

AUGUST 8, 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, Smid, Wegman, and Chairman Lepre.
Absent: Messrs. Chadwick and Schneeweiss.

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

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

Mr. Arredondo sitting in for Mr. Schneeweiss.
Mr. Rose sitting in for Mr. Chadwick.

PUBLIC MEETING:

1. Gerges – 791 Ramapo Valley Road, Block 901, Lot 29. Public hearing for a 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 heavy. Chairman Lepre reported comments from the various departments.

The applicant is proposing a rear yard setback of 62.5-feet where 75-feet is required.

The owner, Ms. Riham Gerges and Sherif El-Far from Allied Engineering Associates were sworn in. Mr. El-Far explained that the applicant would like to add a deck off the back of the house where their indoor pool is located. The rear yard slopes and the applicant feels that the deck will allow a

level outdoor space they can enjoy after swimming. Chairman Lepre entertained a motion to open the meeting to the public.

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

No comments.

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

Chairman Lepre reviewed the hardship warranting the variance. He entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Bremer, to approve the Gerges application.

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

2. DiGuilio – 32 Crosby Lane, Block 3703, Lot 48. Public hearing for a front 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 property is located on a corner lot. The applicant is proposing an existing front yard setback of 8.1-feet where 50-feet is required.

Homeowners Vincent and Victoria Giulio were sworn in and testified that they are proposing second floor addition for more space. Chairman Lepre verified that the home would remain two bedrooms and the septic is designed for two bedrooms. Mr. Cavaliere confirmed that all Board members received the revised plans. He questioned how the stormwater would be managed on the property. Mr. DiGuilio responded that roof leaders would spill out onto the driveway and out to the road. Chairman Lepre entertained a motion to open the meeting to the public.

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

Mrs. Vesna Haymon, 26 Crosby Lane, expressed that she is in favor of the application and feels it would have a positive impact on the neighborhood.

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

Chairman Lepre reviewed the hardship warranting the variance. He entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Arredondo, to approve the Giulio application subject to the home remaining two bedrooms.

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

3. A& E Ventures of Oakland, LLC – 101 Plaza Road, Block 2702, Lots 1.01 and 1.02. Public hearing for a preliminary and final site plan, subdivision, use and bulk variances.

Chairman Lepre verified that revised drawings were received by the Board. Ms. Gail Price, Esq. with Price, Meese and Shulman, Thomas Herten, Esq. with Archer Attorneys at Law, Mr. Thomas Pugsley with North Star Designer announced their presence on behalf of the applicant for the record and Mr. Carl Rizzo, Esq. with Cole Shotz representing Jayare Associates.

Mr. Rizzo continued with his cross-examination of Mr. Pugsley on engineering. He mentioned Mr. Lydon's letter that included that no two gas stations shall be within 1500-feet of one and other, according to the borough's ordinance, and asked Mr. Pugsley if he agreed with that. Mr. Herten responded that Mr. Pugsley is not testifying as a planner.

Mr. Rizzo questioned the grading plan and a plan for petroleum spillage. Mr. Pugsley responded that Wawa has protection procedures in place for any petroleum spillage. Mr. Rizzo confirmed that their stormwater management plan has the runoff discharge into the category 1 stream across the street. He expressed concerns that spillage would end up discharging into the stream. Mr. Pugsley responded that Wawa will follow their procedure to prevent any spillage.

Mr. Rizzo questioned what was involved with the Highlands Exemption. Mr. Rizzo entered an exhibit.

Exhibit O-1, Highlands Exemption.

Mr. Rizzo verified that Mr. Pugsley was authorized person to submit the letter for exemption to the Highlands and in that application, did he referenced a "service station" and "convenience store". Mr. Pugsley responded that this is correct. Mr. Rizzo pointed out that in the Highlands Exemption application, Wawa is referred to as a "service station" and "convenience store" a few times throughout the application.

Chairman Lepre expressed that the applicant and opposition keep referencing the Burger King and the bank. He reminded Mr. Rizzo and Mr. Pugsley that that application went before the Planning Board and this Board has no background on that application. He suggested that this application should stand on its own and stop referring to an application that this Board has no knowledge of.

Mr. Rizzo informed the Board that he had no further questions for Mr. Pugsley. Chairman Lepre entertained a motion to open the meeting to the public.

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

Mr. Herten reminded the Board that Mr. Pugsley did not review the ordinance from a planning perspective since he is testifying as an engineer not a planner.

Mr. Pugsley explained what revisions were submitted to the Board. They received their approval from Bergen County Soil Conservation and exemption from the Highlands. Revised plans for fire truck circulation and amended preliminary and final site plans were also submitted in response to Mr. Lydon and Ms. Mejia's reports. Mr. Pugsley entered an exhibit.

Exhibit A-10, Color version of the site plan prepared by North Star Design, LLC and last revised July 31, 2017.

He explained that revisions were done to improve the impervious coverage by reducing the length and width parking spaces and moving the trash enclosure to reduce the macadam pad. They increased the number of evergreens along the proposed buffer facing Post Road and reduced the height of the retaining walls along Post Road, Plaza Road and Ramapo Valley Road. In addition, a guiderail has been added to the top of the retaining walls.

An updated septic system design has been submitted to the Health Department. The driveway access off of Post Road has been widened to allow fire trucks easy access and both entrances will have signs instructing "no tractor trailers". The width between the canopy and the corner has been widened to improve the vehicle access. Mr. Pugsley entered an exhibit.

Exhibit A-11, Photographs of signs along Ramapo Valley Road.

Mr. Rizzo objected stating that this is a planning subject. Mr. Pugsley was allowed to continue. He reviewed the pictures taken with the Board describing the location and size of signs presented in

the exhibit. The pictures showed existing signs at the Valero gas station, Gulf and Shoprite. He reviewed the square-footage and height of these signs. Mr. Rizzo objected again questioning the relevance of these pictures. Ms. Price responded that it is only right for the applicant to explore, for their case, other signs in the area that exceed the limit and the size. Chairman reviewed with Mr. Pugsley which businesses belonged to each sign. Five of the pictures were signs located on the Shoprite property which Mr. Rizzo represents. A discussion ensued concerning approval of the Shoprite signs. Mr. Rizzo questioned if Mr. Pugsley researched when the signs were erected and if there were approvals. Mr. Pugsley responded that he did not. Ms. Price explained that at the last meeting, they were asked about signs in the town that might compare.

Meeting recessed at 9:42 p.m.

Meeting resumed at 9:52 p.m.

Mr. Herten expressed that the remaining testimony concerning signs will be reviewed by their planner. Mr. Rizzo continued to cross-examine Mr. Pugsley on the review of time, approval and zoning in place when these signs were erected.

Chairman Lepre questioned the presence of a concrete pad. Mr. Pugsley responded that the concrete pad will be used for a transformer. Mr. Ackerly questioned the decrease of impervious coverage. Mr. Pugsley responded that impervious coverage is permitted up to 55-percent, the existing impervious coverage is 74.28-percent and the applicant is proposing 76.91-percent.

Mr. Smid questioned the 130 square foot increase of size to the convenience store, the new shed location and if this would change the location of the fuel tanks. Mr. Pugsley responded that they are adding a vestibule at the main entrance of the convenience store, moving the shed to the northwest corner of the property causing no disruption to the three underground fuel tanks. Mr. Smid confirmed that the entrance off of Post Road was eliminated and is now only an exit. He also questioned if trees were deleted on the landscaping plan. Mr. Pugsley responded that landscaping has been increased and 1 tree in the northwest portion of the property would need to be removed due to the septic system.

Mr. Arredondo questioned if the signs on the canopy are considered wall signs. Mr. Pugsley was not sure but would verify.

Mr. Lydon questioned the 90 degree bend in the circulation plan of the parking lot. Mr. Pugsley responded that their circulation plan is ADA compliant but they decided to widen the drive isle to make it safer for vehicles to maneuver.

Ms. Mejia informed Mr. Pugsley that a federal standard was just adopted for the height of guiderails and advised him to make sure he is in compliance.

Mr. Rizzo verified with Mr. Pugsley that the size of the convenience store, fueling station and canopy, number of pumps and number of parking spaces have not been reduced. Mr. Pugsley responded that this is correct.

Mr. Rizzo questioned if the air tower is situated in front of a parking space, the garbage enclosure faced Ramapo Valley Road, a cross-walk and sidewalks to access the parking lot were being proposed. Mr. Pugsley responded that there would be a parking space in front of the air tower, that the garbage area will face Ramapo Valley Road with a gated enclosure. The parking lot would not have a cross-walk or sidewalks to access the parking area.

Mr. Rizzo questioned how they intend to control the landscapers with trailers from entering the parking lot when they want to patronizing the convenience store. Mr. Pugsley responded that there will be a "no parking" signs for oversized vehicles.

Mr. Rizzo questioned Mr. Pugsley when their request for Highlands Exemption was submitted. Mr. Pugsley responded that their Highlands Exemption was submitted back in June of 2016. Mr. Rizzo questioned if the Highlands have seen the revised plans. Mr. Pugsley responded no.

Chairman Lepre questioned the soil moving quantities. Mr. Pugsley responded that they would have an update on the soil move amounts once the plans are finalized. Mr. Herten entered an exhibit.

Exhibit A-12, Fire circulation plan revised July 31, 2017.

Mr. Pugsley explained that the plans show how a fire truck will enter the Wawa parking lot from Post Road and continuing in a counter clockwise pattern and then exit out onto Plaza Road where the driveway has been widened to accommodate the emergency vehicle. Mr. Rose expressed that during the circulation depicted on the plan, it appears that the fire truck hits the curb line. A discussion ensued concerning the whether the traffic circulation was measured by a computer program. Mr. Arredondo advised that the size of the fire truck bumper be taken into account when putting in any landscaping. He questioned the height of the truck and the proposed canopy. Mr. Pugsley responded that the truck is 12.2-feet and the proposed canopy is 14-feet in height.

A discussion ensued concerning the applicant's reason for selecting this property for the Wawa. Mrs. Price responded that this is decided by the Wawa Corporation. She assumes they do a study of the area.

Mr. Rizzo announced that this concludes his cross-examination of the engineer. Chairman entertained a motion to open the meeting to the public.

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

No comments.

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

Chairman Lepre announced that the Wawa application will be carried to the September 12, 2017 public hearing with no further notice.

MEMORIALIZATION OF RESOLUTION:

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

1. Bowitz – West Oakland Avenue, Block 2501, Lots 9, 10, 11, 16 & 30. Approval for a Zoning Permit.

Eligible voters: Messrs. Rose, Ackerly, Ackerly, Wegman

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

PAYMENT OF BILLS:

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

APPROVAL OF MINUTES:

Motioned by Mr. Smid and seconded by Mr. Rose, to approve the July 11, 2017 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

None

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Chadwick and seconded by Mr. Wegman, to adjourn the meeting concluding at 10:55 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is September 12, 2017.