

PLANNING BOARD MINUTES  
PUBLIC MEETING  
FEBRUARY 14, 2013 - 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:

Jason Shafron, Lee Haymon, Nicholas DiLandro, Eric Kulmala, Christopher Baczewski, Dan Hagberg, Elaine T. Rowin, John Morris, Councilwoman Coira, Mayor Linda H. Schwager and Chairman Thomas Potash.

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

Present: Mrs. Rowin, Messrs. Haymon, Shafron, DiLandro, Kulmala, Baczewski, Hagberg, Morris, Councilwoman Coira, Mayor Schwager and Chairman Potash.  
Absent: None

Joseph Russo, Esq., Board Attorney, Steve Lydon, Burgis Associates and Kevin Boswell, Boswell Engineering were also in attendance.

PUBLIC HEARING BEGINS:

Chairman Potash noted for the record that he would not open the meeting to the public since no public is present.

1. Review and recommendation of Ordinance12-Code-675 Solar Panel installations.

Chairman Potash requested that Mr. Lydon review with the Board the changes made to the ordinance. Mr. Lydon explained the changes to the ordinance included that in the residential zone a solar energy system may be installed only as a use accessory to a

permitted principal use. Solar energy systems may be installed only as an accessory use either on the roof of a permitted principal or accessory structure or a freestanding structure such as above a parking field.

In the business zone a solar energy system may be installed only as an accessory use either on the roof of a permitted principal or accessory structure or as a free standing structure above a parking field.

In the industrial zones a clause was added that solar energy systems as either a principal use or structure, or as an accessory structure or use are allowable. Such systems may be installed either on the roof of a permitted principal or accessory structure or as freestanding structures including above a parking field.

In the ordinance professional zones would follow the business and residential zones requirements as a solar energy systems may be installed only as an accessory use either on the roof of a permitted principal or accessory structure or as free-standing structures such as above a parking field.

Mr. Lydon explained that for solar panel systems plans would have to be submitted to the building department and the fire official for the review and issuance of a permit. The building department would make sure installation requirements are being met by state code.

A discussion ensued concerning solar energy systems as an accessory use on a lot with a principal use or structure shall be designed to provide energy for the principal use of the property and shall not be to generate power for commercial purposes. Chairman Potash reminded the Board that he did not believe that the Board was unanimous on limiting the amount of energy generated when this could affect the tax credits received for the solar energy systems. The consensus of the Board was not to limit the energy generated from the solar energy system.

Mr. Hagberg questioned if something should be placed in the ordinance referring to lot coverage. Mr. Lydon responded that the state does not count solar panels as impervious coverage.

Mr. Morris commented that the words 'active', 'passive' and 'generator' in the definitions on the first page could be confusing and suggested that they be removed. A discussion ensued between Mr. Morris and Mr. Baczewski concerning whether the definition 'photovoltaic' should remain among the definitions. It was decided that the word 'photovoltaic' would remain in the ordinance.

Mr. Russo referred to the definition 'parking field' expressing that this definition could be misinterpreted. Mr. Lydon responded that he felt the word 'parking lot' could be considered property. He suggested that the word 'parking field' be replaced with 'parking area'. The Board agreed with Mr. Russo to replace 'parking field' with the wording 'parking area.'

Mr. Hagberg expressed his concern with solar energy arrays being placed over driveways hindering the access of emergency vehicles to the property. A discussion ensued concerning driveways having no setbacks. Chairman Potash expressed that the solar energy arrays being placed over a driveway would only be permitted if the

driveways were located in the side yard, not permitted in the front yard. In addition, if any arrays affect a setback, the applicant would need to go before the Board.

Chairman Potash suggested that Mr. Russo and Mr. Lydon draft the ordinance with the changes that were discussed. He expressed that he believes that the ordinance addresses the needs and concerns of the Borough and the Fire Department. He entertained a motion.

Motioned by Mr. Morris and seconded by Mr. DiLandro, to authorize Mr. Russo to draft a letter recommending that the Solar Panel Ordinance be adopted by Mayor and Council.

Roll Call Vote:       Ayes: Mrs. Rowin, Messrs. DiLandro, Kulmala, Baczewski,  
                              Hagberg, Morris, Councilwoman Coira, Mayor Schwager and  
                              Chairman Potash.  
                              Nays: None  
                              Abstain: None  
                              Absent: None

## 2. Review and recommendation of the Complete Streets Program.

Mayor Schwager requested that this matter be tabled to the March 14, 2013 meeting.

Motioned by Mayor Schwager and seconded by Mrs. Rowin, to table the Complete Streets Program until the March 14, 2013 meeting.

Roll Call Vote:       Ayes: Mrs. Rowin, Messrs. DiLandro, Kulmala, Hagberg,  
                              Councilwoman Coira, Morris, Mayor Schwager and Chairman  
                              Potash.  
                              Nays: Mr. Baczewski  
                              Abstain: None  
                              Absent: None

## RESOLUTIONS:

### 1. Authorized Agreement with Joseph Russo, Esq.

Mr. Russo explained that he had reviewed the contract and according to the contract written he would not receive payment for any work done on ordinances or work involving the master plan. So he made some minor changes to the wording to resolve this.

Motioned by Mr. DiLandro and seconded by Mrs. Rowin, to adopt the above referenced resolution for the Authorized Agreement as Planning Board Attorney as amended.

Roll Call Vote:       Ayes: Mrs. Rowin, Messrs. DiLandro, Kulmala, Baczewski,  
                              Hagberg, Councilwoman Coira, Morris, Mayor Schwager and  
                              Chairman Potash.  
                              Nays: None  
                              Abstain: None  
                              Absent: None

2. Authorized Agreement with Planning Board Engineer.

Motioned by Mrs. Rowin and seconded by Mr. Kulmala, to adopt the above referenced resolution for the Authorized Agreement as Board Engineering.

Roll Call Vote:       Ayes: Mrs. Rowin, Messrs. DiLandro, Kulmala, Baczewski,  
Hagberg, Councilwoman Coira, Morris, Mayor Schwager and  
Chairman Potash.  
Nays: None  
Abstain: None  
Absent: None

3. Authorized Agreement with Planning Board Planner

Motioned by Mrs. Rowin and seconded by Mr. Morris, to adopt the above referenced resolution for the Authorized Agreement as Board Planner.

Roll Call Vote:       Ayes: Mrs. Rowin, Messrs. DiLandro, Kulmala, Baczewski,  
Hagberg, Councilwoman Coira, Morris and Chairman Potash.  
Nays: None  
Abstain: Mayor Schwager  
Absent: None

MEMORIALIZATION:

None

PAYMENT OF BILLS:

Motioned Mrs. Morris and seconded by Mr. Baczewski, for the payment of bills subject to the availability of funds.

Roll Call Vote:       Ayes: Mrs. Rowin, Messrs. DiLandro, Kulmala, Baczewski,  
Hagberg, Morris, Councilwoman Coira, Mayor Schwager and  
Chairman Potash.  
Nays: None  
Abstain: None  
Absent: None

APPROVAL OF MINUTES:

Motioned by Mrs. Rowin and seconded by Mr. Baczewski, to approve the January 10, 2013 minutes.

Roll Call Vote:       Ayes: Mrs. Rowin, Messrs. DiLandro, Kulmala, Baczewski,  
Hagberg, Morris, Councilwoman Coira, Mayor Schwager and  
Chairman Potash.  
Nays: None  
Abstain: None  
Absent: None

#### NEW BUSINESS:

Mrs. Rowin informed the Board that the U.S. Court of Appeals for the Third District in Philadelphia upheld Mount Laurel's 2008 ban on billboard signs along the township's stretch of I-295 and the New Jersey Turnpike. Municipalities will now be free to pass ordinances banning billboards for aesthetic and safety reasons under a federal court ruling that dismissed an advertiser's free-speech arguments.

Mr. Russo explained that the Board of Adjustment drafted a letter requesting some changes be made to the definition of accessory structures. He suggested that they address this matter at the next meeting.

#### OLD BUSINESS:

Mr. Russo informed the Board that he has been in contact with Mr. Cascio concerning property being purchased by D.R. Mullen Construction Co. located in the Industrial Park. The property owner was denied Highlands Exemption and was before the Board last year requesting guidance and the possibility that Mayor and Council sponsor the applicant's property as Redevelopment Area Designation but was not sure they met certain criteria for this designation.

He explained that the applicant was instructed to find out exactly what they would need from the Board. The applicant did so and was instructed by the NJDEP that they would require the Borough to sponsor the applicant. They will return to the Board next month.

#### PUBLIC MEETING ADJOURNED AT 7:50 P.M.

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

Respectfully submitted by,

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Kathlyn Gurney/Administrative Assistant

\*Next meeting on March 14, 2012.