

JANUARY 15, 2008
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. Haas, Smid, Wegman, Schneeweiss and
Chairman Lepre.
Absent: Messrs. Wagoner, Johnson and Jensen.

Also in attendance, Mr. Matthew Cavaliere, Esq. (Board Attorney) Mr. Kevin Tichacek, (Boswell Engineering) and Mr. John Castiglione, C.S.R. (Board Stenographer).

PUBLIC MEETING BEGINS:

A discussion ensued concerning positions on the Board that were not yet appointed by Mayor and Council. The Board questioned if Board positions could be considered holdover positions until appointments were made by Mayor and Council. Mr. Cavaliere informed the Board that according to the Municipal Land Use Laws (MLUL), holdover position is not possible for positions that have expired.

REORGANIZATION OF THE BOARD BEGINS AT 7:40 p.m.

A motion was entertained for the nomination of Chairman to the Board.

Motioned by Mr. Smid and seconded by Mr. Wegman, nominated Richard Lepre as Chairman of the Board.

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

Chairman Lepre entertained a motion for the nomination of Vice-Chairman to the Board.

Motioned by Mr. Wegman and seconded by Mr. Haas, nominating Timothy Jensen as Vice-Chairman to the Board.

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

Chairman Lepre entertained a motion for the nomination of Secretary to the Board.

Motioned by Mr. Schneeweiss and seconded by Mr. Haas, nominating Mr. Wegman as Secretary to the Board.

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

Chairman Lepre entertained a motion for the nomination of Board Attorney.

Motioned by Mr. Smid and seconded by Mr. Wegman, nominating Mr. Cavaliere as Board Attorney.

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

Chairman Lepre informed the Board that he has received Requests for Qualifications forms from various Planners and Engineers in the area. He suggested that the nomination for Planner and Engineer be tabled until the next meeting so that the Board has time to review this information.

Motioned by Mr. Smid and seconded by Mr. Wegman, to table the nominations for Board Planner and Engineer until the meeting in February.

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

Chairman Lepre entertained a motion for the nomination of Administrative Assistant to the Board.

Motioned by Mr. Smid and seconded by Mr. Schneeweiss, nominating Kathlyn Gurney as Administrative Assistant to the Board.

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

Chairman Lepre entertained a motion for the nomination of Board Stenographer.

Motioned by Mr. Wegman and seconded by Mr. Schneeweiss, nominating John Castiglione and Kathy Sabino as Stenographers to the Board.

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

Chairman Lepre entertained a motion for the nomination of official newspaper for the Board.

Motioned by Mr. Wegman and seconded by Mr. Smid, nominating The Record as the official newspaper of the Board.

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

Chairman Lepre entertained a motion to adopt the By-Laws for the Board.

Motioned by Mr. Schneeweiss and seconded Mr. Wegman, to adopt the By-Laws amended March 2006.

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

1. AvalonBay Communities, Inc. – 127A & 127B McCoy Road, Block 3416, Lots 1, 2, & 3. Public hearing for a use variance.

Chairman Lepre announced that the AvalonBay Communities application has withdrawn their application before the Board.

2. Captive Fasteners – 19 Thornton Road, Block 3301, Lot 4. Public hearing For a use variance.

Chairman Lepre announced that Captive Fasteners, Inc. has requested to be carried to the next available meeting. He informed the Board that the next available public meeting would be March 11, 2008.

Motioned by Mr. Smid and seconded by Mr. Schneeweiss, to carry the Captive Fasteners, Inc. application to the March 11, 2008 public hearing with no further notice was voted unanimously by the Board.

3. Hamill – 55 McNomee Street, Block 3801, Lot 46. Public hearing for a side yard setback.

The Board members conducted a site inspection. Mr. Wegman reported the neighborhood, in a RA-3 zone, to be residential and a corner lot. Chairman Lepre reviewed the reports from the various departments.

Chairman Lepre noted that originally the Sanitation inspector objected to this application due to the location of the stairs but an update indicates that the Applicant has amended their application.

Mr. and Mrs. Hamill were sworn in. Mrs. Hamill handed the Board a survey depicting the location of their septic system. Mr. Cavaliere entered the survey in as evidence.

Exhibit A-1, survey depicting location of septic system

Mrs. Hamill explained that they have relocated the proposed stairway from the right side to the left side of the deck to avoid disturbance of the septic system.

Mr. Cavaliere questioned the number of stairs and if the stairs would meet the standard code of three feet. Mrs. Hamill responded that the fourteen steps would meet the standard code.

Motioned by Mr. Wegman and seconded by Mr. Schneeweiss, opening the meeting to the public regarding matters concerning the Hamill application was voted unanimously by the Board.

No comment.

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

Chairman Lepre expressed that this would be considered a hardship situation due to the constricted space of the Applicant's property.

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, to approve the Hamill application.

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

MEMORIALIZATIONS:

1. Paxos – 22 Algonquin Trail, Block 5403, Lot 5. Public hearing for a rear yard setback.

Motioned by Mr. Wegman and seconded by Mr. Schneeweiss, to memorialized

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

PAYMENT OF BILLS:

Motioned by Mr. Jensen and seconded by Mr. Schneeweiss, 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. Wegman to approve the December 11, 2007 Minutes was voted unanimously by the Board.

OLD BUSINESS:

Chairman Lepre informed the Board that there has been no response for the checklist re-submitted to Mayor and Council.

He informed the Board that there were no re-appointments done at the last Mayor Council meeting.

NEW BUSINESS:

Chairman Lepre updated the Board on a Civil Complaint recently filed by Katie and Michael Bartholome. He expressed that this application was for a zone interpretation only.

Mr. Cavaliere explained the history of the application leading to the Civil Action. Prompted by violations issued by the zoning officer for a mulching operations not permitted according to the Borough's ordinance, the Applicant submitted an application requesting an interpretation of the zone for their property.

During the application process, the Applicant expressed that they fall within the Right to Farm Act and were before the Bergen County Utilities Authorities seeking a mulching and composting permit.

Mr. Smid informed the Board that to this date, the Applicant has not received any approvals or permits for composting and mulching by the Bergen County Utilities Authorities.

Mr. Cavaliere explained that the Applicant did withdraw the Right to Farm Act portion of the application without prejudice. Chairman Lepre questioned Mr. Cavaliere if it would be in the best interest of the Borough if the Board were to withdraw the vote dismissing the application. Mr. Cavaliere responded that he would be consulting Brian Chewkaskie the Borough attorney and would inform the Board.

Mr. Schneeweiss explained that during his mandatory training course he received the name of someone who specializes in the Right to Farm Act.

Mr. Schneeweiss questioned the status of the Smith property located on Ramapo Valley Road. Mr. Tichacek responded that there was a stop work order issued nine months ago and the only work allowed on that property would be the installation of cut off drains to correct the drainage problem affecting the neighboring property.

Mr. Schneeweiss questioned the rock piles and trucks parked on the old church property located on Ramapo Valley Road that was subdivided last year. He believes the rocks and dirt are transported from another project the Applicant has on Monhegan and Seton Hall. Mr. Tichacek responded that there have been complaints to Mayor and Council but it is unclear because there has been active construction at the site on Ramapo Valley Road. The demolition of a building on the property could be responsible for the excess rock and soil.

MEETING ADJOURNED:

Motioned by Ms. Leparik and seconded by Mr. Schneeweiss, to adjourn the public meeting at 8:40 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney/Board Administrative Assistant