

PLANNING BOARD MINUTES
PUBLIC MEETING
NOVEMBER 9, 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, Rose, Haymon, Liss, Councilman Kulmala, Mayor Schwager and Chairman Potash.

Absent Members: Mr. Connolly and Mayor Schwager

EXCUSE ABSENCES:

Motioned by Mr. Liss and seconded by Mr. Marscovetra, to excuse the absence of Mr. Connolly and Mayor Schwager was voted unanimously by the Board.

Mr. Joseph Russo, Esq., Board Attorney and John Yakimik, Boswell Engineering were in attendance.

BOARD PROFESSIONALS SWORN IN:

None

Mr. Clark sitting in for Mr. Connolly, Mr. Gissona sitting in for Mayor Schwager.

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

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

Mr. Thomas Russo, Remax Associates, questioned progress with extending the downtown area past Oakland Memorial. Chairman Potash informed Mr. Russo that the governing body has transferred that study which is now be conducted by the Borough Planner.

Motioned by Mr. Haymon 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. K. Hovnanian – McCoy Road, Block 4202, Lots 1, 2, & 3. Continued public hearing for a Final Major Subdivision and Site Plan.

Chairman Potash reminded the Board that at the last meeting, Mr. Russo was authorized to draft a resolution in the affirmative granting final site plan and major subdivision approval. Mr. Russo informed the Board that revisions were made and shared with the Board. The last circulated resolution included the final revision to have a “Knox-box” installed at the recreation building. This will be the resolution to be voted on.

Councilman Kulmala questioned the transfer of the property ownership. Mr. Russo explained that the Borough attorney, Matt Gilson, Esq., informed him that K. Hovnanian has sold the property to another developer known as Lennar Builders. This was later confirmed by Mr. Meese, Esq, representing K. Hovnanian. He spoke to the attorney representing the new owner who also confirmed the purchase. However, K. Hovnanian will be the name that appears on the resolution. Between now and the drafting of the developer’s agreement, there will be some legal paperwork between K. Hovnanian, the Borough, and Lennar Builders. It is not unusual for developers to sell an approved property but usually it is after the approval. He researched Lennar Builders and believes they are a reputable developer.

Mr. Russo explained that terms and conditions in the resolution for the preliminary and final approval will have to be honored by Lennar. There will be a meeting between Mr. Gilson, Mr. Yakimik and himself to review resolution compliance. Chairman Potash questioned if Lennar would assign Ingerman Development as the affordable housing developer. Mr. Russo contacted Mr. Long and he informed him that a contract was received assigning Ingerman as the affordable housing developer. A discussion ensued concerning that the new developer will have to follow the resolution of approval 100 percent. Mr. Yakimik informed the Board that Langan Engineering has had discussions with Lennar and they are confident that Langan Engineering will be retained by Lennar as the site engineer for the project.

Councilman Kulmala questioned if the Board is required to take action on the application today. Mr. Russo responded that the Board could choose to do a couple of things such as vote in favor of the application, to vote down the application, or to carry the application. Councilman Kulmala expressed concerns with the last-minute notice that the property changed ownership. Mr. Russo expressed that the new owner will need to comply with all the conditions and the Board will need to trust Mr. Yakimik because he will take part in all the meetings regarding resolution compliance as well as the drafting of the developer's agreement along with Mr. Gilson, Borough attorney.

Ms. Danielle Kinback, Esq. and Mr. Steven Dahl, manager and in house counsel with Lennar, approached the Board.

Mr. Dahl explained that Lennar understands that they are bound by the prior determination of the Board and will comply with the approved plans. He informed the Board that they intend to hire Mr. Cote, with Langan Engineering, to consult them during the development. He has had discussions with Mr. Long and who is currently finalizing the finance for this community. As discussed, a contract has been assigned to Ingerman by Lennar and they have the right to stay with them if it makes sense.

A discussion ensued concerning Lennar's involvement with affordable housing. Mr. Dahl responded that usually Lennar builds rental units that are regulated by the state. Chairman Potash questioned if Lennar builds their own affordable and market rate units. Mr. Dahl responded that sometimes Lennar builds their own affordable units because of a phasing requirement to get them built in a timely fashion but sell to a third party to own and operate. The Board questioned the timeline for beginning to build. Mr. Dahl responded that sewers are a key and the Borough and Franklin Lakes need to endorse the TWA application and then the county will need to sign it. There are other outstanding approvals such as water which has been submitted and deemed complete and awaiting a Bergen County Soil Conservation approval. They hope to start next year.

Mr. Yakimik questioned to what extent have the approved documents been reviewed and provide some testimony as to what you reviewed since the closing. Mr. Dahl responded that they reviewed the preliminary plans with Langan, the draft resolution, and have no issues with the draft resolution. Mr. Yakimik confirmed that Mr. Dahl was aware of all actions taken by the Board before the closing. Mr. Dahl responded yes and they are aware of the outstanding interlocal sewer agreement that needs to be finalized and understands that there are issues that need to be resolved with Franklin Lakes and aware that they need to enter into a developers agreement with the Borough of Oakland as well.

Councilman Kulmala expressed concerns with the heavy traffic along McCoy Road and Yawpo Avenue during the morning commute to the high school due to buses and students coming from Franklin Lakes and Wyckoff. He requested that the new owner give consideration at the time utilities are to be installed and maybe begin work while school is out of session or allow the roads to remain open during school hours. Mr. Dahl responded that he is aware of an easement issue that needs to be addressed and plans to meet with high school representatives to mitigate any

conflict with the school. Councilman Kulmala suggested that Lennar have that conversation with the traffic officer present. Mr. Yakimik requested that he be a part of that conversation and advised that this would be part of a pre-pre-construction meeting. Mr. Dahl responded that he would like to have this meeting as soon as possible.

Mr. Dahl advised Mr. Russo and the Board that all approvals have been transferred to Lennar as part of the purchase. Mr. Russo added that by signing the contract of sale, Lennar has agreed to abide by the resolution of approval.

A discussion ensued concerning representations made to the Board during the K. Hovnanian hearings concerning the road construction that may not be in the resolution. The applicant was advised on the extent of traffic while school is in session. They are agreeable to consider the summer recess for the construction of utilities. Councilman Kulmala expressed that there is a lot of traffic on McCoy and has concerns with road construction and inexperienced drivers. In addition, commuters use this route to get to route 208. Mr. Yakimik added that he believes that any representations made during the hearing shall be honored by Lennar. He expressed to Mr. Dahl that things like this may come up during the construction period that he and Langan Engineering can acknowledge and hope that there will be no pushback. During the course of the application, Langan Engineering were complete professionals and advised that he hopes Lennar will continue to use their firm for the project. Mr. Dahl responded Lennar plans to continue with Langan to assist them through the transition. Mr. Russo also added that these representations that were made could be codified into the resolution after the pre-construction meeting. No further questions.

Chairman Potash entertained a motion to adopt or reject the resolution giving K. Hovnanian final approval.

Motioned by Mr. Liss and seconded by Mr. Marscovetra, to approve and adopt the resolution of approval with the revisions for K. Hovnanian.

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

REVIEW OF ORDINANCES:

None

MEMORIALIZATIONS:

1. Amended Land Use Element Plan:

Eligible voters: Ms. Levy, Messrs. Gisonna, Clark, Levy, Rose, Marscovetra, Connolly, Councilman Kulmala Mayor Schwager and Chairman Potash.

Motioned by Mr. Rose and seconded by Mr. Liss, to memorialize the adoption of the Amended Land Use Element.

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

2. Wastewater Management Plan:

Eligible voters: Ms. Levy, Messrs. Clark, Rose, Marscovetra, Connolly, Councilman Kulmala, Mayor Schwager and Chairman Potash.

Motioned by Ms. Levy and seconded by Councilman Kulmala, to memorialize the adoption of the Wastewater Management Plan.

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

PAYMENT OF BILLS:

Motioned by Mr. Liss and seconded by Ms. Levy, to pay the bills subject to the availability of funds.

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

APPROVAL OF MINUTES:

October 12, 2023 Minutes:

Motioned by Councilman Kulmala and seconded by Mr. Liss, to approve the October 12, 2023 Minutes as amended.

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

NEW BUSINESS:

A discussion ensued concerning billing and escrow. It was recommended to include an “escrow report” as an item on the agenda showing the status of both budget and escrow accounts.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 7:55 P.M.

Motioned by Mr. Rose and seconded by Ms. Liss, to adjourn the meeting by a unanimous vote by the Board.

Respectfully Submitted by,

Kathlyn Gurney, Administrative Assistant

*Next meeting on December 14, 2023