

APRIL 10, 2018 MINUTES
OAKLAND BOARD OF ADJUSTMENT
COUNCIL CHAMBERS - 8:00 P.M.
PUBLIC HEARING

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 8:04 P.M.

ROLL CALL: Present: Mrs. Campanelli, Messrs. Bremer, Ackerly, Chadwick, Smid, Wegman and Chairman Lepre.
Absent: Mrs. Campanelli, Mr. Rose and Arredondo

Motioned by Mr. Smid and seconded by Mr. Ackerly, to excuse the absences of Mr. Bremer was voted unanimously by the Board.

Also in attendance were Mr. Matthew Cavaliere, Board Attorney, Caroline Reiter, C.P. Statile and John Yakimik, Boswell Engineering.

PUBLIC MEETING:

1. A & E Ventures of Oakland, LLC – 101 Plaza Road, Block 2702, Lots 1.01 and 1.01. Continued public hearing for a preliminary site plan, subdivision, and use and bulk variances.

Chairman Lepre announced that A & E Ventures of Oakland, LLC has requested to carry their application to the May 8, 2018 public hearing. He entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Wegman, to carry the A & E Ventures of Oakland, LLC application to the May 8, 2018 public hearing with no further notice.

2. Hampshire Venture Partners, LLC – 24 West Oakland Avenue, Block 1706, Lot 4.01. Public hearing for a use variance.

Mrs. Reiter sitting in as the Board planner.

Mr. Andrew Del Vecchio, Esq. with Beattie Padovano located in Montvale, New Jersey, returned to the Board representing Hampshire Venture Partners, LLC. He reminded the Board that they left off with testimony from the architect and the Board's concerns were that the esthetics of the building did not meet the goals of what the CBD zone had intended. He explained the changes made to the exterior of the building by the architect so that it would comply with the CBD zone requirements.

Their solution was to change the exterior facing the off-ramp and West Oakland Avenue, so that it appears to look more like an office building. They rearranged location of the units and roll-up doors so they would be out of site from the windows. They will use clear windows for the office portion and an opaque window everywhere else. All roof mechanicals will be screened.

He reminded the Board that the applicant is requesting a use variance, a parking variance and a height variance for the peak domes in front of the building to give character. If the Board prefers, the applicant will remove the peaks and the building will not require a height variance. Mr. Del Vecchio entered exhibits.

Exhibit A-8, Rendering prepared by SNS Architects & Engineers, PC dated April 10, 2018 showing the changes.

Exhibit A-9, Colored rendering prepared by SNS Architects & Engineers, PC dated April 10, 2018 showing the changes.

Mr. Robert Nocella, previously sworn, explained that the roof top utilities would be screened on all four sides. The faux roll up doors within the windows have been eliminated and now appear clear. The building remains three stories but the façade will give the appearance of a two story office building. The exterior will look more like brick and the peaks and bump-outs are embellishments to favor the CBD guidelines without adding any square footage. Mr. Nocella entered exhibits.

Exhibit A-10, Photo Simulations taken March 26, 2018 consisting of four photos.

Exhibit A-11, Photo Simulations taken March 26, 2018 consisting of four photos.

Mr. Nocella reviewed the photos taken and discussed the grades and elevations from all the different views. Ms. Reiter questioned how the photo simulations are done. Mr. Brad Bohler from Bohler Engineering responded that they use Michael Berardesko to do all their computerized photos. They supply him with the grade and elevations and it is entered into the computer to create the simulation. Chairman Lepre confirmed that he is aware of Mr. Berardesko's work.

Exhibit A-12, Key map to follow photos.

Exhibit A-13, Different building designs of Hampshire Venture Partners, LLC.

Mr. Nocella explained some of the different storage building designs they have done in the past such as buildings that appear to be row houses and mix use designs. Ms. Reiter questioned the deed restriction that limits the applicant's choice of retail. A discussion ensued concerning if there were a signed agreement between the land owner and Luca's restaurant. Mr. Bohler responded that he would need to double check on that. The Board questioned a concrete (stub) area in between Luca's and the proposed storage facility. Mr. Bohler assured that the concrete area is small and would not be used for parking or have any effect on the neighboring restaurant.

Mr. Yakimik requested testimony referring to the proposed signs. Mr. Nocella reviewed the number of signs, the square footage and variances requirements for the mounting height and above the windows. Ms. Reiter also commented on the number and size of the signs being proposed. A discussion ensued concerning LED lighting. Mr. Nocella responded that they would work with the Borough's code.

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

Mr. David Labarba, 32 Sioux Avenue, questioned the truck egress and ingress for the building. Mr. Bohler reviewed the entrance and exit and traffic flow for Mr. Labarba.

Mr. Robert Elfers, Glen Gray Road, questioned if the applicant is proposing fencing. Mr. Bohler responded that there will be fencing.

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

Mr. Del Vecchio introduced Mr. Keenan Hughes with Phillips, Preiss, Grygiel, LLC who was previously sworn. He testified that he believes that the proposed use would be compatible and meets the Central Business District criteria.

Mr. Hughes explained the positive criteria that includes the amendments to the design and the upgrade to materials being used would be visually better than what is there now. Vehicles entering and leaving the site during peak hours would have minimal impact on that area. Septic system requirements would be much less which benefits the environment.

He believes that this use meets all goals and objectives of the master plan since it will have no impact on the community, complies with bulk requirements and can comply with the height variance if necessary. Variances are required for the wall signs due to the location above the windows however, he believes that the signs are placed properly and meets the CBD design requirements. Ms. Reiter questioned the master plan objective concerning retail use and lack of

pedestrian friendly access. She read the CBD zone requirements. Mr. Del Vecchio explained the history of the property as it was intended back when they were before the Planning Board to build the Walgreens, Starbucks and the bank. He informed the Board that it is difficult to add another retail use that would not compete with the other retail uses. Originally the Zoning Board had approved a doctor's office building which never came to fruition. He believes that the storage facility use would fit best since it is located right off of Interstate 287 and on the off-ramp. He does not think that this site is pedestrian friendly nor would you want to encourage pedestrians accessing this site.

The Board agreed that the building does meet the CBD criteria but feels the building is bigger than what was intended for the area.

Motioned by Mr. Smid and seconded by Mr. Wegman, to open the meeting to the public regarding matters concerning Mr. Keenan Hughes testimony was voted unanimously by the Board.

Mr. Brachmer questioned the septic requirements. Mr. Bohler explained the NJDEP requirements for a 3,000 square foot building.

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

The Board requested that Mr. Del Vecchio provide the Board with a copy of the deed restriction agreement for the property.

Motioned by Mr. Smid and seconded by Mr. Wegman, to carry the Hampshire Venture Partners, LLC application to the May 8, 2018 public hearing with no further notice was voted unanimously by the Board.

3. Lindeburg – 29 Oak Street, Block 1803, Lot 8. Public hearing for a front yard setback.

Members conducted a site inspection. Mr. Wegman reported that the property is located in the RA-3 Residential zone and traffic is moderate. Chairman Lepre reported comments from the various departments.

The applicant is proposing a front yard setback of 16.71-feet where 40-feet is required.

Mr. Richard and Mrs. Cindy Lindeburg and Frank Hinger, Contractor, were sworn in. Mr. Hinger testified that improvements would be made to the façade of the home with the addition of a front porch.

Chairman Lepre explained that the existing home is non-conforming and the applicant plans to encroach 8-feet more into the front yard. He questioned if the proposed porch would remain

open. Mr. Hinger replied yes. A discussion ensued concerning what the room in the dormer would be used for and Mr. Hinger responded that they are proposing a craft room.

Chairman Lepre observed that the other homes in the neighborhood have made similar improvements. He entertained a motion to open the meeting to the public.

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

No comments.

Motioned by Mr. Bremer and seconded by Mr. Ackerly, to close the meeting to the public regarding matters concerning the Lindeburg application was voted unanimously by the Board.

Chairman Lepre entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Chadwick, to approve the Lindeburg application contingent to the front porch remaining open.

Roll Call Vote: Ayes: Messrs. Ackerly, Bremer, Chadwick, Smid, Wegman and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: Mrs. Campanelli, Messrs. Rose and Arredondo

4. Kovalcik – 55 Minnehaha Boulevard, Block 4701, Lot 48. Public hearing for a front and side yard setback.

Members conducted a site inspection. Mr. Wegman reported that the property is located in the RA-3 Residential zone and traffic is moderate. Chairman Lepre reported comments from the various departments.

The applicant proposes a front yard setback of 37-feet where 40-feet is required and two side yard setbacks (preexisting) of 10-feet and 5-feet where 15-feet is required.

Mrs. Kimberly Kovalcik, her husband Robert Kristone and their contractor, Mr. Maclesh were sworn in.

Mrs. Kovalcik explained that they are adding a second floor to move bedrooms upstairs to create more living space on the first floor. In addition, they are adding a portico over the front steps.

Chairman Lepre verified that the applicant would not be encroaching any further into the side yards than what exists. Mrs. Kovalcik replied no. He had the applicant testify as to what the two

additional rooms on the first floor would be used for. Mrs. Kovalcik replied that the rooms will be used as an office and a study. Chairman Lepre questioned if Mrs. Kovalcik would stipulate that the home would remain a three bedroom home. Mrs. Kovalcik responded that she will agree to the stipulation. The Board questioned the two family rooms. Mrs. Kovalcik explained that they are changing one of the family rooms into a dining room.

Chairman Lepre informed the Kovalciks that water runoff would need to be addressed if it becomes an issue and that the air conditioning units would need to be located in the rear of the home. He entertained a motion.

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

Ms. Joan Pituch, 13 Sally Street in Bloomingdale, explained that she was before the Board on behalf of the Kovalcik's neighbor who is deceased. She explained that she wanted to be assured that vehicles would not access the neighboring property and damage the septic field or fence. The Kovalcik's assured Ms. Pituch that no vehicles or people would access her property and cause damage.

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

Chairman Lepre entertained a motion.

Motioned by Mr. Wegman and seconded by Mr. Smid, to approve the Kovalcik application contingent to the home remaining three bedrooms and no trespassing on the neighboring property.

Roll Call Vote: Ayes: Messrs. Ackerly, Bremer, Chadwick, Smid, Wegman and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: Mrs. Campanelli, Messrs. Rose and Arredondo

MEMORIALIZATION OF RESOLUTION:

None

PAYMENT OF BILLS:

Motioned by Mr. Ackerly and seconded by Mr. Wegman, to approve the payment of bills subject to the availability of funds was voted unanimously by the Board.

APPROVAL OF MINUTES:

Motioned by Mr. Wegman and seconded by Mr. Bremer, to approve the March 13, 2018 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

None.

OLD BUSINESS DISCUSSION:

A By-Law review is being done

MOVE TO EXECUTIVE SESSION:

Motioned by Mr. Smid and seconded by Mr. Wegman, to move the meeting into an executive session was voted unanimously by the Board.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW THEREFORE BE IT RESOLVED, by the Borough of Oakland Zoning Board of Adjustment, County of Bergen, State of New Jersey, as follows:

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follow: Interstate Outdoor Advertising.
3. The Zoning Board of Adjustment shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Zoning Board of Adjustment has arrived at a final decision on the specified subject matter.

Motioned by Mr. Smid and seconded by Mr. Wegman, to close executive session was voted unanimously by the Board.

MEETING ADJOURNED:

Motioned by Mr. Bremer and seconded by Mr. Smid, to adjourn the meeting at 10:55 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is May 8, 2018.