

PLANNING BOARD MINUTES
PUBLIC MEETING
FEBRUARY 11, 2010 - 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, 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, Baczewski, Hagberg, Councilwoman Marcalus and Chairman Potash.
Absent: Mr. Morris and Mayor Szabo.

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

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.

Chairman Potash informed the Board that the sub-committee to review the RFQ's (Request for Qualifications) did arranged to meet before the Planning Board meeting to offer their suggestions for the appointment of Board Professionals.

Mrs. Rowin, part of the sub-committee, questioned Boswell McClave Engineering" what their hourly billing rate for 2010 would be. Mr. Tichacek responded that they have not increased their rate per hour and it would stay the same as 2009.

APPOINTMENT OF BOARD ATTORNEY:

Motioned by Mr. Colyer and seconded by Mrs. Rowin, to appoint Joseph Russo, Esq. as Board Attorney.

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

APPOINTMENT OF BOARD ENGINEER:

Motioned by Mr. Colyer and seconded by Mrs. Rowin, to appoint Boswell McClave Engineering as Board Engineer.

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

APPOINTMENT OF BOARD PLANNER:

Motioned by Mr. Colyer and seconded by Councilwoman Marcalus, to appoint Burgis Associates as Board Planner.

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

Chairman Potash announced that they would skip the first item on the agenda and come back after conducting other Board business.

MEMORIALIZATION:

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

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

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

Abstain: None
Absent: None

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

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

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

PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Councilwoman Marcalus and seconded by Mr. Colyer, to approve the January 21, 2010 Minutes.

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

NEW BUSINESS:

Mrs. Rowin expressed her approval with Governor Christie's stand on COAH (Council of Affordable Housing). She explained that an Executive Order freezing all spending for 90 days was signed and a complete examination of COAH's process would be conducted. She expressed that she hopes that the outcome of this Executive Order helps all affected in municipalities throughout New Jersey.

OLD BUSINESS:

None

Mr. Russo explained to the Board that there was an error in the Applicant's notice. He noticed that the location of the hearing was to be at the Mayor and Council Chambers starting at 8:00 p.m. Since Mayor and Council Chambers neighbors the Senior Center, the Board Secretary placed a note on the door of the Mayor and Council Chambers directing any interested public the location change. Mr. Russo read a copy of the note that was left on the door into the record.

Mr. Russo announced that the Board would recess until 8:00 p.m. when the public hearing would begin.

Meeting recessed at 7:45 p.m.

Meeting resumed at 8:00 p.m.

1. Fanale – 127A & 127 B McCoy Road, Block 4202, Lot 1, 2 & 3. Public hearing for the recommendation of a zone change.

Mr. Gregory Meese with Price, Meese, Shulman & D'Arminio located in Woodcliff Lake, New Jersey was before the Board to represent the application.

Mr. Russo suggested that Steve Lydon give a brief review of the application to new members.

Mr. Lydon explained that the property in question is located in the Corporate Office zone. The Applicant appeared before Mayor and Council to request that an amendment be made to the Borough's ordinance changing the subject property to a residential zone. Mayor and Council referred the Applicant to the Planning Board for a recommendation of this request.

Chairman Potash stated to the Board that this is a review of the ordinance not a site plan application.

Mr. Meese apologized for the error in the notice and briefly introduced his witness, Mr. Jeromie Lang, Project Engineer, Elizabeth Dolan, Traffic Impact Expert and Richard Preiss, Project Planner.

Mr. Meese explained that this matter originated approximately a year and a half ago as a discussion with the Mayor to consider a zone change for the subject property. Mayor and Council did not initiate a zone change so the Applicant decided to go before the Board of Adjustment proposing a change of use for the property (use variance).

Mr. Meese explained that he presented to the Board of Adjustment a conceptual plan with a traffic analysis and a planning report. The Board of Adjustment reviewed the application and supported the concept but felt that they did not have the jurisdiction to vote on the application.

An application was then filed with Mayor and Council. Mr. Meese explained that they his client was then directed to go before the Planning Board for a recommendation for a zone change.

Mr. Meese expressed that there is no existing office building to date, which leads him to believe that the property does not identify with a corporate office zone. He explained

that the access road, McCoy Road, is surrounded by residential homes and these homes would be impacted by the traffic generated from an office building. In addition, this property possesses many environmental constraints that could pose problems with the placement of an office building as well as a wastewater management plan.

Mr. Meese expressed that this property is consistent with an RA-2 Residential zone and would satisfy the Borough's COAH obligation on site with two multi-family homes consisting of three units each. These multi-family homes would look no different than a single-family home.

Mr. Lydon questioned if the mount laurel being proposed would consist of Co-ops, Condos or rental units. Mr. Meese responded that this has not been decided yet.

A discussion ensued concerning how the COAH obligations may be affected by the 90-day review imposed by through an Executive Order by the Governor. Both Mr. Meese and Mr. Russo agreed that the current law and COAH regulations in place should be follow otherwise.

Mr. Meese introduced his first witness Mr. Jeromie Lang with Mazer Consultant located in Red Bank, New Jersey. Mr. Lang reviewed his credentials and the Board accepted his qualifications.

Exhibit A-1, Aerial View of McCoy Farms dated March 10, 2009.

Mr. Lang explained that the exhibit depicts a 40-acre piece of property surrounded by a brook, the Susquehanna Railroad, Indian Hills High School, a horse farm and Franklin Lakes. A few remaining single-family homes on the property have since been removed.

Exhibit A-2, Overall Grading and Steep Slope plan dated November 17, 2009.

Mr. Lang explained that the exhibit depicts the location of all fresh water wetlands and steep slopes on the property. He explained that half of these sensitive areas would be impacted if a conforming office building were to be built. None the sensitive areas would be impacted if single-family homes were built confirming. The proposed development would only involve 18-acres, less than half of the 40-acre site, confirming that the property would be better suited for residential homes.

Exhibit A-3, Office Building Concept Plan dated January 20, 2009.

Mr. Lang explained that the exhibit depicts the impacted areas if a corporate office were to be built. No sewers are available so a package treatment plant would be proposed provided if the subject property could support it.

Exhibit A-4, Overall Grading Plan dated July 28, 2008, revised December 7, 2009.

Mr. Lang explained that the exhibit depicts a proposed stormwater management basin on the property. Test holes have been conducted and approved by the Health Department.

Twenty-one single-family residential lots and two multi-family lots are being proposed. The bulk of the homes would not be visible from McCoy Road. The multi-family homes

would have entrance doors in the front, on the side and in the back but would be disguised as residential homes.

Mr. Tichacek, stated for the record, that the application before the Board of Adjustment provided a detailed stormwater management plan and traffic report for the site. He explained that the only variance involved with the application would be for two minor steep slope disturbances.

The Board questioned the size of the homes to be built. Mr. Lang responded that the homes would probably have five bedrooms. He indicated that the lots would be substantial in size and would be able to handle homes of this size.

Chairman Potash confirmed that a package treatment plant instead a septic would be the preference for a corporate office. Mr. Lang responded that a substantial package treatment plant would be needed and there would be no guarantee that the property could support it as well as an office building without overload the soil. However, soil logs have been conducted and approved by the Health Department for individual septic systems.

Chairman Potash questioned if variances would be needed for a corporate office building. Mr. Lang responded that even a conforming corporate office would require variances.

Mr. Russo questioned if Mayor and Council would prefer a RA-1 (1-acre) zone for this property. Mr. Meese responded that RA-2 is consistent with the area. Mr. Potash expressed that Mayor and Council may be more receptive to a RA-1 zone proposal.

Mr. Lydon questioned the amount of soil moving to be involved. Mr. Lang responded that they would be better able to accommodate the amount of earth being moved for a residential development versus a corporate office building. There would be a lot more impervious coverage for a corporate office building with the parking and building combined.

Mr. Meese introduced Elizabeth Dolan with Dolan and Dean Consultants located in Martinsville, New Jersey. Ms. Dolan reviewed her credentials and the Board accepted her qualifications.

Ms. Dolan explained that she prepared a Traffic Impact Assessment report based upon a traffic study conducted during the peak school hours of 7 – 9 a.m. and 2 – 6 p.m. She indicated that the proposed project would anticipate a maximum of 32 trips generate during peak hours.

In the event that a corporate office was built, the number of anticipated trips generated could be more than 300 in the morning and in the evening which would be ten times greater trips generated than a residential development.

Chairman Potash questioned the traffic impact on the High School. Ms. Dolan responded that the maximum school activity was 23 trips generated during peak hours. A corporate office could largely impact the High School were the output from a residential development would be significantly less.

The Board questioned if sporting events at the High School were considered. Ms. Dolan responded that she did not notice any increase.

Ms. Dolan informed the Board that a corporate office could also impact an already congested downtown area.

Exhibit A-5, Dolan and Dean Traffic Impact Assessment report dated February 9, 2009.

Mr. Meese introduced Mr. Richard Preiss with Phillips Preiss Shapiro Associates, Inc. located in Red Bank, New Jersey. Mr. Preiss reviewed his credentials and the Board accepted his qualifications.

Mr. Preiss testified that he prepared a Planning Report in support of a zone change. While reviewing Oakland's re-exam of the master plan, it hints that the subject property may be better suited as residential.

A corporate office building would be more visible from the property and generate a greater traffic impact on the surrounding area. Therefore, a corporate office would not be suitable for this property.

Residential homes would be more compatible with the surrounding area. One-acre lots would eliminate any impact on the environmental constraints as well as create a lower density of the property. In addition, a residential development would maintain a rural look and provide adequate buffer to the surrounding area.

A discussion ensued between Mr. Lydon and Mr. Preiss concerning the fact that there has never been a corporate office developed on this property. Mr. Preiss expressed many factors that may be the cause, such as, no surrounding restaurants or hotels in close proximity, no sewers and environmental constraints of the property.

Chairman Potash questioned what the COAH impact would have on the Borough, in the event, that a corporate office building were to be developed. Mr. Preiss responded that the COAH obligations would be much higher for a corporate office building versus a residential development.

The Board questioned the two lots at the end of the development that have nothing proposed. Mr. Preiss responded that there is an existing easement to a horse farm and the Applicant has agreed to provide buffer and improve the right of way to their property.

A discussion ensued concerning landscaping the homes closest to the High School and the disturbance that may be caused from the lighting from the football field. Mr. Preiss responded that the homes are a substantial distance from the High School and have quite a bit of natural buffer that would remain. He expressed it would be up to the people buying these homes to be aware of these facts before they purchase.

The Board questioned the close proximity of the High School's baseball field and one of the proposed homes. They had concerns with fowl balls. Mr. Preiss responded that they would agree to concentrate on more plantings for that lot between the home and the baseball field.

Chairman Potash confirmed that the Applicant is not requesting that the entire Corporate Office zone be changed to a residential zone. Mr. Preiss responded that they are only proposing that the 40-acre site be changed to residential. A discussion ensued concerning one home on Yawpo Avenue that has been included in the Corporate Office zone for years. The owner of this home would also be interested in having his property rezoned as well.

The Board had concerns on the impact this proposed development could have on the schools system. Mr. Preiss responded that the development would not generate that many children. The Board questioned the amount of taxpayer dollars involved for one student in the school system. Mr. Lydon responded that approximately \$14,000, not factoring in state aid.

Exhibit A-6, Planning Report in favor of a zone change dated November 20, 2009.
Exhibit A-7, Fiscal Impact Report date March 12, 2009.

Motioned by Mrs. Rowin and seconded by Mr. Colyer, to open the meeting to the public regarding matters on the Fanale application for a zone change was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mr. Colyer, to close the meeting to the public regarding matters on the Fanale application for a zone change was voted unanimously by the Board.

Mr. Meese informed the Board that this concludes his testimony and he believes that the zone change is reasonable for this property. He expressed that he is hoping that the Planning Board would endorse the zone change of this piece of property from Corporate Office zone to RA-2 residential zone.

He reminded the Board that a corporate office on that property would increase the Borough's affordable housing numbers, increase traffic, would have an environmental impact on the property.

The development of 23 lots would be more esthetically pleasing to the neighboring properties, decrease the affordable housing numbers, be less of a traffic burden than a office building and would not encroach on any environmentally sensitive areas of the property.

Mr. Lydon informed the Applicant that the Borough has not yet conformed with the Highlands on the Planning Area, which could limit this project to 14 to 16 septic systems. However, he stated, this should not affect the Board's decision.

Chairman Potash reminded the Board that he also recommends that the zone be changed for the resident's property on Yawpo Avenue to a RA-3 residential zone. Chairman Potash entertained a motion.

Motioned by Mr. Colyer and seconded by Councilwoman Marcalus, that a recommendation from the Planning Board be sent to Mayor and Council in favor of changing the zone of the subject property from Corporate Office zone to an RA-2 Residential zone with special designation for COAH.

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

PUBLIC MEETING ADJOURNED AT 9:45 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