

**TOWNSHIP OF ROCKAWAY  
BOARD OF ADJUSTMENT  
MINUTES FOR REGULAR MEETING  
December 7, 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: Ms. Garcia, Ms. Lucas, Mr. Bell, Mr. Keisher(Boswell Engineering) & Mr. Novak  
-Absent: Mr. Nicastro, Mr. Lusardi & Mr. Deus

**FLAG SALUTE**

**APPROVAL OF MINUTES: November 16, 2021 Regular Meeting.**

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

**CORRESPONDENCE:** There were no correspondence

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

**PUBLIC HEARINGS: BOA # 21-27 Sarkissian 42 Shawnee Avenue 21301 Lot 83  
"C's" Variance**

The homeowner, Mr. Sarkissian presented to the board along with his Engineer, Fred Stewart. Mr. Sarkissian explained to the board that he wanted to level his rear yard and put-up retaining walls so he can have more use of his property. He plans on staying in this house to raise his son and he would like to be able to utilize as much of the property as possible. The applicant has requested variance relief from Section 54-30.10I.(2) which establishes 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 steep slope disturbance, 25% and greater, Section 54-30.10I(5) which establishes slope disturbance and Section 54-30.8E.(2) which establishes that all walls shall be setback from any property line a distance that is not less than one half the height of the wall.

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

Mr. Stewart confirmed that there will be less of a slope and a grass area now which will prevent less runoff. The homeowner will apply for soil disturbance and will also apply to Morris County Soil. There

will be a safety barrier on top of the retaining wall. Mr. Keisher suggested that a perforated pipe for drainage be put in the retaining wall. Mr. Stewart confirmed that he will show it on the plans.

Mr. Stewart explained how the work to this property will improve the property. The homeowners are looking to make this their forever home and just want to be able to use as property as possible. There will be no substantial detriment to the public good, this is an improvement.

The meeting was open to the public. There were no comments from the public. Meeting was closed to the public.

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

**BOA # 21-26 Marks 16 Upper Hibernia Road Block 31101 Lot 46  
"D" Variance**

Before this application started Tim Scherwa left the meeting due to his property being with 200' of 16 Upper Hibernia Road.

The property owners Christopher Marks & Paige Kotteles presented to the board along with their Engineer, Fred Stewart and Planner, Jessica Caldwell. Mr. Marks explained that they wanted to take down the old dwelling and build a new house to raise their children. The applicant requested variance relief pursuant to NJSA 40:55D-70.D(1) from Section 54-30.22A.(1) which permits a single-family detached residential dwelling in the R-88 District, whereas three dwellings are proposed and Section 54-30.7A.(1), which establishes that no lot shall contain more than 1 principal building or structure. The site presently has three principal dwellings, and three are proposed.

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

Mr. Stewart explained that the homeowners are proposing to knock down the house in the middle and construct a new three-bedroom, two-story dwelling. The house now sits about 36 feet from the front property line and is proposed to have a front yard set back of 68 feet. By moving the house back, it will now meet the correct front yard setbacks and it will align with the other two houses. Each house has its own septic system.

Mr. Stewart addressed Dewberry's report regarding the drywells. They will not be adding drywells since the water will run toward the back of the property toward the wetlands. There will be no major landscaping and just the basic lighting around the doors and garage.

Mrs. Caldwell explained how the property is pre-existing non-conforming and it would never be able to be subdivided due to the highland's preservation area. The new house will be more appealing and will be more conforming. There is plenty of parking on the property. The new location of the house will make the use of the land more efficient. The new house will not be detriment to the public. The house will be an improvement to the area.

The meeting was open to the public. There were no comments from the public. Meeting was closed to the public.

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

**RESOLUTION:**

Mr. Bell read the **Resolution for Payment for Professional Services from Escrow Accounts**. Ms. Platts made a motion to approve, seconded by Mr. Tahan, with unanimous approval.

**BOA #19-03 – Mattoni 44 Lake End  
Block 40602 Lot 3 “C” Variance**

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

Adjournment of the meeting was made by Mr. Smolinski 8:25pm, seconded by Mr. Tahan. Next meeting, December 21, 2021 at 7:30pm.