

**ORADELL PLANNING BOARD  
REGULAR MEETING  
JUNE 1<sup>st</sup>, 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 Present  
Mr. Kang Present

**Also Present:**

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

**Approval of Planning Board Meeting Minutes:**

May 4, 2021, Minutes of Regular meeting

Mr. Larson opted to postpone the consideration of the minutes for the July meeting.

**Correspondence:**

5/18/2021 – NJPO Planner, March/April 2021, VOL.82, No.2

5/21/2021 – Received Site Plans from Omland & Osterkorn, Inc. Engineers pages 1&2 regarding Soil Moving Application CAL# S-120-21, 545 Birchtree Lane, Block 601, Lot 48:01

5/21/2021 – Received Architectural Plans from Mathes Architect pages A-1&2 regarding Soil Moving Application CAL# S-120-21, 545 Birchtree Lane, Block 601, Lot 48:01, for construction of New Home.

5/26/2021 – Received review letter from Marisa Tiberi P.E., C.M.E. Project Manager, Boswell Engineering, fill-in for Borough Engineer regarding Soil Moving Application for CAL# S-120-21, 545 Birchtree Lane, Block 601, Lot 48:01.

**Contract of Employment for fill-in Professional Planner Services**

Darlene A. Green, P.P., AICP, Colliers Engineering & Design, Inc. for 387-393 Kinderkamack Property LLC – CAL# 157-21

Mr. Larson stated there is a conflict of interest with respect to the current planner and the application CAL# 157-21, Mayor Didio recused herself regarding the consideration of the contract. Mr. Derian asked Mr. King if the Board needed to know what the conflict of interest is. Mr. King replied no, all the Board needs to know is that a conflict of interest exists. Mr. King added that the approval of the contract should be subject to some additions such as a reference to Oradell's pay to play ordinance, a reference to required insurance coverage, and confirmation that no conflicts of interest exist. Mr. Larson asked Mr. Depken if his office has been involved in obtaining the draft contract and if he would be the right person to facilitate Mr. King's recommendations. Mr. Depken responded he could facilitate the recommendations. Mr. Larson asked if the approval of the contract would allow for the review of the application upon finalization. Mr. Depken replied that he would request that revisions be made to the contract per Mr. King's recommendations, the

revised contract would be presented to Mr. King, then Mr. Larson can be asked to sign the agreement if everything is approved. Mr. King stated that the revisions may be finalized sooner if he provides the language, he believes should be incorporated, Mr. Depken responded that is fine. Mr. Larson thanked Mr. King for expediting the process.

Mr. Larson made a motion to approve the contract of professional employment for Ms. Darlene A. Green, P.P., AICP of Colliers Engineering & Design, Inc. consistent with the additions that Mr. King previously suggested, seconded by Mr. Scalcione.

ROLL CALL:

AYES: Mr. Cohen, Mr. Dressel, Mr. Plucinski, Mr. Kang, Mr. Baumann, Mr. Carnevale, Mr. Scalcione, Mr. Derian, Mr. Larson.

### **Resolutions:**

Resolution of Memorialization Finding Proposed Borough Ordinance #21-5 Amending Chapter 240, Article 6 of the Borough Land Use Ordinance Consistent with the Borough Master Plan.

Mr. Derian made a motion to approve the resolution of memorialization finding proposed Borough ordinance #21-5 amending Chapter 240, Article 6 of the Borough Land Use Ordinance consistent with the Borough Master Plan, seconded by Mr. Carnevale.

AYES: Mr. Cohen, Mr. Plucinski, Mr. Baumann, Mr. Carnevale, Mr. Derian.

### **Committee Reports:**

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

CAL# S120-21 – Soil Moving – Roger Tashjian 545 Birchtree Lane, Block 601, Lot 48.01

Mr. Carnevale and Mayor Didio recused themselves from the application. Kristen Osterkorn was sworn in by Mr. King. Ms. Osterkorn stated she was from Omland & Osterkorn, Inc. Engineers, the surveying and engineering company for the application. Mr. King asked that Ms. Osterkorn provide her professional and educational background. Ms. Osterkorn stated that she received her bachelor's degree in engineering from Rutgers University in 2016, license from the State of New Jersey as a professional engineer in 2011, surveying degree from NJIT in 2013, and surveying license in 2013. Mr. King asked if her licenses are current to which she answered yes, her license has been standing for 10 years. Mr. Larson stated that Ms. Osterkorn can be accepted as the expert for the application and asked that she begin with providing a summary of the application. Ms. Osterkorn shared her screen displaying the Site Preparation Plot Plan prepared by Omland & Osterkorn, Inc. Engineers. Ms. Osterkorn stated that the property is part of an approved subdivision that is currently undeveloped. Ms. Osterkorn indicated that there is a small wall on the left side of the property and pavers in the front which are going to be removed. Ms. Osterkorn stated that the property slopes from the street to the west side of the property. Ms. Osterkorn read the proposed conditions on the plans which indicated that the applicant is looking to construct a single-family modular home. Ms. Osterkorn stated that based on the construction of the dwelling, grading along the rear of the property, and the drainage system, the applicant is looking to move 490 cubic yards of soil through excavating, cutting, and filling and 290 cubic yards of soil will be removed from the property. Ms. Osterkorn addressed the zoning, reminding the Board that the subdivision was approved and the required lot area is 12,000 square feet while existing the existing area is 25,250 square feet. Ms. Osterkorn confirmed the house was placed on the property to conform with setbacks, the front yard setback requirement is 30 feet but the applicant wanted the house to align with the neighbor to the left making the front yard setback 50.4 feet. Ms. Osterkorn stated that the applicant meets the side yard setbacks as well as the rear yard setback. In terms of building height, Ms. Osterkorn stated that the requirement is 34 feet and on the original architectural plans from the modular company the height was less. Ms. Osterkorn stated that the height was increased to allow for height changes that may occur as a result of grading. Ms. Osterkorn referred to a comment in the Borough Engineer's letter asking to bring the modular architectural plans and her site plan into conformance. Ms. Osterkorn confirmed that she will coordinate to ensure the two plans are consistent. Ms. Osterkorn addressed building coverage stating that 14.7% is proposed, maximum lot coverage proposed is 26.9%, and floor area ratio proposed is 14.3% which are all in compliance. Ms. Osterkorn stated that the applicant is not seeking to overbuild the site, rather

provide something that is complaint with zoning. With respect to grading, Ms. Osterkorn stated that the plans indicate a driveway which comes up to the property on a slight slope so everything can pitch to the street and the rear yard can continue its regular drainage pattern where there will be Cultech drainage system. Ms. Osterkorn stated that utilities that will be coming to the site are underground electric, gas, water, and sewage. Ms. Osterkorn referenced the Borough Engineer's letter which provided some minor comments asking that the trees being removed be indicated on the drawings, Ms. Osterkorn stated that she has to confirm with her survey that there are trees to be removed and if so, she will indicate same. Ms. Osterkorn stated that most of the comments from the engineer letter are simple notes that should be added for construction purposes. Ms. Osterkorn stated that the applicant reached out to her confirming that no trees will be removed. Ms. Osterkorn continued explaining that the main comment which needs to be addressed is consistency with respect to building height on the architectural and site plan drawings. Ms. Osterkorn referred to the architectural plans highlighting what is proposed to be within the first and second floors and displayed the front, rear, and side elevations. Ms. Osterkorn concluded stating that the applicant is seeking approval for the soil moving aspect of the project.

Ms. Eileen Boland confirmed that most of the comments can be addressed easily by notes as Ms. Osterkorn said. Ms. Boland stated that the two main issues are the inconsistency with the site plan and architectural drawings, and the drainage. Ms. Boland stated that the site plan as it is addresses runoff for the dwelling itself, it does not address runoff from the driveway. Ms. Boland recommended that storm water management be provided for both to address the increase in impervious surface. Mr. Larson asked if Ms. Boland was in agreement that all of the other requirements such as setbacks are in conformance with accepted amounts. Ms. Boland stated that everything is in conformance but advised that the applicant should ensure that the southwest side yard setback is 15 feet during construction since it is at the limit. Ms. Osterkorn noted that the driveway has a natural high point therefore it will be pitching backward. Ms. Boland stated that an open grate drain would be acceptable in the lawn area to address runoff from the driveway. Mr. Depken stated that he saw trees being removed in the area and asked if they were removed from this property or the neighboring property. Ms. Osterkorn stated that she was unsure. Mr. Depken asked if there will be water drainage into the neighboring property in the rear west corner. Ms. Osterkorn stated there would be grass in that area to which Depken replied the area is large. Ms. Osterkorn raised the possibility of moving the drainage system to the rear west corner, Ms. Boland suggested putting piping which will direct runoff back to the system. Ms. Boland emphasized that an issue with relocating the system to the rear west corner is that in the event of a large storm the flooding will be focused on the area closest to the neighbor. Mr. Depken stated that the neighboring backyard is not very large. Ms. Osterkorn asked if the location of the system can be finalized during construction, Mr. Depken said this was fine with him and wanted to avoid runoff on to the neighbor property. Ms. Osterkorn said she would add an inlet to the plan and state that the exact location is to be determined. Mr. Cohen asked what is the elevation change on the property to which Ms. Osterkorn responded approximately 1.5 feet. Ms. Osterkorn added that the home owner is planning to add a lot of landscaping which will help the drainage. Mr. Depken asked Ms. Osterkorn if she received an answer regarding tree removal, per the applicant, Ms. Osterkorn stated that tree removal was done but prior to the change in ownership. Mr. Dressel added that he was concerned with the location of the garage doors and suggested that landscaping be added to mitigate the light from headlights for the neighboring home. Ms. Osterkorn confirmed she would consult with the client and remarked that the shrubbery would need to be 3-4 feet tall to block headlights. Mr. Scalcione asked Ms. Osterkorn to clarify that the house would have 3 and a half bathrooms to which she confirmed. Mr. Depken asked if the architectural plans were prepared by the modular company. Ms. Osterkorn confirmed that they are, Mr. Depken asked if they are exact as depicted, Ms. Osterkorn replied yes. Mr. Depken asked if she had any idea regarding a time frame for the modular company delivery and where they will park on the street. Ms. Osterkorn stated that she would find out from her client but stated that the modular company is going to coordinate with the police department if they need anything. Mr. Depken stated that there have been issues with the delivery of modular homes in the past and emphasized that it would be a good

idea for the modular company to consult with the police department and the building department. Mr. Larson stated that he noticed in the plans there were pavers at the front of the property and asked if there would be any disturbance there. Ms. Osterkorn stated that there are currently no cuts in the curb and there will be new curb cuts. Ms. Osterkorn replied to Mr. Depken regarding his earlier question stating that when the modular home is constructed the crane will be on the property, Mr. Depken replied that his concern is for the holding area of the trailers. Regarding the curb Ms. Osterkorn noted there is a slight depressed area and stated that the new curbing will be going where the existing depression is and that she will include a note on the drawings. Mr. Depken responded that the applicant will need a municipal permit for that as well as the driveway. Mr. Derian asked if something can be done with the grading towards the back of the lot to lessen some of the runoff. Ms. Osterkorn stated that she was attempting to keep a natural slope pattern and keep the rear yard undisturbed. She claimed that trying to create a berm to prevent runoff would alter the grading pattern from what is existing. Mr. Derian stated his primary concern was in the southwest corner, Mr. Dressel interjected stating that the water will continue to do what it has done since the natural elevation is going to stay the same. Mr. Derian stated that in the past there was more vegetation and no impervious coverage in the lot as the house was more toward the north. Ms. Osterkorn stated that this application does not trigger major development under the State regulations but the practice is to retain not exacerbate or make conditions worse, she stated that trying to change a natural drainage pattern is not the best practice for engineers. Mr. Depken stated that since the site is new and the drainage issue can be corrected this would be the time to do so, he asked if there were any trees being proposed. Ms. Osterkorn indicated that crate myrtles will be placed in the back of the property. Ms. Osterkorn stated that she would coordinate with Ms. Boland to come up with creative solutions on behalf of the Board. Mr. Depken stated if both engineers can work out details it would be acceptable. Mr. Derian stated that there is only a foot difference from the seepage pit to the lowest elevation of the lot but added that something should be done in the southwest corner so the water doesn't collect there such as a grate. Mr. Larson asked Ms. Boland if she believes that the storage system will be sufficient to cover all of the additional rain water collection due to the increase in impervious coverage. Ms. Boland responded yes but added that Ms. Osterkorn must adjust the calculations to address the driveway. Ms. Osterkorn replied that she quickly did some calculations and it is likely that 2 more storage chambers will be necessary. Mr. Depken asked if a perc test has been performed yet. Ms. Osterkorn replied not yet, the test is typically performed after approval. Mr. Larson asked Mr. King to list any items that were considered a condition of approval before a motion be made. Mr. King stated that the consistency of the roof height, the recalculations of the drainage measurements, and size of the storage chambers are conditions which must be addressed prior to the issuance of any permits. Mr. King added that landscaping along the driveway to screen the neighbors along with curbing being restored where the existing pavers are located are also conditions. Mr. Larson added that there is going to be discussion between Ms. Boland and Ms. Osterkorn regarding the southwest corner of the property with respect to drainage. Mr. King noted that the southwest corner would be addressed through the condition of recalculation of drainage measurements, but stated that addressing runoff issues to Ms. Boland's and Mr. Depken's satisfaction can be a condition. Ms. Boland asked that Boswell Engineering's May 26, 2021 letter be added to the conditions since it has some open items. Mr. King replied that the approval would be subject to all of the conditions stated within the letter.

Mr. Larson opened the meeting to the public.

Mr. Larson made a motion to close the public comment period which was seconded by Mr. Kang, all in favor.

Mr. Derian motioned to approve CAL# S120-21 which was seconded by Mr. Scalcione

Mr. Larson asked that the record reflect the fact that the approved application is subject to all of the conditions emphasized by Mr. King.

ROLL CALL:

AYES: Mr. Kang, Mr. Cohen, Mr. Dressel, Mr. Plucinski, Mr. Baumann, Mr. Scalcione, Mr. Derian, Mr. Larson.

**Business Buildings & Signage**

None

**Regional Planning Coordination**

None

**Zoning**

None

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

None

**Historical Preservation**

None

**Old Business:****Financial Disclosure Requirements**

Mr. Larson asked that the Board members who have not yet completed their 2021 financial disclosure submission do so as soon as possible.

**New Business****Mandatory Department of Environmental Protection, Stormwater Training requirements**

Mr. Depken stated that he looked on the website and there were no updates, he added that he discussed same with Mr. Atkinson who also indicated there were no updates. Mr. Depken asked that the Board utilize the website to watch an informative presentation with regard to site plan and soil moving applications. Mr. Depken requested that the Board members forward copies confirming that they have completed the courses.

Mr. Larson added that the next Planning Board meeting will take place Tuesday July 6<sup>th</sup>. Mr. Depken asked if Mayor Didio or Mr. Carnevale had any information regarding how long the Zoom presentations will be lasting and how long the Zoom account will be available. Mayor Didio stated that the account is available for the remainder of the year but the Mayor and Council have decided that they will be meeting in person at Borough Hall in July. Mr. Larson stated that for the months of July and August the Planning Board will continue to utilize Zoom and further discussion can be had in August.

Mr. Plucinski asked Mayor Didio if there is an update on the train station grants. Mayor Didio replied that she provided an update at the Mayor and Council meeting last week and one of the grants which was applied for through the DOT was declined but the other grant is being vigorously pursued.

**Open to Public**

Motion to close public comment period was made by Mr. Larson and seconded by Mr. Carnevale, all in favor.

**Adjournment**

Motion to adjourn the meeting was made by Mr. Larson and seconded by Mayor Didio, all in favor.

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Secretary