

PLANNING BOARD MINUTES
PUBLIC MEETING
JUNE 8, 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:

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. Clark, Marscovetra, Connolly, Haymon, Councilman Kulmala, Mayor Schwager and Chairman Potash.

Absent Members: Messrs. Rose and Liss.

EXCUSE ABSENCES:

Motioned by Ms. Levy and seconded by Councilman Kulmala, to excuse the absence of Messrs. Rose and Liss 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.

Mr. Clark will sit in for Mr. Liss.

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

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

No comments

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

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 July 11th public hearing with no further notice to give members more time to review the amended plan and ordinances associated.

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

Mr. Russo informed the Board that he heard from the applicant's attorney that day and the applicant had a family emergency which forced them to carry to the next month. Mr. Russo suggested that the Board approve another extension through to the next meeting on July 13th. He would draft a letter to the applicant's attorney informing them that the Board has approved the extension through to the next meeting. Chairman Potash entertained a motion to approve the extension through to the next meeting on July 13, 2023.

Motioned by Mayor Schwager and seconded by Ms. Levy, to approve A & E Ventures of Oakland extension of approval to July 13, 2023.

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

REVIEW OF ORDINANCES:

1. Ordinance 23-CODE-905 (Short Term Rentals):

Chairman Potash explained that the first ordinance is to prohibit short term rentals. The ordinance is prohibiting Airbnb's in Oakland. Mr. Russo read the ordinance. He explained that this ordinance prohibits the property owner or lessor from soliciting or advertising to rent their home,

condominium or building for less than 30 days. However, it does not prohibit a property owner or lessor to rent their home, condominium or building for more than 30 days. In addition, the rental of a room or portion of a dwelling is not permitted for any term.

Mr. Lydon informed the Board that there is a provision in the MLUL (NJSA 40:55D-68.4) that excludes senior citizens from this ordinance by permitting them to rent a portion of their home for financial assistance or caretaker purposes. Mr. Lydon made recommendation that the provision from the MLUL be added allowing seniors to rent or lease rooms. A discussion ensued concerning subleasing. It was discussed that the ordinance is specifically targeting the prohibition of Airbnb's. No further discussion. Chairman Potash entertained a motion authoring Mr. Russo to draft a letter to Mayor and Council recommending that ordinance 23-CODE-905 with the changes being suggested.

Motioned by Councilman Kulmala and seconded by Mr. Marscovetra, authorizing Mr. Russo to draft a letter to Mayor and Council recommending that ordinance 23-CODE-905 be adopted.

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

2. Ordinance 23-CODE-906

Chairman Potash explained that the second ordinance deals with prohibition of renting a room and /or operating a boarding or rooming house. Councilman Kulmala informed the Board that this ordinance was introduced due to some residents complaining about specific properties in the town where rooms are being rented. Residents are complaining about a transient flow of unfamiliar vehicles in their neighborhood.

Mayor Schwager recommended that the word "traditional" be removed leaving the "family unit" or the "functional equivalency thereof."

Again, Mr. Lydon made recommendation that the provision from the MLUL (NJSA 40:55D-68.4) be added allowing seniors to rent or lease rooms. No further discussion. Chairman Potash entertained a motion authoring Mr. Russo to draft a letter to Mayor and Council recommending that ordinance 23-CODE-906 with the changes being suggested.

Motioned by Councilman Kulmala and seconded by Mr. Haymon, authorizing Mr. Russo to draft a letter to Mayor and Council recommending that ordinance 23-CODE-906 be adopted.

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

Abstain: None
Absent: Messrs. Rose and Liss.

CONTINUED 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 tonight they will review ordinances A-H which deals with affordable housing and will not be discussing ordinance I (RVRHAP). The Board already reviewed these ordinances but, due to an affordable housing fairness hearing at the end of July, there is an urgency to get these ordinances adopted before that hearing. They will come back and review ordinance I (RVRHAP) at a future date. Therefore, the RVRHAP standards will be removed from each of the ordinances being reviewed due to a difference of opinion between Board members concerning these standards. This will allow extra time for the Planning Board to discuss the ordinance further and elaborate on those differences. Chairman Potash recommended that Mr. Lydon briefly go over the changes for ordinances A-H.

Mr. Lydon explained the following changes to the ordinances.

- RA-3-AH – Wording in section 1 will be included referencing “Level of Service” (LOS). Streets and highways serving this zone need to be protected, maintained, and conserved for the benefit of the public health, safety, and general welfare. This means that in this zone, it shall maintain the existing level of service. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent streets will not be degraded by more than 5 seconds by their development. In addition, the section 1 will eliminate the Queen Victoria architecture standards.
- j. RA-4-AH - Wording in section 1 will be included referencing Level of Service (LOS). Streets and highways serving this zone need to be protected, maintained, and conserved for the benefit of the public health, safety, and general welfare. This means that in this zone, it shall maintain the existing level of service. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent streets will not be degraded by more than 5 seconds by their development.

- RA-5-AH - Wording in section 1 will be included referencing Level of Service (LOS). Streets and highways serving this zone need to be protected, maintained, and conserved for the benefit of the public health, safety, and general welfare. This means that in this zone, it shall maintain the existing level of service. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent streets will not be degraded by more than 5 seconds by their development. In addition, the section 1 will eliminate the Queen Victoria architecture standards.
- SAHD- This ordinance pertains to Block 1901/Lot 14. The new section is included in numbers 7- 10.
 - 7. A least three (3) senior apartments shall be reserved for very-low-income households.
 - 8. Eliminating the Queen Victoria architecture standards.
 - 9. All potential development increasing total impervious surface coverage, shall be classified as a major development under current N.J.D.E.P. stormwater regulations and enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80 percent and manage stormwater runoff exiting the site post-construction no greater than peak that existing runoff rate.
 - 10. Wording in section 1 will be included referencing Level of Service (LOS). Streets and highways serving this zone need to be protected, maintained, and conserved for the benefit of the public health, safety, and general welfare. This means that in this zone, it shall maintain the existing level of service. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent streets will not be degraded by more than 5 seconds by their development.
- MU-AH – The current CBD-II zone. This is a new ordinance specific to the Walgreens site, Block 1706/Lot 1.01, 2.01, 3.01, 4.01 and 6, allowing for affordable housing and a fast-food restaurant. The Queen Victorian architectural standards will be eliminated. Level of Service (LOS) for streets and highways serving this zone need to be protected, maintained, and conserved for the benefit of the public health, safety, and general welfare. Market-rate units may be offered as for-sale units or as rental units. All potential development increasing total impervious surface coverage, shall be classified as a major development under current N.J.D.E.P. stormwater regulations and enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80 percent and manage stormwater runoff exiting the site post-construction no greater than peak that existing runoff rate.
- DT-1 – This zone will replace the CBD I zone. It is located on both side of Ramapo Valley Road from Oak Street to the railroad. Level of Service (LOS) for streets and highways serving this zone need to be protected, maintained, and conserved for the benefit of the public health, safety, and general welfare. All potential development increasing total impervious surface coverage, shall be classified as a major development under current

N.J.D.E.P. stormwater regulations and enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80 percent and manage stormwater runoff exiting the site post-construction no greater than peak that existing runoff rate. The Queen Victorian architectural standards will be eliminated.

- DT-II – Will replace the current CBD II zone from the railroad to 287 and a small portion of West Oakland Avenue adjacent to the Walgreens property. Level of Service (LOS) for streets and highways serving this zone need to be protected, maintained, and conserved for the benefit of the public health, safety, and general welfare. All potential development increasing total impervious surface coverage, shall be classified as a major development under current N.J.D.E.P. stormwater regulations and enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80 percent and manage stormwater runoff exiting the site post-construction no greater than peak that existing runoff rate. The Queen Victorian architectural standards will be eliminated.

A discussion ensued concerning permitting drive-thru windows. Mr. Russo responded that the MU-AH zone will allow drive-thru windows, but you can restrict drive-thru windows in the DT-I and DT-II zone. The Board discussed the possibility of extending the DT-II zone on both sides of Ramapo Valley Road down to Franklin Avenue. Mr. Lydon responded that he would research this and do an analysis of the blocks and lots down to Franklin Avenue.

- CBD-1 AHO/CBD-II AHO - These are overlay zones. Section 2 and 3 will include the language that the Level of Service (LOS) for streets and highways serving this zone need to be protected, maintained, and conserved for the benefit of the public health, safety and general welfare. All potential development increasing total impervious surface coverage, shall be classified as a major development under current N.J.D.E.P. stormwater regulations and enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80 percent and manage stormwater runoff exiting the site post-construction no greater than peak that existing runoff rate. The Queen Victorian architectural standards will be eliminated.

Councilman Kulmala questioned Mr. Russo if the state supersedes the ordinance concerning Level of Service and N.J.D.E.P. stormwater regulations. Mr. Russo responded that the language mirrors the state concerning stormwater regulations and is consistent with this ordinance. Chairman Potash repeated that there is an urgency to recommend the affordable housing ordinances before the affordable housing fairness hearing at the end of July. Since it is complicated, the Board will review the RVRHAP at a future date when the Board has time to concentrate on the detail. He entertained a motion to authorize Mr. Russo to draft a letter recommending ordinances A through F.

Motioned by Mr. Connolly and seconded by seconded by Ms. Levy, to authorize Mr. Russo to draft a letter recommending ordinances A through F.

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

Chairman Potash welcomed Mr. Kevin Heffernan and offered him an opportunity to go through his PowerPoint presentation.

Mr. Heffernan expressed that after the last meeting, he felt it was important to present and discuss the citizen's opinions regarding the Downtown of Oakland and the misconceptions pertaining the architectural roots of the late 19th century.

He discussed the origin of the downtown redevelopment initiative to the late Victorian architecture, and examples and how it benefits Oakland. Downtown Development began after the railroad and railroad station in 1887. During this time, buildings in the downtown area were built in a late Victorian style and most of those buildings have since been demolished due to progress leaving a complete loss of charm, history, and roots in Mr. Heffernan's opinion.

Mr. Heffernan reviewed legislative initiatives for redevelopment and the current master plan. He referred to the Central Business District Study and Plan where it mentions to encourage the rehabilitation of existing buildings with specific architectural guidelines to revitalize the existing condition of buildings and properties.

Mr. Heffernan explained that he created a group page on Facebook about 3 years ago and polled people on their opinion concerning returning Oakland to its architectural roots. The results were close to 100 percent positive. He expressed that the alternatives are to do nothing, permit builders/developers to construct whatever they wish or develop a vision and plan to mold the downtown into a place to be proud of by implementing the current master plan. By conformance with the current master plan, it would benefit by improving the look of the downtown, increase tax revenues and attract retail.

Mr. Heffernan requested that the Planning Board consider recommendation of late Victorian architecture to the Mayor and Council during the redevelopment of the downtown.

MEMORIALIZATIONS:

None

PAYMENT OF BILLS:

Motioned by Mr. Connolly and seconded by Mr. Marscovetra, to pay the bills subject to the availability of funds.

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

APPROVAL OF MINUTES:

May 11, 2023 Minutes: Tabled to the June 8, 2023 meeting

NEW BUSINESS:

Chairman Potash reviewed upcoming agenda items.

Mr. Russo informed the Board that he talked to the attorney representing RI-Arm Farms and he was requesting some recommendations for uses for their property and why their property could not be included in the sewer service area. He informed Mr. Vogel that this would be a question for Mayor and Council and suggested that he send a letter to them.

OLD BUSINESS:

Chairman Potash recommended that the Downtown sub-committee meet before the July 11th meeting at 6:00 p.m. to discuss the RVRHAP ordinance.

PUBLIC MEETING ADJOURNED AT 9:15 P.M.

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

Respectfully Submitted by,

Kathlyn Gurney, Administrative Assistant

*Next meeting on July 13, 2023