

PLANNING BOARD MINUTES
PUBLIC MEETING
OCTOBER 14, 2010 - 7:00 P.M.
HELD AT OAKLAND SENIOR CENTER
20 Lawlor Drive, Oakland, New Jersey

Pursuant to Chapter 231, Public Law 1975 (Open Public Meetings Act) adequate notice of this meeting has been provided by:

- ❑ Adoption of an annual schedule of meetings
- ❑ Posting copy of same at Borough Hall
- ❑ Forwarding copy of same to the Record
- ❑ Mailing a copy to any person requesting same

**** MEETINGS CONCLUDE AT 10:30 P.M., THEREFORE, NO TESTIMONY WILL BE TAKEN AFTER 10:00 P.M.**

PLANNING BOARD MEMBERS:

Elaine T. Rowin, Eric Kulmala, Barry Colyer, Christopher Baczewski, Dan Hagberg, John Morris, Councilwoman Marcalus, Mayor John Szabo and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:10 P.M., ROLL CALL:

Present: Mrs. Rowin, Messrs. Kulmala, Colyer, Baczewski, Hagberg, and Mr. Morris, Councilwoman Marcalus and Chairman Potash.
Absent: Mayor Szabo

Also in attendance, Joseph Russo, Esq., (Board Attorney) and Kevin Tichacek, (Boswell Engineering) and Steve Lydon (Board Planner).

PUBLIC HEARING BEGINS:

Motioned by Mrs. Rowin and seconded by Mr. Baczewski, to open the meeting to the public for matters not on the agenda was voted unanimously by the Board.

Mr. Ben Cascio, Esq., 45 Lakeshore Drive, reminded that Board that the Bergen County Bar Association would be holding their annual symposium for attorneys needing credits and Board members needing certification at Bergen Community College in Paramus, New Jersey on Saturday, October 16, 2010.

Motioned by Mrs. Rowin and seconded by Mr. Colyer, to close this portion of the meeting to the public for matters not on the agenda and to continue with matters on the agenda was voted unanimously by the Board.

PUBLIC HEARING:

1. A & E Ventures of Oakland – 101 Plaza Road, Block 2702, Lot 1.
Continued public hearing for a preliminary and final major subdivision and site plan, soil move and bulk variances.

Mr. Thomas J. Herten, Esq. with the firm Herten Burstein located in Hackensack, New Jersey was before the Board representing A & E Ventures of Oakland's continued application.

Mr. Herten informed the Board that preliminary and final site plans and major subdivision plans were revised September 28, 2010 and delivered to the Planning Board office October 4, 2010 leaving adequate time for Board professionals to review and respond.

The revisions include; floor plans of the Burger King building, elevations, a traffic signal plan and timing sheets related to Ramapo Valley Road, Post Road and Long Hill Road. In addition, photographs of an actual 2020 Burger King building during daylight hours were digitally superimposed to show the proposed brick towers in place of the black corrugated metal clad towers.

Mr. Thomas Pugsley with Bohler Engineering located in Warren, New Jersey was previously sworn in and asked to give details of the revisions made.

He explained that 12 pages of the site plan last were last revised September 28, 2010. Most comments and suggestions made by the Board professionals have been addressed.

Mr. Pugsley informed the Board that a crosswalk between Burger King and the proposed bank has been shifted in an easterly direction which would be aligned with the sidewalk along the front of both buildings.

At the easterly approach between the two buildings a stop bar with striping has been added as well as a stop sign at the end of the Burger King drive-thru lane. In addition, a "do not enter" sign with a stop bar at the Plaza Road entrance driveway and a "no left turn" sign at easterly side of the entrance drive from Post Road have been provided.

Additional landscaping has been added to the trash enclosure area and a four-foot high post rail fence is being proposed along the top of the retaining wall that runs parallel to Plaza Road.

There would be an increase to the curb line radius to 15-feet for the entrance of the drive-thru lane at the northeast corner of the proposed Burger King.

Mr. Herten informed the Board that the new order board would stay the same size as the existing menu board. There would be a minimal increase to the preview board that is being proposed.

Mr. Herten expressed to the Board that all the revisions have now been addressed. Chairman Potash question if the Board had any comments or questions.

Mr. Tichacek informed the Board that he did not draft a review letter for the revisions but expressed that the Applicant has addressed all his concerns.

Mr. Lydon expressed that he did not see any changes to the five parking spaces that he suggested be used for additional landscaping due to their remote location. A discussion ensued concerning a deficiency in parking for the bank according to the Borough's parking ordinance. Mr. Herten expressed that he would rather keep the parking spaces as is and be granted the variance in the event the Applicant needs additional parking. Mr. Russo expressed that the Applicant would still be granted a variance for parking if the application were to be approved. If the Applicant chose to add more landscaping in the place of those additional spaces, the landscaping could always be removed for more parking.

The Board questioned the possibility if the proposed bank changed its use requiring more parking. Mr. Herten responded that the changed use would need to make application to the Board.

Exhibit A-12, Complete set of revised plans of a Preliminary and Final Site plan and Major Subdivision consisting of 12 pages date of revision September 28, 2010.

Mr. Lydon questioned the height of the proposed light pole and expressed that typically light poles are 18-foot high. Mr. Herten expressed that the existing height of the light poles are 25-feet and prefers that height due to the activity on site during the evening hours. He explained that the proposed lighting used is softened and distributes illumination evenly throughout the site.

The Board questioned the height of the pylon sign and the height of the grading located near Ramapo Valley Road and Post Road where the sign would be located. Mr. Herten explained that the existing pylon sign is 15-feet high and the Applicant would agree to keep the height at 15-feet with the finished grade.

Mr. Herten requested that Mr. Shumm review the revisions made to the Burger King exterior. Mr. Herten entered exhibits into evidence.

Exhibit A-13, Photos of an actual Burger King with revisions superimposed.
Exhibit A-14, Photos of actual Burger Kings.

Mr. Shumm shared with the Board samples of the brick facing that would replace the corrugated black metal depicted in some of the pictures.

A discussion ensued concerning some of the Board members being dissatisfied with the esthetics of the building. It was expressed that the Applicant's should be complying with the vision set forth by the Borough. Some Board members expressed that esthetic standards should not be applied with worldwide corporations whom work with design professional.

The Board questioned the Applicant's plan to irrigate the landscaping. Mr. Pugsley responded that an irrigation system is not required.

Mr. Herten introduced Mr. Paul Phillips and offered him to give testimony for the proposed planning perspective. Mr. Phillips was sworn and testified that he is a licensed planner and engineer for the State of New Jersey. He reviewed his credentials and the Board accepted his qualifications.

Mr. Phillips informed the Board that he evaluated the required variances, inspected the property, reviewed the site plan, reviewed the Borough's Master Plan, reviewed all reports from Board professionals and attended all hearings.

He explained that the Applicant proposes to subdivide a 1.6 parcel of land in the B-2 Business Zone for the purpose of a restaurant and a bank.

Variances would include impervious coverage, number of parking spaces and parking stall size, retaining wall, dumpsters located in a front yard and signage. He explained the criteria between a C-1 and C-2 variances.

Impervious coverage is exceeded on both lots, 74 percent on lot A (Burger King) and 71 percent on lot B (bank), required 55 percent. Mr. Phillips expressed that the additional landscaping would help improve the drainage.

Mr. Phillips expressed that the relief from 25 to 23 parking stalls was adequate for a bank and the excess number of parking stalls for the Burger King, could be used by the bank if necessary. The 9 X 18 parking stall size meets the ULI (Urban Land Institute) standards and would cause no detriment.

Due to the peculiar shape of the property a retaining wall in the front yard would be used to balance the grade of the site. The Applicant would be limited to locate the trash area in the front yard.

Mr. Phillips explained that there are two existing, freestanding pylon signs and the Applicant is proposing the same. These signs would be the same in height as the existing freestanding pylon signs.

Off premise signage is being proposed for both the bank and Burger King. Mr. Phillips reminded the Board that Walgreens, Starbucks and the bank were granted Planning Board approval for off premise signage.

Mr. Phillips reminded the Board that the Applicant has agreed to reduce the height of the pylon sign at the Post Road entrance according to the grade of the property.

The building signage is comparable to most building signs. There would be one sign per entrance with a maximum of four for all facades. The Applicant has complied with the request of the Board to reduce the number of signs from eleven to seven.

Mr. Phillips reviewed that none of the wall signs would be exceeding the allowable square footage. There would be no signs on the north elevation of the building.

The Burger King logo sign has been reduced from 6-feet to 4-feet in height causing no physical detriment.

Mr. Tichacek stated for the record that he has read the revised Bohler Engineering's report and confirmed with the Board that they have addressed all of Boswell's concerns.

A discussion ensued between Mr. Lydon and Mr. Herten concerning bringing the pylon sign into conformance with the setback on the bank lot. Mr. Herten expressed that the Applicant would prefer to leave the sign where it exists since the sign is near the prime access of the site.

Mr. Herten expressed that the Applicant has accepted all input from the Board. When the Applicant first submitted the application, it was recommended by the Board professionals that the Applicant proceed with a major subdivision and the Applicant complied by resubmitting their application. He explained that they have offered the Board factual information and as a good neighbor, have been more than flexible.

Motioned by Councilwoman Marcalus and seconded by Mr. Baczewski, to open the meeting up to the public concerning testimony given on the A & E Ventures of Oakland application was voted unanimously by the Board.

Mr. Christopher Visconti, 4 Mountain Lakes Road, questioned how the Board could approve an application for a bank without seeing the architectural plans. Mr. Russo responded that when the bank is leased they will have to come back before the Board with a site plan application. He added that the Board is only considering the footprint at this time.

Mr. Herten also added, that a Traffic Engineer gave testimony at the last meeting in reference to the bank. Issues with the county would be addressed when the Applicant has a tenant for the bank and they return back to the Board. A stipulation in the resolution would enforce that the tenant be consistent with the Borough's ordinance.

Mr. Visconti commented that the architecture of the building is not compliant with the future look that the Borough is trying to achieve and urged the Board not to grant all the variances.

Motioned by Councilwoman Marcalus and seconded by Mr. Colyer to close the meeting to the public regarding matters concerning the A & E Ventures application was voted unanimously by the Board.

Chairman Potash recommended that the Board authorize Mr. Russo to draft a resolution either in the affirmative or to deny the application and have a formal vote at the next month's meeting. This would give the Board time to review the resolution due to all the variances and cross-easements.

Motioned by Councilwoman Marcalus and seconded by Mr. Colyer, to authorize Mr. Russo to draft a resolution for A & E Ventures of Oakland in the affirmative.

Roll Call Vote: Aye: Messrs. Kulmala, Baczewski, Colyer and Chairman Potash.
 Nays: Mrs. Rowin
 Abstain: Messrs. Hagberg and Morris.
 Absent: Mayor Szabo

Meeting recessed at 8:45 p.m.
Meeting resumed at 9:00 p.m.

2. Pizza Hut, LLC – 388 Ramapo Valley Road, Block 3907, Lot 4. Public hearing for an amended site plan.

Mr. Colyer recused himself from the application.

Mr. Ben Cascio, Esq. located in Franklin Lakes, New Jersey was before the Board representing the Pizza Hut, LLC application.

He explained that three of the owners from Krauzers are proposing to open up a nationwide franchise that would strictly be a takeout and delivery business. This is a permitted use in the B-2 Business Zone.

The Applicant is proposing an 80 square foot addition out the back of the building for a refrigerator unit. In addition, there are internal improvements to be made. Mr. Tichacek questioned a proposed addition to be added on the front of the building. Mr. Cascio responded that Mr. Tibor Latincsecs would go into the detail of the improvements.

Mr. Thomas Russo located at 383 Ramapo Valley Road was sworn in and testified that he is the realtor involved with this lease and a prior owner of the building.

The building is approximately 100 years old and at one time was leased by a business called the Game Table, a bank, an accountant and most recent, a dog grooming center.

Touch of Tweed Hair Salon is on the second floor of the building. Hours for that business are five days a week from 9:00 a.m. to 4:00 p.m. and later on Thursday nights.

He testified that the parking history has never been an issue. There are 8 parking spaces and one handicapped space in the rear of the building. In addition, there are 12 on-street parking spaces and 30 parking spaces in a municipal lot across the street.

Mr. Tichacek questioned if the neighboring property owners have a formal easement agreement. Thomas Russo responded that they do not but parking has never been an issue. Parking in front of the proposed site, the cleaners and the liquor store is all public parking.

Mr. Moni Patel was sworn in and testified that he is an approved franchise owner of Pizza Hut. In addition, he owns a Taco Bell, IHOP (International House of Pancakes) and another Pizza Hut franchise in Haverstraw, New York. He has been in the fast food business for 12 years.

He informed the Board that the proposed business would begin its hours at 10:30 a.m. to 12:00 a.m. seven days per week. There would be no tables and chairs available inside for dining. The business would consist of 80 percent delivery and 20 percent takeout.

There would be two employees present during the day with possibly an additional employee for the evening hours. Two drivers would be needed for the evenings and weekends to make deliveries.

Mr. Patel testified that 8 parking spaces and 1 handicapped space would be sufficient for his operation.

Mr. Russo questioned Mr. Patel about anticipated truck deliveries. Mr. Patel responded that deliveries would occur later in the evening at a maximum of 15 to 20 minutes twice a week to drop off supplies.

A discussion ensued concerning employee parking, delivery drivers and the possible lack for parking for the local business. Chairman Potash questioned if the Applicant would be sharing parking with the neighboring business. Mr. Patel responded that they would be sharing parking spaces but most of the businesses end their day at 5:00 p.m. not interfering with their peak hours

Mr. Tichacek explained that a parking analysis was done and the ordinance is silent concerning a takeout business with no seating. Chairman Potash questioned Mr. Tichacek if he believed there would be adequate parking. Mr. Tichacek responded that he believes there would be sufficient parking and reminded the Board that there is public parking along the street in front of the business and across the street in the municipal parking area.

The Board questioned the if the applicant was proposing benches or tables outside. Mr. Patel responded that they were not.

Mr. Tibor Latincics with Conklin Associates located in Ramsey, New Jersey was sworn in and testified that he is a licensed engineer in the State of New Jersey. Mr. Latincics reviewed his credentials and the Board accepted his qualifications.

Mr. Cascio entered an exhibit into evidence.

Exhibit A-1, Location Survey of site prepared by Eid Associates June 1, 2010.

Exhibit A-2, Photos of existing site.

Exhibit A-3, Elevations prepared by Fred Klenk, A.I.A. dated September 10, 2010.

Exhibit A-4, Floor Plan prepared by Fred Klenk, A.I.A. dated September 10, 2010, revised September 22, 2010.

Mr. Latincics explained that the proposed site consists of 9,939 square feet. He reviewed existing and proposed setbacks, existing building coverage and a slight increase in impervious coverage.

The Applicant is proposing an 80 square foot refrigerator addition to be located in the rear of the building. In addition, a raised side stoop measuring 56 square feet in front of the building would be enclosed. This would provide additional space for people picking up pizza.

On site the Applicant is proposing to add a pad for a two yard dumpster. An additional concrete pad would be added on the north side of the building for an air-conditioning unit. Both parking and dumpster would be shared by neighboring businesses.

Mr. Latincsics explained that variances would be necessary due the proposed improvements. The Applicant's pre-existing 9,939 square feet of the minimum lot area remains shy of the required 10,000 square feet.

Pre-existing impervious coverage percentages are 75.72 percent and the Applicant proposes 78.5 percent impervious coverage, 55 percent is required.

The Applicant is proposing 8.5-foot side yard setback where 10-foot is required to install a concrete pad for the air-conditioner unit.

Mr. Lanticsics expressed the Applicant would agree to the Board Engineer's request that reasonable repair on the parking area be done as well as striping of parking stalls and a handicap parking sign be installed.

The Board questioned the traffic pattern to be used for the rear parking. Mr. Latincsics responded that if you turn onto Yawpo Avenue from Ramapo Valley Road, you would make a right hand turn onto Raritan Road.

The Board questioned if the Applicant would be proposing any signage. Mr. Latincsics responded that the Applicant is proposing an 8-foot by 18-inch canopy across the store front with the Pizza Hut logo. Mr. Cascio informed the Board that the sign was compatible with what is existing and comparable to the surrounding businesses.

The Board questioned if there would be access from the front of the building. Mr. Latincsics responded that there would be no access in the front of the building.

The Board discussed that this may be an opportunity for the Applicant to improve and upgrade the site with some additional landscaping. Mr. Russo questioned if it were possible for a stockade fence to be installed to screen the dumpsters. Mr. Latincsics responded that he would need to ask landlord but was not sure that they would provide the fencing.

A discussion ensued concerning the Board's trepidations that parking could become an issue and generating more traffic with the surrounding businesses.

Motioned by Mr. Morris and seconded by Mr. Baczewski, to open the meeting to the public regarding matters concerning the Pizza Hut application was voted unanimously by the Board.

Approval for a minor subdivision.

Mr. Russo suggested that the Heritage Hills Property memorialization be carried to the next month's meeting due its technical nature and easements involved.

2. Catalogue Publishers, Inc. – 40 Edison Avenue, Suite B, Block 3202, Lot 1. Approval for a Certificate of Occupancy.

Motioned by Mr. Colyer and seconded by Mr. Baczewski, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Kulmala, Baczewski, Colyer, Hagberg and Councilwoman Marcalus.
 Nays: None
 Abstain: None
 Absent: None

PAYMENT OF BILLS:

Motioned by Mr. Colyer and seconded by Mr. Morrissi, to approve the payment of bills subject to the availability of funds.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Kulmala, Colyer, Baczewski, Hagberg, Morris, Councilwoman Marcalus and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: and Mayor Szabo.

APPROVAL OF MINUTES:

Motioned by Mr. Baczewski and seconded by Councilwoman Marcalus, to approve the September 2, 2010 Minutes.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Kulmala, Colyer, Baczewski, Hagberg, Morris, Councilwoman Marcalus and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: and Mayor Szabo

NEW BUSINESS:

Mr. Russo informed the Board that he has drafted the amendment to the Certificate of Occupancy ordinance. He questioned the Board if they had any comments or suggestions after reviewing the amended ordinance.

The Board suggested that more criteria should be included in the ordinance. Mr. Hagberg explained that it would be in the discretion of the Building Department to make a decision whether a change of use would need to go before the Board or be done administratively.

He expressed that his office would develop an application with certain criteria that would distinguish whether the application be processed internally or sent to the Board and if he had any questions pertaining to a change of use, he would confer with Mr. Russo.

The Board suggested that they be informed of all applications for Certificates of Occupancy. Mr. Hagberg responded that all applications that were not sent to the Board and processed through the Building Department would be sent to the Planning Board in their packets.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 10:35 P.M.

Motioned by Mr. Morris and seconded by Mr. Hagberg to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant