

JUNE 8, 2010 MINUTES
OAKLAND BOARD OF ADJUSTMENT
OAKLAND COUNCIL CHAMBERS – 8:00 P.M.
PUBLIC MEETING

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 8:02 P.M.

ROLL CALL: Present: Messrs. Chadwick, Haas, Smid, Wegman, Schneeweiss, Jensen and Chairman Lepre.
Absent: Mr. Johnson

Also in attendance, Mr. Matthew Cavaliere, Esq. (Board Attorney), Mr. Steve Lydon (Burgis Associates) and Mr. Kevin Tichacek (Boswell McClave Engineering).

PUBLIC MEETING BEGINS:

1. Murphy – 65 Oneida Avenue, Block 5101, Lot 37. Public hearing for a Front and side yard setback has requested to be carried due to insufficient noticing.

Chairman Lepre entertained a motion to carry the Murphy application to the July 13, 2010 public hearing.

Motioned by Mr. Smid and seconded by Mr. Johnson, to carry the Murphy application to the July 13, 2010 public hearing was voted unanimously by the Board.

2. MetroPCS, NY, LLC (2) – Thornton Road, Block 3204, Lot 7.01. Continued public hearing for a preliminary and final site plan, conditional use and use variance.

Mr. Gregory Meese with Price, Meese, Shulman & D'Arminio located in Woodcliff Lake, New Jersey was before the Board to represent the applicant.

Chairman Lepre reminded the Board that the Applicant had been before the Board in March to give testimony on an extension of 10-feet to an existing monopole. At the time a vote was taken, the Board neglected to inform Mr. Meese that there were members

absent limiting the number voters and resulted in a vote consisting of three ayes and two nays. However, a use variance requires five votes in the affirmative. Mr. Meese requested that the vote be voided and he could be permitted to return back to the Board once all members are present. The Board accepted Mr. Meese's request.

Since that time, the two members absent have listened to the CD and have signed affidavits proving that they have heard the testimony and are eligible to vote.

Chairman Lepre explained that Mr. Meese and the Board left off with the two opposing Board members requesting that the Applicant drop back the location to 85-feet and Mr. Meese expressed that the Applicant would then be forced to erect another monopole to achieve the desired coverage.

Mr. Meese briefly reviewed the variance relief being requested. He introduced Mr. Christopher Olson with Airway Solutions, Inc. located in Nanuet, New York as a witness. Mr. Olson was sworn in. He reviewed his credentials and the Board accepted his qualifications.

Exhibit A-1, Coverage overlay of site dated June 8, 2010.

Mr. Olson explained that the overlay shows the difference in coverage from 85-feet and 150-feet. He explained that without the extension, the southwest portion of town would experience a weak signal or lose coverage.

Chairman Lepre questioned the percentage of loss of coverage between the 85-foot and 150-foot height. Mr. Olson responded that the loss of coverage would be approximately 70 percent.

The Board questioned the reason for only an 85-foot height at the High School and the need for 150-foot height at the Thornton Road. Mr. Olson responded that bad terrain such as hills and trees hamper the signal.

A discussion ensued concerning the extension and putting the monopole at 101 percent of its capacity. Mr. Olson responded that all towers are required to have an engineer approved structural analysis. Mr. Tichacek expressed that with the extension the monopole would be tapped out at 101 – 105 percent. Chairman Lepre questioned what would be the applicant's alternative. Mr. Meese responded that they would have to erect another monopole.

Mr. Ronald Ryerson from Pinnacle Telecom Group located in Cedar Knolls, New Jersey had been sworn in. He reviewed his credentials and the Board accepted his qualifications.

Mr. Ryerson explained that this is the site the Borough has chosen for the monopole and all the rules are being followed. The extension would help serve the southwestern portion of a residential area in Oakland. He expressed that a lot of homes are now giving up their landlines to save money.

Motioned by Mr. Schneeweiss and seconded by Mr. Jensen, to open the meeting to the public regarding matters concerning the MetroPCS, NY, LLC (2) application was voted unanimously by the Board.

No comments

Motioned by Mr. Johnson and seconded by Mr. Wegman, to close the meeting to the public regarding matters concerning the MetroPCS, NY, LLC (2) application was voted unanimously by the Board.

Chairman Lepre expressed that by the Borough's ordinance and according to the master plan the site has been chosen to be an appropriate location for this monopole and carriers. The condition would be that the 10-foot extension does not exceed the allowable capacity. He explained that in the end, it all comes down to the engineering for approval.

Motioned by Mr. Haas and seconded by Mr. Wegman, to approve the MetroPCS, NY, LLC (2) application.

Roll Call Vote: Ayes: Messrs. Haas, Wegman, Schneeweiss, Jensen and
 Chairman Lepre.
 Nays: Messrs. Smid and Johnson.
 Abstain: None
 Absent: None

Meeting recessed at 8:35 p.m.

Meeting resumed at 8:45 p.m.

3. Rinaldi – 41 Mohawk Avenue, Block 1502, Lot 4. Public hearing for a front yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-3 zone, appeared to be light in traffic. Chairman Lepre reviewed the comments from the various departments and reviewed zoning issues.

Mr. Daniel Rinaldi was sworn in and testified that he had previously been granted approval for a front yard setback of 22.67-feet to add a front porch. As the deck was built, he realized that the stairs located on the left hand side of the porch would be better located on the front of the porch. He would like to amend his approval to now a front yard setback of 18-feet.

Motioned by Mr. Jensen and seconded by Mr. Smid, to open the meeting to the public regarding matters concerning the Rinaldi application was voted unanimously by the Board.

No comments.

Motioned by Mr. Smid and seconded by Mr. Johnson, to close the meeting to the public regarding matters concerning the Rinaldi application was voted unanimously by the Board.

The consensus of the Board was that the steps off the front of the porch made better sense. Chairman Lepre entertained a motion.

Motioned by Mr. Johnson and seconded by Mr. Smid, to approve the Rinaldi application.

Roll Call Vote: Ayes: Messrs. Johnson, Haas, Smid, Wegman, Schneeweiss,
 Jensen and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

3. Morgante – 47 Hunters Run, Block 802, Lot 64. Public hearing for exceeding impervious coverage requirements.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-C zone, appeared to be light in traffic. Chairman Lepre reviewed the comments from the various departments and reviewed zoning issues.

Mr. Anthony Morgante was sworn in and testified that he proposes to replace a 14.5' X 12' wood deck with a 14.5' X 12' paver patio but was told that he exceeds the maximum impervious coverage.

A discussion ensued concerning an error in impervious coverage calculations. The calculations would be adjusted from 50+ percent down to 41 percent, over by a percent.

It was discussed that Mr. Morgante's roof leaders should be directed so runoff travels down to storm drains. Mr. Morgante agreed.

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, to open the meeting to the public regarding matters concerning the Morgante application was voted unanimously by the Board.

No comments.

Motioned by Smid and seconded by Mr. Wegman, to close the meeting to the public regarding matters concerning the Morgante application was voted unanimously by the Board.

Chairman Lepre entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Johnson, to approve the Morgante application contingent to drainage directed to storm drains and amending impervious coverage calculations.

Roll Call Vote: Ayes: Messrs. Johnson, Haas, Smid, Wegman, Schneeweiss,
 Jensen and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

4. Angermeuller – 27 Grandview Avenue, Block 2515, Lot 2. Public hearing for a rear yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-3 zone, appeared to be light in traffic. Chairman Lepre reviewed the comments from the various departments and reviewed zoning issues.

Mrs. Marjorey Angermueller and her daughter Ivy Angermueller were sworn in. Marjorey Angermueller is the owner but her daughter Ivy and family live in the home and they are proposing to add a rear yard deck.

The proposed setback for the deck would be 8-feet from the property line where 35-feet would be required and approximately 270 square feet in size which would void any need for NJDEP permits.

Motioned by Mr. Jensen and seconded by Mr. Johnson, to open the meeting to the public regarding matters concerning the Angermueller application was voted unanimously by the Board.

No comments.

Motioned by Mr. Schneeweiss and seconded by Mr. Johnson, to close the meeting to the public regarding matters concerning the Angermueller application was voted unanimously by the Board.

Chairman Lepre informed the applicant that concrete footings for the deck would need to be a minimum of 3-feet, 6 inches deep. Mrs. Angermueller assured the Board that they would be.

Motioned by Mr. Jensen and seconded by Mr. Johnson, to approve the Angermueller application.

Roll Call Vote: Ayes: Messrs. Johnson, Haas, Smid, Wegman, Schneeweiss,
 Jensen and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

5. Pellegrino – 43 Pawnee Avenue, Block 5301, Lot 33. Public hearing for a side yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-3 zone, appeared to be light in traffic. Chairman Lepre reviewed the comments from the various departments and reviewed zoning issues.

Mrs. Pellegrino was sworn in and testified that she and her husband propose to add a 12' X 24' deck off the rear of their home. In addition, they plan to replace an existing window with a sliding glass door for access.

The Board questioned the applicant if the proposed deck would be further than a 7.3-foot side yard setback. Mrs. Pellegrino responded that the deck would not go any further.

Motioned by Mr. Jensen and seconded by Mr. Johnson, to open the meeting to the public regarding comments concerning the Pellegrino application was voted unanimously by the Board.

No comments.

Motioned by Mr. Johnson and seconded by Mr. Jensen, to close the meeting to the public regarding matters concerning the Pellegrino application was voted unanimously by the Board.

The Board questioned Mrs. Pellegrino if they would be putting lattice under the deck. Mrs. Pellegrino responded that she was not planning to because she has basement windows and that would block sunlight.

Chairman Lepre expressed that the lot was peculiar shape of 60-foot wide and 240-feet in depth. He entertained a motion.

Motioned by Mr. Jensen and seconded by Mr. Smid, to approve the Pellegrino application.

Roll Call Vote: Ayes: Messrs. Johnson, Haas, Smid, Wegman, Schneeweiss, Jensen and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

Meeting recessed at 9:15 p.m.

Meeting resumed at 9:20 p.m.

6. Harris – 69 Monhegan Avenue, Block 5401, Lot 30. Public hearing for a front and rear yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-3 zone, appeared to be light in traffic. Chairman Lepre reviewed the comments from the various departments and reviewed zoning issues.

Mr. Brian Harris was sworn in and testified that they are proposing to convert their 1 ½ story home into a 2 story home with a front porch.

Chairman Lepre clarified that there were two side yard setbacks, right side exists at 8.1-feet and left side at 7-feet.

The Board questioned Mr. Harris if he would stipulate that the home would not exceed four bedrooms and keep the front porch open. Mr. Harris agreed to the stipulation.

Motioned by Mr. Jensen and seconded by Mr. Schneeweiss, to open the meeting to the public regarding matters concerning the Harris application was voted unanimously by the Board.

No comments.

Motioned by Mr. Smid and seconded by Mr. Johnson, to close the meeting to the public regarding matters concerning the Harris application was voted unanimously by the Board.

Chairman Lepre expressed that the property was exceptionally narrow. He entertained a motion.

Motioned by Mr. Jensen and seconded by Mr. Schneeweiss to approve the Harris application contingent upon the home remaining a four bedroom and the porch to remain open.

Roll Call Vote: Ayes: Messrs. Johnson, Haas, Smid, Wegman, Schneeweiss, Jensen and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

7. Small – 41 Roth Avenue, Block 3703, Lot 85. Public hearing for a front and rear yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-2 zone, appeared to be light in traffic. Chairman Lepre reviewed the comments from the various departments and reviewed zoning issues. He indicated that the Health Department has commented that the applicant's survey should show potable wells on surrounding properties when locating a septic system.

Mr. Charles Zisa, Esq. located in Wyckoff, New Jersey was before the Board to represent the application. He informed the Board that this is an application for the demolition of an old home and the construction of a new home. The existing home is a product of a 1985 subdivision which sits upon approximately 42,816 square feet of property.

Mr. Zisa, Esq. introduced Mr. Frank Matarazzo from Matarazzo Engineering, LLC located in Fairfield, New Jersey. Mr. Matarazzo was sworn in and reviewed his credentials. The Board accepted Mr. Matarazzo's qualifications.

Mr. Matarazzo entered an exhibit into evidence.

Exhibit A-1, Colored version of site plan submitted to the Board dated June 8, 2010 by Matarazzo Engineering, LLC.

Mr. Matarazzo explained that the subject property is located at the end of Roth Avenue. The property is located in the RA-2 Residential zone which requires a minimum area of 30,000 square feet making this an oversized lot.

The applicant is proposing to demolish the existing home and replace it with a new home and new septic system. A common driveway that leads to Roth Avenue would continue to be shared with the property owner above his property.

Mr. Matarazzo explained that two variances are being requested for this project which include a front yard setback of 38-feet, 50-feet required and a rear yard of 39-feet, 75-feet required.

Mr. Matarazzo expressed that the applicant complies with all other zoning criteria and the topography is exceptional.

Chairman Lepre informed Mr. Matarazzo that typically residents requesting variances from the setbacks submit drawings showing the design of the home. Mr. Zisa responded that the applicant is not exactly sure what they intend to build but would not go beyond the building envelope shown on the survey. In addition, he explained that he is trying to save his client the unnecessary costs that would be involved.

Chairman Lepre informed Mr. Zisa that before anything were to be constructed, any approvals would be subject to the applicant coming back before the Board with a final site plan. Mr. Zisa responded that the applicant would not be build beyond the building envelope shown on the site plan. Chairman Lepre expressed that the site plans submitted are in the preliminary stages and are not fully engineered.

The Board questioned the distance from the proposed septic system fields and the wells on surrounding properties. Mr. Matarazzo responded that he was not sure and still had to submit plans for the new septic system.

The Board questioned if the home would be four-bedroom. Mr. Matarazzo responded yes. The Board questioned whether there was a shared driveway agreement. Mr. Zisa responded that during the subdivision in 1985, the shared driveway was included in the recorded easement. Mr. Cavaliere questioned whether a maintenance agreement was included in the easement. Mr. Zisa responded that there was a maintenance agreement included.

Mr. Zisa introduced and offered Mr. George Small as a witness. Mr. Small was sworn in and testified that he is the owner of the existing home. He explained that in August of 1985 a subdivision was granted which resulted in the addition to and existing bungalow built in 1938. Mr. Small expressed that he believes that it would be better if the home were to be demolished and replaced because of a faulty roof and a damp basement.

A discussion ensued concerning the application needing more information before any approvals were granted. Mr. Cavaliere informed the applicant that generally, when an application is submitted requesting variances, the Board requires architectural drawings showing footprint and elevations of the proposed home.

Chairman Lepre expressed that what was before the Board was clearly conceptual and anytime an applicant exceeds setbacks or surface coverage, they are required to supply the Board with as much detail and information as possible so that a decision can be made.

Mr. Zisa expressed that he felt the Board could make a decision by granting the variances if the applicant did not build beyond the building envelope.

The consensus of the Board was that they were not comfortable making a decision to approve the construction of a home which includes variances without detailed

architectural information as well as the location of adjacent property owners wells in relation to the applicant's proposed septic fields.

Chairman Lepre suggested to the applicant if they are looking for approval for a building lot, they would need to submit an engineered site plan of the building envelope showing septic fields and the location of wells of the adjacent properties owners. This would be contingent upon the applicant coming back before the Board with a final site plan with architectural plans showing footprint, elevations and design of the new construction. The applicant agreed with Chairman Lepre's suggestion.

Chairman Lepre announced that this public hearing would be carried to the July 13, 2010 public hearing with no further notice.

MEMORIALIZATIONS:

1. Klinedinsrt – 23 Fordham Road, Block 4909, Lot 16. Approval for a front and side yard setback.

Motioned by Mr. Jensen and seconded by Mr. Smid, to memorialize the above resolution of approval.

Roll Call Vote: Aye: Messrs. Chadwick, Haas, Smid, Wegman, Schneeweiss, Jensen and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

2. Manieri – 32 Mohawk Avenue, Block 1503, Lot 17. Approval for a side yard setback.

Motioned by Mr. Smid and seconded by Mr. Schneeweiss, to memorialize the above resolution of approval.

Roll Call Vote: Aye: Messrs. Chadwick, Haas, Smid, Wegman, Schneeweiss, Jensen and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

Ultimate Sports America, LLC – 12 Wright Way, Block 3301, Lot 7. Approval for an amended site plan.

Motioned by Mr. Smid and seconded by Mr. Chadwick, to memorialize the above resolution of approval.

Roll Call Vote: Aye: Messrs. Chadwick, Haas, Smid, Wegman, Schneeweiss, Jensen and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

3. West Bergen Mental Healthcare, Inc. – 24 West Oakland Avenue, Block 1706, Lot 4.01, B-2 Zone. Approval for an amended preliminary and final site and use variance.

Motioned by Mr. Chadwick and seconded by Mr. Haas, to memorialize the above resolution of approval.

Roll Call Vote: Aye: Messrs. Chadwick, Haas, Smid, Wegman, Schneeweiss, Jensen and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

PAYMENT OF BILLS:

Motioned by Mr. Jensen and seconded by Mr. Johnson, to pay bills subject to the availability of funds, was voted unanimously by the Board.

APPROVAL OF MINUTES:

Motioned by Mr. Smid and seconded by Mr. Jensen, to approve the May 11, 2010 minutes as amended was voted unanimously by the Board.

OLD BUSINESS:

None

NEW BUSINESS:

None

MEETING ADJOURNED:

Motioned by Mr. Smid and seconded by Mr. Jensen, to adjourn the public meeting at 11:00 p.m. was voted unanimously by the Board.
Respectfully submitted by,

Kathlyn Gurney/Board Administrative Assistant