

PLANNING BOARD MINUTES
PUBLIC MEETING
MAY 12, 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, Haymon, Hagberg, Councilman Jensen, Mayor Schwager and Chairman Potash.

Absent: Messrs. Morris, DiLandro, Shafron and Knapp

Motioned by Mrs. Rowin and seconded by Mr. Haymon, to excuse the absences of Messrs. Shafron, Mr. DiLandro and Morris.

Also in attendance Mr. Joseph Russo, Esq., Board Attorney and Steve Lydon, Burgis Associates also in attendance.

Chairman Potash announced that Mr. Madden would be sitting for Mr. Morris.

Mr. DiLandro entered the meeting at 7:05 p.m.

Mr. Shafron entered the meeting at 7:06 p.m.

Chairman Potash stated for the record that there was no one present in the audience.

PUBLIC HEARING:

None

MEMORIALIZATION:

None

PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Mrs. Rowin and seconded by Mr. Morris, to approve of April 14, 2016 minutes.

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

NEW BUSINESS:

Discussion of the Master Plan 2016 Reexamination Report:

Mr. Lydon explained that the MLUL requires planning boards to adopt their master plan every ten years. The Planning Board is responsible for two documents, the Borough's Master Plan, made up of up to twelve elements and a Reexamination Report which is considered a report card for the Master Plan. The last full master plan reexamination was done back in 2008 and a limited reexamination report adopted back in 2012 which dealt with the Corporate Office zone and the McCoy Road subdivision for residential homes. The 2012 reexamination was not as comprehensive as the 2008 reexamination report.

He informed the Board that it is now coming up on ten years and is required to be done again. In addition, it has been even longer since the last Land Use Element was adopted back in 1994. MLUL requires that a town consider five specific areas when conducting a reexamination report to which are:

- The major land use problems in a community since the last reexamination report.
- Extent of problems and whether they have been eradicated or worsened.
- Extent of significant changes such as Highlands Regional master plan and the uncertainty surrounding COAH/Affordable Housing.

- Recommendations for the master plan and zoning regulations.
- Recommendations concerning redevelopment plans.

The Borough has not yet done redevelopment plans because of the statute, Local Housing and Redevelopment Law and Highlands Redevelopment, which will allow the extension of sanitary sewers into the Preservation Area. This will be helpful for the Borough while exploring the possibility of extending sewers into the West Oakland Avenue Industrial area. If the Borough can convince Highlands to sewer in the Preservation Area by way of the Highlands Redevelopment law, we may be able to extend sewers to the Pleasure Land area.

In preparation, it has been requested that the Health Department do a septic condition study for the area and out of the 125 cases reviewed, only three conforming septic systems were found. This is due to high ground water, small lots and the lack of space to improve septic systems so the Borough would like to see the extension of sewers there.

The Reexamination Report shares a series of recommendations for the Borough. The first recommendation would be to adopt a new Land Use Element since the last one was back in 1994. If the Board agrees with that recommendation, the new Land Use Element should be based upon a series of goals such as:

- Maintain and enhance existing areas of stability in the community.
- To ensure future development and redevelopment activities within the community can be accommodated within the Borough's existing or planned infrastructure systems.
- To encourage and provide for adequately sized buffer zones to separate incompatible land uses.
- Provide a variety of housing types and densities and ensure a balanced housing supply. As one component of this goal, the Borough recognizes the particular housing needs of its citizens with special needs. This goal statement should be interpreted broadly to specifically include encouraging the delivery of special needs affordable housing with in the Borough.
- Create opportunities to encourage the creation of both marked rate and affordable senior housing.
- To promote the continued maintenance and rehabilitation of the Borough's housing stock.
- Preserve the historic features of the Borough.
- Seeking to provide sanitary sewers throughout the Borough.
- To promote a safe, efficient and appropriate multi-modal circulation system.
- To promote and encourage the revitalization and enhancement of the Ramapo Valley Road commercial corridor as well as other commercially developed areas.
- Seek to pursue opportunities to achieve a greater balance of nonresidential to residential land use in appropriate locations and at appropriate intensities.
- Oakland Industrial Park and other light industrial areas of the Borough are an important community resource that need to be nurtured and protected.
- To discourage the creation of flag lots in the Borough.
- To achieve final Highlands Council Plan Conformance within a reasonable timeframe.
- To integrate Highlands Plan Conformance into Oakland's planning process.
- Oakland should continue to pursue the preservation of open space.

- Oakland should continue to support conservation efforts that preserve environmentally sensitive land, maintain the proper and beneficial function of natural systems and protect residential neighborhoods, especially from flooding episodes.
- Oakland should pursue the creation of a borough-wide pedestrian link between recreational facilities, preserved open space, residential neighborhoods and significant civic spaces such as schools, the municipal building and the library. Multi-use path along the Ramapo River would be an excellent beginning to this pedestrian link.

Mr. Lydon expressed that there is a need to update the entire Zoning Ordinance document. A discussion ensued concerning the Central Business District ordinance and if it is in place. Mr. Lydon responded it took a long time but was done he believes because of Highlands Conformance.

Mr. Russo verified that the Reexamination Report is not an ordinance but a recommendation that things be changed and once we approve a Reexamination Report, Mayor and Council select the parts of the Reexamination Report that make it into an ordinance. He referred to the report as creating a blueprint for future ordinances to be adopted by Mayor and Council. Chairman Potash verified that a review and update to the entire zoning ordinance book would be included in the Reexamination Report. Mr. Lydon responded that the Reexamination would generate a new zoning ordinance book. He suggested that a sub committee consisting of Planning Board and Council members be formed if approved by the Governing body. A revision of the Land Use ordinance will create consistency with other levels of government such as NJDEP and Highlands Council. Additional goals of the new zoning ordinance may create opportunities for affordable housing as well as addressing zoning needs for the industrial parks.

Mrs. Rowin questioned if changes were made in the eligibility process for affordable housing concerning senior housing. Mr. Lydon responded that any affordable housing offered would be done by lottery as in the past.

Mrs. Rowin expressed that it could be a financial burden to those residents when it comes time tie into the proposed sewers in the Pleasure Land area and if there is no mechanism in place to enforce that they tie in, may be a moot point. Mr. Lydon responded that there are regulatory challenges with the construction and financing of sewers. The Borough may be able to make use of their Environmental Trust Fund since this is an environmental emergency or look to NJDEP to help fund the project. They are aware of the financial burden for the residents in that area concerning the connection of sewers as well as paying capacity charges and are working on making this transition economically feasible. Mrs. Rowin questioned if the Colony would be included in the project as well. Councilman Jensen expressed that this project could be years away especially the downtown area which is a priority and a long term issue. Mr. Lydon explained that New Jersey requires every town to have a Wastewater Management Plan which requires a lot of research and study and almost impossible to amend. It could be a ways off but the Borough needs to identify where they are planning to extend sanitary sewers lines and it would be helpful if this could be included in the master plan. Mr. Lydon explained that it is very difficult to get sanitary sewers into the Preservation Area unless it's a Redevelopment Plan or an imminent health hazard and he believes that the Borough will be able to demonstrate this with the Pleasure Land and Colony area. A discussion ensued concerning a recent meeting to discuss sewers with NJDEP and Highlands. The Mayor expressed that the outcome was not encouraging stating that the Highlands acknowledge the problem but say that it is not enough. Chairman

Potash expressed that the Highlands should be in favor since they protect the water source and that the Ramapo River is a source of drinking water for downstream towns where septic systems in Pleasure Land section, Industrial Park and the Colony are impacting the quality of the water in the Ramapo River. Councilman Jensen added that other towns further up may be polluting as well.

Mrs. Rowin questioned if the goal of increasing non-residential buildings for the purpose of employment could affect the Borough's COAH obligation. Mr. Lydon responded it may have years ago when COAH adopted the Growth Share but that has since been struck down by the supreme courts and they are back to the Second Round rules.

Chairman Potash questioned the cost to revise the Land Use Element and whether or not Mayor and Council approved that funds be set aside for this. Councilman Jensen responded that he believes that \$25,000 was authorized for Burgis Associates to do the initial exam as well as an additional \$3,500. Mr. Lydon responded that it would be less than the \$25,000.

A discussion ensued concerning rezoning the Industrial Park off of Long Hill Road to a residential zone in the event sewers are available. Mr. Lydon responded that there has been changes to the Industrial Park and many use variances have been granted for schools, daycares and gyms but he was not sure that residential zoning would be considered. It may be advantages to encourage uses such as medical buildings and surgical suites. Mr. Haymon suggested that perhaps a mix use zoning could be considered. Mr. Shafron questioned if a goal could include special needs housing. Mr. Lydon responded they can include group housing for special needs as a goal. A discussion ensued concerning a lot that was acquired for senior housing off of Ramapo Valley Road. Mayor Schwager informed the Board that they are waiting for the neighboring property owners to sell in order to expand. Mr. Lydon added that this development would require sewers.

Mr. Lydon explained that the Land Use Zoning Ordinance would follow with the completion of the Land Use Element but first the Reexamination Report needs to be adopted. Chairman Potash requested that the Board review the documents being considered and be prepared next month. A discussion ensued concerning notice. Mr. Lydon responded that public notice is required to surrounding towns and adjacent properties for Master Plan but not a Reexamination Review.

Discussion of an electrical pad:

Mr. Hagberg informed the Board that a property owner on Thornton Road in the IP-Industrial zone would like to install a new concrete pad, the same size as the existing pad, to place a new transformer for their printing company. The pad would be approximately 9-feet by 11-feet on the west side of the building set back a bit from the original location. Fencing is being proposed for screening purposes.

He explained that normally this request would trigger a site plan application but there are no variances involved, no parking impact and no increase to impervious coverage and wondered if the Board would agree to allow the Building Department handle this administratively. A discussion ensued verifying the size of the pad and equipment. The consensus of the Board was to allow the applicant to bypass the Board and have the Building Department handle this project administratively.

Mr. Russo reviewed the applications on for the next meeting.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 8:10 P.M.

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

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on June 9, 2016.