

**MINUTES OF THE ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
BOROUGH OF ORADELL
HELD REMOTELY UTILIZING “ZOOM”
JANUARY 19th, 2022**

Chairman Michelman called the Zoning Board of Adjustment meeting to order at 7:30 p.m. Notice of this meeting was published in the official newspapers, prominently posted in the Borough Hall, and filed with the clerk in accordance with the requirements of the Open Public Meetings Act.

ROLL CALL:

Present: Mr. Bartlett, Mr. Degheri, Mr. McHale, Ms. Odynski, Mr. Santaniello, Ms. McGrinder, Mr. Michelman,

Absent: Ms. Cobb, Mr. Barrows

Also Present: Mr. Regan, Esq.
Mr. Depken, Zoning Administrator
Mr. Hernandez, P.E. Covering Board Engineer
Ms. Reiter, P.P., AICP Board Planner

Correspondence

- a. Email from Assistant Fire Chief Jeff Kaplan dated December 13, 2021 outlining Oradell Fire Department concerns in connection with 66 Kinderkamack Road – Block: 113, Lot: 5 – 66 Kinderkamack LLC

Reorganization

Mr. Santaniello and Ms. Odynski were administered the oath of office by Mr. Regan in connection with their reappointment. Mr. Michelman introduced Councilman Kern as the Board’s council liaison.

Nomination for Mr. Michelman as Chairman was made by Mr. McHale and seconded by Mr. Santaniello. Mr. Michelman asked if there were any other nominations or if any opposed.

ROLL CALL:

AYES: All in Favor

Nomination for Ms. Cobb as Vice Chairman was made by Mr. Michelman and seconded by Ms. McGrinder. Mr. Michelman asked if there were any other nominations or if any opposed.

ROLL CALL:

AYES: All in Favor

Nomination for Ms. McGrinder as Secretary was made by Mr. Michelman and seconded by Mr. Degheri. Mr. Michelman asked if there were any other nominations or if any opposed

ROLL CALL:

AYES: All in Favor

Nomination for Mr. Regan as Board Attorney was made by Mr. Michelman and seconded by Mr. Degheri. Mr. Michelman asked if there were any other nominations or if any opposed.

ROLL CALL:

AYES: All in Favor

Nomination for Mr. Atkinson from Neglia Engineering as Board Engineer was made by Mr. Michelman and seconded by Ms. McGrinder. Mr. Michelman asked if there were any other nominations or if any opposed.

ROLL CALL:

AYES: All in Favor

Nomination for Ms. Reiter from Christopher Statile, PA as Board Planner was made by Mr. Michelman and seconded by Mr. McHale. Mr. Michelman asked if there were any other nominations or if any opposed.

ROLL CALL:

AYES: All in Favor

Nomination for Ms. Ferrezza as Recording Secretary was made by Mr. Michelman and seconded by Mr. Degheri. Mr. Michelman asked if there were any other nominations or if any opposed.

ROLL CALL:

AYES: All in Favor

Approval of Minutes

Approval of the October 24, 2018 meeting minutes

Mr. Michelman motioned to approve the minutes and was seconded by Mr. McHale.

ROLL CALL:

AYES: All in Favor

Memorialization of Resolutions

CAL# 858-21

Mark & Janna Danbe

52 Delford Avenue – Block: 323, Lot: 7

Mr. McHale moved to adopt the resolution and was seconded by Ms. McGrinder.

ROLL CALL:

AYES: Mr. Michelman, Ms. McGrinder, Mr. McHale, Mr. Santaniello, Ms. Odynski, Mr. Bartlett

Applications

CAL. # 856-21

Block 113, Lot 5

66 Kinderkamack LLC

66 Kinderkamack Road

Ms. Schepisi began by stating that she is in contact with the legal counsel of the neighbors directly across from the proposed project but they are unable to participate in the meeting. Ms. Schepisi recalled Mr. Virgona, the applicant's architect to describe the revisions to the architectural drawings. Mr. Virgona noted that the garage has been closed off entirely and no portion of it will be visible from the neighboring properties. Ms. Schepisi asked Mr. Virgona to elaborate on the noise level that could be anticipated in the garage area. Mr. Virgona stated that there will be a door

on the Argyle Street garage entrance which will yield the same amount of noise as a residential garage. Ms. Schepisi asked Mr. Virgona to speak on the noise levels for the individual air conditioning units. Mr. Virgona stated that the homes are approximately 40 feet away from the property and the average 65 decibel noise level generated by the units will be comparable to a refrigerator humming. Ms. Schepisi asked Mr. Virgona if the noise level will conform with the local codes and standards at the property line. Mr. Virgona stated that the noise level will definitely be below the noise requirement standards. Mr. Virgona went on to comment on the unit tubulation configuration on the drawings. The chart was revised to remove 1 unit and designate 5 units within the building for affordable housing (in compliance with the 15% requirement). Mr. Virgona added that the office area has been reduced by approximately 1,000 square feet and the parking availability exceeds RSIS standards. Mr. Virgona addressed the ground floor layout as tenant storage closets have been incorporated. Ms. Reiter sought confirmation that there will be no free-standing signs to which Mr. Virgona confirmed. Ms. Reiter referenced the Fair Share Housing requirement and how the proposed project is in compliance with same. Mr. Michelman asked Ms. Reiter if he is correct in his understanding that the Board has no jurisdiction regarding affordable housing requirements. Ms. Reiter confirmed that Mr. Michelman is correct in his understanding, as The Uniform Housing Affordability Controls (UHAC) govern the administration of affordable units and affordability controls in New Jersey. Mr. Michelman asked what sound level can be anticipated if all 34 individual air conditioning units are running at the same time. Mr. Virgona stated that the individual units are more common than central air with respect to multiunit dwellings. Mr. Virgona replied that a sound engineer would be required in order to determine the level of noise with all units running. Ms. Schepisi stated that before the next meeting a sound engineer will provide information regarding his question or she will coordinate with the client to find an alternative to the individual units. Mr. Michelman moved on to ask Ms. Schepisi if her client has had discussions with the neighbors to ensure they are comfortable with the proposed landscaping. Ms. Schepisi replied yes and indicated that if any trees need to be removed in connection with the remediation on the neighboring properties they will be replaced. Mr. Degheri noted that this type of cooling system is appropriate for the use, as central air systems can increase the height of a building. Mr. Degheri emphasized the importance of a sound study being submitted in connection with the individual units. Mr. Degheri moved on to ask how ventilation will occur now that the garage has been designed to have a door. Mr. Virgona confirmed that louvers will be utilized as needed. Mr. Degheri asked a question regarding the utilization of parking. Mr. Virgona confirmed that the lower-level parking garage will be used strictly for residents, and the lobby level parking will be split with the office, residents, and guest parking. Mr. Virgona added that the proposed parking plan is over parked per RSIS standards. Ms. Schepisi added that 64 spaces are required per the number of units while 71 spaces are proposed. Mr. Degheri asked if any of the work spaces in the units can be converted in to bedrooms. Mr. Virgona referred to the drawings and emphasized the fact that the home office spaces do not have doors. Ms. Odynski asked Mr. Virgona to explain the process of the movement of refuse. Mr. Virgona stated that there will be a compactor room in the building and the garbage pickup will occur through a private hauler.

At this time Mr. Michelman invited members of the public to ask questions of Mr. Virgona.

Mr. Latsounas of 50 Beverly Road asked if the electric vehicle charging stations would take away parking for guests. Mr. Virgona stated that charging stations will most likely be designated as resident spaces. Mr. Latsounas asked how many spaces will be removed from Argyle Street to accommodate the garage opening. Mr. Virgona stated that the traffic engineer will answer this question during testimony but a 24-foot-wide driveway is being proposed along Argyle Street and 22 feet is a typical parallel parking space. Mr. Latsounas asked if it would be better if cars entered through one entryway and left through another so the garage opening can be smaller. Mr. Virgona stated that it is not possible to implement his suggestion based on grading issues and the overall design of the building. Ms. Schepisi confirmed one garage is solely for the residents while the other will accommodate the office use, guests, and additional resident parking. Mr. Latsounas

asked if the large maple tree on Argyle Street can be saved. Ms. Schepisi stated that the applicant does not intend to remove trees that can be salvaged.

Ms. Reiter requested further information regarding the electric vehicle charging spaces. Ms. Schepisi stated that she will return from the break with clarification.

Mr. Michelman stated that it is 9:04 P.M. and called for a break in the hearing.

Mr. Michelman reconvened the hearing at 9:14 P.M.

Ms. Schepisi stated that per recently passed legislature, fifteen percent of the residential spaces must be EV equipped. Ms. Schepisi added that the applicant will fully comply with the requirements as there are an additional 7 spaces being provided that are not required.

Ms. Schepisi called the applicant's traffic engineer, Ms. Briehof of Colliers Engineering & Design. Ms. Briehof was sworn in by Mr. Regan and confirmed her role as the department manager for the traffic planning group at Colliers Engineering & Design. Mr. Regan marked the Traffic Study dated September 16, 2021 as Exhibit A-5. Ms. Briehof stated that the traffic study was prepared according to 34 residential units and 2,000 square feet of office space being proposed. Based on the reduction in units and office space, Ms. Briehof emphasized that the traffic study is conservative since a more intense development was originally anticipated. Ms. Briehof referenced the trip generation manual prepared by the Institute of Transportation Engineers which yielded the trip generation calculation for the proposed development. Ms. Briehof added that the proposed development would require 64 spaces while 71 spaces are proposed. Ms. Schepisi asked Ms. Briehof to elaborate on peak traffic hours. Ms. Briehof indicated that generally peak hours include weekday mornings from 7:00 A.M. through 9:00 A.M. and weekday evenings from 4:00 P.M. through 6:00 P.M. Ms. Briehof added that for the proposed project specifically the peak hours were 8:00 A.M. through 9:00 A.M. and 4:45 P.M. through 5:45 P.M. Mr. Hernandez asked Ms. Briehof what the anticipated loss of parking will be along Argyle Street with the construction of the driveway. Ms. Briehof stated that approximately 3 parking spaces will be lost but the calculation is difficult because there is no striping. Mr. Hernandez asked if there has been any consideration in coordinating with New Jersey Transit to provide a bus stop station fronting Kinderkamack Road. Ms. Briehof confirmed that there have not been any discussions with New Jersey Transit. Mr. Hernandez asked questions regarding ADA compliance and Ms. Schepisi noted that testimony was provided at a previous meeting. Mr. Regan referenced his notes on the December meeting where Mr. Atkinson suggested that the sidewalks be replaced as a condition of approval. Mr. Degheri asked Ms. Briehof questions about permitted turns and Ms. Briehof confirmed that no restrictions are being proposed. Mr. Santaniello asked Ms. Briehof if there is a garage door on the entrance from Kinderkamack Road. Mr. Virgona replied indicating that there is no door proposed for the Kinderkamack Road entrance to the garage.

At this time Mr. Michelman invited members of the public to ask questions of Ms. Briehof.

Mr. Latsounas of 50 Beverly Road asked questions regarding parking. Ms. Briehof confirmed that there is not enough space for a car to park west of the driveway along Kinderkamack Road. Mr. Latsounas asked a question regarding fire truck access, Ms. Briehof confirmed that accommodations have been made for emergency vehicles. Ms. Schepisi added that the entire building will be sprinkled. Mr. Latsounas asked a question about making turns from Argyle Street to Kinderkamack Road and Ms. Briehof stated that the proposed development will add 2 to 3 seconds to the time required to execute the turn.

Ms. Pojednic of 32 Beverly Road asked if the traffic study considers the fact that people will be using Berkshire Street to make turns on to Kinderkamack Road. Ms. Briehof stated that Berkshire Street was not analyzed in the study. Ms. Briehof added that there is a portion of the parking that will be forced to enter and exit directly from Kinderkamack Road and they will not have the opportunity to access Argyle Street.

Mr. Belthoff of 74 Beechwood Road asked if the traffic study considers safety. Ms. Briehof replied that sight distance has been analyzed in connection with safety precautions, but the main focus of the traffic study is the impact of the proposed development. Mr. Belthoff stated that the study should be conducted while school is in session in order to reflect normal traffic levels. Mr. Belthoff emphasized his concerns about safety and Ms. Schepisi indicated that Bergen County must review and approve the application also.

Mr. Nagpal of 70 Elliott Court asked Ms. Briehof for further clarification regarding the increase in traffic. Ms. Briehof replied that the existing traffic on Kinderkamack Road was measured in July of 2021 and the traffic predictions apply to the year 2024 in accordance with the NJDOT annual growth rate forecast. Mr. Nagpal asked Ms. Briehof if her office has conducted traffic studies post project construction. Ms. Briehof confirmed that Colliers Engineering & Design has conducted post construction traffic studies in the past and the trip generation calculations predicted are very similar to what exists post construction.

Mr. Scalcione of 102 Beverly Road asked Ms. Briehof if the back up of cars blocking Argyle Street while attempting to make turns was considered in the traffic study. Ms. Briehof stated that the sight distance exhibits exemplify the fact that driver visibility will not be impacted by the proposed development.

Mr. Michelman stated that there are no further questions and that the case will be carried to the next meeting.

Old Business

None

New Business

Mr. Michelman moved to adopt the 2021 Annual Report and was seconded by Ms. McGrinder.

ROLL CALL:

AYES: Mr. Michelman, Ms. McGrinder, Mr. McHale, Mr. Degheri, Mr. Santaniello, Ms. Odynski, Mr. Bartlett

Mr. Michelman stated that there were no issues with the proposed 2022 meeting dates and that the next two meetings will take place via Zoom.

Mr. Michelman briefly mentioned the Developer's Agreement in connection with CAL# 852-21 by stating that he has signed the document and it will be delivered to Ms. McGrinder for signature.

Mr. Michelman opened the meeting to the public for any matters.

Mr. Michelman closed the meeting to the public.

Motion to adjourn was made by Mr. McHale and seconded by Ms. McGrinder, all in favor.

The meeting was adjourned at 10:40 P.M.

Secretary