

PLANNING BOARD MINUTES
PUBLIC MEETING
NOVEMBER 12, 2009 - 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 7:06 P.M., ROLL CALL:

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

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

PUBLIC HEARING BEGINS:

Motioned by Mr. Baczewski 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 Mr. Baczewski 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.

PUBLIC HEARING:

1. **SRV Bank** – 3 Allerman Avenue, Block 4002, Lot 2. Public hearing for an amended site plan (a monument sign) has requested to be carried to the December public hearing.

Mr. Bruce Whitaker, Esq. with McDonnell & Whitaker, LLP located in Ramsey explained that he is representing the application and that The Record neglected to post the advertisement in the newspaper before the required timeframe.

Chairman Potash announced that the Board would agree to carry the application to the December 10, 2009 public hearing with no further notice.

2. **Ekato** – 48 Spruce Street, Block 2302, Lot 6. Public hearing for an amended site plan (a monument sign).

Mr. Whitaker informed the Board that he would be representing the Ekato application as well. He explained that the Ekato Corporation is the soul occupant of the building.

The Applicant is proposing to have Butler Sign Company erect a monument sign which would be approximately 3 feet in height (base of sign will be 2 feet above grade level) and 6 feet wide, a total of 18 square feet in size. As stipulated the monument sign would not be illuminated and it would be single sided and landscaped with low-level plantings.

Mr. Whitaker explained the variance requested as a 4-foot setback, 30-feet required.

Mr. Donald Rowen, Vice President of Ekato Corporation was sworn in. He informed the Board that he is Vice President of Finance and Operations for the company. He gave a brief description of what the company does.

He explained that the Ekato Corporation has been receiving complaints by customers, delivery truck drivers and vendors experiencing difficulty locating their building. Due to the difficulties locating the site, visitors usually pass Ekato Corporation and then have to turn around.

Mr. Rowen explained that periodically the company holds seminars and people attending have suggested that a sign be erected to help identify the building. He expressed that the monument sign would make it easier and safer for people trying to locate the building.

The Board questioned the effectiveness of the sign on the Building. Mr. Rowen responded that it does help. However, at certain distances, the pine trees on the property block the view of the sign.

Mr. Whitaker suggested that Mr. John Janis, owner of Butler Sign Company, located in Wayne, New Jersey be sworn in. Mr. Janis was sworn in and the Board accepted his qualifications.

Mr. Janis entered exhibits into evidence.
Exhibit A-1, Drawing of "Proposed Sign Location" dated November 12, 2009 by Butler Sign Company.

Exhibit A-1A, Drawing of "Proposed Monument Sign" dated April 27, 2009, revised October 8, 2009 by Butler Sign Company.

Mr. Janis explained that the exhibits depict the identity and address for Ekato Corporation. He informed the Board that they are requesting a variance to allow a four-foot setback for a monument sign.

A discussion ensued concerning the possibility of site distances, location of the sign and low-level plantings infringing on the site of other vehicles. Mr. Janis responded that there would be no site distance infringement for oncoming vehicles.

The sign is not illuminated and will be located on the corner lot at the intersection of Fir Court and Spruce Street.

Mr. Russo reviewed the setback variance and a possible variance mentioned in Boswell's report for the difference of height and width of the sign by more than 50 percent.

The Board questioned Mr. Lydon's opinion on the variances for the sign. Mr. Lydon responded that he believes that there are two variances involved with this application. But he indicated that the sign is low to the ground, clean and dimensions are reasonable.

Motioned by Councilwoman Marcalus and seconded by Mr. Colyer to open the meeting to the public regarding matters concerning the Ekato Corporation application was voted unanimously by the Board.

No comments.

Motioned by Councilwoman Marcalus and seconded by Mr. Colyer to close the meeting to the public regarding matters concerning the Ekato Corporation application was voted unanimously by the Board.

Mr. Whitaker reviewed the variances and concerns of the Board and expressed that his Applicant would agree to comply with suggestions by the Board and professionals. He stated, for the record, that he does agree that the application does require two variances.

Chairman Potash entertained a motion.

Motioned by Councilwoman Marcalus and seconded by Mr. Colyer, to approve the Ekato Corporation application for two variances and contingent to low-level plantings at the base of the monument sign to be approved by the Board engineer.

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

MEMORIALIZATION:

1. Rose – 655 Ramapo Valley Road, Block 1301, Lot 32.03. Approval for a major soil move.

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

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

PAYMENT OF BILLS:

Motioned by Mr. Colyer and seconded by Mr. Baczewski, to approve the payment of bills subject to the availability of funds.

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

APPROVAL OF MINUTES:

Motioned by Mr. Colyer and seconded by Mr. Baczewski, to approve the October 8, 2009 Minutes.

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

NEW BUSINESS:

None

OLD BUSINESS:

Mr. Baczewski expressed his concerns again with the lack of sidewalks by the Columbia Bank along Ramapo Valley Road and believes that sidewalks could be accommodated in place of the cross-hatching.

Mr. Tichacek responded that there is a utility pole obstructing that area. He explained to Mr. Baczewski that he did reach out to Eden Oakland, LLC and was informed that they

have sold the property to West Bergen Mental Health Care. West Bergen Mental Health Care would be coming before the Board in the near future for modifications to be made to the property. Perhaps at that time, a solution to Mr. Baczewski's concerns could be addressed.

Mr. Baczewski expressed his concerns of clearing the snow in that area for children walking to school. Mr. Tichacek responded that if the property owner did not clear the snow in that area, it would be blocking the exit.

A discussion ensued concerning the subdivision map and who owns this portion of the property. The Board suggested that Mr. Tichacek follow-up to find out who owns this specific portion of the property and get back to the Board.

Mr. Lydon explained that he is finishing up the Highlands Modules. He explained that the Modules were used as a model to update Highland Regional Master Plan. The Borough will be required to adopt the Highland Master Plan to regulate the Preservation Area in December. In addition, the Borough would have the choice to conform to regulations set forth by the Highlands Master Plan for the Planning Area as well.

Mr. Lydon explained the Borough's Master Plan would need to be revised in order to include the different criteria presented by the Highland Regional Master Plan. He suggested that the Borough make a decision soon whether to or not opt into conformance with the Highlands Master Plan regulations for the Planning Area so that all revisions to the Land Use Element and Master Plan would coincide.

A discussion ensued concerning timeframe on a decision to opt into conformance with for the Planning Area. A public hearing would need to be scheduled but the resolution for the Preservation Area will be adopted at the November Mayor and Council meeting.

Mayor Szabo suggested that Mr. Lydon prepare a memo listing areas of concern within the Borough that may be impacted by unreasonable requests due to the constraints of opting into conformance with for the Planning Area. In addition, it was requested a change in zoning be included which would be a result of both Preservation and Planning Areas.

The Board questioned how the conformance would affect the Land Use Element of the Master Plan. Mr. Lydon responded that the Borough's Land Use Element would have to be amended to be consistent to the Borough's Master Plan and consistent with the regulations set forth by the Highlands Regional Master Plan.

The Board questioned the process for opting into conformance. Mayor Szabo responded that a public hearing would be scheduled for the recommendation by the Planning Board whether or not to opt into conformance.

The Board questioned Mayor Szabo whether he knows the decision of other towns have been to opt into conformance and why. Mayor Szabo responded that most of the towns are opting into conformance mainly to lower their Council of Affordable Housing (COAH) obligations.

Mayor Szabo explained that if there are no adverse affects to the Borough's goals and objectives, he would rather work with the Highlands who would continue to supply grant money to help plan, possibly get sewers and insure legal protection.

A discussion ensued concerning a possible change to COAH in the up coming year and an over-all change to the numbers. Mayor Szabo expressed that he has no objection to affordable housing and mixed use in the downtown area but this may not be achieved without sewers. Mr. Lydon suggested that along with the decision to opt in, a clause could be added reserving the right to re-evaluate the Borough's status from time to time.

The Board questioned if they were to opt into conformance, would the prior rounds for affordable housing obligation go away. Mr. Lydon responded that it would not but would be considerably lower.

Mayor Szabo expressed that there has been an effort to balance the Borough's needs by preserving the environment but sustaining all needs for the community.

PUBLIC MEETING ADJOURNED AT 8:30 P.M.

Motioned by Mayor Szabo and seconded by Mr. Colyer to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant