

SEPTEMBER 14, 2010 MINUTES
OAKLAND BOARD OF ADJUSTMENT
OAKLAND COUNCIL CHAMBERS - 8:00 P.M.
PUBLIC HEARING

Pursuant to Chapter 231, Public Law 1975 (Open Public Meetings Act) adequate notice of this meeting 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 8:03 P.M.

ROLL CALL: Present: Messrs. Johnson, Smid, Wegman, Jensen and Chairman Lepre.

Absent: Messrs. Schneeweiss, Haas and Chadwick.

Also in attendance, Mr. Matthew Cavaliere, Esq., (Board Attorney).

PUBLIC MEETING BEGINS:

1. Knapp – 38 Lakeshore Drive, Block 4503, Lot 2. Public hearing for front and side yard setback.

Members conducted a site inspection of the property, located in a RA-3 Residential zone which was light in traffic. Chairman Lepre reviewed the comments from the various departments and reviewed the zoning issues.

The applicant proposes to construct a front porch that would continue a 6.5-foot encroachment into the side yard where 15-feet is required and an encroachment into the front yard setback leaving 20-feet where 35-feet is required.

Mr. Robert Knapp was sworn in and testified that he co-owns the home with his wife Andrea. Mr. Knapp explained that they are proposing to add a 10 X 20 foot front porch. Their house sits across from Crystal Lake and they would like to be able to enjoy the view.

The Board questioned if the front porch would go any further into the setbacks. Mr. Knapp responded that it would not. The Board questioned if the applicant would stipulate that the porch would remain open. Mr. Knapp responded that he would stipulate that the porch remain open.

Motioned by Mr. Jensen and seconded by Mr. Johnson, to open the meeting to the public regarding matters concerning the Knapp application was voted unanimously by the Board.

No comments.

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

The Board commented that the visual impact was minimum. Chairman Lepre entertained a motion.

Motioned by Mr. Johnson and seconded by Mr. Jensen, to approve the Knapp application.

Roll Call Vote: Ayes: Messrs. Johnson, Smid, Wegman, Jensen and
 Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: Messrs. Schneeweiss, Haas and Chadwick

2. Hirsch – 6 Commanche Trail, Block 5603, Lot 25. Public hearing for a rear yard setback.

Members conducted a site inspection of the property, located in a RA-2 Residential zone which was light in traffic. Chairman Lepre reviewed the comments from the various department s and reviewed the zoning issues.

The Applicant seeks approval for an existing 13' X 9' deck which encroaches into the rear yard setback leaving 34-feet where 75-feet is required. In addition, the distance of the deck is 5-feet from the existing swimming pool where 10-feet is required.

Mr. Neal Hirsch and Mrs. Joan Hirsch were sworn in and testified that they are seeking variance approval for a deck they had replaced back in 2003. Mr. Hirsch explained that the deck mirrors other decks in the neighborhood. He explained that the deck sits as low to the ground approximately one-foot high in left corner and 6-inches in the right corner near the pool.

Mr. Hirsch informed the Board that a railing runs the entire length of the deck and a four-foot chain link fence surrounds the pool area.

The Board questioned if the replaced deck had prior variance approval. Mr. Hirsch was not certain.

The Board remarked that the neighboring property in the rear was deep with plenty of buffer. Chairman Lepre entertained a motion.

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

Motioned by Mr. Smid and seconded by Mr. Johnson, to approve the Hirsch application.

Roll Call Vote: Ayes: Messrs. Johnson, Smid, Wegman, Jensen and
 Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: Messrs. Schneeweiss, Haas and Chadwick

3. Franchina – 15 Harvard Way, Block 4911, Lot 12. Public hearing for a front yard setback.

Members conducted a site inspection of the property, located in a RA-3 Residential zone which was light in traffic. Chairman Lepre reviewed the comments from the various department s and reviewed the zoning issues.

The Applicant proposes a second floor and rear addition as well as steps and a portico with columns that would encroach into the front yard setback leaving 22-feet where 40-feet is required. The existing front yard setback is 25.97-feet. In addition there is an existing detached garage.

Mr. Andrew and Mrs. Susan Franchina were sworn in and testified that their family is growing and would like to increase the size of their home.

Chairman Lepre informed the Board that a septic system is being designed to accommodate the home for three bedrooms. He questioned if the applicant would agree to stipulate that the home remain three-bedroom. Mr. and Mrs. Franchina agreed to the Board's stipulation.

The Board questioned whether the applicant's driveway encroaches on the neighboring property. Mr. and Mrs. Franchina responded that the driveway does encroach into the neighboring property a small amount.

4. Pera – 58 Saratoga Drive, Block 1001, Lot 23. Public hearing for a front yard setback.

Members conducted a site inspection of the property, located in a RA-1 Residential zone which was moderate in traffic. Chairman Lepre reviewed the comments from the various departments and reviewed the zoning issues.

The Applicant is proposing to construct a 6' X 30' front porch that would encroach upon the front yard setback leaving a 47-foot where 50-feet is required.

Ms. Melissa Pera and Mr. Christopher Baird were sworn in. Ms. Pera is the sole owner of the home. She testified that she is proposing to extend the front porch and remove concrete steps.

The Board questioned what the elevation of the front porch would be. Mr. Baird informed the Board that he would be constructing the porch and plans to have the porch like a platform which would be level with the front door.

A discussion ensued concerning the property being located at the end of the cul-de-sac. Chairman Lepre suggested that the applicant have a new survey of the property done because there is a certain formula professionals use to come up with the existing front yard setback in the event that there is an irregular shape to a property.

The Board questioned if the applicant intends to cover the porch. Mr. Baird responded that he proposes to extend the roof out the full length of the house and cover the porch with soffits protruding approximately 8-foot over the porch.

A discussion ensued concerning the possibility that the applicant may prefer to extend the porch the length of the house as well. Ms. Pera requested to amend her application to extend her front porch the length of the house from 30-feet to 43.9-feet.

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

No comments.

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

The Board questioned a full staircase leading to the attic and had concern that this could be used as another bedroom. Mr. and Mrs. Palmieri responded that the staircase is being installed for easy access to the attic which they plan to use for storage.

The Board commented that the addition looks big but is only increasing the impervious by a little more than a percent. The Board did recommend that the Applicant redirect the leaders from the gutters away from the neighboring property. It was suggested that the Applicant could direct the leaders towards an easement near the property where a 24' concrete drain exists or towards a catch basin in the street.

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

No comments.

Motioned by Mr. Jensen and seconded by Mr. Johnson, to close the meeting to the public regarding matters concerning the Palmieri application was voted unanimously by the Board.

The Board expressed that they did not have a problem with the improvements and complimented on their property. Chairman Lepre entertained a motion.

Motioned by Mr. Jensen and seconded by Mr. Smid, to approve the Palmieri application contingent to the porch remaining open.

Roll Call Vote: Ayes: Messrs. Johnson, Smid, Wegman, Jensen and
 Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: Messrs. Schneeweiss, Haas and Chadwick.

6. Weidmuller – 214 Manito Avenue, Block 5504, Lot 4. Public hearing a rear yard setback.

Members conducted a site inspection of the property, located in a RA-2 Residential zone which was moderate in traffic. Chairman Lepre reviewed the comments from the various department s and reviewed the zoning issues.

The Applicant is proposing to enlarge the footprint after prior approval of a first and second story rear addition. The addition encroaches into the rear yard setback leaving 38.1-feet where 75-feet is required.

Mr. David Weidmuller was sworn in and testified that he had been before the Board back in March of 2010 which resulted in approval of a first and second story rear addition. As construction preparation began, it was discovered that all the interior walls were destroyed by insects and could not be salvaged. As a result, the whole house had to be taken down.

He informed the Board that the site plans are identical to what was previously approved with exception to the addition of a concrete landing for steps off of the family room in the rear yard.

The Board questioned if any other setbacks have changed. Mr. Weidmuller responded none of the setbacks have changed. The Board questioned if drainage would be the same as what was approved. Mr. Weidmuller responded that drainage would be the same.

A discussion ensued concerning the Applicant needing a new foundation as a result of the damage. The Board stressed the importance that proper drainage measures are taken around the perimeter of the house.

Motioned by Mr. Jensen and seconded by Mr. Johnson, to open the meeting to the public regarding matters concerning the Weidmuller application was voted unanimously by the Board.

No comments.

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

Chairman Lepre explained that the plans have not changed and expressed if the structure did not fail the Applicant would not be before the Board. He entertained a motion.

Roll Call Vote: Ayes: Messrs. Johnson, Smid, Wegman, Jensen and
 Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: Messrs. Schneeweiss, Haas and Chadwick.

2. DAUTAJ – 125 Lakeshore Drive, Block 1501, Lot 29. Public hearing for a side yard setback.

Chairman Lepre announced that this application is a continued public hearing and the Board has received the revised plans as requested showing the dimensions of the proposed front and side yard encroachment, elevations and air conditioners condensers.

Mr. Dautaj was reminded that he was still under oath. Mr. Dautaj testified that he has moved the location of the front door and added a 6' X 2' platform with a arch roof extending over from the second floor elevation.

The Board informed Mr. Dautaj that the revised front yard setback does not match what is listed on the application. Mr. Dautaj responded that he forgot to revise the setback on the application.

Chairman Lepre noted for the record that the revised front yard setback would now be 27.25-feet, 40-feet required and the side yard setback would continue to be 7.8-feet, 15-feet required.

The Board questioned the reason for two family rooms. Mr. Dautaj responded that he has a very big family. The Board questioned if Mr. Dautaj would be living in the house. Mr. Dautaj responded that as soon as the home is finished that he would be moving in.

The Board expressed their concerns that this home could be easily be converted into a two-family home. Mr. Dautaj assured the Board that he does not intend to make the home two-family. Chairman Lepre suggested that when the resolution is forwarded to Building Department, a letter be included expressing the Board's concern that the home could easily by converted into a two-family home.

Mr. Cavaliere confirmed with Mr. Dautaj that elevations and footprint of the house have not changed since his prior approval. Mr. Dautaj responded that footprint and elevations are the same.

The Board questioned if the porch would remain open. Mr. Dautaj responded that the porch would remain open.

Chairman Lepre entertained a motion.

Motioned by Mr. Wegman and seconded by Mr. Johnson, to approve the Dautaj application and revised plans contingent to the porch remaining open.

Roll Call Vote: Ayes: Messrs. Johnson, Wegman, Jensen and Chairman
 Lepre:
 Nays: Mr. Smid
 Abstain: None
 Absent: Messrs. Chadwick, Haas and Schneeweiss.

MEMORIALIZATIONS OF RESOLUTION:

1. Connor – 24 Minnehaha Boulevard, Block 4702, Lot 7. Approval for a rear and side setback.

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

Roll Call Vote: Ayes: Messrs. Johnson, Smid, Wegman, Jensen and Chairman Lepre.
Nays: None
Abstain: None
Absent: Messrs Haas and Schneeweiss

2. Scalici – 21 Fordham Road, Block 4909, Lot 15. Approval for a hearing for a front and rear yard setback.

Motioned by Mr. Jensen and seconded by Mr. Wegman, to memorialize the above mentioned resolution of approval.

Roll Call Vote: Ayes: Messrs. Johnson, Smid, Wegman, Jensen and Chairman Lepre.
Nays: None
Abstain: None
Absent: Messrs Haas and Schneeweiss

3. Dance Theatre of NJ, LLC – 6-12 Franklin Avenue, Block 4404, Lot 1. Approval for a zone interpretation.

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

Roll Call Vote: Ayes: Messrs. Johnson, Smid, Wegman, Jensen and Chairman Lepre.
Nays: None
Abstain: None
Absent: Mr. Haas

PAYMENT OF BILLS:

Motioned by Mr. Jensen and seconded by Mr. Johnson, to pay bills subject to the availability of funds was voted unanimously by the Board.

APPROVAL OF MINUTES:

Motioned by Mr. Jensen and seconded by Mr. Smid, to approve the August 10, 2010 minutes as amended was voted unanimously by the Board.

NEW BUSINESS:

None

OLD BUSINESS:

None

MEETING ADJOURNED:

Motioned by Mr. Johnson and seconded by Mr. Jensen, to adjourn the public meeting at 10:00 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Administrative Assistant