

BOROUGH OF ROSELAND
BOARD OF ADJUSTMENT

MINUTES OF JUNE 13, 2016 SPECIAL MEETING

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

1. SALUTE TO THE FLAG

2. ROLL CALL

Present on roll call were:

Paul Aschoff
Mary Comito
Joseph LaRicca
John Matheis

William Tedesco
Janet Treamont (arrived at 6:40)
Michele Stefanelli
Janice Falivena, Esq.

Quorum present.

3. Vice Chairman Aschoff 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) 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. 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 propose a 4 foot high fence.

Ms Falivena swore in Applicants John and Judy Sorrentino. Applicants testified that, because this is an irregularly shaped lot with Holmehill Lane "wrapping" around it, there is no area in which to situate an in-ground pool without violating the Ordinance in some way. They demonstrated this by use of an enlargement of a "Pool Grading Plan" by Chester DiLorenzo, PE dated August 27, 2013 and last revised June 18, 2015, previously submitted to the Board and marked for identification at the hearing as A-1.

They have proposed an average sized pool, with an extensive landscape plan to create privacy for them and the neighbors, they testified. To show this, they marked as A-2 a landscape plan by Nature's Apprentice dated August 8, 2013. They further testified that the adjoining neighbor's house is screened from the area where they propose to install the pool by dense trees and shrubs. Applicants produced a

photograph of this screening, taken by them earlier in the day and marked in as A-3.

When the hearing opened to the public, Kathleen Loran, the neighbor adjoining this property came forward. She said, although she supports Applicants' desire for a pool, it has been situated directly across from her bedrooms. She stated the pool will be 17 feet from her property under this proposal before the Board and about 40 to 45 feet from her house. She questioned whether it could be relocated and stated she would not object if they put the pool where a shed is now. Applicants testified to move the pool to the location as suggested would require them to remove many old trees.

John Ershow, President of the Holmehill Association, spoke on behalf of the Association. He said they reviewed the same plan before the Board and unanimously approved it. In some respects, the Association has tighter restrictions than the Ordinance, and they worked with Applicants to modify the original plan to meet their criteria. The Association is not in favor of taking down trees, he said, because they want to maintain the "park-like" character of the neighborhood. He also stated the Association viewed the area where the pool is proposed as the Applicants "back yard" and, under the Association rules, a pool must be 10 feet away from the rear property line. This is why the Association did not have a problem with a 17 foot set back, he said.

Board members asked the objecting neighbor for permission to visit her property, to assess the situation. Ms. Loran readily agreed to extend permission. As the time reserved for the special meeting came to a close, Vice Chairman Aschoff polled the Board members about attending another special meeting at 6:30 pm July 11 to continue this application and the members agreed to do so. Mr. Aschoff asked the other two applicants if they wished to be carried to July 11 or to stay for the 7:30 regular meeting and be heard after that meeting concluded. Both wanted to be carried until July. The Board then announced that all matters would be carried until July 11 at 6:30 pm.

(b) Mohammed El-Hawwat & Razan Obaisi	Block 34, Lot 37.1
53 Ridge Road	R-2 Zone District
Roseland, NJ	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.

Application carried to July 11, 2016 special meeting at 6:30 pm.

(c) Andrew Robinson	Block 57, Lot 21
67 Harrison Avenue	R-4 Zone District
Roseland, NJ	Application 16-08

Applicant seeks 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 3.76 feet is proposed 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 the proposed garage is 25 feet x 30 feet and exceeds 2 bays.

Application carried to July 11, 2016 special meeting at 6:30 pm.

5. RESOLUTIONS

Lazzaro - C variance relief denied for construction of shade canopy. Ms. Treamont made a motion to approve the Resolution, seconded by Ms. Stefanelli. All members present voted to approve, except Ms. Comito and Mr. Guerino abstained.

Christiana - C variance relief denied for installation of 6 foot high solid fence in front yard. Ms. Treamont made a motion to approve the Resolution, seconded by Mr. Tedesco. All members present voted to approve, except Ms. Comito and Mr. Guerino abstained.

Piccirillo - C variance relief granted for 4 foot high solid fence in front yard. Ms. Stefanelli made a motion to approve the Resolution, seconded by Mr. Tedesco. All members present voted to approve, except Ms. Comito and Mr. Guerino abstained.

6. MINUTES

May 9, 2016 Special Meeting - Mr. Tedesco made a motion to approve the Minutes, seconded by Ms. Treamont. All members present voted yes, except Ms. Comito and Mr. Guerino abstained.