

**MINUTES OF THE ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
BOROUGH OF ORADELL
MARCH 20th, 2023**

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, Ms. Odynski, Mr. Santaniello, Ms. Cobb, Mr. Michelman

Absent: Mr. Barrows

Also Present: Mr. Regan, Esq.
Mr. Depken, Zoning Administrator
Mr. Atkinson, Borough Engineer
Ms. Reiter, Borough Planner

Correspondence

- a. Sign plan drawings prepared Shore Point Engineering last dated July 13, 2022 in connection with 700-800 Kinderkamack Rd. – Block: 905, Lot(s): 1 & 2 – RW Oradell LLC

Approval of Minutes

Approval of the February 22, 2023 meeting minutes

Ms. Cobb motioned to approve the minutes and was seconded by Mr. Santaniello.

ROLL CALL:

AYES: ALL IN FAVOR

Memorialization of Resolutions

CAL# 866-23

John Bonaglia

469 Hasbrouck Boulevard – Block: 1209, Lot: 2

Ms. Cobb moved to adopt the resolution and was seconded by Mr. Santaniello.

ROLL CALL:

AYES: Mr. Michelman, Ms. Cobb, Mr. Degheri, Mr. Santaniello, Ms. Odynski, Mr. Bartlett

CAL# 867-23

James Koth

465 Demarest Avenue – Block: 1106, Lot: 17

Ms. Cobb moved to adopt the resolution and was seconded by Mr. Santaniello.

ROLL CALL:

AYES: Mr. Michelman, Ms. Cobb, Mr. Degheri, Mr. Santaniello, Ms. Odynski, Mr. Bartlett

Extension of Approvals

CAL. # 850-20

Block 502, Lot 15

Aly, Waleid M. and Alegre K.

890 Oradell Avenue

Mr. Michelman moved to grant the extension of approvals and was seconded by Ms. Cobb.

ROLL CALL:

AYES: ALL IN FAVOR

CAL. # 868-23

RW Oradell LLC

Block 905, Lot(s) 1 & 2

700/800 Kinderkamack Road

Mr. Koodray from the firm of Sills Cummis & Gross P.C. introduced himself as counsel for the applicant. Mr. Koodray stated that the subject property is in the B-2 Zone and noted that the tenants of the building consist of medical professionals and attorneys. He stated that many tenants have complained due to a lack of site identification and signage. Mr. Koodray remarked that there is an existing outdated sign on the street, but there are no signs on the buildings making it difficult for tenants and patrons to navigate the area. He moved on to confirm that no improvements to the building are being proposed only the signage variance is being requested. Mr. Koodray mentioned that the notices are in order and Mr. Regan confirmed that the Board has jurisdiction to proceed. Mr. Koodray called his first professional, Mr. Shelly of Shore Point Engineering. Mr. Shelly was sworn in by Mr. Regan and was deemed an expert witness. Mr. Regan marked the Sign Variance plan dated July 13, 2022 as Exhibit A-1 and Mr. Shelly referred to same on the easel. Mr. Koodray asked that Mr. Shelly provide a general overview of the plan and current site conditions. Mr. Shelly emphasized the location of the two buildings along Kinderkamack Road on the plan adding that there is approximately 160,000 square feet of office space. Mr. Shelly stated that the applicant is proposing to install new building façade signage, ground mounted monument signage, and a new directional sign. Mr. Shelly remarked that the buildings have no identification on them making it difficult to determine which building is 700 or 800 Kinderkamack Road. He noted that the proposal provides for signage on the southwest and northeast corner of each building to represent the respective building numbers. Mr. Shelly stated that the current monument sign on the main entrance to the property provides no indication regarding the 70 tenants within the buildings. He explained that a larger monument sign is proposed which will be easier to see along with a directory sign clarifying which tenants are in 700 Kinderkamack Road and 800 Kinderkamack Road. Mr. Shelly noted that the proposed size of the signage and proposed locations are not in conformance with Oradell's standards therefore the applicant is seeking variances. He affirmed his belief that the signage sizes are warranted for the expansive office plaza. Mr. Koodray asked Mr. Shelly a question regarding site triangles for the proposed ground signage. Mr. Shelly confirmed that visibility and safety were considered with the proposed location and there will be no issues with the ground signage. Mr. Koodray asked Mr. Shelly to confirm that no alterations to the buildings are being made and Mr. Shelly replied that the application before the Board is strictly related to signage. Mr. Atkinson asked if there will be any improvements to pedestrian access. Mr. Shelly confirmed no additional site improvements are being proposed apart from the signage. Mr. Depken asked the applicant if they attempted to comply with the Borough's requirements for a ground sign. Mr. Shelly replied that it would be possible to design the height of the sign to be in compliance, but the proposed square footage to have adequate visibility is in exceedance of Oradell's standards. Mr. Depken asked Mr. Shelly if there was an attempt to limit the size of the proposed signage on the building. Mr. Shelly stated that if the numbers on the building were designed in compliance with the 24 square foot maximum they would look out of scale in relation to the large building. Mr. Degheri asked Mr. Shelly where the building wall sign detail will be located. Mr. Shelly referred to the plan and confirmed the location of the 2 building signage details. Mr. Michelman stated that patrons of the buildings are typically there by appointment and he questioned the need for such large signage. Mr. Shelly replied that not every single tenant will be reflected on the directory board but it will be beneficial for patrons to distinguish which building is 700 or 800 Kinderkamack. Mr. Michelman still posed the question of if the proposal is blatantly

defying the standards for signage established by the Mayor and Council. Mr. Koodray replied that he is unaware of the last time the signage ordinance was updated but he confirmed that the directory sign is located on site so it will not distract drivers along the main road. Mr. Koodray added that the clear signage is beneficial for patrons coming to the site for the first time and for those who use ride share. Mr. Koodray requested a brief recess to confer with his client.

Mr. Michelman stated that it is 7:58 P.M. and called for a break in the hearing.
Mr. Michelman reconvened the hearing at 8:04 P.M.

Mr. Koodray stated that after speaking with the applicant they are willing to withdraw the branding signage. He noted that the ground signage, the directory sign, and the number signage will remain part of the application. Mr. Shelly stated that the height of the ground signage will be brought into conformance with the 6-foot maximum. Mr. Michelman asked where the locations of the numbers are proposed on the building and Mr. Koodray confirmed that the locations will remain the same. Mr. Michelman and Mr. Regan advised the applicant to make revisions based on comments and present the revised plan to the Board at the next meeting. Mr. Degheri suggested that the applicant take the speed limit of Kinderkamack Road in to consideration when revising the size of the signage. Mr. Koodray confirmed that the plan will be revised for the next coming meeting.

CAL. # 864-22

Block 221, Lot 2

RK Holdings, LLC

240 Kinderkamack Road

Mr. Michelman noted that the application has surpassed the 120-day shot clock and asked for Mr. Barrett's approval for an extension. Mr. Barrett approved the extension and moved on to note that the engineer has concluded her testimony and she may be cross examined by the objector's counsel. Mr. Mayland asked Ms. Osterkorn to explain the plantings within the three-foot buffer area bordering Mr. Traphagen's property. Ms. Osterkorn stated that there are no plantings but there is the 6-foot privacy fence. Mr. Mayland asked if plantings would be possible in place of vinyl fencing. Ms. Osterkorn affirmed that plantings would be a possibility but mature vegetation would take time to grow and may not survive based on the existing root systems of trees. Mr. Mayland asked Ms. Osterkorn to confirm that the vinyl fencing is the only buffer on that side of the property to which she confirmed. Mr. Mayland asked Ms. Osterkorn if she believes that the fence will require variance relief as it does not provide the three-foot buffer area defined in the ordinance. Ms. Osterkorn stated that the applicant's planner would better address this question. Mr. Mayland noted that a buffer provides screen from light, sound, and smells then asked Ms. Osterkorn if she believes the vinyl fence would provide such screening. Ms. Osterkorn confirmed that the proposed vinyl fence would provide better screening in comparison to plantings. Mr. Mayland asked Ms. Osterkorn to explain the changes in the lighting plan. Ms. Osterkorn noted that light pole will illuminate the dumpster area and act as security during the nighttime. Mr. Koodray asked what the size of the light pole is, Ms. Osterkorn indicated that the height is 16 feet. Mr. Depken interjected by confirming that the pole was revised to 14 feet in height which is the maximum requirement. Mr. Mayland asked if the footcandle calculations reflect the 14-foot light pole or a 16-foot light pole. Ms. Osterkorn replied that the lighting measurements are not current with the 14-foot light pole proposal. She added that the light spillage will not be over what is permissible at the property line for the neighboring property. Mr. Mayland moved on to request that Ms. Osterkorn emphasize on the plan where the concrete curbing will be replaced with asphalt curbing. Ms. Osterkorn referred to the area in question on the plans. Mr. Mayland requested confirmation that no trees will be disturbed with this curb material transition and Ms. Osterkorn confirmed. Mr. Mayland asked how drainage will be affected on the property with the proposed curbing. Ms. Osterkorn stated that the underground retention system will remain in the same place only the inlet locations are changing. Mr. Mayland asked if a drainage report has been submitted to the Borough Engineer for review. Ms. Osterkorn indicated that the drainage calculations were submitted to the Borough Engineer. Mr. Mayland asked if a perc test was conducted and Ms. Osterkorn replied that the test has not been completed as it will be provided as a condition of approval. Mr. Mayland asked Ms.

Osterkorn to explain any changes in grading towards the rear of the property by the dumpster area. Ms. Osterkorn replied that the property currently pitches from the front left corner to the back right corner adding that the introduction of the driveway, the curbed area, and the inlets will allow drainage to be contained on site. Mr. Mayland asked if a maintenance and operations manual has been provided to the Borough. Ms. Osterkorn indicated that the Borough Engineer confirmed he would accept same as a condition of approval. In relation to the rear of the property, Mr. Mayland asked Ms. Osterkorn if the turning radius has been evaluated. Ms. Osterkorn indicated that the turning radius was evaluated by the traffic engineer. Mr. Mayland asked if site triangles were evaluated and Ms. Osterkorn stated that this would also be a topic addressed by the traffic engineer. Mr. Mayland confirmed that he had no further questions of Ms. Osterkorn. Ms. Reiter asked for confirmation that 10 feet of buffering will be provided in the rear of the property. Ms. Osterkorn confirmed that the 10-foot buffer will be provided with landscaping and fencing.

Mr. Barrett called Mr. Page and asked how changes to the application over the course of the meetings has impacted the traffic study he prepared. Mr. Page stated that the parking study was prepared when the project initially incorporated the residential component on the second floor. With the residential component removed only 37 parking spaces are necessary instead of 39. Mr. Page referenced the previous meeting where he explained parking in the two municipal lots along with spaces along Kinderkamack Road. Mr. Barrett confirmed that 92 seats for the restaurant are proposed in total and he asked Mr. Page if he believes the patrons will have difficulty finding parking in the municipal lots. Mr. Page affirmed that he does not believe patrons will have difficulty finding a parking spot. Mr. Barrett questioned if there will be adequate parking if the restaurant was at full capacity. Mr. Page stated that there would be adequate parking and there will be additional spaces per the parking study. Mr. Barrett asked Mr. Page if he feels the parking is adequate to accommodate the proposed and existing uses to which he confirmed. Mr. Page referred to Exhibit A-26 on the easel and demonstrated the available parking areas. He also referred to a turning template marked Exhibit A-27 and demonstrated that vehicles will easily be able to maneuver into the site. Mr. Page moved on to display and discuss the site triangle drawing and confirmed there is adequate site distance in relation to the speed limit along Kinderkamack Road. Ms. Reiter recalled Mr. Page's testimony from a prior hearing confirming that the parking areas are least busy when the restaurant is most busy. Mr. Page confirmed that this statement is correct adding that in his experience as an Oradell resident parking is readily available in the evening hours. Ms. Reiter asked how people with disabilities can access the restaurant. Mr. Page referred to the Exhibit on the easel and suggested that a wheelchair bound individual be dropped off in front of the establishment in the striped area. Ms. Reiter asked if there will be a sign which indicates there is no on-site parking. Mr. page indicated that there will be such a sign to avoid confusion for patrons. Ms. Reiter asked Mr. Page to expand on pedestrian safety since during the winter months it will be dark out during dinner hours. Mr. Page confirmed that there are three accessible crossing locations within close proximity to the restaurant and brought up the idea of installing the flashing lights on the crossing signs. Mr. Michelman stated that the installation of flashing lights would require approval from the County. Mr. Atkinson asked if the pandemic had any impact on the parking counts within Mr. Page's report. Mr. Page confirmed that the counts were taken mid 2022 therefore not impacted by COVID-19. Mr. Atkinson asked what Mr. Page based the parking requirements on and Mr. Page replied that the requirements are based on Oradell's parking ordinance. Mr. Atkinson asked Mr. Page a question regarding the garbage trucks and the turning template. Mr. Page confirmed that the applicant has coordinated with the anticipated garbage company regarding a front loaded or back loaded truck. Mr. Atkinson asked what time garbage pick-up would occur and Mr. Barrett replied that the applicant is proposing bi weekly pick up at 6:30-7:30 AM per her previous testimony. Mr. Atkinson asked if valet parking is proposed and Mr. Page indicated that there is not. Mr. Michelman asked Mr. Page if there will be adequate parking availability during lunch hours and dinner hours being that activity has returned to pre COVID levels per previous testimony. Mr. Page confirmed that there will be adequate parking during lunch time and dinner time despite increased activity.

Mr. Michelman stated that it is 8:58 P.M. and called for a break in the hearing. Mr. Michelman reconvened the hearing at 9:08 P.M.

On behalf of the objector, Mr. Mayland asked Mr. Page to clarify dates in connection with exhibits displayed on the easel during his testimony. Mr. Page confirmed the dates and Mr. Mayland moved on to question if the exhibits were submitted to the Board ten days before the hearing. Mr. Page replied no and Mr. Mayland reserved the right to re cross examine Mr. Page on the exhibits at a future meeting. Mr. Mayland asked if other turning templates were prepared apart from a delivery van. Mr. Page stated that per the applicant's previous testimony, a delivery van is the maximum size van that would come to the site. Mr. Mayland asked if a turning radius was conducted for the garbage trucks. Mr. Page replied no because the garbage hauler indicated that they would be parking on Kinderkamack Road. Mr. Mayland questioned if a turning radius was prepared for emergency vehicles. Mr. Page replied that a fire truck would avoid going to the back of the building and they would stay on Kinderkamack Road so he did not prepare a turning template. Mr. Mayland asked if a turning template was prepared for an emergency vehicle such as an ambulance. Mr. Page replied that no turning template was prepared but affirmed the fact that an ambulance could access the site with no issues. Mr. Mayland asked Mr. Page how the patrons of the restaurant at 304 Kinderkamack can share parking availability with the applicant's patrons. Mr. Page explained that patrons of 304 Kinderkamack will park closer to that location. Mr. Mayland asked for an explanation of how the template was prepared and Mr. Page indicated that it was prepared based upon the engineer's site drawings. Mr. Mayland asked how the Bergen County players could influence parking availability. Mr. Page stated that in his experience people who are attending shows park along Kinderkamack Road, in the Walgreens parking lot, or on Park Street. Mr. Mayland continued to ask questions regarding parking availability in the area and Mr. Page affirmed that the municipal lots and street parking can accommodate the applicant's proposed restaurant and other locations along Kinderkamack Road. Mr. Mayland concluded by stating he will recross Mr. Page at the next meeting. Mr. Michelman confirmed with Mr. Page that if every table at the restaurant was occupied and all 12 servers took their own car there would still be sufficient parking to accommodate everyone.

Mr. Latsounas of 50 Beverly Road asked for the confirmation of garbage pick-up time and Mr. Page confirmed it will occur between the hours of 6:30-7:30. Mr. Latsounas asked questions regarding street parking areas that were included in Mr. Page's parking study. Mr. Latsounas asked Mr. Page how pedestrians can be kept safe. Mr. Page stated that he hopes to install the flashing crosswalk signs for drivers to see heading north or south on Kinderkamack Road.

Mr. Barrett stated that Mr. Page will provide additional testimony as the planner for the application. Mr. Page was deemed an expert witness regarding planning and his report dated revised November 29, 2022 as Exhibit A-29. Mr. Barrett asked Mr. Page if any of the changes to the application throughout the various meetings have impacted the ultimate conclusions of his report. Mr. Page replied no because all of the criteria in connection with the variance report has not changed. Mr. Page referred to the Borough zoning map on the easel, emphasizing the location of the proposed restaurant. Mr. Page referred to the data within the planning report and explained why the multiple variances are being sought. Mr. Page referred to a drawing prepared by the architect on the easel which was marked as Exhibit A-30. He demonstrated that the way the property line was drawn creates a hardship relating to the front yard setback. Mr. Page distributed a handout marked Exhibit A-31 where he attempted to calculate the floor area ratios of the buildings adjacent to the proposed restaurant. He discussed the floor area ratio calculations and emphasized the fact that many exceed the floor area ratio requirement. Mr. Page concluded with the explanations of the variances and affirmed that another restaurant in the Borough would enhance the community. Mr. Page ended his testimony by pointing out the positive and negative criteria relating to the variances being sought. Mr. Michelman stated that the April meeting will commence with questions from the Borough's professionals and the Board.

Old Business

None

New Business

None

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

Mr. Latsounas of 50 Beverly Road questioned the 66 Kinderkamack Road litigation. Mr. Michelman stated that it's a matter of public record that a complaint has been filed and served.

Mr. Michelman closed the meeting to the public.

Motion to adjourn was made by Ms. Cobb and seconded by Mr. Degheri, all in favor.

The meeting was adjourned at 10:27 P.M.