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 8:02 P.M.

Roll Call: Present: Messrs. Eilert, Zingone, Pereira*, Kurz, Rose, Bremer*, and Chairman Smid. Absent: None

Also in attendance were Ms. Sophy Sedarat, Board Attorney, Steve Lydon, Burgis Associates, and John Yakimik*, Boswell Engineering.

EXCUSE ABSENCES:

No absences.

PROFESSIONALS SWORN:

Mr. Steve Lydon, Burgis Associates, was sworn in.

Chairman Smid welcomed new members Joseph Zingone and William Eilert.

PUBLIC MEETING:

1. Manfredonia – 86 Oneida Avenue, Block 5102, Lot 53. Public hearing for a front, and two side yard setbacks.

Chairman Smid reported that he, Messrs. Rose, and Bremer conducted a site inspection. The property is located in an RA-3 zone and traffic is light. Chairman Smid reviewed comments from the various departments.

*Messrs. Bremer, Pereira and Yakimik entered the meeting at 7:05pm.
The applicant proposes a front yard setback of 29.8 feet where 40 feet is required, a right-side yard setback of 8.21 feet and a left side yard setback of 6.5 feet where 15 feet is required.

Mr. Joseph and Mrs. Alyssa Manfredonia were sworn in and testified that they are adding a second story to their home which will include three bedrooms, two full bathrooms and an office. A discussion ensued concerning the proposal which includes an office upstairs and downstairs. The applicant was advised that the door to the office downstairs will need to be removed as well as the office upstairs. Also, the applicant was advised that they would be limited to 3 bedrooms.

Ms. Sedarat reviewed the variances being requested and verified with the applicant that the variances they are seeking are due to the exceptional narrowness of the property.

Mr. Yakimik explained to the applicant that the drawings are not to-scale and he was unable to verify the height of the building. Mr. Manfredonia responded that his architect did draft a plan showing the height of the dwelling and he handed them out to the Board members. The height drawings were entered as an exhibit.


Mr. Yakimik expressed that there was nothing on the plans showing how the height was calculated and he needs to be sure that the calculations were done by code. Ms. Sedarat informed the applicant that the maximum height allowance is 35 feet. She explained that the applicant can choose to carry their application to the following month and have the architect verify that the height calculations were done by the Borough code, or the applicant could continue to a vote with the condition that proof of the calculation formula must be provided to Mr. Yakimik so that he can verify that the calculations were done properly. Chairman Smid recommended that the meeting be opened to the public while the applicant decides.

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

Mr. Allen Nehama, 217 Hiawatha Boulevard, explained that he lives behind the applicant and there is a creek that runs along his property which he noticed erosion on that side. His concerns were that improvements being made to his neighbor’s home could create more runoff and erosion for the creek. He requested that the Borough improve that area near his home to prevent anymore erosion. Chairman Smid responded that the Board does consider and is required by statute to make sure an application does not create adverse drainage issues to the neighboring properties. He explained that the erosion issue occurring on his property is due to living downstream. Ms. Sedarat informed that the expansion would not create adverse drainage to the neighboring properties since the applicant is only adding 1.62 feet impervious surface and improvements are being made to the front of the dwelling. Mr. Arredondo expressed that the improvement being proposed will not add to the erosion condition and if Mr. Nehama is requesting help for the
erosion, he will need to approach Mayor and Council to see if anything can be done. No further comments. Chairman Smid motioned to close the meeting to the public.

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

The applicant decided to move forward with a vote for their application. Ms. Sedarat explained that approval will be contingent to both offices will not be used as a bedroom and doors removed, no adverse drainage to adjacent properties and providing the Board engineer with the height of the dwelling and the formula used to calculate the height. Chairman Smid entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Rose to approve the Manfredonia application contingent to none of the offices being used as a bedroom and doors removed, no adverse drainage to adjacent properties and providing the Board engineer with the formula used for height calculations for the dwelling.

Roll Call Vote: Ayes: Messrs. Eilert, Zingone, Arredondo, Pereira, Kurz, Rose, Bremer and Chairman Smid. Nays: None Abstain: None Absent: None


Mr. Ben Cascio, Esq., located in Franklin Lakes, was before the Board to represent the application. Mr. Lydon stated, for the record, a correction in his report. Chairman Smid informed the applicant and the Board that he only received a site plan but no architectural plans for the construction of a house. The other Board members did not receive architectural drawings for the proposed house. Chairman Smid also informed the Board and the applicant that it was almost impossible to do a site inspection and that he would like to know if the applicant has received a Highlands exemption, approval from Wayne for sewer connection, test holes for a septic, water connection and utilities. Mr. Cascio explained that back in 1998, there was a court ruling reversing Oakland Board of Adjustment’s variance denial and directing Wayne to grant access to their property through an existing right of way on Shadow Ridge Road. Mr. Cascio introduced his first witness.

Mr. Richard Grosso, property owner’s son, located at 600 Masters Way, Palm Beach Gardens, Fla. was sworn in. Also sworn in was Mr. Yakimik, Board Engineer. Ms. Sedarat questioned ownership on the deed. Mr. Grosso responded that currently, his mother is the owner and named on the deed.

Mr. Grosso explained that he has been working with Wayne and there has been no opposition. Just recently, a hydrant test was conducted with positive results. Mr. Arredondo questioned if Wayne has reviewed their plans. Mr. Grosso responded not formally. Chairman Smid announced to the Board that he will listen to the site plan approval but he will not vote to approve the construction of a home until he sees architectural drawings. He polled all the Board members whether they wanted to move forward with the site plan. A discussion ensued that the only variance needed is for encroachment of the steep slopes to
access the property, not for the construction of the house. Chairman Smid questioned if building a house in the preservation area would be allowable. Mr. Grosso responded that he has been working with NJDEP for 2 years and they informed him that their application meets the exemption criteria, but it is up to the municipality to formally give that extension. Chairman Smid expressed that he would still like to see something in writing.

Mr. Lydon explained that back in 1998, Highlands did not exist and the Borough has not yet had the construction of a new home in the Highlands Preservation Area. It is voluntary for Borough to choose the exemption of a property in the preservation area, it is a protected zone. In addition, utilities are frowned upon.

Mr. Yakimik informed the Board and applicant that currently, he is the person who issues Highland exemptions for the Borough and a contingency of that exemption would be that not one tree can be removed until all approvals from Wayne and utilities are received. Knowing all that, he recommended to move forward with the application.

Mr. Cascio continued that the variance is for steep slope and not for setbacks. Mr. Lydon reminded the Board that they just turned down an application for a steep slope variance because there were no architectural drawings. Mr. Cascio responded that the construction of the house will not encroach into the steep slope but assured the Board if it turns out that it does, his applicant will be back before the Board. A discussion ensued concerning the applicant needing relief for minimum lot frontage on an approved street.

Mr. Cascio continued that Mr. Grosso transferred ownership to his mother due to a divorce which happened after he filed an application to build back in 1998. The application was denied and overturned by a court ruling. The court gave the Borough the option to either purchase the land or approve the application. Mr. Lydon questioned if the early application included approvals for septic, sewer or well. Mr. Grosso responded that it is not clear. Mr. Cascio offered the testimony of his next witness.

Mr. Trevor Curtis with LT Land Design located in Englewood gave his credentials as an engineer and the Board accepted his qualifications.

Mr. Curtis testified that they have met with the Highlands concerning an exemption, Wayne concerning sanitary sewer hook-up and NJDEP. It was discussed that a Highlands exemption will come from the Borough and approval needs to be given by the Zoning Board first before they can move forward with utilities for the property. He explained that flow tests were done and submitted to Wayne, but no comments have been received. He informed the Board that Wayne’s engineer and DPW Superintendent agree that sewer connection between Wayne and the Oakland property can be achieved. Maps of the property have been sent to P.S.E.& G. and Orange and Rockland but no comments yet.

Mr. Curtis testified that the applicant proposes to building a single-family home with the address of 37 Shadow Ridge Run. Access to the Oakland property will be through Wayne. It is zoned a RA-1 Residential and is an oversized lot with steep slopes and located in the preservation area. He entered an exhibit.

Exhibit A-1, Colorized map of original submission.

Mr. Curtis testified that the majority of the steep slopes are at the entrance of the property requiring retaining walls which create the steep slope variance. A corner of the proposed dwelling may encroach the slope slightly. They are trying to construct the dwelling on the flattest portion of the property. A discussion
ensued between Mr. Curtis and Mr. Lydon on relocating the access point to the other side to minimize the disturbance. He entered an exhibit.


Mr. Curtis reviewed the landscape plan, tree removal plan and trees required to be added. A discussion ensued concerning emergency vehicle access and the width of the driveway. Mr. Curtis responded that Wayne required that the access driveway be 20-feet in width. Mr. Kurz expressed that this width makes sense for emergency vehicles. Ms. Sedarat confirmed, for the record, that retaining walls and the driveway trigger a steep slope variance. She questioned the required driveway width and whether the applicant could minimize the steep slope impact by choosing a different location for the access point. Mr. Curtis responded that the applicant may be able to reduce the driveway width to 18-feet which will help minimize the disturbance.

Mr. Cascio introduced the planner representing the applicant. Mr. Nicholas Graviano of Holmdel, NJ was sworn in. He gave his credentials, and the Board accepted his qualifications. Mr. Graviano testified that the side access would not work for the applicant due to the angle and difficulty they would have pulling into the garage or turning around. The original layout for the access allows for more green space.

Chairman Smid requested that the application be carried to next month. Ms. Sedarat requested that the applicant submit a hard copy of the soil moving permit that was missing pages and the court order for each Board member. She also requested the exhibits be submitted as well for the file. Chairman Smid announced that this application will be carried to the July 11th meeting with no further notice.

3. Poula, LLC – 455 Ramapo Valley Road, Block 4508, Lot 2 & 3. Public hearing for a site plan and use variance.

Mr. Ben Cascio, Esq., located in Franklin Lakes, was before the Board to represent the applicant. He explained that this is an application for a use variance in a mixed-use zone that was previously approved by this Board back in 2019. Due to personal, financial issues and Covid, the applicant was unable to move forward with their plans and the variance expired. He offered the testimony of the owner, Mark Bekhet.

Mr. Mark Bekhet was sworn in and testified that he is one of the owners filing the application. The application is to construct a combined commercial/residential use for the same exact application that was approved back in 2018 by this Board. He explained that he was unable to commence construction due to the cost of materials and finance issues due to Covid. A discussion ensued confirming that this is the exact same application with no changes.

Ms. Sedarat explained to the Board that the applicant has submitted plans which are the same as what was approved back in 2018. Since the variances have expired and there are new members on the Board, the applicant was required reapply and give notice to the neighboring properties. It was agreed that the applicant would give a brief review of what was proposed back in 2018.

Mr. Cascio offered the testimony of Mr. Robert Weissman from Weissman Engineering located in Midland Park, N.J. He gave his credentials and the Board accepted his qualifications.
Mr. Weissman displayed the approved plans. He explained that the applicant is proposing the same building that was approved back in 2018. The applicant is proposing a 2-story building that will consist of retail on the lower level and three 2-bedroom apartments located above the retail portion on the second level. They continue to lease property from the Knights of Columbus for parking. The applicant is still proposing front parking for retail and rear parking for tenants. They are proposing 22 parking spaces where 27 parking spaces are required, which they will be seeking a variance. All the same drainage, soil movement, fire access, dumpster location is being proposed. A 6-foot-high fence along the side of the Knights of Columbus with landscaping is still being proposed with a slight shifting in lighting.

Mr. Lydon informed the Board that the property is located in a B-2 Business zone and there is no CBD II- AHO zone currently. He confirmed that the applicant is seeking a use variance, and variances for a front setback of 10-feet where 20-feet is required, a free-standing sign and parking. He informed the applicant that in New Jersey the DCA passed a law requiring at least one charging station per parking lot and requested that the charging station be added to the revised plans. A discussion ensued concerning the lighting plan. Mr. Weissman responded that everything is the same with the exception of the landscaping lighting.

A discussion ensued concerning tree removal and replacement. Mr. Yakimik expressed that his review is that the plans are compliant to the resolution awarded in 2018. He questioned curbing ramps and streetscape. Mr. Weissman responded that this will be the same as what was originally approved. No further questions. Chairman Smid entertained a motion to open the meeting to the public.

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

Ms. Clark questioned the amount of parking and recommended that there be more green space. The Board explained the circumstances of the application to Ms. Clark.

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

Mr. Cascio offered the testimony of Mr. Fredrick Klenk, a licensed architect from Franklin Lakes. Mr. Klenk gave his credentials, and the Board accepted his qualifications.

Mr. Klenk displayed the architectural plans submitted for the 2018 approved application. He informed the Board that these are the same renderings that were approved in 2018. He reviewed the first-floor plan which will be able to accommodate 1 to 4 commercial businesses. There are 3 gables facing Ramapo Valley Road on the second floor separating each of apartments. The exterior materials will consist of maintenance free siding with no change to the design. The same square footage is being proposed and access to the apartment will remain in the rear as well as the parking for tenants.
Ms. Sedarat informed the applicant that comments from the acting fire official indicate that a suppression system for the building will be beneficial to prevent the spread of fire to the residential units above. Also, the fire official request that fire lanes or zones be depicted on the plans. A discussion ensued concerning fire truck access. Ms. Sedarat advised that the applicant that they must comply with fire and building codes.

Ms. Sedarat informed the applicant that comments from the health department indicate that they have no objection but they recommend that a condition of approval be that the proposed 394 gallons per day does not exceed 1444 GPD for the total building. Police also commented that during construction, they recommend that a traffic officer is hired during construction to control any altered or obstructed traffic patterns. No further questions. Chairman Smid entertained a motion to open the meeting to the public.

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

Mr. Cascio offered the testimony of Mr. Connor Hughes of Dynamic Traffic located in Flemington, N.J. Mr. Hughes gave his credentials and the Board accepted his qualifications.

Mr. Hughes testified that a traffic study was conducted back and 2018 and an updated traffic study was done recently showing that the counts are comparable to or less than the results from the initial study. There may have been a slight change in trip generation between 3:00 to 8:00 p.m.

Mr. Hughes discussed the possibility of adjusting the signal timing at the intersection of Court House Place and Ramapo Valley Road. The do-not-block stripping is still being proposed in front of the driveway to allow patrons to exit onto Court House Place with ease. Peak trip generation for the retail would be during the hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. to 6:00 p.m. The peak hours for the second floor rental units would be during evening hours. A discussion ensued concerning parking for the rental units. Parking for the rental units will be designated to the rear with 2 parking spaces per unit. No further questions. Chairman Smid entertained a motion to open the meeting to the public.

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

No comments.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to close the meeting to the public regarding matters concerning the testimony of Mr. Hughes was voted unanimously by the Board.
Mr. Cascio offered the testimony of Ms. Donna Holmqvist of Preferred Planning Group located in Montvale, N.J. Ms. Holmqvist gave her credentials and the Board accepted her qualifications. She entered exhibits.

Exhibit A-1, Land Use Aerial Map.
Exhibit A-2, Zone District Aerial Map.

Ms. Holmqvist reviewed the variances as a C-1 and C-2 for front setback on Court House Place for 10-feet where 20-feet is required and maximum impervious surface of 58.2 percent where the maximum is 55 percent. Impervious coverage and the front setback are due to an irregular shaped lot. She explained that the benefits of the proposed variances outweigh the detriment by providing adequate parking, screened dumpster and freestanding sign which enhances the corner property esthetics.

She explained that according to the 2016 re-examination of the master plan, there were revitalizing standards added as a requirement to the CBD zone which is just south of the subject location. The proposed building would be compatible with those standards.

Ms. Holmqvist explained that the statutory requirements for a use variance is to prove the positive and negative criteria that the variances will not affect the intent and purpose of the zoning plan. The intent and purpose criteria for this application falls under G- to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and H-which encourages the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight. No further questions. Chairman Smid entertained a motion to open the meeting to the public.

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

No comments.

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

Ms. Sedarat reviewed the condition of approval to be met by the applicant. Chairman Smid entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to approve the Poula, LLC application subject to:

- Stripping a “do not block box” on Court House Pl. to prevent blocking the egress.
• Must coordinate with the traffic officer concerning hiring a traffic officer during construction.
• Must coordinate with construction official concerning fire lanes and suppression system.
• Must comply with the health department 394 gallons limit per day.
• Signal timing for Court House Place and Ramapo Valley Road.
• Revised plans showing free-standing time, EV charging station, lighting plan, landscape plan and show replacement of trees being removed.

Roll Call Vote: Ayes: Messrs. Zingone, Arredondo, Pereira, Kurz, Rose, Bremer and Chairman Smid.
Nays: None
Abstain: None
Absent: None

MEMORIALIZATION OF RESOLUTIONS:


Eligible voters: Messrs. Pereira, Kurz, Rose, Bremer, and Chairman Smid.

Motioned by Mr. Rose and seconded by Mr. Kurz, to memorialize the above resolution of approval concerning the Pallarino application.

Roll Call Vote: Ayes: Ms. Campanelli, Mr. Rose, and Chairman Smid.
Nays: None
Abstain: None
Absent: None

PAYMENT OF BILLS:

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

APPROVAL OF MINUTES:

Motioned by Mr. Rose and seconded by Mr. Kurz, to approve the April 11, 2023 minutes was voted unanimously by the Board.

Motioned by Mr. Rose and seconded by Mr. Kurz, to approve the May 9, 2023 minutes was voted unanimously by the Board.
NEW BUSINESS DISCUSSION:

Deliberations & Bylaws has been carried to the July 7, 2023 minutes

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Rose and seconded by Mr. Kurz, to adjourn the meeting at 10:05 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary
*Next meeting is July 11, 2023.