

BOROUGH OF ROSELAND
BOARD OF ADJUSTMENT
MINUTES OF JUNE 11, 2018

1. ROLL CALL

Present on roll call were:

Mr. Santo Barretta, Chairman	Ms. Michelle Stefanelli
Mr. Paul Aschoff, Vice Chairman	Ms. Janet Treamont
Mr. Anthony Guerino (arrived 7:50 p.m.)	Ms. Laura LaBianca
Mr. Joseph LaRicca	Mr. Paul Jemas, Attorney
Mr. John Matheis	

2. FLAG SALUTE

3. Mr. Barretta announced that notice of this meeting has been provided in accordance with the Open Public Meetings Act.

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| 4. Manuel Rodrigues Jr. | Block 46, Lot 12 |
| 7 Harrison Avenue | R-4 Zone District |
| Roseland, New Jersey | Application #18-01 |

Seeking approval for a driveway. Relief is being sought from Section 30-404.1.d – maximum impervious coverage, 35% is allowed and 40.7% exists. Section 30-403.21- driveway setback, a minimum of 5 feet is required, 4 feet exists. Section 30-403.21- driveway width, no driveway pavement shall be wider than one half the width of the lot. The lot width is 75 feet which allows for a 37.5 foot driveway and 47 feet exists.

Mr. Barretta stated that the Board heard this application back in January of 2018. It has been carried since then for pending comments from the County. He asked if they had received a response from the County yet. Frederick Meola, PE, the applicant's engineer, stated that he spoke to the County and that they gave him the regulations and basically said they would not comment.

4. Rodrigues

The requirements given by the County included that the lot must be 100 feet wide for more than one driveway. The Board is in receipt of all the documents submitted to the County. Rosemary Stone Doherty, the applicant's attorney, stated that exhibit A2 is the circular driveway, A3 is Essex County communication and A4 is an As-Built survey dated September 27, 2017. Mr. Barretta stated that the seepage pit is not shown on the As-Built. Ms. Doherty stated that it is not shown on the As-Built because it is underground. Ms. Doherty stated that Mr. Rodrigues hired a contractor to build the house and that permits were obtained. Three quarters of the way through building the house, they were informed by the County that they could not install a circular driveway. The contractor installed the driveway as it exists. Mr. Jemas asked Mr. Rodrigues if the statements that Ms. Doherty made were accurate and Mr. Rodrigues stated yes. Ms. Doherty stated that the benefits outweigh any detriment to the ordinance. Ms. Doherty stated that they contacted Police Chief Richard McDonough for comments and has also hired a traffic engineer. Ms. Doherty stated that exhibit B5 is the survey with topo lines. Mr. Aschoff questioned what was submitted to get the permit to which Mr. Meola stated a grading plan, drainage plan, permit application, and building plans. Mr. Rodrigues stated that when he applied for the Certificate of Occupancy for the house, the driveway issue came up. Ms. Doherty stated that exhibit A5 is the subdivision plan. Mr. Meola stated that he called Stewart Engineering for the approved grading plan and did not get a response. Ms. Doherty stated that she understands the Board's confusion and the problem now is trying to resolve the issue. Mr. Meola stated that they are seeking three variances; driveway setback, impervious coverage and driveway location. He stated that the current driveway is adjacent to the Police Department's driveway. Near the house the driveway conforms, toward the street the driveway is off by less than a foot. Mr. Meola stated they are seeking a flexible C2 variance. To conform, they would have to remove over 800 square feet of the driveway, but the benefit would outweigh any detriment created.

4. Rodrigues

Mr. Aschoff stated that he feels the problem was self-inflicted. Mr. Meola stated that the house was built in conformance. Mr. Jemas referred to exhibit A5, the subdivision which did not show the location of the proposed house or driveway.

There was a brief discussion on what was submitted to the Zoning Officer and the Building Department when the permits were applied for. Ms. Doherty suggested that they move on to the Traffic Engineer for testimony. Mr. Aschoff stated that no one would disagree that the traffic on Harrison Avenue is an issue. The question is how it got to this point. Mr. Lee Klein, PE, PTOE, the applicant's Traffic Expert, was sworn in. Mr. Klein stated his credentials for the Board. He stated that he had visited the property. He stated that to safely egress the site you have to pull out face first. Mr. Klein referred to exhibit A4 dated 9-20-17 prepared by GC Stewart Engineering showing the current driveway configuration. The driveway is 46 feet wide from west to east. Mr. Barretta stated that (3) cars and a PSEG vehicle park on the property every day. He did not feel a proper K-turn could be done to egress the site. Mr. Klein stated that if (4) cars are in the driveway, they may have to perform a few K-turns. Mr. Barretta asked if the PSEG vehicle will be on-site all the time. Ms. Doherty stated yes. Mr. Jemas asked Mr. Klein if he reviewed Police Chief McDonough's letter (exhibit B6). He proceeded to read the letter into the record. Mr. Klein stated that (4) cars could work if the applicant organized the parking. Mr. Barretta asked if anyone in the audience had any questions for Mr. Klein. There were no questions. Mr. Maurice Rashed, Maser Consulting and Traffic Engineer for the Borough, stated that he had visited the site and had reviewed the plan. Mr. Rashed stated that there were (4) cars in the driveway at that time. He was able to do a K-turn after a couple of tries. Mr. Rashed stated that he pulled back in and tried to back out. The site distance does not conform with the 390 feet required. Mr. Rashed suggested having the shrubbery on the easterly and the westerly side of the property trimmed back. Doing so would achieve a safer site distance. Mr. Rashed stated that (3) cars can egress with ease. It is more difficult with a fourth car. Mr. Rashed recommended that three cars park parallel and one park perpendicular. He also suggested that the County sign be moved 5' to the west. Ms. Doherty asked Mr. Rashed if he was familiar with exhibit A2, the horseshoe configuration. Mr. Rashed stated no. He was shown the plan.

4. Rodrigues

Mr. Rashed stated that the horseshoe configuration would only allow one or two cars. He stated that the current configuration is safer (exhibit B5). Ms. Stefanelli stated that she feels the application meets the C1 conditions. Mr. Barretta asked if anyone in the audience had any questions for Mr. Rashed. There were no questions. Mr. Aschoff stated that the applicant has overstepped his bounds in many ways, but if any house has a hardship this one does. Mr. LaRiccias stated that the front of the house appears to be all pavers. Mr. LaRiccias stated that the applicant should make some kind of compromise. Ms. Treamont stated that she is not comfortable with voting on what exists. Ms. LaBianca asked how we could go back to determine where the breakdown in the approval process occurred to prevent this from happening in the future. Ms. Doherty summarized by stating that their Engineer and both traffic experts have testified. Both Traffic Engineers were in agreement that the current configuration is the safest. Ms. Doherty stated that they made several attempts to contact the County. She thanked the Board for their time. Mr. Aschoff made a motion to approve the application with the condition that the obstructing shrubs are trimmed back. Ms. Stefanelli seconded the motion. All present voted yes except Mr. Guerino and Mr. LaRiccias who abstained.

5. Mr. and Mrs. Lahiri
7 Pitcairn Drive
Roseland, New Jersey

Block 13, Lot 63
R-3 Zone
Application #18-06

Seeking to install an in-ground pool. Relief is being sought from Section 30-404.1(d) impervious coverage; 30% is permitted and 38% is proposed.

Mr. Jemas swore Mr. and Mrs. Lahiri in. Mr. Barretta commented on the pool site plan dated 3-19-18 marked exhibit A-1. The house survey was marked as exhibit A-2. Mr. Barretta stated that on the property toward Passaic Avenue there is a sanitary sewer which runs the length of the property. In the rear of the property is a brook. Mr. Barretta referred to a survey prepared by Shepard and Shepard from 1997 marked as exhibit B-1. Mr. Barretta stated that the pool has to be a minimum of 50 feet from the brook. There is not a measurement on the survey showing the distance of the pool from the brook.

5. Mr. and Mrs. Lahiri

Mr. Lahiri stated that it is at least 50+ feet from the brook. Mr. Lahiri stated that they are new residents and love the community. They were not aware of the impervious coverage rules. They are prepared to do whatever is required if any conditions are imposed. Mr. Lahiri stated that the lot is irregular in shape; it starts out normal on one side then cuts in. Mr. Lahiri stated that he does not feel the proposal will be a detriment to the ordinance. Mr. Aschoff questioned why during construction they are not using the driveway to access the site. Mr. Lahiri stated that the proposed access is currently in disrepair so they intend to use that side of the property. At the end of construction they will repair the area. Ms. Treamont made a motion to approve the application. Mr. Matheis seconded the motion. All present voted yes.

6. APPROVAL OF MINUTES

a. May 14, 2014

Ms. Treamont made a motion to approve the minutes. Ms. Stefanelli seconded the motion. All present voted yes except Mr. LaRiccia who abstained.

7. PAYMENT OF BILLS

The Progress - \$14.79

Ms. Stefanelli made a motion to adjourn at 9:50 PM. All present voted yes.