

**TOWNSHIP OF ROCKAWAY
BOARD OF ADJUSTMENT
MINUTES FOR REGULAR MEETING
May 18, 2021**

This meeting of the Rockaway Township Board was called to order by Mr. Jason Smolinski at 7:30pm 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. 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 of Morris County and The Daily Record on December 16, 2020. Notice to the paper was made via email. Formal action may be taken.

ATTENDANCE:

-Present: Mr. Smolinski, Mr. Loftus, Mr. Scherwa, Mr. Nicastro, Mr. Tahan, Ms. Royek, Mrs. Platts

-Also Present: Mr. Deus, Ms. Garcia, Mr. Bell & Mr. Novak

-Absent: Mr. Lusardi & Ms. Lucas

FLAG SALUTE

APPROVAL OF MINUTES: May 4, 2021 Regular Meeting. Mr. Loftus made a motion to approve, seconded by Mr. Nicastro, with unanimous approval.

PUBLIC HEARINGS:

Mr. Smolinski opened with **BOA #21-07 6 Cherokee Avenue Block 21002 Lot 73 "C" Variance**. The homeowner, Michelle Miller presented to the board along with her engineer, Fred Stewart. The applicant requested variance relief from the following items: steep slopes between 15% & 25%, Steep slope greater than 25% and total soil disturbance. The applicant and the engineer explained that the work was done on this property to stabilize the slopes and she is trying to stop the erosion. Fill has been placed in the rear of the building. The disturbance extends onto adjoining Lots 1 & 2. She received written permission from both property owners to go onto their property and continue the work. Mr. Smolinski asked if any additional fill would be needed. Mr. Stewart explained they will need about 750 cubic yards and understands a permit is required from the Township since the soil will exceed 100 cubic yards. Mr. Deus asked and Ms. Miller confirmed that a fence will be put in the backyard. Mr. Loftus wanted to know if there was a need for vegetation in the yard would it be provided and Ms. Miller confirmed if necessary, she would take care of it. The final stabilization is 2:1 slope. There will be no substantial detriment to the public good. Mr. Tahan made a motion to approve, seconded by Ms. Platts, with unanimous approval.

Mr. Smolinski continued with **BOA #21-11 95 Garrison Ave Block 10904 Lot 4 "C" Variance**. The homeowner, Jerry Lesch (Ashdyl Properties, LLC) along with his attorney, Rich Oller and engineer, Fred Stewart presented to the Board. The applicant is seeking "C" variance relief to demolish an existing two-story single-family dwelling and to construct a new two-story single-family dwelling. The applicant requires variance relief for the following items: minimum side yard setbacks (both), minimum distance to abutting building and maximum impervious coverage. Rich Oller explained how the existing lot is an undersize lot in an R 13 zone. Mr. Loftus was concerned about the drywell and drainage on the property. Wanted to confirm that none of the water will go into the adjacent yards. Mr. Stewart explained that the front gutters and all the drainage will go into the drywell located in the backyard.

The driveway was proposed at 25.33 feet which did not confirm to the township's ordinance. Ashdyl Properties will reduce the size of the driveway to confirm with the ordinance and will consider doing impervious pavers in the driveway to reduce the coverage. If approved Ashdyl Properties will provide post-construction as-built survey and height calculations. Mr. Smolinski opened up the application to the public. Mr. Albert Santucci 99 Garrison Avenue had a few concerns. He was concerned that the siding of the house may contain asbestos and he wanted to know how this will be taking care of. Mr. Oller explained that they will follow all asbestos laws if asbestos is found. Mr. Santucci stated that when it rains the run off water goes into his property and wanted to confirm that the drywell will now prevent this. It was stated by Mr. Stewart that was correct the drywell will prevent the runoff water into his property. Mrs. Lee Santucci of 99 Garrison Avenue stated she was very happy that this property was going to be taken care of but in the mean time she would like to have the grass cut, bushes and backyard cleaned up right away. Mr. Lesch said he can take care of that while he is waiting for all his approvals. Carlos Vazquez of 93 Garrison Avenue asked and it was confirmed by Mr. Lesch that anyone who he uses to do work at his property will be fully insured. Mr. Vazquez was concerned because the trees hang over into his property and toward his house. Mr. Smolinski closed it to the public. Mr. Oller finished with stating that the pre-existing non-conforming lot will now have a new house with off street parking. The new house will benefit this neighborhood. There will be no substantial detriment to the public. Mr. Smolinski made a motion to approve, seconded by Mr. Tahan, with unanimous approval.

RESOLUTION: Mr. Bell read the **Resolution for Payment for Professional Services from Escrow Accounts**. Mr. Nicastro made a motion to approve, seconded by Mr. Deus, with unanimous approval.

Mr. Bell read **the Resolution of BOA #21-04, Grieves**. Mr. Smolinski made a motion to approve, seconded by Mr. Tahan, with unanimous approval.

Mr. Bell read **the Resolution of BOA #21-08, Mora**. Mr. Tahan made a motion to approve, seconded by Ms. Platts, with unanimous approval.

Mr. Bell read **the Resolution of BOA #21-06, Romanelli**. Mr. Nicastro made a motion to approve, seconded by Mr. Tahan, with unanimous approval.

Mr. Bell read **the Resolution of BOA #21-04, Dannenfelser**. Mr. Tahan made a motion to approve, seconded by Mr. Smolinski, with unanimous approval.

Adjournment of the meeting was made by Mr. Smolinski, Mr. Nicastro made a motion to approve, seconded by Mr. Loftus.