

PLANNING BOARD MINUTES
PUBLIC MEETING
JUNE 10, 2021 - 7:00 P.M.
HELD AT OAKLAND COUNCIL CHAMBERS
Via Video Conference
(Zoom link is located on the Borough's website)
www.oakland-nj.org

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 and the Borough's website
- ❑ Advertised in The Record more than 48 hours in advance of the meeting
- ❑ 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 Kulmala, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:06 P.M., ROLL CALL:

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

EXCUSE ABSENCES:

Motioned by Mayor Schwager and seconded by Mr. Rose, to excuse the absences was voted unanimously by the Board.

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

BOARD PROFESSIONALS SWORN IN:

Mr. Yakimik and Mr. Lydon were sworn in.

Ms. Levy will sit in for Mrs. Coira.

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

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

No comment.

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

Chairman Potash discussed with the Board their comfort level for beginning “in person” meetings again now that CDC guidelines are opening up. Board members gave their preferences and the consensus was that the Board agreed to meet “in person” for the July meeting in the Senior Center. The appropriate notice will be given.

PUBLIC HEARING:

1. Karni – 637 Ramapo Valley Road, Block 1301, Lot 40. Public hearing for a major subdivision.

Chairman Potash announced that the legal notice served to the property owners within 200-feet for this application was insufficient. A discussion ensued concerning whether or not the applicant had to re-notice. Due to the prior discussion concerning “in person” meetings, Mr. Cascio was instructed to re-notice the property owners and The Record. In addition, he will need to include the meeting location will be at the Senior Center. Mr. Cascio agreed to the request of the Board. Chairman Potash entertained a motion to carry the Karni application to the July 8, 2021 public hearing.

Motioned by Mayor Schwager and seconded by Mr. Connolly to carry the Karni application to the July 8, 2021 public hearing to be held “in person” at the Senior Center contingent to the applicant re-noticing the property owners and The Record.

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

ORDINANCE REVIEW:

Chairman Potash explained that there are 3 ordinances pertaining to Limited Brewery, Craft Distillery and Winery for Planning Board review. These ordinances have not yet been introduced

to Mayor and Council. A Limited Brewery will be considered a conditional use that is permitted in the B-2 zone. The operator will need to possess a valid license by the New Jersey Alcoholic Beverage Commission (NJABC). No food can be served or sold on the premise however, food may be brought in by the patron. A limited brewery is not a restaurant and not meant to impact the surrounding restaurant businesses. Breweries have chairs, tables and benches and the parking requirements will be the same as a restaurant. Tours are required. The Craft Distillery follows the same zone requirements. The difference is that the brewery shall not brew more than 300,000 barrels of beverage a year and the craft distillery shall not manufacture more than 20,000 gallons of distilled alcoholic beverages a year.

The consensus of the Board was that they favor the ordinances to introduce limited breweries and craft distilleries and request that the ordinance be amended to read that only 1 tour annually be required. In addition, the brewery or craft distillery follow the rules and regulations set forth by the NJABCC. They feel that these types of businesses will be an opportunity for economic growth in the town.

The Board did not feel that the winery ordinance has a realistic future in the town since it will require at least 3 acres for a vineyard so they do not recommend Mayor and Council adopt the winery ordinance. It was mentioned that it will be difficult for these businesses to move into a town without sewers. Chairman Potash entertained a motion.

Motioned by Mr. Connolly and seconded by Mr. Morris, to authorize Mr. Russo to draft a letter recommending the limited brewery and craft distillery ordinance be adopted with the amendments instructing that rules and regulations of the NJABCC be followed and 1 annual tour be required. In addition, a letter be drafted not recommending the winery ordinance due to the land requirements for a vineyard.

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

Ordinance 21-CODE-830

Chairman Potash explained that as per the Federal Telecommunications Act, this ordinance will allow the Borough to regulate technological development associated with small cell wireless companies in the municipal right-of-ways. This does not apply to county roads. The ordinance will require telecommunications companies to receive consent from the Borough for installation of antennas, small cells and other communication devices and equipment in the right-of-way. Mr. Connolly informed the Board that Bergen County does not control small cell installation in the County's right-of-way. A discussion ensued between Mr. Yakimik, Mr. Lydon and Mr. Connolly concerning controls in the right-of-way on County roads and where the right-of-way begins and ends. Mr. Yakimik responded that he believes that the County has jurisdiction of their right-of-

way and is measured from the face of the curb back to the property. Mr. Connolly disagrees and believes if the Borough does not take control on the County right-of-way, companies will have freedom over of these roads and do what they want to do. Mr. Yakimik responded that he will reach out to the Borough Attorney for clarity on this matter. Mr. Connolly also recommended that the installation of any equipment be installed at a minimum of 7-feet from ground level to avoid injuries to pedestrians.

The consensus of the Board was that Mayor and Council do more research concerning who and if the Borough can gain control of the Bergen County right-of-way from the face of the curb back towards the property. Also the Board recommends to amend the ordinance to include that the installation of equipment be at a minimum height of 7-feet from ground level. Chairman Potash entertained a motion.

Motioned by Mr. Rose and seconded by Councilman Kulmala, to authorize Mr. Russo to draft a letter recommending the Small Cell Ordinance with the recommendation that Mayor and Council do more research concerning who and if the Borough can gain control of the Bergen County right-of-way from the face of the curb back towards the property. In addition, amend the ordinance to include that the installation of equipment at a minimum height of 7-feet from ground level.

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

Ordinances 21-CODE-835 through 21-CODE-843

Chairman Potash explained that the above referenced 9 ordinances are related to affordable housing and in accordance with Housing Element and Fair Share adopted, the Borough is required to adopt a series of ordinances. Most of the contents of these ordinances have been discussed. He offered Mr. Lydon's interpretation of the ordinances.

Ordinance 21-Code-835

Mr. Lydon explained that the first ordinances mainly provides the mechanics of how to run an affordable housing program. It gives different definitions and uses regulations set forth by COAH which has since been dissolved. These regulations require each town to have Municipal Housing Liaison, Buyer Income Eligibility, Rent Restrictions, Tenant Eligible, Administrative Agent, and Affirmative Marketing Plan.

Ordinance 21-Code-836

The next ordinance pertains to Development Fees. This gives the Borough the authority to charge development fees on non-residential developments which is deposited into the affordable trust fund used for things such as housing rehabilitation. It also establishes standards for the collection, maintenance and expenditures of development fees.

Ordinance 21-Code-837

Mr. Lydon continued that the next 3 ordinances involve rezoning property for affordable housing. This ordinance involves a vacant lot (9 acres) on Raritan Road, RA-3AH, to provide multi-family housing at a permitted density of 16 units per acre and 22 units per acre (rentals) with a building height of no more than 52-feet. Twenty percent of all dwellings will be very low, low and moderate income households. A discussion ensued concerning whether appropriate notice was given to the property owners in that zone. Mr. Russo and Mr. Lydon reminded the Board that these ordinances being passed are pursuant to a settlement agreement with Fair Share Housing Center. The consensus of the Board was they favored the ordinance however, they want to confirm that proper notice was given to those property owners impacted.

Ordinance 21-Code-838, RA-4AH, involves certain lots on West Oakland Avenue, Block 1706, Lot 4.01 and Block 1702, Lot 2. The ordinance rezones 2 properties owned by Triple D Holdings and West Bergen Mental Health Care. This zone will now allow 15 multi-family units per acre with a building height of no more than 52-feet. Twenty percent of all dwellings will be very low, low and moderate income households. The consensus of the Board was they favored the ordinance however, they want to confirm that proper notice was given to those property owners impacted.

Ordinance 21-Code-839, RA-5AH, rezones the property behind Oakland Hardware and Terhune Street known as the Ropper Oakland site, Block 1802, Lot 1. This zone will allow multi-family housing with a density of 20 units per acre (for sale) and 26 units per acre (rentals). Construction will consist of 17 affordable dwellings, 6 consisting of 3 bedrooms and 8 consisting of 2 bedrooms. The developer/owner of the property will be responsible to construct a municipal street, at their own cost, adjacent to the railroad running the width of the lot connecting to Terhune Street with Oak Street.

Ordinance 21-Code-840, this requires all new development that creates or generates 5 or more new attached residential units to set aside 20 percent for affordable units.

Ordinance 21-Code-841, involves creating senior affordable housing on Block 1901, Lot 14, known as 277 Ramapo Valley Road. This will permit a density of 20 dwellings units per acre. They will need to await the vacancy of an adjacent home.

Ordinance 21-Code-842, involves an overlay of the Central Business Districts to include affordable housing on the upper floors of a principal use. These zones will now be known as CBD-I AHO and CBD-II AHO.

Ordinance 21-Code-843, involves the property behind Shop Rite, Block 3001, Lots 1, 4, 15 and 18. This will permit construction of a residential development consisting but not exceeding 204 dwelling units of which 27 shall be deed restricted affordable dwellings, 18 for sale and 9 rental dwellings.

Again, all of the ordinances will be adopted consistent with and as per a settlement agreement. No construction shall commence without NJDEP treatment works approval permit and all necessary permits for sewer connection.

Mr. Russo reminded the Board that these ordinances to be adopted were initiated as part of a settlement agreement. He confirmed that the Board favored the recommendation adopting these ordinances to Mayor and Council. However, the Board expressed concerns with and wanted to confirm that proper notice was given to property owners involved with ordinance 837 and 838. Chairman Potash entertained a motion.

Motioned by Mr. Haymon and seconded by Mr. Connolly, to authorize Mr. Russo to draft a letter recommending the above affordable housing ordinances with the

MEMORIALIZATIONS:

1. Bellizzi – 62 Monhegan Avenue and 89 Manito Avenue, Block 5501, Lot 1 and 2.
Approval for a minor subdivision.

Eligible voters: Mrs. Coira, Messrs. Marscovetra, Rose, Connolly, Haymon, Morris, Councilman Kulmala, Mayor Schwager and Chairman Potash.

Motioned by Mr. Connolly and seconded by Mayor Schwager, to memorialize the above resolution of approval.

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

2. Liss- 59 Glen Gray Road, Block 901, Lot 13. Approval for construction of a new single family dwelling in the floodplain.

Eligible voters: Mrs. Coira, Messrs. Marscovetra, Rose, Connolly, Haymon, Morris, Councilman Kulmala, Mayor Schwager and Chairman Potash.

Motioned by Mayor Schwager and seconded by Mr. Connolly, to memorialize the above resolution of approval.

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

PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Mr. Rose and seconded by Mr. Connolly, to approve the May 13, 2021 Minutes.

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

NEW BUSINESS:

None

OLD BUSINESS:

Discuss plans to schedule a Downtown Committee meeting in August.

PUBLIC MEETING ADJOURNED AT 9:06 P.M.

Motioned by Mr. Morris and seconded by Mayor Schwager, to adjourn the meeting by a unanimous vote by the Board.

Respectfully Submitted by,

Kathlyn Gurney, Administrative Assistant

*Next meeting on July 8, 2021