

PLANNING BOARD MINUTES
PUBLIC MEETING
JULY 13, 2023- 7:00 P.M.
HELD AT THE OAKLAND SENIOR CENTER
20 Lawlor Drive, Oakland, NJ
www.oakland-nj.org

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 and the Borough's website
- ❑ Advertised in The Record more than 48 hours in advance of the meeting
- ❑ 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:

Andrew Gissonna, Edward Clark, Andrea Levy, Joseph Marscovetra, Michael Rose, Thomas Connolly, Lee Haymon, Gregory Liss, Councilman Kulmala, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:03 P.M., ROLL CALL:

Present Members: Ms. Levy, Messrs. Gissonna, *Clark, Marscovetra, Haymon, Liss, Councilman Kulmala, Mayor Schwager and Chairman Potash.

Absent Members: Mr. Connolly.

EXCUSE ABSENCES:

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

Mr. Joseph Russo, Esq., Board Attorney, Mr. John Yakimik, Board Engineer and Mr. Steve Lydon, Borough Planer were in attendance.

BOARD PROFESSIONALS SWORN IN:

Mr. Steve Lydon and Mr. John Yakimik were sworn in.

Chairman Potash welcomed Mr. Gissonna as a member and informed him he will sit in for Mr. Connolly.

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

Motioned by Mr. Liss and seconded by Mayor Schwager, to open the meeting to the public for matters not on the agenda was voted unanimously by the Board.

Mr. Chopper Russo, 392 Ramapo Valley Road, questioned if the Board had considered extending the commercial development from Oak Street down to Portobellos. He expressed that residents along the corridor may be eager to sell their homes and downsize. He expressed that the town could reap the benefits of more tax ratables. Chairman Potash responded that this has been discussed and Mr. Lydon is conducting a study on the blocks and lots involved in that corridor to see if it would be feasible. He recommended that more discussion concerning this will take place at the September meeting. Chairman Potash entertained a motion to close the meeting

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

*Mr. Clark entered the meeting at 7:12 p.m.

PUBLIC HEARING:

1. Public hearing for the review of the Amended Land Use Plan Element.

Chairman Potash recommended that this matter be carried to the August 10th public hearing with no further notice to be given.

2. A & E Ventures of Oakland – Request for extension.

Mr. Thomas Herten, Esq. approached the Board regarding the extension of approval for A & E Ventures of Oakland, LLC. He explained that the extension would commence as of May 20, 2023 and expire May 22, 2024.

Mr. Herten explained that the applicant is having difficulty leasing the property. Originally, a national physical therapy entity was preparing to lease the property but then Covid hit, and they found it difficult to hire employees. He requested that the Board consider giving another 1-year extension to his client. He offered the testimony of his client Mr. Eli Dweck.

Mr. Eli Dweck was sworn in and testified that he is the owner of the property for almost 50 years. Mr. Dweck explained that once the Burger King moved, he had confidence and a new vision for the site. He made application to the Planning Board to replace the existing structure with a newer retail building. A major national physical therapy entity became interested in leasing the property, began moving forward and then Covid hit setting everyone back. Since then, there has been

interest from a number of fast-food restaurants but, the lending environment became wary requiring the applicant to guarantee at least 50 to 60 percent of pre-lease customers. This became impossible during that time especially for the mom-and-pop types of businesses. However, recently the physical therapy entity has returned again with interest to lease the majority of the building which will help them with financing the project.

Mr. Yakimik confirmed with Mr. Dweck that all required approvals were received from the other agencies and whether those approvals are still valid. Mr. Dweck responded that approval was received from the county, and he is confident that they have Highlands Exemption but they may need to update their TWA permit. Mr. Yakimik questioned if any site plan adjustments could be made to make the site more appealing. Mr. Dweck responded that McDonalds backed out because drive-thru lanes are not permitted.

Councilman Kulmala commented on the property maintenance issue concerning the property. Mr. Dweck responded that they will make sure the property is cleaned up and dead tree limbs are removed. Councilman Kulmala questioned if the applicant has a property maintenance crew that regularly visits and maintains the site. Mr. Dweck responded that they have hired a new property maintenance manager and will assure that the property is well kept.

Mr. Yakimik questioned the existing Burger King signs still erected. Mr. Herten responded that it is legal practice to keep any pre-existing non-conforming objects on site, such as a sign, in the event that this can be used in the future. It was requested that the signs could be covered.

Mr. Russo noted for the Board that approval for the extension will be from May 20, 2023 to May 25, 2024. No further questions. Chairman Potash entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Liss, to approve the one-year extension of approval from May 25, 2023 to May 25, 2024.

Roll Call Vote: Ayes: Ms. Levy, Messrs. Gissona, Rose, Marscovetra, Haymon, Liss, Councilman Kulmala, Mayor Schwager and Chairman Potash.

Nays: None

Abstain: None

Absent: Mr. Connolly.

REVIEW OF ORDINANCES:

- a. RA-3-AH
- b. RA-4-AH
- c. RA-5AH
- d. SAHD
- e. MU-AH
- f. DT-1
- g. DT-2

- h. CBD-1 AHO/CBD-II AHO
- i. RVRHAP

Chairman Potash informed the Board that ordinances A-H, which deal with affordable housing, were reviewed at the last meeting by the Board and then introduced by Mayor and Council. Once Mayor and Council introduce the ordinances, as a formality, it comes back to the Planning Board for their recommendation. He questioned Mr. Lydon if there were any changes since their last review. Mr. Lydon responded that there were no changes but there were some typos. He reviewed the typos with the Board.

Mr. Lydon advised the Board that the ordinances are consistent with the Housing Element and Fair Share Plan as well as the upcoming Amended Land Use Element Plan. However, the Court Master was concerned with the added wording concerning "level of service" and did not think this would be accepted. Although he believes the wording is a good provision but is not sure whether the judge of the fairness hearing will accept and insist that the provision be removed. It was discussed that the wording concerning "level of service" be left in and wait to see what the judge decides.

Chairman Potash confirmed that a clean copy of the ordinance, with strikeouts removed, will be the version the Board will vote on. Mr. Lydon responded that this is correct. Chairman Potash informed the Board that the RVRHAP ordinance will be carried to the September 12th meeting. No further questions. Chairman Potash entertained a motion for the Board to authorize Mr. Russo to draft a letter recommending the ordinance be adopted.

Motioned by Mr. Rose and seconded by Mr. Liss, to authorize Mr. Russo to draft a letter recommending the ordinances for adoption.

Roll Call Vote: Ayes: Ms. Levy, Messrs. Gissona, Rose, Marscovetra, Haymon, Liss, Councilman Kulmala, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Mr. Connolly.

MEMORIALIZATIONS:

None

PAYMENT OF BILLS:

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

Roll Call Vote: Ayes: Ms. Levy, Messrs. Gissona, Rose, Marscovetra, Haymon, Liss, Councilman Kulmala, Mayor Schwager and Chairman Potash.
Nays: None

Abstain: None
Absent: Mr. Connolly.

APPROVAL OF MINUTES:

May 11, 2023 Minutes:

Motioned by Mr. Rose and seconded by Mr. Liss, to approve the May 11, 2023 Minutes.

Roll Call Vote: Ayes: Ms. Levy, Messrs. Clark, Rose, Marscovetra, Haymon, Liss, Councilman Kulmala, Mayor Schwager and Chairman Potash.

Nays: None

Abstain: None

Absent: Mr. Connolly.

June 8, 2023 Minutes:

Motioned by Mr. Rose and seconded by Mr. Marscovetra, to approve the June 8, 2023 Minutes.

Roll Call Vote: Ayes: Ms. Levy, Messrs. Clark, Rose, Marscovetra, Haymon, Mayor Schwager and Chairman Potash.

Nays: None

Abstain: Mr. Liss and Councilman Kulmala

Absent: Mr. Connolly.

NEW BUSINESS:

None

OLD BUSINESS:

A discussion ensued concerning the final approval application for the K Hovnanian and whether to delay the hearing until the Borough's Wastewater Management Plan has been adopted. Mr. Russo responded that there is no reason not to move forward, any approvals would be subject to the approval of the Borough's Wastewater Management Plan.

Chairman Potash presented Mr. Morris, who retired from the Board last December, with a plaque of appreciation for his 22 years of service. Mr. Morris accepted with gratitude and thanked the Board.

PUBLIC MEETING ADJOURNED AT 8:00 P.M.

Motioned by Mr. Rose 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 August 10, 2023