

FEBRUARY 6, 2024 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: Mmes. Waneck and Lilienthal Messrs., Eilert, Rose, and Chairman Smid.
Absent: Messrs. Zingone and Bremer.

Also in attendance were Ms. Sophy Sedarat, Board Attorney, Steve Lydon, Burgis Associates, and John Yakimik, Boswell Engineering.

EXCUSE ABSENCES:

Motioned by Mr. Rose and seconded by Mrs. Lilienthal, to excuse the absences of Messrs. Zingone and Bremer was voted unanimously by the Board.

PROFESSIONALS SWORN:

Mr. Yakimik from Boswell Engineering and Mr. Lydon from Burgis Associates were sworn in. Both Mrs. Lilienthal and Mrs. Waneck were welcomed as new members and duly sworn in.

ESCROW REVIEW:

It was determined that the upcoming Kroog settlement hearing would require more escrow.

REORGANIZATION OF THE BOARD:

Ms. Sedarat informed the Board that she conferred with the Borough attorney and he suggested as a formality, that the Board reorganize since the last Zoning Board meeting was before the Mayor and Council reorganization meeting.

CHAIRMAN:

Motioned by Mr. Rose and seconded by Mr. Eilert, to nominate Anthony Smid as Chairman of the Zoning Board.

Roll Call: Ayes: Mmes. Waneck and Lilienthal, Messrs. Eilert and Rose.
Nays: None
Abstain: None
Absent: Messrs. Zignone and Bremer.

VICE CHAIRMAN:

Motioned by Mr. Rose and seconded by Ms. Lilienthal, to nominate Kevin Bremer as Vice Chairman of the Zoning Board.

Roll Call: Ayes: Mmes. Waneck and Lilienthal, Messrs. Eilert, Rose and Chairman Smid.
Nays: None
Abstain: None
Absent: Messrs. Zingone and Bremer.

SECRETARY:

Motioned by Mr. Rose and seconded by Mrs. Lilienthal, to nominate Mrs. Waneck as Secretary of the Zoning Board.

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

BOARD ATTORNEY:

Motioned by Mr. Rose and seconded by Mr. Eilert, to nominate Sophy Sedarat, Esq. as Board Attorney of the Zoning Board.

Roll Call: Ayes: Mmes. Lilienthal and Waneck, Messrs. Eilert, Rose, and Chairman Smid.
Nays: None
Abstain: None
Absent: Messrs. Zingone and Bremer.

BOARD ENGINEER:

Motioned by Mr. Rose and seconded by Mrs. Lilienthal, to nominate John Yakimik with the firm Boswell Engineering as Board Engineer of the Zoning Board.

Roll Call: Ayes: Mmes. Lilienthal and Waneck, Messrs. Eilert, Rose and Chairman Smid.

Nays: None
Abstain: None
Absent: Messrs. Zingone and Bremer.

BOARD PLANNER:

There was discussion concerning changing firms to be unified with the Mayor and Council and Planning Board on their goals for the town and the master plan.

Motioned by Mr. Rose and seconded by Mrs. Waneck, to nominate Steve Lydon with the firm Burgis Associates, Inc. as Board Planner of the Zoning Board.

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

ADMINISTRATIVE ASSISTANT:

Motioned by Mr. Rose and seconded by Mr. Eilert, to nominate Kathy Gurney as Recording Secretary of the Zoning Board.

Roll Call: Ayes: Mmes. Lilienthal and Waneck, Messrs. Eilert, Rose, and Chairman Smid.
Nays: None
Abstain: None
Absent: Messrs. Zingone and Bremer.

NEWSPAPER:

Motioned by Mr. Rose and seconded by Mr. Eilert, to nominate that they continue to use The Bergen Record as the official newspaper of the Zoning Board.

Roll Call: Ayes: Mmes. Lilienthal and Waneck, Messrs. Eilert, Rose and Chairman Smid.
Nays: None
Abstain: None
Absent: Messrs. Zingone and Bremer.

BY-LAWS:

Ms. Sedarat requested that the By-Laws be discussed during the Old Business portion of the meeting

PUBLIC MEETING:

1. Criscenzo – 126 Dogwood Drive, Block 3601, Lot 23. Public hearing for a rear yard setback.

Chairman Smid reviewed comments from the various departments. Mr. Bernard Criscenzo was sworn in. He testified that he is proposing to expand his existing garage into a two-car garage and add a second story above for a recreation room. The improvements will encroach into the rear yard setback.

Ms. Sedarat reviewed the existing and proposed conditions. Mr. Yakimik addressed the drainage. The applicant testified that there would be no exacerbation due to the improvements being proposed. Chairman Smid entertained a motion to open the meeting to the public.

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

Mr. Cesar Arredondo, 120 Dogwood Drive, expressed that he is the applicant's neighbor and is in favor of the application. He ensured that there are no drainage issues between the two properties.

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

Ms. Sedarat reviewed the conditions if the application were to be approved.

- The dwelling will be limited to 3 bedrooms unless the septic has been upgraded to accommodate additional bedroom.
- There is to be no adverse drainage to neighboring properties or exacerbation of current drainage conditions.
- No tree removal.
- There is to be no curbing installed on the driveway now or at any point in the future.

No further discussion. Chairman Smid entertained a motion.

Motioned by Mrs. Lilienthal and seconded by Mr. Rose, to approve the Criscenzo application subject to the conditions above.

Roll Call: Ayes: Mmes. Lilienthal and Waneck, Messrs. Eilert, Rose and Chairman Smid.
 Nays: None
 Abstain: None
 Absent: Messrs. Zingone and Bremer.

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

Ms. Sedarat informed the Board that she contacted the attorney representing Kroog's settlement hearing to inform them of the lack in the number of eligible voters. She explained that for a D-variance you are required five votes in the affirmative, so Kroog's attorney requested to carry to March.

Chairman Smid announced that the applicant will be carried to the March 5, 2024 public hearing with no further notice.

3. Andpadel, LLC – 17 Van Vooren Drive, Block 3203, Lot 2. The applicant requests that this matter be carried to the February 6, 2024 public hearing for a use variance.

Chairman Smid announced that the applicant will be carried to the March 5, 2024 public hearing with no further notice.

MEMORIALIZATION OF RESOLUTIONS:

Eligible voters: Mrs. Lilienthal, Messrs. Zingone, Bremer and Chairman Smid.

- 1 McCullough – 3 Hopper Street, Block 3702, Lot 1. Approval for a front, rear, side yard setback and lot depth and lot area.

Motioned by Mrs. Lilienthal and seconded by Chairman Smid, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Mrs. Lilienthal and Chairman Smid
 Nays: None
 Abstain: None
 Absent: Messrs. Zingone and Bremer.

PAYMENT OF BILLS:

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

APPROVAL OF MINUTES:

Motioned by Mr. and seconded by Ms. Lilienthal, to approve the January 2, 2024 Minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

A discussion ensued concerning missing documents in the meeting packets.

OLD BUSINESS DISCUSSION:

Ms. Sedarat informed the Board that she and the Borough attorney discussed Board members meeting prior to site inspections at the Lenape Grille. The Borough attorney advised that going forward, members should not continue meeting as a group to do site inspections because it is violation OPMA. According to OPMA, if there is a quorum at these types of gatherings with discussion about an application, it is considered a meeting where notice to the public is required providing time and location as well as someone present to record the minutes. She also expressed that during a site inspection, there should be no discussion with the applicant concerning the application. Chairman Smid informed Ms. Sedarat that there has never been a quorum at there breakfast gathering or during site inspections. The consensus of the Board agreed to re-advertise the meeting schedule and eliminate the verbiage announcing the meeting at Lenape Grille.

MEETING ADJOURNED:

Motioned by Mr. Rose and seconded by Mr. Eilert, to adjourn the meeting at 8:06 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is March 5, 2024.