

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

**MINUTES OF
Special Monthly Meeting**

Thursday,
October 1st, 2009
7:30 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

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BOROUGH OF CLOSTER, NEW JERSEY

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Thursday,
October 1, 2009

Dr. Maddaloni, Vice-Chairman called the Special Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, October 1, 2009 in the Council Chambers of the Borough Hall to order at 7:33PM . 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.

Dr. Maddaloni 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 Heymann
Councilwoman Amitai
Mr. Baboo (7:43)
Dr. Maddaloni, Vice-Chair
Ms. Isacoff
Mr. Sinowitz
Dr. Friedman
Mr. DiDio
Mr. Barretta
Mr. Ouzoonian
Mr. Chagaris, Board Attorney
Mr. DeNicola, P.E., Boswell Engineering
Rose Mitchell, Planning Board Coordinator

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

Dr. Maddaloni read list of correspondence. (Pertaining to Closter Plaza Application Only)

Dr. Maddaloni spoke of the dates mentioned for additional special meetings. Mr. Segreto handed out an expert report at this time (dated October 1st, 2009). Mr. Segreto spoke of the availability of his witnesses in regards to dates for additional special meetings. Ms. Tubito stated she would not have any witnesses to present. Mr. Daines mentioned specific days either himself or applicant's witnesses would not be available.

Item # 1

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

Applicant: Irani Aspi
Attorney: Hill Wallack, LLC

Mr. Segreto cross-examined Mr. Burgis (Applicant's planner). (Mr. Burgis was reminded by Dr. Maddaloni that he was still under oath.) Mr. Segreto asked questions referring to the Borough's Zoning ordinance (specifically article nine). Mr. Burgis responded speaking of permitted use. Mr. Segreto asked about the "permitted use" for this application and spoke of the 3-B zone. Mr. Burgis responded. Mr. Chagaris spoke of the pre-existing non-conforming condition and asked Mr. Segreto to refer to the site plan submitted. Dr. Maddaloni asked Mr. Daines for confirmation of mentioned use. Mr. Daines referred to a previous developer's agreement and mentioned it was from 1973. Mr. Segreto asked about FAR in regards to application. Mr. Burgis responded speaking of FAR and footprint coverage. Mr. Segreto asked about increased building coverage in Phase I. Mr. Burgis confirmed it would be increased. Mr. Segreto asked for confirmation of the definition of non-conforming use. Mr. Burgis responded and also confirmed the increase of square footage. Mr. Segreto asked about the increased intensity of use. Mr. Chagaris asked Mr. Segreto to proceed to next question. Mr. Segreto asked about parking spaces. Mr. Burgis responded mentioning the engineer's aerial photos. Mr. Segreto asked additional questions regarding site and specific zone. Mr. Burgis responded. Mr. Segreto asked about signage. Mr. Chagaris informed Mr. Segreto that specific question was not in line with witness' direct testimony. Mr. Segreto was reminded that he had twenty minutes left for cross-examination. Mr. Segreto asked about the existing square footage. Dr. Maddaloni informed Mr. Segreto that specific question was not allowed. Mr. Segreto asked about parking stalls referring to Borough's ordinance. Mr. Burgis responded referring to variances mentioned in application. Mr. Segreto asked about the vacancy of the previous Stop and Shop. Dr. Maddaloni stated that question was inappropriate. Mr. Segreto asked about the area of land referring to the front/rear yards. Mr. Burgis responded speaking of the Borough's requirements for front/rear yards. Mr. Segreto asked about the Homans Avenue side of the site and spoke of traffic and trucks entering and exiting. Mr. Burgis responded mentioning site criteria. Mr. Segreto asked about sign variances. Mr. Burgis responded. Mr. Segreto asked about height variances. Mr. Burgis responded speaking of the percentage of wall space needed for signage. Mr. Daines objected to Mr. Segreto's question. Mr. Burgis spoke of the ground sign. Mr. Segreto asked additional square footage questions. Mr. Burgis was unable to answer specific question. Mr. Segreto asked additional questions regarding signage. Mr. Burgis responded.

Ms. Tubito cross-examined Mr. Burgis. Ms. Tubito asked about the one way/two way entrance regarding the church/K-mart area. Mr. Burgis responded. Ms. Tubito asked about the buffer requirement according to the Borough's code. Mr. Burgis responded. Mr. Daines objected to question. Mr. Chagaris stated that the question is sustained. Ms. Tubito continued to speak of the one-way buffer requirement. Mr. Burgis responded. Ms. Tubito asked about water runoff. Mr. Daines objected to mentioned question. Dr. Maddaloni asked for guidance from the board's experts. Mr. Chagaris and Mr. DeNicola both commented on said. Ms. Tubito asked about emergency vehicles entrance/ exit access. Mr. Burgis responded mentioning the ways vehicles can enter/exit. Ms. Tubito expanded on mentioned question. Mr. Burgis responded

mentioning multiple ways for emergency entrance/exit. Ms. Tubito asked about the efficiency of the loading areas. Mr. Burgis responded speaking of the proposed design of the loading areas. Ms. Tubito asked about dumpsters. Mr. Burgis responded. Ms. Tubito asked about curbing, sidewalks, etc. in regards to safety issues. Mr. Burgis responded.

Mr. Daines called Mr. Keller before the board. Mr. Keller was reminded he was still under oath. Mr. Keller mentioned alternate parking layout plans that were submitted on September 21st, 2009. Mentioned plan was marked exhibit A-46. Mr. Keller spoke of revisions made as per requested at the September 10, 2009 Planning Board meeting. Mr. Daines asked for confirmation of plan being sent to Mr. Rocciola and Mr. Whitney. Mr. Keller stated that was the case. Mr. Keller stated that two parking spaces were missed therefore do not show on the plans received by the Board. (Mr. Keller stated he manually made the correction today. Mr. Daines asked Mr. Keller if the fire safety issues were discussed with Mr. Whitney. (Fire Official). Mr. Daines marked Mr Whitney's e-mail A-47. Mr. Daines marked Mr. Rocciola's letters dated 9-25 and 9-29 A-48 and A-49. Mr. Keller stated that he was satisfied with Mr. Rocciola's spoken of correspondence. Mr. Daines asked Mr. Keller for confirmation of one way exit proposed referring to exhibit A-46. Mr. Keller responded. Mr. De Nicola asked Mr. Keller for his fed back on sketch sent to him. Mr. Keller responded to said. Mr. DeNicola stated his concerns with the loading zones. Mr. Keller commented on mentioned issue. Mr. Chagaris stated that Mr. DeNicola's sketch pages should be marked as B-1, B-2, & B-3. Mr. Rocciola spoke of his September 25th, 2009 report and asked Mr. Keller for confirmation of agreement of same. Mr. Keller responded mentioning break down of mentioned report and what the applicant's intention would be. Mr. Rocciola asked for clarification of the one-way isle previously mentioned. Mr. Keller responded mentioning ex. A-46, Phase I. Mr. Daines asked Mr. Keller to identify the shaded area (Homans Avenue side). Mr. Keller responded to Mr. Daines request. Mr. Rocciola asked how proposed change would affect the centennial church. Mr. Keller responded accordingly.

Dr. Maddaloni opened up the next portion of the meeting to the board's questions. Mayor Heymann asked about site areas in regards to trees. Mr. Keller stated that Mr. Hamilton would discuss said at future meeting. Mayor asked about diamond islands and space for trees in regards to parking space issues. Mr. DeNicola commented on said question. Councilwoman Amitai commented on the revised parking layouts and spoke of the traffic flow. She asked about loading docks referring to movie theatre section. Mr. Keller responded. She also asked about entrance/exit driveways. Mr. Keller responded referring to aerial photos. She also asked about traffic referring to Mr. DeNicola's sketch labeled B-2. Mr. Keller responded mentioning dimension layouts used. Mr. Baboo spoke of Mr. DeNicola's proposed layout. Mr. Keller responded to Mr. Baboo's comments. Ms. Isacoff asked about head in parking in regards to the Homans Avenue Burger King area. Mr. Keller responded. Mr. DiDio asked about the drive isle strip referring to ex B-1. Mr. Keller responded. Dr. Friedman asked for confirmation of item six of Mr. Rocciola's report dated 9-25-09. Mr. Keller responded. Mr. Barretta asked about the diamond island regarding landscaping needed. Mr. Keller stated he did not want to speak for the landscape expert witness. Mr. Keller also stated he did not want to reduce any more parking spaces. Mr. Ouzoonian asked about the anchor stores in regards to survey being made. Mr. Keller responded. He also

asked about the proposed entrance/exit by the K-mart area in regards to emergency vehicles. Mr. Keller responded. Mr. Ouzoonian also spoke of more landscaping and parking space issues.

Dr. Maddaloni opened next portion to the public's questions. Mr. Karas of 3 Parsells Court asked for confirmation of traffic, entrance, and exit issues. Mr. Keller responded referring to his traffic re-report. Mr. Karas asked for confirmation of peak time traffic. Mr. Keller responded. Mr. Karas asked about truck exiting. Mr. Keller responded stating that trucks would exit to the east. Ms. Schwartz of 42 Cedar Court asked about variances granted in other shopping centers. Mr. Keller responded. Mr. Mufson of 79 Everett Street asked about the possibility for an island for angle parking between K-mart and the continental church. Mr. Daines stated that said was a legal question. Mr. Johnson of 107 Demarest Avenue reminded the witness of his questions asked at previous meeting. He asked about dyed concrete. Mr. Keller responded stating that this would be taken under advisement. Mr. Bianco of 7 Mac Arthur Avenue asked about plan in regards to Phase II. He asked about the proposed driveway. Mr. Keller responded. Mr. Bianco asked about ordinance #173- 48 B-3 and E-3. Mr. Keller responded. Mr. Bianco asked about proposed five-foot fire strip. Mr. Keller responded. Mr. Rosenblum of 65 Knickerbocker Road asked about paved area proposed. Mr. Keller responded. Mr. Rosenblum also asked about restricted areas and proposed island. Mr. Keller responded. Ms. Brewster of 15 Taillon Terrace asked about Phase II. Mr. Keller responded. Mr. Bianco asked about size of loading bays. Mr. Keller responded.

Dr. Maddaloni announced a ten minute break.(**time was 10:58PM**). Meeting was called back to order at **11:10PM**.

Mr. Segreto cross-examined Mr. Keller. Mr. Segreto asked proposed parking spaces. Mr. Keller responded. Mr. Segreto asked about the landscape meeting that took place between the applicant and the Borough's expert. Mr. Daines stated that said would be discussed at next meeting. Mr. Segreto asked about traffic regarding safety. Mr. Keller responded speaking of what will occur in Phase I. Mr. Segreto asked about the K-mart section of site and spoke of the proposed ingress/ egress of said. Mr. Keller responded. Mr. Segreto asked about issues of the Homans Avenue /Burger King area. Mr. Keller responded. Mr. Segreto asked questions in regards to Mr. Keller's submitted traffic report. Mr. Keller responded. Mr. Segreto asked about traffic volumes in regards to A.M./P.M. counts. Mr. Keller responded. Mr. Segreto asked about specific analysis and calculations. Mr. Keller responded mentioning square footage figures. Mr. Segreto asked additional questions regarding existing and proposed square footage and existing vacancy. Mr. Daines objected to question. Mr. Chagaris asked Mr. Keller to supply Mr. Segreto with requested information. Mr. Segreto asked about incoming traffic referring to Ver Valen Street and Homans Avenue. Mr. Keller responded. Mr. Segreto asked additional questions regarding Mr. Keller's submitted report. Mr. Keller responded. Mr. Segreto asked about increased traffic for specific building. Mr. Chagaris stated that specific question has been asked and answered. Mr. Segreto asked about the proposed level of service. Mr. Keller responded. Mr. Segreto asked about traffic level at the Ver Valen and Piermont intersection. Mr. Keller responded. Mr. Segreto asked about specific square footage calculations. Mr. Keller responded mentioning calculations used. Mr. Segreto asked about square footage regarding Phase II. Mr. Keller responded. Mr. Segreto about the radius used. Mr. Keller responded speaking of towns researched. Mr. Segreto asked about parking studies used. Mr. Keller responded stated mentioned was for community centers. Mr.

Segreto asked if there were past parking problems on site. Mr. Keller stated he did not visit site until the stop & shop was already closed. Mr. Segreto asked about revised plans submitted regarding truck movements. Mr. Keller responded mentioning comments from Mr. Rocciola's report. Mr. Segreto asked when revised plans would be submitted. Mr. Keller stated that said would have to be discussed with applicant and professionals.

Ms. Tubito asked about emergency vehicles in regards to the proposed one-way access of the K-mart section. Ms. Tubito spoke of the five foot buffer requirement regarding section 178-E3 of the Borough code. Ms. Tubito asked Mr. Keller if the application is complying with Borough Code. Mr. Keller responded stating the service doors may be in the rear of building. Ms. Tubito asked about the negative impact to the church regarding traffic coming in one-way. Mr. Keller responded stating he did not imply that the proposed one-way would be a negative impact on the church property.

Motion was made by Mr. Barretta and seconded by Dr. Friedman to adjourn meeting. All members agreed. Meeting was adjourned at 12:05A.M. (Oct. 2nd).