

PLANNING BOARD MINUTES
PUBLIC MEETING
SEPTEMBER 13, 2018 - 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, Sandra Coira, Lee Haymon, Nicholas DiLandro, Dan Hagberg, Elaine T. Rowin, John Morris, Councilman Levy, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:04 P.M., ROLL CALL:

Present Members: Mmes. Rowin and Coira, Messrs. Madden, DiLandro, Haymon, Morris, Councilman Levy, Mayor Schwager and Chairman Potash.
Absent Members: Messrs. Connolly and Hagberg.

Motioned by Mrs. Rowin and seconded by Councilman Levy, to excuse the absence of Members Connolly and Hagberg was voted unanimously by the Board.

Mr. Madden sitting in for Mr. Hagberg.

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

OLD BUSINESS:

Review of Marijuana Ordinance 18-Code-767:

Mayor Schwager explained that Mayor and Council was advised by the Borough attorney to send the proposed ordinance to the Planning Board for review since this is a zoning issue. A discussion ensued concerning, a few months prior, this ordinance was before the Planning Board and then was tabled. Mr. Russo confirmed that the Planning Board tabled the ordinance since Mayor and Council tabled it because they were waiting to see what direction the state was taking.

Chairman Potash questioned if there were any changes made to the proposed ordinance. Councilman Levy expressed the need to enact the ordinance even before the state legalizes the use of marijuana. His concerns are enforcement problems and leverage for manufacturers and dispensary companies. Mr. Russo verified that the ordinance focuses on prohibiting the cultivation, manufacturing and distribution of marijuana but the ordinance will not prevent people from smoking marijuana if it is legalized. Councilman Levy responded that he understands this but feels the town should be proactive. Mrs. Rowin agreed with Councilman Levy and expressed that many other towns have passed similar ordinances and she was surprised that Oakland has not.

Mrs. Coira expressed her opposition concerning the prohibition of marijuana, calling it unconstitutional. She explained that there would be consequences for Oakland tax payers if this is passed such as defending the ordinance in court or being excluded from tax revenues. She believes the bill to legalize marijuana will be passed and this ordinance only addresses the sale and cultivation of recreational use of marijuana. As far as DUI issues, Oakland has access to a DREs (Drug Recognition Experts) who can be called to the scene to identify if a driver is impaired by drugs. She explained that the ordinance is not going to address some of the legal issues that should be address. She opposes and will not support passing the ordinance.

Mr. Haymon questioned whether the town could limit the permitted zones like what was done with the Billboard sign. Mr. Yakimik suggested that the Borough could restrict the sales and distribution of marijuana to certain zones that will not interfere with a residential zone, "School Zone" or "Drug Free Zone" etc.

Mr. Cascio expressed that he lives in town and is in favor of the ordinance and has concerns with enforcement action.

Mr. Russo was authorized to prepare a letter for next month prohibiting retail of marijuana in all zones and prohibiting the cultivation, manufacturing, processing, storing, distribution, etc. of marijuana in Residential, Drug Free, CBD zones and permitting in the Industrial zone provided there is no overlap of a Drug Free zone.

rear portion of parking that would benefit Wall Athletics but the accessing it by foot is not optimal.

A discussion ensued concerning Councilman Levy recusing himself due to a friendship with the applicant's brother. Chairman Potash responded that it was not necessary for Councilman Levy to recuse himself unless there was a business or financial contact with the applicant. Mr. Cavaliere agreed that social contact does not necessarily require a person to recuse themselves from an application. If a Board member listens to the testimony and feels uncomfortable, they can always abstain from voting.

Mr. Morris questioned the location of the gym entrance. Mr. Stern responded that the entrance is located on the northern portion facing Shelter Lane. The proposed lot will alleviate parking on Shelter Lane. Mr. Cascio introduced Mr. Grecco as a witness.

Mr. Grecco with McNally Engineering offered his credentials and the Board accepted his qualifications. He explained that a new sidewalk is going to lead to the gym entrance on the northwestern end of the site. The subject property is surrounded by Raritan Road and Shelter Lane which has some existing non-conformities. There is an existing rear yard setback of 24-feet where 25 is required that will not change and a maximum of impervious coverage being proposed at 57.84%, only a 0.003 increase, where 50% is required. There is a 20-foot drop from the parking area to the building entrance to the gym. A 480 square foot, 20-foot long and 4-foot wide walkway is being proposed and will require a steep slope variance. Stairs for the walkway will be provided which may require some adjustments. This variance will disturb approximately 92 square feet of 35-percent and above slope and increase impervious coverage by. Solar lighting is being proposed along the sidewalk and near the building with landscaping as recommended in Mr. Yakimik's report. It was also recommended that the walkway along the building be moved from in front of the building.

Chairman Potash questioned the number of ADA compliant handicapped parking spaces. Mr. Grecco responded that there is only one ADA handicapped parking space on the south side of the building. The ramp they are proposing will not be ADA accessible however, there is a walkway that leads to the main entrance that could be made ADA compliant. Chairman Potash questioned if the location of the additional ADA handicapped parking space needed to be closer to the entrance. Mr. Lydon responded that the applicant will need to meet ADA requirements for the additional space but he was not sure if putting the space near the other ADA space was acceptable. Chairman Potash resolved it that in the resolution it would be noted that the best location for the additional Van Accessible ADA parking space will be worked out with the code official.

Mr. Cavaliere questioned the number of existing parking spaces. Mr. Grecco explained that the westerly parking lot has 46 parking spaces with no ADA handicapped spaces and the easterly lot has 16 parking spaces. They are only required 34 parking spaces. Mr.

OLD BUSINESS:

Pod/Accessory Structure Ordinance

Chairman Potash informed that both the POD and Accessory Structure ordinance was received in the packets. He pointed out that in the ordinance he was sent, it indicates that a temporary structure is "not permitted". Mr. Russo questioned if the Board wants to prohibit metal storage containers. A discussion ensued concerning whether metal containers should be allowed or temporarily permitted like a POD.

The Board authorized Mr. Russo to draft a letter to Mayor and Council requesting that the "Accessory Structure" ordinance be amended to exclude specific storage containers so they cannot be considered a shed.

PUBLIC MEETING ADJOURNED AT 9:05 P.M.

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

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on September 13, 2018.