

MAY 10, 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: Mr. Bremer

Also in attendance were Mr. Matthew Cavaliere, Board Attorney, Steve Lydon, Burgis Associates and Peter Tenkate, 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. Glantz – 11 Sienna Way, Block 4909, Lot 17. Public hearing for a front and side 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.

The applicant seeks a variance for front yard setback of 21.7-feet where 40-feet is required and a side yard setback of 13.6-feet where 15-feet is required.

Mr. Kurt Glantz was sworn in and testified that he and his wife Joanne are the homeowners. They are proposing to add a second story addition to locate all the bedrooms and increase their first floor living area.

Chairman Lepre verified that the existing front yard setback was 25.8-feet. He explained to the applicant that it would need to be stipulated that the proposed porch remain open and that they would need Health Department approval for a fourth bedroom since the septic system is only designed for three bedrooms. A discussion ensued concerning a septic system upgrade. Mr. Glantz explained that he is currently working with an engineer and Health Department on the septic upgrade.

Mr. Schneeweiss questioned the location and setback of the air conditioner unit. Mr. Glantz responded air conditioning unit is located on the right side of the home and more than the required 15-feet from the side setback. Chairman Lepre entertained a motion to open to the public.

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

Mr. Smid commented that he had an issue approving applications still awaiting Board of Health approval for septic systems. A discussion ensued requesting that the applicant get their septic system information to the Board as soon as possible. Chairman Lepre stated for the record that this is a common application for this neighborhood. He entertained a motion.

Motioned by Mr. Schneeweiss and seconded by Mr. Wegman, to approve the Glantz application contingent to Health Department approval for a septic system upgrade that would cap the number of bedrooms at four, the porch must remain open and the air conditioning unit to be no less than 15-feet from the side yard setback.

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

Nays: None

Absent: Mr. Bremer

Abstain: None

## 2. Poalillo – 51 Powder Mill Lane, Block 4501, Lot 6. Public hearing for a front yard setback.

Members conducted a site inspection. Mr. Wegman reported that the site is located in an RA-3 Residential zone and is light in traffic. Chairman Lepre reported comments from the various departments. He informed the Board that the Health Department has received plans for a four bedroom septic system.

The setback was amended by the Board for a 29.3-foot front yard setback where 40-feet is required.

Mr. Harold Cooke, Esq. & Associates located in North Haledon was before the Board on behalf of the Poalillo application. Ms. Dena Poalillo was sworn in and testified that she is the homeowner with her husband John.

Mr. Cooke explained that his client is seeking to convert her existing two bedroom ranch to a four bedroom colonial. The applicant is awaiting approval for plans submitted to the Health Department for a four bedroom septic system design.

This property is a pre-existing nonconforming that meets the C-1 and C-2 variance criteria. Mr. Cooke informed the Board that the proposed second story cantilever will encroach upon the front yard setback. Mr. Schneeweiss questioned the location of the air conditioning unit. Mr. Cooke responded that the unit is existing on the right side of the property. Chairman Lepre entertained a motion to open the meeting to the public.

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

No comments.

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

Chairman Lepre expressed that this application was consistent with improvements made in that neighborhood. He entertained a motion.

Motioned by Mr. Chadwick and seconded by Mr. Wegman, to approve the Poalillo application contingent to septic system approval by the Health Department.

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

3. Pantano – 3 Pequot Path, Block 5504, Lot 42. Public hearing for a rear and side yard setback.

Members conducted a site inspection. Mr. Wegman reported that the site is located in the RA-2 Residential zone and light in traffic. Chairman Lepre reported comments from the various departments. He informed the Board Health Department requests that the applicant will need to upgrade the septic system to accommodate a fourth bedroom.

As amended by the Board, the applicant is proposing a side yard setback of 10.7-feet where 30-feet is required, a rear yard setback of 34.8-feet where 75-feet is required and 3.9-foot retaining walls which will not require engineering.

Mr. Joseph Pantano, 418 Cobblestone Court, Franklin Lakes was sworn in and testified that he is the owner of the home. He explained that they are proposing interior improvements consisting of four bedrooms and three bathrooms but the footprint of the home would not change. A second story addition would expand the number of bedrooms from three to four. Mr. Cavaliere confirmed that the property is a corner lot where a garage is being proposed facing Andrew Avenue.

Chairman Lepre verified that a new driveway and patio would be installed which will improve the impervious surface. He suggested that the applicant keep the retaining wall height under four-feet to avoid certification by an engineer. He confirmed that the applicant proposes to install a 1000 gallon seepage pit. Mr. Tenkate questioned if the drainage calculations supporting the seepage pit comply with the NJDEP requirements. Mr. Pantano responded that the seepage pit calculations comply. He informed the applicant that the property owner of the easement is responsible clearing of debris and maintaining it. Mr. Pantano agreed to remove debris from the easement. A discussion ensued concerning the existing septic system and upgrades that would be needed to handle four bedrooms. Chairman Lepre responded that this would need to be proved and worked out with the Health Department.

Mr. Smid informed Mr. Pantano that he would need to contact Shade Tree Commission for permits to remove any trees and make sure the trees to be removed are marked. Mr. Chadwick informed the applicant that the required setbacks dimensions were wrong and the application was amended. Chairman Lepre entertained a motion to open the meeting to the public.

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

Mr. Joseph Porus, 4 Blackfoot Trail, informed the Board that he is the neighboring property which is located downhill and behind the easement in the rear. He explained that he has no issue with the improvements being proposed but is afraid his water issue could be exacerbated. Since 1999 he has been having problems with water due to debris such as fallen trees and erosion to the easement between the two properties. A discussion ensued concerning a solution to the problem. Chairman Lepre explained that according to MLUL, improvements being made to adjacent properties cannot create additional runoff. He suggested that along with the new seepage pit, the applicant include French drains with perforated piping to be bedded in stone along the proposed retaining wall. In addition, it was recommended that the applicant add plantings along the wall to help mitigate any additional water which could possibly help Mr. Porus's problem. He entertained a motion to close the meeting to the public.

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

Chairman Lepre suggested that the applicant have his engineer revise the drainage plans to include perforated pipes bedded in stone leading to the seepage pit. Mr. Cavaliere also suggested that he draft a resolution in the affirmative so not to hold up the applicant any longer. He suggested that revised plans be submitted to the professionals as soon as possible so that the Board can memorialize the resolution at the next meeting. Chairman Lepre entertained a motion to authorize Mr. Cavaliere to draft a resolution in the affirmative.

Motioned by Mr. Schneeweiss and seconded by Mr. Helfant, to authorize Mr. Cavaliere to draft a resolution in the affirmative contingent to the applicant complying the following:

- Septic designed for a four bedroom approved by the Health Department.
- Retaining walls to be less than four feet in height.
- Stone in front and rear of retaining wall.
- Perforated drainage pipe to be bedded in the stone in front of the wall and tie into the seepage pit.
- Remove debris from the easement.
- Plantings added in front of the retaining wall.

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

4. Our Lady of Perpetual Help – 117 Franklin Avenue, Block 4901, Lot 1. Public hearing for a conditional use.

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

Mr. Kenneth Dolecki, Esq. located in Hackensack was before the Board on behalf of the applicant. Reverend Thomas Lipnicki was sworn in and testified that he is the parish leader for Our Lady of Professional Help. He explained that they are proposing a new sign to replace an existing non-functioning sign that has been there for 50 years.

The applicant seeks a conditional use to replace an existing information sign. The proposed sign would be 23.18 square feet being 4.5-feet in height, 5.3-feet in width and 6.5-feet above grade.

The existing sign measures approximately 17.5 square feet, being 5-feet in width and 3.6-feet in height and 7.6-feet above grade. The existing sign cannot be seen from Franklin Avenue.

The proposed monument sign would be 23.18 square feet, being 4.5-feet in height and 5.3-feet in width and 6.5-feet above grade. A stone façade at the base of the sign would match the exterior stone of the building. The illuminated sign would be operated by a laptop computer.

Reverend Thomas Lipnicki was sworn in and testified that the sign would not flash, blink, strobe, glare or scroll a message. In addition, he testified that the sign would not be used for advertising, commercial use or posting non-religious functions. He offered the use of the sign to the Borough in the event of an emergency. The sign would be turned on at approximately 6:00 a.m. and off at midnight. The lighting would not go over the maximum of 150 nits.

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

Mr. John Janis with Butler Signs was sworn in to testify as a sign expert. He shared his credentials and the Board accepted his qualifications.

Mr. Janis explained that the one sided sign would be in the same location and mounted upon a concrete foundation. It will be internally lit with an amber color and controlled by a programmed laptop to not exceed the maximum 150 nits. The lettering would be no larger than 4-inches per letter and this typical message center sign would have no negative impact on the surrounding properties.

Mr. Schneeweiss expressed concerns with an illuminated sign in a residential zone. Mr. Janis responded that there is no flashing or movement within the sign. Mr. Schneeweiss questioned if the applicant would consider having the automatic shut off for the sign at 10:00 p.m. in the evening. Pastor Lipnicki responded that he would agree to that.

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

No comments.

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

Mr. Anthony Kurus with Neglia Engineers, Inc. located in Lynhurst, New Jersey was sworn in. He offered his credentials and the Board accepted his qualifications.

Mr. Kurus informed the Board that they have satisfied the required requests for the waiver which has been submitted. He explained that the location of the sign would be at the southerly portion of the building approximately 100-feet from Franklin Avenue.

He explained that the applicant is proposing to replace the existing sign of 17.5 square foot with a 23.8 square foot sign. An existing school identification sign will remain. There would be no encroachment on the county road and would have not have any impact on site distances. The subject property is approximately 3 acres and can accommodate a sign of this size. They comply with all setbacks, height and illumination requirements. OLPH is an inherently beneficial conditional use where the benefits outweigh the detriment. Chairman Lepre entertained a motion.

Motioned by Mr. Schneeweiss and seconded by Mr. Chadwick, to approve the Our Lady of Perpetual Help application contingent to the stipulations that will be listed in the resolution.

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

Meeting recessed at 10:15 p.m.

Meeting resumed at 10:25 p.m.

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

Chairman Lepre informed the applicant that there would not be enough time left that evening to hear testimony from the applicant's traffic officer. He expressed that this application has been through multiple meetings with little else on the agenda and now the Board has become busier.

Since the opposition has been taking up a lot of the hearing time, he confirmed that testimony of the traffic engineer and planner still need to be given and verified with the opposing counsel if they plan to bring forth witnesses to testify. Mr. Rubright responded that she intends to cross examine both traffic engineer and planner and introduce her planner to testify. Mr. Porro responded that he also intends to cross examine both traffic engineer and planner and introduce his planner to testify.

As a courtesy to the applicant, a roll call will be taken in order to see Board members and Court/Council Chambers availability for potential dates to schedule a special meetings. He requested a roll call for members that are available Monday, May 23.

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

Both Boswell Engineering and Burgis Associates will be available. Mr. Cavaliere expressed that he would try to make himself available. Chairman Lepre requested a roll call for members that are available Tuesday, May 31.

Roll call: Ayes: Mrs. Steele, Messrs. Helfant, Chadwick (tentatively), Ackerly (tentatively), Smid, Wegman and Chairman Lepre.  
Nays: Mr. Schneeweiss  
Abstain: None  
Absent: Mr. Bremer

Both Boswell Engineering and Burgis Associates will be available. Chairman Lepre requested a roll call for members that are available Monday, June 20.

Roll call: Ayes: Mrs. Steele, Messrs. Chadwick (tentatively), Ackerly (tentatively), Wegman, Schneeweiss and Chairman Lepre.  
Nays: Messrs. Smid and Helfant.  
Abstain: None  
Absent: Mr. Bremer

#### MEMORIALIZATION OF RESOLUTION:

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

1. Mitchell – 50 Princeton Terrace, Block 4907, Lot 14. Approval for a front yard setback.

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

Roll call: Ayes: Mrs. Steele, Messrs. Chadwick, Ackerly, Smid, Wegman, Schneeweiss and Chairman Lepre.  
Nays: None  
Abstain: None  
Absent: None



2. Noveko – 101 West Oakland Avenue, Block 1804, Lot 2. Approval for a four family dwelling.

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

Roll call: Ayes: Mrs. Steele, Messrs. Chadwick, Ackerly, Smid, Wegman, Schneeweiss and Chairman Lepre.  
Nays: None  
Abstain: None  
Absent: None

#### PAYMENT OF BILLS:

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

#### APPROVAL OF MINUTES:

Motioned by Mr. Smid and seconded by Mr. Wegman, to approve the March 22, 2016 minutes was voted unanimously by the Board.

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

#### NEW BUSINESS:

Chairman Lepre explained that he received a letter from Mr. Hagberg suggesting all residential applications be reviewed by the Borough's Engineer. His opinion of the letter is that it would be unnecessary expense for all applicants not needing. He explained that he responded to Mr. Hagberg's letter informing him that he receives the applications as soon as they come in and right away reviews the applications for any drainage issues then informs Ms. Clipperton which applications should be forwarded to Boswell Engineering. He believes that this procedure is working.

#### OLD BUSINESS:

None

#### MEETING ADJOURNED:

Motioned by Mr. Schneeweiss and seconded by Mr. Wegman, to adjourn the meeting concluding at 11:02 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is June 14, 2016