

PLANNING BOARD MINUTES  
PUBLIC MEETING  
JULY 12, 2018 - 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 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:

Thomas Connolly, John Madden, Sandra Coira, Lee Haymon, Nicholas DiLandro, Dan Hagberg, Elaine T. Rowin, John Morris, Councilman Levy, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:03 P.M., ROLL CALL:

Present: Mrs. Coira and Messrs. Messrs. Madden, DiLandro, Haymon, Hagberg, Morris, Councilman Levy, Mayor Schwager and Chairman Potash.

Absent: Mrs. Rowin and Mr. Connolly

Motioned by Mr. Morris and seconded by Mr. Haymon, to excuse the absence of Mrs. Rowin and Mr. Connolly was voted unanimously by the Board.

Mr. Madden sitting in for Mrs. Rowin.

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

OPEN TO THE PUBLIC:

Motioned by Mayor Schwager and seconded by Mr. Morris, to open the meeting to the public regarding matters not on the agenda was voted unanimously by the Board.

No Comments:

Motioned by Mr. Morris and seconded by Mayor Schwager, to close the meeting to the public regarding matters not on the agenda was voted unanimously by the Board.

PUBLIC HEARING:

1. Garden State Lumber, Inc. – 22 Muller Road, Block 301, Lot 4. Public hearing for an amended preliminary and final site plan.

Mr. David M. Repetto, Esq. was before the Board on behalf of the applicant. He would offer testimony from Mr. Joseph Vince, testifying as engineer and planner.

Mr. Joseph Vince was sworn in and offered his credentials to the Board as a licensed engineer and planner in the state of New Jersey and the Board accepted his qualifications.

Mr. DiLandro and Councilman Levy enter the meeting at 7:10pm.

Mr. Vince testified that the subject property is located on 22 Muller Road and consists of 3.03 acres with a 48,627 square foot one-story warehouse on the property. The site is within the IP-Industrial zone and at the end of a cul-de-sac bordering Interstate 287. He entered an exhibit

Exhibit A-1, Amended Site Plan prepared by Schwanewede/Hals Engineering date July 27, 2017 last revised June 26, 2018.

Back in 2001, Garden State Lumber received site plan approval for maximum impervious coverage, parking, and steep slopes variances. The applicant is proposing two canopies with solar panels over the parking and loading area to provide electricity in order to heat and de-ice the top of their trucks in the winter. This improvement will not increase in impervious coverage or disturb the footprint of the building.

The electricity generated from the solar panels will be used solely by Garden State Lumber. Variances will be required for the height of the canopies which are being proposed at 24-feet where 22-feet is permitted and maximum impervious coverage of 41.7 percent where 25 percent is permitted. In addition, a variance is being requested for a side yard setback of 47.8-feet where 48-feet is required. Solar needs to be

mounted at adequate height which will also eliminate any problem for emergency vehicle access. He entered exhibits.

Exhibit, A-2 Architectural drawings prepared by Krauter Auto-Stack dated November 1, 2016 last revised April 14, 2017

Exhibit, A-3, Four photos of the site taken from 287 taken by Mr. Joseph Vince July 11, 2018.

Mr. Vince reviews the exhibits with the Board. The canopy height will be a maximum of 24-feet and graduate downward to allow melting snow to run off. He testified that there would be no glare generated since solar panels are designed to absorb light not reflect it. With the lack of neighbors, the site is primarily buffered by vegetation and Interstate 287. The solar panels will be mounted above the sight line of people. He reviewed photos he took on northbound and southbound of Interstate 287 to show the view.

Mr. Vince offered testimony from a planning perspective. He reviewed the variances again and explained that a front yard setback is not necessary since Planning Board approved this as the rear yard back in 2001.

The variances are considered C-2 variances and the positive criteria being that solar panels are an inherently beneficial use. There is no negative criteria since there would be no detriment to the public, no impact on the zoning ordinance since solar panels are permitted. Solar panels are not a building or enclosed structure therefore, the use is not intense. The benefits are that there is little change, no visual impact and well screened from the neighbors. The electricity generated is guaranteed for company use to de-ice the trucks for safety purposes.

A discussion ensued concerning building coverage increase, impervious coverage and sell back of solar energy. Mr. Vince responded the existing building currently has solar panels and the canopy is solely for the trucks. In addition, he believes the ordinance does not allow selling back. Mr. Lydon responded that the ordinance does allow some sell back to the grid if it is an accessory and not a principal use. The ordinance does not permit solar panel farms. Mr. Vince responded that extra electricity could be used on site but the canopy covers are for the trucks. Mr. Morris questioned if they had the ability to store energy. Mr. Vince responded that this can be done by using micro inverters that attach to the underside of canopy.

Councilman Levy questioned if glare can be caused by snow on top of the canopy. Mr. Vince responded that the design of the canopy slopes in a downward direction so that snow will not accumulate. Mr. Hagberg questioned the elevation of the top of the panels and confirmed that the height of a fire truck could access if needed. Mr. Vince responded that emergency vehicles will be able to circulate around the panels. Mr. Hagberg expressed that the minimum height of the canopy needs to be 16-feet. Mr. Vince responded that they would make that a condition. Mr. Hagberg questioned if

there will be gutters on the building and canopies. Mr. Vincent responded that there will be gutters that lead to retention basin inlet near the canopies. Mr. Hagberg questioned if there were fire hydrants Mr. Vince responded yes.

Mr. Russo questioned if there is a disconnect plan which is required by the Borough's ordinance. Mr. Hagberg responded that this is all handled by the building department.

Mr. Yakimik reviewed questions he had in his report concerning variances and waivers and front yard setback, sign information not included a zoning chart and a difference in canopy square footage. He commented that he would have appreciated the original approved plans. Mr. Vince responded that they will get him a copy of the approved plan.

Mr. Yakimik had concerns with the supporting columns for the canopies and recommended some protection such as bollards or curbing. Mr. Vince responded that all Garden State Lumber drivers are professional and believes there is adequate space to maneuver. A discussion then ensued concerning location of the bollards. Mr. Yakimik requested that documentation concerning the turning radius be provided.

Mr. Yakimik commented that the site appears to be over capacity but would need to refer to the approved plans to be certain. He commented that some fire lanes maybe blocked with equipment and the striping is faded.

Mr. Yakimik questioned the color of the canopy. Mr. Vince responded stainless steel with green supporting columns. Mr. Yakimik questioned if utilities would be underground and could the columns of the canopies interfere. Mr. Vincent responded utilities will be underground but the canopies would cause no interference.

Mr. Yakimik questioned the stormwater management plan, lighting foot candles. Mr. Vince responded that 2.0 and 5.5 foot candles are being proposed which is adequate lighting and causes no glare. Mr. Yakimik questioned if the applicant would be opposed to changing the lighting after six months if it becomes an interference. Mr. Vince responded that he has no objection to that.

A discussion ensued concerning Highland Exemption. Mr. Hagberg responded that certain exemptions are now being done through the building department. He directed the applicant that these applications are on the Borough's website.

Chairman Potash confirmed that the applicant agreed to re-stripe the parking, put up bollards for protection. Mr. Vince responded that they he did not think bollards are necessary since the drivers are experienced. Mr. Russo questioned since they are stipulating to a six month trial period for the lighting, maybe the bollards for the columns can be included. Mr. Vince agreed. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Morris and seconded by Mayor Schwager, to open the meeting to the public matters concerning Mr. Vince's testimony was voted unanimously by the Board.

No comments.

Motioned by Mr. Morris and seconded by Mayor Schwager, to close the meeting to the public regarding matters concerning the testimony of Mr. Vince was voted unanimously by the Board.

No discussion. Chairman Potash entertained a motion.

Motioned by Councilman Levy and seconded by Mayor Schwager, to approve the Garden State Lumber application contingent to stipulations made during the public hearing that will be set forth in the resolution.

Roll Call Vote: Ayes: Mrs. Coira, Messrs. Madden, DiLandro, Haymon, Hagberg, Morris Councilman Levy, Mayor Schwager and Chairman Potash.

Nays: None

Abstain: None

Absent: Mrs. Rowin and Mr. Connolly

## 2. Central Business District Addendum #1.

The road potentially known as "Oak Street Extension" was approved by the Board during the adoption of the Central Business District Plan back in 2006, was no longer a desirable route as per the addendum. The "Oak Street Extension" was removed from the CBD Plan but the rest of the plan remains the same. The reason for the removal of the street is because the Borough is seeking grant funding for the downtown improvements. Mr. Russo has drafted resolution reflecting the approval of the deletion of this portion from the CBD Plan.

## MEMORIALIZATIONS:

### 1. Central Business District Addendum #1.

Motioned by Councilman Levy and Mr. DiLandro, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Mrs. Coira, Messrs. Madden, DiLandro, Haymon, Hagberg, Morris Councilman Levy, Mayor Schwager and Chairman Potash.

Nays: None

Abstain: None

Absent: Mrs. Rowin and Mr. Connolly.

NEW BUSINESS:

The Mayor announced that Chrissy Clipperton resigned and Sandra Steele will be filling in for her.

OLD BUSINESS:

Mr. Russo explained that he and Mr. Hagberg are still working on the shed ordinance to control and regulate that containers cannot be permanent.

PAYMENT OF BILLS:

Motioned by Mr. Morris and seconded by Mr. Haymon, for the payment of bills subject to the availability of funds.

Roll Call Vote: Ayes: Mrs. Coira, Messrs. Madden, DiLandro, Haymon, Hagberg, Morris Councilman Levy, Mayor Schwager and Chairman Potash.

Nays: None

Abstain: None

Absent: Mrs. Rowin and Mr. Connolly.

APPROVAL OF MINUTES:

Motioned by Councilman Levy and seconded by Mr. DiLandro, to approve the July 12, 2018 minutes.

Roll Call Vote: Ayes: Mrs. Coira, Messrs. Madden, DiLandro, Hagberg, Councilman Levy, Mayor Schwager and Chairman Potash.

Nays: None

Abstain: Messrs. Haymon and Morris

Absent: Mrs. Rowin and Mr. Connolly

PUBLIC MEETING ADJOURNED AT 8:50 P.M.

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

Respectfully submitted by,

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Kathlyn Gurney/Administrative Assistant

\*Next meeting on August 9, 2018.