

PLANNING BOARD MINUTES  
PUBLIC MEETING  
MARCH 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, Dan 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, Baczewski, Hagberg, Morris  
Councilwoman Marcalus and Chairman Potash.  
Absent: Mr. Colyer 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.

PUBLIC HEARING:

1. DR Mullen Construction – Edison Avenue (vacant land), Block 201, Lot 1 Public hearing for a preliminary and final site plan and soil move.

Chairman Potash recused himself from the application.  
Vice-Chairman, Mr. Morris, sat in for Chairman Potash.

Mr. Ben Cascio, Esq. located in Franklin Lakes, New Jersey was before the Board to represent the applicant. He explained that the applicant owns the property at 38 Edison Avenue known as lot 4 and is the contract purchaser for lot 1.

Mr. Cascio explained that an easement bisects the applicant's property as well as the subject property. The applicant proposes to gain access to the property by continuing the easement driveway and clearing a portion of the property for the storage of his construction equipment. This is a permitted use.

Mr. Cascio informed the Board that this application would require two variances involving no frontage and steep slope disturbance.

Mr. Raymond Mullen, contract purchaser and Mr. Tibor Latincsics from Conklin Associates, Inc. located in Ramsey, New Jersey were sworn in. Mr. Latencies reviewed his credentials and the Board accepted his qualifications.

Mr. Mullen testified that he is the contract purchaser of the subject property owned by Dewey Electronics Corporation and the owner of 38 Edison Avenue. He explained that his company is involved in pipe contracting and road construction.

Mr. Mullen explained that he is currently running out of space to store his equipment and has been renting space. As a result of the declining economy, more of his trucks have been sitting amounting to more than usual fees for rental.

He explained that he is proposing to excavate and set gravel on the property for the storage of his heavy equipment and no building is being proposed. All repairs made on the equipment would be made at the 38 Edison Avenue address.

Mr. Russo questioned the type of equipment to be stored at the property. Mr. Mullen responded that his equipment consists of: bulldozers, backhoes, compactors and hauling trucks. He mentioned that the surrounding businesses in the industrial park are similar in nature.

Mr. Russo questioned if any materials would be stored at the site. Mr. Mullen responded that possibly leftover pipe, a small pile of stone and milling material.

Mr. Morris questioned where the equipment would be cleaned off. Mr. Mullen responded that before any equipment is loaded onto the trailer, it is cleaned off at the site to prevent any spill on the streets.

Mr. Morris questioned how much equipment would be stored at the site. Mr. Mullen responded that he owns approximately 30 pieces of equipment.

A discussion ensued concerning a gate at the entrance of the property. Mr. Hagberg questioned Mr. Mullen if he would object to leaving a key to the gate in possession of the fire department for safety or emergency reasons. Mullen responded that he would not object to the fire department having a key to the gate.

Mr. Latinscics explained that lot 1 is an isolated tract of land located in the I-Industrial zone and within the Highland Preservation Area owned by Dewey Electronics Corporation. The applicant has filed an exemption application for new impervious coverage and steep slope disturbances with the Highlands Council. Lot 1 consists of 7.5 acres of which 2.2-acres would be cleared to continue the easement road up to a 15,163 square foot newly graded and graveled storage area.

Exhibit A-1, Parcel maps with Route 287 Interstate overlay.  
Exhibit A-2, Aerial photo of surrounding properties dated 2007.  
Exhibit A-3, Blown up version of aerial map dated 2007.  
Exhibit A-4, Simplified site plan sheets 1 of 3 dated December 7, 2009.  
Exhibit A-5, (2) Colored photo showing 25-foot access road.

Mr. Lantiscics explained that the easement road intersects through three of the properties and was constructed by the New Jersey Department of Transportation (NJDOT). The applicant proposes to continue the easement with a 20-foot wide roadway. This roadway would be safe and utilized by all property owners.

The Board questioned the amount of traffic on this easement road. Mr. Lantiscics responded that the road does not generate much traffic. Trucks leave early in the morning and then sometimes return in the evening.

Mr. Lantiscics explained to the Board that during the conception of the Highlands Regional Master Plan, the subject lots of the industrial park were, he believes, placed within the preservation area accidentally requiring the applicant to file and exemption application with the Highlands. He informed the Board that their application has been deemed complete. The exemption letter was entered into evidence.

Exhibit A-6, Letter of completeness for application of exemption filed to the Highlands dated January 20, 2010.

Mr. Russo questioned the timeframe for approval. Mr. Lantcsics responded that it could take approximately 9-months for approval. Mr. Russo informed the applicant that approval from the Planning Board would be contingent upon approval from the Highlands.

Mr. Lantcsics explained that in addition to this application being a permitted use in the industrial zone, there would be no building proposed at the as well as running water or septic.

Mr. Cascio explained that back in 2008, he and the applicant appeared before the Planning Board and then Mayor and Council requesting that the two subject lots be included in the Highlands Planning Area but the Mayor and Council never acted upon this request.

Mr. Lantcsics explained that they are proposing a 25-percent expansion of impervious coverage for outdoor storage consisting of approximately 15,000 square feet. They are also proposing a 650' long X 40' wide driveway. Residential Site Improvement Standard (R.S.I.S.) allows a grade of 15 –16 percent for a private driveway and the applicant is proposing a driveway with an 18-percent grade requiring a waiver.

Mr. Lantcsics explained that an underground detention basin is being proposed on lot 2 located at the northeast portion of the driveway and a “bowl shaped” open-air detention basin located on lot 6 on the southern portion of the property. These detention basins would improve drainage for the driveway and property as well as trap silt, mud or oil spills and discharge into an existing culvert.

Mr. Lantcsics explained that a major soil move would be done to create an upper-plateau to be used for the storage area. There would be no septic, water service or lighting.

A discussion ensued concerning the size and connection of drainage pipes from the proposed basins. Mr. Lantcsics responded that inlets and drainage pipes are proposed at the northern portion of lot 2 and the southern portion of lot 6. The pipes to be used would be 36-inch perforated pipe installed underground in a stone trench leading to a 60-inch diameter culvert running under Interstate 287 leading to the Ramapo River.

The Board questioned the owner of the 60-inch culvert and whether the applicant has permission to connect to it. Mr. Lantcsics was not sure who the owner was. The Board expressed concerns about giving approval to the applicant without knowing who owns the 60-inch culvert and whether the applicant would be permitted to connecting to it. Mr. Russo informed the applicant that any approval from the Board would be contingent upon the permission of connecting to the culvert.

Exhibit A-7, Soil Erosion and Sediment Control Plan dated December 7, 2009.

The Board questioned who would be responsible for maintaining the drains for the detention basins. Mr. Lantcsics responded that the applicant would be responsible for maintaining the drains for both detention basins.

Mr. Tichacek added that a stormwater management review has been done and calculations were found to be adequate for the additional runoff.

Mr. Lantcsics explained to the Board that only 1/3 of the property would be disturbed and would involve some steep slope disturbance.

In addition, the applicant would be responsible for restoring forest vegetation, such as seedlings, as a condition of the New Jersey Department of Environmental Protection (NJDEP) Reforestation Program.

Exhibit A-8, Profiles and Details dated December 7, 2009.

Mr. Lantcsics reviewed the percentages involved with Oakland's steep slope ordinance. The disturbance would involve 1.49 acres of 7.5 acres, approximately 20 percent. He explained the proposed steep slope disturbance being 20,000 square feet of the 15 – 24 percent range, 12,000 square feet of the 25- 35 percent range and 15,000 square feet of the 35 and above. A variance would be required for the 15,000 square feet that disturbs the 35 and above range.

The Board suggested that the 40-foot wide driveway be reduced in order to lessen the disturbance. Mr. Lantcsics responded that in order for these trucks to turn around, it is necessary that the driveway be 40-foot wide.

The Board questioned the number of trees to be removed and if the applicant has contacted the Shade Tree Committee. Mr. Lantcsics responded that they have filed an application with the Shade Tree Committee for the removal of 117 trees.

Mr. Tichacek questioned the height of the proposed retaining wall. Mr. Lantcsics responded that the retaining wall would be approximately 4-feet in height on the downhill side and 5-feet on the uphill side. Mr. Tichacek informed the applicant that any retaining wall over 4-feet would need to be reviewed and certified by the Borough Engineer.

The Board questioned the extent in which the applicant intends to go concerning environmental protection such as underground pads to collect any potential hazardous material from seeping into the ground. Mr. Lantcsics responded that the catch basin would contain any hazardous waste collected in the runoff.



Motioned by Councilwoman Marcalus and seconded by Mr. Hagberg, to memorialize the recommendation to Mayor and Council for a zone change of the above mentioned Corporate Office zone to a RA-2 Residential zone.

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

#### PAYMENT OF BILLS:

Motioned by Mr. Hagberg 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, Baczewski, Hagberg, Morris, Councilwoman Marcalus and Chairman Potash.  
Nays: None  
Abstain: None  
Absent: Mr. Colyer and Mayor Szabo.

#### APPROVAL OF MINUTES:

Motioned by Councilwoman Marcalus and seconded by Mr. Hagberg, to approve the February 11, 2010 Minutes.

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

#### NEW BUSINESS:

Chairman Potash expressed since there was nothing planned for April's agenda, it may be a good time to clear up some other business by having Mr. Lydon give the status of the Highlands Conformance Plan for the Planning Area.

Mr. Lydon explained that an Element of the Master Plan document was prepared for the Highlands. At the time, the Borough had been considering to conform with Highlands Regional Master Plan for the Planning Area as well. He explained that this does not now seem to be the case and a new draft document has been started reflecting that amendment to the Master Plan Element.

Mr. Lydon explained that since conformance with the Highlands Regional Master Plan for the Planning Area has not happened, the Borough would be required to

submit the required affordable housing numbers by June 8, 2010. However, with all the changes implemented by Governor Christie, Mr. Lydon expressed that he would not be surprised if the June 8, 2010 deadline gets extended.

Chairman Potash announced that the April 8, 2010 public hearing would be dedicated to reviewing the draft Master Plan Element for the Highlands Regional Master Plan.

Mr. Russo explained that Ultimate Sports America was scheduled to be before the Planning Board this month for a Certificate of Occupancy. However, the applicant was before the Board of Adjustment last month for a use variance and after conversations with Brian Chewcawski, Borough Attorney, Matthew Cavaliere, Board of Adjustment Attorney and Mayor Szabo it was decided that the applicant not be required to come before the Planning Board.

It does indicated in the Borough's ordinance that all applicants looking to occupy space in the Industrial area are required to go before the Planning Board for approval. However, the Board of Adjustment reviewed all the site plan details that would have been a part of the Certificate of Occupancy application and approved it. The Borough's ordinance may have to be re-examined and amended for circumstances such as this one.

Mrs. Rowin informed the Board that during her site inspection of the 12 Wright Way building, she noticed graffiti behind the building. Mr. Hagberg responded that he would have the zoning officer look into this.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 8:45 P.M.

Motioned by Mrs. Rowin and seconded by Mr. Hagberg to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

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Kathlyn Gurney/Administrative Assistant