

PLANNING BOARD MINUTES
PUBLIC MEETING
MARCH 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 7:03 P.M., ROLL CALL:

Present: Mrs. Rowin, Messrs. Connolly, Madden, Shafron, Haymon, Hagberg, Morris, Councilwoman Coira, Mayor Schwager and Chairman Potash.
Absent: Mr. DiLandro.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to excuse the absence of Mr. DiLandro was voted unanimously by the Board.

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

Mr. Madden sitting in for DiLandro.

Chairman Potash noted that there was no public.

PUBLIC HEARING:

1. A & E Ventures of Oakland – Plaza Road, Block 2702, Lots 1.01 and 1.02.
Requesting extension of approvals set forth in the November 4, 2010 resolution.

Mr. Russo had a discussion with Mr. Thomas Herten, the attorney for A & E Ventures, concerning their wish for an extension of preliminary and final site plan approval they received for the Burger King and preliminary site plan approval for the bank. Mr. Russo explained that this application does fall within Permit Extension Act therefore an approval for the extension may not be necessary so the Board can decide how to proceed. The Permit Extension Act was enacted during the recession to offer applicants a protection period from any zone change before improvements have begun. Mr. Russo verified that once an application has been approved, the approval does not expire and runs forever with the property.

It was discussed that the Board would take a vote on the extension and authorize Mr. Russo to send a letter to Mr. Herten informing him the outcome. Chairman Potash entertained a motion.

Motioned by Mr. Morris and seconded by Councilwoman Coira, to approve the applicant for a one-year extension from July 1, 2017 to June 30, 2018.

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

2. 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 reminded the Board that at the last meeting they discussed that the applicant would need to re-notice if the appeal was not finished at the Board of Adjustment. Mr. Russo informed the Board that he discussed this with Mr. Herten, representing A&E Ventures, and he would be required to re-notice before returning to the Planning Board. This matter would no longer be carried without the applicant re-noticing the property owners within 200-feet.

Mr. DiLandro entered the meeting at 7:15pm.

MEMORIALIZATION:

1. Burger King of Oakland – 186 Ramapo Valley Road, Block 3202, Lot 1.01.
Approval for preliminary and final site plan.

Eligible voters: Mrs. Rowin, Messrs. Madden, Connolly, Shafron, DiLandro, Morris, Councilwoman Coira and Chairman Potash.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Madden, Connolly, Shafron, DiLandro, Morris, Councilwoman Coira and Chairman Potash.

Nays: None

Abstain: None

Absent: None

PAYMENT OF BILLS:

Motioned by Mrs. Rowin and seconded by Mr. Morris, to pay bills subject to the availability of funds.

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

Nays: None

Abstain: None

Absent: None

APPROVAL OF MINUTES:

Motioned by Mr. Morris and seconded by Councilwoman Coira, to approve the February 9, 2017 minutes as amended.

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

Nays: None

Abstain: None

Absent: None

NEW BUSINESS:

None

Highlands Element.

OLD BUSINESS:

Solar Panel Ordinance:

A letter from the Borough Attorney was received requesting that the Board review correspondence prepared by Mr. Hagberg which compares Oakland's Solar Panel

ordinance and International Building and Fire Code. The issue remains that the Borough's ordinance is in conflict particularly with the 3-foot setback requirements for mounted panels along the edges of the roof. Mr. Lydon reviewed some of the variations between the two ordinances.

The Board discussed this matter at length and recommended that the Borough's existing ordinance remain in place. This decision was based on the position of Mr. Hagberg, Borough's Fire Official, who feels that the current ordinance better addresses their concerns and safety issues. He expressed that to deviate from the current Borough ordinance, could put their fire fighters at risk.

Steve Lydon Comments on Highlands/Redevelopment Area:

Mr. Lydon apologized for missing the last meeting but wanted to comment regarding the presentation given by Mr. Cascio and Mr. Latincsics requesting that the properties within the B-2 Business and I-3 Industrial zones, currently in the Preservation Area, be designated Redevelopment Areas due to the Highlands restrictive guidelines.

He agrees that the request for redevelopment would benefit these properties, however, the property owners would need to take this up with the Highlands Council by action of Mayor and Council. A discussion ensued concerning the need for sewers in this area. Mr. Lydon responded that it all comes down to getting sewers in the town and then these areas mentioned could be declared "areas in need of redevelopment". There needs to be a study and there is Highland grant money in place for the Borough to use to fund these studies.

The consensus of the Board was to authorize Mr. Russo to recommend to Mayor and Council make application to obtain grant money available to perform these studies to attempt to designate these parcels as redevelopment areas.

PUBLIC MEETING ADJOURNED AT 7:50 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 April 13, 2017.