

SEPTEMBER 12, 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, Schneeweiss and Chairman Lepre.
Absent: None

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

PUBLIC MEETING:

1. DelCorpo – 52 Page Drive, Block 3803, Lot 18. Public hearing for a front, two sides and a rear yard setback to be carried to the October 10, 2017 public hearing.

Chairman Lepre announced that this application will be carried to the October 10, 2017 public hearing with no further notice.

2. Glasson – 51 Princeton Terrace, Block 4906, Lot 4. Public hearing for a front yard setback to be carried to the October 10, 2017 public hearing.

Chairman Lepre announced that this application will be carried to the October 10, 2017 public hearing with no further notice.

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, use and bulk variances.

Thomas Herten, Esq. with Archer Attorneys at Law on behalf of the applicant informed the Board that he would like to have the septic engineer testify this evening and if there is time, the traffic engineer could testify after. Chairman Lepre informed Mr. Herten that they have a heavy agenda and that they would only be able to allow the testimony from the septic engineer, the traffic engineer can be heard next month. He expressed the importance that the Board hear testimony from Wawa's operational manager sooner rather than later.

Mr. Herten introduced Mr. Larry Keller from Whitestone Associates to testify. Mr. Keller was sworn in and offered his credentials as a licensed engineer in New Jersey and the Board accepted his qualifications.

Mr. Keller explained that he was retained by Wawa's owner to design of the septic system for the property. He's been involved with this particular property for ten years and informed the Board that an environmental study was conducted and the site is suitable for the current system being proposed. He entered an exhibit.

Exhibit A-13, Treatment Works Approval from NJDEP.

He explained the design flow for the system. A discussion ensued concerning the formula used for the design flow. The current TWA approval is for 3,000 gpd. He entered an exhibit.

Exhibit A-14, Septic system layout dated July 28, 2017.

Mr. Keller explained the specifics of the septic design where waste water is treated and purified which is a big improvement from what is there currently. Chairman Lepre questioned what precautions are being taken for the stream and river located across the street. Mr. Keller responded that the state planning board will take this all into consideration. He informed the Board that this septic design was indorsed by the Planning Board back in 2010. A technical review will be done at a state level and then reviewed at the municipal level.

Mr. Carl Rizzo, Esq. with Cole Shotz representing Jayare Associates cross-examined Mr. Keller. He questioned the standards used, flow being proposed for the site as opposed to what was approved back in 2010 and how location and size of the system were derived. Mr. Keller responded that the standards for the system are made by the state. The flow is being based on what was originally proposed due to similarity in size. Location for the septic is decided on the location and square footage of the proposed building. Mr. Schneeweiss questioned if calculations were included with regards to serving food. Mr. Keller responded that NJDEP only looks at the square footage. Chairman Lepre questioned if Wawa uses a standard septic design for their combined fuel and convenience store projects. Mr. Keller responded that this is correct and at this location, the standard will be further improved. Mr. Cavaliere verified that a cesspool installed back in 1976 still exists. He also verified that the cesspool would be removed and the new septic system being proposed would last upwards of 30 years. It was discussed that the system would be monitored

by a person certified in stormwater management. Mr. Keller responded yes, this is a state code requirement. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Mr. Schneeweiss and seconded by Mr. Wegman, to open the meeting to the public regarding matters concerning the testimony of Mr. Larry Keller was voted unanimously by the Board.

No comments.

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

A discussion ensued concerning a weight load concern for the septic system beneath the asphalt. Mr. Keller explained that there will be no support problems.

Chairman Lepre announced that the Wawa application will be carried to the October 2, 2017 special meeting which will be noticed by the Board of Adjustment Secretary.

4. Corcoran – 11 Yuma Court, Block 5501, Lot 25. Public hearing for a side and rear yard setback.

Members conducted a site inspection with the exception of Mr. Chadwick. Mr. Wegman reported that the property is located in the RA-2 Residential zone and traffic is light. Chairman Lepre reported comments from the various departments.

The applicant is proposing a side yard setback of 7-feet where 30-feet is required and a rear yard setback of 25-feet where 75-feet is required.

Mr. Robert Corcoran was sworn in and testified that he is the owner. He explained that he purchased the home where the garage was converted into two bedrooms. He would like to convert it back to a two car garage and add the two bedrooms above the proposed garage.

Chairman Lepre informed that the property has an irregular configuration. Mr. Cavaliere noted that it would be impractical to move the addition to the other side due the presence of a leach field and no driveway.

Chairman Lepre questioned the number of bedrooms. Mr. Corcoran responded that the home has five bedrooms. Chairman Lepre questioned if Mr. Corcoran would agree to the home remaining five bedrooms were the application to be approved. Mr. Corcoran agreed to the stipulation.

Mr. Schneeweiss questioned the drainage plan in place. Mr. Corcoran responded that the architect explained that the leaders for runoff would expel into piping leading out to the woods. He added that there has never been a water issue. Chairman Lepre informed that there would be no increase in hard surface since the garage is being built on the driveway. He entertained a motion to open the meeting to the public.

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

No comments.

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

A discussion ensued concerning carbon monoxide detectors for bedrooms above. Chairman Lepre entertained a motion.

Motioned by Mr. Schneeweiss and seconded by Mr. Ackerly, to approve the Corcoran application subject to the home remaining five bedrooms.

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

5. Chadwick – 129 Yawpo Avenue, Block 4101, Lot 7. 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 moderate. Chairman Lepre reported comments from the various departments.

Mr. Rose sitting in for Mr. Chadwick.

The applicant proposes a side yard setback of 6.6-feet where 15-feet is required.

Mr. Kenneth Chadwick was sworn in and testified that he and his wife, Carol Ann, co-own the home. He verified that there is a discrepancy with the property line between his home and his neighbor, Ramapo Indian Hills High School due to an error in reading the deed description. This issue is being clarified and a letter from the Ramapo Indian Hills Superintendent states no objection to Mr. Chadwick pursuing a deed correction. He entered exhibit A-1.

Exhibit A-1, Chadwick Survey showing the erroneous and corrected property line.

Mr. Chadwick explained that he would like to replace his 8' X 12' shed with a 12' X 20' shed for more storage. He asked the Board to accept his application as he continues forward with having his deed corrected.

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

No comments.

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

Mr. Cavaliere verified that Mr. Chadwick's property was directly next door to the Ramapo Indian Hill H.S. separated by hedges, the H.S. driveway and parking lot. Chairman Lepre entertained a motion.

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

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

6. Marcucilli – 62 Iroquois Avenue, Block 5402, Lot 1. Public hearing for a front and 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 is seeking a front yard setback of 21-feet where 40-feet is required and a side yard setback of 6.4-feet where 15-feet is required on a corner lot. It was also determined that a side yard setback would be required for the air conditioning unit and pad.

Mr. Arredondo will be sitting in for Mr. Wegman who recused himself from the application.

Mr. Kenneth Marcucilli was sworn in and testified that he and his wife Kathleen are co-owners of the home. Mr. Marcucilli explained that they are proposing a one-story addition by extending the existing master bedroom and adding a one-car garage.

Mr. Schneeweiss questioned if the paver patio exists. Mr. Marcucilli responded that it is existing. Mr. Schneeweiss questioned a drainage plan in place. Mr. Marcucilli responded that all drainage from his property leads out to a culvert under the roadway.

Mr. Cavaliere confirmed with Mr. Marcucilli that the air conditioning unit and pad will require a variance. Mr. Marcucilli agreed. Chairman Lepre entertained a motion to open the meeting to the public.

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

No comments.

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

Chairman Lepre entertained a motion.

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

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

7. Interstate Outdoor Advertising – 50 Edison Avenue, Block 201, Lot 2. Public hearing for a use variance.

Members conducted a site inspection with the exception of Mr. Chadwick. Mr. Wegman reported that the property is located in the I-1 Industrial zone and traffic is light. Chairman Lepre reported comments from the various departments.

The applicant proposes to construct and install a billboard sign in a zone that does not permit billboard or spectacular signs that exceed the maximum 30 square footage (length or height) by 50 percent, height exceeding 5-feet above ground and signage 30-feet from property line.

Mr. Ben Cascio, Esq. was before the Board on behalf of Interstate Outdoor Advertising application who is proposing to erect a sign at 50 Edison Avenue adjacent to Interstate 287. He introduced Tibor Lantincsis to testify as a licensed engineer and the president of Interstate Outdoor Advertising, Jeffrey Gerber. Mr. Lantincsis and Mr. Gerber were sworn in. Mr. Lantincsis offered his credentials and the Board accepted his qualifications. He testified that this an application for a proposed outdoor advertisement billboard sign. Exhibit A-1 was entered.

Exhibit A-1, Site Plan dated June 17, 2016 last revised May 7, 2017 prepared by Conklin Associates.

Mr. Lantincsis gave a description of the property. He explained that the subject parcel is bisected by Interstate 287. There is a 24-inch wide driveway that crosses three other properties to access the site.

The applicant is seeking approval for a 14-feet high by 48-feet wide billboard sign mounted on a steel pillar 16-feet from the property line and 200-feet from Interstate 287. Due to an 80-foot upward elevation between the property and Interstate 287, they are proposing the height from bottom to top to reach 149-feet above the ground level allowing the height to reach 71-feet above Interstate 287.

The billboard sign will have two faces and is within the standards of Department of Transportation. In addition, they have received their exemption letter from the Highlands. Mr. Lantincsis entered the letter as an exhibit.

Exhibit A-2, Highlands exemption letter dated October 5, 2016.

Mr. Lantincsis reviewed the variances being requested for the Board. A use variance for a billboard or spectacular sign which is not permitted in the zone, exceeding the maximum 30 square footage (length or height) by 50 percent, height exceeding 5-feet above ground and a setback for signage less than 30-feet from property line.

Chairman Lepre entertained a motion to open the meeting up to the public.

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, to open the meeting to the public with regards to Mr. Lantincsis testimony was voted unanimously by the Board.

No comments.

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, to close the meeting to the public with regards to Mr. Lantincsis testimony was voted unanimously by the Board.

Chairman Lepre informed the applicant that there was a letter submitted by a resident opposing the application. He questioned the public if this person was present. Seeing no one there to represent this letter, the application moved forward.

Mr. Jeffrey Gerber testified that he is the president of Interstate Outdoor Advertising located in Cherry Hill, N.J. He explained that the company has been based in Cherry Hill, N.J. since 1984 serving the tri-state area. They have approximately 1400 displays and 700 located here in New Jersey. He entered an exhibit.

Exhibit A-3, Description booklet.

Mr. Gerber explained the location and choice for the sign. He explained the extent they went to avoid impact on the residential area and that the sign will not be visible to these residential areas. They applied for a state permit and a state inspector will review the application for safety and residential impact. He entered an exhibit.

Exhibit A-4, Outdoor Advertising Permit.

The average size of these billboard signs are 14-feet (height) by 48-feet (width). The height for the sign was determined by grade and distance between the sign and Interstate 287. Tree removal will not be necessary however, they will apply for a 5-year permit to trim any trees interfering with the sign.

Mr. Gerber went into detail on how the height is determined for a sign and their goal to achieve a 500-foot site line in each direction. He explained that the two-sided sign is angled and will not be seen by the residents. There is a buffered area where the sign is located. A discussion ensued that had Board members concerned that the sign would be noticeable from the recreation field.

Chairman Lepre explained that this is contrary to the borough's Master Plan and the town has little affiliation with Interstate 287. He questioned what the benefit would to the borough by approving this billboard sign. Mr. Gerber responded that the benefit to Oakland will be that they would be offered the use of the sign at no cost to post messages for emergencies, road closure, amber alerts, etc. that last 8 seconds.

Mr. Schneeweiss questioned the permit criteria review. Mr. Gerber responded that the permit is reviewed by NJDOT and is taken very seriously. They have worked with them on numerous occasions and take their criteria into consideration before filing an application. A discussion ensued concerning if the brightness could be a distraction. Mr. Gerber explained that the signs brightness is 150 nits with a maximum of 300 nits during the evening hours. Ms. Mejia informed Mr. Gerber that the borough's ordinance does not allow brightness over than 150 nits.

Mr. Gerber explained the types of ads that would be displayed on the sign such as vehicle brands, hotels, insurance companies, jewelers, restaurant, etc. No unsuitable content would be displayed on the sign. A discussion ensued concerning the procedure to follow for posting an advertisement. Mr. Gerber responded that a phone call is made to the company and arrangements made.

Mr. Schneeweiss expressed that each side of the billboard sign exceeds the maximum square footage by 672 square feet which is 19 times larger than permitted. A discussion ensued concerning how they visualize the height of the sign. Mr. Gerber responded that a crane is positioned where the sign is being proposed. It was requested by the Board if they would be able to have an opportunity to see the crane in the proposed position and height. The Board questioned various scenarios such as power outages, computer hacking and length of time to

insert an emergency alert message. Mr. Gerber responded that he has people that monitor the system 24-hours, seven days a week. They also have IT people for computer issues. An emergency message can be displayed within minutes with a template message that will be created for the Borough of Oakland.

The Board questioned if there would be any additional features attached to the sign such as antennas or police camera. Mr. Gerber responded that no additional features or equipment are being proposed and if they were to consider that, they would need to return to the Board.

Chairman Lepre announced that this application will be carried to the October 10, 2017 public hearing with no further notice. At that time, testimony from their planner will be given.

MEMORIALIZATION OF RESOLUTION:

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

1. Gerges – 791 Ramapo Valley Road, Block 901, Lot 29. Approval for a rear yard setback.

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

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

2. DiGuilio – 32 Crosby Lane, Block 3703, Lot 48. Approval for a front yard setback.

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

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

PAYMENT OF BILLS:

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, 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. Rose, to approve the August 10, 2017 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

None

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Smid and seconded by Mr. Arredondo, to adjourn the meeting concluding at 11:10 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is October 10, 2017.