

JUNE 14, 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 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 8:10 P.M.

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

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

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

PUBLIC MEETING BEGINS AT 8:11 p.m.:

Mrs. Steele will be sitting in for Mr. Bremer.

1. Hill – Pierson Miller Drive, Block 101, Lot 2. Public hearing for steep slope variances and an accessory structure.

Members conducted a site inspection. Mr. Wegman reported that the site is located in the RA-3 Residential zone and there is no traffic. Chairman Lepre reported comments from the various departments.

Chairman Lepre informed the applicant's attorney that they could not move forward that evening with their application due to insufficient plans. He informed the attorney that the Borough has adopted a Highlands checklist and exemption ordinance requiring property owners within the Highlands to submit sealed architectural drawings that include floor plan and elevations. In addition, the presence or absence of wetlands near the site will need to be indicated on the plans as well. These documents would need to be submitted 10-days in

advance of the next meeting in order to move forward. Mr. Schneeweiss requested that he would like to also see an over-lay of what was approved prior to this application. Chairman Lepre entertained a motion to carry the application to the July 14, 2016 public hearing.

Motioned by Mr. Wegman and seconded by Mrs. Steele, to carry the Hill application to the July 14, 2016 public hearing was voted unanimously by the Board.

2. 19 Hines, LLC. – 9 Hobart Place, Block 4907, Lot 8. Public hearing for two fronts and a rear 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.

This is a corner lot. The applicant is proposing two front yard setbacks at 26-feet (Seton Hall) and 18-feet (Hobart) where 40-feet is required and a rear yard setback of 32-feet where 35-feet is required.

Mr. John Barbarula, Esq. was before the Board on behalf of the applicant. He introduced Mr. Douglas McKillrick, contractor, from West Milford and he was sworn in. Mr. McKillrick offered his credentials and the Board accepted his qualifications.

Mr. McKillrick gave a description of the property as it exists. He explained that they are proposing a second story comprised of four bedrooms, an attached garage, front porch and a new deck. In addition, a new septic is being reviewed by the Health Department designed for four bedrooms. Chairman Lepre questioned if Mr. McKillrick would stipulate that the porch would remain open. Mr. McKillrick agreed to the stipulation.

Mr. Schneeweiss questioned drain leader direction to redirect runoff. Mr. McKillrick responded that he had nothing proposed but if the Board prefers he could redirect the downspout towards the seepage pit. Mr. Schneeweiss questioned the location of the seepage pit in relation to the septic system and isn't it necessary to keep a certain distance between the seepage pit and the septic system. Mr. McKillrick responded that he could redirect the down spouts to the street but would not create runoff onto the neighboring properties.

Mrs. Steele questioned the plans for the existing shed. Mr. McKillrick responded that the shed will be removed. 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 19 Hines, LLC application 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 matters concerning the testimony of Mr. McKillrick with the 19 Hines, LLC application was voted unanimously by the Board.

Chairman Lepre questioned the pitch of the roof and space use for the attic Mr. Scott Leonask, manager member for the project, was sworn in. He responded that the pitch of the roof is strictly for esthetics purposes and there is no use intended for the attic. This is a planning upgrade that will be compliant with all required codes for the septic system as well as stormwater management requirements. The proposed improvements fall under the impervious coverage maximum. He entered an exhibit.

Exhibit A-1, Five pictures of neighborhood homes with similar improvements dated June 14, 2016.

Motioned by Mr. Wegman and seconded Mr. Chadwick, to open the meeting to the public regarding matters concerning the testimony of Mr. Leonask with 19 Hines, LLC was voted unanimously by the Board.

No comment.

Motioned by Mr. Wegman and seconded Mr. Chadwick, to close the meeting to the public regarding matters concerning the testimony of Mr. Leonask with 19 Hines, LLC was voted unanimously by the Board.

The seepage pit will be included and if the Borough Engineer requires anything additional as far as stormwater management, the applicant must comply. Mr. Leonask agreed with the Boards requirements. Chairman Lepre entertained a motion.

Motioned by Mr. Schneeweiss and seconded by Mr. Chadwick, to approve the 19 Hines, LLC application contingent to the porch remaining open, not to exceed four bedrooms and to comply with the Borough's Engineer if additional stormwater measures are needed.

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

3. Cohen - 599 Ramapo Valley Road, Block 1301, Lot 7. Public hearing for a side yard setback.

Members conducted a site inspection. Mr. Wegman reported that the site is located in a RA-1 Residential zone with moderate traffic.

The applicant proposes a side yard setback of 23.3-feet where 30-feet is required.

Mr. Ben Rogers, Esq. was before the Board on behalf of the applicant who was unable to attend the meeting. Chairman Lepre informed the applicant's attorney that the Board members were unable to inspect the property due to unattended dogs running on the property. He also explained to Mr. Rogers that the Board and the Board of Health will require to see a footprint of the first floor before taking any action on the application. The plans would need to be submitted no less than 10 days prior to the hearing. It was decided that the application would be carried to the July 14, 2016 public hearing.

Chairman Lepre requested that the dogs be in the house while they conduct their inspection Saturday before the hearing. He entertained a motion.

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, to carry the Cohen application to the July 14, 2016 public hearing with no further notice was voted unanimously by the Board.

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

Ms. Gonchar offered Guldeep Sethi's testimony again due to an incomplete record. Mr. Sethi understood that he remains under oath. He informed the Board that while reading prior meeting minutes for these hearings, he felt that he may have been misquoted about a few things and wanted to clear that up.

Mr. Sethi testified that he is the trustee of the mission and gave some history concerning the Sikh faith. The Sikh faith began back in 1469 and to date is the fifth largest religion in the world. There are three golden rules they encourage their congregants live by which are to serve, honest living and charity. They believe in salvation for all. Sikhs do not smoke, drink or do drugs. They allow their hair to grow as a symbol of respect of God's creation. Turbans are used in public to cover their hair. Sikhs hold prestigious position such as Bergen County prosecutor, Canada Defense Minister and even serve our country through the military.

The function of this temple will be to provide service to the congregants who live in the Wayne, Mahwah and Oakland area. The one-story building was selected for its central location to these towns and sufficient parking. Three services will be offered during the week on Friday from 7:00 pm to 9:00 pm and Sunday 7:00 am to 9:00 am and 11:00 am to 1:00 pm. with no overlap. Private prayer services will be available during open hours of the temple between the hours of 7:00 am to 10:00 pm daily.

The large hall accommodates men and women during services with shoes off sitting cross legged on the floor. The temple is open to everyone. The Holy book is placed in the center of the prayer hall and treated like a king on his throne. All congregants and masters bow to the Holy book as it is brought out in a procession from its own room. The sermon consists of singing, prayers for

humanity and prayers for all other houses of worship. A community meal follows the service located in another room. Currently, this hall will not be used until approval from NJDEP. When the mission receives NJDEP approval, meals will be prepared in this hall by 5 to 7 members.

Private prayer services or 48 hour readings are available from their Holy book which consists of 1430 pages. It takes two days to complete one of these readings which usually occur for joyful or sorrowful occasions. One individual will give the reading which are rarely attended by more than four people. These readings will occur no more than one or two times a month. A priest is required to be at the temple at all times to protect and serve the Holy book.

Three services are being offered and will be attended by approximately 70 –100 congregants per service. Sunday's service would probably have the largest turn out but would not exceed the 250 people maximum. They intend to control the 250 people maximum through membership. Services for weddings or birthdays are usually held on Saturday. Only wedding ceremonies will be held at the temple, not wedding receptions. Occasionally, a meal will follow a wedding ceremony in the dining hall but there is no music or dancing. The same goes for birthday celebrations after prayers and hymns, a celebratory meal will follow the service. Again, there would be one or two of these events per month and the temple will not be renting out the dining hall for catered affairs.

The Holy book is moved in a procession with great reverence but rarely leaves the temple. It is a violation in the Sikh faith to leave the Holy book alone. It is an essential practice to have someone on the premises at all times to offer protection, prayer and counseling to any members. Mr. Sethi informed the Board of all the organizations his congregation helps and assured them that they would be active in Oakland.

Ms. Gonchar questioned Mr. Sethi if chimes, bells or speakers would be used outdoors and what was the geographical area that their congregation was drawing from. Mr. Sethi responded that he predicts that mainly members from Glen Rock since they follow the same progressive Sikh/American style. Ms. Gonchar questioned the layout of the building and what the use for the second floor area would be. Mr. Sethi responded the second floor use may be used as a study and it is not necessary that a full bathroom be installed as suggested by the architect.

Ms. Gonchar questioned if the congregation would have use of the kitchen. Mr. Sethi responded that their community would have access to the kitchen but no outsiders, catering or rental of the kitchen or dining area. However, the kitchen will not be used until the appropriate approvals have been obtained. Until then, food will be brought in and not prepped on site.

Ms. Gonchar questioned the use for the locker room. Mr. Sethi responded that some members prefer to bathe before prayer services or a reading. There will be a male and female locker room available. Ms. Gonchar questioned if the dining area could be used as an over-flow to the prayer hall during services if needed. Mr. Sethi responded that this would not happen because the maximum occupancy for the building is 250 people. Chairman Lepre questioned if their religious organization was considered a 501c3 by the IRS. Mr. Sethi responded that this is correct.

Mr. Porro cross examined Mr. Sethi. He questioned if Mr. Sethi was a planner, engineer, lawyer, realtor or an expert in theology. Mr. Sethi responded no he is not. Mr. Porro questioned if Mr. Sethi was aware or analyzed variances requested in other towns for houses of worship. Mr. Sethi responded no and that he was not aware. Mr. Porro questioned Mr. Sethi's occupation. Mr. Sethi responded he is a jeweler.

Mr. Porro questioned where the Holy book was printed. Mr. Sethi responded the Holy book was printed in India and brought over to America. Mr. Porro entered an exhibit.

Exhibit OM- 4, Real estate listing of available properties in the area.

Ms. Gonchar objected stating no relevance. Mr. Cavaliere stated that it is appropriate to ask if the applicant looked at other sites.

Mrs. Steele left the meeting at 10:11 p.m.

Mr. Porro questioned if Mr. Sethi knew the number for memberships in Clifton, Paterson, Englewood, Teaneck, East Rutherford, and Closter's houses of worship. Mr. Sethi responded that he did not know. Mr. Porro entered an exhibit.

Exhibit OM-5, A real estate list of properties for sale that are permitted uses.

Mr. Porro named the same sites and questioned if Mr. Sethi visited these sites where the use is permitted as possible prospects for their temple. Mr. Sethi responded that he visited the property in Paterson and Teaneck which did not offer adequate parking and added that Closter and Englewood would be a distance to travel for the congregation. Mr. Porro entered an exhibit. Exhibit OM-6, Oakland zoning map.

Mr. Lydon informed Mr. Porro that this is not a current zoning map. Mr. Porro questioned if Mr. Sethi investigated real estate in Oakland where houses of worship are permitted. Mr. Sethi responded primarily the residential areas on 202. Mr. Porro questioned if the Holy book could be protected by a caretaker. Mr. Sethi responded that Holy book is required to be in the presence of a priest or junior priest who has had the proper training in the Sikh faith. A discussion ensued concerning prior testimony concerning a caretaker/priest and the definition. Mr. Sethi responded it would be a violation if the Holy book were left with anyone without the proper training.

Mr. Porro confirmed that the applicant can open without the use of the kitchen. Mr. Sethi responded that the engineer informed him that the house of worship could open as it awaits septic approval from the state. Mr. Porro questioned the façade, the layout and moving the main entrance of the building. Mr. Sethi responded there will be no change to the exterior of the building and the architect designed the layout of the building and main entrance is off parking area. Chairman Lepre added that currently the entrance is closest to the rear.

Mr. Porro questioned if sidewalks would be installed off of Bauer Drive, whether dumpsters would be placed in the rear and will the church be using town pick-up for garbage. Mr. Sethi responded no sidewalks are being proposed, the dumpster would be located in the rear of the building and a private company would be hired to pick-up the garbage.

Mr. Porro questioned how they plan to enforce the 250 occupant maximum. Mr. Sethi responded that the 250 limit is enforced by the fire code set forth by the Borough.

Ms. Susan Rubright cross examined Mr. Sethi. She confirmed that holiday services would be held between the hours of 7:00 p.m. – 9:00 p.m. followed by a meal limited to 250 people. Ms. Rubright questioned the need for the resting area/locker room. Mr. Sethi responded that it is customary in India for congregants to bathe before prayer due to the excessive heat in the country and the ritual continued more common with a 48-hour reading. Ms. Rubright questioned if a busy Sunday service and multiple showers could possibly impact the current septic system. Mr. Sethi responded this would be unlikely on a Sunday since people are coming straight from their homes. It would be more likely on a Friday services or during a 48-hour reading when people may be coming straight from work. Mrs. Rubright questioned the estimated attendance for a Friday service. Mr. Sethi responded approximately 70 congregants and out of that number three may use the shower.

A discussion ensued concerning other faiths and living arrangements for other priests or ministers. It was noted that other religious leaders do not necessarily live directly in the house of worship but in close proximity. Mr. Sethi responded in their faith it is required that a priest/junior priest be on site 24 hours seven days a week.

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

No comments.

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

Ms. Mejia confirmed that the kitchen would remain vacant until the necessary approvals are received. Ms. Gonchar responded that this is correct and the applicant will comply with enlarging the septic system if needed. Ms. Mejia questioned the length of time it would take for approvals. Ms. Gonchar responded they have not yet filed with the NJDEP. Chairman Lepre confirmed the maximum occupancy will be 250 people and kitchen will remain vacant until all approvals are received from NJDEP. Ms. Gonchar responded this is correct. Mr. Smid question the size of the priest's family. Mr. Sethi responded he did not know they are currently interviewing.

MEMORIALIZATION OF RESOLUTION:

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

1. Glantz – 11 Sienna Way, Block 4909, Lot 17. Approval for a front and side yard setback.

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

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

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

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

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

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

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

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

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

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

Absent: Mr. Helfant

PAYMENT OF BILLS:

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

APPROVAL OF MINUTES:

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, to approve the May 10, 2016 minutes was voted unanimously by the Board.

Motioned by Mr. Chadwick and seconded by Mr. Smid, to approve the May 23, 2016 minutes was voted unanimously by the Board.

NEW BUSINESS:

None

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 July 12, 2016