MINUTES OF THE ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

BOROUGH OF ORADELL

FEBRUARY 22nd, 2023

Chairman Michelman called the Zoning Board of Adjustment meeting to order at 7:30 p.m. Notice of this meeting was published in the official newspapers, prominently posted in the Borough Hall, and filed with the clerk in accordance with the requirements of the Open Public Meetings Act.

ROLL CALL:

Present: Mr. Bartlett, Mr. Degheri, Ms. Odynski, Santaniello, Ms. Cobb, Mr. Michelman

**Absent:** Mr. Barrows

Also Present: Mr. Regan, Esq.

 Mr. Depken, Zoning Administrator

 Mr. Atkinson, Borough Engineer

 Mr. Rotonda, Substitute Borough Planner

**Correspondence**

* 1. a. Site plan drawings prepared Omland & Osterkorn Consulting Engineers & Surveyors last dated February 8, 2023 in connection with 240 Kinderkamack Rd. **–** Block: 221, Lot: 2 **–** RK Holdings, LLC
	2. b. Architectural drawings prepared MAS Architect last dated February 7, 2023 in connection with 240 Kinderkamack Rd. **–** Block: 221, Lot: 2 **–** RK Holdings, LLC
	3. c. Memo detailing revisions prepared MAS Architect last dated January 6, 2023 in connection with 240 Kinderkamack Rd. **–** Block: 221, Lot: 2 **–** RK Holdings, LLC
	4. d. Plot Plan/Architectural drawings prepared by Paredes Grube Architecture last dated September 20, 2022 in connection with 469 Hasbrouck Blvd. **–** Block: 1209, Lot: 2 **–** John Bonaglia
	5. e. Property survey prepared by William Held Associates, Inc. last dated November 13, 2013 in connection with 469 Hasbrouck Blvd. **–** Block: 1209, Lot: 2 **–** John Bonaglia
	6. f. Site Plan drawings prepared by S. J. Kufel Associates/Architects last dated December 27, 2022 in connection with 465 Demarest Ave. **–** Block: 1106, Lot: 17 **–** James Koth
	7. g. Property survey prepared by Falcon Surveying, LLC last dated December 5, 2008 in connection with 465 Demarest Ave. **–** Block: 1106, Lot: 17 **–** James Koth
	8. h. T & M Associates planning review letter dated February 16, 2023 in connection with 240 Kinderkamack Rd. **–** Block: 221, Lot: 2 **–** RK Holdings, LLC
	9. i. Neglia Engineering review letter revised February 17, 2023 in connection with 240 Kinderkamack Rd. **–** Block: 221, Lot: 2 **–** RK Holdings, LLC
	10. j. Neglia Engineering review letter revised February 21, 2023 in connection with 469 Hasbrouck Blvd. **–** Block: 1209, Lot: 2 **–** John Bonaglia

**Approval of Minutes**

None

**Memorialization of Resolutions**

**CAL# 865-23**

Bekdas

4 Ackerman Ave **–** Block: 103, Lot: 1

Ms. Cobb moved to adopt the resolution and was seconded by Mr. Santaniello.

ROLL CALL:

AYES: Mr. Michelman, Ms. Cobb, Mr. Degheri, Mr. Santaniello, Ms. Odynski, Mr. Bartlett

**Applications**

**CAL. # 866-23 John Bonaglia**

Block 1209, Lot 2 469 Hasbrouck Boulevard

Mr. Regan swore in the architect, Ms. Paredes and the applicant’s wife, Ms. Boschert. Mr. Regan noted that Ms. Paredes has previously testified before the Board and she was deemed qualified as an expert witness. Ms. Paredes began her testimony by stating that the applicant is seeking the approval for a two-story addition at the rear of the property, and a one-story addition at the side of the property. Ms. Paredes indicated that the proposed additions will require 2 variances, one relating to the side yard setbacks and the other relating to maximum permitted lot coverage. Ms. Paredes noted that the existing patio will be removed and replaced with a smaller patio which will reduce lot coverage. She went on to explain the three hardships of the property which included the undersized nature of the lot, the fact that the lot is substandard in width, and that the house has preexisting non conformities relating to the side yard setback. Ms. Paredes stated that the proposed addition is modest at a 452 square foot increase between the first and second floor. Ms. Paredes displayed a Google Earth ariel view photo on the easel which was marked as Exhibit A-1. The photo emphasized that the applicant’s home is the smallest in comparison to the surrounding homes. In the interest of privacy, Ms. Paredes pointed out a line of trees between the applicant’s home and the neighbors. She added that the front of the home will be maintained and will remain cohesive in the neighborhood while the addition in the rear will be a new design. Ms. Paredes referred to her architectural drawing and confirmed that the proposed addition will result in a mud room, a small bathroom, an enlarged kitchen, a bedroom, and a laundry room. She concluded by stating that the addition will not cause any detriment to the neighbors, it does not contradict the zone plan, and the proposed addition is in harmony with the home and the homes of the neighborhood. Mr. Regan marked the report prepared by David Atkinson as Exhibit B-1. Mr. Atkinson stated for the record there was an error in the report relating to the stormwater requirements and since there will be a decrease in lot coverage with the proposed addition no stormwater management is required. Mr. Atkinson asked Ms. Paredes if the oil tank depicted on the property survey has been removed. Ms. Paredes confirmed that the tank has been removed and Ms. Boschert added that the tank was remediated per the requirements of the mortgage company. Mr. Atkinson moved on to ask if any grade changes are proposed in connection with the addition to which Ms. Paredes replied no. Mr. Atkinson concluded by asking Ms. Paredes the volume of soil that will be moved in connection with the construction. Ms. Paredes indicated that the amount of soil to be moved would be approximately 25 cubic yards. Mr. Degheri stated that the plans and presentation were very well done. Mr. Michelman noted that if the applicant had a regular sized lot they would not need to appear before the Zoning Board for the proposed addition.

Ms. Walczak of 470 Bergen Boulevard was sworn in by Mr. Regan. She stated that she is the neighbor of the applicant and expressed her excitement for the proposed update on her neighbor’s home.

Mr. Heo of 366 Elm Street was sworn in by Mr. Regan. He stated that he is the applicant’s neighbor and affirmed his support of the proposed plan.

Mr. Michelman asked if any members of the Board had anything to add. Hearing nothing, Mr. Michelman mentioned that applications such as CAL#866-23 are the reason that the hardship variance exists.

Ms. Cobb moved to adopt CAL. #866-23 and was seconded by Mr. Michelman.

ROLL CALL:

AYES: Mr. Bartlett, Mr. Degheri, Ms. Odynski, Mr. Santaniello, Ms. Cobb, Mr. Michelman application is APPROVED

**CAL. # 867-23 James Koth**

Block 1106, Lot 17 465 Demarest Avenue

Mr. Regan swore in the applicant, Mr. Koth, and his architect Mr. Kufel. Mr. Regan noted that Mr. Kufel has testified before the Zoning Board numerous times and he was deemed an expert witness. Mr. Kufel began by stating that the subject property is in the R-3 Zone. He referred to his architectural drawings on the easel and pointed out a proposed pavilion in the rear of the site. Mr. Kufel went on to note that a variance is required for the proposed second-floor addition because of floor area ratio. Additionally, he confirmed that the applicant was granted a variance previously in connection with the garage. Mr. Koth provided testimony expressing his love for the neighborhood which led to his decision to renovate his current home instead of moving. Mr. Koth stated that his home is a one and a half story cape with bedrooms and common areas on the first floor and a loft on the second floor. Mr. Koth explained that during COVID-19 his wife began working from home and the only available place for her home office was a small section of the basement. Mr. Koth affirmed that he hopes to provide her a more adequate space to work with the proposed addition. Mr. Koth added that he wants to expand all common spaces on the first floor and move the living areas to the second floor. He referred to the plans on the easel and stated that his wife owned the home and came before the Board in connection with renovating the garage years ago. Mr. Koth stated that he is looking to expand upon the existing non conformity another 3 feet for a total of 8 feet. He also expressed the desire for an additional staircase which would lead to the basement for safety purposes. He moved on to discuss the proposed open-air porch across the front of the house and the proposed increased ceiling height on the first floor. Mr. Koth concluded by referring to the excess in floor area ratio and the fact that the lot has preexisting nonconformities. Mr. Atkinson asked Mr. Koth if the proposed work would impact the existing topography on the property. Mr. Koth replied no, indicating that any existing pavement would be replaced. Mr. Atkinson asked Mr. Koth to indicate soil movement calculations and Mr. Koth confirmed that under 100 cubic yards of soil would be moved in connection with the project. Mr. Depken asked Mr. Koth if the garage is set back further than the front porch. Mr. Koth stated that the garage is set back by 1 foot in comparison to the porch. Mr. Degheri asked what the percentage of increase is for the floor area ratio. Mr. Kufel replied that the floor area ratio will be increased by 354 square feet yielding a 10.5% increase. Mr. Michelman asked Mr. Koth if he attempted to mitigate some excess floor area ratio when drafting the design. Mr. Kufel stated that an attempt was made to mitigate the floor area ratio in the first phases of the design process but the bedrooms on the second floor would have been too small.

Ms. Day of 457 Demarest Avenue was sworn in by Mr. Regan. She stated that she and her family neighbor on the southerly side of the applicant’s home. Ms. Day expressed her support of the proposed addition mentioning that the updated design will enhance the neighborhood.

Mr. Michelman stated that 5 members of the board need to vote in the affirmative in connection with a floor area ratio variance. He requested that everyone provide their feedback on the proposal before the applicant decides if they would like the case to be brough to a vote.

Ms. Odynski stated that the case was presented well and the design is nice. She added that the addition would be an improvement to the neighborhood.

Ms. Cobb echoed the thoughts of Ms. Odynski adding that the property can accommodate the increased floor area ratio.

Mr. Santaniello was in agreement stating that the addition is a great upgrade to the home and for the whole block.

Mr. Bartlett expressed his appreciation for the façade of the property being designed in conformance with other houses in Oradell.

Mr. Degheri stated that he is thankful for the great presentation and design. He added that he does not think the increase in floor area ratio is a detriment to the property or to the neighborhood.

Mr. Michelman concluded by acknowledging the home will be an upgrade to the neighborhood.

Mr. Santaniello moved to adopt CAL. #867-23 and was seconded by Mr. Degheri.

ROLL CALL:

AYES: Mr. Bartlett, Mr. Degheri, Ms. Odynski, Mr. Santaniello, Ms. Cobb, Mr. Michelman application is APPROVED

**CAL. # 864-22 RK Holdings, LLC**

Block 221, Lot 2 240 Kinderkamack Road

Mr. Michelman noted that the application has surpassed the 120-day shot clock and asked for Mr. Barrett’s approval for an extension. Mr. Barrett approved the extension and moved on to explain that the variances being requested have not changed and that the applicant herself will provide testimony regarding the current proposal. Ms. Karnik was sworn in by Mr. Regan, and Mr. Barrett noted that Ms. Karnik prepared a presentation. A copy of same was distributed to the Board. Mr. Regan marked the packet as Exhibit A-20. Ms. Karnik began by confirming that she purchased the property in April of 2004 and she used to run a software development company from that location. In December of 2004 Mr. Traphagen came to her and expressed his interest in purchasing her property and he continued to do so for years. Ms. Karnik moved on to explain that an Indian restaurant in downtown Oradell would enhance the food options next to the two restaurants coming to the Borough. She added that she owns another restaurant in River Edge which attracts many families. She stated that the proposed operations would be Tuesday-Sunday with lunch hours from 12:00 P.M through 3:00 P.M and dinner hours from 5:30 P.M to 10:00 P.M. Ms Karnik mentioned the number of employees and confirmed that there will be approximately 12 employees with 3 of them being chefs. She moved on to discuss the layout of the establishment and noted that the first and second floors will be identical apart from the kitchen only being on the first floor. Ms. Karnik stated that no food deliveries will be made to the restaurant since all the food shopping will be done by the staff. Ms. Karnik addressed the refuse area stating it will house a 6 by 3.6-foot dumpster which she used at her River Edge restaurant. She added that heavy duty garbage bags will be utilized and the lids will be closed to minimize odors. She stated that the garbage will be picked up twice a week on Tuesdays and Fridays between 6:30-7:00 A.M and the recyclables will be picked up at the same time but on Wednesdays. Ms. Karnik addressed snow removal stating that 5 inches or less can be plowed away and kept on site, but any more than that will be hauled offsite. She concluded by stating that per the recommendations of the board members, the proposed apartment on the second floor has been removed to enhance the amenities for customers. Mr. Michelman stated for the record that his home abuts Mr. Traphagen’s property but he does not see how there would be a conflict. Mr. Regan affirmed that he does not see a conflict either. Mr. Depken asked if the architect will provide testimony to which Ms. Karnik replied yes. Mr. Depken asked Ms. Karnik if she could provide some further testimony regarding the buffet area. Ms. Karnik stated that a buffet is an important feature of Indian restaurants since people can taste a variety of different food for a nominal cost. Mr. Depken asked if there is a buffet in her River Edge location, Ms. Karnik replied yes and confirmed that it is a popular feature. Mr. Rotonda asked if there would be certain times of the year her business hours would be extended to which Ms. Karnik confirmed that business hours will remain the same all year round. Mr. Bartlett asked who will be responsible for the grounds of the restaurant. Ms. Karnik replied that the dishwasher will maintain the garbage and clean the dumpster while the main chef will oversee the cleanliness of the kitchen. Mr. Bartlett asked if a landscaper will maintain the plantings to which she replied yes. Mr. Degheri asked if the second floor will always be operational or treated like overflow space for the ground floor. Mr. Barrett asked Ms. Karnik to provide additional information regarding her River Edge location to address this question. Ms. Karnik stated that the River Edge location is much larger in comparison to 240 Kinderkamack Road. She confirmed that 42 seats are proposed for downstairs and 48 seats are proposed for upstairs adding that the customers will have the option to choose where they would like to be seated so both floors will be functional every day. Mr. Degheri asked if the buffet will be operational every day and if it will impact the number of employees throughout the week. Ms. Karnik replied that the buffet on both floors will only be operational on the weekends and the employee count will remain the same at all times. Mr. Santaniello asked Ms. Karnik at what point she decided to open a restaurant being that she has owned the building since 2004. Ms. Karnik stated that the idea for the restaurant came when she heard about the new restaurant at 304 Kinderkamack coming to the Borough about two and a half years ago.

Mr. Mayland the attorney for Mr. Traphagen asked Ms. Karnik if she owned the building during the time a fire destroyed the site. Ms. Karnik confirmed that she owned he building at that time. Mr. Mayland asked if there was a fatality at the site to which Ms. Karnik confirmed that there was. Mr. Mayland stated that she could propose a structure that would require no variances. Ms. Karnik stated that she did not explore that option since she is hoping to open the restaurant. Mr. Michelman summarized the questions being asked by counsel confirming that Ms. Karnik can technically go through with an alternative proposal which requires no variances. Mr. Mayland asked where the 12 employees on site will be parking. Ms. Karnik stated that none of the employees have cars and they mostly utilize Uber or public transportation. Mr. Mayland asked if 12 employees would be typical for a restaurant of the proposed size. Ms. Karnik replied yes and stated that if she needs an additional sever, she may add one in the future. Mr. Mayland asked Ms. Karnik to provide information regarding event hosting. Ms. Karnik stated that the restaurant is not a banquet hall and she is shying away from hosting events since it is so much work and it is not profitable. Mr. Mayland asked Ms. Karnik to confirm that she has no intention to host parties or events such as baby showers or large family parties. Ms. Karnik indicated that she has no intention of renting out the entire second floor for people. Mr. Mayland asked Ms. Karnik to provide further clarification regarding the time for the buffet. Ms. Karnik replied that the buffet is available on the weekends and people can come whenever they would like. Mr. Mayland asked Ms. Karnik if it is common practice for restaurants to not have deliveries. Ms. Karnik replied that at her River Edge location the staff did the grocery shopping to avoid delivery fees. Mr. Mayland stated that in the future another restaurant could take over the space and they may choose to utilize delivery services. Ms. Karnik addressed this by referencing the report prepared by her planner which includes a turning template. Mr. Mayland asked if there will be deliveries for linens such as table cloths and napkins. Ms. Karnik stated that prior to the pandemic she utilized these services but, in an effort to cut costs she now uses paper napkins and paper place mats. Mr. Mayland asked where the landscapers will park while servicing the grounds. Ms. Karnik stated that they can park in the driveway. Mr. Mayland asked Ms. Karnik if there will be a grease trap in the restaurant. Ms. Karnik confirmed there will be a grease trap and when it is full it will be emptied into a drum near the dumpster area. Mr. Mayland ask Ms. Karnik what provisions will be taken to keep animals away from the garbage area. Ms. Karnik stated that she will keep the area clean as she does at her River Edge location. Mr. Mayland asked what measures she has taken to install buffering between her property and Mr. Traphagen’s other than the vinyl fence. In reply, Ms. Karnik indicated that Mr. Mayland should direct that question to her engineer. Mr. Mayland asked Ms. Karnik if she conferred with the dumpster company regarding the dimension of their trucks. Ms. Karnik confirmed that she spoke with Buldo Sanitation and that they will also be taking care of the recycling. Mr. Mayland asked who will be handling the grease pick up. Ms. Karnik indicated that she is not certain of the name but the same company that she worked with at her River Edge restaurant. Mr. Mayland asked questions regarding the size of the truck for the grease removal and Ms. Karnik was unable to answer.

Mr. Michelman stated that it is 9:11 P.M. and called for a break in the hearing.

Mr. Michelman reconvened the hearing at 9:21 P.M.

Mr. Latsounas of 50 Beverly Road noted that there is an 18-foot distance from the dumpster to the residential property line and expressed appreciates the distance. Mr. Latsounas asked Ms. Karnik what kind of events he will be having on the second floor. Ms. Karnik stated that she is hoping to have good regular customers so there will be no need for parties. Mr. Latsounas asked if there will be any kind of music. Ms. Karnik stated that there will be no entertainment.

The architect, Mr. Stefanelli began his testimony regarding the changes made to the architectural drawings. Mr. Regan marked the revised architectural drawings last dated February 7, 2023 as Exhibit A-21. He confirmed there will only be three doors with two in the back and one in the front. He added that the landscaping will be addressed by the landscape engineer. He stated that the lot coverage went down to 71.89% and building coverage has not changed. Mr. Stefanelli stated that a loading zone variance has been added based on discussions from the last meeting. He referred to the plans indicating the relocation of the dumbwaiter and the mop sink. Mr. Stefanelli referred to the second-floor plan indicating the addition of a service area for the buffet. Mr. Stefanelli referred to a sheet displaying the proposed façade for the restaurant explaining how he attempted to simplify the windows. He added that brick is incorporated into the façade now and displayed a color rendering on the easel. Mr. Stefanelli also presented sample brick, stone, and siding material. Mr. Depken asked Mr. Stefanelli a question regarding ADA compliance going to the second floor. Mr. Stefanelli replied that he called the DCA who determined that as long as the same services are being provided at the same time on both floors there is no need for elevator/lifts. Mr. Depken asked for further information regarding the venting of the exhaust for the stove hood. Mr. Stefanelli replied that a mechanical engineer will provide a more detailed design for plumbing and electric. Mr. Depken noted that issues may arise with the odors coming from the hood system and he expressed his hope that it could be designed in a way to mitigate this. Mr. Degheri asked Mr. Stefanelli to explain the purpose of the walkway being that the side door is eliminated. Mr. Stefanelli stated that if coverage is an issue, it can be eliminated but he views it as a safer alternative to get to the front of the building. Mr. Degheri asked a question regarding the buffet and how the exact services can be provided on the first and second floors to negate the need for the lift. Mr. Stefanelli said that the employees can arrange tables and chairs so they are set up exactly the same way on both floors. Mr. Degheri moved on to ask why the pitch is so shallow on the elevation drawings. Mr. Stefanelli replied that he wanted to be sure that the design does not overpower the neighborhood.

Mr. Mayland asked Mr. Stefanelli if the bathrooms were required to be ADA compliant even though there is no lift. Mr. Stefanelli replied confirming that the bathrooms must be ADA compliant regardless. Mr. Mayland asked that Mr. Stefanelli provide further information regarding the fire safety measures. Mr. Stefanelli stated that the second floor has two exits and discussed the means of exit. Mr. Mayland asked if the proposed plan was discussed with the Oradell Fire Department. Mr. Stefanelli spoke with DCA and Mr. Depken added that the plans were sent over to the Oradell Fire Department and Police Department but no comments were provided. Mr. Mayland asked a question regarding exits on the first floor and Mr. Stefanelli confirmed that the first-floor exits are flush with the grade. Mr. Mayland asked Mr. Stefanelli if this building is unique compared to other structures in the area. Mr. Stefanelli replied that the building is unique in terms of what is offered inside but the goal was to create a cohesive look with the neighborhood.

Mr. Latsounas of 50 Beverly Road asked why a chair lift for the second floor is not being proposed. Mr. Stefanelli said the lift is not a requirement at this time and the exact same services are being offered on the first and second floors. Mr. Barrett added that the inclusion of a lift in the future would be a business decision.

Ms. Osterkorn was sworn in by Mr. Regan and was deemed an expert witness. Ms. Osterkorn referred to the site plan drawings on the easel which were marked as Exhibit A-25. She stated that the trees along the property line were surveyed after the last meeting and they were incorporated into the drawing. She indicated that the fence was moved closer to the curb line to avoid the trees. Ms. Osterkorn referred to another plan sheet explaining that the inlets were moved over so the pavement would pitch to the center rather than to the curb line. She added that from a grading and drainage perspective every effort is being made for mitigation while the neighbor’s property is entirely impervious. Ms. Osterkorn confirmed that the 3-foot required buffer will take place. In connection with landscaping, Ms. Osterkorn left the neighbor’s trees undisturbed with the 6-foot privacy fence on the southerly side. On the east side of the property, she noted that flowering dogwood trees will be incorporated which would enhance the buffer and the aesthetics of the landscaping. Ms. Osterkorn moved on to discuss the dumpster area confirming that a five-foot fence will enclose the entire refuse area which meets the requirements of the ordinance. Ms. Osterkorn stated the dumpster location is pulled as far away as possible from the rear property line and side property line while still being in a centralized location for the sanitation workers. Ms. Osterkorn discussed noise impacts for the neighboring properties and confirmed that the air conditioning units will meet the code requirements for sound levels. She added that the lighting will also meet the code requirements as well. In connection with snow removal Ms. Osterkorn stated that the site will be kept clear and it is up to the vendor who will determine if the snow can be plowed on the property or carted off site. She moved on to discuss the cleanliness of the dumpster and stated that there is always the potential for spills and the restaurant owner/staff will do what is necessary to keep it clean. Mr. Atkinson asked Ms. Osterkorn if having an asphalt or a concrete curb will impact the functionality of the site. Ms. Osterkorn replied no since the curb will function to keep water in the site no matter what material is utilized. Mr. Atkinson asked Ms. Osterkorn if instead of a fence, landscaping would be a viable option between the trees on the south side of the property. Ms. Osterkorn stated that a continuous buffer row would not be a viable option since it would disturb the root system of the trees. Mr. Depken asked Ms. Osterkorn if any trees on the site will be removed to which she replied no. Ms. Odynski asked Ms. Osterkorn if the sidewalk on the north side of the property will be cleared during snow removal. Ms. Osterkorn replied that it will be cleaned. Ms. Odynski asked if asphalt or concrete curbing is more durable. Ms. Osterkorn replied by confirming that concrete curbing is more durable but the property owner decided to go with asphalt in an effort to maintain the trees. Mr. Degheri stated that he appreciates the addition of the dogwood trees and asked if the seasonal plantings will be on the ground level or in planter boxes. Ms. Osterkorn confirmed that the plantings will be on the ground level and that there will always be landscaping surrounding the building. Mr. Michelman stated that the next meeting will begin with public questions of the witness.

**Old Business**

Mr. Michelman added that the next Wednesday meeting will be June because of Juneteenth.

**New Business**

Mr. Michelman opened the meeting to the public for any matters.

Mr. Michelman closed the meeting to the public.

Motion to adjourn was made by Ms. Cobb and seconded by Ms. Odynski, all in favor.

The meeting was adjourned at 10:34 P.M.