

PLANNING BOARD MINUTES
PUBLIC MEETING
MAY 10, 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 7:02 P.M., ROLL CALL:

Present: Mmes. Rowin and Coira and Messrs. Messrs. Connolly, Madden, Haymon, Hagberg, Councilman Levy, Mayor Schwager and Chairman Potash.
Absent: Messrs. DiLandro and Morris.

Motioned by Mr. Hagberg and seconded by Mrs. Rowin, to excuse the absence of Messrs. DiLandro and Morris was voted unanimously by the Board.

Mr. Madden sitting in for Mr. Morris and Mr. Connolly sitting in for Mr. DiLandro.

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

OPEN TO THE PUBLIC:

Motioned by Mrs. Rowin and seconded by Mayor Schwager, to open the meeting to the public for items not on the agenda was voted unanimously by the Board.

No comment.

Motioned by Mrs. Rowin and seconded by Mr. Hagberg, to close the meeting to the public for items not on the agenda was voted unanimously by the Board.

PUBLIC HEARING:

1. Conklin – 353 West Oakland Avenue, Block 2510, Lots 2 & 3. Public hearing for construction in the floodplain.

Mr. Francis Battersby, Esq., law office located in Oakland, was before the Board on behalf of the applicant. He gave a description of the subject property located in the floodplain. The single family dwelling with a detached garage fronts both West Oakland Avenue and Mountain View Avenue. Mr. Battersby explained that a letter was sent to the NJDEP explaining the proposed improvements. NJDEP responded that they had no objection pursuant to the use of the Permit by Rule and NJDEP. He entered exhibits.

Exhibit A-1, Survey prepared by DMC Associates, Inc. dated April 18, 2018, last revised April 25, 2018.

Exhibit A-2, Proposed Addition & Alterations prepared by James P. Cutillo Associates dated November 6, 2017.

Mr. Conklin was sworn in and he described the existing condition of his property and what he proposes. He explained that there will be no change to the grade or setbacks but a variance is required for a pre-existing non-conformity of 5.23-feet in the front yard setback. A discussion ensued concerning some inconsistencies with plans submitted to the Board. Chairman Potash informed the applicant that zoning tables are required to be shown on the plans. A discussion ensued concerning an increase in lot coverage.

It was determined that Mr. Conklin proposes to remove a portion of the west wing and replace it with a 20' by 20' (400 square foot) family room which will extend 206 square feet more than the existing footprint and the lot coverage will only increase by 2 percent. Councilman Levy informed the Board that the DEP follows the current flood maps but once the preliminary flood maps become effective, the applicant's situation will improve.

It was verified that the setbacks will go no further than what was attested to and the applicant must include the zoning table on the as-built. Chairman Potash entertained a motion to open the meeting.

Motioned by Mrs. Rowin and seconded by Mrs. Coira, to open the meeting to the public regarding matters concerning the Conklin application was voted unanimously by the Board.

No comments.

Motioned by Councilman Levy and seconded by Mr. Haymon, to close the meeting to the public regarding matters concerning the Conklin application was voted unanimously by the Board.

Chairman Potash asked if there were any more questions and seeing none, he entertained a motion.

Motioned by Mrs. Coira and seconded by Mr. Connolly, to approve the Conklin application contingent to the applicant providing an as-built with zoning table showing the variance being requested, no change in the grading of the property and have the correct address, block and lot added to the title box of the site plan.

Roll Call Vote: Ayes: Mmes. Rowin and Coira, Messrs. Connolly, Madden, Haymon, Hagberg, Councilman Levy, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Messrs. DiLandro and Morris

2. Laura Lane Associates, LLC – 6 Laura Lane, Block 3301, Lot 23.04 and 133 Long Hill Road, Block 3301, Lot 18. Public hearing for a minor subdivision and soil move.

Mr. Ben Cascio, Esq, law office located in Franklin Lakes, was before the Board on behalf of the applicant. He explained that he did not give notice since public notice is not required for a minor subdivision. He introduced the owner and developer of the property.

Mr. Gorge Knudson was sworn in and testified that he is the owner of Laura Lane Associates, LLC and is a partner in the application with his neighbors Frank and Cheryl to subdivide both their properties to create a new lot.

Mr. Cascio introduced the applicant's engineer, Mr. Joseph Vince, P.E. & P.P. Mr. Vince was sworn in and offered his credentials and the Board accepted his qualifications as a civil engineer and planner. Mr. Vince entered exhibits.

Exhibit A-1, Boundary & Topographic Survey prepared by Schwanewede/Hals Engineering dated February 22, 2018.

Exhibit A-2, Minor Subdivision prepared by Schwanewede/Hals Engineering dated February 22, 2018.

Exhibit A-3, Development Plan & Slope Analysis prepared by Schwanewede/Hals Engineering dated February 22, 2018.

Exhibit A-4, Development Plan & Slope Analysis prepared by Schwanewede/Hals Engineering dated February 22, 2018 last revised on May 10, 2018 sheet 4 of 5.

Exhibit A-5, Development Plan & Slope Analysis prepared by Schwanewede/Hals Engineering dated February 22, 2018 last revised on May 10, 2018 sheet 1 of 1.

Mr. Vince explained that a new lot would be established as a result of the subdivision between properties 6 Laura Lane and 133 Long Hill Road. There are no variances required and the applicant is proposing a soil move of approximately 1,262 cubic yard off-site.

Both properties are oversized and developed with a single family home on each lot in the RA-1 Residential zone. Lot 18 is a flag lot consisting of approximately 3.2 acres with a pre-existing deficiency in the front setback and lot 23.04 is an irregular sized lot consisting of 1.4 acres.

The proposed new lot has various levels of steep slopes. A flat portion has been selected for the building site and will not violate the Borough's Steep Slope Ordinance. Mr. Vince reviewed the steep slope allowances with the Board. Mr. Yakimik questioned how the steep slope categories were established. Mr. Vince responded that a topography survey was conducted and the slope categories were entered into a computer program. Chairman Potash verified that no construction would take place in the greater than 15% category. Mr. Vince confirmed no construction in the 15% or greater category.

A discussion ensued concerning straightening the subdivision lot line to eliminate any confusion in the event one of the property owners puts up a fence. He informed the Board that test holes were conducted and the soil is suitable for the installation of a septic system.

Mr. Vince explained that approximately 1,282 cubic yards of soil will be moved and that they would comply with soil erosion and sediment controls according to the Borough's Soil Movement Ordinance. It was commented that the soil move application was vague and the Board requested more information concerning the number of trucks, truck routes, contractor and hours and days of operation. Mr. Vince responded they are proposing approximately 86 truckloads to export soil out of town Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. by way of Franklin Lakes or Wayne. They have not hired the contractor for the soil move yet but excavation equipment and a bulldozer will be used for the soil move. Thirty-three mature trees will need to be removed and a Bergen County Soil Conservation application must be filed. Chairman

Potash informed Mr. Vince that they will need to comply and receive a Shade Tree permit.

Mr. Lydon informed the applicant that this is a sensitive area. The Board questioned if there will be any impact on wetlands that surround the development. Mr. Vince responded no. Mr. Yakimik questioned the lot width of the front yard setback and more testimony concerning a driveway being proposed over a swale. Mr. Vince responded that there are no variances needed and they plan to construct a wall for the driveway and fill in the swale. A discussion ensued concerning blocking drainage by filling in the swale. Mr. Russo informed Mr. Vince that retaining walls cannot exceed 4-feet.

It was discussed that there has been complaints concerning drainage issues in this area and it would have to be a condition that any improvements could not create any runoff issues or drain out onto Laura Lane. Mr. Vince informed the Board that a storm drain inlet would be located at the bottom of the driveway that could handle 100-year storm event but the runoff from the house would be directed to a seepage pit on the property. Mr. Yakimik pointed out that the drainage calculations given are for a 10-year flood which would need to be revised. Chairman Potash explained to the applicant that approval will be contingent to a drainage solution which will have to satisfy the Board's professionals.

Chairman Potash asked if there were any more questions and seeing none, he entertained a motion to open the meeting to the public.

Motioned by Mrs. Rowin and seconded by Mr. Haymon, to open the meeting to the public regarding matters concerning the Laura Lane Associates, LLC application was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Councilman Levy, to close the meeting to the public regarding matters concerning the Laura Lane Associates, LLC application was voted unanimously by the Board.

The Board reviewed the conditions of approval. Chairman Potash entertained a motion.

Motioned by Mrs. Coira and seconded by Mr. Connolly, to approve the Laura Lane Associates, LLC application contingent to:

1. Retaining walls not to exceed 4-feet in height.
2. Grading plan for the driveway area must be approved by the Board's engineer.
3. Shade Tree Commission compliance.
4. Criteria for a 10-year flood to be revised to reflect a 100-year flood.

5. Soil conditions have to be satisfactory at the location of the proposed seepage pits.

Roll Call Vote: Ayes: Mmes. Rowin and Coira, Messrs. Connolly, Madden, Haymon, Hagberg, Councilman Levy, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Messrs. DiLandro and Morris.

MEMORIALIZATION:

None

PAYMENT OF BILLS:

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

Roll Call Vote: Ayes: Mmes. Rowin and Coira, Messrs. Connolly, Madden, Haymon, Hagberg, Councilman Levy, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Messrs. DiLandro and Morris.

APPROVAL OF MINUTES:

Motioned by Councilman Levy and seconded by Mr. Madden, to approve the April 12, 2018 minutes.

Roll call vote: Ayes: Mrs. Rowin and Messrs. Madden, Haymon, Hagberg, Councilman Levy, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: Mrs. Coira and Mr. Connolly
Absent: Messrs. DiLandro and Morris.

NEW BUSINESS:

1. Discuss Ordinance 18-Code-767

Chairman Potash informed the Board did not receive input from the Police department. This matter will be tabled until the next meeting.

2. Oakland BOE – Playground Improvements.

Mr. Russo referred to plans that were submitted to the Board for the improvements to three elementary school playgrounds. He and the Chairman discussed that the Board has no jurisdiction unless a significant site disturbance is being proposed then, they would be required to come before the Board for an informal review. It was decided that Mr. Yakimik would review the plans to see if he had any concerns. He referred the matter to Mr. Yakimik. Mr. Yakimik informed the Board that he conducted a site inspection on all 3 playgrounds and saw no concerns referring to drainage or impervious surface. However, he did suggest that vehicle barriers be installed between the parking area and the playground. Mayor Schwager pointed out wrong information on the title block of the plans.

At the Board's discretion, Mr. Russo requested would send a letter to the Board of Education addressing Boswell's concerns and inform them that no informal review is necessary. The Board agreed with Mr. Russo.

3. Central Business District Plan Amendment.

Councilman Levi questioned the process involved to have the Yawpo Avenue extension deleted from the downtown plan. He explained to the Board that this design is not feasible and will interfere with the park's redevelopment. A discussion ensued concerning the process and timing to remove this from the master plan. Mr. Lydon explained that he would prepare drawings and put together some language for the next meeting and they would need to provide public notice for the July meeting that action will be taken. Mr. Lydon informed he would have something at the next meeting.

4. POD/Shed Ordinance Discussion.

Mr. Hagberg explained that the Board may want to look at the Pod Ordinance. He explained that there is nothing in the ordinance restricting pods or other containers from being placed in the rear yard. A discussion ensued concerning that the Mayor and Council have jurisdiction over amending ordinances. This would be discussed further next month.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 8:47 P.M.

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

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on June 14, 2018.