

Planning Board

March 1, 2023
Work Session
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
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
Jason Cherchia, Esq.- Acting Board Attorney
Nicholas De Nicola, PE- Board Engineer
Paul Demarest- Board Coordinator/Secretary

Absent

n/a;

CORRESPONDENCE

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

OPEN TO PUBLIC

n/a;



MINUTES

A motion was made by Ms. Batool and seconded by Councilwoman Amitai to approve the minutes for the February 23, 2023 Meeting. The motion passed (6-0-0):

Yes- Messinger; Wong; Batool; Amitai; Tam; Barad;

No- n/a;

Abstain- n/a;

RESOLUTIONS

n/a;

COMPLETENESS REVIEW

#1 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 to supplement a 1-family house; the application was received December 21, 2022 and scheduled for the January 4, 2023 Work Session; being the applicant failed to appear, the case was postponed to the February 1, 2023 Work Session; due to the applicant traveling abroad, the case was postponed to the **March 1, 2023 Work Session**.

New Board Requests

- 1.) consider alternative options to negate Design Waiver such as installing fence which is no higher than 4' and minimum of 50% open immediately behind existing retaining wall in front yard to have similar effect as solid fence (installing fence atop retaining wall would require Design Waiver being total height would include both wall and fence), installing chicken wire around perimeter of vegetation being damaged by deer, planting deer-resistant vegetation and/or hanging strong-scented bar soap (brand such as Irish Spring) to repel deer (**NOTE:** Board emphasized its objection to proposal due to its impact on sight triangle/vehicular safety being subject property is corner lot);

Decision

The Board unanimously deemed the application complete without a formal vote and scheduled it for the March 30, 2023 Meeting pending the receipt of public noticing requirements.

LIAISON REPORTS

Councilwoman Amitai briefed the Board on the following:

- 1.) several bids have been received by Borough in response to its recent request for proposal (RFP) which seeks developers to convert former Village Middle School (511 Durie Avenue) to 35-unit affordable housing complex as per Borough's court-approved settlement with fair housing advocate (Fair Share Housing Center) replacing corporation affiliated with Bergen County Housing Authority which withdrew from project;
- 2.) several bids have been received by Borough in response to its recent RFP which seeks both caretakers and future use options for Mac Bain Farm;



- 3.) upcoming musical performance, as part of ongoing series sponsored by Mayor Glidden's Committee for the Arts, will be held at Closter Public Library;

MISCELLANEOUS

A motion was made by Councilwoman Amitai and seconded by Mayor Glidden to approve a revised Resolution for Case P-2022-06 (259 Closter Dock Road/Hardino, LLC), which was originally memorialized on October 27, 2022, to reflect the subject parking lot will be reconfigured to consist of 11, not 18, parking spaces along with corrections to a few minor typos. The motion passed (5-0-0):

Yes- Blum; Wong; Amitai; Glidden; Paltos;

No- n/a;

Abstain- n/a;

Late Arrival- Ferullo;

A motion was made by Mr. Di Dio and seconded by Mr. Tam to approve a Resolution on standards and procedures for conducting the Board's virtual proceedings which includes guidelines on public participation and document access. The motion passed (9-0):

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

No- n/a;

Abstain- n/a;

Vice Chairman Paltos reiterated that Chapter 173-27C of the Borough Code dictates when Site Plan Approval is required by a land use board while Chapter 173-35C mandates that any deviation from a Site Plan Approval granted by a land use board requires Amendment Approval. Speaking on behalf of the subcommittee on which he serves along with Councilwoman Amitai, Mr. Di Dio and Ms. Blum, which is identifying particular sites which may have been granted relief by the Board but the conditions within the memorialized Resolutions and/or approved plans have not been adhered to, Vice Chairman Paltos briefed the Board on the following:

- 1.) landlord/shell construction work underway at Closter Commons shopping center, specifically Unit D1 which was most recently occupied by women's apparel retailer (Mandee), includes installation of exterior platform, stairway and handicap ramp near existing loading dock which resulted in safety hazard as well as increased impervious coverage on-site (NOTE: traffic signage is non-existent within parking lot);
- 2.) 84 Herbert Avenue, 15 Naugle Street and 26 Bogert Street are also under investigation;

Mr. Cherchia reminded that the Board is not an enforcement agency and those Borough employees who do enforce and deal with referrals to a land use board, mainly the Zoning Officer and Construction Official, report directly to the Borough Administrator and, ultimately, the Governing Body. He noted that a lone option for the Board to be able to directly compel a prior applicant to return to it for Amendment Approval could lie in the Developer's Agreement; Mr. Demarest agreed to search records and forward to the subcommittee the Agreement in connection with the Closter Commons shopping center's original construction.

In response to the perception that code enforcement is lacking throughout the Borough, Mayor Glidden revealed he is forming a committee consisting of himself, 1 to 2 members each from both the Planning Board and Zoning Board of Adjustment and the Borough Administrator; he asked that the Board's subcommittee delay further investigation until his committee releases its findings on the matter.

The Board directed Mr. Cherchia to submit a follow-up memo to the Governing Body reinforcing its previous comments on the Borough's enforcement of sites which were or should be the subject of Site Plan Approval by a land use board.

A motion was made by Mayor Glidden and seconded by Councilwoman Amitai authorizing the Board to convene its Work Sessions and Meetings virtually at 7:30pm and adjourn them no later than 10:30pm, effective as of its April 27, 2023 Meeting contingent upon public notice by the Borough Clerk. The motion passed (9-0):

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

No- n/a;

Abstain- n/a;



Regarding 63 Harvard Street, Councilwoman Amitai reminded that the Governing Body recently held up the release of a bond relating to tree removal, to ensure tree mitigation was fulfilled as part of new 1-family house construction. She stated while the Shade Tree Commission and Borough Tree Expert approved mitigation for both public and private plantings respectively, the owner of 75 Harvard Street is insistent that vegetation was removed from her property during the course of construction. Mr. Cherchia advised that such would be a civil matter. Contingent upon the Construction Official advising the owner of 75 Harvard Street that the Borough would not take action with respect to her grievance and a certificate of occupancy has been issued, Councilwoman Amitai said the tree bond would be released. As for 84 Herbert Avenue, the Board asked that the tree bond continue to be held until it is determined whether ongoing site improvements being performed by the new ownership require Site Plan Approval.

ADJOURNMENT

9:13pm

