

Planning Board

March 30, 2023
Work Session & Meeting
Minutes



THESE PROCEEDINGS WERE HELD VIRTUALLY

CALL TO ORDER

8:01pm

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
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
Jason Cherchia, Esq.- Acting Board Attorney
Nicholas De Nicola, PE- Board Engineer
Paul Demarest- Board Coordinator/Secretary

Absent

Ansar Batool- Class IV/Full Member

CORRESPONDENCE

Chairman Barad 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 Mr. Di Dio to approve the minutes for the March 1, 2023 Work Session. The motion passed (9-0-1):

Yes- Messinger; Blum; Wong; Ferullo; Di Dio; Tam; Glidden; Paltos; Barad;

No- n/a;

Abstain- Amitai;

RESOLUTIONS

n/a;

COMPLETENESS REVIEW**#1 CASE P-2023-02**

APPLICANT:	VIJAY DESAI & MITAL PATEL
SUBJECT PROPERTY:	77 VENUS DRIVE
BLOCK/LOT:	2010/5
ZONING DISTRICT:	1 (RESIDENTIAL A)
REPRESENTATION:	MATTHEW CAPIZZI, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2023/1 ST 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 March 2, 2023 and scheduled for the **March 30, 2023 Work Session**.

New Board Requests

- 1.) address all items in letter prepared by Board Engineer and dated March 10, 2023;
- 2.) revise site plan to indicate proposed finished ceiling height in basement and address safety concern about proposed depth of basement as it relates to egress windows;
- 3.) revise site plan to size proposed seepage pits so their capacity accounts for driveway even though, in actuality, drainage of driveway will not be handled by pits;
- 4.) provide soil analysis and percolation test along with groundwater elevation;
- 5.) consider underground electric utility installation and revise site plan accordingly;
- 6.) consider reduction in proposed impervious coverage to allow for potential appurtenances in future without requiring land use board relief and revise site plan accordingly;
- 7.) revise site plan to relocate proposed seepage pit in rear yard nearest to retaining wall northward;
- 8.) collaborate with Board Engineer on whether New Jersey Department of Environmental Protection approval is required as it relates to nearby waterway (Dwars Kill);
- 9.) provide tree removal permit application and report prepared by Borough's Tree Expert;
- 10.) consider larger tree species for planting in rear yard to provide greater groundwater absorption than solely ornamental species provided and revise site plan accordingly;
- 11.) consider relocating proposed seepage pit(s) in rear yard thereby negating tree removal in vicinity and revise site plan accordingly;

Decision

A motion was made by Mayor Glidden and seconded by Mr. Wong to deem the application complete and schedule it for the April 27, 2023 Meeting pending the receipt of requested items and public noticing requirements. The motion passed (9-0-0):

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

No- n/a;

Abstain-n/a;



#2 CASE P-2023-03

APPLICANT: 142 CLOSTER DOCK, LLC
 SUBJECT PROPERTY: 142 CLOSTER DOCK ROAD
 BLOCK/LOT: 1301/7
 ZONING DISTRICT: 3A (BUSINESS)
 REPRESENTATION: MATTHEW CAPIZZI, ESQ.
 REAL ESTATE TAX: NOT RECEIVED
 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 2-family house and associated appurtenances; the application was received March 20, 2023 and scheduled for the **March 30, 2023 Work Session**.

New Board Requests

- 1.) address all items in letter prepared by Board Engineer and dated March 27, 2023;
- 2.) provide tree mitigation plan, report prepared by Borough's Tree Expert and overall landscape plan;
- 3.) revise site plan to size proposed seepage pits so their capacity accounts for driveway even though, in actuality, drainage of driveway will not be handled by pits;
- 4.) revise site plan to relocate proposed right-facing driveway so it does not impact health of nearby shade tree;
- 5.) revise site plan to relocate curb cut of proposed left-facing driveway so it does not interfere with existing storm drain in thoroughfare;
- 6.) provide administrative report prepared by Shade Tree Commission;
- 7.) revise site plan to include 1 swale each in both side yards;
- 8.) revise site plan to include 1 shade tree to be planted in grass buffer between proposed curb and sidewalk slightly right of bend in Closter Dock Road;

Decision

A motion was made by Councilwoman Amitai and seconded by Ms. Ferullo to deem the application complete and schedule it for the April 27, 2023 Meeting pending the receipt of requested items and public noticing requirements. The motion passed (9-0-0):

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

No- n/a;

Abstain-n/a;

MEETING CASELOAD

n/a;

LIAISON REPORTS

Councilwoman Amitai briefed the Board on the following:

- 1.) Board's dormant draft for ordinance amendment mandating underground electric utility service for new construction projects should be revisited by incoming Board Attorney;
- 2.) ongoing musical series sponsored by Mayor Glidden's Committee for the Arts continues at Closter Public Library;
- 3.) Lions Club International is hosting upcoming fundraiser event in form of rubber duck contest to held at waterway located in Memorial Park (several Board members agreed to make monetary contribution);

Mr. Wong briefed the Board on the following:

- 1.) Paul Yarin has been appointed Chairperson of Environmental Commission filling vacancy left by resignation of Miriam Lockhart and wishes to collaborate with Board on plethora of green/sustainability initiatives;



- 2.) Commission will hold its Annual Cleanup Day on May 6th whereby volunteers collect garbage throughout Borough and situate it into pile on front lawn of Borough Hall to raise public awareness;

MISCELLANEOUS

Mr. Cherchia announced that he would be resigning as Board Attorney effective at the conclusion of this evening's proceedings being he is resigning from his firm, Beattie Padovano, LLC; he noted his colleague, Daniel Steinhagen, Esq., who serves as the Board Attorney for the Zoning Board of Adjustment, would provide legal coverage at the Board's upcoming April 27, 2023 Meeting. The Board thanked Mr. Cherchia for his effective, if short, representation. Chairman Barad asked that Beattie Padovano, LLC collaborate with the Board in assigning an attorney to replace Mr. Cherchia on a permanent basis as soon as possible.

Mr. Tam and Mr. Messinger, both newly-appointed Board members, confirmed they attended recent land use seminars offered by New Jersey Planning Officials (NJPO) and passed the examination afterward, thereby, fulfilling their requirement of obtaining land use board certification from an agency/affiliate recognized by the State of New Jersey within 18 months of their initial Board appointment by the Governing Body; Mr. Demarest said their certificates will be emailed by the State in the coming months.

Relating to 84 Herbert Avenue, which is 1 of 4 sites a Board subcommittee is investigating due to the failure of the current property owners to abide by conditions of prior memorialized Resolutions and/or approved plans, Councilwoman Amitai said the new property owner is continuing or contemplating to upgrade the grounds and buildings involving landscaping, parking lot and awnings; given such, Chairman Barad opined Site Plan Approval would be required. Mr. Demarest confirmed that Zoning Permits have been issued for several fit-outs to accommodate new tenants on-site over the course of the past several months. Given the continued uncertainties, Councilwoman Amitai said she would advise the Governing Body it should continue to hold up the release of a bond relating to tree removal at 84 Herbert Avenue.

In response to an inquiry by the Borough's Information Technology (IT) Coordinator, Kevin Whitney, regarding any technology upgrades the Board requires to be made to the Council Chamber of Borough Hall so it could pursue a hybrid option in conducting its proceedings whereby in-person and virtual means are utilized, the Board concluded Mr. Whitney should be making decisions on equipment selections, though Ms. Ferullo volunteered her assistance. Mr. Demarest opined the current hybrid setup utilized by the Mayor and Council is abysmal both in terms of its audio and visual capabilities; Mayor Glidden agreed and suggested an outside professional may be warranted to provide the necessary upgrades.

Mr. Cherchia discussed the letter to the Governing Body he drafted at the Board's request regarding the lack of enforcement of conditions stipulated as part of prior Site Plan Approvals granted by the Board pertaining, specifically, to the Closter Commons shopping center (with emphasis on Unit D1), 15 Naugle Street and 26 Bogert Street. Mr. Cherchia reminded that the Board is not an enforcement agency, but the Governing Body does oversee such via its hired employees, including the Zoning Officer and Construction Official. The Board directed Mr. Cherchia to revise the last sentence to read "...those officials should compel property owners found to be in violation of their site plan approvals to come into compliance and seek amended site plan approval..." thereby replacing "or" with "and" to eliminate having the Board's input as optional; upon the correction, Chairman Barad said he and Vice Chairman Paltos would sign the letter before it is transmitted to the Governing Body.

Vice Chairman Paltos inquired about when the Borough would host its next Joint Meeting at which the Board gathers with the Governing Body, Zoning Board of Adjustment, Historic Preservation Commission, Improvement Commission, Shade Tree Commission and Environmental Commission to discuss land use matters, without taking formal action, but rather brainstorm how to improve upon the Borough's existing ordinances and enforcement agencies; Mayor Glidden replied the next Joint Meeting could possibly convene in the 1st week of May; he said his administrative assistant, Leslie Weatherly, would spearhead the planning.

Mayor Glidden informed that the Borough will soon commence contract negotiations with a developer to convert the former Village Middle School (511 Durie Avenue) to a 35-unit affordable housing complex as per the Borough's court-approved settlement with a fair housing advocate (Fair Share Housing Center) replacing a corporation affiliated with Bergen County Housing Authority which withdrew from the project.

Councilwoman Amitai expressed concern about a pending ordinance change to Chapter 173-52F of the Borough Code, which would no longer require 24-hour ambulance staff and service for newly-developed congregate care facilities having a minimum of 25 residents; she said by considering such at this time could impact an application currently being

considered by the Zoning Board of Adjustment which involves the new construction of such a facility housing 195 residents. Mayor Glidden responded that the ordinance change stems from either a recent statute change or court decision which eases ambulance service requirements for such facilities by allowing for standby coverage, etc. as alternatives. He explained the Borough's ordinance, as it is currently written, is stricter than what the State of New Jersey requires, noting the discrepancy was pointed out to the Borough by the attorney presenting the application before the Zoning Board of Adjustment, and the Borough Attorney concurred. Mayor Glidden said that while the ordinance change is currently on hold in order to obtain feedback from the Borough's volunteer ambulance and rescue corps, some version of it must be adopted as soon as possible.

Ms. Ferullo asked about the mechanics of ensuring that the buildings and grounds of the local school system are retrofitted with proper safety features in light of the years-long gun violence epidemic being experienced by students nationwide, noting the municipality and Board of Education are separate entities in terms of budgets, etc. Chairman Barad agreed that the Board should look into the matter. Councilwoman Amitai noted that Israeli schools are secured with fencing and at least 1 armed guard on-site unlike the American system which remains quite open.

ADJOURNMENT

9:42pm

