

APRIL 12, 2016 MINUTES
OAKLAND BOARD OF ADJUSTMENT
OAKLAND COUNCIL CHAMBERS - 8:00 P.M.
PUBLIC HEARING

Pursuant to Chapter 231, Public Law 1975 Open Public Meetings Act) adequate notice of this meeting 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 8:10 P.M.

ROLL CALL: Present: Mrs. Steele, Messrs. Helfant, Ackerly, Chadwick, Smid, Wegman, Schneeweiss and Chairman Lepre.
Absent: Bremer

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

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

PUBLIC MEETING BEGINS AT 8:05 p.m.:

1. Mitchell - 50 Princeton Terrace, Block 4907, Lot 14. Public hearing for a front yard setback.

Members conducted a site inspection. Mr. Wegman reported that the site is located in the RA-3 Residential zone and is light in traffic. Chairman Lepre reported comments from the various departments. He informed the Board that a revision to drawing A-2 of the plans was made to eliminate an entrance door and non-egress window in the office.

The applicant received prior approval from the Board approximately four years ago but never acted upon it. He is proposing a front yard setback of 18-feet where 40-feet are required.

Mr. Christopher Mitchell was sworn in and he testified that he received prior approval approximately four years ago but needs to reapplying since going over the one-year threshold.

He explained that he is proposing the same plans but a little bigger for an addition. Mr. Cavaliere confirmed with the applicant that the size difference was attributed to the addition of a two car garage. Mr. Mitchell responded that this is correct.

Chairman Lepre questioned the size of the septic and the number of bedrooms. Mr. Mitchell responded that there are three existing bedrooms which would not change. Chairman Lepre informed Mr. Mitchell that he could not exceed the number of bedrooms since the septic is only designed for three bedrooms which would be a condition in the resolution as well as the porch being proposed to remain open. Mr. Mitchell agreed to the stipulations.

Mr. Schneeweiss questioned the square footage of the proposed improvements, number of bathrooms, number of offices and the access to the basement. A discussion ensued concerning egress windows for the basement and the possibility of this area becoming an apartment. He explained that this could be eliminated by removing the access door to the basement. Mr. Mitchell did not want to remove the door to the basement but suggested that he could remove some of the walls and open the space into one large room. Mr. Cavaliere suggested that the applicant draft a basement plan to show the basement as one large area which would be reflected in the resolution. In addition the applicant would need to go through the county, with legal assistance, to have the resolution attach and follow the deed. Mr. Mitchell agreed to the stipulation.

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

No comments.

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

Chairman Lepre verified the front yard setback and entertained a motion.

Motioned by Mr. Schneeweiss and seconded by Mr. Chadwick, to approve the Mitchell application contingent to the applicant supplying a revised plan of the basement showing one large room (removing office and storage room), cap the number of bedrooms at three, porch to remain open and go through the county process to have resolution attached to the deed.

Roll call vote: Ayes: Mrs. Steele, Messrs. Ackerly, Chadwick, Smid, Wegman, Schneeweiss and Chairman Lepre.

Nays: None

Abstain: None

Absent: Mr. Bremer.

2. Noveko – 101 West Oakland Avenue, Block 1804, Lot 2. Public hearing for the continuance of a non-conforming use.

Members conducted a site inspection. Mr. Wegman reported that the site is located in the B-2 Business zone with moderate in traffic. Chairman Lepre reported comments from the various departments.

Mr. Harold Cooke, Esq. & Associates located in North Haledon was before the Board on behalf of the Noveko application. He explained that the applicant contacted the Building Department because they required a certificate of non-conformity in order to sell the property. The Building Department had some reservations and submitted a letter to the Board listing their concerns. Chairman Lepre read the letter to the Board.

Mr. Cooke explained that he represents the owner, Mrs. Valentina Noveko, who purchased the four-family dwelling back in 1977. Her son Vasley Noveko is before the Board on her behalf. He explained that the Borough's ordinance does not permit multi-family dwellings.

He introduced Mr. Alex Zeponi with North Tech located in North Haledon. He gave his credentials as an engineer and the Board accepted his qualifications. He explained that the multi-family dwelling consists of four units with one bedroom each. There are three identical multi-family dwellings adjacent from the subject property. All units have their own entrance, garage and separate utilities and a new septic is being designed.

Mr. Vasley Noveko, 50 Petty Avenue, North Haledon, was sworn in and testified that he is the son of Valentina Noveko and that she owned the dwelling since 1977. He explained that this dwelling they purchased in 1977 has been used as a multi-family dwelling since it was built back in 1959.

Mr. Cavaliere verified that this is a request to continue a non-conforming use and questioned if Mr. Noveko knew whether there was an ordinance in place in 1959 backing the non-conforming use. Mr. Noveko responded that he did not know. A discussion ensued with Mr. Cascio and he was not sure whether an ordinance was in place back 1959. Mr. Cavaliere referred to Municipal Land Use Law (MLUL) concerning non-permitted uses or grandfather clauses. He explained that an existing non-conforming use that was permitted would remain unless the zoning changes. Due to some uncertainty, the Building Department recommended that the applicant go before the Board and request to continue the non-conforming use. Proof was given that the four dwellings are the same and the Board recognizes that this existing permitted non-conforming use has been in existence since 1959.

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

No comments.

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

Mr. Schneeweiss questioned if the applicant will be addressing the Building Department's letter. Mr. Cooke responded that they would. Mr. Smid verified that the resolution would include the required new septic. Mr. Cooke responded that they will need to have the new septic installed before the purchaser can receive the Certificate of Occupancy. Chairman Lepre entertained a motion.

Motioned by Mr. Wegman and seconded by Mr. Chadwick, to approve the Noveko application.

Roll call vote: Ayes: Mrs. Steele, Messrs. Chadwick, Ackerly, Smid, Wegman, Schneeweiss and Chairman Lepre.

Nays: None

Abstain: None

Absent: Mr. Bremer

3. Guru Nanak Mission, Inc. – 138 Bauer Drive, Block 3603, Lot 2. Continued public hearing for a use variance.

Mr. Ben Cascio, Esq. from Franklin Lakes was before the Board on behalf of the applicant. He informed the Board that they would hear testimony from the applicant's Architect. Mr. Jasvinver Argani with Berten Engineering located in Glen Rock offered his credentials and the Board accepted his qualifications.

Mr. Argani offered prepared drawings of the existing condition. These exhibits were entered.

Exhibit A-6, Existing floor plan dated March 15, 2016 prepared by Berten Engineering.

Exhibit A-7, Photographs of existing building taken September 8, 2015.

He explained that the building is one-story in the front at 14-feet and a two-story in the rear at 21-feet in height. The existing footprint of the first floor is 19,184 square feet and the second floor is 5,961 square feet. The building is constructed with masonry split face blocks with a steel roof.

The proposed use would be for a house of worship to service a maximum of 250 people. He offered an exhibit showing the interior modifications.

Exhibit A-8, Building modification plan dated March 20, 2016.

Mr. Argani explained the minimal changes being made to the building such as the existing condition of the first floor where the restrooms, elevator, stairway and utility room would

remain the same. Chairman Lepre questioned the changes being proposed to the second floor. Mr. Argani responded that for now the space would be used primarily for storage with minimal changes that would include an additional restroom. Chairman Lepre questioned how they calculated the occupancy of 250 worshipers. Mr. Argani responded that they used the existing total floor area to calculate.

Mr. Argani described the existing exterior of the building which would remain the same. He explained the elevation changes and a slight change to the entrance foyer. They have addressed the egress concerns of Fire Prevention by adding points of exits and additional sprinklers to the system.

Exhibit A-9, Worshiper seating plan.

Mr. Argani explained how the space will be used, the number of occupants that would fit in the prayer room and the method used to calculate the proposed layout of the first floor. He went into greater depth on the seating calculation since members actually sit on the floor for services. He testified that there would be seating space available for 192 worshipers in the prayer room and dining hall and two rows of chairs placed in the rear of the prayer hall for the elders.

The proposed commercial kitchen would be used for meal preparation while worshipers attend the service. Approximately 10 volunteers would be responsible for preparing the meal to be held in the dining hall. It was calculated that five-feet by 3.5-feet per person would be more than adequate for both dining hall and prayer hall.

He explained the use of the library and the room for the Holy Book. The clergy quarters would consist of three bedrooms and living area for the family. A rest/locker room is being proposed for volunteers who do the continuous reading. In addition, a restroom on the second floor for the convenience for wedding parties. The existing first floor restrooms would have two stalls in the men's room and five stalls for the women's room.

Mr. Argani addressed Boswell Engineering's concerns. He explained that there would be no change to the size of the sign. However, the applicant proposes to use the existing sign frame with a change of the lettering and lighting which would not be illuminated passed 10:00 p.m. All mechanicals would remain on the rooftop and the applicant is in the process of applying for the appropriate permits to upgrade the septic system which is required for a commercial kitchen. The building is A.D.A. compliant. Ms. Mejia questioned the use of the kitchen while waiting for DEP approval. Mr. Argani responded that they intend to bring in catered food until they have all their approvals.

Mrs. Susanne Rubright, Esq. cross-examined Mr. Argani. She verified the following; that Mr. Argani was hired as the project engineer after the applicant purchased the building, if the not to exceed occupancy was 250 for the entire building. She questioned whether the occupancy follows the septic system code of the Borough, how the space was calculated for worshipers

seated on the floor and the plan for the interior layout. Mr. Argani reviewed testimony already given with Ms. Rubright.

Mr. Kenneth Porro, Esq. cross-examined Mr. Argani. He questioned if the applicant had a budget for the improvements, if there were plans to include an outdoor recreation area and if sewer lines were available to connect to. Mr. Argani responded that there was no budget discussed, no recreation area is being proposed and there are no sewer lines available to connect to. Mr. Porro verified that there is no existing residence in the building, the square footage of the second floor and that no festivals would take place outside the facility. Mr. Argani responded that the square footage of the second floor is 5,961 square feet, no residence exists currently in the building and no festival will be held outdoors on the subject property.

A discussion ensued concerning the full bathroom on the second floor and whether or not this could be used for an apartment. Mr. Argani responded that this is not the intention.

Motioned by Mr. Schneeweiss and seconded by Mr. Wegman, to open the meeting to the public regarding testimony given by the architect, Mr. Jasvinver Argani, was voted unanimously by the Board.

No comments.

Motioned by Mr. Schneeweiss and seconded by Mr. Wegman, to close the meeting to the public regarding testimony given by the architect, Mr. Jasvinver Argani, was voted unanimously by the Board.

A discussion ensued concerning a special meeting for April but a quorum could not be determined. Next meeting would be held May 10, 2016.

MEMORIALIZATION OF RESOLUTION:

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

APPROVAL OF MINUTES:

Motioned by Mr. Wegman and seconded by Mr. Smid, to approve the January 12, 2016 minutes was voted unanimously by the Board.

Motioned by Mr. Smid and seconded by Mr. Schneeweiss, to approve the February 9, 2016 minutes was voted unanimously by the Board.

NEW BUSINESS:

None

OLD BUSINESS:

None

MEETING ADJOURNED:

Motioned by Mr. Wegman and seconded by Mr. Schneeweiss, to adjourn the meeting concluding at 11:00 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is May 10, 2016