

FEBRUARY 12, 2008
OAKLAND BOARD OF ADJUSTMENT
OAKLAND COUNCIL CHAMBERS – 7:45 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 7:47 P.M.

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

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

PUBLIC MEETING BEGINS:

Mr. Cavaliere swore in Mr. Kenneth Chadwick as a member of the Board. Board members welcomed Mr. Chadwick.

APPOINTMENT OF PLANNER AND ENGINEER TO THE BOARD.

Motioned by Mr. Smid and seconded by Mr. Wegman, to untable the vote for both Board Planner and Board Engineer was voted unanimously by the Board.

Motioned by Mr. Wegman and seconded by Mr. Jensen, appointing Burgis Associates, Inc. as Board Planner.

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

Motioned by Mr. Jensen and seconded by Mr. Smid, appointing Boswell Engineering as Board Engineer.

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

Mr. Johnson entered the meeting at 7:58 p.m.

Mr. Johnson sitting in for Mr. Wagoner.

2. Korean Presbyterian Church of NJ – 222 Ramapo Valley Road, Block 3501, Lots 77 and 79. Continued public hearing for a preliminary and final site plan and use variance.

Mr. Douglas Doyle, Esq. from Edwards and Caldwell located in Hawthorne was before the Board to conclude traffic, engineering and planning testimony.

Mr. George James, Director of Engineering for Keller & Kirkpatrick located in Morris Plains, New Jersey offered his credentials and the Board accepted Mr. James qualifications.

Mr. James explained that churches and similar places of worship are considered conditional use variances which are permitted within residential zones.

Mr. James explained that 15.4 of the 24.7 acres are wetland protected leaving the Applicant approximately 7.7 acres to improve. An application for a Letter of Interpretation (L.O.I.) has been applied for to the state and is in the process.

He reviewed with the Board that a three-story building would be removed and replaced with a two-story church. The location of the wastewater disposal area would not be visible and out of the way of disturbance. A grassy area with trees would be incorporated in the center of the proposed parking area to give an open affect and buffering. Currently, the site is equipped with gas, water and electric.

The Applicant would be requesting variances and waivers for conditional use requirements. Mr. James reviewed the variances in question with the Board.

Mr. Doyle questioned Mr. James if changing the location of the building or rearranging parking to the rear of the building had been considered. Mr. James responded that they have considered relocating the building and parking but concluded that due to the wetlands and steep slope areas, the current location would be the most beneficial location.

A discussion ensued between the Board and Mr. Doyle concerning the town fair held at the church in the proposed parking area. Mr. Doyle advised the Board that it is the Applicant's intention to continue to hold the town fair at the proposed and improved parking area.

Mr. James reviewed the steep slope disturbances. He explained that there are small pieces of steep slopes spread out throughout the property and the total disturbance would be approximately 750 square feet. Mr. Lydon and Mr. Tichacek both agreed that the steep slopes were probably manmade and sporadically run throughout the property.

Mr. Doyle reviewed questions pertaining to Boswell's report concerning parking, disposal of solid waste, retaining walls and building height. A discussion ensued concerning landscape design and buffering. The Board informed Mr. James that the Applicant would need to coordinate with Boswell Engineering and Shade Tree Commission on the landscape and buffering design plan.

Mr. James informed the Board that the height of the building would be 44 feet and the cross would be an additional 4 feet which is exempt from the ordinance. He explained that the Applicant would be working with Boswell Engineering to meet all requirements concerning the site lighting plan.

Mr. Doyle verified with Mr. James that retaining walls on the site over three-feet would have to be approved by a licensed engineer.

Mr. Doyle questioned whether soil moving would occur at the site. Mr. James responded that soil would be moved for the building, parking lot and septic. Mr. Doyle questioned the route of transport for the soil. Mr. James responded that he was not sure. He did assure the Board that dust abatement measures would be used to control excess dust.

Mr. Cavaliere questioned other approvals that the Applicant is seeking and the timeframe. Mr. Doyle responded that they have already applied to the Department of Environmental Protection (DEP) for a Letter of Interpretation (L.O.I.) to determine that the site falls within the 300-foot stream encroachment buffer. He indicated that the timeframe for DEP approval could take anywhere from 6 months to one year. They have also applied for permits with Bergen County Soil Conservation.

Mr. Doyle expressed that in the event that changes are required to obtain county approval, this application would be back before the Board to finalize the application.

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

Mr. Andrew Zubcak, 14 Brandywine Place, expressed that this is a large project for an environmentally sensitive site. He informed the Board that there are four levels of green building and none of them are being addressed.

Mr. Zubcak commented that the tennis courts on the site are being used for everything but tennis. He questioned the type of screening to be used at the property lines. Mr. James responded that they would agree to do some type of tight screening to buffer the homes adequately along the property lines.

Mr. Edward Carfi, 210 Ramapo Valley Road, expressed concerns with the impact of excessive water that pools in a certain portion of the property. Mr. James responded that the wastewater disposal should alleviate the excessive water in that portion of the property.

Mr. Carfi questioned if the lighting for the site would be shielded. Chairman Lepre questioned if the lighting would have an automatic timer. Mr. James responded that there would be a timer for the lights to ensure that lights are off by 9:00 p.m. as well as shielding for lights per Borough ordinance

Mr. Morales, 38 Dogwood Drive, commented that the noise level coming from the playground is very loud on the weekends and would suggest additional buffer be added near their bordering property.

Motioned by Mr. Smid and seconded by Mr. Jensen, to close the meeting to the public regarding matters concerning the testimony of Mr. James was voted unanimously by the Board.

Meeting recessed at 9:20 p.m.
Meeting resumed at 9:30 p.m.

Mr. Doyle offered further testimony by Mr. Brian Intindola, traffic engineer from Neglia Engineering Associates located in Lyndhurst, New Jersey.

Mr. Intindola explained that they put together an addendum to the traffic impact study originally submitted to the Board. The addendum includes additional traffic counts at recommended locations on Ramapo Valley Road and traffic volume study for Sunday generated by the Lutheran Church.

Mr. Intindola reviewed the results of traffic counts with the Board and dates as well as times in which they were conducted. He assured the Board that peak hours of the church would have no impact on neighboring properties exiting or entering their driveways.

Motioned by Mr. Jensen and seconded by Mr. Wegman, to open the meeting to the public regarding matters concerning the testimony of Mr. Intindola was voted unanimously by the Board.

No comments.

Motioned by Mr. Jensen and seconded by Mr. Schneeweiss, to close the meeting to the public regarding matters concerning the testimony of Mr. Intindola was voted unanimously by the Board.

Mr. Doyle offered the continued testimony of Mr. Anthony Iovino of Keller & Kirkpatrick located in Morris Plains, New Jersey.

Mr. Doyle questioned if Mr. Iovino would be open to a Leeds analysis. Mr. Iovino responded it has not been considered at this time and does not know whether that type of analysis would be necessary for this type of project.

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

Mr. Zubak, 14 Brandywine Place, questioned would the Applicant be willing to consider more screening through landscaping. Mr. Iovino responded that the Applicant would agree to that.

Motioned by Mr. Smid and seconded by Mr. Jensen, to close the meeting to the public regarding matters concerning the testimony of Mr. Iovino was voted unanimously by the Board.

Mr. Doyle indicated that this concludes all testimony from the Applicant's professionals in regards to this application for a D-3 use variance, steep slope waivers and side yard setback. He expressed that the Applicant cooperated with the request from the Board to perform additional traffic counts at various points on Ramapo Valley Road.

Mr. Doyle expressed that the application is a beneficial use meeting the technical requirements for this site. He explained that there would be no impact on the neighboring properties and the good outweigh any detriment.

Motioned by Mr. Smid and seconded by Mr. Wegman, to open the meeting to the public regarding questions or comments concerning the Korean Presbyterian Church application was voted unanimously by the Board.

Mr. Albert Zubak, 14 Brandywine, commented that he would like to stress that the perimeter of the properties on Dogwood be heavily buffered blocking the view of neighboring properties.

Mr. Edward Carfi, 210 Ramapo Valley Road, offered the Board some pictures that were taken with a digital camera showing the pooling of water on the church property. Mr. James responded that test holes were done approximately 12 feet deep and that the soil in that area appears very good for filtering water. He assured Mr. Carfi that when the septic system is installed it would alleviate that problem. Mr. Tichacek added that the Board of Health would assure this as well.

Motioned by Mr. Smid and seconded by Mr. Wegman, memorializing the above resolution of approval.

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

PAYMENT OF BILLS:

Motioned by Mr. Jensen and seconded by Mr. Smid, 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. Johnson to approve the January 15, 2008 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.

NEW BUSINESS:

Chairman Lepre announced that the Board received financial disclosure forms to be filled out and returned to the Borough Clerk no later than April 1, 2008.

A discussion ensued concerning correspondence forwarded by Chairman Lepre Referring to the impact of merger doctrine in New Jersey. Mr. Cavaliere explained that certain rights or liabilities could be transferred by deed to a purchaser. It is important before a closing that the language in the agreement of sale be closely examined.

MEETING ADJOURNED:

Motioned by Mr. Jensen and seconded by Mr. Schneeweiss, to adjourn the public meeting at 10:35 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney/Board Administrative Assistant