

NOVEMBER 10, 2020 MINUTES  
OAKLAND BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS - 8:00 P.M.  
PUBLIC HEARING

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: Mrs. Campanelli Messrs. Rose, Arredondo, Ackerly, Bremer, Smid and Chairman Lepre.  
Absent: Mrs. King and Mr. Chadwick

Also in attendance was Ms. Sophy Sedarat, Board Attorney.

PROFESSIONALS SWORN IN:

None

PUBLIC MEETING:

1. Trotta – 96 Page Drive, Block 3806, Lot 14. Continued public hearing for an above ground pool.

Mr. and Mrs. Trotta are reminded that they remain under oath.

Exhibit A-1, Survey A  
Exhibit A-2, Survey B  
Exhibit A-3, Narrative from the applicant.

Chairman Lepre informed the Board that 2 copies of a survey, labeled A and B, were submitted to the Board. Each survey depicts a different configuration showing the proposed improvements. The applicant's preference would be survey B.

Ms. Sedarat stated for the record that in addition to the 2 surveys, the applicant submitted a correspondence giving the impervious coverage calculations for each configuration but was still uncertain whether the deck and pavers are considered impervious coverage. She informed the

applicant that the Borough's code defines decks and pavers as impervious surface. In addition, she questioned the setbacks on survey B which were not clear and reviewed the Schedule A requirements.

Ms. Sedarat requested testimony on the existing and proposed rear yard setback. Chairman Lepre scaled the rear setback of survey B. Ms. Sedarat confirmed the variances on survey B being requested as the following: a rear yard setback of 34.1-feet where 60-feet is required, a side yard setback of 5-feet on the interior side where 10-feet is required for the proposed pool and a side yard setback of 5-feet on the interior side where 20-feet is required for the proposed deck. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to open the meeting to the public regarding testimony given during the Trotta application was voted unanimously by the Board.

No comments.

Motioned by Mrs. Campanelli and seconded by Mr. Arredondo, to close the meeting to the public regarding testimony given during the Trotta application was voted unanimously by the Board.

Testimony was given concerning the exceptional narrowness and shallowness configuration of the property causing the hardship.

Chairman Lepre entertained a motion.

Motioned by Mr. Smid and seconded by Mr. Arredondo, to approve the Trotta application as amended by the Board Attorney.

Roll Call Vote:           Ayes: Mrs. Campanelli, Messrs. Rose, Arredondo, Ackerly, Bremer, Smid  
                                  and Chairman Lepre.  
                                  Nays: None  
                                  Abstain: None  
                                  Absent: Mrs. King and Mr. Chadwick.

2. Binder – 139 Lakeshore Drive, Block 1501, Lot 24. Public hearing for impervious coverage, a rear and side yard setback and to fill in the slope of the driveway.

Members conducted a site inspection. Mrs. Campanelli reported that the property is located in a RA-3 Residential zone where the traffic is moderate. The application calls for the addition of a two-story garage, deck and to fill in a depression in the driveway. Chairman Lepre reviewed the comments from the various departments.

The applicant seeks a variance for building coverage of 27% where 20% is the maximum, a front yard setback of 11.4-feet where 40-feet is required and a rear yard setback of 30-feet where 35-feet is required.

Mr. Jeffrey and Mrs. Lauren Binder were sworn in. They testified that their family is growing and would like to increase storage space and be able use their garage. A discussion ensued concerning the basement being converted into an apartment. Chairman Lepre expressed concerns with the addition only being 10-feet off the street. Mr. Binder responded that the survey does not show an additional 19-feet existing in the front setback. Mr. Ackerly recommended that it be noted in the resolution if the application were to be approved, that no entrance door be added to the perimeter of the garage.

Ms. Sedarat reviewed the depth and width of the property. A discussion ensued concerning the possibility of improvements exceeding impervious coverage maximum and triggering another variance. Chairman Lepre explained that the deck will replace an existing patio slab which will not increase the existing impervious surface. He entertained a motion to open the meeting to the public.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to open the meeting to the public regarding the testimony concerning the Binder application was voted unanimously by the Board.

No comments.

Motioned by Mrs. Campanelli and seconded by Mr. Arredondo, to close the meeting to the public regarding the testimony concerning the Binder application was voted unanimously by the Board.

Ms. Sedarat reviewed the hardships associated to the application which includes a drainage issue, lack of property width and depth. Chairman Lepre expressed his concerns that the proposed improvements could ultimately lead to a 6 bedroom home. Ms. Sedarat suggested that 2 of the closets being proposed in the storage area over the garage be removed.

Conditions noted for approval were: no more than 4 bedrooms, no access door can be installed on the perimeter of the garage and the porch is to remain open. Chairman Lepre entertained a motion.

Motioned by Mr. Rose and seconded by Mr. Arrerondo, to approve the Binder application contingent to the above conditions.

Roll Call Vote:           Ayes: Messrs. Rose, Arredondo, Ackerly, Bremer, and Smid  
                                  Nays: Mrs. Campanelli and Chairman Lepre  
                                  Abstain: None  
                                  Absent: Mrs. King and Mr. Chadwick.

3. Wardell – 25 Minnehaha Boulevard, Block 4701, Lot 60. Public hearing for a side yard setback.

Members conducted a site inspection. Mrs. Campanelli reported the property is located in a RA-3 Residential zone where the traffic is moderate. The application is for the installation of an air conditioning unit already existing. Chairman Lepre reviewed comments from the various departments.

The applicant seeks a side yard setback of 10-feet where 15-feet are required.

Mr. Edward and Mrs. Debra Wardell were sworn in and testified that they had an air conditioning unit installed. He explained that it was determined after the installation that a variance was required. Chairman Lepre questioned a shed located 2-feet off the property line and very close to the primary structure possibly triggering 2 more variances. Mr. Binder responded that the shed is temporary and plastic and can be moved.

Ms. Sedarat explained to Mr. and Mrs. Binder that it needs to be put on the record that the installation of the air conditioning unit without appropriate approvals is unlawful and improper. She requested testimony concerning the choice for that location. Mr. Bender responded that this location was most effective. Ms. Sedarat explained the hardship was due to the irregular shape and narrowness of the property. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to open the meeting to the public regarding the testimony concerning the Wardell application was voted unanimously by the Board.

No comments.

Motioned by Mr. Smid and seconded by Mr. Rose, to close the meeting to the public regarding the testimony concerning the Wardell application was voted unanimously by the Board.

Chairman Lepre entertained a motion.

Motioned by Mr. Smid and seconded by Mrs. Campanelli, to approve the Wardell application.

Roll Call Vote:       Ayes: Mrs. Campanelli, Messrs. Rose, Arredondo, Ackerly, Bremer, Smid  
                              and Chairman Lepre.  
                              Nays: None  
                              Abstain: None  
                              Absent: Mrs. King and Mr. Chadwick.

4. Gourhan – 8 Oneida Avenue, Block 5204, Lot 3. Public hearing for a front yard setback.

Members conducted a site inspection. Mrs. Campanelli reported the property is located in a RA-3 Residential zone where traffic is light. The application is for the addition of a second story and new front steps.

The applicant seeks a variance for a 29.5-foot front yard setback where 40-feet is required.

Mr. Paul Gourhan was sworn in and testified that he would like to add a second level to increase the number of bedrooms to move his mother-in-law out of an assisted living facility and into their home for safety purposes. Currently, they have 3 college age daughter still living at home. They were approved for a 5 bedroom septic system. Chairman Lepre questioned if the applicant would agree to not exceeding a 5 bedroom count if the applicant was approved. Mr. Gourhan agreed to the stipulation. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Mr. Bremer and seconded by Mr. Smid, to open the meeting to the public regarding the testimony concerning the Gourhan application was voted unanimously by the Board.

No comments.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to close the meeting to the public regarding the testimony concerning the Gourhan application was voted unanimously by the Board.

A discussion ensued concerning prior approval back in 2002 for a porch with steps. Mr. Gourhan confirmed that he did receive approval back in 2002 but never took action. The dimensions are almost exact however, this will change to make the porch more accessible for his mother-in-law. It was suggested by Mr. Rose to consider widening the front entrance and include a ramp.

Ms. Sedarat reviewed the hardship caused by considerable shallowness of the property.

Chairman Lepre entertained a motion.

Motioned by Mrs. Campanelli and seconded by Mr. Rose, to approve the Gourhan application.

Roll Call Vote:           Ayes: Mrs. Campanelli, Messrs. Rose, Arredondo, Ackerly, Bremer, Smid  
                                    and Chairman Lepre.  
                                    Nays: None  
                                    Abstain: None  
                                    Absent: Mrs. King and Mr. Chadwick.

5. Turso- 39 Pawnee Avenue, Block 5301, Lot 35. Public hearing for a front and side yard setback.

Members conducted a site inspection. Mrs. Campanelli reported that location of the property is in a RA-3 zone with moderate traffic. The application is for a new covered front porch and two rear dormers. Chairman Lepre reviewed comments from the various departments.

The applicant seeks a front yard setback of 31.23-feet where 40-feet is required and a right side yard setback of 10.08-feet where 15-feet is required.

Mr. and Mrs. Turso were sworn in and testified that they would like to increase the closet size for the 2 existing bedrooms on the second floor and also add a full bathroom. Chairman Lepre questioned the number of bedrooms. Mr. Turso responded that the home would not exceed 4 bedrooms. A discussion ensued concerning the front yard setback. Chairman Lepre explained that the portico roof in the front yard triggers the variance.

Ms. Sedarat reviewed the hardship caused by the narrowness and shallowness of the property. Chairman Lepre entertained a motion to open the meeting to the public.

Motioned by Ms. Campanelli and seconded by Mr. Smid, to open the meeting to the public regarding the testimony concerning the Turso application was voted unanimously by the Board.

No comments.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to close the meeting to the public regarding the testimony concerning the Turso application was voted unanimously by the Board.

Chairman Lepre entertained a motion.

Motioned by Mr. Arredondo and seconded by Mr. Rose, to approve the Turso application contingent to the home remaining 4 bedrooms.

Roll Call Vote:           Ayes: Mrs. Campanelli, Messrs. Rose, Arredondo, Ackerly, Bremer, Smid  
                                  and Chairman Lepre.  
                                  Nays: None  
                                  Abstain: None  
                                  Absent: Mrs. King and Mr. Chadwick.

MEMORIALIZATION OF RESOLUTION:

None

PAYMENT OF BILLS:

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

APPROVAL OF MINUTES:

Motioned by Mr. Smid and seconded by Mr. Rose, to approve the October 13, 2020 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

Mr. Rose wanted it brought to the Borough's attention that Cenzino's is building an outdoor structure for dining and wanted to know if the appropriate permits were acquired. Ms. Gurney responded she will check with the Building Department

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Bremer and seconded by Mrs. Campanelli, to adjourn the meeting at 10:25 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is December 8, 2020.