

PLANNING BOARD MINUTES
PUBLIC MEETING
NOVEMBER 12, 2020 - 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 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. Liss, Rose, Marscovetra, Connolly, Haymon, Morris, Councilman Van Eck, Mayor Schwager and Chairman Potash.

Absent Members: Mrs. Coira

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

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

Chairman Potash announced that Mr. Liss will sit in for Mrs. Coira.

BOARD PROFESSIONALS SWORN IN:

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

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

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

None

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:

1. Oakland Diner – 72 Ramapo Valley Road, Block 2601, Lot 7. Public hearing for an amend site plan for a second story addition and a four season dining pavilion.

The Mayor announced she will recuse herself from the meeting. Mrs. Levy sitting in for Mayor Schwager.

Mr. John Rizzo, Esq. located in Hasbrouck Heights was before the Board to represent the applicant. He explained that G.H. Restaurant Corp. is proposing a second story addition and improvements to the outdoor dining area, making it four season.

He expressed to the Board that due to the pandemic, restaurant businesses have been struggling and outdoor dining has become popular. The applicant would like to continue that service and improve and transition of the outdoor dining area to allow it.

Mr. Rizzo introduced Tibor Latincsics from Conklin Associates located in Ramsey, NJ. He will testify on the applicant's behalf concerning engineering. Mr. Latincsics gave his credentials and the Board accepted his qualifications.

Mr. Latincsics reported that the subject property is located at 72 Ramapo Valley Road and sits on 1.64 acres. The rear of the subject property is undeveloped and it neighbors the Valero gas station on lot 6. There is a shared parking easement between both the gas station and the diner. Currently existing, is a deck with a temporary tent covering that area and a ramp leading up to the outdoor dining area.

Historically, the Oakland Diner site offers 61 parking spaces, 13 of which are shared between the diner and the gas station and 9 spaces that are overlapped by the deck used for outdoor dining. There will be no impervious surface or drainage runoff change. A septic, approved by the NJDEP, was installed a few years back.

The project will be done in two phases. Phase I will consist of a 970 square foot second story addition which will allow office space, a bakery area, a cold box and additional storage space. Both phase I and II, will not increase the number of seats in the diner. Seating will remain at 113 seats requiring 38 parking spaces. Exhibits were entered.

Exhibit A-1, Site plan, Existing Conditions, prepared by Conklin Associates dated June 20, 2012 and revised October 21, 2020.

Exhibit A-2, Site plan, Phase I, Office and Storage Addition, prepared by Conklin Associates dated June 20, 2012 and revised October 21, 2020.

Exhibit A-3, Site plan, Phase II, Four season Dining Pavilion, prepared by Conklin Associates dated June 20, 2012 and revised October 21, 2020.

Phase II will entail transforming the outdoor dining area into a 1,770 square foot, one-story Four Season Dinning Pavilion which will cover the same footprint of the deck. There is an existing ADA compliant handicapped ramp and the new parking layout will improve the circulation. Bollards are being proposed in the front of the building to protect and encourage patrons to pull up to the building. Ten parking spaces in front of the building will be angled and allow for an 18-foot backup aisle with a drop curb to warn drivers not to back out onto Ramapo Valley Road. Included with the 10 parking spaces will be 2 ADA compliant van-accessible handicapped spaces. Mr. Latinscics explained that in addition to improving the parking design, they planned to move an existing Valero pylon sign to a different location so they can add some green space where the six parking spaces are located on the Valero side. A discussion ensued and this request was withdrawn due to triggering a use variance.

Currently, there are 2 inlets located along Ramapo Valley Road that drain both sites. The improvements will be not increase of stormwater runoff. A minor soil moving application has been filed with less than 250 cubic yards being disturbs for footings for the Pavilion and rear addition. They have an application before the Bergen County Planning Board who will conduct a site inspection. They require a 10-foot easement from the roadway. The parking easement has no impact on the septic.

Mr. Latinscics addressed questions in Mr. Yakimik's report. Redevelopment over existing impervious surface makes them exempt from Highlands. They have withdrawn the relocation of the sign. They will reach out to Fire Prevention about traffic circulation in the rear of the property. Removal of a paved area to the west of the property will now remain. No major vehicle accidents pulling out onto Ramapo Valley Road but accidents are reported at the Ramapo Valley Road and Doty Road intersection. The applicant plans to make one ingress and one egress which will improve circulation. Adequate lighting will be added to the plan.

A discussion ensued concerning the insert of green isles causing the site too lose parking spaces. Mr. Latinscics responded that the site is still in incompliance. Mr. Russo informed the Board that the Borough's ordinance requires 1 parking space for every 3 seats. Since the pandemic, it has become urgent to move forward with phase I and II of the improvements due to the

circumstances. There are no variances, the seating will remain a 113 seats and the water usage will also remain the same at 25%. Ten of the parking spaces are still being reviewed by the Bergen County Planning Board. These spaces will be angled at 30 degrees and increase the back-up distance to approximately 18-feet aided by a drop curb to prevent backing into traffic. The angle for the parking spaces will encourage and improve the parking circulation. Mr. Connolly questioned how the exits will be delineated and requested that nothing more than 30" in height be planted in the green isles. Mr. Latinscics responded that there will be a stop bar and a stop sign located at the exit and they plan to plant a low lying juniper in the green isles.

Mr. Lydon went through some of the points in his report. A barrier free pathway will need to be accessible off of Ramapo Valley Road with 2 ADA compliant parking spaces. They discussed the structure design. There will be a need for protective bollards and a shift in the bollards near the van-accessible spots to allow handicapped accessibility. He suggested a timber style guardrail be placed between the walkway and the adjacent parking spaces on the easterly side. Signage improvements, width and depth of the parking spaces were discussed along with their plan if Bergen County does not allow the parking spaces in the easement. Mr. Latinscics responded that signage will comply with the Borough's ordinance, they are proposing 9'X18' parking space and if the 10 parking spaces are not approved, they will still comply with parking requirements.

They discussed the Fire Prevention requirements concerning fire zones and loading areas. Mr. Latinscics responded that the loading area is located in the rear of the building and will continue to receive deliveries there since it is less busy in that area. They plan to clean up the pavement on the western corner. A discussion ensued concerning a waiver for the proposed 13'6" one-way aisle along the easterly side of the diner.

Mrs. Levy questioned the possibility of sidewalks/future walkway being installed to improve pedestrian safety. It may involve the County but Mr. Latinscics will look into it. Mr. Rose suggested a "no left turn" sign out of the parking lot onto Ramapo Valley Road. Mr. Latinscics responded that this is the County's call.

Mr. Rizzo introduced Mr. Steven Lazarus, A.I.A. Mr. Lazarus shared his credentials and the Board accepted his qualifications.

Mr. Lazarus testified that the applicant proposes an addition of a 1,770 square foot pavilion to replace the temporary outdoor dining structure currently existing. Mr. Harry Mihas was sworn in and testified that the existing indoor dining area will now be used for takeout orders. The occupancy maximum for the pavilion will be 113 seats. The pavilion will be used for all seasons with "wall like" garage doors that can be opened in the nicer weather. No further testimony.

Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Connolly and seconded by Mr. Rose, to open the meeting to the public regarding matters concerning the Oakland Diner application was voted unanimously by the Board.

Mr. Anish Amin, representative of Valero and consenting to the application, requested that the 6 parking spaces in the easement be at a 90% angle.

Mr. Chopper Russo, 58 Minnehaha Blvd., offered his support to Harry and is in favor of the application.

Motioned by Mr. Liss and seconded by Mr. Morris, to close the meeting to the public regarding matters concerning the Oakland Diner application was voted unanimously by the Board.

Mr. Russo reviewed the conditions of the application if it were to be approved:

- Bergen County Planning Board approval.
- Highland exemption through the town.
- Fire Prevention approval.
- Health Department approval.
- Relocation of Valero sign to be removed from plan and replaced with island.
- Reduce the number of bollards as per the Engineer's recommendation.
- Adequate lighting provided.
- Reconfigure island on Valero.
- Shift easterly handicapped space closer to ramp.
- Parking width and length.
- Ramp expansion.
- Van accessible striping.
- County approval to remove 2 parking stalls to be removed.
- Reposition bollards.
- Easterly guardrail.
- Bollard detail.
- No sleeves on bollards.
- Easement parking shift.
- Future sidewalk design.
- 6 parking spaces 90 degree angle consistent with condition.
- No variance waiver for drive aisle 13.6 one-way to loading area.
- Asphalt west removed and landscaped.
- 1"=5' plans.

Chairman Potash entertained a motion.

Motioned by Mr. Rose to deny the application. Motion dies.

Motioned by Mr. Morris and seconded by Mr. Liss, to approve the Oakland Diner phase I and II application contingent upon stipulations listed above.

Roll Call Vote: Ayes: Mrs. Levy, Messrs. Liss, Marscovetra, Haymon, Morris and Chairman

Potash.

Nays: Mr. Rose

Abstain: Mr. Connolly and Councilman Van Eck

Absent: Mrs. Coira

MEMORIALIZATIONS:

None

PAYMENT OF BILLS:

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

A discussion ensued concerning bill #8. It was decided that this bill did not belong on Planning Board's bills list and was removed.

Motioned by Mr. Morris and seconded by Mr. Liss, to approve the amended bills list subject to the availability of funds.

Roll Call Vote: Ayes: Mrs. Levy, Messrs. Liss, Rose, Marscovetra, Connolly,

Haymon, Morris and Chairman Potash.

Nays: None

Abstain: Councilman Van Eck

Absent: Mrs. Coira

APPROVAL OF MINUTES:

Motioned by Mr. Morris and seconded by Mrs. Levy, to approve the October 8, 2020 Minutes.

Roll Call Vote: Ayes: Mrs. Levy, Messrs. Liss, Rose, Marscovetra, Morris, Councilman Van Eck and Chairman Potash.

Nays: None

Abstain: Messrs. Connolly, Haymon and Mayor Schwager

Absent: Mrs. Coira

NEW BUSINESS:

Adopt 2021 meeting schedule.

Motioned by Mr. Morris and seconded by Mr. Rose, to adopt the 2021 Planning Board meeting schedule.

Roll Call Vote: Ayes: Mrs. Levy, Messrs. Liss, Rose, Marscovetra, Connolly,

Haymon, Morris, Councilman Van Eck and Chairman Potash.
Nays: None
Abstain:
Absent: Mrs. Coira

OLD BUSINESS:

Discussion concerning the states recent decision to legalize marijuana.

Mr. Russo advised the Board that they should re-visit the discussion on marijuana due to pending legalization in New Jersey. Back in 2018, Planning Board reviewed a Marijuana ordinance and Mr. Russo was authorized to draft a letter to Mayor and Council informing them the Planning Board's position on permitting marijuana retail, cultivation and manufacturing in certain zones. However, Mayor and Council adopted an ordinance prohibiting retail, cultivation and manufacturing all together.

The Board expressed that they would like to see, once legislation is passed, an ordinance adopted as soon as possible permitting marijuana retail, cultivation and manufacturing in certain zones to ensure receiving the tax credits predicted. The Planning Board was in agreement that Mr. Russo draft another letter to the Mayor and Council urging them to get the ball rolling and inform them that the Board is in agreement that the town should allow all aspects that involve medical and recreation use of marijuana once legislation goes through.

PUBLIC MEETING ADJOURNED AT 10:31 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 December 10, 2020.