

Planning Board

January 4, 2023
Work Session & Meeting
Minutes



THESE PROCEEDINGS WERE HELD VIRTUALLY DUE TO THE COVID-19 PANDEMIC

CALL TO ORDER

8:02pm

2023 REORGANIZATION

Full Members

John Glidden-	Elected Class I/Mayor (New 4-Year Term Expiring December 31, 2026);
Tsun-Yam Tam-	Appointed as Class II/Borough Historian (New 1-Year Term Expiring December 31, 2023);
Victoria Amitai-	Reappointed as Class III/Councilperson/Council Liaison (New 1-Year Term Expiring December 31, 2023);
Robert Di Dio-	Reappointed as Class IV (New 4-Year Term Expiring December 31, 2026);
Angela Ferullo-	Reappointed as Class IV (New 4-Year Term Expiring December 31, 2026);
Conway Wong-	Elevated to Class IV/Environmental Commission Liaison (Existing 4-Year Term Expiring December 31, 2023);

Alternates

Avia Blum-	Elevated to #1 (New 2-Year Term Expiring December 31, 2024);
Zachary Messinger-	Appointed as #2 (Existing 2-Year Term Expiring December 31, 2023);

Chairperson

A motion was made by Mayor Glidden and seconded by Mr. Paltos to nominate Dr. Barad as Chairperson of the Board for the calendar year 2023. The motion passed (8-0-1):

Yes- Wong; Ferullo; Batool; Di Dio; Amitai; Tam; Glidden; Paltos;

No- n/a;

Abstain- Barad;

Vice Chairperson

A motion was made by Chairman Barad and seconded by Councilwoman Amitai to nominate Mr. Paltos as Vice Chairperson of the Board for the calendar year 2023. The motion passed (8-0-1):



Yes- Wong; Ferullo; Batool; Di Dio; Amitai; Tam; Glidden; Barad;

No- n/a;

Abstain- Paltos;

Secretary

A motion was made by Councilwoman Amitai and seconded by Vice Chairman Paltos to nominate Mr. Demarest as Secretary of the Board for the calendar year 2023. The motion passed (9-0-0):

Yes- Wong; Ferullo; Batool; Di Dio; Amitai; Tam; Glidden; Paltos; Barad;

No- n/a;

Abstain- n/a;

Board Attorney

Chairman Barad opted to organize a subcommittee to vet candidates for Board Attorney who responded to the Borough's recent public bid. Vice Chairman Paltos and Mayor Glidden volunteered to join Chairman Barad on said select subcommittee which will make a recommendation to the Board for its consideration in the near future. Arthur Chagaris, Esq. of Beattie Padovano, LLC agreed to serve as Acting Board Attorney in the interim; NOTE: Mr. Di Dio was subsequently added to the select subcommittee following this evening's proceedings.

Board Engineer

A motion was made by Councilwoman Amitai and seconded by Vice Chairman Paltos to nominate Nicholas De Nicola, PE of Boswell Engineering, Inc. as Board Engineer for the calendar year 2023. The motion passed (9-0-0):

Yes- Wong; Ferullo; Batool; Di Dio; Amitai; Tam; Glidden; Paltos; Barad;

No- n/a;

Abstain- n/a;

Ordinance, Planning and Zoning Review Subcommittee

Chairman Barad, Councilwoman Amitai, Ms. Batool and Mr. Messinger volunteered to serve; Ms. Ferullo and Ms. Blum volunteered to serve as Alternate #'s 1 and 2 respectively.

Master Plan Implementation Subcommittee

Chairman Barad, Vice Chairman Paltos, Councilwoman Amitai and Mr. Messinger volunteered to serve; Ms. Batool volunteered to serve as Alternate #1.

Council on Affordable Housing (COAH) Subcommittee

Councilwoman Amitai, Ms. Batool, Ms. Ferullo and Ms. Blum volunteered to serve; Mr. Wong volunteered to serve as Alternate #1.

Calendar

The Board previously approved its Work Session and Meeting schedule of dates and deadlines for the calendar year 2023 at its October 27, 2022 Meeting.

Fee & Escrow Schedules

A motion was made by Councilwoman Amitai and seconded by Mr. Di Dio to approve the Board's application fee and escrow deposit schedules for the calendar year 2023. The motion passed (9-0-0):

Yes- Wong; Ferullo; Batool; Di Dio; Amitai; Tam; Glidden; Paltos; Barad;

No- n/a;

Abstain- n/a;

Newspapers

A motion was made by Councilwoman Amitai and seconded by Mr. Di Dio to approve both *The Record* and *The Star-Ledger* as the Board's official newspapers to provide public notice for the calendar year 2023. The motion passed (9-0-0):

Yes- Wong; Ferullo; Batool; Di Dio; Amitai; Tam; Glidden; Paltos; Barad;

No- n/a;

Abstain- n/a;

ATTENDANCE**Present**

David Barad, MD- Class IV/Chairman
 Dean Paltos- Class IV/Vice Chairman
 John Glidden- Class I/Mayor
 Tsun-Yam Tam- Class II/Borough Historian
 Victoria Amitai- Class III/Councilperson/Council Liaison
 Robert Di Dio- Class IV/Full Member
 Ansar Batool- Class IV/Full Member
 Angela Ferullo- Class IV/Full Member
 Conway Wong- Class IV/Full Member/Environmental Commission Liaison
 Avia Blum- Class IV/Alternate #1
 Zachary Messinger- Class IV/Alternate #2
 Arthur Chagaris, Esq.- Acting Board Attorney
 Nicholas De Nicola, PE- Board Engineer
 Paul Demarest- Board Coordinator/Secretary (Incoming)
 Rose Mitchell- Board Coordinator/Secretary (Outgoing)

Absent

n/a;

CORRESPONDENCE

Acting Chairman Paltos read mail received by the Board into the record.

OPEN TO PUBLIC

n/a;

MINUTES

A motion was made by Mayor Glidden and seconded by Chairman Barad to approve the minutes for the December 7, 2022 Work Session. The motion passed (9-0-0):

Yes- Blum; Wong; Ferullo; Batool; Di Dio; Amitai; Glidden; Paltos; Barad;

No- n/a;

Abstain-n/a;

RESOLUTIONS

n/a;

COMPLETENESS REVIEW**#1 CASE P-2022-09**

APPLICANT:	REDCO CONSTRUCTION CORP.
SUBJECT PROPERTY:	279 DEMAREST AVENUE
BLOCK/LOT:	907/27
ZONING DISTRICT:	2 (RESIDENTIAL B)
REPRESENTATION:	DONNA VELLEKAMP, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2022/4 TH QUARTER



AFFIDAVIT OF SERVICE: N/A
 AFFIDAVIT OF PUBLICATION: N/A

Synopsis

The applicant is seeking Major Soil Movement Approval for the construction of a new 1-family house and associated appurtenances; the application was received December 19, 2022 and scheduled for the **January 4, 2023 Work Session**.

New Board Requests

- 1.) address all items in letter prepared by Board Engineer and dated December 27, 2022;
- 2.) revise site plan to indicate suggested backwater valve as part of proposed tie into Borough's storm drainage system located in Demarest Avenue will be installed on subject property instead of in Borough's right of way;
- 3.) revise site plan so that existing and proposed impervious coverage calculations include existing encroachment of driveway aisle accessing parking lot associated with 300 High Street (Saint Mary's School, Church & Convent) onto subject property (applicant indicated encroachment will remain);
- 4.) consider underground electric utility installation and revise site plan accordingly;
- 5.) revise site plan to identify material type of existing sanitary sewer pipe located beneath proposed driveway to gauge its condition and alleviate concern about potential need to break up driveway if pipe access is required;
- 6.) revise site plan to depict both new full-height curb in front of existing driveway to be removed and new drop curb for proposed driveway;
- 7.) revise site plan to delete all references to proposed swimming pool which is not in scope of work;

Decision

A motion was made by Mayor Glidden and seconded by Ms. Batool to deem the application complete and schedule it for the January 26, 2023 Meeting pending the receipt of requested items and public noticing requirements. The motion passed (9-0-0):

Yes- Wong; Ferullo; Batool; Di Dio; Amitai; Tam; Glidden; Paltos; Barad;

No- n/a;

Abstain-n/a;

#2 CASE P-2022-10

APPLICANT: FERMANO BUILDERS, LLC
 SUBJECT PROPERTY: 38 WILSON PLACE
 BLOCK/LOT: 1905/7
 ZONING DISTRICT: 1 (RESIDENTIAL A)
 REPRESENTATION: DONNA VELLEKAMP, ESQ.
 REAL ESTATE TAX: CURRENT THRU 2022/4TH QUARTER
 AFFIDAVIT OF SERVICE: N/A
 AFFIDAVIT OF PUBLICATION: N/A

Synopsis

The applicant is seeking Major Soil Movement Approval for the construction of a new 1-family house, swimming pool (in-ground) and associated appurtenances; the application was received December 19, 2022 and scheduled for the **January 4, 2023 Work Session**.

New Board Requests

- 1.) address all items in letter prepared by Board Engineer and dated December 29, 2022;
- 2.) reference NJAC 7:13-2.2 to determine any buffer requirements relating to existing channel/ditch associated with tributary of Category-One waterway (as classified by New Jersey Department of Environmental Protection) which is located east of subject property and revise site plan accordingly;
- 3.) consider underground electric utility installation and revise site plan accordingly;
- 4.) obtain administrative report from Borough's Tree Expert in response to filed tree removal permit application and consider retaining as many of 22 trees proposed for removal as possible given impact on soil erosion, drainage, etc. (ensure subject trees are identified with ribbon to allow for inspection);
- 5.) consider collecting water from proposed swale into proposed seepage pit(s) rather than allowing it to drain onto Wilson Place resulting in potential icing conditions;
- 6.) ensure proposed tree mitigation schedule is legible on all relevant submissions;
- 7.) revise site plan to include site cross-sections of existing and proposed grades given portions of subject property would be raised 2' to 3';



Decision

A motion was made by Mayor Glidden and seconded by Ms. Ferullo to deem the application complete and schedule it for the January 26, 2023 Meeting pending the receipt of requested items and public noticing requirements. The motion passed (9-0-0):

Yes- Wong; Ferullo; Batool; Di Dio; Amitai; Tam; Glidden; Paltos; Barad;

No- n/a;

Abstain-n/a;

#3 CASE P-2022-11

APPLICANT:	ROGELIO & ESPERANZA LANDRITO
SUBJECT PROPERTY:	4 ROBINHOOD AVENUE
BLOCK/LOT:	702/4
ZONING DISTRICT:	2 (RESIDENTIAL B)
REPRESENTATION:	SELF
REAL ESTATE TAX:	CURRENT THRU 2022/4 TH QUARTER
AFFIDAVIT OF SERVICE:	N/A
AFFIDAVIT OF PUBLICATION:	N/A

Synopsis

The applicant is seeking a Design Waiver for the installation of a privacy fence; the application was received December 21, 2022 and scheduled for the **January 4, 2023 Work Session**.

Decision

Being the applicant failed to appear, the application was postponed to the February 1, 2023 Work Session.

LIAISON REPORTS

Councilwoman Amitai briefed the Board on the following:

- 1.) Improvement Commission is seeking to acquire 2 buckboards (wagons) for placement in Borough parks to be determined;
- 2.) Mayor Glidden's Committee for the Arts is sponsoring 3 upcoming events (children's artwork exhibit in Borough parks, winter holiday home decorating contest and series of musical performances held at Closter Public Library);
- 3.) Lions Club International is seeking approval for fundraiser event (rubber duck contest held at waterway located in Memorial Park);
- 4.) condominium unit located in Closter Commons shopping center, which was previously occupied by clothing retailer (Mandee), is undergoing landlord/shell work for conversion from 1 to 5 units (future tenancy is unknown);
- 5.) Borough is considering fencing requirements for temporary/preassembled above-ground swimming pool structures popularized during COVID-19 Pandemic;
- 6.) Building Department is continuing to improve its enforcement of Borough's tree removal regulations by way of penalty and replacement value assessments;
- 7.) Borough is considering regulation of temporary flag signage;
- 8.) State of New Jersey continues to implement its short-term goal of having all Building Departments receive construction permit applications and conduct plan review digitally;
- 9.) State of New Jersey now requires lead-free certification for all 1- and 2-family rentals involving houses constructed prior to 1978 when federal government banned lead-based paints for residential use;
- 10.) landlord/shell work performed on non-residential building located at 273 Closter Dock Road has been completed and Zoning Permits were recently issued for future tenancy by "Wow Salon" and "Hangry Joe's Hot Chicken";
- 11.) Borough is seeking developer to convert former Village Middle School (511 Durie Avenue) to 35-unit affordable housing complex as per its court-approved settlement with fair housing advocate (Fair Share Housing Center) replacing corporation affiliated with Bergen County Housing Authority which withdrew from project;
- 12.) Ordinance, Planning and Zoning Review Subcommittee is discussing swimming pool coping with respect to impervious coverage and setback requirements, definition of "plant nursery", reducing floor area ratio (FAR) allowances, incorporating sustainability into zoning code and ordinance draft requiring underground electric utility installation for new construction projects;



- 13.) Parking Authority and Borough Attorney are drafting ordinance regulating usage of both North Lot public parking lot and Third Street commuter parking lot;

MISCELLANEOUS

Mr. Chagaris advised neither the Board's By-Laws nor its standards and procedures for conducting virtual proceedings provide guidance as to whether members of the Board and the public alike are required to be seen via when speaking during the Board's virtual proceedings; nevertheless, Chairman Barad strongly encouraged that all parties have both audio and video capabilities when speaking to have as fair and open proceedings as possible.

In light of the Board adopting its existing application fee and escrow deposit schedules this evening, Ms. Mitchell inquired about the status of the Board's request to the Governing Body, submitted last May, that both schedules be amended given such has not occurred in over a decade and invoice totals submitted by Board professionals have since greatly increased; she noted the request also included requiring legal escrow for Major Soil Movement applications. Mr. Chagaris replied that the future Board Attorney should revisit the issue.

Mr. Demarest informed that Mr. Tam and Mr. Messinger, both newly-appointed Board members, must obtain land use board certification from an agency/affiliate recognized by the State of New Jersey within 18 months of their initial Board appointments by the Governing Body; he said he would coordinate their registration to attend a land use seminar regularly offered throughout the year by New Jersey Planning Officials (NJPO). He said only those Board members requiring mandatory training may attend said seminars, which continue to be held virtually. He noted that the Borough must adopt its 2023 Temporary Budget, which generally occurs by April each year, in order for the payment of said registration to be processed.

To improve its understanding of applications, the Board discussed possibly amending its application checklist to require that plan submissions consist of separate existing and proposed condition depictions (not superimposed), alphanumeric grids, etc. The Board also felt that digital access to relevant sections of the Borough Code, such as Chapters 59 (Shade Trees), 92 (Fencing), 167 (Soil Movement), 173 (Site Plan and Subdivision Review), 181 (Private Trees) and 200 (Zoning), would assist in adjudicating its caseload in a thorough and efficient manner; it also believed having an informal question-and-answer discussion with the Board Attorney and Board Engineer would be beneficial.

Mayor Glidden requested that Mr. De Nicola collaborate with the Borough's Information Technology (IT) Coordinator (Kevin Whitney) on how to enhance the capability of having digital presentations in the Council Chamber of Borough Hall if and when the Board returns to in-person proceedings, which will vastly reduce the amount of paperwork currently generated as part of the Board's application process.

Regarding Case P-2022-06 (259 Closter Dock Road/Hardino, LLC), Mr. De Nicola revealed that the memorialized Resolution wrongly indicates that the subject parking lot shall be reconfigured to consist of 18 parking spaces; he said the Board-approved site plan correctly reflects 11 parking spaces; Mr. Chagaris stated the remedy should be simple but deferred to the future Board Attorney.

ADJOURNMENT

10:18pm

