

ORADELL PLANNING BOARD  
REGULAR MEETING  
JULY 9<sup>th</sup> 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	Absent
Mr. Carnevale	Present
Mrs. Didio	Present
Mrs. Kirkpatrick	Present
Mr. Derian	Present
Mr. Pastore	Present
Mr. Plucinski	Present
Mr. Dressel	Present
Mr. Lombardo	Present

**Also Present:**

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

**Chairman Larson reads the correspondence:**

3-27-18	Letter from Herman Rohsler, District Supervisor, Bergen County Soil Conservation District, to John & Aylin Sayilik, 422 Third St., Block 1304, Lot 17. Application being heard this evening
6-7-18	Notice from Lara Rodriques, Freeholder Clerk, Bergen County Board of Chosen Freeholders, re Resolution
6-12-18	Letter from David Atkinson, P.E., P.P., C.M.E. Neglia Engineering Representative, to Stephen A. Depken, Construction Official/Zoning Officer re New Residence, 422 Third St., Block 1304, Lot 17. Soil Moving Application.
6-18-18	Letter from Fair Share Housing Center to Andrew P. Oddo, Esq., re In the Matter of Application of the Borough of Oradell, County of Bergen, Docket No. BER-L-6539-15.

**RESOLUTIONS:**

Soil Moving Application No. S-108-18  
Robin Marino           Block 1308, Lot 18   446 Hasbrouck Boulevard

Motion to approve Resolution was made by Mayor Didio, seconded by Mr. Derian.

**ROLL CALL:**

AYES: Dressel, Plucinski, Derian, Carnevale, Didio, Larson, Kirkpatrick, Pastore, Lombardo

Motion to approve Resolution was made by Mayor Didio, seconded by Mr. Derian.

ROLL CALL:

AYES: Dressel, Plucinski, Derian, Carnevale, Didio, Larson, Kirkpatrick, Pastore, Lombardo

**Subdivision, Site Drainage & Soil Moving:**

**Steve Carnevale**

**NEW APPLICATION:**

**Cal. #S-110-18**

**John & Aylin Sayilik**

**Block 1304, Lot 17**

**422 Third Street**

Mr. Carnevale asks applicants to come forward to the dais.

Perry Frenzel Licensed professional Engineer and Planner of Azzolina and Feury Engineering Group of Paramus is accepted as an expert witness before the board.

Mr. King swears in witnesses Mr. Perry Frenzel.

Mr. Frenzel describes the subject property as 75x 194, 2 ½ story single family dwelling with a detached garage and in-ground pool. Applicant proposes to demolish the dwelling, and garage while building new conforming 2 ½ story dwelling retaining the pool. The soil movement application involves a total of 694 cubic yards of soil, of which a cut of 646 cubic yards to excavate the basement and fill of 48 cubic yard to fills a small piece of former dwelling that is closer to the northerly property line than the new dwelling would be constructed and minor grading. Total soil to be removed from site is 598 yards. Mr. Frenzel states they believe they have met all the conditions in letter received from Neglia Engineering dated June 12, 2018. Only significance change was request to add a monitoring port in top of seepage pit which was now included and added to the second sheet of the plans with seepage pit being showed in upper left-hand corner. Drainage calculations were submitted with application. They are proposing 2 seepage pits to capture drainage from half of the roof and good portion of the driveway and impervious surface. Neglia has found calculations acceptable.

Mr. Carnevale asks David Atkinson of Neglia Engineering if all the action items from the letter been addressed. Mr. Atkinson states he has not received any revised plans but it is a minor item of inspection port. Mr. Atkinson states he wants to address the removal of 2 trees from the site, one is within municipal right-of-way to accommodate the driveway. Neglia suggested to applicant they add 2 additional street trees to the municipal right-of-way to compensate for loss of other 2 trees. Mr. Frenzel states on the revised plans before the board, proposed addition of 2 trees of the Red Maple vertical species rather than spreading species to be road friendly. Mayor Didio asks whether this species roots grow down rather than out? Mr. Frenzel states they have a tap root that mostly will grow down.

Mr. Carnevale opens application to the board for comments, hearing none he then opens comments to the public. Seeing no one closes public comment.

Mr. Carnevale sets forth a motion to **APPROVE** Soil Movement Application Cal. #S-110-18 subject to conditions that remain. Mr. Larson seconds the motion.

Motion to approve Resolution was made by Mayor Didio, seconded by Mr. Derian.

ROLL CALL:

AYES: Dressel, Plucinski, Derian, Carnevale, Didio, Larson, Kirkpatrick, Pastore, Lombardo

Application is **APPROVED**

## **Business Buildings & Signage**

Continuation of application:

### **P.B. Cal. #153-18- Change of Use**

**D & A HOLDINGS Block 411, Lot 15 285 Kinderkamack Rd.**

Mr. Larson stated that Mr. Atkinson would be recusing himself for this application due to his firm having a conflict.

Andrea Piazza licensed professional engineer, of Piazza Engineering, is accepted as an expert witness by the Chairman. Mr. King swears Ms. Piazza in.

The attorney for the project, Robert Travers directs attention the exhibit A-5 Site Plan Set consisting of 2 sheets. C-1 Site Plan details and notes last revised 6/14/18 and C-2 Lighting also dated 6/14/18.

Ms. Piazza states the property lies on the corner of Ridgewood Ave and Kinderkamack Road in B-1 Business zone. 14,311 sq. feet property with minimum lot width of 150 ft. existing lot with is 129.75ft. an existing pre-existing non-conformity. Structure height permitted is 35ft with project being 19 ft. Floor area 2949sq. ft. Proposed FAR .14 with .35 permitted. Front yard setback on Kinderkamack Road is 15ft with 50.68 ft. Existing. Ridgewood Road 38.66 ft. Both conforming. Side Yard setback requirements of 10 ft. property has 5.47 ft. pre-existing non-conforming. Parking in rear and front yard. Building coverage is 15.1% proposed with 40% allowed. Lot coverage is at 88% Maximum, existing at 90.6 % pre-existing non-conforming. No changes are proposed to impervious coverage. She states in terms of Off-street parking she calculates they need 12 spaces based on Medical Use with 1 space needed per 180 sq. ft and included 10% for handicapped parking at 2 additional spaces. 25 spaces provided that are existing striped spaces with the exception of handicap space #2 that been added. Parking space sizes vary with 11 spaces being 9x18, 10 narrower spaces between 7 and 10 ft wide by 18 ft and 2 spaces 7x17 as numbered and indicated on the plans. They are proposing a handicap ramp at the corner of proposed entrance. Site lighting plan C-2 depicting proposed light fixtures and poles. Client directed her to replace the existing fixtures to more modern, energy efficient models. She points out that they are proposing to move the existing light pole fixture on the front North end of Kinderkamack Road over with some light spillage still existing over property line, but she feels a better situation that what is existing. She checked that there are no windows on the adjacent building, being solid brick. Proposed fixture is placed between 2 mature trees. Because of the low level of illumination spill over and the fact there are no windows on that side of the building she feels it will not be a detriment to neighbors. If the board were strongly opposed, they would shift fixture to the south. In terms of engineering the only changed being made to the site are the addition of handicap accessible ramp and handicap parking.

Mr. Sachs agrees with M. Piazza that there is lighting spillage on the north side as well as the east side of property. He does not see any issue, as there is a one year "look back" period where this can be addressed if it creates problems.

Mr. Larson directs the boards attention to exhibit A-5 where there are 2 entrances and exits in the south side of the property. He states he is concerned about the closeness of the turn onto a major street and to consider closing that entrance, thereby having the only entrance/exit in the back of the property bringing it further up the side street. Mr. Piazza states these are existing driveway aprons, centered on the drive aisles for the existing parking, thereby in her opinion they are in the correct places. Removing the 2-way drive access closer to Kinderkamack Road would force a sharp right turn on entering, because of the one-way aisle. To accommodate this the lane would

need to be widened to 2-way aisle, and eliminate 2 parking spaces. Traveling southbound on Kinderkamack road, upon entering the property, driver would then need to make a very sharp right turn with minimal parking behind the building. Most likely have employees park in rear, therefore incoming traffic would be making an almost 180-degree turn, make another right turn and then access the parking in the front. Mr. Larson states hearing previous testimony on the amount of traffic in the lot, looking at the diagram and the fact that project has excess spaces, would it then be feasible to eliminate spaces No. 12 and 13, move handicap spaces to the south to accommodate a 2-way aisle in eastern most parking lot. Ms. Piazza states with the elimination of these spaces the drive aisle would only be about 9 feet with a normal drive aisle being 12 ft wide. She states by eliminating the front drive, you would be causing more problems than solving. Mr. Derian states making a left out onto Ridgewood, at the light would be near impossible and the even best time of day. Solution being to designate this exit a Right Turn Only exit forcing traffic west. Ms. Piazza agrees and says they are amiable to that suggestion. Mr. Larson states the main concern with the design is with handicap parking being in the middle of the lot. Ms. Piazza believes the handicap spaces are placed correctly and effectively giving easy access to building. She concedes the applicant will move them to spaces 3, 4 & 5 if board is adamant. Mr. Saks suggests moving handicap spaces 1 & 2 to the east and land-bank with landscaping spaces 12 & 13, so as it can be re-visited in future if more parking is needed giving 2 – 8x17' spaces. Ms. Piazza points out she has not received or seen any reports, complaints or information from the Oradell Police department that there is any difficulty with the existing drive aisles. She states she has been involved in this property on 3 different applications. Mr. Derian questions the safety and logic behind exiting and entering the lot at front entrance. Mr. King suggests moving HC spaces 3,4 & 5, land-bank 12 & 13 you could do away with the easterly drive and pick up a few spaces. Ms. Piazza does not believe they could pick up addition spaces. Mr. Dressel reminds them based on ordinance applicant needs 12 spaces, which they have. Mayor Didio states the danger making a left out of rear parking lot onto Ridgewood Avenue without space to make another left into entrance is very dangerous. Mr. Frenzel offers moving HC 1 & 2 into 3,4 & 5-limit the driveway on easterly side to ingress only, make 2-way replacing the HC spaces keeping ingress and egress on westerly side. Eliminating no left turn with one level of traffic. They want ingress at front of building. Mr. Sachs puts forth making it an ingress into site move HC 1 & 2 into 3,4 & 5 and land-bank 12 and 13 giving 28 ft to allow 2-way traffic. Mr. Dressel suggests revising the plans to allow review of change. Mr. Sachs suggests narrowing the ingress curb to discourage left hand turn into lot. He also points out Kinderkamack Road and Ridgewood Road are County roads and they have final say on plan. Mr. Larson asks for clarification of procedure, Mr. King states this is subject to county approval. Mr. Larson clarifies points from prior meeting, does applicant intend to conform business hours to ordinance, signage size and aesthetics of building to conform to downtown. Mr., Travers in the affirmative. Mr. King asks the process which would trigger the land banked spots 12 and 13 be utilized. Mr. Travers from experience, applicants will not trigger the need unless necessary due to time and expense. Mr. Larson suggests going to the Borough Official.

Mr. King summarizes the changes agreed as HC 1 & 2 moved to 3,4, & 5 with common access in between the two. HC 1 & 2 previously located will be a 2-way with drive aisle of 28 feet, Spots 12 & 13 will be land banked for future use if needed upon owners application to the building official, the easterly driveway will be reduced to ingress only, curbing installed in a way to allow ingress from west of Ridgewood Avenue and south of Kinderkamack Road. Westerly driveway continues to be 2 spaces, parking space 23 will be removed, parking space 1 will be limited doctors parking. Board and applicants agree.

Mr. Travers architect ViJay Kale with revisions of exterior facade. He introduces Exhibit A-6 revised elevation drawing which includes brick to conform with the downtown area. Brick is all the way around the building, no changes to windows. The sign is moved in efface above the

entrance. Signage size unchanged. Mr. Derian states he is impressed with the design of building but recommends the brick be reddish to conform with the area.

Landscape architect is called. Jill Janosz of Blooming Garden design is sworn in. Licensed Landscape architect since 2006. Exhibit A-7 Landscape plan 5/9/18. She testifies she design the plan to soften headlights, installed a hedge along Kinderkamack Road maintained at a 36in height, existing tress will remain and added an addition 1 tree. Along Ridgewood Avenue installing and Evergreen hedge maintained at 36 in. height. Planting will be removed with the exception of corner planting of 18 inches. Boxwood hedge added at the front of the building with a taller Evergreen in front of windows for balance. Mr. King reminds Ms. Janosz, of the proposed land-banking. She states best use would be a simple ground cover, to allow minimal work for conversion to parking spaces if needed. Mr. Sachs asks if time can be given for Ms. Tiberi to review the changes agreed to tonight. The board and applicant agree. Ms. Janosz presents panoramic photographs of the site. The board has no further questions.

Mr. Travers signage he refers to Exhibit A-6. He clarifies the applicant will conform to the type size. Mr. Wayne Blohm of Signs by Blohm states he revised plans marked as A-9 to addressed anomaly. Site sign 11.99 sq. ft and from sign is 24 sq. ft that is in conformance with current ordinance. No further questions from the board.

Mr. Frenzel closes by stating this project is a vast improvement on what is currently there.

Mr. Larson states subject to conditions set forth on landscaping, parking and Ms. Tiberi reviewing the changes puts forth a motion to approve application. Mr. King reminds Mr. Larson to open to the public for comment.

Mr. Larson opens to public for comment.

Resident from 27 Ridgewood Avenue asks if there is any landscaping on the western elevation the back of building to the homes on Ridgewood avenue? Ms. Janosz replies that is not the property of the applicant and is a public lot. The resident asks what time the lighting will go off. Ms. Piazza states in application has dusk to dawn. She states there are 4 pole mounted lighting fixtures. Mayor Didio asks if they need to be on dawn to dusk? They agree they can be off 30 minutes after business hours. Leaving only lighting on building.

Sam Tripsas of 327 Maple Avenue says the lighting is already blinding on that corner, he hopes the lights will be off by 8 PM. The applicant explains they will be open Monday through Friday 8AM to 10 PM and Saturday and Sunday according to ordinance. The pole lights will be on to 10:30 PM. Ms. Piazza points out the lights are 14 feet high and light pointes downward. She shows Mr. Tripsas a drawing of the lighting. Mr. King reminds the board they have a year to review any lighting issues. Mr. King Marks or drawings as exhibit **A-10**.

Lori Winters, Maple Avenue asks what the hours of the business will be. She questions the time the applicant's other facilities are open. Applicant states his other 2 centers close 8 PM or so depending on the number of patients. She does not agree with the hours for this type businesses in town. Mr. Larson explains the hours for businesses in the borough of Oradell can be discussed with the Mayor and Council who set the ordinance on business time operations.

Mr. Larson seeing no one else puts forth motion closes public comment.

Mr. Derian seconds the motion.

ROLL CALL:

AYES: All in Favor

Mr. Larson puts forth a motion subject to conditions on parking and landscaping and other conditions discussed he puts forth a motion to approve application.

Mr. Derian moved Mr. Carnevale seconds the motion.

ROLL CALL:

AYES: Mr. Dressel, Mr. Plucinski, M. Derian, Mr. Carnevale, Mayor Didio, Mr. Larson, Mrs. Kirkpatrick, Mr. Lombardo.

Application is APPROVED with CONDITIONS.

Mr. Larson calls a five-minute recess.

## **PART II- Master Plan**

Mr. Larson opens a meeting for discussion of the Master plan. Mayor Didio recuses herself after consultation with the board attorneys, as disclosed prior her husband owns one commercial property in the Central Business District and is a member of White Beaches.

Mr. Derian Chairman of the master plan subcommittee, reviews the timeline of developments for the new version of the Master Plan. Current version of the Master Plan published on May 23, 2018. Tonight's meeting is for the discussion among the board members of the current version of Master Plan document and possible adoption.

He explains the Master Plan is a vision document for growth over the next 10 years. A legal right and obligation of the planning board and further details can be found on page 5 section 1.2 titled the Legal Requirements for the Master Plan. Within the master plan document there are many sections where the planning board makes recommendations to mayor and council for the and any enactment of ordinances that will support the intention of the Master plan. But there are times when the master plan and the local ordinances are not aligned. Although there are many reasons for these differences it is legal. As a result, there're three areas of the May 23 Master plan document that is not aligned with the June 19th affordable housing plan between the Borough Oradell and the Fair Housing Council. At this time planning board subcommittee does not agree with the following items within the fair share housing agreement.

The first item is White Beaches and the overlay zone. We do not agree White beaches should be designated as affordable housing. We spend a lot of time and that's the plan document highlighting the importance of green space we feel the three golf courses and access to the reservoir into Hackensack River is its unique asset to the community. The loss of the possible green space is not consistent with the borough vision within the next 10 years why we feel there are better areas suited for affordable housing. According to MLUL the committee needs to recognize adjoining municipalities with respect to consistency among the communities. A portion of the document is dedicated to how we treat our borders properties. An example is white beaches, only a third is located in Oradell, most of it why is within Haworth and Dumont. In Haworth and Dumont White Beaches golf club is classified as open green space and park space. To classify in Oradell as affordable housing would be inconsistent with our neighbors. In addition, would be inconsistent to the adjoining homes next to and adjacent in the R1 and R2 zone. Second item, Central business designation and overlay zone on westside properties on Kinderkamack Road North of Orchard Street. The current document includes those properties as part of the central business District. These properties are currently zoned B2, three of the four properties are already commercial use right on Kinderkamack Road. We feel that treatment to property owners along Kinderkamack road should be consistent regardless of which side of the road. Finally, the property across the street is a gas station and municipal parking lot, if these properties for example were to be turned into mixed use with the retail first floor residential

second and third floors parking would be easily accessible in the municipal parking lot. By not including the four properties does not further the goal to have an easily identifiable northern boundary for the central Business District. We would like people who drive up Kinderkamack Road to come across a monument or milestone and know they are in the CBD zone. By moving the western boundary closer to Saw Mill Lane would make it more consistent. This does not include Oakley house that is a historical home which will remain outside the CBD zone. The current Master Plan does not agree with a fair share housing counsel with regards to the CBD overlay zone as it applies to the east side of Kinderkamack Road. The main reason being treating the east side differently than the west side is inconsistent with our goal for the revitalization of the business District and also inconsistent with the equitable treatment of property owners by allowing one side of the street to develop and not be other and or not being economically feasible. Finally, it is inconsistent to the treatment of nearby property owners, some property owners having relief what others do not. Mr. Derian states there has been a lot of talk about controls, how do we control growth, or prevent the unintended consequences. Mr. Derian hands out copies of his amendments to the plan on specific verbiage regarding these issues. He states he cites specific pages and sections of the Master Plan so that the public can follow along. On page 41, Controls over permitted use should be amended reading, "furthermore the prohibited use of drive-thru facilities associated restaurants should be continued". Adding any other appropriate and controls consistent with the character of the CBD District should be considered. Also, on page 47 reads, entry to the downtown would be more attractive two restauranteurs, the committee would like to add while considering appropriate controls to maintain the character of the CBD District. In summary with those additional recommendations we feel there will be no ambiguity over our intention in our recommendations to the mayor and council regarding permitted use and present I want to consequences like the drive-through's, chain restaurants and the like. Page 42 item 4, regarding FAR states currently consideration should be given to eliminating the B-1 zone FAR criteria in an effort to allow creation for residential or office units above stores. We would like to add, such change should be on the consideration of and in conjunction with the establishment of appropriate setbacks buffers and other density controls. Trying to add a little more clarity of other items that should be taken into account. As a result, on page 47 item 2 it should be amended to say change to the FAR requirements should only be made in consideration of and in conjunction with the establishment of appropriate setbacks buffers and density Controls to maintain the current character of the CBD district. On page 42 item 5, titled Building Heights, the current document states "consideration should be given to increase the current maximum building height 42 feet along with the specified maximum three story building requirement". This statement created nervousness not being specified enough, the committee decided to get rid of the word "along", and would now state "a maximum permitting height of 42 feet with a specified maximum of the three-story building requirement and then state the occupied space should be limited to a height of 35 feet allowing an additional 7 feet solely to accommodate architectural and design elements, such as a pictures or decorative trim. To clarify the face of the building cannot be more and 35 feet, in the back of the building no more than 35 feet. Allowing an additional 7 feet for architectural design. In addition, elsewhere, we recommend we terrace the third floor, so in reality a terraced third floor, the maximum storefront height on Kinderkamack Road would be 25 feet. Page 47 item 1 should be changed so that states "modify the ordinance to permit Heights of 42 feet and three stories in the B-1 zone limiting occupied space to height of 35 feet allowing 7 feet solely for the accommodation of architectural design elements such as pitch roof and decorative trim. Finally under transit Village, on page 93 item D we think it should change to state "notwithstanding the preceding sentence, nothing herein is intended to recommend or support the creation of a new zone or the amendment to an existing zone that will allow for the creation of a transit Village in the downtown CBD District. Mr. Derian opens the floor for additional comments or questions. Mrs. Kirkpatrick states she had this document prior to tonight's meeting to review. Mr. Derian explains it is working progress. Mr. Dressel states being fairly new to the board understands a lot

of work has gone into the Master Plan, and does not believe the amendment to the height really solves this issue that it should be increased weather footage for story standpoint. He echoes Mrs. Kirkpatrick's comment not having the document to review would be hard to vote on. He states defining what revitalization means it's important, most of the stores on Kinderkamack Road are occupied and doing well. As a board member respectfully do not believe building height in this plan are good ideas. Mr. Larson asks clarification from Mr. Dressel if his objection is whether to retain the height at 35 feet. Mr. Dressel agrees with the current restrictions. Being in the construction business he has seen the good intentions of people trying to create some controls, and in some form a developer can twist it, with 20/20 hindsight not helping anybody. He states he approves of the current 35-foot requirement with no allowance 7-foot architectural design. As well as keeping it at two stories and not three. He suggests design standards be implemented on the additional seven-foot allowance. Mr. Carnevale reminds the meeting the agreement signed by the borough of Oradell and fair share housing calls for three stories on the west side Kinderkamack Road. He asks Mr. Burgis to clarify this is his understanding of the agreement requires the mayor and council within the next 120 days to provide for on the Westside of Kinderkamack Road up to Orchard Ave the allowance of three stories. He asks Mr. Dressel, with this ordinance to be written for the westside would you maintain staying at 35-foot height without the 7-foot allowance for aesthetic purposes. Mr. Dressel states he believes 3 stories can be accomplished within the 35ft limit with architectural design. Mr. Plucinski states Oradell needs to keep the existing two-story, as allowing three stories would incentivize developers to tear down the beautiful buildings in town. Two stories would not be an economic incentive for developers. He cites other downtowns such as Westwood, Ridgewood, and Maywood are incredibly vibrant with a vast majority being two-story. He believes there's no rational reason for three story in downtown. Mr. Derian, agrees with Mr. Plucinski in theory, but states Oradell being in the state of New Jersey must abide by the New Jersey state constitution and the government bodies that are forcing every single municipality into meeting at affordable housing obligations. Oradell has a debt of 390 units that need to be addressed. At this we have to provide for seven units I need to start making headway. And if we do not make progress, we will be vulnerable to a huge unwanted project in town. He cites this happen in Dumont, Montvale, and New Milford. If a Developer takes us to court their chances of winning is 100%. In his opinion as long as Oradell does not have any actionable items towards our plan, and that could be demonstrated in court before a judge, we are vulnerable. We are at the point where the fair share housing council has forced us to include an overlay zone, an overlay zone is an affordable housing zone above retail which is the easiest way to redevelop for affordable housing when you do not have vacant land. Accomplishing two goals, getting new property downtown and satisfying affordable housing requirement. Understanding not everyone wants new buildings, but we are being forced provide an overlay zone. M. Plucinski cites the 4 Habitat for Humanity Homes across from Jay's Pharmacy and on col-du-sac Faith Place that would accommodate an additional eight Habitat homes what are you satisfied our immediate incremental needs. Mr. Larson asked Mr. Burgis if this in fact as a true statement, Mr. Burgis states it's thirteen units of which three would be affordable housing the rest would be market rate. Mr. Plucinski states Faith Place would it accommodate eight habitat homes. Being in consultation with the director of Habitat of Paterson discussing other mechanisms to come up with another five units. Oradell should not be using affordable housing argument to build unrestricted commercial and retail development. He believes we should find the least intrusive method to satisfy these 13 units. Mr. Burgis explains the existing agreement and its legal effect. He states there are two components to the issue. One being the large obligation to affordable housing, as defined by the courts. Fair Share Housing is a private entity fighting for the rights of moderate to low income households, and do not State agency. The number of unit's fair share housing calculated for Oradell being well over 300, we took exception. Being a fully developed municipality Oradell is entitled to of vacant land adjustment. We determined our realistic development potential for affordable housing would be seven units. The courts have made clear the difference between the



realistic number and the number of units calculated by fair share housing is an unmet need. We are obligated to make a good-faith effort at least address a good portion of that unmet need. Arguing in court three-story development on either side of Kinderkamack Road would be inconsistent with a planning philosophy of the municipality. Being particularly aware of the resident's concern immediately to the east on Kinderkamack Road on Maple Avenue, as of their properties slope down. After months of discussion fair share housing relented and allowed the continuation of two-story on that side of the road, adamantly refusing to accept a two-story development pattern on the west side of the street. Fair share housing has a history of suing municipalities to argue for greater number of units than originally on the table. Oradell felt discretion was the better part of valor in agreeing three stories on that side of the street. affordable housing is extremely expensive and a fair share has become very successful at playing this process out.

The overlay zone allows for the existing buildings too lay untouched and only comes into play when it is sold to developer. It has been his experience in other municipalities a similar configuration you may get I handful of units to develop you will not see hundreds of units developed. This is a way to protect from litigation. The planning board has the option a falling through and adopting a Master Plan that is consistent with the settlement agreement or not. The settlement agreement and the Master Plan are two separate documents. Mr. Dressel surmises accepting this agreement will potentially halt potential development forced upon the town. Mr. Burgis explains a development of five or more units would trigger affordable housing requirement. Anything under five units, is a monetary contribution for the percentage. The formula is for every for markable units you must provide one affordable unit. Mr. Dressel states this would not put a dent in our unmet need looking at properties individually. Opening up the possibility of a developer to reap more benefits than to provide the social good intended by the agreement. Mr. Burgis agrees, stating she believes we will see three and four unit as opposed two large developments. The monetary contributions required to the borough's housing trust fund for development under five units, can be used to bring in organizations to develop affordable housing. Or use the money to help existing low to moderate income families in the borough fix up or maintain their homes if in a deteriorating condition. Mr. Burgis explains although there's modest on unmet need, you receive the incredible protection with the contributions. Mr. Burgis states the 35-foot height requirement guarantees a flat roof design, the attractiveness of the downtown buildings are there peak roof designs. The only way to get that design element would be to allow something over 35 feet. Mr. Dressel states the additional allowance does not guarantee peaked roofs. Mr. Larson admits somebody difficult a general document, the details will come and the ordinances of the mayor and council enact which would include design specifications and architectural style. Mr. King reiterates this is a policy document, the ordinance will come from mayor and council and this is a suggestion. when putting together the master plan we try to ensure there are enough controls to cover those exceptions. Mr. Lombardo asks if there is a requirement to build design elements on the roof. Mr. Larson explains these requirements if any would be addressed any ordinances passed. The goal of the Master Plan is to allow the aesthetics of the downtown to be consistent. It is his hope when the ordinances are drafted, they will include requirements for the design. Mr. Burgis reminds the board once the ordinance is drafted by the mayor and council, it will come back before the planning board for review and comments.

Mr. Derian the approach to subcommittee took in regards to managing potential growth in respect to affordable housing. The committee visited vacant land around the borough identifying areas of the potential future development. He does not believe indiscriminately handing over vacant land or squeezing in between or behind buildings to build 100% affordable housing is responsible planning. Instead choosing areas affordable housing would make sense, choosing New Milford Avenue between Kinderkamack Road and the railroad tracks as a spot for redevelopment. Faith Place already subdivided where we can take advantage of, the overlay zone

in the CBD District which encourages revitalization which is one of our primary goals. They believe this is a credible plan for growth. Mr. Carnevale states, going into the negotiation's borough does not own most of these properties, not having a definitive project to offer up, all they can do just make available the potential for areas in town privately owned potential to develop it. Short of going around buying up all these properties to develop affordable housing, preparing site plans which does not make sense financially. Mr. Plucinski asks why it doesn't make sense to buy up parcels of land like Faith Place across from Jay's Pharmacy and build. Mr. Carnevale replies the town is not in the position to become property owners and developers for the purposes of developing sites for affordable housing. Mr. Derian asks whose money he's going to use, Mr. Plucinski States we should float a bond of 1.4 million dollars to build 13 habitat homes, that land to habitat. Mr. Carnevale States that would not and the negotiation it may advance it, but fair share housing would then come back to ask where else in townhouse potential. Mr. Dressel questions how the height in the downtown area helps our obligation to affordable housing. He then asks where else in town is there land a developer could come in and build affordable housing units. Mr. Derian answers there isn't. Mr. Dressel states they're separate issues and does not believe we are obligated to revitalize by creating greater density. Mr. Derian to an extent this is already happened, with the fair share housing agreement the west side and the east side north of Oradell Avenue has been designated on overlay zone. Mr. Lombardo agrees with Mr. Dressel, and has been tracking and researching affordable housing and what it's been doing to towns. But with Oradell having an unmet need even though it's unrealistic, without making a good faith effort and planning, developers will be coming in and buying, developing a project that does not fit within our Master Plan and they sue the town, because we did not allow for even a little bit. We need to get ahead of it. Appeasing a settlement in small part of our town, and placing the right controls, and restrictions we can appease the settlement without overly promoting development in the area. Mr. Burgis states he wants a point out we have all lost sight of, the ordinance now permits a building height of 35 feet, you can have three stories within those 35 feet. The ordinance allows for multifamily on that second third floor, the only debate is whether to allow the additional height for the embellishments on top of the building. Mr. Carnevale states in the interest of advancing the goal of completing the Master Plan, if it's important to have the context of what took place in reaching the agreement with a fair share housing, then let's continue having this discussion but we reached the agreement the mayor and council now have to act upon the agreement and therefore if we can focus back on completing the plan itself, that would be more productive. Mr. Lombardo asks to read his vision of town. He states what we have in the master plan encourages growth, while making it too easy on the developers. He believes the current controls are too strict and need to be loosened up but not become unchained. He is against extending the CBD District yet until we say what lessons are learned from opening up restrictions more. As per the settlement we should allow no more than three stories on the westside and Kinderkamack Road, we should restrict combining no more than to business zone lots, we should set FAR limits for 125% for three stories and 85% for two stories. It is not stop somebody coming in ask for more, but it puts the controls back in our hands. We should set clear buffers and setbacks to keep the open small-town feel. Make the front setbacks 10 or more feet to allow for more outdoor seating, which would encourage restaurants. His visits to DC and Rhode Island restaurants have the seating outside in front with these setbacks. Most importantly rear setbacks especially along the west side to prevent crowding to the homes and families that lives alongside and behind Business District. What good is a downtown without the well-being of our neighbors. In closing the reason for these limits and boundaries is so that the town has the final say on what developers do and not vice versa. He thanks the subcommittee for all the hard work they've done, he believes this is a great plan with just a few changes that need to be made so we don't lose the small, quiet, friendly town that is the best place in the world to live. Mr. Larson addresses an area of concern the Master plan subcommittee and some on the board, is the controls. The fear of the unknown is unquantifiable. He states they have tried to be as controlling as possible to provide all the detail that would go

into an ordinance to enact the type of control you're looking for. Mr. Lombardo asks if we can make a guidance on the building height, on FAR, on setbacks on those types of things. Mr. Burgis, states that this point you might as well make a zoning ordinance, this is a policy statement designed to identify how you want to see your community grow. It is not the nitty-gritty details of the zoning ordinance. The zoning ordinance implements your policy statement. We started on two separate tracks here, one was the central business District study and the other was land use plan. The central business District study included analyzing your zoning ordinance which is why we ended up with the zoning comments we have in here. we found there were several conflicting elements in your zoning ordinance, one of which was your FAR standard which was 35%. you could not get more than a one-story building and meet your coverage requirements of 40%. Do these zoning comments belong here, not necessarily, it's not totally inappropriate to make these comments but we do not want to make this into a zoning ordinance. Three areas he states he had trouble with are parking standards, they are not consistent with contemporary design standards, FAR and building height. I am a firm believer by increasing building height, it will ensure a more aesthetically attractive building. Keeping it at 35 feet on a 3-story building you will wind up with the bunch of flat roofs. Looking at the pictures of the downtown on this exhibit you see a lot of attractive buildings with a sloped roof design. Part of the problem is Oradell measures the height of the building to the peak, by virtue of doing that it will result in 35-foot flat top roof. He states he does not believe that to be an attractive alternative. Mr. Lombardo states if there was away, they could enforce these types of styles and retain controls he would be for it. he states he wants to see in this document taking our time slowing down growth and learning from mistakes we may make going through this.

An argument within the public forum and the board ensues. Mr. Larson calls a recess.

Mr. Larson announces in light of discussion amongst the board and any outburst amongst the crowd we will be opening the floor for public comment and will be continuing discussion on the Master Plan. He announces there will be a special meeting scheduled at a later date to be determined.

Mr. Larson opens the meeting to public comment.

Lou Essler, 746 Amaryllis Avenue he requests a delay on a vote to at least November for the following reasons holding a vote in the summer months when your residence on vacation is wrong not giving them a chance to be heard. The rezoning of Kinderkamack Road without giving notice to adjoining property owners it is also wrong. The four parcels north of Orchard Street registered by the state and government as a historical site. The designation refers to both the home and the land, the changing of the zoning for these four sites to allow development and encouraging the cluster of these four sites for development is wrong. It is an insult to the federal registry of historic sites and should've consulted with the historic committee before taking such action. At the June hearing of the mayor and Council meeting he believes Mr. Burgis stated this property was not part of the agreement. Please delay your vote.

Maggie Hairer, 81 Prior Court draws the boards attention to three documents she has handed out. These are lists of historic sites along Kinderkamack Road. She suggests creating and historic Kinderkamack Road District as a way of controlling style and architecture of the downtown. The current designated historic sites should be protected as well as maintaining conformity in the buildings around them. She reads the historic preservation plan elements of the Borough of Oradell of January 2010.

Resident steps up without name or address, and reads a letter from Ambassador Robert Hunt who grew up in Oradell.

Paul Latonis, Beverly Road states being pro-business does not have to hurt the residents. He recommends to the board the town not become a uniform town like so many other towns around. He asks statement in the old master plan on page 54 be removed. He would like to see the small-town atmosphere continue.

Jim Winters, Maple Avenue States he feels tonight discussions are encouraging. He built a model in 3-D so that residents can understand the technical words being used in reference to the Master Plan. Model is based upon and shows the current standards and the proposed changes. By way of the model he wants to explain to the board what FAR means and height means. He demonstrates the different types of structures under for the size lots according to current and supposed changes.

Name unintelligible 373 Oradell Avenue, she wants to remind the mayor and council they are not separate bodies. It seems that to her they're having their own life and the town is having its own life. After several meetings of this plan and much discussion nothing was actually listened to. She states if we can charge to board, we can also discharge the board. She has lived in this town for 25 years. She states she wants to know who the board is and why they will not work with citizens of the town. She believes the board should be working closely with residents of town. She doesn't understand why the town feels need to build and revitalize. If we do not take money from the state, we do not have to listen to what they want. She does not understand where the number came from for affordable housing units the town needs to meet. The council approves the numbers but it also has to be approved by ordinance. The board has to listen to us. We are paying taxes. We are working hard we have a vision for the town. We don't want mansions we don't want Kinderkamack Road to look like ShopRite in New Milford. 35 feet is high enough and 3 stories is not good.

Regina Little of Maple Avenue thanks for planning board for allowing the public to listen to the discussions. She feels it is not correct to deem one portion of town less worthy because of its proximity to the train station. She believes the town can become the most important in the state if we drew attention to the historical significance some of our sites. She feels the habitat for humanity was a great accomplishment. Section 4.4 of the central business District, the parking section in the 5/22 draft, Page 73 Numbers 1,2 and 3. And Mr. Burgis comments from the January meeting about the east side of Kinderkamack between Oradell and Ridgewood Avenues for parking behind buildings. Which is essentially a parking lot thoroughfare behind the buildings which adjoin the backyard on everyone on Maple Avenue. She would like the planning to encourage families wanting to move into town and discourage nighttime activities. She's thanks the board for all their work.

Theresa Trask, Maple Avenue apologizes to the people who were not heard tonight. Many of us went door-to-door requesting residence to attend this meeting tonight. She states she spoken to many people were shocked they do not know what is going on and it is not being brought to their attention. She feels a traffic study needs to be addressed. The ShopRite that's under construction has not been addressed as to the traffic it will bring to Oradell. You also have not addressed the issue of the water company museum. It will be a wonderful program but will be bringing a lot of people in. She states the board has no idea how it feels to sit in the audience and listen to the board talk about the 300 new residences, and our town will probably be ruined because someone on the planning board is not doing enough or is not doing their job and working directly against getting that done. She questions how many people on the planning board attended the COAH meetings. Mr. Carnevale explains our attorney our planner meet with the judge, they report back to the mayor and council. Mrs. Trask asks why the public was not invited to these meetings. Mr.

Larson explains the negotiations are a purview of the mayor and council. She states not defending the town against overpopulation is unconscionable.

Paul Latonis, Beverly Road revisits the dias and asks the board to remove page 25 of the Master Plan in its entirety, we do not need it. He feels it discriminates against small-business and does all about bundling properties.

Ralph Menendez, Ridgewood Avenue States there is no vacant land on Kinderkamack road therefore something will have to be torn down to revitalize.

Chris Kafer 652 Orchard Street, states it's been a fascinating evening and Stacy sure we're all going to work together to make this work. He requests the board provide revised documents against current proposed documents to make it easier to understand and review.

Sam Tripsas 327 Maple Avenue states eliminating curb cuts eliminates the structures because they each have individual driveways which implies there'll be something else. He hears elimination. Mr. Derian discusses the curb cuts by the new caffeine café, the bank and the office building where are these buildings have parking behind. There being a narrow exit onto Kinderkamack Road. He states application was stopped at prior meeting because it should've been before the zoning board. Now tonight he comes in and sees the application still on the planning board. He continues to argue as to why this application is being heard on such an important night in which we were discussing the Master Plan.

Jen Abatabo, Maple Avenue hope when the board does make their decisions, they think about how those decisions will affect the backyards on Maple Avenue as far as exhaust, noise and traffic.

Theresa Trask, Maple Avenue returns and states there was a developer that cut down trees, the resident at the time had to bring them to court and sue. The trees were replaced. But the trees were not replaced at a property of an older woman who was not able to fight for her property. They now look at these two properties with no trees and shrubbery and she states it looks like we live in Irvington. Just plain old backs of buildings

Mr. Larson seeing no one move the move the public comment portion.

Mr. Plucinski seconds the motion.

ROLL CALL:

AYES: All in Favor

Mr. Larson makes a motion to table the discussion on the Master plan document to the next meeting.

ROLL CALL:

AYES: All in

Mr. Larson puts forth a motion to adjourn.

Mrs. Kirkpatrick seconds the motion

ROLL CALL:

AYES: All in Favor

Adjourned at 12 A.M

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Secretary

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Date