

DECEMBER 8, 2020 MINUTES  
OAKLAND BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS - 8:00 P.M.  
PUBLIC HEARING

Pursuant to Chapter 231, Public Law 1975 Open Public Meetings Act, adequate notice of this meeting has been provided by:

- ☐ Adoption of an annual schedule of meetings
- ☐ Posting a copy of same at Borough Hall and the Borough's website
- ☐ Advertised in The Record more than 48 hours in advance of the meeting
- ☐ Mailing a copy to any person requesting same

FLAG SALUTE, MEETING OPENED AT 8:00 P.M.

ROLL CALL: Present: Mmes. King and Campanelli Messrs. Rose, Arredondo, Ackerly and Chairman Lepre.

Absent: Messrs. Chadwick, Bremer and Smid

Also in attendance were Ms. Sophy Sedarat, Board Attorney, John Yakimik, Board Engineer and Steve Lydon, Board Planner.

PROFESSIONALS SWORN IN:

Mr. John Yakimik and Mr. Steve Lydon were sworn in.

PUBLIC MEETING:

1. Ellahi Fuel – 373 Ramapo Valley Road, Block 1802, Lot 4. Public hearing for a use variance to operate a vehicle service station.

Members conducted a site inspection. Chairman Lepre reported that the property is located in the CBD-1 zone where the traffic is heavy. The application is for a change of use from a drug store to a vehicle service station. Chairman Lepre reviewed the comments from the various departments.

The applicant seeks a use variance for a use not permitted in the CBD-1 zone.

Mr. Ben Cascio Esq., located in Franklin Lakes, was before the Board to represent the application. He explained that the applicant, Ellahi Fuel Inc., leases the property at 357 Ramapo Valley Road known as the Luke Oil where he operates a vehicle service business known as Tire Tech. He is the contract purchaser of 373 Ramapo Valley Road known as the old Oakland Drugs.

This application was going to be filed a year ago as a conditional use with the understanding that Lukoil would be a partner. However, new management took over Lukoil halting the project. Therefore, the applicant decided to proceed with a use variance for the site at 373 Ramapo with the hopes that either Lukoil will join in or allow him to purchase the 357 Ramapo Valley Road business as well. Mr. Cascio offered the testimony of the applicant.

Mr. Sam Ellahi was sworn in. He testified that he leases the property at 357 Ramapo Valley Road known as Lukoil and is the contract purchaser of 373 Ramapo Valley Road known as the old Oakland Drugs. When Oakland Drugs moved and the owner of the property decided to sell, Mr. Ellahi felt this was his opportunity to expand his business.

Mr. Ellahi explained that originally he planned to make application with Lukoil however, there was a shuffle in management and Lukoil decided against it. Currently, the Lukoil has 2 bay which can only service 2 vehicles inside forcing them to service cars outdoors during inclement weather.

Purchasing the subject property will improve traffic and congestion currently happening at the Lukoil site and allow their operation to expand. They plan to add 6 bays which will allow them to service 6 vehicles simultaneously improving customer service. They service customers from Oakland and Franklin Lakes and have been involved and contribute to the Oakland community.

They own another service station in Boonton which is smaller than the Oakland and a wholesale operation on Fir Court. Currently, there are 7 employees at the Lukoil site and 4 employees at Fir Court site. Hours of operation at the Lukoil site are 8:00 a.m. – 6:00 p.m. Monday through Friday and 7:00 a.m. – 5:00 p.m. on Saturdays. Lukoil dispenses gasoline 7 days a week from 6:00 a.m. to 11:00 p.m. Mr. Ellahi's business satisfies most automotive services and they belong to the AAA franchise which services 7 towns with towing and roadside assistance.

Chairman Lepre questioned if they offer fleet service contracts and what was the volume. Mr. Ellahi responded they do have fleet service contracts with Optimum and GE Appliances which is approximately 20 percent of their business. Chairman Lepre questioned if the fleet vehicles are stored on site for maintenance. Mr. Ellahi responded that they try to get the fleet vehicles in and out. Approximately 90 percent of these vehicles are done the same day and they offer a pick up and deliver service to these customers. Chairman Lepre questioned if the outdoor storage, the shed and clutter would be removed with the introduction of the new property. Mr. Ellahi responded that this is the reason they started the process of buying the neighboring property.

In addition to the 6 bays, they plan to add space to accommodate waiting customers, a breakroom and a restroom. Currently, they are finding it difficult working with only 2 bays at Lukoil and jockeying cars on the small site. All traffic issues will be addressed during the site plan.

Questions were asked concerning the size of the 2 bay doors, where the bay doors will be facing, will the floor at the new site be able to hold the weight of 6 vehicles at a time and will used cars be sold at the site. Mr. Ellahi responded that the bay doors will be regular in size facing the parking

lot. The flooring will be concrete and reinforced to hold the weight of the vehicles and there will be no sale of used cars on the lot.

The Board questioned if their service includes body work at the site and the monthly number of fleet repairs done. Mr. Ellahi responded that approximately 60-70 fleet vehicles and approximately 200-300 regular vehicles are repaired a month. It was confirmed that the 2 bays would remain at Lukoil and there was discussion concerning the interior layout of the building.

The Board questioned if the applicant will be selling parts at the new site and if they still plan to add the 2 bay doors facing Lukoil. Mr. Ellahi responded that these doors will be installed if Lukoil decides to be included in the expansion or if he buys out Lukoil. It was questioned if the applicant plans to increase the number of bays in the future. Mr. Ellahi responded that he did not think the site could handle more than 6 bays.

The Board members expressed concerns with the ingress and egress at the site and jockeying of the cars. Mr. Cascio explained that the site plan will only involve the installation of the 2 doors but with conditions set forth by the professionals, they know there will be changes. Chairman Lepre confirmed that the Board will receive revised drawings. He turned the questioning over to professionals.

Mr. Lydon agreed with Ms. Sedarat that the Lukoil property is outside the scope of this application. Ms. Sedarat responded that testimony concerning the Lukoil property should not be taken into evidence. Mr. Cascio expressed that the discussion concerning the Lukoil property is background information not factual information. Mr. Lydon expressed that any discussion on operational changes and storage at the Lukoil site should not be taken into consideration. Chairman Lepre agreed that the application for the Oakland Drugs property should stand alone. Mr. Lydon expressed that the Board should not be hearing modifications of the current site. Ms. Sedarat agreed with Mr. Lydon since Lukoil reneged their last offer and that no Lukoil representative was present to testify.

Mr. Cascio went on to discuss the differences between a D-1 and D-3 variance. Mr. Lydon questioned where company owned service vehicle would be stored. Mr. Ellahi responded their service vehicles would be stored at his Boonton site to alleviate congestion at the gas station.

Mr. Yakimik questioned how the 2 sites will operate with regard to vehicles. Mr. Ellahi responded that they will repair vehicles at both sites. Mr. Yakimik confirmed that both sites will act independently. Mr. Ellahi responded that for now they will.

The Board discussed concerns with a left hand turn onto Ramapo Valley Road from Lukoil. Mr. Ellahi responded that the left hand turn onto 202 is permitted and he makes it daily. Most of the vehicles will be serviced at the Oakland Drugs site and they may not need the 2 additional bays at Lukoil.

Mr. Ellahi confirmed for the Board that buildings are located in the rear of Lukoil. Mr. Yakimik questioned if Mr. Ellahi considered expanding his business operations at the Fir Court site. Mr. Ellahi responded that there is no auto repair at this site and he does not own the building. Mr. Yakimik expressed that it may be better to file a use variance application for the site on Fir Court where he has 18,000 sf warehouse.

Mr. Cascio offered the testimony of Thomas Chopper Russo on behalf the applicant to explain the owner's ability to occupy the site for all these years. Ms. Sedarat informed Mr. Cascio, that he can put forth any one he sees fit to testify, however Mr. Russo, a real estate agent owner, may offer testimony from a real estate perspective concerning the subject site and the proposed use. Ms. Sedarat stated for the record that Mr. Russo is a member of the Oakland's Rotary club along with herself and Chairman Lepre which will not pose a conflict of interest.

Motioned by Mr. Arredondo and seconded by Mr. Rose, to open the meeting to the public regarding testimony concerning the Ellahi Fuel Inc. application was voted unanimously by the Board.

No comments.

Motioned by Mrs. Campanelli and seconded by Mr. Rose, to close the meeting to the public regarding testimony concerning the Ellahi Fuel Inc. application was voted unanimously by the Board.

Chairman Lepre entertained a motion to carry the application

Motioned by Mr. Arredondo and seconded by Mrs. King, to carry the Ellahi Fuel Inc. application to the January 12, 2021 meeting with no further notice was voted unanimously by the Board.

2. Milano – 17 Martha Place, Block 2801, Lot 65. Public hearing for side yard setback to construct a sunroom over an existing porch.

Members conducted a site inspection. Mrs. Campanelli reported that the property is located in a RA-1 Residential zone where the traffic is light. The application is for the installation of a 3 season room over an existing deck. Chairman Lepre reviewed comments from the various departments.

The applicant seeks a side yard setback of 11-feet where 30-feet is required.

Mr. Steven and Mrs. Sharon Milano were sworn in. They have a deck overlooking a pool in the rear yard and would like to enclose a portion of the deck with a 3 season room so they can enjoy their backyard during all types of weather.

The applicant confirmed that the room will be weatherproofed but no heat or air conditioning will be added. Runoff will be redirected to the existing gutters and leaders. No more questions. Chairman Lepre entertained a motion to open the meeting to the public.

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

No comments.

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

Ms. Sedarat confirmed that the existing structure was lawfully placed and that the hardship is due to an irregular shape and undersized lot.

Chairman Lepre confirmed with the applicant that the proposed structure will not serve as another bedroom. He entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to approve the Milano application with the stipulation that the 3 season room will not be used as a bedroom.

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

3. Bednarz – 32 Calumet Avenue, Block 4806, Lot 14. Public hearing for a front yard setback to expand a front porch.

Members conducted a site inspection. Mrs. Campanelli reported that the property is located in a RA-3 Residential zone where traffic is light. This application is for the expansion of their front porch and the addition of a portico roof covering entrance way.

The applicant seeks a variance for a front yard setback of 36-feet where 40-feet is required.

Mr. Stan Bednarz was sworn in and testified that his lot is undersized and he wants to improve the esthetics of his home by expanding their front porch and adding a roof over the entrance portion. A discussion ensued concerning the percentage of impervious coverage. Chairman Lepre suggested that the entire porch be covered since the applicant is under the maximum impervious coverage percentages. Ms. Sedarat questioned if this is something the applicant would like to consider. Mr. Bednarz responded that he would like to add the roof over the entire porch. Chairman Lepre confirmed with Mr. Bednarz that the porch would not be enclosed. The Board

confirmed the number of risers accessing the porch and that measurements were taken from the base of the last stair. He entertained a motion.

Motioned by Mrs. King and seconded by Mrs. Campanelli, to open the meeting to the public with regards to the Bednarz application was voted unanimously by the Board.

No comments.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to close the meeting to the public with regards to the Bednarz application was voted unanimously by the Board.

Ms. Sedarat confirmed that the existing structure was lawfully placed and that the hardship is due to an undersized, shallow and narrow lot. Chairman Lepre entertained a motion.

Motioned by Mrs. King and seconded by Mr. Arredondo, to approve the Bednarz application with the stipulation that the porch remain open.

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

4. Vollman – 14 Hickory Drive, Block 3801, Lot 87. Public hearing for a side yard setback to construct a new home.

Members conducted a site inspection. Mrs. Campanelli reported that location of the property is in a RA-3 Residential zone with light traffic. The application is for the construction of a new single family home. Chairman Lepre reviewed comments from the various departments.

The applicant seeks a variance for two side yard setbacks of 10-feet where 15-feet is required, lot area of 12,600 square feet where 15,000 square feet is required and minimum lot width of 60-feet where 100-feet is required.

Mr. Francis Battersby, Esq., located in Oakland, was before the Board to represent the applicant. The owner of the property, Wayne Vollman and Angelo Caputo, licensed architect, located in Pequannock were sworn in. Mr. Caputo offered his credentials and the Board accepted his qualifications.

Mr. Caputo testified that the property located at 14 Hickory Drive is an existing single family lot approximately 60' X 210'. Currently, there are remnants of a prior building, a shed, driveway and patio. The existing non conformity has a lot width of 60-feet where 100-feet is required, lot area of 12,600 where 15,000 is required. The applicant proposes the construction of a two-story single

family home with 3 bedrooms triggering 2 additional variances for both side yards of 10-feet where 15-feet is required. The main floor will consist of an open concept style kitchen and living area with a full master bedroom and 2 smaller bedrooms will make up the second floor. The height of the dwelling will be approximately 32-feet from grade. A covered front porch is also being proposed and the home will be sided. Homes in the neighborhood are older but comparable to what they are proposing.

Chairman Lepre expressed that no plans were submitted showing grades or topography and drainage for the site. Mr. Yakimik advised the applicant that a topo plan will be needed to confirm building height and whether the lot drains properly. In addition, if the applicant is moving more than 250 cubic yards of soil, they will need to come back to the Board with a soil movement application.

Chairman Lepre informed the applicant that there is no need to move forward until the applicant has supplied the Board with the necessary plans addressing grades, topography, cubic yards of soil to be moved and a tree removal plan for Shade Tree. He entertained a motion to open the meeting to the public.

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

Mrs. Nancy Anthony, 22 Walton Avenue, was sworn in and commented that she lives behind and downhill of the subject property. She informed the Board of an underground stream along with drainage issues with surrounding properties. Mr. Yakimik informed the resident that he would be reaching out and conduct a site inspection of the surrounding properties.

Mr. Edward Clark was sworn in and commented that it will be helpful to supply the Board with a grading and landscaping plan. In addition, you will need to supply Shade Tree with the location of all trees to be removed.

Ms. Anna Bloan and Ted Kobylarz, 12 Hickory Road, were sworn in and expressed concerns with constructions 10-feet off their property line and possibly impacting the value of their home. They requested that a privacy fence be installed. Chairman Lepre responded that next month they will discuss this further once the applicant submits a site plan.

Ms. Connie Centrella, 30 Walton Avenue, was sworn and questioned the required lot size for that zone. She was informed that the wrong zoning chart was used originally which the applicant will need to be updated.

Ms. Susan Schaffer, 30 Walton Avenue, was sworn in and commented on piles of dirt dumped on the property that runoff during a rainstorm onto her property.

Mr. Yami Rodriguez, 46 Walton Avenue, commented if the existing shed would remain. Mr. Caputo responded that they plan to remove the existing shed and patio.

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

A discussion between Chairman Lepre, Ms. Sedarat and Mr. Yakimik ensued concerning moving forward with the application and what will be expected of the applicant. Chairman Lepre requested plans addressing grades, topography, drainage, cubic yards of soil to be moved. Ms. Sedarat informed the applicant that this will all have to be submitted no less than 10 days before the next meeting. Chairman Lepre entertained a motion to carry the application to the January 12<sup>th</sup> public hearing.

Motioned by Mrs. King and seconded by Mr. Ackerly, to carry the Vollman application to the January 12, 2021 public hearing with no further notices.

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

#### 5. Brozyna – 209 Manito Avenue, Block 5504, Lot 7. Request for approval extension

Ms. Sedarat read the Borough's Code referencing granting an extension of approval. She explained that the applicant's approval, given by the Board back in August 13, 2019, has expired and the applicant is requesting an extension of that approval. A discussion ensued concerning changes to the approval.

Mr. Stan and Mrs. Theresa Brozyna were sworn in and testified that there are no changes to the approval received August 2019. Mr. Brozyna explained that due to the pandemic and governmental shutdown, he began to have difficulties hiring a builder.

Mr. Yakimik expressed to the applicant that there seems to be a drainage issue with the neighboring property that needs to be addressed. In addition, he would like to see the removal of weeds, dead trees and stored building materials which have become a property maintenance issue.

Ms. Sedarat informed the applicant that the Board professional's fees were not paid for a year after notices were sent out and it will be a condition of the extension that all fees are paid and up to date before the issuance of permits and/or certificate of occupancy. Mr. Brozyna agreed to the conditions. Chairman Lepre entertained a motion to open the meeting to the public.



Motioned by Mrs. Campanelli and seconded by Mr. Rose, to open the meeting to the public regarding matters concerning the Brozyna application was voted unanimously by the Board.

Mr. Brian McDonnell, 149 Manito, was sworn in and expressed his concerns with property maintenance issues such as hanging tree limbs from the subject property.

Mr. Kevin Trainer was sworn in and expressed his concerns with drainage and property maintenance issues. Excessive runoff comes from the property during rain storms. Mr. Brozyna responded that it is not his property causing the runoff, it is a neighboring property with a pipe leading to his property and onto the Trainer's property. Mr. Yakimik confirmed that there is drainage coming from a third property which has been referred to the construction office but nothing has been resolved.

Kelly Journalist, 32 Isabella Court, Glen Rock, was sworn in and testified that she is the property manager for the subject property. She expressed that her parents own the property have fallen on hard times but will make a better effort to address the drainage issues and clean up the property.

Motioned by Mr. Rose and seconded by Mrs. Campanelli, to close the meeting to the public regarding matters concerning the Brozyna application.

Chairman Lepre expressed that he wants to see the ongoing drainage issue resolved. He requested that Mr. Yakimik follow up with the Building Department and the neighboring properties to resolve this issue. In addition, he informed the applicant that escrow needs to be in place going forward to pay the Board professionals. He entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to approve the Brozyna extension with the condition that the property be cleaned up in 30 days, 3<sup>rd</sup> party drainage be addressed and resolved and escrow be in place to pay the Board professionals.

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

#### MEMORIALIZATION OF RESOLUTION:

1. Trotta – 96 Page Drive, Block 3806, Lot 14. Approval for side yard setback for an above ground pool.

Eligible voters: Mrs. Campanelli, Messrs. Rose, Arredondo, Ackerly, Bremer, Smid and Chairman Lepre.

Motioned by Mr. Rose and seconded by Mrs. Campanelli, to memorialize the approval of the Trotta application.

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

2. Binder – 139 Lakeshore Drive, Block 1501, Lot 24. Approval for impervious coverage, a rear and side yard setback and to fill in the slope of the driveway.

Eligible voters: Messrs. Rose, Arredondo, Ackerly and Smid.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to memorialize the approval of the Binder application.

Roll Call Vote:           Ayes: Messrs. Rose, Arredondo and Ackerly,  
                              Nays: None  
                              Abstain: None  
                              Absent: Messrs. Bremer and Smid

3. Wardell – 25 Minnehaha Boulevard, Block 4701, Lot 60. Approval for a side yard setback.

Eligible voters: Mrs. Campanelli, Messrs. Rose, Arredondo, Ackerly, Bremer, Smid and Chairman Lepre.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to memorialize the approval of the Wardell application.

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

4. Gourhan – 8 Oneida Avenue, Block 5204, Lot 3. Approval for a front yard setback.  
Eligible voters: Mrs. Campanelli, Messrs. Rose, Arredondo, Ackerly, Bremer, Smid and Chairman Lepre.

Motioned by Mr. Rose and seconded by Mr. Ackerly, to memorialize the approval of the Gourhan application.

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

5. Turso- 39 Pawnee Avenue, Block 5301, Lot 35. Approval for a front and side yard setback.

Eligible voters: Mrs. Campanelli, Messrs. Rose, Arredondo, Ackerly, Bremer, Smid and Chairman Lepre.

Motioned by Mr. Rose and seconded by Mr. Arredondo, to memorialize the approval of the Turso application.

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

#### PAYMENT OF BILLS:

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

#### APPROVAL OF MINUTES:

Motioned by Mr. Rose and seconded by Mr. Ackerly, to approve the November 10, 2020 minutes was voted unanimously by the Board.

#### NEW BUSINESS DISCUSSION:

Chairman Lepre formed RFQ Committees:

Planner – Ed Ackerly and Ken Chadwick  
Engineer – Rick Lepre and Cesar Arredondo  
Attorney – Mike Rose and Sherry Campanelli

#### OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Rose and seconded by Mrs. Campanelli, to adjourn the meeting at 11:25 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary  
\*Next meeting is January 12, 2021.