JULY 9, 2019 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 8:01 P.M.

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

Absent: Mr. Bremer

Motioned by Mr. Smid and seconded by Mr. Chadwick, to excuse the absences was voted unanimously by the Board.

Chairman Lepre announced that Mrs. Campanelli will be sitting in for Mr. Bremer.

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

PUBLIC HEARING:

 1. Tode Landscaping – 53 Spruce Street, Block 2302, Lot 21. Continued public hearing for a use variance, front yard setback and impervious coverage has requested to carry to

 the August meeting.

Chairman Lepre announced that the Tode Landscaping application has requested to carry to the August 13th public hearing. He entertained a motion to carry the application.

Motioned by Mr. Smid and seconded by Ms. Campanelli, to carry the Tode Landscaping application to the August 13th public hearing with no further notice was voted unanimously by the Board.

 1. Brozyna – 209 Manito Avenue, Block 5504, Lot 7. Continued public hearing for a front, rear and side yard setbacks.

Mr. and Mrs. Brozyna understood that they were previously sworn. Chairman Lepre reminded the Board that at the last meeting, it was up to the applicant and neighbors to meet with the Borough Engineer to review the proposed drainage plan and make sure that there will be no runoff problems for the neighbor. Mr. Douglas Doolittle, with McNally Engineering, introduced himself as the applicant’s engineer and was sworn in. He offered his credentials and the Board accepted his qualifications.

Chairman Lepre informed Mr. Doolittle that the Board follows the lawful code that does not allow ones property surface runoff to overflow onto a neighboring property. Mr. Doolittle informed the Board that (2) 2,000 gallon seepage pits will be installed along with a sump pump leading to a catch basin in the street. He explained that the excess water neighbors have been complaining about is not coming from his client’s property.

Mr. Yakimik informed the Board that during his site visit, he noticed a 3-4 inch pipe discharging water from 213 Manito Avenue onto 209 Manito Avenue. The applicant has not caused any of the runoff issues and has done a good job designing the drainage plan for mitigating runoff. Mr. Doolittle reviewed the drainage design further and explained that the surrounding properties have a high water table.

Mr. Yakimik expressed that there is a drainage issue affecting this street and plans to propose to Mayor and Council that the drainage on this street be corrected by including in the next capital project. Chairman Lepre 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 for matters concerning the Brozyna application was voted unanimously by the Board.

Mr. Kevin Trayner, 2 Creek Court, questioned the location of the drainage pits. Mr. Doolittle responded that seepage pits would be installed on both sides of the property. Mr. Trayner questioned the depth of the seepage pits. Mr. Doolittle responded that they have designed that the seepage pits be approximately 7-8 feet deep. Mr. Trayner questioned the height the septic system will be raised to and expressed concerns that this will create runoff onto his property. Mr. Doolittle explained that the septic system is required to be raised and that the applicant is not permitted to exacerbate runoff onto his property. Mr. Trayner questioned the proposed landscape plan. Mr. Brozyna responded that they plan to replant trees and bushes which he believes will help with the drainage.

Mr. Brian McDonald questioned if a short term silt fence can be erected during construction. Mr. Doolittle responded that a silt fence will be erected as soon as they begin with the demo of the existing house. Mr. McDonald expressed concerns with the pooling water in between their properties. Mr. Doolittle responded that this is not caused by the applicant’s property and will have to be taken up with the rear neighbor. No further questions. Chairman Lepre entertained a motion to close the meeting to the public.

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

Mr. Rose expressed that this project may improve drainage situation and other Board members agreed. It was discussed that this year, for this area, has seen record rainfall. Mr. Brozyna explained that he is looking to improve his property and informed the Board that the drainage issue began after a subdivision behind them was built.

Ms. Sedarat reviewed the front, rear and side yard setbacks necessary and indicated that the hardship of the application was due to the irregular shape of the property. Mr. Yakimik questioned the height of the building and suggested that it be made a condition that the calculations be done according to the average grade of the property. Chairman Lepre added the other conditions such as a 4 bedroom limit and to consult Shade Tree with the removal of trees. Chairman Lepre entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Smid, to approve the Brozyna application contingent to the applicant providing the correct height calculations, consulting Shade Tree and not to exceed a maximum of 4 bedrooms.

Roll Call Vote: Ayes: Messrs. Arredondo, Chadwick, Smid, Rose and Chairman Lepre.

 Nays: None

 Abstain: None

 Absent: Mr. Bremer

2. Ten Eyck – 1 Mohawk Avenue, Block 1502, Lot 15. Public hearing for a front yard setback

 and steep slope variance to build a new dwelling on an undersized corner lot.

Chairman Lepre reminded the Board that they left off verifying the ownership of the 2 lots. Ms. Sedarat explained that she has reviewed the 2 deeds carefully and confirms that 1 lot was personally purchased by Mr. Ten Eyck and the 2nd lot was purchased through his business. She read case law pertaining to self-created hardships and explained that the Board can take this into consideration when making their decision. A discussion ensued concerning merging the two lots. Ms. Sedarat responded that the applicant does not wish to merge them.

Chairman Lepre reviewed the zoning analysis on the plans and informed the Board that variances for lot area and a front yard setback will be required. He also explained that the applicant’s engineer is not present so there should be no testimony given in regards to engineering. A discussion ensued concerning the applicant reaching out to Bergen County for a Soil Conservation permit. Mr. Ten Eyck responded that he reached out to Bergen County and does not require a Soil Conservation permit. Chairman Lepre expressed that he should still take the erosion control measures. Mr. Ten Eyck responded that he will.

Mr. Ten Eyck explained that he is proposing to erect a 1,100 square foot modular home, with 3 bedroom, 2 bathrooms, 2 car garage and full basement on the subject lot. A new septic system designed for 3 bedrooms is being proposed. A discussion ensued concerning accessing the yard to install and maintain the septic system. Mr. Ten Eyck responded that the home will have a Mohawk Drive address and the rear yard can be accessed via Lakeshore Drive to install the septic.

The Board questioned the access to the basement. Mr. Ten Eyck responded that outdoor steps will lead to the kitchen entrance with stairs leading down to the basement. A discussion ensued concerning the transition of grade.

Mr. Yakimik requested that Mr. Ten Eyck remove the high vegetation and clean up the property, erect a silt fence and his office will require steep slope documentation. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Mr. Arredondo and seconded by Ms. Campanelli, to open the meeting to the public regarding matters concerning the Ten Eyck application was voted unanimously by the Board.

Mr. Joseph Manitti expressed that his property has a lot of privacy and would like it if the applicant could add more trees to keep his privacy. Chairman Lepre responded that there has not been any discussion on the landscaping plan. Ms. Sedarat added that he can request this at the conclusion of the application after the applicant has gone over his plan. Mr. Ten Eyck agreed that there needs to be a silt fence erected before the demo and would work with Shade Tree on an acceptable plan. No further questions. Chairman Lepre entertained a motion to close the meeting to the public.

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

Chairman Lepre announced that this meeting will be carried to the August 13th public hearing. He entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Chadwick, to carry the Ten Eyck application to the August 14th public hearing with no further notice was voted unanimously by the Board.

MEMORIALIZATION OF RESOLUTION:

 1. Lajqi – 64 Yawpo Avenue, Block 3903, Lot 10. Approval for a side yard setback.

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

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

Roll Call Vote: Ayes: Messrs. Arredondo, Chadwick, Rose, Smid and Chairman Lepre.

 Nays: None

 Abstain: None

 Absent: Mr. Bremer

 2. Coffey – 7 Hillside Avenue, Block 1807, Lot 2. Public hearing for 2 front yard setbacks

 (corner lot).

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

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

Roll Call Vote: Ayes: Messrs. Arredondo, Chadwick, Rose, Smid and Chairman Lepre.

 Nays: None

 Abstain: None

 Absent: Mr. Bremer

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. Smid and seconded by Mr. Arredondo, to approve the June 11, 2019 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

Approved a resolution for Cavaliere & Cavaliere, P.A. to pay for their representation of the Board of Adjustment in regards to the Interstate Advertising litigation during 2018.

Mr. Yakimik informed the Board that the applicant that received approval back in 2017 at 3 Dartmouth Way is reluctant to install a drywell which was a condition of approval. Chairman Lepre responded that if the applicant has not complied with all the conditions, they need to return to the Board so that this can be clarified.

OLD BUSINESS DISCUSSION:

Chairman Lepre announced that he and Mr. Smid are still working on the bylaws and still welcome suggestions and comments from the rest of the Board members.

MEETING ADJOURNED:

Motioned by Mr. Smid and seconded by Mr. Rose, to adjourn the meeting at 9:19 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is August 13, 2019.