

NOVEMBER 14, 2017 MINUTES  
OAKLAND BOARD OF ADJUSTMENT  
OAKLAND SENIOR CENTER - 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 8:06 P.M.

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

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

Also in attendance were Mr. Matthew Cavaliere, Board Attorney, Steve Lydon, Burgis Associates and Rebecca Mejia, Boswell Engineering.

PUBLIC MEETING:

1. Kuhns – 73 Calumet Avenue, Block 4801, Lot 37. Public hearing for a side yard setback.

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

The applicant proposes a side yard setback of 4-feet where 15-feet is required.

Mr. Joseph Kuhns was sworn and testified that he and his wife Liming are co-owners of the property. Mr. Kuhns explained that he proposes to add a four post pergola with a lattice roof. He expressed that the esthetics to his property and the neighborhood will be a benefit to Oakland.

Chairman Lepre verified that the pergola would remain open and no permanent base is being proposed. He 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 Kuhns application was unanimously voted.

No comments.

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

Chairman Lepre entertained a motion.

Motioned by Mr. Wegman and seconded by Mr. Chadwick, to approve the Kuhn application with the stipulation that the pergola remain open.

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

2. Maloney – 94 Lakeside Boulevard, Block 5002, Lot 30. Public hearing for a side yard setback.

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

The applicant proposes a side yard setback of 11.1-feet where 15-feet is required.

Mr. Donald Maloney was sworn in and testified that he is the owner of the property. He explained that he is proposing to add 4-feet to the front of his garage to make room for garbage cans and his snow blower.

Mr. Cavaliere noted for the record that 11.1-foot is the pre-existing setback. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Mr. Smid and seconded by Mr. Arredondo, to open the meeting to the public concerning the Maloney application was voted unanimously by the Board.

No comments.

Motioned by Mr. Chadwick and seconded by Mr. Bremer, to close the meeting to the public concerning the Maloney application was voted unanimously by the Board.

Chairman Lepre entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Bremer, to approve the Maloney application.

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

Chairman Lepre announced that the Board is still waiting for their engineer to show up. He requested that they memorialize the resolutions listed on the agenda.

#### MEMORIALIZATION OF RESOLUTION:

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

1. Glasson – 51 Princeton Terrace, Block 4906, Lot 4. Approval for a front yard setback.

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

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

2. DelCorpo – 52 Page Drive, Block 3803, Lot 18. Approval for a front, two sides and a rear yard setback.

Motioned by Smid and seconded by Mr. Bremer, to memorialize the above resolution of approval.

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

Abstain: None  
Absent: Mr. Schneeweiss

3. Tuit – 714 Ramapo Valley Road, Block 5301, Lot 3. Approval for a side yard setback.

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

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

3. 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.

Ms. Gail Price, Esq. with Price, Meese, and Shulman & D'Arminio representing Wawa Corp and Mr. Thomas Herten, Esq. with Thomas Herten, Esq. with Archer Attorneys on behalf of A & E Ventures of Oakland.

Ms. Price apologized for not appearing at the last two meetings due to scheduling conflicts. She informed the Board that Mr. Martell is present to review with the Board Wawa's site operations, deliveries and employees as well as answer questions pertaining to this topic. Please hold any questions that can be better answered by the architect, traffic engineer and planner since their testimony will follow.

She also informed the Board that she received a phone call from Mr. Carl Rizzo's office informing her that he will not be present for the meeting and did not request that the application carry because of his absence. Chairman Lepre questioned if Mr. Rizzo would be returning. Ms. Price was not sure.

Mr. Jeffrey Martell with Stonefield Engineering & Design, LLC located in Rutherford, New Jersey was sworn in and offered his credentials and the Board accepted his qualifications. He testified that Wawa is a family owned /employee owned corporation and he has been trained by Wawa to become one of their Operational Consultants.

He explained that he assisted with the Wawa layout to ensure safe accommodations especially during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m. There will be deliveries to the convenience store and fuel tank and trash pickup. No deliveries will take place during the peak hours. A WB-50 size tractor trailer will deliver groceries to the convenience store 4 to 5 times a week, a box truck size will deliver baked goods daily and dairy 3 times a week. Miscellaneous

deliveries such as soda and snack vendors approximately 1 or 2 times a week. Trash pickup will occur 3 times a week and recycling 2 times a week. Fuel will be delivered on an as needed schedule which can be as much as 1 to 2 times a day. In total, approximately 4 to 6 box trucks and 5 to 6 tractor trailers would be expected to visit the site weekly during off peak hours. Exhibits were entered.

Exhibit A-16, Use and Operations Statement dated November 14, 2017.

Exhibit A-17, Fuel Delivery drawing T-1 dated August 7, 2017.

Exhibit A-17a, Reduced version of drawing above.

Exhibit A-18, Convenience Store Delivery drawing T-2 dated August 7, 2017.

Exhibit A-18a, Reduced version of drawing above.

Exhibit A-19, Trash Collection drawing T-3 d dated August 7, 2017.

Exhibit A-19a, Reduced version of drawing above.

Mr. Martell review exhibit A-17 involving fuel delivery. He explained that the WB-50 fuel truck would enter the site from Ramapo Valley Road south pull behind the convenience store and back into the fuel tank area. These deliveries would cause no conflict to the parking area. He reviewed the length of a WB-50 tractor trailer which he testified as being 42.5-feet long. A discussion ensued concerning a discrepancy in the exact length of the WB-50 tractor trailer. Mr. Martell responded that he would provide clarification for the actual size of the WB-50 tractor trailer. Mr. Martell provided the canopy height of 14.6-feet which would not obstruct the truck from clearing. Chairman Lepre verified that the route of the delivery trucks coming from 287 down Ramapo Valley Road to the destination. Mr. Martell informed the Board that no deliveries would be taken during peak hours 7:00 – 9:00 a.m. and 4:00 -7:00 p.m.

Mr. Martell explained the pricing demands when purchasing fuel which plays a part on the deliveries. There could be 1 to 2 fuel deliveries per day and some days there will be none. It all depends on the price.

Chairman Lepre confirmed there are two different types of Wawa's designs that the corporation proposes. Mr. Martell responded that this is correct and the smallest of the designs is being proposed for Oakland. None of the designs offers less than 5 pumps because this number of pumps avoid a cuing problem. The model for this site is designed by a program which caters to a safe flow for patrons. He explained that Wawa Corporation, which is privately owned, has 600 to 700 facilities along the east coast of the United States and they understand the needs of each site. Chairman Lepre questioned if the corporation would be flexible with their design standards. Mr. Martell responded that they have been flexible by making changes recommended by the Board throughout the hearings. He reviewed the changes that have already been made.

A discussion ensued concerning the selection of the site and the program used to create the circulation design. Mr. Rose commented that he sees conflict with the design. Mr. Ackerly pointed out where he believes tractor trailer circulation pattern appears to clip the corner of some parking spots. He expressed his concerns with the size of the site and the impact it will have on the traffic

and pedestrians that access the site. Mr. Martell responded that he would look to improve this point of concern before the next meeting. Ms. Price reminded the Board that the site will not allow larger parking spaces which will deter larger vehicles from accessing the site. Chairman Lepre expressed that this is an intense use for the site and questioned if Wawa would consider reducing the number of pumps, signs and/or store size. Ms. Price responded that Wawa operations will not reduce the size and they have already made adjustments. The size of the store and the number of pumps will not be reduced any further as this application moves forward. She reiterated Mr. Martell's explanation and changes made concerning this application.

A discussion ensued concerning the number of tractor trailers accessing the site and different scenarios that could occur. Mr. Lydon confirmed that the exhibits A-17, A-18 and A-19 were a reduced version of the pre-submitted site plan dated July 31, 2017. Mr. Martell responded that this is correct. Mr. Cavaliere confirmed with Mr. Martell, for the record, that the traffic accessing the site would be in a counter clockwise direction. Mr. Martell responded that this is correct.

In addition to checking the close proximity of the circulation pattern to parking spaces, the Board requested that the auto turn assessment adjustment be made for the northwest canopy. Chairman Lepre entertained a motion to carry the Wawa application.

Motioned by Mr. Smid and seconded by Mr. Wegman, to carry the Wawa application to the December 12, 2017 public hearing with no further.

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

4. Interstate Outdoor Advertising – 50 Edison Avenue, Block 201, Lot 2. Continued public hearing for a use variance.

Mr. Chadwick continued to recuse himself.

Mr. Ben Cascio, Esq., representing the applicant, stated for the record that there was a scheduled site inspection last Saturday. Mr. Gerber would give the details. Mr. Jeffrey Gerber, representing the applicant, explained that arrangements were made to have a crane placed in the proposed location attaching a flag at the maximum height (149-feet) as requested by the Board. The purpose was to give the Board a visual representation of the location and height of the proposed sign. It also allowed Board members to drive around to different parts of the Borough to see if the sign was visible. Chairman Lepre added that Board members, Mr. Cavaliere and Ms. Mejia split up in two groups and covered locations within the town where they thought the sign would be visible such as Copper Tree Mall, Borough Hall, Dogwood Street, Fir Court, etc. Mr. Smid reviewed the locations where he could and could not view the sign. Mr. Gerber reminded the Board that

even though they could view the sign, the back side of the sign would only be visible. Mr. Gerber entered an exhibit.

Exhibit A-12, Google Earth photo showing buffer of proposed location.

Exhibit A-13, 18 photos depicting the staged crane at various locations within the town.

Exhibit A-14, Letter/Report with attachments dated October 24, 2017 of Watchfire (manufacturer of the proposed billboard).

Mr. Robert Newell, Vice Chairman of Architectural Lighting Design was previously sworn in. He explained that the Board received a lighting report "Watch Fire" to help understand sign lighting. The Board informed Mr. Newell that they did not receive the report. Mr. Newell explained that the study offered information on how they determine brightness which cannot be converted into foot candle measurements because these signs are not perceived as a lighting fixture is. He stated, off the record, that the lighting would probably be equivalent to the measure of .1 foot candle from the property line. Ms. Mejia informed Chairman Lepre that her question concerning the lighting have been addressed and she is comfortable with Mr. Newell's testimony. Mr. Ackerly expressed that his concerns were not about the lighting but about being able to see the sign clearly at different locations within the Borough. Mr. Newell responded that you would only have a 60 degree view of the sign with no activity. He mentioned that the street lights would give off more light than the sign.

Mr. John McDonough was sworn in to testify as the applicant's planner. He reviewed his credential and the Board accepted his qualifications.

Mr. McDonough explained that he has reviewed the Borough's zoning ordinance. He entered an exhibit.

Exhibit A-15, 6 pages of aerial photos.

He reviewed the aerial photos with the Board which consisted of a picture of the site within the Borough boundary located to the extreme west in the industrial district. A picture taken in the summer shows views west and east bound on 287 where he sees no interference with the NJDOT signs. The base of the sign sits below the highway and is landlocked requiring a variance. The general benefits of the sign is to advertise for businesses, health, tourism and education. Essential services for the Borough would be FEMA information, amber alerts, traffic, etc. He visited the site and went throughout the town to see if the sign was visible. When the sign was visible, the size was mitigated by the distance. He commented that the lights from the ball field are much brighter than the sign would be.

Mr. McDonough explained the statutory requirements for the D-1 variance. In Oakland, billboard signs are not allowed in any of the zones. He shared the positive aspects for the variance such as the sign low impact in the proposed area, freedom of speech and benefit to the Borough in the event of an emergency or to promote welfare for the town.

He expressed the negative aspects for the variance such as the visibility of the sign in certain locations within the town. However, the sign would be located in an appropriate area and not easily seen. Safety reasons would be another aspect but the sign has been proven not to cause distractions.

Mr. McDonough explained that the Borough's master plan is silent concerning billboards. It is not being proposed for a residential area and it would provide an economic base for the Borough.

He explained that a D-6 variance would be required for exceeding the maximum height of 40-feet so the sign would be visible to motorists driving along Interstate 287. A bulk variance would be required for the 1-foot rear yard setback where 25-feet is required. A variance for a 672 square foot sign exceeds the maximum sign size of 30 square feet and a variance for spectacular signs which are not permitted.

Mr. Lydon verified that the proposed sign would be 149-feet in height and 71-feet from pavement. He questioned if the sign could be lowered at least 1-foot. Mr. Gerber responded that during his testimony, he explained that the topography does not allow them to get close enough to the highway and the sign needs to be the height they are proposing or it would be blocked by the incline. Mr. Lydon commented that a smaller sign could achieve the same. Mr. Gerber responded that this is the standard size for Interstates like 287. Mr. Lydon questioned if the applicant had investigated other site locations along 287. Mr. Gerber responded that they have but the locations they investigated would have a greater impact on the residential zones.

Mr. Wegman verified that the sign would be a ratable for the town. Mr. Gerber responded that these signs are taxed yearly as real estate. Mr. Wegman commented that he was not sure what real benefits the sign would have for the town. He expressed that 90 percent of motorists traveling on 287 are New York bound and in the event of an emergency, residents of the Borough get most of their information by reverse 911 calls and the website.

Chairman Lepre expressed that the intent of the master plan was not to lure people here from 287 but to keep the small town feel for Oakland. He explained that 287 has been a source of contention for the master plan especially by bringing in tractor trailer traffic through the center of town.

Mr. Cavaliere questioned if there were any state approvals needed. Mr. Gerber responded that the sign does not violate the state's policy and the state defers to local zoning. The Board reviewed the negative and positive criteria. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Mr. Smid and seconded by Mr. Arredondo, to open the meeting to the public regarding matters concerning the Interstate Outdoor Advertising was voted unanimously by the Board.



No comments.

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

Mr. Cavaliere informed the Board that conditions should include DOT approval for tree trimming. Chairman Lepre entertained a motion.

Motioned by Mr. Smid to deny the Interstate Outdoor Advertising application for the lack of benefits and negativity to the town. A discussion ensued concerning the reasons for the denial. Mr. Arredondo amended the motion.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to deny the Interstate Outdoor Advertising application due to invariables during the hearings and the uncertainty of the appearance and impact the billboard would have on the town.

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

A discussion ensued concerning the number of votes needed for approval of a use variance. Mr. Cavaliere suggested that another vote be taken to avoid confusion. He suggested that another vote be taken in the affirmative to clear up any confusion.

Motioned by Mr. Rose and seconded by Mr. Wegman, to approve the Interstate Outdoor Advertising application seeing no harm to the intent of the master plan.

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

A discussion ensued concerning the outcome of the vote. Mr. Gerber approached the Board expressing his disappointment.

#### PAYMENT OF BILLS:

Motioned by Mr. Smid 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. Smid and seconded by Mr. Bremer, to approve the October 10, 2017 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

A discussion ensued concerning Guru Nanak Mission requesting permission not to have to erect the fence that was part of their approval. Mr. Cavaliere requested that the Board authorize Rebecca to send a letter to the applicant to advise them they have permission to eliminate the fence.

A discussion ensued concerning the need for a planner to be selected to sit in on an upcoming application. Mr. Cavaliere and Chairman Lepre are working on this matter.

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Rose and seconded by Mr. Chadwick, to adjourn the meeting concluding at 12:15 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is December 12, 2017.