

BOROUGH OF ROSELAND
BOARD OF ADJUSTMENT

MINUTES OF MAY 9, 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
Josph LaRicca
John Matheis

William Tedesco
Janet Treamont (arrived at 6:40)
Michele 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. The Chairman announced that, because the application by John and Judy Sorrentino is incomplete, the matter will not be heard this evening. A new hearing date will be assigned.

4. PUBLIC HEARINGS

(a) Antonio Lazzaro
11 Cortlandt Street
Roseland, NJ

Block 44, Lot 3
R-4 Zone District
Application 16-04

Applicant seeks relief from Section 30-404.1(d) of the Ordinance for the construction of a shade structure to be attached to the dwelling. The minimum permitted side yard set back is 12 feet, whereas Applicant proposes 0.71 feet.

Ms. Falivena swore in Applicant Antonio Lazzaro. He testified he proposes to install a canopy along the side of the house for shade. It will be attached to the dwelling and be supported by poles. It will not be enclosed. The only purpose of this canopy structure according to Applicant is to provide a shaded area away from the backyard. Chairman Barretta pointed out the overhang will be less than 1 foot from the property line. He also noted that when he visited this property, he observed that a neighbor's tree shades this area of Applicant's property, and he questioned why a retractable awning might not accomplish the same goal. Applicant testified he had one, but it came down last winter.

Mr. Aschoff pointed out the property survey shows a large patio in a rather large backyard, and he expressed reluctance to permit this proposed canopy structure to extend almost to the property line. Mr. LaRicca pointed out the proposal might create runoff problems since it is like adding impervious coverage.

After hearing Applicant's testimony, the Board deliberated and determined that Applicant failed to show hardship. Mr. LaRicca then made a motion to deny the application and Mr. Aschoff seconded the motion. All members voted yes, except Ms. Treamont abstained.

(b) Edwin & Lindsey Christiana
52 Freeman Street
Roseland, NJ

Block 37, Lot 23
R-4 Zone District
Application 16-05

Applicants seek relief from Section 30-403.8(a) of the Ordinance for installation of a fence. Pursuant to Section 302-2 of the Ordinance, 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 propose a 6 foot high fence less than 50% open.

Ms. Falivena sworn in Applicant Edwin Christiana. Applicant then confirmed that taxes were current. Applicant's attorney Michael Cross, Esq. ("Cross") opened the matter by explaining Applicant owns a corner lot and is seeking to install a solid 6 foot high fence along Monroe for privacy. He acknowledged the Board granted a variance to the prior property owner for a 4 foot high, 50% open fence, and that fence is in place today. There is a well kept yard with a swimming pool and Applicant wishes to install the fence for privacy because of the volume of pedestrian traffic on Monroe. Cross acknowledged one concern of the Board in the prior fence application was impairing the line of sight for traffic at the intersection of Monroe and Freeman, but since that prior application a four way stop has been instituted. Also, although Applicant is now proposing to bring the fence up to the property line along Monroe, he is proposing to pull it back further from Freeman, eliminating all the more any potential sight line issue. Cross then had Applicant affirm the accuracy of the facts as presented. When opened to the public, a neighbor across the street, John Cross, told the Board he did not have a problem with a 6 foot high solid fence. He is Applicant's attorney's grandfather.

Cross then suggested relief should be granted because this is a corner lot with two front yards. There is a sloping elevation and without a solid 6 foot fence, Applicant will be denied privacy. He then opined the relief sought is *de minimus*, there are other 6 foot high fences in the neighborhood and the fence will block the public view of activities in Applicant's yard.

Chairman Barretta asked why shrubbery along the existing 4 foot high fence would not give Applicant the privacy he seeks. Mr. Tedesco agreed and stated a solid 6 foot high fence along Monroe is not desirable. Ms. Treamont concurred and said the existing 4 foot fence with shrubbery is preferable. Mr. Aschoff and Mr. LaRiccia agreed, saying shrubbery can accomplish the same goal as a proposed solid fence along the property line on Monroe. After deliberations, Mr. Tedesco made a motion to deny the application, seconded by Ms. Treamont. All members voted yes.

(c) Dan Piccirillo
1 La Salle Court
Roseland, NJ

Block 49, Lot 12.07
R-3 Zone District
Application 16-06

Applicant seeks relief from Section 30-403.8(a) of the Ordinance for installation of a fence. Pursuant to Section 302-2 of the Ordinance, 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 Applicant proposes a 6 foot high fence privacy fence.

Ms Falivena swore in Applicant Dan Piccirillo. He testified his lot is on the corner of LaSalle Ct. and Laurel Ave., and backs up to Route 280. The NJDOT removed a lot of overgrowth, leaving the highway in

view from his yard. He intends to put up a 6 foot solid vinyl fence to block that view, and would like to continue it along the front yard on Laurel for privacy and aesthetic reasons. The Board expressed reluctance to permit a 6 foot high solid fence in a front yard. Mr. Aschoff suggested a 4 foot high fence along Laurel, and Ms. Treamont concurred. After further discussion, Applicant offered to revise the relief he is seeking to a 4 foot high solid fence along Laurel. He then marked up a copy of the survey submitted to the Board, to reflect the 4 foot high and 6 foot high sections of fence as discussed. Mr. Aschoff made a motion to approve the plan as revised, seconded by Ms. Stefanelli. All members voted yes.

5. RESOLUTIONS

Medada, LLC - Resolution of Dismissal (Applicant withdrew). Mr. Tedesco made a motion to approve, seconded by Ms. Treamont. All present voted yes.

6. APPROVAL OF MINUTES

None