

**TOWNSHIP OF ROCKAWAY
BOARD OF ADJUSTMENT
MINUTES FOR REGULAR MEETING
August 17, 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. Tahan, Ms. Royek, Ms. Platts

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

-Absent: Mr. Nicastro, Mr. Lusardi

FLAG SALUTE

APPROVAL OF MINUTES: August 3, 2021 Regular Meeting. Mr. Loftus made a motion to approve, seconded by Mr. Tahan, with unanimous approval.

PUBLIC HEARINGS:

Mr. Smolinski opened with **BOA #21-19 Marts 45 Shawnee Avenue Block 21301 Lot 58 "C" Variance**. The homeowner, Michael Marts presented to the board. Mr. Marts explained that he wanted to extend his deck and add onto the side of it. The applicant has requested variance relief from Section 54-30.29E.(7) which establishes a rear yard setback of 35 feet for the R-13 District.

The applicant was deemed complete by Mr. Smolinski, seconded by Ms. Platts, with unanimous approval. There are no protective covenants or deed restrictions and no signs are proposed or existing on the property. This property is almost ½ of the size of what is required due to the lot size being smaller than most in an R-13 Zone.

The deck will be 23 ft. from the property line, the deck will not infringe further into the required side yard setbacks, there will be no roof on the deck, the post of the proposed deck will extend into the patio area and the existing sliding doors will remain.

There were no questions from the public.

Mr. Marts stated that the deck will improve his property and his family can entertain and be outside more. There is no substantial detriment to the public good, it will improve his property.

Ms. Platts made a motion to approve, seconded by Mr. Loftus, with unanimous approval.

Mr. Smolinski continued with **BOA #21-22 Apgar 13 Sioux Avenue Block 21907 Lot 6 "C's" Variance.**

The homeowner, Robert Apgar and his architect, Jeffrey McEntee presented to the board. Mr. Apgar explained that he needed to put an addition on his house because his family of 5 is outgrowing his house. He wants to stay in Rockaway Township and make this his forever home.

The applicant requested variance relief from Section 54-30.29E. (5) which establishes a front yard of not less than 40 feet for the R-13 District, whereas the applicant has an existing front yard set back of 33.6 feet and a proposed front yard setback of 32.17 feet. Also, requesting from Section 54-30.29E. (9) which establishes a maximum impervious coverage of 25% which equated to an allowable coverage of 1,875 square feet. The applicant proposes an impervious coverage of 35.05% which equates to 2,629 sq ft, the site presently has an impervious coverage of 29.7% which equates to approximately 2,230 sq ft.

The applicant was deemed complete by Mr. Smolinski, seconded by Mr. Tahan, with unanimous approval.

The front yard set back will be 32.17 feet and the proposed impervious coverage will be 35.05%. The applicant will comply with the downspouts, will provide building height calculations for building permits and the house has the correct number of parking spaces required for a 4 family.

Manny Deus suggested doing pervious pavers. The applicant said it is something they will think about. If driveway becomes pervious the impervious coverage will be roughly around 27.05%

A drywell is being considered to capture the additional runoff.

The meeting was opened and closed to the public by Mr. Smolinski. There were no comments/questions from the public.

Mr. McEntee stated the reason the Apgar family has to go for a variance is because the lot is undersized. The Apgar Family is looking to make this their forever home. They will be improving their property and it will be beneficial to the neighborhood due to modernizing the house. The family is looking to remain in Rockaway Township to raise their children.

Mr. Loftus made a motion to approve, seconded by Mr. Tahan, with unanimous approval.

Mr. Smolinski continued with **BOA #21-25 Nazarali 20 Oak Lane Block 40401 Lot 37 "C" Variance.** The applicant had their attorney, Ms. Robyn Valle and their Engineer, Mr. Stewart presented to the board. The applicant is looking to reconstruct and reconfigure an existing driveway. The applicant is requesting variance relief from Section 54-30.10I.(2), which establishes a steep slope disturbance, 10% to 15%, Section 54-30.10I.(3), which establishes steep slope disturbance, 15% to 25%, Section 54-30.10I.(4), which establishes 25% and greater, Section 54-30.10I.(5) which establishes slope disturbance and Section 54-30.12B.(2), which establishes Driveway Width.

The applicant was deemed complete by Mr. Smolinski, seconded by Mr. Tahan, with unanimous approval.

Mr. Stewart explained that the driveway will be expanded from 22ft to 50ft wide. The turn around area is being added so you can exit the property safely. The homeowners are looking to utilize the driveway

in a better way. The driveway will be maintaining the slopes. The drainage will remain the same, it is on the right side of the home and down the property line. The water flow is toward the lake.

The applicant will provide a certification prepared by a licensed engineer as to the proper construction of the retaining walls. Must meet the UCC requirements for the retaining walls. There will be landscaping done by the retaining.

Pervious Pavers will be added to decrease the impervious coverage. Mr. Black said the pavers need to be able to soak up the water before it runs into the backyard. Mr. Black also stated to make sure the drainage does not go toward neighbor.

Some of the vegetation will be removed by the entrance of the driveway to help with the sight visibility. The applicant will work with the township engineer regarding the species and planting sizes of the proposed landscaping.

Mr. Smolinski opened the meeting to the public. Wayne Benton 15 Oak Lane Rockaway, NJ thought this driveway improvement and design will be good for the neighborhood. He feels that the new design is good idea for safety reasons and there should be no water issues with the pavers.

Mr. Smolinski closed to the meeting to the public.

Mr. Stewart closed with that by making the improvements to the driveway it will add parking to the property, makes pulling out of the driveway safer and they are improving the property. There is no substantial detriment to the public good.

Mr. Tahan made a motion to approve, seconded by Ms. Platts, with unanimous approval. With the following conditions:

- Work with planner on landscaping
- Update the detail for the pavers (coarser aggregate needed)
- Add a detail for a perforated drain pipe, direct it to the trench drain
- Retaining walls to be certified
- Provide a better guide rail detail
- No parking in the pull-over
- Pull over area is not to used as a parking space.

RESOLUTION:

Mr. Bell read **the Resolution of BOA #21-13, Cohen**. Mr. Smolinski made a motion to approve, seconded by Mr. Tahan, with unanimous approval.

Mr. Smolinski read **the Resolution of BOA #21-14, Jenkins**. Mr. Loftus made a motion to approve, seconded by Mr. Tahan, with unanimous approval.

Adjournment of the meeting was made by Mr. Tahan at 9:06pm, Mr. Smolinski made a motion to approve, seconded by Mr. Loftus. Next meeting, September 21, 2021 at 7:30pm.