

MAYOR AND COUNCIL
BOROUGH OF CLOSTER

SPECIAL MEETING MINUTES – AUGUST 19, 2009 – 7:00 P.M.

Mayor Heymann called the meeting to order at 7:02 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Heymann invited all to join in the Pledge of Allegiance.

2. OPEN PUBLIC MEETINGS ACT STATEMENT

Mayor Heymann declared that the meeting was being held in compliance with the provisions of the Open Public Meetings Act.

Notice of this Special Meeting was sent to the following newspapers on August 17, 2009 for publication as soon as possible:

- a. The Record – published 8/19/09
- b. Press Journal

3. ROLL CALL

The following persons were present:

Mayor Sophie Heymann
Councilpersons John C. Glidden, Jr., Thomas Hennessey, John Kashwick,
David Barad (7:10 p.m)
Borough Administrator, Quentin Wiest
Borough Attorney, Edward T. Rogan
Borough Clerk, Loretta Castano

The following persons were absent:

Councilwoman Cynthia L. Tutoli
Councilwoman Victoria Amitai

At this time, Mayor Heymann requested a moment of silence in memory of Robert John Vreeland “Robby” son of Kurt Vreeland, Fire Chief, and Lisa Vreeland, former President of the Ambulance Corps.

4. RESOLUTION AUTHORIZING THE BOROUGH CLERK TO PLACE A QUESTION ON THE OFFICIAL BALLOT AT THE NEXT GENERAL ELECTION (Requested by Mayor 8/17/09) TO BE PREPARED BY BOROUGH ATTORNEY

Mayor Heymann read the Resolution.

She explained that this has been a very recent, but very complete effort on the part of the Pascack Valley and the Northern Valley municipalities to give its residents an opportunity to weigh in on this question. Mayor Heymann informed that the following Boroughs have already approved this kind of a resolution, as they are not all exactly the same: Northvale, Westwood, Old Tappan, River Vale, Hillsdale, Montvale, Park Ridge, Norwood and Harrington Park. She noted that Norwood was having their meeting tonight as well to discuss same.

Dr. Barad entered the meeting at 7:10 p.m.

At this time Mayor Heymann asked for any questions or comments from the Council and the public.

Borough Attorney explained as follows: the Council members, including Dr. Barad, were e-mailed the Resolution earlier today so Dr. Barad was not seeing it for the first time this evening.

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No one wishing to be heard, Mayor Heymann requested a motion.

Motion of approval was made by Councilman Kashwick, seconded by Councilman Glidden and declared carried by Mayor Heymann upon the affirmative vote of Councilpersons Glidden, Hennessey, Kashwick and Barad.

5. OPEN MEETING TO PUBLIC FOR ANY MATTER, PER N.J.S.A. 10:4-12(a)
(Subject to 5-minute limit per General Rule No. 10)

Mayor Heymann stated that as this was a special meeting, no other matters could be addressed at this time. Borough Attorney advised that the meeting must still be opened to the public. Mayor Heymann opened the meeting to the public.

Donald Schmidt, (162 Closter Dock Road), noted that they had a common interest in the North Parking Lot in Closter. He explained as follows: The Zoning Board of Adjustment has an application in front of it that is draining 14,000 square feet of property directly onto the North Parking Lot. We all know the North Parking Lot has trouble, it floods to the point where our catch basins don't hold the water and it goes over to the Elks Club and floods. The Board's Engineer recommends that it should be that way. I think there is definitely a problem with the Board's Engineer. Since we have a common interest as taxpayers and Council, I think it should be addressed to the advice that they have taken over there. I would like to give you some pictures that don't need to be looked at now. This isn't going to go on tonight because I don't think they have enough members for the meeting. He advised he only has three sets. The first photo shows a dry parking lot with nothing in it, which is the North catch basin. The red car, which is in the rain storm, is sitting right over the top of the catch basin; and you can see the tire is totally covered with water. He took another photo of the same applicant's truck going past the front of the Elks Club and you can see the flood created over there. The next photo is very important. It has nothing to do with the parking lot, but it has to do with the building and congestion on Old Closter Dock Road. The applicant's attorney indicated this was a County road and they needed to look it over. He pointed out that this was, in fact, not a County road, as the County road stops at the clock and goes to Harrington Avenue. This is a town road, and this is a congestion of the road where 40 foot vehicles are backing out on it; and this is really a safety problem and we shouldn't allow it. If we study the plan, and he didn't want to go into it, there is room to make a turn-around on that property. There is room to have two-way traffic, and there is only a one way. There is room to stop the congestion of these vehicles backing out. It is neither the Board's attorney nor the Board's engineer to advise the applicant. It is his problem.

Mr. Schmidt voiced his opinion that this should not be approved and continued by saying he thinks the Borough should stand behind him since they are property owners adjacent to the property. He explained as follows: We know that we have high water tables and there are ways to handle it. We also know if the Board thinks the County reviewed the traffic problem with the trucks backing out, 40 footers with a truck and trailer on them, naturally the Board will take their say because they think the better; but that's not true. We should have an engineer say that this is a hazard. He had been to the Police Department and they agreed with him. The summary reports that came through indicated no comment. The only one that commented was the Building Department with the congestion.

Mr. Schmidt informed he was bringing this to the attention of the Mayor and Council, it will not be heard tonight but it will be heard in the future. He feels the Borough of Closter has to do the taxpayers a favor and look into this application, possibly with their own engineer and possibly get this squared away. He feels this will be a hazard and he will present his case at the Zoning Board of Adjustment. He informed he had provided the Mayor with a summary of his comments the other day; and he has brought with him a copy for the Borough Attorney. He explained these were some of his comments he was going to speak about, which he has spoken about before at meetings on the subject, and they put band aids on it. He feels there are definitely problems with the application; and there is misinformation spread around; and it has to stop. Somewhere our Zoning Board of Adjustment gives the key to Closter away to the hardship case. He would like to see, and he hasn't heard it yet, we won't get that until the summary, but the hardship is to change the use. Once you change the use of a piece of property, you're in a whole different category of what can go in there. This man could rent it the next day, he could sell it the next day; and we could have another John Street situation with the contractor shop we have

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there. He feels before a change in use is granted, when it's not a use that is prohibited in the business zone, they should be very careful. He explained he doesn't think the neighbors understand zoning and planning like he does; otherwise, they would have pounced on it. The Board is weak enough to say nobody has been non compliant. It has been going on illegally for 24 years and it is now getting squared away. It is time for this man to go out and find a commercial piece of property and have his business there, not in a business zone.

Mr. Schmidt thanked the Mayor and Council for their time.

Borough Attorney advised as follows: As it is a pending application, a Zoning Board of Adjustment matter, the Council appreciates the issue being brought to their attention. He expressed his concern that any comments should be made by the Board that is hearing the application to not jeopardize either a denial or approval.

6. ADJOURN

Motion to adjourn the Special Meeting at 7:20 p.m. was made by Councilman Glidden, seconded by Councilman Barad and declared unanimously carried by Mayor Heymann.

Provided to the Mayor and Council
on August 20, 2009 for approval at
the Regular Meeting to be held
August 26, 2009.

Loretta Castano, RMC
Borough Clerk

Prepared by Arlene Corvelli
utilizing recording and
Borough Clerk's Notes

Approved at the Regular Meeting held August 26, 2009
Consent Agenda Item No. 21c.