

RESOLUTION NO. 2024-009
Borough of Roselle Park
Land Use Board
In the Matter of Shawn Connolly
Decided on March 18, 2024
Memorialized on April 15, 2024
“c” Variance Relief

WHEREAS, Shawn Connolly (hereinafter the "Applicant") has made application to the Roselle Park Land Use Board for “c” variance relief for property known as Block 207, Lot 28, as shown on the Tax Map of the Borough of Roselle Park, located at 450 Amsterdam Avenue in the R-1 Zone; and,

WHEREAS, a public hearing was held on March 18, 2024, after the Board determined it had jurisdiction; and,

WHEREAS, the Applicant was not represented by counsel.

NOW THEREFORE, the Land Use Board makes the following findings of fact, based on evidence presented at its public hearing, at which a record was made.

The Applicant requests approval to maintain the rear deck constructed during the Pandemic requiring “c” variance relief. The property is currently occupied with by a single-family dwelling. The Applicant appeared and offered testimony in support of the variance. During the Pandemic, the Applicant purchased the decking material online and constructed the deck himself in order to provide a safe outdoor location for his family to congregate. The Applicant is requesting a variance for their rear yard setback being 16.5 feet when the ordinance states the setback should be 22.32 feet. Those circumstances prevented the Applicant from constructing the deck in the ordinary course of obtaining permits first. If the Applicant were to attempt to bring this deck into conformity with the setback requirement, it

would require removal. The Applicant requested permission to allow the deck to remain as constructed.

There were no members of the public present expressing an interest in this application.

NOW THEREFORE, the Land Use Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for “c” variance relief. The Applicant is requesting a variance for their rear yard setback being 16.5 feet when the ordinance states the setback should be 22.32 feet. The MLUL at N.J.S.A. 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance applicant also must address the “negative criteria,” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality.

The Board finds that the Applicant has satisfied the positive criteria to permit flexible bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2). The Board specifically finds that the existing deck provides an aesthetically pleasing and functional feature that enhances the use and enjoyment of the home on the property. As the deck is an open design, rather than enclosed, the Board also finds that the decks maintains adequate light, air, and open space, thereby benefiting

The undersigned Chairman certifies the within resolution was adopted by this Board on March 18, 2024 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 15, 2024.



FOR: 4

AGAINST: 0

ABSTAIN: 1

Board Member(s) Eligible to Vote:
3529288.1

Member Class	Board Members	Motion	Second	Yes	No	Abstain	Not Voting	Absent
Class I	Mayor Joseph Signorello							X
Class II	Andrew J. Casais			X				
Class III	Councilman Jay Robaina							X
Class IV	Jorge Casalins					X		
Class IV	Nicola Cristofaro							X
Class IV	John Curia							X
Class IV	Loren Harms	X		X				
Class IV	Kevin Kolbeck							X
Class IV	Michael Quiroga							X
Alternate No. 1	Christian Camilo							X
Alternate No. 2	Richard G. Templeton III		X	X				
Alternate No. 3	Darwin Roman			X				
Alternate No. 4	Vrutti Patel							X