

OCTOBER 8, 2013 MINUTES
OAKLAND BOARD OF ADJUSTMENT
OAKLAND COUNCIL CHAMBERS - 8:00 .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. Ackerly, Madden, Bremer, Chadwick, Johnson, Smid,
Wegman, and Chairman Lepre.
Absent: Mr. Schneeweiss

Also in attendance were Mr. Matthew Cavaliere, Board Attorney, Mr. Steve Lydon, Burgis Associate and Ms. Rebecca Mejia, Boswell Engineering.

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

Mr. Ackerly would be sitting in for Mr. Schneeweiss.

PUBLIC MEETING BEGINS AT 7:04 p.m.:

1. Zania, LLC – 78 Ramapo Valley Road, Block 2601, Lot 6. Continued public hearing for an amended site plan.

Chairman Lepre informed Mr. Aquaviva that his client would need a minimum of five votes in favor of the application in order to receive approval and there were only five eligible voters present. He questioned Mr. Aquaviva if he would like to proceed with the application. Mr. Aquaviva requested that his client's application be carried to the next meeting. Chairman Lepre entertained a motion.

Motioned by Smid and seconded by Mr. Wegman, to carry the Zania, LLC application to the November 12, 2012 public hearing with no further notice was voted unanimously by the Board.

2. Madison Avenue Midland Park, LLC – 17 Princeton Avenue, block 4903, Lot 20. Public hearing for a front and side yard setback.

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

The applicant proposes a front yard setback from the first step of 18.2-feet where 40-feet is required and a 7.4-feet side yard setback where 15-feet is required. Health Department would require revised plans showing the fourth room without closets confirming that no more than three bedrooms are being proposed.

Mr. Glenn Stubaas a licensed New Jersey architect with Molinari and Stubaas Architects located in Fairlawn, New Jersey and David Cohen with Lazerowitz Jay I, located in Glen Rock, New Jersey were sworn in. Mr. Cohen was before the Board to represent the applicant.

Mr. Stubaas testified that the existing dwelling is a two-bedroom ranch style home with a garage. The garage is located within the existing side yard setback of 7.4-feet along with the existing front stoop which encroaches into the front yard setback 18.2-feet.

He explained that the applicant proposes a second story addition, an expansion of the front porch and raising the roof of the garage. The expansion out the rear of the home would encompass the existing rear patio and not require variance relief.

Chairman Lepre verified that the home would go no closer into the front and side yard setback than what was being proposed. Mr. Stubaas responded that the setbacks would not encroach any further than what exists.

Chairman Lepre questioned if the applicant would agree to stipulate that the home would remain a three-bedroom. Mr. Cohen agreed to the stipulation. He entertained a motion to open the meeting to the public.

Motioned by Mr. Smid and seconded by Mr. Johnson, to open the meeting to the public regarding matters concerning the Madison Avenue Midland Park, LLC application was voted unanimously by the Board.

No comments.

Motioned by Mr. Wegman and seconded by Mr. Chadwick, to close the meeting to the public regarding matters concerning the Madison Avenue Midland Park, LLC application was voted unanimously by the Board.

Mr. Smid questioned if the front porch would include columns. Mr. Cohen responded that they are not proposing a roof or columns.

Mr. Wegman pointed out that an amendment would need to be made to the application concerning the front yard setback dimensions from 25.6-feet to 18.2-feet. The Board amended the application for the record.

Chairman Lepre entertained a motion.

Motioned by Mr. Chadwick and seconded by Mr. Wegman, to approve the Madison Avenue Midland Park, LLC application.

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

3. Chesney – 27 Eagle Crest Place, Block 5304, Lot 37. Public hearing for a rear yard setback.

Members conducted a site inspection of the property. Mr. Wegman reported that the property is located in a RA-2 Residential and traffic is light. Chairman Lepre reviewed the comments from the various departments and zoning issues.

The applicant proposes a rear yard setback of 30-feet where 75-feet is required.

Chairman Lepre verified that the proposal would be a one-story addition to a split-level style home. He confirmed that the addition would be going no further into the setback than what currently exists. Mr. Chesney responded that the addition would go no further than the existing structure.

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

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

Motioned by Mr. Wegman and seconded by Mr. Johnson, to approve the Chesney application.

4. Sharrock – 51 Hopper Street, Block 3702, Lot 3. Public hearing for a rear and side Yard setback.

Mr. Smid explained that originally he had gone to the applicant's property to inspect for a permit to remove 16 trees and upon doing so learned that applicant was removing the trees to allow for a foundation to extend the home out the rear yard. He noticed that the addition might require a variance.

Mrs. Nina Sharrock was sworn in and explained that they are proposing to expand the first floor living area and would not be increasing the number of bedrooms. A discussion ensued concerning a full bathroom being added off of the proposed family room. Chairman Lepre questioned if Mr. and Mrs. Sharrock would agree as a stipulation of approval that the home would remain three bedrooms. Mr. and Mrs. Sharrock agreed to the stipulation.

Chairman Lepre questioned if it was necessary to remove all of the 10-15 trees. Mrs. Sharrock responded that her contractor recommended the tree removal so they would be able to get the equipment in necessary for the improvements. Mr. Smid recommended that Mrs. Sharrock request that they leave the tree in the front when they come to excavate the property. Mrs. Sharrock responded that she would try.

Chairman Lepre announced that there was no public to open the meeting to.

Mr. Cavaliere confirmed that the air conditioning unit would need 5-feet into the side yard making the setback 25-feet. Chairman Lepre entertained a motion.

Motioned by Mr. Wegman and seconded by Mr. Chadwick, to approve the Sharrock application with the stipulation that the home remain three-bedrooms.

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

MEMORIALIZATION OF RESOLUTION:

Eligible voters: Messrs. Ackerly, Chadwick, Smid, Wegman, Schneeweiss and Chairman Lepre.

1. Cantenacci – 90 Pawnee Avenue, Block 5401, Lot 17. Approval for a side yard setback.

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

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

2. CJM Property/McCarthy - Sienna Way, Block 4910, Lot 5. Approval for a front and side yard setback.

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

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

5. Gallo – 18 Princeton Terrace, Block 4911, Lot 2. Approval for a front and side yard setback.

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

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

6. McDonnell – 17 Rockaway Avenue, Block 4504, Lot 16. Approval for a front and side yard setback.

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

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

PAYMENT OF BILLS:

Motioned by Mr. Johnson and seconded by Mr. Wegman, to approve 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. Chadwick, to approve the September 10, 2013 minutes as amended was voted unanimously by the Board.

NEW BUSINESS:

None

OLD BUSINESS:

None

MEETING ADJOURNED:

Motioned by Mr. Wegman and seconded by Mr. Chadwick, to adjourn the meeting concluding at 9:10 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is November 12, 2013