

NOVEMBER 14, 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: Messrs. Zingone, Aredondo, Pereira, Eilert, Rose and Chairman Smid.
Absent: Ms. McLean, Messrs., Kolluri, 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 Mr. Arredondo, to excuse the absences of Ms. McLean, Messrs., Kolluri, 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.

PUBLIC MEETING:

1. Sullivan 29 Cherokee Trail, Bock 5303, Lot 25. Applicant requested that this matter be carried to the December 12, 2023 public hearing.

Chairman Smid announced that the Board agrees to carry the above application to the December 12, 2023 public hearing with no further notice required.

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

Mr. Arredondo reported that a site inspection was conducted by himself and Chairman Smid on October 7th. Also conducting a site inspection was Messrs. Rose, Pereira, Eilert and Zingone. Mr. Arredondo explained that the property is an undeveloped lot located in a residential zone where traffic is light. Mr. Arredondo informed the Board that there may be issues with runoff onto the driveway and the sidewalk.

Mr. Darius Pokoj, Wayne, NJ, and Albert Seibert, Esq. were sworn in.

Mr. Seibert approached the Board and reviewed the location and existing condition of the subject property. He explained that the hardship of the property is due to exceptional narrowness which justifies their request for a variance to encroach upon different percentages of steep slopes. The improvements will not have a negative impact or cause any detriment to the surrounding neighborhood. As a result of their request, the poor condition of the property will be cleaned up which will increase the value of the surrounding properties and keep with the residential zoning plan of that area. Mr. Seibert reviewed the variances being requested which involve a front and rear yard setback, lot area, lot width and steep slope.

Mr. Yakimik explained that the property is a corner lot leaving two front yard setbacks, an interior side yard and a rear yard. Mohawk Avenue has been designated as the primary front yard setback and interior side and rear yard facing Lakeshore Drive. Ms. Sedarat pointed out that the conforming frontage would be Lakeshore Drive. Mr. Pokoj responded that by fronting Mohawk Avenue, it would alleviate owner having to back out onto heavier traffic which exists on Lakeshore Drive.

Mr. Yakimik reviewed variances being requested and corrections in his November 10th report.

- Lot Area - proposed 11,619 square feet where 15,000 square feet is required
- Lot Width- proposed 64-feet where 100-feet is required. This will need to be confirmed.
- Front yard - proposed measures 21.18-feet where 40-feet is required.
- Steep slope

A discussion ensued concerning two sets of steps leading to the dwelling with one set leading up along a retaining wall. Ms. Sedarat informed the Board that the front lot line is determined by the furthest protruding steps.

Mr. Yakimik further referenced his report concerning steep slope encroachment. He informed the Board that variances would be required for slope disturbance of 15-24.99%, slopes of 25-34.5% and 35% or greater. It was determined that a total of 6 variances would be needed for steep slopes alone.

Mr. Seibert referred to items in Mr. Yakimik's November 10th report concerning the removal of seventeen trees. He informed the Board that the applicant will comply with the code concerning

tree removal. There was discussion concerning the dimensions of the proposed driveway in front of the garage. This area will be 30' X 30' in size allowing an adequate turning radius for a vehicle.

Mr. Lydon questioned the connection to utilities. Mr. Pokoj responded that he would need to consult the utility companies for that information. Mr. Yakimik expressed that it could be a stipulation that the applicant's utilities for electric and gas be placed underground.

Mr. Yakimik questioned if the applicant had soil moving calculations and would it require a BC Soil Conservation application. Mr. Pokoj responded that they would only be moving 350 to 400 cubic yards of soil and will be exempt from a major soil move application but, will comply if anything changes.

Mr. Lydon questioned if the applicant made any attempt to purchase any of the surrounding properties or any other ways to minimize the numbers of variances or disturbance of steep slope. He suggested some flexibility with the location of the dwelling either to the west or to the north. Mr. Pokoj responded that this could interfere with the health department's code concerning the installation of the septic system.

Ms. Sedarat suggested that the applicant may want to carry their application to the December meeting giving the applicant time to consult their engineer and try to mitigate the plans to reduce the eight variances which are in excess. Mr. Pokoj responded that he believes the location of the dwelling is fine and did not see the sense in moving it. Mr. Yakimik suggested that Mr. Pokoj have his engineer come to the next meeting and provide testimony as to the location of the dwelling. Ms. Sedarat agreed explaining that if the plans cannot be mitigated to lessen the variances, the applicant should have his engineer's testimony proving that to the Board professionals. She expressed that the engineer's testimony will also protect the applicant. She suggested that the applicant take a moment with his attorney to discuss. Chairman Smid called that the meeting be recessed.

Meeting recessed 7:58pm

Meeting resumed 8:03pm

Ms. Sedarat reviewed variances that could be eliminated by shifting the dwelling and using Lakeshore Drive (conforming front) as the designated front. Mr. Pokoj responded that the proposed dwelling will be small and he would prefer that the designated front face Mohawk Avenue since the traffic is lighter.

Again, Ms. Sedarat suggested that the applicant carry their application and explore the options given by the Board professionals with his engineer. Mr. Pokoj requested that the application be voted on this evening, that he did not want to return in December. Ms. Sedarat advised Mr. Pokoj that the Board may not be satisfied with his response and if the application were to be denied, he would not be able to return to this Board with the same application. Mr. Pokoj then

agreed to his application being carried to the December 12th meeting. Chairman Smid entertained a motion to carry the application.

Motioned by Mr. Arredondo and seconded by Mr. Zingone, to carry the 1 Mohawk Avenue application to the December 12, 2023 meeting with no further notice was voted unanimously in favor.

MEMORIALIZATION OF RESOLUTIONS:

1. Borsellino – 5 Kiowa Terrace, Block 5004, Lot 41. Approval for a right and left side yard setback.

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

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

Roll Call Vote: Ayes: Messrs. Eilert, Zingone, Arredondo and Chairman Smid.

Nays: None

Abstain: None

Absent: None

PAYMENT OF BILLS:

Motioned by Mr. Arredondo and seconded by Mr. Pereira, 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. Eilert, to approve the October 10, 2023 Minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

None

OLD BUSINESS DISCUSSION:

Mr. Pereira inquired if any action was taken concerning 14 Hickory Drive. Ms. Sedarat responded that the agreement signed by the neighbor is irrelevant. The construction department will need to treat it as a violation and the applicant will need to either come back to the Board with an amended site plan and present the reason they violated the resolution of approval or remove the windows that violate the resolution. Mr. Yakimik will follow up.

Mr. Yakimik informed the Board of another violation of approval with the Puff & Stuff application. He said that a security gate was installed, signage is extremely bright and sales of other products not agreed upon in the resolution are being sold. Mr. Yakimik is following up on this matter as well.

MEETING ADJOURNED:

Motioned by Mr. Arredondo and seconded by Mr. Eilert, to adjourn the meeting a 8:29 pm was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is December 12, 2023.