

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

**ZONING BOARD APPLICATION**

Date \_\_\_\_\_

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

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)]

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

**1. APPLICANT INFORMATION**

a. Name: SARWINDER SINGH

b. Address: 1018 HIGH MOUNTAIN ROAD, FRANKLIN LAKES, NJ 07417

c. Telephone \_\_\_\_\_ Email: \_\_\_\_\_

d. Applicant is a: (check applicable status)

\_\_\_\_ Corporation      \_\_\_\_ Partnership      X 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):

X Owner      \_\_\_\_ Contract Purchaser      \_\_\_\_ Lessee      \_\_\_\_ Other (specify \_\_\_\_\_)

- f. If applicant is represented by an attorney:

Name:

N/A

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

- g. (Architect) Preparation of Plans by:

Name: ROBERT MURPHY ARCHITECT PLLC

Address: 1341 HAMBURG TPKS., STE. 2-6, WAYNE NJ 07470

Tel: 201-207-5537 Email: \_\_\_\_\_

- h. (Engineer) Preparation of Plans by:

Name: N/A

Address: \_\_\_\_\_

Tel: \_\_\_\_\_ Email: \_\_\_\_\_

2. PROPERTY INFORMATION

- a. Street address 14 HICKORY DR., OAKLAND, NJ 07436

- b. Tax Map Block(s) 3801 Lot (s) 87

- c. Zone District RA-3 RESIDENTIAL

- d. Existing Use of Property RESIDENTIAL DWELLING

- e. Proposed Use Property: RESIDENTIAL DWELLING

- f. Residential applications:

Current number of bedrooms 4 Proposed number of bedrooms 4

Current number of bathrooms 3.5 Proposed number of bathrooms 3.5

- g. Property is sewerd \_\_\_\_\_ Septic system \_\_\_\_\_

- 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 ☐ No

- j. Please list prior applications or municipal actions regarding this property and attach Resolutions related to same: APPROVAL WAS GIVEN SEPTEMBER 13, 2022 FOR NEW CONSTRUCTION OF A SINGLE

FAMILY HOME. IN ADDITION, 2 VARIANCES WERE GRANTED FOR A LEFT AND RIGHT SIDE YARD SETBACK WITH PRE-EXISTING LOT ARE AND LOT WIDTH CONDITIONS.

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)

THE APPLICANT WISHES TO REMOVE A CONDITION (# 11 OF THE RESOLUTION DATED SEPTEMBER 13, 2022 WITH RESPECT TO ELIMINATING WINDOWS ON THE SIDE OF THE HOUSE ON THE SECOND LEVEL. SEE ATTACHED RESOLUTION.

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

THE ARCHITECT NEGLECTED TO REMOVE THE WINDOWS ON THE PLANS AND THE WINDOWS WERE INSTALLED WITHOUT THE APPLICANT'S KNOWLEDGE.

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

☒ 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).**

7. VARIANCE(S) REQUESTED: (List all Sections of Borough Code for which relief is sought- attach additional sheets if necessary)

Borough Code Section

Required

Proposed

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



8. ZONING TABLE: (This MUST be completely filled out in order for your application to be deemed complete)

	REQUIRED	EXISTING	PROPOSED
Lot Area	15,000 sf min	12,600 sf	12,600 sf
Lot Width	100 ft min	60 ft	60 ft
Lot Depth	140 ft min	210 ft	210 ft
Building Coverage* (calculated: total building footprint square footage divided by lot area x 100%)	20 % max	16 %	16 %
Impervious Coverage** (calculated: total impervious footprint square footage divided by lot area x 100%)	40 % max	30.3 %	34 %
Front Setback	40 ft min	77 ft	77 ft
Side Setback	15 ft min	8 ft (Left) 12 ft (Right)	8 ft (Left) 12 ft (Right)
Rear Setback	35 ft min	N/A ft	82 ft
Building Height	35 ft max 2 1/2 stories max	32.5 ft 2 1/2 stories	32.5 ft 2 1/2 stories

\*Building Coverage: that percentage of a lot covered by the roof(s) of all principal and accessory building(s), including roofed over porches and similar extensions of a building such as roofed decks.

\*\*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



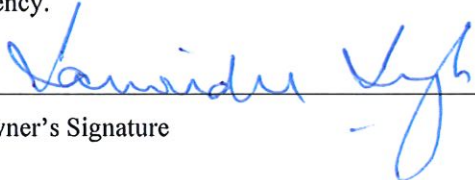
- h. Attach any other agency and/or government approvals if received in connection with this application such as NJDEP permits, NJDOT permits, Bergen County Approvals etc.

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.

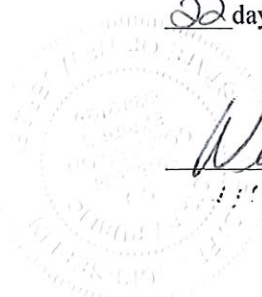
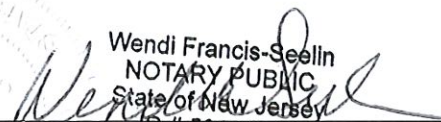
 11/22/23  
Applicant's Signature Date

- 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.

 11/22/23  
Owner's Signature Date

Sworn and Subscribed to before me this

22 day of November, 2023 (Year)

  
  
Wendi Francis-Seellin  
NOTARY PUBLIC  
State of New Jersey  
ID # 50163648  
Commission Expires 6/24/2026 (Notary)

**RESOLUTION**  
**BOARD OF ADJUSTMENT**  
**BOROUGH OF OAKLAND**  
**COUNTY OF BERGEN, STATE OF NEW JERSEY**

**WHEREAS**, SARWINDER SINGH ("Applicant"), having an address of 1018 High Mountain Road, Franklin Lakes, New Jersey, has made application to the Board of Adjustment of the Borough of Oakland ("Board") seeking variance relief, hereinafter more fully described, from provisions of the Oakland Borough Ordinances, for property located at 14 Hickory Drive, Oakland, New Jersey, 07436 ("Property") also known as Block 3801, Lot 87 on the Tax Assessment Map of the Borough of Oakland; and

**WHEREAS**, a public hearing was held upon the application on Tuesday, September 13, 2022, and the Applicant having shown to the satisfaction of this Board, that proper notice was served upon all interested parties as required by Statute; and

**WHEREAS**, the Board having considered its own local knowledge and having inspected the property and the surrounding neighborhood, and having had opportunity to receive testimony from and question the Applicant and his professionals, and opportunity was provided for any interested parties and the general public to be heard, and having carefully considered the application together with all testimony and evidence presented, and any reports, comments and recommendations provided by any applicable Borough and County departments and/or other agencies, hereby makes the following findings of fact and conclusions of law:

**I.     BACKGROUND**

Upon the Board's review of the application and plans, the Board finds as follows:

- ♦     That the property is located in the RA-3 Zone. The lot is currently vacant, but there does exist an older driveway and parking area which appears to have existed for many years.
- ♦     That in the RA-3 Zone, Chapter 59, Section 47, Schedule A of Oakland's Zoning Ordinance dictates the Borough requirements.
- ♦     That the Applicant proposes to construct a 2-story, single-family residence consisting of 4 bedrooms and 3½ bathrooms.
- ♦     That there are pre-existing nonconformities as to the lot area ((15,000sf minimum required, 12,600sf existing) and lot width (100 ft. minimum required and 60 ft. existing).

- ♦ That although the Applicant's proposed project will not exacerbate the aforementioned pre-existing nonconformities, construction of the proposed home requires approval of the following variances:
  - (a) A right side yard setback of 10 ft. where 15 ft. is required;
  - (b) A left side yard setback of 10 ft. where 15 ft. is required.
  
- ♦ That in support of the within application, the Applicant has submitted the following items, each of which is expressly made a part of this application and is the basis of any Board decision unless otherwise specifically excepted herein:
  - (a) Engineering Plans entitled, "Singh Residence" prepared by Dykstra Walker Design Group, Professional Engineers dated July 12, 2022 and last revised August 26, 2022 consisting of 4 sheets. NOTE: Sheet No. 1 of 4 was marked into evidence as **Exhibit A-3**.
  - (b) Architectural Plans entitled, "New Single-Family Residence for Singh Family" prepared by Robert Murphy Architect, PLLC consisting of 4 sheets dated July 14, 2022 which were collectively marked into evidence as **Exhibit A-5**.
  
- ♦ That the Applicant also introduced into evidence the following exhibits:
  - (a) Zoning Board Application (marked into evidence as **Exhibit A-1**).
  - (b) Soil Movement Application (marked into evidence as **Exhibit A-2**).
  - (c) Colorized version of site plan (marked into evidence as **Exhibit A-4**).
  - (d) An inter-office memo from the Health Department dated September 22, 2022.
  
- ♦ That the Board received the following reports and memos from Borough departments and from its professionals, all of which are incorporated herein by reference:
  - (a) Memo from the Zoning Official dated July 21, 2022.
  - (b) Engineering Review Letter dated September 8, 2022 prepared by John Yakimik, PE, CME of Boswell Engineering.
  - (c) Inter-office memo from the Fire Prevention Bureau, undated.



## II. VARIANCES

### (A) ENGINEERING TESTIMONY

Kenneth D. Dykstra, P.E., PP, PLS testified as follows:

- ♦ That he received a Civil Engineering Degree from Rutgers University and has been practicing for 30 years. He has appeared before many Boards in the State of New Jersey and his license is in good standing.<sup>1</sup>

#### (1) Existing Conditions

- ♦ That he first explained the existing conditions of the property, to wit: a total lot area of 12,600 sf. measuring 60' x 210'. The subject property is presently vacant although there exists a driveway and parking area which appears to have existed for many years.
- ♦ That with respect to the topography of the subject property, it rises approximately 8ft. in elevation from Hickory Street then "drops off" at the rear of the property adjacent to Walnut Street.
- ♦ That rock/shale will need to be removed in order to construct the proposed home.

#### (2) Proposed Construction

- ♦ That the proposed house will measure 40' x 51' and will consist of 4 bedrooms, 3 ½ bathrooms and a 2-car attached garage.
- ♦ That in terms of the bulk requirements for the subject property, all bulk requirements are satisfied except for the following side yard setbacks which the Applicant requests as variances:
  - (a) A 10 ft. right side yard setback instead of the required 15 ft.
  - (b) A 10 ft. left side yard setback instead of the required 15 ft.
- ♦ That it is to be noted that the front yard setback is 77 ft. instead of the required 40 ft. This is important because a setback of 77 ft. diminishes the visual impact of the side yard variances being requested.
- ♦ That the proposed new driveway will be substantially the same as the old existing driveway which will provide "a good turn-around"

---

<sup>1</sup> The Board accepted his credentials and he was permitted to testify in the field of civil engineering.

so that there is no need to "back up" onto Hickory Drive. Moreover, the existing curb cut will remain the same.

- ◆ That as to the septic design, the plans are presently with the Oakland Health Department, but the design will meet all of the state and local regulations.
- ◆ That with respect to an increase in impervious area, the increase will be negligible given the existing driveway. In fact, the impervious area will increase by approximately 375 sq. ft.
- ◆ That with respect to the drainage, all roof drains will be directed to drain toward Hickory Drive.
- ◆ That with respect to the removal and replanting of trees, the Applicant will comply with the recommendations of the Oakland Shade Tree Commission. As to any trees which need to be removed which are on the border line with an adjacent property owner, the Applicant and Shade Tree Commission understand that the adjacent property owner must consent in writing to the removal of any such tree.
- ◆ That the neighborhood scheme is that of a "staggering effect" and the proposed home with 10-foot side yard setbacks will "fit nicely" into the neighborhood scheme. In essence, the Applicant is proposing a side yard setback of 66.67% of what is required so that proportionately the side yard setbacks are greater than what the lot width affords.

(3) **Justification for the Variances**

- ◆ That with respect to the requested side yard setback variances, the variances can be granted under either the c(2) criteria or the c(1) criteria.
- ◆ That the proposed home conforms to the neighboring properties and presents a more realistic modern-day home.
- ◆ That the undersized nature of the lot, the exceptional narrowness of the lot and the reasonable placement of the proposed home on the property makes it impossible to comply with the Borough's side yard setback requirements.
- ◆ That given the 60-foot width of the property, the 2 side yard setbacks are in proportion to a lot which had a width of 100 feet. If the variances were denied, the result would be a 30-foot wide home



which would not be in conformity with other houses in the neighborhood.

- ◆ That the granting of the variances will result in no substantial detriment to the Borough's Zoning Ordinance and/or the Borough's Master Plan.
- ◆ That with respect to the c(1) criteria, the lot has unusual conditions in that it has a lot area that is deficient being only 12,600 sq. ft. where 15,000 sq. ft. is required and most importantly a lot width of 60 ft. where 100 ft. is required. It is the lot width deficiency which prompts the variance relief. To conform to 15-foot side yard setbacks would result in a very narrow 30-foot wide home that would be inappropriate and out of character with the neighborhood itself. It is important to note that the existing dwelling to the north contains certain non-conformities and that it violates the 40-foot front yard setback and therefore is not adjacent to the proposed home. There is also considerable side yard distance between the house to the south and the proposed home.
- ◆ That with respect to the c(2) criteria, the proposed home will certainly be an upgrade to a vacant parcel. It will fit nicely into the neighborhood and thus aesthetically and architecturally appropriate. It has a front yard setback of almost twice of what is required. Moreover, a drainage system for the property is being proposed which does not presently exist so that the overall drainage pattern will serve as an upgrade to the existing conditions.
- ◆ That the overall improvement of the property will serve as a substantial benefit within the neighborhood that far exceeds any detriment to the public.
- ◆ That therefore it is the Applicant's position that the requested variances can be granted pursuant to either the c(1) criteria or the c(2) criteria.

### III. SOIL MOVING PERMIT

Kenneth Dykstra continued his testimony as to the Applicant's soil movement permit and testified to the following:

- ◆ That the Applicant has submitted a Soil Movement Permit application as set forth on Sheet No. 2 of the engineer's plans.



- ◆ That more specifically, the Applicant proposes total fill of 30 cubic yards and total cut of 515 cubic yards leaving approximately 485 cubic yards to be exported off the site and not to remain onsite.
- ◆ That the Applicant stipulates that the soil will be exported via a truck route to be approved by the Borough.

#### IV. ARCHITECTURAL TESTIMONY

The Applicant's representative, Robert Murphy, Architect, testified as follows:

- ◆ That he is a licensed architect in the State of New Jersey since 1997. He received his degree from New York Institute of Technology and has testified before many Boards in both New York and New Jersey. His license is in good standing.<sup>2</sup>
- ◆ That he prepared the plans which were introduced into evidence as Exhibit A-5.
- ◆ That the height of the proposed home will be 32 ½ ft. which is below the required maximum height of 35 ft.
- ◆ That the proposed home will be 40 ft. in width which is "standard" and will be aesthetically pleasing in the neighborhood.
- ◆ That there will be windows on all sides which again is very "typical".
- ◆ That there will be a 2-car attached garage which again is "standard".
- ◆ That as per the testimony of Mr. Dykstra, the roof drains will be directed to drain toward Hickory Drive.
- ◆ That the Applicant will stipulate to the relocation of certain windows on the second floor.

#### V. PUBLIC INPUT

At the hearing, the following residents either asked questions or made statements:

Ms. Rinardo (12 Hickory); Ms. Vollmin (16 Hickory); Mr. Piehler (51 Walton) and Ms. Anthony (42 Walton). All of the said residents asked questions or made comments pertaining to the following:

---

<sup>2</sup> The Board accepted his credentials and he was permitted to testify in the field of architecture.

- (a) That the subject lot was too narrow for a home to be built and that maybe the home should be constructed with a width of less than 40 ft.
- (b) That the proposed home will increase the drainage issues affecting the neighborhood especially those homes on Walton Avenue.

VI. **ADOPTION OF FINDINGS OF FACT**

- ◆ The Board has considered all of the testimony of the Applicant's representatives as well as the statements, comments and/or questions from the public. Moreover, the Board has considered the application with reference to the objectives set forth in the applicable Zoning Ordinances and New Jersey State Statutes. Specifically, N.J.S.A. 40:55D-70(c) under which the Applicant has applied, states that the Board shall have the power to:
  - (1) Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Article 8 of this act [40:55D-62 et seq.] would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; (2) where an application or appeal relating to a specific piece of property the purposes of this act...would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Article 8 of this act [40:55D-62 et seq.] [.]
- ◆ In addition to the statutory requirements above, which are also known as the "positive criteria", the Applicant must also satisfy the "negative criteria" to warrant a grant of the variance. Namely, the Applicant must show that the variance "can be granted without substantial detriment to the public good" and that it "will not substantially impair the intent and purpose of the zone plan and zoning ordinance." (N.J.S.A. 40:55D-70)
- ◆ The Board has considered the application and testimony and all related evidence presented and after deliberation has found and determined that the Applicant has demonstrated and satisfied the positive and negative criteria required under statute;



the Board has determined that the Applicant has presented adequate testimony and evidence to satisfy the statutory criteria for the grant of the variances requested.

- ◆ The Board finds by reason of the undersized nature of the lot, the narrowness of the lot and the construction of the proposed home that strict application of the relevant ordinance would result in peculiar and exceptional practical difficulties to, and/or exception and undue hardship upon the Applicant. Therefore, the Board finds that a grant of a variance from such strict application of the relevant ordinance, so as to relieve such difficulties or hardship, is appropriate.
- ◆ The Board finds that the Applicant's proposal does not otherwise affect, encumber or otherwise violate any other bulk requirement under the zoning ordinance. The Board finds that there is no detriment to any neighboring properties and/or the public good, and finds that all other bulk aspects of the property and lot, among other facts noted, to also be compelling in reaching this conclusion.
- ◆ The Board finds and concludes that the Applicant's proposal is not ambitious and/or out-of-character with the neighborhood and will not over-stress the property and that the result will be in conformity with current community standards.
- ◆ The Board further finds that the purposes of the Municipal Land Use Law would be advanced by a deviation from the ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.
- ◆ The Board further finds and concludes that the relief granted herein can be granted without causing substantial detriment to the public good and that such granting will not substantially impair the intent and the purpose of the zoning plan and/or of the municipal zoning ordinance.

**WHEREAS**, the Board of Adjustment of the Borough of Oakland has considered the application and plans submitted with reference to the objectives, requirements and restrictions set forth in the Zoning Ordinance of the Borough of Oakland and Land Use Statutes of the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Adjustment of the Borough of Oakland, for good cause shown and by reason of the findings and conclusions as set forth herein and/or otherwise on the record at aforementioned public hearing(s), hereby grants and approves the Applicant's application as follows:

**A. VARIANCES<sup>3</sup>**

- (1) A left side yard setback of 10 ft. where 15 ft. minimum is required in the Zone.

---

<sup>3</sup> In addition to the 2 variances granted, the Board acknowledged that the subject property has 2 pre-existing nonconformities: (1) a lot area of 12,000 sq. ft. instead of the minimum requirement of 15,000 sq. ft. and (2) a lot with 60 ft. instead of the minimum requirement of 100 ft.



- (2) A right side yard setback of 10 ft. where 15 ft. minimum is required in the Zone.

**B. SOIL MOVEMENT PERMIT**

The application for a soil movement permit is hereby granted to permit the Applicant to do the following:

- (1) To have total fill of 30 cubic yards.
- (2) To have total cut of 515 cubic yards.
- (3) To have total soil to be exported off site, 485 cubic yards.

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

- (1) That the septic design shall be reviewed and approved by the Oakland Health Department.
- (2) That the soil movement application shall be reviewed and approved by the Bergen County Soil Conservation District.
- (3) That the water from the proposed structure shall drain toward Hickory Drive. Moreover, there shall be no adverse drainage directed to the neighboring properties.
- (4) That the Applicant shall "clean up" all fill and debris presently in the test pit area located at the rear of the property.
- (5) That the truck route for exporting the soil off site shall be approved by the Borough of Oakland.
- (6) That any and all trees to be removed and/or replanted shall be reviewed and approved by the Oakland Shade Tree Commission. With respect to any tree that is requested to be removed which straddles the property lines of the neighboring properties, that neighboring property must give his/her written consent to the removal of any such tree.
- (7) That the Applicant shall communicate directly with the adjacent neighbors before the removal of any subsurface rock.
- (8) That the Borough Engineer shall be present with the Construction Official when the removal of the rock commences.
- (9) That the Applicant will survey the foundation of the adjacent property owners prior to any "jack hammering" which may be necessary to remove the rock.

- (10) That the Applicant shall remove the permeable pavers and the replacement of those pavers with a different material shall be reviewed and approved by the Borough Engineer.
- (11) That with respect to the second floor bedroom windows as depicted on sheet designated as Sheet A-4 of Exhibit 5, the window in Bedroom #3 will be removed and the double window in Bedroom #1 will be relocated to the rear wall of the home.
- (12) That the Applicant shall comply with all requirements imposed by the Board as contained in this Resolution and in the Board's minutes, which are incorporated herein and made a part hereof by reference in conjunction with this application.
- (13) That the Applicant shall comply with all self-imposed terms, conditions and limitations that are a part of the Applicant's application, including, but not limited to, any modifications and/or supplements at public hearing.
- (14) That the application shall comply with all applicable ordinances of the Borough of Oakland and all applicable federal, state and county laws, rules and requirements.
- (15) That this Resolution is specifically conditioned upon the Applicant paying all required application fees, escrow fees, Borough professional fees, and related fees required by this municipality and this Resolution of Approval.

**BE IT FURTHER RESOLVED** that this approval shall not constitute a recommendation or approval of any application or variance not specifically delineated herein.

**MOTION** was made at hearing of September 13, 2022 by Member MICHAEL ROSE and seconded by Member JOSEPH KURZ to request and authorize the Board's attorney, Joseph A. Russo, Esq., to draft an appropriate Resolution reflecting the Board's determination as aforesaid.

#### ROLL CALL VOTE UPON MOTION

Board Member	Yea	Nay	Abstain	N/A or Not Vote Eligible
SMID, ANTHONY	X			
BREMER, KEVIN J.				X
CAMPANELLI, SHERRY	X			
ROSE, MICHAEL	X			
ELSTON, MICHAEL	X			
HETHERINGTON, RICHARD	X			
KURZ, JOSEPH	X			
<i>Alternates</i>				
PEREIRA, JEFFREY, 1 <sup>st</sup> Alt				X
FLEESON, ALLISON, 2 <sup>nd</sup> Alt	X			

MOTION PASSES TO \_\_\_\_\_ to \_\_\_\_\_

MOTION was made at the Board's public hearing on October 11, 2022, by Member Rose and seconded by Member Elston to approve and adopt the foregoing Resolution as drafted by Joseph A. Russo, Esq.

ROLL CALL VOTE FORM OF RESOLUTION

Board Member	Yea	Nay	Abstain	N/A or Not Vote Eligible
SMID, ANTHONY	✓			
BREMER, KEVIN J.				
CAMPANELLI, SHERRY				
ROSE, MICHAEL	✓			
ELSTON, MICHAEL	✓			
HETHERINGTON, RICHARD	✓			
KURZ, JOSEPH				
<i>Alternates</i>				
PEREIRA, JEFFREY, 1 <sup>st</sup> Alt				
FLEESON, ALLISON, 2 <sup>nd</sup> Alt	✓			

  
CHAIRMAN ANTHONY SMID

-End of Document-



# AGREEMENT dated September 22, 2023

## BETWEEN

Therese Vollmin

whose address is:

16 Hickory Drive, Oakland, New Jersey

(hereinafter "Vollmin")

and

Sarwinder Singh T/A 14 Hickory LLC

whose address is:

14 Hickory Drive, Oakland, New Jersey

(hereinafter "Singh")

WHEREAS, Vollmin resides at 16 Hickory Lane in Oakland, N.J. and Singh is building a house next door at 14 Hickory Lane in Oakland, N.J.; and

WHEREAS, Singh appeared before the Oakland Board of Adjustment for variances to construct a new home and one of the issues was windows facing #16 Hickory; and

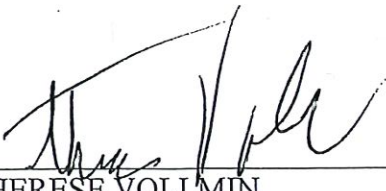
WHEREAS, Both Vollmin and Singh discussed this matter and have an agreement about the windows on the new construction facing #16 Hickory Drive.

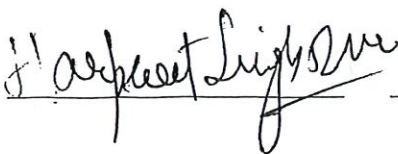
NOW THEREFORE, FOR THE MUTUAL PROMISES AND COVENANTS SET FORTH HEREIN, THE PARTIES HERETO AGREE AND ACKNOWLEDGE AS FOLLOWS:

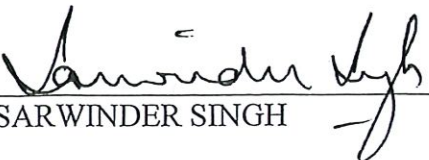
1. After review of the actual site by Vollmin, she does not have problems with windows facing her property.
2. This agreement was done voluntarily by both parties and with full understanding of the construction of the house at #14 Hickory Drive in Oakland, NJ.
3. Both Vollmin and Singh sign this agreement in front of witnesses.
4. Both Vollmin and Singh ask the zoning officer to permit the construction of the windows for bedrooms which face #16 Hickory Drive.

SIGNED AND AGREED TO BY:

Witnesses or Attested by:    Date Signed:

  
\_\_\_\_\_  
THERESE VOLLMIN

  
\_\_\_\_\_  
HARPREET SINGH

  
\_\_\_\_\_  
SARWINDER SINGH













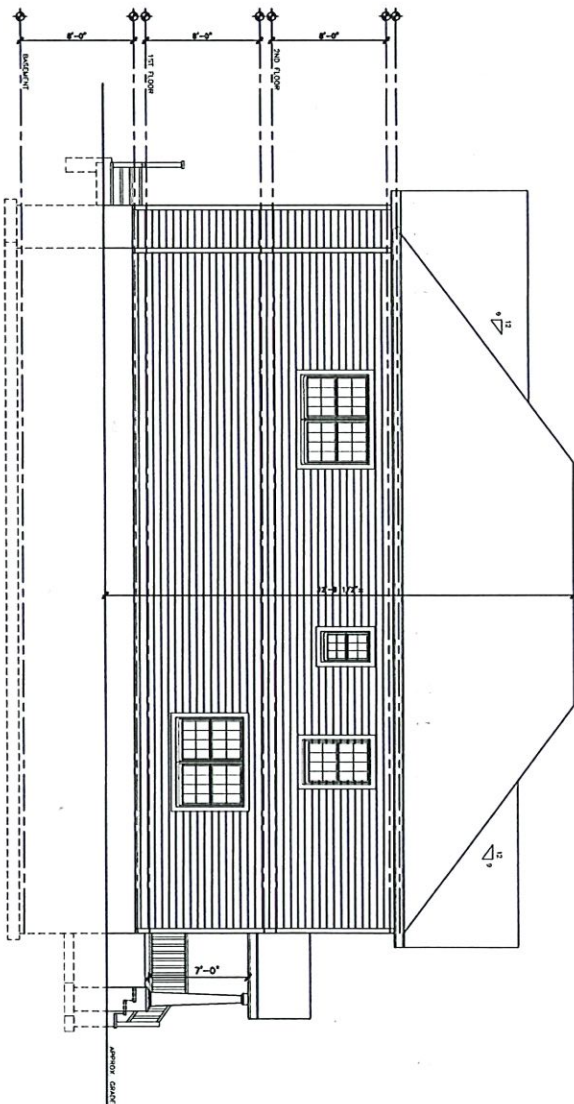




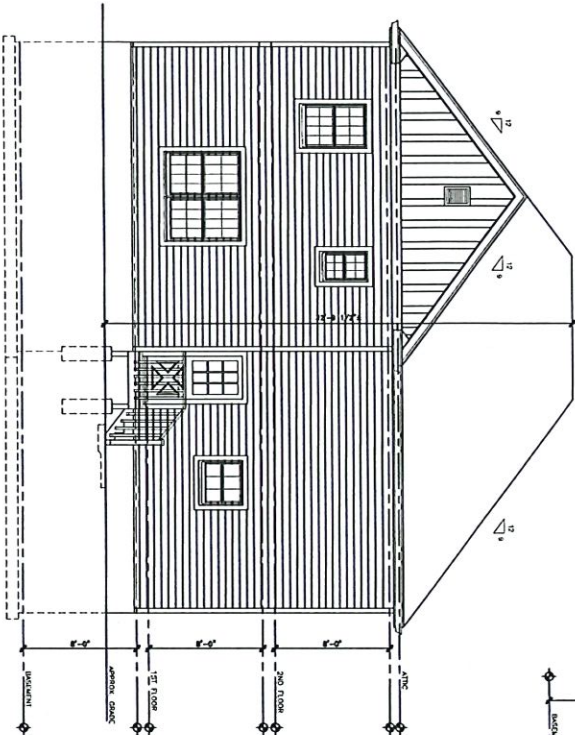








2 LEFT SIDE ELEVATION  
SCALE 1/8" = 1'-0"



1 REAR ELEVATION  
SCALE 1/8" = 1'-0"

PRELIMINARY  
NOT FOR  
CONSTRUCTION

NO.	DATE	REVISION
PROJECT	NEW SINGLE FAMILY RESIDENCE FOR SINGH FAMILY	
OWNER	SINGH FAMILY	
DESIGNER	BROOKHURST ARCHITECTS P.C.	
DATE	10/15/2014	
PROJECT No.	SK-3	
DATE	10/15/2014	
SCALE	1/8" = 1'-0"	
CONSTRUCTION DATA / NOTES	A-2	



NO.		REGION	
DATE			
PROJECT			
NEW SINGLE FAMILY RESIDENCE FOR			
MR. & MRS. ROBERT M. HARRIS			
1401 E. ALPINE AVE.			
BIRMINGHAM, ALABAMA 35202			
ARCHITECT OF RECORD: ROBERT M. HARRIS ARCHITECTS P.C.			
3341 LAMAR AVENUE, SUITE 200, BIRMINGHAM, ALABAMA 35202			
DATE: 7/1/2022			
SHEET TITLE		SHEET NO.	
FLOOR PLAN		SK-3	
BATHROOM & 1ST FLOOR PLAN		A-3	
3 OF 4		F.T.E. # 20124	



A-4