

PLANNING BOARD MINUTES
PUBLIC MEETING
JULY 9, 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: Messrs. DiLandro, Mr. Shafron, Haymon, Morris, Councilman Jensen, Mayor Schwager and Chairman Potash.

Absent: Mrs. Rowin, Messrs. Madden, Knapp and Hagberg.

Also in attendance Mr. Joseph Russo, Esq., Board Attorney, Ms. Rebecca Mejia, Board Engineer and Steve Lydon, Board Planner.

Motioned by Mr. Morris and seconded by Mr. Haymon, to excuse the absences were voted unanimously by the Board.

Motioned by Mr. Morris and seconded by Mayor Schwager, to open the meeting to the public regarding matters not on the agenda was voted unanimously by the Board.

No comments.

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

PUBLIC HEARING:

1. Visions Federal Credit Union – 3 Post Road, Block 2703, Lot 2. Requested to be carried to the August 13, 2015 public hearing for an amended site plan.

Chairman Potash announced that this application would be carried to the August 13, 2015 public hearing with no further notice.

2. Roy – 12 Silver Birch Avenue, Block 1703, Lot 6. . Continued public hearing for a minor subdivision and bulk variances has been carried to the July 9, 2015 meeting.

Mr. David Becker, Esq. was before the Board representing the above continued application. He explained that this is a continued public hearing that began back in February to subdivide one residential lot into two. Mr. Roy had testified at the first hearing that he is the owner of the lot. In addition, Mr. Roy's Planner testified informing the variances and that the proposed subdivision would be consistent with the neighborhood.

The result of the last meeting was that the applicant was required to supply the Board with proof that the proposed lot could sustain both a home and septic system. After a few months of engineering, Mr. Doolittle has created two concepts that would work for lot 6.01. He offered exhibits to be entered into evidence.

Exhibit A-4, Drawings PP1 fronting Ramapo Avenue.

Exhibit A-5, Drawings PP2 fronting Silver Birch Avenue.

Mr. Doolittle explained that the plan PP1 shows a three-bedroom dwelling, approximately 924 square feet, fitting the lot with no variances fronting Ramapo Avenue. Plan PP2 shows a three-bedroom dwelling, approximately 1,027 square feet, fronting Silver Birch Avenue with a side yard setback of 10.6-feet where 15-feet is required and a front yard setback of 24-feet where 40-feet is required.

Councilman Jensen reviewed the specifics of the lot and verified the variances being requested. Mr. Doolittle responded that the applicant is proposing six variances, three of which are existing and three new variances. Mayor Schwager verified the frontage for the proposed home. Chairman Potash questioned which street the Roy dwelling faces. Mr. Doolittle confirmed that the Roy home faces Silver Birch Avenue.

Ms. Mejia questioned the proposed height of the dwelling. Mr. Doolittle responded that the height would probably be less than the 35-foot maximum.

Mr. Shafron questioned the condition of the existing septic systems and seepage pit. Mr. Doolittle responded that the existing septic system and seepage pit are working properly.

A discussion ensued concerning which plan to approve. Mr. Doolittle responded that he drafted two plans showing the proposed home facing on Silver Birch and Ramapo Avenue. He explained that the plan, PP2, worked better as far as locating a septic system.

Motioned by Mr. Morris and seconded by Mr. Shafron, to open the meeting to the public regarding matters concerning the Roy application was voted unanimously by the Board.

Mr. Brad Hakins, 17 Silver Birch Avenue, explained that the open space facing both Silver Birch and Ramapo Avenue looks unusual. He expressed that he had no objection to the proposed subdivision and felt it would not have a negative impact on the neighborhood.

Mr. Phil Coniglio, 32 Ramapo Avenue, explained that he favored the application. However, he felt that the home resembled the homes on Ramapo Avenue and would prefer to see the home front Ramapo Birch Avenue.

Mr. Joseph McMahon, 36 Ramapo Avenue, explained that he lives directly across the street from the lot and supports the application. He suggested that the proposed home face Silver Birch Avenue since the frontage is more consistent with that neighborhood.

Mr. Thomas Russo, a real estate agent in Oakland, commented that he is familiar with this neighborhood and expressed that the proposed home would complete the neighborhood by filling in the void at the end of the street. He favors the application.

Motioned by Mr. Morris and seconded by Mr. DiLandro, to close the meeting to the public regarding matters concerning the Roy application was voted unanimously by the Board.

A discussion ensued concerning the two different plans and which one would work best for the property. The plan showing the proposed home fronting Ramapo Avenue would have the least amount of the variances but would come very close to the adjacent septic field by 10-feet. The other plan showing the proposed home fronting Silver Birch Avenue would increase the variance by three, but have less of an impact on the septic field by 50-feet.

A discussion ensued concerning shifting the house closer to the existing home. Chairman Potash verified that the applicant wanted the vote based on the PP2 plan facing Silver Birch Avenue. Mr. Becker, Esq. responded yes, that this would be the most logical solution.

Chairman Potash asked if the Board had any more discussion concerning the application.

Mr. Morris expressed that he was in favor of the application. He felt that the PP2 plan is consistent with the neighborhood. The fact that a number of neighbors were present to show their approval for the subdivision was helpful. In addition, the home would look better there than a vacant spot.

Mr. Jensen expressed that he was not in favor of the application for a number of reasons. These properties were rezoned to stop people from doing this exact thing and sees no reason to undo what the Borough's zoning has intended. He strongly expressed that he did not approve with creating eight variances.

Mr. Shafron suggested that it be included in the resolution that the plans reflect the location of the driveway off of Silver Birch Avenue.

Chairman Potash commented that he did not have a problem with the number of variances but with the magnitude of the variances. He expressed dissatisfaction with reducing a lot size to half of the 15,000 square feet zoned by the governing body. The PP2 plan is out of character with the homes on Silver Birch Avenue.

Testimony given by the applicant's planner indicated that the negative criteria was that the properties have two front lots which is undesirable but now we are creating another. As the property exists now, the applicant has a good size side yard making up for lacking a rear yard.

Chairman Potash explained that he struggled with the application but based his decision on the intensity of what was being proposed versus the Borough's ordinance. He expressed that with this application, he does not believe that the benefits outweigh the detriment.

MEMORIALIZATION:

None

PAYMENT OF BILLS:

Motioned Mr. DiLandro and seconded by Mayor Schwager, for the payment of bills subject to the availability of funds.

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

APPROVAL OF MINUTES:

Motioned by Mr. Morris and seconded by Mr. Hagberg, to approve the June 11, 2015 minutes.

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

NEW BUSINESS:

Mr. Lydon gave another update to the Board concerning the March 10th Supreme Court decision. He explained that COAH obligations remain uncertain. The Borough is moving forward with the Fair Share Housing Element.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 7:55 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 August 13, 2015.