

AUGUST 12, 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 8:02 P.M.

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

Also in attendance, Mr. Matthew Cavaliere, Esq., Board Attorney and John Castiglione, Board CSR.

PUBLIC MEETING BEGINS:

Mr. Chadwick sitting in for Mr. Wagoner.

1. **Captive Fasteners, Inc.** – 19 Thornton Road, Block 3301, Lot 4 (f.k.a. Block 3207, Lot 1.01). Continued public hearing for a use variance has requested

Chairman Lepre announced that Captive Fasteners has requested to carry their application to the next available meeting. Due to the Board having heard only one night of testimony back in March for an application that was submitted a year ago, Chairman Lepre stipulated that applicant be required to re-notice property owners and advertise in The Record.

2. **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.

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

Mr. Loweth was sworn in and testified that he proposes to add a raised deck off his house in the rear yard setback.

The Board questioned if the replacement of the existing steps would further encroach upon the side yard. Mr. Loweth responded that the steps would not.

The Board questioned if the distance of the septic system depicted on the asbuilt was closer to the front deck. Chairman Lepre informed Mr. Loweth that the footings supporting the deck could not be closer than five feet from the septic system. Mr. Loweth responded that the deck is beyond the required distance from the septic system.

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

No comments.

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

Mr. Cavaliere noted that along with many other homes in that area, the applicant resides within the B-2 zone. This application would also be considered a non-conforming use.

The Board questioned the depth of the footings for the proposed deck and recommended that the footings be deeper than what is depicted on the plans.

Mr. Cavaliere noted for the record, that the Applicant prepared the plans submitted with the application.

Chairman Lepre entertained a motion.

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

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

3. **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.

Chairman Lepre reminded the Board that this was a continued public hearing which left off requiring the Applicant to amend their plans. These amendments included, depicting a closed in foyer, removal of the door to the study and resubmitted plans being signed and sealed by a licensed architect.

The Board questioned if the proposed foyer was open to the ceiling. Mrs. Perez responded that the foyer is just one level.

Mr. Cavaliere stated for the record, that the Board received the amended drawings dated August 3, 2008.

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

No comments.

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

Chairman Lepre entertained a motion.

Motioned by Mr. Wegman and seconded by Mr. Smid, to approve the Perez application contingent upon the use of the amended plans and the home remaining three-bedrooms.

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

4. **Burt** – 51 McNomee Street, Block 3801, Lot 48 (f.k.a. 3317/13). Public hearing for a 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.

Mrs. Burt was sworn in and testified that they are proposing to take down their old deck and replace it with a new deck. The Board questioned if the deck being replaced would be less of an encroachment than the existing deck. Mrs. Burt responded that it would.

French doors. In addition, the tub would have to be removed from the bathroom making it a half bath.

Chairman Lepre questioned if the Applicant would agree to stipulate in the resolution that the home would remain two bedrooms. Mrs. Mistretta agreed to the stipulation.

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

Mr. Cavaliere confirmed that the revised drawings coincide with the original drawings. He entered the drawings into evidence.

Exhibit A-1, plans originally submitted.
Exhibit A-2, revised drawings.

Mr. Cavaliere confirmed the existing and proposed setbacks.

Chairman Lepre entertained a motion to approve the application contingent upon the Applicant submitting drawings with a revision date, the removal of the tub and showing the glass French doors.

Motioned by Mr. Johnson and seconded by Mr. Jensen, to approve the application with the stipulation that the home remain a two-bedroom home, plans resubmitted showing revision date, half bath and French doors.

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

MEMORIALIZATIONS:

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

Motioned by Mr. Smid and seconded by Mr. Wegman, memorializing the above mentioned resolution of approval.

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

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

Motioned by Mr. Jensen and seconded by Mr. Smid, memorializing the above mentioned resolution of approval.

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

- 3. Quirk** – 133 Lakeshore Drive, Block 1501, Lot 27 (f.k.a. 2407/55). Approval for height, front and side yard setback.

Motioned by Mr. Jensen and seconded by Mr. Smid, memorializing the above mentioned resolution of approval.

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

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

Motioned by Mr. Smid and seconded by Mr. Chadwick, memorializing the above mentioned resolution of approval.

Roll Call Vote: Ayes: Messrs. Chadwick, Smid, Wegman, Jensen and Chairman Lepre.
Nays: None
Abstain: None
Absent: Messrs. Schneeweiss and 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. Wegman and seconded by Mr. Chadwick to approve the July 8, 2008 Minutes was voted unanimously by the Board.

OLD BUSINESS:

A discussion ensued concerning the legal status of the Bartholome application. Mr. Cavaliere informed the Board that there has been correspondence between the Borough's Attorney and the New Jersey Freeholders offering the Borough's position on the future of the "recycle facility."

Chairman Lepre announced that the ordinance for Building Coverage and Impervious Coverage has been amended and adopted by Mayor and Council.

Chairman Lepre announced that the budget has been adopted and that there will be no increases in the Board of Adjustments line items.

NEW BUSINESS:

Chairman Lepre reviewed some of the articles published in the New Jersey Planner.

MEETING ADJOURNED:

Motioned by Mr. Jensen and seconded by Mr. Wegman, to adjourn the public meeting at 9:20 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney/Board Administrative Assistant