

# Planning Board

December 28, 2023

Meeting  
Minutes



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**\*THESE PROCEEDINGS WERE HELD VIRTUALLY\***

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## **CALL TO ORDER**

7:30pm

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## **ATTENDANCE**

### **Present**

David Barad, MD- Class IV/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  
Jaepil Chung- Class IV/Alternate #2  
Charles Rabolli, Esq.- Board Attorney (in lieu of Daniel Steinhagen, Esq.)  
Nicholas De Nicola, PE- Board Engineer  
Paul Demarest- Board Coordinator/Secretary

### **Absent**

Dean Paltos- Class IV/Vice Chairman

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## **CORRESPONDENCE**

Chairman Barad read mail received by the Board into the record.

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## **OPEN TO PUBLIC**

n/a;

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**MINUTES**

A motion was made by Mr. Wong and seconded by Ms. Ferullo to approve the minutes for the November 30, 2023 Meeting. The motion passed (3-0-0):

**Yes-** Wong; Ferullo; Barad;

**No-** n/a;

**Abstain-** n/a;

**Late Arrival-** Tam; Glidden;

Mr. Demarest reminded that the December 6, 2023 Work Session was cancelled, therefore, no minutes were prepared.

**RESOLUTIONS**

n/a;

**CASELOAD****#1 CASE P-2023-14**

APPLICANT:	KATHERINE WANG
SUBJECT PROPERTY:	470 ANDERSON AVENUE
BLOCK/LOT:	2306/45.01
ZONING DISTRICT:	1 (RESIDENTIAL A)
REPRESENTATION:	MATTHEW CAPIZZI, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2023/3 <sup>RD</sup> QUARTER
AFFIDAVIT OF SERVICE:	DECEMBER 13, 2023
AFFIDAVIT OF PUBLICATION:	DECEMBER 17, 2023

**Synopsis**

The applicant is seeking a Design Waiver for the as-built installation of a privacy fence, which also serves as a swimming pool barrier, 2 driveway pillars and motorized gate to supplement a 1-family house; the application was received October 16, 2023 and scheduled for the November 1, 2023 Work Session, at which time, it was deemed complete; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the November 30, 2023 Meeting; to allow for the applicant to be re-issued a Zoning Permit Application Denial by the Zoning Officer, the case was postponed to the **December 28, 2023 Meeting**.

**Relief Sought**

- 1.) Design Waiver: fence height in front yard (4' maximum allowed/6' provided);
- 2.) Design Waiver: fence composition in front yard (50% open minimum required/solid provided);

**Witnesses**

- 1.) Michael Hubschman, PE, 263(A) South Washington Avenue, Bergenfield, New Jersey;

**Exhibits**

n/a;

**Prior Completeness Review Requests**

- 1.) provide legal guidance as to how Board can retain jurisdiction, despite faulty wording of Chapter 103-2 of Borough Code with respect to residential fencing, taking into account its prior history in rendering 2 decisions on Subdivision requests involving subject parcel (to be furnished by Board Attorney);

**Prior Meeting Requests**

n/a;

**New Meeting Requests**

n/a;



**Public Questions**

n/a;

**Public Comments**

n/a;

**Decision**

A motion was made by Mr. Di Dio and seconded by Ms. Batool to approve the application. The motion passed (9-0-0):

**Yes-** Chung; Blum; Wong; Ferullo; Batool; Di Dio; Amitai; Tam; Barad;

**No-** n/a;

**Abstain-** n/a;

**Late Arrival-** Glidden;

**Conditions**

- 1.) obtain indemnification agreement with Governing Body holding Borough harmless from liability as it relates to portion of as-built privacy fence and 2 of 4 as-built driveway pillars (easternmost) situated within Borough right-of-way (Board Engineer strongly advised said improvements situated within Borough right-of-way are deemed safety hazards as per New Jersey Department of Transportation regulations and should be relocated outside of clear zone defined as minimum of 10' setback from thoroughfare's edge of pavement/face of curb);

**#2 CASE P-2023-12**

APPLICANT:	CLOSTER RESTAURANT 1165, LLC
SUBJECT PROPERTY:	180 HOMANS AVENUE
BLOCK/LOT:	1607/2
ZONING DISTRICT:	3 (BUSINESS)
REPRESENTATION:	DAVID SHAFKOWITZ, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2023/3 <sup>RD</sup> QUARTER
AFFIDAVIT OF SERVICE:	DECEMBER 14, 2023
AFFIDAVIT OF PUBLICATION:	DECEMBER 15, 2023

**Synopsis**

The applicant is seeking Site Plan Approval for parking lot modifications to accommodate the installation of a 2<sup>nd</sup> drive-through lane, canopy and menu board to supplement a fast-food restaurant; the application was received September 18, 2023 and scheduled for the November 1, 2023 Work Session, at which time, it was deemed complete; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the November 30, 2023 Meeting; being the applicant failed to both submit requested items and fulfill public noticing requirements, the case was postponed to the **December 28, 2023 Meeting**.

**Relief Sought**

- 1.) Site Plan Approval-
  - a.) Bulk Variance: impervious coverage (80% maximum allowed/81.67% provided);
  - b.) Design Waiver: number of parking spaces (40 parking spaces minimum required/35 parking spaces provided <33 actual parking spaces and 2 electric vehicle charging station-ready parking spaces>);

\*\*\*see site plan for additional Design Waiver requests\*\*\*;

**Witnesses**

- 1.) Michael Galante, PE, 334 West Front Street, Media, Pennsylvania;

**Exhibits**

n/a;

**Prior Completeness Review Requests**

- 1.) address all items in letter prepared by Board Engineer and dated October 16, 2023;
- 2.) submit tree removal permit application accompanied by Borough Tree Expert's report and mitigation plan;
- 3.) provide 2 shade tree plantings along Homans Avenue as per administrative report prepared by Shade Tree Commission and revise site plan accordingly;
- 4.) provide construction/elevation detail on proposed menu board and revise site plan accordingly;



- 5.) consider installing electric vehicle charging stations in parking lot or providing make-ready parking spaces in alternative and revise site plan accordingly;
- 6.) provide additional traffic signage, crosswalk and/or other delineation for pedestrian circulation on-site;

### **Prior Meeting Requests**

n/a;

### **New Meeting Requests**

n/a;

### **Public Questions**

n/a;

### **Public Comments**

n/a;

### **Decision**

A motion was made by Mr. Di Dio and seconded by Councilwoman Amitai to approve the application. The motion passed (9-0-0):

**Yes-** Chung; Blum; Wong; Batool; Di Dio; Amitai; Tam; Glidden; Barad;

**No-** n/a;

**Abstain-** n/a;

**Early Dismissal-** Ferullo;

### **Conditions**

- 1.) extend length of island located southwest of proposed 2<sup>nd</sup> drive-through lane to northwest beyond nearby inlet to ensure capture of gutter flow as well as shorten length of said island at its southeasterly end to enable vehicles to exit queue for drive-through service if desired and revise site plan accordingly;
- 2.) widen proposed right-facing curb cut (site entrance) from 28' to 30' while adhering to required 5' minimum setback for row of northwesterly parking spaces to be impacted by said widening and revise site plan accordingly;
- 3.) expand upon parking lot striping to better guide motorists accessing both drive-through lanes and revise site plan accordingly;
- 4.) widen proposed 2<sup>nd</sup> drive-through lane from 11' to 12' where it branches off existing drive-through lane to improve vehicular maneuverability and revise site plan accordingly;
- 5.) replace tattered American flag displayed on flagpole;
- 6.) provide species of 2 shade trees as recommended in administrative report prepared by Shade Tree Commission (not 2 red maples and 1 sugar maple as proposed by applicant) and revise site plan accordingly;
- 7.) provide additional vegetation to existing flower bed located in center of front yard and revise site plan accordingly;
- 8.) determine if bollard installation is warranted to provide impact protection for existing electric meter abutting drive-through aisle and revise site plan accordingly;
- 9.) provide 1 bicycle rack on-site if not already existing and revise site plan accordingly;
- 10.) provide design and post-construction certifications confirming proposed curb ramps associated with both private walkways and sidewalk are Americans with Disabilities Act of 1990 (ADA)-compliant;

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### **LIAISON REPORTS**

Councilwoman Amitai briefed the Board on the following:

- 1.) Governing Body recently authorized drafting of new contract offering John Mc Caffrey to remain as caretaker of Mac Bain Farm Park;

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### **MISCELLANEOUS**

A motion was made by Mayor Glidden and seconded by Mr. Di Dio to adopt the Board's revised 2024 Work Session and Meeting Schedule, which now reflects its 2024 Reorganization to be held January 4<sup>th</sup>, to avoid a conflict resulting from the



Governing Body opting to have its 2024 Reorganization on January 3<sup>rd</sup> instead of its customary date of January 2<sup>nd</sup>. The motion passed (8-0-1):

**Yes-** Chung; Blum; Batool; Di Dio; Amitai; Tam; Glidden; Barad;

**No-** n/a;

**Abstain-** Wong;

**Early Dismissal-** Ferullo;

Chairman Barad noted that next year the Board will collaborate with the Borough Planner, Caroline Reiter, PP, on updating the Borough's Recreation and Open Space Inventory (ROSI).

Chairman Barad thanked Mr. Wong for his volunteerism upon him revealing he would be resigning from the Board when his term expires on December 31<sup>st</sup>.

Mayor Glidden announced the Governing Body recently selected a developer to provide 35 affordable housing units at the former Village Middle School (511 Durie Avenue) as per Borough's court-approved settlement with a fair housing advocate (Fair Share Housing Center); he noted a contract is being drafted by the Borough Attorney.

Mayor Glidden expressed disappointment about a recent act of vandalism occurring at Heidenberg Plaza (248 Closter Dock Road), which is being investigated by the Police Department.

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## **ADJOURNMENT**

9:19pm

