

108 Pawnee Variance Application

**BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY**

**APPLICATION FOR RESIDENTIAL VARIANCE FROM
LOT AREA AND SETBACK REQUIREMENTS**

Date 08/09/2022

**NOTE: APPLICATION SETS MUST BE COLLATED AND
SUBMITTED IN PACKET FORM FOR PROCESSESSING.**

Date Received _____
Fee Submitted _____
Jurisdiction Date _____
Complete Date _____
Date by _____
Board Action _____

FOR OFFICIAL USE ONLY

Check nature of the application:

- ☐ Appeal interpretation of Building Inspector. (Type A)
☒ Bulk variance, requesting relief from dimensional zoning code requirement (Type C).
☐ Use variance from zoning code permitted uses. (Type D)

The undersigned, as Applicant/Owner of the subject property listed below hereby makes application to the Borough of Oakland Board of Adjustment for relief from residential zone requirements relating to lot area or setback requirements of the Borough Zoning Ordinance pursuant to N.J.S.A. 40:55D-70 C.(1) or C (2) and applicable laws of the Borough of Oakland in order to: (briefly describe proposal)

A variance is requested for the +/-5' side yard setback (which is current and pre-existing).

The proposed structure is a 10'x20' shed, with a height of approximately +/-15', and a +/-5' side yard setback.

The foundation will utilize the existing 10'x10' concrete pad, with the addition of 6 concrete piers within a 10'x10' gravel base.

1. APPLICANT INFORMATION

- a. Name: Kenneth and Kerry Harris
- b. Address: 108 Pawnee Avenue
- c. Telephone & Email address (include fax number if desired):
Ken cell: 201-543-7135 Kerry cell: 201-522-2851 email: khsquared01@gmail.com
- d. Applicant is a: (check applicable status)
 Corporation Partnership LLC x Individual(s)
- [N/A] e. If applicant is a corporation or a partnership, please list the names and addresses of persons having a 10 % interest or more in the corporation or partnership on a separate sheet and attach to this application.
- f. Relationship of applicant to property (check applicable status):
 x Owner Purchaser under contract Lessee
 Other (please specify): _____

[N/A] g. If applicant is represented by an attorney:

Name: _____

Address: _____

Telephone: _____

Fax: _____

2. PROPERTY INFORMATION

a. Street address 108 Pawnee Avenue, Oakland, NJ 07436

b. Tax Map Block(s) 5401

Lot(s) 24

c. Zone District RA-3

d. Lot Area 14,400 sq. ft. / .3 acre Lot Dimensions 60' x 240'

e. Has present or previous owner or applicant held title to or held any interest in

Adjoining property at any time? Yes _____ No x If yes, explain nature of
interest. _____

f. Lot length & width: 240' x 60'

Interior of corner lot? N/A

g. Number of Streets the lot has frontage on: 1 Lot square foot area:

[N/A] h. Property is located (check applicable status):

____ Within 200 feet of another municipality

____ Adjacent to a State Highway

____ Adjacent to an Existing or proposed County road

____ Adjacent to other County land

Note: If any category is checked, notification concerning this application to the appropriate agency is required.

i. Property is sewered No

Septic system Yes

j. Current number of bedrooms 3

Proposed number of bedrooms N/A

k. Current number of bathrooms 2

Proposed number of bathrooms N/A

l. Height of building: Existing Stories 1

Feet 22

Proposed Stories None

Feet N/A

m. Percentage of lot occupied by building:

Now: 7.38 %

With proposed addition: N/A %

n. Setback from property lines:

	Front	Rear	Right Side	Left Side
a. Existing:	<u>43.5'</u>	<u>146.3'</u>	<u>8.3'</u>	<u>14.8'</u>
			North East Side	South West Side

b. Proposed: N/A N/A N/A N/A

o. Please list prior applications or municipal actions regarding this property:

a.) January 8, 2013; approved for a 16x16x22; 2 Story shed. b.) 11/19/12 Paid \$150 Escrow

c.) 11/19/12 Paid \$275 Variance Application for shed

3. NATURE OF APPLICATION: This is an application for a variance from the strict application of the Borough of Oakland Zoning Ordinance for a use permitted in the Zone in which the property is located. The proposed construction is contrary to the following provisions of the Zoning Code of the Borough (the Zoning Officer should be consulted to determine the appropriate sections) You may attach additional sheets if needed.

Relief Requested:

<u>Section</u>	<u>Required</u>	<u>Proposed</u>
59-7	15'	+/- 5'

4. REASONS FOR REQUEST IN SUPPORT OF THIS APPLICATION

This variance is sought because of (check applicable):

- (a) ☒ Exceptional narrowness of property. (b) ☐ Exceptional shallowness of property.
- (c) ☐ Shape of property. (d) ☒ Exceptional topographic or physical features of the site.
- (e) ☒ Other extraordinary or exceptional situation.

Describe property features or situation if items (d) or (e) are checked. You may attach additional information if desired to support your application.

The Pre-existing concrete shed pad is +/- 5' from the property line. We cannot add on to the pad toward the center of the property, due to the sharp rise in elevation of 2' caused by the septic leach field. Putting the shed anywhere else would impede/cover access to the septic system. In addition, there is a 100+ tree blocking the area adjacent to the existing shed pad toward the center of the property. We have taken into account suggestions from our initial approved shed application and removed the playground, moved the shed forward, narrowed it by 6', lowered it by 7' and made the overall square footage smaller than original approved shed. See attached minutes for confirmation.

- ## 5. OTHER REQUIRED INFORMATION

Attach certification of payment of taxes from Tax Collector.

Attach completed checklist.

Attach current survey showing existing & proposed improvements and septic system if applicable. Refer to item #3 on checklist.

6. VERIFICATION AND AUTHORIZATION

Applicant's Statement: I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are, to the best of my knowledge, true and accurate.

Kenneth Harris
Applicant's Signature

8/15/22
Date

[Signature]
Applicant's Signature

8/15/22
Date

Owner's Statement: I, the undersigned, being the owner of the property described in this application, hereby consent to the making of this application and the approval of the plans submitted. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency.

Kenneth Harris
[Signature]
Owner's Signature

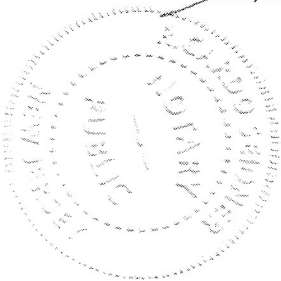
8/15/22
Date

Subscriber and sworn to before me this

15th day of August, 2022 (Year)

[Signature]
(Notary)

RICARDO SEIDNER
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES 1/5/2024



ZONING TABLE

This MUST be completely filled out in order for your application to be deemed complete
 ZONE OF SUBJECT PROPERTY: _____

	REQUIRED	EXISTING	PROPOSED
Lot Area	<u>15,000</u> sf min	<u>14,400</u> sf	<u>14,400</u> sf
Lot Width	<u>100</u> ft min	<u>60</u> ft	<u>60</u> ft
Lot Depth	<u>140</u> ft min	<u>240</u> ft	<u>240</u> ft
Building Coverage* (calculated: total building footprint square footage divided by lot area x 100%)	<u>20</u> % max	<u>7.38</u> %	<u>7.38</u> %
Impervious Coverage** (calculated: total impervious footprint square footage divided by lot area x 100%)	<u>40</u> % max	<u>11</u> %	<u>11</u> %
Front Setback	<u>40</u> ft min	<u>43.5</u> ft	<u>43.5</u> ft
Side Setback	<u>15</u> ft min	<u>14.8</u> ft (Left) <u>8.3</u> ft (Right)	<u>14.8</u> ft (Left) <u>8.3</u> ft (Right)
Rear Setback	<u>35</u> ft min	<u>146.3</u> ft	<u>146.3</u> ft
Building Height	<u>35</u> ft max <u>2.5</u> stories max	<u>22</u> ft <u>1</u> stories	<u>22</u> ft <u>1</u> stories

*Building Coverage: that percentage of a lot covered by the roof(s) of all principal and accessory building(s), including roofed over porches and similar extensions of a building such as roofed decks.

**Impervious Surfaces: surfaces covered by roofs, pavement, walks, patios, and other materials so that underlying soils are highly resistant to infiltration of water. This includes all buildings, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

108 Pawnee Prior Municipal Actions

- Resolution Oakland Board of Adjustments: pages 1-5
- Minutes Oakland Board of Adjustment: pages 1-8
 - See page 4 section 5 - page 6 line 1.

3611
26

Harris

RESOLUTION

BOARD OF ADJUSTMENT BOROUGH OF OAKLAND COUNTY OF BERGEN, STATE OF NEW JERSEY

WHEREAS, Kenneth & Kerry Harris have made application to the Board of Adjustment of the Borough of Oakland seeking variance relief, hereinafter more fully described, from provisions of the Oakland Borough Ordinances, for property ("Property" or "Subject Property") located at 108 Pawnee Avenue, Oakland, New Jersey, 07436 further identified as Tax Block 5401, Lot 24 on the Tax Map of the Borough of Oakland, ("land development application" or "application" or "project"), and

WHEREAS, public hearing(s) was held upon the application on December 11, 2012, and the applicant having shown, to the satisfaction of this Board, that proper notice was served upon all interested parties as required by Statute; and

WHEREAS, at such public hearing(s) the applicant was heard and opportunity was provided for any interested parties and the general public to be heard; and

WHEREAS, the Board having had opportunity to receive testimony from and question the applicant(s), and having carefully considered the application together with all testimony and evidence presented, any reports, comments and recommendations provided by any applicable borough and county departments and/or other agencies; and having considered its own local knowledge and having inspected the property and the surrounding neighborhood and having given the public an opportunity to be heard and for good cause shown;

NOW THEREFORE, BE IT RESOLVED that the Board of Adjustment hereby makes the following findings of fact conclusions and of law based upon testimony and evidence presented at the aforesaid hearing.

1. The applicant is the owner and resident of the Subject Property. The applicants appeared and offered testimony at hearing.
2. The Subject Property contains a single family residential dwelling containing three (3) bedrooms and one (1) bathroom.

3. The Property is located in Municipal Zoning District RA-3. Oakland's Zoning Ordinance imposes the following bulk requirements for the RA-3 Zone, relevant hereto:

- a. Minimum Lot Area..... 15,000. sq feet
- b. Minimum Lot Width 100. feet
- c. Minimum Lot Depth..... 140. feet
- d. Minimum Front Yard Setback 40. feet
- e. Minimum Side Yard Setback..... 15. feet
- f. Minimum Rear Yard Setback..... 35. feet
- g. Maximum Height..... 35. feet
- h. Maximum Lot Coverage..... 20. %
- i. Corner Lot Rear Yard Setback..... 35. feet
- j. Corner Lot Side Setback Interior Side 15. feet
- k. Corner Lot Side Setback Street Side 40. Feet

4. Description of Property.

- a. The Applicant's Property is 60 feet in width, as compared to the RA-3 zone standard of 100 feet in width, and is 240 feet in depth, as compared to the zone standard of 140 in depth. The Property contains 14,400 square feet as compared with the zone standard of 15,000 square feet.
- b. The property's rear yard contains the septic system and septic field used for the dwelling, contains grade changes, rock retaining wall and at least one large tree, which tree is located in the area of the existing shed.
- c. The rear yard the property contains an existing 10 foot by 10 foot shed located upon a concrete slab and located 5.5 feet from the side property line. According to the both the applicant and the neighboring property owner, moving the shed toward the front of the property would place it near the neighbor's shed, which is also close to the property line. As explained by the applicant, and observed by the Board, upon inspection of the property, moving the shed toward the center of the property, at the same depth, would interfere with a very large tree.
- d. The property is narrow, but deep, and the shed is proposed to be set far into the back yard.

5. Description of Proposed Development.

- a. The Applicant seeks to remove an older, existing rear yard shed, sized 10 feet by 10 feet, and replace it with a new shed sized 16 feet by 16 feet, having a maximum height of 22 feet (maximum height allowed by zoning) and containing a 'hay-loft' storage area above the main floor. The shed will have an exterior color matching that of the dwelling. NOTE: Originally as presented in the application, the applicant sought approval for a height of 24 feet; at hearing, the applicant amended their application to reduce the height to 22 feet.
- b. By way of reference, the new shed will be placed upon the existing concrete slab, and set rearward 54 inches from the front edge of the slab.

6. Review by the Borough Zoning Official as further reviewed by the Board at hearing, show that the proposed development will not comply with the Borough's zoning code by reason that the proposed shed will have a setback from the side property line of 5.5 feet in a zone that requires a minimum of 10 feet.
7. In support of the within application the applicant has submitted the following items, each of which is expressly made a part of this application and is the basis of any granting(s) by the Board unless otherwise specifically excepted herein:
 - a. Location survey prepared by McDougall Engineering Associates, Inc., dated 11-20-03, no revisions, consisting of one sheet.
 - b. One sheet showing two photos of the type of shed proposed, introduced as hearing exhibit A-1, introduced 12-11-12 (color version of the black & white versions submitted with the application).
8. Relevant Staff and Agency Reviews. The Board received the following reports and memos from Borough departments and from its professionals, all of which are incorporated herein by reference.
 - a. Memo dated 11-27-12 of the Health Department advising no objection to the application and notes that the proposed location will not encroach upon the property's septic field.
9. The Board incorporates by reference its minutes of meetings, pertaining to the within application.
10. The minority of the Board finds and concludes that the applicant did not prove that a hardship existed which justified the requested relief, and that to the extent such hardship did exist which would justify a shed location less than the side setback zone standard of 10 feet, the minority finds that such hardship would not extend to include the girth and/or height of the proposed shed. The minority finds that the impact of the shed's location, at less than 10 feet, should properly be mitigated by reducing its size and height.
11. Board Findings and Conclusions--Majority.
 - a. The Subject Property is an existing and developed homestead site which is set among a similarly developed neighborhood. There is no property available that would eliminate or avoid the present non-conformity.
 - b. The Board finds that the Subject Property suffers from peculiar and exceptional practical difficulties by reason of its narrowness, topography and physical features of the site.
 - c. The Board finds that the Property thus suffers from physical conditions which create a hardship of a type and nature which meet the criteria for relief under New Jersey law. The Board finds and concludes that the proposed addition is not overly ambitious and/or out-of-character with the neighborhood and will not over-stress the Property.
 - d. The Board finds and concludes that the relief granted herein can be granted without causing substantial detriment to the public good and that

such granting will not substantially impair the intent and the purpose of the zoning plan and/or of the municipal zoning ordinance.

12. NOW THEREFORE, BE IT RESOLVED that the Board of Adjustment of the Borough of Oakland, for good cause shown and by reason of the findings and conclusions as set forth herein and/or otherwise on the record at the said public hearing(s), hereby grants and approves the aforesaid application subject to the following conditions and limitations:

13. Compliance with the following:

- a. All self-imposed terms, conditions and limitations that are a part of the applicant's application, including, but not limited to any modifications and/or supplements at public hearing; and
- b. All requirements imposed by the Board as contained in this resolution and in the Board's minutes which are incorporated herein and made a part hereof by reference in conjunction with this application.
- c. All applicable ordinances of the Borough of Oakland, including Shade Tree Commission approval, and all applicable federal, state and county requirements.

MOTION was made at hearing of December 11, 2012 by Member Wegman and seconded by Member Bremer to grant the application subject to condition expressed in this resolution.

ROLL CALL VOTE UPON MOTION

Board Member	Yea	Nay	Abstain	N/A or Not Vote Eligible
LEPRE, RICHARD Chair				X
SMID, ANTHONY Vice Ch		X		
SCHNEEWEISS, FREDERICK		X		
WEGMAN, HOWARD	X			
JOHNSON, EMMETT	X			
CHADWICK, KENNETH				X
BREMER, KEVIN J.	X			
<i>Alternates</i>	---	---	---	---
ACKERLY, EDWARD, 1 st Alt	X			
MADDEN, EDWARD, 2 nd Alt	X			

MOTION PASSES 5 to 2

MOTION was made at the Board's public hearing of January 8, 2013 by Member Wegman and seconded by Member Ackerly to approve the foregoing Resolution as drafted.

ROLL CALL VOTE UPON FORM OF RESOLUTION

Board Member	Yea	Nay	Abstain	N/A or Not Vote Eligible
LEPRE, RICHARD Chair	---	---	---	X
SMID, ANTHONY, Vice Ch	---	---	---	X
SCHNEEWEISS, FREDERICK	---	---	---	X
WEGMAN, HOWARD	X			
JOHNSON, EMMETT	X			
CHADWICK, KENNETH	---	---	---	X
BREMER, KEVIN J.	X			
<i>Alternates</i>	---	---	---	---
ACKERLY, EDWARD, 1 st Alt	X			
MADDEN, EDWARD, 2 nd Alt	X			

Anthony Smid
VICECHAIR ANTHONY SMID

Revised 01-06-12

—End of Document

DECEMBER 11, 2012 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 8:00 P.M.

ROLL CALL: Present: Messrs. Madden, Ackerly, Bremer, Johnson, Smid, Wegman and Mr. Schneeweiss.
Absent: Mr. Chadwick and Chairman Lepre.

Also in attendance Mr. Matthew Cavallere, Board Attorney.

Vice Chairman Smid would be chairing the meeting for Chairman Lepre.
Mr. Ackerly sitting in for Mr. Chadwick and Mr. Madden sitting in for Chairman Lepre

PUBLIC MEETING BEGINS AT 8:03 p.m.:

1. Lundell - 23 Nokomis Avenue, Block 4503, Lot 21. Public hearing for front yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-3 Residential Zone, traffic light. Vice-Chairman Smid reviewed the comments from the various departments and zoning issues.

The applicant is proposing a front yard setback of 22-feet where 40-feet is required. It was determined during the hearing that an amendment to the application was needed to reflect that a 21.3-foot front yard setback would be needed.

Mr. Michael Lundell was sworn in and testified that he is the owner of the home and he is proposing to add a covered front porch which would project 7-feet from the home and extend 23.9-feet in width.

Mr. Cavallere confirmed that the applicant hand drafted the plans along with the dimensions. He confirmed that the elevation of the front roof would not exceed 11-feet.

Mr. Wegman pointed out that the existing front yard setback is 28.3-feet and the applicant would need to amend their application to reflect the correct front yard setback being proposed of 21.3-feet with a 7-foot projection for the front porch.

Motioned by Mr. Schneeweiss and seconded by Mr. Madden, to open the meeting to the public regarding matters concerning the Lundell application was voted unanimously by the Board.

No comments.

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

Vice Chairman Smid entertained a motion.

Motioned by Mr. Johnson and seconded by Mr. Wegman, to approve the Lundell application subject to the front porch to remain open.

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

2. Wang - 4 Point View, Block 803, Lot 8. Public hearing for a front yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-C Cluster Single Family Residential Zone, traffic light. Vice-Chairman Smid reviewed the comments from the various departments and zoning issues.

The applicant proposes a side yard setback of 21-feet on the right and 37-feet on the left side where 50-feet is required.

Mr. Johnson lives within the 200-feet of the applicant and recused himself from the application.

Mr. Jack Wang and Mrs. Marie Wang were sworn in and testified that they are the owners of the home. Mr. Wang explained that they need to replace their deck due to the condition and would like to expand the width when doing the replacement.

Mr. Cavalliere confirmed that the existing deck is 16-feet wide by 12-feet deep. Mr. Wang responded that this was correct. He explained that the neighboring homes have much bigger decks and they would like to extend the width of the rear yard deck to 36-feet by adding 8-feet to the left and 16-feet to the right with the depth to remain 12-feet.

Mr. Cavalliere pointed out that the applicant's property is deep in the rear yard and the home is set further back than the neighboring homes.

Motioned by Mr. Schneeweiss and seconded by Mr. Madden, to open the meeting to the public regarding matters concerning the Wang application was voted unanimously by the Board.

No comments.

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

Vice-Chairman Smid entertained a motion.

Motioned by Mr. Wegman and seconded by Mr. Bremer, to approve the Wang application.

Roll Call Vote: Ayes: Messrs. Ackerly, Madden, Bremer, Smid, Wegman and Schneeweiss.
Nays: None
Abstain: None
Absent: Mr. Chadwick and Chairman Lepre
Not Voting: Mr. Johnson

3. Haslett - 95 Walnut Street, Block 3905, Lot 20. Public hearing for a side yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-3 Residential Zone, traffic light. Vice-Chairman Smid reviewed the comments from the various departments and zoning issues.

The applicant proposes a side yard setback of 6-feet where 15-feet is required.

Ms. Joann Haslett was sworn in and testified that her father Victor Haslett is the owner of the home. She explained that they are replacing their existing 10-foot by 10-foot deck and would like to increase the size to 10-foot by 20-feet with two steps exiting out to the rear yard and one step off into the affected side yard.

A discussion ensued concerning the number of allowable risers for steps without affecting the setback. Ms. Haslett responded that there would be no more than two steps off into the side yard.

Mr. Bremer questioned if the applicant would be extending the roofline over the deck. Ms. Haslett responded that they are not.

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

No comments.

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

Vice-Chairman Smid entertained a motion.

Motioned by Mr. Schneeweiss and seconded by Mr. Wegman, to approve the Haslett application with the stipulation that the roof is not extended and the back deck remains open.

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

4. Norty Properties, LLC - 159 Franklin Avenue, Block 4302, Lot 27. Public hearing for a front yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-3 Residential Zone, traffic light. Vice-Chairman Smid reviewed the comments from the various departments and zoning issues.

Mr. Ben Cascio, Esq. located in Franklin Lakes, New Jersey was before the Board to represent Mr. Andy Haas, owner of Norty Properties and his wife Tracyanne Haas co-owner. His client is before the Board because along with the improvements they are proposing, the front porch would encroach into the front yard setback leaving 29.8-feet where 40-feet is required.

Mr. Andy Haas and Mrs. Tracyanne Haas were sworn in and testified that they plan to refurbish the home by adding a second story, rear addition and front porch. The front porch would be encroaching into the front yard setback requiring a variance.

Mr. Haas explained that the porch would be a slab of concrete like a patio covered by a gable roof. Mr. Schneeweiss questioned how the decrease in impervious coverage was met with the proposed patio in the rear yard. Mr. Haas responded that they would be replacing the rear patio with pavers and removing an existing walkway and a rear yard shed.

Mr. Cascio expressed that the improvements being proposed to the home would not be overwhelming and would improve the esthetics of the home. Mr. Haas explained that the home is located on the bend of Franklin Avenue and neighbors a church.

Mr. Smid questioned if footings were being used for the garage. Mr. Haas responded that when the house was originally built that room was a garage turned into living space and now being turned back into a garage.

Mr. Cavaliere reviewed the porch dimensions with the applicant. The width of the porch would be 30-feet wide by 5.11-feet in depth at grade level with no railing necessary. Currently, the front yard setback exists at 35.68-feet where 40-feet is required and with the proposed porch encroaching leaving a 29.8-foot front yard setback. Mr. Haas added that they would be replacing the rear patio and removing the rear walkway and shed bringing impervious coverage numbers down from 26.96 to 25.58 percent.

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

No comments.

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

Vice-Chairman Smid entertained a motion.

Motioned by Mr. Schneeweiss and seconded by Mr. Johnson, to approve the Norty, LLC application subject to the porch remaining open.

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

5. Harris — 108 Pawnee Avenue, Block 5401, Lot 24. Public hearing for a height variance and a side yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-2 Residential Zone, traffic light. Vice-Chairman Smid reviewed the comments from the various departments and zoning issues.

The applicant is proposing a 5-foot side yard setback for a shed where 10-foot is required and a height variance for a shed of 24-feet in height where 22-feet is required.

Mr. Kenneth and Mrs. Kerry Harris were sworn in and testified that they have little storage room in their garage and would like to replace their existing shed with a 16-foot by 16-foot shed to accommodate yard work equipment and items collected for their hobbies.

Mr. Schneeweiss commented on the size and large doors and windows of the shed. He expressed that a 365 square foot shed was excessive.

Mr. Cavaliere reviewed that the shed would go no closer to the side yard than 5-feet and confirmed that there would be no vehicle access to the structure. Mr. Harris responded that the shed would be placed on the original slab and would not go any closer to the property line than 5.5-feet which currently exists with no vehicle access.

Mr. Cavaliere expressed that the Board would not be opposed to the side yard setback but height variance for the shed would be difficult to allow. Mr. Harris informed the Board that the zoning officer advised that due to the terrain of the property, they should propose more height for the shed.

He explained that due to a leech field and a playground in the rear yard, they were limited on locations for the shed. Mr. Cavaliere recommended that the applicant consider removing the playground area and move the shed forward. Mr. Harris responded that by moving the shed forward it would put it in line with the neighbors shed and house. He expressed that their property is deep and moving the shed forward would also look awkward. Also, there is a large tree in the rear that would block the view of the shed.

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

The applicant offered pictures of the shed showing a barn style and color that would match the home.

Exhibit A-1, Picture of the style and color of the shed.

Mr. Schneeweiss commented that he was not in favor of the size and height of the shed. He expressed that the average shed is 192 square feet and no more than 9 to 10-feet in height. This shed could be higher than some of the homes in the area. In addition, he commented that the pitch of the proposed shed roof is not typical of the average shed roof.

Mr. Ackerly questioned the interior height of the shed. Mr. Harris responded that the first level ceiling height would be 7.8-feet high. A discussion ensued concerning the second level. Mr. Harris explained that the second level would be accessed by a ladder and would be open to be used for storage. Mr. Cavaliere questioned why the applicant would not include stairs to access the second story. Mr. Harris responded that stairs would take up more space.

Mr. Harris informed the Board that he was requesting the height variance because the zoning officer advised him to do so and he would be willing to make sure the height did not exceed 22-feet eliminating the height variance.

Mr. Bremer advised that the application be amended to eliminate the height variance for the shed and all that would be requested is the side yard setback for 5.5-feet. Vice-Chairman Smid entertained a motion.

Motioned by Mr. Wegman and seconded by Mr. Bremer, to approve the Harris application subject to eliminating the need for the height variance from 24-feet being proposed back to maximum height of 22-feet.

Roll Call Vote: Ayes: Messrs. Ackerly, Madden, Bremer, Johnson and Wegman.
Nays: Messrs. Smid and Schneeweiss.
Abstain: None

Absent: Mr. Chadwick and Chairman Lepre.

6. Miner – 53 Hiawatha Boulevard, Block 4601, Lot 18. Public hearing for a front and side yard setback.

Members conducted a site inspection for the property. Mr. Wegman reported that the property, located in a RA-3 Residential Zone, traffic light. Vice-Chairman Smid reviewed the comments from the various departments and zoning issues.

The applicant proposes a front yard setback of 27-feet where 40-feet is required and a side yard setback of 10.1-feet where 15-feet is required. It was determined that the front yard setback would need to be amended to reflect 23-feet.

Mr. Michael and Mrs. Michelle Miner and Mr. Eric Kiellar, architect with BlueLine Architecture, LLC located in Wyckoff, New Jersey were sworn in. Mr. Kiellar reviewed his credentials and the Board accepted his qualifications.

Mr. Kiellar explained that the applicant would like to add dormers to the second level to increase space. During the storm Sandy, a tree fell on their home damaging the second level. The applicant decided to add dormers with for more space while repairs were being made.

In addition to the to dormers with two egress windows, the applicant is proposing a portico roof to cover the entranceway. Mr. Cavaliere questioned the number of risers existing for the front stoop. Mr. Kiellar responded that there are 4 risers for the front stoop. Mr. Cavaliere responded that the town allows no more than three risers so the applicant would need to amend the application to reflect a front yard setback to 23-feet.

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

No comments.

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

Mr. Schneeweiss commented that this would be a great improvement to the home consistent with the neighborhood. He recommended that a stipulation be in place ensuring that the front portico remain open. Mr. Kiellar agreed to the stipulation.

Vice-Chairman Smid entertained a motion.

Motioned by Mr. Schneeweiss and seconded by Mr. Johnson, to approve the Miner application subject to the portico remaining open.

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

MEMORIALIZATION OF RESOLUTION:

1. DeVico – 21 Onleda Avenue, Block 5203, Lot 25. 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. Ackerly, Bremer, Johnson, Smid and Wegman.
Nays: None
Abstain: None
Absent: Mr. Chadwick and Chairman Lepre.
Not Voting: Messrs. Bremer and Schneeweiss.

2. Marceca – 57 Rutgers Drive, Block 4909, Lot 11. Approval for a front and side yard setback.

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

Roll Call Vote: Ayes: Messrs. Ackerly, Bremer, Johnson, and Wegman.
Nays: None
Abstain: None
Absent: Mr. Chadwick and Chairman Lepre.
Not Voting: Messrs. Madden, Smid and Schneeweiss.

3. Carapezza – 126 Lake Shore Drive, Block 1503, Lot 5. Approval for a front and side yard setback.

Motioned by Mr. Bremer and seconded by Mr. Ackerly, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Messrs. Ackerly, Bremer, Johnson, Smid and Wegman.
Nays: None
Abstain: None
Absent: Mr. Chadwick and Chairman Lepre.
Not Voting: Messrs. Bremer and Schneeweiss.

PAYMENT OF BILLS:

Motioned by Mr. Ackerly and seconded by Mr. Bremer, to approve payment of bills subject to the availability of funds was voted unanimously by the Board.

APPROVAL OF MINUTES:

Motioned by Mr. Wegman and seconded by Mr. Ackerly, to approve the October 9, 2012 minutes was voted unanimously by the Board.

NEW BUSINESS:

Motioned by Mr. Ackerly and seconded by Mr. Wegman to adopt the 2013 Board of Adjustment meeting schedule was voted unanimously by the Board.

OLD BUSINESS:

Mr. Schneeweiss expressed that he feels some of these applications being presented to the Board are getting approved without showing the necessary hardship. He compared a few applications that have been heard through the year and reminded the Board that their job is to make sure that applications are approved based upon these requirements.

MEETING ADJOURNED:

Motioned by Mr. Schneeweiss and Mr. Madden, to adjourn the meeting concluding at 10:30 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is January 8, 2013

108 Pawnee Tax Payments

August 10, 2022
09:56 AM

BOROUGH OF OAKLAND
Tax Account Detail Inquiry

Page No: 1

BLQ: 5401. 24.
Owner Name: HARRIS, KENNETH & KERRY

Tax Year: 2022 to 2022
Property Location: 108 PAWNEE AVE

Tax Year: 2022	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	2,672.44	2,672.43	2,459.76	0.00	7,804.63
Payments:	2,672.44	2,672.43	2,459.76	0.00	7,804.63
Balance:	0.00	0.00	0.00	0.00	0.00

Date	Qtr	Type	Description	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2022 Prin Balance
			Original Billed						7,804.63		7,804.63
01/31/22	1	Payment	WELLS FARGO	001	WIRE	CK	20253	273 WELLS FA	2,672.44	0.00	5,132.19
04/28/22	2	Payment	WELLS FARGO 2022.2	001	WIRE	CK	20893	248 W FARGO	2,672.43	0.00	2,459.76
07/21/22	3	Payment	WELLS FARGO 2022.3	001	WIRE	CK	21501	153 WELLSFAR	2,459.76	0.00	0.00

Total Principal Balance for Tax Years in Range: 0.00

108 Pawnee Denial Letter



BOROUGH OF OAKLAND, NEW JERSEY

TO: Planning Board

FROM: Glen Turi

This is to advise you that on August 9, 2022 a denial was issued to the resident Ken Harris & Kerry Harris
for the location 108 Pawnee Avenue, Oakland, NJ 07436

Block: 5401 Lot: 24

Zoning District: RA-3

For: 16 x 16 Sq.Ft. Shed

For the following reasons:

- 1) Side Yard: 5.5 feet proposed, 15 feet required

The Ordinances pertaining to this application are:

Chapter 59

Attachment 7

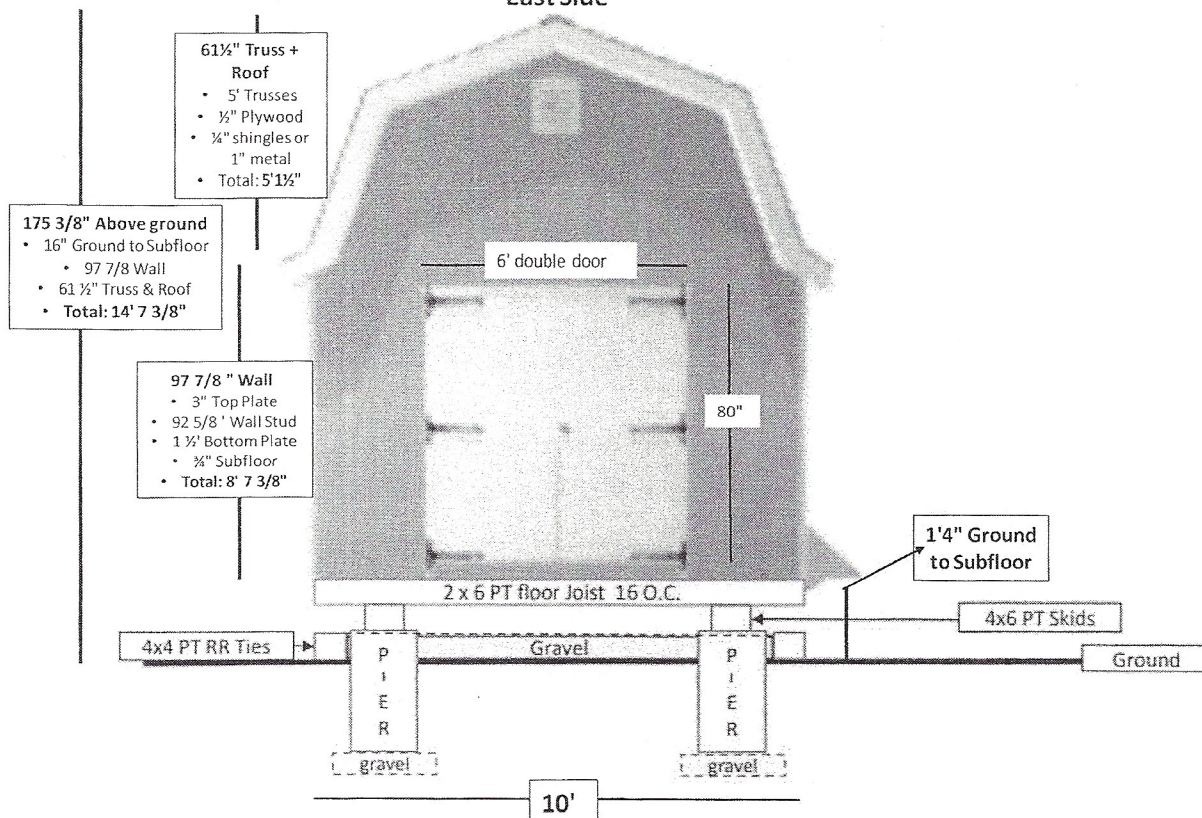
Fee: \$50.00 Paid by: #2354 LOD: #Z-0809001

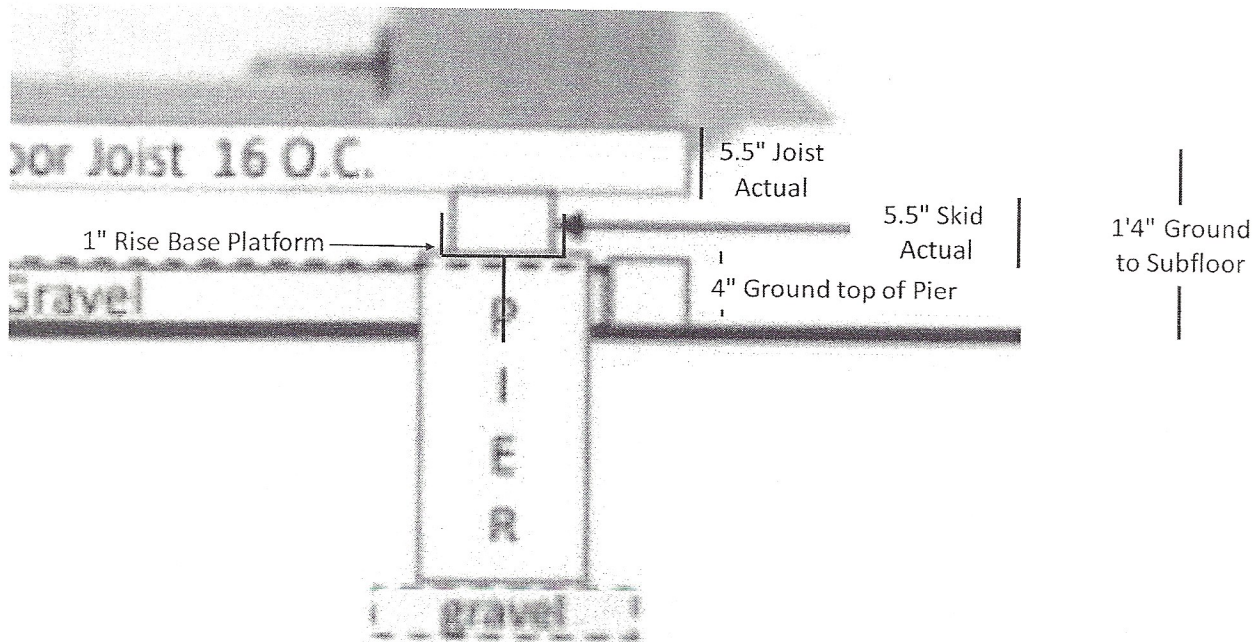
An appeal to the Board of Adjustment of the determination must be made within twenty (20) days of the date of this determination.

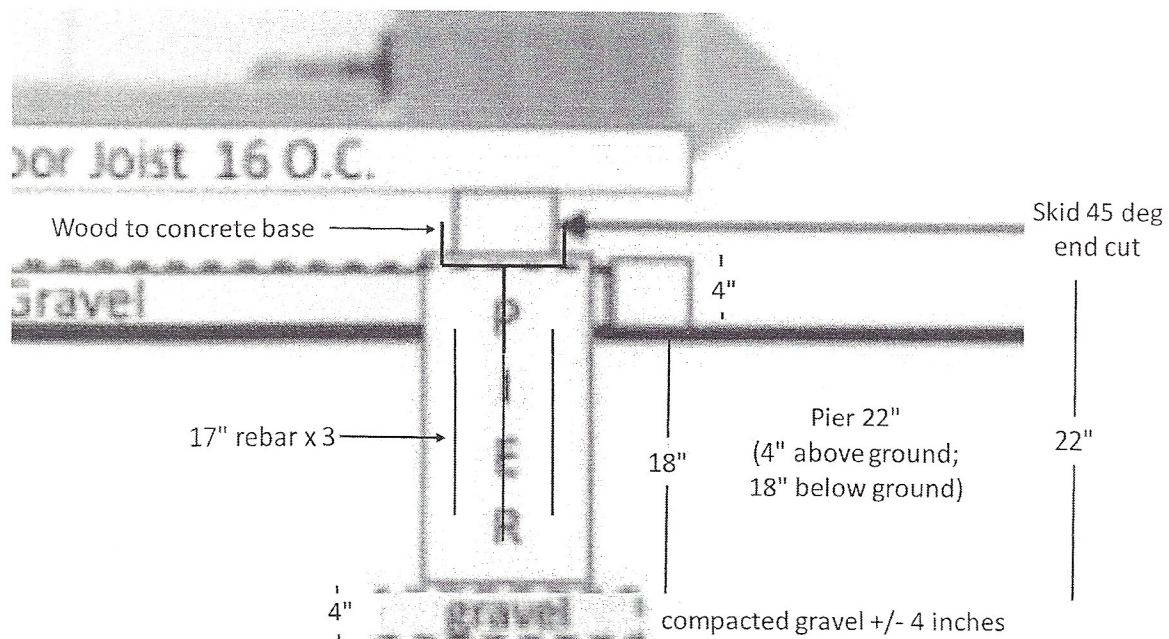
Glen Turi
Zoning Official

108 Pawnee Proposed Shed Plan

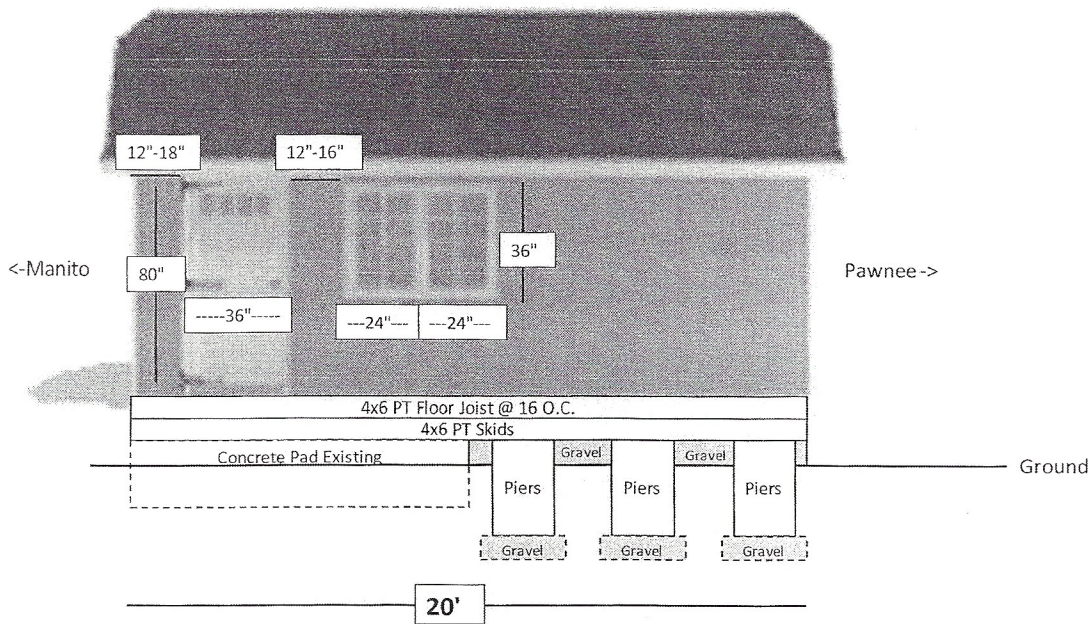
East Side



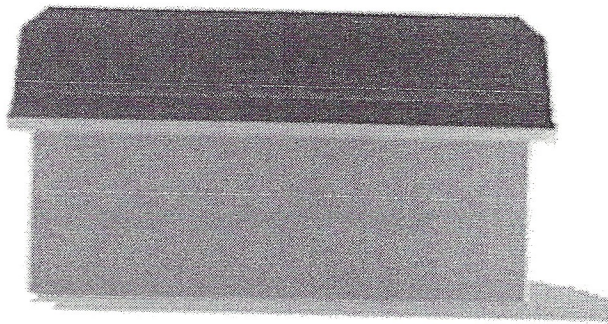




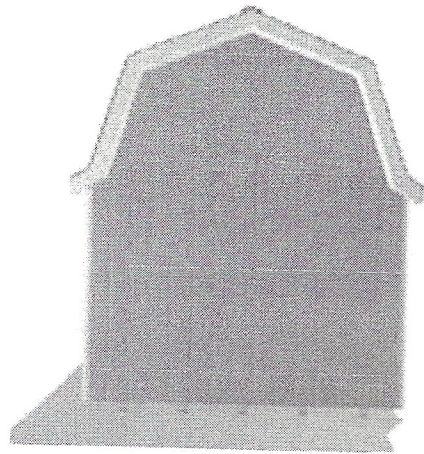
South West Side

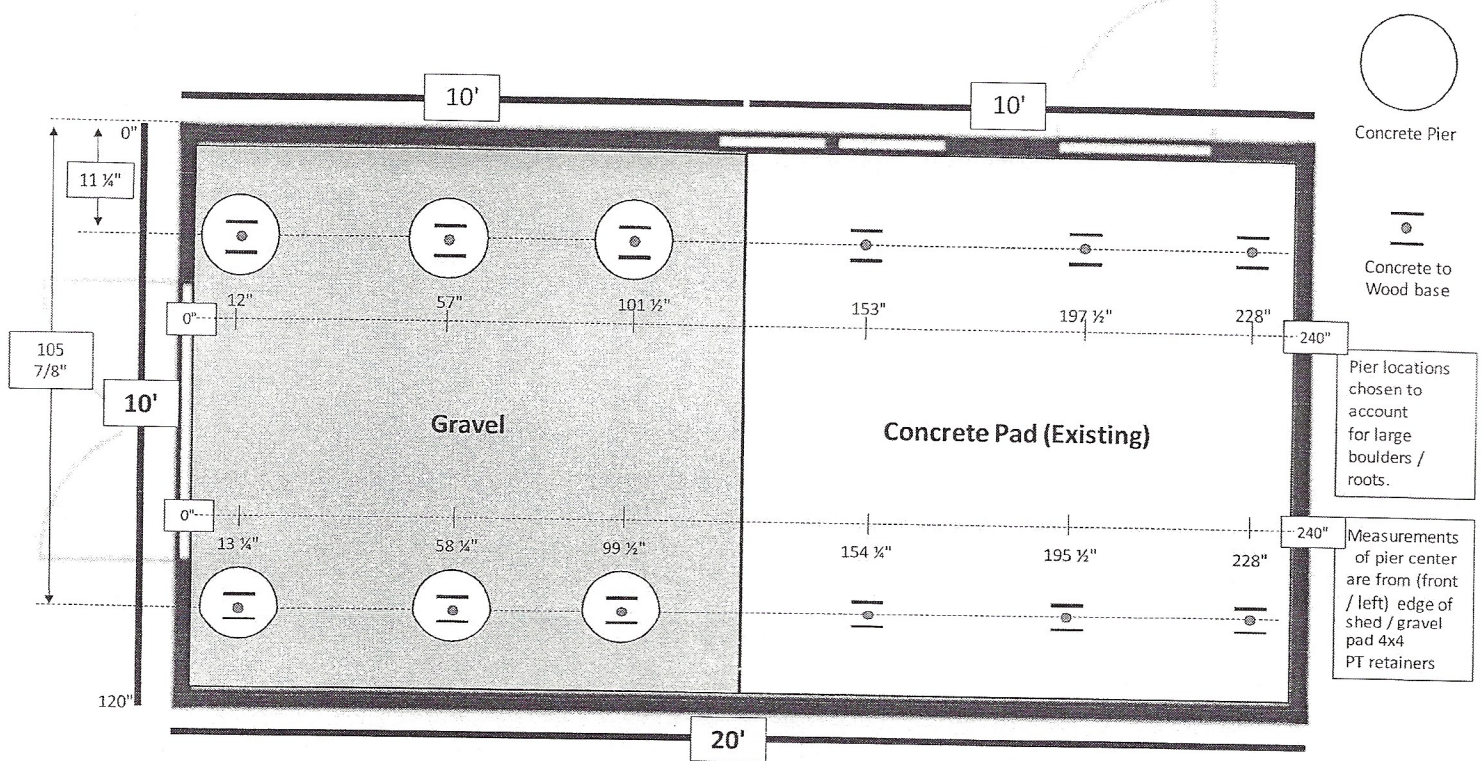


North East Side



West Side





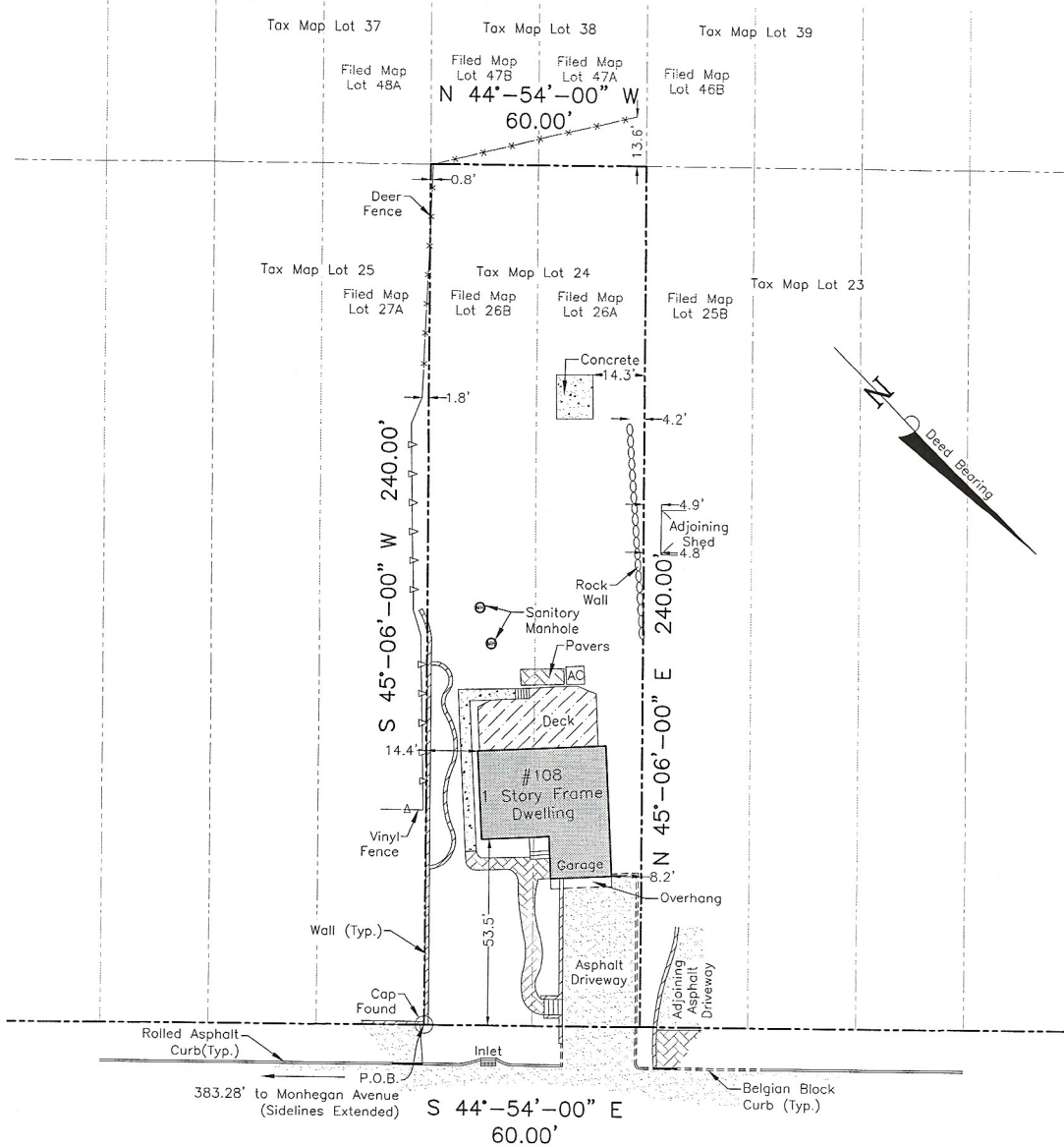
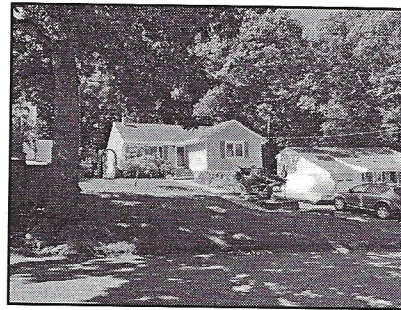
108 Pawnee Survey

References:

1. KNOWN AND DESIGNATED as Lots 26A and 26B Block 3611 as shown on a certain map entitled, "Ramapo Mountain Lakes, Section No. 3, Situated in the Borough of Oakland, Bergen County, N.J." filed in the Bergen County Clerk's Office on May 21, 1945 as Map No. 3387.
2. KNOWN AND DESIGNATED as Lot 24 Block 5401 as shown on the current Tax Assessment Map, Borough of Oakland, Bergen County, New Jersey.
3. Deed Book 8647 Page 198

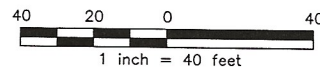
Notes:

1. This survey is for title purpose only.
2. Only surface conditions are shown on this map. The surveyor takes no responsibility for buried pipes, wires, wells, and other utilities.
3. Property subject to easements and restrictions of record and findings of a current title report.
4. Property corners have not been set pursuant to N.J.A.C. 13:40-5.2.
5. Subject to easements, restrictions, terms and conditions as shown on Filed Map No. 3387.



This Survey is certified to:
Kenneth and Kerry Harris

Pawnee Avenue
(50' Wide)



Schmidt
Surveying

66 Hunting Drive, Dumont, NJ 07628
Phone: (201) 403-5801
Fax: (201) 244-6163
www.schmidtsurveying.weebly.com

Certificate of Authorization No. 24GA28182800

Andrew A. Schmidt

Andrew A. Schmidt

NJ Professional
Land Surveyor
No. 24GS04330100

Survey of Property
Tax Lot 24 - Block 5401
108 Pawnee Avenue
Borough of Oakland
Bergen County, New Jersey

Drawn: TT	Checked: AS	Date: 8-25-22	Scale: 1" = 40'
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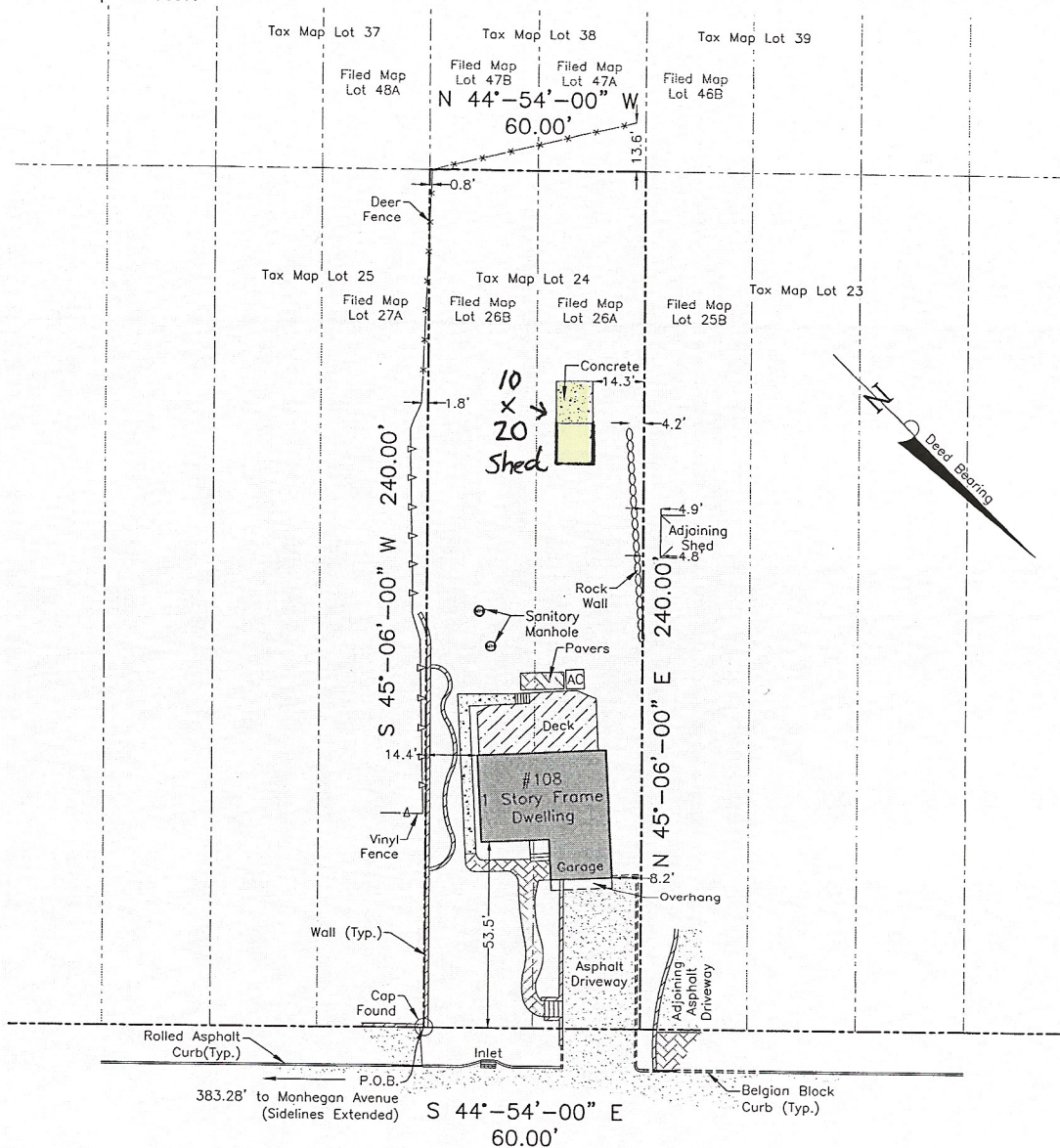
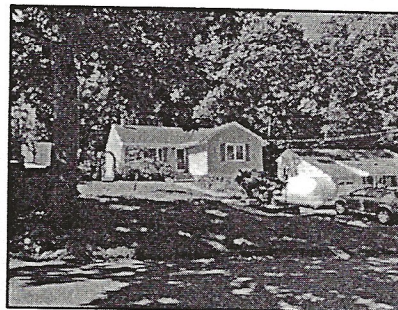
108 Pawnee Survey w/Proposed Structure

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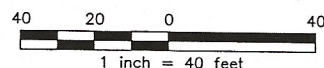
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Andrew A. Schmidt

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Survey of Property
Tax Lot 24 - Block 5401
108 Pawnee Avenue
Borough of Oakland
Bergen County, New Jersey

Drawn: TT	Checked: AS	Date: 8-25-22	Scale: 1" = 40'
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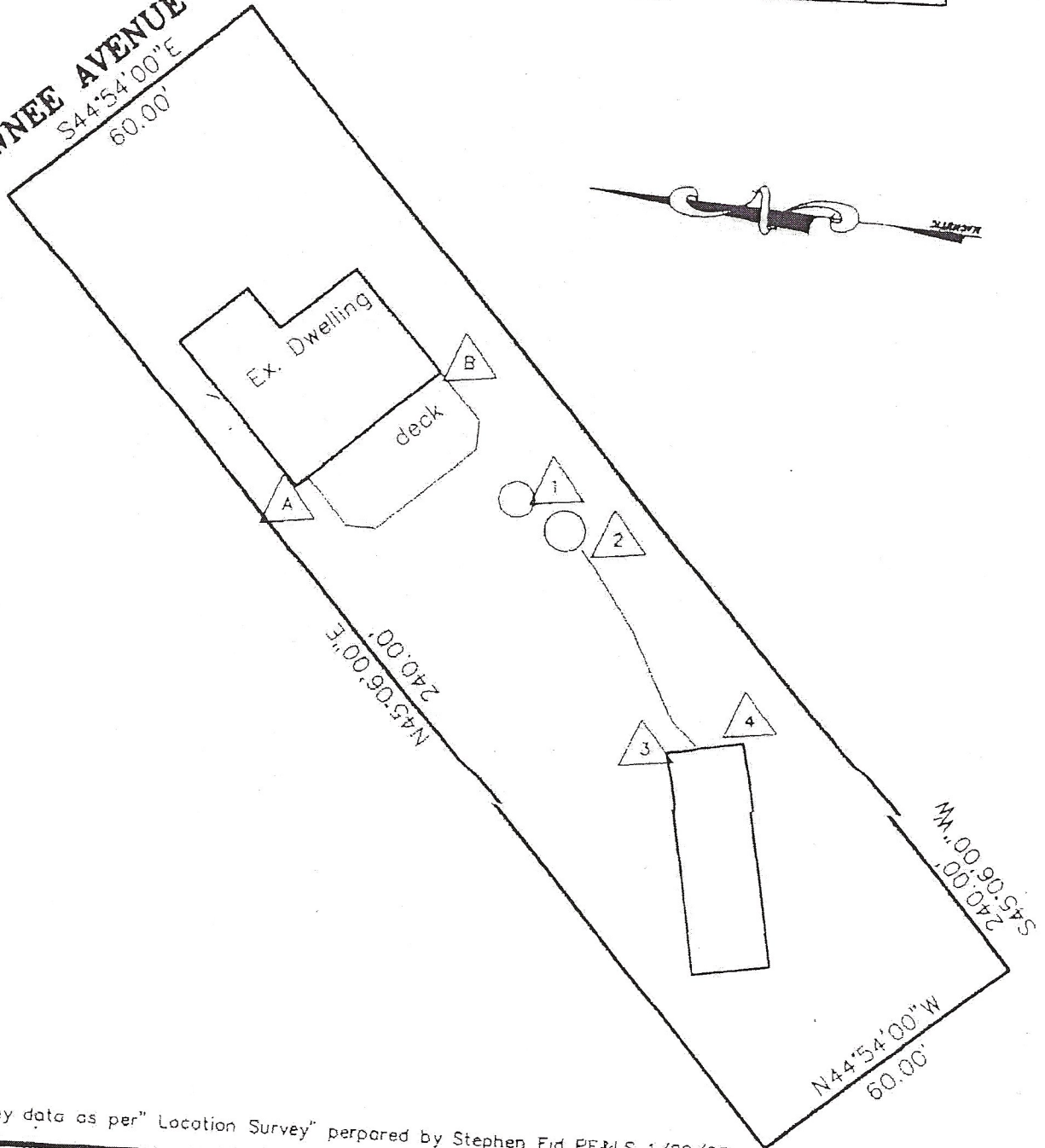
108 Pawnee Septic

NOTE: PLUMBING & ELECTRICAL WORK NOT INSPECTED BY THIS OFFICE. TOWNSHIP INSPECTS AND APPROVES SAME. ENGINEERS APPROVALS OF ARE NOT TO BE CONSTRUED AS A GUARANTEE OF FUTURE OPERATION OR OF CONTRACTORS WORKMANSHIP.

THIS SEPTIC ALTERATION DESIGN WAS PERFORMED IN ACCORDANCE WITH N.J.A.C. 7:9 REQUIREMENTS TO BRING THE EXISTING SEPTIC IN CLOSER CONFORMANCE WITH CODE AND THE NOTED VARIANCES FROM CODE. THE ULTIMATE OPERATION OF THE SEPTIC SYSTEM DEPENDS ON THE OWNERS CONSERVATION OF WATER AND MAINTENANCE OF THE SYSTEM

	A	B
1	44'	30'
2	54'	40'
3	90'	88'
4	99'	94'

PAWNEE AVENUE
S44°54'00"E
60.00'



REF: Survey data as per "Location Survey" prepared by Stephen Eid PE&LS 1/29/90

Record Drawing
LOT 26 BLOCK 3611