

PLANNING BOARD MINUTES
PUBLIC MEETING
MAY 14, 2008 - 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, Barry Colyer, Christopher Baczewski, Daniel Hagberg, John Morris, Councilwoman Marcalus, Mayor John Szabo and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7: 04 P.M., ROLL CALL:

Present: Mrs. Rowin, Messrs. Colyer, Baczewski, Morris, Councilwoman Marcalus and Chairman Potash.

Absent: Mr. Hagberg and Mayor Szabo

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

PUBLIC HEARING BEGINS:

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

No comments

Motioned by Mrs. Rowin and seconded by Mr. Baczewski, 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. Continued Presentation on NJ Highlands Regional Master Plan Conformance.

Mr. Lydon, Board Planner, from Burgis Associates was before the Board to continue his presentation on the Highlands Regional Master Plan Conformance.

He explained that the Highlands region is located in the northwest portion of New Jersey consisting of two areas, Planning and Preservation. The Borough of Oakland has both Planning and Preservation areas within. The land west of the Ramapo River and south of Long Hill Road is within the Preservation Area and the eastern portion of the Borough is located within the Planning Area.

Mr. Lydon reviewed the Region Wide Goals, Preservation Area Goals and Planning Area Goals. Region wide goals would be set forth to protect farmland, historic sites and outdoor recreational opportunities. Preservation goals are set forth to extensively protect forests, wetlands, vegetated stream corridors, steep slopes, plant and wildlife. Planning goals would be to promote the maximum extent possible to environmentally sensitive land within the Planning Area.

The Board questioned if the Borough decides to conform to the Highlands Regional Master Plan, does the Planning and Preservation Area merge and follow the same constraints. Mr. Lydon responded that the Planning and Preservation Areas would be treated similar but he believes there are no set regulations for the Planning Area. Conformance is mandatory for municipalities situated totally or partially within the Preservation Area and voluntary for those municipalities within the Planning Area.

The Board had concerns that by conforming to the Highlands Master Plan, it could create tough constraints for improvement within the Borough. Mr. Lydon reminded the Board that the conformance is not final and the Borough can opt in or out of conformance with the Highlands Master Plan. He explained that the path of conformance with the Highlands Master Plan would lead to a reduction in the numbers for Council of Affordable Housing (COAH).

Mr. Lydon reviewed that there are three primary overlay zones applicable to the Planning and Preservation Area which includes Protection Zone, Conservation Zone, and Existing Community Zone and four Sub-Zones. These zones have specific regulations to be followed

Mr. Lydon explained the steps and key requirements to the Basic Plan Conformance which requires the Borough to prepare a Build-Out Analysis done by using modules provided by the Highlands Council.

The Highlands Council would provide the Borough with funding to create an Environmental Resource Inventory or Natural Resource Inventory to be included as part of Module IV of the Conformance Plan

The Borough would be required to adopt a "Highlands Element" as a supplement to the Borough's Master Plan. Details of this Element would include Policies, Goals and Objectives, Land Use Plan, Housing Plan, Conservation Plan, Utility Services Plan, Circulation Plan, Open Space Plan, Agriculture Retention/Farmland Preservation Plan, Community Facilities Plan, Sustainable Economic Development Plan, Historic Preservation Plan, Relationship of Master Plan to Other Plans including Regional Master Plan, Development Transfer Plan.

The Borough would be required to adopt a "Highlands Regulation Element", in the event of non-exempt development applications, to supplement the municipal zoning/land development ordinances. A discussion ensued concerning the year the last Land Use Element was adopted. Mr. Lydon responded that the last Land Use Element was adopted back in 1988.

Mr. Lydon reviewed that the "Highlands Regulation Element" would have to include definitions of general terms specific to the Regional Master Plan. A Municipal Zone Districts and District Regulations would have to be adopted to include the Regional Master Plan regulations. An amendment to the application submission checklist would include new rules and agencies involved. Notice requirements would need to be amended to notify the Highlands Council of hearing dates or revisions. Resolutions memorializing decisions would need to be reviewed 10 days prior to the adoption by the Highlands Council. The Borough would be required to adopt the Highlands ordinance requirements for regulating water and wastewater. Lastly, application procedures would need to be amended.

A discussion ensued between the Board and Mr. Lydon concerning the benefits for opting in which include lower numbers for COAH obligation and cleaner water. Mr. Lydon explained that

COAH would be obligated to accept numbers put forth by the Highlands Council. However, opting in could burden certain homeowners with added constraints.

The Board questioned if the town would have more protection against lawsuits by opting in. Mr. Lydon responded that there would be more strength to the zoning ordinance.

A discussion ensued concerning the affects of the Central Business District. Mr. Lydon responded that it might.

Chairman Potash announced that the continuation of the Highlands Master Plan Conformance would review would be carried to the June 11, 2009 public hearing.

MEMORIALIZATION:

None

APPROVAL OF PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Mrs. Rowin and seconded by Mr. Colyer, to approve the April 9, 2009 Minutes.

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

NEW BUSINESS:

A discussion ensued concerning a member being allowed to be involved with discussion in the event he is recused due to a conflict with the application.

OLD BUSINESS:

The Board reviewed corrections for the By-Laws and agreed to put the By-Laws on the next agenda for adoption.

Mr. Tichacek updated the Board on the landscaping at the Starbucks. He explained that their obligation to was to buffer the seating area from the parking area with a row of hedges or planters on the patio.

He informed the Board that he met with the developer and he had planted a low growing juniper but agreed to replace it with a hedge row to follow the railing in a couple of days.

PUBLIC MEETING ADJOURNED AT 9:25 P.M.

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant