

PLANNING BOARD MINUTES
PUBLIC MEETING
OCTOBER 12, 2023- 7:00 P.M.
HELD AT THE OAKLAND SENIOR CENTER
20 Lawlor Drive, Oakland, NJ
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:

Andrew Gissonna, Edward Clark, Andrea Levy, Joseph Marscovetra, Michael Rose, Thomas Connolly, Lee Haymon, Gregory Liss, Councilman Kulmala, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:03 P.M., ROLL CALL:

Present Members: Ms. Levy, Messrs. Gissonna, Clark, Marscovetra, Rose, Connolly, Liss, Councilman Kulmala, Mayor Schwager and Chairman Potash. *

Absent Members: Mr. Haymon.

EXCUSE ABSENCES:

Motioned by Mr. Rose and seconded by Ms. Levy, to excuse the absence of Mr. Haymon and Chairman Potash was voted unanimously by the Board.

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

BOARD PROFESSIONALS SWORN IN:

Mr. Steve Lydon and Mr. John Yakimik were sworn in.

Mr. Clark sitting in for Mr. Haymon, Mr. Gissona sitting in for Mr. Liss, Mr. Liss sitting in for Chairman Potash.

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

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

No comments.

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

PUBLIC HEARING:

1. Public hearing for the review of the Amended Land Use Element Plan.

Mr. Lydon informed the Planning Board that there have been a number of Housing Elements and Amended Land Use Elements incorporated in the Master Plan. Since the last Land Use Element Plan adopted back in March, the court-appointed a Special Master which was required for certain revisions. After several months of working with the Special Master, it was recommended that the Amended Land Use Element Plan is ready to be adopted.

During Mr. Lydon's presentation to the Board, he highlighted the goals and policies of the document.

- Land Use
- Environmental Protection
- Environment Sustainability and Climate-Change Hazard Vulnerability
- Infrastructure
- Economic Development
- Transportation
- Housing

Mr. Lydon explained that since the area within the scope of the plan is fully within the Highlands Planning Area, he reviewed the goals pertaining to the Planning area. He read them into the record:

"Encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles appropriate patterns of compatible residential, commercial and industrial development redevelopment and economic growth, in or adjacent to areas already utilized for such purposes; discourage piece-meal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development

in orderly way while protecting the Highlands environment from the individual and cumulate adverse impacts thereof.”

He believes that the goals stated above for the Highlands Planning Area, describe the Ramapo Valley corridor and the vision Oakland seeks to encourage continued economic growth with limited amounts of inclusionary and senior housing based on smart growth principles while avoiding development intensities in inappropriate locations. This plan is consistent with and compatible to smart growth and development principles and the Highland Council Regional Master Plan goals for growth and economic development in the Planning Area.

It was determined by Mr. Lydon that the Amended Land Use Element Plan is consistent with the goals and objectives of the Borough’s Master Plan and recommended that by adopting the document, it would be in the public’s interest by protecting public health, safety, and general welfare.

*Chairman Potash entered the meeting at 7:18pm.

Mr. Liss entertained a motion to open the meeting to the public.

Motioned by Mr. Connolly and seconded by Mayor Schwager, to open the meeting to the public with regard to the Amended Land Use Element Plan was voted unanimously by the Board.

No comments.

Motioned by Mr. Rose and seconded by Ms. Levy, to close the meeting to the public with regard to the Amended Land Use Element Plan was voted unanimously by the Board.

No further questions. Mr. Liss entertained a motion.

Motioned by Mr. Connolly and seconded by Mr. Marscovetra, to authorize Mr. Russo to draft a resolution to adopt the Amended Land Use Element of Oakland’s Master Plan.

Roll Call Vote: Ayes: Ms. Levy, Messrs. Gisonna, Clark, Rose, Marscovetra, Connolly, Liss,
Councilman Kulmala and Mayor Schwager.
Nays: None
Abstain: None
Absent: Mr. Haymon

2. Public hearing for review of the Wastewater Management Plan

Mr. Yakimik informed the Board that Oakland's Wastewater Management Plan Amendment was finally approved by the NJDEP after many years of deliberating at a public hearing August 7, 2023. The approved Wastewater Management Plan is a modification of the 1991 plan which

includes the decommissioning of the Borough's Chapel Hill, Skyview-Hibrook and Oakwood Knolls sewage treatment plants due to the age and function of the systems. All wastewater flow from the decommissioned sewage plants and downtown corridor will now connect and be serviced by Northwest Bergen County Utilities Authority (NBCUA) located in Waldwick.

Mr. Yakimik shared a map of the proposed sewer service area outlining the 1059 acres approved for sanitary sewers which represents the downtown area and the 4 decommissioned sewage treatment plants. There will be no additional sewer extensions or connections permitted, at this time, for the rest of the Borough to the NBCUA. The Borough is located in both Highlands Preservation and Planning Region Area and the WMP will be consistent with the Highlands Regional Master Plan by following and meeting conditions. One of those conditions is to adopt an ordinance updating the Borough's Septic Management Plan as part of the WMP which requires frequency in septic pumping.

A discussion ensued concerning 2001 Superior Court determination with the Township of Wayne to execute an agreement to provide wastewater service for the residents within the Bi-County Development Corp Tract in Oakland. Mr. Yakimik explained that currently, Bi-County Development has Highlands exemption but, has very specific areas where they can place sewers and restrictions to develop in areas designated conservation areas due to the endangered and threatened wildlife habitat.

Mr. Yakimik discussed modifications to the Water Allocation Plan which includes a build-out analysis and wastewater capacity analysis based on the wastewater flow transfer from the sewage treatment plants to the NBCUA facility and bringing in water from another basin source such as NBCUA or Veolia.

Closing out the conversation, the Board discussed cost to the residents. No further questions. Chairman Potash entertained a motion to adopt the Amended Wastewater Management Plan.

Motioned by Connolly and seconded by Mr. Liss, authorize Mr. Russo to draft a resolution to adopt the Amended Wastewater Management Plan.

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

Meeting recessed 7:53 p.m.

Meeting resumed 7:56 p.m.

3. K. Hovnanian – McCoy Road, Block 4202, Lots 1, 2, & 3. Continued public hearing for a Final Major Subdivision and Site Plan.

Mr. Greg Meese, Esq. with Price, Meese, Shulman & D'Arminio located in Woodcliff Lake reminded the Board that on February 9, 2023 the applicant was granted approval for a preliminary major subdivision, major site plan and variances and waivers and now seeks approval for a final major subdivision, major site plan and variances and waivers.

He informed the Board that they have resolved all drainage issues, addressed all comments from professionals and Borough officials, even meeting with Board attorney, Mr. Russo, Fire Prevention Official, Denny Knubel, and Police Officer Steven Albert. They now seek the Board's approval so that they will be able to begin construction in the spring.

Mr. Russo questioned how they plan to address contributions promised for the Allerman Brook and sidewalks. Mr. Caniglia responded that they will agree to contribute \$81,860 towards the Allerman Brook and \$58,460 towards the additional sidewalks in a location to be determined. Mr. Russo confirmed that the applicant's contributions for Allerman Brook and sidewalks will be paid before any building permits are pulled. Mr. Caniglia responded yes, and it will be a condition of approval and also be part of the developer's agreement. A discussion ensued concerning updating those amounts prior to the developer's agreement due to inflation. Councilman Kulmala confirmed the length and location of the sidewalks. Mr. John Cote was sworn in. He informed Councilman Kulmala that the additional sidewalks will front McCoy Road at approximately 490-feet.

Chairman Potash confirmed that the applicant met with police and fire prevention to work out the comments and concerns. Mr. Russo responded that he, the Mayor and Councilman Kulmala along with the traffic officer and the fire prevention official were all present at the meeting and were satisfied after Mr. Cote addressed all comments and concerns they had with the application.

Mr. Yakimik addressed some of the lingering stormwater management comments concerning pipe velocities. The applicant agreed to revise its Stormwater Management report to assure that the self-cleaning velocity of 2 feet per second will be added. Mr. Cote agreed and expressed that could be a condition of approval.

Mr. Yakimik questioned a request to DPW concerning a road opening permit for the project. Mr. Cote responded that during the bidding process, contractors contact the towns to find out the cost so they can include the amount in their bids.

Councilman Kulmala requested that the service installation for utilities, gas and water main be scheduled during the summer when school is out. Mr. Caniglia responded that they can work with that. Councilman Kulmala also requested that during the road work, at the end of the day, the contractor be obligated to clean up the roadway and free it of rocks and debris. Mr. Caniglia responded that this can be a stipulation during the pre-construction meeting.

Mayor Schwager questioned what the speed limit would be throughout the development. Mr. Cote responded that the community would follow the Title 59 traffic laws of 20-25 mph. Mayor

Schwager expressed concerns that the applicant may not be able to fill the affordable housing units. Mr. Jeffrey Long responded that their communities have a 95-97 percent rate of filling their affordable rental units, the for-sale units are harder to qualify.

Councilman Kulmala questioned the applicant's intention to repave McCoy Road once the improvements are complete. Mr. Caniglia responded whatever is necessary. They have no problem repaving the roadway.

Mr. Russo stated for the record that all parties were satisfied after a meeting to discuss the comments with the applicant from the traffic officer and fire prevention official. No further questions. 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 matter concerning the K. Hovnanian application was voted unanimously by the Board.

No comments.

Motioned by Mr. Rose and seconded by Mr. Liss, to close the meeting to the public regarding matter concerning the K. Hovnanian application was voted unanimously by the Board.

Chairman Potash recommended that the Board request Mr. Russo to prepare a resolution to grant final approval or reject the application and once everything has been ironed out, the Board can vote and memorialize the decision at the next meeting.

Mr. Russo reviewed the conditions with the Board.

- The applicant will provide the Board engineer with the name of the soil moving contractor and details of the application. This will need to be reviewed and approved by the Board engineer prior to the issuance of any construction permits.
- The truck route for soil removal will be McCoy Road to Colonial Road to 208/287. No trucks will exit or enter the subject property via Yawpo Avenue to McCoy Road.
- Prior to land disturbance, the applicant shall post escrow with the Borough in the amount of \$81,860.00 that will contribute to repairs to Allerman Brook. It is also stipulated and agreed that the amount of \$81,860.00 may adjust depending on the market conditions at the time payment is due.
- Prior to land disturbance, the applicant shall post escrow with the Borough in the amount of \$58,460.00 for the cost of constructing sidewalks (location to be determined at the discretion of the Borough) in lieu of a sidewalk along McCoy Road.
- Applicant shall provide water to the site or reasonable alternative in the event of fire.
- Applicant shall secure approvals for the water conveyance and sanitary sewer systems prior to any clearing of the property.
- Applicant shall provide Knox-Boxes on the gates separating the subject property and Leone property.

- Applicant shall provide Knox-Boxes for the affordable housing buildings and Recreation building.
- There will be no parking throughout the development and the applicant will provide the appropriate signage and striping for fire zones.
- The applicant shall communicate and cooperate with the Borough's EMS, fire, and police departments to determine adequate labeling and numbering of the buildings.
- before work is commenced the applicant will have a pre-construction meeting with Borough officials, which includes police, DPW, and the Borough Engineer concerning construction details for the project, including the opening of McCoy Road. At that meeting, details will need to be spelled out how quickly McCoy Road needs to be restored so there is not a prolonged period of a road in disrepair. This condition will also be incorporated into the Developer's Agreement.
- Large trucks with large deliveries will enter the site via Colonial Road and McCoy Road instead of traveling down Yawpo.
- The applicant's Stormwater Management Report shall be revised or amended to ensure that the proposed stormwater pipe system will achieve the self-cleansing velocity of 2 feet per second and approved by the Board engineer prior to land disturbance.
- An Inter-Local Sewerage Agreement shall be entered into between Oakland and Franklin Lakes prior to any land disturbance with further conditions as follows:
 - a) The Applicant shall receive all necessary governmental agreements and approvals, including the Treatment Works Approval (TWA) for the construction of the proposed project and sanitary sewer extension and connection to the Northwest Bergen County Utilities Sewer Treatment Facility.
- The applicant shall continue to confer with the Borough's Shade Tree Commission to finalize a landscape plan for the development with the guidelines and parameters of the Fanale Project Settlement Agreement date July 10, 2019 and Borough Ordinance No. 20-Code-803.

In addition, Mr. Russo included that pursuant to the Kelly Bill, the Borough shall reimburse the applicant the reasonable cost for the following to be calculated pursuant to the terms and provisions associated with the Kelly Bill:

- 1) The removal of snow on the roads throughout the development.
- 2) The pick-up of the garbage/refuse and recyclable materials.
- 3) The lighting of the streetlights throughout the development.

No further discussion. Chairman Potash expressed to the Board that Mr. Russo to prepare a resolution in the affirmative, vote, and memorialize it at the same meeting. He entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Marscovetra, to authorize Mr. Russo to draft a resolution in the affirmative to be voted on at the November meeting.

Eligible voters: Ms. Levy, Messrs. Gisonna, Rose, Marscovetra, Liss, Councilman Kulmala, Mayor Schwager and Chairman Potash.

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

REVIEW OF ORDINANCES:

Ordinance 23-CODE-930:

Chairman Potash informed the Board that this ordinance was already reviewed but, Council needed to re-introduce it with the revisions which were to remove the "Level of Service" verbiage and revising sign standards to comply with the Coremark Affordable Housing Settlement. The ordinance has returned to the Planning Board as a formality. He entertained a motion.

Motioned by Mr. Connolly and seconded by Mr. Liss, recommending the amended ordinance for adoption.

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

MEMORIALIZATIONS:

Amend Borough Engineer's Contract:

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

Roll Call Vote: Ayes: Ms. Levy, Messrs. Gisonna, Clark, Marscovetra, Connolly, Liss
 And Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mr. Haymon

PAYMENT OF BILLS:

Motioned by Mr. Rose and seconded by Mayor Schwager, to pay the bills subject to the availability of funds.

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

APPROVAL OF MINUTES:

September 14, 2023 Minutes:

Motioned by Ms. Levy and seconded by Mr. Connolly, to approve the September 14, 2023 Minutes as amended.

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

NEW BUSINESS:

None

OLD BUSINESS:

Proposed Recycling Facility:

Councilman Kulmala informed the Board that he attended the public hearing for the proposed construction of a Class B Recycling facility at 342 West Oakland Avenue and a letter written by Mr. Russo on behalf of the Planning Board was read into the record. Chairman Potash questioned the status after the public hearing. Councilman Kulmala responded that the Mayor Schwager is working on a petition and an injunction was filed yesterday to try to stop the process. Mayor Schwager informed the Board that the petition has over 1000 signatures. She is compiling all the letters opposing the facility and needs to have everything by October 25th because the deadline to submit public comment is October 28th. A discussion ensued concerning who can sign the petition.

PUBLIC MEETING ADJOURNED AT 8:55 P.M.

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

Respectfully Submitted by,

Kathlyn Gurney, Administrative Assistant

*Next meeting on November 9, 2023