

PLANNING BOARD MINUTES
PUBLIC MEETING
JUNE 13, 2019 - 7:00 P.M.
HELD AT OAKLAND COUNCIL CHAMBERS
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:

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

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

Present Members: Ms. Levy, Messrs. Marscovetra, Liss, Rose, Haymon, Morris, Councilman Levy, Mayor Schwager and Chairman Potash.

Absent Members: Mrs. Coira and Mr. Connolly

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

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

Mr. Liss sitting in for Mrs. Coira and Ms. Levy sitting in for Mr. Connolly.

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA:

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

No comments.

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

PUBLIC HEARING:

1. Dewey Electronics Corporation – Muller Road, Block 310, Lot 27. Public hearing for a minor subdivision will be adjourned until the July 11th public hearing.

MEMORIALIZATIONS OF RESOLUTIONS:

None

PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Councilman Levy and seconded by Mr. Haymon, to approve the May 9, 2019 Minutes.

Roll Call Vote: Ayes: Messrs. Liss, Marscovetra, Rose, Haymon, Councilman Levy and Chairman Potash.
 Nays:
 Abstain: Ms. Levy, Mr. Morris and Mayor Schwager
 Absent: Mrs. Coira and Mr. Connolly.

NEW BUSINESS:

Chairman Potash announced that A & E Ventures of Oakland has requested that the Board vote to extend the prior site plan approval. Mr. Russo explained that the applicant received approval several years ago and these approvals were extended according to the law of the NJ Permit Extension Act which expired back in 2017. Going forward the applicant is required to follow the extension process pursuant to the statute. Mr. Herten is requesting the third and final extension for one of the restaurant approval.

Mr. Thomas Herten with Archer & Greiner approached the Board and explained that back in 2010, his client received subdivision approval to create 2 separate lots because two principal uses were not permitted on the property. They received conditional approval for the Bank and preliminary and final site plan approval for the proposed restaurant lot which is up for the third and final extension. The extension is being pursued to keep alive all approvals received along with variances, waivers and a soil moving permit. He shared with the Board that his client pursued an application before the Zoning Board of Adjustment for two years which was withdrawn and currently, the property owner is about to make application once again. This application will be for a permitted use of the subject property which will go before the Planning Board.

Mr. Russo informed the Board that he and Mr. Lydon have seen the plans for the new submission and questioned if the applicant proposes to merge the properties back to one lot. Mr. Herten confirmed that the applicant does plan to merge the lots. Mr. Liss pointed out that the wrong date was on the request for the extension.

Mr. Yakimik informed the Board that at the last extension, Mr. Herten was to inform the property owner that proper site maintenance would be a provision and the property owner has complied. He also discussed the amendment to the sign ordinance and as part of the amendment, the Burger King signs are considered off premise signs which are now in violation and the Board may recommend they come down. Councilman Levy questioned if the signs would be considered grandfathered in since they were there before the ordinance. Mr. Russo responded that he would consider those signs grandfathered in. Councilman Levy expressed that signs would probably be better off taken down since it creates an unsightly image and a more abandon appearance of the property. Mr. Herten responded that he does not have the authority to agree to take the signs down in the event the applicant may use and reface them. Mr. Morris suggested that a time limit be set and if the applicant fails to make application, then action should be taken concerning the sign. Mr. Russo advised that a timeframe of 120 days should be set to remove the signs in the event the property owner does not make application. If the property owner does make application, then the sign structure should stay until the application concludes but the Burger King logo should be removed. Chairman Potash entertained a motion to extend for one final year the site plan approval of A & E Venture of Oakland.

Motioned by Councilman Levy and seconded by Mr. Morris, to approve the third and final one-year extension. In addition to the approval, the Board added a stipulation that the sign structures can remain for 120 days and if application is made within that time, the sign structures may continue to remain but the Burger King Logos are to be removed.

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

OLD BUSINESS:

Chairman Potash announced that the ordinance amendment, 19-CODE-785, is was placed on the agenda for the Planning Board to discuss and recommend to Mayor and Council the elimination of section 59-49D(7). He reminded the Board of the discussion at a past meeting and what prompted this amendment to the ordinance. Mr. Russo gave the new members a bit of history behind the proposed amendment to the ordinance. The Board is able to grant variances in all the RA zones except for RA-4 and has requested that that portion of the ordinance be changed allowing them to grant variances in that zone. Chairman Potash entertained a motion to authorize Mr. Russo to draft a letter recommending the amendment to Ordinance 19-Code-785.

Motioned by Mr. Rose and seconded by Mr. Liss, to authorize Mr. Russo to draft a letter to Mayor and Council recommending the amendment to Ordinance 19-Code-785.

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

Chairman Potash reminded the Board that a sub-committee was formed and he recommended that they read over the Central Business District Plan 2006 and the most recent master plan 2016 Re-Examination Report before they begin meeting. Mr. Lydon informed the Board that he is still awaiting a response from the Highlands concerning the grant award for his application. He forwarded the most recent, 2016 Re-Examination Report and the 2006 Central Business District Plan to the Highlands.

Chairman Potash questioned Councilman Levy on when to begin these meeting. Councilman Levy responded that there is no urgency to meet since the Central Business District will be hinged on whether that area gets sewers. The Mayor informed the Board that the Sewer Committee will be meeting with the BCUA tomorrow and will have better knowledge of when that will occur. Councilman Levy explained that sewers will play a big part on what they can do in the downtown area as far as attracting certain types of businesses. He also is getting feedback

from residents through social media and most of the response is people are looking for a quaint downtown area that they can easily walk through.

Again, Chairman Potash suggested that the sub-committee read over the material and maybe at the next meeting, they will be in a better position to schedule a meeting. Mr. Rose offered his help whenever they need it.

PUBLIC MEETING ADJOURNED AT 7:37 P.M.

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

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on June 13, 2019.