JUNE 11, 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: Messrs. Rose, Arredondo, Bremer Chadwick, Smid and Chairman Lepre.

Absent: Mmes. King and Campanelli and Mr. Ackerly,

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 Attorneys; Mr. Steve Lydon, Burgis Associates; and John Yakimik, Boswell Engineering.

PUBLIC HEARING:

1. Ten Eyck – 1 Mohawk Avenue, Block 1502, Lot 15. Public hearing has been carried for a front yard setback and steep slope variance to build a new dwelling on an undersized corner lot.

Chairman Lepre announced that this application will be carried to the July 9th public hearing. The applicant was unable to provide the Board professionals with the required documentation before this meeting.

Ms. Sedarat informed the Board that she did receive the deeds for both properties, proving ownership of two different entities, but nothing else requested by the Board was provided.

Mr. Yakimik informed the Board that a stop-work order has been issued for the properties due to a failed septic system on the adjacent property being used for access. Mr. Lydon reminded the Board that the clock is still ticking and he would be issuing a letter of incompleteness to slow it down.

Chairman Lepre announced that this application will be carried to the July 9th public hearing.

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

Members conducted a site inspection. It was reported that the property, Block 3903, Lot 10, is located in the RA-3 Residential zone where traffic is moderate. Chairman Lepre reviewed the comments from the various departments.

The applicant is seeking two side yard setbacks of 7.6-feet and 10.1-feet (existing) and a front yard setback of 24.8-feet (existing).

Mr. Uke Lajqi was sworn in and testified that he purchased the home which was auctioned as is. He is proposing to complete a one-room addition to the side of the dwelling that was partially constructed without the appropriate permits. He wishes to complete the addition and bring the property up to code with the town.

A discussion ensued concerning amending the application to include all the setbacks being addressed. Chairman Lepre questioned the number of bedrooms being proposed and the size of the septic system. Mr. Lajqi responded that there are 2 bedrooms existing and the septic system is designed for 2 bedrooms. Chairman Lepre questioned if Mr. Lajqi would stipulate to not exceeding the 2 bedroom limit. Mr. Lajqi responded that he agreed to the stipulation. Mr. Chadwick confirmed that the air conditioning unit is located in the rear of the property. No further questions. Chairman Lepre entertained a motion to open the meeting to the public.

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

No comments.

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

Chairman Lepre noted for the record that the width of the property is non-conforming at 60-feet where 100-feet is required. Ms. Sedarat also noted that the hardship was the exceptional narrowness of the property. Chairman Lepre entertained a motion.

Motioned by Mr. Chadwick and seconded by Mr. Arredondo, to approve the Lajqi application contingent to the home remaining 3 bedrooms.

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

 Lepre.

 Nays: None

 Abstain: None

 Absent: Mmes. King and Campanelli and Mr. Ackerly

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

 (corner lot).

Members conducted a site inspection. It was reported that the property, Block 1807, Lot 2, is located in the RA-3 Residential zone with light traffic. Chairman Lepre reviewed the comments from the various departments.

The applicant is seeking 2 front yard setbacks of 19.7-feet and 12.5-feet where 40-feet is required.

Mr. Michael and Danielle Coffey were sworn in and testified that they are proposing to expand the second level by extending the height and size of two bedrooms and one bathroom. The will not be extending beyond the original foundation of the house.

Chairman Lepre questioned the number of bedrooms and size of the septic system. Mr. Coffey responded that the septic is designed for 3 bedrooms and they are not increasing the number of bedrooms and the home will remain to be 3 bedrooms. Chairman Lepre questioned if Mr. Coffey will agree to stipulate that the home will remain 3 bedrooms. Mr. Coffey agreed to the stipulation. Chairman Lepre entertained a motion.

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

No comments.

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

Chairman Lepre explained that the applicant is not seeking to exacerbate the existing setbacks. Ms. Sedarat stated for the record that the hardship is due to the unusual shape of the lot and the lack of depth of the property. No further questions. Chairman Lepre entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Smid, to approve the Coffey application with the stipulation that the home does not exceed 3 bedrooms.

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

 Lepre.

 Nays: None

 Abstain: None

 Absent: Mmes. King and Campanelli and Mr. Ackerly

 4. Brozyna – 209 Manito Avenue, Block 5504, Lot 7. Public hearing for a front, rear and

 side yard setbacks.

Members conducted a site inspection. It was reported that the property, Block 5504, Lot 7, is located in the RA-2 Residential, zone with light traffic (cul de sac). Chairman Lepre reviewed the comments from the various departments.

The applicant is seeking a front yard setback of 46-feet where 50-feet is required, a rear yard setback of 57-feet where 75-feet and a side yard setback of 24-feet were 30-feet required.

Chairman Lepre explained that this is a demolition and a re-build of an existing home requiring a review from the Board’s engineer. A discussion ensued concerning a new septic system design being for 4 bedrooms and tree removal involved.

Stanley and Theresa Brozyna were sworn in along with their architect Timothy Klesse. Mr. Klesse reviewed his credentials with the Board and the Board accepted his qualifications. Mr. Brozyna explained that they have lived at the property for 37 years and propose to demolish and rebuild. They plan to have the master bedroom on the first floor and 3 bedrooms on the second floor. Mr. Klesse added that solar panels will be part of the project. He added exhibits.

Exhibit A-1, Plan dated November 9, 2018 entitled “Site Plan/Septic System/Soil Erosion & Sediment Control Plan” consisting of one sheet.

Exhibit A-2, Architectural Plans dated November 30, 2018 last revised April 17, 2019 entitled “New Residence” consisting of 5 sheets.

The existing property is pie shaped and the applicant decided to reconfigure the location slightly. Mr. Klesse reviewed the variances being requested and other zoning details concerning the property. He agreed that the applicant has stipulated that they would not exceed 4 bedrooms and they would obtain a Shade Tree permit for the tree removal.

Mr. Yakimik requested that spot elevations or contours be added to the site plan. He expressed that there is a drop-off on the property and verified whether the height calculations were done to code. The applicant will need to provide drainage calculations and prove that no additional stormwater flow will leave the site. He recommended seepage pits on the property and application should be made to obtain certification from Bergen County Soil. Mr. Brozyna responded that seepage tanks already exist on the left side for runoff and there is no adjacent property on the other side that would be affected. He would have no problem increasing the size of that tank. No further questions. Chairman Lepre entertained a motion to open the meeting to the public.

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

Mr. Kevin Trayner, 2 Creek Court, explained that he is the adjacent property in the rear corner and has had drainage issues and is concerned that a larger building could create more of a problem. In addition to that, he has concerns with the removal of the trees and raising the elevation of the property for the septic system. This could exacerbate the runoff. Mr. Yakimik responded that the applicant cannot increase runoff from their property but agreed to meet Mr. Trayner at the site. Mr. Brozyna expressed that it is not his property causing the problem, it’s his neighbor’s leaders (a third party) causing runoff onto Mr. Trayner’s property. Mr. Yakimik reminded the neighbors that the last 2 months have produced record rainfall for this area which may not be helping the problem. Chairman Lepre entertained a motion to close the meeting.

O1- 5 Photos showing drainage problem.

Chairman Lepre suggested both engineers get together and research the drainage and sort it out before the next meeting. He recommended that this application be carried so that there is a resolution with the drainage. Ms. Sedarat explained to the applicant that since the applicant’s engineer is not here to testify, the Board is not feeling confident on taking a vote this evening. Mr. Yakimik concurred that this needs to be discussed with the engineers and neighbors together before a decision is made. Chairman Lepre motioned to carry the Brozyna application to the July 9th public hearing with no further notice.

Motioned by Mr. Arredondo and seconded by Mr. Rose, to carry the Brozyna application to the July 9th public hearing with no further notice was voted unanimously by the Board.

 5. Tode Landscaping – 53 Spruce Street, Block 2302, Lot 21. Public hearing for a use

 variance, front yard setback and impervious coverage.

Members conducted a site inspection. It was reported that the property, Block 2302, Lot 21, is located in the IP Industrial zone with light traffic. Chairman Lepre reviewed the comments from the various departments.

The applicant is seeking a use variance, front yard setback and to exceed the maximum impervious coverage.

Mr. Steven Schepis, Esq. located in Pine Brook, NJ was before the Board to represent the applicant, Michael Tode, who seeks approval to construct a building and store construction equipment outdoors for his landscaping company.

Chairman Lepre informed Mr. Schepis and Mr. Tode that the Board Engineer was unable to complete his review and suggested that they hold off on the engineering testimony until the next meeting. Testimony on the use of the property will be permitted.

Mr. Tode, 549 Wyckoff Avenue, Wyckoff, NJ was sworn in. An exhibit was entered.

Exhibit A-1, Site Plan Simplified dated June 11, 2019.

Mr. Tode testified that his father had a landscaping office in Oakland years ago until 287 was constructed when he moved the business to Midland Park where they continue to rent. The lease is coming up soon and he would like to relocate his business back to Oakland. He is proposing to construct a two-story building for office space and garage.

Mr. Tode explained that he is meticulous and takes pride keeping a clean and neat property. He is proposing an 8-foot fence to secure and keep the property looking professional. Most of his the big equipment will be kept offsite usually on the job sites where they are needed. Landscaping employees will park in the rear and spaces in front of the building will be designated for office workers. Outdoor storage will consist of gravel and mulch and smaller trucks and equipment will be stored in the garage. No oils, pesticides or other chemicals will be stored and all their trucks and equipment is maintained off premise and no risk of leaks. An exhibit was entered.

Exhibit A-2, Pictures of the applicant’s dump-truck

Exhibit A-3, Picture of the applicant’s pick-up truck

Exhibit A-4, Picture of the applicant’s mason dump-truck

Mr. Yakimik discovered a change in the site plan, exhibit A-1, and requested the he and the Board receive the updated plans. Mr. Tode reviewed the size of the trucks consisting of 6 mason dump-trucks 6 trailers and 4 pick-up trucks. These vehicles will be parked in the rear of the building. Most of the bigger equipment is kept off site at jobs. There are 9 parking spaces and 2 in the garage. There is no public aspect or clients visiting the site. Mr. Lydon verified that the bobcat, front loader and excavator would not be parked at the site. Mr. Tode responded that the equipment is moved from job to job. He entered exhibits.

Exhibit A-5, Picture of the 8-foot vinyl fence.

Exhibit A-6, Computer image of the proposed sign.

A discussion ensued concerning the effects the business could have on the school. Mr. Tode expressed that since they are at the end of the street, on a cul de sac, he did not see an issue. He would look further into the start and end time for the school. The Board questioned the number of employees at the site. Mr. Tode responded that he has approximately 20-22 employees but only 3 of those employees would remain at the building to work in the offices. Work hours will be from 6:45 a.m.-7:00 p.m. In the winter there will be less 5 people.

Mr. Schepis offered testimony from the architect, Mr. Anthony Garret. Mr. Garret was sworn in and offered his credentials and the Board accepted his qualifications as a licensed architect and planner. He entered exhibits.

Exhibit A-7, Photo array consisting of 23 photos of the site.

Exhibit A-8, Aerial photo of the site.

Exhibit A-9, Rendering of the front of the building with elevations.

Mr. Garret explained that the applicant proposes to construct a building with a garage connected. At the north entrance, the garage will have 2 bays for repairs and truck parking. There will be no oil changes so no floor drains are required. In addition to the ground floor, there will be a training room and locker room. The second floor will consist of 3 offices, a break room and an admin area with cubicles. An existing shed will remain for storage. An exhibit was entered.

Exhibit A-11, Elevations of side front and rear.

He explained that the building is small in comparison to the site. The property is 17,000 square feet and the building is 1,600 square feet. He expressed that it is a less intensive use for the site. He reviewed the style of the proposed roof and exterior materials. Mr. Yakimik questioned the reason for 38 lockers. Mr. Tode responded that each of the 19 employees get 2 lockers each to store their work gear. A discussion ensued concerning hours for the school. Mr. Bremer confirmed that the school hours are from 8:00 to 6:00 p.m. No further questions. Chairman Lepre entertained a motioned to carry the Tode application with no further notice.

Motioned by Mr. Bremer and seconded by Mr. Arredondo, to carry the Tode application to the July 9th public hearing with no further notice was voted unanimously by the Board.

MEMORIALIZATION OF RESOLUTION:

 1. Tafro – 12 Mountain Lakes Road, Block 5204, Lot 29. Approval for a side yard

 setback.

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

Chairman Lepre entertained a motion.

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

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

 Chairman Lepre.

 Nays: None

 Abstain:

 Absent: Mrs. Campanelli and Mr. Ackerly

 2. Martin – 30 Academy Circle, Block 3905, Lot 50. Public hearing for a side yard setback.

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

Chairman Lepre entertained a motion.

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

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

 Chairman Lepre.

 Nays: None

 Abstain:

 Absent: Mrs. Campanelli and Mr. Ackerly

3. Dandeneau – 9 Gates End, Block 1002, Lot 13. Public hearing for side and rear yard

 Setback.

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

Chairman Lepre entertained a motion.

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

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

 Chairman Lepre.

 Nays: None

 Abstain:

 Absent: Mrs. Campanelli and Mr. Ackerly

 4. Rosamond – 127 Lakeshore Drive, Block 1501, Lot 28. Public hearing for a front and

 side yard setback.

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

Chairman Lepre entertained a motion.

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

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

 Chairman Lepre.

 Nays: None

 Abstain:

 Absent: Mrs. Campanelli and Mr. Ackerly

5. Touma – 7 Princeton Terrace, Block 4901, Lot 11. Approval for a front and 2 side

 yard setbacks.

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

Chairman Lepre entertained a motion.

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

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

 Chairman Lepre.

 Nays: None

 Abstain:

 Absent: Mrs. Campanelli and Mr. Ackerly

PAYMENT OF BILLS:

Motioned by Mr. Smid and seconded by Mr. Arredondo, 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 May 14, 2019 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

The Board congratulated Ms. Sedarat on her win of the appeal between the Board of Adjustment and Hampshire Venture.

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. Bremer and seconded by Mr. Smid, to adjourn the meeting at 10:50 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is July 9, 2019.