

**ORADELL PLANNING BOARD  
REGULAR MEETING  
FEBRUARY 5, 2019**

Notice of this meeting was published in official newspapers, prominently posted in Town Hall, and filed with the Clerk in accordance with the Open Public Meetings Act.

**ROLL CALL**

Mr. Larson	Present
Mr. Derian	Present
Mr. Scalcione	Present
Mr. Carnevale	Present
Mrs. Didio	Present
Mr. Pastore	Absent
Mr. Dressel	Absent
Mr. Plucinski	Present
Mr. Lombardo	Present
Mr. Tankard	Present

**Also Present:**

Mr. Depken, Construction Official  
Mr. King, Esq., Board Attorney  
Mr. Atkinson, Board Engineer  
Mr. Burgis, Board Planner

**Reorganization Continued**

Mr. Larson stated that for procedure, the board needs to approve the reappointment of the board engineer, David Atkinson from Neglia Engineering. He asked for a motion from the board to approve the engineer.

Appointment of Mr. David Atkinson from Neglia Engineering as board engineer was made by Mrs. Didio, seconded by Mr. Derian.  
All in Favor

**Approval of the minutes of January 8, 2019**

Mr. Larson stated that the board would table the January minutes to the following month's meeting so the board members would have additional time to review them. He asked that this matter be put on the agenda for the March meeting.

**Correspondence:**

12-17-18 Copy of email from William Edwards, Edwards Engineering Group, re River Dell High School.

1-10-19 Notice to Planning Board from PSE&G re Application for a Flood Hazard Area Individual Permit for the Maintenance of Existing PSE&G Natural Gas Transmission System Rights-of-Way to Permit Selective Herbicide Application with Riparian Zones.

1-11-19 Letter to Stephen A. Depken, Construction Official/Zoning Officer from William B. Edwards, PE, Edwards Engineering Group, re River Dell School District, New Walkway Lighting at RDHS.

1-11-19 Letter to Stephen A. Depken, Construction Official/Zoning Officer from William B. Edwards, PE, Edwards Engineering Group, re River Dell School District, Tennis Court Reconstruction at RDHS.

### **Committee Reports**

#### **Subdivisions, Site Drainage & Soil Moving**

##### **New Application:**

None

##### **Resolutions:**

None

#### **Business, Buildings & Signage**

##### **New Application:**

None

##### **Resolutions:**

None

##### **Signs:**

None

#### **Regional Planning Coordination**

Nothing to report.

#### **Zoning**

Nothing to report.

#### **Historical Preservation**

Mr. Plucinski stated that he had circulated two documents to the board members. He explained that the historical element section of the 2010 Master Plan was unanimously approved but logistically did not get inserted into the plan. He asked if this could be added to the adopted Master Plan. Mr. Larson stated that he would work with Mr. King and Mr. Depken on confirming that the element was formally adopted at the Planning Board. He explained that the document they are discussing, the historical element, made a number of recommendations directed to the Planning Board itself but rather they are the purvey of the Mayor and Council. He stated that the following recommendations were the adoption of a historical committee and a historical preservation

ordinance. Mr. Depken explained that he went through the records in the Building Department and within the original minutes there was a motion and a second on the approval. He stated that this is the only official record that is in the office showing the historical element was approved. Mr. King explained that they would have had to do a resolution on that approval. He stated that he does not know if he feels comfortable doing a resolution based upon something that happened in 2010 without having an opportunity to review the document and approve it in its current form. Mrs. Didio explained that she does not know what happened to the resolution but it was voted on. She stated that there was a local historical preservation ordinance presented to the Mayor and Council in 2011 but was never adopted. She explained that there was also a discussion by that Mayor and Council on a historical preservation commission but it never came to fruition either. She stated that there is evidence which supports the fact that this element was approved back in 2010. Mr. King suggested that everyone on the current board should have an opportunity to review the element and at the next meeting he would present a resolution for the members to vote on. Mr. Larson stated that on a procedural position, this makes sense. Mr. King explained that he would prepare the resolution for the next meeting and email it to everyone. Mrs. Didio asked if anyone had reached out to Alan Bell who was the Planning Board attorney at that time. Mr. Depken stated no.

#### **Master Plan, Open Space, Environmental & Circulation Systems**

Nothing to report.

#### **By-laws**

Nothing to report.

#### **New Business**

Mr. Larson stated that as a courtesy, the project engineering on behalf of River Dell High School would present a site improvement plans in regards to the lighting and the tennis courts. He explained that there is no formal application before the board and this is a courtesy presentation. The business administrator for River Dell High School, Tom Bonfiglio and the engineer for the project, William Edwards stated that the school has planned on doing two projects this summer which are renovations to the tennis courts and site lighting. Mr. Edwards detailed the existing conditions of the school campus on the site plan. He detailed the new tennis courts on the plan along with the proposed new fencing around them. He stated that some of the fencing would have windscreen on them in order to protect the players while they are on the court. He explained that there would be new barrier free walkways added to the site that would connect to the main walkway system. He stated that they would be adding electrical to the court for the use of a ball machine and there would be a spectator area added for any parents who come to view the courts. He explained that are proposing to add a few additional drainage inlets on the site. He stated that everything is being built in the same footprint as what is there. Mr. Plucinski asked if there was any lighting added around the tennis courts. Mr. Edwards stated that the lighting project does not encompass the tennis courts. He explained that the lighting project is to add lights along the main walkway from the stadium area to the front of the U-shaped driveway. He stated that when the sports' lighting goes off, the whole walkway is dark. He explained that the new fixtures would be LED lights on about 12-foot-high polls. He stated that the lighting would be controlled the same way as the sports' lighting. Mr. Larson confirmed the location of where the lighting would start

and stop by the east side of the horseshoe area. Mr. Edwards stated that there would be a little bit of flood light in the area for safety. He explained that the lighting project is to add a safety improvement on the site. Mrs. Didio asked if the lights would remain on all night. Mr. Edwards stated no and that the lighting would go off with the sports' lighting. He explained that these lights could be left on for a little bit longer than the main sports' lighting. Mrs. Didio stated that the goal is to exit safely from the sports area. Mr. Burgis asked if they could describe the light fixtures. Mr. Edwards stated that they a low-profile LED lighting fixture that has a low EPA. He explained that they are more modern than a shoebox lighting fixture. Mr. Scalcione asked if they had a rendering of the lighting. Mr. Lombardo stated that there is a rendering in the packet that the board members received and explained what the lighting fixtures looked like. Mr. Derian explained that from personal experience, this area is in much need of lighting and since it is in the interior of the site, he believed the lighting would have no impact on the adjoining properties. Mr. Edwards stated that they had done a measurement from one of the light fixtures and it was 268 feet to the nearest home. Mr. Larson asked if there were any other questions from the board. Mr. King stated that this presentation was just a courtesy review for the board and there would not be any resolution. Mr. Larson asked when they expect the improvements to begin. Mr. Edwards stated that they would begin over the summer. He explained that the tennis court project would possibly begin after graduation. He asked if the school could get a copy of the meeting minutes. Mr. Larson stated yes. Mr. Edwards explained that he has to send a letter to the Department of Education along with the minutes. Mr. Depken stated for him to give the office a call and we would let him know a better time frame of when they would be approved and ready.

### **Brough Housing Element Ordinance Discussion**

Mr. Larson stated that on the agenda there are several ordinances from the Mayor and Council that have been presented to the Planning Board for review and for a determination on their consistency to the adopted Master Plan. He explained that the board is not in a position to vote on these ordinances. He stated that there are various deadlines with Fair Share Housing for the adoption of the ordinances. He explained that the entirety of the board needs to review these ordinances possibly at a special meeting. He asked Mr. King to draft a letter to the Mayor and Council requesting an extension of time. Mr. King stated that he would first speak to the Borough Council to determine when the deadline is for the approval of these ordinances. He explained that depending upon the deadline the Planning Board may need to have a special meeting. Mrs. Didio stated that these ordinances were introduced at a Mayor and Council meeting and were sent to the Planning Board about a month ago. She explained that the Council's deadline is the end of February and the Planning Board would have to schedule a special meeting for this matter. Mr. King stated that once he speaks with the Borough Council, he will then follow up with the board members through email. Mr. Larson asked Mr. Depken if he would resend his email from January 18<sup>th</sup> to all the board members.

Mr. Burgis stated that the Borough ordinance 19-01 is scheduled for a second reading with the Mayor and Council on February 12<sup>th</sup>. He explained that he had spoken to the Borough Attorney and was urged for the Planning Board to at least take action on this one resolution. He stated that he could detail this ordinance to the board members tonight and then the Planning Board would have to still do a special meeting for the rest of the ordinances. He explained that ordinance 19-01 clarified language pertaining to the deed restriction for affordable units and the coverage factor.

He stated that there is a requirement for a 30-year deed restriction and the provision was to clarify one point that the affordability control shall expire after they are properly released by the Borough and the Borough's administrative agent. He explained that there was always the intention of having building coverage and lot coverage requirements which were clarified within this ordinance. He detailed for the board the requirements for the building coverage and lot coverage stated within the ordinance. Mr. Larson asked if it was permissible for the board to take a recess in order to review the ordinance and then reconvene so they would be prepared for a vote on this one ordinance. He explained that this would give the board members an opportunity to review the ordinance. Mr. Carnevale asked if he could go over one more item before the board goes into recess. He stated that at the December meeting when the board had adopted the re-examination of the Master Plan, Mr. Larson had proposed certain edit but those edits have not appeared in the document being shown on the Borough's website. He explained that his attention was on the modification the board made on the parking analysis and that he wanted it not to focus solely on a parking structure. Mr. Larson stated that there were three specific changes that he had proposed and the board had voted on the document with those changes. Mr. Carnevale explained that those changes are not being shown on the document that is on the Borough's website. Mr. King stated that he confirmed with Mr. Burgis that those changes were made and that this is just a question of having the Borough receipt the new updated version of the Master Plan. Mr. Larson explained that they would correct the fact that a prior version of the Master Plan was posted on the Borough's website and that the final version of the Master Plan would be posted. Mr. Larson explained that the board would take a quick recess. Mr. Larson asked for the board to make a motion on the recess in order for the members to review ordinance 19-01.

Mr. Carnevale made a motion to approve a recess, and Mr. Derian seconded the motion.

All in Favor

ABSTAIN: Mrs. Didio

Mr. Larson stated that the board is back in session and had been presented the Borough's ordinance 19-01 for the purposes of confirming its consistency with the adopted Master Plan. He asked if Mr. King could go through the responsibilities of the board for this evening. Mr. King stated that the board had already reviewed this ordinance back in September and had deemed it was consistent with the adopted Master Plan. He explained that the only two changes made to this ordinance were the ones discussed by Mr. Burgis. Mr. Larson stated that this revised ordinance was sent to all the board members through an email dated on January 18<sup>th</sup> and was provided again to them this evening so all the members could make judgment on the ordinance. Mr. Burgis reconfirmed for the board members the two changes that were made to the revised ordinance in regards to the deed restriction wording and the coverage factor. Mr. Larson stated that the revision for the deed restriction time was required by state law for 30 years which is the standard. Mr. Scalcione asked if the 30-year deed restriction is a requirement all throughout the state. Mr. Burgis stated yes. Mr. Derian explained that there is a difference between building coverage and total lot coverage. Mr. Burgis stated yes and detailed what items are calculated within lot coverage. Mr. Larson called for a motion from the board to approve the Borough ordinance 19-01.

Mr. Derian made a motion to approve, and Mr. Lombardo seconded the motion.

ROLL CALL:

AYES: Lombardo, Plucinski, Scalcione, Derian, Carnevale, Larson  
ABSTAIN: Didio

Mr. Burgis stated that the Mayor and Council has all the other ordinances' second readings scheduled for the 26<sup>th</sup> of this month and due to the time constraints within the court order, the board would need to schedule a special meeting to review the other ordinances. Mr. Depken asked the board members how Monday the 11<sup>th</sup> would be for them. He stated that he would have to notice this special meeting. Mr. King explained that they have to give 48-hour notice for a special meeting. He stated that he would not be available on the 11<sup>th</sup> and asked if the 13<sup>th</sup> would be available for the board members. Mrs. Didio asked if everyone would be available on Tuesday the 19<sup>th</sup>. Mr. Larson asked if any of the members or professionals have any objections to Tuesday February 19<sup>th</sup>. Mr. King stated that the 19<sup>th</sup> would be good for him. Mr. Burgis stated that he does have something scheduled for that day but if he cannot attend then someone from his office would be there in his place. Mr. Larson asked if Mr. Depken could please notice the special meeting for February 19<sup>th</sup>.

### **Old Business**

Mrs. Didio stated that with respect to historic preservation, Mr. Carnevale submitted a memo to the Mayor and Council in regards to the repairs needed to be made to the Borough train station that Mr. Plucinski had pointed out to the Planning Board. She explained that she is in the process of gathering the information of the repairs that have been made already and the repairs/improvements that are part of a grant proposal which is pending. She stated that the Borough Administrator was sick today and she was not able to get this information from the Administrator but she would be able to report further on this matter at the next meeting.

Mr. Larson opened the meeting to the public for comments.

Mr. Latsounas at 50 Beverly Road stated that he would like to thank Mr. Carnevale for noting the edits to the Master Plan. He asked if this would be updated on the Borough's website this week. Mr. Larson stated that he is hopeful they could do that. Mr. Latsounas asked if they could amend a section on page 63 to eliminate the study for parking meters. He explained that the Borough does not need parking meters. He stated that Mr. Burgis was at the meeting when the Borough had originally approved the historical element and asked why the area on New Milford Avenue was added to affordable housing. Mr. Burgis stated that he could make an answer to this question at the next meeting. Mr. Latsounas explained that is very odd that the Borough had this historical element but it was never used. He stated that a representative from Burgis Engineering had gone out with Councilwoman Schoenberg to look at the properties being designated for affordable housing and he raised concerns with the New Milford Avenue site. Mr. Larson asked if he could allow the board to review their notes on this matter and come back with an answer at the following month's meeting. Mr. Latsounas asked on why the board needs to approve the historical element again when it was already approved. Mr. King stated that there was originally no written resolution for the historical element and that he requested for the board members to review the document and vote on it again in order to know what they are approving within a resolution. Mr. King stated that it is a reaffirmation of the original historical element.

Sam Tripsas at 327 Maple Avenue stated that he has a question regarding the final draft of the Master Plan. He asked when the revisions were made available to the public. He stated that he had asked for this several times. Mr. Burgis stated that he does not recall the exact date but it was possibly late December. Mr. Tripsas explained that he was glad that it would be uploaded to the Borough's website but he would prefer getting a physical copy. He stated that he asked today and there were no physical copies in the Borough. Mr. Burgis explained that there should be physical copies in the Borough Hall and that their firm had delivered two paper copies to the Borough Hall. Mr. Tripsas stated that on two occasions he could not get a physical copy. He asked about an update on the Columbia Bank site. Mrs. Didio stated that she had reached out to the branch manager and believes they had adjusted the timers on the lights that are around the entrances in the front and back. She explained that she had asked them if they could reduce the illumination of the lighting fixtures and the representative stated that they would need to double check this with the facilities manager and they would get back to her. Mr. Tripsas stated that there are 24 light fixtures on the site and the resolution stated there would only be 14 fixtures. He explained that the light fixtures go on at dusk and go off at 7:30 PM and only three lights remain on which is wonderful. Mrs. Didio asked if Mr. Depken could email her a copy of the resolution so she has it when she meets with the branch manager. Mr. Tripsas stated that also within the resolution, the bank had stated that there would not be a dumpster but a dumpster has showed up on the lot with a chain-link fence around it and asked how this could have happened. Mr. Depken explained that during testimony the bank had stated that they would not be using a dumpster but there is nothing in the resolution reflecting this as a condition of approval. He stated that he goes by the wording in the resolution for enforcement and there is nothing in the resolution that states this as a condition. He explained that the dumpster is contained in an approved area and meets all the Borough's codes. Mr. Tripsas stated that people were very happy that they were not going to be using a dumpster and it would have been nice to have had this as a condition for them not to have one. He explained that the dumpster issue stems from a neighbor who had complained about rats in the past. He stated that he was going to speak on the historic element but that he would save this for the next meeting.

Mr. Larson closed the meeting to the public.

Motion to adjourn was made by Mr. Carnevale, seconded by Mr. Scalcione

The meeting was adjourned at 8:20 p.m.



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Secretary

\*Chairman Only