

PLANNING BOARD MINUTES
PUBLIC MEETING
MAY 9, 2013 - 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:

Jason Shafron, Lee Haymon, Nicholas DiLandro, Eric Kulmala, Christopher Baczewski, Dan Hagberg, Elaine T. Rowin, John Morris, Councilwoman Coira, Mayor Linda H. Schwager and Chairman Thomas Potash.

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

Present: Mrs. Rowin, Messrs. Shafron Kulmala, Baczewski, Hagberg, Morris, Councilwoman Coira, Mayor Schwager and Chairman Potash.
Absent: Mr. Haymon and Councilwoman Coira.

Joseph Russo, Esq., Board Attorney and Rebecca Mejia, Boswell Engineering were also in attendance.

Motioned by Mrs. Rowin and seconded by Mr. DiLandro, to excuse the absences of Messrs. Shafron and Baczewski was voted unanimously by the Board.

Motioned by Mrs. Rowin and seconded by Mayor Schwager, to excuse the absence of Councilwoman Coira was voted unanimously by the Board.

Chairman Potash announced that Mr. Haymon would be sitting for Mr. Baczewski.

PUBLIC HEARING BEGINS:

Chairman Potash entertained a motion to open the meeting to the public.

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

1. Triple D Holding, LLC – 51 and 55 West Oakland Avenue, Block 1801, Lot 1 and 2. Public hearing for an amended site plan with variances.

Chairman Potash explained that this is an amended site plan for this property which previously received approval for a subdivision back in 2007.

Mr. A. Michael Rubin, Esq. located in Wayne, New Jersey was before the Board to represent Triple D Holding, LLC. After going through the Bergen County Planning process and a few years with a difficult economy, the applicant has looked at the plans and found several items that require changes. Most of these changes are attributed to changes the county opposed upon the applicant.

Mr. Paul Lapatka with Eid & Lapatka, LLC located in Franklin Lakes, New Jersey was sworn in and testified the he is a licensed engineer in New Jersey. He reviewed his credentials and the Board accepted Mr. Lapatka's qualifications.

The applicant is requesting three items of relief as a result of a minor subdivision approved by the Planning Board back in 2007. A change in the driveway configuration pursuant to Bergen county requirements is being requested. The county requires driveways to be flat for the first 50-feet and since the lots involves slopes, the applicant is requesting two 3-foot high retaining walls on lot 1. A discussion ensued concerning whether the applicant requires a variance for a 3-foot retaining wall. Mr. Hagberg explained that the walls would be tiered on the same slope resulting in a 6-feet of retaining wall.

In addition, the applicant is a change in the footprint of the proposed home on lot 1. The home on lot 1 would be similar in shape but due to the grading the house would be set back a bit further. On lot 2 the proposed home would be longer and more narrow but similar footprint. Chairman Potash questioned if the retaining walls are need on lot 2. Mr. Lapatka responded the one wall which would not exceed 3-feet in height.

Mr. Lapatka addressed a note from the Zoning Officer referring to the building height and explained how they calculated the height which would come under the required 35-feet. Chairman Potash confirmed with Mr. Lapatka that he referred to the Borough's ordinance when calculating the height of the building. Mr. Lapatka responded that he did.

Ms. Mejia questioned Mr. Lapatka if they received a comment letter from the county. Mr. Lapatka responded that they have it and can send Ms. Mejia a copy. Ms. Mejia

requested that she would need to see the drainage calculations. Mr. Lapatka responded that he would also provide the drainage calculations to Ms Mejia.

Mr. Hagberg questioned if the air conditioning units would comply with the setbacks. Mr. Lapatka responded that the air conditioning units would be placed in the rear of the house.

Mr. Russo suggested that Mr. Lapatka state for the record that the variances would not result in any detriment to the Borough. Mr. Lapatka confirmed that the 2 retaining walls, each three-feet high, would have no impact on the neighboring homes and the reconfiguring of the driveways were at the county's request.

Mr. Haymon questioned the location of the septic system. Mr. Lapatka pointed the area where the septic system would be located. Mr. Russo requested that the drawing being referenced be marked into evidence.

Exhibit A-1, Site plan of lot 1 dated April 8, 2013.
Exhibit A-2, Site plan of lot 2 dated April 8, 2013.

Mayor Schwager questioned Mr. Rubin if his name was A. Michael or Michael A because there was a discrepancy on the application. Mr. Rubin responded that his name is A. Michael Rubin.

A discussion ensued concerning where calculations were taken for the 1 percent slope in the first 50-feet of the driveway. Mr. Lapatka responded that he believes it is 2-percent grade counted from the county road up to the right-of-way line and then possibly 25 to 30-feet back which was approved by the county back in 2007. Mr. Morris expressed that it appears that the calculations were taken from the county easement line.

Mrs. Rowin questioned if the applicant is proposing sheet flow drainage for the property. Mr. Lapatka responded that for the roof drainage, they are proposing two large seepage pits.

Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Morris and seconded by Mayor Schwager, to open the meeting to the public regarding matters concerning Triple D Holdings, LLC was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to close the meeting to the public regarding matters concerning Triple D Holdings, LLC was voted unanimously by the Board.

Mr. Russo confirmed with Mr. Rubin that the vote was to amend prior subdivision approval with the granting of variances. Chairman Potash entertained a motion.

Motioned by Mr. Morris and seconded by Councilwoman Coira, to approve the amended subdivision approval with variances for the Triple D Holding, LLC application.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Haymon, Kulmala, DiLandro, Hagberg, Morris, Councilwoman Coira, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Messrs. Shafron and Baczewski

2. Recommendation that Mayor and Council adopt the following amendments And revisions made to the Borough of Oakland, Chapter 59 entitled "Land Use and Zoning" and Chapter 10 "Building and Housing" entitled Revised General Ordinances. (Accessory Structure or Building).

Chairman Potash reminded the Board that at the last two meetings, that discussions to change setbacks and size requirements for accessory building. He explained that Mr. Russo drafted a letter addressed to Mayor and Council so that they could adopt a revision to the ordinance.

Mr. Russo informed the Board that ordinances are normally originates from the Mayor and Council and just like the Solar Panel ordinance, it will come back to the Board as a formal recommendation then back to Mayor and Council. This recommendation was brought to the Planning Board's attention due to issues they were seeing with accessory structures.

Mr. Russo also informed the Board that he had attended a Land Use seminar and received some information pertaining to the accessory structure ordinance where the Board has deemed that air conditioning units and generators are not accessory structures for purposes of setbacks.

An Assemblywoman from Monmouth, New Jersey has proposed a bill February 11, 2013 seeking to do exactly what the Board is opposing. She is proposing that power generators which are permanently connected to the electrical system of a residential home and only operates in the event of a power outage for back up power be deemed an accessory structure. Regardless of the setbacks required, she proposes a limit of 5-feet

MEMORIALIZATION:

None

PAYMENT OF BILLS:

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

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Haymon, Kulmala, DiLandro, Hagberg, Morris, Councilwoman Coira, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Messrs. Shafron and Baczewski

APPROVAL OF MINUTES:

Motioned by Rowin and seconded by Mr. Baczewski to approve the April 11, 2013 minutes.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Kulmala, DiLandro, Hagberg, Morris,
 Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: Mr. Haymon and Councilwoman Coira
 Absent: Messrs. Shafron and Baczewski

NEW BUSINESS:

None

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 7:40 P.M.

Motioned by Mrs. Rowin and seconded by Mr. Baczewski, to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on June 13, 2012.