

**ORADELL PLANNING BOARD  
REGULAR MEETING  
JUNE 4, 2018**

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
Mrs. Taitel	Absent
Mr. Scalcione	Present
Mr. Carnevale	Present
Mrs. Didio	Present
Mrs. Kirkpatrick	Present
Mr. Derian	Present
Mr. Pastore	Absent
Mr. Plucinski	Absent
Mr. Dressel	Present
Mr. Lombardo	Present

**Also Present:**

Mr. Depken, Construction Official  
Mr. King, Esq., Board Attorney  
Mr. Atkinson, Board Engineer  
Ms. Tiberi, Substitute Board Engineering

**Correspondence:**

5-2018 Notice from NJ Department of Environmental Protection, re Stormwater Training.  
5-3-18 Letter from Marisa A. Tiberi, P.E., Borough Engineer Representative to Stephen Depken, re Amended Site Plan/Change of Use, D & A Healthcare LLC, Block 411, Lot 15, 285 Kinderkamack Rd.  
5-7-18 Letter from David Atkinson, P.E., Neglia Engineering Representative to Stephen A. Depken, re 446 Hasbrouck Blvd., Block 1308, Lot 18 re soil moving application.  
5-8-18 Email from Cindy Kirkpatrick re Mandatory Training by Board Attorney for JIF/MEL incentive insurance policies.  
5-10-18 Letter from James Winters, R.A., 258 Maple Ave., Oradell, NJ.to Oradell Planning Board, Gregg Larson, Chairman re 2018 Proposed Master Plan for the Borough of Oradell; 2018 Land Use & Central Business District Elements of the Master Plan (Draft), dated April 7, 2018  
5-11-18 Letter from David Atkinson, P.E., Neglia Engineering Representative to Stephen A. Depken, re 800 River Dell Rd., Block 304, Lot 8 re soil moving application.

**Committee Reports**

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

### **New Application:**

**S-108-18**  
Block 1308, Lot 18

**John Paul and Robin Marino**  
446 Hasbrouck Blvd

**SOIL MOVING**

Mr. Carnevale stated that the board has a soil moving application to be heard and asked the applicant to come up. The homeowners, John Paul Marino and Robin Marino were sworn in by Mr. King. Mr. Carnevale stated that he has the letter from Neglia Engineering in review of the application and asked for a summary of the project. Mrs. Marino explained that they are creating an addition along with doing a renovation; adding approximately 900 sf to existing home; keeping the footprint of house and part of the structure and adding a basement. Mr. Carnevale asked Mr. Atkinson for the most current status of the follow up items in his review letter. Mr. Atkinson stated that there are no proposed or existing variances for this application. He explained that the proposed soil movement is 278cy. He stated that the Borough would have to be advised of where the soil would be moved too and the Borough has the right of first refusal for the soil. He explained that the applicant is proposing to install a ground water recharge system and their engineer would need to perform a perc test to confirm that the soil will accommodate the system and drain within the state requirements. He stated that this report needs to be submitted to the building department upon completion. He asked for information as to whether any trees are being removed. He detailed items related to the construction that the applicant must adhere too, assuming that the board looked favorably upon the application. Mr. Carnevale asked Mr. Atkinson if item 2 in his review letter had been corrected. Mr. Atkinson stated yes that it had been corrected on the revised plans submitted and he noted the actual quantity of soil being moved on the site. Mr. Carnevale asked the applicant to confirm that no trees are being removed. Mrs. Marino stated that this is correct. Mr. Depken explained that the applicant needs to contact Bergen County Soil Conservation District. Mrs. Marino stated that she had spoken to them today and an approval is expected by the end of the week. Mr. Atkinson explained that they will need to get a copy of this to the building department. Mrs. Kirkpatrick asked about item 5 on the engineering review letter which indicated that the applicant verify that all proposed seepage pits would fully drain within 72 hours. Mrs. Marino stated that they are in discussions on which seepage pit to install and this is one of the requirements for their final selection. She explained that the perc test has not been performed yet. Mr. Larson asked Mr. King if they approved the application, would the resolution be conditioned on the completion of the perc test. Mr. King stated yes.

Motion to approve with conditions placed was made by Mr. Carnevale, seconded by Mr. Larson.

**ROLL CALL:**

**AYES:** Dressel, Lombardo, Scalcione, Kirkpatrick, Didio, Carnevale, Derian, Larson

**S-109-18**  
Block 304, Lot 8

**Amber Landry Lozynski**  
800 River Dell Road

**SOIL MOVING**

Mr. Carnevale stated that the board has a second soil moving application to be heard and asked the applicant to come up. The homeowner, Amber Landry Lozynski and the engineer for the project, Sean Pullam from Lantelme Kurens & Associates PC were sworn in by Mr. King. Mr. Carnevale asked for a summary of the project. Mrs. Lozynski stated that they are looking to do a slight expansion on the existing footprint by expanding their basement. She explained that the soil to be moved is approximately 130 cy. Mr. Atkinson stated that this property fully conforms regarding the zoning regulations, is fully compliant and no variances are required. He explained that to note for the record, the total soil being moved is 131 cy. He stated that they will need to advise the Borough of the disposal location for the excess material being removed and this can be made as a condition if the board looks favorably upon the application. He explained that there are a few other items they need to submit as they need to supply additional information regarding the seepage pit system and to address the roof leaders to show their locations on the plan. He asked for testimony for the 15' easement on the property and for a perc test to be done at the property. He stated that the applicant needs to get Bergen County Soil Conservation District approval as well. Mr. Carnevale asked for testimony for item #8 in the engineering review letter regarding the 15' easement within the property. Mr. Pullam stated that the easement is a 15' wide sanitary easement running through the east side of the property. He explained that he believes the easement was put in place to get the sanitary line from Glenside Court West down through the properties until you get to Howard Court West. Mr. Atkinson asked, if with any of the proposed improvements, would there be any impacts or anything done within that easement. Mr. Pullam stated that the sanitary line would remain where it currently exists and the improvements are on the far side of the property away from the easement. Mr. Depken asked if with the location of the brook, were there any plans for drainage or work being done within the easement of the brook. Mr. Pullam stated that they are staying on the far side of the property and are 100' feet away from the brook. Mr. Carnevale asked about item #9 in the engineering review letter where it was strongly recommends to incorporate leaf guards or screens. Mr. Atkinson stated that this is typical when there is a seepage pit in order to prevent any debris from getting in there and it helps with maintenance. Mr. Carnevale asked if this is a recommendation and not a condition for approval. Mr. Atkinson stated yes that it is only a recommendation. Mr. King reminded the applicant that the FAR for their project is at 29.2% and the maximum on their lot is 29.9% which is a 20-sf difference. He stated that they should keep this in mind if there are any changes as they go or for any additions in the future which would require a variance.

Motion to approve was made by Mr. Carnevale, seconded by Mr. Derian.

ROLL CALL:

AYES: Dressel, Lombardo, Scalcione, Kirkpatrick, Didio, Carnevale, Derian, Larson

#### **Resolutions:**

**S-107-18**  
Block 716, Lot 24

**John Verrier**  
680 Orchard Street

**SOIL MOVING**

Mr. Larson asked if any members of the board had any edits or comments for the resolution, in hearing none, he called for a motion from the board.

Motion to approve resolution was made by Mrs. Didio, seconded by Mr. Derian.

ROLL CALL:

All in Favor

**S-106-18**

Block 1206, Lot 9

**Lisa Ballerini**

319 Grove Street

**SOIL MOVING**

Mr. Larson asked if any members of the board had any edits or comments for the resolution, in hearing none, he called for a motion from the board.

Motion to approve resolution was made by Mr. Carnevale, seconded by Mr. Derian.

ROLL CALL:

All in Favor

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

#### **New Application:**

**153-18**

Block 411, Lot 15

**DNA Healthcare LLC**

285 Kinderkamack Rd

**CHANGE OF USE**

Mr. Larson stated that Mr. Atkinson would be recusing himself for this application due to his firm having a conflict. He explained that Ms. Tiberi from Boswell Engineering would be the substitute board engineering for the hearing. Mr. Depken asked if Mr. Larson wanted Mr. Atkinson to stay until the end of the meeting. Mr. Larson stated yes.

The attorney for the project, Robert Travers stated that the application is for the conversion of an existing one-story service station, currently being used to park cars, into an Urgent Care Facility for Medical Use. Mr. Travers presented their affidavit of service and affidavit of publication by The Bergen Record to Mr. King. Mr. King stated that the affidavits are in order. Mr. Travers began by calling his first witness.

The architect for the project, Vijay Kale was sworn in by Mr. King. Mr. Larson accepted his qualifications as an expert witness. Mr. Kale stated that drawing A1 "Demolition Plan and Elevations" shows the existing conditions of site. He explained that the existing building is 31' x 67' in dimension and is about 2049 sf. He stated that drawing A2 "Proposed Plan and Elevations" is a rendering of the proposed modification to the building including the exterior look and the new layout of the exam rooms. He explained that the plan is to rehab the structure in order to keep the skeleton of the building as is and do the required modifications to make this into a modern looking medical use building for emergency services. Mr. Larson asked for a highlight of the proposed changes. Mr. Kale stated that there would be new windows; a raised corner portion to be identified as a medical building and signage on the top left corner of the east elevation and on the south elevation as per the Borough's regulations. He explained that there is a separate drawing showing the size, scale and square footage of the signage. He stated that they

are trying to move away from a garage look to a more modern look with softer pastel colors. He explained that the height is 12' for the main floor with the parapet in the corner and a maximum height of 22'. Mr. Larson asked if the height of the building is staying the same or increasing and if so, by how much. Mr. Kale stated that this has not been decided yet on whether to keep the existing roof as is and this will depend on the condition of the roof. He explained that when they wrap around it, the total would be approximately 16' and in the corner would be 22' for the accent. Ms. Tiberi asked where the 22' is measured from. Mr. Kale stated that this is measured from grade level. Ms. Tiberi asked if it is the average grade like the ordinance requires. Mr. Kale stated that the grade level is as per the surveyor and the site plan. He explained that it would be from the average and does not think the level difference is more than 6" within the entire 2,000 sf. Ms. Tiberi asked what the highest roof ridge elevation is of the proposed building based on the datum utilized in the site plan. Mr. Kale stated that it appears to be 18'9" to the existing roof and it appears to be another 3' to the parapet above that. Ms. Tiberi explained that those are not the elevations and that they are the heights. She stated that she is looking for the elevation based on the site plan. She explained that the corner elevations around the building vary from 99.95 to 98.76 and she is looking for the roof ridge elevation as requested in item #10 of the engineering review letter. Mr. Travers stated that they did not do a topographic survey so they really cannot tell but he believes it is a relatively flat site. Ms. Tiberi explained that she has the topographic grades around the building ranging from 99.95 to 98.76. Mr. Kale stated that they could do this with the averaged datum if the board requires them too. Ms. Tiberi explained that she agreed that there is leeway but is trying to get that number. Mr. Dressel stated that he believes drawing A2 has numbers which reference the topographic elevations. Mr. Kale explained that the numbers listed on A2 are 116 and 118.78. Mr. Dressel stated that those numbers are to the top of the roof and the board engineer is looking for the numbers to the top of the parapet.

An associate of Mr. Kale, Ms. Bhakti Purandare was sworn in by Mr. King. Ms. Purandare stated that she has worked with Mr. Kale as a project architect for the past seven years but is not licensed in NJ and she had drawn the plans. She explained that the parapet measures at 122.00 usgs. Ms. Tiberi stated that this measurement is acceptable and there is some leeway as the allowable is 134.4. Mr. Kale began to discuss drawing A3 "Signage Details" but Mr. Depken stated that the board has a different copy of this drawing. Mr. Travers distributed a corrected copy of the drawing to the board. He stated that the larger sign would be on the Kinderkamack Road side and the smaller sign would be on the Ridgewood Avenue side of the building. Mr. Larson asked for them to confirm that the signage would be non-illuminated and not be back lit. Mr. Kale stated that the signs would not be. Ms. Tiberi asked for confirmation of the lettering font as the description states "Arial" as the font but the picture indicates a different font. Mr. Kale stated that they have decided upon "Arial" for the font as it looks better. Mr. Depken asked if there is a back section to the sign or if it would be affixed to the façade without any back surface. Mr. Kale stated that there is no back surface as shown on the drawing. Mr. Depken explained that the logo of the surgical cross needs to be approved by the board. Mr. King asked about the discrepancy between the sign dimensions on drawings A2 and A3. He stated that both of the sign dimensions are larger on drawing A2. Mr. Travers explained that the correct sign dimensions are the ones listed on drawing A3: 2'6" x 9'6" for the front wall and 1'9.5" x 6'8" for side wall. Mr. Depken stated that the side sign is a little over half of the front sign and the

requirement for the side sign would be half of the square footage of the front sign. Mr. Travers explained that the sign company is here to testify.

The sign contractor for the project, Mr. Wayne Blohm of Signs by Blohm was sworn in by Mr. King. Mr. Blohm stated that he had designed the signs as submitted on drawing A4. Mr. Depken asked about drawing A3. Mr. Blohm stated that drawing A4 indicates the square footage of the signage that is permitted: 24 sf on the sign to the east and 12 sf on the sign to the south. He explained that the font style has changed from "Helvetica" to "Arial" as per what was submitted via email. He stated that the square footage is within the allowed measurements. Mr. Depken explained that the front square footage is 23.75sf so half of this would be 11.87sf and this size is all that would be permitted on the side signage. Mr. Blohm stated that their interpretation of the ordinance was that what was permitted would 24 sf for the front sign and 12 sf for the side sign. Mr. Depken explained that the code indicated that the side sign must be half the size of the front sign. Mrs. Didio stated that this is because the drawings reflects the front sign as being 9.5 x 2.5 which is 23.75 sf but if the sign was 9.6 x 2.6 then the side sign could be 12 sf. Mr. Blohm explained that they would adjust the size of the front sign. Mr. King stated that they could either increase the front sign to 24 sf or decrease the side sign to 11.87 sf. Mr. Travers explained that they are not looking for a variance on the signage and they would stay below the allowable sf. Mr. Depken stated that if the front sign was adjusted to 24 sf then the signage would be compliant. Mr. Blohm explained that the front sign would be adjusted to 24 sf. Mr. Depken asked if the signage would be lettering attached to the building. Mr. Blohm displayed a letter and stated that the individual letters would be stud mounted to the wall. Mr. Larson asked for confirmation that what is depicted on drawings A3 and A4 are the correct size and font of the letters to show that the signage is in compliance. Mr. Depken stated that the sign committee would have to approve the coloring and they would need an actual sample of the signage and the color. Mr. Blohm explained that his understanding, is that the building would have a stucco finish to which he would attach the signage as individual letters. Mr. Travers stated that the letters would be attached to the building with no back board. Mr. Depken suggested leaving the samples so after the meeting the Sign Committee could meet and they would not have to wait another month for this approval. Mrs. Didio asked if the current pylon sign on the property would be remain.

The principle owner of DNA Healthcare and licensed physician, Dr. Hanna Aghabi was sworn in by Mr. King. Dr. Aghabi stated that if the pylon sign was allowed, they would love to have it remain. Mrs. Didio asked Mr. Depken if the pylon sign would be allowed to remain if it was changed. Mr. Depken stated that there is just a pole there now. He explained that if they want a sign on the pylon, it would need a variance and if not, the pylon needs to be removed. Mr. Travers stated that the pylon would be removed from the site. Mr. Derian explained that the building façade is currently brick and is very similar to other structures in the business district. He asked if they are proposing a stucco faced building and would they be opposed to staying with the brick. Dr. Aghabi stated that there would be a lot of glass and that bricks can be in between. He explained that he wants something recognizable as a medical building in a simple beige color. Mr. Kale stated that there is a concern that the existing brick cannot be matched and they are looking to use stucco in the areas where the gas station doors would be changed. Mr. Derian explained that he was thinking of them replacing the entire façade with new brick as he agrees that infilling of the old brick would not look good. He stated that the board is looking to

implement design standards within the Borough and since they are here for other variances, they may consider this. Mr. Depken explained that there is also a brick, not a full brick, that can be affixed to the façade of the building. He stated that a sample of this is at 444 Kinderkamack Road. He explained that their front façade windows seem to be very similar in design. Mr. Kale stated that the concern is about color matching. Mr. Depken explained that Mr. Derian had discussed the look of the downtown area which might be a concern of the board. Mr. Travers stated that they do not know what the pricing would be to do the whole building in brick. Mr. Depken asked if he was talking about full brick or a façade. Mr. Travers stated that this is for either option. He explained that they would have to calculate the costs and asked if they go in this direction would they have to come back before the board. Mr. Depken stated that the board would need the information of what material they are proposing. Mr. Larson explained that the board is looking to create a consistent downtown look, like the Borough Hall building style of façade. Mr. Travers stated that they did not do a calculation on the cost of this and asked if they could come back before the Planning Board. Mr. Larson asked for clarification regarding the finished façade since stucco was mentioned and if their intention was to remove the existing brick or to put stucco over the existing brick. Dr. Aghabi stated that the intention is to cover the brick up. He explained that he loves the location but the project is going to cost into the millions just for the interior work and they want to cover the brick with stucco to make the building appealing to the eye. Mr. Depken stated that they could propose to do the front and the side in brick as this is an option that the board might look at. Mr. Dressel asked to make a point of clarification on a couple of items before proceeding. He stated that he echoes the sentiments about the brick, the aesthetics, the exterior finish and the Master Plan. He explained that everyone is discussing stucco but, on the drawings, it is marked EIFS which to his understanding is a 2" foam fastened to the brick with a very thin coat of synthetic stucco applied over the foam. He stated that besides aesthetics there is also the longevity. He explained that he has seen a lot of EIFS systems fail and then you have a rundown building which is not nice looking with no recourse for this. He stated that he wants to add to the comments of the aesthetic with concerns about the durability of this finish especially at the pedestrian level. Mr. Travers explained that at the very least, they would do the brick façade on the Kinderkamack Road and Ridgewood Avenue sides. Mr. Depken stated that they could check 444 Kinderkamack Rd as they had just done a brick façade. Dr. Aghabi explained that they would want to stucco the tall corner area on the top of the building for visibility. He stated that this would be a stucco finish with the sign letters installed in order to make the sign stand out. Mr. Larson explained that it is hard to envision what this would look like. Dr. Aghabi stated that this would look very nice. Mr. Larson asked Mr. King if the signage could be separated from the application itself. Mr. King stated that if the board was inclined to approve the application, subject to the change of the siding, there would have to be an amendment to the plans to show what that new siding would be before any permits could be taken out. Mr. Larson explained that this is the way to move forward and appreciates the applicant working with the board. Dr. Aghabi stated that he just does not want to have to come back before the board again. Mr. Travers explained that they would have to return. Mr. King stated that it would be a quick meeting. Mr. Travers explained that they would make a proposal for a brick façade and resubmit, assuming they are approved tonight. Mr. Larson asked Mr. King for clarification on if they would not vote on the plan or the application. Mr. King stated that the board could vote on the application subject to satisfactory review of revised plans/elevations. Mr. Carnevale explained that there are a lot of other items in the board engineer's review letter for them to discuss. Mr. Larson asked Ms. Tiberi to state the

items that were not addressed. Ms. Tiberi stated that the architect should go through the interior layout, number of employees, tenants and hours of operation. She asked how this site is going to function as this is a use variance and they have to support the use. Mr. King stated that this application is a not a use variance as this is a permitted use but rather this application is a change in use. Mr. Travers stated that Mr. Kale would walk through the building layout and Dr. Aghabi would discuss the use. Mr. Kale detailed for the board members the entrances; waiting area; reception area; 4 examination rooms; doctor's offices; x-ray room; procedure room; kitchen/pantry area for the staff and a bathroom for the public. Dr. Aghabi stated that they are hoping to make this an efficient urgent care. He explained that the use is a simple operation of getting the urgent care patients in, treating them and then they leave. He stated that this use is not emergency care. He explained that this is for when you have something wrong that cannot wait 2 weeks to see your primary doctor. He stated that any trauma would be referred to an emergency room. Mr. Larson asked, based on Dr. Aghabi's experience and expectations for this facility, what the level of activity would be. Dr. Aghabi stated that because of the location and high visibility of the center, they envision they would pull people from a 3-5-mile radius. He explained that they would be staffing 5 employees: physician, x-ray tech, 2 medical office assistants, and a receptionist. He stated that this would be a total electronic medical system so there would be no waiting and a patient would be triaged immediately. He explained that they would work with area doctors and would send appointment information to the patient's primary doctor. He stated that prescriptions would be electronically submitted to the pharmacy. He explained that patients would be in and out of the office within 20-25 minutes. He stated that the hours would peak from 5pm – 9pm as regular doctor offices are closed during those times. He explained that 30 patients per day would be the optimal amount and 40 patients per day would be the maximum. Ms. Tiberi asked for the exact hours of operation. Dr. Aghabi stated that the hours would be open from 8:00 AM until 9:00 PM or 10:00 PM, if the business warrants this, otherwise they would go back to an 8:00 PM closing Monday through Friday and weekend hours from 8:00 AM to 6:00 PM. Mr. Depken stated that an issue might be for Sundays as this is not permitted in the B1 zone. Mr. King explained that to be open on a Sunday would require a use variance. Dr. Aghabi stated that he would be out of business if he was closed on Sundays. Mr. Travers explained that they have to come back before the board for the façade so they would also include the Sunday operations use variance as well. Mr. Depken stated that this matter would need to go to the Zoning Board. Mr. Travers asked Mr. King if they would have to go before the Zoning Board for the use variance. Mr. King stated yes. Ms. Tiberi explained that the Zoning Board would now take over the entire application and they would need to start over. Mr. King stated that they would have to take what they have, change the facade and bring the whole application to present to the Zoning Board. He explained that the next Zoning Board meeting is on June 18<sup>st</sup> and he is not sure if they would make the notice requirement as everything has to be in 10 days prior which would be by Friday. Dr. Aghabi asked what the Zoning Board would require. Mr. Depken stated that it is basically the same application with the only difference being that they want the medical office to be open on Sunday which is a use variance and the Planning Board is not permitted to approve a matter such as this. Mrs. Didio asked if Zoning Board would take over the signage. Mr. Depken stated that they would take this over except for the aesthetics which he can present this to the Planning Board Sign Committee. Mr. Travers explained that he would give Mr. Depken the samples tonight and asked about running through their testimony at the Zoning Board meeting. Mr. Depken stated they would need to have



someone give the presentation. He explained that the July Zoning Board meeting is on the 16<sup>th</sup> and it is on the 3<sup>rd</sup> Monday of every month.

**Resolutions:**

None

**Signs:**

None

**Regional Planning Coordination**

Mrs. Didio stated that the Bergen County Parks Department update on their Master Plan for the Bergen County Parks was adjourned. She explained that she did attend an event at the River Edge Art Center concerning conversion of use for historic buildings and incorporating art into the rehabilitation of those buildings. She stated that the event also offered information on funding solutions through tax credits. She explained that one of the individuals who was there works at the Bergen County Parks Department so this may show up in some manner or form in the ultimate presentation of their Master Plan which they are going to be rescheduling a presentation in the future. She stated that in respect to the intersections at Forest Avenue, Oradell Avenue and Soldier Hill Road, they have been working very closely with the Mayors of Paramus and Emerson along with the County to see what can be done to improve those intersections as there have been many auto and pedestrian accidents. She explained that they are trying to determine who controls the intersection of Oradell Avenue and Forest Avenue. She stated that she had spoken to the Mayor of Paramus and the Borough Engineer in order for them to get in touch with the Engineer for Paramus to see what can be worked out. She explained that the County does control the intersection at Soldier Hill Road and Forest Avenue. She stated that the County had done a traffic count and seem to be moving forward so they should be getting some recommendations about what can be done to improve that intersection.

**Zoning**

Mr. Larson stated that the with regard to Zoning, the Master Plan Subcommittee had the opportunity to review the proposed amendment to the Borough's land use code and asked Mr. Derian if the Master Plan Subcommittee had any comments. Mr. Derian explained that there is no comments on the proposed amendment.

**Historical Preservation**

Nothing to report

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

Mr. Derian stated that the board is not going to discuss the proposed Master Plan tonight and they are looking to postpone the vote until the next meeting. He reminded the board that in their meeting packet are: responses from the community which were sent to the email address; a letter from the Oradell Economic Development Advisory Committee with their recommendations and

a copy of the Master Plan document which was sent via email to everyone. He stated that if interested, the old Master Plan from 1988 is on the Borough's website which he can email to the members. He explained that they should be well versed especially with the community feedback and be prepared to discuss / vote at the next meeting in July or whenever they decide. Mr. Larson stated to the members of the board, for purposes of voting on the plan, to assure that everyone is fully informed of the proceedings that have happened over the last year or so and if you were not in attendance at a particular meeting to either watch the OPTV video or review the meeting minutes to inform yourself of the substance of those meetings. Mr. Depken explained that anyone who has not listened or viewed the OPTV videos has to listen or view the whole meeting and then sign the certification. Mr. Larson asked Mr. King if there is a written requirement for certification or if it is a self-certification. Mr. King stated that there is no written requirement for certification, and unlike an application or ordinance, this is a procedural matter rather than a vote on an ordinance or a particular hearing. He explained that it is highly encouraged that it is possible to review all the meetings. He stated that if a member had missed one or two meetings, you are not going to be barred from a vote on the Master Plan. Mr. Larson explained that it is a best practice that he requires, as a personal request, that everyone be informed by attending the meetings, watching the video or reading the minutes of all the meetings. Mr. Depken asked if he wants the members to verify verbally or submit a signed document. Mr. Larson stated that he would verbally ask, at the time of voting, that everyone who is presenting themselves to vote has done all of this. Mr. Larson asked Mr. Derian about potential dates for the meeting as discussed with Mr. Burgess. Mr. Derian stated that July 9<sup>th</sup> and July 10<sup>th</sup> are both available options. Mr. Larson asked Mr. Depken on space availability and if he thought the 10<sup>th</sup> was good. Mr. Depken stated that he would have to check the calendar tomorrow. Mr. Larson asked Mrs. Kirkpatrick and they both discussed the dates and had decided that the 10<sup>th</sup> was not a good from a space perspective so they decided on the options of the July 9<sup>th</sup> or 11<sup>th</sup>. Mr. Burgis stated that he is available on the 9<sup>th</sup>. Mr. Larson asked if this date works for the board members as well. Mr. Depken explained that he is away that week and would make sure everything was set up for the meeting. Mrs. Kirkpatrick went to check the calendar and confirmed that July 9<sup>th</sup> is the good date. Mr. Larson stated that this special meeting of the Planning Board for Monday, July 9<sup>th</sup> would be held upstairs. Mr. Depken explained that himself and Mr. King would speak afterward to make sure they have done all the appropriate noticing for the meeting. Mr. Depken asked if everyone is available for July 9<sup>th</sup>. Mr. Scalcione stated that he is not available.

### **By-laws**

Nothing to report.

### **New Business**

Mrs. Didio stated that in light of tonight's application for the Urgent Care, she thinks that whenever a new business is coming into the Borough to get any type of approval from any of the boards that they should be asked what are their proposed hours of use. She explained that if they would have known this information, they could have told the applicant that their presentation would need to be before the Zoning Board. She stated that she thinks this is a way to be more business friendly. Mr. Depken explained that this would be proactive and stated that this particular application was very difficult. He stated that he agrees with this and the applicant had

never mentioned Sunday hours. Mrs. Didio suggested that in the checklist of things to ask an applicant they should add what are the proposed business hours so they can prevent this from happening in the future.

Mr. Larson stated that they had already dealt with the scheduling of the July meeting including the matter of consideration of and voting on the Master Plan discussion. Mr. Carnevale asked Mr. Larson about required training. He stated that the Storm Water Management training is required to be completed by all of the members by July 1<sup>st</sup>. He explained that there is a website page to get to the training link which was sent by Mr. Atkinson. He stated that Mr. Atkinson would also look to see if there is another document and would get the link to everyone. Mrs. Didio explained that this is in addition to another one-hour training required to be given by counsel in connection with the JIF and this training has to be completed by October. She suggested scheduling the JIF training before or after a meeting. Mr. Depken stated that the Zoning Board Attorney has agreed to do the training but the date is not set yet. Mrs. Didio asked if the two boards could do this together. Mr. King stated that the two boards can do the training at the same time. Mrs. Didio explained that the JIF training is generalized training for liability and for how to deal with applications to make you more familiar with the questions. Mr. King stated that it discusses the difference between the boards and typical procedure between an application through hearing and resolution. Mr. Larson asked for clarification that the Storm Water training is separate and required and this was confirmed by Mrs. Didio and Mr. King. Mr. Larson clarified that the JIF training is not required in a technical sense but it is for educational and insurance purposes. Mrs. Didio stated that it also saves the Borough money as they get a rebate from the JIF for every board member who has been trained. Mr. Larson asked Mr. Depken to include the Planning Board as the Zoning Board finalizes the scheduling for this training. Mr. Depken stated that he would give the Planning Board a date. Mrs. Didio explained that she would encourage as many board members on both boards to attend the training as possible.

### **Old Business**

None

Mr. Larson opened the meeting to the public.

Sam Tripsas at 327 Maple Avenue stated that for the benefit of the board members who have not seen the meetings, OPTV can do a marathon on a Saturday and Sunday of their choice and it would also help for the public who had not seen those meetings either.

Jim Winters at Maple Avenue stated that due to time limitations at the public meeting, he had submitted a letter of issues, concerns and questions regarding the proposed Master Plan but has not received a response back. He explained that he would like to know if he would be getting a response before the board's vote. Mr. Derian stated that he, as an individual, cannot answer questions as this is for the board and there is no venue for the board to give official feedback. Mr. Winters asked what was the point of having public meetings in which residents could come and express their concerns. Mr. Derian stated that the point of the public meetings was to provide transparency and to solicit input. Mr. Winters stated that as written in his letter, he recommended his time to sit with anyone on the board, whether private or public. Mrs. Didio

explained that she thinks the other issue is that the board received correspondence from many people meanwhile this board is a volunteer board and she would defer to counsel to respond to every inquiry they received. She stated that the point of the public meetings was to hear what the public had to say and the board heard what he had to say as captured in his matrix, as have the other residents who reached out to the board. Mr. Winters explained that it looks like the board's mind is already made up. Mrs. Didio stated that she does not know why he would think this when she just told him that the board is taking everybody's comments under consideration. Mr. Winters explained that during the applicant from tonight the board is already trying to enforce something that is in the plan. Mrs. Didio stated that this is something that is a wish list to keep the buildings in the downtown consistent with the current designs of the community. Mr. Larson explained that the request tonight was not something that was inconsistent with anything they have done in the last couple of years in trying to foster the aesthetic of the Borough. Mr. Derian stated that the board had the same questions with the Columbia Bank application and they had asked them to use brick and to embellish some of the architectural details but unfortunately the board did not get everything they asked for. Mr. Winters asked if when they have the July meeting, would the subcommittee be presenting to the board, would the board as a whole have a discussion and then receive public comment or is the board going right into a vote on this document. Mr. Larson stated that the board has not yet spoken on the plan so the members would have the opportunity to share their views on the plan. Mr. Winters explained that in going back to his initial question regarding his submission of questions and concerns, as a board, they are not going to give him a response. Mr. Larson stated that the board is not going to give a formal response. Mr. Winters explained that that is a shame as he highlighted a lot of deficiencies within the document prepared by Burgis, especially when they cut and paste a lot of issues out of Mahwah and nobody seemed to pick up on that.

Nancy Costopoulos at Maple Avenue stated that she would like to point out that during the last meeting, the board indicated that they would respond to all of the questions and she does not understand how tonight they can say that they are not prepared as board to answer questions. She asked if they were lying. Mr. Larson stated that he thinks this is unfair as the board had indicated that everyone would have the opportunity to share their views and never stated that they would respond to every single question. Ms. Costopoulos explained that this is on tape and she could share this with the board. Mr. Derian stated that he would like to remind everyone that this matter has been going on for a year and they have had plenty of opportunity to discuss the Master Plan, solicited input on the Master Plan, expressed our views on the Master Plan on several occasions either informally with the Charettes or with power point presentations as developing the plan and giving updates on all important issues which are affecting Oradell and across the State. He explained that after most meetings there were Q&A sessions where Mr. Burgis or members of the Planning Board did express their concerns or had discussions with members of the community. He stated that the board had opened this up for the public when they had the 1<sup>st</sup> draft; they solicited input after the 1<sup>st</sup> draft; they took into account almost all of the comments; they have discussed them in the subcommittee and they had a 2<sup>nd</sup> draft done which was modified mostly because of what the community had expressed. He explained that they are not opaque as they have been doing everything they can. He stated that he personally feels uncomfortable as an individual saying they can do this and they cannot do that as he does not have this authority. Ms. Costopoulos asked who has the authority then. Mr. Derian stated that the Planning Board, as a whole, and as they vote on the document they would be discussing

this at the next meeting and every Planning Board member has the ability to speak; the ability to ask questions; the ability to state their opinions and then the ability to cast a vote, if it looks like they want to call for a vote. He explained that whether the document is passed as is; whether it is passed with an amendment or whether it is tabled to another meeting for further follow up, really depends on the entire board and the entire board's opinion during the next public meeting. Ms. Costopoulos stated that she is not disputing the process; she is saying that during the last meeting the board asked for questions, residents provided them and the board told the people that they would respond. Mr. Derian explained that he does not recall this. Ms. Costopoulos stated that it is on video tape and she would be happy to send the board the verbatim of what was stated. Mr. Derian explained that he would go back and double check this because he remembers saying that no, they were not going to sit down and respond to every single question and comment. Ms. Costopoulos stated that this was not what was said. Mr. Larson explained that every single email that was received, all 20 or 25 of them, was reviewed and considered. He stated that it is fair to say that the plan speaks for itself. He explained that this board would have to evaluate after the next session, after they have the opportunity to speak and provide their own comments, this board, in totality, would then have to decide whether the plan is ready for approval. Ms. Costopoulos asked if the board would be willing to meet one evening or weekend to go over questions in a more informal venue than the usual given three minutes and then told to sit down question/comment time. Mr. King stated that this would have to be by way of a special meeting with proper notice and he would defer this to the board. He explained that the board cannot just say that they will meet next Tuesday as they have to provide public notice for a meeting such as this. Mr. Larson stated that he thinks that the board has gone over and above in their efforts, none of which was required, in terms of soliciting ideas / thoughts from the public and he does not think that anyone can challenge this. Ms. Costopoulos explained that she does not think they are talking about ideas and thoughts and they are right that no one is challenging this; what she is stating is that the residents have legitimate questions that they would like answers to and the board told them they would give them to them.

Regina Little at Maple Avenue stated that she is looking for the date of the most recent issue of the Planning Board's rules, procedures and bylaws. Mr. Larson explained that he cannot give that information off the top of his head. Ms. Little stated that she asks for this because she went to Mr. Depken's office for this information and was given a copy dated 1988. She explained that she had heard there is a Bylaw Committee and thought there might have been changes more recent than 1988 which would be important to know in terms of the procedures they follow with the Master Plan. Mr. Larson stated that 2 years ago there was a bylaw review. Mr. Carnevale explained that he was the Chairman of the Bylaw Committee and he took the existing Oradell bylaws and compared them to the bylaws of varying towns and found that our bylaws were fine in terms of what they cover so there was no need to make any updates as they are satisfactory in terms of the operation of the board. Ms. Little stated what she has expressed at other meetings is that it is very important for the town to take into account all of its residents. She explained that she would like to point out how tall the buildings would be in their very small downtown area as 42' from the current 35' would have a big impact on the taxpayers of the community which live near those streets. She stated that she has spoken to many residents and no one has moved to Oradell for the nightlife and does not think it is fair to turn this into an entertainment venue with a lot of nightlife. She explained that she will come to the next meeting and hopes that the suggestions and ideas offered by the residents at all of these meetings would be incorporated into

the Master Plan and it would not be that residents wasted their time. Mr. Derian stated that for clarification, they do not make special accommodations for entertainment or nightlife in the Master Plan. Ms. Little explained that there are paragraphs in the Master Plan document which talk about after hour use of the Kinderkamack corridor in the limited Central Business District area. Mr. Derian stated that the Master Plan speaks to mixed use and also provides permitted use for restaurants which is the only real changes recommended for ordinances as well as increasing the height and encouraging more residential units above 1<sup>st</sup> floor retail. He explained that there is nothing special for entertainment and nightlife. Ms. Little stated that she has read the first and second proposed drafts of the Master Plan and there are many things in the document that she feels are important things as they are going to be public record as Oradell's Master Plan and there is a whole paragraph about nightlife and weekend activity which she thinks they are important when the next developer comes in who wants to point to the Master Plan's language. She explained that every single sentence in the Master Plan is important. She stated that the assemblage of lots makes it so there is more opportunity for bigger development. She explained that people move to this town because it is residential and a good place to raise a family. She stated that they do not need bigger buildings taking up more space on these lots. She explained that perhaps they have heard the frustration that resident's ideas are not taken seriously and it is important to keep an eye on the fact that this is a Master Plan which would be in effect for at least 10 years and a lot can happen in 10 years. She stated that every single sentence in this document would be used by somebody who wants to come and turn Oradell into something that is better for them and not as good for the residents of the town.

Jim Winters at Maple Avenue stated that for clarification, his submitted questions were not about what to change; they were very technical and very factual. Mr. Winters explained that if you are proposing residential; who is doing the study on this residential and how many units are being proposed. He stated that if they are going to make a claim that there is a set aside for COAH then what is the Borough's COAH obligation; how many units does the Borough have and how many units is the Borough proposing. He explained that the housing element is not part of this plan. He stated that he really finds it offensive given his professional experience as someone who sat in their seat and that he was on the Planning Board and was a Council Member. He explained that he gets the feeling that the board members see Maple Avenue people come here and they get upset and are not looking at us as residents of this community. He stated that he really thinks this plan has a lot of flaws that they are not seeing and it is quite upsetting.

Mr. Derian stated that for the record, in the 1988 Master Plan which was 30 years ago, the recommendations was for assemblage of lots in the Central Business District which is the exact same area as being proposed now. He explained that within the past 30 years there have been no significant changes and they still have the same Queen Anne homes there. He stated that he understands that some of the things being recommended may cause fear and uncertainty but these items have been in the Master Plan for some time, granted, they are proposing three stories and the FAR deduction which are new but outside of that, this plan is very conservative. He explained that they did take into account Maple Avenue and did not recommend a lot of things that would affect Maple Avenue such as: changing this area to the Central Business District; putting pedestrian walkways to link Kinderkamack Road with Maple Avenue, along with a lot of things because it is a vibrant neighborhood that they do not want to destroy. He stated that the board got a lot of input from the rest of the community that the Borough's downtown district is


stagnant and this area has vacant properties; vacant storefronts; unsuccessful businesses and people are frustrated with this. He explained that the board is making a special allotment for a permitted use for restaurants and he knows that recently with the coffee shop and the bakery, people are very happy with the changes they are starting to see and those are the types of things the board is trying to encourage.

Cecilia Lin at Maple Avenue stated that she thinks everyone is worried because with being a number one family town, if the board changes the plan, the town may not remain number one. She explained that she does not think they based being number one upon current characters, current town culture and all the structures. She stated that she heard members say that they collected all the input from the public but the residents never saw any statistics provided for public view. She asked who appointed the members to the board. Mrs. Didio stated that it is done by the Mayor with the Council's approval. Ms. Lin explained that the board should be more diversified with people from different areas. Mr. Larson stated that this comment is not appropriate for this board and invited her to take this question up with the Mayor and Council. He explained that he is not criticizing the suggestion but that this is not the right venue for it.

Sam Tripsas at 327 Maple Avenue stated that he would encourage the board to look at the minutes from March 13, 2017. He explained that there were no people in the audience; it was just the board talking amongst themselves; listening to a presentation from Joe Burgis and all the recommendations that he made were the same recommendations that are in the 2 drafts. He stated that when he read the 2<sup>nd</sup> draft he had hoped to see some of the recommendations removed as requested by the public but they were still there: assemblage of lots; building height; zero setbacks; the FAR and the permitted use of restaurants are all still there. He asked what was removed. He stated that he does see a transit village and does not think anyone in Oradell would want a transit village. Mr. Larson asked if at the June 2017 meeting was 4 stories not on the table. Mr. Tripsas stated that it was 42' and it is possible to put 4 stories in a 42' building. Mr. Derian explained that they did change the Master Plan to say that this must be 42' and 3 stories for that specific reason. He stated that the 42' was for the ceiling so that you could have a pitched roof line which is aesthetically better than a flat roof. He explained that it does say in the Master Plan that you cannot go more than 3 stories. He stated that they heard this request and the board made that change. He explained that as for a transit village, the board was very specific where they would allow high density residential development in the Master Plan and it is not in the Central Business District, not in the office district and not in the B2 zone. He stated that they are not looking to bring in NJ Transit dollars for a parking garage. He explained that they are not proposing a transit village. He stated that he does not want this to start getting traction in the community because it is not true. Mr. Tripsas explained that this is in the plan on pages 55 and 93 which stated that in the transit village guidelines, it says that they want the taller buildings towards the train station and that is where the Borough is putting the taller buildings, from Ridgewood Avenue to Center Street. He stated that if you look at the guidelines, page by page, they will see a transit village in our plan. He asked for the board to watch the March 13, 2017 meeting and they will see the same discussion a year and a half later. He stated that he would hope that by July 9<sup>th</sup> they would hear the full board and hear who is for and against because that is what they have not heard. He explained that he also heard Mr. Carnevale say that he would like an opportunity to speak and assumes everyone else would as well.

Mr. Larson closed the meeting to the public.

Motion to adjourn was made by Mr. Larson, seconded by Mrs. Didio.

  
Secretary