

JUNE 12, 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: Messrs. Rose, Arredondo, Bremer, Ackerly, Chadwick, Smid, Wegman and Chairman Lepre.  
Absent: Mrs. Campanelli

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

Mr. Rose sitting in for Mr. Bremer.

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.

Chairman Lepre announced that A & E Ventures of Oakland, LLC has requested to carry their application due to an unfavorable response from the County with regards to the left hand turn into and out onto Ramapo Valley Road. These comments will require modification to their plan.

Motioned by Mr. Wegman and seconded by Mr. Smid, to carry the A & E Ventures of Oakland application to the July 10, 2018 public hearing with no further notice was voted unanimously by the Board.

Mr. Bremer enters the meeting at 7:05 pm.

2. Harvey – 8 Colgate Road, Block 4908, Lot 5. Public hearing for front and side yard setbacks.

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. Health department has approved plans for a four bedroom septic system.

The applicant proposes a front yard setback of 20.9-feet where 40-feet is required and a side yard setback of 7.74-feet where 15-feet is required. Improvements include the addition of a second story and a covered porch.

Mr. Donald and Mrs. Catelyn Harvey were sworn in and testified that they're co-owners of the home. Mr. Harvey proposes to add a front porch, expand the existing garage and add a great room out the rear of the property. Originally the home was three bedrooms and they propose to add another and have all four bedrooms located on the second floor. It is similar to many of the improvements made in the neighborhood.

Chairman Lepre questioned if Mr. Harvey would agree to stipulate that the home would not exceed four bedrooms and that the porch remain open. Mr. Harvey agreed to the stipulation. Mr. Cavaliere verified that a revision dated March 19, 2018 shows that a door has been eliminated from the office at the request of the Health Department. There was discussion concerning the size of the garage. Mr. Harvey responded that he restores cars and would like his wife to be able to pull in and access the home.

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

No comments.

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

Chairman Lepre expressed that the improvements are consistent with the improvements to surrounding properties. He asked if there were any other questions, seeing none, he entertained a motion.

Motioned by Mr. Wegman and seconded by Mr. Arredondo, to approve the Harvey application contingent to the home not exceeding four bedroom and front porch to remain open.

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

3. Ehlers – 33 Roth Avenue, Block 3703, Lot 87. Public hearing for rear and side yard setbacks.

Members conducted a site inspection. Mr. Wegman reported that the property is located in the RA-2 Residential where traffic is light. Chairman Lepre reported comments from the various departments.

The applicant proposes a rear yard setback of 47-feet (existing) where 75-feet is required and a side yard setback of 19.6 (existing) where 30 is required.

Mr. Michael Ehlers was sworn in and testified that he is the owner of the property. He proposes to add a second story, straight up, over his pre-existing non-conforming home. The addition will consist of a master bedroom suite with an increase in close space totaling four bedrooms. A letter from the septic company confirms that the septic design will accommodate a four bedroom dwelling. 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 Ehlers application 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 Ehlers application was voted unanimously by the Board.

Chairman Lepre asked if there were any more questions, seeing none, he entertained a motion.

Motioned by Mr. Chadwick and seconded by Mr. Smid, to approve the Ehlers application contingent to the home not exceeding four bedrooms.

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

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

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

The applicant is proposing a front yard setback fronting Ramapo Valley Road 39.05-feet and fronting Pawnee Drive 26.06-feet where 40-feet is required and two side yard setbacks of 4.3-feet and 9.3-feet where 15-feet is required.

Mrs. Ana and Mr. Michael Cetani were sworn in and testified that they are co-owners of the property. They are proposing a second floor addition on a corner lot by expanding the living space and the size but, not the number, of the bedrooms. The septic system is designed for three bedrooms and a drainage issue on the property has been corrected. 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 Cetani application was voted unanimously by the Board.

No comments.

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

A discussion ensued to verify the setbacks and the setback of the air conditioning unit. Chairman Lepre asked if there were any more questions and seeing none, he entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Chadwick, to approve the Cetani application contingent to the home remaining three bedrooms.

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

5. 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 last month their application was to receive a vote however, they felt they could further improve the building. Mr. Del Vecchio offered the testimony of Mr. Nocella to go over the changes.

Mr. Robert Nocella remains sworn in and explained how they were able masked the appearance of the three story building to make it appear as a two story building, resemble an office building. Mr. Nocella entered exhibits.

Exhibit A-14. Declaration of Easement (use restriction)

Exhibit A-15, May 29, 2018 use variance plans, prepared by Bohler Engineering consisting of four sheets.

Exhibit A-16, May 29, 2018 architectural plans, prepared by SNS Architects consisting of three sheets) revised.

Mr. Nocella explained that they have not changed the floor plan size but reduced the height of the building by 9-feet. The first story will be below grade, second story will be at grade and the third story would appear to be the second story. The elevation would now be 32.17-feet which is compliant in that zone.

Exhibit A-17, A colored version of exhibit A-16.

They decided to reduce the mass of the building due to concerns of some of the Board members. The proposed building is now comparable with Walgreens in size and height as well as esthetics. In addition, they were able to keep the decorative embellishments that makes it appear more like an office building.

Exhibit A-18, Comparison site plan.

They are now proposing a height of 31.17-feet where 38-feet is permitted. Chairman Lepre questioned whether they were still proposing the opaque windows. Mr. Nocella responded that you will not be able to see through any of the windows except for the retail office space. Chairman Lepre questioned if additional units were being proposed and the height of the below grade units. Mr. Nocella responded that the height of the below grade units will be 10.6-feet and they are still only proposing 750 units. The Board questioned if the garages could be eliminate from the front of the building. Mr. Nocella responded they could make that a condition and replace the garage doors in the front with faux windows.

Mr. Nocella explained that there would be two ways of egress for the basement level and they are fully compliant with the requirements of fire prevention. They have designed the building to

look like office building. Mr. Yakimik questioned a height change for the below grade level. Mr. Nocella responded that the increase in the height for below grade would allow more storage room per unit. Mr. Yakimik questioned some of the sign changes. Mr. Nocella responded all signs are the same except for one. A discussion ensued concerning possible variances that may be needed associated with the some of the signs being proposed. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Mr. Wegman and seconded by Mr. Bremer, to open the meeting to the public for matters concerning the testimony of Mr. Nocella was voted unanimously by the board.

No comments.

Motioned by Mr. Wegman and seconded by Mr. Bremer, to close the meeting to the public for matters concerning the testimony of Mr. Nocella was voted unanimously by the board.

Mr. Bohler, from Bohler Engineering remains sworn. He responded to a questions concerning the need for more landscaping. They would have no objection to additional screening. Mr. Del Vecchio offered more testimony from Mr. Keenan Hughes. He entered an exhibit.

Exhibit A-19, Planning package.

Mr. Hughes reviewed the CBD plan once again and is still of the opinion that the proposed storage facility would not impair the master plan's intent. He referenced the Medici case which points out that uses in communities change from the original zoning adopted and that master plans adapt and evolve because of that.

He described the zone, as intended, to be a mixed use, close to the street, and able to address affordable housing requirements. Mr. Hughes handed out copies of his planning packet. He commented that the concept and efforts failed to house an office building on this lot. He reached out to the former mayor which relayed to him that storage facility use was not on the radar for this site.

Mr. Hughes reviewed the most recent master plan re-exam in 2016 which recommended that there needs to be an emphasis on change to accomplish revitalization to the CBD zone. A storage facility would be appropriate because of its low intensity use. The proposed building, will sit in the rear of the property, comply with the bulk requirements and will keep with the downtown esthetics. It may deviate slightly from the CBD plan goals but it is unified architecturally.

Mr. Hughes explained that the re-exam mentioned possible changes to the zoning ordinance due to a lack of large scale office development. Chairman Lepre responded that those possible changes in the master plan were meant for the industrial park. He referred to Ms. Caroline

Reiter, with C.P. Statile. Ms. Reiter expressed that she did not receive this information ahead of the meeting and would need time to go over the material before she could comment.

Chairman Lepre informed Mr. Del Vecchio that Ms. Reiter will need to have time to review the material so she can advise the Board and be able to comment. Mr. Del Vecchio responded this is an exhibit not to a report. He explained that Mr. Hughes is giving the background to support the application. Chairman Lepre responded that he believes that this is more like a report and would prefer that Ms. Reiter have time before the next meeting to go over the material and advise the Board. He explained that this ordinance took years to create and it is important to the Board and the town to fully understand the intent of the ordinance since a self-storage facility is not mentioned as a permitted use. He entertained a motion to carry the application.

6. Holiday Bowl – 29 Spruce Street, Block 2302, Lot 24. Public hearing for a use variance.

Members conducted a site inspection. Mr. Wegman reported that the property is located in the I-3 Industrial zone where traffic is light. Chairman Lepre reported comments from the various departments. He will refer to comments from the fire official concerning parking and turning radius and Health department's comments concerning a new septic will to be installed.

Mr. Darrell Siss, Esq. explained that this application is for improvements to the Holiday Bowl bowling alley established back in the 1960's. The bowling alley pre-existed before the zoning ordinance changed back in 1977 labeling bowling alleys as a non-conforming use. Mr. Siss entered an exhibit.

Exhibit 8–1, Owner's record zoning back in 1977 ordinance.

Mr. Cavaliere explained that the bowling alley is a pre-existing non-conforming use that would be grandfathered in since it pre-existed the zone change.

Mr. Yakimik noted for the record that the applicant has since revised their plans as per his report. However, it is required that revised plans be received 10 days prior to the hearing so will follow up next meeting.

Mr. Siss informed the Board that his client's architect planner and engineer will give testimony. They are proposing two signs more than 5 feet off the ground, a front yard setback of 49.18-feet where 50-feet is required, rear yard setback existing is 12-feet where 25-feet is required and there will be a reduction in impervious coverage.

Mr. Sean Aelio, was introduced to the Board and testified that he is the general manager of Hollywood Bowl. He oversees the design work for two bowling alley locations for 27 years. The bowling industry is diminishing so they would like to add another aspect to this location serving food, outdoor dining and entertainment.

During the summer months, the bowling industry slows down almost 40 percent. The applicant is proposing the improvements so that it will bring in revenue for the entire year. They are proposing to add a bar, eliminate a snack bar and add a new kitchen where they will serve a bar fare menu.

Peak days would be Saturday and Sundays with no increase in hours. Summer hours would be 12pm to 11 or 12pm with possibly outdoor entertainment. Since they do a lot of kid parties, they are proposing additional party rooms. They meet the parking requirements for the lanes and the party rooms and there are never any less than 70 parking spaces open and during peak hours. In addition, they have two additional parking spaces that can be used.

On the weekends they plan to be open till 2am with dusk to dawn lighting. The Board questioned whether they have neighbors. Mr. Aiello responded that there is a school and in residential home used as a business. A discussion ensued concerning possibly relocating an existing chain-link fence and adding fully screened dumpsters to the landscape plan. Mr. Yakimik requested a traffic statement since peak and the party rooms could have an impact. Chairman Lepre questioned the types of parties. Mr. Aiello responded only kid parties. Chairman Lepre clarified that there would be indoor/outdoor seating with the same menu. Mr. Aiello responded indoor/outdoor dining would be off the same menu.

Mr. Cavaliere requested that a description of the outdoor activity be given. Mr. Aiello responded televisions, trivia games, 70 seats, more lounge area outdoors and during the winter the outdoor area will be closed and rollup doors will be shut. Chairman Lepre noted for the record that there is no public to open the meeting to. Mr. Siss introduced his client's architect.

Mr. JR Frank, licensed architect in the state of New Jersey for 30 years, gave his credentials and the Board accepted his qualification. He entered exhibits.

Exhibit A-2, May 7, 2018 depicting the eastern and southern view of the new building.

Exhibit A-3, Landscape for courtyard area.

Exhibit A-4, Before and after photos.

Mr. Frank gave an overview of improvements made back in 2007 to the Edgewater bowling alley. The same improvements were carried over to the Oakland location to enhance it and keep the establishment alive with an indoor/outdoor for dining area with glass garage doors to separate the indoor/outdoor during the winter.

They gave it a modern look and for fun, a western look for portions of party rooms. For more revenue, they added more party rooms so they had the ability to schedule more than one. He explained the improvements to the rolling glass doors separating the inside from the outside and the roof cover over the outdoor patio. The outdoor seating will be well buffered.



Chairman Lepre questioned the traffic pattern between the two archways and proposed building material to be used and improvements to the wall facing Spruce Street. Mr. Frank explained that he was going with an Aspen resort look and upon further examination, they will look into painting or eliminating that wall facing Spruce Street. Mr. Lydon questioned the use of stucco mentioned in their plans. Mr. Frank responded there would be no use of EIFS epoxy.

Mr. Lydon questioned signage and illumination. Mr. Frank responded that the sign will be internally lit. Mr. Lydon advised Mr. Frank that he review the ordinance for illumination. Chairman Lepre questioned if the patio lighting was shielded. Mr. Frank responded that the lighting would be shielded. A discussion ensued concerning the construction staging and safety of patrons. Mr. Yakimik questioned the revisions for original plans. Mr. Frank responded that they added elevations, construction material and landscape diagram. Mr. Yakimik requested that additional landscape be included along the right-of-way along Spruce Street. Mr. Frank responded that they may be including additional parking with in the right-of-way and in addition, this could entail moving guard rail but they would look into it. Mr. Lydon suggested Norway spruce to soften the streetscape. A discussion ensued concerning removal of the parking spaces in the right-of-way. Mr. Aiello expressed that the spaces have been there since the bowling alley was established but if the Board requires they will move them. Chairman Lepre entertained a motion to carry the application.

Motioned by Mr. Smid and seconded by Mr. Bremer, to carry the Holiday Bowl application to the July 10, 2018 public hearing with no further notice was voted unanimously by the Board.

#### MEMORIALIZATION OF RESOLUTION:

1. Acevedo - 43 Powdermill Lane, Block 4501, Lot 10. Approval for a front yard setback.

Motioned by Mr. Wegman and seconded by Mr. Smid, 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. Lenzetti – 21 Chicasaw Drive, Block 5403, Lot 22. Approval for a rear and two side yard setbacks.

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

APPROVAL OF MINUTES:

Motioned by Mr. Wegman and seconded by Mr. Smid, to approve the May 8, 2018 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

None

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Smid and seconded by Mr. Chadwick, to adjourn the meeting at 11:15 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is July 10, 2018.