

PLANNING BOARD MINUTES
PUBLIC MEETING
October 14 2021 - 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:

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

FLAG SALUTE, MEETING OPENED AT 7:06 P.M., ROLL CALL:

Present Members: Mmes. Coira and Levy Messrs. Liss, Rose, Marscovetra, Connolly, Haymon, Morris, Councilman Kulmala, Mayor Schwager and Chairman Potash.
Absent Members: None

EXCUSE ABSENCES:

None

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

BOARD PROFESSIONALS SWORN IN:

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

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

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

No comments

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

PUBLIC HEARING:

1. Karni – 637 Ramapo Valley Road, Block 1301, Lot 40. Public hearing for a major subdivision.

Chairman Potash announced that he and Mr. Rose will need to recuse themselves from the application and Mr. Morris will chair this portion of the meeting.

Mr. Morris announced that Mr. Liss will be sitting in for Chairman Potash and Ms. Levy will be sitting in for Mr. Rose.

Mr. Ben Cascio, Esq. came before the Board to represent the application. He explained that the application is for a minor subdivision of 3 lots. Testimony would be given by Mr. Karni, his Engineer and Planner.

Mr. Karni was sworn in and testified that he is the owner and purchased the property about a year ago with the intention of subdividing the property into 3 lots and build 3 residential homes. Mr. Russo questioned if Mr. Karni plans to demo the existing home. Mr. Karni responded yes. No further questions. Mr. Morris entertained a motion to open the meeting to the public.

Motioned by Mr. Connolly and seconded by Councilman Kulmala, to open the meeting to the public regarding testimony of Mr. Karni was voted unanimously by the Board.

Resident, 15 Thunderbird Drive, questioned if the variances being requested were due to steep slopes throughout the property. Mr. Morris responded that the applicant's engineer will go over any variances being requested and there will be opportunity to ask those questions then. No further questions. Mr. Morris entertained a motion to close the meeting to the public.

Motioned by Mr. Connolly and seconded by Mayor Schwager, to close the meeting to the public regarding questions for Mr. Karni was voted unanimously by the Board.

Mr. Cascio introduced the applicant's engineer. Mr. Tyler Vandervalk with Hauser Engineering located in Ringwood was sworn in. He offered his credentials and the Board accepted his qualifications. Mr. Vandervalk offered an exhibit.

Exhibit A-1, A colored aerial image of the site.

Mr. Vandervalk explained that the subject property is located at the northern end of Oakland at 637 Ramapo Valley Road in the RA-1 Residential zone. This zone requires 1 acre parcel lots and the subject property consists of 3.2 acres. Currently on the property there exists a dwelling, accessory structures and the swimming pool with a patio. The dwelling and accessory structures will be removed and the swimming pool and patio will remain. There is access from the subject property to an easement that leads to Apache Drive.

As a result of prior approvals, some of the surrounding properties in this area are landlocked with no street frontage (flag lots) which do not meet the required frontage. He gave some history on prior subdivisions in this area during the early 90's that consisted of flag lots and landlocked properties which will share similar characteristics to what is being proposed. He offered another exhibit.

Exhibit A-2, Entire set of plans submitted to the Board dated March 29, 2021 and revised September 28, 2021.

Mr. Vandervalk reviewed the exhibit of the proposed development of block 1301 consisting of lot 40.01, 40.02 and 40.03. Lot 40.01 will be a conforming lot consisting of 43,929 square feet, with an existing driveway out to Ramapo Valley Road. An existing swimming pool and patio will remain and a septic system designed for 4 bedrooms will be installed. All utilities will run out to Ramapo Valley Road. Lot 40.02 will also be a conforming lot consisting of 44,165 square feet with an existing driveway to Ramapo Valley Road (existing shared driveway with 1301, Lot 32), and a 4 bedroom septic system will be installed. Lot 40.03, rear of the site, will also be conforming at 49,217 square feet, the biggest of all 3 lots. This lot proposes to use an existing easement out to Apache Drive to access property.

There will be stormwater drywells throughout the site. Currently, there are 2 drainage areas on the property where water drains to a low spot on 40.03. Soil logs have been conducted, approximately 10-feet down that proved the soil is good. Mr. Vandervalk explained while analyzing the slopes, it appears that the hardship is due to manmade steep slopes used to construct the pool and driveways. He explained the percentages of disturbance in the steep slope ranging from 15% to 24.9% which allows transitional grading and roadway construction. He entered an exhibit.

Exhibit A-3, Steep Slope Disturbance dated October 14, 2021.

Exhibit A-4, Unsigned Planning Board Resolution dating back to 1994.

Mayor Schwager questioned the rear lot access onto Apache Drive. Mr. Vandervalk responded that he did not see a problem with a third connection onto the access easement. Mayor Schwager pointed out that this might be a disturbance to the residents living along the easement and questioned why an access couldn't be created onto Ramapo Valley Road. Mr. Vandervalk responded that he was avoiding the access out to Ramapo Valley Road so not to disturb steep

slopes 35% or greater. Mr. Morris questioned the reason for the existing access easement. Mr. Vandervalk responded that it was an agreement between two of the property owners. Mr. Lydon questioned if there was an approval to grant this easement. Mr. Vandervalk responded that he believes it was done privately. Mr. Cascio explained that an easement was filed back in 1998 and members received a copy. Mr. Lydon questioned why other lots on exhibit A-1 were being used in this application. Mr. Vandervalk responded that he was using the exhibit to show the character of the neighborhood.

Mr. Yakimik questioned if lot 45 should be part of the application since the easement runs along that property. Mr. Vandervalk responded that lot 45 is not a part of the application since there will be no improvements done to that property.

Mr. Russo confirmed that appropriate notice has been given and informed the applicant that Mr. Yakimik will need time to review calculations for changes in the steep slope area. A discussion ensued concerning the integrity of the easement. Mr. Morris expressed that what transpired back 1990's may not be able to be considered today.

Mr. Yakimik questioned if there were any environmental constraints. Mr. Vandervalk responded that none of the improvements are being done in DEP regulated areas. The river is north of the property and drainage and there are no wetlands on property. Mr. Yakimik questioned emergency access for a fire truck. Mr. Vandervalk responded that a turning radius analysis for fire truck was not done but he believes there will be room off of Apache Drive. He agreed to supply Mr. Yakimik with turning radius calculations. Mr. Yakimik questioned who would maintain the easement. Mr. Vandervalk responded that Mr. Karni will maintain the easement. Mr. Yakimik explained that the ordinance referring to drainage calculations was recently revised and questioned if he used the current or older ordinance. Mr. Vandervalk responded that he used the older ordinance but would go back and recalculate as per the revised ordinance. No further questions. Mr. Morris requested a 10 minute break.

Meeting recessed at 8:24 p.m.

Meeting resumed at 8:34 p.m.

Roll Call Vote: Present: Mmes. Coira and Levy Messrs. Liss, Marscovetra, Connolly, Haymon
Councilman Kulmala, Mayor Schwager and Mr. Morris.
Recused: Mr. Rose and Chairman Potash.

Morris 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 regarding matters concerning the testimony of Mr. Vandervalk was voted unanimously by the Board.

Mr. Gross, 6 Apache Drive, explained that there is no easement on his property and questioned how a fire truck will be able to turnaround without a cul-de-sac. Mr. Morris responded that Mr.

Vandervalk has agreed to supply the Board with calculations for emergency access. Mr. Morris questioned if the application is granted, would the applicant be willing to improve the cul-de-sac to accommodate a fire truck. Mr. Vandervalk responded that they would consider this. Councilman Kulmala advised the applicant to make sure that a 100-foot ladder truck can access the easement. Mr. Vandervalk responded that a pumper truck sized fire truck would be sufficient. Mr. Gross informed the Board that the Apache Drive access is very small and is difficult for delivery trucks to access. He also expressed concern about sloping towards his property and an increase in run off causing flooding since there has been flooding in that area. Mr. Vandervalk responded that there is an existing drain for the easement and there should be no interruption with the collecting and the recharge of water. They also propose to include a swale with stone and piping. A discussion ensued concerning a drywell to help improve drainage.

Mr. Rose, 655 Ramapo Valley Road, suggested that impervial concrete be used for the pervious surface to protect the environment. Mr. Vandervalk responded that oil cannot be absorbed through pervious concrete and it will still runoff. Mr. Rose suggested a 30-foot wide french-drain on the northwest side at the lower portion of the subject property be installed. Mr. Vandervalk responded this is not necessary because by removing impervious coverage, it will lessen the impact of runoff. Mr. Morris questioned if drainage improvements would be considered by the applicant in this area. Mr. Vandervalk responded that there are no improvements being proposed in this area so it should remain the same.

Resident, 21 Thunderbird and Apache Drive, 3 to 4 homes will have streets on 3 sides of their property and another 4 to 5 homes will be impacted by what is being proposed. The resident strongly urged the Board members make a site visit on Apache Drive. Mr. Morris responded that he has visited the site 2 times along with other Board members. Mr. Gross informed the Board that there is a small shared space for mailboxes at the opening of Apache Drive because the mail truck does not access the easement road.

Resident, 15 Thunderbird, explained that there is an existing drainage issue from the subject property that runs off toward his property. Mr. Vandervalk responded that this is why a drywell is being installed. A discussion ensued concerning the volume that the proposed drywell will be able to handle. Mr. Vandervalk informed the gallons of flow and recharge. Mr. Morris reiterated that drainage calculations will need to be done and approved. No further questions.

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

Mr. Lydon questioned the width of the easement/driveway. Mr. Vandervalk responded that the easement drive is approximately 12-feet in width. Councilman Kulmala questioned if the applicant considered relocating the access driveway for the rear lot on the northern end of the two lots which faces Ramapo Valley Road or locating the access down the middle of the two front lots. Mr. Vandervalk responded that this was not the best option and would require additional steep slope variances. A discussion ensued concerning the option of locating the driveway down the middle

of the two lots facing Ramapo Valley Road. Mr. Morris suggested that he take a poll of the Board members interested in supporting this access location down the middle of the 2 front lots. Mr. Connolly expressed that he supported the new location of the driveway and expressed that the hardship would be that he is giving relief to his neighbors. Mr. Morris asked for a roll call to poll the Board members in favor of the new location of the driveway.

Roll call of members in favor of the new driveway location which is down the middle of the 2 lots facing Ramapo Valley Road:

Mmes. Levy and Coira, Messrs. Liss, Marscovetra, Connolly, Haymon, Councilman Kulmala, Mayor Schwager and Mr. Morris.

Mr. Morris informed the applicant that the consensus of the Board was that they favor the new location of the driveway. The applicant would need to revise the plans showing the change and the planner will need to revise his testimony. A discussion ensued concerning timeframe that revised plans can be submitted. Mr. Morris entertained a motion to carry the Karni application to the December 9th meeting with no further notice.

Motioned by Mr. Connolly and seconded by Councilman Kulmala, to carry the Karni application to the December 9, 2021 with no further notice.

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

MEMORIALIZATIONS:

None

PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Councilman Kulmala and seconded by Mr. Connolly, to approve the September 9, 2021 Minutes.

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

NEW BUSINESS:

Chairman Potash announced that during the Downtown Committee meeting they discussed, reviewed and suggested some amendments for the ordinance detailing streetscape design for the CBD1 & II. He requested that the revised ordinance be forwarded to the Board members with enough time for them to review it at the November meeting and considered at the December meeting.

OLD BUSINESS:

Mr. Lydon informed the Board that minor changes need to be made to the newly adopted Fair Share and Housing Element and readopted by the December meeting. Notice will be required.

PUBLIC MEETING ADJOURNED AT 9:46 P.M.

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

Respectfully Submitted by,

Kathlyn Gurney, Administrative Assistant

*Next meeting on November 4, 2021