

**ORADELL PLANNING BOARD
REGULAR MEETING
APRIL 6, 2021**

Notice of this meeting was published in official newspapers, prominently posted in Town Hall and filed with the Borough Clerk in accordance with the Open Public Meetings Act

ROLL CALL

Mr. Larson	Present
Mr. Derian	Present
Mr. Scalcione	Present
Mr. Carnevale	Present
Mrs. Didio	Present
Mr. Baumann	Present
Mr. Tankard	Absent
Mr. Dressel	Present
Mr. Plucinski	Present
Mr. Cohen	Absent
Mr. Kang	Present

Also Present:

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

Correspondence:

NJ Municipalities magazine March 2021 - (Chairman only)

The New Jersey PLANNER January/February - VOL.82, No. 1

3/22/2021 - Letter to Stephen A. Depken, Construction Official/Zoning Officer, from David Atkinson, P.E., P.P. C.M.E., for the Borough Engineer. re: Engineering & Soil Moving Review, CAL# S118-21, 906 Lotus Ave, Block 607, Lot 8, NEA File #: ORADSPL21.013

3/25/2021 - Letter to Stephen A. Depken, Construction Official/Zoning Officer, from David Atkinson, P.E., P.P. C.M.E., for the Borough Engineer, re: Engineering & Soil Moving Review, CAL# S119-21, 378 Loretta Dr., Block 1403, Lot 1, NEA File #: ORADSPL21.014

3/12/2021 - Email to Stephen A. Depken, Construction Official/Zoning Officer, Land Use Administrator, from David Michael regarding the submission of PDFs of 906 Lotus Ave, Block 607, Lot 8, Site Plan, pages 1-3, by Dykstra Walker PE,

1/14/2021, and Architectural Plans, pages 1-11, by Albert Dattoli Architect, 12/31/2020, revised 1/13/2021.

3/29/2021 - Email to Stephen A. Depken, Construction Official/Zoning Officer, Land Use Administrator, from Ronald Fermano regarding the submission of PDFs of 378 Loretta Dr., Block 1403, Lot 1, Site Plan by Lantelme, Kurens & Associates, 1/13/2021, and Architectural Plans, pages 1-10, by Albert Dattoli Architect, 1/18/2021.

Mr. Larson stated he understands from Mr. Depken that there was a revised agenda. He did not see the letter that was included in the board members packet from Dykstra Walker Design Group dated March 25th. Mr. Larson asked for completeness of record, if it could be included on the list of correspondence that has been considered by the board for the meeting. Mr. Depken stated that the Building Department asked the applicant for a PDF to put on the borough's website however only 12 hardcopies were submitted to the office and the decision was made to send those out to the board members so that it could be reviewed. Mr. Depken stated that the Building Department did not hear back from the applicant after requesting the PDF and that he had not received the letter and revised site plan from the applicant's engineer. Mr. Depken stated that it would need to be submitted to the Building Department for the files. Mr. Larson stated that it would be addressed when the board hears that particular application.

Committee Reports

Subdivisions, Site Drainage & Soil Moving

- 1. CAL# S119-21 - Soil Moving - Nile Candan
378 Loretta Drive, Block 1403, Lot 1**
- 2. CAL#S118-21 - Soil Moving - David Michael
906 Lotus Avenue, Block 607, Lot 8**

Mr. Carnevale stated there were two applications that the board would be hearing the first application to be heard was CAL# S119-21, soil moving application for 378 Loretta Drive. Mr. Carnevale asked if the individuals that would be representing the application were present. Mr. Ron Fermano the builder for the applicant and Mr. Chris Lantelme the applicant's engineer were both present. Mr. Chris Lantelme was sworn in by Mr. King. Mr. Lantelme stated his qualifications. Mr. King asked if there were any objections and that he believed that Mr. Lantelme was qualified. There were no objections. Mr. Carnevale stated that they would start with an overview of the project and to remind his colleagues on the board that they will hear from the applicant first then move on to the

professionals to hear their comments and it would then be opened up to the board for comments and then lastly it would be open for public comments. Mr. Depken asked Mr. Larson if he wanted to mention that Mr. Cohen had arrived for the meeting. Mr. Larson stated that for the record Mr. Barry Cohen had been admitted to the meeting as a participant. Mr. Lantelme proceeded with an overview of the application. He stated the property address is 378 Loretta Drive on the corner of Beechwood Road and Loretta Drive in the R-2 zone and zoning requirements are 12,000 sq. ft but the property was a little oversized at a little over 15,000 sq. ft, the property is 150 ft deep and 95 ft wide. Mr. Lantelme stated the characteristics of the property being that of a flat lot and that the highest point to lowest point is less than a foot and for projects like this it would mean very little grading. Mr. Lantelme stated what is being proposed is to remove the existing improvements and build a new two story dwelling with a driveway off of Loretta Drive. He stated the proposed driveway does not line up exactly with the existing curb cut. Mr. Lantelme explained that there would be a small front walkway a small patio on the side of the house and in the rear of the house they are proposing an in-ground pool and a patio. The drainage system being installed will be used to gather the water from the roof of the dwelling and also the patio area in the rear of the property around the pool. Mr. Lantelme mentioned that there will be two 1,000 gallon seepage pits and that one tree is being removed from the property. Mr. Lantelme stated that the total amount of soil being moved would be 609 yards and that approximately 353 yards of soil would be removed from the property. Mr. Lantelme stated he believed that he had addressed all comments mentioned in the Borough Engineer's review letter. Mr. Carnevale thanked Mr. Lantelme and asked Mr. Fermano if he had any comments to add before moving on to the professionals. Mr. Fermano had no comments. Mr. Carnevale asked Mr. Atkinson to provide feedback and questions relating to the March 25th review letter. Mr. Atkinson stated that as far as the new curb cut the plans do not denote the replacement of the curbs or sidewalks. Mr. Atkinson asked Mr. Lantelme what the plan was as far as the work related to that. Mr. Lantelme stated that they did not plan on replacing these items but that anything that would get damaged would need to be replaced or repaired and believes that it was noted in the plans to do so. Mr. Atkinson stated that they would have to replace some of these items due to the existing drop curb that will need to be a full face curb and at minimum they would have to plan on doing that. Mr. Atkinson stated that upon completion of the project they would need to fix any cracked or broken sidewalks that are damaged during construction. Mr. Lantelme stated that was correct. Mr. Atkinson stated that it was mentioned there would be a single tree removed and asked if there was a proposed plan for landscaping. Mr. Lantelme stated that there was no plan for landscaping. Mr. Atkinson asked Mr. Lantelme what was proposed for the lighting around the pool and the area of the pool and if it would be in compliance with the borough code. Mr. Lantelme stated that they were not showing any lighting and that he does not believe that there are details for lighting on the architectural drawings. He stated that any lighting would conform to borough code and that minimal lighting would be done since it is a residential house and does not expect that there will be any large scale lighting. Mr. Atkinson asked if there were any plans for new utilities being brought in. Mr. Lantelme stated that the plan was to inspect the utilities in particular the sewer line and if it is deemed that it needs to be replaced then it will be replaced they do not expect to replace the water lines or gas lines. Mr. Atkinson asked if Mr. Lantelme could

provide more insight on the storm water management and asked how the two seepage pits are sized and for the design criteria of the seepage pits. Mr. Lantelme stated that the seepage pits are designed for a two inch rainfall with water coming from the roof and the patio. He stated that one pit wouldn't have been enough so two pits were going to be installed. Mr. Lantelme stated that the requirement is about 4,400 gallons and what they are proposing is about 6,000 gallons. Mr. Atkinson mentioned that he wanted to make a couple of statements to the members of the board and to the public relating to the application. Mr. Atkinson stated that it was a soil moving application and the reason that they are before the board is because they fall under criteria three of the Borough of Oradell's soil movement which is an application that exceeds 100 cubic yards of total soil being moved. Mr. Atkinson stated that the applications are reviewed based on different criteria. Mr. Atkinson stated they look to see what the existing impervious coverage is and they look at what the proposed improvements are and how it relates to the impervious coverage. Mr. Atkinson stated that the importance of analyzing that is to see what the increase in impervious coverage is and to determine what kind of impact that it could have on the local community and neighborhood. Mr. Atkinson stated that they are looking to make sure that there is no negative impact to the surrounding properties as far as runoff from the increase in impervious coverage. Mr. Atkinson stated that the applicant gave testimony relating to storm water and they have sized the system adequately. Mr. Carnevale asked if Mr. Depken had any comments or questions. Mr. Depken questioned the brick border and masonry border on the site plan that look to be connected. Mr. Depken asked what the height of the border was and if it would be maintained or removed. Mr. Lantelme stated that it would be maintained and that it was less than a foot in height and it was more of a decorative landscape feature. Mr. Depken asked if the trellis and framed shed would be removed. Mr. Lantelme stated they would be removed. Mr. Carnevale asked if Mr. King had questions for the applicant. Mr. King did not have questions. Mr. Carnevale opened to questions from members of the board. Mr. Plucinski questioned how it was mentioned the town has a limit of 12,000 sq. ft for projects and this project was 15,000 sq. ft. Mr. Lantelme stated that he was referring to the minimum size of the lots within this residential zone which is a minimum of 12,000 sq. ft and that this property is an oversized lot of 15,000 sq. ft. Mr. Plucinski thanked Mr. Lantelme for clarifying the information. Mr. Carnevale asked Mr. Larson to open the meeting to public comments. Mr. Larson stated that he did not see that any members of the public attendees had indicated an interest in speaking in regards to the application so Mr. Carnevale could proceed. Mr. Carnevale closed public comment and moved forward with a motion to accept the application CAL# S-119. Mayor Didio second. Mr. Carnevale asked Mr. Depken to take the vote. Mr. Depken stated that Mr. Cohen would be filling in for Mr. Tankard.

ROLL CALL:

Ayes: Cohen, Dressel, Plucinski, Baumann, Carnevale, Didio, Scalcione, Derian, Larson

Mr. Carnevale thanked the applicants for their time and testimony and wished them luck with the project.

Mr. Larson asked if the applicants for 906 Lotus Avenue were present. Mr. Ferraro the attorney for the applicant was present. Mr. Larson asked Mr. Ferraro if he was expecting any other professional advisors for this application. Mr. Ferraro introduced himself as the attorney on behalf of the homeowner and stated that the homeowner David Michael was present as well as the professional engineer Thomas Graham. Mr. Carnevale stated the application was CAL# S118-21 soil moving for 906 Lotus Avenue. Mr. Carnevale asked who would be testifying on behalf of this application. Mr. Ferraro stated that Mr. Graham would be testifying and Mr. Michael would be available for questions. Mr. Graham and Mr. Michael were sworn in by Mr. King. Mr. Graham gave his qualifications to the board. Mr. Carnevale stated that unless there were any objections he moves to accept Mr. Graham as a subject matter expert for this application. There were no objections. Mr. Carnevale asked Mr. Graham to give an overview of the project. Mr. Graham stated that the property is over one acre in size and that the frontage of the property is on Lotus Avenue. The property is 148 ft in width at the road 220ft width at the rear line and 240 ft. deep. He stated that the property is located in the R-2 zone which has a minimum lot size of 12,000 sq. ft and that this property is just over 45,000 sq. ft and that the property meets all bulk requirements for the zone. Mr. Graham stated the plan is to demolish the existing home and build a new single family home with a patio and a pool and to reconfigure the driveway. Mr. Graham stated that this would lead to an increase in impervious coverage of about 3,344 sq. ft. He stated that the building coverage for the zone is 25% and they are at 8.3%. Mr. Graham stated that the allowable lot coverage for impervious coverage is 40% and they are at 22.9%. Mr. Graham stated that they are grading the impervious coverage to be directed to two dry wells that they designed. Mr. Graham apologized to Mr. Depken stating that he did not receive the information that the Building Department was looking for electronic copies of the plans. He stated that he has the ability to share the plans with the board that were submitted in response to Mr. Atkinson's review memorandum. Mr. Depken stated to Mr. Larson that may help for the public to view since he was not able to put it on the website. Mr. Graham shared the revised plans with the board. Mr. King asked Mr. Graham to explain to the board the plans that were on the screen. Mr. Graham stated they were looking at sheet one of the plot plan with the original date of January 14, 2021 and a last revised date of March 25, 2021. Mr. Ferraro asked Mr. Graham if the plan was prepared by him or under his supervision. Mr. Graham stated that the plan was prepared by him. Mr. King stated that they would mark that A1. Mr. Graham explained the existing topography and stated the two dry wells were sized based on the increase of impervious coverage. He stated that they graded the rear yard so that any surface water that leaves the rear roof or the patio is directed towards the graded dry wells. Mr. Graham stated that the water is collected and directed to the dry wells either by a direct connection from the roof leaders or over surface runoff across the patio to the dry wells. Mr. Graham stated that the base line for the dry wells was the 3,344 sq. ft and that they have diverted 3,467 sq. ft to the dry wells and have designed the dry wells and impervious coverage for three inches of rainfall whereas two inches of rainfall is the standard so they have built in a 50% factor of safety. Mr. Graham stated that the result of their calculations were that they required just under two dry wells. Mr. Graham stated that additionally what was included in the sizing of the dry wells was the area of the pool. Mr. Graham stated that there would be no direct runoff from the pool

but that area was also included in the capacity calculation for the dry wells. Mr. Graham explained the roof plan and that the front of the house will go to the gutter system and leader system and be discharged at grade directly to Lotus Avenue and travel to the municipal system. Mr. Graham explained that the rear of the house, driveway and patio will be directed to the dry wells. Mr. Graham explained that they ensured water that runs off the site goes to the dry wells by locating the dry wells in a depression. He stated they have improved the conditions for runoff from what was existing. Mr. Graham stated that for soil moving purposes the project as designed requires 527 yards of cut and 314 yards of fill with a total amount of 841 cubic yards of soil to be moved. Mr. Graham stated they would need to import about 213 cubic yards of soil for the project. He stated that they are not proposing new landscaping other than any disturbed areas being treated with new turf or sod. Mr. Graham stated that they will be utilizing existing services for gas, water and sewer connections. Mr. Graham mentioned that the soil erosion plan had been submitted to the Bergen County Soil Conservation District. Mr. Graham stated that he believed they had addressed all comments from the borough engineer's review letter. Mr. Carnevale thanked Mr. Graham and stated just as they had done with the previous application that the board would start with comments from the professionals. Mr. Carnevale asked Mr. Atkinson for his comments. Mr. Atkinson mentioned to Mr. Graham the HVAC system had not been denoted on the plans and questioned where the location of the units would be located on the property. Mr. Graham stated that he believed the units would be located either behind the garage or on the side of the house and not in full view from the street. Mr. Atkinson asked if there was proposed lighting for the site. Mr. Graham stated that there was no proposed lighting that this was a residential house so any lighting would conform with the borough ordinances. Mr. Atkinson asked where the pool equipment would be located since there was no indication of the location on the plans. Mr. Graham stated that he believed it would be located on the side of the house. Mr. Atkinson stated that with the plan revisions the major changes were related to the grading in the rear of the property and asked Mr. Graham to explain the changes. Mr. Graham stated that they had created a tear drop shaped contour or a berm so that any surface water is directed to the dry wells. Mr. Atkinson stated regarding the seepage pits there would need to be percolation tests performed and with those tests verify the depth to ground water. Mr. Graham stated that those tests would be done and provided to the borough engineer for review. Mr. Graham stated that if the ground water table was higher than anticipated they do have other options for the dry well design other than the proposed standard concrete dry well with stone around it. Mr. Atkinson stated that there are other alternatives that could be utilized to address the stormwater. Mr. Atkinson asked Mr. Graham if he was aware of any streams or brooks that run through this property. Mr. Graham stated that some mapping illustrates the Behnke Brook on the east side of the property however there is no evidence of a stream or brook in that vicinity. Mr. Graham stated that he knows there are municipal storm water maps that show piping running along the northerly property line and westerly property line tying into a storm system in the vicinity of Lotus Avenue. Mr. Atkinson asked Mr. Graham if there was an apparent visual brook or channel that runs through the property on the surface. Mr. Graham commented no. Mr. Atkinson stated that he has a copy of the borough's stormwater and sanitary sewer mapping and based on that there is a system that runs between lot 2

and 3 which is to the north of the property in question and that the piping runs between those two lots and comes onto the applicant's property and traverses around to the west side and ties into a manhole that is on Lotus Avenue. Mr. Atkinson suggested further due diligence to be able to locate the structures on the property. Mr. Atkinson asked if all structures on the property were going to be demolished. Mr. Graham stated yes. Mr. Atkinson stated that on the site plan there were a number of trees on the property and on the property as it sits today a number of trees have been removed. Mr. Graham stated that based on the grading to accommodate the proposed house and pool that there were four or five trees removed and during the tree removal a number of other trees were found to be dead, dying or diseased and those trees were removed as a matter of public safety. Mr. Atkinson asked Mr. Graham to provide the total limit of disturbance. Mr. Graham stated that they were showing 30,591 sq. ft. Mr. Atkinson stated that it was well under the one acre minimum. Mr. Graham went on to mention that this was not a major storm water management project. Mr. Atkinson stated to the board that this is a soil movement application not a major disturbance so the stormwater management does not need to meet NJDEP requirements such as how a major development would be handled. Mr. Atkinson stated that the applicant has provided testimony that he is addressing the increase in impervious coverage and looking to make improvements to the area to address the runoff to the neighboring properties. Mr. Carnevale asked Mr. Depken if he had any questions. Mr. Depken asked about the diseased trees and if all of the oak trees were diseased. Mr. Graham stated that he can't say that all of the trees were diseased but that he was informed that some of the trees were hollow and removed for purposes of safety. Mr. Depken stated that a lot of the trees were cut and mulched and piles of mulch were placed on the property and asked if that was going to be removed since it could not be used as fill. Mr. Graham stated that it would not be used as fill material and any excess of mulch on the property would not be buried on the property or used as fill. Mr. Depken had no further questions. Mr. Carnevale asked Mr. King if he had any questions. Mr. King did not have questions. Mr. Carnevale opened the meeting to members of the board. There were no comments from the board members. Mr. Carnevale stated that he would like to open the meeting to public comment. Mr. Larson opened the meeting to public comment.

Mike Sullivan at 505 Birchtree Lane stated that he had a question based on the testimony of Mr. Graham. Mr. Sullivan stated that on the original site plan it showed a total square footage of 3,467 which related to the roof and patio. Mr. Sullivan asked if the 3,467 included the pool. Mr. Graham stated that he didn't have the old plan with him but based on the new plan and impervious coverage calculations the total square footage was 10,130 sq. ft. which includes the patios and pool area. Mr. Graham stated that the existing impervious coverage is 6,786 sq. ft. and the difference being 3,344 sq. ft. so he would say the impervious coverage does include the pool area. Mr. Sullivan stated that the old runoff for the house was 2,128 and the rear patio is 1,339 so added together is the 3,467. Mr. Graham stated that the 3467 was the area that they are collecting the roof area and the area from the patio. Mr. Sullivan then asked what about the pool. Mr. Ferraro responded stating that he believed Mr. Graham answered that question. Mr. Graham stated that it was included in the calculation. Mr. Sullivan asked how it was included. Mr. Depken stated that the pool area was not included. Mr.

Atkinson stated that he wanted to provide some clarity on the matter. He stated that the applicant is obligated to analyze the site based on the existing impervious coverage and compare it to what is proposed and in the revised plans they do include the proposed patio and pool area of 4,185 sq. ft. so it is factored into those calculations compared to the old plans which did not. Mr. Graham stated that he did locate the original plan and the impervious coverage was 9,982 sq. ft. which did not include the pool and that the original dry well calculations were just trying to address 3,196 sq. ft. now they are handling the 3,334 sq. ft. Mr. Sullivan stated that the pool was not included in the runoff but the total area of impervious coverage includes the pool. Mr. Sullivan stated that his concern is how this project will affect his property. Mr. Sullivan stated that the water table has been high because of Behnke Brook. Mr. King stated that he would need to swear in Mr. Sullivan if his comments would go beyond comments and into testimony. Mr. Sullivan was sworn in by Mr. King. Mr. Sullivan stated that the Behnke Brook exists and they have had to install sump pumps and french drains and have had water damage. Mr. Sullivan stated his concerns about the dry well size and location. Mr. Sullivan stated that since purchasing the property the applicant has removed more than 30 trees. Mr. Sullivan stated his concerns over the water table being higher with the tree removal. Mr. Ferraro objected to Mr. Sullivan's testimony relating to the trees. Mr. Sullivan stated he wanted to know how the implications of the tree removal weighed in on the water table and what the requirements were. Mr. Ferraro objected to the additional comments from Mr. Sullivan relating to trees and water absorption. Mr. Larson stated that he appreciated Mr. Sullivan's concerns and asked Mr. Atkinson and Mr. Graham how the removal of trees factor in to the sizing and location of the drainage. Mr. Graham stated that there will be an investigation on ground water and soil will be evaluated. Mr. Graham stated that the sizing of the dry wells is based on impervious coverage the dry wells are going to be located on the easterly side of the patio area. Mr. Graham stated that he believed the location of the dry wells is correct and if the water table is higher than anticipated as mentioned earlier there are other options for the dry well design. Mr. Ferraro stated this was not a tree removal application it was a soil moving application and believes that with Mr. Graham's testimony they meet all of the requirements of the soil movement ordinance. Mr. Ferraro stated that they are looking to enhance the area in the neighborhood and improve the existing drainage condition. Mr. Sullivan stated that his concern is how the tree removal will have an effect on the water table and surrounding properties. Mr. King asked Mr. Atkinson to comment on Mr. Sullivan's concerns on the removal of the trees and how that would affect calculations for run off. Mr. Atkinson stated that this was not a major development and the applicant did an analysis on the increase in impervious coverage which determined the design of the dry wells. Mr. Sullivan asked where the water from the sump pump was going. Mr. Graham stated there is not a storm sewer in front of the property and that he would suspect that it would be discharged at grade to the roadway towards the municipal drainage system. Mr. Sullivan asked if that was allowed. Mr. Depken stated that was not permitted. Mr. Ferraro asked if there was a sump pump on the plan. Mr. Graham stated that there was not a sump pump on his plan and he did not believe there was one on the architect's plan. Mr. King asked Mr. Depken to explain to the board and the public the requirements for sump pump discharge. Mr. Depken stated that if the sump pump discharge is existing and cuts through the curb that it can remain. If it is a new system

being installed it needs to be discharged so that it does not disturb a neighbor. Mr. Depken went on to state that it can be discharged onto their property at grade level or it can be connected to a municipal storm drain if there is one in the area. Mr. Atkinson stated he believes there is a structure on the southeast corner of the property that may be connected to the municipal storm water system. Mr. Graham stated that they would investigate that as a solution. Mr. Larson asked Mr. Depken since currently there is not a plan for a sump pump on the plans and if it is determined to be needed in the future if that would be something that would come through the Building Department. Mr. Depken responded that yes it would and asked if there was an existing water problem in the basement. Mr. Graham stated that he would have to defer to Mr. Michael. Mr. Ferraro stated that he could not answer that question. Mr. Ferraro stated that if a sump pump needed to be installed they would go through the Building Department for the proper approval. Mr. Depken asked Mr. Graham if he was going to try to locate the piping for the Behnke Brook. Mr. Graham stated that they will talk to the surveyor to assist in locating the pipes and if Mr. Atkinson could forward him copies of the municipal maps. Mr. Derian mentioned to Mr. Depken that there is a sump pump pit located in the HVAC room next to the garage on the architectural plans. Mr. Graham stated that they will review the architectural plan and ensure that it is properly addressed. Mr. Dressel asked for clarification on the options for the sump pump discharge and who would determine it was done correctly. Mr. Depken stated that he and Mr. Atkinson would review the final site plan to determine that. Mr. Atkinson stated that the applicant has indicated they are willing to work with his office and the building official regarding the location for the sump pump discharge. Mr. Larson asked Mr. Graham when the water testing and soil testing would take place. Mr. Graham stated that once they get all of their approvals. Mr. Sullivan asked for clarification on how the testing is done. Mr. Graham explained the process and that it is a physical excavation that takes place. Mrs. Didio asked where the testing would take place on the property. Mr. Graham stated that it would take place in the vicinity of the dry wells. Mr. Atkinson asked if Mr. Graham would confirm that the soil is conducive for ground water recharge to which Mr. Graham confirmed. Mr. Sullivan asked about the discharge of the pool system. Mr. Graham stated that the DEP allows for discharge from the pool to grade level and stated that the applicant will comply with the code that is required. Mr. Depken mentioned that normally when someone is removing water out of their pool it is at the end of winter and if the water does not have chemicals it can be pumped out to grade level but if the water has been shocked it must go into the sewer system. Mr. Sullivan asked how that is enforced. Mr. Depken replied that he would likely receive a phone call and he would go to the property and examine the situation. Mr. Sullivan asked about the wood chips on the property. Mr. Graham stated that the wood chips will be removed when the approvals are granted.

Edward Blakeslee of 495 Birchtree Lane asked Mr. Atkinson if he was satisfied with the applicants revised report. Mr. Atkinson responded that he was satisfied with the redirected grading but still needs to evaluate every point. Mr. Blakeslee asked Mr. Atkinson if he had received results of a percolation test from the applicant. Mr. Atkinson responded he had not received a percolation test at this time and reiterated that the applicant will move forward with the testing once they obtain approvals. Mr. Blakeslee asked for clarification regarding what approvals the applicant is seeking. Mr. Atkinson

stated that the applicant is before the board for soil moving approval. Mr. Blakeslee asked a question regarding the storm water issue. Mrs. Didio rephrased Mr. Blakeslee's question by asking if the approvals were subject to percolation tests. Mr. Atkinson confirmed that the approvals are conditional upon the percolation tests because if the soil is not conducive the applicant will have to coordinate with him to revise their storm water design. Mr. Dressel asked when the percolation test will be performed with regard to issuing building permits. Mr. Atkinson stated it is up to the applicant to see how they would want to proceed but stated that it is in their best interest to perform testing as the next step. Mr. Dressel asked if building permits could be issued prior to Mr. Atkinson's approval of the system. Mr. Atkinson responded that was correct but that they would not be issued a Certificate of Occupancy until all items were addressed. Mr. Ferraro stated that they were permitted to work on the property while getting the percolation test. Mr. Ferraro reiterated that the applicant will be residing at the property and will ensure the storm water is addressed correctly. Mr. Blakeslee asked if there was a public notice requirement for neighboring property owners. Mr. King and Mr. Depken confirmed there is no notice requirement for soil moving applications unless there is a variance.

Jim Lessersohn of 524 Birchtree Lane was sworn in by Mr. King and stated his concern that the removal of trees impacts the drainage in the neighborhood. Mr. Larson interjected and asked if Mr. Lessersohn had a specific question regarding the removal of trees and the application. Mr. Lessersohn stated that he does not believe that the trees that were removed were diseased. Mr. Lessersohn added that he believed the trees absorbed a large amount of water in an area that already had drainage issues. Mr. Lessersohn urged the applicant to replace the twenty-five trees and urged the board to be considerate of the Master Plan regarding trees. Mr. Ferraro stated that the application is for soil moving and that the borough professionals feel that the grading at the property is adequate. Mr. King stated that the Master Plan is only a recommendation and not an ordinance and that the Planning Board must act according to ordinances and state municipal land use laws.

Anne Sullivan of 505 Birchtree Lane asked Mr. Atkinson how run off on to a neighboring property would be avoided. Mr. Atkinson stated that his office and the applicant's engineer would work to coordinate on the issue. Mr. Atkinson continued by stating he utilizes the engineering plan which presents the existing contours of the land and during the construction process he will ensure the applicant is in accordance with the approved plans. Mrs. Sullivan asked what role the Bergen County Soil Conservation District plays in the application. Mr. Atkinson replied that the applicant has submitted an application to the Bergen County Soil Conservation District who reviews the materials and they come to the site sporadically to ensure the proper measures are in place. Mrs. Sullivan asked if the Bergen County Soil Conservation District could recommend more plantings. Mr. Atkinson replied that they do not typically make recommendations regarding plantings rather confirm that the site is left in a stable and safe manner. Mrs. Sullivan asked if there is any way that the Planning Board could request more trees be planted as she has seen in other municipalities. Mr. Atkinson stated that the borough's typical jurisdiction as it relates to trees pertains to those within 10 feet of the municipal right of way.

Mr. Carnevale moved to close public comments and asked the board members if they had any further questions or comments. Mr. Plucinski stated that he feels there are many unanswered questions relating to runoff onto the neighboring properties. Mr. Ferraro stated that the application has been deemed complete and all appropriate materials have been provided. Mr. Ferraro added that going forward Mr. Atkinson will be involved regarding the results of the testing and ensuring the project is continued in accordance with the approved plans. Mr. Plucinski referenced the fact that numerous trees were removed to which Mr. Ferraro emphasized there is no tree removal ordinance in Oradell. Mr. King stated that in the ordinance concerning soil movement there is no reference to the groundwater just surface water drainage. Mr. Ferraro added that the items required to be addressed by ordinance for the soil moving application were discussed at length. Mr. Plucinski expressed his frustration with the fact that the applicants professionals were unsure if there had been any water troubles within the basement. Mr. Ferraro stated that the existing house was going to be demolished therefore it is irrelevant. Mr. Larson stated that the applicant's engineer testified that to the extent a sump pump is required they will comply with all of the borough ordinances. Mr. Plucinski stated that he feels the board should be more protective of the neighbors in this situation. Mr. Ferraro respectfully disagreed and stated that the applicant has demonstrated their willingness to work with the borough and Mr. Atkinson going forward. Mrs. Didio asked about the number of remaining trees on the property. Mr. Graham confirmed that there are seventeen trees remaining but four to five will be removed because they are in the area of grading. Mr. Carnevale motioned to approve CAL#S118-21 subject to the discussions which took place that evening and pursuant to the requirements of the Borough Engineer. Mr. Carnevale asked Mr. King to summarize the items discussed. Mr. King stated that there will be no new turn cuts, the existing utilities will be used, mechanicals will be behind the garage farthest from the nearest home, lighting will comply with Borough ordinances, HVAC will be on the side of the house out of view from neighbors. Mr. Carnevale mentioned that he was asking Mr. King to outline any outstanding items. Mr. King replied that the outstanding item is the permeability test. Mr. Atkinson added that the applicant will do their due diligence as it relates to the storm water structures that are potentially on the property. Mr. Carnevale proceeded with his motion, seconded by Mr. Derian.

ROLL CALL:

AYES: Mr. Cohen, Mr. Dressel, Mr. Baumann, Mr. Carnevale, Mrs. Didio, Mr. Scalcione, Mr. Depken, Mr. Larson

NAYS: Mr. Plucinski

Business, Buildings & Signage

None

Regional Planning Coordination

None

Zoning

None

Master Plan, Open Space, Environmental & Circulation Systems

Mr. Derian stated that he had nothing new to report but questioned Mr. Carnevale regarding the status of the Planning Board letter submitted to the Mayor and Council in February. Mr. Carnevale stated that the initial discussion took place with the Mayor and Council where the Mayor directed that the matter be handled with the ordinance committee. Mr. Carnevale continued by stating that on March 24, 2021 there was a meeting with the Borough Planner, Borough Administrator and Mr. Depken who provided feedback. Mr. Carnevale added that earlier that day there was a meeting with the Police Chief and the Public Safety Committee because one of the recommendations was to install flashing pedestrian signs at the intersection of Kinderkamack Road and Oradell Avenue. Mr. Carnevale concluded that a follow up report is being prepared by the Borough Planner who is taking into account all of the discussions. Mr. Larson asked that Mr. Carnevale provide updates at a future meeting.

Historical Preservation

Mr. Plucinski stated that the head of the Historical Committee will be presenting at the Mayor and Council working session where they will review the proposed draft ordinance for a Historical Commission and will be discussing the economic benefits for the borough in connection with the proposal.

Old Business

Mr. Depken stated that it has been over a year since there has been a Recording Secretary for the Land Use Boards and that the Borough Administrator is reaching out to another applicant. Mrs. Didio confirmed the second applicant will provide an answer before the next Mayor and Council meeting.

New Business

None

Mr. Larson opened the meeting to public comment

Mrs. Sullivan stated that what happens on one homeowner's property does impact the neighboring properties and stated that she feels the Borough officials must consider the greater good and look beyond the individual homeowner. She went on to emphasize how saddened she was by the fact the borough does not have a tree ordinance. Mrs. Sullivan stated that other municipalities have tree ordinances. Mrs. Didio stated that she has asked the Ordinance Committee to review tree ordinances from other municipalities. Mr. Carnevale added that he joined the Ordinance Committee this year and stated that he looks forward to the Mayor's direction regarding further evaluation of

tree ordinances. Mrs. Sullivan concluded by stating that a reason she chose to purchase her home thirty-three years ago was because of the backyard and the trees which are now gone.

Mrs. Didio added that at the last Mayor and Council meeting the Building Department Technical Assistants were approved to work on the back logged Land Use minutes via stipend. Mr. Depken replied that he was aware of that and the Technical Assistants have started the minutes.

Sam Tripsas stated that he was happy that Mrs. Didio indicated that the Mayor and Council are making progress towards the proposal of a tree ordinance. Mr. Tripsas asked about the process for developing such an ordinance and if other committees are included. Mrs. Didio replied that the Ordinance Committee is tasked with looking at the ordinances of other municipalities and can make recommendations to the Mayor and Council. Mrs. Didio added that at public meetings residents would have the opportunity to comment regarding the proposed ordinance. Mr. Tripsas stated that each time he passes Soldier Hill Road and Birchtree Lane the two homes that are being constructed were cleared of trees rendering the canopy nonexistent.

Paul Latsounas stated that a Shade Tree Committee would provide more insight to the health of the trees within the Borough. Mrs. Didio confirmed that the DPW consults with an arborist and confirmed that when the Shade Tree Committee was in effect they only had jurisdiction over borough owned trees and not those along private property. Mr. Latsounas added that if an ordinance goes into effect later on it would be a good thing to have an arborist. Mrs. Didio interjected stating that the Borough does work with an arborist. Mr. Latsounas referenced the June 10, 2017 charette and the OPRA request he submitted for the tally of the post-its.

Motion to close public comments was made by Mr. Larson and second by Mrs. Didio.

ROLL CALL:

All in favor

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

ROLL CALL:

All in favor