

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Minutes of the Regular Monthly Meeting
THURSDAY,
June 30th, 2016
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Regular Monthly Meeting
Thursday,
June 30th, 2016

Dr. Maddaloni, Chairman called the Regular Monthly Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, June 30th, 2016 in the Council Chambers of the Borough Hall to order at 8:05PM. 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:

Dr. Maddaloni-(Chair)
Mr. Pialtos – (Vice-Chair)-8:12PM
Mayor Glidden-8:25PM
Councilwoman Amitai
Ms. Heymann
Ms. Brewster
Mr. Freyre
Dr. Goldberg
Mr. Iafrate
Ms. Batool
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. Montroy

Dr. Maddaloni read the correspondence list and asked if any Board members would like to discuss any of the mentioned items. Ms. Mitchell stated that a new application for 11 Roden Way was in folders.

Item # 1

Block 701, Lot 13
80 Knickerbocker Road
Application # P-2015-11

Applicant: Anderson
Attorney: Kurt Hartmann, Esq.

Mr. Chagaris stated that procedurally the record has been closed regarding this application; & that no new evidence would be permitted at this time. He also stated that both the applicant & the objector's attorney(s) have submitted briefs regarding roadway usage. Mr. Dorfman stated that he was appearing on behalf of Mr. Watkins (Objector's Attorney). Mr. Dorfman stated that he believed that this application should not be before the Board due to legal issues that need to

be determined regarding roadway usage & that a decision should be made through the courts. Mr. Dorfman spoke of documentation submitted by the applicant. He also reminded the Board that his client (Ms. Maras) does not consent to applicant using the road. Mr. Dorfman stated he believed that the Board did not have the power to grant this application & that decision should be made by the courts. Mr. Cushmaro (Applicant's Attorney) spoke of information he submitted as per the Board's request. He spoke specifically of deed submitted; stating that use of roadway is clear. Dr. Maddaloni asked for a legal definition of "assigns" as used in the deed. Mr. Chagaris responded. Mr. Cushmaro responded to Mr. Dorfman's requests, stated that the Board had the right to make a decision on this application & did not need to wait for the courts. He stated that application meets all the elements of the MLUL & that the Board should vote in favor of application. Mr. Dorfman reiterated that he didn't believe that the applicant supplied what the Board asked for & also spoke of the definition of "assigns". Mr. Cushmaro responded to Mr. Dorfman's comments. Mr. Chagaris spoke of the term "heirs & assigns" & spoke further of application (deed, easement, access to road, etc.); stating that in his opinion, deed was not ambiguous. Ms. Brewster spoke of deed, asking for clarification. Mr. Chagaris responded. Ms. Brewster also spoke of letter previously submitted by Mr. Watkins. Mr. Chagaris commented on same. Ms. Brewster continued to refer to Mr. Watkin's letter speaking of easement. Mr. Chagaris responded to Ms. Brewster's comments; also reiterated that he believed the language in deed does not bar applicant the right to subdivide or to use the roadway. Councilwoman Amitai stated she agreed with Mr. Dorfman; stating that the court should make the decision. Councilwoman Amitai stated she believed that Ms. Maras had the right to say what she would want done with her property. Ms. Heymann stated she had a question that may not be a "planning" question; asking about the financial advantage or disadvantage to Ms. Maras owning the road. Mr. Chagaris responded stating the Board cannot get involved in that. Ms. Brewster asked if this application will be taken to court; stating that the Board should wait for the court to respond. Mr. Chagaris responded; explaining the court procedure. Mr. Paltos asked for clarification. Mr. Chagaris responded. Dr. Maddaloni asked for further clarification regarding procedure. Mr. Chagaris responded, speaking of the court procedure. Dr. Maddaloni spoke of previous discussion during testimony regarding access to roadway, stating that he believed a subdivision was intended. Councilwoman Amitai reminded the Board that it doesn't conform to the 1-acre ordinance. Mr. Chagaris stated that this was a different issue. Dr. Maddaloni spoke of vote procedure. Ms. Heymann spoke of same. Mr. Chagaris stated the whole case should be voted on at once. Ms. Heymann commented on same, stated there were two different issues. Mr. Chagaris & Mr. DeNicola responded. Motion was made by Councilwoman Amitai & seconded by Dr. Goldberg to deny application. Ms. Mitchell confirmed that all members who have missed any testimony due to absences have signed forms confirming testimony heard. Councilwoman Amitai, Ms. Brewster, Dr. Goldberg & Mr. Iafrate were in favor of denial. Ms. Heymann, Dr. Maddaloni, Mr. Paltos and Mr. Freyre were against denial & Mayor Glidden abstained. Motion did not carry. Motion was made by Mr. Paltos & seconded by Councilwoman Amitai to approve application. Ms. Heymann, Ms. Brewster, Dr. Maddaloni, Mr. Paltos & Mr. Freyre were in favor of approval. Councilwoman Amitai, Dr. Goldberg & Mr. Iafrate were against approval & Mayor Glidden abstained. Application was approved.

Item # 2

Block 704, Lot 22
49 Robinhood Avenue
Application # P2016-05

Applicant: LG Beta 1, LLC
Attorney: Paul Dykstra

Mr. Dykstra spoke of Soil Movement application. Mr. Chagaris swore in Mr. Lantelme of 101 West Street, Hillsdale, NJ. Mr. Lantelme spoke of site plan submitted. Mr. DeNicola & Mr. Lantelme spoke of soil testing. Mr. Lantelme continued his testimony. Councilwoman Amatai asked about truck loads. Mr. Lantelme responded & Mr. DeNicola responded, stating there would be approximately 4 truckloads. Ms. Mitchell stated that 7 trees were approved for removal. Mr. DeNicola spoke of suggested tree plantings due to water drainage. Mr. Lantelme continued his testimony. Mr. DeNicola stated that a revised plan should be submitted as per items discussed. Ms. Brewster asked for clarification regarding item # 9 of Mr. DeNicola's correspondence regarding curb installation. Mr. DeNicola responded. Motion was made by Ms. Heymann & seconded by Mr. Paltos to approve application with mentioned stipulations, including revised plans submitted. All present were in favor of approval. Ms. Batool did not need to vote.

Item # 3

Block 608, Lot 9
53 Taillon Terrace
Application # P2016-06

Applicant: M8, LLC
Attorney: Dennis Francis

Mr. Francis introduced himself. Ms. Mitchell asked the applicant had the 2- copies of the signed & sealed certification as per the request of Mr. DeNicola. Certification(s) were submitted. Mr. DeNicola confirmed that mentioned pertained to proposed retaining wall. Mr. Chagaris swore in Mr. Scott of 172 Washington Valley Road, Warren, NJ. Mr. Scott spoke of site plan submitted, also speaking of Mr. DeNicola's report. Ms. Mitchell discussed tree application. Mr. Scott continued his testimony & spoke of Mr. DeNicola's review letter. Councilwoman Amatai asked about location of seepage pit. Mr. DeNicola responded. Mr. DeNicola asked about maintenance of area between property line & wall. Mr. Scott responded. Councilwoman Amatai asked about proposed tree planting. Mr. Scott responded. Mr. Juravski 58 Taillon Terrace spoke of his concerns regarding water runoff. Mr. DeNicola responded speaking of requirement for seepage pits. Motion was made by Mayor Glidden & seconded by Councilwoman Amitai to approve application with mentioned stipulations. All present were in favor of approval. Ms. Batool did not need to vote.

Motion was made by Mayor Glidden & seconded by Mr. Paltos to adjourn meeting & go into closed session. (Time was 9:32PM). Meeting reopened at 11:00 PM; at which time motion was made by Mayor Glidden & seconded by Ms. Batool to adjourn meeting. Meeting was adjourned at 11:00PM.