

**PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY**

**MINUTES OF
WORK SESSION MEETING**

Wednesday,
June 3, 2009
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Clerk

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Wednesday
June 3, 2009
8:00 P.M.

Mr. John Lignos, Chairman, called the Work Session Meeting of the Planning Board of the Borough of Closter, New Jersey held on Wednesday June 3, 2009 in the Council Chambers of the Borough Hall to order at 8:45 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. He 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:

Mayor Sophie Heymann
John Lignos, Chairman
Dr. Maddaloni Vice Chairman
Mr. Robert DiDio
Mr. Andy Ouzoonian
Mr. Arthur Chagaris, Board Attorney
Nick DeNicola, P.E., Boswell Engineering
Rose Mitchell, Planning Board Clerk

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

Councilwoman Amitai
Adrienne Isacoff
Dr. Robert Friedman
Mr. David Baboo

Mr. Lignos reads list of correspondence.

Motion is made by Mr. DiDio and seconded by Dr. Ouzoonian to approve the minutes of the May 6th, 2009 Work Session Meeting .Everyone present is in favor.

Mr. Lignos opened the meeting to the public to speak of anything other than applications on the agenda. No comments were made at this time.

There was no liaisons report. (Councilwoman Amitai was not present).

Mr. Ouzoonian spoke on behalf of the Historic Preservation Commission. He stated that the meeting that was held on May 23rd went well. He also stated that the HPC meeting that was scheduled for June 22, 2009 would be postponed until next month.

Mr. Lignos asked Mr. Ouzoonian to comment on the mini site plan meeting which was held prior to the Work Session Meeting. Mr. Ouzoonian stated that the applicant was O.T. Delivery Systems seeking approval for 10 & 19 Railroad Avenue. He stated that the type of operation would be trucking transportation with no hazard materials. Mr. Ouzoonian stated that the subcommittee felt that the applicant should submit additional information in regards to Lighting, Parking & Truck Routing. (Motion was passed **2-1** for the application to stay within the subcommittee and submit required items prior to the next meeting). Mayor Heymann stated that the truck route used by the specific facility would not use the main streets of town to get in and out of facility.

Mr. Lignos called a recess at **8:53 PM**.

Mr. Lignos called the Work Session Meeting back to order at **9:02 PM**

Mr. Lignos asked Mr. Chagaris for his comments on the Subdivision Deed for **375/395 Blanch Avenue**. Mr. Chagaris confirmed that both he and Mr. DeNicola agree that the submitted survey is accurate. Mr. DeNicola stated that due to the board requiring a six foot strip of property at the top of the bank, the applicant needed to have the property surveyed again. (**The end result is that the Borough will get approximately 25 percent more land than originally anticipated.**) Motion is made for execution of said deeds by Mayor Heymann and seconded by Mr. DiDio. Everyone present was in agreement.

Mayor Heymann commented on **Item # 5** on the Agenda: **Ordinance amending chapter 167-5 D, (Retaining Walls)**. She commented on the recommendation of the Borough's construction official in regards to increasing height requirement of retaining walls coming before the Planning Board. Mr. DeNicola stated that he believes the attorney needs to review this proposed change. Mr. Lignos asked Ms. Mitchell to carry this over to the **July 1st, 2009** Work Session Meeting.

Item # 1

Block 1607, Lot 1
19 Ver Valen Street
P-2009-04

Applicant: Irani, Aspi
Attorney: Hill Wallack LLP

Mr. Daines (Attorney representing Hill Wallack, LLP) commented on the revised plans that have been submitted. Mr. Daines commented on a letter dated May 15th, 2009 from Mr. Rosenblum in regards to board member involvement. Mr. Daines spoke of a letter he sent to Mr. Chagaris in response to Mr. Rosenblum's letter. Mr. Daines stated that based upon the law and the court decisions spoken of, there should be no requirement to disqualify any board member.

Mr. Daines commented on the definition of height (**Section 200-5 Borough Ordinance**). He spoke of the definition of height in regards to the applicant's proposals. Mr. Daines spoke of the five separate structures which will be consolidated into three structures, (one being free-standing). Mr. Daines requested the application be carried over to the July 1st, 2009 Work Session Meeting. (On the basis of the height discrepancies and concerns are dealt with.) Mr. Daines referred to a letter sent to Mr. Chagaris dated May 6th, 2009. Mr. Chagaris responded to Mr. Daines in regards to the board member disqualification issue. Mr. Chagaris was in agreement with Mr. Daines' examples of other cases regarding this issue. Mr. Chagaris also stated that this issue does not have to be dealt with at this stage due to the application not being perfected as of yet. Mr. Chagaris stated that he does agree that there is a dispute between him and the applicant in regards to the interpretation of the height ordinance. Mr. DeNicola commented on the height ordinance in regards to parapet. Mr. Daines responded to said comments. Mr. Lignos spoke of the height in regards to the municipal land use law and what is able to stay in the jurisdiction of the Planning Board. Mr. Chagaris also commented on the 10 percent maximum height. Mr. Ouzoonian questioned the applicant regarding the 25 percent mechanical height and how this will affect the three buildings mentioned. Mr. Daines responded to said question by referring to the set of plans submitted. Mr. Lignos stated that the municipality needs to clarify the height discrepancies. Mr. Chagaris commented on the letter previously spoken of in regards to board member involvement. Mr. Lignos commented in regards to mentioned letter. He stated that he does not personally know the applicant nor does he have any financial dealings with the applicant. Mayor Heymann also stated that she does not know nor have any financial interests with the applicant. She also commented on the recent Master Plan specifically dealing with suggested improvements of the shopping center. Mr. Lignos agreed with Mayor Heymann in regards to improving the downtown area. Mr. Ouzoonian commented on spoken section of the Master Plan in regards to this application. Mr. Daines confirmed that he would like to carry application to the next Work Session Meeting (**in order to have time for clarification of zoning issues**). Mr. Lignos stated that the board will continue to hear this application at the July 1st, 2009 Work Session Meeting. Mr. Lignos asked that any commission members present hold their comments/concerns until the next meeting (**in case changes need to be submitted**).

Mr. Lignos announced a five minute recess at 9:52 PM. The meeting was called back to order by Mr. Lignos at **10:02 PM**.

6- Mr. Chagaris discussed a proposed resolution regarding a Zoning Ordinance Amendment. The Board members commented on this proposed Amendment. A recommendation was made by Mayor Heymann to increase the height requirement in regards to complying with the recommendations of the recently adopted Master Plan. Motion is made by Mayor Heymann and seconded by Dr. Maddaloni for recommended Zoning Amendment with the stipulations discussed by Mr. Chagaris. Mayor Heymann, Dr. Maddaloni and Mr. Lignos voted in favor. Mr. DiDio abstained and Mr. Ouzoonian voted against the proposed amendment.

Motion is made by Dr. Maddaloni and seconded by Mr. DiDio to adjourn meeting. Meeting was adjourned at 11:07 PM.