

TOWNSHIP OF ROCKAWAY
BOARD OF ADJUSTMENT
MINUTES FOR REGULAR MEETING
December 5, 2023

This meeting of the Rockaway Township Board was called to order by Mr. Jason Smolinski at 7:00pm 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 on February 8, 2023 and The Daily Record on February 7, 2023. Notice to the paper was made via email. Formal action may be taken.

ATTENDANCE:

-Present: Chairman Smolinski, Co-Chairman Loftus, Secretary Scherwa, Mr. Nicastro, Ms. Royek, Ms. Platts, Mr. Lusardi, Mr. Bell, Mr. Novak, Mr. Rockwell & Ms. Browne.

-Absent: Ms. Lucas

FLAG SALUTE

APPROVAL OF MINUTES: None

CORRESPONDENCE: There was no correspondence

OPEN TO THE PUBLIC: No comments

RESOLUTIONS:

Escrow – Payment for Professional Services

Mr. Loftus made a motion to approve, seconded by Mr. Nicastro, with approval by Mr. Smolinski, Mr. Loftus, Mr. Scherwa, Mr. Nicastro, Ms. Royek & Ms. Platts. Mr. Lusardi arrived late and was not present to vote. Ms. Lucas was absent.

BOA # 23-11

Arnstein

50 West Shore

Block 40101 Lot 24

"C" Variance

Mr. Loftus made a motion to approve, seconded by Mr. Nicastro, with approval by Mr. Smolinski, Mr. Loftus, Mr. Scherwa, Mr. Nicastro, Ms. Royek & Ms. Platts. Mr. Lusardi arrived late and was not present to vote. Ms. Lucas was absent.

BOA # 23-15

99 Lake Shore Drive

Block 21806 Lot 23

"C" Variance

Mr. Loftus made a motion to approve, seconded by Mr. Nicastro, with approval by Mr. Smolinski, Mr. Loftus, Mr. Scherwa, Mr. Nicastro, Ms. Royek & Ms. Platts. Mr. Lusardi arrived late and was not present to vote. Ms. Lucas was absent.

COMMITTEE REPORTS: None

OTHER MATTERS: None

PUBLIC HEARING:

BOA #23-14

Barkley

22 Mt. Hope Road

Block 11201 Lot 13

"C" Variance

Proposed Improvements

The subject site is a corner lot located at the intersection of Stonybrook Road and Mount Hope Road. The applicant seeks approval for an already-constructed six-foot tall fence located in a front yard area along Stony Brook Road.

The applicants, Michael Barkley & Laura McCormick, were sworn in and testified on behalf of themselves. They stated they did not realize how much traffic there was at the intersection of Mt. Hope Road and Stonybrook Road when they purchased the property. After their dog was hit by a car and taking into consideration their 4 & 6 year old grandchildren, they installed a 6' fence for safety and privacy. They neglected to get a fence permit and received a summons after it was installed.

The property is a corner lot, so they have 2 property lines that are considered front yard. The fence along Stonybrook Road is the part of fence installed in question. There is no blockage of sight from the fence and it is not installed past the front of their home. There were no trees removed for installation, it is finished on both sides and there are 3 gates installed.

Mr. Smolinski made a motion to approve the application, seconded by Ms. Platts. Approved by Mr. Smolinski, Mr. Loftus, Mr. Scherwa, Mr. Nicastro, Ms. Royek & Ms. Platts. Mr. Lusardi was late and not present for the testimonies. Ms. Lucas was absent.

BOA #23-12

Rockaway Road Real Property

475 Rockaway Road

Block 10205 Lot 6

Preliminary & Final Site Plan, "C" & "D" Variance

Proposed Development

The applicant, Rockaway Road Real Property, was represented by their attorney, Steven Azzolini of Azzolini & Benedetti. They propose to demolish the existing dwelling and to construct a new two-story mixed-use building. The following is summarized regarding the proposed building:

1. Basement. The proposed basement is to consist of two utility rooms, a staircase, an elevator, and two unlabeled rooms.
2. First Floor. The proposed first floor is to consist of two tenant spaces with areas of 1,552 square feet and 1,584 square feet, a lobby, an elevator, and a staircase.
3. Second Floor. The proposed second floor is to consist of two apartments, both of which will contain three bedrooms. The areas of the apartments will be 1,867 square feet and 1,859 square feet.
4. Façade. The façade of the proposed building is to consist of a cultured stone base, Trespa panels with a wood finish, smooth/colorized Trespa panels, metal railings, glass, and stucco.

Access to the site is to be provided by a two-way driveway which will extend from Dover Rockaway Road, to be located near the southeasterly corner of the site. Parking spaces are to be located to the west, north, and east of the proposed building. Inclusive of banked parking spaces (i.e. spaces to be approved but not necessarily constructed), 23 parking spaces are proposed. A garbage enclosure is to be located to the west of the proposed building.

The following witnesses were sworn in and testified on behalf of the applicant:

Andrew Clark, Professional Licensed Engineer/Licensed Surveyor

Todd Racioppi, Owner – Rockaway Road Real Property

Corey Buchholz, Licensed Architect

Alex Dougherty, Licensed Planner

Mr. Clark went over the submitted survey and proposed site plan. He went over in detail the storm water management design, soil favorability & lighting plan versatility. There are no tenants as of yet for the location, however Mr. Clark explained how the amount of parking would limit the type of tenant allowed. Calculations for parking are made up of 4 spaces for the apartment units, 16 for the commercial units and 1 handicap space, which complies w/RSIS in a low intensive use. EV parking spaces will also be considered. There is only one tree on the property that would be impacted by the construction and require removal. The applicant would agree with all requests in regards to plantings, they would also be requesting a monument sign which was agreed to kept under 4' – 5' in height.

Mr. Racioppi testified on his vision for the property and what type of tenants he anticipates. He felt a hair or nail salon or a medical office would be compliant with a low intensity business.

Mr. Buchholz went over the proposed architectural plans for the site, the square footage, and the façade. He also noted commercial tenant signs and apartment entrance sign

would comply with local zoning ordinances. The roof equipment will be screened as per local ordinances and Fall protections will be followed as per OSHA or State Ordinances, whichever is required. There will be a residential lobby with elevator and storage in the basement for residential use only.

Mr. Dougherty presented the Board with maps and arial photos (A2) to give perspective and show the surrounding areas. He believes the proposed plans fits nicely in the B2 zone along Route 46 and compliments the business and residential aspects of the area.

Mr. Novak mentioned design waivers that would be required:

- Uniformity Ratio
- Parking setback
- Parking stall size

Mr. Rockwell mentioned the landscape architect will need to be consulted on line of site with the vegetation on the ramp and the 1 tree on the property.

Mr. Bell made a motion to obtain transcripts of this applicant's testimonies, seconded by Ms. Platts. Approved by all.

Mr. Smolinski requested the applicant submit the Morris County Report.

This application is to be carried forward without notice to 1/23/24. Mr. Azzolini consented to the extension of time, as he is unavailable for the next regular meeting on 1/9/2024.

NEW BUSINESS: None

OLD BUSINESS: None

10:06pm Motion to adjourn the meeting was made by Mr. Nicastro, seconded by Mr. Loftus. Approved by all. Next regular meeting, January 9, 2024 at 7 pm.