

MAY 14, 2013 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, Chadwick, Johnson, Smid, Wegman,
Schneeweiss and Chairman Lepre.
Absent: Mr. Bremer

Also in attendance was Mr. Joseph Russo sitting in for Mr. Matthew Cavaliere, Board Attorney.

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, to excuse the absence of Mr. Bremer was voted unanimously.

Chairman Lepre announced that Mr. Madden would be sitting in for Mr. Bremer.

PUBLIC MEETING BEGINS AT 8:05 p.m.:

1. Zania Group, LLC – 78 Ramapo Valley Road, Block 2601, Lot 6. The applicant has requested to carry their application for an amended site plan to the May 14, 2013 public hearing.

Chairman Lepre announced that the Zania Group, LLC application has requested to carry to the May 14, 2013 public hearing. He entertained a motion to grant this request with no further notice required.

Motioned by Mr. Smid and seconded by Mr. Wegman, granting the request for the Zania Group, LLC to carry their application to the May 14, 2013 public hearing.

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

2. Kotik – 51 Manito Avenue, Block 5401, Lot 49. Public hearing for a front and two side yard setbacks.

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

The applicant proposes a front yard setback of 16-feet +/- where 26.4-feet exist and 40-feet is required. The applicant also proposes a left side yard setback of 8.7-feet where 8.9-feet exist and proposing a right side yard setback of 14-feet where 14-feet exist and 15-feet is required.

Chairman Lepre confirmed that a 20' by 25' deck would be included at a later date which was not included on the drawings received by the Board. This deck would be located in the rear yard encroaching upon the left side yard and 100-feet away from the septic system.

Mr. Vitaliy Kotik was sworn in and testified that he proposes to add a second floor addition to his 1 ½ story home which would cantilever into the front and rear yard of the property. A small addition to the front on the first level along with a small front porch with a portico roof would add symmetry to the home. He confirmed that he is requesting a variance for a rear yard deck to be built at a later date. The house has not been updated since it was built in 1955.

Mr. Smid questioned items concerning the layout of the floor plan that were not marked clearly on the plans. Mr. Wegman questioned where the access to the attic would be. Mr. Kotik responded that there would be a set of drop down stairs from the attic for access.

Chairman Lepre explained that the septic system was designed for a four-bedroom home and questioned if Mr. Kotik would agree if the application were approved to stipulate that the home would not exceed four bedrooms. Mr. Kotik agreed to the stipulation.

Motioned by Mr. Smid and seconded by Mr. Wegman, to open the meeting to the public concerning the Kotik application was voted unanimously by the Board.

No comment.

Motioned by Mr. Wegman and seconded by Mr. Johnson, to close the meeting to the public concerning the Kotik application was voted unanimously by the Board.

Mr. Schneeweiss commented that most of the homes in that neighborhood are cape cod style and felt that the home being proposed was too large and close to the neighbors. Mr. Kotik explained that his home sits on an angle within the property and explained to his neighbors what he intended to do and they had no issues with what he was proposing. Mr. Schneeweiss expressed that the pitch of the roofline is excessive and would affect light and airflow as well as being taller the neighboring homes.

A discussion ensued concerning the pitch of the roof. Chairman Lepre explained that the elevation for the proposed improvements fall within the height limitations for that zone. However, if the roofline was dropped 6/12 this would eliminate habitable space in the attic which may satisfy the Board. Mr. Kotik agreed to drop the roofline to the suggested 6/12.

Mr. Chadwick noticed a basement hatch door in the rear of the property to access the basement. He questioned the applicant if this door would have to be move and if so, would it create another variance. Chairman Lepre advised Mr. Kotik that when adding the deck not relocate the hatch door in the side yard because that would create another variance.

Mr. Schneeweiss questioned if the applicant would be putting in central air and where he proposes to locate the air-conditioning unit. Mr. Kotik responded that the air-conditioning unit would be located in the rear yard. Chairman Lepre entertained a motion.

Motioned by Mr. Chadwick and seconded by Mr. Wegman, to approve the Kotik application contingent to the pitch of the roof being dropped 6/12, not to exceed the limit of four-bedrooms, not to locate the hatch door access to the basement in the side yard, air-conditioning unit to be located in the rear and the rear deck included in the approval.

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

2. Oliver – 29 Powdermill Lane, Block 5410, Lot 3. Public hearing for a front and rear 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. Chairman Lepre reviewed the comments from the various departments and zoning issues.

The applicant proposes a front yard setback of 35-feet where 40-feet is required and a proposed rear yard setback of 4-feet to waters edge with concrete at 3-feet where 6-feet to waters edge and 3-feet to concrete is required.

Chairman Lepre informed the Board that two trees would need to be removed in order to install the pool so a Shade Tree permit would be required.

Chairman Lepre indicated that the front yard setback would be 27.33-feet due to porch being located in the front of the house. In the left rear of the property a swimming pool is being proposed which requires a distance of 10-feet from the primary structure where 7-feet is being proposed and from the property line the obligation is 5-feet where 4-feet is being proposed.

Mr. Robert Oliver was sworn in. Chairman Lepre questioned if the combined lots shown on two of the surveys were legally combined. Mr. Oliver responded that the two lots are legally combined.

Mr. Chadwick questioned conflicting percentages of lot area. Chairman Lepre explained that it appears to be 11, 622 square feet with the combined site.

Mr. Oliver explained they are proposing a two and a half car garage attached to the house in order to store his cars and give privacy to the rear yard. A covered porch is being proposed to improve the esthetics of the home. In the rear yard, the portion to the left was purchased from the state to build the addition and be able to install the in ground pool.

Mr. Oliver informed the Board that the ropes running along the property line were in preparation for installing fencing which would connect to the state fence. He plans to have trees planted to hide the fence, provide privacy and enhance the rest of the property. Mr. Oliver is in communication with the state to ensure that they would allow him to bring the state fence in the rear of his property up to code. State access gates were removed when the property was purchased.

Chairman Lepre questioned the logic for the configuration of the pool. Mr. Oliver responded that because of the setback and the property design, this location and design of the pool would allow a 7-foot from waters edge to house and allow for a small machine to access the rear yard if needed. The placement of the pool would not interfere with any of the structures and allow the applicant to sit on the back deck to enjoy the pool.

Chairman Lepre verified that there would be no living space within the garage. He questioned if the applicant would agree to stipulate, contingent to approval, the porch remain open. Mr. Oliver responded that the porch would remain open.

Chairman Lepre stated for the record that this is an irregular shaped piece of property. He entertained a motion to open the meeting to the public.

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

No comment.

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

The consensus of the Board was that the irregular shape of the property caused a hardship for the placement of the pool. Chairman Lepre clarified the variances as being a rear yard 4-feet from waters edge where 5-feet is required and waters edge to the primary structure proposed is 7-feet where 10-feet is required. In addition, a correction to the front yard setback would be 27.33-feet being proposed.

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, to approve the Oliver application contingent to the front porch remaining open, amendment to the front yard setback as well as the zoning information for the rear yard setback.

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

MEMORIALIZATION OF RESOLUTION:

- 2 Talucci – 110 Yawpo Avenue, Block 3703, Lot 29. Approval for a side yard setback.

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

Eligible Voters: Messrs. Ackerly, Madden, Bremer, Smid, Wegman, Schneeweiss and Chairman Lepre

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

PAYMENT OF BILLS:

Motioned by Mr. Schneeweiss and seconded by Mr. Ackerly, 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. Smid, to approve the March 12, 2013 minutes was voted unanimously by the Board.

NEW BUSINESS:

Mr. Smid informed the Board that he would bring in a few lightweight jackets to possibly be used as a way to help identify Board members when doing site inspections. He suggested that lettering could be added to the jacket distinguishing that they are from the Borough.

OLD BUSINESS:

Chairman Lepre reminded the Board that they had sent a letter to the Planning Board concerning accessory structures and he received a call from Tom Potash, Planning Board Chairman. Mr. Potash informed him that the Board would be discussing the request made by the Board of Adjustment to limit the size of certain accessory structures.

He referred to an application which was seen for the first time involving an air conditioning condenser in the setback which could become more common for the location of generators after hurricane Sandy.

Mr. Russo explained that the key to this ordinance is defining the accessories involved with accessory structures which would be discussed at the next Planning Board meeting. In addition, the question is whether these condensers or generators are considered a permanent fixture to the house. Mr. Schneeweiss suggested that the Planning Board discuss the issue involving generators and setbacks near property lines. He explained that some towns like Saddle River have a decibel reader. Chairman Lepre added that generators are new technology for homes which come with a new set of issues such as size, exhaust and db ratings. During an emergency situation people usually understanding but these generators need to be exercised on a regular basis.

MEETING ADJOURNED:

Motioned by Mr. Schneeweiss and seconded by Mr. Wegman, to adjourn the meeting concluding at 9:00 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is May 14, 2013