

JULY 14, 2009 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, Johnson, Haas, Wegman, Smid,  
Schneeweiss, Jensen and Chairman Lepre.  
Absent:

Also in attendance, Mr. Matthew Cavaliere, Esq. (Board Attorney).

**PUBLIC MEETING BEGINS:**

1. **Sheji** – Roosevelt Boulevard, Block 2418, Lot 11. Continued public hearing for a steep slope, lot area, lot width, front and side yard setback requests to be carried to the August 11, 2009 public hearing.

Chairman Lepre explained that the Applicant received a second rejection for revised septic plans that were submitted to the Health Department. The Applicant will now need to pursue Department of Environmental Protection (NJDEP) for septic approval.

He entertained a motion to carry the Sheji application to the August 11, 2009 public hearing with no further notice.

Motioned by Mr. Jensen and seconded by Mr. Johnson, to carry the Sheji application to the August 11, 2009 public hearing with no further notice was voted unanimously by the Board.

2. **Mazzilli** – 48 Cherokee Trail, Block 5302, Lot 7. Public hearing for a side and rear yard setback.

The Board members conducted a site inspection. Mr. Wegman reported the neighborhood, in a RA-3 Residential area, to be light in traffic. Chairmen Lepre reviewed the reports from the various departments and setback issues.

Mr. Mazzilli was sworn in and testified that he is proposing to add a second floor addition over the garage. He explained that the addition would expand the amount of closet space without increasing the number of bedrooms. They would be moving the washer and dryer to the second story from the basement.

A discussion ensued concerning comments made by the Borough's Zoning Officer suggesting that an egress window to the office be made smaller so not to be used as an additional bedroom.

The Board expressed that, for safety issues, they see no reason why an egress window should not be used. In addition, the Board felt that by reducing the size of the window, it would change the architectural balance to the front of the home.

The Board questioned if Mr. Mazzilli would agree to stipulate that the front porch remain open and the office not be changed into a bedroom. Mr. Mazzilli agreed to the stipulation.

Chairman Lepre noted for the record that there was no public to open up the meeting to.

Chairman Lepre expressed that the improvements were well planned and a common solution to a shortage of storage. He entertained a motion for the application.

Motioned by Mr. Jensen and seconded by Mr. Smid, to approve the Mazzilli application contingent to the home remaining three bedrooms 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

**MEMORIALIZATIONS:**

1. **Lovell** – 13 Ryerson Avenue, Block 3806, Lot 20. Approval for a rear yard setback.

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

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

2. **Reed Academy** – 25 Potash Drive, Block 3601, Lot 29. Approval for a Modification of Conditions of the Resolution.

Chairman Lepre announced that they would be memorializing the modifications made to the conditions of the Reed Academy resolution. He explained that “non for profit” organizations are finding it impossible to be granted Performance Bonds to insure completion of their projects. The Board agreed that in lieu of the required Performance Bond posted, the Applicant would be required to allow the Borough to place a lien on the property until the project is complete.

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

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

Mr. Cavaliere explained that Developer’s Agreements are more common with Planning Board applications. He informed the Board that he reviewed the amended Developer’s Agreement drafted by Mr. Vogel, made additional modifications and included comments added by Chairman Lepre.

He reviewed the new figures estimated by Boswell Engineering. He explained that figures for planning, legal and engineering reviews of the site work would be placed in an escrow account in the amount of \$113,800.00.

The Borough's lien on the property would be equivalent to the maintenance bond amount that was agreed upon in the original Developers Agreement. The maintenance bond would be required to continue for up to two years after completion of the project according to Municipal Land Use Laws (MLUL).

In the event that the stormwater management, sanitation or any adverse affect to surrounding areas, the Borough would have the authority to step in and correct the situation by the lien of the property. This includes completion and maintenance.

Motioned by Mr. Jensen and seconded by Mr. Johnson, to amend conditions in the Reed Academy Developer's Agreement.

Roll Call Vote:           Ayes: Messrs. Johnson, 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. Wegman and seconded by Mr. Jensen to approve the June 9, 2009 Minutes was voted unanimously by the Board.

**OLD BUSINESS:**

The Board questioned the status on the Bartholome complaint. Mr. Cavaliere responded that the complaint is finished.

Due to county changes in the solid wastewater management plan, they have received their approval from Trenton for recycling on site. This site is now in the hands of the county.

The Board expressed that the approval for recycling constitutes manufacturing and should terminate the property owner's tax exemption as farmland and present the site as a ratable for the borough. Mr. Cavaliere responded that he did raise this issue with the Borough's Attorney and it would be up to Mr. Chewkawski and the Tax Assessor to address this.

It was discussed that a petition may be filed by neighboring properties owners to keep tandem trailers off the site.

The Board questioned if the Fanale application approached Mayor and Council for a rezoning of the property. Chairman Lepre responded that he questioned the Mayor that day and he responded that nothing so far has been introduced.

Chairman Lepre announced that his numerous requests for new zoning maps have not been addressed.

Mr. Cavaliere questioned whether Portobello's submitted an application for a variance to allow outdoor dining on the patio area. A discussion ensued concerning that the Planning Board approval did not include the outdoor dining because of the limited parking.

**NEW BUSINESS:**

None

**MEETING ADJOURNED:**

Motioned by Mr. Schneeweiss and seconded by Mr. Jensen, to adjourn the public meeting at 8:45 p.m. was voted unanimously by the Board.

Respectfully submitted by,

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Kathlyn Gurney/Board Administrative Assistant