

BOROUGH OF ROCKAWAY
LAND USE BOARD
MINUTES
April 6, 2021

The regular meeting of the Land Use Board of the Borough of Rockaway, County of Morris, and State of New Jersey was held at the Community Center, 21 Union Street, Rockaway, New Jersey with Kenneth Blair presiding. Notice of this meeting was given in the annual resolution and posted on the municipal bulletin board and the Borough's website. This meeting was held virtually via Zoom.

Chairman Blair called the meeting to order at 7:30pm. All present saluted the flag and Chairman Blair read the Open Public Meeting Act Statement.

Both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 virus that prohibits all gathers of more than 25 people and requires six feet of social distancing. In an effort to continue the Land Use Board's business, this meeting is being conducted via Zoom, a video conferencing service, that allows the Board, it's professionals, applicants and members of the public to participate. Participation can take place via video or telephone conference. Access information was posted on the Borough's website.

Roll Call

Present: Mayor Tom Mulligan, Chairman Kenneth Blair, Kenneth Banbor, Joyce Freiermuth, Councilman Russell Greuter, Ron Hamman, William Hopler, Mark Howarth, Barbara Koch, Janet Leonard and Kim Rose.

Absent:

Professionals Present: John Mills, Esq.
Golda Speyer, PP
Samantha Anello, Engr.

APPLICATION LUB #066
FABER PROPERTIES
92 W MAIN STREET
BLOCK 46 LOT 35

Chairman Blair had to recuse himself from this application because he resides within the 200 foot listing. Vice Chairman Mr. Hamman took over the meeting.

Ms. Alyse Hubbard, Esq. attorney for the applicant explained that this is a new application and the last time they were before the board was with an application that was denied. Mr. John Mills, Esq. sworn in Stacy Faber, Bryan Lorenzo and Donna Holmqvist, PP.

First Witness

Ms. Stacy Faber- (92 West Main Street) she is the owner for the last 18 years. The prior use was a machine shop. She spoke about all the businesses around her property stating that they are all commercial uses such as Rockaway Glass and Fran's Basket House. She said when she bought the property she renovated it and replaced everything. She also said she did new landscaping and a new driveway.

Vice Chairman Hamman opened the meeting to the public.

No one came forward.

Vice Chairman Hamman closed the meeting to the public.

Next Witness

Mr. Bryan Lorenzo (121 W. Main St.) Mr. Lorenzo is the tenant and owner of De Show Window Tinting, LLC. Mr. Lorenzo stated that he and his wife run the business. He explained the process of window tinting. He uses Dawn dish detergent and that he has very little waste. He talked about the scheduling of appointments and said there is no waiting in the facility because of COVID-19. He said parking is open for customers to leave their vehicles overnight. He has been working at this site for over two years. He said the sign on the garage door is a decal. Ms. Hubbard asked him about lighting and ADA accessible parking. Mr. Lorenzo testified that it is just security lighting on the building and yes there is ADA available for people in a wheel chair.

Vice Chairman Hamman opened the meeting to the public.

No one came forward.

Vice Chairman Hamman closed the meeting to the public.

Next Witness

Ms. Donna Holmqvist (110 Chestnut Ridge Road, Montvale, NJ) Ms. Holmqvist is the CEO of Preferred Planning Group. She has 36 years of experience as a planner and has testified before many boards as well as this one. Ms. Holmqvist was accepted as an expert by Vice Chairman Hamman. She said that the site is currently developed with one story cement brick building built in 1945. She continued to say that the site is a 4,959 SF corner lot with frontage along West Main Street and Chestnut Terrace. She introduced a colored copy that Mr. Mills marked as exhibit A1-406. She showed the red dots on the map were auto related. She explained about all the different businesses surrounding the building and said that the building is surrounded by Rockaway Borough owned land.

The next rendering was a zoning map that Mr. Mills marked as exhibit A2-406. Ms. Holmqvist went over the bulk table and rear yard setback requirements. She also spoke about Non-impervious coverage. She testified that they are requesting a D (1) variance use because Automotive window tinting is not a permitted use. Ms. Holmqvist went over page 6 of the Topology report and the relationship to the Borough's master plan.

Ms. Holmqvist introduced a Neighborhood Context. Mr. Mills marked this as exhibit A3-406. This exhibit was views of all the different intersections with regard to the subject property. She stated that this building is 75 years old and suggested it may be compatible with the use. She said that this tenant will not generate a lot of noise. She continued to speak about the design of the building it is an L shaped and the door is not visible to the people driving by. She said that Under Prong 1 negative criteria has been satisfied. The 2 prong has been met because it is a well taken care of building.

Opened the meeting to the board members

Ms. Rose asked about the banner on the building. Ms. Speyer, PP stated that they will be required to get a zoning permit for the banner.

Ms. Anello, PE asked about the retaining wall. Ms. Faber stated that she constructed it. Ms. Anello said that the property owner must maintain the wall.

Ms. Anello, PE asked Mr. Lorenzo where he parks his car. He stated that he usually walks to work because he lives across the street. However, if he does take his car to work he parks it in the driveway.

Ms. Anello, PE stated that there is parking for about 7 cars on the property. ADA parking is a requirement and it cannot be waived. The ADA does not have to be only ADA parking but you do have to have it stripped.

Ms. Anello, PE asked how the tenant removes the trash. Mr. Lorenzo said he does not generate a lot of trash and usually only has one can that he puts curbside.

Ms. Speyer, PP asked what the hours of operation are. Mr. Lorenzo said he closes at 3:00 pm. and no work is done outside.

Ms. Koch asked that it be noted that there are conditions 1. Parking spaces must be stripped. 2. Retaining wall must be maintained. 3. Tenant must get a zoning permit for the banner.

Vice Chairman Hamman opened the meeting to the public.

There was no public.

Vice Chairman Hamman closed the meeting to the public.

Ms. Hubbard stated that she hopes the board finds favorably for this application.

Vice Chairman Hamman asked for a motion. Ms. Koch made a motion to approve and this was seconded by Mr. Howarth. All board members voted Aye. This application has been approved.

Vice Chairman Hamman returned the meeting to Chairman Blair.

Chairman Blair asked Mr. Mills to explain the Master Plan Consistency review. Ms. Speyer went over the new ordinance to the board. Mr. Mills said that this will render no variances required.

Upon motion by Mr. Howarth and seconded by Mr. Banbor and adopted unanimously upon voice vote the following resolution was adopted:

Resolution 02-21: Closed Session

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits exclusion of the Public from a meeting under certain circumstances: and

WHEREAS, this public body is of the opinion that such circumstances do exist;

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Rockaway in the County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified Subject matters;
2. The general nature of the subject matter to be discussed is pending litigation.
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: April 6, 2021

BOROUGH OF ROCKAWAY

ATTEST: Colleen Reardon, Land Use Board Secretary

BY: Kenneth Blair, Chairman

The Land Use Board went into closed session at 8:41 p.m. and resumed the public meeting at 9:01p.m.

OTHER BUSINESS

Master Plan Consistency was approved.

Minutes from January 5 and January 25, 2021 were approved

Correspondence from GZI Environmental was discussed.

A motion was made by Mr. Greuter to accept the resignation of Joseph Maulbeck this was seconded by Mr. Hamman. All board members voted aye. Chairman Blair accepted the resignation of Joseph Maulbeck.

Meeting adjourned at 9:09 pm

Respectfully submitted,

Colleen Reardon
Land Use Board Secretary

