

**TOWNSHIP OF ROCKAWAY
BOARD OF ADJUSTMENT
MINUTES FOR REGULAR MEETING
April 18, 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: Mr. Smolinski, Mr. Loftus, Mr. Scherwa, Mr. Nicastro, Ms. Royek, Ms. Platts, Mr. Bell, Mr. Novak and Mr. Ten Kate

-Absent: Ms. Lucas, Mr. Lusardi & Mr. Strowbridge

FLAG SALUTE

APPROVAL OF MINUTES: March 7, 2023 Mr. Loftus made a motion to approve, seconded by Mr. Scherwa. Approved unanimously.

CORRESPONDENCE: There were no correspondence

OPEN TO THE PUBLIC: No comment

RESOLUTION:

ESCROW-Payment for Professional Services

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

COMMITTEE REPORTS: None

OTHER MATTERS: None

PUBLIC HEARING:

**BOA #22-22 Marogi 20 Johnson Road
Block 40301 Lot 2 "C" Variance**

The applicant, David Marogi, has submitted an application seeking "c" variance relief to demolish an existing single-family dwelling and to construct a new single-family dwelling with two detached garages. The site, which is identified by municipal tax records as Block 40301 Lot 2, is located at 20 Johnson Road in the R-13 Single-Family Detached Residential District.

The applicant proposes to demolish the existing dwelling and to construct a new two-story single-family dwelling and two freestanding garages. The following is noted regarding the single-family dwelling:

1. A full finished basement is proposed which will contain a crawl space.
2. The first floor of the dwelling will contain a front porch, entry, living room, great room, dining room, kitchen, pantry, coat closet, exercise room, bathroom, and a rear porch.
3. The second floor will contain three bedrooms, a laundry room, office, playroom/kid's study, two bathrooms, a balcony, and a covered porch.
4. The façade of the dwelling will primarily consist of siding with a stone base and stone accents.

The proposed detached garages will be located to the northwesterly and easterly sides of the dwelling. The following is noted:

1. Proposed Garage 1 is to be located to the northwest of the proposed dwelling. It will be connected to Johnson Road via a twenty-two-foot wide pervious driveway. The garage will have a footprint of 576 square feet. Its first floor is shown as having space for two vehicles. Its second floor is shown as having a finished attic, balcony, and access to an above ground shipping container pool. Access to the second story is to be provided by an exterior spiral staircase.
2. Proposed Garage 2 is to be located to the east of the proposed dwelling. It will be connected to Van Dien Lane via a pervious driveway with a width of approximately twenty-three feet. The garage will have a footprint of 576 square feet. Its first floor is shown as having space for two vehicles. Its second floor will contain a finished attack and a balcony. Access to the second story is to be provided by an exterior spiral staircase.

Andrew Kohut, the applicant's attorney explained that Van Dien Lane does not meet the definition , a "corner lot" is defined in the Township's Code as "a lot at the junction of and having frontage on two or more intersecting **streets.**" A "street" is defined in the Township's Code. Taking its cues from NJSA 40:55D-35, a "street" is defined as:

Any street, avenue, boulevard, parkway, viaduct, drive or other way which is an existing State, County or municipal roadway, which is shown upon a plat heretofore approved pursuant to law; which is approved by official action as provided by this chapter, or which is shown on a plat duly filed and recorded with the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and included the land between the street lines, whether improved or unimproved, any may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

Mr. Kohut also expressed that when the application was denied the Zoning Officer did not deem it a corner lot. Mr. Kohurt states that it is an interior lot with an easement running thru it called Van Dien Lane.

Lizzette Bogart, who is the applicants licensed planner also agrees that Van Dien Lane is not a street. She stated it does not match the zoning ordinance, Van Dien Lane is not on the tax map or master plan for Rockaway Township.

Mr. Novak, Township Planner expressed that in order for it to be deemed a street it would need to be on the official map of Rockaway Township and Mayor & Council, Planning Board and Zoning Board should have made official

action.

Mr. Peter Ten Kate stated that there was nothing recorded to the county/state showing it on the official map. Kristin from the Green Pond Corporation stated that she believes Van Dien Lane is a street and that Rockaway Township plows the road when it snows.

Joseph Wright, 3 Van Dien Lane believes it is a street. He stated that he has done construction on his property and he did not have to go for a variance.

Anne Korlishin, 5 Van Dien believes that 20 Johnson is a corner lot. She has lived in her house for around 30 years and on that corner, there has been a bus stop for years and the town plows Van Dien Lane.

After the board heard from applicant and their team, along with hearing from the Town's Planner and Engineer it was decided to carry the meeting forward to May 16th. The applicant will re-notice for this meeting. The township will do their research to proof if Van Dien Lane is a street or not a street.

NEW BUSINESS: None

OLD BUSINESS: None

Mr. Smolinski made a motion to close the meeting, seconded by Mr. Nicastro. The next meeting is scheduled for May 2, 2023

