

NOVEMBER 10, 2009 MINUTES
OAKLAND BOARD OF ADJUSTMENT
OAKLAND COUNCIL CHAMBERS – 8:00 P.M.
PUBLIC MEETING

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 8:00 P.M.

ROLL CALL: Present: Messrs. Chadwick, Johnson, Haas, Smid, Wegman,
Schneeweiss, Jensen and Chairman Lepre.
Absent: None

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

PUBLIC MEETING BEGINS:

1. **Sheji** – Roosevelt Boulevard, Block 2418, Lot 11. Continued public hearing for a steep slope, lot area, lot width, front and side yard setback.

Chairman Lepre informed the Board that the Sheji application has requested to carry to the December 8, 2009 public hearing.

Motioned by Mr. Jensen and seconded by Mr. Smid, not to carry the Sheji application. The motion stalls.

Chairman Lepre questioned Mr. Cavaliere on options that would be appropriate in handling this application. A discussion ensued concerning the length of time that has gone by and leaving members with a distant memory of the application.

Mr. Cavaliere suggested that it would be acceptable to have the Applicant re-notice and be ready to move forward with the application or have the Applicant withdraw the application without prejudice.

Mr. Jensen amended his motion.

Motioned by Mr. Jensen and seconded by Mr. Smid, to carry the application to the December 8, 2009 public hearing contingent upon the Applicant's agreement to re-notice and be ready to move forward or face a dismissal without prejudice.

Roll Call Vote: Ayes: Messrs. Chadwick, Johnson, Smid, Wegman,
Schneeweiss, Jensen and Chairman Lepre.
Nays: Mr. Haas

Abstain: None
Absent: None

- Perez** – 20 Park Drive, Block 2001, Lot 15. Public hearing for a side yard setback has requested to be carried to the November 10, 2009 public hearing.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-3 zone, was light in traffic. Chairman Lepre reviewed the comments from the various Borough departments and zoning issues.

Mr. Perez was sworn in and testified that he and his wife are the owners of the home. He explained that he proposes to add a 12 X 15 deck using cherry wood.

Chairman Lepre questioned if the Applicant would be encroaching any closer to the neighboring property line. Mr. Perez responded that he would not. Chairman Lepre stated for the record, that the properties are very narrow and this is a common addition for most of these properties.

Chairman Lepre announced for the record that he would not entertain a motion to open the meeting to the public since no public was present.

Motioned by Mr. Haas and seconded by Mr. Jensen, to approve the Perez application.

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

MEMORIALIZATIONS:

Chairman Lepre announced that the Zohra, LLC resolution would be memorialized at the December 8, 2009 public hearing. The Applicant has neglected to submit the revised plans, as requested by the Board, depicting all changes that were agreed upon for this approval.

- Ritacco** – 11 Mount Holyoke Drive, Block 4402, Lot 3. Approval for a front and side yard setback.

Motioned by Mr. Wegman and seconded by Mr. Johnson to memorialize the above resolution of approval.

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

- Slepicka** – 513 Ramapo Valley Road, Block 4507, Lot 16. Approval for a side yard setback.

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

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

3. Behnam – 23 River Dell, Block 804, Lot 11. Denial for two side yards and a rear yard setback.

Mr. Cavaliere informed the Board that after a thorough examination of this application, it was determined that the Zoning Officer had assigned the wrong zone for this property.

Chairman Lepre explained that this is the first application that has come before the Board from the Ramapo River Reserve. He expressed that the Board did their job by avoiding any future applications where variances have been pre-determined by a legal decision from the courts before the homes were built. At the time of building the homes, purchasers had the option of a standard or customized deck.

A discussion ensued concerning the Applicant's decision to appeal the Board's decision.

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

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

4. Tartaro – 43 Lakeshore Drive, Block 1501, Lot 59. Approval for two side yard setbacks.

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

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

PAYMENT OF BILLS:

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

APPROVAL OF MINUTES:

Motioned by Mr. Wegman and seconded by Mr. Johnson to approve the October 13, 2009 Minutes was voted unanimously by the Board.

OLD BUSINESS:

Chairman Lepre informed the Board that no progress on a new zoning map or master plan.

Chairman Lepre reviewed updates to the Schedule A chart in the Borough's zoning books. Added to the updates was a hard surface coverage regulation. He reviewed the changes to the zoning chart with the Board.

NEW BUSINESS:

Mr. Cavaliere advised the Board that with the recent election of Christie for Governor, it was announced that he intends to revamp and put an administrative hold on the Council of Affordable Housing (COAH) process which would be supported by legislation. They intend to adjust inflated COAH obligations.

MEETING ADJOURNED:

Motioned by Mr. Jensen and seconded by Mr. Johnson, to adjourn the public meeting at 8:45 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney/Board Administrative Assistant