



Colleen Reardon
Land Use Board Secretary
Borough of Rockaway
1 East Main Street
Rockaway, NJ 07866

LUB #076
51 Academy Street
Block 46, Lot 11
Borough of Rockaway, Morris County
Applicant/Owner: Herman & Donna Zablatzky

412 Mount Kemble Avenue
Suite G22
Morristown NJ 07960
United States of America

September 10, 2021

T +1 (908) 730 6000
F +1 (973) 267 2890
www.mottmac.com

Dear Ms. Reardon:

On behalf of the Borough of Rockaway Land Use Board, Mott MacDonald has reviewed the following documents received in connection with the above referenced application:

- Completed Borough of Rockaway Application for the Land Use Board dated July 30, 2021 signed by Herman & Donna Zablatzky, Applicants.
- Site Inspection Authorization Form, signed and dated July 30, 2021;
- Affidavit of Ownership, signed and dated July 30, 2021;
- Administrative Checklist;
- Schedule "A" Checklist for "C" and "D" Variances;
- Certificate of Paid Taxes, signed and dated July 27, 2021;
- Certified list of property owners within 200 feet of Block 46, Lot 11, 51 Academy Street
- Deed of Block 46, Lot 11 dated October 23, 2020.
- Architectural drawings and renderings prepared by MBSP (Modular Building Systems of PA) for a 2853-Rach Style home, consisting of two (2) sheets.
- Architectural drawings and renderings prepared by Excel Homes, unsigned, dated June 27, 2007, consisting of four (4) sheets and one photo.
- Engineering plans entitled "Variance Map for 51 Academy Street, Lot 11, Block 46 Borough of Rockaway, Morris County, N.J." prepared by Alfred A. Stewart, Jr. PE, PLS of Stewart Surveying & Engineering, LLC dated July 26, 2021 with revisions dated August 23, 2021 consisting of three (3) sheets.
- Land Development Review Application, County of Morris, for 51 Academy Street, Block 46, Lot 11, Borough of Rockaway.
- Application for Soil Erosion and Sediment Control Plan Certification, Morris County Soil Conservation District, for 51 Academy Street, Block 46, Lot 11, Borough of Rockaway.

- Copy of existing Borough of Rockaway Tax Cards for 51 Academy Street, Block 46, Lot 11.
- Copy of Borough of Rockaway Construction records for 51 Academy Street, Block 46, Lot 11.

PROJECT DESCRIPTION

The subject property is located at 51 Academy Street (Lot 11 in Block 46) within the Single Family Residential (R-1) Zone of the Borough of Rockaway. The subject property is an oversized parcel located on Academy Street (CR 664). The subject property is currently developed with a dilapidated two-story, two-family dwelling, associated improvements such as a gravel driveway, rear deck, concrete patio and inground pool. The subject property abuts Fox's Brook (a tributary to the Rockaway River) to the west, and single-family residential properties to both the north and south. The subject property has frontage on Academy Street (CR 664) which is located to the east of the subject property.

The Applicant has submitted tax records information from the Borough of Rockaway that indicates that the existing dwelling has been historically taxed as a two-family dwelling.

The subject property is impacted by New Jersey Department of Environmental Protection (NJDEP) Flood Hazard Areas to the rear, and a 300-ft Riparian Zone which impacts the entire property. There is also a small pocket of delineated Freshwater Wetlands in the southwestern corner of the property. The Freshwater Wetlands have an associated Transition Area Buffer.

The Applicant proposes to raze the existing two-story, two-family dwelling and construct a new modular two-family, two-story dwelling in roughly the same location, albeit with an improved front yard setback. The proposed two-family dwelling would include two garages, two driveways, a single porch, and two rear paver patios. The existing concrete patio and in-ground pool would be removed, and the rear yard would be restored to lawn. The overall improvements will result in a net decrease in impervious coverage on the site from roughly 26.4% (non-conforming condition) to 16.2% (conforming).

The Applicant is seeking a "c" hardship variance under 40:55D-70c and a "d" variance under 40:55D-70d. The variances sought are as follows:

1. Section 172-50: Use variance for a two-family dwelling in a single-family zone
2. Section 172-5: Front Yard Setback Variance (35 feet required, 0 feet existing, and 7.5 feet proposed)

The Applicant has requested waivers as described in the completeness section.

COMPLETENESS REVIEW

Based on our review, Mott MacDonald offers the following comments related to the completeness of the application:

A. Administrative Checklist:

- i. Checklist Item 11 for Other Governmental Approvals – *The Applicant has requested a waiver of this item for completeness only. While the Board may waive this item for completeness, additional information may be required based on a technical review. The applicant has provided a list of anticipated outside agency approvals that are required and have submitted applications to both the Morris County Planning Board and Morris County Soil Conservation District.*
- ii. Checklist Item 12 for compliance with legal Notice Requirements – *The Applicant has requested a waiver of this item for completeness only. This checklist item must be submitted prior to the Public Hearing and we defer completeness to the Board Secretary/Board Attorney for this item.*

Based on the above, the application may be deemed **complete** and scheduled for a public hearing.

TECHNICAL REVIEW

Based on our review, Mott MacDonald offers the following comments:

1. As noted above, the proposed project would be regulated under the New Jersey Department of Environmental Protection (NJDEP) Division of Land Use Regulations for Flood Hazard Areas (FWA) and Freshwater Wetlands (FWW). The Applicant's Engineer should provide testimony on the applicable permits (permit by rule, general permits, or individual permits) for the subject redevelopment, and how the plans meet any applicable requirements.
2. The Applicant, or their Professionals, should address what hardships are posed and why the Applicant cannot subdivide the property into two conforming lots with a single-family dwelling on each lot to eliminate the need for a use variance.
3. The Applicant has provided exterior elevations and interior labels "subject to change", however represented that each unit will be no more than three-bedrooms, and represented exterior limits of the proposed dwelling. Note that any expansion of the two-bedroom dwelling (i.e. increase in area, bedrooms, etc.) would require amended board approval, should this application be viewed favorably by the Board. As such, we recommend as-built architectural drawings/floor plans, prepared by a licensed professional, are submitted as a condition of approval for proper documentation for future expansions.
4. The Applicant should identify where proposed utility meter locations for both units will be located. Screening should be provided.

5. As per the Borough code, two off-street parking spaces are required for each three-bedroom apartment. The Applicant should verify the location, size, and number of parking spaces on the site.
6. The Applicant's Engineer should verify that the proposed landscaping trees will have no impacts on site distance for ingress and egress to the proposed driveways.
7. The applicant is not proposing any new stormwater management on site, and is proposing an overall decrease in impervious coverage, however the site will be required to be re-graded for the subject improvements. The Applicant's Professionals should provide testimony on existing and proposed drainage patterns, and how they will be maintained during and after construction and such that there are no adverse impacts to neighboring properties.
8. Runoff from the roof area during construction must be managed in a manner that will prevent erosive runoff flows into Fox's Brook during construction.
9. The limits of sidewalk replacement should be specified on the site plans, and details for a sidewalk and sidewalk apron should be included on the plans.
10. A Road Opening Permit will be required from the County of Morris for the proposed curb improvements on Academy Street (CR 644). Note: Morris County will be resurfacing Academy Street in late October 2021.
11. Water service details should be removed from the plans, as the Borough Water Department recently replaced both water service lines to the subject property.
12. The approximate location of the sanitary sewer service should be identified on the plans and it should be verified that there are no conflicts. Proposed flowering pear trees should be planted such that the roots will not impact the sewer service.
13. Should the Board review this application favorably, approval must be conditioned upon obtaining the following outside agency approval, or a letter of exemption, prior to the issuance of building permits:
 - a. Morris County Planning Board
 - b. Morris County Soil Conservation District Approval
 - c. Morris County Road Opening Permit
 - d. New Jersey Department of Environmental Protection
14. Should the Board review this application favorably, approval must be conditioned upon submission of an As-Built Plan prior to issuance of a final certificate of occupancy (CO).



If you have any questions concerning this review letter, please do not hesitate to contact my office.

Very truly yours,

Mott MacDonald

A handwritten signature in blue ink, appearing to read 'Samantha Anello'.

Samantha J. Anello, PE, CME, CFM
Borough Engineer
samantha.anello@mottmac.com
T 908.238.5032 F 973.267.2890

Cc: Rockaway Borough Land Use Board Members
John Mills, III, Esq.
Golda Speyer, PP
Herman & Donna Zablatzsky, Applicants
Alyse Landano Hubbard, Esq.