

**TOWNSHIP OF ROCKAWAY
BOARD OF ADJUSTMENT
MINUTES FOR REGULAR MEETING
October 18, 2022**

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 8, 2021. 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, Mr. Deus, Ms. Garcia Ms. Lucas, Mr. Novak, Mr. DeNicola (Boswell Engineering) & Mr. Dimin.

-Absent: Mr. Nicastro & Mr. Lusardi

FLAG SALUTE

CORRESPONDENCE: There were no correspondence

OPEN TO THE PUBLIC: There was no one present from the public.

RESOLUTION:

Mr. Smolinski read the **Resolution for Payment for Professional Services from Escrow Accounts.**

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

**BOA #22-09 400 Richards Ave LLC 400 Richards Ave
Block 10202 Lot 33 Minor Site Plan, Use Variance & "C's" Variance**

Mr. Smolinski made a motion to approve, seconded by Mr. Tahan, with approval Mr. Smolinski, Mr. Tahan, Mr. Loftus, Mr. Scherwa, Ms. Royek & Mr. Deus.

**BOA #22-10 LaCroix 1190 Green Pond Road
Block 60001 Lot 19 & 19.01 "C" Variance**

Mr. Smolinski made a motion to approve, seconded by Mr. Tahan, with approval by Mr. Smolinski, Mr. Tahan, Mr. Scherwa, Ms. Royek, Mr. Deus & Ms. Lucas.

**BOA #22-14 Byrne 20 Sioux Ave
Block 21904 Lot 26 "C" Variance**

Mr. Smolinski made a motion to approve, seconded by Mr. Tahan, with approval by Mr. Smolinski, Mr. Tahan, Mr. Scherwa, Ms. Royek, Mr. Deus & Ms. Lucas.

**BOA #22-16 Koetzner 18 Jacobs Road
Block 40801 Lot 89 "C" Variance**

Mr. Smolinski made a motion to approve, seconded by Mr. Tahan, with approval by Mr. Smolinski, Mr. Tahan, Mr. Scherwa, Ms. Royek, Mr. Deus & Ms. Lucas.

**BOA #22-12 (Amended) Pollock 16 Davenport Road
Block 40301 Lot 12 "C" Variance**

Mr. Smolinski made a motion to approve, seconded by Mr. Tahan, with approval by Mr. Smolinski, Mr. Tahan, Mr. Loftus, Mr. Scherwa, Ms. Royek, Ms. Platts, Mr. Deus, Ms. Garcia & Ms. Lucas.

**PUBLIC HEARINGS: BOA # 22-19 Gerson 2 N Lake Shore Drive Block 21602 Lot 68
"C" Variance**

The homeowner, Ms. Tina Gerson presented to the board. Ms. Gerson explained how she wanted to seek approval for an already-constructed expanded deck, which is located along the rear of an existing dwelling adjacent to White Meadow Lake. The applicant has requested variance relief from Section 54-30.29E.(7) which requires a rear yard set back of 35 feet in the R-13 District.

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

Ms. Gerson explained that the deck was 42 years old and is an eye sore. She wanted to replace what was already there and also expand onto it so her wheel chair bound husband is able to be wheeled out on the deck and enjoy the views of the lake and also have access to their indoor pool. The new expansion of the deck will be encroaching 4 feet toward the shoreline. The new deck and the replacement of the old deck and stairs will be replaced with pressured treated wood.

The meeting was open to the public. Ms. Winerman from 106 White Meadow Road expressed concern about the debris in the yard from the construction. Ms. Gerson stated that she will be having a dumpster delivered. Meeting was closed to the public.

Mr. Gerson explained that the work on the property will improve the neighborhood. The new deck will look much nicer than the old deck. There will be no negative impact to the neighbors and will be improving the property.

Mr. Tahan made a motion to approve, seconded by Mr. Deus, with unanimous approval following the conditions; Architect drawings showing proposed deck and final plan, a letter from NJ DEP stating if a permit is or is not required from them.

**BOA # 22-21 Dover Board of Education/St. Clement Church
154 Mt. Pleasant Ave Block 10802 Lot 30
“D” Variance**

The applicant, the Dover Board of Education, has submitted an application seeking “d” variance relief for the continued operations of a public preschool within St. Clement Pope & Martyr Roman Catholic Church. The site, which is identified by municipal tax records as Block 10802 Lot 30, is located at 154 Mt. Pleasant Avenue in the R-20 Single-Family Residential District.

The application was deemed complete by Mr. Tahan, seconded by Mr. Deus, with unanimous approval.

John Croot is the attorney for Dover Board of Education. Mr. Croot explained they are using the building for 4 preschool classes Monday-Friday from 9am-3pm. There will be 5 buses (4 – 24 passenger & 1– 33 passenger) that drop off and pick up in the front of the building. There are 45 students and 25 staff members.

Alan Barnett, architect from Wayne, NJ explained that the only interior changes will be an updated fire alarm system. They will have Fire Watch now until system is complete. The exterior changes will be the concrete landings for better egress.

Mr. Novak asked if there would be any new signs for the school being put up and it was noted no signage at this time. He also expressed that if the application is approved, he would like the applicant to work with the Township Engineer for ADA stripping.

James McLaughlin, Superintendent of Dover Schools explained how Dover receives funding from the State of NJ for 3- and 4-year-old program. They receive about 4.5 million from the state. The state puts a cap on how many students they are allowed in each building. In St. Clement Church the cap is 46 students. The building will have 2 general education classrooms with no more than 15 students as per the state and 2 special education classrooms with no more than 8 students as per the state.

The multi-purpose room will only be used for therapy not a gym. The kitchen will not be used. Breakfast and lunch is brought in each day by an outside vendor. The hours of operation are Monday – Friday for staff from 8am-4pm and students 9am-3pm. The school will not conflict with the church.

Mr. Deus asked if the Police will get a layout of the school and will the exterior windows have #’s on each of them. Mr. McLaughlin said yes to both of the questions and also stated that security cameras will be added in the near future.

Mr. Novak asked if a security guard or any kind of security will be placed at the doors. It was stated that all doors will be locked at all times and there will be a person at the front door.

Alexander Dougherty, Planner explained how the property is in a R-20 District and is on 8 acres. He expressed how it is suitable location for a preschool. It is off peak hours for drop off and pick up. The pre-school will be occupying existing space, the zone permits education just not preschool. The building is separated from the neighborhood.

The meeting was opened for the public, no comments/concerns from the public, meeting closed to the public.

Mr. Dougherty stated that the preschool would be occupying a current structure and will not be disturbing any land. There will not be any substantial detriment to the public good. The class size is small, plenty of parking and the flow of the drop-off and pick up run smoothly. The approval is warranted and the criteria is met.

Ms. Platts made a motion to approve, seconded by Mr. Deus, with unanimous approval following these conditions;

1. Identification of ownership of the building.
2. A copy of the lease agreement.
3. Must consult with the Township Engineer and/or other applicable staff regarding ADA striping in the parking lot.
4. A copy of the licensing approval.

Adjournment of the meeting was made by Mr. Smolinski, seconded by Mr. Loftus. Next meeting, November 15, 2022 at 7:30pm.