

BOROUGH OF ROSELAND  
BOARD OF ADJUSTMENT

MINUTES of September 12, 2016

1. SALUTE TO THE FLAG

2. ROLL CALL

Present on roll call were:

Mr. Santo Barretta  
Mr. Paul Aschoff  
Ms. Mary Comito  
Mr. Joseph LaRicca  
Mr. John Matheis

Mr. William Tedesco  
Mr. Anthony Guerino, Alt. 1  
Ms. Michelle Stefanelli, Alt. No. 2  
Ms. Janice Falivena, Esq

Quorum present.

3. Chairman Barretta announced that Notice of the meeting had been provided in accordance with the Open Public Meetings Act. He then read the agenda.

4. PUBLIC HEARINGS

(a) 172 Eagle Rock Ave Corp.  
191 Eagle Rock Avenue  
Roseland, NJ

Block 42, Lot 1  
B-1 Zone District  
Application 16-01

Applicant seeks a use variance from Section 30-403.3(a)(5) of the Ordinance to permit 26.8% of the gross floor area for customer circulation and seating in a fast service restaurant when the maximum permitted is 20%. Applicant also seeks variances from Section 30-404.1(d) to permit a lot area of 13,994 sf when a minimum of 20,000 sf is required; a front yard set back on Livingston Ave. of 42 feet and on Godfrey Ave. of 10.3 feet when a minimum of 50 feet is required; and a side yard set back of 13.2 feet when a minimum of 25 feet required. Applicant also seeks relief from Section 30-403.9(a) to permit a 13.2 foot buffer between non-residential and residential uses when the minimum permitted buffer is 20 feet and to permit building construction within the required 20 foot buffer when no building within the buffer is permitted; Section 30-403.17(c)(3) which requires a freestanding sign to be set back from the front property line 10 feet, whereas 3.3 feet is proposed; Section 30-403.17(g)(2) to permit a free standing sign to have an area of 31.98 sq. ft. when the maximum area permitted is 15 sq. ft.; Section 30-404.3(e)(2) to permit a 5 foot wide sidewalk in front of a building when the minimum permitted is 10 feet; Section 30-403.7(a)(4) to permit a dumpster in the 2 front yards of this lot, when accessory structures such as dumpsters are prohibited in front yards; Section 30-403.8 to permit an 8 foot high fence when a maximum 6 feet is permitted; Section 30-403.9(b)(4) which requires all parking areas abutting residential zones to be screened, whereas no screening is proposed. In addition, Applicant seeks waivers from Section 30-516.3 which requires planting of shade trees within the parking area and along the street entrance, whereas no trees are proposed; Section 30-520.3(b) to permit a loading area in

a front yard, whereas loading areas are only permitted in side and rear yards; Section 30-520.1 to permit 15 parking spaces whereas 61 are required; and a waiver from the requirement that a Development Impact Statement be submitted. Applicant also seeks site plan approval.

*See attached transcript.*

5. RESOLUTIONS - None

6. APPROVAL OF MINUTES

(a) August 8, 2016

Mr. Tedesco made a motion to approve the minutes, seconded by Mr. Matheis. All members present voted in favor except Ms. Stefanelli and Mr. Aschoff abstained.

7. GENERAL CORRESPONDENCE - None.