

JANUARY 2, 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: Mrs. Lilienthal Messrs. Zingone, Arredondo, Rose, Bremer, and Chairman Smid.
Absent: Messrs. Eilert, Pereira, and Rose.

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

EXCUSE ABSENCES:

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to excuse the absences of Messrs. Pereira, Eilert and Rose 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.

REORGANIZATION OF THE BOARD:

CHAIRMAN:

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

Roll Call: Ayes: Ms. Lilienthal, Messrs. Zingone, Arredondo, and Bremer.

Nays: None
Abstain: None
Absent: Messrs. Eilert, Pereira, and Rose.

VICE CHAIRMAN:

Motioned by Chairman Smid and seconded by Ms. Arredondo, to nominate Kevin Bremer as Vice Chairman of the Zoning Board.

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

SECRETARY:

Motioned by Mr. Bremer and seconded by Ms. Zingone, to nominate Cesar Arredondo as Secretary of the Zoning Board.

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

BOARD ATTORNEY:

The RFQ committee for Board Attorney reviewed two proposals from the firms King, Moench & Collins, LLP and Sophy Sedarat, Esq.. The committee commented that the two firms were highly qualified and fees are comparable but recommended that Sophy Sedarat, Esq. remain the Board Attorney due to her respected reputation and knowledge of the town.

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

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

BOARD ENGINEER:

The RFQ committee for Board Engineer reviewed two proposals from the firms Neglia and Boswell Engineering. The committee commented that the two firms were highly qualified and fees are

comparable but recommended that Boswell Engineering remain the Board Engineer due to their respected reputation and knowledge of the town.

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

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

BOARD PLANNER:

The RFQ committee for Board Planner reviewed three proposals from the firms Neglia, T & M Associates and Burgis Associates. The committee commented that the three firms were highly qualified and fees are comparable but recommended that Burgis Associates remain the Board Planner due to their respected reputation and knowledge of the town.

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

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

ADMINISTRATIVE ASSISTANT:

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

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

NEWSPAPER:

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

Roll Call: Ayes: Ms. Lilienthal, Messrs. Zingone, Bremer, and Chairman Smid.
Nays: None

Abstain: None
Absent: Messrs. Eilert, Pereira, and Rose.

BY-LAWS:

A discussion ensued concerning who should determine completeness for applications. Ms. Sedarat explained that there was a meeting to determine this 2 years ago and confirmed that going forward, Mr. Yakimik will deem all applications complete by way of his report. Once his report is forwarded to the Secretary in the Planning office, she will then notify the applicant and schedule the next available hearing date. The secretary will need to be diligent with keeping track of time and reminding the Engineer of any deadlines. Ms. Sedarat recommended that the By-Laws be amended by including this in the completeness procedure in the By-Laws and carried them to the February 6, 2024 public hearing.

PUBLIC MEETING:

1. McCullough – 3 Hopper Street, Block 3702, Lot 1. Public hearing requesting variances for a front, rear, side yard setback and lot depth and lot area.

The applicant seeks variances for:

- Front yard setback of 34.9-feet where 50-feet is required.
- Rear yard setback of 40-feet where 75-feet is required.
- Left side yard setback of 13.5-feet where 30-feet is required.
- Lot area of 16,014 square feet where 30,000 square feet is required.
- Lot depth of 149-feet where 175-feet is required.

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. Chairman Smid and Messrs. Zingone, Arredondo, Bremer, and Mrs. Lilienthal conducted a site inspection. Chairman Smid reviewed comments from the various departments.

Mr. Michael McCollough was sworn in and testified that he is proposing to add a second story addition over an existing two-car garage and a covered porch. He believes that the improvements will improve the esthetics of the neighborhood.

The Board referenced comments made by the Health Department. The comments advise that either the entrance door to the office or closet be removed. The dwelling shall not exceed four bedrooms.

The Board questioned the air conditioning unit on the side of the house. Mr. McCollough expressed that he would be adding another unit next to the existing unit. The Board confirmed that the added air conditioning unit would not further encroach into the side yard.

A discussion ensued concerning a vinyl fence shown on the survey and installed by the previous homeowner encroaches upon a portion of the neighboring property. Ms. Sedarat advised that portion of the fence encroaching upon the neighbor's property should be removed since it could become problematic for the applicant in the future. No further questions. Chairman Smid entertained a motion to open the meeting to the public.

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

No comments.

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

Mr. Yakimik questioned the drainage plan. He informed the applicant that he cannot increase drainage onto the neighboring properties which will be a stipulation of approval. Ms. Sedarat recommended that all existing conditions be updated during this approval to bring the property into compliance. She reviewed the conditions of approval.

- Maximum of four bedrooms
- Porch to remain open
- Air conditioning unit to be placed next to existing unit
- Portion of the vinyl fence to be removed off the neighboring property before the end of 2024
- Drainage not to be exacerbated
- Existing non-conformities included in the variance request

No further questions. Chairman Smid entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to approve the McCollough application contingent to the stipulations made by Ms. Sedarat.

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

2. Criscenzo – 126 Dogwood Drive, Block 3601, Lot 23. The applicant requests that this matter be carried to the February 6, 2024 public hearing for a rear yard setback.

The applicant will be carried to the February 6, 2024 public hearing with no further notice.

3. 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 February 6, 2024 public hearing.

The applicant will be carried to the February 6, 2024 public hearing with no further notice.

4. 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.

The applicant will be carried to the February 6, 2024 public hearing with no further notice.

MEMORIALIZATION OF RESOLUTIONS:

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

Eligible voters: Mrs. Lilienthal, Messrs. Zingone, Arredondo, Eilert, Rose and Chairman Smid.

Motioned by Mr. Arredondo and seconded by Mrs. Lilienthal, to memorialize the above resolution of approval.

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

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

Motioned by Mr. Zingone and seconded by Mr. Arredondo, to memorialize the above resolution of approval.

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

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

Motioned by Mr. Arredondo and seconded by Mr. Zingone, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Mrs. Lilienthal, Messrs. Zingone, and Chairman Smid.
 Nays: None

Abstain: None

Absent: Messrs. Eilert, Pereira, and Rose

PAYMENT OF BILLS:

Motioned by Bremer 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 Mrs. Lilienthal and seconded by Mr. Zingone, to approve the December 12, 2023 Minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

Ms. Sedarat reminded Board members that are not to text during a meeting or discuss the application with the applicant during a site inspection.

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Arredondo and seconded by Mr. Rose, to adjourn the meeting at 8:02 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is February 6, 2024.