

PLANNING BOARD MINUTES
PUBLIC MEETING
OCTOBER 16, 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 7:37 P.M., ROLL CALL:

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

Also in attendance, Joseph Russo, Esq., (Board Attorney), Kevin Tichacek, (Board Engineer), Steve Lydon (Board Planner) and John Castiglione, CSR (Board Stenographer)

PUBLIC HEARING BEGINS:

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, 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 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.

1. Celentano – 655 Ramapo Valley Road, Block 1301, Lot 32.03.(f.k.a. (f.k.a. 2503/5.03). Public hearing for a Major Soil Move.

Chairman Potash recused himself from the application. Mrs. Rowin chaired this portion of the meeting.

Mr. Ben Cascio, Esq. located in Franklin Lakes, New Jersey was before the Board to represent the Soil Moving application.

Mr. John Celetano, Applicant, and Tibor Latinscics, Engineer, were sworn in.

Mr. Cascio explained that the Applicant proposes to develop the property in stages. In the first phase of construction, the Applicant would be constructing a barn with living quarters to satisfy the Borough's ordinance not allowing accessory structures to be built without a main structure. He expressed that in the future the Applicant intends to live at the property site full-time.

Mr. Celentano testified that he is the "contract purchaser" of the property and proposes to build a barn for his families pony. He explained that the pony is used for "therapeutic riding" for his physically impaired child.

He explained that the barn would consist of three stalls, tackle room and wash area. The apartment would be used for the family when they come to ride the pony.

Mr. Celentano explained that he is board of directors for "Pony Power" which aides more than 300 kids in the county with disabilities. He explained that "therapeutic riding" mimics walking and keeps the children limber.

The Board questioned the use for the additional stalls. Mr. Celentano responded that once the barn is built, he intends to purchase another horse for the family.

The Board questioned the Applicant's principle residence. Mr. Celentano responded that they currently live in Mahwah, N.J. However, once the children move away they intend to make the Oakland property their permanent residence.

The Board questioned if this property would be affiliated with the organization and used commercially. Mr. Celentano responded that it would not have any affiliation with the organization and would not be used for commercial purposes.

The Board questioned the footprint of the apartment. Mr. Celentano responded that the living quarters would consist of a bedroom, kitchen and living area only to be used by the family when visiting the property.

The Board questioned the number of horses permitted for the property size. Mr. Hagberg responded that the calculations were done for this project and the property would be able

to allow up to eight horses. Mr. Cascio added the Borough's ordinance allows 20,000 square feet per horse.

Mr. Tibor Latinscics from Conklin Associates Engineers located in Ramsey, New Jersey provided his credentials and the Board accepted his qualifications.

Mr. Latinscics entered in exhibits for evidence.

Exhibit A-1, Soil erosion plot plan revised October 7, 2008.

Exhibit A-2, Survey of the property.

Exhibit A-3, Subdivision of 3.7 acres.

Exhibit A-4, Filed subdivision map.

Mr. Latinscics explained that a long driveway that extends down the property with utilities installed has been cleared and graded for residential use.

He reviewed that this phase of the project would include a barn and a one-bedroom apartment and the second phase eventually to include an additional four bedrooms with a three-car garage. The Board questioned two sheds in the rear yard. Mr. Latinscics responded that the sheds would remain.

A discussion ensued concerning the amount of soil to be moved. Mr. Latinscics explained that a total of 2400 cubic yards would be moved and 1900 cubic yards to be imported. They are proposing a "sand based" riding ring in the rear yard of the property.

Five trees associated with the barn and three trees with the riding ring have already been approved for removal.

A septic system would be designed for a four or five bedroom home.

The Board questioned if the Applicant has begun the process for Department of Environmental Protection (DEP) approval. Mr. Latinscics responded that Applicant has started the process of DEP approval with the modifications for the previously approved subdivision.

Mr. Tichacek advised that the proposed plans do not depict or make reference to the drainage easement to be dedicated to the Borough which was part of the subdivision approval. He added that the proposed "riding ring" and wall is located within this drainage easement as well as within stream encroachment. Mr. Latinscics responded that the relocation of this drainage easement would be included in the modifications submitted to DEP.

A discussion ensued concerning the route used by the trucks moving the soil. Mr. Latinscics responded that the soil imported would be from Mahwah and the rest of the soil would be moved within the property. The Board questioned the length of time for the soil moving project and the number of trucks involved. Mr. Latinscics responded that

the soil-moving project would take about two weeks and take approximately 60 truckloads.

Motioned by Mr. Baczewski and seconded by Councilwoman Marcalus, to open the meeting to the public regarding testimony given by Mr. Celentano and Mr. Latinscics was voted unanimously by the Board.

No comments.

Motioned by Mr. Baczewski and seconded by Councilwoman Marcalus, to close the meeting to the public regarding testimony given by Mr. Celentano and Mr. Latinscics was voted unanimously by the Board.

Motioned by Mr. Colyer and seconded by Councilwoman Marcalus, to approve the Celentano Soil Moving application contingent upon:

1. No trees to be removed without Shade Tree Committee approval.
2. Phases 1 and 2 of construction not to be commercial.
3. No building permits until DEP approvals are complete.
4. Approximately 60 truck loads following the route of Ramapo Valley Road to Mahwah.
5. Relocation of drainage easement dedicated to the Borough.

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

2. Eden Oakland, LLC – Ramapo Valley Road and West Oakland Avenue, Block 2404, Lots 1, 2 and 3, Block 2302.01, Lots 3, 4, 5 and 5.02. Public Hearing for a Final Site Plan approval.

Mr. Antimo Del Vecchio, Esq. with Beattie Padovano, LLC located in Montvale, New Jersey was before the Board to represent the Final Site Plan application for Eden Oakland, LLC.

Mr. Del Vecchio informed the Board that Walgreen's was near completion, Starbucks has started construction, landscaping and lighting is underway and the construction for the office building has not yet been started.

Mr. Del Vecchio entered exhibits into evidence.

Exhibit A-1, Land Use Application filed with the Planning Board.
Exhibit A-2, Final Site Plan consisting of 21 sheets dated September 26, 2008.

Exhibit A-3, Architectural drawings prepared by Dietz and Associates, LLC dated September 29, 2008.

Exhibit A-4, Drawings of the proposed Walgreen's and Starbucks prepared by Dietz and Associates, LLC dated September 29, 2008.

Mr. Del Vecchio informed the Board that the final site plan and final subdivision have satisfied most of the conditions requested by the Board of the previously approved preliminary site plan with the exception of conditions that will be satisfied upon completion such as:

1. Monument signs will be externally lit.
2. Cross-easements will be prepared for review and approval.
3. Emergency access to storm water retention facility to be granted to the Borough would be prepared and reviewed for final approval.
4. Signs will be posted on and around property directing traffic to Route 287.
5. Installation of rail and plant hedgerow around the perimeter of outside sitting area for Starbucks.

Exhibit A-5, Drawing of proposed railing to be installed around the perimeter of Starbucks outside area.

The Board questioned if the Applicant's COAH contributions have been paid for the off-track improvements. Mr. Del Vecchio responded that the Applicant's contribution to COAH is up to date.

The Board questioned the reason for the utility polls erected near 287. Mr. Del Vecchio responded that they were informed that Orange and Rockland could not provide service without the utility polls and assured the Board that the remaining utilities would be underground.

The Board requested that more signs be added within the project directing traffic towards Route 287 and that no trucks would be permitted to make a left hand turn onto West Oakland Avenue. Mr. Del Vecchio responded that the Applicant would meet with the engineer to consider this request.

The Board questioned the maintenance involved with keeping Starbuck's outdoor seating area clean. Mr. Del Vecchio responded that Starbuck's hold a strict standard for their stores and believes they would be proactive in maintaining the appearance of their premises.

The Board questioned Mr. Del Vecchio on their outcome of meetings with the Shade Tree Committee. Mr. Del Vecchio responded that they have come to an agreement and have been approved. Mr. Tichacek added that it was discussed at the Mayor and Council meeting and Shade Tree is satisfied and have signed off on the project.

Mr. Russo questioned Mr. Hagberg if Walgreen's could operate safely while construction is still ongoing. Mr. Hagberg responded the Building Department would do various inspections before Walgreen's would receive their Certificate of Occupancy.

Motioned by Councilwoman Marcalus and seconded by Mr. Baczewski, to approve the Eden Oakland, LLC Final Site Plan and Subdivision application.

Roll Call Vote: Ayes: Messrs. Colyer, Baczewski, Hagberg and Chairman Potash.
 Nays: Mrs. Rowin
 Abstain: Councilwoman Marcalus
 Absent: Mr. Morris and Mayor Szabo.

MEMORIALIZATION:

1. Ekato Corporation – 3 Fir Court, Block 2302, Lot 7 (f.k.a. 2212/1.05).
Approval for a Certificate of Occupancy.

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

Roll Call Vote: Ayes: 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 Mr. Hagberg, to approve payment of bills subject to the availability of funds.

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

APPROVAL OF September 25, 2008 MINUTES:

Motioned by Mr. Hagberg and seconded by Councilwoman Marcalus, to approve the September 25, 2008 Minutes.

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

Absent: Mr. Morris and Mayor Szabo

NEW BUSINESS:

The Board discussed the proposed 2009 budget. Comments and suggestions were made.

OLD BUSINESS:

The Board questioned the outcome of the gooseneck style lighting for the Robert Michael Shopping Center. Mr. Tichacek responded that the Mayor had met with the owner, Mr. Kennedy, and that his tenants were resistant to the change. Mr. Russo suggested that the ordinance be amended in order to overcome the resistance from these companies.

Mr. Hagberg commented that the numbered footnotes on the “bulk requirement schedule” can be confusing when reading the chart and suggested the numbers be changed to letters. The Board agreed.

PUBLIC MEETING ADJOURNED AT 9:15 P.M.

Motioned by Councilwoman Marcalus and seconded by Mr. Baczewski to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant