

BOROUGH OF ROSELAND
BOARD OF ADJUSTMENT

MINUTES OF AUGUST 8, 2016

Chairman Barretta called the meeting to order at 7:30 p.m.

1. SALUTE TO THE FLAG

2. ROLL CALL

Present on roll call were:

Santo Barretta
Mary Comito
Joseph LaRicca
John Matheis

William Tedesco
Janet Treamont
Anthony Guerino
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) Andrew Robinson
67 Harrison Avenue
Roseland, NJ

Block 57, Lot 21
R-4 Zone District
Application 16-08

Applicant sought relief from Section 30-403.7(b)(1)(a) of the Ordinance for construction of a detached garage. The minimum permitted side yard set back for an detached accessory structure is 10 feet, whereas Applicant initially proposed 3.76 feet on both sides. Under Section 30-403.7(a)(3)(a) a detached garage is limited in size to 2 bays and shall not exceed 22 feet x 24 feet, whereas Applicant initially proposed a 25 feet x 30 feet garage, exceeding 2 bays. Section 30-404.1(d) provides that the maximum permitted impervious coverage is 35% whereas Applicant initially proposed 38%.

Michael Primoli, Esq. ("Primoli") represented Applicant. He offered Mr. Robinson as a fact witness and Ms. Falivena swore him in. Primoli then offered William Stimmel, PE, PP ("Stimmel") as an expert witness in both planning and engineering. Stimmel presented his credentials to the Board and the Board accepted him as an expert in both planning and engineering. Ms. Falivena then swore him in.

Ms. Falivena clarified that, although not mentioned in Applicant's zoning denial letter, Applicant also requires a variance for impervious coverage. Applicant is proposing at 38% when the maximum permitted is 35%. Applicant and his attorney then confirmed for the record that their notice and publication included this relief, too.

Applicant testified he intends to demolish a deteriorated single car garage and replace it with a 2 car garage. His lot is irregular in shape, particularly at the rear, and he proposes to construct this garage in the easterly rear portion of the lot. He presented to the Board a Google earth image he downloaded about 1 month ago, showing an overview of the immediate area. The Board marked it as A-1.

Applicant testified he offered this exhibit to show the garage as proposed would not intrude on neighboring properties and would be “nicely tucked in the rear of [his property].”

Mr. LaRicca raised concern that the side yard set backs as proposed would not allowing easy access to the structure for maintenance or emergency purposes. Mr. Guerino concurred and suggested a smaller garage would decrease impervious coverage.

Stimmel then testified. The ranch dwelling on this lot is centrally located, the existing garage is in the same general location as the proposed, but the proposed will be set back further into the rear corner. As proposed it will be 25' x 30'.

He opined relief can be granted under a “flex C” variance because zoning purposes will be advanced with no significant detriment to the neighborhood or the zone plan. Under the MLUL, zoning purpose (B) will be advanced because the new structure will comply with current building codes, (C) because adequate air and light will be provided if the new garage located as proposed and (I) because a dilapidated structure will be removed and an aesthetic improvement will be made to the property.

After hearing Board members’ comments, Applicant and his attorney asked for a recess to reevaluate the proposal. Upon resumption of the hearing, Applicant modified his application. Stimmel marked up the drawing submitted to the Board to show the modifications. The garage will be decreased in size to 22' x 24' to comply with the Ordinance. It will consist of 2 bays. The side yard set backs will then increase to 5.25' on each side, and the impervious coverage will decrease to 36.6% when a maximum 35% is permitted. The Board thanked Applicant for making these modifications. Mr. LaRicca then made a motion to approve the application as modified, seconded by Mr. Guerino. All members voted yes to approve as modified.

(b) Stephen Bornstein & Margot Dockrell
1 Holmehill Lane
Roseland, NJ

Block 47, Lot 7
R-2 Zone District
Application 16-09

Applicants sought relief from Section 30-403.8(a) of the Ordinance in connection with the installation of a fence. Pursuant to Section 302-2, this property is a corner lot, having 2 front yards. Under Section 30-403.8(a), fences in a front yard shall not exceed 3 feet in height and shall be at least 50% open, whereas Applicants proposed a 5 foot high fence.

Ms. Falivena swore in both Applicants. Mr. Bornstein testified he and his wife bought this property about 1 year ago. When they toured the neighborhood, they saw similar fences and, after checking with the Holmehill Association, decided to install this 5 foot high split rail fence with an invisible wire mesh backing to enclose their yard for the safety of children and their dog. After they did so, they received a letter from the zoning officer advising them a front yard fence cannot exceed 3 feet in height.

Mr. Bornstein further testified Holmehill Lane “curls” around their property on 3 sides. They put the fence in what they deem to be their back yard, and only about 25% of it is exposed to Holmehill Lane. He also testified that, because the fence is set it back 10' from the property line and is so open, there are no sight line issues.

Ms. Treamont felt a split rail fence is well suited to the property and Mr. Guerino said he thought it improved the property and is pleasing to the eye. Mr. Tedesco than made a motion to approve the application, seconded by Mr. Guerino. All members voted yes.

5. RESOLUTIONS

Sorrentino - Chairman Barretta made a motion to appoint Ms. Treamont Acting Chairman for the purpose of this matter; all members approved. Mr. Tedesco made a motion to approve the Resolution, seconded by Mr. Matheis. All members present voted yes, except Chairman Barretta, Ms. Comito and Mr. Guerino abstained.

El-Hawwat & Obaisi - Ms Treamont made a motion to approve the Resolution, seconded by Mr. Matheis. All members present voted yes, except Ms. Comito abstained.

6. MINUTES

June 13, 2016 Regular Meeting - Ms. Treamont made a motion to approve the Minutes, seconded by Ms. Comito. All members present voted yes, except Mr. Barretta abstained.

July 11, 2016 Special Meeting - Ms. Treamont made a motion to approve the Minutes, seconded by Mr. Tedesco. All members present voted yes, except Ms. Comito abstained.