

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

**MINUTES OF  
Reorganization, Work Session &  
Special Meeting**

Wednesday,  
January 6<sup>th</sup>, 2010  
8:00 P.M.

Prepared & Submitted by:  
Rose Mitchell  
Planning Board Coordinator

PLANNING BOARD  
BOROUGH OF CLOSTER, NEW JERSEY

Wednesday,  
January 6<sup>th</sup>, 2010

Mr. Lignos, Chairman called the Reorganization, Work Session, Special Meeting of the Planning Board of the Borough of Closter, New Jersey held on Wednesday, January 6<sup>th</sup>, 2010 in the Council Chambers of the Borough Hall to order at 8:02PM .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 Heymann  
Councilwoman Amitai  
Mr. Lignos, Chair  
Dr. Maddaloni, Vice-Chair  
Ms. Isacoff  
Mr. Sinowitz  
Mr. DiDio  
Dr. Friedman  
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:

Mr. Baboo  
Mr. Barretta

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Mr. Lignos wished all board members a Happy New Year. Mr. Lignos read the correspondence list. There were no comments regarding mentioned.

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REORGANIZATION PORTION

Mr. Chagaris swore in Mr. Lignos and Mr. Sinowitz to renew their terms on the Planning Board. Mr. Chagaris stated that the other board members up for renewal of term (Mr. Baboo and Mr. Barretta) were absent. Mayor Heymann reminded members to fill out their financial disclosure statements.

Mr. Lignos vacated seat. Dr. Maddaloni nominated Mr. Lignos for Planning Board Chairman. Nomination was seconded by Councilwoman Amitai. Everyone present voted in favor with the exception of Mr. Lignos who abstained. Mr. Lignos returned to chairing meeting. Mr. Ouzoonian nominated Dr. Maddaloni for Vice-Chairman. Nomination was seconded by Ms. Isacoff. Everyone present voted in favor with the exception of Dr. Maddaloni who abstained. Councilwoman Amitai nominated Rose Mitchell for Planning Board Coordinator/Secretary. Nomination was seconded by Dr. Maddaloni. Everyone present voted in favor. Nomination was made by Councilwoman Amitai and seconded by Mr. Ouzoonian to appoint Mr. Arthur Chagaris (of Beattie Padovano, LLC) as Board Attorney. Everyone present voted in favor. Nomination was made by Dr. Maddaloni and seconded by Mr. DiDio to appoint Mr. Nick DeNicola (of Boswell McClave Engineering) as Board Engineer. Everyone present voted in favor.

Mr. Lignos asked the board if there were any conflicts on the proposed 2010 meeting dates. Ms. Mitchell informed the board about one change made regarding dates (referring to November 4<sup>th</sup>, 2010). Motion was made by Councilwoman Amitai and seconded by Mr. DiDio to adopt 2010 Planning Board meeting dates. All present were in favor. Motion was made by Dr. Friedman and seconded by Mr. DiDio to adopt 2010 Planning Board fee schedule. All present were in favor. Motion was made by Mr. DiDio and seconded by Dr. Friedman to adopt the official newspaper (being the Press Journal or the Bergen Record) for legal publication. All present were in favor.

Mr. Lignos discussed the Planning Board Subcommittees. Motion is made by Dr. Maddaloni and seconded by Mayor Heymann to approve the **mini-site plan review subcommittee** members which would include Mayor Heymann, Mr. Lignos, Mr. Ouzoonian and Dr. Friedman as an alternate member. All present were in favor. Motion was made by Mr. DiDio and seconded by Mayor Heymann to approve the **Ordinance Draft Review Subcommittee** members which would include Mayor Heymann, Councilwoman Amitai, Leonard Sinowitz, Nick DeNicola (**as board professional non-voting member**) and Dr. Friedman as an alternate member. All present were in favor. Motion was made by Dr. Friedman and seconded by Councilwoman Amitai to approve the **Planning and Zoning Subcommittee** members which would include Mayor Heymann, Councilwoman Amitai, Dr. Maddaloni, Nick DeNicola (**as board professional non-voting member**) and Mr. Lignos as an alternate member. All present were in favor. Mr. Lignos announced that the Master Plan Subcommittee would be known as the Master Plan Implementation Subcommittee for the year 2010. Motion was made by Mr. DiDio and seconded by Mayor Heymann to approve the **Master Plan Implementation Subcommittee** members which would include Mayor Heymann, Councilwoman Amitai, Ms. Isacoff, and Mr. DiDio as an alternate member. All present were in favor. Mr. Lignos announced that the COAH Subcommittee would not be needed for the year 2010 and may be reorganized in the future. Mr. Lignos spoke about the Planning Board Liaisons. Motion was made by Mayor Heymann and seconded by Councilwoman Amitai to nominate Mr. Ouzoonian as Historic Liaisons. All present were in favor. Mayor Heymann stated that both the Council Liaison (**Councilwoman Amitai**) and the Environmental Liaison (**Mr. DiDio**) were voted on by the Council.

Mr. Lignos announced that the Reorganization portion of the meeting was ended. And the Work Session portion would commence. **(Time was 8:29PM)**.

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### WORK SESSION PORTION

Motion was made by Dr. Maddaloni and seconded by Dr. Friedman to approve minutes of October 15<sup>th</sup>, 2009. All present were in favor with the exception of Mr. Lignos who abstained. Motion was made by Dr. Friedman and seconded by Dr. Maddaloni to approve minutes of December 2<sup>nd</sup>, 2009. All present were in favor.

Mr. Lignos stated that the Retaining Wall discussion would be postponed until the next Planning Board work session meeting. Mr. Lignos opened portion of the meeting to the public's comments. Mr. Kelly of 132 Herbert Avenue spoke of the present foreclosures in town and spoke of the need for more business for the revenue of the town. Mr. Kelly commented on the importance of the Planning Board's approval to allow more business owners in the town.

Mr. Lignos closed Work Session portion of meeting (**time was 8:37PM**).

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### SPECIAL MEETING PORTION

#### **Item # 1**

Block 1008 Lot 2  
434 Demarest Avenue  
P-2009-01

Applicant: Gerber Auto  
Attorney: David Watkins

Mr. Watkins reminded the board that all testimony given by his witnesses have been completed. Ms. Tubito stated that she represented Mr. Scott Pierce who would be testifying. She also stated that her other witness (**expert engineer**) had a family emergency and needed to leave. Mr. Lignos confirmed that the engineer would be heard at the next meeting. Mr. Chagaris swore in Mr. Pierce of 447 Demarest Avenue. Mr. Pierce spoke of various photos of Gerber Auto site. (He labeled photos accordingly beginning with **O-1**). Ms. Tubito asked Mr. Pierce to describe each labeled photo. Mr. Pierce spoke of individual photos. Ms. Tubito handed out additional photos and labeled accordingly. Ms. Tubito asked Mr. Pierce questions regarding his past experience with Gerber Auto site and its use. Mr. Pierce responded. Mr. Chagaris asked Ms. Tubito for clarification of her questioning. Ms. Tubito responded. Mr. Pierce continued to speak of the past usage of the site. Mr. Chagaris asked Mr. Pierce to clarify what occurs on the site at present. Mr. Pierce responded. Mr. Chagaris asked if Mr. Pierce had previously filed complaints. Mr. Pierce stated that he has been trying to rectify the situation for about three years. Ms. Tubito asked Mr. Pierce questions regarding a photo submitted. Mr. Watkins objected to photo submitted. Both Ms. Tubito and Mr. Pierce clarified when and where photo was obtained. (Photos were marked O-21, a & b.) Mr. Chagaris asked about exhibit O-21, a. Mr. Pierce responded. Ms. Tubito spoke of a document (labeled O-22). Mr. Watkins objected to submitted document. Mr. Chagaris agreed with Mr. Watkins and did not allow document to be displayed to the board members. Ms. Tubito asked Mr. Pierce additional questions. Mr. Pierce responded. Mr. Watkins cross-examined Mr. Pierce asking questions regarding photos submitted. Mr. Pierce responded. Mr. Watkins spoke of a Certificate of Occupancy from 1985. Mr. Watkins questioned Mr. Pierce regarding mentioned document. Mr. Pierce responded. Mr. Watkins asked additional questions regarding site. Mr. Pierce responded. Ms. Tubito asked additional questions (in response to Mr. Watkins' cross-examination. Mr. Pierce responded. Mr. Lignos asked for the board members questions for Mr. Pierce. Mr. Ouzoonian asked for clarification of certain photos submitted. Mr. Pierce responded. Mr. Lignos asked about the improvement of the condition if certain circumstances changed (ex: parked vehicles in front of site, landscape changes, dumpster placement, curbing, etc.) Mr. Pierce responded. Mr. Pierce mentioned that some of the proposed improvements may have a negative impact. Mr. Lignos asked about the erosion issues (shown in Mr.

Pierce's submitted photos.) Mr. Pierce responded. Dr. Friedman asked about frequency of night time towing activity on site. Mr. Pierce responded. Dr. Maddaloni asked if the town ordinance allowed vehicles to park in front of building. Mr. Sinowitz responded stating that it becomes a police matter if vehicles are blocking street. Mr. Lignos opened meeting to public's questions for Mr. Pierce. Mr. Kelly of 132 Herbert Avenue asked about the properties on each side of Gerber Auto Body. Ms. Tubito asked for relevance of Mr. Kelly's questioning. Mr. Chagaris asked Mr. Kelly for clarification of questions. Mr. Kelly responded. Mr. Pierce responded to Mr. Kelly's additional questions. Mr. Rosenblum of 65 Knickerbocker Road asked about repairs done on site. Mr. Chagaris asked Mr. Rosenblum to reword the question. Mr. Rosenblum did so. Mr. Pierce responded. Ms. Hoffmann of 179 Closter Dock Road asked if Mr. Gerber ever approached Mr. Pierce to try to rectify situation. Mr. Pierce responded. Ms. Hoffmann asked about his awareness of contamination of site. Mr. Pierce responded. Mr. Lignos stated that application will continue on January 28<sup>th</sup>, 2010. Motion was made to adjourn meeting by Mr. DiDio and seconded by Mayor Heymann. Meeting was adjourned at 10:01 PM. (An executive session followed).