

PLANNING BOARD MINUTES  
PUBLIC MEETING  
APRIL 11, 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. Shafron Kulmala, Baczewski, Hagberg, Morris, Councilwoman Coira, Mayor Schwager and Chairman Potash.  
Absent: Mr. Haymon and Councilwoman Coira.

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

Motioned by Mayor Schwager and seconded by Mrs. Rowin, to excuse the absence of Councilwoman Coira was voted unanimously by the Board.

Chairman Potash announced that Mr. Shafron would be sitting for Councilwoman Coira.

PUBLIC HEARING BEGINS:

Chairman Potash announced for the record that there were no public present at the meeting and would forgo the open to the public portion of the meeting.

## MEMORIALIZATION:

1. Recommendation that Mayor and Council re-designate the portions of Lots 1, 2, 3, 4 and 5 of Block 201 and a portion of Lot 2 in Block 202 from the Highlands Preservation Area to Highlands Redevelopment Area.

Mr. Russo informed the Board that the resolution is only as good as Mr. Mullen's ability to gather the neighbors to consent and join in the application in order to help with the impervious percentages. Chairman Potash entertained a motion.

Eligible voters: Mrs. Rowin, Messrs. Haymon, Kulmala, Baczewski, Hagberg, Morris Councilwoman Coira and Mayor Schwager.

Motioned by Mayor Schwager and seconded by Mr. Morris, recommending that Mayor and Council re-designate the portions of Lots 1, 2, 3, 4 and 5 of Block 201 and a portion of Lot 2 in Block 202 from the Highlands Preservation Area to Highlands Redevelopment Area.

Eligible voters: Mrs. Rowin, Messrs. Haymon, Kulmala, Baczewski, Hagberg, Morris, Councilwoman Coira and Mayor Schwager

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

## PAYMENT OF BILLS:

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

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

## APPROVAL OF MINUTES:

Motioned by Rowin and seconded by Mr. Baczewski to approve the March 14, 2013 minutes as amended.

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

## NEW BUSINESS:

Mayor Schwager informed the Board that the council was pleased with the letter drafted by Mr. Russo explaining the changes made to the Solar Panel ordinance and would be adopted at the next Mayor and Council meeting.

Mr. Russo reminded the Board that it had been discussed that the state may be passing standard solar panel guidelines which would supersede the proposed ordinance. Mr. Hagberg informed the Board that the new building code was not signed by the Governor and has indefinitely postponed the introduction of the new code.

Mr. Russo suggested that they proceed with the ordinance and if a model ordinance comes in to place from the state, Mayor and Council could always amend the solar panel ordinance accordingly.

Chairman Potash announced that April 20, 2013 Emergency Management Services would be conducting a river clean up. Mayor Schwager also informed the Board that it was announced at the council meeting that the river clean up would be conducted by members from FEMA and other professional sources only and would not include residential participation. Chairman Potash responded that he was told that they would like the help of different organizations within the town. Mayor Schwager suggested that this information be verified with Roy Bauberger, Office of Emergency Management.

## OLD BUSINESS:

Chairman Potash explained that the proposed ordinance for accessory buildings and accessory structures had been discussed at the last meeting where Mr. Lydon was instructed to revise and drafted a proposed ordinance concerning this matter.

Mr. Lydon explained that amendments and revisions were made to Chapter 59 'Land Use and Zoning Ordinances' and to Chapter 10 from the General Ordinances 'Building and Housing' where swimming pool setback requirements are found. He consulted with Dan Hagberg and Brian Chewcaskie, Borough Attorney, concerning the issue with accessory buildings and structures and the consensus was to revise the Zoning Ordinance as well as the Building and Housing chapter in the Borough's General Ordinances.

He explained that they started by defining accessory building and accessory structures. Under the accessory structure definition it would be defined that HVAC equipment and generators would not be considered accessory structures for the purpose of measuring setbacks from property lines. He reminded the Board that this was discussed at the last meeting and the consensus was that the setback requirements would be applicable to the principal building for that zone.

In Section 59-47 modifications were made to lot and building regulations where in paragraph B it is written just as it appears in the ordinance. Currently, the word 'principal' was added before the word building in three different places. This was done to distinguish between a principal and an accessory building while the current ordinance does not.

In the same section under paragraph D it would be indicate that the accessory structure setback would be amended as shown on the Schedules B and C in the ordinance. Number 7 concerning swimming pools is new in the revised ordinance which includes the same language as in the Borough's General Ordinance, Chapter 10 'Building and Housing.'

A significant change takes place in Schedule B and C. In schedule B the maximum number of stories has been changed from 1 ½ to 1-story and a change to the maximum height of an accessory structure or building was reduced from 22-feet to 15-feet.

Mr. Lydon suggested that different standards for different sized accessory buildings or structures should be recommended. Currently, the minimum distance from the rear lot line for an accessory structure or building is 3-feet regardless of the size which would remain the same for smaller structures or buildings up to 100 square feet. An accessory structure or building from 101 to 199 square feet would require a minimum distance of 10-feet from the rear lot line and all buildings or structures greater than 199 square feet would require a minimum of 15-feet from the rear lot line. He added that Schedule C, which deals with corner lots, would be the same breakdowns as in Schedule B.

Chairman Potash commented that the 5 percent allowable lot coverage in all zones could result in an accessory structure the size of 2,000 square feet in a RA-1 Zone where the lot size is required to be 41,000 square feet. He questioned Mr. Lydon if by reducing the height requirements of an accessory structure would it deter people from building an accessory structure of this size. Mr. Lydon responded that at the last meeting they had discussed changing the wording limiting these percentages to the rear yard in addition to lowering the height requirement. He recommended that the 5 percent could be reduced to 3 percent for the larger property zones.

Mr. Hagberg confirmed the setbacks for swimming pools as 10-feet from the side yard and 5-feet from the rear yard. He also confirmed that a pool could be 50 percent of the rear or side yard. Mr. Lydon responded that those are the numbers found in the current ordinance.

Chairman Potash expressed that the word "yard" should be clear. Mr. Hagberg questioned if the rear yard extends all the way to the side property line or does it stop at the side yard line. He explained that this could cause confusion because the rear yard contains portions of the side yard and visa versa. Mr. Lydon responded that in the ordinance, the rear yard is behind the dwelling from side property line to side property line and the side yard is measured from the front of the house to the rear of the house. Chairman Potash verified with Mr. Lydon that the word 'yard' is defined clearly in the ordinance so there is no confusion. Mr. Lydon responded that the word yard is defined well in the ordinance.

Chairman Potash questioned if there were any more comments on the proposed ordinance. Mayor Schwager suggested that Mr. Russo draft a letter for Mayor and Council comparing the differences and explaining the revisions. He instructed Mr. Lydon to make the necessary revisions and send the proposed ordinance to Mr. Russo and he will draft a letter to Mayor and Council and the Board will officially vote on this topic at the next meeting.

Mr. Hagberg informed the Board that the state of New Jersey is working with FEMA and the NJDEP on permitted heights for homes in the flood zones since these houses need to be raised. He explained that the height of a house is defined as two and a half stories from the grade outside the house. If you have to raise that house seven or eight feet, you may be limited to a two and a half story house and the state is recommending that the height of a house in the flood zone be determined at the base flood elevation.

He informed the Board that when the state adopts this new height regulation for houses in the flood zone, the height would be determined from the base flood elevation and not from the grade of the house. Chairman Potash suggested that when this is adopted by the state, the Borough may want to revise the height ordinance. Mr. Lydon recommended that the revision be an overlay of the current ordinance.

PUBLIC MEETING ADJOURNED AT 7:35 P.M.

Motioned by Mrs. Rowin and seconded by Mr. Baczewski, 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 May 9, 2012.