

PLANNING BOARD MINUTES  
PUBLIC MEETING  
SEPTEMBER 10, 2020 - 7:00 P.M.  
HELD AT OAKLAND COUNCIL CHAMBERS  
10 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:

Andrea Levy, Gregory Liss, Joseph Marscovetra, Michael Rose, Thomas Connolly, Sandra Coira, Lee Haymon, John Morris, Councilman Van Eck, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:08 P.M., ROLL CALL:

Present Members: Mmes. Levy and Coira, Messrs. Liss, Marscovetra, Connolly, Haymon, Morris, Councilman Van Eck, Mayor Schwager and Chairman Potash.  
Absent Members: Mr. Rose.

Motioned by Ms. Levy and seconded by Mr. Morris, to excuse the absence was voted unanimously by the Board.

Mr. Joseph Russo, Esq., Board Attorney, Steve Lydon, Burgis Associates, John Yakimik, Boswell Engineering were in attendance.

Chairman Potash announced that Mrs. Levy will sit in for Mr. Rose.

BOARD PROFESSIONALS SWORN IN:

Mr. Lydon with Burgis Associates and Mr. Yakimik with Boswell Engineering were sworn in.

OPEN THE MEETING TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA.

Motioned by Mr. Morris and seconded by Ms. Levy, to close the meeting to the public for matters not on the agenda was voted unanimously by the Board.

None

CLOSE THE MEETING TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA.

Motioned by Mr. Morris and seconded by Ms. Levy, to close the meeting to the public for matters not on the agenda was voted unanimously by the Board.

PUBLIC HEARING:

1. CityMD – 20 West Oakland Avenue, Block 1706, Lot 6. Application for a preliminary and final site plan.

Mayor Schwager recused herself from the application. Chairman Potash announced that Mr. Liss will be sitting in for the Mayor.

Mr. Andy Del Vecchio, Esq. with Beattie, Padovano, LLC located in Montvale was before the Board on behalf of the CityMD application. He explained that the application represents a change of use from a restaurant to an “urgent care” type medical office. The property, located at 20 West Oakland Avenue, is a permitted use in the CBD II zone.

CityMD will be replacing the existing Luca’s restaurant with a medical office. They have no intention of expanding the existing building and the only changes will be to the interior, façade and elevation. Hours of operation will be 8:00 a.m.-8:00 p.m. during the week and weekends 9:00 a.m.-5:00 p.m.

Mr. Del Vecchio introduced Mr. Joseph Vince with Schwanewede/Hals Engineering in Oakland. He shared his credentials and the Board accepted his qualifications. Mr. Del Vecchio and Mr. Vince entered exhibits into the record.

Exhibit A-1, Site Survey

Exhibit A-2, Site Plan dated June 26, 2020

Exhibit A-3, Elevations dated June 30, 2020

Exhibit A-4, Site plan of adjacent property dated July 8, 2008

Exhibit A-5, Sign proposal dated June 20, 2020

Exhibit A-6, Aerial photo of the property  
Exhibit A-7, Parking and Landscape plan  
Exhibit A-8, Photos of the site.

Mr. Vince testified that the subject property is triangular in shape, approximately 14,822 square feet (.34 acres) in the CBD II zone. He gave a description of the property. Currently the single story building with a basement is approximately 2,260 square feet and being used as a pizzeria since 1958. The site is fully paved at 97 percent pervious surface which allows for 20 available parking spaces.

Mr. Vince gave a description of the surrounding businesses. He explained that the property next door was built back in 2007 consisting of a Walgreens, Starbucks and a bank. A discussion ensued concerning curb cut openings that were a result of the widening of West Oakland Avenue back in the 1990s.

Mr. Vince gave a description of what the applicant is proposing. The applicant is proposing to change the use from a restaurant to a CityMD "urgent care" facility for walk-ins. The building footprint will remain the same however, there will be a complete renovation of the interior and exterior. Renovations will consist of partitioning the interior which will include a manager's office, 6 exam rooms, an x-ray room and a reception/waiting area. Exterior façade improvements will consist of white tile and grey stucco keeping with the corporate standards for CityMD.

They agree to match the existing signage and keep it in the same location with a reduced square footage. The size of the 2 existing signs total 892 square feet and they are proposing 2 signs at 24 and 11 square feet.

The parking area has adequate function. They are required to have 15 parking spaces and will be two spaces over that. They plan to update the ADA parking by re-striping. Two parking spaces and a concrete pad have been eliminated to install 3 curbed landscaped islands. The drive aisle will be increased to create a better circulation pattern.

There is an existing septic located east of the building which will remain the same. The use of public water utilities and septic will be reduced by the change of the use. The proposed water use will be reduced from 1,600 gallons per day to 300 gals per day.

There will be no change in the drainage pattern since there are no issues and the landscaping plan being proposed will help reduce drainage further. Deliveries from UPS and FedEx will be occasional or once a week.

A discussion ensued concerning the need for bollards and trimming tree limbs along West Oakland Avenue. It was suggested that entrance off of West Oakland Avenue be removed. Mr. Vince responded that the driveway entrance poses no threat and was installed by the DOT for the restaurant during the widening of West Oakland Avenue. There have been no accidents and

he prefers to leave the existing curb cut to be able to access their property in the event of an emergency. It was suggested that a crosswalk be added. Mr. Vince responded that this would not be necessary since there is no thru traffic.

Mr. Vince explained that there are 4 air conditioning units located in the rear of the building and there will be no mechanicals on the roof. An outdoor freezer used by the restaurant will be removed. Chairman Potash confirmed with both Mr. Vince and Mr. Del Vecchio that the plans they were referring to this evening, are not the plans that were submitted. Mr. Vince responded that this is correct.

The discussion came up again regarding bollards and that they should be placed along the walkway surrounding the building. Mr. Vince responded that he's experienced issues with parking and bollards. He explained that cars usually do not pull completely into the parking space for fear of hitting the bollard. Chairman Potash informed Mr. Vince and Mr. Del Vecchio that there is an ordinance in place requiring parking spaces that align with buildings, sidewalks or pedestrian walkways, to provide a physical barrier. Mr. Yakimik read the code from the ordinance pertaining to this. It was determined that the bollard location shall be placed in front of parking spaces 8 and 9 in the front and 12 and 13 on the side of the building.

Mr. Vince discussed in detail the handicapped parking which will meet the standard ADA requirements.

Mr. Morris remarked on the vehicle circulation pattern between the subject property and the neighboring property. He suggested that the existing curb cut in front of the property be removed as well as existing curb cuts along the adjacent parking lot to help prevent vehicles from cutting through to get to I-287. Mr. Del Vecchio responded that signs discouraging vehicles from cutting through can be posted. A discussion ensued further on how to resolve the vehicle cut through.

Mr. Lydon questioned if an emergency generator was being proposed and if there is a striping plan for fire lanes. Mr. Vince responded that they are not proposing an emergency generator and they will work with the fire official on complying with fire lane striping. Mr. Lydon requested that revised landscape drawings be submitted showing the island replacing parking spaces 4 and 5.

Mr. Yakimik questioned a licensed agreement for parking between the two property owners. Mr. Del Vecchio responded that there is an agreement but the agreement dissolves once the restaurant goes out of business. Mr. Yakimik questioned an existing pedestrian crosswalk in the rear of the property. Mr. Del Vecchio gave some history on the existing crosswalk connecting the adjacent property when an approved application for an office building. Plans to extend that crosswalk will dissolve as well. Mr. Yakimik questioned a PVC discharge pipe, the lighting plan and suggested that an island be used instead of bollards to protect the utility pole. Mr. Vince explained that the PVC pipe was used below the window well and the lighting plan will consist of

changing existing light fixtures. Mr. Yakimik informed Mr. Vince that if the lighting brightness changes, they have the right to revisit in 6 months. Mr. Vince agreed.

Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mr. Morris and seconded by Mr. Liss, to open the meeting to the public regarding the testimony of Mr. Vince was voted unanimously by the Board.

No comments from the public.

Motioned by Mr. Connolly and seconded by Mr. Marscovetra, to close the meeting to the public regarding the testimony of Mr. Vince was voted unanimously by the Board.

Mr. Russo reviewed the stipulations agreed upon during the hearing.

- A bollard separating the building from parking spaces 8, 9, 12, and 13.
- Side Island will include “no thru traffic” sign to eliminate traffic cutting through of applicant’s parking lot.
- 1” =5ft. scaled plan drawings of the barrier-free accessibility route demonstrating ADA compliance.
- If in 6 months the lighting change creates a problem, the Board has the right to revisit this and correct any deficiencies or spillage of light.
- One main sign following the lawful requirements will be allowed.
- Over grown branches of trees along West Oakland Avenue shall be trimmed.

Chairman Potash entertained a motion.

Motioned by Mr. Morris and seconded by Mr. Connolly, to approve the CityMd application contingent to the stipulations listed above.

Roll Call Vote:           Ayes: Mmes. Levy and Coira, Messrs. Liss, Marscovetra, Connolly,  
                                  Haymon, Councilman Van Eck, Morris and Chairman Potash.  
                                  Nays: None  
                                  Abstain: None  
                                  Absent: Mr. Rose

MEMORIALIZATIONS:

None

#### PAYMENT OF BILLS:

Motioned by Mrs. Coira and seconded by Mrs. Levy, to approve the bills list subject to the availability of funds.

Roll Call Vote:           Ayes: Mmes. Levy and Coira, Messrs. Liss, Marscovetra, Connolly, Haymon, Councilman Van Eck, Morris and Chairman Potash.  
                              Nays: None  
                              Abstain: None  
                              Absent: Mr. Rose

#### APPROVAL OF MINUTES:

Motioned by Mr. Connolly and seconded by Mr. Liss, to approve the March 12, 2020 Minutes.

Roll Call Vote:           Ayes: Mmes. Levy Mrs. Coira, Messrs. Liss, Connolly, Haymon, Morris, Mayor Schwager and Chairman Potash.  
                              Nays: None  
                              Abstain: Marscovetra and Councilman Van Eck  
                              Absent: Mr. Rose.

#### NEW BUSINESS:

None

#### OLD BUSINESS:

Mr. Connolly questioned the deadline to complete the re-exam of the master plan. Mr. Lydon responded that the last master plan re-exam was adopted back in 2018, so they are good for another 8 years. The reason they formed the downtown committee was because they were seeking a grant which has been extended due to the Covid-19 pandemic.

#### PUBLIC MEETING ADJOURNED AT 9:02 P.M.

Motioned by Mr. Morris and seconded by Mr. Connolly, to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

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Kathlyn Gurney/Administrative Assistant

\*Next meeting on October 8, 2020.