

JULY 10, 2018 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.
- *Forwarding a copy of same to the Record.
- *Mailing a copy to any person requesting same.

FLAG SALUTE, MEETING OPENED AT 8:04 P.M.

ROLL CALL: Present: Mrs. Campanelli, Messrs. Rose, Arredondo, Bremer, Ackerly, Chadwick, Smid, Wegman and Chairman Lepre.
Absent: None

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

PUBLIC MEETING:

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

Mr. Thomas Herten, Esq. with Archer Attorneys on behalf of A & E Ventures of Oakland explained late this afternoon there was a disagreement between his client and Price, Meese, and Shulman & D'Arminio representing Wawa Corporation over the County's determination concerning the ingress and egress into the property from Ramapo Valley Road. Mr. Herten apologized for the last minute adjournment by Wawa Corporation. Chairman Lepre informed Mr. Herten that the Board will carry the application one more time as a condition that if they plan to adjourn next month, this will result in an automatic withdrawal of their application without prejudice so that they can resolve their issues with the County. He entertained a motion to carry the application.

Motioned by Mr. Rose and seconded by Mr. Chadwick, to carry the A & E Ventures of Oakland application to the August 14, 2018 public hearing with no further notice.

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

Abstain: None
Absent: None

2. Hampshire Venture Partners, LLC – 24 West Oakland Avenue, Block 1706, Lot 4.01. Public hearing for a use variance.

Mr. Lydon is recused from the application.

Caroline Reiter, C.P. Statile sitting in as Board planner.

Mr. Andrew Del Vecchio, Esq. with Beattie Padovano located in Montvale, New Jersey, representing Hampshire Venture Partners, LLC, returned to the Board. He explained that revised architectural plans were submitted to the Board dated June 19, 2018. Exhibits were entered.

Exhibit A-20, Revised architectural plans dated June 19, 2018.

Exhibit A-21, Colored version of revised architectural plans dated June 19, 2018.

He explained that the revision was due to a request from the Board to remove all the roll-up doors in the front of the building and replace them with faux windows. Exhibits were entered comparing elevations of the neighboring buildings.

Exhibit A-22, Photographic simulation comparing height.

Exhibit A-23, Small version photographic simulation comparing height.

Mr. Del Vecchio reviewed comments made in Boswell's report concerning a free-standing sign and spacing of proposed trees facing Spruce Street. He explained that his client would fully comply during the site plan application. Mr. Yakimik reviewed questions in his report that were not answered such as trees in the 287 right-of-way, change in ground floor height and stormwater management. Mr. Del Vecchio responded that all these items mentioned will be taken care of and discussed during the site plan application. Mr. Yakimik also addressed pedestrian movement further west on the property, cleaning up curb construction on the adjacent site and comments by the applicant's planner that the Terhune Street concept is not viable.

Mr. Del Vecchio entered an exhibit.

Exhibit A-24, Aerial photograph of the Central Business District (CBD).

Mr. Del Vecchio explained that the CBD Plan and Master Plan talk about the Ramapo Valley Road corridor and suggests that this is the primary business district which was meant to draw and attract pedestrians. He questioned why the Borough would want to draw pedestrians from this area. Ms. Reiter referred to her review letter which discussed the goals for creating CBD pedestrian flow. She mentioned that there will be a public hearing for a CBD Plan Addendum this week for changes

to help improve Station Park. Mr. Del Vecchio expressed that this has no relevance to what they are proposing.

Mr. Chadwick expressed that he believes that a storage facility building would be better suited for an industrial park. Mr. Del Vecchio responded that they would like visibility from 287. In addition, industrial parks are isolated and can pose security risks. Mr. Wegman discussed the trials and tribulations with getting sewers in the downtown but the intent of the CBD 1 & 2 zones was to make it more livable. Many years were spent on creating these zones and its rules and a storage facility does not necessarily encourage the growth that was intended by the master plan. Chairman Lepre expressed that the governing body is working on staging Station Park as a welcome point when you enter Oakland. He expressed that he is having a difficult time the use and what is intended for the zone. He entertained a motion to open the meeting to the public.

Motioned by Mr. Smid and seconded by Mr. Arredondo, to open the meeting to the public with regard to the Hampshire Venture Partners, LLC application was voted unanimously by the Board.

Mr. Robert Elfers, 10 Glen Grey Road, read a letter he wrote to the Board rejecting the proposed project for a storage facility. He expressed his concerns and the impact it would have on the Borough.

Motioned by Mr. Bremer and seconded by Mr. Smid, to close the meeting to the public with regard to the Hampshire Venture Partners, LLC application was voted unanimously by the Board.

Mr. Del Vecchio offered his closing statement. He explained to the Board that he spent the afternoon going through Oakland's master plan and the Central Business District plan and is confused with the Board's opinion on the "intent of the master plan". He expressed that there is no need to interpret exactly what the master plan intends because it is there for guidance.

He explained that in the master plan it stresses the need for sewers to accomplish the goals set forth for in the CBD zone and for more than a decade, those goals have not been met. In the conceptual plans it does show an office building use but with no sewers, it would be difficult.

Mr. Del Vecchio went on to discuss further the goals and policies for both CBD 1 and CBD 2 zones and the failed attempts to house an office building at the proposed site. According to the master plan, Ramapo Valley Road is considered the commercial corridor for Oakland. He pointed out the length his client went to adjust the plans to please the Board.

Chairman Lepre informed Mr. Del Vecchio that the document Mr. Del Vecchio is referencing is a master plan re-examination report. Mr. Del Vecchio responded that a re-examination report is more important because it is recent. A discussion ensued concerning the insight of the Mayor and Council and the hard work that has taken place by the Station Park committee who are in the process of enhancing Bush Plaza.

Mr. Del Vecchio explained that planning testimony was given by Mr. Hughes explaining that towns are trying to adapt and find ways to accommodate different uses as Oakland has in their industrial zones. He pointed out that a drive-thru is not permitted in the CBD zone however, there are three alone in that shopping area. Boards need to recognize change and learn how to adapt.

Mr. Del Vecchio thanked the Board for their patience and asked if the Board would vote in favor of the application. Chairman Lepre thanked Mr. Del Vecchio and suggested the meeting recess before a vote is taken.

Meeting recessed at 9:38 p.m.

Meeting resumed at 9:50 p.m.

Chairman Lepre requested Ms. Gurney to announce the eligible voters for the Hampshire Venture Property, LLC. Ms. Gurney announced the eligible voters.

Chairman Lepre informed Mr. Del Vecchio that the Mayor and Council govern the master plan and Zoning Board follows the intent of the master plan. The ordinance still stands as the town tries to reconcile sewers in the downtown and proceed with their goals.

Mr. Smid explained to Mr. Del Vecchio that the reason the office buildings failed is because the applicants could not raise the money to fund them.

Mr. Arredondo commented that the applicant made great effort to make the storage facility look like office space and that the application posed less of a traffic impact.

Mr. Ackerly expressed that any building at this site is permanent and if it were to change uses, it would be difficult to convert. As a board member, our job is to move forward with the goals and objectives of the master plan and the town. He believes that the industrial area is a better place for this facility.

Mr. Bremer expressed that he understands the constraints of the property and that an empty lot leaves no ratable. However, he agrees with Mr. Ackerly's comment about the building being permanent and difficult to convert.

Mr. Chadwick expressed that there are other areas that would be better suited. He has struggled with the application and steering away from the intent of the master plan.

Chairman Lepre entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Wegman, to deny the Hampshire Venture Partners, LLC application.

Roll Call Vote: Ayes: Messrs. Ackerly, Bremer, Chadwick, Smid, Wegman and

Chairman Lepre.
Nays: Mr. Arredondo
Abstain: None
Absent: None

3. Spinella – 17 Sienna Way, Block 4909, Lot 14. Public hearing for a front and side yard setback.

Members conducted a site inspection. Mr. Wegman reported that the property is located in the RA-3 Residential where traffic is light. Chairman Lepre reported comments from the various departments.

The applicant proposes a front yard setback of 17.2-feet where 40-feet is required and a side yard setback of 10.03-feet where 15-feet is required.

Mrs. Rosalie and Mr. Francesco Spinella residing at 100 Lakeside Avenue were sworn in and testified that they purchased the property and wish to do improvements that include a front porch, new garage and a second story. A discussion ensued concerning an amendment to the front yard setback. Pictures brought by Mr. and Mrs. Spinella were entered as exhibits.

Exhibit A-1, Proposed home.
Exhibit A-2, Existing home.
Exhibit A-3, Neighboring home.
Exhibit A-4, Neighboring home.

Chairman Lepre questioned if Mr. and Mrs. Spinella agree to keep the bedroom count to 4 and to keep the porch open. Mr. and Mrs. Spinella agree to the stipulation. A discussion ensued concerning plans for drainage. Mr. Spinella responded that all runoff will be directed to a proposed drywell. Chairman Lepre entertained a motion to open the meeting to the public.

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

No comments.

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

Chairman Lepre expressed that he thought it was a nice addition with little intrusion. He entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Smid, to approve the Spinella application with the stipulation that the home remain 4 bedrooms and the porch remain open.

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

4. Holiday Bowl – 29 Spruce Street, Block 2302, Lot 24. Continued public hearing for a use variance.

This is a continued public hearing. Mr. Darrell Siss, Esq. informed that revised plans were issued to the Board. He requested that Mr. JR Frank go over the amendments with the Board and give planning testimony. He remains under oath.

Mr. Frank explained that the revised plans consist of pages B-1 showing the floor plan, B-2 showing elevations and B-3 showing the landscape plan. They plan to include additional planters along the wall, they changed building material to be used and an updated trees species to be planted. In addition, they are proposing LED signage which Mr. Frank explained to the Board that he is aware of the Borough's ordinance allowing not more than 150 nits.

Mr. Frank informed the Board that they are requesting a D-2 variance to expand and continue a non-conforming use. He referenced similarities with the Fairlawn decision and that the establishment's improvements would provide more space for a recreational use and continue to contribute as a ratable for the town.

His opinion is that this use has added to the neighborhood and the expansion to their food service poses no burden. This site has and will continue to be well suited. The use poses no negative impact to the neighborhood and meets the goals for positive criteria. Mr. Frank entered exhibits.

Exhibit A-5, Colored rendering of B-1 and B-2.

Mr. Yakimik referenced his report pointing out a front yard setback of 49.1-feet where 50-feet is required. Mr. Lydon questioned the number of signs. Mr. Frank responded that the applicant is proposing 3 signs. Mr. Lydon questioned if the recreation program runs any of the bowling leagues. Mr. Aiello responded that the recreation program has leagues on Monday night. Mr. Lydon commented that the existence of 58 years strengthens the bowling alley's argument. Chairman Lepre stated for the record that there was no public to open the meeting.

Mr. Siss introduced Mr. Robert Weissman with Weissman Engineering located in Midland Park. He offered his credentials and the Board accepted his qualifications.

Mr. Weissman explained the new septic design which will include a grease trap and require TWA approval from the DEP. Test holes were conducted and the soil is conducive for the design. Mr.

Lydon and Mr. Yakimik went over septic details which included agreement for screening and parts of the septic that needs to be visible. Chairman Lepre informed the applicant that approval would be contingent to TWA approval.

Mr. Weissman went over parking calculations for the expansion of the restaurant and the additional party rooms. The site provides 144 parking spaces which is required. The undersized parking spaces at 9' X 18' will remain. There was discussion concerning the reconfiguration of the entrance, the location of handicapped spaces, fire lanes and dumpsters as well as the appropriate screening.

Mr. Weissman went over the emergency access and the traffic circulation pattern for the site. He explained that the impervious coverage will be reduced. The applicant will provide an analysis for inlets and seepage pits in the parking area. He reviewed the drainage patterns that exist and will remain. PVC fencing of 5-feet high is being proposed and 4-feet in the front yard will remain.

Mr. Yakimik questioned the right-of-way parking area owned by the town and the possibility of using that as a buffer with additional plantings since the applicant has an abundance of parking. Mr. Weissman explained that the 28 parking spaces have always existed and it is never a good idea to give up parking spaces. A discussion ensued concerning approval from the town to retain the parking and a hold harmless application to be made before the Mayor and Council for approval.

Mr. Yakimik continued to review questions from his report concerning dumpster location, ADA parking requirements, stormwater calculations, soil moving, lighting, signage and application to DEP for septic. Mr. Weissman responded to all the questions and will comply and work with the professionals requests.

A discussion ensued concerning chain link fencing vs PVC, a six month trial for some of the lighting locations in the plan, dumpster location, stormwater calculations, DEP approval for septic, a developer's agreement and plans to be approved by Boswell. Mr. Weismann agreed to all the stipulations.

Chairman Lepre reviewed the stipulations agreed upon as follows:

- Reduction in impervious coverage.
- Soil movement plan showing number of cubic yards imported and exported.
- Approval subject to septic TWA approval by DEP.
- Stormwater management plan approval.
- Six month trial for allowing additional lighting in some of the locations.
- Chain link fencing at a height of 4-feet surrounding the sides and rear perimeter.
- Dumpster location to be explored as well as the fire zone.

Mr. Cavaliere suggested that all the revisions discussed this evening be shown on a revised version of the plans and submitted no less than 10 days prior to the hearing. Chairman Lepre entertained a motion.

Motioned by Mr. Chadwick and seconded by Mr. Rose, to approve the Holiday Bowl application contingent to the stipulations agreed upon above.

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

MEMORIALIZATION OF RESOLUTION:

1. Harvey – 8 Colgate Road, Block 4908, Lot 5. Approval for front and side yard setbacks.

Eligible voters: Messrs. Arredondo, Ackerly, Bremer, Chadwick, Smid, Wegman and Chairman Lepre

Motioned by Mr. Smid and seconded by Mr. Arredondo, to memorialize the above resolution of approval.

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

2. Ehlers – 33 Roth Avenue, Block 3703, Lot 87. Approval for rear and side yard setbacks.

Motioned by Mr. Chadwick and seconded by Mr. Rose, to memorialize the above resolution of approval.

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

3. Cetani – 6 Pawnee Avenue, Block 5201, Lot 35. Public Approval for a front and two side yard setbacks.

Motioned by Mr. Wegman and seconded by Mr. Chadwick, to memorialize the above resolution of approval.

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

PAYMENT OF BILLS:

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

APPROVAL OF MINUTES:

Motioned by Mr. Smid and seconded by Mr. Rose, to approve the June 12, 2018 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

None

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to adjourn the meeting at 11:35 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary
*Next meeting is August 14, 2018.