

PLANNING BOARD
BOROUGH OF CLOSTER, NEW JERSEY
Regular Monthly (Virtual) Meeting
Thursday,
June 30th, 2022
8:00 P.M.

Prepared & Submitted by:
Rose Mitchell
Planning Board Coordinator

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Dr. Maddaloni, Chairman called the Virtual Regular Monthly Meeting of the Planning Board of the Borough of Closter, New Jersey held on Thursday, June 30th, 2022 to order at 8:02 PM. 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. Pialtos (Vice-Chair)
Dr. Barad
Mr. DiDio
Ms. Ferullo
Mr. Wong (Alt # 1)
Mr. Neiss- Board Attorney
Mr. DeNicola-, Boswell Engineering
Rose Mitchell, Planning Board Coordinator

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

Ms. Heymann
Ms. Batool
Ms. Blum

Dr. Maddaloni read the correspondence list. There were no comments regarding mentioned.

Item # 1

Block 1605, Lot 17
515 Piermont Road
Application # P-2022-02

Applicant: LVB, Inc.
Attorneys: Andrew Kohut, Esq.

Mr. Kohut spoke of Minor Site Plan application regarding change of tenancy for purpose of a nursery. Mr. Kohut spoke of a phone call he received from Ms. Nancy Anderson's attorney, commenting on the fence/buffering that was agreed upon. He spoke of the STC comments, stating that applicant would comply with mentioned. He also spoke of Ms. McManus' (Board's Planner) report. Mr. Kohut stated that no variances are required, & that this site was previously

used as a nursery & will continue to be used as such. Mr. Neiss swore in Mr. Sandberg of 578 Paramus Road, Paramus NJ (owner of nursery) Mr. Sandberg spoke of the length of time he has been involved with Victoria's nursery. He spoke of the desire to open at the Closter location & described the products sold (plants/flowers) & stated that substances are not used. Mr. Sandberg continued to give testimony, speaking of number of employees, times of deliveries, the types of delivery trucks & time it takes for unloading. Mr. Kohut referred to site plan revised through 05-10-22 (marked as ex. A-1). Mr. Sandberg spoke of site plan. He stated that there would be no loading/unloading on Piermont Road. Mr. Sandberg spoke of April-June being the busiest time for business & that July & August are the slow times; also stating that fall picks up again, but is not as busy as Spring. He stated that the hours of operation are 7am-5pm. Mr. Sandberg stated that there is no site lighting at the Paramus location & he doesn't believe it would be needed at the Closter location either; however he would be happy to comply if the Board wanted lighting. Mr. Sandberg spoke of 16 parking spaces being proposed; He also spoke of other items which including overhead irrigation system, no disturbance/activity in the wetlands area, garbage disposal, use of privately paid for small dumpster that would be screened from public view. He agreed to remove the existing chain link fence. He spoke of office space for the purpose of books for the business. Dr. Maddaloni asked if there were any resident complaints pertaining to the Paramus location. Mr. Sandberg responded, stating that he was not aware of any complaints. Dr. Maddaloni spoke of required buffering, as spoken of in the Master Plan requirement. Mr. Sandberg responded speaking of natural buffering. Mr. Kohut spoke of existing white fence. Dr. Maddaloni spoke of truck idling. Mr. Sandberg stated that signage would be posted for trucks to shut off when pulling in lot. Mr. Paltos asked about sizes of plants/flowers sold. Mr. Sandberg responded speaking of flats, pots & small size trees. Mr. Paltos expressed his concerns regarding school traffic at times when trucks would be dropping off. Mr. Sandberg stated that drop off would be from 7-7:30AM. Dr. Barad asked why fertilizers or pesticides are not being used. Mr. Sandberg stated that there is no need for them. Dr. Barad asked how the State of NJ defines a nursery. Mr. Neiss spoke of the definition of nursery according to "Moskowitz". (Mr. Neiss read the definition of mentioned). Mr. Kohut stated that a Zoning permit was received for this use. Councilwoman Amitai spoke of the Paramus location; Mr. Sandberg spoke of same. Mr. Kohut stated that this has no bearing on the Closter location. Councilwoman Amitai spoke of size of trees. Mr. Sandberg spoke of same, stating that the Closter location would be different from the Paramus location. Mr. DiDio asked if the Paramus store would be closing. Mr. Sandberg stated that eventually he would like to downsize. Ms. Ferullo asked for clarification regarding truck delivery times. Mr. Sandberg responded. Ms. Ferullo continued to speak of loading/unloading of trucks & concerns regarding school traffic. She also spoke of the previous mentioned no-idling signs. Mr. Kohut stated that this would be a stipulation. Dr. Maddaloni spoke of the lighting. Mr. Sandberg commented on same, stating that the business will close by 4PM in the fall. Ms. Ferullo spoke of the School & the Closter Plaza as it relates to truck traffic. Mr. Wong asked if mulch would be sold. Mr. Sandberg stated that loose mulch would not be sold; however it may be sold in bags. Mr. Wong asked about forklifts. Mr. Sandberg stated that the goal was to use electric forklifts; that probably two would be used. Mr. Wong asked for clarification of truck size; especially tractor trailer use. Mr. Kohut stated that the applicant's engineer's testimony will cover this. Mr. Paltos expressed concerns regarding 7:00AM opening & school traffic. Mr. Sandberg reiterated truck sizes & times of arrivals. Mr. Kohut stated that truck routes are not an issue before this Board; since this is a permitted use. Mr. Neiss concurred with Mr. Kohut. Mr.

Pialtos continued to express his concerns. Mr. Asadurian (objectors' attorney) of Decotiis Law spoke of section of the Cox land use law; case law regarding on site circulation. Mr. Neiss asked for the names of Mr. Asadurian's clients. Names put on the record were Devin Ladd and John Schuier. Mr. Neiss stated that egress & ingress are part of site plan; however truck route(s) are not something before this Board. Councilwoman Amitai asked if the Paramus property was sold. Mr. Sandberg stated there has been no sale.

Dr. Maddaloni opened meeting to the public for questions regarding Mr. Sandberg's testimony. Mr. Gableman of 36 Trautwein Crescent expressed his concerns about the trucks & asked how this would be handled. Mr. Sandberg responded stating that the trucks should not affect Mr. Gableman's property. Mr. Gableman continued to express his concerns, questioning about trucks. Mr. Kohut objected to line of questioning. Mr. Asadurian asked about office use & retail sales & outdoor storage. Mr. Sandberg responded. Mr. Asadurian asked if open space was being proposed. Mr. Kohut asked for clarification of open space. Mr. Asadurian clarified, speaking of possible need for D-1 variance, which the PB cannot approve. Mr. Asadurian asked about plant sales & selling fertilizers. Mr. Sandberg responded, stating that he doesn't anticipate selling any fertilizers. Mr. Asadurian asked about retail operations & number of employees. Mr. Sandberg responded. Mr. Asadurian also asked about deliveries, sales (owners vs. landscapers). Mr. Sandberg responded, He stated that at this time, he wasn't sure if he would be making deliveries. Mr. Asadurian asked about snow removal. Dr. Maddaloni objected to this question. Mr. Asadurian stated that this question has to do with site circulation. Mr. Asadurian also asked about proposed signage. Mr. Sandberg responded. Mr. Kliener (representing Metropolitan Farm) asked when Mr. Sandberg was first interested in the Closter location. Mr. Sandberg responded, stating that he was originally listed about 9 years ago. Mr. Kliener stated that this is not a permitted use, since this is an abandoned site. Mr. Isaacson of 97 Columbus Avenue spoke of when the barn was open. He asked how a truck would exit when there are other cars on the property. Mr. Sandberg responded. Mr. Isaacson spoke of DEP approval. Mr. DeNicola commented on same. Mr. Isaacson asked about rezoning for purposed of residential units. Mr. Sandberg responded, stating that since he is not the owner of the property, he would not be making any changes. Mr. Isaacson asked about lease expiration. Mr. Kohut stated that that has no bearing to this application. Mr. Neiss swore in Mr. Ashbahian (Applicant's Engineer) of 39 Spring Street, Ramsey, NJ. Mr. Ashbahian spoke of his educational/professional background. He proceeded to speak of the site plan submitted (marked as Ex A-1). He also spoke of the one acre of open space. Mr. Kohut spoke of the definition of open space as per the Borough ordinance. Mr. Ashbahian stated that location of plants can also be considered open space. Mr. Ashbahian also spoke of other items including the amount of parking spaces provided, loading space & stated that that there are no trees proposed for removal. Mr. Kohut spoke of STC request; Mr. Ashbahian spoke of same, suggesting tree types to be planted. He also spoke of deliveries, parking, & proposed lighting plan. Mr. DeNicola spoke of his review letter & revised plans submitted. He spoke of proposed lighting plan; stating that there are low levels of lighting at egress & ingress points. He also spoke of truck turning. Dr. Maddaloni spoke of the benefits of having parking closer to the building & also spoke of additional landscaping. He also spoke of screening/shading regarding debris/garbage. The Borough's PD concerns were put on the record. Mr. Ashbahian stated that there would be no use of Piermont Road. Ms. Ferullo asked what provisions would be taken regarding this. Mr. Ashbahian responded speaking of the size of the paved area behind parking spaces. Councilwoman Amitai asked about dimension of parking lot from building to the end of the property.

Mr. Ashbuhian responded. Mayor Glidden asked about the length of lease. Mr. Sandberg stated that it was a 3 year lease. Councilwoman Amitai spoke of application that was before the ZBA. The Board spoke of this application possible going before the ZBA. Mr. Neiss commented on same, stating that these concerns would need to be looked at more clearly. Motion was made by Mr. Paltos & seconded by Councilwoman Amitai to send this application to the ZBA. Objection to this motion was made by Mr. Kohut; He stated that this was approved by the Zoning Officer since this is a permitted use; therefore ZBA approval would not be required. Mr. Neiss stated that the Board is struggling with whether this is a permitted use or not. Motion was restated to refer this matter to the ZBA for an interpretation of nursery. Mr. Neiss swore in Ms. McMannus of 2 East Broad Street, Hopewell, NJ (Planner on behalf of the Board). Ms. McMannus spoke of the memo she submitted to the Board. She spoke of the proposed use & Jimmy Kim's (ZO) approval. She echoed Mr. Neiss' comments & also spoke of parking & lighting. Dr. Maddaloni also spoke of parking. Ms. Ferullo stated that she would like to put the motion back on the table. Mr. Paltos commented of same. Motion was put back on the table regarding sending this to the ZBA for the purpose of an interpretation of use- (the term nursery). Mr. Kohut reiterated that this does not make sense, since the Zoning Officer approved it as a permitted use. Dr. Maddaloni disagreed with the objection, stating that the Board wanted an interpretation. All present were in favor of motion. Ms. Mitchell spoke of the next steps for the applicant to take. At this time a break was taken so that Mr. Kohut can reach out to applicant for their consent to extend the application approval time. While waiting for Mr. Kohut, a motion was made by Dr. Maddaloni & seconded by Mr. Paltos to cancel the July 6th meeting. All were in favor of cancellation. Upon the return of Mr. Kohut's, he stated that the applicant/client did not agree on granting an extension of time. Therefore the Board needed to vote/decide on this application this evening. Motion was made by Mr. Paltos & seconded by Councilwoman Amitai to deny the application. All present were in favor of denial.

Motion was made by Dr. Maddaloni & seconded by Mr. DiDio to cancel the July 28th meeting. All were in favor of cancellation.

Motion was made by Mayor Glidden & seconded by Ms. Ferullo to adjourn meeting. Meeting was adjourned at 11:52PM.