

**BOROUGH COUNCIL MEETING**  
**October 25, 2023**

Municipal Court/Council Chambers  
10 Lawlor Drive  
Oakland, N.J. 07436  
7:00 P.M.



***BOROUGH OF OAKLAND***  
***NEW JERSEY***



Phone: (201) 337-8111  
Website: [www.oakland-nj.org](http://www.oakland-nj.org)

# BOROUGH OF OAKLAND

## Borough Council Meeting

### FINAL AGENDA

Municipal Court/Council Chambers  
10 Lawlor Drive  
Oakland, N.J. 07436

**MAYOR:**  
Linda H. Schwager

**BOROUGH COUNCIL:**  
Steven Saliani, *President*  
Eric Kulmala  
John McCann  
Pat Pignatelli  
Kevin Slasinski  
Russell Talamini

**October 25, 2023 – 7:00 p.m.**

#### EXECUTIVE SESSION

**6:30 P.M.**

- Executive Items

#### CALL TO ORDER

***Mayor Linda H. Schwager Presiding***

- Statement of Compliance with Open Public Meetings Act:

This Meeting is being held in accordance with the Open Public Meetings Law, duly announced, advertised, and posted in the Municipal Building. The meeting will adjourn no later than 10:00 p.m. unless a majority of the Councilmembers that are present vote to extend the time.

- Pledge of Allegiance to the Flag & Moment of Silence

#### ROLL CALL

Roll Call: Mayor Linda H. Schwager, Councilmembers Kulmala, McCann, Pignatelli, Saliani, Slasinski, Talamini

#### MAYOR'S REPORT

***Mayor Linda H. Schwager***

#### ENGINEER'S REPORT

***Borough Engineer***

#### OPEN PUBLIC COMMENT

***General Public***

***Open public comment for members of the public not to exceed 3 minutes per person. Session not to exceed 30 minutes.***

#### APPROVAL OF MINUTES

***Borough Council***

- October 11, 2023

#### SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS

***Borough Council***

- Authorize Raffle License #RL1467 for PTO Manito School for Raffle on December 1, 2023 at 111 Manito Avenue, Oakland, N.J. 07436
- Authorize Raffle License # RL1468 for The Sports Association of Oakland for the benefit of Indian Hills High School on December 4, 2023 at Indian Hills High School 97 Yawpo Avenue, Oakland, NJ 07436
- Appointment to the Zoning Board of Adjustment
- Appointment to the Shade Tree Commission
- Approve Social Affairs Permit for Marine Corps League Detachment 744 Casino Night 12/1/23 RL#1464

**RESOLUTIONS** *Borough Council*

*All Resolutions listed shall be acted upon by a single motion unless a member of the Governing Body requests specific items be pulled from the Consent Agenda for separate action.*

- 23-307:** Authorize Refund of Taxes for Exempt Veteran- Walter H. Frank
- 23-308:** Authorize Surplus Property Auction
- 23-309** Resolution Opposing Class B Recycling Facilities in Oakland
- 23-310:** Award Bid for Monhegan Avenue Drainage Improvements
- 23-311:** Readopt Personnel Policies
- 23-312:** Amend Resolution- Authorize Refund of Taxes for PSE&G Services for Tax Years 2016, 2017 and 2018 Due to Tax Court Appeals
- 23-313:** Endorse TWA Application- Ridings at Ramapo
- 23-314:** Amend Resolution- Authorizing Litigation Regarding Proposed Class B Recycling Center
- 23-315:** Authorize Purchase of Equipment, Furniture and Supplies for the Senior Center
- 23-316:** Authorize Change Order #1 and Final- River Road Water Main Improvements

**ORDINANCES:**

**Introduction:**

**23-Water Capital -931:** Capital Ordinance of the Borough of Oakland, In the County Of Bergen, New Jersey Authorizing the Making of Various Public Improvements and Acquisitions In, By and For the Water Utility of the Borough, Appropriating Therefor The Sum of \$800,000 and Providing That Such Sum So Appropriated Shall Be Raised From the Water Utility Capital Improvement Fund of the Borough.

**Final Adoption:**

**23-Code-930:** An Ordinance to Amend, Supplement and Revise the Code of the Borough of Oakland, Land Use, Chapter 59 Entitled “Land Use and Zoning”

**WORK SESSION**

- Amend Borough Code Chapter 9-1.2 paragraph #8 Re: Killing of Venomous Snakes
- Best Practices Inventory

**NEW BUSINESS**

**OLD BUSINESS**

**BOROUGH COUNCIL COMMITTEE/LIAISON REPORTS** *Borough Council*

**OPEN PUBLIC COMMENT** *General Public*

*Open public comment for members of the public not to exceed 3 minutes per person. Session not to exceed 30 minutes.*

**BILLS TO BE PAID** *Borough Council*

**ADJOURNMENT**

The next Borough Council Meeting will be held on Wednesday November 8, 2023 at 7:00 p.m. at the Borough of Oakland Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. 07436



# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## Resolution No: 23-307

**TITLE:**

**AUTHORIZE REFUND OF TAXES FOR EXEMPT VETERAN, WALTER H. FRANK**

**WHEREAS**, the Borough of Oakland has received a request (attached) for a refund of taxes in the total amount of \$5,994.34; and

**WHEREAS**, N.J.S.A. 40A:5-17 requires Governing Body approval for said refund; and

**WHEREAS**, the Chief Financial Officer has verified that the amount is due and that funds are available in account Tax Refund #CF-01-55-998-002 Tax Refund;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$5,994.34 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>
WALTER H. FRANKE	1 DEER LEDGE RD OAKLAND, NJ 07436	501	2

### RECORD OF COUNCIL VOTE:

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## Resolution No: 23-308

**TITLE:**

**AUTHORIZE AUCTION OF BOROUGH SURPLUS EQUIPMENT**

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**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:11-36, the Borough of Oakland may sell any personal property; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Oakland have determined that the property listed in this resolution is no longer needed for public use and wishes to divest said property;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, as follows:

1. The sale of the surplus property shall be conducted online using Municibid ([www.municibid.com](http://www.municibid.com)) pursuant to New Jersey Local Finance Notice 2008-9. Terms of the agreement are available on the vendor’s website and available in the Borough Clerk’s Office.
2. The surplus property to be sold is as follows:

10-8’ Pro Plow Blades (no longer fit any plows we have
Air Conditioning Machine
4-Certified Salt/Brine Control Screens and Panels (Selling in 4 Groups 1 Panel and I Screen per group)
1-Certified Power Salt/Brine Control Screen
1-Billy Goat Brush Cutter
2-16’ Aluminum Ladders
2-28’ Aluminum Ladders
2-35’ Aluminum Ladders

3. The surplus property as identified shall be sold in ‘as is’ condition without express or implied warranties.
4. The successful bidder will be required to pay in cash or certified check made out to the Borough of Oakland at the time of pickup of the auction item. The Borough will not deliver the items to the successful bidder.

5. The items is to be taken off the site within 10 business days after approval of the sale by the Governing Body.

**RECORD OF COUNCIL VOTE:**

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Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				

**MAYOR (Tie-Break Vote):** Yes  No

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

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# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-309

**TITLE:**

**RESOLUTION OPPOSING CLASS B RECYCLING CENTERS  
IN THE BOROUGH OF OAKLAND**

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**WHEREAS**, the Borough of Oakland has adopted zoning ordinances for the Borough contained in Chapter 59 of the Oakland Borough Code entitled "Land Use and Zoning"; and

**WHEREAS**, Chapter 59 is in compliance with the requirements of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*); and

**WHEREAS**, the Borough is receipt of confirmation from two Borough planners, Steven Lydon, PP and Caroline Reiter, PP asserting that Class B recycling centers are prohibited uses in the Industrial ("I-1") Zone; and

**WHEREAS**, the I-1 is the least restrictive zoning district in the Borough; and

**WHEREAS**, the legislative intent of the Mayor and Council through its zoning ordinances was to prohibit Class B recycling centers and similar facilities in the Borough

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that it is the official position of the same based upon the reports of its professionals that Class B recycling centers are a prohibited use anywhere in the Borough of Oakland

**BE IT FURTHER RESOLVED**, a copy of this resolution be forwarded to the Bergen County Utilities Authority, Bergen County Board of Commissioners, Bergen County Executive, Highlands Commission and any other relevant bodies or agencies determined by the Borough Attorney or Administrator

**RECORD OF COUNCIL VOTE:**

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

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# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## Resolution No: 23-310

**TITLE:**

**AWARD BID TO ZUCCARO LLC FOR DRAINAGE IMPROVEMENTS TO MONHEGAN AVENUE**

**WHEREAS**, bids were received on October 17, 2023 for the drainage Improvements to Monhegan Avenue, ; and

**WHEREAS**, Zuccaro LLC has submitted the lowest responsive and responsible bid with a total bid price of \$137,250.00; and

**WHEREAS**, the Borough Administrator, Borough Engineer, and Borough Attorney have reviewed the bids and recommend the bid be awarded to Zuccaro LLC; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in Account #C-04-56-855-302 in the amount of \$135,900.00 and in account #C-04-56-885-802 in the amount of \$1,350.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the bid from Zuccaro LLC in the total amount of \$137,250.00 be accepted; and

**BE IT FURTHER RESOLVED**, that the Borough Administrator is directed to prepare an appropriate contract for the same; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are directed to execute the agreement on behalf of the Borough.

### RECORD OF COUNCIL VOTE:

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

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# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



**Resolution No: 23-311**

**TITLE:**

**READOPT PERSONNEL POLICIES**

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**WHEREAS**, it is the policy of the Borough of Oakland to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREBY, BE IT RESOLVED** by the Mayor and Council of the Borough of Oakland that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all municipal officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by municipal employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Oakland.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Oakland shall operate under the legal doctrine known as "employment at will."

**BE IT FURTHER RESOLVED** that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Administrator as necessary in the implementation of the policies and procedures in this manual.

**RECORD OF COUNCIL VOTE:**

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

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# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## Resolution No: 23-312

**TITLE:**

**AMEND RESOLUTION 23-274 - AUTHORIZE REFUND OF TAXES FOR PSE&G SERVICES COPR FOR TAX YEARS 2016, 2017 AND 2018 DUE TO TAX COURT APPEALS**

**WHEREAS**, the Borough of Oakland has received a request (attached) for a refund of taxes in the total amount of \$32,946.91; and

**WHEREAS**, N.J.S.A. 40A:5-17 requires Governing Body approval for said refund; and

**WHEREAS**, the Chief Financial Officer has verified that the amount is due and that funds are available in account Tax Refund #CF-01-55-998-002 Tax Refund;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$32,946.91 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>
PSE&G SERVICES CORP, CORP PROPERTIES DEPT	80 PARK PLAZA 6 <sup>TH</sup> FL NEWARD, NJ 07102-4194	3601	41

### RECORD OF COUNCIL VOTE:

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

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# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



**Resolution No: 23-313**

**TITLE:**

**RESOLUTION ENDORSING TWA APPLICATION FOR RIDINGS AT RAMAPO**

**WHEREAS**, the Borough of Oakland (the "Borough") desires to support the Treatment Works Approval ("TWA") for the Ridings at Ramapo development; and

**WHEREAS**, a copy of said submission is attached as Exhibit A; and

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey that it provides its support and endorsement to the TWA application of K. Hovnanian at Oakland, LLC for the Ridings at Ramapo development to assist in the construction and providing of services to same.

**BE IT FURTHER RESOLVED** this resolution shall take effect immediately in accordance with law.

**RECORD OF COUNCIL VOTE:**

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				

**MAYOR (Tie-Break Vote):** Yes  No

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

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# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## Resolution No: 23-314

**TITLE:**

**AMEND RESOLUTION 23-306-RESOLUTION AUTHORIZING LITIGATION REGARDING THE PROPOSED  
RECYCLING CENTER**

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**WHEREAS**, Oakland Materials LLC, has made an application to the Bergen County Utilities Authority ("BCUA") to amend the Bergen County District Solid Waste Management Plan to permit a Class B recycling facility at 342 W. Oakland Avenue in the Borough of Oakland; and

**WHEREAS**, the Borough through its professional planner has asserted this is not a permitted use in the Industrial ("I") Zone; and

**WHEREAS**, the Borough desires to authorize the Borough Attorney to seek an injunction seeking to prevent any further action by the BCUA or Bergen County Board of Commissioners until such time as Oakland Materials, LLC receives the requisite site plan and municipal approvals to operate such a facility; and

**WHEREAS**, the Borough authorizes an additional \$10,000 to the contract of the Borough Attorney to institute such action

**WHEREAS**, the Chief Financial Officer has certified funds are available in Account #3-01-20-155-028 in the amount of \$10,000.00; and

**WHEREAS**, the award of the contract is for a professional service for which no public bidding is required;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the Borough Attorney is hereby authorized to institute any necessary actions to enjoin the BCUA, Bergen County Board of Commissioners or any other relevant agencies from taking any additional action on the proposed Class B recycling center at 342 W. Oakland Avenue until such time as any and all necessary local approvals are obtained

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are hereby authorized to execute the agreement on behalf of the Borough.

**RECORD OF COUNCIL VOTE:**

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

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# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## Resolution No: 23-315

**TITLE:**

**AUTHORIZE PURCHASE OF EQUIPMENT, FURNITURE AND SUPPLIES FOR THE SENIOR CENTER**

**WHEREAS,** the Borough desires to make improvements to the Senior Center for the benefit of the public; and

**WHEREAS,** the Borough has been awarded a CDBG grant to assist in funding these improvement; and

**WHEREAS,** the Senior Services Director and Borough Administrator recommend purchasing the following items in the following amounts pursuant to the grant award:

- Storage Cabinets, bookshelves, lounge chairs and end table from Academy Furniture and Supplies via HCESC contract CAT 23-01 in the amount of \$9,356.41
- Freezer and microwave oven from MAP Restaurant Supplies via HSESC contract CAT 22-08 in the amount of \$2,789.32; and
- Digital Bulletin Board from Bluum USA, Inc. via HCESC contract CAT 22-01 in the amount of \$2,234; and

**WHEREAS,** the Chief Financial Officer has certified that funds are available in Account G-02-23-798-001 \$14,379.73.

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Council of the Borough of Oakland hereby authorize the purchase of the items specified above in the total amount of \$14,379.73

**RECORD OF COUNCIL VOTE:**

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 25, 2023

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Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

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# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## Resolution No: 23-316

**TITLE:**

**AUTHORIZE CHANGE ORDER #1 AND FINAL –RIVER ROAD WATER MAIN IMPROVEMENTS**

**WHEREAS**, the Borough of Oakland awarded a contract to D.S. Meyer Enterprises in the amount of \$239,840.00 for the River Road Water Main Improvements; and

**WHEREAS**, there were additions and reductions to various work items such as excavation, water main and traffic control during the project; and

**WHEREAS**, the following change order has been requested:

Change Order #1 and Final      Adjust Overall Quantities                      \$1,720.23

**WHEREAS**, the Change Order has been reviewed and recommended by the project engineer John Yakimik of Boswell Engineering: and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in account #C-04-56-833-301; and;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize Change Order #1 in the amount of \$1,720.23 for a new total contract amount of \$241,560.23;

**BE IT FURTHER RESOLVED**, that the Municipal Clerk shall advertise a notice of this change order in the Bergen Record, in accordance with N.J.A.C. 5:30-11.9 (c) (6).

**RECORD OF COUNCIL VOTE:**

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				

**MAYOR (Tie-Break Vote):** Yes  No

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk

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# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## ORDINANCE NO. 23-CODE-930

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING"

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BE IT ORDAINED by the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough of Oakland, Chapter 59 entitled "Land Use and Zoning".

### Section 1

Ordinance No. 23-Code 924 is hereby repealed in its entirety and replaced with the following provisions.

### Section 2

- A. §59.52.5 Affordable Housing (MU-AH).  
Oakland is constitutionally obligated to provide a reasonable opportunity for the construction of affordable housing, with a strong focus on generating rental affordable dwellings. Establishing the MU-AH zone will assist the Borough in satisfying this obligation by creating a reasonable opportunity for the construction of one or more inclusionary rental affordable housing developments within the context of an integrated, pedestrian friendly shopping experience. This zone is intended to result in the construction of both residential and non-residential development within the limits of development intensity prescribed herein.
- B. Permitted principal uses in this zone include:
- i. All uses permitted pursuant to §59-53.2
  - ii. Restaurants with drive-through service windows.
  - iii. Banks, with or without, drive-through service windows.
  - iv. Cafes, coffee shops and bakeries, with or without, drive-up service windows.
  - v. A municipal building, municipal structure or a municipal use, governmental or proprietary in nature.
- C. Permitted accessory uses in this zone include:
- i. Outdoor seating areas associated with and on the same lot as coffee shops, ice cream parlors, restaurants, bakeries and cafes.
  - ii. Walk-up service windows and counters.
  - iii. Off-street drives and parking areas.
  - iv. Solar energy systems. Such systems may be installed only as an accessory use either on the roof of a permitted principal or conditional use or as freestanding structures such as above a parking area.
  - v. Recreational and social amenities for the use and enjoyment of residents and guests.
  - vi. Drive-through service windows and accompanying menu boards, but not to exceed two menu boards per drive-through lane. Menu board(s) shall be a permitted accessory structure only in the event drive-through service windows are proposed.
  - vii. Signage, as regulated herein.

- viii. Facilities for the temporary storage of trash and recyclables.
- D. Prohibited uses. Within the MU-AH zone, the following uses are specifically prohibited:
- i. Adult book and/or adult gift shops and/or adult stores.
  - ii. Adult mini-motion picture theaters.
  - iii. Adult motion picture theaters.
- E. Conditionally Permitted Uses.
- i. Multi-family inclusionary housing.
- F. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Principal Buildings and Uses. The following bulk requirements are applicable for all permitted uses in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width	50 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Min. Open Space	15%
Maximum Number of Building Stories	3
Maximum Building Height	38 feet
Minimum Front Yard	10 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	25 feet

- i. Lot area and other dimensions. Minimum required lot area in this zone shall be 15,000 square feet. Due to the integrated nature of development in this area of the downtown, parking spaces and parking drives can be located on the property the parking spaces and drives are intended to serve or these site development features can be provided on adjacent lots. If on adjacent lots, appropriate cross access easements must be established and provided to the Board attorney for review and if acceptable, approval.
- ii. Not more than two (2) principal buildings per lot are permitted in the zone.
- iii. All non-residential development constructed after adoption of this zoning amendment shall be required to make a contribution to Oakland’s affordable housing trust fund consistent with applicable state statute. Half of the required affordable housing trust fund contribution shall be paid to Oakland prior to the issuance of any construction permit. The remaining half of the fee shall be paid prior to the issuance of either a temporary Certificate of Occupancy or a Certificate of Occupancy.
- iv. Parking and Drives. Residential uses shall provide parking pursuant to the Residential Site Improvement Standards and the statewide electric vehicle act. Parking spaces and access drives shall be no closer than ten (10) feet to any public street, other than the drive intersecting with the roadway. Internal driveway connections and shared parking arrangements increase overall site efficiency and are therefore encouraged if provisions are in place to ensure their long-term viability. To encourage shared parking arrangements between residential and non-residential developments, parking spaces and parking drives are not subject to buffer requirements except as noted above. To ensure that a sufficient number of parking spaces are provided, non-exclusive parking easements will be required with provisions that RSIS minimum parking supply will be available to residential uses.

- v. Access and/or utility easements must be established in favor of any property in which drives, parking or utility lines serving one property pass through from an adjoining privately owned lot regardless of ownership.
- vi. Yards. Required building setbacks from interstate highways and associated highway ramps shall be no less than fifty (50) feet for all non-residential uses.
- vii. All roof mounted equipment other than solar panels, shall be screened from public view by the use of a parapet wall or other architectural detail. Typical building appurtenances shall not be included in the building height calculation provided that they are shielded from view, when summed do not cover more than 25% of the roof surface and are only as high as necessary to fulfill their objective.
- viii. All areas of the subject site not covered with building, recreational amenities, pavement or walkways shall be suitably and attractively landscaped.
- ix. Concrete walkways of an adequate width, but not less than four (4) feet, shall provide safe and convenient access between a developed lot and the adjacent street sidewalk network.
- x. Not more than two (2) building mounted signs are permitted per building. In calculating the number of building mounted signs, a logo and the text portion of a sign located on the same elevation shall be counted and treated as one sign. Signage on any one elevation shall conform with the sign area and height limitations below but the area and height limitations shall be calculated individually for each portion of separate logo and text portions of a sign and then summed. The area and height calculations shall not include the building space between a logo and the text portions of a sign, unless said sign is of a single, unified and integrated design.
- xi. No individual wall sign shall exceed fifty (50) square feet in size and shall be mounted no higher than twenty (20) feet above grade. Size of permitted ground-mounted freestanding/monument or pylon shall not exceed thirty-two (32) square feet per side. Such freestanding/pylon sign shall not exceed ten (10) feet in height. Said sign may be illuminated and shall be setback no less than five (5) feet from any property line. Any proposed sign shall be outside any area necessary for the provision of safe sight distance.
- xii. One (1) freestanding/pylon/monument sign per lot shall also be permitted.
- xiii. Menu boards proposed in conjunction with drive-through window service shall be permitted and regulated as below.
- xiv. Menu board signs, of which two (2) are permitted shall not exceed twenty (20) square feet in area and no portion of a menu board shall be higher than ten (10) feet above grade. Pre-order board signs, of which two (2) are permitted, shall not exceed ten (10) square feet in area, nor shall the said per-order board signs exceed ten (10) feet above grade.
- xv. Directional signs shall be permitted as determined by the planning board to properly direct on-site circulation. Directional signs shall not exceed two (2) square feet in size. Directional signs are limited in height to three (3) feet.

G. CONDITIONS OF THE CONDITIONAL USE.

- i. Multi-family inclusionary developments of up to but not exceeding twenty-four (24) units in total with an affordable housing set aside of not less than six (6) deed restricted rental affordable units.
- ii. Market-rate units may be offered as for-sale units or as rental units.
- iii. Required residential building setbacks to the right-of-way of an interstate highway and associated ramps shall be a minimum of thirty-five (35) feet. Building setbacks from all other property lines shall be a minimum of five (5) feet.
- iv. Accessory structures and recreation facilities are permitted in any front, side or rear yard, provided that any accessory structure or use, other than parking and access or parking drives, shall be set back a minimum of five (5) feet from any property line.
- v. Not less than 13% of the income restricted units shall be deed restricted to household earning 30% or less of the regional median gross household income within COAH housing region 1. Thirty-seven (37) percent of all income restricted units within each bedroom distribution shall be deed restricted to households more than 30 percent but less than 50 percent of the median gross household income within COAH housing region 1. Up to fifty (50) percent of all income restricted units within each bedroom distribution shall be deed restricted to households earning between 50 and 80 percent of the median gross household income within COAH housing region 1.
- vi. Bedroom distribution among the market-rate units is unregulated and shall be to developer discretion. However, among the rental affordable units to be constructed on Block 1706 Lot 4.01, or a subdivided portion of that lot, shall be in accordance with the following schedule: two (2) three-bedroom units, three (3) two-bedroom units and a single one-bedroom unit. Bedroom distribution on any other MU-AH zoned parcel shall be in strict accordance with provisions of the Uniform Housing Affordability Controls.
- vii. Affordable housing units generated in this zone shall comply in all respects with the requirements and conditions contained within the Settlement Agreement between Oakland and Fair Share Housing Center I.T.M. No. BER-L-6359-15, and all amendments thereto, all relevant Orders of the Honorable Christine A. Farrington, J.S.C., Oakland's Affordable Housing Ordinance and all applicable New Jersey requirements pertaining to the operation of privately developed affordable housing.
- viii. No construction permit shall be issued for a building in this district until and unless a site plan application has been approved pursuant to this Chapter.
- ix. No certificate of occupancy shall issue unless the building applied for is physically connected to, through approved plumbing connections, an approved sanitary sewer treatment facility and the building owner has been issued all necessary permits for the sewer connection.
- x. A twenty-four (24) square foot building mounted sign is permitted so long as height of said sign is not greater than twenty (20) feet above grade.

- xi. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Conditional Uses. The following bulk requirements are established as conditions of the conditional use in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width*	100 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Maximum Number of Building Stories	4
Maximum Building Height	52 feet
Minimum Front Yard**	35 feet
Minimum Side Yard	5 feet
Minimum Rear Yard	5 feet

\* measured along front yard setback line from side property line to side property line.

\*\* measured from a public right-of-way.

Section 3:

All ordinances of the Borough of Oakland which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5:

This ordinance shall take effect upon final passage, approval and publication as provided by law.  
3.

ATTEST:

BOROUGH OF OAKLAND  
COUNTY OF BERGEN  
STATE OF NEW JERSEY

By: \_\_\_\_\_  
Wendi Seelin, Deputy Borough Clerk

By: \_\_\_\_\_  
Linda H. Schwager, Mayor

**BOROUGH OF OAKLAND  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE #23-Water Capital - 931**

**CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$800,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND OF THE BOROUGH.**

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**BE IT ORDAINED** by the Mayor and Council of the Borough of Oakland, in the County of Bergen, New Jersey, as follows:

**Section 1.** The Borough of Oakland, in the County of Bergen, New Jersey (the "Borough") is hereby authorized to make the following public improvements and acquisitions in, by and for the Water Utility of the Borough, including all work, materials and appurtenances necessary and suitable therefor:

(A) **General Water System Improvements and Acquisitions**

Various water system upgrades, acquisitions, and repairs including but not limited to:

Replacement of anode systems  
Acquisition of water meters  
Electrical upgrades  
Scheduled parts / system replacements

Estimated Cost Total:        **\$200,000**

(B) **Water Main Replacements**

Replacement of various water mains

Estimated Cost Total:        **\$600,000**

**Section 2.** The sum of \$800,000 is hereby appropriated to the payment of the cost of the improvements and acquisitions authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Water Utility Capital Improvement Fund of the Borough. The sum of \$800,000 is hereby appropriated from the Water Utility Capital Improvement Fund of the Borough to the payment of the cost of said purpose.

**Section 3.** Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

**Section 4.** The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

**Section 5.** This ordinance shall take effect at the time and in the manner provided by law.

\_\_\_\_\_  
Linda H. Schwager, Mayor

ATTEST:

\_\_\_\_\_ Date: \_\_\_\_\_  
Wendi Seelin, Acting Borough Clerk





# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: (10-25-2023)

**TITLE:**

**BILLS RESOLUTION**

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**BILLS ALREADY PAID:**

Payroll	\$233,143.66
Payroll Agency	\$117,048.36
Current	\$25,509.02
Water	\$0.00
Grant	\$0.00
Sewer	\$0.00
Trust	\$0.00
Capital	\$889,391.67
<b>TOTAL BILLS ALREADY PAID:</b>	<b><u>\$1,265,092.71</u></b>

**BILLS TO BE PAID:**

Current Fund	\$286,323.00
Water Operating	\$2,142.69
Sewer	\$19,860.80
General Capital	\$5,047.00
Water Capital	\$4,043.50
Planning Board Escrow	\$12,046.75
Other Trusts	\$4,260.99
Board of Adjustment Escrow	\$5,872.50
COAH	\$7,950.00
<b>TOTAL BILLS TO BE PAID:</b>	<b><u>\$347,547.23</u></b>

**RECORD OF COUNCIL VOTE:**

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Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 25, 2023

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Wendi Seelin, Deputy Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.