

BOROUGH COUNCIL MEETING
August 16, 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

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

August 16, 2023 – 7:00 p.m.

EXECUTIVE SESSION	6:30 P.M.
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- Executive Items

CALL TO ORDER	Mayor Linda H. Schwager Presiding
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- 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
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ENGINEER'S REPORT	Borough Engineer
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OPEN PUBLIC COMMENT	General Public
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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
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- July 19, 2023 Borough Council Meeting
- July 19, 2023 Executive Session
- August 3, 2023 Special Borough Council Meeting

PRESENTATION FROM BOROUGH PLANNER
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- Presentation from Borough Planner Caroline Reiter of T&M Associates

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS	Borough Council
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- Authorize Raffle License #RL1458 for Reed Foundation for Autism for On-Premise Raffle for Merchandise on January 9, 2024 at 25 Potash Road, Oakland, N.J. 07436
- Authorize Raffle License #RL1459 for Knights of Columbus #5846 Ramapo Valley Council for On-Premises 50/50 Cash Raffle on December 15, 2023 at 7 Courthouse Place, Oakland, N.J. 07436
- Appointment to the Environmental Commission

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.

- 23-237:** Authorize Refund of Senior Center Program Fees
- 23-238:** Authorize Promotion for Ken Summers
- 23-239:** Authorize Promotion for Thomas Brunetto
- 23-240:** Authorize Promotion for Francis Leonardis
- 23-241:** Authorize Promotion for Kevin Tirserio
- 23-242:** Award Bid for PFAS Treatment Installation
- 23-243:** Award Contract to Boswell Engineering for Engineering Services for 2023 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Ramapo Valley Road
- 23-244:** Award Contract to Boswell Engineering for Engineering Services for 2024 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Franklin Avenue
- 23-245:** Resolution Expressing Municipal Opposition to the State of New Jersey General Assembly Bill A-4376 Clarifying Application to Collocate Wireless Communications Equipment Be Reviewed By Administrative Officer
- 23-246:** Resolution Expressing Municipal Support for S3807/A5567
- 23-247:** Authorize Refund of Recreation Fees
- 23-248:** Resolution Expressing Municipal Opposition to H.R. 3557 American Broadband Act of 2023
- 23-249:** Authorize Grant Submittal Spotted Lantern Fly Treatment Program
- 23-250:** Award Contract to Boswell Engineering for Engineering Services for Patriot's Way Bridge Priority Repairs Project
- 23-251:** Authorizing Execution of Settlement Agreement between the Borough of Oakland and the New Jersey Department of Environmental Protection to Resolve Violations of the Chapel Hill Pump Station
- 23-252:** Authorizing Hire of Daniel Kellogg as a Class III Special Law Enforcement Officer
- 23-253:** Authorizing Hire of Lisa Porfido as a Class III Special Law Enforcement Officer
- 23-254:** Authorizing Hire of Kevin Smith as a Class III Special Law Enforcement Officer
- 23-255:** Authorizing Hire of Brian Fazio as a Class III Special Law Enforcement Officer
- 23-256:** Resolution in Support of Stay New Jersey Senior Property Tax Program
- 23-257:** Authorize PILOT Agreement for Ridings at Ramapo Project
- 23-258:** Resolution Determining Ingerman Development Company, LLC. Has Met its Affordable Housing Requirements

ORDINANCES:
Final Adoption:

- 23-Capital-921:** Capital Ordinance to Appropriate an Additional Sum of \$4,640,000 For the Replacement of Patriot's Way Bridge In, By and For the Borough of Oakland, In the County of Bergen, State of New Jersey, To Be Raised from A Grant Included In the 2024 State Budget In

The Amount of \$1,640,000 and From a Department of Transportation Grant in the Amount of \$3,000,000.00

- 23-Code-922:** An Ordinance Supplementing Chapter 2 of the Oakland Code Related to the Recent Creation of Class III SLEO
- 23-Code-923:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to SAHD Zone
- 23-Code-924:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to MU-AH Zone
- 23-Code-925:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to DT-1 Zone
- 23-Code-926:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to DT-II Zone
- 23-Code-927:** An Ordinance to Amend, Supplement, and Revise the Code of the Borough of Oakland, Land Use, Chapter 59, Entitled "Land Use and Zoning" Related to CBD-II AHO Zone

WORK SESSION

- Borough Planner Contract Amendment
- Request for Donation of Fire Department SUV
- Engineering Services Contract Amendment

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 September 13, 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: 23-237

TITLE:

AUTHORIZE REFUND OF SENIOR CENTER PROGRAM FEES

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of senior center program fees in the total amount of \$162.00; 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 Misc. Revenue Refund CF-01-55-998-006;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$162.00 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>SPORT TYPE</u>	<u>AMOUNT</u>
James Kerr	16 Barnard Drive, Oakland, N.J. 07436	Trip	\$54.00
Virginia Wheelan	16 Barnard Drive, Oakland, N.J. 07436	Trip	\$54.00
Grace Hammond	8 First Street, Oakland, N.J. 07436	Trip	\$54.00

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: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-238

TITLE:

AUTHORIZE PROMOTION FOR KEN SUMMERS

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 approve the following promotional recommendation and salary increase effective July 1, 2023:

Ken Summers, from Laborer to Public Works Repairer, Annual Salary of \$52,071.00

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-239

TITLE:

AUTHORIZE PROMOTION FOR THOMAS BRUNETTO

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 approve the following promotional recommendation and salary increase effective July 1, 2023:

Thomas Brunetto, from Laborer to Public Works Repairer, Annual Salary of \$ 52,071.00

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-240

TITLE:

AUTHORIZE PROMOTION FOR FRANCIS LEONARDIS

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 approve the following promotional recommendation and salary increase effective July 1, 2023:

Francis Leonardis, from Laborer to Building Maintenance Repairer, Annual Salary of \$52,071.00.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-241

TITLE:

AUTHORIZE PROMOTION FOR KEVIN TIRSERIO

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, upon the endorsement of the Department of Public Works Superintendent Anthony Marcucilli, hereby approve the following promotional recommendation and salary increase effective July 1, 2023:

Kevin Tirserio, to Assistant Superintendent of Public Works, Annual Salary of \$98,404.00.

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: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-242

TITLE:

AWARD BID TO J. FLECTCHER CREAMER & SON INC. FOR PFAS TREATMENT INSTALLATION

WHEREAS, bids were received on August 8, 2023 for the PFAS Treatment Installation; and

WHEREAS, J. Fletcher Creamer & Son, Inc has submitted the lowest responsive and responsible bid with a total bid price of \$2,526,905.00; and

WHEREAS, the Borough Administrator, Borough Engineer, and Borough Attorney have reviewed the bids and recommend the bid be awarded to J. Fletcher Creamer & Son, Inc; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-06-56-903-202 in the amount of \$2,526,905.00;

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 J. Fletcher Creamer & Son, Inc in the total amount of \$2,526,905.00 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				

MAYOR (Tie-Break Vote): Yes No

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-243

TITLE:

**AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR
2023 BERGEN COUNTY ROAD RESURFACING AND ADA HANDICAP CURB CUTS AND RAMPS
PROJECT FOR RAMAPO VALLEY ROAD**

WHEREAS, there is a need for Engineering Services for the 2023 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Ramapo Valley Road; and

WHEREAS, Boswell Engineering has submitted a proposal dated July 13, 2023 for services required at a total cost not to exceed cost of \$34,450.00, broken down as follows:

TASK #1 – Design: \$11,450.00

TASK #2 – Construction Inspection Services: \$23,000.00

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-885-602 in the amount of \$34,450.00; and

WHEREAS, Boswell Engineering has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

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

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 Boswell Engineering to perform the engineering services for the 2023 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Ramapo Valley Road at a cost not to exceed \$34,450.00; and

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				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-244

TITLE:

**AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR
2024 BERGEN COUNTY ROAD RESURFACING AND ADA HANDICAP CURB CUTS AND RAMPS
PROJECT FOR FRANKLIN AVENUE**

WHEREAS, there is a need for Engineering Services for the 2024 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Franklin Avenue; and

WHEREAS, Boswell Engineering has submitted a proposal dated July 13, 2023 for services required at a total cost not to exceed cost of \$7,500.00, broken down as follows:

TASK #1 – Design: \$1,500.00

TASK #2 – Construction Inspection Services: \$6,000.00

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-885-601 in the amount of \$7,500.00; and

WHEREAS, Boswell Engineering has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

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

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 Boswell Engineering to perform the engineering services for the 2024 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Franklin Avenue at a cost not to exceed \$7,500.00; and

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				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-245

TITLE:

RESOLUTION EXPRESSING MUNICIPAL OPPOSITION TO THE STATE OF NEW JERSEY GENERAL ASSEMBLY BILL NO. A4376 CLARIFYING APPLICATION TO COLLOCATE WIRELESS COMMUNICATIONS EQUIPMENT BE REVIEWED BY ADMINISTRATIVE OFFICER

WHEREAS, pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Home Rule Act, as well as sections 253 and 332 of the federal Telecommunications Act (47 U.S.C. 253; 332(c)(7)), and a local jurisdiction's police powers, as established by law, regulation and custom, a municipality retains the right and authority to establish reasonable regulations concerning the placement, installation and alteration of telecommunications facilities; and

WHEREAS, the Borough of Oakland ("Municipality") desires to retain these rights and authorities, consistent with state and federal laws, and which allow it to, among other things, establish regulations regarding the placement and alteration of telecommunications facilities which encourage judicious siting of said facilities in order to minimize the total number of facilities throughout the Municipality and which encourage collocation when possible, and which help to minimize the adverse visual impact of said facilities via careful design, landscaping and screening techniques, on the aesthetic character of the Municipality; and

WHEREAS, on February 8, 1996, the federal government adopted the Telecommunications Act which, among other things, preserves a local government's authority over the "placement construction and modification of personal wireless service facilities" (47 U.S.C. §332(c)(7)(A)) while, at the same time, making it unlawful for a local government to prohibit or have the effect of prohibiting the provisions of personal wireless service (47 U.S.C. 332(c)(7)(B)(i)(II)), and provides that local government "shall not unreasonably discriminate among providers of functionally equivalent services" (47 U.S.C. §332(c)(7)(B)(i)(I)); and

WHEREAS, on November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling at Docket WT Docket No. 08-165 titled "Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance" in regard to the provisions of the Telecommunications Act which require the timely siting, by establishing 90 and 150 day shot clock timeframe provisions for wireless siting applications; and

WHEREAS, on February 22, 2012, the federal government adopted the Middle Class Tax Relief and Job Creation Act which, among other things, contains provisions designed to improve and expedite wireless siting applications by specifying that eligible facilities requests which do not substantially increase the size of an existing tower or base station must be approved by local governments, with this subset of telecommunications provisions becoming subsequently known as the Spectrum Act; and

WHEREAS, on January 17, 2012, the State of New Jersey adopted the New Jersey Collocation Law (N.J.S.A. 40:55D-46.2), which specifies, among other things, that site plan review may not be required if a proposed modification does not result in an area greater than 2,500 square feet for a wireless communications compound; and

WHEREAS, on October 17, 2014, the FCC adopted a Report and Order (the “Infrastructure Order”) at WT Docket No. 13-238 titled “Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies”, which clarified the provisions of the Spectrum Act by describing the types of modifications to wireless facilities which constitute an Eligible Facilities Request, as the term is used in the Spectrum Act, including that a modification may not increase the height of a facility by more than 10% of its existing height; and

WHEREAS, on June 9, 2020, the FCC adopted a Declaratory Ruling and Notice of Proposed Rulemaking at WT Docket No. 19-250 titled “Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012” in order to further clarify the provisions of the Spectrum Act in regards to what type of modification constitutes an Eligible Facilities Request, including specifying which modifications do not defeat the originally intended concealment elements of an existing facility, when the FCC mandated 90 and 150 day shot clocks commence and permitted height increases for towers outside the public right-of-way; and

WHEREAS, on October 27, 2020, the FCC adopted a Report and Order at WT Docket No. 19-250 titled “Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012” in order to further clarify the provisions of the Spectrum Act by specifying the extent to which an Eligible Facilities Request to modify an existing wireless may expand said facility in size and dimensions, including that an existing facility may be expanded by up to 30 feet in any one direction; and

WHEREAS, on September 26, 2018, the FCC adopted an order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,” (FCC-18-133A or the “Small Cell Order”), which was upheld for the most part by the Ninth Circuit Court of Appeals on August 12, 2020, concerning City of Portland et al. vs. the FCC; and

WHEREAS, the Small Cell Order places 60 and 90 day shot clock time limits on the municipal decision making process for applications for the placement of small wireless facilities, the replacement of existing poles and the placement of new poles in the public right-of-way; and

WHEREAS, on June 27, 2022, A-4376 was introduced and sponsored by Carol A. Murphy of the 7th legislative district with said bill, among other things, intending to combine aspects of the above-referenced FCC rulings regarding the Telecommunications Act, the Spectrum Act and small wireless facilities in the public right-of-way, while also going well above and beyond said rulings in regard to its intention to preempt a local jurisdiction’s right and authority to manage its territory and rights-of-way; and

WHEREAS, on June 5, 2023, the Assembly Telecommunications and Utilities Committee amended and favorably reported A-4376; and

WHEREAS, if adopted, A-4376 would expand the existing preemption framework of the state and federal government by, among other things, accelerating review timeframes and precluding discretionary land use review for most new antenna installations on buildings and structures not previously approved for use for telecommunications facilities; and

WHEREAS, per A-4376, discretionary land use approvals would only be an option for a municipality if facility installation on a structure not previously used for antennas increased that structure’s height by more than 20 feet, or expanded width by more than 20 feet or the width of a structure; and

WHEREAS, A-4376 encompasses both tower and rooftop sites on private land as well as small wireless antenna facilities on utility poles and other supporting structures in the public right-of-way; and



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



WHEREAS, the overarching effect of A-4376 would be to essentially eliminate nearly all effective control of a municipality’s territory in regard to telecommunications facilities deployments; and

WHEREAS, this is an excessive and unreasonable loss of authority which runs contrary to the intention of the Municipal Land Use Law, the Home Rule Act and local police powers; and

WHEREAS, as a result, the Municipality strongly opposes passage of said bill A-4376 and desires to maintain its existing rights and authority to regulate telecommunications facilities within its jurisdiction;

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:

1. The Borough of Oakland opposes New Jersey General Assembly bill A-4376.
2. The Borough of Oakland urges the Assembly not to pass A-4376.
3. A copy of this resolution will be submitted to both chambers of the New Jersey Legislature, and any applicable legislative committees tasked with reviewing same, including the Assembly Telecommunications and Utilities Committee, which will be asked to reconsider its favorable report of A-4376.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-246

TITLE:

RESOLUTION IN SUPPORT OF S3807/A5567

WHEREAS, the Local Bond Law, specifically N.J.S.A. 40A: 2-22, sets the useful life of fire engines, apparatus, and equipment, when purchased new, at ten years and prohibits the bonding of passenger cars and station wagons, and

WHEREAS, the useful life of fire engines, apparatus, and equipment, when purchased new, and the prohibition on the bonding of passenger cars and station wagons have been unchanged since the section of the law was enacted by P.L. 1964, c. 133; and

WHEREAS, Fire Underwriters Survey has published the document entitled Insurance Grading Recognition of Used and Rebuilt Fire Apparatus, which states that apparatus should be retired at 20 years of age unless the apparatus meets the recommended annual, service, and acceptance level tests and has been deemed in excellent mechanical condition; and

WHEREAS, Senate Bill No. 3807 and its companion Assembly Bill No. 5567 seek to amend in part section 22 of the Local Bond Law to amend the maximum usefulness of fire engines, apparatus, and equipment, when purchased new, from 10 years to 20 years, and to removes the prohibition on the bonding of passenger cars and station wagons; 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 support the passage of Senate Bill No. 3807 and its companion Assembly Bill No. 5567, which seek to amend in part section 22 of the Local Bond Law to amend the maximum usefulness of fire engines, apparatus, and equipment, when purchased new, from 10 years to 20 years and to removes the prohibition on the bonding of passenger cars and station wagons;

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be forwarded to Governor Phil Murphy, Senate President Nicholas P. Scutari, Speaker of the General Assembly Craig J. Coughlin, Senate Holly Schepisi, Assemblyman Robert Auth, Assemblywoman DeAnne DeFuccio, and the New Jersey State League of Municipalities.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-247

TITLE:

AUTHORIZE REFUND OF RECREATION FEES

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of recreation fees in the total amount of \$155.00; 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 Misc. Revenue Refund CF-01-55-998-006;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$155.00 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>SPORT TYPE</u>	<u>AMOUNT</u>
Buyse-Sabarese Family	22 River Road, Oakland, N.J. 07436	Cheerleading	\$155.00
Katzman Family	10 Holmhill Circle, Franklin Lakes, N.J. 07417	Baseball	\$125.00

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-248

TITLE:

RESOLUTION EXPRESSING MUNICIPAL OPPOSITION TO H.R. 3557 AMERICAN BROADBAND ACT OF 2023

WHEREAS, H.R., “American Broadband Act of 2023”, was introduced with little notice and without full text on May 22, 2023, and was approved by the House Committee on Energy and Commerce, and ordered to be reported following markup only two days later on May 24, 2023; and

WHEREAS, prior to H.R. 3557’s introduction, only a single hearing was held on the eventual contents, on April 19, 2023, before House Communications Subcommittee, the testimony before which consisted exclusively of that from witnesses supportive of federal preemption and to which not a single state or local government representative was invited to testify; and

WHEREAS, H.R. 3557 would pre-empt local governments’ rights-of-way compensation and management authority, zoning powers, cable franchising authority, and property rights; and

WHEREAS, the proposed bill would bestow on broadband providers an unprecedented federal grant of access to state and local public property, but impose no obligations on those providers to serve “unserved and “underserved” Americans; and

WHEREAS, H.R. 3557 would mandate the siting decisions be “deemed granted” if not denied by a local government within 60 days, which is as little as 25% of the time the federal government gives itself to make identical decisions concerning access to federal property; and

WHEREAS, H.R. 3557 would make virtually any local government decision not to allow the installation of proposed wireless facility at a providers’ request a “prohibition” preempted by federal law, and would require local governments to draft and publicly release a written explanation for the decision to deny an application on the same day it votes on the decision—a virtually impossible task because such written decisions typically require the examination and analysis of evidence presented to local council; and

WHEREAS, the bill would substitute the FCC for the local federal district court as reviewing body for challenges to local government decisions regarding wireless facility applications, thus breaking the promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local decisions; and

WHEREAS, H.R. 3557 would also eliminate cable franchise renewals, thereby restricting the ability of state or local franchising authorities to enforce franchise obligations such as public, educational, and government channel capacity and facilities, customer service requirements, and system build out requirements; and

WHEREAS, H.R. 3557 would affirmatively grant cable operators the right to use local rights-of-way to provide non-cable services while prohibiting localities from imposing any fees on non-cable services for use of those rights-of-way;

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 oppose H.R. 3557 and urges the House and Senate not to pass this legislation;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Senate President, Vice President of the United States of America, Kamala Harris; Speaker of the House of Representatives, Kevin McCarthy; Senator Cory Booker; Senator Robert Menendez; Representative Bill Pascrell; President of the United States of America Joseph R. Biden; and New Jersey State League of Municipalities.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-249

TITLE:

AUTHORIZE GRANT SUBMITTAL SPOTTED LANTERNFLY TREATMENT PROGRAM

WHEREAS; the Spotted Lanternfly is an invasive pest that has a negative environmental effect, including causing damage to trees; and

WHEREAS; the Spotted Lantern Fly is now established in the Borough; and

WHEREAS; The New Jersey Department of Agriculture has made funding available to counties and municipalities in order to help control the Spotted lantern Fly Population; and

WHEREAS; the Shade Tree Commission has developed a plan to treat Ailanthus Trees in the Borough ROW and utilize traps in various locations on Borough Properties; 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, formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an grant application identified as “Spotted Lanternfly Program- 2023 Chemical Control Treatment Opportunity Grant “to the New Jersey Department of Agriculture on behalf of the Borough of Oakland;

BE IT FURTHER RESOLVED, that Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Oakland and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Michael E. Carelli, Borough Clerk

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-250

TITLE:

**AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR
PATRIOT'S WAY BRIDGE PRIORITY REPAIRS PROJECT**

WHEREAS, there is a need for Engineering Services for the Patriot's Way Bridge Priority Repairs Project;
and

WHEREAS, Boswell Engineering has submitted a proposal dated July 24, 2023 for services required at a total cost not to exceed cost of \$15,500.00.

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-810-201 in the amount of \$15,500.00; and

WHEREAS, Boswell Engineering has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

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

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 Boswell Engineering to perform the engineering services for the Patriot’s Way Bridge Priority Repairs Project at a cost not to exceed \$15,500.00; and

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				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-251

TITLE:

AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT BETWEEN THE BOROUGH OF OAKLAND AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TO RESOLVE VIOLATIONS OF THE CHAPEL HILL PUMP STATION

WHEREAS, the Borough of Oakland (the “Borough”) owns and operates the facility known as Chapel Hill Pump Station (the “CHPS”), located at 2 Mountain Lake Road in the Borough of Oakland; and

WHEREAS, the New Jersey Department of Environmental Protection (the “Department”) issued a Notice of Violation related to violations of the Solid Waste Management Act numbered NJR000088534 (the “Notice of Violation”) for the CHPS to the Borough in April 2023; and

WHEREAS, the Department has proposed a Settlement Agreement requiring the Borough to pay \$3,750.00 in settlement for the accrued penalty liability; and

WHEREAS, the Borough’s professionals recommend acceptance of the Settlement Agreement; and

WHEREAS, the Borough has determined that it is in the best interest of the Borough to enter into the Settlement Agreement with the Department to resolve the accrued penalty liability for the Chapel Hill Pump Station;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland as follows:

1. The Mayor and Borough Clerk, or any other official, officer or employee of the Borough be and are hereby authorized to execute the Settlement Agreement in the form annexed to this Resolution, and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
2. Certified copies of this Resolution shall be provided to John A. Napolitano, Special Counsel.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-252

TITLE:

AUTHORIZING THE HIRING OF DANIEL KELLOGG AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

WHEREAS, the Borough of Oakland wishes to hire Daniel Kellogg as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

WHEREAS, the Borough of Oakland has determined that Daniel Kellogg meets all of the eligibility requirements for the position;

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 appointment of Daniel Kellogg as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved, effective August 17, 2023.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-253

TITLE:

AUTHORIZING THE HIRING OF LISA PORFIDO AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

WHEREAS, the Borough of Oakland wishes to hire Lisa Porfido as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

WHEREAS, the Borough of Oakland has determined that Lisa Porfido meets all of the eligibility requirements for the position;

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 appointment of Lisa Porfido as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved, effective August 17, 2023.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-254

TITLE:

AUTHORIZING THE HIRING OF KEVIN SMITH AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

WHEREAS, the Borough of Oakland wishes to hire Kevin Smith as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

WHEREAS, the Borough of Oakland has determined that Kevin Smith meets all of the eligibility requirements for the position;

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 appointment of Kevin Smith as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved, effective August 17, 2023.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-255

TITLE:

AUTHORIZING THE HIRING OF BRIAN FAZIO AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

WHEREAS, the Borough of Oakland wishes to hire Brian Fazio as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

WHEREAS, the Borough of Oakland has determined that Brian Fazio meets all of the eligibility requirements for the position;

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 appointment of Brian Fazio as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved, effective August 17, 2023.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-257

TITLE:

RESOLUTION TO AUTHORIZE PILOT AGREEMENT FOR RIDINGS AT RAMAPO PROJECT

WHEREAS, Ingerman Development Company, LLC (“Ingerman”) proposes to construct and operate forty units of affordable rental housing and other amenities (the “Project”) on property identified as Block 4202, Lot 1-3 on the Borough of Oakland Tax Maps (the “Property”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.) (the “HMFA Law”);

WHEREAS, on August 16, 2023, the Mayor and Council adopted a Resolution of Need determining that the Project will meet an existing housing need within the Borough with respect to the Project:

WHEREAS, the Project will help satisfy the Township’s “Mt. Laurel” affordable housing obligation;

WHEREAS, the Project will be subject to the requirements of the New Jersey Housing and Mortgage Finance Agency (the “HMFA”), including mortgage and loan documents executed pursuant to the HMFA Law;

WHEREAS, the forty units of rental housing in the Project will qualify as low and moderate income units under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-16.1 et seq.;

WHEREAS, the HMFA Law permits the governing body of a municipality in which a housing project financed by the HMFA is located to exempt such housing project from real property taxation if the housing project’s sponsor enters into an agreement (a “PILOT Agreement”) with the municipality for payments to the municipality in lieu of taxes for municipal services;

WHEREAS, the Mayor and Council find that entering into a PILOT Agreement with Ingerman is necessary to assure implementation of the Project and the construction of the affordable rental housing, and have negotiated a PILOT Agreement with Ingerman consistent with HMFA Law and protocols that obligates Ingerman to pay an annual service charge of 6.28% of its Project revenues to the Borough for a period of thirty years;

WHEREAS, Ingerman has provided an estimate of Project revenues and payments in lieu of taxation to the Borough, it being acknowledged that the actual Project revenues and corresponding payments in lieu of taxation cannot be determined until the Project has been implemented and, further are subject to HMFA Law; and

WHEREAS, the Mayor and Council deem it appropriate to authorize and enter into a PILOT Agreement with Ingerman.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland as follows:

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Mayor and Clerk are hereby authorized to execute an Agreement for Payments in Lieu of Taxes with Ingerman, and the Mayor and Council as attached here as Exhibit A.
3. This Resolution is hereby adopted with the intent and purpose that from the date of execution of a mortgage from the HMFA, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner as set forth in the attached Agreement for Payments in Lieu of Taxes.
4. The Mayor and Council do hereby adopt the within Resolution and make the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Law with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-252

TITLE:

AUTHORIZING THE HIRING OF DANIEL KELLOGG AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

WHEREAS, the Borough of Oakland wishes to hire Daniel Kellogg as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

WHEREAS, the Borough of Oakland has determined that Daniel Kellogg meets all of the eligibility requirements for the position;

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 appointment of Daniel Kellogg as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved at a rate of \$40.00 per hour, effective August 17, 2023.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-253

TITLE:

AUTHORIZING THE HIRING OF LISA PORFIDO AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

WHEREAS, the Borough of Oakland wishes to hire Lisa Porfido as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

WHEREAS, the Borough of Oakland has determined that Lisa Porfido meets all of the eligibility requirements for the position;

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 appointment of Lisa Porfido as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved at a rate of \$40.00 per hour, effective August 17, 2023.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-254

TITLE:

AUTHORIZING THE HIRING OF KEVIN SMITH AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

WHEREAS, the Borough of Oakland wishes to hire Kevin Smith as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

WHEREAS, the Borough of Oakland has determined that Kevin Smith meets all of the eligibility requirements for the position;

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 appointment of Kevin Smith as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved at a rate of \$40.00 per hour, effective August 17, 2023.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-255

TITLE:

AUTHORIZING THE HIRING OF BRIAN FAZIO AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

WHEREAS, the Borough of Oakland wishes to hire Brian Fazio as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

WHEREAS, the Borough of Oakland has determined that Brian Fazio meets all of the eligibility requirements for the position;

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 appointment of Brian Fazio as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved at a rate of \$40.00 per hour, effective August 17, 2023.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-257

TITLE:

RESOLUTION TO AUTHORIZE PILOT AGREEMENT FOR RIDINGS AT RAMAPO PROJECT

WHEREAS, Ingerman Development Company, LLC (“Ingerman”) proposes to construct and operate forty units of affordable rental housing and other amenities (the “Project”) on property identified as Block 4202, Lot 1-3 on the Borough of Oakland Tax Maps (the “Property”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.) (the “HMFA Law”);

WHEREAS, on August 16, 2023, the Mayor and Council adopted a Resolution of Need determining that the Project will meet an existing housing need within the Borough with respect to the Project:

WHEREAS, the Project will help satisfy the Township’s “Mt. Laurel” affordable housing obligation;

WHEREAS, the Project will be subject to the requirements of the New Jersey Housing and Mortgage Finance Agency (the “HMFA”), including mortgage and loan documents executed pursuant to the HMFA Law;

WHEREAS, the forty units of rental housing in the Project will qualify as low and moderate income units under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-16.1 et seq.;

WHEREAS, the HMFA Law permits the governing body of a municipality in which a housing project financed by the HMFA is located to exempt such housing project from real property taxation if the housing project’s sponsor enters into an agreement (a “PILOT Agreement”) with the municipality for payments to the municipality in lieu of taxes for municipal services;

WHEREAS, the Mayor and Council find that entering into a PILOT Agreement with Ingerman is necessary to assure implementation of the Project and the construction of the affordable rental housing, and have negotiated a PILOT Agreement with Ingerman consistent with HMFA Law and protocols that obligates Ingerman to pay an annual service charge of 6.28% of its Project revenues to the Borough for a period of thirty years;

WHEREAS, Ingerman has provided an estimate of Project revenues and payments in lieu of taxation to the Borough, it being acknowledged that the actual Project revenues and corresponding payments in lieu of taxation cannot be determined until the Project has been implemented and, further are subject to HMFA Law; and

WHEREAS, the Mayor and Council deem it appropriate to authorize and enter into a PILOT Agreement with Ingerman.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland as follows:

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Mayor and Clerk are hereby authorized to execute an Agreement for Payments in Lieu of Taxes with Ingerman, and the Mayor and Council as attached here as Exhibit A.
3. This Resolution is hereby adopted with the intent and purpose that from the date of execution of a mortgage from the HMFA, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner as set forth in the attached Agreement for Payments in Lieu of Taxes.
4. The Mayor and Council do hereby adopt the within Resolution and make the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Law with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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: 23-258

TITLE:

**RESOLUTION DETERMINING INGERMAN DEVELOPMENT COMPANY, LLC HAS MET
ITS AFFORDABLE HOUSING REQUIREMENTS**

WHEREAS, Ingerman Development Company, LLC and its assigns (hereinafter referred to as the “Sponsor”) proposes to construct and operate a 40-unit affordable rental housing project, together with such other improvements as may be necessary in connection therewith, such as leasing offices, community meeting space, landscaping, curbing, and paving (hereinafter referred to as the “Project”), all pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq. (if applicable), and all applicable guidelines (the foregoing hereinafter referred to as the “HMFA Requirements”) within the Borough of Oakland (hereinafter referred to as the “Municipality”) on a site described as Block 4202, Lot 1-3 as shown on the Official Assessment Map of the Borough of Oakland, Bergen County, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oakland (the "Council") that:

- (1) The Council finds and determines that the proposed Project will meet or meets an existing housing need; and
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with, the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project.

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, 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



ORDINANCE NO. 23-CAPITAL-921

CAPITAL ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$4,640,000 FOR THE REPLACEMENT OF THE PATRIOT'S WAY BRIDGE IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO BE RAISED FROM A GRANT INCLUDED IN THE 2024 STATE BUDGET IN THE AMOUNT OF - \$1,640,000 AND FROM A DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF - \$3,000,000

WHEREAS, the Borough Council of the Borough of Oakland has heretofore authorized the replacement of the Patriot's Way Bridge in, by and for the Borough and appropriated the aggregate sum of 5,900,000 therefor pursuant to Ordinance No. 18-771 adopted by the Borough Council on July 25, 2018 (as amended by Ord. No. 20-811 adopted on July 22, 2020), Ordinance No. 20-810 adopted by the Borough Council on July 22, 2020, and Ordinance No. 20-829 adopted by the Borough Council on May 26, 2021; and **WHEREAS**, the Borough Council now finds and determines that the additional sum of \$4,640,000, is required for such improvement, **NOW THEREFORE**,

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

Section 1. The additional sum of \$4,640,000 is hereby appropriated to the payment of the cost of the improvement authorized by Ordinance No. 18-771 adopted by the Borough Council on July 25, 2018 (as amended by Ord. No. 20-811 adopted on July 22, 2020), Ordinance No. 20-810 adopted by the Borough Council on July 22, 2020, and Ordinance No. 20-829 adopted by the Borough Council on May 26, 2021. Said additional appropriation shall be raised by a grant awarded to the Borough by the State of New Jersey and included in their 2024 adopted budget and by a grant received from the Department of Transportation. A \$1,640,000 State of New Jersey Grant received or to be received by the Borough and a \$3,000,000 Department of Transportation Grant received or to be received by the Borough are hereby appropriated to finance the payment of the cost of said purpose.

Section 2. Said improvement is a lawful capital improvement of the Borough having a period of usefulness of at least five (5) years. Said improvement shall be made as a general improvement, no part of the cost of which shall be assessed against property specially benefited.

Section 3. 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 4. This ordinance shall take effect at the time and in the manner provided by law.

ATTEST:

Michael Carelli, Borough Clerk

BY: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-922

AN ORDINANCE SUPPLEMENTING CHAPTER 2 OF THE OAKLAND CODE RELATED THE RECENT CREATION OF CLASS III SLEO

WHEREAS, the Borough of Oakland has recently entered a shared services agreement with the Oakland Board of Education related to Class III SLEOs to be placed into Borough schools under the control of the Oakland Police Department; and

WHEREAS, the Borough requires additional changes to its Borough Code to account for the employment of these Class III SLEOs

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Oakland as follows:

Section I. Chapter 2, Section 5.10 of the Borough of Oakland Code entitled "Special Law Enforcement Officers" is hereby amended as follows:

Authority and Purpose. The Borough of Oakland may establish Special Police Officers pursuant to and in compliance with the Special Law Enforcement Officers Act (N.J.S.A. 40A:14-146.8 et seq.).

a. Classifications: Powers and Duties. The classification of special law enforcement officers shall be based upon the duties to be performed by said officers and are established as follows:

1. Class 1.

(a)The officers of this class are authorized to perform routine traffic detail, spectator control and similar duties as may be assigned, by the Chief of Police or, in the absence of the Chief, another law enforcement officer in a supervisory capacity to act in his stead. Said Class 1 Officers are also authorized to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes of New Jersey. The use of firearms by said Class 1 Officers is strictly prohibited and no Class 1 Officer shall be assigned any duties, which may require the carrying or use of a firearm.

(b)The number of Class 1 Special Officers shall be at the discretion of the Borough Council. Before any special law enforcement officer is appointed, the Chief of Police or his designee shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the Borough Council.

2. Class III.

The officers of this class are authorized to exercise full powers and duties similar to those of a permanent, regularly appointed, full-time police officer only while providing security at a public or nonpublic school, on the school premises, during hours when the public or nonpublic school is normally in session, when it is occupied by public or nonpublic school students, teachers, or staff, or when in fresh pursuit of any person pursuant to Chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a mutual aid agreement enacted in accordance with § 1 of P.L. 1976, c. 45.

b. Appointments: Terms. Special Officers, Class 1 and Class III shall be appointed for a term not to exceed one year by the Borough Council and the appointment may be revoked by the Borough Council for cause after hearing, as required by N.J.S.A. 40A:14-147. The powers and duties of Special Officers shall cease upon expiration of the term for which they are appointed. Special Officers so appointed shall not be members of the Police Department of the Borough of Oakland or any other Police Department in the State of New Jersey or elsewhere.

c. Qualification: Investigation.

1. No person may be appointed as a Special Law Enforcement Officer Class 1 or Class III unless the person:

(a) Is a resident of this State during the term of employment.

(b) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent.

(c) Is sound in body and of good health.

(d) Is of good moral character.

(e) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office.

(f) Has successfully undergone the same psychological testing that is required of all full-time police officers in the Borough of Oakland.

2. The Chief of Police shall have the applicant fingerprinted as required by statute, conduct a background investigation of the applicant to determine the eligibility and qualifications of the applicant and shall report these determinations, in writing, to the Mayor and Council of the Borough of Oakland.

d. Training. No person shall commence serving as a Special Officer unless he has been certified by the Police Training Commission, as provided by N.J.S.A. 40A:14-146.10. Additionally, Class III officers must complete SRO training within 12 months of being appointed and conform to the Attorney General's mandatory in-service training requirements.

e. Hours. No Special Officer, Class 1 may work more than 20 hours per week, except during period of emergency.

f. Supplemental.

1. Special Police Officers shall not be utilized to supplant regular police officers.

2. Special Police Officers are subject to the personnel policies of the Borough of Oakland.

3. Special Police Officers are subject to the Oakland Police Department's Written Directive System, where applicable.

4. Compensation for Special Officers shall be established by the Borough Council annually. Compensation for Class III officers shall be paid by the Oakland Board of Education pursuant to the shared services agreement executed by the Board and the Borough.

Section II. All other parts, portions and provisions of Chapter 12 of the Borough of Oakland Code be and the same are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section III. The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Adopted this ____ day of
_____, 2023.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-923

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

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:

A. Article VII §59-52.7 Senior Affordable Housing District (SAHD) zone is hereby amended in the following parameters only.

1. A new Section E. (7), (8), and (9) are hereby established and shall read as follows:

7. At least three (3) senior apartments shall be reserved for very-low-income households.

8. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. stormwater regulations and shall enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80%. and shall manage stormwater flows such that the peak rate of runoff exiting the site post-construction is no greater than the pre-construction peak runoff rate.

Section 2:

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 3:

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 4:

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

Michael Carelli, Borough Clerk

BY: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-924

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

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 Oakland, Chapter 59 entitled "Land Use and Zoning".

Section 1:

- A. Article VII §59-46 A. Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to incorporate the following additional district included herein:

Mixed-Use Affordable Housing MU-AH.

- B. §59-46B. Zoning Map is and shall be amended to include and depict the following district. This district shall be applied to Block 1706 Lot 1.01, 2.01, 3.01 & 4.01.

Mixed-Use Affordable Housing MU-AH.

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 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. No more than two (2) signs are permitted per lot, one sign may be a building mounted wall sign. Said wall sign shall not exceed thirty (30) square feet. A ground-mounted monument sign of twenty-four (24) square feet is permitted in addition to the permitted wall sign for each lot in this zone. Such monument 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. Menu boards proposed in conjunction with drive-through window service shall be regulated as below but shall not count as one of the two (2) permitted signs.
- xi. Menu board signs shall not exceed eighteen (18) square feet in area and shall no portion of a menu board shall be higher than ten (10) feet above grade.

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 setaside 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. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the public health, safety and general welfare. To protect the public resource, all proposed development in this zone must maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.
- 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.

ATTEST:

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

Michael Carrelli, Borough Clerk

By: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-925

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

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.

A. Article VII §59-46 A. Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to delete the Central Business District-I zone and insert instead the following new district:

Downtown District (DT-1)

B. §59-46B. Zoning Map is and shall be amended to replace the Central Business District-I and instead depict the following district in the same locations and the same properties previously depicted as Central Business District-1.

Downtown District DT-1

Section 2. Article VII§59-53.1 is and shall be modified to replace Central Business District-I so that if read as Downtown-I District (DT-I)

- A. Within the Downtown District-1 zone, only the following compatible land uses in a distinctive streetscape which enhances and promotes the commercial and civic center of the Borough shall be permitted on any property in the zone pursuant to the recommendations contained within the Borough's master plan and forming an integrated and compatible design with respect to the relationship and location of land uses, buildings, historic structures, parking, signage, circulation, walkways, landscape amenities and buffer features:
 1. Antique shops, art galleries, appliance stores, arts and craft shops, auto parts, bakery shops, record and CD stores, , eyewear and optical stores, , bookstores, building mounted wireless communication antennae and ancillary equipment exclusive of towers and/ or poles, , butcher shops, camera stores, card shops, chinaware/flatware and glassware shops, cigar stores, dry-cleaning stores, dry-goods and variety stores, clothing stores, dress shops, candy stores and confectioneries, coin stores, convenience stores, delicatessens, drapers, electronics stores, flower shops, furniture stores, garden equipment, home furnishing stores, gift shops, gourmet and specialty food stores, hardware stores, paint and wallpaper stores, hobby shops, interior decorators, jewelers, leather goods shops, hair accessory shops, knitting supplies stores, linen stores, picture framing shops, package liquor stores intended primarily for retail distribution for off-premises consumption, music shops, musical instruments stores, shoe repair shops, pet shops, pharmacies, photograph equipment, post offices,

radio and television repair shops, recreation equipment stores, telecommunications stores, custom packaging and retail mail services, provided that the service is incidental to the main use, coffee shops, ice cream parlors, shoe stores, sporting goods, stationers, tailor shops, toy stores, travel and ticket agencies, wearing apparel, provided, however that none of the foregoing permitted uses shall carry merchandise other than that to be sold at retail on the premises.

2. Sit down restaurants, bars, cafes and taverns.
3. Business and professional offices.
4. Medical, chiropractic, dental offices.
5. Financial institutions such as banks, brokerage houses, finance companies, insurance companies and stockbrokers providing clients and customers with access to advice, assets and information.
6. Health clubs, exercise studios and commercial gyms.
7. Pet care and grooming services, but not including overnight boarding of animals.
8. Personal service providers limited to barbershops, beauty parlors, skin and nail boutiques.
9. Athletic and sport training studios such as, sport simulators, golf putting practice greens, baseball, basketball, football, lacrosse, softball, volleyball training and wall climbing.
10. Art, dance, martial arts, photography, music and voice instructional studios.
11. Educational and lifestyle enhancement skill centers, such as yoga, meditation, life coach, weight loss centers, language arts centers.
12. Internet website and design, hosting services.
13. Real estate office.
14. Craft distilleries operating according to and in strict conformance with a license pursuant to N.J.S.A.33:1-10. Prior to purchasing any product for consumption on the distillery property, each and every customer is required to take a tour of the distillery.
15. Child-care facilities, pursuant to N.J.S.A. 40:55D-66.6.
16. Governmental buildings and uses.
17. Houses of worship and associated educational facilities including parish houses, rectories and convents.
18. Mixed use buildings and developments consisting of two or more principally permitted uses.

B. Accessory permitted uses allowed in the Downtown-1 zone include the following:

1. Outdoor dining and seating areas, with or without tents, associated with and on the same lot as coffee shops, ice cream parlors, restaurants and cafes.
2. Walk-up, but not drive-up, service windows and counters.
3. Off-street parking.
4. Fences and walls.
5. Signs.
6. Facilities for the temporary storage of rubbish, trash and recycling materials.
7. Solar energy systems only as a use accessory to a permitted principal use. Solar energy systems may be installed only as an accessory use either on the roof of a permitted principal or accessory structure or as freestanding structures included above a parking area.

C. Conditionally permitted uses allowed in the Downtown-1 zone include the following:

1. Limited brewery complying with the following conditions:
 - (a) Each and every operator of a limited brewery shall at all times be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
 - (b) No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.

- (c) A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
- (d) Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
- (e) Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A. 33:1-10.
- (f) Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same established for restaurants in the Downtown-1 zone while being a condition attached to the conditional use.

2. Limited brewpub complying with the following conditions:

- (a) Each and every operator of a brewpub shall at all times be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
- (b) Every brewpub must be adjoining a retail consumption licensed premises operation as a working restaurant with both kitchen and dining facilities. Said retail consumption licensed premises must be licensed identically as the entity operating the brewpub under a Restricted Brewery License.
- (c) A brewpub shall brew no more than 10,000 barrels of malt beverages a year. The malt alcoholic beverage product shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic beverage product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant premises.
- (d) On-site parking requirements shall be the same as established for restaurants in the Downtown-I zone while being a condition attached to the conditional use.

D. Uses specifically prohibited in the Downtown-1 zone include the following:

- 1. Adult book and or adult gift shops and adult retail stores.
- 2. Adult mini-motion adult picture theaters.
- 3. Adult motion picture theaters.
- 4. Drive through or drive-up or similar service provided from a building to patrons waiting in automobiles.

Section 3.

A. Schedule A: Limiting Lot and Yard Sizes and Bulk Principal Building and Use is modified only in the following particulars to insert the following bulk requirements applicable to the Downtown-1 zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	7,500
Minimum Lot Width (ft.)	50
Minimum Lot Depth (ft.)	100
Maximum Building Coverage (%)	65
Min. Open Space (%)	10
Maximum Number of Stories	3
Maximum Height (ft.)	38
Min. Front Yard (ft.)	0

Max. Front Yard (ft.)	10
Min. Side Yard (ft.)	0
Min. Rear Yard (ft.)	20

B. Buffer Requirements.

There shall be established along any property line that is contiguous to the RA-3 zone, a buffer area of at least 15 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Grading and earthwork shall not be permitted within the buffer area except to enhance the integrity of the buffer, such as the creation or supplementing of earthen berms. Existing vegetation should be preserved in the buffer area where practical.

C. Supplemental Development Standards. These following standards are not conditions associated with a conditional use. Deviations from these criteria are cognizable as 40:55D-70c variances.

- a. All roof mounted equipment 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 and do not cover more than 15% of the roof surface.
- b. All single-story buildings are recommended to have a pitched roof. If a pitched roof is not possible, then a combination of a flat roof and pitched roof or a false roof structure is recommended.
- c. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shakes, copper or factory finished sheet metal.
- d. All buildings with flat roofs shall include a parapet articulation on the front façade of the building. The articulation should be provided through a cornice design.
- e. Buffer Areas. Buffers from adjacent residential properties shall comply with the following standards:
 - i. Landscaped berms shall be incorporated to accentuate the screening qualities of the landscaping proposed. Berms shall be a minimum of two feet in height, The width should vary with side slopes of 1 to 5 to 1 to 2, without adversely affecting natural drainage or slope retention.
 - ii. Berms shall be overlapping where drainage swales are required to pass through them. The final design must be reflected upon the grading and drainage plan.
 - iii. Landscaping shall be designed to complement the berms and shall be designed to provide a screen along the majority of the buffer area. Planting shall be installed at a variety of sizes which conform to the following minimum sizes:

Shade Trees	3-inch caliper (12-14 ft)
Evergreen Trees	7-8 feet
Shrubs	18-24 inches

- iv. Landscaping within the buffer area shall include a predominance of evergreens to provide buffering during the dormant seasons.

Streetscape: The development shall include a cohesive thematic streetscape design, consistent and compatible with previously installed streetscape designs.-on the same side or opposite side of the street block, if any, that includes such items as sidewalk pavement design, stylized street lighting and thematic street tree planting. Developer proposed improvements to be planted, installed or constructed within public rights of ways shall be approved by the governing body prior to construction or installation. Streetscape improvements in the public right-of-way shall conform with adopted municipal standards.

- i. Site and Yard lighting, if any, should incorporate the use of stylized light fixtures that complement the proposed building architecture. The following standards shall apply:
 - 1. Light fixtures should incorporate sufficient photometric controls which shield the source of lighting from adjacent buildings or properties.
 - 2. Height of the street lighting fixtures should be residential in scale and should not exceed a 12-foot mounting height.
 - 3. Lighting levels proposed should conform to all applicable ordinance standards provided herein.
- f. Pedestrian crossings of roadways should be accentuated through the use of differential pavement crossings.
- g. Any and all developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. stormwater regulations and shall enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80%. and shall manage stormwater flows such that the peak rate of runoff exiting the site post-construction is no greater than the pre-construction peak runoff rate.

Section 4. Section 59-61 Off-street parking shall be amended with the inclusion of the following.

Parking Standards are hereby amended and supplemented as follows:

- A. Off-street parking standards in the Downtown-1 zone.
 - 1. All off-street parking areas shall be surfaced with an asphalt, bituminous, or cement binder pavement which shall be graded and drained to an approved stormwater management facility.
 - 2. All lighting in connection with off-street parking shall be so arranged and fully shielded as to reflect the light downward away from all adjoining streets and dwellings. Each applicant shall demonstrate sufficient lighting controls are implemented to reduce sky glow and control of glare from the property. The use of total cut off fixtures are encouraged to achieve these requirements.
 - 3. Off-street parking facilities may be placed in a side or rear yard or a combination of the two.
 - 4. Aisle Width. Provision shall be made for safe and adequate circulation of vehicles and pedestrians between, within and adjoining the subject property.

5. Location of driveways. All entrance and exit driveways to a public or private street shall be located so as to afford maximum safety to pedestrian users of said roadway, to provide for safe and convenient ingress and to minimize conflict with the free flow of pedestrian traffic. Common driveways between adjacent properties are encouraged throughout the Downtown-1 zone.
6. The borough encourages the consolidation and sharing of off-street parking among and between different properties. The borough's intention is for developers to provide adequate parking in safe and convenient locations without providing an over supply of parking. Applicants shall demonstrate through competent testimony and reports the sufficiency of the shared parking for all properties under consideration. When proposing shared parking, applicants shall demonstrate to the board attorney that sufficient legal protections are established for the long-term viability and maintenance of the shared parking arrangement.
7. The following parking standards shall be established for uses within the Downtown-1 zone.

LAND USES	REQUIRED OFF-STREET PARKING SPACES
Banks and savings institutions	1 per 300 s.f. of LFA
Child Care Centers	1 per 10 children, plus 1 space per staff
Clubs and Fraternal Organizations	1 per 400 s.f. GFA
Eating Establishments, Restaurants, Restaurants with Bar	1 space for each 4 seats.
Funeral home	1 per 300 s.f. GFA
House of worship	1 per 4 seats. For benches, 1 seat = 3 ft. of linear space
Medical or dental offices	1 per 150 s.f. of LFA
Office	1 per 250 s.f. of LFA
Place of Public Assembly	1 per 4 fixed seats or 1 per 75 sf of floor area, whichever is greater
Recreational Uses (including health clubs)	1 per 250 s.f. GFA
Retail store, and personal service establishments	1 per 250 s.f. of LFA
Residential Uses	In accordance with RSIS
Schools Elementary (K through 8)	2 per classroom; but not less than 1.5 per teacher & staff
Other uses not provided herein shall be determined by the approving authority	

NOTES RELATING TO PARKING REQUIREMENTS:

GFA = Gross Floor Area

LFA= Leasable Floor Area

8. Inclusion of any use in the above table does not imply it is a permitted use in the Downtown-1 zone. See the applicable sections of this code for the enumeration of permitted uses.
9. A one-car garage and driveway combination shall count as 2.0 off-street parking

spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking area width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination. (N.J.A.C. 5:21-4.14d)

10. When housing is included in mixed-use development, a shared parking approach to the provision of parking shall be permitted. (N.J.A.C. 5:21-4.14e)
11. The following standards apply to senior citizen housing. This use is not specifically identified in the State Residential Site Improvement Standards (N.J.A.C. 5:21 et seq): 0.75 spaces for each 1-bedroom unit and 1.25 spaces for each 2-bedroom unit.
12. Applicant shall install make ready equipment for the purpose of charging electronic vehicles as required by state statute or local ordinance.

B. Parking Spaces for the disabled. In any nonresidential parking lot, designated parking spaces for disabled persons shall be required as follows (these spaces shall be considered part of the total number of required spaces):

REQUIRED PARKING FOR THE DISABLED

TOTAL PARKING SPACES IN LOT	REQUIRED NUMBER OF PARKING SPACES FOR THE DISABLED
Up to 25	1
26 to 100	2
Over 100	2% of total spaces in lot

Parking spaces for the disabled shall be located in one (1) area and designated as parking for the handicapped. They shall be located so that access does not require wheeling or walking behind parked cars. Parking spaces for the disabled shall be at least eight (8) feet wide with a five (5) foot access area located adjacent to the driver's side.

C. Parking area design standards.

1. Off-Street Parking Lots Intended for Customer Use.
 - a. Aisle width. Provisions shall be made for the safe and adequate circulation of vehicles and pedestrians within and adjoining the subject property. Aisle widths providing direct access to individual parking stalls designated for customer use shall be in accordance with the standards established in the table below. Only one-way traffic shall be permitted in aisles of less than twenty-four (24) feet in width.

MINIMUM AISLE WIDTH

PARKING ANGLE (DEGREES)	MINIMUM AISLE WIDTH (FEET)	
	ONE WAY	TWO WAY
0 (Parallel Parking)	12	24
30	15	N/A
45	18	N/A
60	20	N/A
90 (Perpendicular Parking)	22	24

2. Parking Stall Dimensions

- a. Parking stalls shall dimension nine by eighteen (9x18) feet with a paved area of 162 sf, provided that parking stalls within lots which contain retail uses utilizing shopping carts shall be ten by twenty (10x20) feet.
- b. Two feet of the parking area may be a pervious overhang, but same shall not be included in any required parking setback, buffer or green area.
- c. Parallel parking stalls shall be eight by nineteen (8x19) feet or forty-six (46) feet in tandem.

D. Circulation within parking area designed and intended to be utilized by customers and clients of an establishment.

1. All parking spaces shall be designed free and clear of any obstruction to individual parking stalls.
2. Parking spaces shall be located in such a fashion as to permit all vehicles to exit in a safe and orderly manner. Under no condition shall vehicles be permitted to back out of a parking lot driveway or a parking space directly into the public right-of-way or otherwise block the free movement of traffic within the parking area or specific points of safety control, such as fire hydrants, doorways, elevators or other similar locations.
3. Pedestrian circulation within a parking area shall be, to as great an extent as possible, separated from vehicular traffic. Safety zones, crossing points and sidewalk areas, where warranted, shall be provided.

E. Off-Street Parking Lots Intended for Employees Only:

1. The borough recognizes and encourages the continued use of small parking areas typically behind stores that are primarily intended to serve the parking needs of employees and the store's loading needs. As such for employee parking areas of no more than six (6) vehicles (which can be parking in a tandem design) the standards otherwise applicable both to parking stall dimension requirements and to parking

lot design are exempt from the standards detailed above. Employee parking must be in one general location and must allow for emergency vehicle access.

Section 5. Section 59-63 Signs shall be amended in the following particulars only.

A. Signs in Downtown-1 Zone

Regulations regarding signs in the Downtown-1 zone shall be as follows:

1. Wall signs shall be limited to a maximum of 8% of the wall area at street level for the store that it is advertising but shall not exceed 30 square feet of signage.
2. Lots fronting on two or more streets are permitted signage along each street frontage, but the signage cannot be accumulated and used ~~on~~ only on one street frontage.
3. Wall signs may not be located higher than the bottom of the windows of the second level of a multi-story building.
4. Multi-tenant buildings shall have signs with uniform area and height dimensions.
5. Each sign is permitted to include a main title which identifies the name of the store and one subtitle which is a description of the business.
6. The subtitle of the sign may not include a telephone number and must be a smaller font size than the main title.
7. Signs may not be printed in more than two font styles and different font styles on one sign must complement each other.
8. Hanging signs must have the bottom of the sign no less than seven (7) feet above the adjacent sidewalk and may not have an area more than 4 square feet.
9. The wall sign for an establishment with a hanging sign may not be greater than 5% of the total wall area at street level for the store.
10. Second floor occupancy of professional or office space shall be permitted one (1) announcement sign per occupancy of not more than two (2) square feet at the main entrance to the building. One (1) nameplate or professional sign with an area of not more than two (2) square feet may be mounted flat against the door of each secondary entrance. Such signs may be exterior illuminated. Building name and address announcements are exempt from these limitations. Signs in second floor office windows shall not exceed twenty five percent (25%) of the glass area of the window.
11. A common sign may be erected in a parking lot with facilities for more than forty (40) cars which service a group of attached stores or a professional building. None of the components announcements shall be larger than any of the others and the total area of the signs shall not exceed thirty (30) square feet. The common sign may be erected as a freestanding sign within the parking lot, provided that it is erected no closer than ten (10) feet to any property line.
12. Large scale shopping centers containing over 60,000 of retail space in addition to the signs permitted by the above regulations may install one free standing sign along but no closer than twelve (12) feet to each arterial roadway it has frontage along. Said sign shall not have more than two (2) faces. Neither sign face shall exceed thirty (30) feet in area. The top of said sign shall not exceed fifteen (15) feet above grade. A landscaping component shall be planted and maintained in association with the sign.
13. The following sign provisions shall govern all signage associated with gasoline and service stations:
 - a. One freestanding sign bearing the brand, trade name and/or trademark with unit prices of the station, not exceeding thirty (30) square feet on each side shall be permitted. The bottom of the sign shall not be less than eight (8)

feet from the average grade elevation below the sign, nor shall any part of the sign be more than fifteen (15) feet above ground level.

- b. No sign shall be permitted on or above a canopy over the fuel dispensers.
- c. Signs are permitted attached to fuel pumps indicating the unit price per gallon of fuel. Such signs shall not exceed one (1) square foot in area per sign per individual pump.
- d. No signage may be illuminated after business hours.
- e. Lettering or other insignia which are a structural part of the gasoline pumps, as manufactured, shall be permitted.
- f. Signs required by law and credit card signs may be placed on or near the gasoline dispensing islands, not to exceed a maximum two (2) square foot per sign per island.

Section 6. Design Criteria for buildings in the Downtown-1 zone

The following standards are design guidelines that are strongly encouraged for use in the Downtown 1 Zone. All portions of a site not developed with buildings, parking lots, or walks should be suitably landscaped as set forth above.

A. Building Façade Wall Area

- 1. All work performed within the Downtown-1 Zone should be visually compatible with the existing streetscape and be constructed from the same, similar or complementary materials.
- 2. Massing of new buildings and additions to existing buildings should appear to be balanced. Buildings should be in proportion to and of a similar scale to existing buildings.
- 3. Buildings with expansive blank exterior walls are discouraged. Windows and other architectural devices should give each wall detail and interest.
- 4. Colors employed on new buildings and additions to existing buildings should be visually compatible with the overall historic streetscape of the zone.
- 5. Architectural detailing. All proposed building facades of each building should have a coordinated architectural design and style. The architectural detailing of buildings shall be true to the architectural style or theme selected for the development. The architectural elevations should provide some differentiation from building to building on a tract to create variety and interest but should not be so dissimilar as to detract from the overall architectural composition of the development.
- 6. For each primary building frontage, at least 30% of the area between 3 feet and 10 feet in height should be clear/non-tinted window glass permitting a view of the building's interior.
- 7. All related piping, ducting, electrical and mechanical utilities, antennae, down spouts, utility receptacles, and service boxes should be painted to match the predominate color of building and be designed to be compatible with the architectural treatment of the principal structure.
- 8. Architectural details of the façade improvements should wrap around and be repeated on walls that are visible from public rights of way and off-street parking areas.

B. Columns and Piers

1. It is recommended that buildings that exceed 30 feet in width should include vertical piers, columns or other vertical visual elements that break up the plane of the building frontage. The vertical elements should be spaced at equal intervals. Vertical visual elements can include articulations in the façade itself such as insets or projections
2. Recommended column and pier width is between 8 and 30 inches
3. Recommended column and pier base height is between 10 and 24 inches.
4. Recommended column and pier cap height is between 6 and 24 inches.

C. Cornice and Fascia

1. Each façade should be designed to have a delineated floor line between the street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel, or a cornice line delineated by wood detailing.
2. The top of the building is recommended to be capped by a cornice or sloping roof element

D. Windows

1. All street-fronting ground level developments should have windows that are clear and not tinted, mirrored, or painted. However, seasonal painting of design windows is encouraged so long as the seasonal painting is removed no later than 89 days after painting.
2. Display windows should cover a minimum of 30% of the building frontage.
3. Display windows should be positioned within a maximum of 3 feet above the grade of the sidewalk and a maximum height of 8 feet.
4. The windows on the upper levels should have an appropriate sill or lintel to accent building openings and provide architectural interest.
5. Bulkheads should have a maximum height of 3 feet and be comprised of the same architectural detailing, materials, and colors as the windows.
6. Window displays and signage not attached to the structure of the window itself should not occupy more than 20% of the window area.
7. Window displays located within 36 inches of the window should occupy not more than 70% of the window area.

E. Doors

1. The doors and windows should cover a minimum of 50% of the building frontage on the street level.
2. All doors should have a glass panel which occupies a minimum of 10% of the door to afford internal views of the space. Windows in doors are subject to the same recommendations as noted in subparagraph D above, including seasonal painting.

F. Canopies and Awnings

1. Awnings over windows should match the color of the wall area or trim and are to be clearly integrated into the design of the store front.
2. Canopies and awnings shall not project closer than 3 feet to the curb line.
3. Canopies and awnings shall not be lower than 7 feet from grade level.
4. Canopies and awnings should be comprised of canvas/fabric material. Metal or plastic material is discouraged.
5. Structural elements supporting canopies and awnings should be constructed of a tubular galvanized metal such as aluminum, bronze or copper.
6. For multi-tenant buildings the awnings for each retail space should be of the same material.

7. The length of the awning should complement the architectural details of the building. For example, the awning should break for columns & piers.
8. Canopies should be one solid color, exclusive of any signage incorporated into or on the canopy.
9. A logo should not be larger than 6 square feet in area.
10. The lettering on valence signs should be between 6 and 9 inches in height and should not occupy more than 70 percent of the valence area of the canopy.

Section 7

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 8

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 9

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

Michael Carelli, Borough Clerk

BY: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-926

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

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. Article VII, Zoning is hereby amended and supplemented by the insertion of a revised Section, §59-53.2

A. Downtown II (DT-II) zone. This section shall read as follows:

The purpose of the Downtown-II District is to acknowledge that although this portion of the Borough has contributed to the vitality of the commercial hub of the Borough it is somewhat removed from the central commercial core by the railroad crossing of Ramapo Valley Road and the intersection of West Oakland Avenue with Ramapo Valley Road. These physical features provide an opportunity to craft zoning regulations specifically designed for those commercial properties along Ramapo Valley Road north of the railroad corridor.

B. Within the Downtown- II zone, only the following land uses shall be permitted on any property in the zone:

1. Antique shops, art galleries, arts and craft shops, bakery shops, book, record and CD stores, eyewear and optical stores, bookstores, building mounted wireless communication antennae and ancillary equipment except for towers and/or poles butcher shops, camera stores, card shops, chinaware/flatware and glassware shops, cigar stores, convenience stores, dry-cleaning stores, dry-goods and variety stores, clothing stores, dress shops, candy stores and confectioneries, coin stores, delicatessens, drapers, flower shops, furniture stores, home furnishing stores, gift shops, gourmet and specialty food stores, hardware stores, paint and wallpaper stores, hobby shops, interior decorators, jewelers, leather goods shops, hair accessory shops, knitting supplies stores, linen stores, picture framing shops, package liquor stores intended primarily for retail distribution for off-premises consumption, music shops, musical instruments stores, shoe repair shops, pet shops, pharmacies with or without drive up service, photograph equipment and studios, post offices, radio and television repair shops, telecommunications stores, custom packaging and retail mail services, provided that the service is incidental to the main use, coffee shops with or without drive up service, ice cream parlors, shoe stores, sporting goods, stationers, tailor shops, toy stores, travel and ticket agencies, wearing apparel, provided, however that none of the foregoing permitted uses shall carry merchandise other than that to be sold at retail on the premises.
2. Sit down restaurants, bars and taverns.
3. Business and professional offices.
4. Medical, dental and chiropractic offices.

5. Financial institutions such as banks, brokerage houses, finance companies, insurance companies and stockbrokers providing clients and customers with access to advice, assets and information.
6. Health clubs, exercise studios and commercial gyms.
7. Pet care and grooming services, but not including overnight boarding of animals.
8. Personal service providers such as, barbershops, beauty parlors, skin and nail boutiques.
9. Athletic and sport training studios limited to sport simulators, golf putting practice greens, baseball, basketball, football, lacrosse, softball, volleyball training and wall climbing.
10. Art, dance, martial arts, photography, music and voice instructional studios.
11. Educational and lifestyle enhancement skill centers such as, yoga, meditation, life coach, weight loss centers, language arts centers.
12. Internet website and design, hosting services.
13. Craft distilleries operating according to and in strict conformance with a license pursuant to N.J.S.A.33:1-10. Prior to purchasing any product for consumption on the distillery property, each and every customer is required to take a tour of the distillery.
14. Real estate office.
15. Child-care facilities, pursuant to N.J.S.A. 40:55D-66.6,
16. Governmental buildings and uses.
17. Houses of worship and associated facilities including parish houses, rectories and convents.
18. Mixed-use buildings and developments consisting of two or more principally permitted uses.

C. Accessory permitted uses allowed in the Downtown-II zone include the following:

1. Outdoor seating areas associated with and on the same lot as coffee shops, ice cream parlors, restaurants and cafes.
2. Drive-up and walk-up service windows and counters.
3. Off-street parking.
4. Fences and walls.
5. Signs.
6. Facilities for the temporary storage of rubbish, trash and recycling materials.
7. Solar energy systems. Such systems may be installed only as a use accessory to a permitted principal use either on the roof of a permitted principal or accessory structure or as freestanding structures such as above a parking area.

D. Uses specifically prohibited in the Downtown-II zone include the following:

1. Adult book and or adult gift shops and stores.
2. Adult mini-motion picture theaters.
3. Adult motion picture theaters.

Section 2.

A. Schedule A: Limiting Lot and Yard Sizes and Bulk Principal Building and Use is modified only in the following particulars to insert the following bulk requirements applicable to the Downtown-II zone:

Zone Parameter	Zone Requirement
Minimum Lot Area (sq. ft.)	15,000 sq. ft.
Minimum Lot Width (ft.)	100
Minimum Lot Depth (ft.)	150
Maximum Building Coverage (%)	40
Min. Open Space (%)	25

Maximum Number of Stories	3
Maximum Height (ft.)	38
Min. Front Yard (ft.)	10
Min. Side Yard (ft.)	10
Min. Rear Yard (ft.)	25

B. Buffer Requirements.

There shall be established along any property line that is contiguous to the RA-3 Zone, a buffer area of at least 15 feet in width. The required buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Grading and earthwork shall not be permitted within the buffer area except to enhance the integrity of the buffer, such as the creation or supplementing of earthen berms. Existing vegetation shall be preserved in the buffer area where practical.

C. Supplemental Development Standards. These following standards are not conditions associated with the conditional use. Deviations from these criteria are cognizable as 40:55D-70c variances.

a. All roof mounted equipment 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 and do not cover more than 15% of the roof surface.

b. All one-story buildings are recommended to have a pitched roof. If a pitched roof is not possible, then a combination of a flat roof and pitched roof or a false roof structure is recommended.

c. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shakes, copper or factory finished sheet metal.

d. All buildings with flat roofs shall include a parapet articulation on the front façade of the building. The articulation shall be provided through a cornice design.

e. Landscaping. Each proposed development shall include a cohesive thematic on-site landscape design, consistent and compatible with previously installed streetscape designs on the same side or opposite side of the street block, if any, that includes such items as sidewalk pavement design, stylized street lighting and thematic street tree planting. Developer proposed improvements to be planted, installed or constructed within public rights of ways shall be approved by the governing body prior to installation or construction. Streetscape improvements in the public right-of-way shall conform with adopted municipal standards. The streetscape shall include the following elements:

i. Sidewalk areas shall include creative use of colored or decoratively scored concrete;

ii. Site and Yard lighting shall incorporate the use of stylized light fixtures that complement the proposed building architecture. The following lighting standards shall apply:

1. Light fixtures shall incorporate sufficient photometric

controls which shield the source of lighting from adjacent buildings or properties;

2. Height of the street lighting fixtures shall not exceed a 12-foot mounting height;
3. Illumination levels proposed shall conform to all applicable ordinance standards provided herein.

iii. Pedestrian crossings of roadways shall be accentuated through the use of differential pavement crossings;

iv. Shade trees. Shade and/or ornamental trees shall be provided for parking areas and shall be in accordance with the following standards:

1. Shade tree planting layout shall complement the overall theme for the development as a whole;
2. Spacing between trees shall be determined based upon species and the desired theme. The spacing shall range between 25 to 35 feet on center. There shall be a minimum of one shade tree per ten parking spaces within all parking lots;
3. Several species of shade trees shall be incorporated into the design of the overall project to avoid problems associated with a monoculture;
4. Choice of tree species shall be based on form and on-site conditions and shall be subject to the approval of the Shade Tree Committee;
5. Shade trees shall be a minimum of 3 inches in caliper.

- a. Any and all developments increasing total impervious surface coverage in this zone shall be treated as if a major development under current NJ DEP stormwater regulations and shall enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80% and shall manage stormwater flows such that the peak rate of runoff exiting the site post-development is no greater than the pre-construction rate.

Section 4. Section 59-61 Off-street parking shall be amended with the inclusion of the following.

Parking Standards are hereby amended and supplemented as follows:

A. Off-street parking standards in the Downtown-II zone.

1. All off-street parking areas shall be surfaced with an asphalt, bituminous, or cement binder pavement which shall be graded and drained to an approved stormwater management facility.

2. All lighting in connection with off-street parking shall be so arranged and fully shielded as to reflect the light downward away from all adjoining streets and dwellings. Each applicant shall demonstrate sufficient lighting controls are implemented to reduce sky glow and control glare from the property. The use of total cut-off fixtures are encouraged to achieve these requirements.
3. Off-street parking facilities may be placed in a side or rear yard or a combination of the two yards.
4. Aisle Width. Provision shall be made for safe and adequate circulation of vehicles and pedestrians between, within and adjoining the subject property.
5. Location of driveways. All entrance and exit driveways to a public or private street shall be located so as to afford maximum safety to said roadway, to provide for safe and convenient ingress and to minimize conflict with the free flow of pedestrian traffic.
6. The borough encourages the consolidation and sharing of off-street parking among and between different properties. The borough's intention is for developers to provide adequate parking in safe and convenient locations without providing an over supply of parking. Applicants shall demonstrate through competent testimony and professional reports the sufficiency of the shared parking for all properties under consideration. When proposing shared parking, applicants shall demonstrate to the board attorney that sufficient legal protections are established for the long-term viability and maintenance of the shared parking arrangement
7. The following parking standards shall be established for uses within the Downtown-II zone:

LAND USES	REQUIRED OFF-STREET PARKING SPACES
Banks, and savings and financial institutions	1 per 300 s.f. of LFA
Child Care Centers	1 per 10 children, plus 1 space per staff
Clubs and Fraternal Organizations	1 per 400 s.f. GFA
Eating Establishments, Restaurants, Restaurants with Bar	1 space for each 4 seats
Funeral home	1 per 300 s.f. GFA
House of worship	1 per 4 seats. For benches, 1 seat = 3 ft. of linear space
Medical or dental offices	1 per 150 s.f. of LFA
Office	1 per 250 s.f. of LFA
Place of Public Assembly	1 per 4 fixed seats or 1 per 75 s.f. of floor area, whichever is greater
Recreational Uses (including health clubs)	1 per 250 s.f. GFA
Retail store, and personal service establishments	1 per 250 s.f. of LFA
Residential Uses	In accordance with RSIS
Other uses not provided herein shall be determined by the approving authority	

NOTES RELATING TO PARKING REQUIREMENTS:

GFA = Gross Floor Area

LFA= Leasable Floor Area

8. The inclusion of any use in the above table does not imply it is a permitted use in the ~~CBD~~ Downtown-II zone. See the applicable sections of this code for the enumeration of permitted uses.
9. A one-car garage and driveway combination shall count as 2.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking area width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination. (N.J.A.C. 5:21-4.14d)
10. When housing is included in mixed-use development, a shared parking approach to the provision of parking shall be permitted. (N.J.A.C. 5:21-4.14e)

B. Parking Spaces for the disabled. In every nonresidential parking lot, designated parking spaces for disabled persons shall be required as follows (these spaces shall be considered part of the total number of required spaces):

REQUIRED PARKING FOR THE DISABLED	
TOTAL PARKING SPACES IN LOT	REQUIRED NUMBER OF PARKING SPACES FOR THE DISABLED
Up to 25	1
26 to 100	2
Over 100	2% of total spaces in lot

Parking spaces for the disabled shall be located in one (1) area and designated as parking for the handicapped. They shall be located so that access does not require wheeling or walking behind parked cars. Parking spaces for the disabled shall be at least eight (8) feet wide with a five (5) foot access area located adjacent to the driver's side.

C. Parking area design standards.

1. Off-Street Parking Lots Intended for Customer Use.
 - a. Aisle width. Provisions shall be made for the safe and adequate circulation of vehicles and pedestrians within and adjoining the subject property. Aisle widths providing direct access to individual parking stalls designated for customer use shall be in accordance with the standards in Table 3. Only one-way traffic shall be permitted in aisles of less than twenty-four (24) feet in width.

MINIMUM AISLE WIDTH

PARKING ANGLE (DEGREES)	MINIMUM AISLE WIDTH (FEET)	
	ONE WAY	TWO WAY
0 (Parallel Parking)	12	24
30	15	N/A
45	18	N/A
60	20	N/A
90 (Perpendicular Parking)	22	24

2. Parking Stall Dimensions

- a. Parking stalls shall dimension nine by eighteen (9x18) feet with a paved area of 162 s.f, provided that parking stalls within lots which contain retail uses utilizing shopping carts shall be ten by twenty (10x20) feet.
- b. Two feet of the parking area may be a pervious overhang, but same shall not be included in any required parking setback, buffer or green area.
- c. Parallel parking stalls shall be eight by nineteen (8x19) feet or forty-six (46) feet in tandem.

D. Circulation within parking area designed and intended to be utilized by customers and clients of an establishment.

- 1. All parking spaces shall be designed free and clear of any obstruction to individual parking stalls.
- 2. Parking spaces shall be located in such a fashion as to permit all vehicles to exit in a safe and orderly manner. Under no condition shall vehicles be permitted to back out of a parking lot driveway directly into the public right-of-way or otherwise block the free movement of traffic within the parking area or specific points of safety control, such as fire hydrants, doorways, elevators, or other similar locations.
- 3. Pedestrian circulation within a parking area shall be, to as great an extent as possible, separated from vehicular traffic. Safety zones, crossing points and sidewalk areas, where warranted, shall be provided.

Section 6. Section 59-63 Signs shall be amended in the following particulars only.

A. Signs in Downtown-II Zone

Regulations regarding signs in the Downtown-II zone shall be as follows:

- 1. Wall signs shall be limited to a maximum of 8% of the wall area at street level for the store that it is advertising but shall not exceed 30 square feet of signage.

2. Lots fronting on two or more streets are permitted signage along each street frontage, but the signage cannot be accumulated and used only on one street frontage.
3. Wall signs may not be located higher than the bottom of the windows of the second level of a multi-story building.
4. Multi-tenant buildings shall have signs with uniform area and height dimensions.
5. Each sign is permitted to include a main title which identifies the name of the store and one subtitle which is a description of the business.
6. The subtitle of the sign may not include a telephone number and must be a smaller font size than the main title.
7. Signs may not be printed in more than two font styles and different font styles on one sign must complement each other.
8. Hanging signs must have the bottom of the sign no less than seven (7) feet above the adjacent sidewalk and may not have an area more than 4 square feet.
9. The wall sign for an establishment with a hanging sign may not be greater than 5% of the total wall area at street level for the store.
10. Second floor occupancy of professional or office space shall be permitted one (1) announcement sign per occupancy of not more than two (2) square feet at the main entrance to the building. One (1) nameplate or professional sign with an area of not more than two (2) square feet may be mounted flat against the door of each secondary entrance. Such signs may be exterior illuminated. Building name and address announcements are exempt from these limitations. Signs in second floor office windows shall not exceed twenty five percent (25%) of the glass area of the window.

Section 7. Design Requirements Applicable to Buildings in the Downtown-II zone

The following standards are design guidelines that are strongly encouraged for use in the Downtown-II zone. All portions of a site not developed with buildings, parking lots, or walks should be suitably landscaped.

A. *Building Façade Wall Area*

1. All work performed within the Downtown-II district shall be visually compatible with the existing streetscape and be constructed from the same, similar, or complementary materials.
2. Massing of new buildings and additions to existing buildings should appear to be balanced. Buildings should be in proportion to and of a similar scale to existing buildings.
3. Buildings with expansive blank exterior walls are discouraged.
4. Colors employed on new buildings and additions to existing buildings should be visually compatible with the overall historic streetscape of the zone.
5. Architectural detailing. All proposed building facades should have a coordinated architectural design and style. The architectural detailing of buildings shall be true to the architectural style or theme selected for the development. The architectural elevations should provide some differentiation from building to building on a tract to create variety and interest but should not be so dissimilar as to detract from the overall architectural composition of the development.
6. For each primary building frontage, at least 30% of the area between 3 feet and 10 feet in height should be clear/non-tinted window glass permitting a view of the building's interior.
7. All related piping, ducting, electrical and mechanical utilities, antennae, down spouts, utility receptacles, and service boxes should be painted to match the predominate color of the building and designed to be compatible with the architectural treatment of the principal structure.
8. Architectural details of the façade improvements should wrap around and be repeated on walls that are visible from public rights of way and off-site parking areas.

B. Columns and Piers

1. It is recommended that buildings that exceed 30 feet in width should include vertical piers, columns or other vertical visual elements that break up the plane of the building frontage. The vertical elements should be spaced at equal intervals. Vertical visual elements can include articulations in the façade itself such as insets or projections.
2. Recommended column and pier width is between 8 and 30 inches.
3. Recommended column and pier base height is between 10 and 24 inches.
4. Recommended column and pier cap height is between 6 and 24 inches.

C. Cornice and Fascia

1. Each façade should be designed to have a delineated floor line between the street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel, or a cornice line delineated by wood detailing.
2. The top of the building is recommended to be capped by a cornice or sloping roof element.

D. Windows

1. All street-fronting ground level developments should have windows that are clear and not tinted, mirrored, or painted.
2. Display windows should cover a minimum of 30% of the building frontage.
3. Display windows should be positioned within a maximum of 3 feet above the grade of the sidewalk and a maximum height of 8 feet.
4. The windows on the upper levels should have an appropriate sill or lintel to accent the openings and provide architectural interest.
5. Bulkheads should have a maximum height of 3 feet and be comprised of the same architectural detailing, materials, and colors as the windows.
6. Window displays and signage not attached to the structure of the window itself should not occupy more than 20% of the window area.
7. Window displays located within 36 inches of the window should occupy not more than 70% of the window area.

E. Doors

1. The doors and windows should cover a minimum of 50% of the building frontage on the street level.
2. All doors should have a glass panel which occupies a minimum of 10% of the door to afford internal views of the space.

F. Canopies and Awnings

1. Awnings over windows should match the color of the wall area or trim and are to be clearly integrated into the design of the store front.
2. Canopies and awnings should not project closer than 3 feet from the curb line.
3. Canopies and awnings should not be lower than 7 feet from grade level.
4. Canopies and awnings should be comprised of canvas/fabric material. Metal or plastic material is discouraged.
5. Structural elements supporting canopies and awnings should be constructed of a tubular galvanized metal such as aluminum, bronze or copper.
6. For multi-tenant buildings the awnings or canopies of each retail tenant space should be of the same material.
7. The length of the awning should complement the architectural details of the building. For example, the awning shall break for columns & piers.
8. Canopies should be one solid color, exclusive of any signage incorporated into or on the canopy.

9. A logo should not be larger than 6 square feet in area.
10. The lettering on valence signs should be between 6 and 9 inches in height and should not occupy more than 70 percent of the valence area.

Section 8.

The Zone Map of the Borough of Oakland is and shall be amended to adjust the extent and location of existing zones as necessary to insert the Downtown-II zone and delete the CBD-II zone. More specifically, the following properties are and shall be within the Downtown-II zone.

- Block 1707 Lots 1 & 2.01
- Block 4001 Lot 1
- Block 4002 Lots 1 & 2
- Block 4404 Lots 1, 2, 3, 8, 9, 10, 11, 12 & 13
- Block 4504 Lots 33, 34, 35 & 36
- Block 4508 Lots 2, 3 & 4.

Section 9.

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 10.

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 11.

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

Michael Carelli, Borough Clerk

BY: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-927

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

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.

- A. Article VII §59-46A Zoning Districts Established; Zoning Map; Interpretation of Boundaries is hereby amended to incorporate the following modification:

Central Business District I Affordable Housing Overlay Zone (CBD-1AHO) shall be deleted and replaced with the following:

Downtown-I Affordable Housing Overlay

Central Business District II Affordable Housing Overlay Zone (CBD-II AHO) shall be deleted and replaced with the following:

Downtown-II Affordable Housing Overlay

In addition, all properties within the Downtown-II District shall also be included in the Downtown-II Affordable Housing Overlay.

Section 2.

- A. §59-53.1.1 Central Business District I Affordable Housing Overlay Zone Is and shall be amended by the deletion of Central Business District I Affordable Housing Overlay and its replacement with Downtown I Affordable Housing Overlay. Further, this section shall be and is amended and revised in the following particulars only:

1. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. stormwater regulations and shall enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80%. and shall manage stormwater flows such that the peak rate of runoff exiting the site post-construction is no greater than the pre-construction peak runoff rate.
2. Residential uses are permitted in this zone in the upper floors of buildings. If residential use of any type is to occupy building space lower than the second floor, compliance with the following provisions is required.
 - a. The parcel of land upon which first floor residential construction is proposed is larger than 21,780 square feet in area.

- b. The total amount of first floor residential building area including but not limited to apartments, corridors, lobbies, stair and elevator space, amenity space, package delivery space, mail room, bike storage areas and other residential support space, shall not exceed 25% of the first-floor area of the building.

Section 3.

A. §59-53.2.1 Central Business District II Affordable Housing Overlay Zone Is and shall be amended by the deletion of Central Business District II Affordable Housing Overlay and its replacement with Downtown II Affordable Housing Overlay. Further, this section shall be and is amended and revised in the following particulars only:

1. Streets and highways serving this zone are a vital public resource which needs to be protected, maintained and conserved for the benefit of the public health, safety and general welfare. To protect the public resource all proposed development in this zone shall maintain the existing Level of Service (LOS). LOS is a qualitative measure of roadway operating conditions. All proposed developments shall implement traffic improvements to ensure that vehicle delay time on the adjacent street network is not degraded by more than five seconds by their particular development.
2. All developments increasing total impervious surface coverage in this zone shall be treated as if classified as a major development under current N.J. D.E.P. stormwater regulations and shall enhance stormwater quality by reducing the average annual total suspended solids loading in the site's post-construction runoff by 80%. and shall manage stormwater flows such that the peak rate of runoff exiting the site post-construction is no greater than the pre-construction peak runoff rate.
3. Residential uses are permitted in this zone in the upper floors of buildings. If residential use of any type is to occupy building space lower than the second floor, compliance with the following provisions is required.
 - a. The parcel of land upon which first floor residential construction is proposed is larger than 21,780 square feet in area.
 - b. The total amount of first floor residential building area including but not limited to apartments, corridors, lobbies, stair and elevator space, amenity space, package delivery space, mail room, bike storage areas and other residential support space, shall not exceed 25% of the first-floor area of the building.

Section 4.

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 5.

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 6.

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

Michael Carelli, Borough Clerk

BY: _____
Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: (08/16/23)

TITLE:

BILLS RESOLUTION

BILLS ALREADY PAID:

Payroll	\$ 264,953.56
Payroll Agency	\$ 134,317.90
Current	\$2,866,004.00
Water	\$1,580.00
Grant	\$0.00
Sewer	\$0.00
Trust	\$0.00
Capital	\$0.00
TOTAL BILLS ALREADY PAID:	<u>\$3,266,855.46</u>

BILLS TO BE PAID:

Current Fund	\$480,819.61
Water Operating	\$50,458.19
Sewer	\$19,422.73
General Capital	\$207,961.31
Water Capital	\$18,780.08
Grant	\$3,799.77
Animal Control	\$1,590.00
Other Trusts	\$37,281.22
TOTAL BILLS TO BE PAID:	<u>\$817,956.91</u>

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 <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: August 16, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk