

PLANNING BOARD MINUTES
PUBLIC MEETING
DECEMBER 12, 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:

Gina Steele, Jason Shafron, Lee Haymon, Nicholas DiLandro, Eric Kulmala, 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 and Mrs. Steele, Messrs. Shafron, DiLandro, Kulmala, Hagberg, Morris and Chairman Potash.

Absent: Messrs Haymon, Councilwoman Coira and Mayor Schwager.

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

Motioned by Mayor Schwager and seconded by Mr. DiLandro, to excuse the absences were voted unanimously by the Board.

Chairman Potash announced that Mr. Shafron would be sitting in for Mr. Haymon and Mrs. Steele would sit in for Councilwoman Coira.

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

PUBLIC HEARING:

1. Berardi – 22 & 24 River Road, Block 1805, Lot 10 and 24 River Road, Block 1805, Lot 11. Continued public hearing for the construction of two homes in the flood plain requests to be carried to the December 12, 2013 public hearing.

Chairman Potash announced that this hearing would be carried to the January 9, 2014 public hearing with no further notice.

2. Perneti – 13 Hobby Lane, Block 4303, Lot 34 and 19 Hobby Lane, Block 4303, Lot 33. Continued public hearing for a minor subdivision.

Chairman Potash reminded the Board that at the last meeting Mr. Russo was authorized to draft a resolution in the affirmative so that the applicant would not waste any time while their engineer revised the drawings. He confirmed that Mr. Weissman has supplied the Board with the revised drawings requested and the applicant has also received their approval from the NJDEP.

Mr. Russo requested that the revised drawings dated December 4, 2013 be entered as exhibit A-4 and the NJDEP permit entered as exhibit A-5 and the letter addressed to the Perneti's from the NJDEP entered as exhibit A-6 and stated that everything was now in order.

Mr. Weissman informed to the Board that revised plans were submitted showing the side yard setback of 35-feet for the pool and calculations showing that a turnaround for a garbage truck or emergency vehicle was possible.

Mr. Russo stated for the record that as a result of Exhibit A-5 and Exhibit A-6, lot 33 would now be a buildable lot. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mrs. Rowin and seconded by Mr. Kulmala, to open the meeting to the public regarding matters concerning the Perneti application was voted unanimously by the Board.

No comment.

Motioned by Mrs. Rowin and seconded by Mr. Hagberg, to close the meeting to the public regarding matters concerning the Perneti application was voted unanimously by the Board.

Mr. Russo informed the Board that he has included the latest exhibits in the resolution as well as a footnote on the bottom of page 9 stating that lot 33 would now be allowed to build. Chairman Potash entertained a motion and reminded the Board that the vote would also be counted as memorialization.

Motioned by Mr. DiLandro and seconded by Mr. Kulmala, to memorialize the above resolution of approval.

Eligible voters: Mrs. Rowin, Messrs. Shafron, Kulmala, DiLandro, Haymon, Hagberg, Councilwoman Coira, Mayor Schwager and Chairman Potash.

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

MEMORIALIZATION:

Eligible voters: Mrs. Rowin and Steele, Messrs. Kulmala, DiLandro, Haymon, Hagberg, Councilwoman Coira, Mayor Schwager and Chairman Potash.

1. Kuffel – 120 Andrew Avenue, block 5504, Lot 26. Approval for a major soil move.

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

Roll Call Vote: Ayes: Mrs. Rowin and Steele, Messrs. Kulmala, DiLandro, Hagberg and Chairman Potash.

2. Vitale – 46 Academy Circle, Block 3905, Lot 2. Approval for a major soil move.

A discussion ensued with regard to the last meeting where it was brought to the Board's attention that the neighboring property owner had concerns with the proposed improvements. Mr. Russo explained that at the last meeting, the Board allowed Mr. Vitale to begin the improvements at his own risk before the memorialization. However, it appears that Mr. Vitale did not follow the instructions by the Board and he suggested that the memorialization be carried to the following meeting in order to resolve the issue. Chairman Potash confirmed that the issues were concerning the height of the wall and the drainage.

Mayor Schwager arrived to the meeting at 7:20 p.m.

It was recommended that a stop work order be issued by the Building Department. Chairman Potash reminded the Board that the applicant had received permission at his own risk to start the work before the memorialization. It is now up to the applicant to work out any issues with Boswell Engineering.

Mayor Schwager informed the Board that she had visited the neighbor's property and witnessed a drainage pipe emptying out onto the property as well as a very large wall installed which appeared more than 6-feet in height. She was not certain if the drainage situation had become worse than it was and she too recommended that the memorialization be postponed to the next meeting.

Mrs. Rowin expressed that she was tired of applicants coming before the Board for forgiveness and then permission to do what they have already done. She believes that the applicant should be required to reduce the wall height and informed the Board that zero increase of runoff was discussed and the applicant was aware of this. Mr. Russo responded that he saw the pipe and explained that it is a temporary pipe that would be connected and directed out to the street. He added that the water seen trickling out could be an improvement of what was originally coming down towards his property and believes the real issue is that the wall is greater in height than what was approved.

Chairman Potash explained that the Board would do what they can do but they do not have the jurisdiction to tell them to take down the wall. Mr. Morris questioned what the Board's recourse was. Mr. Hagberg responded that an inspection would be done and if the applicant is not in compliance with the approval, a violation summons would be issued and they would need to come back before the Board for an amendment to their application. Chairman Potash recommended too that the memorialization be carried to the January meeting so that the applicant has a chance to work things out and hopefully can have an as-built certification for the wall by the next meeting. He entertained a motion to carry the Vitale memorialization to the January 9, 2014 meeting.

Motioned by Mr. Shafron and seconded by Mr. Kulmala, to carry the Vitale memorialization to the January 9, 2014 meeting.

Roll Call Vote: Ayes: Messrs. Shafron, Kulmala, Hagberg and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mr. Haymon and Councilwoman Coira.

PAYMENT OF BILLS:

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

APPROVAL OF MINUTES:

Motioned by Mr. DiLandro and seconded by Mr. Kulmala, to approve the November 14, 2013 minutes as amended.

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

NEW BUSINESS:

Chairman Potash informed the Board that the annual meeting schedule has been drafted and the Board would have time to look it over before it is adopted at the January meeting.

Chairman Potash informed the Board that committees have been formed to review the RFQ's for board professional positions. Mr. Morris, Mr. DiLandro would review the RFQ's and give the Board their recommendation.

OLD BUSINESS:

Mr. Kulmala referenced a letter dated November 15, 2013 from Burgis Associates to John Napolitano, Esq., hired by the Borough to oversee the sewer project and questioned the response. Mr. Lydon responded that Oakland and Northwest Bergen Authority had a productive meeting and he has not yet sent the documents to the Highlands but a meeting is being planned between Oakland, Northwest Bergen Authority and Highland as well as NJDEP to discuss the topic of sewers for Oakland. He informed the Board that he would keep them updated on the progress.

Chairman Potash expressed his thanks to the Board members for their knowledge, dedication and attendance throughout the year.

PUBLIC MEETING ADJOURNED AT 7:45 P.M.

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

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on January 9, 2014.