger another variance – maybe the applicant should consider a gable – bulk table should be revised. Mr. Todd and Chairman Orecchio expressed their concerns with the number of variances – the lot is tight and feel your making matters worse on the east side. Mayor Colina questioned the amount of cleanout for the seepage pits – based on Stormwater Management Ordinance – they should be inspected every 6 months and cleaned out as necessary – it is the property owner's responsibility to maintain.

Chairman Orecchio questioned the hardships of the application – Mr. Cocoros stated the hardships are the existing lot conditions and lack of bathrooms on the second floor.

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

Bob Andrews – 130 Dyer Avenue – feels too much impact to the east side; concerned with fire code – 4 feet from my property line; would like to also see a buffer on the west side for privacy; property currently not well maintained – dead trees – rodents and raccoons; concerned with seepage pit maintenance and flooding; feels there are more than 5 residents; hopes a licensed contractor will be doing the work; biggest house on the smallest lot, which will tower over my property.

Rich Hanson – 146 Dyer Avenue – house will be oversized for the lot; I get water in my basement now – concerned with the maintenance of the seepage pit – Mr. Schwinder stated the seepage pit will only help you; questioned the applicant's intentions – sell the property and purchase a larger home.

Dave Pinchefsky – 140 Dyer Avenue – feels there is no hardship here; more than 5 family members living there; property maintenance issues, concerned with seepage pit maintenance; will create an alley between Mr. Patel's home and mine; property values will decline and the structure would be too large.

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

Chairman Orecchio and Mr. Goursky stated there concerns with the current submission, and are not comfortable moving forward this evening – need to work with the neighbors – would like to see a counter proposal. Mr. Schwinder stated this is overbuilding on the property and I cannot approve at this time – looking for 34% overall coverage – would welcome another proposal. Mayor Colina stated we have extended flexibility to the applicant – concerned with the neighbors. Mr. Martin referred to the memo prepared by the Secretary with regard to applicant moving forward with witnesses this evening.

After a brief recess, and Board discussion, Site Plan Committee of Mr. Goursky, Mr. Schwinder, and Mr. Todd will inspect the property. Mr. Cocoros will submit revised plans, based on discussions with the applicant – the application will be carried to our meeting of Thursday, July 19th, with no additional notice.

ANY BOARD MEMBER:

Mr. Goursky stated that the Borough of River Edge has a Site Plan Commission that meets with applicants before actually filing applications, to comment and give recommendations on proposals.

GOOD AND WELFARE:

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

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

ADJOURNMENT:

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

Respectfully submitted,


Barbara Looney