

**ORADELL PLANNING BOARD
REGULAR MEETING
MARCH 2, 2021**

Notice of this meeting was published in official newspapers, prominently posted in Town Hall and filed with the Borough 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. Baumann	Present
Mr. Tankard	Absent
Mr. Dressel	Absent
Mr. Plucinski	Present
Mr. Cohen	Present
Mr. Kang	Present

Also Present:

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

Correspondence:

**2/22/2021 - Letter to Mayor and Council, from R. Scott King - Planning Board Attorney.
File No. J 7-077**

NJPO Planner Nov/Dec, VOL 81, No.6

3/1/2021 - email from Bergen County, the North Jersey Transportation Planning Authority (NJTPA) and the New Jersey Department of Transportation (NJDOT)

Mr. Larson stated as a follow up to the February meeting, a letter dated February 22, 2021 has been sent to the Mayor & Council and that all board members received a copy of the letter. Mr. Larson stated that the letter was sent by Mr. King on behalf of the board and explained that the letter identified items to be considered by the Mayor & Council as they prepare ordinances consistent with the Master Plan.

Mr. Larson stated the next item of correspondence is the email from various Bergen County and NJ transportation authorities regarding the refurbishment of the Oradell Avenue Bridge.

Mayor Didio stated the Borough heard from Bergen County, NJTPA and NJDOT in late November and that they had received grant money to undertake a study on the Oradell Avenue Bridge. Mayor Didio informed the Board that there will be a public meeting on March 18, 2021 at 6:00 p.m. and that the public can join the meeting through the go to meeting link on the Borough's website or via phone. Mayor Didio stated that OPTV will also be broadcasting the meeting live. Mayor Didio explained that the purpose of this first public information meeting is to

inform the public on the condition of the bridge and to solicit public input and comments which will help the agencies gain funding for the refurbishment and reinforcement of the bridge. Mayor Didio stated that the public can give their comments on the website www.oradellavenuebridge.com and that they will be taking comments from the public on this website through April 26, 2021 or the public can mail their comments to the facilitator of the group the address is listed in the notice that is on the Borough's website.

Committee Reports

Subdivisions, Site Drainage & Soil Moving

None

Business, Buildings & Signage

None

Regional Planning Coordination

None

Zoning

Mr. Larson stated that as a gentle reminder to the board members if they are speaking to anyone regarding items relating to applications that are before the Zoning Board and that may also overlap to items relating to the Master Plan or to any prior Planning Board discussions regarding downtown that all board members should make it clear to anyone they are speaking to or to anyone that may be listening that they are not speaking on behalf of the Planning Board. If something comes to a board member's attention that may require Planning Board attention or comment that it should be brought to his attention so that there are no issues regarding what people say and may take out of context.

Master Plan, Open Space, Environmental & Circulation Systems

Mr. Derian stated that he had some comments pertaining to the letter of recommendation that went out to the Mayor & Council and that the comments pertain to the process. Mr. Derian stated that in June 2019, six months after approval of the 2018 Master Plan is when the board started inquiring if they were going to pursue looking at the recommendations that they had made. Mr. Derian stated that in June 2019 they ventured out at a subcommittee level. Mr. Derian explained that no action was taken in July, for the August meeting he was on vacation and that the September, November and December meetings had been cancelled. Mr. Derian stated that it was not until February of 2020 that the subcommittee met and came up with their initial findings. Mr. Derian stated that the March, April, May and June 2020 meetings were cancelled due to COVID-19. Mr. Derian stated that for the July meeting they had no action taken, he was on vacation for the August meeting and the September meeting was cancelled. Mr. Derian stated that it was in December of 2020 that the subcommittee met and that during the January 2021 meeting it was indicated that the subcommittee would be presenting their recommendations in February. Mr. Derian went on to state that during the February 2nd

meeting there was a discussion and as a result the letter of recommendation went out on February 22, 2021. Mr. Derian stated that he wanted to walk everyone through the timeline and for those who might not have been on the board during that time in 2019 and 2020. Mr. Derian stated that it was a long time coming and glad they did their part and that the letter of recommendations went out.

Historical Preservation

Mr. Plucinski stated that they are finishing up their historical committee document and a suggested draft ordinance that they plan to discuss with the Council in their work sessions in April. Mr. Larson asked Mr. Plucinski to explain what the document and draft ordinance is intended to entail. Mr. Plucinski stated that it is intended to entail a recommendation to establish a historic commission which he believes has not been done in the last 10 years. Mr. Plucinski went on to state that it is an update to what happened 10 years ago and that they have put a lot of thought and work into it and they will review that work in April with the Mayor & Council.

Old Business

Mr. Larson stated that one item for old business is the Recording Secretary for the board. Mr. Larson asked Mr. Depken to give an update on the position. Mr. Depken stated that the Borough Administrator gave him a few of the applications. Mr. Depken stated that he reviewed them and that there were one or two that he would highly recommend however he thinks they may be looking for a higher salary. The other applicants do not seem to be proficient in Land Use but that once the interviews take place, they may find that the applicants can be easily trained. Mr. Depken stated that he thinks the Borough Administrator will be calling the applicants by the end of the week and that he gave her his list of the applicants with notes and that they can start interviews next week. Mr. Larson asked if this would be a resource that both boards would share. Mr. Depken stated that yes it would be for both boards.

New Business

None

Mr. Larson opened the meeting to public comment. Mr. Larson reminded the public to limit comments to Planning Board specific items.

Sam Tripsas at 327 Maple Avenue stated that he wanted to comment on the recommendations made during the February 2, 2021 Planning Board meeting to the Mayor & Council. He stated that there was no sound for most of the meeting and that you could not see what was going on. He stated that you could not hear comments or see how people voted. Mr. Tripsas explained that when he eventually got on to the meeting, he could not comment on the presentation he commented on other things. Mr. Tripsas stated that he feels that the public did not get a chance to make their comments and that he mentioned it at the Mayor & Council meeting. Mr. Tripsas stated it got forwarded without any public participation. Mr. Larson stated that there were no new items proposed it was just a review of the master plan that has been discussed at great length with the public and the board and that it was a list of items in the master plan that in the board's view had not been previously considered and addressed by the Mayor & Council and that it was a recap of the Master Plan. Mr. Larson stated that it was to provide assistance to the

Mayor & Council with a list of items that they may wish to consider. Mr. Larson asked Mr. King to comment. Mr. King stated that he felt Mr. Larson covered it very well that there was no new action that the board was voting on and that the board was voting on whether or not to send a letter to the Mayor & Council reiterating what was already presented to the Mayor & Council in the Master Plan. He went on to state that public comment could have been given but that there was no vote for new action it was a vote to send the letter to the Mayor & Council. There was nothing new in the letter it was an outline of things that were already voted on and approved in the Master Plan. Mr. Larson stated that he wanted to reiterate something that he had implied but did not state affirmatively which was that it was a list for the Mayor & Council and that the Mayor & Council would act as they see fit in preparing or not preparing and that there was nothing binding about the list it was just a list of items from the Master Plan nothing more, nothing less. Mr. Depken asked the chairman who at the last meeting wasn't able to speak he did not recall. Mr. Larson stated that they had some technical difficulties with OPTV at the last Planning Board meeting there was an issue with sound at the early part of the meeting and he thinks Mr. Tripsas was referencing the fact that he was not able to hear the early portion of the meeting. Mr. Depken stated that he understood. Mr. Tripsas stated that his issue was that the board was not required to make the recommendations at this point to the Mayor & Council he asked if that was correct. Mr. Larson asked Mr. King to comment. Mr. King stated that Mr. Tripsas was correct there was no requirement for the board to make the recommendations. Mr. Tripsas asked if the board was pushing the envelope because they are putting the Mayor & Council in a position where they are going to have to adopt. He stated that it has been two years now and that maybe the recommendations would have been on the books but that they would not have been adopted and that is where he thinks they are heading. Mr. Tripsas stated that the board may think they are inconsistent with the Master Plan but that they are consistent until the board made the changes and that now they are inconsistent. Mr. Tripsas went on to state that there were six recommendations one of which was the center median being removed from Kinderkamack Road. Mr. Tripsas asked the board if they were aware that in 2005 the county came in and made their recommendations for traffic calming. Mr. Tripsas asked if the board was going to undo everything that the county did and that it was the Kinderkamack Road corridor. Mr. Tripsas stated that when he sees recommendations like that it makes him think that not a lot of thought went into the recommendations. Mr. Tripsas asked the board if anyone remembered the study that was done by the county. Mr. Tripsas stated he sees the center median disappearing because we want to have outdoor dining. He asked the board if when these items were discussed if anyone brought up the study done by the county. Mr. Larson stated that the board was not going to get into revisiting the Master Plan. Mr. Tripsas then stated that the board is revisiting it. Mr. Larson stated that there was no new ground and that all the board was doing was assisting the Mayor & Council in identifying certain items that had not yet previously been considered. Mr. Larson stated that there is no obligation of the Mayor & Council to do anything or everything and that there is no new ground to discuss. Mr. Tripsas stated that in Mr. King's cover letter he understood it to read that there would be peril if the Mayor & Council didn't take the recommendations and that Mr. King cited a couple of cases in the letter. Mr. King stated that he would like to point out the difference in the letter between new ordinances that come up and existing ordinances that are already in place. Mr. King went on to state that everything in the letter covers ordinances that are already in place. Mr. King also stated that in reference to Kinderkamack Road that he would defer to Mr. Atkinson but that the Borough does not have unilateral rights to make changes to a County roadway without County input.

Mr. Tripsas asked if the board was aware of this then why would they want to change something that is beneficial to Oradell. Mr. Tripsas went on to question restaurants going from conditional use to permitted use while the Borough has an application in. Mr. Tripsas stated that they are talking about eliminating parking for restaurants and questioned why the board is now two years later bringing it to everyone's attention to make these changes. Mr. Larson asked Mr. King to

explain to Mr. Tripsas the timing of an application without going into too much detail about the current application that is before the Zoning Board. Mr. King stated that he could not speak on the specific application because he is not familiar with it but went on to state that the law in New Jersey right now is called the time of application rule which means that whatever the law in effect is at the time an application is submitted is the law that rules in connection with that application. Mr. King went on to state that if the Mayor & Council decide tomorrow to change ordinances it has no effect on any application that is before the Planning Board or Zoning Board and that the law that applies to that application is the law that was in effect at the time the application was deemed complete. Mr. Larson asked Mr. Tripsas if he has a statement that the board could act on. Mr. Tripsas stated yes, he was against when the board made the recommendations. That was the statement he was making. Mr. Tripsas went on to state that in the letter it was stated that it was well supported by the public going back to June 10, 2017 when it was opposed by the public and that it was documented. Mr. Larson stated to Mr. Tripsas that the board understood his position on many of these matters and does not want to debate on who has the better view and that the board was simply offering assistance to the Mayor & Council. Mr. Tripsas went on to say that the public was stuck with it and that he wouldn't be debating this two years later if the board had voted accordingly with the public. Mr. Tripsas stated that these things needed to be said because everyone is feeling that this was a wonderful job and that it was not because it is affecting their quality of life. Mr. Tripsas went on to state that the board is encouraging other restaurants to come here so it will affect their future. Mr. Larson stated again that there was no new ground on the Master Plan and asked if there was any other public comment.

Paul Latsounas at 50 Beverly Road stated that this week he asked for the minutes to the meeting on June 10, 2017 under OPRA and he was told from Melissa that there were no minutes or post it information for the charrette that was given by the Borough Planner on June 10, 2017 and he would think that we would need to get those minutes made right away because it is very important to get the minutes seen and also the fact that there has to be post its because they were written. Mr. Latsounas asked what happened to the post its. Mr. Depken stated that the Building Department was given the OPRA request from Mr. Latsounas and that Rosa contacted Mr. Derian and fortunately Mr. Derian had taken photos of the post its. Mr. Depken went on to state that there were no minutes taken for the charrette and that the file of the pictures was given to the Borough Administrator. Mr. Derian stated that he wanted to mention that the charrette was a town hall meeting not a public meeting and that board members were in attendance but they were part of the audience and that is why there are no minutes. Mr. Latsounas asked if it was common practice to not have minutes for town hall meetings. Mr. Derian stated that the reason from his understating is that in a town hall meeting where people are walking around and multiple conversations happening simultaneously it would be impossible to record the minutes. Mr. Derian stated that there was a presentation given by the Borough Planner and that it was posted on line and that there were results tallied from a lot of the comments and that was posted as well. Mr. Latsounas asked if the post its were in existence. Mr. Depken reiterated that the file of pictures was sent to the Administrator's office. Mr. Latsounas asked if he OPRA's the post its if he would be able to see them. Mr. Derian stated that he should be able to get them. Mr. Larson asked Mr. Latsounas if he had an item that was currently before the Planning Board that he wanted to make a statement on.

Mr. Latsounas stated that on page 57 of the traffic study report that was done in 2005 by the County it states that the center median was put in for the reason of traffic and public safety and now from what he understands the board is recommending that the median be taken out and that he feels that is hazardous. Mr. Larson stated that he is going to say exactly what he stated to Mr. Tripsas that it is in the Master Plan and that the board was not going to review this again

that it was in the Master Plan and that he does not know how to say it any more clearly that the board will not revisit what is in the Master Plan. Mr. Latsounas stated that he was not revisiting the Master Plan that he was revisiting the County traffic study that was done for public safety and from what he understands the center median is to be taken out. Mr. Latsounas stated he was concerned for everyone's safety. Mr. Larson stated there are multiple ways to accomplish the same goal and that traffic calming was an important goal for the Master Plan subcommittee speaking as a member of the subcommittee and that they were not going to revisit it and asked Mr. Latsounas if he has something new for the board to consider. Mr. Carnevale stated that he was putting on his public safety committee hat and that it is important for the public to know and his colleagues on the board to know that there is no median that exists in Oradell that is part of a legal crosswalk. Mr. Carnevale stated that there is no pedestrian benefit to standing on one of the painted median areas on Kinderkamack Road that it is not a legal crosswalk. Mr. Latsounas stated that he assumes Mr. Carnevale always crosses at the corner because he has seen people from Cool Beans cross right over. Mr. Carnevale stated that he was just stating a fact and that Mr. Latsounas was stating that the median was used for pedestrian safety and that you wait in the median. Mr. Latsounas stated that is not what he is saying that the County traffic report says that. Mr. Carnevale explained that the County had installed medians so that at the time it would slow traffic on Kinderkamack Road. Mr. Latsounas stated that on page 57 of the report it indicated this for pedestrian safety. Mr. Larson thanked Mr. Latsounas for bringing this to everyone's attention. Mr. Latsounas then stated that as far as what Sam Tripsas had said that he agrees with most of it. Mr. Derian stated that he wanted to make a comment regarding the center divider. He stated that in theory the center divider seems to support pedestrian safety and to slow down traffic but in reality, a lot of the time it doesn't. Mr. Derian explained that one of the conversations that was had was that cars that stop for pedestrians do not block the road with the center divider cars will easily go around to the left or to the right of a vehicle that is stopped thinking that the car is looking for a parking space so they go into the center divider and that is when they see a pedestrian in the crosswalk. Mr. Derian also stated that he has also seen buses going around slow vehicles or turning vehicles using the center divider. He went on to state that in theory it sounds good but in practice it doesn't and according to the planner it would make more sense for the cars to be shifted towards the center of the road and to have more space between the cars and the parked cars and have more space between the traveling cars and the sidewalk and for those reasons we thought it would be a good idea to recommend revisiting the center dividers. Mr. Derian stated it was also mentioned that it would make the crosswalk shorter so you would not have to travel as far. Mr. Derian wanted to state for the record that it wasn't something that was taken lightly.

Motion to close public comment was made by Mr. Larson and second by Mr. Scalcione.

ROLL CALL

All in favor

Motion to adjourn the meeting was made by Mr. Larson and second by Mr. Derian.

ROLL CALL

All in favor