

PLANNING BOARD MINUTES  
PUBLIC MEETING  
JUNE 9, 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: Messrs. Knapp, Hagberg, Morris, Councilman Jensen, Mayor Schwager and Chairman Potash.

Absent: Mrs. Rowin, Messrs. Madden, Haymon, DiLandro, and Shafron.

Motioned by Mr. Morris and seconded by Councilman Jensen, to excuse the absences of Mrs. Rowin, Messrs. Madden, Shafron, Haymon, Mr. DiLandro and Morris.

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

Motioned by Mr. Morris and seconded by Councilman Jensen, to open the meeting to the public regarding matters not on the agenda.

No comments.

Motioned by Councilman Jensen and seconded by Mr. Morris, to close the meeting to the public regarding matters not on the agenda.

PUBLIC HEARING:

1. SAR Properties, LLC – 206 West Oakland Avenue, Block 2101, Lots 7 & 8.  
Public hearing for an amended site plan with variances.

Mr. Russo informed the Board that adequate notice was given and entered the notice as an exhibit.

Exhibit A-1, Public Notice.

Mr. Steven Tombalakian, Esq. with Weiner & Lesniak, LLP was before the Board on behalf of SAR Properties, LLC. The subject property is located in the I-3 Industrial zone. He introduced Mr. Gregory Lutz, owner of the property, to testify.

Mr. Lutz testified that he is the business and property owner of 206 West Oakland Avenue, Block 2101, Lot 6, 7 and 8. The commercial business is located on lot 6 where they sell and maintain lawn mowers and landscaping equipment. Currently, they store equipment to be assembled on lot 7 and 8 outdoors and now wish to store the equipment indoors to protect it from the elements and theft.

They are proposing a 'storage garage' or 'poll barn' with an electric hook up and security system. There will be no plumbing for the storage garage. The size of the building will be 40-feet in depth by 64-feet in width at approximately 2,560 square feet. The storage garage will be constructed of steel and built upon a 6-inch concrete floor. An exhibit was entered.

Exhibit A-2, Letter size drawings depicting elevations.

Chairman Potash questioned intentions for the residential home on the property. Mr. Lutz responded that it is being used for storage now and perhaps an office in the future but will not be used as a residence. A discussion ensued concerning enforcing that the home is not used as a residence. Mr. Russo responded that he and Mr. Lydon had a discussion about this and agreed that a deed restriction could be placed on the property restricting the home from being used as a residence unless the town changes zoning in this section.

Mr. Mark Meneghin with Crew Engineering in Butler was sworn in. He gave his credentials and the Board accepted his qualifications as an engineer.

Mr. Meneghin reviewed the application. He explained that the primary business is on lot 6 which is the smallest of all three lots. Lot 7 is the largest of the lots with two existing

buildings. Building 1 being the residential house, a non-conforming use, with a septic system which will remain and building 2 is a one-story, single car garage.

Access to the site is by a driveway off of West Oakland Avenue. The driveway is partially paved and the remainder is gravel. This driveway also provides access to lot 7 and onto lot 8 where it leads to a large gravel area.

The applicant is proposing to merge lots 7 and 8 along with the deed restriction. These lots are adjacent to Interstate 287 and a small right of way parcel owned by the N.J. Department of Transportation. This property is bound by the Railroad and very well screened and landscaped with no residential properties across the street. The proposed storage garage will not be visible from Interstate 287 or the exit ramp. Temporary trailers will be removed once the storage garage is complete.

Mr. Meneghin went on to discuss the variances being proposed. A variance is being requested for minimum lot area in the I-3 Industrial zone where two acres are required. Even when combining lots 7 & 8, the applicant will only have 1.3 acres. A variance is required when an accessory structure is being added with a principal building existing on the property. A front yard variance is being requested for 5-feet where 50-feet is required and a 7-foot rear yard setback where 25-feet is required. Chairman Potash informed Mr. Meneghin that the side yard setback could be eliminated if the applicant were to approach the state concerning the purchase of the adjacent right of way they own between the proposed building and the exit ramp from Interstate 287.

Mr. Meneghin offered the Highlands Exemption letter for what is being proposed on lot 8.

Exhibit A-4, Highlands Exemption Letter.

A discussion ensued concerning how the applicant receives deliveries and how they were transported to the storage area. Mr. Lutz responded that a tractor trailer delivers to the main entrance near lot 6 and usually parks on West Oakland Avenue until the shipment has been unloaded.

A discussion ensued concerning parking. Mr. Meneghin responded that there is no need for

2. Oakland Diner – 72 Ramapo River Road, Block 2601, Lot 6. Public hearing for a preliminary and final site plan, variances and soil move.

Mayor Schwager recused herself.

Mr. John Rizzo, Esq. located in Hasbrouck Heights, New Jersey was before the Board on behalf of the applicant. He explained that this is a site plan application for 72 and 78

Ramapo Valley Road for work that has been done due to an expansion of a septic system. The applicant is before the Board to review the work that has been done and to complete additional work being proposed. He introduced Harry Mihas, owner of GH Restaurant Corp. and he was sworn in.

Mr. Mihas testified to the Board that back in 2012 the property was in need of a new septic system. After the necessary approvals for the septic system, installation began. During the septic system installation, there was a need to expand the rear parking area for staging equipment which resulted in disturbing steep slope. After the septic system was installed, they decided to reinforce the slope area, leave and improve the expanded parking area and add curbing and sidewalks.

He informed the Board that approvals were received for the septic system however no permits were taken out to expand the parking lot, build the retaining wall and add the sidewalks and curbing.

Mr. Rizzo introduced Tibor Lantincsis with Conklin Associates located in Ramsey, New Jersey. Mr. Lantincsis was sworn in and offered his credentials and the Board accepted his qualifications. Mr. Lantincsis entered exhibits.

Exhibit A-1, Retaining Wall Plan prepared by Conklin Associates dated March 16, 2016.  
Exhibit A-2, Retaining Wall Plan, Profile and Detail, prepared by Johnson Soil Co. dated July 3, 2013.

Exhibit A-3, Sheet 1 of 3 Final Plan Septic System Alteration dated June 20, 2012.  
Exhibit A-4, Sheet 2 of 3 Final Septic System Repair and Alteration dated June 27, 2012.  
Exhibit A-5, Sheet 3 of 3 Final Plan Septic System Alteration dated June 27, 2012.  
Exhibit A-6, Septic System Construction Photographs dated November 20, 2012.  
Exhibit A-7, Septic System Construction Photographs dated November 20, 2012.  
Exhibit A-8, NJDEP TWA Approval dated October 19, 2012.

Exhibit A-9, Bergen County Planning Board Retaining Wall Plan Waiver of Review dated April 6, 2016.

Exhibit A-10, Bergen Soil Conservation District Exemption dated April 6, 2016.

Exhibit A-11, Letter of NJDEP requesting Highlands Exemption dated April 1, 2016.

Exhibit A-12, Boswell Review letter on Minor Site Plan for Oakland Diner dated May 18, 2016.

Exhibit A-13, Boswell Review letter on Minor Site Plan for Oakland Diner dated June 1, 2016.

Exhibit A-14, Burgis Associates, Inc. Review Memo dated May 16, 2016

Exhibit A-15, Zoning Official No Comment Memo dated April 12, 2016.

Exhibit A-16, Health Department No Objection Memo dated April 12, 2016.

Exhibit A-17, Fire Prevention Bureau No Objection Memo dated April 12, 2016.

Exhibit A-18, Assessment Department No Comment Memo dated April 12, 2016

Exhibit A-19, Ten Scale Plotting of Entire Lot 7 dated June 9, 2016

Exhibit A-20, Ten Scale Plotting of Lot 6 & 7 dated June 9, 2016.

Mr. Lantincsis explained that it was necessity for Oakland Diner to replace and enlarge their existing septic system which has been in existence since 1949. In 2012 the applicant received Board of Health approval along with state approval to install an up to code septic system. In addition, they were granted Highlands Exemption for this construction.

The installation was difficult due to solid rock and complexity of the system. The improvements include two 2,000 gallon grease traps, two 2,000 gallon septic tanks, a 2,000 gallon equalization tank, a 5,000 gallon waste water treatment chamber, a 2,000 gallon tank with control pumps and three 1,000 square-foot septic fields.

During the installation, it was critical to expand the parking area for staging equipment. While expanding this area, a disturbance of steep slope occurred. In order to stabilize the slope it was necessary to construct a retaining wall and when doing this they decided to add curbing and sidewalks. Since these improvements were done without permits, the Oakland Construction Department issued a violation and directed the applicant to go before the Planning Board to get the appropriate approvals.

Mr. Latincsis explained in addition to the post construction improvements made, the applicant is proposing additional improvements which include enlarging the existing retaining wall by realigning and continue the wall and extend a walkway passed the dumpster area. A soil move permit of 370 cubic yards will be required while doing this expansion to the retaining wall.

The variances being requested are for the disturbance of 2,703 square feet of steep slope area in the 35 percent range, retaining wall height varying from 1.7-feet extending to 16.1- feet in height.

Design standard waivers being requested to relinquish the requirements of having to provide stormwater detention for the new impervious surface, 50-foot setback from seepage pits to septic field and 18' x 9' parking stall size in the expanded parking area.

Chairman Potash commented that he understands the excavation and expansion into the slope for staging purposes however, questioned why the slope could not be returned to the natural state. Mr. Latincsis responded that the slope would not be stable if it was turned back to its natural state so they decided that the retaining wall would benefit that area, offer additional parking spaces and improve the circulation of the parking lot.

Mr. Russo verified that state and town approvals for the septic system were obtained but not for the installation of the wall, the expansion of the parking area, and encroachment into the steep slope by 35 percent. Mr. Latincsis responded that this is correct. Mr. Russo questioned if the applicant received a Highland Exemption for the added construction and if not, approval would be subject to receiving that exemption.

Mr. Hagberg requested that bollards be installed near the gas meter. Mr. Lydon suggested that more lighting be added in the rear of the diner. Mr. Latincsics responded that they would provide the bollards and additional lighting. Mr. Lydon also recommended that a protective barrier be added to the top of the fence. Chairman Potash agreed since the wall at certain points is as high as 16-feet from the ground.

Mr. Lydon questioned if there would be any signs or banners present. Mr. Latincsics responded there are no signs or banners being proposed.

Mr. Russo verified that with the addition of seven new spaces, there would be a total of 59 parking spaces. Mr. Latincsics responded this is correct.

Motion by Councilman Jensen and seconded by Mr. Morris, to open the meeting to the public regarding matters concerning Mr. Latincsics testimony was voted unanimously by the Board.

No comments.

Motion by Councilman Jensen and seconded by Mr. Morris, to close the meeting to the public regarding matters concerning the testimony of Mr. Latincsics was voted unanimously by the Board.

Chairman Potash clarified that the applicant is requesting an amended preliminary final site plan with variances. The requirement for stormwater detention for the new impervious surface and 50-foot setback requirement for seepage pits to septic field has been waived. In addition, the applicant is required to add lighting for the rear of the diner, fall protection added to the top of the retaining wall, shared dumpster improvements, 1940 square foot disturbance of steep slope in the 35 percent range, wall height, 9'x18' parking stall size and bollards to be installed to protect fuel pumps. Chairman Potash entertained of motion.

Motion by Councilman Jensen and seconded by Mr. Morris, to approve the Oakland Diner application contingent to additional lighting added to the rear, protective fencing on top of the retaining wall and bollards installed near gas meter.

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

MEMORIALIZATION:

None

#### PAYMENT OF BILLS:

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

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

Rowin

#### APPROVAL OF MINUTES:

Motioned by Mrs. Rowin and seconded by Mr. Morris, to approve of May 12, 2016 minutes.

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

#### NEW BUSINESS:

Ms. Mejia recommended that there be an amendment made to the Sign Ordinance previously recommended by the Planning Board to delete the requirements of signed and sealed plans. She has gotten feedback from the Building Department that applicants are saying that this requirement adds burden and undue expense. Ms. Mejia feels that instead of signed sealed plans most reviews could rely on the manufacturer's certification with a condition that the Borough reserves the right to require sign lighting changes for a period of six months after approval is granted.

#### OLD BUSINESS:

Discussion of the Master Plan 2016 Reexamination Report:  
Recommendation of Highlands Exemption and Checklist Ordinance to Mayor and Council:

Chairman Potash explained a few changes to be made to the Reexamination Report and recommended that Mr. Russo draft a resolution to be sent to Mayor and Council once all the changes have been addressed.

PUBLIC MEETING ADJOURNED AT 9:05 P.M.

Motioned by Mr. Morris and seconded by Mayor Schwager, 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 July 14, 2016.