

**ORADELL PLANNING BOARD
REGULAR MEETING
MARCH 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	Absent
Mr. Pastore	Present
Mr. Dressel	Absent
Mr. Plucinski	Present
Mr. Lombardo	Present
Mr. Tankard	Present

Also Present:

Mr. Depken, Construction Official
Mr. Reagan, Esq., Covering Board Attorney
Mr. Atkinson, Board Engineer

Mr. Larson stated that the board has a covering board attorney for this evening. He introduced Mr. Frank Reagan who is a partner at the Decotiis law firm. He explained that Mr. King is out of town and Mr. Reagan would be sitting in for him.

Approval of the minutes of January 8, 2019

Mr. Larson asked if any members of the board had comments on the minutes. Mr. Carnevale stated that he had an edit on page 7. He discussed the edit that he had in regards to the Columbia Bank discussion. Mr. Larson stated that he had a few minor edits which he would give to Mr. Depken after the meeting. Mr. Depken suggested that he emails the edits to the office.

Mr. Larson made a motion to approve the minutes as amended, and Mr. Carnevale seconded the motion.

ROLL CALL:
All in Favor

Approval of the minutes of February 5, 2019

Mr. Larson asked if any members of the board had any comments on the minutes. Mr. Carnevale discussed an edit he had for page 3 in regards to a discussion on contacting the former board

attorney, Mr. Bell. Mr. Larson stated that he had a few minor edits as well and would email them to Mr. Depken.

Mr. Larson made a motion to approve the minutes as amended, and Mr. Derian seconded the motion.

ROLL CALL:
All in Favor

Correspondence:

2-7-19 Letter to Stephen A. Depken, Construction Official/Zoning Officer, from David Atkinson, P.E., P.P. C.M.E., for the Borough Engineer, re Soil Movement Review, Proposed Addition to Thomas Residence, 554 Summit Ave., Block 701, Lot 17.

2-14-19 Copy of letter to John Tumino, Buddy Realty, LLC, Block 601, Lot 48, Minor Subdivision, 875 Soldier Hill Rd. from Erick V. Timsak, P.P., Supervising Planner, County of Bergen.

2-21-19 Copy of letter to Mayor and Council from R. Scott King, Esq., Planning Board Attorney, re Draft Ordinances 19-02, 19-03, 19-04, 19-05, 19-06, Review for Consistency with Current Master Plan.

2-21-19 Copy of letter to Stephen P. Sinisi, Esq., 2 Sears Drive, Paramus, NJ from R. Scott King, Decotiis, Fitzpatrick, Cole & Giblin, LLP, re Buddy Realty, LLC, Minor Subdivision, 875 Soldier Hill Rd., Block 601, Lot 48.

Committee Reports

Subdivisions, Site Drainage & Soil Moving

New Application:

**CAL. #S-112-19
Block 701, Lot 17**

**Richard Thomas
554 Summit Ave.**

Soil Moving

Mr. Carnevale stated that there is a soil moving application before the board and asked the applicant to come forward. He asked that the applicant be sworn in. The property owner, Richard Thomas and the engineer for the project, Angelo Onello were both sworn in by Mr. Reagan. Mr. Carnevale accepted the engineer's qualifications as an expert witness. He asked if they could begin by presenting an overview of the project. Mr. Onello stated that this property is an atypical lot but overall has a very long depth. He explained that the addition is on the backside of the house. He stated that the existing patio would be removed for the location of the new addition along with a second-floor expansion. He stated that in doing this addition, the basement would be expanded. He explained that the soil being removed in the basement would be spread throughout the backyard so this would be a zero-net fill. He explained that the retaining wall in the back is a tree well to protect the tree. He stated that for drainage purposes they are taking all the roof leaders in the back and connect them to a drywall in the back. He explained that they will be installing plasticized chambers which are easy to install and very effective. He stated that there would be

zero impact to any of the neighbors. Mr. Carnevale asked the board engineer if there were any outstanding items in regards to their memo. Mr. Atkinson stated that majority of their concerns were addressed by the applicant. He explained that the applicant did update the soil moving application to reflect the correct volumes. He stated that the differences between the architectural plans and the site plans are a reference to a patio and asked if they are installing a new patio. Mr. Thompson explained that a new patio is proposed but they could go with it or without. He stated that it would be a 12 x 12 brick patio on top of crushed stone. Mr. Onello explained that there are existing steps which the applicant is proposing a patio at the base of those steps. He stated that the impervious area would increase but this would be de-minimus. Mr. Atkinson stated that this needs to be reflected on the site plan and they would have to revise it. He explained that this increased impervious surface needs to be confirmed and included in their drainage calculations. He asked if they are proposing any exterior lighting. Mr. Thompson stated no. Mr. Atkinson asked them to confirm that the proposed boulder wall was under 3 feet and asked what the highest point is. Mr. Onello stated that the highest point is 2'8" high. Mr. Atkinson asked if they are proposing any fences on top of the retaining wall. Mr. Onello stated that they are not proposing a fence but they would not object to being asked to put in a safety fence. Mr. Atkinson explained that the drainage system being proposed appears to satisfy the increased impervious coverage yet the patio might slightly change this but this could be addressed later on. He detailed the requirements the applicant has in regards to their approvals on the installation of the infiltration system. He stated that most of the items are conditional things which the applicant would have to adhere to during the course of construction. Mr. Depken asked what they are planning for with the soil stabilization. Mr. Thompson stated that they would be installing sod. Mr. Onello and Mr. Atkinson discussed options in regards to the drainage calculation submission with adding the patio onto the site plan. Mr. Atkinson stated that they may have to pick up an additional roof leader on the existing house to tie into the chamber in order to not increase any run off. He explained that this would offset any additional impervious coverage. Mr. Onello stated that they would add the additional roof leader. Mr. Carnevale asked if any of the board members had any questions. Mr. Derian asked them to confirm that the lot coverage on the property is so under the allowable amount that even with the addition and the patio, there would still be a lot of property left that they could cover. Mr. Onello stated that the allowable building coverage is 25% and with the home addition completed the property would be at 5%. He explained that the allowable overall coverage is 40% and the addition along with the patio would result in approximately 9%. Mr. Carnevale asked if there were any questions from the public.

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

ROLL CALL:

AYES: Tankard, Lombardo, Plucinski, Pastore, Carnevale, Scalcione, Derian, Larson

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 with looking at the newly painted Borough Hall it reminds him of the maintenance that needs to be done to the most historic building within the Borough. He explained that the train station has been deteriorating for years. He stated that himself and Mr. Depken had done a walk-through of the train station back in June 2017 and documented all the issues of the external areas of the train station. He explained that somehow the Borough had found the money to paint this building but they could not find the money to paint the train station which desperately needs it. He asked when the train station would be painted. He stated that the train station is the most publicly accessed building in the Borough and puts the town in the most liability if something were to happen particularly with the porch decks. He explained that there was mention of general revenue that was set aside last year and asked where are those funds at. Mr. Larson stated that he believes the Mayor is looking into this matter. Mr. Plucinski asked how the Borough had decided to paint the Borough Hall instead of the train station. Mr. Derian stated that he agrees with Mr. Plucinski on the train station but this board is not the entity to be asking these questions. He explained that he had watched the last Mayor and Council meeting which they had discussed grants they are looking into to fund the work on the train station. He stated that the Planning Board is not the venue to discuss this matter. Mr. Plucinski explained that he is the Chairman of the Historical Preservation subcommittee and this is the place to discuss this matter. Mr. Larson stated that what they are trying to express is that the Planning Board is not in charge of the Borough's funds. Mr. Plucinski stated that Mr. Carnevale is the liaison to the Council and it was stated there were funds last year and asked where those funds are. Mr. Carnevale explained that Mayor Didio had reported at the last Planning Board meeting that most of the funds for the train station would come from a grant. Mr. Plucinski stated that this matter has been going on for two years and someone could get hurt at the train station site. He explained that the Borough found the funds to paint this building and asked why those funds were not set aside to paint the train station. Mr. Depken stated that there had also been no structural study done for the train station. Mr. Larson suggested that Mr. Plucinski should speak about this particular issue at a Mayor and Council meeting. Mr. Plucinski stated that he was under the impression that this would be taken care of when the Planning Board was told there was general revenue set aside last year. Mr. Larson stated that at this point the only action that can be taken is by the Mayor and Council. Mr. Carnevale explained that he would take up this matter at the next Mayor and Council work session. Mr. Plucinski stated that he would try to attend that Council meeting. Mr. Depken explained that when going to the Mayor and Council meeting a member of the board should speak as being a resident not a board member.

Master Plan, Open Space, Environmental & Circulation Systems

Mr. Larson stated that they would continue a discussion which was started at the prior meeting on the existence of and the completeness of the Historical Preservation Element of the Master Plan. He explained that the board is aware of and has reviewed the Historical Element dated January 12, 2010. He stated that this was brought to the board's attention as a result of an administrative oversight in which there was an approval of the Historical Element in March 2010 and an adoption of a resolution in April 2010 but it appears that the resolution memorializing the element and the adoption of the Historical Element had not been executed by that Planning Board. He explained that on the agenda this evening is a resolution that is intended to only approve the prior execution and the adoption of the Historical Element of 2010. Mr. Derian stated that back in March 2010 the Historical Element was approved and passed. He explained that in April 2010 the resolution memorializing the Historical Element was voted on, approved and passed but for whatever reason the document was not signed. He stated that what the board is proposing to do is to rewrite another resolution to confirm the original resolutions' existence and this board is going to vote on it and sign it. He explained that the board is just fixing a technicality. He stated that he would like to amend the first sentence of the resolution to remove the first whereas, in order to keep the resolution as factual as possible. Mr. Larson confirmed with the board attorney that the removal of that whereas clause would not impact the legal effect of the start of the resolution and the Historical Element itself. Mr. Reagan stated that this is correct. Mr. Carnevale stated that he is not in favor of removing that item all together because it does not reflect what transpired in 2010. Mr. Plucinski asked why they would be changing this resolution at all. Mr. Derian discussed his interpretation of how the resolution is worded and how the current board is only clarifying a technicality from 2010. Mr. Carnevale suggested an alternate edit to the resolution and with re-reading the section he detailed the edit information to the board. Mr. Derian stated that he was fine with this edit. Mr. Larson asked if there were any further comments from the board.

Mr. Larson made a motion to approve as amended, and Mr. Carnevale seconded the motion.

ROLL CALL:

AYES: Tankard, Lombardo, Plucinski, Pastore, Carnevale, Scalcione, Derian, Larson

By-laws

Nothing to report.

New Business

None

Old Business

Mr. Depken asked if everyone had signed up for a date for the cyber training and who has already gone. Mr. Derian stated that he went. Mr. Depken discussed the mandatory training class for new board members and included in the packets was the information from the New Jersey Planning Officials. He explained that there are two dates coming up in March and April. He stated to please look into those dates, choose which one they would like and to contact his office for the member

to be enrolled. Mr. Larson asked about the boards' financial disclosures. Mr. Depken stated that the Administrator had informed him that she is waiting for the State to give her the documentation for the portal. He explained that as soon as he gets the information, he would send it out to the board members. Mr. Larson stated to Mr. Tankard that there is a mandatory financial disclosure which each member is required to complete every year for the State. Mr. Carnevale asked to confirm the process on the board getting caught up with minutes. Mr. Larson stated that the minutes would keep current along with working backwards to catch up on 2018 meeting minutes that are outstanding. Mr. Derian explained that he would like to note on the record that the current minutes for the past couple of months have been excellent and he was very impressed. He stated that the recording secretary is doing a great job.

Mr. Larson opened the meeting to the public for comments. He stated that before doing this he would like to affirm a few rules so to ensure a civil discussion. He explained that each member of the public would have one opportunity to speak which they would have no more than five minutes and the comments must be directed directly to the Planning Board members and not to any of the board's professional advisors. He explained that this time would be for comments only and not for any Q and A sessions. He stated that most importantly for the discussions to be courteous and respectful. He explained that these are five simple rules and would now like to open the floor to the members of the public for comments.

Sam Tripsas 327 Maple Avenue stated that he would like to comment on this statement and asked why the public cannot have a question and answer discussion. He asked why this time was only for public comment. Mr. Larson stated that this is a public meeting and the board is giving the public an opportunity for public comment. He explained that if a member of the board chooses to respond, they are more than welcome too but this time is limited to comments. Mr. Tripsas stated that he would like to comment on the train station. He explained that Mr. Plucinski had stated that the train station is deteriorating and needs to be painted. He explained that what he observed is the board not taking a position and Mr. Plucinski should not have to go to the Mayor and Council as a resident but rather he should be going as a representative of the board to raise these concerns. He stated that he is observing no concern from the board and asked if the board could comment on this. He explained that Mr. Plucinski need support from the board. He stated that the board had an opportunity to read the Historical Element and use it in this situation. He explained that the board should be showing an interest. Mr. Carnevale stated that he appreciates Mr. Tripsas' comments and as being the liaison to the Council, he feels this is his responsibility to bring the matter up at the next Mayor and Council meeting. He explained that he knows Mayor Didio is following up on the funding through grants for the repairs of the train station. He stated that he does appreciate Mr. Plucinski reminding the board that these repairs need to be addressed. He explained that he would discuss this matter with the Mayor and Council at their next work session. Mr. Tripsas asked when the resolution on the Historical Element would be available since he is seeing the chairman and secretary both here tonight to sign it. Mr. Depken stated that the document needs to be amended and after this is done, the chairman and secretary would sign it so that it would then be made available to the public. Mr. Tripsas explained that there is a structure on Kinderkamack Road which used to be Anchor Dance Studio and would now be a Fred Astaire Studio. He stated that he had observed the façade being changed along with new windows. He explained that they are putting on styrofoam and stucco. He stated that in prior meetings, it was discussed going forward that the buildings would be brick to match all the rest of the downtown

area. He asked if the board had observed the material being used at this location. Mr. Derian stated that he has seen this but unfortunately the Planning Board has no jurisdiction on what the individual property owner does. He explained that the only time the board could comment or have them meet the architectural standards outlined in the Master Plan would be if the property owner decided to submit a site application to the board. He stated that as of right now since the individual is only making cosmetic changes to the building this does not require them to come before the board. Mr. Tripsas explained that an architectural review board would be beneficial for matters such as this. He stated that in this situation, the individual went straight for a building permit but somewhere there could have been a discussion for this. He explained that for example, the urgent care application had made an agreement for their façade. Mr. Carnevale stated that the Master Plan was not formally adopted until December 2018 and the Mayor and Council would need time to look at aspects of the updated plan to see what could be implemented or not. Mr. Tripsas explained that he would like to make comments about the Columbia Bank site. He stated that the resolution indicated 14 fixtures but asked why the sconce lighting was not accounted for. He explained that there are not 14 lighting post in the parking lot. He stated that he believed there was an error somewhere. Mr. Depken explained that they would have to ask the Borough Engineer which at that time was Boswell Engineering. He stated that they had done the review of the site plan and the bank's approval. He explained that if the board wishes, he could send these questions to the engineering firm. Mr. Larson asked if the comments are that of the amount of lights on the site exceed what is in the resolution. Mr. Tripsas stated that he believed it does. He explained that there are 22 sconce lights around the building which are on from dusk till about 7:30 PM. He stated that the Borough may not be asking the right questions from the Bank. Mr. Carnevale stated that he was on the board during this application and he recalls that the 14 fixtures were not in reference to the sconce lighting. He stated that they would need to validate this. He explained that he remembers the number of lights were for the parking lot area to address the separate structures for the ATM and all of the signage which was required because of the way the property is set up. Mr. Tripsas stated that they would need to confirm this since there is no reference for the sconce lighting. Mr. Carnevale explained that he would have to go back to review this matter. Mr. Depken asked if the board would like for him to inquire information on this from the prior Borough Engineer on the number of lights. Mr. Larson stated that this would be appreciated.

Linda Valkenburg at 627 Ridgewood Avenue asked when the public would be allowed to ask questions on procedure and legalities. Mr. Larson asked what this relates too. Mrs. Valkenburgh stated that this is in regards to the dumpster at the Columbia Bank site. Mr. Larson explained that Mr. Depken had spoken at great lengths at the prior meeting regarding the dumpster on this property. He asked if Mr. Depken would please restate what he had explained at the prior meeting regarding the dumpster. Mr. Depken stated that when an applicant comes in such as for the dumpster at Columbia Bank, he would go through his zoning review and the resolution for the project. He explained that within the resolution, he looks at the conditions the board approved and placed on the approval for the project. He stated that there were no conditions in regards to a dumpster on this site. He explained that they submitted an application requesting for approval for a dumpster and he went through the condition section in the resolution to see if there was anything to restrict it but there was nothing in the conditions for their approval. Mrs. Valkenburgh asked when the Planning Board approves a resolution is it an official legal document. Mr. Reagan stated yes. Mrs. Valkenburgh asked if an applicant, two years later, chooses to have something on their site shouldn't they have to go back to the Planning Board again since the Planning Board had

approved a resolution were the applicant had given testimony which they would not need a dumpster. Mr. Depken stated that if this was in the conditions placed upon the applicant then he would agree with this statement. He explained that during the Columbian Bank application, his recollection was that there were conversations about not having a dumpster because none was shown on the drawings. He stated that a question came up on if they had needed a dumpster and they testified that the janitorial staff comes in and takes the trash with them so there would be no need for a dumpster. He explained that this matter had never been deemed a condition upon their approval. He stated that the board was concerned with certain conditions in regards to buffer zones with the adjoining residential properties. He explained that the bank had applied for the dumpster and it was approved because in the original resolution from the Planning Board there was no condition placed for this matter within that resolution. Mrs. Valkenburgh stated that she understands this but it took the voice away from the residential area. She explained that she now looks out her window and sees this dumpster and it affects the value of her house. She stated that she is the second house away from the site and the dumpster could be seen out her second story window. Mr. Depken explained that the bank had put up a buffer fence and landscaping on this side of the property. Mrs. Valkenburgh stated that they no longer have their 20-foot buffer because of the dumpster within that area and the dumpster gate is always left open. She explained that she does not agree with this because the resolution is a legal document and it has written testimony, they would not have a dumpster. Mr. Depken asked what her concern are with the dumpster. Mr. Larson stated that the resolution is a legal document but there is not a legal condition for them to not have a dumpster. Mrs. Valkenburgh asked if the board has to put legal conditions in every resolution. Mr. Reagan stated that that based on what he heard, this matter was not a part of their site plan. He explained that there was discussion during the course of the meeting on not needing a dumpster but they had changed their minds and as long as the Zoning Officer had made a determination that it is permissible, issued a permit and they complied with the Zoning Ordinance then this is all that was necessary. He stated that it is not the board's jurisdiction to deal with this matter. Mrs. Valkenburgh asked if this is the case even with the change in their resolution. Mr. Reagan stated that there was no change in their resolution because this matter is not reflected in their conditions. Mrs. Valkenburgh explained that going forward the board should keep this in mind when putting specifics on what they want and do not want within a resolution.

Paul Latsounas at 50 Beverly Road stated that the Borough should prohibit underground parking and asked for an amendment to the last meeting. Mr. Larson stated that this is a comment in regards to an ordinance that is no longer with the board. He explained that all the board did at the prior meeting was deem that the ordinances were consistent with the approved Master Plan. He stated that to debate specific items within the ordinance would need to be brought up with the Mayor and Council. Mr. Latsounas recited a statement that he had written to the board in regards to development. Mr. Derian stated that Mr. Latsounas was well spoken. He explained that he would like to express that the board had stressed within the Master Plan to retain open green space and preservation of the residential character in the town for the residential areas.


Theresa Trass at 297 Maple Avenue stated that she was very happy to hear that the board had gone forward with the approval of the Historical Element for the Master Plan because the Borough really needs to preserve what they have within the town. She explained that it is good for the town to have a Historical Element for its buildings. She stated that she would like to express that the Borough needs to take care of their historical buildings especially the train station. She explained

that she hopes the board continues to strive to preserve the town's Historical Element and be open to a future Historical Commission in order to keep the town as beautiful as it is.

Mr. Larson closed the meeting to the public.

Motion to adjourn was made by Mr. Larson.

The meeting was adjourned at 8:36 p.m.


Secretary

*Chairman Only