

DECEMBER 12, 2023 MINUTES
OAKLAND BOARD OF ADJUSTMENT
COUNCIL CHAMBERS - 7:00 P.M.
PUBLIC HEARING

Pursuant to Chapter 231, Public Law 1975 Open Public Meetings Act, adequate notice of this meeting has been provided by:

- *Adoption of an annual schedule of meetings.
- *Posting a copy of same at Borough Hall.
- *Forwarding a copy of same to the Record.
- *Mailing a copy to any person requesting same.

FLAG SALUTE, MEETING OPENED AT 8:04 P.M.

Roll Call: Present: Mrs. Lilienthal Messrs. Eilert, Zingone, Arredondo, Rose, and Chairman Smid.

Absent: Messrs. Pereira and Bremer.

Also in attendance were Mr. Joseph Russo, Board Attorney, Steve Lydon, Burgis Associates, and John Yakimik, Boswell Engineering.

EXCUSE ABSENCES:

Motioned by Mr. Rose and seconded by Mr. Eilert, to excuse the absences of Messrs. Pereira and Bremer was voted unanimously by the Board.

PROFESSIONALS SWORN:

Mr. Yakimik from Boswell Engineering and Mr. Lydon from Burgis Associates were sworn in.

ESCROW REVIEW:

All escrow is current for all matters on the agenda.

Chairman Smid welcomed Mrs. Lilienthal as a Board member.

PUBLIC MEETING:

1. Singh – 14 Hickory Drive, Block 3801, Lot 87. Public hearing for an amendment to prior approval.

Mr. Singh was sworn in. He testified that he received approval from the Board a year ago to construct a new home which has been built. As part of the approval, the applicant was required to remove two side bedroom windows from the architectural plans. Unfortunately, the architect neglected to remove the windows from the plans and the construction department overlooked that the windows were installed. He discussed the error with the neighbor requesting that no windows be installed on her side. She expressed that she no longer had a problem with the windows and agreed to sign a document that she is no longer opposed to the side windows. Since the document was determined to be irrelevant, he was urged to file an application amending his prior approval to eliminate the stipulation requiring him not to install the side windows. His neighbor was not present at the meeting. A discussion between Board members determined that they had no issue with the windows remaining. Chairman Smid entertained a motion to open the meeting to the public.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to open the meeting to the public regarding matters concerning the Singh application was voted unanimously by the Board.

Ms. Nancy Anthony came forward. She had some confusion with the notice sent out by the applicant and wanted to verify that no additional construction would be taking place. The Board assured her that the applicant is eliminating a stipulation of their approval allowing him to leave the bedroom windows on the neighbor's side which were installed by error. The house has already been built and no further construction would be happening on that property.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to close the meeting to the public regarding matters concerning the Singh application was voted unanimously by the Board.

No further discussion. Chairman Smid entertained a motion.

Motioned by Mr. Rose and seconded Mr. Eilert, to approve the amendment deleting paragraph 11 of the Singh resolution.

Roll Call Vote: Ayes: Mrs. Lilienthal, Messrs. Zingone, Arredondo, Eilert, Rose and
 Chairman Smid.
 Nays: None
 Abstain: None
 Absent: Messrs. Pereira and Bremer.

2. 1 Mohawk Avenue, LLC – Block 1502, Lot 15. Continued public hearing for a front, rear, and steep slope variance.

Mr. Seibert, Esq., applicant's attorney, Mr. Darius Pokoj, applicant, and Mr. David Fantina, applicant's engineer were all sworn in.

Mr. Seibert explained that this is a continuation of their application to build a new dwelling. As requested by the Board, changes to the location of the dwelling and encroachment into steep

slope has been reduced. Due to the new location, less trees will be removed, and they will comply with the Shade Tree code. Utilities such as gas and water will come in through Lakeshore Drive and electric will come in overhead from Mohawk Avenue. Two 1000-gallon seepage pits will be installed to improve drainage on the property.

Mr. Yakimik reminded the applicant that at the last meeting, the Board suggested that the proposed dwelling and driveway be moved to lessen the number of variances. Mr. Seibert suggested that their engineer explain the changes made to the plans.

Mr. Fantina gave his credentials, and the Board accepted his qualifications. He explained that he prepared the plans and took suggestions from the Board very serious. They decided to move the driveway access from Mohawk Avenue to Lakeshore Drive which lessened the steep slope encroachment and eliminated a variance.

He reviewed with the Board that plans now show the location of where water, gas and electric utilities will be installed as well as the location of the two seepage pits. The footprint of the dwelling remains the same and the building has been pushed back from the original location. Retaining walls have been removed.

Mr. Yakimik confirmed that the applicant will be eliminating one variance. Mr. Lydon expressed that by pushing the dwelling back and shifting the driveway access, has significantly reduced the encroachment of steep slope as well as save the applicant money. Mr. Fantina responded that by moving the driveway access to Lakeshore Drive, this will be a safer alternative. No further discussion. Chairman Smid entertained a motion to open the meeting to the public.

Motioned by Mr. Arredondo and seconded by Mr. Zingone, to open the meeting to the public regarding matters concerning the 1 Mohawk Avenue, LLC application.

No comments.

Motioned by Mr. Arredondo and seconded by Mr. Zingone, to close the meeting to the public regarding matters concerning the 1 Mohawk Avenue, LLC application.

Mr. Yakimik confirmed that retaining walls higher than 4-feet will need to be reviewed by the Board engineer, a soil move application will need to be submitted if they are moving more than 250 cubic yards, the applicant will follow the Shade Tree code and the front yard setback should be corrected on the plans. Mr. Russo informed the applicant that if a soil moving permit is needed, they will also need to file for a Bergen County Soil Conservation permit.

Mr. Russo reviewed the pre-existing non-conformities of the lot concerning lot area and lot width. He advised that variances include one front yard setback and six steep slope variances. An effort was made by the applicant to mitigate the impact by moving the dwelling and changing the location of the driveway access. Mr. Yakimik reviewed the revised steep slope encroachment being requested. No further questions. Chairman Smid entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Rose, to approve the 1 Mohawk Avenue, LLC application as amended.

Roll Call Vote: Ayes: Messrs. Eilert, Zingone, Arredondo, Rose, and Chairman Smid
 Nays: None
 Abstain: None
 Absent: Messrs. Pereira and Bremer.

3. Sullivan 29 Cherokee Trail, Bock 5303, Lot 25. Public hearing for a rear and side yard setback.

Mr. Arredondo reported that he conducted a site inspection of the subject property. The property is located in a RA-2 Residential zone with medium traffic. Also conducting a site inspection was Messrs. Rose, Zingone, Eilert and Chairman Smid. Chairman Smid reviewed comments from the various departments.

Mr. Charles Sullivan was sworn in and testified that he is requesting to construct a one-story mudroom over an existing patio that will extend into the rear and side yard setback. The patio, a portion of the driveway and curbing will be removed to allow for the improvements.

Mr. Yakimik informed the Board that the applicant is requesting variances for lot area, lot depth, left side yard and rear yard setbacks which are all pre-existing non conformities. A discussion ensued concerning runoff caused by the new addition. Mr. Sullivan responded that gutters and leaders will be added to the addition leading into existing drainage system. Mr. Yakimik responded that the area being expanded is already covered by a patio and will not create an increase in runoff. A discussion ensued concerning the distance between the new addition and the septic field. Mr. Sullivan responded that he had a discussion with the Health Department officer and it was determined that there was adequate space between the new addition and the septic field. Mr. Russo acknowledged that none of the pre-existing non-conformities are being exacerbated. No further discussion. Chairman Smid entertained a motion to open the meeting to the public.

Motioned by Mr. Arredondo and seconded by Mr. Zingone, to open the meeting to the public was voted unanimously by the Board.

No comments.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to close the meeting to the public was voted unanimously by the Board.

Chairman Smid entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Zingone, to approve the Sullivan application.

Roll Call Vote: Ayes: Ms. Lilienthal, Messrs. Zingone, Arredondo, Eilert, Rose and Chairman Smid.
 Nays: None
 Abstain: None

Absent: Messrs. Pereira and Bremer.

4. Kroog – 19 Ramapo Valley Road, Block 2517, Lot 5. Pursuant to Whispering Woods Bamm Hollow, Inc. v Borough of Oakland Planning Board, 200 N.J. Super 161 (law Div. 1987), the applicant has requested to carry to the January 2, 2024 public hearing.

Motioned by Mr. Arredondo and seconded by Mr. Rose, to agree to carry the above applicant to the January 2, 2024 public hearing with no further notice was voted unanimously by the Board.

MEMORIALIZATION OF RESOLUTIONS:

None

PAYMENT OF BILLS:

Motioned by Mr. Zingone and seconded by Mr. Arredondo, to approve the payment of bills subject to availability of funds was voted unanimously by the Board.

APPROVAL OF MINUTES:

Motioned by Mr. Zingone and seconded by Mr. Arredondo, to approve the November 14, 2023 Minutes was voted unanimously by the Board.

DISCUSS MEETING SCHEDULE FOR 2024:

There was a continued discussion concerning the change to the meeting schedule from the second Tuesday to the first Tuesday of each month. Chairman Smid entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Eilert, to move the meeting schedule to the first Tuesday of each month was voted unanimously by the Board.

FORM RFQ COMMITTEES:

Committees were formed to review professional RFQs for 2024. Committees are as follows:

Mr. Rose and Mr. Arredondo to review the RFQs for Board Attorney.

Mr. Eilert and Mrs. Lilienthal to review the RFQs for Board Planner.

Chairman Smid and Mr. Zingone to review the RFQs for Board Engineer

NEW BUSINESS DISCUSSION:

None

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Arredondo and seconded by Mr. Rose, to adjourn the meeting at 8:15 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary
*Next meeting is January 2, 2024.