

PLANNING BOARD MINUTES
PUBLIC MEETING
JANUARY 14, 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 7:00 P.M., ROLL CALL:

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

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

Mr. Russo announced that the Mayor Schwager would be at the meeting momentarily.

Motioned by Mrs. Rowin and seconded by Councilman Jensen, 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:

Chairman Potash congratulated Councilman Jensen for his re-appointment as Planning Board liaison and Mr. Knapp for his re-appointment.

REORGANIZATION OF THE BOARD:

Chairman Potash informed the Board that a sub-committee consisting of himself, Mr. Morris and Mr. DiLandro to review the RFQ's of the professionals and give their recommendation.

CHAIRMAN

Chairman Potash requested nominations for Chairman of the Board.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to nominate Thomas Potash to continue as Chairman of the Board for 2016.

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

VICE-CHAIRMAN

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

Motioned by Mr. DiLandro and seconded by Mrs. Rowin, to nominate John Morris to continue as Vice-Chairman of the Board for 2016.

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

SECRETARY:

Chairman Potash requested nominations for Secretary of the Board.

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

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

ATTORNEY:

Chairman Potash explained that the committee reviewing proposals received two RFQ submittals from Uscher, Quiat & Russo and Ronald Mondell, Esq. The committee has decided to continue having Uscher, Quiat & Russo represent the Board.

Motioned by Mr. DiLandro and seconded by Mr. Shafron, to appoint Joseph Russo, Esq. as Board Attorney for 2016.

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

ENGINEER:

Chairman Potash explained that they received one RFQ submittal from Boswell Engineering. He informed the Board that he and the committee decided to continue with the services of Boswell Engineering and Rebecca Mejia as the Board's representative. He entertained a motion

Motioned by Mrs. Rowin and seconded by Mr. Morris, to appoint Boswell McClave Engineering as Board Engineer for 2016 and to continue with Ms. Mejia as the Board's representative.

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

PLANNER:

Chairman Potash explained that they received one RFQ submittal from Burgis Associates, Inc. He informed the Board that he and the committee decided to continue with the services of Burgis Associates and Steve Lydon as the Board's representative. He entertained a motion.

Motioned by Mr. Morris and seconded by Mrs. Rowin, to appoint Burgis Associates as Board Planner for 2016 and to continue to have Mr. Lydon as the Board's representative from that firm.

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

ADMINISTRATIVE ASSISTANT:

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

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

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

OFFICIAL NEWSPAPER:

Chairman Potash entertained a motion for the 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. Madden, Knapp, Shafron, DiLandro, Haymon, Hagberg, Morris, Councilman Jensen and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mayor Schwager

BY-LAWS

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

Motioned by Mrs. Rowin and seconded by Mr. Morris, to adopt the By-Laws last revised June 2009.

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

PUBLIC MEETING PORTION:

1. FB International – 1 Raritan Road, Block 4005, Lot 3. Requesting to be carried to the February 11, 2016 hearing for an amended site plan.

Chairman Potash informed the Board that FB International has requested to carry to the February 11, 2016 public hearing.

2. Pet Supplies Plus – 350 Ramapo Valley Road, Block 3301, Lot 3. Public hearing for an amended site plan.

Mr. Lawrence Calli, Esq. approached the Board on behalf of the applicant, SRBK Investments, Inc. He explained that this is an amended site plan application for a pet supply store in the Copper Tree Mall where the Mandee Shop was located. Modifications to the front and rear along with new signage is being proposed. He introduced Mr. Brian Kresgi, president and co-owner of the franchise, with his wife.

Mr. Kresgi was sworn in and testified that they are proposing a neighborhood pet store to sell pet supplies, pet food and small animals such as hamsters, reptiles, birds and fish. He explained that store hours would be Monday through Saturday between the hours of 9:00 a.m. to 9:00 p.m. and Sunday between the hours of 9:00 a.m. to 6:00 p.m. He expects to have nine full time employees. There would be approximately four to six deliveries weekly by Fed Ex, box trucks and there will be one tractor trailer similar to the neighboring stores delivery trucks that would take no more than 20 to 30 minutes to unload. They plan a grand opening in February or March.

The Board questioned about floor plan and if there will be grooming services offered. Mr. Kresgi responded that they plan to offer a self-service pet washing location within the store. A discussion ensued concerning how this service would affect the water usage and could it impact the package treatment plant. It was decided that the applicant would submit proposed water calculations to the Board Engineer. It was also confirmed that sick animals would be isolated and that restrooms would be ADA compliant. Exhibits were entered into evidence.

Exhibit A-1, Property survey prepared August 29, 1995 by Lapatka Associates, Inc. and revised March 22, 2006.

Exhibit A-2, Exterior Elevations prepared November 11, 2015 by GPD Group.

Mr. Calli offered that Mr. Aaron Rodedeough give testimony on behalf of the improvements. Mr. Rodedeough offered his credentials and the Board accepted his qualifications as a licensed architect in the state of New Jersey.

Mr. Rodedeough testified that they would be gutting the interior of the store, welding shut a rear door and adding a new steel loading door which will match the other exterior doors in the rear of the building. To the right of the loading door, a new door will be installed as well as two emergency lights aiming down. The Board questioned if lighting in the rear will be shielded to eliminate any light spillage onto the condos. Mr. Rodedeough responded that the lighting will have no impact on the area since they are designed to light up the entry way only. Mr. Hagberg informed the Board that he has received a letter from the applicant to proceed with work before the memorialization at their own risk if this application were approved. He had no issue with this.

Mayor Schwager entered the meeting at 7:25 p.m.

Mr. Calli offered that Mr. John Janis give testimony on behalf of the signage being proposed. Mr. Janis with the Butler Sign Company offered his credentials as an expert in commercial signage and the Board accepted his qualifications. He testified that he has been in the sign business for over 40 years. His business installs and designs all types of signs.

He explained to the Board that the applicant is proposing signage over the 72-foot store frontage. They are proposing green letter approximately two-feet in size on a white LED background and

the sign will comply with the Borough's ordinance for size and lighting. The sign being proposed is similar to Radio Shack sign. Exhibit A-3 was offered as evidence.

Exhibit A-3, Photographs of existing signs at The Copper Tree Mall.

The sign does not require a variance and the illumination will be shielded by film and plastic. A discussion ensued concerning the nits produced from the LED lighting. Mr. Lydon questioned if the applicant plans to propose any signage for the rear. A discussion ensued concerning the required signed and sealed lighting plan the applicant needs to provided according to the ordinance. It was decided that the applicant request a waiver. Mr. Janis requested the waiver because it would be difficult to do a lighting plan since there are 12 existing business signs, light poles and distance between the proposed signage and property line. The Board questioned if signage will be proposed for the rear of the building. Mr. Janis responded there will be no signage proposed for the rear.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to open the meeting to the public regarding matters concerning the SRBK Investments, Inc. application 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 the SRBK Investments, Inc. application was voted unanimously by the Board.

The Board questioned if there will be parking in the rear and if it will obstruct the fire lane during deliveries. Mr. Kresgi responded that there will be no parking but there will be deliveries in the rear. It was discussed and decided that there is not to be any unattended trucks during deliveries and the deliveries will need to be done in a timely matter.

Chairman Potash entertained a motion.

Motioned by Mr. Morris and seconded by Mr. Haymon, to approve the amended site plan application subject to a possible waiver, water calculations and shielding for lighting in the rear.

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

REVIEW AND RECOMMENDATION OF ORDINANCE 16-CODE-728:

Chairman Potash explained that Mayor and Council drafted an ordinance for review. Mr. Lydon informed the Board that this is the same ordinance that the Board reviewed in December in conjunction with his memo. It was determined in his memo that the ordinance would not be inconsistent with the goals and objectives of the master plan. In fact, the ordinance is consistent

with a number of master plan goals such as the Open Space and Recreation Plan. This ordinance meets the statutory criteria of the Municipal Land Use Act.

Mrs. Rowin questioned the date the ordinance was introduced by Mayor and Council. Chairman Potash responded the ordinance was introduced on January 6, 2016 at the Council meeting. He explained that it has been introduced by Mayor and Council and comes back to the Board for review and discussion. The Planning Board has been requested by Mayor and Council to send any recommendations or comments. This ordinance will be adopted at the next Council meeting held on January 27, 2016.

Chairman Potash questioned if the Board had any discussion concerning the ordinance. Mayor Schwager shared that Council has been discussing this topic back and forth for over a year which involved a lot of public input and Borough representation at their meetings. Finally, the Borough Attorney drafted this particular ordinance to provide the Borough with more protection unlike other blanket pipeline ordinances passed by other municipalities. It was of Mr. Chewcaskie's professional opinion that these blanket ordinance would not hold up in a lawsuit so he did research with all the recommendations sent to him and drafted this ordinance which is currently before the Board. Chairman Potash questioned if there were any comments and seeing none, he entertained a motion to open the meeting to the public.

Motioned by Mayor Schwager and seconded by Mrs. Rowin, to open the meeting to the public regarding matters concerning the review and recommendation of ordinance 16-Code-728 was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mayor Schwager, to close the meeting to the public regarding matters concerning the review and recommendation of ordinance 16-Code-728 was voted unanimously by the Board.

Chairman Potash entertained a motion to recommend the adoption of ordinance 16-Code-728 to Mayor and Council. Mr. Russo informed the Board that the ordinance will be adopted at the January 27, 2016 Mayor and Council meeting and he suggested that the Board authorize him to draft a letter of recommendation to Mayor and Council since there will be no time for a resolution.

Motioned by Mr. DiLandro and seconded by Mr. Haymon, to authorize Mr. Russo to draft a letter to Mayor and Council recommending the adoption of ordinance 16-Code-728.

Discussion:

Chairman Potash expressed before a vote he wanted to explain his vote and why. He explained that he is not totally in favor of this pipeline ordinance. He agrees with the majority that if the pipeline carrying hazardous materials through town were to leak or have a major issue, it would be a catastrophe for the town, for our water and our environment. However, he believes that something better can be done rather than a total ban on pipelines. A pipeline made of the right materials, double contained, with leak detection and other things is less likely to leak. He would rather see more energy spent on the ordinance listing standards that the Borough require for this

pipeline rather than no pipelines period. This is his opinion and he will be voting against the recommendation of the ordinance.

Mrs. Rowin agreed with Chairman Potash's comments but she believes it would benefit the Borough to have an ordinance in place in the interim. A follow up can be done particularly if technology is presented to lessen the argument.

Mr. Morris agreed that this is an important issue if there is a potential for damage to the environment. However, he does not think that he or the Board is in a position to make the kind of comparison for other options concerning energy movement. This is a fact that society is dependent on energy and needs to move oil back and forth. He expressed, given the alternatives, that he did not know if a pipeline through Oakland is a better or worse alternative. It takes a board or a group that looks at the application from a more regional perspective to make the kind of determination on whether or not the pipeline is the best option and if it is, what is the best route for that pipeline. He expressed that like Chairman Potash, he would not be in support of the recommendation because he believes this decision is parochial.

Mr. Shafron expressed that he may agree with the Chairman on how he feels about the issue. However, the Board does not act as Mayor and Council, therefore, the goal of the Board is to determine if the ordinance is consistent to the master plan. He wanted to make it clear that if his vote, in favor of the ordinance, would be because the ordinance is consistent with the master plan not whether or not he supports the ordinance. So the ordinance presented by the Borough Attorney and Mayor and Council is not inconsistent with the master plan.

Councilman Jensen responded that Mr. Shafron is correct in his assessment. The criteria given to the Board was to determine if the ordinance is consistent to the master plan, consistent with the Open Space and Recreation Plan and the effect on the Borough's infrastructure and emergency services. This has nothing to do with agreeing yes or no with a pipeline not but whether the ordinance complies with the suggested criteria.

Mr. Haymon expressed that the Borough Planner has shown that the ordinance is in compliance with the master plan. Chairman Potash agreed but thought this ordinance was different from last month actually banning pipelines from going through the Borough. He explained that the position of the Planning Board is to recommend to Mayor and Council if we agree with the ordinance or want to make changes to this ordinance. He understood that Mayor and Council wanted the Board to go deeper than what does not conform to the master plan. Mr. Russo agreed and explained it is now to be determined whether or not passing this ordinance would be consistent with the master plan. He explained that in the ordinance the "whereas" clauses on top of page 2 it now states that "pipelines that are not public utilities that distribute service to and users that are not regulated are prohibited in all zone districts ". The recommendation of the Board to the Mayor and Council would be pursuant to the MLUL that this ordinance be adopted by the Mayor and Council at the next meeting would prohibit these particular pipelines. Mr. Shafron added that if the Board voted no to the ordinance Mayor and Council could still vote to adopt it. Mr. Russo responded that under the MLUL, the Board is only supposed to recommend to Mayor and Council whether or not they should adopt it. Chairman Potash questioned if the letter drafted for Mayor and Council could say that this Board finds that the proposed ordinance is consistent with the master plan. Mr. Russo responded yes. A discussion ensued concerning how the Board wanted to address the vote of the ordinance. Mr. Russo expressed that usually

recommending an ordinance, the Board is in sync with their vote and this time it is different so he would like to make sure that the Board is on the same page when it comes to moving the vote forward. The consensus of the Board was to vote that the ordinance is not inconsistent with the master plan. Mayor Schwager questioned the motion on the table. Mr. DiLandro and Mr. Haymon withdrew their motion.

Motioned by Mr. DiLandro and seconded by Mr. Haymon, to recommend to Mayor and Council that the proposed ordinance is not inconsistent with the Borough's master plan.

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

MEMORIALIZATION:

1. Unison Energy – 14 Post Road, Block 2701, Lot 1. Approval for an amended site plan.

Motioned by Mr. Hagberg and seconded by Mrs. Rowin, to memorialize the above resolution of approval.

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

PAYMENT OF BILLS:

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

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

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APPROVAL OF MINUTES:

Motioned by Mr. Morris and seconded by Mr. Haymon, to table the November 12, 2015 minutes until the February 11, 2016 public hearing was voted unanimously.

Motioned by Mrs. Rowin and seconded by Mr. DiLandro, to approve the December 10, 2015 minutes.

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

NEW BUSINESS:

Chairman Potash entertained a motion to adopt the 2016 Planning Board meeting schedule.

The Board suggested that the microphone system, lighting in the parking lot and easel be addressed before the next meeting.

Motioned by Mr. DiLandro and seconded by Mr. Hagberg, to adopt the 2016 Planning Board meeting schedule.

OLD BUSINESS:

None

Mr. Sena from the public expressed his disappointment to the Board that they opened the meeting up to the public before there was a discussion. He had more information to share.

PUBLIC MEETING ADJOURNED AT 8:41 P.M.

Motioned by Councilman Jensen 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 February 11, 2016.