

PLANNING BOARD MINUTES
PUBLIC MEETING
APRIL 9, 2008 - 7:30 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 7:32 P.M., ROLL CALL:

Present: Mrs. Rowin, Messrs. Colyer, Baczewski, Hagberg, Morris, Councilwoman Marcalus, Mayor Szabo and Chairman Potash.
Absent: None

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

PUBLIC HEARING BEGINS:

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

No comments

Motioned by Mr. Baczewski and seconded by Councilwoman Marcalus, 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. Presentation on NJ Highlands Plan Conformance Grant (Module One).

Mr. Steve Lydon, Board Planner from Burgis Associates, was before the Board to review Module One of the Highlands Plan Conformance (Current Municipal Conditions & Build-Out Analysis Module).

This module distinguishes and shares current information regarding developable land with water supply and wastewater utility service in the Preservation and Planning areas.

Mr. Lydon explained that 15 Highlands council members consisting of mayors and freeholders adopted the Highlands Regional Master Plan one year ago. He explained that 88 towns are located in the Highlands Region and 47 of those towns, including Borough of Oakland, falls within the Highland Preservation and Planning area.

The Borough's intent to conform with the Highlands Regional Master plan will allow a one-year extension to recalculate and comply with COAH's "Third Round" for Affordable Housing. In addition, Oakland will be eligible for grant monies to complete data reports and information for the Highlands Council on the current municipal conditions for the build-out potential on available land. Mr. Lydon informed the Board that this process has very strict time constraints.

Mr. Lydon explained that there are two grants available for towns with intent to conform, the Initial Assessment Plan grant and the Plan Conformance grant which includes six (6) modules. He indicated that Oakland has applied for the two grants available. These grants will aide municipalities and governing bodies by providing information necessary to make planning decisions and allow Board Professional to verifying that information provided by the Highlands Council is correct.

The Board questioned who is responsible for the analysis of revisions made by towns involved. Mr. Lydon responded that Ms. Eileen Swan is the Executive Director to the Highlands Council assisted by a staff of 25 people and outside consultants. He explained that she is approachable, informative and open to suggestions and comments.

Mr. Lydon reviewed maps with the Board showing Module I "Current Municipal Conditions and Build-Out Analysis". Maps sent by Highlands Council depicting characteristics within the municipality such as preserved and open space land, farmland, wastewater utility areas, public utility areas and developable land were followed up by maps illustrated by Burgis Associates which depicted verification and corrections of these areas.

A discussion ensued concerning the affect on Affordable Housing numbers if towns opt to conform with the Highlands Regional Master Plan. Mr. Lydon explained that areas that are partially or, like Oakland, entirely within the Highlands Region have created a problem for COAH because these areas could now be taken out of planning for affordable housing and governed by the rules of the Highlands. This would minimize COAH obligations considerably for towns involved. However, the courts will have to determine whether the Highlands Council has the authority to make these decisions.

The Board expressed their concerns with being forced to provide high-density development in certain areas of the Borough just to meet COAH's obligation. Mr. Lydon expressed that this could result in bad planning for the Borough. Currently, the Borough has no affordable housing and is required to provide it but may have opportunity to provide affordable housing within the Central Business District area with multi-family units.

Mr. Lydon reviewed maps showing property served and not connected by potable water, waste water treatment sewer areas and qualified farmland. He indicated that there were some discrepancies with the number of water treatment sewer areas.

Mr. Lydon reviewed a map by the Highlands Council indicating Oakland's developable land. He expressed that this map was the most controversial by showing lakes and ponds developable and a parcel of land currently before the Board of Adjustment not developable. He expressed that corrections to developable areas and areas that were not developable were carefully researched using every tax map. With the accepted corrections, Highlands would then need to workout acceptable numbers with COAH.

A discussion ensued concerning the recent lull in the building industry and that this would be a good time for the Planning Board to deal with Oakland's Land Use element to plan, guide and recognize property potentials for the Borough.

The Board questioned whether they should take the role of waiting or move ahead aggressively to meet the COAH obligations. Mr. Lydon responded that he would advise to continue to move forward with the affordable housing plan. In addition, he advised the Board to use the tools provided by this research in the Land Use element planning and strive to incorporate affordable housing within the downtown area.

The Board questioned whether approvals from Mayor and Council or Planning Board would be necessary for these findings by the Highlands. Mr. Lydon responded that he was not sure but advised that perhaps a resolution should be adopted for any decisions.

The Board questioned whether Mr. Lydon should be responsible for making these decisions without Planning Board assistance. Mayor Szabo responded that the governing body has authorized Burgis Associates to do the necessary review for the grant application. He explained that the timeframe for these modules come very frequent and sometimes need to be submitted within a two-week period. If the Borough did not respond and agree to be involved in assisting the Highlands with their observations, the Highlands Council would make decisions based upon their own findings. Mr. Lydon expressed that other towns are doing the same thing.

Chairman Potash expressed that the Planning Board's activity is slow and advised that Mr. Lydon come before the Board each month to give an update on the modules as they are submitted. The Board suggested that perhaps a sub-committee could be formed to review the module information before it is submitted, in the event of any Board member having interest or comment.

Mayor Szabo expressed that the grant money received by the Borough to gather information needed for the Highlands Council study will also benefit the Board when reviewing future land use possibilities for the Borough's Land Use element.

Chairman Potash requested that Mr. Lydon return to the Board May 14, 2009 with an update on the contents of Module two submitted to the Highlands Council. Mr. Lydon added that he would keep members updated in the mean time through email.

MEMORIALIZATION:

1. 31 Iron Horse Realty, LLC – 31 Iron Horse Road, Block 2101, Lot 4. Approval for an amended preliminary and final site plan.

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

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

APPROVAL OF PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Mr. Colyer and seconded by Mrs. Rowin, to approve the March 12, 2009 Minutes.

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

NEW BUSINESS:

Mr. Russo informed the Board that he received a call from Café L' Amore's attorney, Ben Cascio, Esq. Mr. Cascio explained to him that his client is approximately 1 ½ years away from a decision by the Department of Environmental Protection (DEP) with regards to their proposed septic system.

Due to the hard economic times and the expense of the property, the Applicant would like the opportunity to rent the property, a permitted use in that zone, but did not want to jeopardize the approvals they received.

The Board agreed to allow the Applicant to rent the property until approvals from the DEP are in place. Mr. Russo indicated that he would send Mr. Cascio a letter allowing the Applicant to rent the property as long as it is a permitted use.

Mrs. Rowin alerted the Board on parking complaints from business owners leasing within the same strip mall as Café L' Amore. There seems to be a problem with Café L' Amore's valet parking and a newly opened mini mart. She informed the Board that the Zoning Officer was alerted to the situation. A discussion ensued concerning businesses in the B-2 Business Zone not being authorized to come before the Board when there is a change of occupancy. The Board discussed that the strip mall is not a good location for the mini mart due to the high volume of vehicles.

OLD BUSINESS:

Mrs. Rowin informed the Board that when she drove by Starbucks she saw that the grounds looked messy and additional tables and chairs were added along the side of the building. Again, the Zoning Officer was alerted and had them clean up the area and remove additional tables and chairs.

Mrs. Rowin reminded the Board that the Applicant also agreed by resolution to have planters on top of the fencing which has not been done. Mr. Russo responded that he assumes they would have that done by spring but to keep an eye on it.

Mrs. Rowin commented on the condition of the Smith property. She expressed that it appears that Mr. Smith is storing machinery and construction material at the site. Mr. Hagberg responded that they are aware of this but it is a construction site and Mr. Smith is conducting just enough activity at this site to keep it active.

Mrs. Rowin reviewed changes and corrections made to the revised By-Laws. Other Board members added their comments and suggestions.

PUBLIC MEETING ADJOURNED AT 9:10 P.M.

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

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant