

SEPTEMBER 10, 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, Bremer, Ackerly, Chadwick and Smid.
Absent: Chairman Lepre

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

Mr. Smid sitting in to chair the meeting.

Mr. Smid announced that Mrs. Campanelli will sit in for Chairman Lepre.

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

PUBLIC HEARING:

1. Prusiensky – 97 Walnut Street, Block 3905, Lot 19. Public hearing to add a level and a New deck in 2 side setbacks.

Members conducted a site inspection. Mrs. Campanelli reported that the property, Block 3905, Lot 19, is located in the RA-3 Residential zone with light traffic. Mr. Smid reviewed the comments from the various departments.

The applicant seeks two side yard setbacks of 9.2-feet and 9.8-feet where 15-feet is required.

Mr. William and Mrs. Karen Prusiensky were sworn in and testified that they seek to restore the subject home consisting of two bedrooms and one bathroom. Currently, the home is vacant and

the applicant seeks to add a second level consisting of 3 bedrooms and 2 ½ bathrooms. Mr. Chadwick questioned the design of the septic. Mr. Prusiensky responded that the septic system will be upgraded to accommodate 3 bedrooms. Ms. Sedarat added that the approval and design of 3 bedrooms septic will be a condition of Board approval.

The Board questioned their plans for drainage. Mr. Prusiensky responded that currently the gutters and leaders lead out to a seepage pit along the side of the driveway where excess water is pumped out to the street. The Board informed the applicant that runoff cannot be directed out to the street and he would have to redirect it. Mr. Prusiensky responded that he would redirect runoff onto his driveway.

The Board questioned the applicant if the porch would remain open or close. Mr. Prusiensky responded that the porch will remain open.

Ms. Sedarat reviewed the requirements for the property and determined that the hardship is due to an undersized and shallow lot. Mr. Smid entertained a motion to open the meeting to the public.

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

No comments.

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

The Board questioned the existing retaining wall and informed the applicant that if they remove and replace it, they are only permitted to replace it with a wall no more than 4-feet in height. No further questions. Mr. Smid entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to approve the Prusiensky application subject to the porch to remain open, approval for a 3 bedroom designed septic system and remove pipe directing runoff and redirect runoff onto his property and not onto neighboring properties.

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

2. Domenico Construction, Inc. – 16 Columbia Way, Block 4909, Lot 9. Public hearing to Add 2nd floor addition and carport with roof into front setback.

Members conducted a site inspection. Mrs. Campanelli reported that the property, Block 4909, Lot 9, is located in the RA-3 Residential zone with light traffic. Mr. Smid reviewed the comments from the various departments.

The applicant seeks a 25-foot front yard setback where 40-feet is required.

A discussion ensued concerning a change to the proposed plans after application was made. Mr. Battersby, Esq. explained that he showed the revisions to the zoning officer and he said as long as the proposed setbacks do not change, he was fine with it.

Mr. Francis Battersby, Esq. was before the Board to represent the applicant, Domenico Construction. Mr. Alexander Riccio, owner and Douglas Battersby, architect were sworn in. Mr. Battersby offered his credentials and the Board accepted his qualifications.

The applicant is proposing to add a second level to the home and a roofed carport on the side. The existing dwelling has 3 bedrooms and is poor condition. They plan to move all 3 bedrooms to the second level and leave the first level as living space. The septic system has been upgraded to accommodate 3 bedrooms. Ms. Sedarat responded that if the applicant plans to increase the bedroom count, they will need to upgrade the septic system and this will be a condition of approval.

The Board questioned the runoff plan. Mr. Battersby responded that runoff will be directed to the rear of the property to avoid spill onto the neighboring properties. A discussion ensued concerning the possibility of installing a sump pump to discharge on the right hand side of the property. No questions. Mr. Smid entertained a motion to open the meeting to the public.

Motioned by Mr. Chadwick and seconded by Mrs. Campanelli, to open the meeting to the public regarding matters concerning the Domenico Construction application was voted unanimously by the Board.

No comments.

Motioned by Mr. Chadwick and seconded by Mrs. Campanelli, to open the meeting to the public regarding matters concerning the Domenico Construction application was voted unanimously by the Board.

No further questions. Mr. Smid entertained a motion.

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

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

Mr. Steven Schepis Esq. introduced Mr. Spagilo to testify as licensed architect. He was sworn in, gave his credentials and the Board accepted their qualifications.

Mr. Spagilo explained modifications made to the plan. He explained that they would be eliminating an accessory structure and proposed garage in the rear of the building. The building footprint will remain the same however, they have reduced the number of lockers from 38 to 15 and added a 7' X 20' storage area located in the rear of the building. They have reduced the number of offices from 3 to 2 on the second floor. Mr. Lydon questioned the proposed storage in the rear of the building. Mr. Spagilo responded that they plan to use two 8' X 12' roll off open containers for storage. A discussion ensued concerning the Borough's ordinance and allowing permanent containers. No more discussion. Mr. Smid entertained a motion to open the meeting to the public regarding matters concerning the testimony of Mr. Spagilo.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to open the meeting to the public regarding matters concerning the testimony of Mr. Spagilo was voted unanimously by the Board.

No comments.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to close the meeting to the public regarding matters concerning the testimony of Mr. Spagilo was voted unanimously by the Board.

Mr. Jeffery Egarian was sworn in and offered his credentials and the Board accepted his qualifications as a licensed engineer.

Mr. Egarian reviewed some of the modifications that were made regarding the traffic flow and parking. He reviewed the number of parking spaces in the rear of the building, dumpster location and the use of a rolling gate to close off the back parking lot. They have created a staging plan to address concerns of the Board. There are a total of 15 parking spaces and trucks and landscape vehicle/equipment will pull into the back lot and park. They plan to stagger the working crews start time so to create less traffic for the neighborhood.

Mr. Egarian informed the Board that they have talked to the school principal and her concerns were more for the morning arrival of her students not so much the afternoon. They plan to work together and discuss it further. Ms. Sedarat informed Mr. Egarian that they would not be able to use that testimony since the principal from the school is not present.

Mr. Egarian explained the hours of operation and addressed landscaping request from the neighboring property which they offered them 10-12-foot high buffering shrubs. He entered an exhibit.

Exhibit A-13, Landscape Plan prepared by DJ Egarian & Associates Inc. 5/7/19 last revised 7/23/19.

Mr. Egarian explained what the applicant proposes for the front and sides of the property. A discussion ensued concerning an existing easement that the applicant cannot impede upon. Exhibit was entered.

Exhibit A-14, Two pictures on one page of existing easement.

Exhibit A-15, Three Views of Proposed Signage (Picture)

Mr. Egarian explained that the location of the externally lit sign will be exactly as depicted on the picture.

Mr. Smid questioned the setback of the sign. Mr. Egarian responded the setback of the sign will be approximately 13-feet. Mr. Smid questioned if Shade Tree has been contacted. Mr. Egarian responded not yet. Ms. Sedarat added that Shade Tree approval can be made a condition of the resolution.

The staging plan will show the way trucks will be parked and the staggered times in the a.m. and p.m. for the crew. Mr. Tode will be the sole occupant. The intent of the building will be for administration, storage and check in for employees. They plan to have two people working the office.

The Board questioned the two different sizes of egress and ingress. Mr. Egarian responded that the applicant will agree to make them the same size. The Board questioned if pesticides would be stored on site. Mr. Egarian responded that a small amount possibly. Mr. Smid questioned if a fire truck would be able to access the parking lot once it is full. Ms. Sedarat suggested that the revised staging plans for parking be reviewed by the fire official. The contingency plan is to have the larger equipment parked off site.

Mr. Yakimik reviewed his report with Mr. Egarian and the applicant. Mr. Ackerly questioned garbage collection while vehicles are parked.

4. 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.

Mr. Ten Eyck explained to the Board that he proposes to build a modest 3 bedroom home consistent with homes in the neighborhood. He explained that he owns many properties and is estate planning for his retirement.

Ms. Sedarat informed Mr. Ten Eyck that the Board needs to follow the law and she shared case law concerning 2 legal lots being used as 1 which could be considered a “self-created hardship”. She continued to review the survey and expressed that it appears that both lots share a shed, a driveway and are being used as 1 lot. The Board is permitted not to grant for lack of a hardship. Mr. Ten Eyck expressed that the property has been vacant for 10 to 11 years and not used at all.

A discussion ensued concerning tree removal on the property that was done with no permits. Mr. Ten Eyck explained that he was clearing the property in preparation of a new septic system. The Board expressed that they did not think it was a good idea to proceed with the application without the applicant’s attorney present. Ms. Sedarat suggested to Mr. Ten Eyck that they adjourn and he come back next month with his attorney. Mr. Ten Eyck agreed.

Mr. Smid announced that this application will be carried to the October 15th public hearing with no further notice.

MEMORIALIZATION OF RESOLUTION:

2. Worst – 4 Gates End, Block 1002, Lot 11. Approval for a front yard setback.

Eligible voters: Mmes. King and Campanelli, Messrs. Ackerly Chadwick, Smid, Rose and Chairmen Lepre.

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

PAYMENT OF BILLS:

Motioned by Mr. Bremer 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. Rose and seconded by Mr. Campanelli, to approve the August 13, 2019 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. Rose, to adjourn the meeting at 10:35 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is October 15, 2019.

