

PLANNING BOARD MINUTES
PUBLIC MEETING
FEBRUARY 9, 2017 - 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:

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

FLAG SALUTE, MEETING OPENED AT 7:01 P.M., ROLL CALL:

Present: Mrs. Rowin, Messrs. Connolly, Madden, Shafron, Morris, Councilwoman Coira, Mayor Schwager and Chairman Potash.

Absent: Messrs. DiLandro, Haymon and Hagberg.

Motioned by Mr. Morris and seconded by Mayor Schwager, to excuse the absences of Mr. Hagberg and Mr. DiLandro was voted unanimously by the Board.

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

Chairman Potash welcomed Thomas Connolly as an Alternate member of Board.

Mr. Madden sitting in for Mr. Hagberg.

Mr. Connolly sitting for Mr. Haymon.

Motioned by Mrs. Rowin and seconded by Mr. Morris, 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 Mr. Morris, 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.

Mr. Russo suggested that they carry A&E Ventures of Oakland to the March 9, 2017 public hearing and if they do not return, the Board should request that the applicant re-notice before returning.

Chairman Potash announced that A & E Ventures of Oakland (Wawa) would be carried to the March 9, 2017 public meeting.

Mr. DiLandro entered the meeting at 7:05pm.

MEMORIALIZATION:

1. Authorized Agreement with Planning Board Attorney.
2. Authorized Agreement with Planning Board Engineer.
3. Authorized Agreement with Planning Board Planner.

On motion of Mayor Schwager, seconded by Mr. Shafron, the following resolutions be introduced, adopted and duly passed by roll call vote:

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

PAYMENT OF BILLS:

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

Roll call: Ayes: Mrs. Rowin, Messrs. Madden, Shafron, DiLandro, Morris,
 Councilwoman Coira, Mayor Schwager and Chairman Potash.

Nays: None
Abstain: None
Absent: Messrs. Haymon and Hagberg.

APPROVAL OF MINUTES:

Motioned by Mayor Schwager and seconded by Mr. DiLandro, to approve the January 12, 2017 minutes as amended.

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

2. Burger King of Oakland – 101 Plaza Road, Block 3202, Lot 1.01 and 1.02. Public hearing for a preliminary and final site plan.

Mr. Karl Kempf, Esq. located at 6 Hampshire Court in Springfield, NJ was before the Board on behalf of the applicant. He explained that the applicant is moving from its current location on Ramapo Valley Road and will be moving into the Falls View portion of the Dairy Queen on Ramapo Valley Road. They will offer testimony from their engineer and architect.

Mr. Thomas Pugsley was sworn in and offered his credentials as a licensed engineer and the Board accepted his qualifications. He entered an exhibit.

Exhibit A-1, Amended Site Plan dated December 5, 2016.

Mr. Pugsley reviewed the existing conditions of the proposed site and noted that the subject property is located in the B-2 Business. The subject building is approximately 3,037 square feet in size and sits upon .67 acres. Two separate uses occupy the building, a Dairy Queen and Falls View Grill. Dairy Queen consists of 496 square feet and Falls View Grill 2,541 square feet. Falls View Grill offers 71 available seats and Dairy Queen offers none except for one patio table with a few outdoor seats. There are currently 33 parking spaces available where the Borough's ordinance requires 23 parking spaces. There are 3 existing wall signs which includes the Dairy Queen sign and one freestanding sign.

They are proposing to renovate the Falls View Grill portion into a Burger King without expanding the square footage and will continue the use of the existing drive-thru. The hours of operation will be 6:00 a.m. to 12:00 a.m. 7 days a week with 8 employees per shift. Approximately 49 seats are being proposed for the Burger King and according to the Borough's ordinance, they will require 17 parking spaces and 4 parking spaces for

Dairy Queen totaling 21 parking spaces. Since the parking lot currently offers 33 parking spaces, they have easily meet the requirements and enough parking for any overflow during the busier months for Dairy Queen.

There will be no change to the circulation pattern of the parking lot so ingress and egress will remain the same. The trash enclosure will be improved and enclosed by a chain link fence. In addition to the façade changes for the Burger King, the applicant is proposing 3 wall signs and 1 freestanding sign. These signs will consist of a Burger King logo sign 60-inch in diameter over the front entrance door, a “Flame Grilling Since 1954” sign measuring 16-inches by 21.6-feet located on the front of the building and a Burger King logo sign 36-inch in diameter located over the rear entrance door. In addition to the signage, the applicant proposes a board sign, a menu board sign and a “drive thru clearance”.

The Board discussed what the ordinance allowed as far as the number, square footage and height of signs. Mrs. Rowin expressed her opinion that the signage request by the applicant was in excess. Mr. Morris questioned if a stormwater drainage plan was in place. Mr. Pugsley responded that the current drainage plan works where the water drains to Ramapo Valley Road and to a seepage pit in the southern portion of the property. Chairman Potash questioned if the improvements met the ADA requirements. Mr. Pugsley responded that it will but it has not yet been analyzed. Chairman explained that this would be a condition in the resolution if the application is approved. Mr. Shafron questioned if 4 parking spaces for the Dairy Queen will be sufficient during the busy months. Mr. Pugsley responded that there are 12 extra parking spaces not accounted for.

Mr. Pugsley went over the positive and negative criteria for the variances for the four signs being proposed. Chairman entertained a motion to open the meeting to the public.

Motioned by Mrs. Rowin and seconded by Mr. DiLandro, to open the meeting to the public regarding matters concerning the testimony of Mr. Pugsley was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mr. DiLandro, to close the meeting to the public regarding matters concerning the testimony of Mr. Pugsley was voted unanimously by the Board.

Mr. Albert Bijou was sworn in and testified that he is the franchise owner and operator for the Oakland Burger King since 1980. Periodic upgrades are required by the franchisor so he decided to move his business to the Falls View Grill.

He explained that he has been working with the franchisor on signage for his new location but he has little influence on what is to be proposed. He reviewed with the Board various towns where Burger King recently upgraded their facilities and signage used.

The Board remarked that the Burger King is well established in the town and was it necessary for all the signage. A discussion ensued concerning lighting of the signs. Mr. Kempf responded that the applicant would work with the professionals on the illumination standards. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. DiLandro and seconded by Mrs. Rowin, to open the meeting to the public regarding matters concerning the testimony of Mr. Bijou was voted unanimously by the Board.

Mr. Thomas Chopper Russo commented that he approved of the improvements being proposed and believes this would benefit the Borough.

Dr. Robert Loeb, 180 Ramapo Valley Road, owns the professional building next door to Falls View Grill and expressed his concerns with the proposed Burger King and littering. A discussion ensued concerning solutions to prevent littering on Mr. Loeb's property. Mr. Bijou informed Mr. Loeb that, as he did with his last location, he would make sure that the Burger King property is cleaned on a regular basis to prevent any debris from reaching the neighboring properties. He also agreed to place some type of barrier to prevent Burger King's customers from parking in Mr. Loeb's parking lot.

Mr. John McFaul, Grove Street, expressed his concerns with odors that may disseminate from the premises. Mr. Bijou responded that Burger King will install an "odor redactor hood" over the grill which will cut down the dissemination of any odor.

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

Mr. Jose Santos, licensed architect in New Jersey, was sworn in and offered his credentials and the Board accepted his qualifications. He entered an exhibit.

Exhibit A-2, Proposed floor plan prepared by Architrave Group dated July 29, 2016.

Mr. Santos explained that they would be gutting the entire interior and reviewed the proposed floor plan. He informed the Board that they would be using the same egresses for the building. They are proposing two new bathrooms that will be ADA accessible.

Exhibit A-3, Proposed elevations of main entrance and drive-thru prepared by Architrave Group last revised November 14, 2016.

Mr. Santos explained the exterior improvements and signs being proposed. Elevations would remain the same. The existing gooseneck lighting will be removed and replaced with “wall pack” LED lighting.

Exhibit A-4, Proposed elevations for the rear side and right side of the building prepared by Architrave Group dated July 29, 2016.

He explained that elevations on all sides depicted in the plans and which will remain the same. He reviewed the menu board and preview board for the drive-thru.

Exhibit A-5, Color rendering of proposed Burger King prepared by Architrave Group.

He explained all improvements, signage and painting of the façade of the building. A discussion ensued concerning the lighting. Mr. Santos assured the Board that they would be able to tone down lighting if this is an issue. Mr. Kempf explained again that they would work with the professionals concerning the lighting and that this could be a condition in the resolution. The Board questioned the length of time it would take to complete the renovations. Mr. Santos responded approximately 2 to 3 months. The Board referenced the fire suppression system. Mr. Santos responded that they would replace the heads on the suppression system but would keep the existing system. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to open the meeting to the public for comments concerning the testimony of Mr. Santos was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to close the meeting to the public for comments concerning the testimony of Mr. Santos was voted unanimously by the Board.

Mr. Kempf informed the Board that this was the end of testimony made his closing statement. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to open the meeting for public comments concerning the Burger King Application was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to close the meeting for public comments concerning the Burger King Application was voted unanimously by the Board.

Chairman Potash and Mr. Russo reviewed the conditions of the application before a vote. Chairman Potash entertained a motion.

Motioned by Mr. Morris and seconded by Councilwoman Coira, to approve the Burger King application with the conditions that the applicant work with the professionals to lower light intensity, install the odor reducer hood to the grill, work with the Board Engineer to create a barrier from the Loeb property and regularly clean the Burger King property of debris.

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

Meeting recessed at 8:25 pm.

Meeting resumed at 8:35 pm.

NEW BUSINESS:

Mr. Ben Cascio and Mr. Tibor Lantincsis were before the Board to address the Master Plan Highlands Element. He reminded the Board that they were before them when while representing Mr. Mullens during his application to the Highlands to consider their property be designated as Redevelopment Area. This was denied.

Since then, they have talked to other property owners within the Preservation Area including property owners along Ramapo Valley Road and in the B-1 Business zone. He explained that the line separating the Highlands Preservation Area was supposed to run along the Ramapo River but the B-1 Business and West Oakland Industrial zones were somehow included in the Preservation Area. The only way these areas can bypass the Preservation Area regulations is by receiving approval from the Highlands to become a designated Redevelopment Area. The Highlands is hampering all these areas because they will not permit sewers.

Mr. Lantincsis and Mr. Cascio requested that the Borough add specific language to the master plan that would remove these zones from the Preservation Area. Mayor Schwager expressed that she was uncomfortable discussing this topic without the Board Planner being present. Mr. Morris supported the Mayor's position. Mr. Connolly questioned if such a request would require public notice. Mr. Lantincsis handed out a marked version of the Master Plan Highlands Element with language added to different areas in the master plan document. Chairman Potash expressed that they have already

added language in the Master Plan Re-Examination supporting these areas be included when sewerage the town. A discussion ensued concerning other towns doing similar things to get properties approved by the Highlands as Redevelopment Areas.

Chairman Potash informed Mr. Lantinscics and Mr. Cascio that he would forward the handout to Mr. Lydon and he can follow up with him on his recommendations on the language and amending the Master Plan Highlands Element.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 9:15 P.M.

Motioned by Mr. DiLandro 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 March 9, 2017.