

AUGUST 14, 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. Rose, Arredondo, Bremer, Ackerly, Chadwick, Smid, Wegman and Chairman Lepre.  
Absent: None

Also in attendance were Mr. Matthew Cavaliere, Board Attorney, Mr. Steve Lydon, Burgis Associates 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Chairman Lepre announced that the Wawa application has withdrawn their application. He entertained a motion to accept the withdrawal of their application without prejudice.

Motioned by Mr. Arredondo and seconded by Mr. Rose, to accept the withdrawal of the Wawa application without prejudice was voted unanimously by the Board.

2. Damstrom – 126 Lakeshore Drive, Block 1503, Lot 5. Public hearing for a side yard setback.

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

The applicant proposes an 8.4-foot side yard setback (existing) where 15-feet is required.

Mr. Jeremy Damstrom was sworn in and testified that he and his wife Lauren are the owners of the home. He explained that the improvements would include an 18' by 24' deck which would not encroach any further into the 8.4-foot setback. Chairman Lepre entertained a motion to open the meeting to the public.

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

Mr. Ben Cascio explained he lives across the lake and welcomes any improvements to the community. He welcomed Mr. and Mrs. Damstrom to the neighborhood.

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

There were no further questions by the Board. Chairman Lepre entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Chadwick, to approve the Damstrom application.

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

3. Lampone – 80 Spear Street, Block 3701, Lot 47. Public hearing for a side and rear yard variance.

Members conducted a site inspection. Mr. Wegman reported that the property is located in the RA-2 Residential where traffic is light. Chairman Lepre reported comments from the various departments.

The applicant proposes a side yard setback of 11.6-feet where 30-feet is required and a 29.7-foot rear yard setback where 75-feet is required.

Mr. Robert Lampone was sworn in and testified that he is the owner of the home. He explained that currently the second floor has two bedrooms and two bathrooms and he would like to extend the second story by adding additional bedroom over the garage portion of the home. The bedroom would go straight up over the existing footprint. A discussion ensued concerning the installation of a new septic back in 2014 designed to accommodate 4 bedrooms. Chairman Lepre entertained a motion to open the meeting to the public.

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

No comment.

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

There was discussion concerning drainage. Mr. Lampone explained that runoff is directed to a trench drain running along the driveway and out to the storm drain.

There were no further questions by the Board. Chairman Lepre entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to approve the Lampone application.

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

4. Poula, LLC – 445 Ramapo Valley Road, Block 4508, Lots 2 and 3. Public hearing for a use variance.

Members conducted a site inspection. Mr. Wegman reported that the property is located in the B-2 Business zone where traffic is heavy. The applicant proposes a new building with stores below and apartments on top. Chairman Lepre reported comments from the various departments:

- Environmental Commission commented on the replacement of 9 trees being removed and if the apartments can serve as part of the COAH obligation.
- Health Department commented that they need to know the types of business and gallons per day for apartments.
- Fire Prevention commented that there is no parking permitted on the south side of the building and demonstrate water access (hydrant) on the west side of Court House Place.
- Assessment commented on a lease agreement.
- Chairman commented on parking and impervious coverage.
- Planning and Engineering reports.

Mr. Ben Casio, Esq. located in Franklin Lakes was before the Board to represent the applicant. He explained that Mr. Mark Bekhet, partner of Poula, LLC, which owns Café L Amore in town and the subject property, lot 2. Lot 3 is owned by the Borough of Oakland.

The Borough of Oakland and Poula, LLC entered into a licensed agreement back in 2005, as a result of Planning Board approval, to construct a restaurant at the same location which was denied by NJDEP because of the septic.

As of July 18, 2018, a new license agreement has been issued by the Borough for this application giving the applicant rights to lease the Borough's property at a rate and use that property for parking. A discussion ensued concerning the possibility of the license being revoked. Mr. Cascio explained that they offered to purchase the property however, the Borough cannot sell the property because it was given to them by the state.

Lot 2 and 3 are adjacent to 287, Ramapo Valley Road and the Knights of Columbus in the rear. Currently, lot 2 has an existing two story mixed use and lot 3 is vacant. The main floor was being used as retail and the second floor as residential, non-conforming. The site is located in the B-2 Business zone on a corner lot surrounded by commercial and residential uses. Mr. Cascio described the current condition of the building an "eyesore" and expressed that the proposed use would be a pleasing introduction for people entering the town.

Mr. Cascio reviewed the bulk variances being requested. The property is a corner lot so the applicant would require a side and rear yard setback. Impervious coverage being proposed is 64.4 percent which exceeds the maximum permitted of 55 percent. Parking requirements for the proposed building size is 27 spaces and the applicant is proposing 22 spaces. Due to the narrowness of the lot, he believes a C-variance is justified.

Mr. Cavaliere informed Mr. Cascio that his application was deemed incomplete by the Board planner. Mr. Lydon explained that he had requested a landscaping and lighting plan be included with the application. He explained that the Board can waive his request and amend the application at the next meeting once the plans are received however, this means the application could not conclude this evening. The consensus of the Board was that incompleteness status be waived this evening to allow the applicant to present their application and provide the Planner and the Board the requested lighting and landscape plans. Mr. Cascio presented his first witness.

Mr. Mark Bekhet from Franklin Lakes and part owner of the subject property. Mr. Bekhet explained that he is part owner of Café L' Amore since 1992 and 445 Ramapo Valley Road since 2001. He explained that he and his partner received Planning Board approval to construct a restaurant at 445 Ramapo Valley Road back in 2005 but were denied by the NJDEP for the septic.

The first floor of the dwelling was used as a real estate office and a computer store and the second level was always used as apartment rentals. There is no longer anyone leasing the lower or second level, the dwelling is vacant. Mr. Cascio entered exhibits.

Exhibit A-1, 2005 Planning Board resolution of approval and License Agreement for Borough owned property.

Exhibit A-2, Renewed License Agreement with the Borough July 2018.

Since the dwelling has been vacant for a long time, he is hoping the Board will approve them to demolish the building and replace it with a building to accommodate 4 businesses on the first floor

and 3 apartments with 2 bedrooms each on the second floor. Chairman Lepre questioned if any of the retail space will allow a food service. Mr. Cascio responded that they do not know what any of the businesses will be but they will need to meet the Health Department's requirements. Chairman Lepre questioned the last agreement and terms. Mr. Bekhet explained that originally the agreement was to allow more room to install the septic which was going to be on both properties but the NJDEP denied the design.

There was no public present to open the meeting to. There were no further questions. Mr. Cascio offered testimony from the architect.

Mr. Fred Klenk from Franklin Lakes was sworn in. He offered his credentials and the Board accepted his qualifications.

Mr. Klenk explained the design and materials used for the building. The building will face Ramapo Valley Road with an awning over each store front. Mr. Klenk entered exhibits.

Exhibit A-3, Picture of the front of the building.

Exhibit A-4, Front elevation of the building, Retail/Commercial.

The design of the building will feature three gables in the front and two dormers out the rear of the building. There will be attic space over each apartment. The building will have no basement and sit upon a grade level slab due to septic requirements. Mr. Klenk entered exhibits.

Exhibit A-5, Elevations of the rear and right left side.

Exhibit A-6, First floor layout of four stores.

The first floor will consist of a maximum of 4 tenants with square footage varying from 593 s.f. to 918 s.f. in space. Utilities and air conditioning will be located on the first level. Stairs in the rear of the building will lead to a common hallway on the second level to access the 3 apartments. Two of the apartments will be 1039 square feet in space and the middle apartment will be 840 square feet. All 3 apartments will offer 2 bedrooms. Heating and cooling duct-work will be located in the attic which would be accessed by a pull-down stairs in each apartment.

A discussion ensued concerning formulas for parking, square footage and ADA requirements. A fire separation wall will separate the apartments and air conditioning condensers would be located in the rear yard against the building. They discussed more possible variances with the locations of the air conditioning condensers since the property is a corner lot. Mr. Klenk discussed the possibility of self-contained air conditioning in each unit.

A green canopy over 4 commercial tenants with lighting above is being proposed. In addition a free-standing sign is being proposed for the tenants. Mr. Lydon responded that this may require a variance as well. Mr. Yakimik verified that signs on the building will conform to code.

It was discussed that the master plan concept for the downtown area was to have buildings closer to the roadway and have parking in the rear of the building. Mr. Klenk responded that they could not have all the parking in the rear due to the Knights of Columbus septic system.

Mr. Lydon requested clarification on the building height. Mr. Klenk responded that elevation would not exceed the maximum height allowance of 35-feet. Dumpster and enclosures will be located in the rear yard of the store and properly screened with chain link fencing with privacy slats.

A discussion ensued concerning the maximum numbers of businesses on the first floor. Mr. Klenk responded that the maximum number of stores will be four but there is a possibility that one business could lease the entire first floor. The Board questioned the applicant's plan if they are unable to lease the first floor space. Mr. Klenk responded that they could make it all apartment rentals but would need to return to the Board for approval.

Mr. Klenk reviewed the lighting in detail. They are proposing gooseneck lights to shine downward on the canopy. A back door light, also shining downward, is being proposed in the rear yard where the apartments are accessed.

Mr. Cavaliere noted for the record that there are three members of the Board that are members of the Knights of Columbus, Messrs. Rose, Bremer and Wegman.

There was no public to open the meeting to. Chairman Lepre announced that this application would be carried to the September 11, 2018 public hearing with no further notice.

#### MEMORIALIZATION OF RESOLUTION:

1. Hampshire Venture Partners, LLC – 24 West Oakland Avenue, Block 1706, Lot 4.01. Denial for a use variance.

Eligible voters: Messrs. Ackerly, Bremer, Chadwick, Smid, Wegman and Chairman Lepre.

Motioned by Mr. Wegman and seconded by Mr. Ackerly, to memorialize the above resolution of denial.

Roll Call:       Ayes: Messrs. Ackerly, Bremer, Chadwick, Smid, Wegman and Chairman Lepre  
                      Nays: None  
                      Abstain: None  
                      Absent: None

2. Holiday Bowl – 29 Spruce Street, Block 2302, Lot 24. Continued public hearing for a use variance.



None

MEETING ADJOURNED:

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to adjourn the meeting at 10:40 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is September 11, 2018.