

BOROUGH OF ROSELAND
BOARD OF ADJUSTMENT
MINUTES OF NOVEMBER 13, 2017

1. ROLL CALL

Present on roll call were:

Mr. Santo Barretta, Chairman
Mr. Paul Aschoff, Vice Chairman
Mr. Anthony Guerino
Mr. John Matheis

Mr. William Tedesco
Ms. Janet Treamont
Ms. Michelle Stefanelli, Alt. #1
Mr. Paul Jemas, Board Attorney

Absent:

Mr. Joseph LaRiccica

2. FLAG SALUTE

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

4. Thin Blue Line Foods LLC
33 Green Heron Drive
Hackettstown, New Jersey

178 Eagle Rock Avenue
Block 44, Lot 15
B-1 Zone District
Application #17-05

Applicant is seeking to operate a fast service restaurant (The Chicken Factory). Relief is being sought from Section 30-405.b, conditional use requirements and Sections 30-405.b.1 and 30-405.5.b.4, total floor area of all restaurant uses within a multi-use retail complex shall not exceed twenty percent (20%) of the gross floor area of the retail complex.

Charles Rosen, Esq. was present representing the applicant. Mr. Rosen stated for the record that no trees will be impacted or removed and that the Roseland Plaza is located at 178 Eagle Rock Avenue in the B-1 Zone. The applicant is proposing a fast service restaurant. The store had been previously occupied by Marra's Deli. They are not seeking to increase the number of fast service restaurants as they have existed in the past. The proposal is a permitted use; however, the totality of the percentage exceeds what is permitted. They are seeking a D3 variance. They are only looking to continue to do what has existed for many years. Mr. Rosen called upon Richard Hafner, General Manager of the Chicken Factory, and Mr. Jemas swore him in. Mr. Hafner stated that they will be serving fried chicken, chicken wraps, salads with chicken, and all side dishes. The food will be prepped ahead of time then cooked to order. Mr. Hafner stated that they would like to operate everyday from 10:00 AM until 10:00 PM. The store is 1,000 square feet and they are not proposing any major interior or exterior renovations. It will be a family-owned and operated business with 5 to 10 employees. They will have online ordering, delivery, and takeout services. Mr. Barretta asked how many parking spaces are allotted for their business. Mr. Rosen stated that there are 48 parking spots on the property with an additional 10 at 184 Eagle Rock Avenue. Ms. Treamont stated that the parking situation worked for Marra's Deli and this should not be any different. Mr. Tedesco asked if the Plaza has always exceeded the 20% requirement to which Mr. Rosen stated that it has been for decades. Mr. Matheis asked if the employees will be

commuting together and Mr. Hafner stated yes. Ms. Stefanelli asked Mr. Rosen to explain a D3 variance. Mr. Rosen stated that it is a use variance with lower standards than a D1 variance. Dan Bloch, Zoning Officer, asked what happens if the business grows and Mr. Hafner stated that they would have to relocate. Mr. Rosen called upon Thomas Giovannoli, Manager of the Plaza, to testify. Mr. Jemas swore Mr. Giovannoli in. Mr. Giovannoli stated that all tenants are allowed to have one on-site parking spot. The rest of the parking is for patrons. There are an additional 10 spots located at 184 Eagle Rock Avenue. Mr. Giovannoli stated that successful delis have operated out of the same location for many years and Marra's Deli was there for 20 years. Mr. Guerino asked how many tenants there are and Mr. Giovannoli stated 11 with Rosie's Cleaners taking up two stores. Mr. Bloch asked how long the building has been owned and Mr. Giovannoli stated since the mid 1960's. Mr. Bloch stated that the only resolution he could find on this location was from 1981 for Plaza 7 Deli. The resolution was marked B-1. Mr. Bloch stated that the resolution states that there will not be any cooking and Mr. Matheis stated that Marra's Deli has always cooked. Roger Linnett, of 3 Meadow Lane, stated that he has lived in Roseland for 52 years and thinks the proposal is a great idea. No matter who is in this location there will be employees. Glen Gates stated that he currently lives and has worked in Roseland. He stated that he is in favor of the application. Vincent Borino, a former Roseland resident, stated that he worked at La Pizza in the Plaza when he was young and that there was always cooking at Plaza 7 Deli.

Mr. Rosen stated that the applicant is seeking to continue a use what has existed in this location for many years. The use will serve the residents as well as the people that work in Roseland and will be a benefit to the community. There will be no detriment to the public good and will not substantially impact the intent of the zoning plan and zoning ordinance. Mr. Matheis stated that the proposed use will not conflict with the other businesses that operate in the Plaza. Mr. Guerino made a motion to approve the application and Mr. Aschoff seconded the motion. All present voted yes.

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| 5. Richard and Gail Mascera | Block 12, Lot 19.96 |
| 6 Minnisink Drive | R-5 Zone District |
| Roseland, New Jersey | Application #17-07 |

Seeking to construct a deck. Relief is being sought from Section 30-404.1.d, side yard setback.

Mr. Jemas swore Ms. Mascera in. Mr. Barretta asked if any trees would be removed and Ms. Mascera stated no. Ms. Mascera stated that the patio is over 30 years old, is in disrepair and they would like to construct a deck. The Association approved the proposal. The Association requires that the deck be constructed with the same materials as the others in Stonegate. Mr. Barretta asked if there are other decks in the area and Ms. Mascera stated yes. She referred to pictures she submitted of similar decks in the area compared to what she is proposing. Ms. Mascera stated that they are proposing a 12' X 18' deck. The proposal will be a benefit to the neighborhood. Mr. Aschoff made a motion to approve the application and Ms. Stefanelli seconded the motion. All present voted yes.

6. APPROVAL OF MINUTES

- a. October 2, 2017

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

7. RESOLUTIONS

a. Resolution #17-12 - Sorisi

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

Mr. Barretta made a motion to adjourn. All present voted yes.