

**MINUTES OF THE ORADELL PLANNING BOARD  
SPECIAL MEETING  
TUESDAY, FEBRUARY 19<sup>th</sup> 2019**

Notice of this Special 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	Absent
Mr. Pastore	Absent
Mr. Dressel	Absent
Mr. Plucinski	Present
Mr. Lombardo	Present
Mr. Tankard	Present

**Also Present:**

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

Mr. Larson opens the meeting at 7:30 PM.

**Correspondence:** None

This special meeting has been called to consider proposed Borough of Oradell Ordinances:

<b>Oradell Affordable Housing Ordinance</b>	<b>Ord. #19-02</b>
<b>Oradell AH-1 &amp; AH-2 Residential Zones Ordinance</b>	<b>Ord. #19-03</b>
<b>Oradell Central Business District Overlay Zone Ordinance</b>	<b>Ord. #19-04</b>
<b>Oradell Mandatory Set-Aside Ordinance</b>	<b>Ord. #19-05</b>
<b>Oradell Amended Development Fee Ordinance</b>	<b>Ord. #19-06</b>

Mr. King explains the boards responsibility is to review the Ordinances before them are consistent with the Housing Element and Fair Share Housing Plan the board approved previously.

Mr. Larsen states for the record Ordinance #19-01 proposed at the Regular meeting of the Planning Board on February 5<sup>th</sup> 2019 was considered to be consistent with the Master Plan as adopted.

Mr. Larsen asks board planner Mr. Burgis to summarize the proposed **Ordinance #19-02**. Mr. Burgis explains the **Affordable Housing Ordinance** is designed to reflect the requirements of the Fair Housing Act and Uniform Affordability Controls provisions. These provisions include new construction and phasing requirements for Affordable Housing. The ordinance states a developer is allowed to develop 25% of units that are the market rate units before providing a

percentage of affordable units. Repeating this formula until 100% of the affordable units are constructed. The provision states integrating affordable units in any development, meaning it cannot develop multiple separate buildings of 100% affordable projects but allows the percentage of affordable units be integrated into the individual market rate buildings. The ordinance identifies the bedroom and income distribution requirements ie: no more than 20% of the affordable units can be studio or one (1) bedroom. It requires a minimum of 20% of the affordable units be three (3) bedroom units and the rest two (2) bedroom units. The provision regarding the sale, re-sale and rental of the units, price structure and income qualifications are established through State regulations. Mr. King asks if he believes the implementation of this ordinance would be consistent to the Fair Share Housing settlement that the Borough entered into. Mr. Burgis agrees, and adds both the settlement agreement and the adopted housing plan makes specific reference to the Fair Share Housing Act provisions and the Uniform Housing Affordability controls. Therefore, the board can conclude this to be consistent.

Mr. Scalcione asks for clarification of Section 1 Paragraph C1, whether it can be interpreted as the borough having latitude to revise the agreement if the current need is not being met. He cites the section that reads "the mechanism to meet unmet needs should be revised or supplemented." He questions if it is supplemented beyond the AH1 and AH2, would that be consistent with the Master Plan that was recently passed. Mr. Burgis explains if it were to occur, the borough would need to amend their housing Element and Fair Share Plan as spelled out in the Housing Plan and settlement agreement. He explains in July of 2020, the borough is obligated to post an assessment as to whether the borough met the number of affordable units at that time. As well as the Planning board making a determination as to whether the ordinance or Master Plan need to be amended as the result and or reason of not meeting those needs. He further states he can only recall one or two instances statewide, where Fair Share Housing Center has approached a municipality to see if they were interested in revising their plan. Mr. King states midpoint posting is a statutory requirement with all FSHC settlements. Mr. Scalcione asks if the need is not being met, presumably because of market conditions; will the town be expected to revise. Mr. Burgis states that does not necessarily force a change, as the town can determine the plan is sound, but for a variety of reasons development had not occurred. He adds the town has until 2025 to see how it meets its obligation. Mr. Plucinski asks if these ordinances prevent the town from dedicating a plot of land using example the Faye Place, solely for affordable housing; does the designation always have to be mixed. Mr. Burgis states if the town wanted to acquire the property and build 100% affordable project, they are entitled to do so. He recommends amending the housing plan. Mr. Plucinski states the intention would be to satisfy the seven or eight units we are obligated to for 2025. Mr. Burgis corrects this statement by stating the borough is not obligated to have these units built, the obligation is to enable zoning to allow it. Mr. King agrees. Mr. Derian adds, on page 3 paragraph A and B it states the statutory number to report, not necessarily build. The requirement is to report, account and notice annually. Mr. Burgis adds the only change is the requirement to post the review on the website, beginning in 2020. Mr. Larson draws Mr. Kings attention to Section 5 of all proposed ordinances that gives the board 35 days from the date they received the report on January 18th, 2019, to submit a report back to the Council stating the boards determination. Mr. King states that is correct and the board will receive a letter similar to the one they received regarding Ord. #19-01. Mr. Larson asks if there are any questions on Ord. #19-02 and as a matter of procedure the board will proceed by reviewing each ordinance, opening the meeting to the public and then taking a vote on each in sequence.

Mr. Larson asks Mr. Burgis to summarize **Ordinance #19-03**. Mr. Burgis states this ordinance sets forth regulatory controls for the **AH1 and AH2** zones along Faye Place and New Milford Avenue. The controls permit multifamily development at eight (8) units to one (1) acre with a 15% set aside for rental housing on Faye Place. Along New Milford Avenue provides for a 15% set aside if development is rental and 20% for sale housing. It also contains standard regulatory provisions, building and impervious coverage setbacks, building height of no more than two stories (2) and twenty-five (25) feet in each zone. Mr. Burgis states the Housing Element and Fair Share plan identify these properties for affordable housing development as inclusionary development consistent with this ordinance. Mr. Scalcione asks if the designation of 465 New Milford Avenue Block: 118 Lot: 2 as a historic resource in the 2010 Master Plan is inconsistent with the property now being included in the AH2 zone. Mr. Burgis states the Historic Preservation Element does not carry the fate intended. The ordinance permits that property to be redeveloped with a single-family house. Oradell does not have the power to preclude this from happening, recourse being to exercise Eminent Domain to acquire and preserve it. In regards to the Fair Share Center settlement, the center was adamant about the parameters of this district, while recognizing the limitations of a historic preservation element of a Master Plan has on the property. During settlement negotiations, Mr. Burgis was unable to point to any ordinance that mandated its preservation. Not having a uniform Historic area is rare. He gives an example of Rockleigh in Bergen County that has historical character and is uniform throughout the municipality. This allows them to have greater controls. Mr. Scalcione surmised that the town essentially created an area of more allowed density and therefore more attractive to a developer of multi-unit construction. While Mr. Burgis agrees he states it is an element of the affordable housing issue with this being the result statewide. Mr. Lombardo asks if construction of a new one family or refurbishment of a historic home can still be done in the AH1 and AH2 zone. Mr. King clarifies multi-family is not required and is only one of the allowed uses. He adds if the board would like, he could reference the property at 465 New Milford Avenue as identified as an inconsistency. He explains the Mayor and Council can consider this issue but do not have to abide by the finding of the board. Mayor and Council will then give an explanation for their decision in resolution. Mr. Plucinski asks if Mr. King was asked as follow-up to question at last month's meeting, whether the attorney for the board in 2010 has a signed copy of the Historical Element resolution. Mr. King states that the attorney does not have any records going back to 2010. Mr. Derian mentioned the train station is a historical property located in the B-1 zone and it is in AH overlay zone. Being in the zone does not necessarily mean it will be demolished. He has a list of all historic properties on the state and federal register which he believes to be 6 or 7 properties. The New Milford Avenue property is not identified as a historical property. During the Master Plans historic element passed in 2010, over 40 properties were identified. At the time it was recommended a Historic Commission be created and a study of these properties be prepared. No commission was formed and therefore no studies or plan formed. Mr. Plucinski asks if there was an acknowledgment of the property being designated historically significant in 2010 in the settlement negotiations. And if not, would this knowledge have changed the outcome. Mr. Burgis states at the time there was a discussion, but because the town was so far below in addressing their unmet need and the fact the property was not on a Federal register weigh heavily on the determination. The property only being a local consideration of being historically significant wasn't sufficient to overcome the proofs of additional affordable housing in town. Mr. Larson states before them tonight is the ordinance as it is drafted, and not what may or may not have happened in earlier stages of other elements of Fair Share. Mr. Plucinski states that in approving the recent Master Plan, this board was not aware of the Historic Preservation Element and questions whether that would have factored in their vote had they been aware. Mr. King reminds the board they are not looking at Master Plan voted on in December but the

Housing Element and Fair Share voted on in November. Mr. Scalcione asks why the AH1 and AH2 zones have different lot area and lot width requirements. Mr. Burgis explains the Faye Place property is single ownership and the area includes the right of way of Faye Place with the potential of being re-developed. In contrast the New Milford Avenue properties have smaller lots. Mr. Derian asks what does the applicant and Planning Board do if a developer were to purchase a property in AH1 and a property in AH2. Mr. Burgis states the applicant has to follow the zoning for each separate lot. Whether it involves variances for the lot or lots, the board will hear that application. Mr. Carnevale states the Historical Committee is working on a project that will enable them to designate properties with more authority as being historically significant. He feels that may address the properties discussed this evening. The volunteer committee to which he is a liaison will have a report for Mayor and Council sometime this year. Mr. Burgis states if any regulations result from this committee prior to a development being filed, those regulations can be considered as part of any site plan review. Mr. Lombardo asks how you would protect a property where it cannot be revoked by for example, an ordinance or settlement in a finite way. Mr. Burgis states a property being placed on a state or federal register gives it the best chance. Mr. King points out Oradell has no ordinance pertaining to Historic Preservation. The creation of a committee would be a next step. But local designation would not protect a property in the same manner and weight as a state or federal designation would. Mr. Derian states the Historic Preservation commission is created by Mayor and Council after or in conjunction with historic preservation ordinances, and commission is responsible for review and enforcement of properties. Mr. Larson asks if there are any more questions about proposed Old # 19-03.

Mr. Larson asks Mr. Burgis to summarize proposed **Ordinance #19-04**, relating to the **Central Business Overlay Zone**. Mr. Burgis explains a lot of discussion went into this zone. This overlay zone allows for up to two (2) stories of residential over one (1) story, on the west side of Kinderkamack Road only exclusive of the east side of Kinderkamack Road, north of Oradell Avenue. Maintaining the thirty-five (35) foot height limit already allowed. East side maintaining one (1) story of residential above one (1) story of at grade retail. The same set aside provisions applied mentioned earlier in Ord # 19-02. Regulations imposed are consistent with the current central business district plan regulatory controls. The ordinance historically allowed one-story apartments above at grade retail. Not allowing anything new that was not already allowed with the exception on west side of street the allowance of the additional story of residential. Mr. Scalcione cites number 2 permitted uses, and asks what is the differentiation of the central business overlay zone and the B-1 zone. Mr. Burgis explains other than the additional floor on the one side there isn't much of a difference between the overlay and the current B-1 zoning regulations. Mr. Scalcione clarifies the developer can build 2 stories above retail residential on the west side of Kinderkamack Road as opposed to B-1 zone that allows one (1) story above retail. Mr. Burgis agrees and explains this was result of a lot of discussion with Fair Share Center who wanted a straight ordinance without an overlay that would have allowed two (2) story height along both sides of the street. Finally, convincing Fair Share Center this would be inappropriate for the area. Mr. Scalcione asks for clarification on Dan Dressel's proposal, mandating on the west side of Kinderkamack Rd, that a developer building up to three (3) stories, the third had to be part of affordable housing development. This was rejected. Mr. Burgis states the biggest distinction is the underlying B-1 zoning does not require Affordable Housing set asides. So, in taking advantage of the second level of residential they then would be required to provide affordable housing. Mr. Scalcione again recalls Mr. Dressel's testimony. Mr. Burgis explains Mr. Dressel was suggesting if someone built the third floor (second floor of residential) the entirety of that floor would be require to be affordable housing. Mr. Burgis explains the ordinance states if the third floor (second floor of residential) were to be built and they were utilizing the overlay

zoning provisions 15% of the total units proposed on both floors needs to be affordable. Mr. Dressel's proposal was 100% of the third floor (second floor residential) would be required to be affordable housing. Mr. Carnevale offers his perspective of Mr. Dressel's testimony, that he was proposing that a third floor should only be allowed if it was supporting affordable housing. He as well as others disagreed with that recommendation and felt if 3 stories were built, but lacked enough units to support AH, we should still consider a 3-story structure. He states he feels they are consistent with what the board recommended in the plan in order to meet our obligation to Fair Share Housing. The approach has been to create or adopt ordinances that speak strictly to the overlay today, but does not preclude them to change them at a later date. Mr. Burgis clarifies COAH regulation provide for development under five (5) units to make a monetary contribution. Mr. Derian asks what happens with a proposed development if in the overlay does not have the minimum required lot width of 150 feet. Mr. King explains they would be required to request a variance for anything not in compliance with the zoning regulations. He explains the difference between C Bulk Variances and D Use Variance with the latter requiring going before the Zoning Board of Adjustment. Mr. Larson asks the board if there are any more questions on Ord #19-04.

Mr. Larson asks Mr. Burgis to summarize **Ordinance #19-05 Affordable Housing Mandatory Set Aside**. Mr. Burgis explains it is mandated in the Oradell settlement agreement as well as every settlement agreement statewide. The ordinance provides if the Zoning Board of Adjustment were to approve multi-family use variance application, or an applicant makes request to the governing body for re-zoning, applicant would be required to provide the 15-20% set aside depending on rental or for sale housing. The ordinance and settlement specifically state the provision of a mandatory set aside ordinance is not meant to suggest in any way, shape or form an applicant is entitled to such variance relief or re-zoning request in order to achieve this mandatory set aside. They will still need to prove their case before the Zoning Board and prove the rationale for a zoning change to the Mayor and Council. Mr. Scalcione asks for a clarification of Article 3. Mr. Burgis reads from Article 3 "nothing in this article precludes the borough or a borough board from imposing an affordable housing set aside in a development not required to have a set aside pursuant in this article consistent with the Fair Housing Act". He explains the Fair Housing Act make certain provision and examples where fair housing is not mandated. Mr. Scalcione argues the meaning is not clear. Mr. Burgis states the borough can impose a set aside in area which it is not required, meaning if the ordinance does not mandate a set a side in an area in which a developer has gotten approval or re-zoned for a multi-family development, the borough can still impose that mandate to provide affordable housing at percentages required in the ordinance. Mr. Lombardo feels that although explanation makes sense, he feels this article empowers people to make requests in lower density zones to make them into higher density zones by giving them affordable housing. Mr. Burgis disagrees and has never heard that interpretation before. This ordinance mandates if someone were to develop property in low density zone to build higher density multi-family housing, it requires them to provide affordable housing. It also states by virtue of having ordinance it does not mandate approval. Mr. Lombardo and Mr. Scalcione agree they are discussing an extreme circumstance. Mr. Scalcione puts forward a scenario that a developer purchases a low-density property on Soldier Hill Road and wants to build a high density and agrees to meet our set aside. That development disregards the intent of the Master Plan. Mr. Burgis states the ordinance simply states the board or governing body can approve the application and mandate the affordable housing requirement, the applicant still has to provide proofs and meet statutory burden of the Municipal Land Use Law identifies for variance relief or re-zoning requests for approval. Mr. Derian states he worries about the wording "has the right to impose" on something not required. Where a government entity is imposing on a property owner when not required by statute. Mr. King explains it does not state

you have an outright obligation or right to impose it has to be consistent with a statute that is referenced. The particular statute deal with incentivizing a development if they are not meeting their affordable housing requirement that would allow for a higher density use in a lower density zone, provided you make room for certain affordable housing units. Mr. Burgis makes clear there is no entitlement to approval of application regardless of affordable housing proposed. Mr. Scalcione asks if a developer is looking to redevelop the property, and town has not met their set aside obligation, can the town mandate set a side affordable housing where it is not required. Mr. Burgis explains using Mr. Carnevale's example of office zone where AH is not required. But if someone was to develop the area and be granted a use variance this ordinance mandates the set aside. Mr. Burgis explains the examples run counter to the philosophy of the Mount Laurel doctrine. The concept is your given an increased density that helps pay for the affordable unit, that's how the 15-20% set aside came to be. The determination that it was a reasonable level set aside that is balanced with the additional units. Mr. Scalcione states he believes the language is problematic. Mr. Plucinski believes if the State were to read Oradell's ordinances in total, they would conclude Oradell is taking every opportunity to avoid meeting their AH obligations. He gives 3 examples, Faye Place only required 15-20% of total units instead of 8 units. Small lots are now exempt, third story units on Kinderkamack Road are exempt from AH. These are missed opportunities to provide AH. Mr. Larson clarifies these ordinances were drafted to be conform with Fair Share Housing Agreement. Mr. Burgis explains the process to the board, initial fairness hearing before the judge where Fair Share Housing Center agreed in concert to this approach. The judge agreed given the fact Oradell is a fully developed municipality, this represented a fair and reasonable approach that serves the interest of low- and moderate-income households. The formal documents Fair Share Plan and Housing Element were prepared, consistent with what was agreed upon at hearing. The judge as well as the Fair Share Housing Center reviewed those documents and ordinances proposed tonight and agreed they were consistent as well. We were given x amount of days to adopt the Housing element. The judge, Fair Share Housing, borough council all found this to be satisfactory. Mr. Larson makes a point of clarification that there is not an obligation to build AH units but to provide opportunity to build the AH units. In his view these proposed ordinances provided that and are consistent with the agreement and Affordable Housing and Master Plan Element. And provide the opportunity to provide the amount of housing deemed sufficient. Mr. Burgis further states beyond that what the Mandatory Set Aside Ordinance states is if someone wishes to develop a property that was never a part of the Housing or Master Plan, and approved for re-zoning or variance, they would have to provide a set aside for affordable housing as part of the re-development. He believes it covers a lot of the bases the board wanted to cover, by virtue of the them approving the plan. He goes on to say every few years they are obligated to identify what progress is being made and in 2025 a review is done to determine if the plan adopted came to fruition or not. Mr. Plucinski reiterates his concern of being able to meet that need of eight (8) incremental units, instead of taking these opportunities we are restricting these opportunities. Mr. Burgis disagrees and counters, if there was a development with two residential above one floor of at grade retail, with that third floor 100% affordable housing, translates into what would likely mean 50% or more set aside, which is unheard of. The affordable units are financial losers to developers, having only 50% market rate units would not make up the loss, and you will never see any development. The reason for the 15% and 20% is to make a project financially attractive for development. to Mr. Plucinski states that is why you think out box and do partnerships with Habitat for Humanity as we did by the Mini Mart. Mr. Burgis explains this ordinance does not preclude the town to still do that. Mr.

Derian states there is nothing in our ordinances to prevent someone from having a 100% set aside.

Mr. Larson asks Mr. Burgis to summarize **Ordinance #19-06- Development Fee Ordinance**

We currently have a Development Fee Ordinance presently, and have adjusted the fee to be consistent with the current COAH regulations. It increases the mandatory residential fee from 1% to 1 ½ %, of the equalized assessed value and the non-residential from 2% to 2 ½ % of the equalized assessed value of development. In the housing plan there is a spending plan, where we make estimates of how much additional monies, we may get from this Development Ordinance. Then identify how best to use the money. Example to address the rehabilitation component of the housing plan. The Rehabilitation component allows for residents living in sub-standard housing, needing assistance with loans and or grants to fix major structural elements and deficiencies to the homes. Mr. Larson clarifies this is just an adjustment to existing fees, and is a fee that applies to new ground up development and does not apply to a typical home renovation. Mr. Depken observes the ordinance exempts residential expansions and renovations and only applies to new dwellings units, and asks how would you define a new dwelling. Example, if they take down the dwelling to the foundation, or leave one wall. Mr. Burgis explains the COAH regulations address this as this has been a statewide problem, but coming down to the foundation does not qualify. Mr. Depken asks if this definition has been an issue that he sees in other municipalities. Mr. Burgis replies initially it had been an issue until changes in the COAH regulations were addressed. He will make sure Mr. Depken has all current COAH regulations and provisions. Mr. Scalcione asks the meaning of section A 240-9.7 the sale of units with distinguished controls. Mr. Burgis explains when an AH is sold, or the controls are ended, the seller is limited by the regulation as to how much profit they are entitled too. This is to ensure developers or speculators do not buy up the affordable units, so that when the controls are extinguished, which can last anywhere from 10 to 30 years, it prevents a windfall. There are controls of percentage increase seller is entitled to achieve and the rest is put into the Housing Trust Fund for the municipality. Mr. Larson asks if there are any additional questions on Ord #19-06.

At 8:56 PM, Mr. Larson made a motion for a 5-minute recess. Mr. Scalcione moved and Mr. Derian seconded the motion.

ROLL CALL:

All in favor

At 9:03 PM Mr. Larson made a motion to reconvene the meeting. Mr. Plucinski moved and Mr. Carnevale seconded the motion.

ROLL CALL:

All in favor

Mr. Larson opens the meeting to the public for comments and asks they limit their comments to the proposed ordinance as well as limit comments to 5 minutes.

Mr. Paul Latsounas of 50 Beverly Road references, 465 New Milford Avenue Block 118 Lot 2, the Post Office will be celebrating 125th anniversary in Oradell and the building is 211 years old, which he believes to be very historical. He asks Mr. Burgis why “your man couldn’t say no to the affordable housing guy”. Mr. Larson interjects to explain this is not part of the ordinance.

Mr. Burgis explains Steve did not recall the conversation and he does not know why he said it. Mr. Latsounas asks if Mr. Burgis was aware, we had a Historical Element and it was never brought up to the council or the planning board and is very dissatisfied with this situation. Mr. Larson again explains the Fair Share Housing agreement is an executed document and not up for discussion at this meeting. Mr. Latsounas asks if we meet our fair share housing obligation can we change our Fair Share Housing Plan to exclude a property deemed historical. Mr. Burgis states our obligation is technically 308 units plus 89 units total 417 units, and it is his position that we will never meet that obligation. Using some details of the COAH regulations, were able to get a downward adjustment to identify a realistic development potential of 13 units, still leaving with the large unmet need. He explains a plan can always be revised, but would need to go back to the courts. Mr. Burgis reiterates none of this has anything to do with what is before them tonight. Mr. Latsounas continues his line of questioning and asks if infrastructure and utilities were addressed. Mr. Burgis explains with any development this would be addressed in the site plan review. Mr. Latsounas thanks Mr. Scalcione for his line of questioning tonight and all others who participated.

Jo Ann Young of 671 East Drive states she attended to hear about the Historical Element and wants to know for the Historical Committee, when will the Planning Board address this subject. Mr. Larson explains they have just learned of the issue of connecting the dots. Mr. King explains although he has not seen the minutes approving the Historic Elements himself, he assumes with proofs, and strong record he does not see an issue with approving the Historical Preservation Element. Next step would be to show in the minutes that it had been approved 2010, and the only thing not done was a drafted resolution. Mr. Larson states this issue will be addressed. Mrs. Young states that from her interactions and efforts she sees the issue is very important to the residents of Oradell.

Larraine Bogart of 83 Wanamaker Avenue asks about the missing revisions to the Master Plan that were posted on the website last month. Mr. Larson explains 2 of the 3 language issues have been documented and 1 final issue pertains to a correctness of a map. They would like to have all 3 revisions completed before posting as final.

Carol Males of 740 Lotus Avenue states through her investigation a Historical Preservation Element and Ordinance was indeed passed and questions when it will be posted on the website, and a hard copy in Building Department. Mr. Larson explains they will follow this process they currently undertaking. And will be posted alongside the Master Plan. There will be no changes to the language and will be adopted as it was worded in 2010.

Sam Tripsas of 327 Maple Avenue asks had the absence of the Historic Element over the last 2 years effected the discussion, vote and outcome of the update of Master Plan and did the board realize or understand not having the Element may have changes the outcome of some of these properties and taken different approach. He does not want an imitation historic downtown that copies the Town Hall aesthetic. Mr. Carnevale explains the re-examination to the Master Plan focused on the Central Business District and Housing Element. He assumed at the time the Historic Element was part of Master Plan. The fact the Historical Element was not part of the re-exam, the absence of it has no bearing on his voting on the revisions in Decembers meeting. Mr. Tripsas asks if the board watched the tapes from January 2010 to March 6th, 2010, because it is his opinion that board represented the residents which he does not share same opinion about the current board. Mr. Scalcione states he was not aware of the Historical Element document until last meeting and irrespective of any agreement with Affordable Housing he would have felt



differently when establishing the AH2 zone. He would have looked to take parcel known as 465 New Milford Avenue out of that zone.

Theresa Trass of 297 Maple Avenue states she arrived late and wants to know if there are provisions for an amendment into the Master Plan if the Fair Share Housing is rescinded, to have an out to not oblige to any obligations made or planned to make. She states there is a movement called "Stop the Madness" because it is a heavy developer latent situation. Congresswoman Schepisi is a proponent and says towns are putting this into their Master Plans. Does not want to see the town obligated to something they do not need to be. She asks has the board looked into it and are they going to. Mr. Carnevale states Assemblywoman Schepisi suggests towns put it into the Fair Share Housing Agreement, but a legislative change would supersede the agreement. This board has looked into it and the fact that a legislative change would supersede an agreement. He feels as a community, we are already protected. Mr. Burgis states that a provision is already in the agreement, stating if our obligation gets adjusted downward to 20% then the agreement can be revisited. Mr. Derian asks if a legislative change affects the housing plan, can the board change the Housing Element in the Master plan. Mr. King replies yes, based on changes of the law and changes in the specific language in the law. Mrs. Trass states the board is not listening to the residents and they want as much protection as possible when faced with keeping the nature of their town. They do not want to give any leeway to developers who already have a process to come in and build if they want. She feels the board is opening the door even further for them and they have the money and resources to do what they want. She is disappointed and feels the board made a mistake not keeping the floor area ratio. The board will be who the people will look to when people ask what happened to Oradell. Mr. Larson cautions Mrs. Trass to limit comments to the proposed ordinances before them tonight. Mr. Carnevale says he will be happy to discuss this issue at the next Council meeting. Mr. Derian states they had no input about the Historical Element in the re-examine and did their best to address from a historical perspective design, architectural elements and quality of construction. While also looking at all the properties on the National and State register to ensure that whatever we did would not adversely affect those properties. They performed their due diligence and went above and beyond their charge. Mr. Larson asks if there are any other additional public comments.

Seeing no one he makes a motion to close the public portion. Mr. Scalcione moved and Mr. Derian seconded.

ROLL CALL:

All in favor

Mr. Larson asks for a motion on proposed Oradell Ordinance #19-02, that this is consistent with the Master Plan and Housing Element as adopted.

Mr. Derian moved and Mr. Carnevale seconded. Mr. Depken states Mr. Tankard and Mr. Lombardo will be voting in the place of absent members

ROLL CALL:

Ayes:

Mr. Lombardo, Mr. Tankard, Mr. Plucinski, Mr. Scalcione, Mr. Carnevale, Mr. Derian, Mr. Larson

Mr. Larson asks for a motion on proposed Oradell Ordinance #19-03, that this is consistent with the Master Plan and Housing Element as adopted.

Mr. Derian moved and Mr. Carnevale seconded.

ROLL CALL:

Ayes:

Mr. Lombardo, Mr. Tankard, Mr. Plucinski, Mr. Scalcione, Mr. Carnevale, Mr. Derian, Mr. Larson

Mr. Larson asks for a motion on proposed Oradell Ordinance #19-04, that this is consistent with the Master Plan and Housing Element as adopted.

Mr. Derian moved and Mr. Carnevale seconded.

ROLL CALL:

Ayes:

Mr. Lombardo, Mr. Tankard, Mr. Plucinski, Mr. Scalcione, Mr. Carnevale, Mr. Derian, Mr. Larson

Mr. Scalcione asks that a motion be included in Ordinance #19-03, for the Mayor and Council to recognize Block: 118 Lot: 2 as a historical resource. Mr. King states if the board already voted Ordinance # 19-03 was consistent with the Housing Plan Element and Master Plan then he can in the letter to Mayor and Council remind them of the historical significance of 465 New Milford Avenue. Beyond that there is not much more they can do since it was already deemed consistent. This would not change the language of the ordinance itself. Mr. King states the language will be the board found the ordinance to be consistent but would like to point out and stress the importance of their finding that 465 New Milford Avenue as a historic resource. Mr. Scalcione agrees.

Mr. Larson asks for a motion on proposed Oradell Ordinance #19-05, that this is consistent with the Master Plan and Housing Element as adopted.

Mr. Scalcione moved and Mr. Carnevale seconded.

ROLL CALL:

Ayes:

Mr. Lombardo, Mr. Tankard, Mr. Plucinski, Mr. Scalcione, Mr. Carnevale, Mr. Derian, Mr. Larson

Mr. Larson asks for a motion on proposed Oradell Ordinance #19-06, that this is consistent with the Master Plan and Housing Element as adopted.

Mr. Derian moved and Mr. Carnevale seconded.

ROLL CALL:

Ayes:

Mr. Lombardo, Mr. Tankard, Mr. Plucinski, Mr. Scalcione, Mr. Carnevale, Mr. Derian, Mr. Larson

**Old Business:** None

**New Business:**

The dates have changed for training, to be provided by the Oradell Police Department. Mr. Depken states he will send a new email to the board with new dates and information and if they can please reply directly to that email. Mr. Depken also asks the board to take the information left for them regarding the Mandatory classes for board members given by the NJPO. They are to indicate the date and class they wish to take and return it to his office. The registration will be done through his office.

Mr. Carnevale states he would like to be proactive in approving the Historical Element at next meeting. Mr. King states a point of clarification that if in fact the minutes prove that in 2010 the Historic Element was approved, that approval is still effect. The reason for the memorialization of a written resolution is for the appeal period. The appeal period is 45 days from the memorialization of the resolution. Once it is memorialized starts the clock. Mr. King has an unexecuted resolution and can have it ready for board approval at the March 4th meeting. Mr. Depken clarifies that since it is in effect, he can post it on the website.

**Elaine Bogart of 83 Wannamaker** requests to be heard. She asks if an OPRA request was filed for the Historical Element resolution and that maybe it can be found that way.

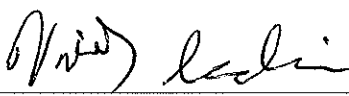
Mr. Larson moves to adjourn the Special meeting at 9:43 PM.

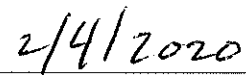
Mr. Scalcione moved and Mr. Derian seconded.

ROLL CALL:

All in favor

Adjourned at 9:43 PM

  
Secretary

  
Date