

**PLANNING BOARD**  
**BOROUGH OF CLOSTER, NEW JERSEY**  
**Minutes of Regular Monthly Meeting**  
Thursday,  
February 25<sup>th</sup>, 2016  
8:00 P.M.

Prepared & Submitted by:  
Rose Mitchell  
Planning Board Coordinator

PLANNING BOARD  
BOROUGH OF CLOSTER, NEW JERSEY  
Regular Monthly Meeting  
Thursday,  
February 25<sup>th</sup>, 2016

Dr. Maddaloni, Chairman called the Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, February 25<sup>th</sup>, 2016 in the Council Chambers of the Borough Hall to order at 8:06PM. 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 Glidden  
Councilwoman Amitai  
Dr. Maddaloni-(Chair)  
Mr. Paltos – (Vice-Chair)  
Ms. Heymann  
Mr. Montroy  
Ms. Brewster  
Mr. Freyre  
Dr. Goldberg  
Ms. Batool- (8:10PM)  
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. Iafrate

Dr. Maddaloni read the correspondence list and asked if Board members had any comments regarding mentioned. There were no comments at this time.

At this time, Dr. Maddaloni announced that **item # 2**; 80 Knickerbocker Road will carry to the March 31<sup>st</sup> meeting.

Item # 1

Block 2401, Lot 49  
679 Closter Dock Road  
Application # P-2012-09

Applicant: Evar  
Attorney: Mr. Urdang

Mr. Chagaris spoke of the purpose of this Subdivision Application coming before the Board; which was previously denied & was appealed by the Superior Court. Mr. Chagaris stated that only the members who were on the Board during testimony of application or the new members

who have read the transcripts are eligible to vote. Mr. Chagaris spoke of the decision made by the Judge & stated that purpose of application being before the Board was not for consideration of application; but for deliberation regarding imposing of reasonable conditions; if any. Mr. DeNicola spoke of Board's previous concerns regarding road frontage. Mr. DeNicola spoke of suggestions regarding road/driveway, also speaking of drainage/water runoff. Ms. Heymann recommended expanding the road, also speaking of the Council's involvement. Mr. Chagaris spoke of same. Mr. Chagaris stated that the Judge would ultimately make the final decision regarding reasonable decision. Councilwoman Amitai spoke of option of appealing the Judge's decision. Mr. Chagaris responded to Councilwoman Amitai's comments. Dr. Maddaloni asked for clarification regarding appeal procedure. Mr. Chagaris responded. Councilwoman stated she believed it was best for the Borough to appeal Judge's decision. Dr. Maddaloni asked for clarification regarding Councilwoman Amitai's comments. Mr. Chagaris commented on same. Mr. Freyre asked about appeal procedure. Mr. Chagaris responded. Ms. Heymann spoke of condition regarding road widening. Mr. Chagaris responded to Ms. Heymann's comments. Mr. Freyre asked how the other neighbor's would be impacted if driveway was expanded. Mr. Chagaris responded. Ms. Batool asked for clarification regarding how the Borough would be burdened. Dr. Maddaloni responded speaking of the flag lot ordinance & variance requests. The Board continued to speak of possible reasonable conditions for application. Motion was made by Councilwoman Amitai to return the case to the judge, taking no action to impose conditions. There was no second to this motion; therefore motion did not carry. The Board continued to speak of imposing reasonable conditions. Ms. Heymann spoke of the flag lot ordinance. Councilwoman spoke of her concerns regarding neighboring properties. Mr. Chagaris reiterated Judge's order. Mr. Urdang commented on same; speaking of noticing & responded to Board's suggested conditions. Mr. Urdang also spoke of the appeal process. Dr. Maddaloni spoke of the 5-ft excess. Mr. Chagaris spoke of same. Mr. Urdang spoke of the right-of-way/easement. Mr. Chagaris also commented on same. Mr. Urdang continued to speak of purpose of being before the Board. Mr. Chagaris commented on same, also speaking of right to appeal. Dr. Maddaloni suggested that decision be made on reasonable compromise rather than going for appeal. Mayor Glidden concurred with Dr. Maddaloni. Mr. Greenspan of 701 Closter Dock Road stated that he is the owner of the whole driveway. He also stated he did not receive notice regarding meeting; & spoke of the 30-foot road. Mr. Kasdan of 699 Closter Dock Road asked about issue of Board not having a planner for application as it pertains to the Board decision. He also spoke of noticing, stating that the 200-ft did not qualify himself or Mr. Greenspan receiving notice. Ms. Mitchell confirmed that their names/addresses were not included on list generated from the Tax Assessor's office. Mr. Kasdan continued to ask about the need for a planner. Mr. Chagaris responded. Mr. Kasdan expressed his concerns regarding existing easement & the enlarging of same & right of access of private road. He also expressed his concerns of safety regarding emergency vehicle access. Mr. Chagaris responded speaking of the Judge's comments regarding mentioned. Mr. Kasdan also expressed his concerns regarding drainage issues. Mr. Rosenblum of 65 Knickerbocker Road spoke of archived files regarding this site; commenting on applicant's current intention regarding subdivision. Mr. Urdang responded to Mr. Rosenblum's comments. Dr. Maddaloni spoke of possibility of leaving site as is; mainly due to surrounding neighbors' concerns. Dr. Maddaloni also spoke of drainage improvements. Councilwoman Amitai asked for clarification regarding side yard & rear yard setbacks. Mr. DeNicola responded. Councilwoman Amitai continued to speak of the setbacks as it pertains to the driveway. Mr. DeNicola responded. Ms. Heymann concurred with appropriate drainage needed. Mr. DeNicola commented on same. Mr. Urdang

also commented on mentioned. Motion was made by Mr. Pialtos & seconded by Ms. Batool regarding imposing reasonable conditions, specifically pertaining to drainage improvements, functional inlet & installation of seepage pits. Mr. Goldberg asked for clarification of motion. Ms. Heymann, Dr. Maddaloni, Mr. Pialtos, Mr. Freyre, Dr. Goldberg & Ms. Batool voted for motion. Councilwoman Amitai voted against; Mayor Glidden, Mr. Montroy & Ms. Brewster were not qualified to vote.

Item # 2

Block 701, Lot 13  
80 Knickerbocker Road  
Application # P2015-11

Applicant: Anderson  
Attorney: Kurt Hartmann, Esq.

Dr. Maddaloni announced earlier in the meeting that this application will carry to the March 31<sup>st</sup> meeting

Item # 3

Block 2202, Lot 6  
136 Alpine Drive  
Application # P2016-01

Applicant: DiDio  
Attorney: Mr. Kleiner

Mr. Montroy & Ms. Heymann recused themselves from this application. Mr. Chagaris spoke of ethics codes, recommending that any Planning Board member who serves on the Mayor & Council recuse themselves from this application. Mayor Glidden & Councilwoman Amitai asked for clarification. Mr. Chagaris responded. The Board continued to discuss. Mayor Glidden & Councilwoman Amitai chose not to recuse themselves. Mr. Kliener spoke of fence application. Mr. Chagaris swore in Mr. DiDio of 136 Alpine Drive, Closter, NJ. Mr. DiDio spoke of packet/documentation; commented specifically on survey & certificate of occupancy submitted to Board; marking exhibits accordingly. Councilwoman Amitai expressed her feelings regarding this matter needing to come before the Board so many years after the C of O was issued. She also spoke of other fences within the municipality as it pertains to the Borough ordinance & enforcement; stating that she didn't believe it was fair to Mr. DiDio to be required to come before the Board. Mr. Pialtos responded stating that the Board was not responsible for forcing applicant to be here. Mr. DiDio commented on same, speaking of enforcement regarding other fences in town. Mr. DiDio spoke of cost to come before the Board. Mayor Glidden responded to Mr. DiDio's comments. Councilwoman Amitai spoke of application fees.

Mr. Cooper of 19 Church Court stated that he believed the fence was attractive & well maintained. Mr. Montroy (spoke in the capacity of Construction Official) stated that he would enforce & follow through if any members of the Board report any fences in the municipality that don't comply with the ordinance; & that all residents would be treating the same. Motion was made by Mr. Pialtos & seconded by Mr. Freyre to approve application. Councilwoman Amitai suggested that application fees be returned to applicant. The Board agreed that this is not allowed & wouldn't be fair to other applicants who have come before the Board & paid fees. All present at dais were in favor of approval. Dr. Goldberg also spoke of PB application fees

being refunded to Mr. DiDio. Mr. Chagaris responded stating that the Board does not have the authority to waive/refund fees & that the fees are enforced by the Mayor & Council.

Pending Resolution- Application # P-2015-12; Block 1314, Lot 2; 248 Closter Dock Road: Mr. Chagaris spoke of resolution distributed to the Board. He also spoke of who was & was not qualified to vote. Motion was made by Ms. Heymann to request approval of resolution be adjourned to the next meeting. She stated that she believed the Board needs more time to go over revised resolution. Motion was seconded by Councilwoman Amitai. Dr. Goldberg also spoke of limited time the Board has to review resolution. He also commented on specific items mentioned in resolution. Mr. Chagaris reminded Dr. Goldberg that he was not qualified to vote on resolution since he voted against application. Dr. Goldberg continued to speak of resolution. Mayor Glidden reminded the Board that a motion was on the table. Dr. Goldberg continued to speak of the resolution/procedure. Mr. Chagaris reminded Dr. Goldberg that he was not entitled to make comments regarding resolution since he voted against application. Dr. Goldberg disagreed, requesting clarification. Mr. Chagaris reiterated, speaking of the Municipal Land Use Law. All present were in favor of adjournment with the exception of Mr. Montroy, Ms. Brewster & Dr. Goldberg who were not qualified to vote.

Resolution Revision- Application # P-2015-05; Block 1202, Lot 6.01: 15 William Street: Mr. Chagaris stated that revisions to this resolution were typographical only & that a re-vote is not required; & that re-noticing is also not required. Revised resolution was signed by Councilwoman Amitai & Ms. Mitchell.

Dr. Goldberg requested that Mr. Chagaris have the citation (spoken of earlier in the meeting) available for Board at next meeting.

Ms. Heymann spoke of the report previously sent from the Zoning Board; stating she would like the appropriate committee meet to discuss mentioned. Councilwoman Amitai commented on same. She spoke of conducting an Ordinance Subcommittee meeting on March 15<sup>th</sup> at her house.

Motion was made by Mayor Glidden & seconded by Dr. Goldberg to adjourn meeting. Meeting was adjourned at 10:08 PM.