

MARCH 11, 2008 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. Johnson, Haas, Smid, Wegman, Jensen and
Chairman Lepre.
Absent: Messrs. Chadwick, Wagoner and Schneeweiss.

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:

1. **Bahn – 85 Manito Avenue, Block 3611, Lot 57. Public hearing for a front and 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. Traffic is light prior to the school being dismissed. Chairman Lepre reviewed the reports from the various departments.

Mr. Christopher Bahn was sworn in. Mr. Cavaliere confirmed that Mr. Bahn co-owns the home with his wife.

Mr. Bahn explained the dwelling is a Cape Cod style home with 1 ½ floors. There are two bedrooms on the first floor and two bedrooms on the second floor. He explained that they are adding a full second level to accommodate all the bedrooms.

The Board questioned the two offices in the house. Mr. Bahn responded that the office on the first level would now become the dining room.

The Board questioned an exposed P.V.C. line in the front of the property. Mr. Bahn responded that it is connected to the french drains.

The Board expressed that Shade Tree Commission made a recommendation that the applicant plant a couple of trees along the Manito Avenue side of the property. Mr. Bahn responded that he did not think he could plant trees because of a leach field and power lines located in the same area.

Chairman Lepre questioned if Mr. Bahn would stipulate that the home would remain three-bedroom. Mr. Bahn responded that the home originally has four bedrooms and that they would install a new septic but there is no room on the property to fit a newly designed septic system.

Motioned by Mr. Jensen and Mr. Smid, to open the meeting to the public regarding matters concerning the Bahn application.

Mr. David Meyer, 65 Monhegan Avenue, expressed concerns with the Bahn's addition. He explained that the Bahn's improvements could affect the value of his home, obstruct light and air to his backyard as well as limit their privacy.

A discussion ensued to decrease the high pitch to the proposed roof. Chairman Lepre explained by changing the pitch to the roof from 9 X 12 to 6 X 12, it would minimize the height of the roof by three foot nine inches which would lessen the obtrusive to the neighboring properties. Mr. Bahn agreed to the change.

Motioned by Mr. Wegman and seconded by Mr. Jensen, to close the meeting to the public regarding matters concerning the Bahn application.

Mr. Cavaliere stated for the record a sealed survey has been presented to the Board this evening as well as amendments to the setbacks on the application due to the Borough's ordinance pertaining to a corner lot.

The consensus of the Board was that they were happy that Mr. Bahn would work with his neighbor by reducing the pitch of the roof minimizing the obstruction.

Motioned by Mr. Wegman and seconded by Mr. Jensen, to approve the Bahn application contingent upon the change in the pitch of the roof, the home remaining three-bedroom and considering the request of Shade Tree Committee.

ROLL CALL VOTE: Ayes: Messrs. Johnson, Haas, Smid, Wegman, Jensen and Chairman Lepre.
Nays: None
Abstain: None
Absent: Messrs. Chadwick, Wagoner and Schneeweiss

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

The Board members conducted a site inspection. Mr. Wegman reported the neighborhood to be in the IP-Industrial zone off of Page Drive. Chairman Lepre reviewed the reports from the various departments and noting that Shade Tree would require a tree removal mitigation plan.

Mr. Harold P. Cook, III, Esq. located in North Haledon, New Jersey was before the Board to represent the owners of the property, Captive Fasteners, Inc.

He explained that the Applicant is seeking a use variance to subdivide two lots at the southern portion of the industrial zone located at the end of Page Drive and Thornton Road and rezone for residential development. The proposed subdivision abuts a RA-3 residential zone with single-family homes bordering on both sides.

Chairman Lepre stated for the record that he has had a long-standing business relationship with the hired Architect & Planner, Mr. Carl Mecky. He questioned Mr. Cavaliere and Mr. Cook if there would be a conflict with his participation as a Board member for this application. Mr. Cook and Mr. Cavaliere both responded that there would be no conflict.

Mr. Cook introduced his first witness Mr. Robert Weissman, licensed Civil Engineer from Midland Park, New Jersey to testify. Mr. Weissman was sworn in. He reviewed his credentials and the Board accepted his qualifications.

Mr. Weissman explained the location of the industrial building owned by Captive Fasteners, Inc. He explained the location of the two proposed lots to be subdivided located in the rear of the existing industrial building downward to Page Drive. The proposed lots to be subdivided are among various elevations of steep slopes. The steep slopes at the site on the bottom of Page Drive are buildable but would require steep slope variances.

A slope analysis was conducted and homes would be built to conform to the slopes by locating garages underneath the homes and using stabilizing walls where needed. Mr. Weissman reviewed that 53 percent would be the majority of steep slope disturbance into the 0 – 15 percent slope range, 32.8 percent disturbance into the 15 – 25 percent range and 25.21 percent disturbance into the 25- 35 percent range. No building would be permitted in the 35 percent and up range.

Exhibit A-1, Steep slope calculations.

The Applicant proposes to create a 3.9-acre lot for the existing industrial building and create two residential lots consisting of approximately a half-acre each. Each buildable lot would conform or exceed the setback requirements for a RA-3 single-family zone.

Mr. Weissman explained that the proposed homes for the subdivided lots would maintain characteristics of homes in that area.

Adequate screening with evergreen trees would buffer the homes from the industrial building.

The required parking for the industrial building would be 44 spaces with 51 spaces existing at the site.

Mr. Tichacek informed Mr. Weissman that the driveway and a utility pole for lot A would have to be relocated away from the catch basin. Mr. Weissman responded that they would change the location. Mr. Tichacek commented that the Applicant would need to submit drainage calculations for each home. Mr. Weissman responded that they were finalizing the stormwater management

A discussion ensued concerning allowable building for this particular zone in accordance to the ordinance when it was approved and whether the subdivision could trigger a variance for the industrial building. Chairman Lepre read the interpretation of the bulk variance chart from the Borough's ordinance of this zone which indicated that in this instance, two lots divided would need a minimum of two acres per lot and the remainder of the tract shall be no less than five acres. He indicated to the Board that the footnote on the bulk variance chart was to prevent the subdivision of smaller lots. Mr. Cook responded that the bulk requirements would be subsumed within the requirements of the use variance.

Mr. Cook explained that the subdivision would be visibly desirable versus an industrial expansion and an adequate buffer would be provided. The Board questioned the elevation between the new homes and the neighbors. Mr. Cook responded that the elevation in height would help serve as a northerly buffer.

Mr. Cook expressed that he would agree to make it contingent in the resolution to come back before the Board with a site plan application for the construction of the homes and landscaping. He explained that they would keep with the bulk requirements of the RA-3 zone.

Mr. Lydon mentioned that when he visited the site, the industrial building was not visible from that site. He explained that when reviewing the proposed disturbances for the site, there would be much needed grading involved and most trees would have to come down impacting the drainage. Mr. Weissman responded that the ground at the site is sandy and conducive for test holes and seepage pits which would improve drainage. Mr. Cavaliere explained that a stormwater management plan would need to be submitted to the Board.

Chairman Lepre questioned if they are proposing a turn around area for a fire truck. Mr. Weissman responded that they plan to have a k-turn area that would accommodate a fire truck but felt that a cul de sac would cut into the subdivided lots.

The Board questioned whether the subdivision of the two lots would impact future expansion of industrial building. Mr. Weissman responded that there has been no discussion for an expansion and currently the building coverage is 23 percent and the Borough's ordinance allows up to 50 percent coverage.

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

No comment

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

Meeting recessed at 9:58 p.m.
Meeting resumed at 10:10 p.m.

A discussion ensued concerning the Residential Site Improvement Standards (R.S.I.S) that would be required for a cul de sac.

Mr. Cook requested that the application be carried to the next available meeting. He expressed that he would like to make adjustments to the application to ease the Board's concerns with the size of the cul de sac, future expansion to the industrial building and drainage concerns.

Chairman Lepre announced that the Captive Fasteners, Inc. application would be carried to the April 8, 2008 public hearing.

MEMORIALIZATIONS:

Korean Presbyterian Church of NJ – 222 Ramapo Valley Road, Block 3501, Lots 77 and 79. Approval for a preliminary and final site plan and use variance. Memorialization will be carried to the April 8, 2008 public hearing.

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. Johnson to approve the February 12, 2008 Minutes as amended 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:

None

MEETING ADJOURNED:

Motioned by Mr. Smid and seconded by Mr. Wegman, to adjourn the public meeting at 10:20 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney/Board Administrative Assistant