

**EMERSON PLANNING BOARD**  
**EMERSON, NEW JERSEY**  
**MARCH 15, 2007**

This meeting of the Emerson Planning Board was held in the Municipal Building on Thursday, March 15, 2007. Chairman Bair opened the meeting at 8:00 PM, and invited Mr. Callagee 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.

**ROLL CALL:**

Mr. Robert Adams – Present  
 Chairman Steven Bair – Present  
 Mr. Jeffrey Bischoff – Present  
 Mr. Thomas Callagee – Present  
 Ms. Danielle DiPaola – Present  
 Mr. Gary Goursky – Present – arrived late  
 Councilman Christopher Heyer – Present  
 Mr. Barry Howard – Present  
 Mayor Louis Lamatina – Present  
 Mr. John Lazar – Present  
 Mr. Mark Orecchio – Present  
 Mrs. Barbara Looney – Board Secretary – Present  
 Mr. Christopher Martin – Board Attorney – Present  
 Mr. Paul Niehoff – Borough Engineer – Present  
 Mr. Mike Sartori – Construction / Zoning Officer – Present

**MINUTES:**

A motion was made to table approval of the minutes for the meetings held on February 15, 2007, and March 1, 2007, by Mayor Lamatina, seconded by Mr. Lazar, and carried.

**CORRESPONDENCE:**

- Memo from Councilman Hoffman – dated 2/23/07 – Re: 58 Kinderkamack Road, LLC
- Memo from Maser Consulting – dated 2/28/07 – Re: Gikas
- Memo from Maser Consulting – dated 3/1/07 – Re: Spinelli
- Memo from Maser Consulting – dated 3/2/07 – Re: 58 Kinderkamack Road, LLC
- Memo from Price, Meese, Shulman & D'Arminio – dated 3/7/07 – Re: Pascack Valley Shopping Center
- Memo from Chief Thomas Carlos – Fire Department – dated 3/12/07 – Re: 58 Kinderkamack Road, LLC
- Memo from Joe Solimando – Department of Public Works – dated 3/14/07 – re: Gikas
- Memo from Sgt. Richard Mottley – dated 3/14/07 – Re: Gikas

**VOUCHERS:**

- \$ 800.00 – Job & Job – Re: 58 Kinderkamack Road, LLC
- 115.00 – Mark Madaio – Re: Thompson – 177 Kinderkamack Road
- 575.00 – Mark Madaio – Re: PNC Bank

A motion was made to approve these vouchers by Councilman Heyer, seconded by Mr. Orecchio, and carried.

**DOMENICO ARAMINI – 58 KINDERKAMACK ROAD, LLC – CONTINUED**

Mr. Frank Rivellini was present and is representing Mr. Aramini, and Mr. David Watkins was present representing 58 Kinderkamack Road, LLC. Mr. Rivellini stated that since the last meeting, we have met with the developer, and have come up with a plan, which was submitted to Mr. Job. The following was entered and marked as an exhibit:

- A2 – Landscape wall plan

Mr. Aramini stated he has created a “landscape terrace” – the developer’s wall will be a height of 16 feet – the terraced walls will be 4 feet in height, beginning 10 feet from the developer’s wall, and 10 feet so forth. We plan to contact the Borough’s Shade Tree Commission for their input with regard to tree plantings and ground cover. At this time, Mr. Ken Job was sworn in by Mr. Martin, and accepted as an expert. Mr. Job stated the developer extended the retaining wall along the rear of the property line, and when they excavated, they hit Mr. Aramini’s property. The Board may recall that the previous owner, Mr. Gassib, received an approval for a major soil movement permit to regrade his property – by excavating, the development of the lot was affected. Based on this proposal, the developer would construct a wall at the same location, with an amendment for the footings and step design, providing a more substantial wall below. Plans and design calculations need to be submitted to the Building Department for review.

Mayor Lamatina and Chairman Bair expressed their concerns with the safety of the workers – Mr. Watkins stated we are ready to start immediately – the issue now is the weather. Mr. Sartori stated he would like the soils checked – it has been excavated, filled with mud, and stone – no longer virgin soil. Mayor Lamatina stated his concern for the safety of workers – Mr. Watkins stated the contractor does have to comply with OSHA requirements, and this will be done. Mr. Aramini questioned if his wall has to be engineered – Mr. Job responded yes since it is above 3 feet in height. Mr. Job further stated that based on the Developer’s Agreement, the developer is required to have an engineer inspect the wall, and certify that the wall was built properly, before a Certificate of Occupancy is issued.

Mayor Lamatina inquired if a Resolution is needed in order for construction to proceed – Mr. Martin stated a memo from Maser Consulting to the developer outlining the field changes would suffice.

Mr. Aramini, Mr. Rivellini, and Mr. Watkins thanked the Board for their time and consideration.

**SPINELLI – 104 COLONIAL ROAD – NEW APPLICATION:**

Mr. James Delia was present and is representing the applicant. Proof of service was submitted, reviewed, and deemed sufficient by Mr. Martin. Mr. Delia introduced to the Board and public Mr. Daniel LaMothe, an engineer with Lapatka Associates. Mr. LaMothe was sworn in, gave his credentials, and was accepted as an expert. Mr. LaMothe stated that applicant is here this evening to reconfigure their common boundary lines, for a more reasonable and private backyard. Mr. Spinelli will acquire a 3,357 square foot portion of lot # 3 – owned by Mr. Malia – and Mr. Malia will acquire a 490 square foot portion of Mr. Spinelli’s lot for extra road frontage. The only variance requested is for Mr. Spinelli’s property – corner lot width requires 125 frontage – proposal is 104.13 feet. Site plan prepared by Lapatka Associates was entered and marked as exhibit S1.

A motion was made to open public session by Mayor Lamatina, seconded by Mr. Lazar, and carried with no comments.

A motion was made to close public session by Councilman Heyer, seconded by Mayor Lamatina, and carried.

A motion was made to approve the subdivision by Mr. Lazar, seconded by Mr. Goursky, and carried. Roll call vote as follows:

Councilman Heyer – yes  
 Ms. DiPaola – yes  
 Mayor Lamatina – yes  
 Mr. Bischoff – yes  
 Mr. Adams – yes  
 Mr. Orecchio – yes  
 Mr. Goursky – yes  
 Mr. Lazar – yes  
 Chairman Bair – yes

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

**GIKAS – 156 ACKERMAN AVENUE – NEW APPLICATION:**

Mr. Allen Bell was present and is representing the applicant. Proof of service was submitted, reviewed, and deemed sufficient by Mr. Martin. The applicant proposes to subdivide an oversized lot, and keep the existing home. Mr. Bell introduced to the Board and the public, Ms. Pauline Gikas, who was sworn in by Mr. Martin and accepted as a witness. Ms. Gikas stated she is one of the owners of the property which has been in her family since 1951; currently on the property is a large single family dwelling; we are proposing to keep the existing dwelling, and sell the proposed lot; the variances being requested are for the proposed side yards and lot width for both lots. There are no plans to remove the existing dwelling – there is a garage on the proposed lot, which was recently refurbished, and we propose to construct a new garage on the lot with the existing dwelling.

At this time, Mr. Bell introduced Mr. Michael Hubscham of Hubscham Engineering, who was sworn in by Mr. Martin, gave his credentials, and accepted as an expert in engineering and planning. Mr. Hubscham stated he prepared the site plan; the existing lot consists of 45,420 square feet – 1.04 acres; the applicant proposes to subdivide into 2 lots – each lot 22,710 square feet, with 75 feet in lot width. Mr. Hubscham stated there are 27 lots within 200 feet of the site, and 12 of them are 75 feet or less in width – the creation of these 2 lots would be similar to existing lots in the area, and would not be a detriment. The following were entered and marked as exhibits:

- G1 – Site plan
- G2 – Photos of site
- G3 – Photo of sunroom

Chairman Bair questioned the removal of the sunroom on the existing dwelling, therefore eliminating the need for a variance – Mr. Bell stated he has discussed this issue with his client, and they prefer to keep the existing house the way it is. Mr. Lazar questioned the type of gravel to be used on the driveways, and the removal of trees – Mr. Sartori stated driveways must be constructed with asphalt, pavers, or decorative stone. The Secretary stated the application and site plan were submitted to the Shade Tree Commission. Mr. Hubscham stated the lot is level, and we are proposing a seepage pit for the new driveway and garage.

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

Mario Bunoumo – 158 Ackerman Avenue – stated his concerns with the removal of the existing home and drainage.

Pat Cannoe – 7 Blair Place – requested the applicant have the property cleaned up, and the pine trees trimmed.

A motion was made to close public session by Ms. DiPaola, seconded by Councilman Heyer, and carried.

A motion was made to approve the subdivision by Mr. Lazar, seconded by Mayor Lamatina, and carried, based on the following:

- Any structure to be built on lot 14.01 shall not exceed the footprint of 35 feet by 50 feet, as shown on plans.
- The new garage, driveway, and seepage pit all must be conforming to code, and are to be erected / installed on lot 14.02 prior to the closing of title on the sale by the applicant.
- Shade Tree Commission approval.

Roll call vote as follows:

Councilman Heyer – yes  
 Ms. DiPaola – yes  
 Mr. Bischoff – yes  
 Mr. Adams – yes  
 Mr. Orecchio – yes  
 Mr. Goursky – yes  
 Mayor Lamatina – yes  
 Mr. Lazar – yes  
 Chairman Bair – yes

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

#### **ANY BOARD MEMBER:**

Mayor Lamatina stated the deadline for RFP's is tomorrow. Hot Dog Heaven came in with a proposal, and Kuiken Brothers stated they do not want to develop their property. Mr. Lazar stated he has spoken with several residents, and they have concerns over the building heights in the redevelopment area, in light of the construction of the new pharmacy.

#### **GOOD AND WELFARE:**

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

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

**ADJOURNMENT:**

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

Respectfully submitted,

Barbara Looney