

JULY 8, 2008 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 8:09 P.M.

ROLL CALL: Present: Messrs. Chadwick, Haas, Smid, Wegman, Schneeweiss, Jensen and Chairman Lepre.
Absent: Messrs. Johnson and Wagoner

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

PUBLIC MEETING BEGINS:

Mr. Chadwick sitting in for Mr. Wagoner.

1. **Loweth** – 36 River Street, Block 1805, Lot 15 (f.k.a. Block 2312, Lot 23).
Public hearing for lot coverage, Lot size and side yard setback.

Chairman Lepre announced that due to insufficient noticing, the Loweth application would be carried to the August 12, 2008 public hearing.

Motioned by Mr. Wegman and seconded by Mr. Jensen, to carry the Loweth application to the August 12, 2008 public hearing was voted unanimously by the Board.

2. **Lawson** – 61 Calumet Avenue, Block 4801, Lot 42 (f.k.a. Block 3520, Lot 48).
Public hearing for two side yard setbacks.

The Board members conducted a site inspection. Mr. Wegman reported the neighborhood, in a RA-3 residential zone, light in traffic. Chairman Lepre reviewed the reports from the various departments.

Mr. Lawson and his architect, Mr. Ukejianya, were sworn in and testified that the Applicant proposes to add a second level over the existing home which the property is non-conforming.

The Board questioned the number of bedrooms. Mr. Ukejianya responded that the home would remain a three-bedroom home. The Board questioned if the Applicant would object to it being stipulated in the resolution that the home would remain a three-bedrooms. Mr. Ukejianya responded that the Applicant would agree to that.

A discussion ensued concerning the dimensions of the deck and whether the deck encroaches on the septic. Mr. Ukejianya responded that the deck is an approved existing deck.

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

No comments.

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

Motioned by Mr. Jensen and seconded by Mr. Haas, to approve the Lawson application with the stipulation that the home remain three-bedrooms.

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

3. **O'Dell** – 10 Yale Way, Block 4911, Lot 6 (f.k.a. Block 3502.05, Lot 4).
Public hearing for two front yard setbacks.

The Board members conducted a site inspection. Mr. Wegman reported the neighborhood, in a RA-3 residential zone, light in traffic. Chairman Lepre reviewed the reports from the various departments.

Mr. and Mrs. O'dell and Mr. Carullo, Contractor for Applicant, were sworn in. Mr. O'dell testified that they are proposing to add a 1 ½ car garage, enlarge the kitchen and add a mudroom.

The Board questioned if there would be an increase in bedrooms. Mr. O'dell responded that there would not be an increase in bedrooms.

The Board questioned if the O'Dell's considered the proposed garage to be narrower to eliminating a side yard variance. Mrs. O'dell responded that they could not go back any further because of the septic system.

A discussion ensued concerning an amendment to the dimensions of the kitchen and mudroom from 29 feet to 24 feet.

The Board commented that the proposed addition would be in character with other additions in the neighborhood.

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

Motioned by Mr. Haas and seconded by Mr. Wegman to approve the O'dell application contingent upon an amendment to the application changing the dimension to the kitchen and mudroom from 29 feet to 24 feet.

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

4. **Perez** – 27 Wenonah Avenue, Block 5201, Lot 12 (f.k.a. 3524, Lot 21).
Public hearing for a front yard setback.

The Board members conducted a site inspection. Mr. Wegman reported the neighborhood, in a RA-3 residential zone, light in traffic. Chairman Lepre reviewed the reports from the various departments.

The owners of the home, Ms. Perez and Mr. Martinez, were sworn in and testified that they are proposing to add a second level to move bedrooms up to the second level and increase living area on the first floor with a entry foyer.

The Board questioned if the Applicant had a previous application. Ms. Perez responded that they did but withdrew their application to make changes.

The Board pointed out that there were no detailed drawings for the foyer or mudroom. The plans are only showing a roofline over a porch with two columns and not enclosed. Mr. Cavaliere expressed to the Applicant that the Board would need to see drawings with dimensions before making a determination.

Motioned by Mr. Jensen and seconded by Mr. Wegman, to open the meeting to the public regarding matters concerning the Perez/Martinez application was voted unanimously by the Board.

No comments

Motioned by Mr. Schneeweiss and seconded by Mr. Jensen, to close the meeting to the public regarding matters concerning the Perez/Martinez application was voted unanimously by the Board.

The Board questioned if the home would remain three-bedrooms. Mrs. Perez responded that the home would remain three-bedrooms.

The Board expressed that they would need to see drawings documenting the dimensions of the enclosed foyer unless the Applicant stipulates to leave the addition as an opened porch. The Board suggested that the Applicant modify the drawings showing an enclosed foyer with dimensions and return back before the Board next month.

Mr. Cavaliere added that the Applicant would also need to include the name, address, seal and signature of the architect responsible for the drawings.

Chairman Lepre announced that the Perez/Martinez application would be carried to the August 12, 2008 public hearing with no further notice.

Meeting recessed at 8:45 p.m.

Meeting resumed at 8:54 p.m.

5. **Quirk** – 133 Lakeshore Drive, Block 1501, Lot 27 (f.k.a. Block 2407, Lot 55). Public hearing for height, front and side yard setback.

The Board members conducted a site inspection. Mr. Wegman reported the neighborhood, in a RA-3 residential zone, light in traffic. Chairman Lepre reviewed the reports from the various departments.

Mr. and Mrs. Quirk was sworn in and testified that they are proposing to add a second floor addition over the existing home and enclose the underneath of a prior first floor addition, which is currently on stilts.

Chairman Lepre questioned the height of the steepest point of the roof. Mr. Quirk responded that he took an average of all four corners of the house and verified that the

Absent: Messrs. Johnson and Wagoner.

6. **Logatto** – 15 Cheyenne Court, Block 5601, Lot 11 (f.k.a. Block 3712, Lot 12). Public hearing for a rear, side and front yard setback.

The Board members conducted a site inspection. Mr. Wegman reported the neighborhood, in a RA-2 residential zone, light in traffic. Chairman Lepre reviewed the reports from the various departments.

Mr. and Mrs. Logatto were sworn in to testify.

A discussion ensued concerning the location of the shed depicted on the survey. Chairman Lepre noted for the record, it appears that the shed was relocated to eliminate an encroachment of the septic system. Mr. Logatto responded that this was correct.

Mr. Logatto explained that they propose to add a second floor addition onto above the existing home, add a new garage, add a one-story addition out the rear of the property, add a deck and add a front canopy.

The Board suggested that the side yard setback could be eliminated if the Applicant would agree to scale down the garage. Mrs. Logatto responded that she has a large vehicle and it would be easier if the garage were larger.

Chairman Lepre announced that there were no people present in the audience except for the Applicant so they would not open the hearing to the public.

Motioned by Mr. Smid and seconded by Mr. Jensen, to approve the Logatto application.

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

MEMORIALIZATIONS:

3. **Finale** – 52 Bannehr Street, Block 3804, Lot 19. Approval for a five foot solid fence.

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

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

PAYMENT OF BILLS:

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

APPROVAL OF MINUTES:

Motioned by Mr. Smid and seconded by Mr. Wegman to approve the June 10, 2008 Minutes was voted unanimously by the Board.

OLD BUSINESS:

Chairman Lepre informed the Board that they have received two letters from the Borough Attorney addressed to Assistant Bergen County Counsel and Bergen County Freeholders concerning an amendment to the Bergen County Solid Waste Management. The correspondence explains the environmental issues pertaining to the Bartholome property.

Mr. Cavaliere explained that status and process of the Bartholome's legal complaint against the Board. The first part of the trial would be set for September.

Chairman Lepre informed the Board that they have received correspondence from the Planning Board Attorney recommending the amendment to the schedule "A" Ordinance involving impervious and lot coverage.

NEW BUSINESS:

None

MEETING ADJOURNED:

Motioned by Mr. Jensen and seconded by Mr. Wegman, to adjourn the public meeting at 10:05 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney/Board Administrative Assistant