

PLANNING BOARD MINUTES
PUBLIC MEETING
DECEMBER 10, 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: Mrs. Rowin, Messrs. Colyer, Baczewski, Morris, Mayor Szabo and Chairman Potash.
Absent: Mr. Hagberg and Councilwoman Marcalus

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

PUBLIC HEARING BEGINS:

Motioned by Mr. Baczewski 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 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.

PUBLIC HEARING:

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

Chairman Potash informed the Board that the Applicant never neglected to do the required notice and therefore would not be heard.

- 2. SRV Bank** – 3 Allerman Avenue, Block 4002, Lot 2. Public hearing for an amended site plan (a monument sign).

Mr. Bruce Whitaker, Esq. with McDonnell & Whitaker located in Ramsey, New Jersey was before the Board to represent the Applicant.

Mr. Whitaker explained that the Applicant seeks variance relief for a freestanding sign that would leave a four-foot setback from Ramapo Valley Road and a six-foot setback from Allerman Road for the desired location of the sign. The Borough's ordinance requires a 15-foot setback for a freestanding sign.

In addition, the Applicant seeks relief for the length exceeding the height of the sign. The Borough's ordinance requires a variance for any signs where the length exceeds height by 50 percent. The face of the sign does not exceed the permitted 30 square feet.

Mr. Whitaker expressed that due to the bank's location, it is difficult for customers to locate as well as being safety issue.

Mayor Szabo stated for the record, that he would have to recuse himself from the application.

Mr. Whitaker introduced his first witness. Ms. Jacqueline Smith was sworn in. Ms. Smith testified that she has been employed by SRV Bank as the branch manager in Oakland for two years. Her job is to oversee the daily operations of the bank and she expressed that convenience and accessibility is extremely important to this type of business.

On a regular bases, she has been receiving phone calls from frustrated customers who are having trouble finding the bank's location. Ms. Smith explained that this concerns the bank owners on the future of their business. It has been suggested by customers that if the Bank erected a sign closer Ramapo Valley Road, it would better serve the public.

The Board questioned the Applicant if they had considered this location before leasing the bank. In addition, the Board expressed concerns the sign may have on the impact of the parcel known as the Blue Star Memorial Garden. The Board expressed that prior to this application, the Blue Star Memorial Garden parcel had experienced some damage by workers hired by the bank's property owner.

Mr. Whitaker explained that it is not the fault of the Applicant because they do not own the property. He expressed that the design of the sign would enhance the esthetics of the property and the Blue Star Memorial Garden.

Mr. Whitaker suggested that the Applicant would be open to having the fenced removed and allowing the Blue Star Memorial Garden extend their plantings to the sign. In addition the Applicant would agree to assist members of the Garden Club maintain the Blue Star Memorial Garden by pruning the plants and the trees on that property.

A discussion ensued concerning the extent of the damage to the Blue Star Memorial Garden.

Mr. Whitaker introduced Mr. John Janis, Vice-President of Butler Sign Company located in Wayne, New Jersey as the second witness. Mr. Janis was sworn in and the Board accepted his qualifications as an expert of signs.

Mr. Janis explained that this was a unique situation regarding the frontage of the property. He expressed northbound on Ramapo Valley Road, the view of the bank is blocked by the 410 building and southbound on Ramapo Valley Road, the entrance comes up quickly after the Interstate 287 overpass.

Mr. Lydon questioned Mr. Janis if the Applicant consulted a traffic engineer. Mr. Janis responded that he has over forty years experience with locating signs and his job is to make signs readable as well as for public safety. Mr. Whitaker expressed that if the Board feels they need that added information, they could carry the application and come back before the Board. However, he expressed that the application should proceed to see if the Board is satisfied with the information given.

Mr. Janis addressed existing building signs which were reviewed by zoning and designed by the required ordinance. Mr. Whitaker entered exhibits into evidence.

Exhibit A-1, Proposed Signage Plan for SRV Bank prepared by Butler Sign Company consisting of 9 pages.

Mr. Janis continued explaining that SRV Bank has a new logo. The letter size on the sign was decided upon so that it can easily be viewed day or night. Surrounding the letters is a translucent white "push through" which allow a soft internal illumination by fluorescent lighting.

Mr. Janis explained that they would have preferred that the height of the sign be lower but they need to clear the existing fence that borders the bank and the Blue Star Memorial Garden.

He explained the construction of the sign and exhibits showing a temporary sign that was used to find the most favorable location for being able to view the sign from Ramapo Valley Road. Exhibits show how the sign will appear in the evening.

The Board questioned the possibility of reducing the size and externally lighting the sign. Mr. Janis responded that he believes that the sign is comparable to other signs on Ramapo Valley Road such as Staples, Oakland Shopping Center and Ponds Church and does not interfere with the view of any other property.

Mr. Janis informed the Board that he has seen problems with externally lit signs, as far as, over grown plantings or snow covering the lights causing an interference with

shadows on the sign. He assured the Board that the lighting would filter through the translucent lettering on the sign with no obtrusive light spillage.

The Board suggested that the Applicant reduce the size of the letters. Mr. Janis responded that his opinion was, since the base speed limit is upwards of 30 to 40 mph on Ramapo Valley Road, it would make it difficult for customers to see the lettering if it were any smaller. The Board had a discrepancy with Mr. Janis on the speed limit of Ramapo Valley Road.

The Board questioned whether the Applicant would consider lowering the sign. Mr. Janis responded that they have considered lowering the height of the sign but, the fence separating the Blue Star Memorial Garden and the bank's property, would block part of the sign's logo.

The Board question whether the Applicant would agree to working with the Garden Club by receiving permission to remove the stockade fence and replace it with a lower split rail fence or extend the garden towards the sign. Mr. Whitaker responded that he would reach out and propose both scenarios to the Garden Club.

It was expressed by some Board members that New Jersey Department of Traffic (NJDOT) owns the Blue Star Memorial Garden property as well as the stockade fence separating the two properties. Mr. Whitaker expressed that the Applicant would be willing to pay and coordinate the removal and replacement of the stockade fence, if needed. The Board suggested that Mr. Whitaker find out who owns the fence as well as the property and make his best effort to reduce the height of the sign.

The Board questioned Mr. Lydon if the sign is in conformance with the Central Business District Plan (CBD). Mr. Lydon responded that the property is located on the northern boundary of the CBD and was not sure if this plan considering internally lit freestanding signs.

A discussion ensued between Mr. Lydon and Mr. Janis concerning the possibility of moving the sign back further north on the property since the Applicant did not demonstrate the need for the four-foot setback from Allerman Road. Mr. Janis responded that this has been explored but it would not be feasible for visibility of the sign.

The Board questioned Mr. Tichacek's opinion of the sign. Mr. Tichacek responded other than the variance, he expressed that the construction and foundation of the sign was adequate. Mr. Tichacek questioned if there was anyway the Applicant could reduce the size of the sign. Mr. Janis responded that they could reduce the decorative border and reduce the height of the sign by three feet.

Motioned by Mrs. Rowin and seconded by Mr. Baczewski, to open the meeting to the public regarding matters concerning the SRV Bank application was voted unanimously by the Board.

Mr. Anthony Smid, 110 Hiawatha Boulevard, was sworn in and informed the Board that he is a member of the Shade Tree Committee. He expressed that back when the property owner started construction, there was not much communication between workers and the property owner so trees were removed without authorization and the

fence was damaged. Eventually, the damaged fence had to come down and the property owner was instructed to replace the trees and the fence. The fence is owned by the NJDOT.

Mr. Smid informed the Board that bushes in the Blue Star Memorial Garden were recently cut down. He believes that removal of the bushes had been done as a result of a photo shoot conducted of a temporary sign by the Applicant.

Mr. Stewart Skolnick was sworn in and requested to read a letter corresponded by his wife, the owner of the 410 Building on Ramapo Valley Road opposing the sign. Mr. Whitaker objected to Mr. Skolnick reading the letter from the property owner.

Mr. Skolnick expressed that his wife, Edith Skolnick, has concerns of the size of the sign. Mr. Whitaker questioned if Mr. Skolnick was aware of the setback for the freestanding sign in front of the 410 Building. Mr. Skolnick was not sure.

Motioned by Mrs. Rowin and seconded by Mr. Baczewski, to close the meeting to the public regarding matters concerning the SRV Bank application was voted unanimously by the Board.

Mr. Whitaker expressed that these issues, concerning landscaping, were not brought on by the Applicant. He reminded the Board that the Applicant has agreed to amend the application by reducing the sign's border width and height. In addition, the Applicant has agreed to reduce the height of the sign and if the Garden Club or DOT agrees to remove and possibly replace the fence with a smaller one, the height of the sign could be reduced even further. Chairman Potash confirmed that the Applicant's sign would have an overall height of 8' 10" and if the fence is removed the Applicant agrees to reduce the height even further. Mr. Whitaker responded that this was correct.

Mr. Whitaker concluded that the location of the sign is feasible and that the Applicant's sign will be further back than most of the signs on Ramapo Valley Road.

Motioned by Mr. Morris and seconded by Mr. Baczewski, to approve the SRV Bank application contingent to the following stipulations:

1. Maximum height of sign would not exceed 8' 10"
The Applicant will make a concerted effort, with permission from both Garden Club and DOT, to remove existing stockade fence and possibly install lower split rail fence where sign will then not exceed a height of 7' 6".
2. Landscape would be subject to Burgis Associates approval.
3. Two setback variances, 6' from Allerman Road and 4' from Ramapo Valley Road.
4. Dimension of sign will not exceed a width of 6' 8" including border, height of 4' 6" including border and height from finished grade 4' 4".

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

3. Scoccimarro/Cheff - 102 Seminole Avenue, Block 4804, Lot 14. Public hearing for a minor subdivision.

Mr. Joseph Ragno, Jr., Esq. with Struble Ragno located in Rivervale was before the Board to represent the Scoccimarro/Cheff application. He explained that this application is a minor subdivision of lots 13 and 14 with one variance required for an existing accessory structure on lot 13 which encroaches on lot 14. The proposed subdivision will provide a 5.2-foot side yard setback for the accessory structure.

Mr. Fredrick Cheff, neighbor of the Scoccimarros for 40 years and Power of Attorney for 5 years, was sworn in. He testified that currently his shed, concrete walkway and septic system delivery lines sit partially on the Scoccimarros property. The reason for the subdivision is to relocate the lot line to include these items as part of his property. He expressed that the subdivision would eliminate the encroachments as well as improves the non-conformity of his lot.

Mr. Ragno introduced Mr. Steven Eid, whose business is located in Ridgewood, New Jersey, to testify as a professional engineer. Mr. Eid reviewed his credentials and the Board accepted his qualifications.

Mr. Eid verified Mr. Cheff's testimony. He added that the subdivision would eliminate the encroachments that exist on the Applicant's property. However, the shed would require a variance for a 5.2-foot setback, 10-feet required. Mr. Eid entered an exhibit into evidence.

Exhibit A-1, Minor Subdivision drawing for 98 and 102 Seminole Avenue, Block 4804, Lots 13 and 14 dated September 16, 2009 by EID Associates, Inc.

Mr. Eid reviewed the proposed legal deed description to the Board. He explained that a triangular piece of property containing 6,347 square feet would be subdivided from Lot 14 and added to Lot 13. The subdivision would start 60-feet from the street line continuing back to the end of both properties.

A discussion ensued concerning the drafting of three deeds.

Motioned by Mrs. Rowin and seconded by Mr. Baczewski, to open the meeting to the public regarding matters concerning the Scoccimarro/Cheff minor subdivision was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mr. Baczewski, to close the meeting to the public regarding matters concerning the Scoccimarro/Cheff minor subdivision was voted unanimously by the Board.

The consensus of the Board was that the property owner was making an attempt to improve the existing conditions of his property to a more conforming lot. The Board supports the application. Chairman Potash entertained a motion.

Motioned by Mr. Colyer and seconded by Mr. Baczewski, to approve the Scoccimarra/Cheff application.

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

MEMORIALIZATION:

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

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

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

PAYMENT OF BILLS:

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

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

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, Mayor Szabo and Chairman Potash.
Nays: None
Abstain: Mrs. Rowin and Mr. Morris
Absent: Mr. Hagberg and Councilwoman Marcalus

NEW BUSINESS:

Mayor Szabo wished the Board Happy Holidays and thanked them for their dedication as volunteers.

OLD BUSINESS:

Chairman Potash reminded the Mayor that the Board was in need of alternates.

Mr. Tichacek updated the Board on the Eden Oakland entrance near the Columbia Savings bank. He explained that Eden Oakland were no longer the owners of the property. He assured the Board that the project was built to plan and approved by the County Planning Board as well. To modify the island would involve relocating signs and utility poles and a hefty expense.

PUBLIC MEETING ADJOURNED AT 9:40 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