

PLANNING BOARD MINUTES
PUBLIC MEETING
FEBRUARY 12, 2015 - 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, Jason Shafron, Lee Haymon, Nicholas DiLandro, Dan Hagberg, Elaine T. Rowin, John Morris, Councilman Jensen, Mayor Linda H. Schwager and Chairman Thomas Potash.

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

Present: Mrs. Rowin, Messrs. Knapp, Madden, DiLandro, Haymon, Hagberg, Morris, Councilman Jensen and Chairman Potash.
Absent: Mr. Shafron and Mayor Schwager

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

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

Chairman Potash announced that Mr. Madden has taken Mrs. Steele's position as Alternate I position. He would be sitting in for Mayor Schwager and Mr. Knapp would be sitting in for Mr. Shafron.

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

No comment.

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

PUBLIC HEARING:

1. Roy – 12 Silver Birch Avenue, Block 1703, Lot 6. . Public hearing for a minor subdivision and bulk variances.

David Becker, Esq. was before the Board to represent the Roy application. The applicant who resides at 12 Silver Birch proposes to subdivide his property into two residential lots. The existing home is located on 6.02 and the vacant lot located on 6.01. He explained that there are existing variances and new variances being requested in this application. He introduced the homeowner Mr. Roy.

Mr. John Roy was sworn in and testified that he and his wife have owned the home for approximately 19 years. He explained that he was before the Board back in 2008 requesting to subdivide or relocate the lot line to gain 8,460 square feet from the neighboring property. The purpose at that time was to create a larger yard and the opportunity to eventually subdivide the lot and build another home that would conform to the other homes in the neighborhood.

A discussion ensued between Mr. Roy and Mrs. Rowin concerning the testimony Mr. Roy gave back in 2008 to add to his property. She remembered Mr. Roy's testimony was to enhance the size of his property to better comply with the Borough's master plan. Mr. Roy responded that it was always his intention to eventually subdivide and build a home. Mrs. Rowin expressed that she did not remember this topic ever being portrayed and believes his testimony to be disingenuous. She continued that during master plan re-examinations, changes to the zoning setbacks were done for a reason and this reason was to keep properties in the RA-3 Residential zone from going less than 15,000 square feet. She expressed concerns with the applicant's request of returning back to a non-conforming lot after bringing his property back to zoning conformity back in 2008.

Mrs. Rowin questioned if the applicant currently has a cesspool or a septic and would Mr. Roy be responsible to upgrade his cesspool to a new septic. Chairman Potash responded that the applicant's current septic or cesspool would need to be upgraded to code and if the application were approved, the adjacent lot would need a new septic system installed for the new dwelling. Councilman Jensen questioned if a septic system would fit on the subdivided property with a new dwelling.

Chairman Potash questioned what was in the rear of the applicant's property. Mr. Roy responded that rear yard of his home faces Ramapo Boulevard and the vacant lot is adjacent to his rear yard. This is a corner lot consisting of two front yards with no rear yard.

Mr. Lydon commented that the earlier application was favorable since it eliminated variances making the property conform to the borough's ordinance for that zone. Mr. Becker introduced Mr. Doolittle from McNally Engineering located in Oakland. Mr. Doolittle offered his credentials and the Board accepted his qualifications. An exhibit was entered into evidence.

Exhibit A-3, Subdivision Plat prepared by McNally Engineering dated February 12, 2015.

Mr. Doolittle explained the current conditions of lot 6 as being 123-feet wide fronting Silver Birch Avenue, 111-feet deep and 116-feet on the left side. The lot is a through lot with frontage on Silver Birch Avenue and Ramapo Avenue. The property has a dwelling facing Silver Birch, a shed in the front yard, walkways and a driveway that runs along Ramapo Avenue.

The applicant is proposing to split the lot down the middle creating two lots as follows:

	Lot 6.01	Lot 6.02	Zone Requirement
Lot Area	7,354 square feet	6,721 square feet (V)	required 15,000 square feet
Lot Width	63.97-feet	59.74feet (V)	required 100-feet
Lot Depth	113.69-feet (existing)	111.30-feet (V)	required 140-feet
Building Coverage	-	2 percent (V)	required 20 percent
Building Height	-	2 stories	maximum 2 1/2 stories
Front Yard Min.		24 & 37.9-feet (V)	required 40-feet
Side yard Min.		2-feet (V)	required 15-feet

Mr. Doolittle informed the Board that the existing dwelling has a cesspool and has had to add on the two seepage pits and as long as the applicant is not planning to expand his home, he does not have to upgrade the system. The new home would have a new septic system to code. The applicant is not sure of the size of the proposed home or the location of the septic system. Because of the existing septic system on proposed lot 6.01, the proposed home to be built on lot 6.02 may have to face Ramapo Avenue. The existing home and the proposed home would connect to municipal water supply.

Mr. Hagberg questioned the square footage of the building envelope for lot 6.01. Mr. Doolittle responded that anywhere from 1000 square feet to 1,800 square feet but this has not been decided yet. Mr. Hagberg questioned if they added a driveway and would this put them over the maximum 20 percent lot coverage. Mr. Doolittle believes that he will not exceed the 20 percent lot coverage but would adjust to maintain compliance. He expressed that they may decide to come back to the board for variances if needed for esthetic purposes for the proposed home. A discussion ensued concerning impervious coverage maximums. Mr. Lydon informed the Board that 40 percent is the maximum impervious coverage. Mr. Hagberg questioned the location of the septic system on lot 5, a neighboring property. Mr. Doolittle responded that this is another variable and we need to be at least 50-feet away from that. Chairman Potash questioned if it would look peculiar if the proposed home was to face Ramapo Avenue when all the other homes

were facing Silver Birch Avenue. Mr. Doolittle responded that this is why it will take special planning and perhaps some additional variances to prevent that. Mrs. Rowin commented that the homes on the opposite side of Silver Birch Avenue are much larger than the north side which would make the proposed home fit less into the neighborhood. Mr. Doolittle responded that this is why it may be better for the home to face Ramapo Avenue where the homes are more compatible.

Mr. Becker introduced Mr. Michael Kauker with Kauker and Kauker located in Wyckoff, New Jersey. He offered his credentials and the Board accepted his qualifications.

Mr. Kauker informed the Board that the subject property is located in Oakland's RA-3 Residential which makes up approximately 60 percent of the town. The subject property is located in the southeast portion of Silver Birch Avenue consisting a total lot area of 14,075 square feet. It is flat parcel of land which is a through lot that fronts both Silver Birch Avenue and Ramapo Avenue. The applicant seeks to subdivide their property to create two lots. These lots would now be 6.01 with a lot area of 7,354 square feet and Lot 6.02 with a lot area of 6,721 square feet where the existing home will remain.

In this neighborhood, there are currently 54 homes that were built back in the 1950's. Most of the homes in this area are non-conforming lots which resulted in a 1988 master plan re-examination. During the re-examination it was noted that the smaller sized lots were having a negative effect for the town so the zoning of RA-4 was converted to RA-5 and RA6 to Residential RA-3.

He reviewed the lot area, lot width and lot depth for both proposed lots 6.01 and 6.02. In addition, the proposed building coverage, front yard and side yard setback for lot 6.02. There is no building coverage or setbacks being proposed at this time for lot 6.01.

Mr. Kauker addressed Mr. Lydon's report which required testimony to be given on any negative criteria and if the benefits outweigh the detriment according to C-1 variance and C-2 variance. He explained the existing condition of the lot and the hardship of his lot and the lots in that area and testified that there would be no substantial detriment to the public.

Mr. Kauker informed the Board that the average lot area for this neighborhood is approximately 9,300 square feet and the characteristics of these lots are similar. A discussion ensued concerning creating a larger lot which offers more light and air then subdividing a lot creating a through lot with two front yard setbacks and eliminating a rear yard. Chairman Potash commented that this is not a desirable situation and now another lot with double frontage lot is being created. In addition, he commented that this may look peculiar if the proposed home on lot 6.02 were to face out toward Ramapo Avenue when the other homes were facing Silver Birch.

Mrs. Rowin reminded Mr. Kauker that the homes with smaller lots in this area as well as other areas needed to be upgraded to improve the overall appearance. This is why the zoning was changed from 12,500 to 15,000 square feet. She expressed that she was having difficulty seeing that an upgraded property by adding to the lot area only to downgrade the property by subdividing. A discussion ensued concerning economic reasons for subdividing the parcel. Councilman Jensen questioned why this zone had changed. Mr. Kauker responded that during the re-examination period, it was considered a good thing to create a bigger lot for the reasons of

septics which would have a favorable impact on more than half of the town. Councilman Jensen responded Mr. Kauker that the zoning was put in place to discourage development on smaller lots with septic systems which describes this area.

Mr. Lydon had a difference of opinion concerning a court case Mr. Kauker was comparing this application to. A discussion ensued about a vacant land use source and Mr. Lydon did not feel this compared to this property. He explained that the master plan was not meant to increase land value but to address or prevent a problems in the zone. He informed the Board to keep in mind the challenges that Mr. Doolittle testified about concerning the lot. Councilman Jensen requested a copy of the court case and Mr. Kauker agreed to supply the Board with the request.

Motioned by Mrs. Rowin and seconded by Councilman Jensen, to open the meeting to the public regarding the Roy application was voted unanimously by the Board.

Mr. Brad Hakins, 17 Silver Birch Road, informed the Board that he is Mr. Roy's neighbor and is in favor of the subdivision. He described the layout of the neighborhood and compared it to others neighborhoods within the town. He expressed that the proposed subdivision of a buildable lot would not impact the neighboring homes and he is in favor because it would give his home some buffer. He did not think it would look odd. It is a young family neighborhood on a cul de sac. He understands the Board needs to make decisions based on the rules but he just wanted them to hear a neighbor's perspective.

Motioned by Mrs. Rowin and seconded by Councilman Jensen, to close the meeting to the public regarding the Roy application was voted unanimously by the Board.

Chairman Potash suggested that the meeting recess.

Meeting recessed at 8:15 p.m.

Meeting resumed at 8:25 p.m.

Mr. Becker requested that the application be carried to the March meeting so that gather more information of offer the Board concerning the septic system. Chairman Potash suggested that more detail be given concerning the size of the home and location of both home and septic system on proposed lot 6.01.

Chairman Potash announced that the Roy application would be carried to the March 12, 2015 public hearing with no further notice.

RESOLUTIONS:

1. Authorized Agreement with Planning Board Attorney, Engineer and Planner.

Motioned by Mr. Morris and seconded by Mr. Hagberg, to adopt the resolution authorizing an agreement between the Board and Joseph Russo, Planning Board Attorney, Rebecca Mejia, Planning Board Engineer and Steve Lydon, Planning Board Planner.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Knapp, Madden, DiLandro, Haymon, Hagberg, Morris and Chairman Potash.

Nays: None
Abstain: Councilman Jensen
Absent: Mr. Shafron and Mayor Schwager.

MEMORIALIZATION:

None

PAYMENT OF BILLS:

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

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Knapp, Madden, DiLandro, Haymon, Hagberg, Councilman Jensen and Chairman Potash.
Nays: None
Abstain: None
Absent: Mr. Shafron and Mayor Schwager.

APPROVAL OF MINUTES:

Motioned by Mr. Morris and seconded by Mrs. Rowin, to approve the January 8, 2015 minutes.

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

NEW BUSINESS:

A discussion ensued concerning a traffic Light being placed on the Reed Academy property to be a tool for teaching children with Autism.

OLD BUSINESS:

There was an update on the Bi County decision and an update on the Fanale property that is for.

Chairman Potash advised Mr. Lydon that a proposal for zone changes be forwarded to the Borough Administrator and Mayor and Council. A discussion ensued concerning the changes in uses that have be applying to the zoning board. Chairman Potash informed the Board that there has been word that a church and a propane company may be making application to the zoning board.

PUBLIC MEETING ADJOURNED AT 8:45 P.M.

Motioned by Mr. Morris and seconded by Mr. Haymon, to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on March 12, 2015.