

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Minutes of the Regular Monthly Meeting
THURSDAY,
May 26th, 2016
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Regular Monthly Meeting
Thursday,
May 26th, 2016

Dr. Maddaloni, Chairman called the Regular Monthly Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, May 26th, 2016 in the Council Chambers of the Borough Hall to order at 8:07PM. 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)
Ms. Heymann
Mr. Montroy
Ms. Brewster
Dr. Goldberg
Mr. Iafrate
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:

Mayor Glidden
Councilwoman Amitai
Mr. Freyre
Ms. Batool

Dr. Maddaloni read the correspondence list and asked if any Board members would like to discuss any of the mentioned items. Dr. Goldberg spoke of correspondence regarding Miele Sanitation; questioning the Board's role concerning mentioned. Ms. Heymann responded stating that it was for the purpose of request for renewal of their certificate. Dr. Goldberg asked for further clarification. Mr. Chagaris responded speaking of Miele's permit renewal which is done through the state & that the state was simply notifying the Board via correspondence; & is for information purposes. Mr. DeNicola & Dr. Maddaloni commented on same. Mr. Chagaris further clarified.

Announcement was made that Item # 2: 49 Robinhood Avenue will not be heard this evening due to improper newspaper noticing & that neighbor notice will carry & that application will be heard on June 30th.

Item # 1

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

Applicant: Anderson
Attorney: Kurt Hartmann, Esq.

Mr. Cushmaro spoke of Subdivision application, speaking of additional documentations submitted as per the Board's request; also commented on research conducted through the Tax Assessor's office regarding surrounding lots. Mr. Cushmaro continued to discuss application. Mr. Chagaris asked for clarification regarding document(s) submitted regarding use of roadway. Mr. Cushmaro responded speaking of language in deed; commenting on the "mother/daughter lots. Mr. Chagaris asked for further clarification regarding use of roadway. Mr. Cushmaro responded. Mr. Cushmaro continued to speak of exhibits submitted. Exhibits were marked accordingly. Mr. Cushmaro spoke of submitted certified list of property sizes. Mr. Cushmaro stated that the applicant's planner will be testifying at this point. Mr. Chagaris reminded Ms. Hartmann that she was still under oath (from previous meeting). Ms. Hartmann responded to report submitted by Mr. Hakim (Board Planner). Ms. Mitchell stated that the exhibit #s were out of sequence. Mr. Chagaris commented on same. Ms. Hartmann continued her testimony. Mr. DeNicola asked about road paving as per Borough ordinance. Ms. Hartmann responded speaking of maintenance of road as oppose to paving. Mr. Dorfman was present of behalf of Mr. Watkins (Ms. Maras' attorney). Mr. Dorfman asked for clarification regarding road maintenance. Mr. Chagaris & Dr. Maddaloni responded reiterated what Ms. Hartmann stated during testimony. Mr. Dorfman asked who owned the road. Ms. Hartmann responded stating she believed that his client owned road. Mr. Dorfman asked about maintenance & safety & stated that his client does not consent to any changes in the road. Ms. Hartmann responded. Mr. Cushmaro spoke of language in deed as pertaining to an easement. Mr. Chagaris asked Mr. Cushmaro for clarification of deed. Mr. Cushmaro responded. Ms. Hartmann stated that there would virtually be no effect to the private road if an additional house was constructed. Mr. Chagaris asked Mr. Cushmaro & Mr. Dorfman if there is any additional testimony or evidence to submit at this point. Mr. Cushmaro stated he had no other witnesses or testimony. Mr. Dorfman stated that Ms. Maras would be testifying. Mr. Chagaris swore in Ms. Maras of 84 Knickerbocker Road. Mr. Dorfman asked Ms. Maras if she agreed to allow anyone else to utilize road as subdivided lot. Ms. Maras stated she did not agree. Ms. Brewster asked for clarification regarding document previously submitted by Mr. Watkins. Mr. Chagaris responded confirming that this was a legal question. (Not a question for Ms. Maras). Mr. Chagaris stated that both the applicant & objector's rest at this point & that Mr. Hakim will now testify regarding his submitted report (marked as B-1) Mr. Chagaris swore in Mr. Hakim of 68 Dean Street, Harrington Park, NJ. Mr. Hakim spoke of mentioned report. Mr. Chagaris asked for clarification regarding location of "mother" lot. Mr. Hakim responded speaking of moving lot line up to 30 feet. Mr. Hakim continued to testify. Mr. Dorfman asked for clarification regarding Mr. Hakim's report. Mr. Hakim responded. Mr. Dorfman questioned who would be responsible if someone was hurt on this road. Mr. Hakim responded, stating he was not able to answer this question since he is not an attorney. Mr. Cushmaro called Mr. Anderson for additional testimony. Mr. Chagaris inform-

ed Mr. Anderson that he was still under oath. Mr. Cushmaro spoke of movement of property line as per Mr. Hakim's request & asked Mr. Anderson to confirm what exists on his property. Mr. Anderson responded, speaking of the details of his property; also stating that he did not see the point of moving/relocating the property line. Mr. Cushmaro asked about relocating the shed. Mr. Anderson responded, stating that it would probable fall apart if moved. Mr. Cushmaro asked if he would be willing to modify application regarding 30 feet movement of property line recommendation. Mr. Anderson responded, stating he will not. Mr. Hakim asked if there was a distance that Mr. Anderson would find acceptable. Mr. Cushmaro requested to discuss this with Mr. Anderson off the record. Dr. Maddaloni announced a 5-minute adjournment. (Time was 9:18PM). Meeting reopened at 9:22PM. Mr. Cushmaro stated he conferred with his client & that there are a lot of issues with a significant change & that Mr. Anderson would agree to move the line 3 feet. Mr. Chagaris asked about location of shed. Mr. DeNicola spoke of setback requirements regarding the shed. Mr. Hakim suggested a separated angled property line between the two lots. Mr. Anderson did not agree with mentioned suggestion. Mr. DeNicola confirmed that the required setback for sheds is 3 feet. Mr. Dorfman spoke of subdivision map & asked about location of water line. Mr. Anderson responded. Mr. Chagaris asked for confirmation regarding length of time Mr. Anderson has resided at location. Mr. Anderson responded. Mr. Chagaris asked for clarification regarding water line connection. Mr. Anderson responded speaking of location that utilities enter the house, marking Mr. Chagaris' copy of exhibit accordingly. Mr. DeNicola asked how utility lines would run if private road could not be used. Mr. Anderson requested. Mr. Chagaris asked for confirmation that applicant will agree to move property line 3 feet. Mr. Anderson concurred. Mr. Chagaris stated that at this time the factual record is closed of all witnesses & all evidence. Ms. Maras stated that she has plowed the road at her expense for approximately 50 years & does not want to have another house to plow for. Mr. Chagaris stated that both attorneys would sum up at this time. Mr. Dorfman stated that legal briefs should be submitted; also speaking of the easement & some items mentioned in Mr. DeNicola's letter. Mr. Dorfman reiterated that his client (Ms. Maras) does not consent to this subdivision & also spoke of the safety issues. He asked about proposed driveway grading. Mr. DeNicola responded stating that a new dwelling is not being proposed at this point. Mr. Dorfman spoke of Knickerbocker Road being a County road. Mr. Chagaris stated that no changes will take place pertaining to the intersection. Mr. DeNicola clarified the length of the right-of-way. Mr. Cushmaro thanked the Board for the time they took on this application. He stated he believed all concerns that the Board had were addressed. Mr. Cushmaro also spoke of the Police Department & the Fire Department have no issues with this application (as per reports submitted); and also stated that Mr. Hakim's report (for the most part) was in favor of the application. Mr. Cushmaro spoke of the language of the 1965 deed submitted. He also spoke of the objector's concerns regarding safety issues; reiterated that the Fire Dept. & the Police Dept. had no adequate concerns. He also clarified information he received from Tax Assessor regarding ownership of other lots spoken of. Mr. Cushmaro requested that the Board vote in favor of application based on information given. Mr. Chagaris asked for confirmation regarding plan being proposed; speaking of submittal of revised plan addressing movement of property line by 3 feet. Mr. DeNicola stated that utility issues also need to be addressed. Mr. Cushmaro concurred. Mr. Chagaris stated that application should carry. Mr. Cushmaro re-

requested conditional approval pending plan revisions. Mr. Chagaris responded speaking of the importance of having the exact plan. Mr. Cushmaro asked if a legal decision will be determined regarding use of road. Mr. Chagaris responded. Mr. Cushmaro reiterated that he would request for the Board to vote on conditional approval. Mr. Chagaris stated that the Board would need to vote tonight if the applicant did not agree to extend decision time. Dr. Maddaloni stated that he was okay with voting on application with the stipulations of revised plans being submitted. He also stated he understood Ms. Maras' concerns; however he felt that the amount of the maintenance would not change & also stated that he didn't have a big concern of a single-family house being added. Dr. Maddaloni continued to speak of application concurring with stipulations; also recommended that Mr. Anderson agree on sharing the responsibility of maintaining private road. Ms. Heymann spoke of ownership of private road & that the terms are not clear regarding occupancy of the houses; and that this legal issue would need to be clarified before the Board goes any further. Ms. Heymann recommended deed revisions regarding to road occupancy. Mr. Chagaris spoke of the importance of the deed of 1965; and that no testimony was given regarding intent of parties mentioned in deed. Ms. Heymann concurred with Mr. Chagaris. Dr. Maddaloni disagreed; stating that enough testimony was given at this point. Mr. Montroy expressed his issues, dealing with use of road; compatibility of lots; drainage issues. He reiterated his concerns regarding use of road & how the courts previously have addressed this. Dr. Maddaloni spoke of exhibit submitted regarding mentioned. Ms. Heymann commented on same. Dr. Maddaloni responded to Ms. Heymann comments speaking of lot sizes. Ms. Brewster spoke of the length of road/driveway & asked if agreement can be made regarding use of road & maintenance. Mr. Chagaris responded that all parties would need to agree. Mr. Paltos also agreed that there were too many open ends at this point & that a final decision should not be made tonight. Dr. Goldberg stated he also believed there needs to be a legal agreement. Mr. Lafrate concurred. Mr. Chagaris stated that the applicant would need to consent with extending application & to provide briefs & revised drawings. Mr. Cushmaro stated that he would request that no additional testimony be taken. Mr. Chagaris agreed that the record is closed with the exception of the attorneys to discuss their briefs. Mr. DeNicola clarified size of easement. The applicant agreed to extend application. Motion was made by Mr. Montroy & seconded by Ms. Brewster to carry application. All present were in favor of carrying application. Mr. Hakim was informed that he did not need to attend the next meeting. It was stated that notice will carry. Motion was made by Ms. Heymann & seconded by Mr. Montroy to go into executive session. All present were in favor. (Time was 10:30PM). Meeting reopened at 11:20PM; at which time motion was made by Ms. Heymann & seconded by Mr. Paltos to adjourn meeting.

Item # 2

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

Applicant: LG Beta 1, LLC
Attorney: Paul Dykstra

Announcement was made earlier in meeting regarding this application.