

PLANNING BOARD MINUTES
PUBLIC MEETING
FEBRUARY 13, 2020 - 7:00 P.M.
HELD AT OAKLAND COUNCIL CHAMBERS
10 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 a copy of same at Borough Hall
- ❑ Forwarding a 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:

Andrea Levy, Gregory Liss, Joseph Marscovetra, Michael Rose, Thomas Connolly, Sandra Coira, Lee Haymon, John Morris, Councilman Van Eck, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:04 P.M., ROLL CALL:

Present Members: Mrs. Levy, Messrs. Rose, Marscovetra, Connolly, Madden, Haymon, Hagberg, Morris, Councilman Levy, Mayor Schwager and Chairman Potash.
Absent Members: Mrs. Coira and Mr. Liss

Motioned by Mayor Schwager and seconded by Mr. Rose, to excuse the absence of Mrs. Coira and Mr. Liss was voted unanimously by the Board.

Chairman Potash announced that Mrs. Levy will sit in for Mrs. Coira.

Mr. Joseph Russo, Esq., Board Attorney, Steve Lydon, Burgis Associates, John Yakimik, Boswell Engineering were in attendance.

BOARD PROFESSIONALS SWORN IN:

Mr. Lydon with Burgis Associates and Mr. Yakimik with Boswell Engineering.

OPEN THE MEETING TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA.

Motioned by Mr. Connolly and seconded by Mr. Rose, to open the meeting to the public for matters not on the agenda was voted unanimously by the Board.

No comments

CLOSE THE MEETING TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA.

Motioned by Mr. Connolly and seconded by Mr. Haymon, to close the meeting to the public for matters not on the agenda was voted unanimously by the Board.

PUBLIC HEARING:

2. IE Holdings, Inc. – 8 Van Vooren, Block 3202, Lot 2. Public hearing for a preliminary and final site plan with variances.

Chairman Potash informed the Board that a draft resolution for IE Holdings, Inc. was distributed. Mr. Ben Cascio, Esq., located in Franklin Lakes, explained that Mr. Greco, with McNally Doolittle Engineering, will review the revisions such as variances, parking layout, steep slope calculations and soil moving amounts requested by the Board. Mr. Greco understood that he's still under oath. He entered an exhibit.

Exhibit A-8, Preliminary and final site plan drafted by McNally Doolittle on August 16, 2019 last revised January 17, 2020.

Mr. Greco reviewed the revisions to the site plan. The 200-foot Property Owner list is now added to the site plan. He explained that the Board requested that the building be moved forward approximately 10-feet to reduce steep slope disturbance which will now trigger a front yard setback. As a result of moving the building forward, encroachment of two slope categories have been eliminated leaving a 39 square feet encroachment into the 35 percent category. Chairman Potash pointed out that a variance is required for encroaching in a 35 percent or more category of a steep slope.

The number of parking stalls will be reduced from 54 spaces to 35 spaces because they have decided to bank 19 parking spaces just in case they are needed in the future.

A ground sign is now being proposed in the front measuring 7'6" width X 3' 8" height. The proposed transformer and generator will be located in the northeast corner of the property and the exact location will be coordinated with PSE&G.

Both the transformer and generator will trigger a front and side yard setback. Mr. Lydon suggested effective screening be planted around the perimeter of the transformer and generator. A discussion ensued concerning the number and type of plantings. Mr. Lydon responded that 17 arborvitae shade trees should be effective. Chairman Potash suggested that the applicant should consult with Shade Tree Committee on the type and number of plantings.

Mr. Greco reviewed with the Board that the LED lighting shall not exceed 3,000 Kelvin. The detention basin and utilities will be included in the cut and fill calculations of the soil move. Stormwater Management and ADA compliance is still being reviewed by Boswell.

A discussion ensued concerning the banked parking and the agency responsible for determining if those spaces are needed. It was decided that the Construction Code Official /Zoning Official will make that decision.

Mr. Klenk, Architect from Franklin Lakes, acknowledged that he was still under oath. He reviewed his revisions to the architectural drawings. He entered exhibits.

Exhibit A-9, Instrumentation Engineering drawing prepared by Fred Klenk dated October 15, 2019 revised January 27, 2020.

Exhibit A-10, Floor Plans prepared by Fred Klenk dated October 15, 2019 revised January 27, 2020.

Mr. Klenk explained that he added details for the freestanding sign which will be illuminated from the ground and comply with the Borough's Code. He also explained façade and window changes of the building on the north and south side as well as adding the correct height of the building. No more discussion. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Rose and seconded by Mayor Schwager, to open the meeting to the public for comments regarding the IE Holdings, Inc. application was voted unanimously by the Board.

No comments.

Motioned by Mr. Rose and seconded by Mayor Schwager, to close the meeting to the public for comments regarding the IE Holdings, Inc. application was voted unanimously by the Board.

Mr. Cascio announced to the Board that this will conclude his presentation of the application. No further questions. Chairman Potash entertained a motion.

Motioned by Mr. Connolly and seconded by Mr. Haymon, to approve the IE Holdings, Inc. application subject to the revisions introduced this evening.

Roll Call Vote: Ayes: Mrs. Levy, Messrs. Marscovetra, Rose, Connolly, Haymon, Morris, Councilman Van Eck, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Mrs. Coira and Mr. Liss

MEMORIALIZATIONS:

Mr. Russo reviewed revisions to the Resolution.

1. A & E Ventures of Oakland – 140 & 150 Ramapo Valley Road, Block 2702, Lots 1.01 & 1.02. Approval for preliminary & final site plan, minor subdivision, soil move and variances.

Motioned by Mr. Morris and seconded by Mr. Marscovetra, to memorialize the above resolution of approval.

Eligible voters: Mmes. Levy and Coira, Messes. Liss, Marscovetra, Morris and Chairman Potash.

Roll Call Vote: Ayes: Mrs. Levy, Messrs. Marscovetra, Morris and Chairman Potash.
Nays: None
Abstain: None
Absent: Mrs. Coira and Mr. Liss

PAYMENT OF BILLS:

Motioned by Mr. Connolly and seconded by Mr. Haymon, to approve the bills list subject to the availability of funds.

Roll Call Vote: Ayes: Mrs. Levy, Messrs. Rose, Marscovetra, Connolly, Haymon, Morris, Councilman Van Eck, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Mrs. Coira and Mr. Liss

APPROVAL OF MINUTES:

Motioned by Mrs. Levy and seconded by Councilman Van Eck, to approve the January 9, 2020 Minutes.

Roll Call Vote: Ayes: Mrs. Levy, Messrs. Marscovetra, Rose, Connolly, Haymon, Morris, Councilman Van Eck, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Mrs. Coira and Mr. Liss

NEW BUSINESS:

Public notice of Fairness Hearing to Approve Settlement of Mount Laurel litigation:

Mr. Russo gave some history concerning the Fanale tract and a scheduled Fairness Hearing to approve settlement of Mount Laurel Litigation between Fanale and the Borough of Oakland.

The Fanale property, which consists of approximately 40 acres, was originally zoned Corporate Office. An application was then filed with the Mayor and Council to rezone this property Residential.

Eventually, an application was filed before the Zoning Board and was approved for a 25 home subdivision where two of those buildings were designated affordable housing. Soon after and feeling they could get approval for more homes, Fanale filed a Motion to Intervene with Bergen County Superior Court. This recently ended in a settlement between the Borough and Fanale for an Inclusionary Development that would consist of 200 units of which 20% (40 units) will be designated affordable housing. There will be conditions that Fanale will have to agree to such as connecting to Franklin Lakes sanitary sewer system and Suez for water.

A discussion ensued concerning the total number of affordable housing units the Borough will be obligated to provide. Mr. Lydon responded that it varies from town to town but during the settlement process, he was able to reduce the number down to 148 of affordable units for the Borough.

The Fairness Hearing is being held February 25, 2020 and if there is no objection during this hearing, the Borough will have to rezone the property to an appropriate zone of which Mayor and Council has asked the Planning Board to review tonight. A discussion ensued concerning Mayor and Council's obligation to adopt the new ordinance implemented by the settlement agreement.

Review Ordinance 20-CODE-803:

Mr. Russo explained that the topic now is to review and adopt the above referenced ordinance that will be adopted regardless by Mayor and Council. Even though there were some objections, the consensus of the Board agreed to have no position in considering the ordinance.

Motioned by Mr. Morris and seconded by Mr. Connolly, to offer no position in the review to consider the Ordinance 20-CODE-803.

Roll Call Vote: Ayes: Mrs. Levy, Messrs. Marscovetra, Connolly, Haymon, Morris and
 Chairman Potash.
 Nays: None
 Abstain: Mr. Rose, Councilman Van Eck and Mayor Schwager.
 Absent: Mrs. Coira and Mr. Liss.

Discuss meeting change for April and May:

Meetings have been changed and will be advertised for the following dates:

April 16th to April 2nd

May 14th to May 7th

A discussion ensued concerning missing signage in the Walgreens parking lot directing vehicles to make a left hand turn to access 287. Chairman Potash informed the Board that he believes it was part of the resolution.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 8:20 P.M.

Motioned by Mr. Connolly and seconded by Mr. Rose, to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on March 12, 2020.