

BOROUGH OF ROSELAND
BOARD OF ADJUSTMENT

MINUTES OF JULY 11, 2016 SPECIAL MEETING

Chairman Barretta called the meeting to order at 6:30 p.m.

1. SALUTE TO THE FLAG

2. ROLL CALL

Present on roll call were:

Santo Barretta
Paul Aschoff
Joseph LaRicca
John Matheis

William Tedesco
Janet Treamont
Anthony Guerino
Michelle Stefanelli
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 and announced that Applicant Andrew Robinson requested an adjournment of his hearing until the next Board meeting. The Board then agreed to carry this matter to its August 8, 2016 meeting.

4. PUBLIC HEARINGS

(a) Judy & John Sorrentino
4 Holmehill Lane
Roseland, NJ

Block 58, Lot 1
R-2 Zone District
Application 16-03

Applicants seek relief from Sections 30-403.10 and 30-403.8(a) of the Ordinance in connection with the construction of an in-ground pool, cabana and fence. Pursuant to Section 302-2, this property is a corner lot, having 2 front yards. Under Section 30-403.10(b)(1), the pool and its associated structures are not permitted in a front yard, whereas Applicants proposed to construct them in a front yard. Under Section 30-403.10(b)(2), the pool and its associated structures shall have a minimum side yard set back as required for the principal structure which is 35 feet in this zone, whereas Applicants propose a 12 foot side yard set back.

Ms Falivena reminded Applicants John and Judy Sorrentino they were sworn in last month. They presented to the Board additional pictures they took from the neighbor's property and from the street to show the existing landscape screening, and they were marked as A-4 and A-5. Vice Chairman Aschoff summarized last month's hearing and said the Board adjourned so that Members could visit the neighbor's property to address her concerns about the distance proposed between her house and the pool. Members did have a chance to do this and felt ample screening exists between the properties. They felt the additional landscaping Applicants propose will enhance this even more. Mr. Aschoff made a motion

to approve the plan, seconded by Mr. Tedesco. All members voted in favor, except Mr. Barretta and Ms. Treamont abstained.

(b) Mohammed El-Hawwat & Razan Obaisi
53 Ridge Road
Roseland, NJ

Block 34, Lot 37.1
R-2 Zone District
Application 16-07

Applicants seek relief from Section 30-404.1(d) of the Ordinance for the construction of a dwelling. The minimum permitted width at the setback line is 140 feet, whereas 101± feet exists and is proposed. The minimum permitted side yard set back is 35 feet, whereas 17 feet is proposed on the westerly side and 18.6 feet is proposed on the easterly side. Also, the maximum permitted impervious coverage is 30%, whereas 35.12% is proposed.

Paul Jemas, Esq. represented Applicants. Applicant Mohammed El-Hawwat attended the public hearing and Mr. Jemas offered him as both a fact witness and an expert witness in engineering. After presenting his credentials to the Board, the Board accepted him as an expert in engineering. Mr. Jemas also offered Kurt H. Schmitt, RA ("Schmitt") as an expert in architecture and Paul Gleitz, PP ("Gleitz") as an expert in planning. After presenting their credentials to the Board, the Board accepted them as expert witnesses in their fields.

Applicant prepared the site plan and he presented an overview of it to the Board. This property is about 102 feet wide along Ridge Road and goes back about 429 feet, with a rather significant downward slope. There is a 10' wide easement on this property, serving as a driveway for the adjoining property owner. He plans to demolish the garage on this property but keep the paved easement area. Applicants propose a pool at the rear and propose to extend the driveway to it for access. According to Applicant, these features contribute to the degree of impervious coverage proposed.

Schmitt testified about the design of the proposed dwelling and confirmed the height of the structure will conform to the Ordinance. The Board expressed concern about the size of the proposed dwelling and the severity of the relief sought for the side yards and impervious coverage. Vice Chairman Aschoff remarked that this lot is similar to many on this street, yet the relief Applicants seek is rather significant. He then asked if the proposal could be scaled back to keep the development in closer conformance with the neighborhood and the Ordinance. Applicant and Schmitt conferred. They agreed that it could be scaled back to have side yard set backs of 20 feet and a maximum impervious coverage of 32.5%.

Gleitz testified he reviewed the 1988 Master Plan Re-examination and a goal of it is to retain and enhance the quality of the residential neighborhoods. This proposal supports that. He pointed out that when the Board subdivided this lot in 1978, it recognized the property was undersized and future development of it would likely need variance relief. He described other lots on Ridge Road that, like this one, are narrow and deep, and suggested their shape made it difficult to fit a dwelling on them and

still meet the side yard requirements. He opined that both C-1 and C-2 relief can be granted without detriment to the zone plan or neighborhood. The development is in character with the neighborhood and is a pleasing design that will promote a desirable visual environment under the MLUL. Further, this application brings this property in closer conformance to the Ordinance because the neighbor's garage, an accessory structure without a principal structure, will be demolished.

Mr. Aschoff made a motion to approve this application on the condition that the plans be reworked to create minimum side yard set backs of 20 feet and maximum impervious coverage of 32.5% without changing the physical appearance of the dwelling. Ms. Stefanelli seconded the motion and all members voted yes.

5. RESOLUTIONS - None

6. MINUTES

June 13, 2016 Special Meeting - Mr. Tedesco made a motion to approve the Minutes, seconded by Mr. Aschoff. All members present voted yes, except Mr. Barretta abstained.