

PLANNING BOARD MINUTES  
PUBLIC MEETING  
MAY 13, 2010 - 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, Eric Kulmala, Barry Colyer, Christopher Baczewski, Dan Hagberg, John Morris, Councilwoman Marcalus, Mayor John Szabo and Chairman Thomas Potash.

**FLAG SALUTE, MEETING OPENED AT 7:05 P.M., ROLL CALL:**

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

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. Raku Sushi – 400 Ramapo Valley Road, Block 3901, Lot 1. Public hearing for an amended site plan.

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

Mr. Cascio explained that the Applicant has leased space in the strip mall located at 400 Ramapo Valley Road. Along with interior renovations, the Applicant proposes to install a refrigerator unit in the rear of the building requiring a variance.

Mr. Lee Cao was sworn in and testified that he is the owner of Raku Sushi Restaurant and proposes to install a refrigerator unit in the rear of the building. He indicated that two of the neighboring businesses have refrigerator units in the rear of the building also that are larger than the unit he is proposing.

He explained that there is no room to install a unit of this size and a large refrigerator is important for his type of business.

Chairman Potash referred to comments made by the Fire Prevention Bureau concerning the air conditioning duct and fire alarm. Mr. Cascio responded that Mr. Meleto would discuss the concerns of the Fire Prevention Bureau

Mr. Russo questioned the internal operations of the business. Mr. Cao responded that the majority would be take-out with four or five tables and a sushi bar.

Mr. Frank Meleto with Meleto & Godsall located in Long Valley, New Jersey was sworn. He reviewed his credentials and the Board accepted his qualification.

He explained that the Applicant is proposing a one story 6' X 8' bump-out refrigerator unit smaller than existing units of neighboring businesses by two feet in height and width. Mr. Cascio expressed that he had researched if there were permits or prior approvals for the neighboring refrigerator units and came up with none.

The Applicant requests that a variance be granted for the bump out leaving approximately a 9-foot setback, 25-feet required. Mr. Meleto expressed that building backs up to a street posing no negative impact by granting the variance. In fact, there would be easy parking and fire access.

Mr. Meleto referred back to questions regarding comments from the Fire Prevention Bureau. He explained that there would be no interference with an air-conditioning duct or the fire alarm, both are above the site of the cooler.

A discussion ensued concerning parking and whether a restaurant would have an impact on the parking necessary. Mr. Tichacek responded that the strip mall has existing parking and the restaurant is a permitted use. The Applicant references 64 off street parking spaces including four handicapped spaces. Mr. Tichacek expressed that with a business that is mainly takeout it is not predicted to have an impact on existing parking.

The Board questioned the sound decibel readings generated by the refrigerator unit. Mr. Meleto responded that the Applicant would comply with state regulations and standards.

Mr. Russo questioned the days and hours of operation. Mr. Cao responded that the restaurant would be open 7 days a week from 11:00 a.m. to 9:00 p.m.

Motioned by Mayor Szabo and seconded by Mrs. Rowin, to open the meeting to the public regarding matters concerning the Raku Sushi application was voted unanimously by the Board.

Comments:

None

Motioned by Mayor Szabo and seconded by Councilwoman Marcalus, to close the meeting to the public regarding matters concerning the Raku Sushi application was voted unanimously by the Board.

Discussion:

Mr. Cascio questioned if the Applicant could receive a temporary Certificate of Occupancy in order to open his business on time. Mr. Hagberg responded that he would need to submit a letter to the Building Department agreeing not to hold the Borough accountable for any harm. Mr. Cascio agreed to Mr. Hagberg's request.

Chairman Potash entertained a motion.

Motioned by Mayor Szabo and seconded by Mr. Kulmala, for approval of a rear yard setback for the Raku Sushi application and contingent upon the Applicant following noise decibel regulations set forth by the state and Borough.

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

2. Collagen Matrix – 15 Thornton Road, Block 3202, Lot 1. Public hearing for an amended site plan.

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

Mr. Cascio explained that the Applicant was before the Board a few months ago receiving approval for a Certificate of Occupancy. At that time, details on the use of the building were presented to the Board.

Dr. Shau-tung Li was sworn in and testified that he is the owner and CEO of Collagen Matrix, Inc. He reviewed briefly the chemicals and chemical treatment involved with purifying animal tissue used to repair human organs.

He explained that an outdoor storage area would be necessary for chemicals as well as refrigerators to store the processed product. In addition, a generator would be necessary in the event of a power failure.

Dr. Li informed the Board that the proposed number of 50 employees have not changed since prior approval and would work one-shift Monday through Friday between the hours of 7:00 a.m. to 6:00 p.m. In addition, 97 parking spaces are provided including four handicap parking spaces.

The Board questioned the storage of waste. Dr. Li responded that waste is stored in drums and collected by an outside contractor.

The Board questioned if there would be a change in signage. Dr. Li responded that the sign would be the same size as what is currently there.

The Board questioned a trailer on site. Dr. Li responded that they do not have a trailer on site and that it may be the neighboring property.

The Board questioned a damaged light pole that has not been repaired since their last approval for a Certificate of Occupancy. Dr. Li responded that the light pole would be repaired while they repave the parking area.

Mr. Matthew Greco with McNally Engineering located in Oakland, New Jersey reviewed his credentials and the Board accepted his qualifications.

Mr. Greco explained that the site plan has changed slightly due to comments from the Board Engineer and Planner.

Exhibit A-1, Amended minor site plan dated May 13, 2010.

Mr. Greco explained that due to the nature of the business, a 14' X 16' concrete block storage building located on a separate concrete pad would be needed for the storage of chemicals and would also be enclosed by an 8-foot chain link fence. The Board Engineer had also requested that bollards or guardrail be installed for protections.

In addition, a concrete pad measuring 15.5' X 98' would be constructed to occupy two walk-in freezers, an air-cooling chiller unit and a make-up air unit. Along side of the chiller and freezer equipment a separate 10' X 20' concrete pad for a 100-kilowatt generator will be installed in the event of power failure.

Mr. Greco reviewed that the Applicant would be using the existing sign but replacing the lettering.

He reviewed parking calculation that showed the Applicant would provide 95 parking spaces which is more than the required 74 parking spaces.

Mr. Greco reiterated that the light pole would be repaired during the curbing and repaving.

The Board questioned the location of bollards to be installed. Mr. Greco responded that they would be installed in between the affected parking spaces.

A discussion ensued concerning two undersized parking spaces being used for the location of a dumpster and whether to make it more esthetically pleasing by adding a "green" area. The owner of the property, Kenneth Carrol, responded that he would rather keep the area the same in the event they would need more parking in the future.

Mr. Gerald R. Blanchette was sworn in and testified that he is the Senior Vice President of the H.L. Turner Group, Inc.

He explained that it is necessary for a freezer of this type to be located outdoors because it requires fresh air for cooling. Normally, these units are placed on the rooftop but due to the size and weight of the unit, the roof would not be able to accommodate it.

Mr. Blanchette explained that noise levels would not exceed the levels that are mandated by the state and there would be no buildings close enough to the subject area to be affected by any noise.

Exhibit A-2, Hazardous Material Plan dated May 11, 2010.

Mr. Blanchette explained that the storage building would be isolated to store five 50-gallon drums containing household grade chemicals and three 50-gallon drums to hold chemical waste. In addition, one 55-gallon drum would be taken from the storage building to various locations within the building to disperse chemicals into smaller containers. The testimony of Collagen Matrix's Chemical Spill Plan will continue to be in effect.

The Board questioned the noise level of the generator. Mr. Blanchette responded that the generator is not a large unit and would be enclosed on three sides. The Board expressed that a residential area is located behind the building and whether the same state noise level standards apply to the generator. Mr. Blanchette responded yes and that the noise level of the generator is below the acceptable levels.

Exhibit A-3, Cleanroom Renovation Project dated March 29, 2010.

Mr. Blanchette informed the Board that the 15.5' X 98' concrete pad would contain two walk-in freezers, an air-cooling chiller unit and a make-up air unit. The storage building for chemicals and the generator for power outages would be located on two separate concrete pads.

Ms Donna Kolesar was sworn in and testified that she is the Associate Director of Quality Assurance for Collagen Matrix, Inc. She informed the Board that she had previously testified in front the Board during a prior approval for Collagen Matrix, Inc. She reviewed her credentials with the Board.

Her job includes dealing with the FDA (Food and Drug Administration), EPA (Environmental Protection Agency) and NJDEP (New Jersey Department of Environmental Protection).

Ms. Kolesar is also responsible for maintaining Material Safety Data Sheets for chemicals that are used by Collagen Matrix, Inc.

She informed the Board that none of the chemicals used by Collagen Matrix, Inc. appear on EPA's hazardous chemical list. The chemicals used at Collagen Matrix, Inc. are considered low volume and not hazardous.

She explained that waste is put into containers and transferred into the appropriate drums prescribed by industry standards and regulations and then removed by a contracted waste hauler.

The Board questioned the Applicant's procedure in the event that a contaminate spills during the transfer. Ms. Kolesar responded that all transfers occur on the ground level where the flooring is slab concrete. The Chemical Spill Plan that she previously testified on continues to be in effect.

Motioned by Mrs. Rowin and seconded by Mr. Colyer, to open the meeting to the public regarding matters concerning the Collagen Matrix, Inc. application was voted unanimously by the Board.  
No comments.

Motioned by Mrs. Rowin and seconded by Councilwoman Marcalus, to close the meeting to the public regarding matters concerning the Collagen Matrix, Inc. application was voted unanimously by the Board.

Chairman Potash entertained a motion.

Motioned by Councilwoman Marcalus and seconded by Mayor Szabo, to approve the Collagen Matrix, Inc. application contingent to the Applicant complying to state mandated noise levels, two parking spaces in front of proposed chemical storage building be eliminated with cross-hatching, generator be tested by Applicant during normal business hours, Tuesday through Friday and light pole in the parking area to be fixed.

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

3. American Musical Supply – 8 Thornton Road, Block 3201. Lot 4.  
Public hearing for a Certificate of Occupancy.

Mr. Richard W. LeBlancq, Esq. was before the Board to represent the Applicant. He introduced Mr. Michael Lisante, Director of Operations for American Musical Supply, LLC, and had him sworn in to testify.

Mr. Lisante explained that they are in the business of the distribution of musical instruments and sound systems.

He informed the Board that this is not a retail location. The product is shipped by UPS or FedEx by 2 or 3 trailers deliveries and 6 or 8 vans deliveries daily.

A maximum of 60 employees would be present at the site, 25 office employees and 35 warehouse employees, working one shift from 9:00 a.m. to 6:00p.m.

Mr. Lisante informed the Board that they would be using the existing sign and location for signage.

Mr. Lisante expressed that there was an issue with Health Department concerning an expansion of the septic field. The Applicant's engineer talked to the Health Inspector and cleared up a discrepancy with the number of employees in the warehouse and office space.

A request from the Fire Prevention Bureau that no storage exceed the fire sprinkler capacity and rack storage to be approved by Building Department. Mr. Lisante informed the Board that an upgrade to the fire sprinkler system is currently being done and they would comply with a review and approval of any rack storage.

The Board questioned the distance of the handicapped spaces from the front entrance and that there are no curb cutouts making sidewalks handicapped accessible. Mr. Lisante responded that they would accommodate these modifications.

A discussion ensued concerning current occupancy at 16 Wright Way and graffiti that still remains on the rear of the building. Mr. Lisante responded that he would have the graffiti removed.

Motioned by Mrs. Rowin and seconded by Mr. Colyer, to open the meeting to the public regarding matters concerning the American Musical Supply, LLC application 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 concerning the American Musical Supply, LLC application was voted unanimously by the Board.

Motioned by Councilwoman Marcalus and seconded by Mr. Hagberg, to approve the American Musical Supply, LLC application contingent to the Applicant complying with fire rack storage approval and upgrade in the sprinkler system and four handicapped spaces relocated closer to entrance with curb cuts.

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

Meeting recessed at 8:25 p.m.  
Meeting resumed at 8:35 p.m.

Present: Mrs. Rowin, Messrs. Kulmala, Colyer, Hagberg, Councilwoman Marcalus, Mayor Szabo and Chairman Potash.  
Nays: None  
Abstain: None  
Absent: Messrs. Baczewski and Morris.

#### 4. Adoption of the Amended Housing Plan and Fair Share Element.

Mr. Lydon from Burgis Associates reviewed all amendments that were made to the Housing Plan and Fair Share Plan.

He informed the Board that all the required public notice to the County and the surrounding Boroughs have been completed.

He explained that in March he submitted the revised Draft Housing Plan to the Highlands Council and received comments back suggesting that Mayor and Council look at the Hovan site as another possibility for affordable housing as well as include a summary of Goals and Objections for the Borough.

Currently, the Borough's affordable housing obligation stands at 358 units all together. This includes the obligation of 220 between the 1987 through 1999 Prior Round and the Growth Share obligation of 138 units.

Council of Affordable Housing (COAH) Third Round housing obligation period extends through the end of 2018. It has been determined by COAH that Oakland's rehabilitation share would consist of 16 units. The Borough will partner with Bergen County using collected development fee money to address this portion of the affordable housing obligation.

Mr. Lydon informed the Board that his office has performed a Vacant Land Adjustment and are seeking to adjust the 220 units from the prior round obligation to a Realistic Development Potential (RDP) of 30 units. In addition, the Borough is seeking credit for an existing 12-bedroom group home which would

address the RDP obligation leaving a balance of 18 affordable housing units to satisfy the Prior Round obligation.

Mr. Lydon reviewed potential sites that could help fulfill the affordable housing obligation. Of the Hovan tract, 18 of 40 affordable rental units could be applied toward the prior round obligation and 22 of the affordable rental units could satisfy the Growth Share obligation capturing 32 credits from the Hovan site to also apply towards the Growth Share. Affordable housing credits, after satisfying the Growth Share obligation, are applied to the remainder of the prior round (190 units).

A discussion ensued and Mayor Szabo indicated that he has been in contact with the Highlands Council and feels there are inconsistencies with the Hovan tract. He would like to see the Hovan tract removed as a possible affordable housing site from the Draft Housing Plan and replace it with the Central Business District.

Mayor Szabo explained that the mix use would strengthen the downtown area and reinforce the need to sewer the downtown area. He explained that the NJDEP and the Highlands recognizes the importance for sewers in the downtown area and are working with the Borough to make this happen.

Currently, the Borough is involved in a Transfer of Development Rights (TDR) feasibility study that would help determine the density needed in the downtown area to reduce the Borough's affordable housing obligation.

The Board questioned the location of these units in the downtown area. Mayor Szabo responded that a likely location could be the Gabrellian tract. He said that affordable housing would be more attractive and feasible in the downtown area. The Hovan tract is residential with drainage issues.

A discussion ensued concerning the possibility of the Hovan tract and the Bi-County tract being donated as conservation easements.

Mayor Szabo expressed that another revision to the Housing Plan would be to remove the Heritage Hills property as a potential site since the Borough has recently purchased the site.

Motioned by Mayor Szabo and seconded by Mrs. Rowin, to open the meeting to the public regarding matters concerning the Housing Element and Fair Share Plan was voted unanimously by the Board.

No comments.

Motioned by Mayor Szabo and seconded by Councilwoman Marcalus, to close the meeting to the public regarding matters concerning the Housing Element and Fair Share Plan was voted unanimously by the Board.

Chairman Potash entertained a motion.

Motioned by Mayor Szabo and seconded by Councilwoman Marcalus, to recommend Mayor and Council adopt the Housing Element and Fair Share Plan as amended:

1. Omit the Hovan property as a possible site for affordable housing.
2. Include the Central Business District (Gabrellian tract) as a possible site for affordable housing.
3. Remove the Heritage Hills site (now owned by the Borough) as a potential affordable housing site on page 26 of report.

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

The Board authorizes Mr. Russo to draft a letter recommending that Mayor and Council adopt the Housing Element and Fair Share Plan.

MEMORIALIZATION:

None

PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Councilwoman Marcalus and seconded by Mr. Hagberg, to approve the May 13, 2010 Minutes.

Roll Call Vote:       Ayes: Mrs. Rowin, Messrs. Kulmala, Hagberg, Councilwoman Marcalus and Chairman Potash.

Nays: None  
Abstain: Mr. Colyer and Mayor Szabo  
Absent: Messrs. Baczewski and Morris

NEW BUSINESS:

None

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 9:10 P.M.

Motioned by Mayor Szabo and seconded by Councilwoman Marcalus to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

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Kathlyn Gurney/Administrative Assistant