

PLANNING BOARD MINUTES  
PUBLIC MEETING  
DECEMBER 9, 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 a copy of same at Borough Hall
- ❑ Forwarding a 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, Baczewski, Hagberg Morris, Councilwoman Marcalus, Mayor Szabo and Chairman Potash.  
Absent: Mr. Colyer

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. Enrico Laurino representing Washington Square Associates, owner of Copper Tree Mall and Jerry Brunetto owner of American Women Fitness Club in Copper Tree Mall expressed their concerns with the new fitness club moving into the former Drug Fair space.

Mr. Laurino explained that he has been over to the parking area where the proposed fitness club is going to be located and counted approximately 50 parking spaces available.

It is his belief that during peak hours of the fitness club, it would require 150 parking spaces. He is concerned that the overflow of parking would end up in his parking lot at the Copper Tree Mall. He expressed this would be a serious problem to his parking situation due to the expansion of the Motor Vehicle office and the closing of the Motor Vehicle office in Wyckoff, New Jersey.

In addition, the Copper Tree Mall provides approximately 50 – 70 parking spaces for commuter parking for no additional charge. They have been aware that other businesses, surrounding the Copper Tree Mall, have been using their parking lot.

Chairman Potash informed Mr. Laurino and Mr. Brunetto that this issue concerning the proposed health club and the parking was discussed at the last meeting. However, the Borough's ordinance for the B-2 Business zone does not require Board approval.

A discussion ensued concerning the Copper Tree Mall being covered under "Title - 39" which is a police enforcement ordinance. Mr. Brunetto responded that he has contacted the Police Department on this issue and they expressed to him that the enforcement only allows for fire lanes and the ten-minute parking spaces. Because the property approval includes "quasi public parking", the police are not responsible for monitoring the parking of other patrons of surrounding businesses.

Chairman Potash reiterated that they are hoping to have the ordinance changed for the B-2 Business Zone so that businesses moving in with questionable parking will be required to come before the Board and testify on behalf of the percentage of parking that is being proposed.

Mr. Brunetto questioned if there were anything that would protect them against other businesses parking in their lot. Mr. Hagberg responded no, but there is a provision under the Land Use section 59-67, F7 that would require any existing occupancy, where the use has increased and has an impact on parking, to discontinue their Certificate of Occupancy. Once the occupant's Certificate of Occupancy has been discontinued, they will have 45 days to go before the Board to testify on behalf of their increase in use and parking get approval.

Mr. Hagberg explained to Mr. Brunetto and Mr. Laurino that parking in the B-2 Business Zone is based upon square footage of the leased space. He informed the Board that they are keeping an eye on the new Motor Vehicle office in the Copper Tree Mall as well as gym at the old Drug Fair location. He explained that the improvements at Motor Vehicles and closing down of the Motor Vehicle in Wyckoff will have an enormous impact on the Copper Tree Mall parking and if

the Borough hears of any complaints to the Police Department, the first place they will look will be the Motor Vehicle or the proposed gym.

Motioned by Mrs. Rowin and seconded by Mr. Hagberg, 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. X-Link Corporation – 7 Fir Court, Block 2302, lot 19. Public hearing for a Certificate of Occupancy.

Mr. Robert J. Buckalew, Esq. with Buckalew, Frizzell & Crevina LLP located in Glen Rock, New Jersey was before the Board to represent the above mentioned applicant.

Mr. Walter Hass was sworn in and testified that he currently leases space in the building but is proposing to move into another portion of the building with more space, approximately 19,415 square feet.

Mr. Hass explained that his business deals with receiving and distributing home furnishings. They currently have 16 employees, four Administrators, one warehouse person and 11 sales representatives with no intention of increasing that number.

Parking calculations would remain the same, which provides 24 parking spaces which is in compliance with the Borough's Parking Ordinance.

The Board questioned the type of shipments that would be received. Mr. Hass responded that they would be receiving a shipment three times a month by a 48-foot container and approximately 1 or 2 times a week shipments would go out by a 24-foot box truck.

A discussion ensued concerning the site plan submitted. Mr. Tichacek expressed that the same site plan that has been used for 20 years is still being submitted for every tenant moving into this building. He explained that the site plan does not offer the proper information in order to do a full review. It had been recommended by the Board that before the owner of the building returns back to the Board with another tenant, he would be required to have the architect update the site plan and the tenancy list.

The Applicant testified that there would be no discharge of waste, no glare, no vibration or hazardous material at the site. The Board confirmed that there would be a total of 6,270 square feet of office space and 13,145 square feet of warehouse space.

Motioned by Councilwoman Marcalus and seconded by Mr. Morris, to open the meeting to the public regarding matters concerning the X-Link Corporation application was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to close the meeting to the public regarding matters concerning the X-Link Corporation application was voted unanimously by the Board.

Chairman Potash entertained a motion.

Motioned by Mayor Szabo and seconded by Mr. Morris, to approve the X-Link Corporation application.

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

MEMORIALIZATION:

1. West Oakland Avenue Properties, LLC – 342 West Oakland Avenue, Block 103, Lot 5. Approval for Certificate of Occupancies for
  - a. Parr Landscaping
  - b. Silvestro Pinelli Associates
  - c. Edward Bell Landscaping
  - d. D & S Land Development
  - e. DR Mullen Construction
  - f. Haag Construction

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

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

PAYMENT OF BILLS:

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to approve the payment of bills subject to the availability of funds.

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

APPROVAL OF MINUTES:

Motioned by Councilwoman Marcalus and seconded by Mr. Morris, to approve the November 4, 2010 Minutes.

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

NEW BUSINESS:

Chairman Potash appointed a committee to review RFQ's (Request for Qualifications) for Board professional positions. Messrs. Hagberg, Baczewski, Colyer and Chairman Potash would be reviewing RFQ's of professionals seeking a position to serve the Board.

OLD BUSINESS:

Mr. Kulmala expressed that a refrigerator box that Raku Sushi received approval for by the Planning Board to add out the rear would look better painted the same color of the building. The Board agreed.

PUBLIC MEETING ADJOURNED AT 7:50 P.M.

Motioned by Mrs. Rowin and seconded by Mr. Baczewski to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

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Kathlyn Gurney/Administrative Assistant