

**PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
MINUTES OF REGULAR MONTHLY MEETING**

Thursday,
February 28, 2008
8:00 P.M.

Prepared & Submitted by:
Lynn Conway,
Planning Board Clerk

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Mr. John Lignos, Chairman called the Regular Monthly Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, February 28, 2008 in the Council Chambers of the Borough Hall to order at 8:01 P. M. He stated that the meeting was being held in compliance with the provisions of the Open Public Meetings Act of the State of New Jersey and had been advertised in the newspaper according to law. Mr. Lignos advised that the Board adheres to a twelve o'clock midnight curfew and no new matters would be considered after 11:00 P. M.

Mr. Lignos invited all persons present to join the Board in reciting the Pledge of Allegiance.

The following Planning Board members and professional persons were present at the meeting:

John Lignos, Chairman
Dr. Mark Maddaloni Vice Chairman
Councilwoman Victoria Amitai, Secretary
Honorable Sophie Heymann, Mayor
Christine Procida
Adrienne Isacoff, Esq.
Robert DiDio
Dr. Robert Friedman
Benjamin Pinczewski, Alternate No. 1
Arthur Chagaris, Esq., Planning Board Attorney
Nick DeNicola, P.E., Boswell Engineering
Lynn Conway, Planning Board Clerk

The following Planning Board members and professional persons were absent from the meeting:

Antranig Ouzoonian
Peter Kim, Alternate No.2

Prior to the meeting, members received copies of correspondence for their review and comment.

5. Block 2101, Lot 13 23 Susan Drive Case No. P-2008-01	Applicant: Hyo Sun Eor Attorney: David Watkins
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This major soil movement application was filed on January 22, 2008 and perfected on February 6, 2008. Submissions were received on February 14, 2008. David M. Watkins Esq., 285 Closter Dock Road, Closter, NJ 07624 appeared on behalf of the applicant. He stated that according to Mr. DeNicola's letter of February 26, 2008, he has revised the plan to meet all of the requirements. Mark Martins P.E., of Mark Martins Engineering, LLC, 657 Greenway Place, River Vale, NJ was sworn and accepted as a witness. Councilwoman Amitai questioned if the grade of the property would increase the water run off to the street. Mr. Martins explained that even though the property is being raised, there are measures being installed to direct the water underground which will produce less run off than the current property. Mayor Heymann questioned whether a rain garden could be utilized on this property. Mr. Martins stated that is was too sloped for a rain garden which requires a flat surface. Mr. Lignos questioned if there was anything that can

be done to control the water in the swale on the north side of the property since it is the most concentrated area of run off. Mr. DeNicola stated that a seepage pit could be provided in the swale toward the bottom of the slope with a grate. Ms. Procida questioned removing one of the other seepage pits in its place. Mr. Watkins stated that according to Mr. DeNicola's letter, there is not a problem with the plan as it is and he doesn't feel the applicant should have to change it. Mr. DeNicola questioned Mr. Martins on whether there was going to be a drainage problem according to his plan. Mr. Martins stated that based on his design and plan that he felt there would not be a drainage problem. Mr. Watkins stated that they would be willing to remove one of the seepage pits in the driveway and move it to the north part of the property with a grate. He stated that they will also protect the trees during the soil removal. There was discussion on the curbs. The meeting was open to the public. Jesse Rosenblum, 65 Knickerbocker Road was heard. There was discussion on the impervious coverage. A motion to approve the application with the stipulations of Mr. DeNicola's letter, the trees be protected and the seepage pit be moved was made by Dr. Maddaloni and seconded by Mr. DiDio. All members present voted in favor. The permit is to be released upon receipt of the revised plan approved by Nick DeNicola.

10. Miele Sanitation: Dr. Maddaloni and Dr. Friedman recused themselves. Mr. Chagaris stated that in December the Board received correspondence on the renewal permit of Miele Sanitation asking for comments. He stated that this hearing was noticed in the newspaper and that any member from the public can comment. Mr. Chagaris stated that he would be including the comments in a resolution for the Board to approve. The meeting was open to the public. Dr. Mark Maddaloni, 163 Closter Dock Road was heard. He stated that he has filed numerous complaints with the Borough in connection with Miele Sanitation. He stated that he has even visited Mr. Miele in person to bring the offenses to his attention. Dr. Maddaloni said that there are reoccurring noxious odors coming from the facility, the garbage trucks trail leachate and the large tractor trailers that are not making local pickups being over the weight limit and not using the truck routes. Mr. Lignos stated that there is an enforcement issue also since we have ordinances for noxious odors and truck routes and weight limits. Mr. Chagaris questioned the times and amount of trucks that violate the truck routes. Dr. Robert Friedman, 155 Closter Dock Road was heard. Dr. Friedman stated that every day there are trucks violating the truck routes and the weight limits. He stated that Chief Berrian has worked with him every time he requests but that he can't ask every day. Mr. Chagaris stated that most of the complaints fall under the Borough jurisdiction and aren't the subjects of the permit renewal. He stated that they can comment on personal observation and ask that it be investigated for weight limits which would affect the permit renewal. Dr. Friedman stated that he has contacted the Closter Health Department and the County and doesn't get any support from either one. He stated that in reviewing the Master Plan, they might want to look at signed truck routes and grandfather status which is holding the town back. Ms. Procida suggested raising the fine to one thousand dollars for truck route violators. Mayor Heymann stated that over the years, no one was ever able to prove the volume that goes in and out of the yard even though there was an attempt. She stated that there were numerous warnings issued. Mayor Heymann stated that the transfer station is meeting their requirements as far as the DEP goes and that they try to maintain the noise and odor levels permitted. Dr. Friedman stated that over the last two summers they have failed and all efforts at the state, local and county levels have failed miserably. Mayor Heymann stated that she has personally been out to check it and at that time she didn't see or smell a problem. Jesse Rosenblum, 65 Knickerbocker Road was heard. Mr. Rosenblum gave a history of the permitted uses and what the property is being used for today and stated that he felt that Mr. Miele was in violation of agreement that he made with the Borough. He stated that everything that Mr. Miele is doing on the property is illegal. Mr. Lignos stated that these issues are not what the DEP is looking for and questioned Mr. Chagaris on if these comments could be added. Mr. Rosenblum stated that he felt the Borough should begin legal action to take the land back and could be in court in four weeks. Mr. Lignos thanked everyone for their comments. Dr. Maddaloni and Dr. Friedman rejoined the meeting at 9:17p.m.

11. Ordinance: Existing impervious coverage and set back requirements affecting existing non conforming Properties: Mr. Chagaris reviewed the ordinance. There was discussion on the requirements of a survey and the costs involved. Mr. Pinczewski stated that a survey inspection would be a less expensive solution since the homeowner receives a survey when they purchase the property. There was discussion on the wording of the ordinance to allow for survey inspection after the repair. A motion to adopt the resolution was made by Dr. Friedman and seconded by Mayor Heymann. All members present voted in favor.

There being no further business to come before this Board, a motion to adjourn was made by Mr. DiDio, seconded by Dr. Maddaloni. All members present voted in favor and the meeting adjourned at 9:46 P.M.