

PLANNING BOARD MINUTES  
PUBLIC MEETING  
DECEMBER 8, 2016 - 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:

John Madden, Robert Knapp, Jason Shafron, Lee Haymon, Nicholas DiLandro, Dan Hagberg, Elaine T. Rowin, John Morris, Councilman Jensen, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:01 P.M., ROLL CALL:

Present: Mrs. Rowin, Messrs. Madden, Knapp, Shafron, DiLandro, Haymon, Hagberg, Morris and Mayor Schwager.

Absent: Councilman Jensen and Chairman Potash

Motioned by Mrs. Rowin and seconded by Mr. Hagberg, to excuse the absence was voted unanimously by the Board.

Mr. Joseph Russo, Esq., Board Attorney and Steve Lydon, Burgis Associates and Rebecca Mejia, Boswell Engineering were in attendance.

Mr. Morris chaired the meeting.

Mr. Morris noted for the record that there was no public.

Mr. Knapp sitting in for Councilman Jensen and Mr. Madden sitting in for Chairman Potash.

PUBLIC HEARING:

1. A & E Ventures of Oakland – Plaza Road, Block 2702, Lots 1.01 and 1.02.  
Continued public hearing for an amended preliminary and final site plan.

Mr. Morris announced that there was no public present but the A & E Ventures of Oakland (Wawa) would be carried to the January 12, 2017 public hearing.

MEMORIALIZATION:

1. Highlands Element of the Master Plan.

Eligible voters: Messrs. Madden, Knapp, DiLandro, Haymon, Hagberg, Morris, Councilman Jensen, Mayor Schwager and Chairman Potash.

Mr. Morris recommended some changes to the resolution which included adding a date the Highlands Element of the Master Plan was first drafted. Mr. Lydon responded he would supply the date.

Mr. Morris recommended that certain words in the resolution be added, removed and replaced to clarify. He expressed that he wanted to send a stronger message that this would be the final edit to the document and suggested that the word “proposed” be removed and replaced with the words “final version”. Mr. Russo explained that his intent was to make it clear in the resolution that this is a draft and these are the Board’s revisions being forwarded to the Highlands Council for approval. He suggested Mr. Lydon comment on this matter. Mr. Lydon informed the Board that he did speak to Mr. Humphries from the Highlands Council who indicated that a letter was being sent out accepting the changes made. He responded that at this point it does not make a difference since they have indicated that they are going to approve the document.

Mr. Morris entertained a motion.

Motioned by Mr. Knapp and seconded by Mr. Haymon, to memorialize the above resolution of approval as amended.

Roll call vote:           Ayes: Messrs. Madden, Knapp, DiLandro, Haymon, Hagberg, Morris and Mayor Schwager.  
                                  Nays: None  
                                  Abstain: None  
                                  Absent: Councilman Jensen and Chairman Potash

#### PAYMENT OF BILLS:

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

Roll Call: Ayes: Mrs. Rowin, Messrs. Madden, Knapp, Mr. Shafron, DiLandro, Haymon, Morris and Mayor Schwager.  
Nays: Hagberg  
Abstain: None  
Absent: Councilman Jensen and Chairman Potash

#### APPROVAL OF MINUTES:

Motioned by Mayor Schwager and seconded by Mr. Morris, to approve of November 10, 2016 minutes as amended.

Roll Call: Ayes: Messrs. Madden, Knapp, DiLandro, Haymon, Hagberg, Morris, and Mayor Schwager.  
Nays: None  
Abstain: None  
Absent: Councilman Jensen and Chairman Potash

#### NEW BUSINESS:

Mr. Morris formed a committee to review the RFQ's which included himself, Mr. Shafron and Chairman Potash.

Mrs. Rowin questioned the status of the A & E Ventures of Oakland's application. Ms. Gurney responded that the Zoning Board of Adjustment will be hearing the opposing attorneys' Appeals this Tuesday, December 13, 2016.

A discussion ensued concerning whether they can enforce Robert Michael Shopping Center to keep their lights on in the parking lot in the evening.

#### OLD BUSINESS:

##### Sign Ordinance 16-CODE-747:

Mr. Russo informed the Board that a memo by Mr. Lydon was prepared which includes the suggested revisions discussed at the last meeting as well as the illumination issues raised a few months ago which have been incorporated in the ordinance.

Mr. Morris questioned if the Board needs to discuss the amendments further or is this done since the Borough Administrator has been copied. Mr. Russo responded that in the past, he would draft a letter to Mayor and Council and copy Brian Chewcaskie, Borough Attorney, pointing out the changes and recommendations to the ordinance. Mr. Morris opened the topic up for discussion.

Mrs. Rowin questioned the size of a real estate “for sale” signs on the front lawn of a house. Mr. Lydon responded that those signs are smaller than the allowable 8 square feet. He expressed that this size is too big for the residential zone and in the Industrial zone, signs can exceed the 8 square feet.

Mr. Morris confirmed that the Board is only making recommendations. Mr. Russo suggested that the Board review the memorandum together and make additional recommendations if needed.

Mr. Morris agreed with Mr. Lydon’s memorandum to restrict the size of signs in a residential and commercial area. Mr. Morris questioned he would be making a recommendation to the size of these signs. Mr. Lydon responded that he was not recommended to offer a size distinction.

Mr. Morris expressed to Mr. Lydon that he thinks it important that Mayor and Council know that the Board is recommending two classes of signs for residential and commercial such as a not to exceed 6 square in the residential zone and 12 square feet in the commercial zone. Mr. Lydon suggested that the recommendations be sent back to Mayor and Council but in the Industrial Park, he thinks signs should be allowed up to 32 square feet. However, this may be too large for commercial properties on Ramapo Valley Road. Mr. Morris confirmed with Mr. Lydon and Mr. Russo that the recommendation from the Board should be to limit sizes for commercial and residential and let Council decide if they want to make different limits for commercial and industrial. Mr. Russo commented that he was under the impression that there was some urgency to adopt the ordinance and that it should be sent back with these certain recommendations. Mr. Russo questioned Mr. Lydon if he was comfortable recommending to Mayor and Council particular sizes. Mr. Lydon responded that he would rather Mayor and Council make the decisions on sizes.

Mr. Morris continued with the review of the ordinance concerning height and setback of a signs. He expressed that there is nothing in the ordinance to regulate the height of a sign. A discussion ensued concerning that a height regulation should be in place signs. Mr. Morris expressed that a maximum height should be set forth and they would leave it to Mayor and Council to decide with the guidance of Mr. Russo and Mr. Lydon..

Mr. Lydon explained that the proposed ordinance suggests that all signs must be set back at least 15-feet from the curb line but notes that noncommercial signs must be set back 10-feet. A discussion ensued concerning the setbacks and some property hardships. The

Board recommended that real estate “for sale” signs in all zones should have a setback of at least 10-feet from the curb line or edge of pavement unless physically obstructed with the understanding that a sign cannot block the vision of an automobile driver. Also, the Board leaves it to the discretion of Mayor and Council to determine the size and height limitation of a “for sale” signs.

Mr. Morris expressed that the portion of the ordinance that addresses signs used by developers for construction sites, buildings under construction or for major subdivisions is ambiguous and needs clarification. Mr. Lydon agreed and mentioned it is also difficult to enforce the length of time a sign can be up after construction finished. He suggested that the sign removal could be part of the Certificate of Occupancy process.

A discussion ensued concerning merchants moving into town and merchants in the town looking for guidance with their sign illumination requests. The Board agreed that this section has been revised and the proposed shall comply with the nits and illumination set forth in the current ordinance. The Board recommended that this section be revised to clearly indicate that all temporary signs shall not be illuminated.

Motioned by Mr. DiLandro and seconded by Mr. Knapp, to authorize Mr. Russo to draft a letter to Mayor and Council recommending the suggestions discussed this evening was voted unanimously by the Board.

#### Solar Panel Ordinance 16-CODE-746

A discussion ensued concerning the status of the Solar Panel Ordinance and some of the sections in violation with the DCA. Mr. Hagberg believes that there is no violation when the Borough is following the ordinance that is in place. The Board will need more information before they can make a recommendation to Mayor and Council.

Mr. Knapp thanked the Board for his time being a member.

PUBLIC MEETING ADJOURNED AT 7:45 P.M.

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

Respectfully submitted by,

---

Kathlyn Gurney/Administrative Assistant

\*Next meeting on January 12, 2017.