

PLANNING BOARD MINUTES
PUBLIC MEETING
OCTOBER 13, 2016 - 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:

John Madden, 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 7:01 P.M., ROLL CALL:

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

Motioned by Councilman Jensen and seconded by Mr. Haymon, to excuse the absence was voted unanimously by the Board.

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

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

No Comments.

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

PUBLIC HEARING:

1. A & E Ventures of Oakland – Plaza Road, Block 2702, Lots 1.01 and 1.02. Continued public hearing for an amended preliminary and final site plan.

Chairman Potash announced that A & E Ventures of Oakland (Wawa) has carried their application. Mr. Russo explained that the objectors for the application, Shoprite and Valero, have filed a notice of appeal with the Zoning Board of Adjustment. The Wawa application will not proceed here with the Planning Board until the Zoning Board hears the appeal and makes a decision on the jurisdiction of the application. Wawa may not return to the Planning Board until December or January. Chairman Potash suggested that the public contact the Board office for the status of the hearing.

2. Smith – Ryerson Avenue, Block 3703, Lot 89.05. Public hearing for a minor subdivision with variances will be carried to October 13, 2016

Mr. Ben Cascio, Esq. from Franklin Lakes was before the Board on behalf of the applicant. He explained that the applicant is seeking a minor subdivision for a one of the lots created in a 5 lot subdivision back in 2010. The applicant received recommendation from the Planning Board to rezone the property, located in the Industrial Park, to an R4-Residential zone which would allow a maximum of 7 buildable lots but due to environmental constraints, the applicant received approval for a 5 lot major subdivision. Mr. Cascio entered exhibits.

Exhibit A-1, 2010 Resolution of approval.

Exhibit A-2, FHA Permit.

Since then, the applicant has gone back to NJDEP and received a FHA Permit to subdivide one of the larger lots, 89.06. The applicant will still comply with the RA-4 Residential zone requirements but a variance will be needed for steep slopes and a waiver for irregular lot lines. He introduced Mr. Massimo Piazza with Piazza Engineering located in Fairlawn. Mr. Piazza was sworn in and offered his credentials and the Board accepted his qualifications.

Mr. Piazza explained that the subject property is located at the end of Ryerson Avenue. The applicant proposes to subdivide a 197,982 square foot lot, known as 89.05, into two lots. Proposed lot A would consist of 144,405 square feet, 3.2 acres and lot B consisting of 53,577 square feet, 1.23 acres. Both lots would conform to the required setbacks.

A steep slope runs through the center of the two lots and reminded the Board that steep slope variances were granted in the 2010 approval. He explained the steep slope analysis used:

Slope Category	Area	Area Disturbed	Allowable
0 to 14%	44,412 sf	15,647 sf	100 %
15 to 25%	8,245 sf	5,275 sf	50 %
25 to 35%	920 sf	395 sf	30 %

A waiver is being requested for irregular lot lines of 110 degrees where 90 degrees is required. Mr. Piazza explained that the hardship for the C-1 variance would be due to the narrowness and topography of the property.

They have received NJDEP FHA approval permitting 4,000 square feet of isolated wetlands to be filled in to create a buildable lot. He expressed that approval for this application could be granted without any detriment since this building lot would be consist to the zone and compatible with the surrounding area.

Chairman Potash informed Mr. Piazza that only certain disturbances are allowed in each slope category listed in the ordinance. He explained that the steep slope ordinance allows all construction in the 0-14% range, transitional grading and road/driveway in the 15-25% range and only transitional grading in the 25-35% range. According to the site plan, the steep slope encroachment may not be as bad as his analysis is predicting. A discussion ensued concerning the percentage of construction they are proposing in the 25-35% range.

Mr. Haymon confirmed the fill location of the wetlands. Ms. Mejia questioned the hours of operation. Mr. Smith was sworn in and responded that the hours of operation are from 7:00 a.m. to 6:00 p.m. Ms. Mejia informed Mr. Smith that there have been numerous complaints from the neighboring property owners concerning the hours of operation.

Mr. Russo informed Mr. Smith that his affordable housing obligation will need to be met in the event the change triggers an increase. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mrs. Rowin and seconded by Mr. Jensen, to open the meeting to the public regarding matters concerning the Smith minor subdivision application was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mr. Jensen, to close the meeting to the public regarding matters concerning the Smith minor subdivision application was voted unanimously by the Board.

It was requested that the applicant supply the Board engineer with the exact steep slope disturbances for each category. Chairman Potash entertained a motion.

Motioned by Councilman Jensen and seconded by Mr. Haymon, to approve the Smith application contingent to the applicant submitting to the Board engineer the estimated steep slope calculations.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Shafron, DiLandro, Haymon, Hagberg, Morris, Councilman Jensen, Mayor Schwager and Chairman Potash.

Nays: None

Abstain: None

Absent: None

3. Highlands Element of the Master Plan

Mr. Lydon reported that appropriate notice to the County and surrounding towns were given. He reminded the Board that back in September 2014 they adopted the Natural Resource Inventory as an element of the master plan.

The municipality shall continue to protect and enhance as well as guide the land use and development while keeping with the Highlands Regional Master Plan (RMP). He reviewed with the Board the goals and objectives set forth in the Highlands Element of the master plan.

The specific goal of this plan is to strive for the extension of sanitary sewer service throughout the Central Business District as well as extending sanitary sewers to the area of West Oakland and Doty Road area where improperly functioning septic systems exist so to protect and restore the Borough's water resources.

A continuation to investigate the advantages and disadvantages of creating a Highlands Transfer of Development Receiving Area so Oakland would not be assessed or debited for wastewater transported out of the Borough. With the Highlands help, perspective and expertise, they will continue to pursue erosion control and resolve damages caused by periodic flooding issues.

Mr. Lydon reminded the Board of the "good faith" policy the Borough has with the Highlands and understands that they would be able to withdraw their conformance status without being required to return funding granted by the Highlands.

To provide opportunity for the construction of affordable, senior housing and housing for those with special needs on land with no environmental sensitivity which will allow sanitary sewers and ensure future development and redevelopment activities within the community.

Oakland will pursue opportunities to achieve growth and balance of non-residential and residential land use in appropriate locations.

Chairman Potash questioned if specific areas in need of redevelopment are mentioned in the goals. Mr. Lydon responded that he did not because he was afraid it could work against the Board by excluding certain properties but suggested that he could include wording such as “included but not limited”.

Mr. Morris commented that he would be reluctant to use the word redevelopment because this can mean more than what is intended. Mr. Lydon responded it is the Highlands definition of Redevelopment and could change the wording to “Highlands Redevelopment” which means it allow higher impervious coverage percentage and the ability to extend sanitary sewers.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to open the meeting to the public was voted unanimously by the Board.

Mr. Tibor Lantincsis from Conklin Associates located in Ramsey, New Jersey on behalf of a property owner in the Industrial Park, came before the Board referencing the draft master plan and the West Oakland Avenue Industrial area. They previously filed a Redevelopment Designation application with the Highlands Council which the Borough was involved with and he encourages that an application be pursued for the West Oakland Avenue Industrial Park. Mr. Russo verified that Mr. Lantincsis was referring to the D.R. Mullen property. Mr. Lantincsis responded that Dewey Electronics owns the property and Mr. Mullen filed the application for a large portion of the West Oakland Industrial Park.

He explained that the master plan is very vague and that this specific recommendation can be included in this document. They are ready to re-start the process with the Highlands and file another application along with the Borough’s support and to know how to coordinate. Mr. Morris recalled a prior application filed with Highlands that was denied. Mr. Lantincsis responded that they were denied for the lack of 70-percent impervious surface and a disagreement of the quality of shot-rock. Mr. Russo confirmed that several property owners in the West Oakland Industrial Park joined in on the application to increase the impervious surface and although the Borough supported their application, they were not a part of it. He expressed that the Highlands also questioned that the entire Industrial Park was not in on the application.

Mr. Cascio expressed that this is the tax base for the Borough and it is important to encourage development in this area. Related to the application is the extension of sanitary sewers to the industrial park and Mr. Lantincsis questioned the possible location of connection. Mr. Lydon responded that the Borough has not precluded any specific direction but will probably go with Northwest Bergen since they are offering

sizable infrastructure improvements to service the Borough so that the Borough would not have to make those contributions. Mr. Lantincsis expressed to the Board that extending the sewer line across the Ramapo River will have physical challenges.

Mr. Lantincsis expressed to the Board that property owners in the West Oakland Industrial Park are ready to draft a plan to be incorporated in the Borough's master plan and need some direction to follow.

Mr. Russo confirmed that the nature of the application at that time was to put down additional gravel to increase parking area for vehicles. Mr. Lydon expressed that if they were able to receive the Redevelopment of Designation, there would be opportunity for other economic applications to be filed by the property owners to make improvements. Mr. Potash questioned Mr. Lydon if it would be appropriate to add a plan to the master plan. Mr. Lydon Board responded that by adopting the master plan, preparing a Redevelopment Designation Plan as part of the master plan document and submitting to the Highlands may kick-start the sanitary sewer service to that area. He expressed that it would be helpful if Mr. Lantincsis prepared the Redevelopment Designation Plan to aid the Borough. Mr. Morris suggested that the language in the master plan be tweaked to support the Redevelopment Designation. Mr. Lydon responded that the wording can be more specific in the master plan.

Chairman Potash confirmed the process of approving the document with the specific language and if it would then go to Highlands Council for approval. Mr. Lydon responded that this is correct and then the Board would get together with Mayor and Council to develop a Redevelopment plan for decided areas and back to Highlands Council for Redevelopment of Designation approval.

Mr. Lydon expressed that with the extension of sanitary sewers, there is good potential for redevelopment in this area and the Borough should be aggressive in achieving this. Chairman Potash expressed that it may be premature to be talking about a Redevelopment Plan. He suggested that the Board concentrate on the adoption of the Master Plan Element with the proper language change and then study the Redevelopment Designation further before making another application to the Highlands. Mr. Lantincsis explained that it would be advantages to mention their property specifically in the document. Mr. Lydon responded that they would need to make sure all property owners were on board with this application. A discussion ensued concerning the direction to be taken. Mr. Lantincsis offered his tax map, zone map overlay on an aerial map which could be modified and provided for the IP-1 Industrial zone.

Mr. Ben Cascio expressed that he read the report and questioned if other properties could be considered so that they are not locked into the Preservation Area. Mr. Lydon responded that the property would remain in the Designation Area and the only way you can change the Preservation Area boundary line is by state legislation.

Mr. Cascio expressed his opinion of the Highlands Act calling it the worst legislation passed and damaging to the economy of affected properties. He explained that the Highlands Council has so much control and to beware when conforming to their regulations. He referred to agenda 21, a resolution passed by United Nations in 1998 in Rio de Janeiro, which is an economic and geographic redevelopment plan that dictates how zoning is done. The United States has refused to adopt this but it has found its way into local ordinances. He encouraged the Board to read this and notice the comparison between this and Highlands.

Chairman Potash confirmed that the ShopRite area is also discussed in the master plan document as a potential Redevelopment area. Mr. Russo referenced the statute that references that the Highlands begin in Mahwah on Route 17 and follows the Ramapo River south delineating the Preservation Area which is controlled by legislation. Mr. Lydon expressed that the approach would be not changing legislation but to get approval for these Redevelopment Areas that will allow sanitary sewer.

Motioned by Mrs. Rowin and seconded by Mr. DiLandro, to close the meeting to the public regarding matters concerning the Highlands Element of the Master Plan.

Meeting recessed at 8:25 p.m.

Meeting resumed at 8:35 p.m.

MEMORIALIZATION:

None

PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Mrs. Rowin and seconded by Mr. Morris, to approve of September 8, 2016 minutes.

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

NEW BUSINESS:

It was brought to the Board's attention by Mr. DiLandro that there is an additional sign on the top of the Lenape Grille building. Mr. Hagberg responded that he would have the Zoning officer follow up with this.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 8:43 P.M.

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

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on November 10, 2016.