

**TOWNSHIP OF ROCKAWAY
PLANNING BOARD**

**MINUTES FOR REGULAR MEETING
MARCH 18, 2019**

This meeting of the Rockaway Township Planning Board was called to order by Chairman Jack Elko at 7:40pm in the Council Meeting Room of the Rockaway Township Municipal Building, 65 Mount Hope Road, Rockaway Township, New Jersey.

Announcement was made that this meeting was being held pursuant to the New Jersey Open Public Meetings Act, that notice had been properly posted and filed with the Municipal Clerk of the Township of Rockaway, mailed to all those persons requesting notification, and provided in writing to The Citizen on 1/9/19 by E-mail.

(NOTE: Prior to the call-to-order, Mr. Dimin conducted a swearing-in of Douglas Romaine as a Cl. 4 Member, with a term to be determined by the clerk.)

ATTENDANCE: Present: Mr. Romaine, Mr. Barilla, Capt. Scherr, Mr. Washington, Mr. Tahan, Mrs. Hantman, and Chairman Elko. Also present: Mrs. Ferrante, Mr. Dimin and the writer. Absent: Ms. Smith, Mayor Puzio, Mr. Quinn, Mr. Novak (Burgis), and Mr. Burgis.

APPROVAL OF MINUTES: Chairman Elko reviewed the minutes of the January 14, 2019 regular & reorganization meeting. Mrs. Hantman moved the minutes, seconded by Mr. Tahan. The approval of the minutes was unanimous.

CORRESPONDENCE: There was no correspondence other than Board mail.

PUBLIC HEARING: David Oakes, 14 Charlottesburg Road, Minor Subdivision & "C" Variances (Block 50003, Lots 11&12). Richard Oller, attorney for the applicant, David Oakes, noted his discussions with Mr. Novak (Burgis) regarding the need for waivers for contours. Mr. Oller requested the waiver.

Mr. Oller introduced David Oakes, 11 Charlottesburg Road, owner of Oakeside Farm. Mr. Oakes shared the history of the preservation of his property, creation of the single-family lot for his daughter's family, his daughter's passing in 2009, and the subsequent decision by her widower to possibly sell the property now that he has remarried and moved to Florida. The lot line adjustments need to be made in order for a mortgage company to approve a loan, due to the property's current land-lease status.

Mr. Oakes noted that the stonewall on the edge of Lot 11 would remain with the farm preservation property, since, if it remained with the house, it could subsequently be taken down, and that was unacceptable. For this reason, the lot line change request is being made.

Mr. Oakes introduced Exhibit A-1-3, 3/18/19, "Photographs of Stonewall from Charlottesville Road (3 photos)". Chairman Elko asked for a clarification of who occupied the house; he thought it was a caretaker's house, but Mr. Oakes clarified that it belonged to his daughter and her family (on Lot 11) prior to her death. He also noted that the home was currently located on a "lease-hold," (Mr. Oakes owns the property; his son-in-law the house located on it), which was a deterrent to obtaining a mortgage when his son-in-law sells the property. Mr. Oller noted that, in making the lot line changes, Mr. Oakes was looking to give up as little farm property as possible.

Mr. Dimin clarified the earlier resolution, asked about the location of the driveway, and was told to hold his question for Mr. Walker's testimony. Mrs. Hantman asked about how history of the farm. Mr. Oakes noted that his father purchased the property in 1940, but the farm has been in existence since 1804. There were no further questions for Mr. Oakes.

Mr. Oller introduced Mark Walker, 21 Bowling Green Parkway, Lake Hopatcong, a planner who appeared before the Board many times. He introduced Exh. A-4, 3/18/19, "Colorized Sheet 3 of 4 (of the plan) Highlighting Property Lines." He pointed out the changes in lot lines that created Lot 11, as well as the location of an existing PSE&G utility easement on Lot 12.

Mr. Walker then listed the requested variances, which include Minimum Lot Size (proposed Lot 11), Minimum Lot Width (proposed Lot 11), Minimum Lot Frontage (proposed Lot 11), Minimum Front Yard (Proposed Lot 12), and Minimum Side Yard (proposed Lot 11). Mr. Dimin asked if someone driving by the property would notice any difference. Mr. Walker said they would not.

Mr. Dimin then asked about the driveway. Mr. Walker explained their desire to make sure the driveway is on Lot 11 by moving the existing lot line. Mr. Dimin asked why they can't adjust the driveway location so that it is all on Lot 11. Mr. Walker introduced Exh. A-5, 3/18/19, "Colorized Rendering of Sheet 4 of 4," and explained that, in the event that Lot 11 is sold, a deed search might be problematic. Mrs. Ferrante said that the lot line needs to be erased on the revised plan.

Mr. Washington asked for clarification of the location of the septic system and the well and determined that there was more than 10 ft between them. Mr. Barilla asked, since the property of Lot 11 was a lease-hold, why didn't they just leave it as farm preservation status. Mr. Walker said that, in the event of a sale of the property, the new owners might not want such a dedication. There were no further questions of Mr. Walker and no further experts to testify.

Mr. Dimin asked for a motion. Prior to the motion, Mr. Barilla asked whether they would need to return to the Board again should something change in a month or so, and Chairman Elko and Mr. Dimin discussed the "uniqueness" of the application and the significance of the 5-acre lot.

Mrs. Hantman made a motion to approve the application and explained her justification for the approval. Chairman Elko seconded the motion. Roll call: Mr. Romaine, yes; Mr. Barilla, yes; Capt. Scherr, yes; Mr. Washington, yes; Mr. Tahan, yes; Mrs. Hantman, yes; and Chairman Elko, yes.

RESOLUTION: Mr. Dimin read the **Resolution for Payment for Professional Services from Escrow Accounts**. Mrs. Hantman made a motion to approve, seconded by Mr. Washington, with unanimous approval.

Capt. Scherr made a motion to close the regular meeting at 8:45pm, seconded by Mr. Tahan. The next regular meeting is scheduled for 4/15/19, at 7:30pm in the municipal courtroom.

Respectfully submitted,

Joyce M. Lyasko

Joyce M. Lyasko, Recorder