

BOROUGH OF ROSELAND
BOARD OF ADJUSTMENT
MINUTES OF JANUARY 8, 2018

1. ROLL CALL

Present on roll call were:

Mr. Santo Barretta, Chairman
Mr. Paul Aschoff, Vice Chairman
Mr. Joseph LaRiccia
Mr. John Matheis

Ms. Michelle Stefanelli
Ms. Janet Treamont
Ms. Laura LaBianca, Alt. #1
Mr. Paul Jemas, Attorney

Absent:

Anthony Guerino

2. FLAG SALUTE

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

4. Manuel Rodrigues, Jr.
7 Harrison Avenue
Roseland, New Jersey

Block 46, Lot 12
R-4 Zone District
Application #18-01

Seeking approval for a driveway. Relief is being sought from Section 30-404.1.d - maximum impervious coverage; Section 30-403.21 - driveway setback 5 feet is allowed; and Section 30-400.21 - no driveway payment shall be wider than one half the width of the lot.

Rosemary Stone-Doherty, the applicant's attorney, was present. Ms. Doherty introduced Frederick Meola, PE, PP who would be testifying before the Board. Mr. Meola stated his credentials after he was sworn in by Mr. Jemas.

Mr. Barretta asked if any trees would be removed and Ms. Doherty stated no.

Mr. Meola stated that he visited the property and measured the driveway setback which varied from 7.2 feet near the house to 4.6 feet going toward the street. Mr. Meola referred to three photos (marked as exhibit A1). The two photos on the front page showed the driveway entrance and the third picture on the second page showed the paver driveway. Mr. Meola stated that the nearest encroachment to the property line is 4.6 feet. The driveway is custom with a soldier curb. To remove portions of it would not be easy. Mr. Meola stated that the Rodrigues originally proposed a horseshoe driveway, but the Essex County Planning Board denied it. Mr. Meola stated that the site is difficult to pull out of due to its proximity to the fork at Eagle Rock and Harrison Avenues. Ms. Doherty stated that the subdivision was done by the previous owner of 3 Harrison Avenue. The Rodrigues were present at that meeting due to their interest in purchasing the property. Ms. Doherty stated that the Planning Board did not make any decisions regarding 7 Harrison Avenue other than to build it in accordance with the ordinance. Ms. Doherty submitted the Planning Board resolution for the subdivision (marked as exhibit B1). Ms. Doherty explained that the Rodrigues submitted building applications with plans to the Building Department. It was signed off by zoning as well as building and permits were issued.

4. The plans submitted to the Building Department showed a horseshoe driveway (original Architect plan marked A2) which is what the County denied.

Mr. Manny Rodrigues was sworn in by Mr. Jemas.

Mr. Rodrigues stated that he contacted the County after the house was built. They denied the horseshoe driveway due to the lot width being less than 100 feet. They were agreeable to something similar to what was built. Mr. Jemas asked if he contacted the Borough after the County's denial and Mr. Rodrigues stated no. Mr. Rodrigues stated he purchased the property so his elderly mother-in-law could live with them. Mr. Rodrigues stated that this was not the most desirable lot, but it was affordable. Mr. Rodrigues stated that he has lived in Roseland for 20 years. The safest way to leave the property is by pulling out head first and in order to do that they have to make a k-turn.

Ms. Doherty stated that all the TCO requirements have been satisfied except for the as-built which needs the Zoning Officer's approval. The Planning Board granted the subdivision with the condition that the new lot had to conform. Ms. Doherty stated that the house was built and in habitable condition when the County denied the horseshoe driveway. The Rodrigues needed a place to live. A Temporary Certificate of Occupancy was issued with conditions. Ms. Doherty stated that safety was an issue. Mr. Aschoff asked if the County ever formally approved the driveway. Ms. Doherty stated no. There was a brief discussion amongst the Board pertaining to the Essex County Planning Board. Ms. Doherty suggested that the Board carry the application until they receive County approval. Mr. Aschoff made a motion to carry the application. Ms. Stefanelli seconded the motion. All present voted yes.

5. Margot Dockrell
1 Holmehill Lane
Roseland, New Jersey

Block 47, Lot 7
R-2 Zone District
Application #18-02

Mr. Jemas swore Mr. Bornstein and Ms. Dockrell in.

Mr. Barretta asked if any trees would be removed. Mr. Bornstein stated no.

Mr. Bornstein stated that the lot is surrounded on three sides by Holmehill Lane and are considered to have two front yards. They are seeking to put in walkways and patios. Mr. Bornstein stated that the lot is very unusual in shape. They will be planting evergreens and shrubs. They thought they might have a problem with impervious coverage, but did not. Everything proposed is ground level. Mr. Bloch determined that the patio and walkways were accessory structures; therefore, the permit was denied. There was a brief discussion amongst the Board Members pertaining to accessory structures. Mr. Aschoff made a motion to approve the application. Ms. Treamont seconded the motion. All present voted yes.

6. APPROVAL OF MINUTES

a. December 11, 2017

Mr. Matheis made a motion to approve the minutes and Mr. Aschoff seconded the motion. All present voted yes.

7. RESOLUTIONS

a. Resolution #17-15 – Baluk

Ms. Treamont made a motion to approve the resolution and Mr. Tedesco seconded the motion. All present voted yes except Ms. LaBianca who abstained.

b. Resolution #17-16 – Malone

Ms. Treamont made a motion to approve the resolution and Mr. Aschoff seconded the motion. All present voted yes except Ms. LaBianca who abstained.

8. GENERAL CORRESPONDENCE

Mr. Barretta stated that 35 Davenport Avenue had come before the Board. The applicant had not met the conditions of the approval. The Zoning Officer had granted a few extensions and will not give any more extensions. Mr. Barretta stated that they will have to come back before the Board.