

PLANNING BOARD MINUTES  
PUBLIC MEETING  
NOVEMBER 14, 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: Mmes. Coira and Levy, Messrs. Marscovetra, Liss, Rose, Connolly, Morris, Councilman Levy, Mayor Schwager and Chairman Potash.  
Absent Members: Mr. Haymon

Also in attendance was Mr. Joseph Russo, Esq., Board Attorney, Steve Lydon, Board Planner and John Yakimik, Board Engineer.

BOARD PROFESSIONALS SWORN IN:

Mr. Lydon with Burgis and Mr. Yakimik with Boswell.

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

Chairman Potash announced that there was no public present.

PUBLIC HEARING:

1. Oakland Smith Properties, LLC - 79 Ryerson Avenue, Block 3703, Lot 89.04. Public hearing for minor subdivision with variances.

Mr. Ben Cascio, Esq. was before the Board to represent the applicant. He gave a brief history of the property. He explained, in 2007, application was made to Mayor and Council to rezone property in the Industrial Park zone. Mayor and Council requested a recommendation from Planning Board which resulted in rezoning the property and creating a new zone known as RA-4 Residential. The RA-4 Residential zone would require no less than a 1 acre building lot.

In 2010, this property was part of a major subdivision approving 5 building lots with a limit not to exceed 7 lots. Then in 2016, a minor subdivision was approved to make the 6<sup>th</sup> lot and tonight the 7th and final lot subdivision is being proposed. Mr. Cascio offered engineering testimony of Mr. Robert Weissman of Weissman Engineering located in Midland Park.

Mr. Robert Weissman was sworn in and offered his credentials and the Board accepted his qualifications.

Mr. Weissman testified that this is a minor subdivision creating two lots from a 2.9 parcel labeled Lot A- 1.1 acres and Lot B - 1. In addition to the subdivision, the applicant is seeking variances for Lot A and Lot B for a minimum lot width and minimum cul-de-sac lot width. The property is located at the end of the cul-de-sac, favorable perc tests have been done and there are no wetlands located on the property. He entered an exhibit.

Exhibit A-1, Google photo of location on Ryerson Avenue.

Mr. Yakimik and Mr. Lydon were sworn in by Mr. Russo. Mr. Lydon questioned a side yard setback and requested that revised drawings reflect the correct setbacks. Mr. Yakimik questioned the timeframe for the completion of the entire subdivision. Mr. Bill Smith was sworn in and testified that 2 homes are completed and 1 is now under construction. He informed the Board that a neighbor has been complaining about the noise so he has stopped working on Saturdays and this has been slowing down the building process. Mr. Lydon confirmed that the applicant served public noticed to property owners in Franklin Lakes. Mr. Cascio responded that he did. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Connolly and seconded by Councilman Levy, to open the meeting to the public addressing matters concerning the Oakland Smith Properties, LLC application was voted unanimously by the Board.

No comments.

Motioned by Mr. Connolly and seconded by Councilman Levy, to close the meeting to the public addressing matters concerning the Oakland Smith Properties, LLC application was voted unanimously by the Board.

Mr. Russo informed the applicant that approvals will be contingent to underground utilities, revised site plan including Franklin Lakes and correct setbacks on an individual plot plan. Chairman Potash entertained a motion.

Motioned by Councilman Levy and seconded by Mr. Connolly, to approve the Oakland Smith Properties, LLC application.

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

2. Bank of America - 15 Yawpo Avenue, Block 3902, Lot 1. Public hearing for an amended site plan for a lighting upgrade.

Mr. Scott Collins, Esq. was before the Board to represent Bank of America. He explained that they are seeking approval for an amended site plan to upgrade lighting on the premises. He offered the testimony of Mr. Anthony Albano.

Mr. Anthony Albano was sworn in, gave his credentials as a civil engineer and the Board accepted his qualifications.

Mr. Albano explained that the bank is located on the corner of Yawpo Avenue and Raritan Road. The property is in the CBD-1 zone and the building will continue to be used as a bank with drive-through and walk-up services. The application is to replace existing light fixtures and upgrading to LED lighting.

The State of New Jersey now requires a minimum of 10 foot candles to light the ATM area and 2 foot candles to light the entrance and the parking area. A new light pole is being proposed and it will be located in the landscaped area south and west of the drive-through canopy. New fixtures will replace existing fixtures throughout the parking area and new site lighting will be installed in the parking area and along the periphery of the building. The proposed lighting will not exceed the 3,000 Kelvin standard. Lighting will remain on during all hours of darkness.

Mr. Yakimik confirmed that the parking area is ADA compliant and suggested that if the application were to be approved, that a 6 month trial period be implemented for the lighting in case there is any complaints. Chairman Potash questioned if trees are being removed. Mr. Albano responded that they plan to remove 3 trees but will replace them with bushes. Mr. Lydon suggested that low lying shrubs replace the trees and the applicant submit a landscaping

plan of that area. A discussion ensued concerning that the applicant be required to keep with the lighting scheme of the CBD-1 zone. Chairman Potash responded that the applicant should not be required to do this since there have been no standards set forth. He entertained a motion to open the meeting to the public.

Motioned by Mr. Connolly and seconded by Councilman Levy, to open the meeting to the public regarding matters concerning testimony of Mr. Albano was voted unanimously by the Board.

No comments.

Motioned by Mr. Connolly and seconded by Councilman Levy, to close the meeting to the public regarding matters concerning testimony of Mr. Albano was voted unanimously by the Board.

No further discussions. Chairman Potash entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Connolly, to approve the Bank of America application contingent to not exceeding the 3,000 Kelvin standard, landscape plan and 6 month trial period for lighting.

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

3. A & E Ventures - 140 & 150 Ramapo Valley Road, Block 2702, Lots 1.01 & 1.02. Public hearing for a preliminary and final site plan and a minor subdivision with variances.

Mr. Thomas Herten with Archer & Greiner located in Hackensack was before the Board representing the application. He gave a brief history of the property beginning with the 2010 approval given by the Planning Board for a dual use, minor subdivision and a soil move for the Burger King and a bank. June of this year, they were granted their last extension and are back this evening to reverse the subdivision.

Mr. Herten explained that they are proposing to create 1 lot, present a preliminary and final site plan for a single retail building approximately 13,650 square feet in size. The property is located in a B-2 Business zone where retail is permitted.

Mr. Herten offered civil engineering testimony from Thomas Pugsley with North Star Design Engineering located in Flemington, New Jersey. Mr. Pugsley offered his credential and the Board accepted his qualifications.

Mr. Pugsley explained that the subject lot has an unusual shape fronting 3 streets. There is an ingress off of Post Road, egress off of Plaza Road and a full movement ingress/egress off of Ramapo Valley Road. Variances will be needed for retaining walls, impervious surface, 2 existing freestanding signs and parking. The parking lot consists of 79 (10X19) parking spaces and has a trash enclosure in the middle of the property. There is a 20-foot grade change and the building is on the elevated portion which drains across the parking lot, picked up by an inlet and empties into the stream across the street. The property does encroach the 300-foot buffer of a Category 1 stream. The site includes public utilities and a septic system located in the northeast portion of the property. Signage includes two free-standing and one wall sign. The building is currently vacant.

Mr. Yakimik questioned the free-standing sign located just off the property and if detention/retention basins exist. Mr. Pugsley responded that there are no detention/retention basins and they are aware of the sign location. Councilman Levy suggested that Mr. Pugsley verify that the Borough's CRS rating is not damaged for approving an application that encroaches in the 300-foot riparian buffer.

Mr. Pugsley entered an exhibit.

Exhibit A-2, Colorized site plan with landscaping dated November 12, 2019.

Mr. Pugsley reviewed the 2010 application and variances approved. They are proposing a 13,650 square foot building with perhaps 10 units but no tenants as of yet. Impervious surface is being proposed at 72 percent. The proposed retail space will require 91 parking spaces and they are requesting 68 spaces at 9' X 18'.

The access to the property and two-way circulation on site will remain similar to what exists. Additional traffic signs throughout the parking area will be added. He assured the Board that a W-50 size tractor trailer will have no problem maneuvering on site.

Dumpsters and a loading zone will be located at the west end of the building with a landscape buffer. Retaining walls approximately 4-4.5-feet in height will run along Plaza and Post Road with safety fencing on top. Drainage inlets lead to a covert that empties into Pond Brook. An application will be made to the NJDEP concerning any encroachments. Public utilities will be underground, septic system will be located on the western portion of the property and a T-1 permit will be filed to NJDEP. A concrete pad for a transformer will be installed with the location to be determined by the utility company. A lighting upgrade is being proposed with LED fixtures throughout the parking area with 4 additional building mounts. Mr. Pugsley informed the Board that their lighting plan will conform to the Borough's ordinance. A landscaping plan includes 15 shade trees and a variety of 100 shrubs. Continued relief is being requested for the existing free-standing signs and possible 10 wall signs, 1 sign per tenant. The grading plan will call for a soil move of approximately 4500 cubic yards.

Mr. Russo informed the Board and the applicant will require Bergen County Soil Conservation, Bergen County Planning Board, Highland and NJDEP approval.

A discussion ensued concerning detention basin and stormwater management handled through existing infrastructure. Chairman Potash expressed the importance of water recharge and questioned the possibility to offset the impervious coverage. Mr. Yakimik suggested the installation of inlets against curbing. Comments were made by the Fire Official concerning fire hydrants. Mr. Pugsley responded that they will work with the Fire Official concerning their comments. Sidewalks and curbing will remain and be updated to the current ADA standards. Mr. Yakimik requested that detail specs for the sidewalks be submitted before the next meeting. In addition, he requested that a fire truck circulation also be submitted.

Mr. Lydon informed the Board that the 4 parking spaces per 1000 square feet is sufficient. He questioned the HVAC location and irrigation for the property. Mr. Pugsley responded that the HVAC system will be located on the roof top and properly buffered but there were no plans to install an irrigation system but will do it if they are requested to. Mr. Lydon questioned the location of the trash receptacles. Mr. Pugsley responded that the enclosure will be approximately 10' X 15' but could increase the size depending on the tenants that lease the space. Mr. Lydon questioned lighting spillage onto Plaza Road and was the applicant proposing shields for the light fixtures. A discussion ensued concerning the LED and lumen lighting limits and design.

Mayor Schwager questioned the left hand turn onto Ramapo Valley Road. Mr. Yakimik expressed the dangers concerning the left hand turn. A discussion ensued concerning a review by the County. No further questions. Mr. Russo requested that Mr. Pugsley make the changes agreed upon to the site plan and submit revised plans before the next meeting. 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 testimony of Mr. Pugsley was voted unanimously by the Board.

No comments.

Motioned by Mr. Connolly and seconded by Councilman Levy, to close the meeting to the public regarding matters concerning the testimony of Mr. Pugsley was voted unanimously by the Board.

Mr. Herten offered the testimony of Mr. Lawrence Keller licensed engineer with Whitestone located in Warren, New Jersey. Mr. Keller offered his credentials and the Board accepted his qualifications.

Mr. Keller explained that the original septic system was installed back in 1976 when the Burger King was built. He explained the integrity of the proposed system and how it would work. A perk test proves that the soil is in good condition. Portions of the system will be 6" to 8" above grade with fencing and shrubs to buffer the appearance. The system will be able to

accommodate a restaurant. A T-1 permit will be filed at the NJDEP authorizing the discharge of sanitary sewerage from facilities to a sub-surface septic system. Mr. Yakimik questioned if the system includes an aerated system that controls odor. Mr. Keller responded that the system includes carbons within the lids. Mr. Yakimik questioned the leach field design life. Mr. Keller responded that the design life is calculated to last in the 20-30 year range. A discussion ensued concerning the installation under the parking for the proposed septic. Mr. Keller responded that he does not see a problem since they received approval during the previous application. He entered an exhibit.

Exhibit A-3, Septic System Design.

No further questions. Chairman Potash entertained a motion.

Motioned by Mr. Connolly and seconded by Mr. Rose, to open the meeting to the public regarding matters concerning the testimony of Mr. Keller was voted unanimously by the Board.

No comments.

Motioned by Mr. Connolly and seconded by Councilman Levy, to open the meeting to the public regarding matters concerning the testimony of Mr. Keller was voted unanimously by the Board.

Mr. Herten offered the testimony of Mr. Paul Going, licensed engineer, with Atlantic Traffic and Design Engineering located in Warren, New Jersey. He offered his credentials and the Board accepted his qualifications. Mr. Going entered an exhibit.

Exhibit A-4, Traffic Report dated August 16, 2019.

Mr. Going explained that the site is currently occupied by a vacant Burger King building with one full movement driveway along Ramapo Valley Road, a left ingress off of Plaza Road and a right ingress off of Post Road. He reviewed existing traffic volumes, an accident summary and characteristics of the three surrounding streets.

To project the future traffic volumes for a 13,650 square foot retail building, an analysis was generated for a shopping center of approximately 13,650 square feet by using the 10<sup>th</sup> Edition of Trip Generation. The analysis included, peak hours of a weekday morning, weekday evening and midday on a Saturday. He explained that the trip generation for the approved Burger King and bank were significantly higher than what is being proposed.

Mr. Going reviewed the existing and proposed access, circulation and parking requirements for the site. The Borough requires 1 parking space per 150 square feet or 6.67 parking spaces per 1,000 square feet requiring a total of 91 parking stalls for the retail building. He explained that ITE, Institute of Transportation Engineers, publishes parking ratio data for a wide variety of land uses and recommends 1 parking space for 200 square feet or 5 parking spaces for 1,000 square

Lastly, an analysis was done using Synchro Software which gauges and grades the site on the traffic activity and delay or congestion. The results show little impact on the site. No further testimony. Chairman Potash entertained a motion to open the meeting to the public.

No comments.

Mr. Yakimik reviewed his report and made his recommendations. A discussion ensued concerning an ordinance pending adoption requiring applicants to install bollards along the store front for protection. Mr. Going responded that they would comply and work with the engineer on type and design.

## None

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

Roll Call Vote: Ayes: Mrs. Coira, Messrs. Liss, Marscovetra, Rose, Connolly, Morris, Councilman Levy, Mayor Schwager and Chairman Potash.



Nays:  
Abstain:  
Absent: Mr. Haymon

NEW BUSINESS:

A discussion ensued concerning a master plan Housing Element update next June or July.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 10:40 P.M.

Motioned by Councilman Levy and seconded by Mr. Connolly, 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 January 14, 2020.