

MAY 14, 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 & Campanelli, Messrs. Rose, Arredondo, Ackerly, Chadwick, Smid and Chairman Lepre.  
Absent: Messrs. 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 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 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 need to be carried to the June 11th public hearing due to additional information being needed. He requested the applicant step forward so that the professionals can instruct him what is needed.

Ms. Sedarat explained to the applicant that more information will be needed concerning the two lots in question since they are independent of each other and listed as two separate corporations according to the town's tax records. Mr. Ten Eyck did testify that he is the owner of both lots. Ms. Sedarat responded that she was aware after researching the property. She explained that she would need to see the deed for the property showing whether both lots are used separate or together along with any subdivision approvals and permit for both lots. Chairman Lepre added

that the Board will also need to see architectural drawings, steep slope analysis and soil moving calculations.

Mr. Yakimik questioned the excavation disturbance at the site. Mr. Ten Eyck responded that the excavation is for the installation of a new septic system. Mr. Yakimik suggested that Mr. Ten Eyck may need to refer to Bergen County Soil Conservation for necessary permits. Mr. Ten Eyck responded that he contacted the Department of Bergen County Soil Conservation and no permits were required. However, as a precaution, he put up the silt-fencing on his own. Mr. Yakimik added that the applicant would also require runoff calculations. Chairman Lepre informed Mr. Ten Eyck that he would need to submit all the items requested no less than 10 days prior to the hearing.

Chairman Lepre announced that this application will be carried to the June 11<sup>th</sup> public hearing.

2. Tafro – 12 Mountain Lakes Road, Block 5204, Lot 29. Public hearing for a side yard setback.

Members conducted a site inspection. Mrs. Campanelli reported that the property, Block 5204, Lot 29, is located in the RA-3 Residential zone with light traffic. Chairman Lepre reviewed the comments from the various departments.

Applicant is seeking a variance for a side yard setback of 9.6-feet (existing) where 15-feet is required.

Mr. Victor Tafro was sworn in and testified that he is proposing to replace an existing awning with a roof to cover his rear deck. The Board questioned if the property was connected to sewers. Mr. Tafro responded that his property is connected to sewers. Chairman Lepre questioned if the applicant would be encroaching any further into the setbacks. Mr. Tafro responded that he would not. Chairman Lepre confirmed that the deck will not be enclosed. Mr. Tafro responded that the deck will not be enclosed. Chairman Lepre entertained a motion to open the meeting to the public.

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

No comments.

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

Ms. Sedarat confirmed with the applicant for the record that the hardship for this application was the unusual narrowness of the property. There were no further questions. Chairman Lepre entertained a motion.

Motioned by Mr. Rose and seconded by Mrs. Campanelli, to approve the Tafro application.

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

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

Members conducted a site inspection. Mrs. Campanelli reported that the property, Block 3905, Lot 50, is located in the RA-3 Residential zone with light traffic. Chairman Lepre reviewed the comments from the various departments.

The applicant is seeking a variance for a side yard setback of 11.9-feet (existing) where 15-feet is required

Mr. Donald Martin was sworn in and testified that he is proposing a second story addition, adding to their living space, which will extend over a portion of the deck. Chairman Lepre questioned if the number of bedrooms will change. Mr. Martin responded that there will be no change in the number of bedrooms. The Board questioned the location of the air conditioning units. Mr. Martin responded that the air conditioning units are existing in the left side yard and he would not be adding any additional units. 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 Martin application was voted unanimously by the Board.

No comments.

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

A discussion ensued concerning one of the recreation rooms having a closet which could be used as a bedroom and increasing the number. It was established that the applicant has sewers and the number of bedrooms is no issue in this application. Ms. Sedarat noted for the record that excessive shallowness of this property would result in the hardship for this application. There were no further questions. Chairman Lepre entertained a motion.

Motioned by Mr. Chadwick and seconded by Mr. Arredondo, to approve the Martin application.

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

Abstain: None  
Absent: Mr. Bremer

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

Members conducted a site inspection. Mrs. Campanelli reported that the property, Block 1002, Lot 13, is located in the RA-1 Residential, zone with light traffic. Chairman Lepre reviewed the comments from the various departments.

The applicant is seeking variances for a side yard setback of 25.5-feet where 30-feet is required and a rear yard setback of 67.5-feet where 75-feet is required.

Mr. Charles Dandeneau was sworn in and testified that he is proposing to add an extra bay to his garage to store a car and add a laundry/mudroom. Chairman Lepre questioned if the applicant was going to expand the driveway. Mr. Dandeneau responded that he may extend it with stone or gravel. The Board questioned the distance of the proposed addition from the seepage tank. Mr. Dandeneau responded that since there were no comments from the Health Department, he believes the distance is fine. There were no further questions. Chairman Lepre entertained a motion to open the meeting to the public.

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

No comments.

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

Chairman Lepre expressed that this was a logical improvement with a nice buffer on the side. Ms. Sedarat stated for the record that the hardship for this application is caused by a shallowness of the property. There were no further questions. Chairman Lepre entertained a motion.

Motioned by Mr. Ackerly and seconded by Mr. Rose, to approve the Dandeneau application.

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

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

Members conducted a site inspection. Mrs. Campanelli reported that the property, Block 1501, Lot 28, is located in the RA-3 Residential zone with light traffic. Chairman Lepre reviewed the comments from the various departments.

The applicant is seeking variances for a front yard setback of 36.7-feet where 40-feet is required and a left side yard setback of 9.4-feet and a right side yard setback of 5.7-feet where 15-feet is required.

Mr. Christopher Rosamond was sworn in and testified that he proposes to add a second-story addition over the existing home, a two-story rear addition and a roof over the front porch. He informed the Board that a new 4 bedroom septic is being installed. Chairman Lepre questioned if he would agree to stipulate that the dwelling will not exceed 4 bedrooms. Mr. Rosamond agreed to the stipulation. There were no further questions. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Mr. Ackerly and seconded by Mr. Chadwick, to open the meeting to the public regarding matter concerning the Rosamond application was voted unanimously by the Board.

No comments.

Motioned by Mr. Ackerly and seconded by Mr. Chadwick, to close the meeting to the public regarding matter concerning the Rosamond application was voted unanimously by the Board.

Ms. Sedarat confirmed with the applicant, for the record, that the hardship for this application is due to an irregular shape, unique drop in grade and narrowness of the property. Chairman Lepre entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Ackerly, to approve the Rosamond application contingent to limiting the number of bedrooms to 4.

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

5. Touma – 7 Princeton Terrace, Block 4901, Lot 11. Public hearing for a front and 2 side yard setbacks.

Members conducted a site inspection. Mrs. Campanelli reported that the property, Block 4901, Lot 11, is located in the RA-3 Residential zone with medium traffic. Chairman Lepre reviewed the comments from the various departments.

The applicant is seeking variances for a front yard setback of 22.2-feet where 40-feet is required and 2 side yard setbacks of 9.4-feet (left side) and 10.5-feet (right side) where 15-feet is required.

Mrs. Natalie and Mr. Eli Touma were sworn in and testified that they are proposing to add a second level to their home and an addition off the rear yard. Chairman Lepre questioned the number of bedrooms and where the seepage pit was located. Mr. Touma responded that the seepage pit is located in the front and a new septic is being installed designed to accommodate 4 bedrooms. A discussion ensued concerning a mislabeled survey. Mr. Smid informed the applicant that they would need to contact the Shade Tree Commission before any removal of trees. 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 Touma application was voted unanimously by the Board.

No comments.

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

Chairman Lepre questioned if the air conditioning units could be moved to the rear yard. Mr. Touma responded that he would have no problem with that. Ms. Sedarat confirmed with the applicant that the hardship is due to exceptional shallowness and narrowness of the property. No further questions. Chairman Lepre entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Arredondo, to approve the Touma application contingent to the dwelling remaining 4 bedroom, air conditioning units to be located in the rear yard and contact Shade Tree for any tree removal.

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

#### MEMORIALIZATION OF RESOLUTION:

1. Poula, LLC- 445 Ramapo Valley Road, Block 4508, Lots 2 and 3. Approval for preliminary and final site plan and use variance approval.

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

Mr. Yakimik reviewed a few final amendments. Chairman Lepre entertained a motion. Motioned by Mr. Smid and seconded by Mr. Ackerly, to memorialize the above resolution of approval.

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

2. Hetherington – 49 Andrew Avenue, block 5601, Lot 6. Approval for a shed in the front yard setback.

Eligible voters: Mmes. King and Campanelli, Messrs. Rose, Arredondo, Bremer, Smid and Chairman Lepre.

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

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

3. Kaulfers – 1 Tecumseh Trail, block 4601, Lot 9. Public hearing for a covered porch in the front yard setback.

Eligible voters: Mmes. King and Campanelli, Messrs. Rose, Arredondo, Bremer, Smid and Chairman Lepre.

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

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

#### PAYMENT OF BILLS:

Motioned by Mr. Smid 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. Rose, to approve the April 9, 2019 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

To approve a resolution allowing additional legal contract and fees for the Law Office of Sophy Sedarat to represent the Board of Adjustment in the Hampshire Venture Partners litigation.

Motioned by Mr. Smid and seconded by Mr. Arredondo, to approve additional legal contract and fees for the Law Office of Sophy Sedarat to represent the Board of Adjustment in the Hampshire Venture Partners litigation was voted unanimously by the Board.

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. Rose, to adjourn the meeting at 9:25 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is June 11, 2019.