

PLANNING BOARD MINUTES  
PUBLIC MEETING  
JANUARY 21, 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, Daniel Hagberg, John Morris, Councilwoman Marcalus, Mayor John Szabo and Chairman Thomas Potash.

**FLAG SALUTE, MEETING OPENED AT 7:06 P.M., ROLL CALL:**

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

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

**PUBLIC HEARING BEGINS:**

Motioned by Mrs. Rowin and seconded by Mr. Colyer, 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. 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.

**REORGANIZATION OF THE BOARD:**

Nominations for Chairman:

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to nominate Thomas Potash as Chairman of the Board.

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

Nominations for Vice-Chairman:

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to nominate John Morris as Vice-Chairman of the Board.

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

Nominations for Secretary of the Board:

Motioned by Councilwoman Marcalus and seconded by Mr. Colyer, to nominate Elaine Rowin as Secretary of the Board.

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

Chairman Potash announced that the appointments of Board professionals would be carried to the February 11, 2010 meeting so that an appointed committee can review the RFQ's (Request for Qualifications) received.

Nominations for Board Administrative Assistant:

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to nominate Kathlyn Gurney as Board Administrative Assistant.

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

Nominations for Official Newspaper:

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to nominate The Record as the official newspaper.

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

Nominations of current By-Laws:

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to nominate the current By-Laws.

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

- 1. Kradle 2 Kindergarten** - 95 Bauer Drive, Block 3201, Lot 7. Public hearing for an amended site plan.

Mr. Robert Gallo, Esq. located in Ridgewood, New Jersey was before the Board to represent the Applicant. Mr. Anthony Kurus from Neglia Engineering Associates located in Lyndhurst, New Jersey was sworn in. He reviewed his credentials and the Board accepted his qualifications. Exhibit A-1 was entered into evidence.

Exhibit A-1, Site plan submitted dated September 18, 2009, revised November 2, 2009.

Mr. Kurus explained that the Applicant proposes the removal and expansion of the rear patio to approximately 25' X 30' and to reconstruct the front walkway with a new awning covering the walkway of their existing daycare. They are withdrawing the portion of the application to relocate the sign. The Applicant has decided to leave the original sign in place. In addition, the existing parking of 30 spaces would continue.

Mr. Russo requested that the Applicant submit revised site plans showing that the sign will not be moved.

Mr. Russo questioned the Applicant they are replacing the existing retaining wall. Mr. Gallo responded that the Applicant proposes to do some grading in the rear corner of the property and erect a new retaining wall approximately 2.75' in height and resolve current drainage issues. Mr. Russo informed Mr. Gallo that any retaining wall exceeding four feet would need engineering approval. Exhibit A-2 was entered into evidence.

Exhibit A-2, Grading and Drainage plan dated September 18, 2009, revised November 11, 2009.

Mr. Kurus explained that the grading in the rear would be minor and will correct an existing problem by installing drains that would lead to an existing inlet on the eastern portion of the property.

Chairman Potash questioned if Mr. Tichacek had any comments concerning the drainage improvements. Mr. Tichacek responded that the improvements were adequate.

Mr. Gallo reviewed Boswell's comments concerning this application to the Board. There was question as to who would be responsible for the maintenance of the drainage system and keeping it free of debris. Mr. Gallo informed the Board that the owner of the property would check and clean the drainage system on a regular basis.

Mr. Gallo also reviewed comments from Burgis Associates concerning the relocation of the sign which no longer is being proposed.

In addition, Burgis Associates commented on the proposed floodlights. Mr. Gallo handed out pictures of the type of floodlights they intend to install. He explained that there are existing floodlights on site and are activated by a timer which shuts the lights off at midnight.

Chairman Potash questioned if the grading in the rear of the property would require a soil move permit. Mr. Kurus responded that there would be no import or export of soil.

A discussion ensued concerning the required parking and a dumpster blocking a parking space. Mr. Tichacek responded that no changes are being made to the existing site other than grading, walkway and patio improvements. Any variances that were needed for parking would have been granted with the original site plan application.

Mr. Kurus expressed that he looked through the Borough's ordinance and could not find specific parking requirements for a daycare. In his experience, the normal is one parking space per four students and one parking space per employee. Currently, there are 25 students and 10 employees. The Board questioned the number of handicapped spaces and Mr. Kurus responded that there are two handicapped spaces on site.

Chairman Potash alerted the Applicant that it was noted by the Health Department that the septic field lies under the playground and that the contractor doing the grading should be aware of this. Mr. Gallo responded that they are aware.

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to open the meeting to the public regarding matters concerning the Kradle 2 Kindergarten 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 Kradle 2 Kindergarten application was voted unanimously by the Board.

Chairman Potash noted for the record, that the variance for the sign setback has been withdrawn from this application. He entertained a motion.

Motioned by Mr. Colyer and seconded by Mrs. Rowin, to approve the Kradle 2 Kindergarten application.

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

2.   **Collagen Matrix** - 15 Thornton Road, Block 3202, Lot 1. Public hearing for a Certificate of Occupancy.

Mr. Ben Cascio, Esq. located in Franklin Lakes was before the Board to represent the above application.

He explained that this is an application for the industrial park. Dr. Li is the owner of Collagen Matrix which designs, engineers and distributes medical devices used in tissue and organ repair.

Currently, their company is located in Franklin Lakes and employs approximately 70 people. They are running out of space and would like to open another facility at another location such as Oakland. He plans to maintain his company in Franklin Lakes and move half the employees over to Oakland.

Dr. Shu' Tung Li, Ms. Donna Kolesar and Mr. Matthew Greco were sworn in.

Dr. Li testified that he is a chemist and a medical scientist. He did his training in Connecticut and moved to Oakland back in 1981. In 1997 he founded the company Collagen Matrix that is currently located on Thomas Street in Franklin Lakes.

He explained that the medical devices used for tissue and organ repair originate from animals. These devices are put through a chemical process making which makes the implants suitable for humans to repair blood vessels used for in bi-pass surgery.

Dr Li explained that the building located on Thornton Road conducted a similar business and suits the company's needs. He reviewed the floor plan with the Board. Mr. Cascio informed the Board that the unallocated space on the floor plan would be figured for office space which would require the most parking spaces. Mr. Cascio entered exhibit A-1 into evidence.

Exhibit A-1, Floor Plan of Building.

Mr. Cascio questioned Dr. Li on the number of employees that would be employed at the Oakland facility. Dr. Li responded that maximum number of employees would be approximately 50 to 60 at the on Oakland location between the hours of 8:00 a.m. to 5:30 p.m., Monday through Friday.

Mr. Cascio questioned the number of parking spaces. Dr. Li responded that there are approximately 100 parking spaces which include two visitor's parking spaces. He

expressed that a minimal amount of traffic would be generated by this business and they do not anticipate many visitors since the business is primarily marketing and distributing.

Mr. Cascio questioned the type of deliveries to be shipped and received. Dr. Li responded that the product is small and would be shipped and received in small boxes. Deliveries are most often by U.P.S., Federal Express and the company truck.

Mr. Cascio questioned if any fumes, noise, glare or any other hazards would be associated with the business at this site. Dr. Li responded that none of these hazards would be associated with his business.

Ms. Donna Kolesar, previously sworn in, testified that she is the Associate Director of Quality Assurance for Collagen Matrix. She explained that her job includes dealing with the FDA, EPA and DEP as well as preparing Material Safety Data sheets on chemicals that are used by the Applicant.

Ms. Kolesar referred to these chemicals as "clean chemicals". She explained that these chemicals are used in the food and medical industry consisting of low volume chemicals similar to household chemicals. Most forms of chemicals are diluted and which follows the company's "green" initiative. Ms. Kolesar assured the Board that the chemicals are not hazardous. Ms. Kolesar continued to name chemicals used.

Ms. Kolesar informed the Board that Collagen Matrix also has a Chemical Spill Plan. If a small spill were to occur, a trained team would come in to immediately contain the spill by absorbing the material and neutralize the area. In the event of a larger spill, a hired contractor (EPA) would swiftly act (EPA) by arriving at the site and safely cleaning the spill.

All chemical waste is stored and secured in drums which are removed and taken off premises by a hired contractor. The Board questioned if there were existing floor drains. Dr. Li responded that there are no existing floor drains and nor would there be floor drains.

The Board questioned if there would be a dumpster and whether it was screened. Dr. Li responded that there is a dumpster in the back left corner of the property but it was not screened. The Board questioned if the dumpster was occupying parking spaces. Mr. Cascio responded that the engineer would be able to answer those questions.

The Board questioned if OSHA Logs were kept. Ms. Kolesar responded, yes, but none of the chemicals used are considered reportable.

The Board suggested that a storm drain in the parking lot be cleared of debris, a damaged light pole be fixed and the parking lot, at the very least, be resurfaced.

The Board also questioned if there were an existing fire suppression system. The owner, Mr. Carroll, responded that there are fire extinguishers at various locations and a full sprinkler system within the building.

Mr. Cascio entered exhibits into evidence.  
Exhibit A-2, Chemical Spill Plan consisting of two pages.

Exhibit A-3, A through I, Material Safety Data Sheets listing the nine different chemicals used.

Mr. Ken Carroll, owner of the building, was sworn in. Mr. Matthew Greco, previously sworn, reviewed his credentials and the Board accepted his qualifications. Mr. Greco entered an exhibit into evidence.

Exhibit A-4, Site Plan for Certificate of Occupancy dated January 20, 2010.

Mr. Carroll indicated that dumpsters were on the property and expressed that the Applicant would agree to screen the dumpsters.

Mr. Greco reviewed the existing parking and that two additional handicapped spaces would be added to equal four handicapped spaces as well as construct a ramp to existing sidewalk.

He reiterated what Mr. Cascio mentioned that they would be using a higher parking count requirement for the unallocated building spaces.

Mr. Tichacek questioned the number of parking spaces that the dumpster utilizes. Mr. Grecco responded that the dumpster is currently using one spot. A recalculation of spaces were established, 97 spaces inclusive of four handicapped spaces.

Motioned by Mrs. Rowin and seconded by Mr. Colyer, to open the meeting to the public regarding matters concerning the Collagen Matrix 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 Collagen Matrix application was voted unanimously by the Board.

As reviewed by Mr. Russo, the stipulations of approval would be:

- a. To clean out and keep storm drain clean of all debris.
- b. Resurface parking area no longer than 60 days after occupancy.
- c. Repair damaged light pole.
- d. Loss of two spaces for dumpster.

Chairman Potash entertained a motion.

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

**MEMORIALIZATION:**

- 1. **SRV Bank** – 3 Allerman Avenue, Block 4002, Lot 2. Approval for an amended site plan for a sign.

Mr. Russo discussed that a letter from Mr. Bruce Whitaker, Esq., Applicant’s attorney, went out to the Garden Club and the NJDOT concerning the removal and replacement of the split rail fence. There has been no feedback response received by the Applicant so far. The Board agreed that the Planning Board send a letter to the Garden Club and the NJDOT favoring the changes of the fence in order to keep the height of the Applicants sign to a minimum.

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Mrs. Rowin and Chairman Potash  
Nays: None  
Abstain: None  
Absent: Mr. Morris

- 2. **Scoccimarra** – 102 Seminole Avenue, Block 4804, Lot 14. Approval for a Minor subdivision.

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

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

**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. Kulmala, Colyer, Councilwoman Marcalus and Chairman Potash.  
Nays: None  
Abstain: None  
Absent: Messrs. Baczewski, Hagberg, Morris and Mayor Szabo.

**APPROVAL OF MINUTES:**

Motioned by Mr. Colyer and seconded by Mrs. Rowin, to approve the December 10, 2009 Minutes.

Roll Call Vote: Ayes: Mrs. Rowin, Mr. Colyer, Councilwoman Marcalus and Chairman Potash.  
Nays: None  
Abstain: Mr. Kulmala

Absent: Messrs. Baczewski, Hagberg, Morris and Mayor Szabo.

**ADOPT ANNUAL SCHEDULE:**

Motioned by Mr. Colyer and seconded by Mrs. Rowin, to adopt the Planning Board meeting schedule for 2010.

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

**NEW BUSINESS:**

Chairman Potash welcomed new member Eric Kulmala to the Board.

Chairman Potash appointed a committee, consisting of himself, Mrs. Rowin and Mr. Colyer, to review RFQ's (Request for Qualifications) positions of Board professionals.

Chairman Potash informed the Board that Eric Kamm from the Environmental Committee contacted him and they have created a sub-committee to promote a more "green" environment for the town and would like a volunteer from the Planning Board to be a part of this sub-committee. Mrs. Rowin informed the Board that she has been a member of the "Green Team" subcommittee and would agree to be a representative of the Planning Board.

**OLD BUSINESS:**

None

**PUBLIC MEETING ADJOURNED AT 8:30 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,

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Kathlyn Gurney/Administrative Assistant