

PLANNING BOARD MINUTES
PUBLIC MEETING
APRIL 11, 2019 - 7:00 P.M.
HELD AT OAKLAND COUNCIL CHAMBERS
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:

Greg Liss, Joseph Marscovetra, Michael Rose, Thomas Connolly, Sandra Coira, Lee Haymon, Dan Hagberg, John Morris, Councilman Levy, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:06 P.M., ROLL CALL:

Present Members: Messrs. Liss, Rose, Connolly, Hagberg, Morris, Councilman Levy and Chairman Potash.

Absent Members: Mrs. Coira, Messrs. Marscovetra, Haymon and Mayor Schwager

Motioned by Mr. Connolly and seconded by Councilman Levy, to excuse the absences 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 welcomed new member Greg Liss.

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA:

Motioned by Councilman Levy and seconded by Mr. Connolly, to open the meeting to the public for matters not on the agenda was voted unanimously by the Board.

No comment.

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

PUBLIC HEARING:

1. Discussion about Smith Properties, LLC, 79 Ryerson Avenue, Block 3703, Lot 89.04.

Chairman Potash informed the Board that a subdivision for Smith Properties, LLC will have to wait. According to the Planner and Attorney, the ordinance reads that the Planning Board does not have jurisdiction and should be sent to the Board of Adjustment.

Mr. Russo explained that the property in question was located in the industrial zone. At the time, the applicant was instructed to go to the Mayor and Council to request a zone change which was granted. The new zone, RA-4 Residential, was established allowing up to a 7 lot subdivision. Bill Smith purchased the property and came before the Planning Board for a 5 lot subdivision. He later came back to subdivide one of those lots, totaling 6. He has now made application for another subdivision which will reach the limit of 7 lot. However, Mr. Russo and Mr. Lydon noticed that in the last paragraph of the ordinance for a RA-4 Residential zone it states; "in the RA-4 zone only, inability to comply with one or more of the standards contained in Schedule A: Limiting Lot, and Yard Sizes and Bulk Principal Building and Use will require submission of an application to the Board of Adjustment pursuant to N.J.S.A 40:55-D-70(d)(3). This paragraph is not in any of the other sections in the RA-1, RA-2 or RA-3.

It was discussed at length between Mr. Lydon, Mr. Yakimik and Mr. Russo and they all agree that with the current ordinance in place, the Planning Board has no jurisdiction to hear the subdivision. They recommend that an amendment to the ordinance be made to unify the 4 residential zones when it comes to subdivisions. Chairman Potash could not recall seeing the last paragraph in Section 2 of Ordinance No. 07-CODE-560 before recommending it to Mayor and Council and suggested Mr. Russo draft a letter eliminating that paragraph. Mr. Rose did not agree with amending the ordinance and expressed that a subdivision in that zone should go to the Board of Adjustment. Mr. Hagberg believes that the ordinance as it stands is in conflict with the MLUL and should be corrected. Mr. Lydon explained that normally subdivisions go before the Planning Board and it was intended that any future subdivisions in this zone would come back to the Planning Board not the Zoning Board. Chairman Potash recommended that the Board vote to authorize that Mr. Russo draft a letter to Mayor and Council requesting that Section 2 of Ordinance No. 07-CODE-560 be deleted. He entertained a motion.

Motioned by Mr. Connolly and seconded by Councilman Levy, to authorize Mr. Russo to draft a letter to Mayor and Council requesting that Section 2 of Ordinance No. 07-CODE-560 be deleted.

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

MEMORIALIZATIONS OF RESOLUTIONS:

Eligible voters: Mrs. Coira, Messrs. Marscovetra, Connolly, Haymon, Hagberg, Morris, Councilman Levy and Chairman Potash

1. Nikolaeva – 105 Doty Road, Block 2511, Lot 8. Approval for a front and two side yard setbacks in the floodplains.

Motioned by Mr. Morris and Mr. Connolly, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Messrs. Connolly, Hagberg, Morris, Councilman Levy and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mrs. Coira, Messrs. Marscovetra and Haymon.

PAYMENT OF BILLS:

Motioned by Councilman Levy and seconded by Mr. Connolly, to approve the bills list subject to the availability of funds.

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

APPROVAL OF MINUTES:

Motioned by Councilman Levy and seconded by Mrs. Coira, to approve the February 14, 2019 Minutes.

Roll Call Vote: Ayes: Messrs. Connolly, Hagberg, Morris, Councilman Levy and Chairman Potash.
 Nays: None

Abstain: None

Absent: Mrs. Coira, Messrs. Marscovetra, Haymon and Mayor Schwager.

NEW BUSINESS:

Conceptual hearing for Hotel/Hansil property.

Mr. Thomas Battersby approached the Board with a concept plan to develop the property behind Hansil's located across the street from his office. He expressed that the condition of the property is known as an "eyesore" to the community. Currently, there are 8 hotels existing and 6 of them are condemned. His goal is to work together with the property owner and come up with the best use for that property.

Their concept plan would involve one large building consisting of 60 rental units at a market rate and 10 affordable units. There is space behind the existing building which is a public easement that could be converted into a river walkway and eventually tie into Great Oak Park.

Mr. Battersby informed the Board that they have had a discussion with Wayne about connecting to their sewers and which they responded favorably but will need to come up with flow rates. Highlands could be an issue but they may qualify for exemption #4. Chairman Potash questioned if the property is located in the Preservation Area. Mr. Battersby responded that it is but they are not increasing impermeable area. He explained that the property consists of 5.25 acres divided between Wayne and Oakland and approximately 2 acres would be buildable. Mr. Lydon reviewed some of the possible restrictions they may encounter due to the Highlands Act. He informed Mr. Battersby that before sewers, Wayne and NW Bergen will need to amend their wastewater management plan. Mr. Russo informed Mr. Battersby that they would require a zone change by Mayor and Council from a B-2 Business zone and residential zone in Wayne to a multi-family zone.

Chairman Potash questioned the number of stories they might propose. Mr. Battersby in order to profit, they would need to offer 60 units so possibly 3 stories. The majority of the units would have 1 bedroom and approximately 8 units will offer 2 bedrooms at a one-year lease.

Mr. Battersby explained that the river is 100-feet away down the embankment and they are not in the floodway. A discussion ensued concerning DEP changing the category of the Ramapo River to a C-1 Riparian waterway which will require a 300-foot buffer. Developer, Chris O'Neil, explained that he has been working with Mr. Battersby. His firm deals with multi-family development and deals with the DEP and EPA on a regular basis. Mr. Russo expressed that this will involve a lot of work.

Mr. Connolly expressed that 60 units will require a lot of parking which could become an issue. Mr. Lydon expressed before moving forward, they would need to know what the buildable area is on the lot. Mr. Russo recommended that they provide architectural drawings. The Board

discussed the possibility of Mr. Battersby buying out the owners of Hansils. Mr. Battersby responded that they have and they want too much money.

The consensus of the Board was they would be in favor of the project on a smaller scale. They expressed interest in the affordable housing component and cleaning up that area.

Mr. Hagberg informed the Board that M & T Bank wishes to upgrade their ADA standards and with these improvements they will not be required to come to the Board unless they interfere with the existing parking.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 8:18 P.M.

Motioned by Mr. Connolly 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 May 9, 2019.