

PLANNING BOARD MINUTES
PUBLIC MEETING
MARCH 10, 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 7:00 P.M., ROLL CALL:

Present: Mrs. Rowin, Messrs. Madden, Knapp, Haymon, Hagberg, Morris, Councilman Jensen, and Chairman Potash.

Absent: Messrs. Shafron, DiLandro, and Mayor Schwager.

Motioned by Mrs. Rowin and seconded by Mr. Morris, to excuse the absences of Mr. Shafron, Mr. DiLandro and Mayor Schwager.

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

Mr. DiLandro entered the meeting at 7:05 p.m.

Chairman Potash stated for the record that there was no one present in the audience.

PUBLIC HEARING:

None

MEMORIALIZATION:

1. Ramapo-Bergen Animal Refuge – 2 Shelter Lane, Block 4003, Lot 2. Public hearing for an amended site plan.

Motioned by Councilman Jensen and seconded by Mr. Morris, to memorialize the above resolution of approval.

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

2. FB International – 1 Raritan Road, Block 4005, Lot 3. Public hearing for an amended site plan.

Motioned by Councilman Jensen and seconded by Mr. Morris, to memorialize the above resolution of approval.

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

PAYMENT OF BILLS:

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

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

APPROVAL OF MINUTES:

Motioned by Councilman Jensen and seconded by Mr. Haymon, to table the minutes for January 14, 2016 and February 9, 2016 public hearing was voted unanimously by the Board.

NEW BUSINESS:

Mr. Lydon explained that he handed out the resolution from the Highlands Council approving Oakland's petition for Plan Conformance which goes back from May 2014. This approval was initiated as the Borough worked on their sewer issues and the unsettled nature on the Affordable Housing matters and then put aside and now it is time to address the items that were required.

In addition to the resolution, a 26 page report with specific requirements was adopted as part of the Plan Conformance but not distributed as well as a draft ordinance prepared by the Highlands.

The first ordinance would be to amend the Land Use ordinance for the Borough of Oakland by updating the existing checklist to include submission requirements for applications for development required by Highlands Council for adoption. The amendment will be easier for applicants who have to go before the Highlands Council. By telling the applicant in advance what the Highlands Council requires, it allows them to include the necessary information once when preparing the plans. This is a long ordinance but will provide a service to the development community. Chairman Potash questioned if this would apply to applications only in the Preservation Area. This new ordinance would apply to applications in both the Planning and Preservation Area applications if Highlands Council approval is required.

The next draft ordinance would allow the Borough to assume responsibility of issuing Highland Council exemptions by trained Borough employees. Mr. Lydon informed the Board that he believes that Mr. Hagberg and Ms. Mejia are both trained and qualified which benefits Oakland property owners and the development community. The exemption process can be done quicker by going through the Borough rather than the Highlands Council. This ordinance is not required by Highlands Council to be adopted but he believes it makes more sense. In addition, there is provision in the ordinance allowing the Borough to charge for an exemption. This provision and the amount is still being discussed.

He recommended that the Board review the material handed out and possibly take action at the April meeting. He reminded the Board that these ordinances would be required to go to Mayor and Council for introduction and back to Planning Board for recommendation to adopt.

A discussion ensued concerning four Highland Councilmembers voting against approval for Oakland's Plan Conformance. Mr. Lydon explained the reasons why Highlands members voted against Plan Conformance.

Mr. Lydon explained that in the ordinance, he listed a permit fee of \$50 which could be more depending on the type of review it requires. Chairman Potash questioned if the applicant would have to do anything more than go to the building department for a permit. Mr. Lydon responded that in the draft ordinance, it references that a certified borough employee or consultant would be able to issue an exemption. Chairman Potash questioned if the town exemption would require Planning Board or Mayor Council approval. Mr. Lydon responded that it would not require Board or Council approval if it is done administratively or they have the option to go before Highlands Council.

Councilman Jensen questioned if the exemption would include minor and major subdivisions. Mr. Lydon responded that any major project would have to go before Highlands Council for an exemption. The exemption permit through the Building Department would be for residential or homeowner application. He expressed that the ordinance and checklist will be helpful to the development community and save time.

Mr. Lydon advised the Board members to review the ordinances and maybe make a recommendation to Mayor and Council at the next meeting. In addition, when passing this

ordinance, it will coincide as part of the Land Use Element of the master plan which would prompt a reexamination report for the Housing Element and Fair Share Plan come April or May.

A discussion ensued concerning the possible development of a Wawa's at the Burger King location. It was explained that the property owner's attorney is requesting that the Borough revise its ordinance to eliminate the restriction of having two fuel service stations within 1500-feet of one and other. The applicant may have an issue with the NJDEP regarding the 300-foot buffer for C-1 Stream Encroachment and Well Head Protection rules since the Great Oak Park is a possible site for a new well.

OLD BUSINESS:

Mr. Knapp wanted to verify if FB International removed the parked tractor trailers on site required in the resolution. Mr. Hagberg responded that his office picked up the condition in the resolution which stated the tractor trailers were to be removed within 30-days.

NEW BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 7:50 P.M.

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

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on April 14, 2016.