

MAY 31, 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. Ackerly, Chadwick, Smid, Schneeweiss, Wegman and Chairman Lepre.  
Absent: Messrs. Helfant and Bremer

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

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

SPECIAL MEETING BEGINS AT 8:10 p.m.:

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

Mrs. S sitting in for Mr. B. For the record, Mr. A and Mr. H have listen to the tapes of the special meeting held May 27. Mrs. G announce that Mr. OChab has completed his testimony and is ready for cross-examine and redirect. Chairman L touched on RLUPA and confirmed that this is a federal statute. Mr. O responded this is more for economics purposesand BO a do not get involved in the economics of an application. Mrs. Gonchar this is about federal law. Mr. O explained that it's a law that puts substantial burden on towns that oppose restrictions for the practice of religion. Economics, tax ratable loss should not be a discussion for a reason to deny an application. That's with the master plan is for, to address issues such as economics. Mr. Schneeweiss questioned out of all uses in the industrial park, how many have a residential component to it. A discussion ensued concerning manufacturing and residential at the same site. Mr. S informed Mr. Roe that there are 26 nonprofit inherently beneficial uses in town. Mr. O responded that this would need to be addressed in the next master plan. Mr. S question why let

house of worship in the industrial park. Mr. O responded that house of worship is permitted in the B – one zone and B – two zone, CBD zoned residential zone which needs 3 acres. Warehouses in the industrial zone have become good location with plenty of parking. Economically it's a perfect fit for the empty industrial buildings in the cell phone. House of worship applications are mitigating away from residential zones. Mr. Lydon question five parking spots that were not addressed. Mr. O responded if the board required us to incorporate the spaces they would. Mr. LYDON question S ECA and how the septic could work out. Mr. C a SCE I O responded that the septic engineer is in the process of designing that Will not require septic and health department approved. Mrs. G responded NJ DEP with in the limits. Mr. LY DO and questioned the 19,500 square feet requiring 118 parking spaces and the overflow parking. Mr. O responded that there will be 112 parking spaces that requirement changes they will come back to the board. Mr. L questioned if there would be buses at the site. Mrs. G responded that no buses are being proposed. German L referenced The term inherently beneficial and list particular uses such as schools hospitals nursing homes. Chairman Lepre questioned if this is a religious organization. Mr. O responded yes it is he questioning the setbacks and what type of work would be done on the site. Mr. O responded traffic, hours, lighting. SEC a requires the board to go through identifying impacts and the final task is to balance the benefits. Chairman L questioned if a residency is part of The practice of a inherently beneficial. Mr. O responded yes this is part of an inherently beneficial use and an accessory to the use. RLUPA says you can't restrict just businesses you do not like being proposed. Miss Susan are cross examined mr. O. Mrs. or stated that her client is not here because he does not like the youth she explained that they are here because they feel it is in an inappropriate use. Mrs. or questioned the type of industrial her manufacturing. Mr. O responded major industrial but is changing with all the vacancies. Mrs. R questioned if Mr. O new owner tenant ratio, if there were any other house of worship, residential, retail, office. Mr. O responded he was unaware. Mrs. are questioned Mr. O why he thought industrial parks were separated from industrial zones. Mr. O responded perhaps the trucking, loading but this is all changing now Mrs. R questioned if the presence of odor, noise truck traffic and lighting were associated with an industrial park. Mr. owl responded this is correct. Mrs. R question Mr. Al if he believed industrial and residential zones are of an opposite spectrum. Mr. O responded yes historically. Mrs. R questioned if there would be play area outdoors for the proposed residency. Mr. O responded not necessarily. He continued that Apartments do not always offer a play area for their residence. He expressed that it's a kids were out playing in the industrial area it would be during off hours. There's plenty of area for the children to spread out and really no real danger. Mrs. are touched on the overflow parking option I'm going back to the board for approval. Mrs. are questioned the additional parking for the overflow and if there would be valet parking. Mr. over responded that there would be no valet parking, that there were the option of additional parking at 112 Hour Dr. Arrangements for the overflow parking has already been discussed with the property owner. Mr. O also added that there would be no valet parking. She questioned a variance within the buffer and the possibility that they may not be providing adequate buffer. Mr. over responded that they are setting lights on the edge of the buffer to shine into The parking lot, this would have no effect on the 75 foot buffer. Mrs. R referenced the 2000 in the 1994 MasterPlan she questioned this property was to provide economic viability for the town. Mr. old responded yes but currently the end economics or not viable with the property consisting of six vacant buildings to 2008 reexam does not

address this site. Mrs. are questioned whether the solution is to continue granting you Siri answers. Mr. O responded declining industry base second demand of space for adapted reuse zoning and planning are years behind what is currently happening this is our question the last three exam. Mr. I will responded 2012. This is our questioned if they had still not looked into the industrial zone. Mr. O responded that they had not. This is our question and it's Oakland is giving up on Viabiles of this part. Mr. O responded the planner should study this area to find appropriate uses for the area incomparable uses where he feels a house of worship is compatible. Mrs. are questioned wooden anon industrial use be compatible. Mr. O inform Mrs. are that workers in the industrial park use these non-permitted uses such as gyms in daycare. This is our confirmed that the house of worship would be open Friday evening Sunday and open every Day for special service. Mr. O responded that Mr. TS ETH I testified to that. This is our question the type of activities that would be taking place. Mr. O responded Mr. SETHI testify to this.

Mrs. Rubright referred to previously entered exhibits of other industrial properties in the area and questioned if Mr. Ochab knew which houses of worship needed use variances and which were permitted uses. Mr. Ochab responded that he believed that Norwood and Paramus required use variances and Secaucus received special exception with conditions.

Mrs. Rubright questioned if Mr. Ochab was aware that the Planning Board is working on the Borough's Reexamination Report. She requested that he explain the procedure. Mr. Ochab responded that the Planning Board has meetings to review land development and offer proposals and recommendations to the governing body. She questioned what the responsibilities are from the Zoning Board of Adjustment. Mr. Ochab responded that Zoning Board prepare an annual report.

Ms. Rubright questioned when Mr. Ochab got involved in the application. Mr. Ochab responded he was hired back in September 2015. Ms. Rubright referenced mitigating the detrimental effects in his report concerning traffic flow, parking on the site and streetscape and confirmed that services would be Friday nights and Sunday with not outdoor activities. Mr. Ochab responded that this is correct.

Ms. Rubright verified that a residence is being proposed for inside the building and not somewhere else on the property.

MEETING ADJOURNED:

Motioned by Mr. Schneeweiss and seconded by Mr. Smid to adjourn the meeting concluding at 11:05 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is June 14, 2016