



BOROUGH OF OAKLAND, NEW JERSEY

TO: Zoning Board

FROM: Glen Turi

This is to advise you that on September 14, 20123, a denial was issued to Andpadel LLC. for the location 17 Van Vooren Drive, Oakland, NJ 07436

Block: 3203 Lot: 2

Zoning District: IP

For: Paddle Courts

For the following reasons:

- 1.) Use variance for a non-permitted use (Paddle Courts)

The Ordinances pertaining to this application are:


Chapter 59

Sections 55

- (1) §59-55 (E) Permitted uses within the Industrial Park Zone

Fee: \$50.00 Paid by: 165 LOD: # 09142023

An appeal to the Board of Adjustment of the determination must be made within twenty (20) days of the date of this determination.



Glen Turi
Zoning Official

**BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY**

ZONING BOARD APPLICATION

Date _____

**NOTE: APPLICATION SETS MUST BE COLLATED AND
SUBMITTED IN PACKET FORM FOR PROCESSING.**

The undersigned, as Applicant/Owner of the subject property identified herein hereby makes application to the
Borough of Oakland for (check all that apply)

Date Received: _____

Fee Submitted: _____

Complete Date: _____

FOR OFFICIAL USE ONLY

____ Appeal from the decision of the Zoning Officer [N.J.S.A. 40:55D-70(a)]

____ Bulk Variance(s) [N.J.S.A.40:55D-70(c)]

☒ Use Variance / Expansion of Non-conforming Use / Conditional Use [N.J.S.A. 40:55D-70(d)(1)(2)(3)]

____ Floor Area Ratio / Density [N.J.S.A. 40:55D-70(d)(4)(5)]

____ Site Plan Review [N.J.S.A. 40:55D-76(b)]

I. APPLICANT INFORMATION

a. Name: Andpadel LLC

b. Address: 140 Hepburn Road-Apartment 4E, Clifton, NJ 07012

c. Telephone 201-934-0110 Email: walid.o.idriss@gmail.com

d. Applicant is a: (check applicable status)

____ Corporation ____ Partnership ____ Individual(s) ☒ LLC

**If applicant is a corporation or a partnership, please list the names and addresses of persons having a
10 % interest or more in the corporation or partnership on a separate sheet and attach to this
application.**

e. Relationship of applicant to property (check applicable status):

____ Owner ____ Contract Purchaser ☒ Lessee ____ Other (specify _____)

f. If applicant is represented by an attorney:

Name: Bruce E. Whitaker, Esq.

Address: 245 East Main Street - P.O. Box 379, Ramsey, NJ 07446

Telephone: _____ Email: _____

g. (Architect) Preparation of Plans by:

Name: John Saracco, AIA

Address: P.O. Box 245, Boonton, New Jersey 07005

Tel: 973-299-4428 Email: office@saracco.us

h. (Engineer) Preparation of Plans by:

Name: Robert J. Weissman, PE & LS

Address: 686 Godwin Avenue, Midland Park, NJ 07432

Tel: 201-445-2799 Email: info@weissmanengineeringpc.com

2. PROPERTY INFORMATION

a. Street address 17 VanVooren Drive, Oakland, NJ

b. Tax Map Block(s) 3203 Lot (s) 2

c. Zone District IP

d. Existing Use of Property Commercial

e. Proposed Use Property: Padel Courts for private training and matches

f. Residential applications: N/A

Current number of bedrooms _____ Proposed number of bedrooms _____

Current number of bathrooms _____ Proposed number of bathrooms _____

g. Property is sewered _____ Septic system X

h. Are there any existing Deed Restrictions/Easements? X No ___ Yes (attach copy of restriction)

Are there any proposed Deed Restrictions/Easements? X No ___ Yes (attach copy of restriction)

i. Does the applicant/owner own any property which adjoins/is adjacent to this property? ___ Yes X No

j. Please list prior applications or municipal actions regarding this property and attach Resolutions related to same: See attached

k. Property is located (check applicable status):

☐ Within 200 feet of another municipality

☐ Adjacent to a State Highway

☐ Adjacent to an Existing or proposed County road

☐ Adjacent to other County land

Note: If any category is checked, notification concerning this application to the appropriate agency is required.

3. NATURE OF APPLICATION: (clearly detail proposal- attach additional sheets if necessary)

See Addendum Attached

4. JUSTIFICATION FOR RELIEF: (statement setting forth reasons justifying granting of this application- attach additional sheets if necessary)

See Addendum Attached

5. BULK VARIANCE RELIEF IS SOUGHT BECUASE OF: (check applicable) N/A

☐ Exceptional narrowness of property

☐ Exceptional shallowness of property

☐ Shape of property

☐ Exceptional topographic/physical features of the site

☐ Other extraordinary/exceptional situation

☐ One or more listed purpose of MLUL advanced

6. Indicate if this is a bifurcated use variance application: ☐ Yes ☒ No

Note: If yes, any approval, if granted by the Board of Adjustment, shall be conditioned upon submittal of a completed site plan application being submitted to the Board of Adjustment for approval (N.J.S.A. 40:55D-76).

- | <u>Borough Code Section</u> | <u>Required</u> | <u>Proposed</u> |
|-----------------------------|-------------------------------|-----------------|
| 59-55 (E) | Use not permitted within Zone | |
| | See Addendum Attached | |
| | | |
| | | |
| | | |
| | | |
| | No change to approved Plan | |

- | | REQUIRED | EXISTING | PROPOSED |
|---|---------------------------------|-----------------------------------|---------------------------------------|
| Lot Area | <u>2AC</u>
sf min | <u>2 AC</u>
sf | No Change(N/C)
sf |
| Lot Width | <u>100</u> ft min | <u>100</u> ft | <u>N/C</u> ft |
| Lot Depth | <u>410</u> ft min | <u>410</u> ft | <u>N/C</u> ft |
| Building Coverage*
(calculated: total building footprint square footage divided by lot area x 100%) | <u>25</u> % max | <u>25</u> % | <u>N/C</u> % |
| Impervious Coverage**
(calculated: total impervious footprint square footage divided by lot area x 100%) | <u>50</u> % max | <u>47.5</u> % | <u>N/C</u> % |
| Front Setback | <u>50</u> ft min | <u>50.2</u> ft | <u>N/C</u> ft |
| Side Setback | <u>25</u> ft min | <u>26</u> ft (Left)
ft (Right) | ft (Left)
<u>N/C</u>
ft (Right) |
| Rear Setback | <u>50</u> ft min | <u>80.2</u> ft | <u>N/C</u> ft |
| Building Height | <u>40</u> ft max
stories max | <u><40</u> ft
stories | <u>N/C</u> ft
stories |

****Impervious Surfaces:** surfaces covered by roofs, pavement, walks, patios, and other materials so that underlying soils are highly resistant to infiltration of water. This includes all buildings, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

9. ADDITIONAL REQUIREMENT OF SUBMISSION:

- a. Attach Zoning Officer's Decision
- b. Attach certification of payment of taxes from Borough Tax Collector
- c. Submit Request for 200' Property Owners' List
- d. Submit Legal Notice of Hearing for review prior to mailing & publishing
- e. Attach completed checklist.
- f. Attach Property Survey
- g. Attach Site Plan & Architectural Drawings, if applicable
- h. Attach any other agency and/or government approvals if received in connection with this application such as NJDEP permits, NJDOT permits, Bergen County Approvals etc.

10. VERIFICATION AND AUTHORIZATION

- a. **Applicant's Statement:** I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are, to the best of my knowledge, true and accurate.

11/7/23

Applicant's Signature Bruce E. Whitaker, Esq., Attorney for Applicant Date

- b. **Owner's Statement:** I, the undersigned, being the owner of the property described in this application, hereby consent to the making of this application and the approval of the plans submitted. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency.

Owner's Signature DFLP VanVooren, LLC by Date

Sworn and Subscribed to before me this

_____ day of _____, _____ (Year)

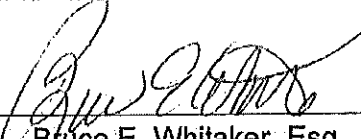
(Notary)

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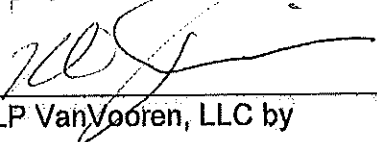
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Applicant's Signature **Bruce E. Whitaker, Esq., Attorney for Applicant** Date **11/7/23**

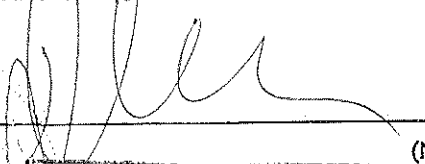
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Owner's Signature **DFLP VanVooren, LLC by** Date **11-10-23**

Sworn and Subscribed to before me this

10 day of NOVEMBER, 2023 (Year)



(Notary)

DANIELLE MIHAJLOVIC
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES MARCH 22, 2027

ADDENDUM

ANDPADEL, LLC (hereinafter referred to as the "Applicant") has entered into a lease agreement with DFLP VanVooren, LLC for 17 VanVooren Drive, Oakland New Jersey to lease 13,021 square feet of a commercial building that has a total square footage of 21,780 square feet at 17 VanVooren Drive, Oakland, New Jersey as shown on the Tax Map of the Borough of Oakland as Block 3203, Lot 2 (hereinafter referred to as the "Property").

The Applicant is proposing to use the leased space for padel courts for private training, small group training and matches. Padel tennis has become a popular sport for all ages. There is a growing need to provide appropriate instruction for new participants in the sport as well as to provide an indoor area that members of the public can use to play matches. Padel tennis courts are generally not found in public parks, but are generally played in private facilities. Most importantly, people who wish to learn the sport and participate competitively want to play it year around. There is a demand in Northern Bergen County for an indoor padel tennis facility to provide instruction as well as to permit participants to play at all levels.

The padel tennis court is smaller than a standard tennis court. The padel tennis court can be used for single and doubles play and the leased premises can easily accommodate the Applicant's proposal.

There is sufficient parking on the Property for players to come and play. It is anticipated that there will be a maximum of 2 employees there at any given time, and the maximum number of players at any given time will not exceed 12. Schedules will be staggered to ensure courts use times will expire at different intervals to reduce player overlap between those leaving and those arriving. With 3 courts there will be a maximum of 12 players with a high estimate of 50% overlap so that the maximum number of parking spaces required, assuming everyone comes in

their own vehicle, would be 18 plus 2 employees for a total of 20. The parking on the site that is allocated for the Applicant is 24. Therefore, leaving an additional 4 spaces.

The Applicant proposes to be open 7 days a week from 7:00 AM to 10:00 PM

The Municipal Land Use Law defines an inherently beneficial use as a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such uses include schools. Although this is not a school per se, the lessons being provided, the physical activity that will occur here for all levels of play and for players of all ages, does provide a public benefit to the community, and fundamentally serves the public good and promotes the general welfare. It is understood that the inherently beneficial use aspect is the first element of proof for an applicant under the positive criteria for a use variance. The Statute also provides that no variance may be granted including relief for an inherently beneficial use without showing that such variance or other relief can be granted without substantial detriment to the public good, and will not substantially impair the intent and purpose of the Zone Plan or Zoning Ordinances. In this instance it is submitted that the use itself is inherently beneficial to the community.

As an alternative to finding that the use is inherently beneficial, it is submitted that this building on this Property is particularly suited for the use. Over the last few years, many commercial warehouses have been converted to health and fitness centers as well as to facilities for athletic instruction and for athletic activities. In Northwest Bergen alone, warehouse facilities have been converted to baseball, softball, basketball, football, fencing and gymnastic facilities for training as well as play. These types of warehouse facilities have become popular for all types of sports and there has been many conversions of warehouse use for such athletic activities.

The warehouse facility provides an indoor facility for such use that permits the players to participate and train all year around regardless of the weather.

It is submitted that there is no substantial detriment to the public good, and the use will not substantially impair the intent and purpose of the Zone Plan or Zoning Ordinances. To the contrary, the use itself is beneficial to the community. It is in a convenient location. It gives both youth and adults the ability to exercise, to learn a sport, and to participate competitively. The location of the building provides easy access to and from the parking lot for the facility and will not conflict with other uses within the area. The parking that exists can easily accommodate the players that would come to the facility. It is all confined within a building, and it will create no disturbance to the owners of adjoining properties.

For the foregoing reasons, the Applicant respectfully requests variance relief be granted to permit this padel court facility to occupy the leased space on the Property.

Tenant Fit-Out

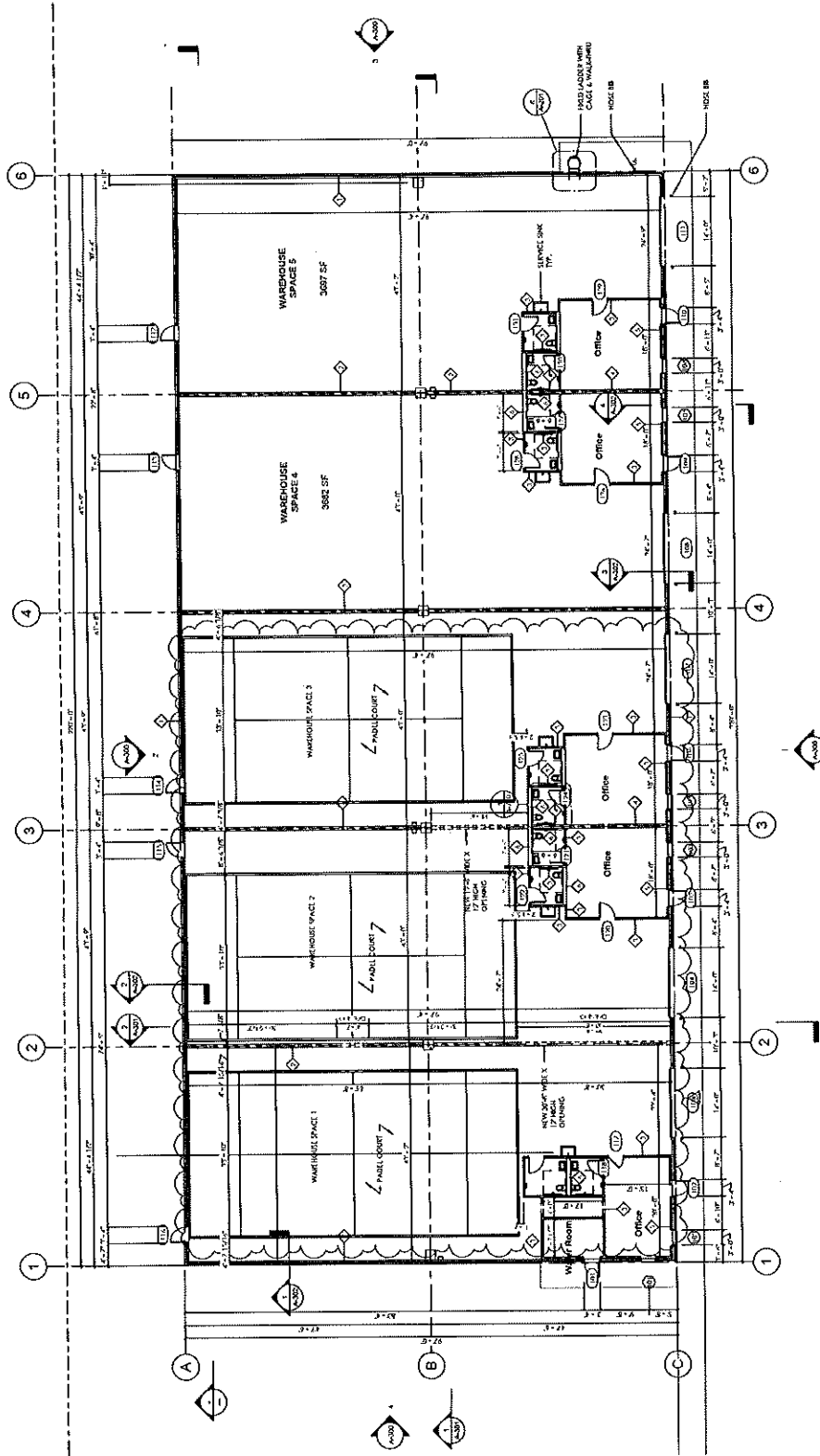
17 Van Voorst Drive
Oakland NJ

Lot: 2 Block: 220.07

ARCHITECT
JOHN J. PACCARDO ARCHITECT LLC
10000 N. J. 2000
OAKLAND, NJ 07036
P: 908.220.0000
F: 908.220.0001

First Floor Plan

SCALE & SIGNATURE	SCALE: AS NOTED
DRAWN BY: J. PACCARDO	CHECKED BY: J. PACCARDO
DATE: 01/11/2017	DATE: 01/11/2017
PROJECT NO.: 17-0000	DRAWING NO.: PB-100



1" = 10'-0" 1" = 5'-0" x 1'-0"

**BOROUGH OF OAKLAND
COUNTY OF BERGEN
PLANNING BOARD**

**RESOLUTION GRANTING PRELIMINARY AND FINAL
MAJOR SITE PLAN APPROVAL, VARIANCES, SOIL
MOVING PERMIT AND WAIVERS FOR THE
CONSTRUCTION OF A ONE-STORY BUILDING AT
PREMISES KNOWN AS 17 VAN VOOREN DRIVE,
BLOCK 3203, LOT 2, BOROUGH OF OAKLAND, COUNTY
OF BERGEN, STATE OF NEW JERSEY**

WHEREAS, applications have been submitted to the Planning Board of the Borough of Oakland (Planning Board) by DFLP Van Vooren LLC, PO Box 709, Franklin Lakes, New Jersey 07417 (Applicant) for preliminary and final major site plan approval, variances, soil moving permit and waivers pertaining to the construction of a new one-story building on premises currently known as 17 Van Vooren Drive and known as Block 3203, Lot 2 as shown on the most recent tax and assessment maps of the Borough of Oakland (hereinafter referred to as the "Property"); and

WHEREAS, the Property is presently vacant; and

WHEREAS, the Applicant intends to construct a single-story industrial-type building consisting of warehouse and office uses; and

WHEREAS, the proposed uses are permitted in the Industrial Park (IP) Zone; and

WHEREAS, along with the applications, the Applicant submitted the following drawings/plans/sketches/documents (hereinafter referred to as the "plans"):

- (1) Drawing entitled, "Title Sheet" prepared by Robert J. Weissman, P.E. & L.S., dated August 25, 2021 and last revised December 29, 2021, designated as Sheet 1 of 6.

ng entitled, "Existing Conditions Plan" prepared by Robert J. Weissman, P.E. & L.S. dated August 25, 2021 and last revised December 29, 2021, designated as Sheet 2 of 6.

- (3) Drawing entitled, "Site Plan, for DFLP Van Vooren LLC," prepared by Robert J. Weissman, P.E. & L.S., dated August 25, 2021 and last revised December 29, 2021, being designated as Sheet 3 of 6 (marked into evidence as **Exhibit A-1**).
- (4) Drawing entitled, "Soil Erosion and Sediment Plan" prepared by Robert J. Weissman, P.E. & L.S. dated August 25, 2021 and last revised December 29, 2021, designated as Sheet 4 of 6.
- (5) Drawing entitled, "Details Sheet" prepared by Robert J. Weissman, P.E. & L.S. dated August 25, 2021 and last revised December 29, 2021, designated as Sheet 5 of 6.
- (6) Drawing entitled, "Lighting Plan" prepared by Robert J. Weissman, P.E. & L.S. dated August 25, 2021 and last revised December 29, 2021, designated as Sheet 6 of 6.
- (7) Landscape Plan dated December 31, 2021 prepared by Urban Farms Landscape & Design consisting of 1 sheet designated as Drawing No. L-1 (marked into evidence **Exhibit A-2**).
- (8) Architectural Drawing entitled, "Title Sheet," prepared by John Saracco Architect LC dated August 27, 2021 and last revised December 28, 2021 designated as Drawing No. PB-100 (marked into evidence as **Exhibit A-3**).

- (9) Architectural Drawing entitled, "First Floor Plan," prepared by John Saracco Architect LLC dated August 27, 2021 and last revised December 28, 2021 designated as Drawing No. PB-101 (marked into evidence as **Exhibit A-4**).
- (10) Architectural Drawing entitled, "Elevations," prepared by John Saracco Architect LLC dated August 27, 2021 and last revised December 28, 2021 designated as Drawing No. PB-102 (marked into evidence as **Exhibit A-5**).

WHEREAS, the Planning Board also considered the following documents:

- (1) Affidavit of Service pertaining to the Notice of Publication and Notice to All Property Owners Within 200 Feet dated December 31, 2021.
- (2) Memorandum from Burgis Associates to the Planning Board dated December 14, 2021.
- (3) Memorandum from Burgis Associates to the Planning Board dated January 12, 2022.
- (4) Inter-office memo from the Oakland Zoning Official, undated.
- (5) Inter-office memo from the Oakland Fire Prevention Bureau, dated December 19, 2021.
- (6) Inter-office memo from the Oakland Tax Collector dated November 15, 2021.
- (7) Inter-office memo from the Oakland Health Department dated November 15, 2021.
- (8) Inter-office memo from the Oakland Assessment Department dated November 22, 2021.
- (9) Letter from the Oakland Shade Tree Commission to the Planning Board dated November 26, 2021.

WHEREAS, the plans have been reviewed by the Planning Board's engineer, Boswell Engineering, and their comments and recommendations are set forth in their letter to the Planning Board dated December 23, 2021; and

WHEREAS, the Planning Board has considered the applications for preliminary and final site plan approval, variances, soil moving permit and waivers with reference to the objectives set forth in the applicable zoning ordinances of the Borough of Oakland; and

WHEREAS, a public hearing of the Planning Board was held on Thursday, January 13, 2022 in which notice was duly published in the appropriate newspaper and given to all property owners within 200 feet and during which the Planning Board heard testimony by the Applicant and the Applicant's representatives and experts and the Planning Board having reviewed and considered all correspondence, all maps, plats, reports and public input, if any, on the applications as well as the presentation by the Applicant's attorney, Ben R. Cascio, Esq.;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes the following findings of fact:

I. **BACKGROUND**

Upon the Planning Board's review of the filed applications and plans, the Planning Board makes the following findings:

- ♦ That the Property is owned by DFLP Van Vooren LLC, the Applicant herein.
- ♦ That the Property is located in the Industrial Park (IP) Zone.
- ♦ That the Property contains 2 acres and is undeveloped, vacant and free of flood plains, waterways and wetland environments. The Property is somewhat overgrown with vegetation.

- ◆ That the Property is known as Block 3203, Lot 2 and is located at the eastern end of Van Vooren Drive.
- ◆ That the Property is characterized by 225 feet of street frontage. The western side lot line is 410 feet in length while the opposite side property lot line is 427 feet long.
- ◆ That the Property is encumbered with a 20-foot wide water easement. The engineering plans depict a water main within the easement although a portion of the water easement is on adjacent Lot 41 in Block 3601 to the east. (Although, the tax map shows the easement not on Lot 41). As a result, there appears to be a discontinuance or break within the water main easement.
- ◆ That the Oakland Water Department provides potable water service to this lot, but there is no sanitary sewer service in the Industrial Park so the development of this property will require the construction and maintenance of an individual on-site septic system.
- ◆ That the Applicant proposes to construct a 21,780 square foot, single-story commercial building consisting of warehouse and office uses with a maximum of 5 tenant areas. The site will also contain 36 parking spaces and 1 loading space for each of the five tenants.

II. PRELIMINARY AND FINAL SITE PLAN

A. OWNER'S TESTIMONY

Peter Dobric testified to the following:

- ♦ That he is the designated manager of DELP Van Vooren LLC, the Applicant herein and is specifically in charge of the proposed development.
- ♦ That the Property consists of 2 wooded acres or 87,121.2 square feet.
- ♦ That the Applicant proposes to construct a multi-tenant building in the IP Zone.
- ♦ That as of now, the proposed building will be constructed "on specs" since Applicant does not have any specific tenants as of this time. Once completed, the Applicant will begin to look for tenants.
- ♦ That the Applicant intends to target tenants such as plumbers, electricians and other similar-type businesses which require both a warehouse and office.

B. ENGINEER'S TESTIMONY

The Applicant's representative, Robert J. Weissman, P.E. & L.S., testified as follows:

- ♦ That he is a licensed engineer of the State of New Jersey and has appeared before many Planning Boards and Boards of Adjustment throughout New Jersey including the Oakland Planning Board on many occasions. His license is in good standing.¹

¹ The Planning Board accepted Mr. Weissman's credentials and he was permitted to testify in the field of civil engineering.

(1) Existing Conditions

- ◆ That the existing conditions are detailed in Sheet 2 of 6 of Robert Weissman's plans revised December 29, 2021. More specifically, the subject Property contains 2 acres.
- ◆ That the Property is presently undeveloped and vacant.
- ◆ That the Property is serviced by public water and gas. In addition, the Property is encumbered with a 20-foot wide water easement which easement is depicted on Exhibit A-1.
- ◆ That since there is no sanitary sewer service in the Industrial Park, the proposed development will require the construction of a septic system.
- ◆ That the soil of the subject Property has been tested and will support an individual on-site septic system. The specific design for the septic system is set forth on Exhibit A-1.

(2) Zoning Data

- ◆ That the proposed building complies with the Borough's Zoning Ordinance except for the dimensions of the five loading spaces which will require a variance for each such space. (This is discussed in more detail below.)
- ◆ That he prepared the drawings/plans which were marked into evidence as Exhibit A-1.
- ◆ That the Applicant proposes to construct a one-story office/warehouse building consisting of 21,780 square feet.

- ♦ That more specifically, the proposed construction complies with the following bulk requirements:

- (1) The lot area is 2 acres – (2 acres is required)
- (2) The side yard setback is 26 feet – (25 feet is required)
- (3) The front yard setback is 50.2 feet – (50 feet is required)
- (4) The rear yard setback is 80.2 feet – (50 feet is required)
- (5) The number of stories is 1 – (2 stories are permitted)
- (6) The building height is 39.9 feet – (maximum height of 40 feet is required)
- (7) The building coverage is 25% - (maximum of 25% is required)
- (8) Lot coverage is 47.5% - (maximum of 50% is required)

(3) **Coverage Breakdown**

- ♦ That the coverage breakdown as set forth on the Plans is as follows:

Building:	21,780 square feet
Walkway:	1,356 square feet
Pavement/Curb:	18,085 square feet
Trash Enclosure:	100 square feet
Concrete Landings:	75 square feet
Total Lot Coverage:	41,396 square feet or 47.5%

(4) **Parking Area and Parking Calculations**

- ♦ That with respect to the parking calculations, 11 spaces are required for the office use and 6 spaces are required for the warehouse use for a total of 17 spaces. Nevertheless, the Applicant proposes 36 total spaces.

- ◆ That the proposed parking area will be sufficient for the maneuverability of all anticipated vehicles. At this time, no trucks with trailers are anticipated other than deliveries via vehicles such as Amazon, UPS, FedEx, etc.
- ◆ That the perimeter of the parking lot will be installed with curbing and also with depressed curbing where necessary. The parking spaces adjacent to the building will be equipped with wheel stoppers.² Moreover, all handicapped parking spaces adjacent to the building will be ADA compliant.

(5) **Lighting Plan**

- ◆ That the lighting plan, which is detailed in Robert Weissman's plans last revised December 29, 2021 (being Sheet 6 of 6) complies with the Borough's ordinance, rules and regulations. Nevertheless, the Applicant stipulates that the lighting plan can be reviewed and possibly changed by the Planning Board Engineer within 6 months after installation and operation.

(6) **Landscape Plan**

- ◆ That the landscaping plan is detailed in Exhibit A-2.
- ◆ That the Applicant stipulated that the landscaping plan needs to be revised which revisions will be reviewed and approved by the Planning Board Planner, Planning Board Engineer and Shade Tree Commission.

² At the hearing, the issue of installing bollards adjacent to the building was discussed and considered. Ultimately, the Planning Board determined that bollards were not necessary given the lack of vehicle movement throughout the course of the day.

C. ARCHITECT'S TESTIMONY

The Applicant's representative, John Saracco, Licensed Architect, testified as

follows:

- ♦ That he is a licensed architect in the State of New Jersey since 1986. He has appeared before numerous Planning Boards and Boards of Adjustment throughout the State of New Jersey. His license is in good standing.³
- ♦ That he prepared the architectural plans which were marked into evidence as Exhibits A-3, A-4 and A-5.
- ♦ That as per the plans, the Applicant proposes to construct a 21,780 square foot, one story commercial building consisting of warehouse and office uses with a maximum of 5 tenants.
- ♦ That it is to be noted that the plans propose a height of 39' 10" which complies with the Borough's height ordinance.
- ♦ That as per the plans, the breakdown for the net square footage will be as follows:

Warehouse:	20,280 square feet
Office:	<u>1,500 square feet</u>
Total:	21,780 square feet

- ♦ That the proposed building will be constructed with concrete, including a concrete roof. The building will be fire-resistant with the appropriate sprinkling system,
- ♦ That each of the proposed tenant areas will have 1 loading space.
- ♦ That the Applicant proposes a monument sign measuring 3½ feet high and 7 feet wide. The sign will be constructed on a concrete base approximately

³ The Planning Board accepted Mr. Saracco's credentials and he was permitted to testify in the area of architecture.

1½ feet high from the ground. The signage details are set forth on Exhibit A-5.

- ◆ That the monument sign will be constructed with a setback of approximately 32 feet from Van Vooren Drive.
- ◆ That the warehouse will be semi-heated with no air conditioning. This is very typical for a warehouse of this type.
- ◆ That each of the offices will have a "small split system" with air conditioning and heat.
- ◆ That to identify the tenants, the Applicant proposes wall signs which will comply with the Borough's sign ordinance.

III. VARIANCES

The Applicant's representative, Robert J. Weissman, continued his testimony as follows regarding the requirement of certain variances:

- ◆ That upon his review of Burgis' report, he stipulated that the following variances were required in connection with the proposed development:
 - (1) Pursuant to Section 59-44 of the Borough's Zoning Ordinance, a loading space is to measure not less than 15' wide x 25' long. The Applicant proposes loading spaces measuring 15' wide x 18' long. Thus a variance is needed for each of the 5 loading spaces.
- ◆ That if the requested variances were granted there would be absolutely no substantial detriment to the public good or the neighboring properties. More specifically, the proposed loading spaces measuring 18 feet long will be more than sufficient for the type of trucks anticipated to be used by the tenants. Since it

is stipulated that there will be no trailers on site, the size of the trucks which will make deliveries to the tenants will be able to partially "back up" into the building. As such, a deviation of 7 feet (18 feet long instead of 25 feet long) will have no impact on the cars or other vehicles maneuvering in the parking lot. Thus, the 25-foot requirement for the length of a loading space will logistically be satisfied with each space measuring 18 feet long.

IV. SOIL MOVEMENT

The Applicant's representative, Robert J. Weissman, continued his testimony with respect to the movement of soil. More specifically, he testified as follows:

- ◆ That as per the calculations set forth on Exhibit A-1, the soil movement quantities are listed. With respect to the proposed project, there will be a total excavation of 558 cubic yards and total fill of 2,370 cubic yards. More specifically, the breakdown of the soil movement is as follows:

Excavation of Footings:	142 cubic yards
Excavation for Detention System:	164 cubic yards
Excavation for the Culverts:	252 cubic yards
Fill:	2,370 cubic yards

- ◆ That the Applicant stipulates that the truck route for the movement of any soil shall be as recommended by the Oakland Police Department.

V. WAIVERS

The Applicant's representative, Robert J. Weissman, continued his testimony with respect to the Applicant's request for the following waivers:

- (1) A waiver to omit profiles for parking areas on the plans.
- (2) A waiver to remove the requirement of installing a sidewalk along Van Vooren Drive.

- ♦ That the above waivers can be granted without any substantial detriment to the public and will certainly have no negative impact on the proposed development.

ADOPTION OF FINDINGS OF FACT BY THE PLANNING BOARD

The Planning Board hereby adopts all of the above facts. After due consideration of all of the testimony and evidence presented, the Planning Board has considered the request of the Applicant to be in accordance with sound and prudent zoning and planning principles. Based on that, the Planning Board has determined that the requested approvals and/or relief can be granted without posing a substantial detriment to the public good nor substantially impairing the intent and purpose of the Oakland Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board that based upon the above findings of fact:

A. PRELIMINARY AND FINAL MAJOR SITE PLAN

The application of DFLP Van Vooren LLC for preliminary and final major site plan approval pertaining to the proposed improvements for that property located at 17 Van Vooren Drive and being Block 3203, Lot 2 all of which improvements are specifically set forth on the subject plans, is hereby granted.

B. VARIANCES

The application of DFLP Van Vooren LLC for the following variances is hereby granted:

- (1) A variance to permit the Applicant to construct 5 loading spaces measuring 15' wide x 18' long instead of the required 15' wide x 25' long.

C. SOIL MOVING PERMIT

The application of DFLP Van Vooren LLC for a soil moving permit is hereby granted to the extent that the Applicant is permitted to move approximately 2,370 cubic yards of "fill" and

approximately 558 cubic yards of "cut". The truck route for the movement of any soil shall be as recommended by the Oakland Police Department.

D. WAIVERS

The application of DFLP Van Vooren LLC for the following waivers is hereby granted:

- (1) The Applicant shall not be required to provide profiles for the parking areas.
- (2) The Applicant shall not be required to install a sidewalk along Van Vooren Drive.

BE IT FURTHER RESOLVED that the approvals set forth above are subject to the following conditions:

- (1) That the granting of the applications is subject to the approval of the Bergen County Planning Board, if required.
- (2) That the granting of the applications is subject to the approval of the Bergen County Soil Conservation District, if required.
- (3) That the granting of the applications is subject to the review and approval of the Borough's Fire Prevention Bureau.
- (4) That the granting of the applications is subject to the review and approval of the Borough's Board of Health as to the proposed septic system.
- (5) That the Applicant shall obtain and comply with any and all federal, state, county and borough government rules, ordinances and regulations with regard to the granting of the applications herein, including the payment of all fees established by the Borough for the review of the subject applications.

(6) That to the extent not set forth above, the Applicant shall comply with any and all applicable requirements of the Federal Americans with Disabilities Act.

(7) That the Applicant shall pay to the Borough of Oakland its COAH contribution in the amount, time and manner provided by Borough Ordinance No. 01-Code-419, including any and all amendments thereto and any other applicable ordinance and/or statutes pertaining to the contribution of a COAH development fee by a non-residential developer.

(8) That all utilities shall be installed underground.

(9) That the approvals are subject to the Applicant receiving from the New Jersey Department of Environmental Protection the appropriate approvals and/or permits necessary for the construction and installation of the proposed septic system, if required.

(10) That the "architectural" look of the building shall be as set forth on Exhibits A-3, A-4 and A-5.

(11) That the Applicant shall submit drainage calculations to be reviewed and approved by the Planning Board's engineer.

(12) That with respect to the concrete curbing running adjacent to Van Vooren Drive, the Applicant shall replace any settled, dislodged, damaged or deteriorated sections as part of its project.

(13) That the Applicant shall provide the Planning Board's engineer with grading plans detailing the barrier-free routes, generally at a scale of 1" = 5' to demonstrate compliance with federal standards. Also, the Applicant's engineer shall supply a design certification for compliance.

(14) That the Borough retains the right to direct the Applicant to adjust lighting intensities for a period of 6 months following the issuance of a Certificate of Occupancy.

(15) That the Applicant shall enter into a Developers Agreement with the Borough of Oakland, which agreement shall encompass all terms, conditions and factors necessary to guarantee and insure the proper development and completion of all improvements at the subject site as approved by the Planning Board. The subject Developers Agreement shall be entered into by the Applicant with the Borough of Oakland to be drawn by the Borough Attorney and reviewed and approved by the Planning Board attorney. The Applicant shall also post all appropriate bonds in a suitable form in accordance with the recommendations of the Borough Engineer.

(16) That the proposed building shall not be constructed with any mezzanine.

(17) That the engineering plans depict a water main within the easement, although a portion of the water easement is located on adjacent Lot 41 in Block 3601 to the east. Therefore, if it is determined that there is a discontinuance or break within the water main easement, the Applicant shall provide the appropriate easement so the water main can be totally located within an easement area thus avoiding any discontinuance or break within the water main easement. The easement documents shall be reviewed by the Board Engineer

(18) That the landscaping plan is to be revised to omit all of the trees planted in the easement area which trees will then be replaced with grass. Moreover, the landscaping plan is to be revised and then approved by the Planning Board Planner, Planning Board Engineer and the Borough's Shade Tree Commission.

(19) That the Applicant shall provide an irrigation system for all landscaped areas. In addition, the Applicant shall provide a 2-year warranty for any and all planted trees, not including shrubs.

(20) That the engineering plans prepared by Robert J. Weissman are to be revised as follows:

- (a) To show the typical dimensions of all parking spaces.
- (b) To show an area or areas for charging electric vehicles in accordance with New Jersey State Statutes.
- (c) To show the perimeter of the parking area being installed with the appropriate curbing and with depressed curbs where necessary. Moreover, all handicapped parking spaces adjacent to the building shall be ADA compliant.
- (d) To show the 5 loading spaces with measurements of 15' wide x 18' long.
- (e) To show that the proposed pad underneath the recycling/dumpster areas will be constructed with concrete.
- (f) To show the first floor elevation of the Lighting Plan (Sheet 6 of 6) to be 106.5 feet.
- (g) To revise site grading to address the Board Engineer's Comment Nos. 26 and 35 of his December 23, 2021 report to the Board.

BE IT FURTHER RESOLVED that this Resolution does not constitute approval or recommendation for approval of any variance or any exception not requested by the Applicant; and

BE IT FURTHER RESOLVED that the Chairman and Secretary to the Board are hereby authorized to affix their signatures to this Resolution granting preliminary and final major site plan approval, variances, soil moving permit and waivers with regard to those premises known as Block 3203, Lot 2, 17 Van Vooren Drive, Oakland, New Jersey. The Secretary to the

Board is hereby authorized to advertise the action taken by way of this Resolution in the local newspaper and furthermore send copies of this Resolution to the Borough Tax Assessor, Construction Code Enforcement Official, Building Subcode Official, the Applicant's attorney, Ben R. Cascio, Esq., and to the Borough Attorney.

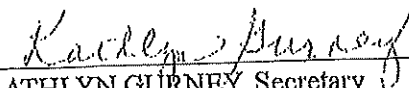
A motion to approve the application in the affirmative was made on January 13, 2022 by the following vote:

Name	Motion	Second	Yes	No	Abstain	Absent	Ineligible
John Morris			X			X	
Lee Haymon			X				
Eric Kulmala						X	
Thomas Connolly			X				
Joseph Marscovetra			X				X
Michael Rose							
Mayor Linda Schwager			X				
Thomas Potash			X				
Gregory Liss			X				
Andrea Levy			X				
Sarah Michel							

A motion to approve the Resolution prepared by the Planning Board Attorney, Joseph A. Russo, and to memorialize its findings was made on February 10, 2022 by the following vote:

Name	Motion	Second	Yes	No	Abstain	Absent	Ineligible
John Morris	✓		✓				✓
Lee Haymon	✓						✓
Pat Pignatelli							✓
Thomas Connolly			✓			✓	
Joseph Marscovetra						✓	✓
Michael Rose							✓
Mayor Linda Schwager			✓				
Thomas Potash		✓	✓				
Gregory Liss			✓				
Andrea Levy						✓	
Sarah Michel							

APPROVED:


KATHLYN GURNEY, Secretary

PLANNING BOARD OF THE
BOROUGH OF OAKLAND


THOMAS POTASH, Chairman

THIS RESOLUTION WAS PREPARED BY JOSEPH A. RUSSO, ESQ.

LEGAL NOTICE
BOROUGH OF OAKLAND
BOARD OF ADJUSTMENT
NOTICE OF PUBLICATION

PLEASE TAKE NOTICE that pursuant to the provisions of the Municipal Code of the Borough of Oakland and the provisions of N.J.S.A. 40:55D-12, the Borough of Oakland Board of Adjustment has scheduled a public hearing on Tuesday, December _____, 2023 at 7:00 PM to consider the Application of Andpadel LLC, (hereinafter referred to as the "Applicant") 17 VanVooren Drive, Oakland, New Jersey, and shown on the Tax Map of the Borough of Oakland as Block 3202, Lot 2 and located in the IP Zone (hereinafter referred to as the "Property"). This hearing is open to all interested parties and those desiring to be heard.

The Applicant proposes to use approximately 13,021 square feet of commercial building on the property for a padel facility for private training and matches. There are no modifications being made to the existing building or the parking on the Property.

The Applicant is seeking relief from Section 59-55(E) which lists the permitted uses within the Industrial Park Zone. The Applicant's use is not a permitted use in this Zone and the Applicant seeks a use variance for a nonpermitted use.

In addition to the above requests, the Applicant further requests that the application be deemed amended to include, and the Board grant any additional approvals, variances, exceptions, or waivers determined to be necessary or desirable in the review and processing of this application, whether requested by the Applicant, the Board or otherwise. Furthermore, to the extent deemed necessary, the Applicant requests variance and/or waiver relief for any and all other pre-existing nonconforming site conditions

Copies of the application are available for review at the office of the Secretary to the Board, Oakland Municipal Building 1 Municipal Plaza, Oakland, NJ, during office hours and on the Website of the Borough of Oakland, (<https://www.oakland-nj.org>) or by contacting Mariela Castro, Board Secretary a 201-337-8111 extension 2007 or at planning@oakland-nj.org. Members of the public may participate in the public meeting according to the customary practice and procedures of the Zoning Board of Adjustment of the Borough of Oakland.

Respectfully,

Bruce E. Whitaker, Esq.
McDonnell and Whitaker, LLC
245 E. Main Street, P.O. Box 379
Ramsey, New Jersey 07446
201-934-0110
Attorney for Applicant

CERTIFICATION

I, Michael Dobric hereby make this Certification in accordance with the requirements of the Municipal Land Use Law. I hereby certify that the following people have a 10% or greater ownership interest in DFLP VanVooren, LLC

Name

Address

Michael Dobric

320 Longbow Dr.

Franklin Lakes, NJ 07417

Dragana Dobric

320 Longbow Dr.

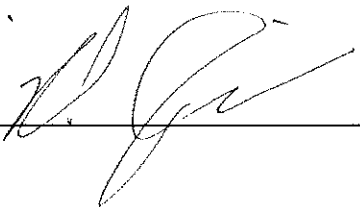
Franklin Lakes, NJ 07417

Danielle Mihajlovic

320 Longbow Dr.

Franklin Lakes, NJ 07417

I hereby certify that the foregoing statement is true and correct.



CERTIFICATION

I, Walid Idriss hereby make this certification in accordance with the requirements of the Municipal Land Use Law. I hereby certify that the following people have a 10% or greater ownership interest in AndPadel LLC

Name

Address

Walid Idriss

58 North 9TH street
Brooklyn, NY, 11249

Ashraf Yassin

140 Hepburn Rd,
Apt 4E, Clifton, NJ, 07012

Mostafa Abd El Ghany

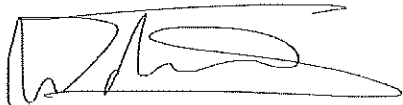
631 Closter Dock Rd
Closter, NJ, 07624

Mahmoud Osman Raslan

5812 Queens Blvd, Apt 5P
Woodside, NY, 11377

I hereby certify that the foregoing statement is true and correct

Walid O Idriss

A handwritten signature in black ink, appearing to be 'Walid O Idriss', written over a horizontal line.