

PLANNING BOARD MINUTES
PUBLIC MEETING
JANUARY 9, 2014 - 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:

Robert Knapp, Gina Steele, Jason Shafron, Lee Haymon, Nicholas DiLandro, Dan Hagberg, Elaine T. Rowin, John Morris, Councilman Kulmala, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:10 P.M., ROLL CALL:

Present: Mrs. Rowin and Mrs. Steele, Messrs. Shafron, DiLandro, Kulmala, Hagberg, Morris and Chairman Potash.
Absent: Mrs. Steele and Mr. DiLandro

Also in attendance Mr. Joseph Russo, Esq., Board Attorney, Steve Lydon, Burgis Associates and Ms. Rebecca Mejia, Boswell Engineering also in attendance.

Motioned by Mayor Schwager and seconded by Mrs. Rowin, to excuse the absences were voted unanimously by the Board.

Chairman Potash introduced the changes made to the Board after the last council meeting. He informed that Councilman Kulmala would return as the Board's liaison, Mr. Shafron would be appointed to Mr. Kulmala's Class IV position, Mrs. Steele would move to Mr. Shafron's Alternate I position and Mr. Knapp was appointed to take the Alternate II position. He thanked Councilwoman Coira for her participation as a liaison for the Board for 2013.

Chairman Potash announced that Mr. Knapp would be sitting for Mr. DiLandro.

Motioned by Mrs. Rowin and seconded by Councilman Kulmala, to open the meeting to the public for matters not on the agenda was voted unanimously by the Board.

No comments.

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

PUBLIC HEARING:

Reorganization of the Board:

CHAIRMAN

Chairman Potash requested nominations for Chairman of the Board.

Motioned by Mrs. Rowin and seconded by Mayor Schwager, to nominate Thomas Potash to continue as Chairman of the Board.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Knapp, Shafron, Haymon, Hagberg, Morris, Councilman Kulmala and Mayor Schwager.
 Nays: None
 Abstain: None
 Absent: Mrs. Steele and Mr. DiLandro.

VICE-CHAIRMAN

Chairman Potash requested nominations for Vice-Chairman of the Board.

Motioned by Mrs. Rowin and seconded by Mr. Shafron, to nominate John Morris to continue as Vice-Chairman of the Board.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Knapp, Shafron, Haymon, Hagberg, Councilman Kulmala, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mrs. Steele and Mr. DiLandro.

Chairman Potash requested nominations for Secretary of the Board.

SECRETARY

Motioned by Mayor Schwager and seconded by Mr. Morris, to nominate Elaine T. Rowin to continue as Secretary to the Board.

Roll call vote: Ayes: Messrs. Knapp, Shafron, Haymon, Hagberg, Morris, Councilman Kulmala, Mayor Schwager and Chairman Potash.
 Nays: None

Abstain: None
Absent: Mrs. Steele and Mr. DiLandro.

ATTORNEY

Chairman Potash informed the Board that a committee was formed to review the Requests for Qualification proposals sent in for the Board's professional positions. The committee included Mr. Morris, Mr. DiLandro and himself.

He noted that two proposals were submitted for the position of Board Attorney from Mr. Russo, Esq. the current Board Attorney and from Mr. Ronald Mondello, Esq. from Fairlawn, New Jersey. The credentials for both proposals were impressive but the committee recommends the Board continue with Mr. Russo's services. Mrs. Rowin recommended that it be stated for the record that Mr. Russo's fees would not be increasing. Mr. Russo responded that his fees remain the same since 1992. Chairman Potash entertained a motion.

Motioned by Mr. Morris and seconded by Councilman Kulmala, to appoint Joseph Russo, Esq. as Board Attorney for 2014.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Knapp, Shafron, Haymon, Hagberg, Morris, Councilman Kulmala, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mrs. Steele and Mr. DiLandro.

ENGINEER

Chairman Potash moved on to the appointment of Board Engineer. He explained that there were two proposals submitted for the position of Board Engineer from the Board's current engineer Boswell Engineering and Consulting and Municipal Engineers a firm from southern New Jersey. He expressed both firms were outstanding and Consulting and Municipal Engineer's rates were a bit less but the committee recommends that the Board continue with Boswell Engineering because of their familiarity with the Borough of Oakland and Bergen county. Mrs. Rowin questioned the difference in rates. Chairman Potash responded that Consulting & Municipal Engineer's rates were approximately \$160 per hour and Boswell Engineering's rates were \$166 per hour. A discussion ensued concerning a two different rate sheets found within the proposals received. Ms. Mejia responded that she would follow up with this matter and informed the Board the correct rates through email the next day. Chairman Potash entertained a motion.

Motioned by Mr. Morris and seconded by Mrs. Rowin, to appoint Boswell Engineering as Board Engineer for 2014 and to continue to have Ms. Mejia be the Board's representative from that firm.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Knapp, Shafron, Haymon, Hagberg, Morris, Councilman Kulmala, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None

Absent: Mrs. Steele and Mr. DiLandro.

PLANNER

Chairman Potash informed the Board that there were also two proposals submitted for the position of Board Planner from the Board's current planner Burgis Associates and again Consulting and Municipal Engineers. He expressed that Burgis Associate's rates were lower and recommended that the Board continue with their services because of their familiarity with Bergen County. Mayor Schwager informed the Board that council has not yet appointed a Borough Planner. Chairman Potash entertained a motion.

Motioned by Mr. Morris and seconded by Mr. Hagberg, to appoint Burgis Associates as Board Planner for 2014 and to continue to have Mr. Lydon as the Board's representative from that firm.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Knapp, Shafron, Haymon, Hagberg, Morris and Chairman Potash.
 Nays: None
 Abstain: Councilman Kulmala and Mayor Schwager.
 Absent: Mrs. Steele and Mr. DiLandro.

ADMINISTRATIVE ASSISTANT

Chairman Potash entertained a motion for the nomination of Administrative Assistant.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to nominate Kathlyn Gurney as Administrative Assistant to the Board.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Knapp, Shafron, Haymon, Hagberg, Morris, Councilman Kulmala, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mrs. Steele and Mr. DiLandro.

OFFICIAL NEWSPAPER

Chairman Potash entertained a motion for official newspaper for the Board.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to nominate The Record as the official newspaper of the Board.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Knapp, Shafron, Haymon, Hagberg, Morris, Councilman Kulmala, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mrs. Steele and Mr. DiLandro.

BY-LAWS

Chairman Potash entertained a motion to adopt the By-Laws of the Board.

Motioned by Councilman Kulmala and seconded by Mayor Schwager, to adopt the By-Laws last revised June 2009.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Knapp, Shafron, Haymon, Hagberg, Morris, Councilman Kulmala, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mrs. Steele and Mr. DiLandro.

1. Berardi – 22 & 24 River Road, Block 1805, Lot 10 and 24 River Road, Block 1805, Lot 11. Continued public hearing for the construction of two homes in the flood plain requests to be carried to the February 13, 2014 public hearing.

Chairman Potash announced that this hearing would be carried to the February 13, 2014 public hearing with no further notice.

MEMORIALIZATION:

Eligible voters: Mrs. Rowin and Steele, Messrs. Kulmala, DiLandro, Haymon, Hagberg, Councilwoman Coira, Mayor Schwager and Chairman Potash.

1. Vitale – 46 Academy Circle, Block 3905, Lot 2. Approval for a major soil move.

Chairman Potash explained that this application was approved in November and Mr. Russo drafted a resolution to be memorialized but issues that have come up need to be addressed.

He continued that the Board typically does not open the meeting to the public during the memorialization portion; however, the Board will open the meeting to the public to allow the applicant and neighbor to address issues that have come up at the last meeting.

Ms. Mejia explained that she has been back and forth with the applicant's engineer and informed the Board that the wall height complies and they have received the stability certification and a letter certifying the wall height. According to the applicant's engineer, there will be zero increase in runoff to be enforced by the Borough.

Mr. Russo reminded the Board that the applicant was required to supply an as-built to insure accuracy with grading, drainage and wall placement but due to the cost of the as-built, the applicant expressed that they cannot afford it. He questioned Ms. Mejia if an as-built is necessary on her end to confirm the improvements. Ms. Mejia responded if the Board requests an as-built, then the applicant should provide it and the building department may require this anyway but on her end for a retaining wall all that is required is the stability certification.

Mrs. Kelly Vitale, 46 Academy Circle, was sworn in and informed the Board that they have moved the wall away from the neighboring property by four feet and provided two letters concerning the wall stabilization and the drainage as requested by the Board. She expressed that they have gone above and beyond to satisfy their neighbor and cannot afford an as-built.

Mr. Touhy, 42 Academy Circle, was sworn in and explained that he has no issue with the wall location but informed the Board that the wall exceeds the six-foot maximum height approved by the Board. In addition, he believes the drainage pipes were put in and covered without inspection and questioned what his recourse was in the event the drainage situation is worse. Mr. Russo reminded Mr. Touhy that it is included in the resolution that as a result of re-grading the property and constructing of the retaining wall, there will be zero increase of water runoff or the applicant would need to rip it out and start over. Ms. Mejia added that Mr. Hagberg would handle any enforcement issue.

Mr. Hagberg informed Mrs. Vitale that before any of the planting is done, the applicant would need to supply a landscaping plan and get approval from Ms. Mejia.

Chairman Potash explained that when building a retaining wall, typically two courses of block is buried under ground but if the applicant has mounded the dirt against the wall to minimize the height, then this would be an issue. Mr. Morris expressed that a licensed engineer would be putting their license on the line by including false dimensions.

Chairman Potash explained that they would eliminate number 16 in the resolution requiring the as-built and accept the stability calculations and the letter certifying the wall height. He informed the Board that if the wall exceeds the approved height, Boswell Engineering and the Building Department would settle it. He entertained a motion.

Motioned by Councilman Kulmala and seconded by Mr. Hagberg, to memorialize the above resolution of approval minus the required as-built.

Eligible voters: Messrs. Shafron, Hagberg, Councilman Kulmala and Chairman Potash.

Roll call vote: Ayes: Messrs. Shafron, Hagberg, Councilman Kulmala and
 Chairman Potash.
 Nays: None
 Abstain: None
 Absent: None

PAYMENT OF BILLS:

Motioned Mr. Morris and seconded by Councilman Kulmala, for the payment of bills subject to the availability of funds.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Shafron, Haymon, Hagberg, Morris,
 Councilman Kulmala, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mrs. Steele and Mr. DiLandro.

APPROVAL OF MINUTES:

Motioned by Mrs. Rowin and seconded by Mayor Schwager, to approve the December 9, 2013 minutes.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Shafron, Hagberg, Morris,
 Councilman Kulmala, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: Mr. Haymon
 Absent: Mrs. Steele and Mr. DiLandro.

NEW BUSINESS:

Chairman Potash entertained a motion to adopt the 2014 Planning Board meeting schedule.

Motioned by Mr. Morris and seconded by Councilman Kulmala, to adopt the Planning Board meeting schedule for 2014.

Roll call vote: Ayes: Mrs. Rowin, Messrs. Knapp, Shafron, Haymon, Hagberg,
 Morris, Councilman Kulmala, Mayor Schwager and Chairman
 Potash.
 Nays: None
 Abstain: None
 Absent: Mrs. Steele and Mr. DiLandro

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 8:00 P.M.

Motioned by Mrs. Rowin 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 February 13, 2014.