

On Monday, January 11, 2021 a reorganizational/regular meeting of the Roxbury Township Zoning Board of Adjustment, originally scheduled to take place at 7:00 pm in the Council Room of the Municipal Building, was instead held remotely via Zoom. The meeting was open to the public via alternate means to provide the ability to listen and the opportunity to be heard during the public portions of the meeting by calling the following teleconference line: 1-929-205-6099 (“Welcome to Zoom”), entering Meeting ID: 87226145683#, Participant ID: # and Password: 315673#. All applications of those applicants who were to appear before the Zoning Board of Adjustment on the aforementioned date were available online via our Township website at www.roxburynj.us. The purpose of the Regular Zoning Board Meeting was to conduct routine business.

BOARD MEMBERS PRESENT

Ms. Houtz, Mr. Frequenza, Mr. Overman, Mr. Klein, Mr. D’Amato, Ms. Robortaccio, Dr. Kennedy, and Ms. Dargel

ABSENT: Mr. Furey

PROFESSIONAL STAFF

Mr. Russell Stern, P.P.
Mr. Larry Wiener, Esq.
Mr. Mark Denisiuk, P.E.

MINUTES OF DECEMBER 14, 2020 MEETING

Mr. Klein made a motion to approve the minutes of the December 14, 2020 meeting, Dr. Kennedy seconded.

Roll call: Mr. Klein, yes; Dr. Kennedy, yes; Ms. Houtz, yes; Mr. Overman; Mr. D’Amato, Mr. Furey; Ms. Dargel, yes;

REORGANIZATION RESOLUTIONS:

Board Reappointments:

Name	Position	Term Length	Term Exp, Dec 31st:
David Klein	Member	4YR	2024
Gail Robortaccio	Member	4YR	2024
Christine Houtz	Alternate No. 1	2YR	2022
Michael Frequenza	Alternate No. 2	2YR	2021

Nominations of Chairman and Vice Chairman:

Ms. Dargel made a motion to nominate, Dr. Kennedy to preside as Chairman of the Zoning Board of Adjustment; the motion was seconded by Ms. Robortaccio.

Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Ms. Houtz, yes; Mr. Overman, yes; Mr. Klein, yes; Mr. D’Amato, Dr. Kennedy, yes (***accepting the nomination***).

Dr. Kennedy made a motion to nominate, Ms. Dargel to preside as Vice Chairman of the Zoning Board of Adjustment; the motion was seconded by Mr. D’Amato.

Roll call: Dr. Kennedy, yes; Mr. D’Amato, yes; Ms. Houtz, yes; Mr. Klein, yes; Mr. Overman, yes; Ms. Robortaccio, yes; Ms. Dargel, yes (***accepting the nomination***).

Resolution appointing Board Secretary:

Dr. Kennedy made a motion to appoint Tracy Osetec as Secretary of the Zoning Board of Adjustment; the motion was seconded by Ms. Dargel.

Roll call: Dr. Kennedy, yes; Ms. Dargel, yes; Ms. Houtz, yes; Mr. Overman, yes; Mr. Klein, yes; Mr. D'Amato, yes; Ms. Robortaccio, yes.

**RESOLUTION AUTHORIZING THE APPOINTMENT OF
TRACY OSETEC AS SECRETARY TO THE ZONING BOARD OF ADJUSTMENT**

WHEREAS, there exists a need for the appointment of a Secretary by the Zoning Board of Adjustment of the Township of Roxbury, and

WHEREAS, Section 40:55D-1b, Article 9 of the Municipal Land Use Law states that the Zoning Board may employ, or contract for and fix the compensation of experts, and other staff and services as it may deem necessary; and

WHEREAS, the Board wishes to retain Tracy Osetec as a Secretary to the Zoning Board of Adjustment,

NOW, THEREFORE, BE IT RESOLVED Tracy Osetec is appointed Secretary to the Zoning Board of Adjustment of the Township of Roxbury and this Resolution shall take effect immediately.

Adopted: January 11, 2021

Resolution appointing Board Attorney:

Dr. Kennedy made a motion to appoint Mr. Larry Weiner, Esq. as Attorney of the Zoning Board of Adjustment; the motion was seconded by Mr. Klein.

Roll call: Dr. Kennedy, yes; Mr. Klein, yes; Ms. Houtz, yes; Mr. Overman, yes; Mr. D'Amato, yes; Ms. Robortaccio, yes; Ms. Dargel, yes.

**RESOLUTION OF THE ZONING BOARD OF THE TOWNSHIP OF ROXBURY,
AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES TO
LARRY I. WIENER, ESQ.**

WHEREAS, the Zoning Board of the Township of Roxbury has a need to retain the services of a Zoning Board Attorney to provide legal counsel to the Board for calendar year 2021 (the Legal Services); and,

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensations of its legal counsel, subject to the appropriation of funds by the governing body; and,

WHEREAS, the Board has determined to award this contract as a professional service without obtaining competitive bids pursuant to N.J.S.A. 19:44A-2.05; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-*et. seq.*) requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and,

WHEREAS, Larry I. Wiener, Esq., has submitted a proposal indicating that he will provide the Legal Services at \$145.00 per hour for attorney time, \$80.00 per hour for paralegal time, and \$40.00 per hour for secretarial time; and,

WHEREAS, the Chief Financial Officer of the Township of Roxbury has certified that the funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Roxbury, that Larry I. Wiener, Esq. is appointed as Zoning Board Attorney for calendar year 2021 and the Zoning Board Chairman is authorized to enter into a contract with Larry I. Wiener, Esq. to perform the Legal Services in accordance with the terms and conditions set forth herein; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the Township's official newspaper as required by law, and this resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Zoning Board of the Township of Roxbury memorializing the action taken at its reorganization meeting.

Adopted: January 11, 2021

Resolution appointing Board Engineer:

Mr. D'Amato made a motion to appoint Ferriero Engineering, Inc. as Professional Engineer of the Zoning Board of Adjustment; the motion was seconded by Ms. Robortaccio.

Roll call: Mr. D'Amato, yes; Ms. Robortaccio, yes; Mr. Klein, yes; Ms. Houtz, yes; Mr. Overman, yes; Ms. Dargel, yes, Dr. Kennedy, yes.

**RESOLUTION OF THE ZONING BOARD OF THE TOWNSHIP OF ROXBURY
AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES TO
PAUL FERRIERO, P.E. & P.P. OF FERRIERO ENGINEERING, INC.**

WHEREAS, the Zoning Board of the Township of Roxbury (the "Board") has a need to retain the services of a Zoning Board Engineer to provide engineering services to the Board for calendar year 2021 (the "Engineering Services"); and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensation of its engineering services, subject to the appropriation of funds by the governing body; and

WHEREAS, the Board has determined to award this contract as a professional service without obtaining competitive bids pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, requires that the resolution authorizing the award of contracts for professional services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Paul Ferriero, PE & PP of Ferriero Engineering, Inc., has submitted a proposal indicating that he will provide the Engineering Services according to the attached contract; and

WHEREAS, the Chief Financial Officer of the Township of Roxbury has certified that the funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Roxbury, that Paul Ferriero, PE and PP is appointed as Zoning Board Engineer for calendar year 2021, and the Zoning Board Chairman is authorized to enter into a contract with Paul Ferriero of Ferriero Engineering, Inc. to perform the Engineering Services in accordance with the terms and conditions set forth in the attached service contract; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the Township's official newspaper as required by law, and this Resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Zoning Board of the Township of Roxbury memorializing the action taken by the Board at its reorganization meeting.

Adopted: January 11, 2021

Resolution appointing Traffic Consultant:

Ms. Robortaccio made a motion to appoint Lee Klein, Inc. as Consultant Traffic Engineer of the Zoning Board of Adjustment; the motion was seconded by Ms. Dargel.

Roll call: Ms. Robortaccio, yes; Ms. Dargel, yes; Ms. Houtz, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. D'Amato, yes; Dr. Kennedy, yes.

**RESOLUTION AUTHORIZING THE APPOINTMENT OF LEE KLEIN
AS CONSULTING TRAFFIC ENGINEER TO ROXBURY ZONING BOARD**

WHEREAS, there exists a need for the appointment of a consulting traffic engineer by the Zoning Board of the Township of Roxbury to advise the Zoning Board regarding traffic impact associated with development applications, and

WHEREAS, the funds for this purpose will be paid out of Applicant's escrow account, and

WHEREAS, Section 40:55D-24 of the Municipal Land Use Law states that the Zoning Board may employ, or contract for and fix the compensation of experts, and other staff and services as it may deem necessary; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:A-11 etc. seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be made available for public inspection; and

WHEREAS, the Board wishes to retain Lee Klein as a Consulting Traffic Engineer to advise the Zoning Board regarding traffic impacts associated with development applications on an as-needed basis.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of the Township of Roxbury as follows:

1. Lee Klein is retained to serve as a Consulting Traffic Engineer to the Board regarding traffic impacts associated with development applications, at an hourly rate of \$170, plus out of pocket expenses.
2. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the local Public Contracts Law because traffic engineering services are rendered by persons authorized by law to practice a recognized profession.
3. A copy of this resolution shall be published in the official newspaper as designated by the Township Council as required by law.
4. This resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Zoning Board of the Township of Roxbury memorializing the action taken by the Board at its reorganization meeting.

Adopted: January 11, 2021

Resolution appointing Municipal Consultants:

Ms. Robortaccio made a motion to appoint Lee Klein, Inc. as Consultant Traffic Engineer of the Zoning Board of Adjustment; the motion was seconded by Ms. Dargel.

Roll call: Ms. Robortaccio, yes; Ms. Dargel, yes; Ms. Houtz, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. D’Amato, yes; Dr. Kennedy, yes.

**RESOLUTION OF THE TOWNSHIP OF ROXBURY,
COUNTY OF MORRIS, STATE OF NEW JERSEY,
UTILIZING MUNICIPAL PROFESSIONALS FOR THE
REVIEW OF DEVELOPMENT APPLICATIONS**

WHEREAS, the Zoning Board of the Township of Roxbury has a need to utilize the services of professionals employed by Roxbury Township for the review of development applications pursuant to the provisions of N.J.S.A. 40:55D-53.2; and

WHEREAS, the following Roxbury Township professionals will be billed by the municipality to the applicant at the following rates in accordance with N.J.S.A. 40:55D-53.2:

Michael Kobylarz, PE, CME, - \$160.17 per hour

Planner Russell Stern, AICP, PP, LLA - \$131.85 per hour

Melanie Michetti, PE, - \$97.02 per hour

Peter Turnbull, Senior Engineering Aide, - \$64.28

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Roxbury, in the County of Morris and State of New Jersey, that the above Township professionals are hereby authorized to review development applications and bill in accordance with N.J.S.A. 40:55D-53.2:

BE IT FURTHER RESOLVED, a notice of this action shall be printed once in the legal newspaper of the Township of Roxbury as required by law. This resolution shall take effect immediately.

Adopted: January 11, 2021

Resolution designating place for posting notices and designating newspapers:

Ms. Robortaccio made a motion to designate place for posting notice and designating newspapers as it pertains to the Zoning Board of Adjustment; the motion was seconded by Mr. Klein.

Roll call: Ms. Robortaccio, yes; Mr. Klein, yes; Ms. Houtz, yes; Mr. Overman, yes; Mr. D'Amato, yes; Ms. Dargel, yes; Dr. Kennedy, yes.

RESOLUTION FOR NOTICES & DESIGNATING NEWSPAPERS

WHEREAS, the Zoning Board of Adjustment of the Township of Roxbury, Morris County, New Jersey, is required to select a public place for the posting of notices all regular and special meetings; and

WHEREAS, said Board must provide notice of all regular and special meetings to three (3) newspapers, one of which must be the official municipal newspaper.

NOW, THEREFORE BE IT RESOLVED, that the public place for the posting of notices of all regular and special meetings of said Board be the bulletin board for the calendar year 2021, located within the Municipal Building of the municipality located at 1715 Route 46, Ledgewood, New Jersey and

BE IT FURTHER RESOLVED, that all notices of the meeting of this Board be furnished to the following three newspapers as designated by the Township Council.

Daily Record, Star Ledger, and Roxbury Register

Adopted: January 11, 2021

Resolution setting the fees required for mailing notice of meeting:

Mr. Overman made a motion to set the fees required for mailing notice of meeting as it pertains to the Zoning Board of Adjustment; the motion was seconded by Ms. Robortaccio.

Roll call: Mr. Overman, yes; Ms. Robortaccio, yes; Mr. Klein, yes; Ms. Houtz, yes; Mr. D'Amato, yes; Ms. Dargel, yes; Dr. Kennedy, yes.

RESOLUTION FIXING "FEES" FOR NOTICE OF MEETING

WHEREAS, N.J.S. 10:4-6 et. Seq. Known as the "Open Public Meetings Act", provides for the fixing of a reasonable charge to be paid by any person requesting notification of meetings of the Board of Adjustment.

NOW, THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Roxbury that the sum of \$2.50 is hereby fixed as a fee to be paid by anyone requesting that notices of meetings of the Board of Adjustment of the Township of Roxbury for the 2021 calendar year to be mailed to such person; but, as provided in N.J.S. 40:4-19, no charge shall be made to any newspaper requesting the mail of such notices to its business office.

Adopted: January 11, 2021

Resolution regarding conflict of interest:

Ms. Robortaccio made a motion to approve the resolution of Conflict of Interest as it pertains to the Zoning Board of Adjustment; the motion was seconded by Ms. Dargel.

Roll call: Ms. Robortaccio, yes; Ms. Dargel, yes; Ms. Houtz, yes; Mr. Overman, yes; Mr. Klein, yes; Mr. D'Amato, yes; Dr. Kennedy, yes.

RESOLUTION CONFLICT OF INTEREST 2021

WHEREAS, the members of the Zoning Board of the Township of Roxbury desire to provide the best possible service to the Township of Roxbury; and

WHEREAS, members of the Zoning Board are expected to conduct themselves with respect to matters before the Board in such a manner as to avoid all possibility of a conflict between their private interests and their public duty.

NOW, THEREFORE, BE IT RESOLVED, by the present and new members of the Zoning Board of the Township of Roxbury that they will act in a manner to provide the best possible service to the Township of Roxbury and to avoid all conflicts between their private interests and their public duty and to that end have signed Certifications as to all properties that are owned by members of the Zoning Board in Roxbury Township or in other communities which abut the Township of Roxbury and said Certifications will be open for public inspection at the Municipal Building during normal business hours.

Adopted: January 11, 2021

APPLICATIONS:

ZBA-20-025 MULLER, Variance relief for property located at 8 Brookside Road, Succasunna, Block 3504, Lot 4 in an R-2 zone.

Mr. Wiener swore in Vicky and Gilbert Muller of 8 Brookside Road, Succasunna. Mr. Muller went on to testify that he and his wife have resided at 8 Brookside Road since 1979 and in 1989 they installed a six foot wood and chain-link fence. Mr. Muller stated they are before the Board because they would like to replace the pre-existing non-conforming fence with a six foot vinyl fence in the exact same footprint. Mr. Muller noted that the fence is set far back on the property and has not been of any detriment to the neighbors. Mr. Muller further stated in looking at the side yard the fence would be installed 120 ft. from the existing sidewalk and if you look at the front yard in front of the house the setback for the fence is 90 ft.

Mr. Muller noted that his neighbor in Lot 5 has a fence that adjoins their fence and if the Mullers had to move their fence it may cause financial detriment to the neighbor in Lot 5 causing them to have to install fencing to protect their small children.

Dr. Kennedy remarked that the Township has an Ordinance stating that no wall or fence shall be over four feet in the front yard and asked Mr. Muller if he could provide a reason on why he requesting to install a six foot fence. Mr. Muller stated that he has an in-ground pool and he would be quite concerned for the opportunity children to be able to climb a four foot fence and perhaps hurt themselves on the property.

Ms. Robortaccio stated she conducted a site inspection and noted the house is on a corner lot causing it to have two front yards, she also noted the fence is set back so far that it would not pose obstruction to traffic. Mr. D'Amato stated he was in agreeance with Ms. Robortaccio.

Motion was made to open to the public for questions – none were made
Motion was made to close to the public

Motion was made to open to the public for comments – none were made
Motion was made to close to the public

Mr. D'Amato made a motion to approve the application; the motion was seconded by Ms. Robortaccio.

Roll call: Mr. D'Amato, yes; Ms. Robortaccio, yes; Ms. Dargel, yes; Ms. Houtz, yes; Mr. Overman, yes; Mr. Klein, yes; Dr. Kennedy, yes.

ZBA-20-005 DOONAN, Minor Subdivision "D" Variance for property located at 31 Eyland Avenue, Succasunna, Block 3708, Lot 14 in an R-3 zone.

Mr. Ronald Heymann of Heymann & Fletcher came forward to represent applicant John Doonan. Mr. Heymann went on to address the Board letting them know Mr. Nicholas Wunner and Ms. Jessica Caldwell will testify as professionals on the Doonan application.

Mr. Wiener swore in Mr. John Doonan of 31 Eyland Avenue, Succasunna, NJ. Mr. Heymann went on to question Mr. Doonan on how long he has resided in Roxbury, NJ. Mr. Doonan replied approximately fifty three years. Mr. Heymann asked Mr. Doonan if it was his intent to subdivide his current property of 31 Eyland Avenue, Succasunna and build a new home on the newly proposed lot and leave the existing lot vacant. Mr. Doonan replied yes. Mr. Heymann asked Mr. Doonan if it was his intent to build on the new lot if the Board grants what he is seeking. Mr.

Doonan replied he and his wife plan on building a new home. Mr. Heymann then asked Mr. Doonan what is his intent for the existing home which he is currently resides in. Mr. Doonan replied he will put the home up for sale. Mr. Heymann went onto describe the layout of the proposed lots that has been designed by Mr. Wunner, noting each lot has a separate driveway both to the existing home as well as the newly proposed lot and the lot is serviced by city water and sewer. Mr. Heymann then asked Mr. Doonan although he does not have any plans drawn up yet for the proposed house did he planned to build something that fits in with the decorum of the neighborhood. Mr. Doonan replied yes. Mr. Heymann went on to address Mr. Stern in his December 8, 2020 report and pointed out that the property is located in the Historic District and that any concept plans will be subject to review by the Historic Advisory Committee. Mr. Doonan concurred. Mr. Heymann noted that one other condition Mr. Stern placed in his report is that there be no further subdivision of the lot. Mr. Doonan concurred. Mr. Heymann ended his questioning of Mr. Doonan and asked that Mr. Wunner be sworn in. Mr. Heymann also noted he would address a letter that came in late that day from Mr. John Dusenberry, Esq. as representation for Mr. Doonan's neighbor Tyler and Jennilee Curran. Mr. Dusenberry introduced himself as such and explained he had written a letter as previously stated explaining that his client's interests are simply to insure that the Doonans are able to accomplish what it is they are doing with minimum impact to the Zoning Ordinance. Mr. Dusenberry noted that thru examination of Mr. Doonan's witnesses he would let everyone know exactly what his client's desires are. Mr. Dusenberry went on to state that conceptually to have a single family residence built in the large area behind his clients property is not an unwelcome use.

Mr. Weiner proceeded to swear in Mr. Nicholas Wunner of Wunner Engineering located at 19 Route 10 East, Succasunna, NJ. Mr. Heymann asked Mr. Wunner to give an overview of his subdivision map prepared for Mr. Doonan. Mr. Wunner went on to testify that the property is located on the west side of Eyland Avenue consisting of 2.18 acres, it generally slopes from the north to the south, with the north being the high side and south being the low side, the terrain is very flat, somewhere between 1 to 2 % slopes in the area. The property is located in the R-3 zone, which requires a minimum 15,000 square feet lot, and 90 feet of lot frontage, in addition, 100 foot lot width at the setback, a 35 foot front yard setback, 10 foot side yard setback, and a 35 foot rear yard setback. On the property there currently exists a single family dwelling and a couple of out buildings, a framed garage and an old barn with associated payment to those structures. The lot is primarily is open and has grass with a wooded area along the northeast side and up along the west side. Mr. Heymann asked Mr. Wunner to provide the size of the newly proposed lot and the remaining lot. Mr. Wunner stated the remaining lot will be 19,072 square feet or .438 acres with a frontage of 64.9 feet and will encompass a single family home, a barn, and a garage. The newly proposed lot will be 70,339.8 square feet or 1.165 acres with a frontage of 44.32 feet and a flag like configuration. The lots will have separate driveways one on the south side of the property and one on the north side. Mr. Heymann asked Mr. Wunner to address Mr. Denisiuk's report of November 30, 2020, specifically addressing the design waivers on page two of the report. Mr. Wunner went onto state that the site requires a 66 foot right-of-way on Eyland Avenue and the applicant is proposing a 50 foot right-of-way which is keeping in with the existing right-of-way on Eyland Avenue. Mr. Wunner noted the applicant will be dedicating 2,748 square feet to the Township for any road improvements that they might have in the future. Mr. Wunner added there is a sidewalk within Eyland Avenue and all the utilities, it also requires 40 feet of pavement noting the applicant only has 29.14 feet remaining and they are all existing conditions. The 50 foot right-of-way is similar to the right-of-way all up and down Eyland Avenue as is the pavement and existing curbs. The other waiver request is for the driveway, explaining the Town Code requires that a driveway be set back five feet from the property line and the existing driveway on the proposed Lot 14.01 is 0.4 feet from the property line noting it is an existing condition and the applicant is asking for a design waiver.

Mr. Wunner moved onto 3a of Mr. Denisiuk's report which states that no lot in a residential subdivision may directly access or abut an arterial road. Mr. Wunner stated Eyland Avenue is a secondary arterial road, and the way he interpreted it was that if you have a subdivision opposed road; that the corner lot not access the arterial road. Mr. Wunner noted that the proposed application is not that type of subdivision and in doing research he found that further down the road on Eyland Avenue there was another subdivision that was approved in 2018 that had a similar circumstance of access onto Eyland Avenue. Mr. Wunner then addressed 3b of Mr. Denisiuk's report where it states flag lots are prohibited in the zone, Mr. Wunner stated the proposed application is in a R-3 zone and only zones that allow flag lots are R-R, R-5, and R-1 zone noting Ms. Caldwell will address the variance in later testimony. Mr. Denisiuk explained that a flag lot has its own requirements that go beyond regular zone requirements, and in this case, the flag stem in a flag lot is required to be 50 feet wide, similar to a road right-of-way and the applicant is proposing a 44 foot wide flag stem which might create an additional variance. Secondly, the setbacks for flag lots are required to be double what the zoning setbacks are. Mr. Denisiuk asked Mr. Wunner to clarify if the setbacks were doubled would the house as shown still meet those setbacks. Mr. Wunner replied it would, but upon discussion with his client he would like to request a waiver of the requirement of the doubling of the setback. Mr. Wunner further noted that even in the other zones where the flag lots are permitted, the lot areas increase to about an acre to an acre and a half, reminding the Board that the applicant has over 2 acres and doubling the set-backs wouldn't hurt but in this case, doubling it could create a problem for any future expansion for example a pool or accessory structure. Mr. Heymann reiterated that he would not like to see his client have to go back to the Board of Adjustment to install a shed or a pool. Mr. Stern stated to that point in most residential zones a shed has a 5 or 10 foot setback depending on the zone and a pool usually has a 10 foot setback, so doubling the setbacks should not have a substantial impact to the development. Mr. Wunner addressed revising the note to be consistent with the Health Department well search letter, stating he would do so. In addition as it pertains to the underground utilities, Mr. Wunner stated that all utilities to the proposed dwelling will be underground.

Mr. Heymann stated he will draw up deeds and send them to Mr. Wiener for review.

Mr. Wunner address the fact that monuments are not required on a minor subdivision map. Mr. Denisiuk concurred. Mr. Heymann asked Mr. Wunner to address the Stormwater Management comments from Mr. Denisiuk's report. Mr. Wunner noted it is a town regulation that if the total disturbance exceeds one acre, new impervious of a quarter acre, or a new development. Mr. Wunner stated he will add the note to the plans and a maintenance manual will be supplied in addition, it will have to be referred to in the deed. Mr. Denisiuk asked Mr. Wunner a question regarding the soil moving permit and if he anticipates moving under 1,000 cubic yards. Mr. Wunner replied yes. Mr. Heymann then asked Mr. Wunner to address Mr. Dusenberry's letter. Mr. Wunner stated that after reading the letter, he believes there may be a misunderstanding on his client part in the fact that the proposed driveway is not 4 feet from the property line, it scales more like 15-20 feet. Mr. Dusenberry then noted that due to the small font on the plans he mistook the 4 foot distance as a setback. Mr. Dusenberry's went on to state his clients concerns are if the driveway ends up close to their property, noting it is their request to have a 10 foot setback from the property line as opposed to 5 feet. Mr. Wunner stated he would not have a problem with a 10 foot setback from the property line for the proposed edge of the driveway. Mr. Dusenberry also stated his concern that the driveway width at 24 feet would become a two cart driveway. Mr. Wunner replied that is has already been determined there would be a deed restriction for no further subdivision, noting that 24 feet is a cart way under RSI standards for a two lane road and he believes that Mr. Doonan has no intention of sub-dividing this property any further than is what is shown. Mr. Heymann suggested that Mr. Wiener put in the resolution that the driveway can be no wider than 12 foot wide maximum.

Mr. Stern asked Mr. Wunner to address the impervious coverage on both lots new and proposed. Mr. Wunner stated that on the existing property as it stands now the building coverage is 3.179% and the impervious coverage is 10.01% and that is to the sideline after dedication. On the proposed lot the building coverage is 14.921% and the impervious coverage is 44.634%. Mr. Wunner noted that the reason that the property is as deep as it is, is to try and keep the building coverage under the 15%. On the proposed lot 14.02 the building coverage as shown is 2.73% and the impervious coverage is 10.986%. Dr. Kennedy asked what the allowable impervious percentage coverage. Mr. Stern replied 25% and the maximum building coverage is 15%, noting the proposed lot will require a variance for impervious coverage due to the fact of retention of the barn and garage. In addition, to gain access to the rear barn they have a longer driveway, so all those factors combined add to the larger lot coverage. Ms. Robortaccio asked Mr. Doonan if there was a reason he wanted to retain the barn and the shed. Mr. Doonan replied the barn has been there for close to 100 years, noting the property is located in the Historic District, additionally it adds value to the property. Mr. Stern noted that if the barn was removed the applicant would have to submit for a demo permit which would then have to be reviewed by the Historic Advisory Committee. Mr. Doonan replied that the barn is fully functional although it may not be aesthetically pleasing, it does have a newer roof that is less than 10 years old.

Ms. Dargel posed the question of can the applicant move back the rear lot line 35 feet to reduce the impervious coverage. Mr. Wunner stated while you may gain a reduction to the impervious coverage, it would not be reduced by much. Ms. Robortaccio asked how much would it decrease. Mr. Wunner replied it would bring it down to about 42%. Mr. Doonan replied he would be more inclined to remove the pavement than the barn, noting the barn is fully functional. Mr. Stern noted that to Ms. Robortaccio's and Ms. Dargel's point, the 35 foot depth would have minor impact on the future development plan for Lot 14.01 and further, there is a lot of area for development on the lot and the 35 foot depth that you will get on the existing parcel does not really impact the most usable area for the new lot. Mr. Doonan agreed to move the property line back 35 feet on the existing lot to reduce the impervious coverage percentage.

Mr. Wunner moved on and addressed comments from Mr. Stern's report of December 8, 2020. Mr. Wunner addressed the fact that there will be underground utilities installed on the new parcel that will rip up the root system of the spruce tree, hence the need for the tree to be removed. Mr. Stern asked if there was any way around the tree removal or to lessen the impact to the root system. Mr. Wunner stated that the utilities are already close to the property line and he would not be able to push it out much further. Mr. Heymann noted that as per ordinance the new dwelling must have a garage. In addition, the new lot numbers must be assigned by the Tax Assessor and applicable residential development fees that apply must be paid. Mr. Doonan concurred.

Mr. Dusenberry asked Mr. Wunner a question regarding road frontage, he stated that the property has 110 feet of frontage and the ordinance requires a minimum of 90 feet. Mr. Dusenberry stated what Mr. Doonan is proposing is for the existing home to be visible to Eyland Avenue with a 65 foot frontage, further stating the applicant is now making a conforming condition into a non-conforming condition. Mr. Wunner concurred. Mr. Dusenberry stated that it was discussed earlier that the flag lot requires 50 feet for the staff and the applicant is requesting 6 feet of relief, he asked would there be any reason why you could not reduce the 44 feet since you are already asking for relief to increase the frontage for the existing home that is visible and decrease the frontage for a driveway. Mr. Wunner stated the driveway is set up with its utilities and as it goes towards the back, we are trying to keep the existing trees that line the property line, in addition, we feel the driveway is in a good location and reducing the staff really doesn't improve anything. Mr. Dusenberry reiterated that the width of the staff could be reduced, and could it be reduced to 30-35 feet. Mr. Wunner stated that is for the Board to determine. Mr. Dusenberry stated that the widths are somewhat arbitrary based on what the applicant desires. Mr. Wunner replied, yes and no if you

look at the house frontages that are currently on Eyland Avenue between West Street and Mapledale Road the 65 feet that is being proposed is greater than any lot in the mentioned area. Mr. Wunner further reiterated that the proposed frontage is even greater than Mr. Dusenberry's client's lot. Mr. Dusenberry then asked Mr. Wunner if he were to add frontage to Lot 14.01 the length of the combined common property line, would you not be adding more square footage to Lot 14.01 to reduce the impervious coverage issue that has already be raised by Board members. Mr. Wunner replied yes. Mr. Dusenberry stated it is his client's belief that Mr. Doonan will construct a single family home on the rear of this property, however the best intentions do not run with the land in terms of restrictions or designs. Mr. Dusenberry then asked if the 44 foot width of the staff were to be another application, would it support a two way driveway and the required setback requirements to the adjacent property. Mr. Wunner replied not according to Roxbury Township codes, further stating Roxbury's code requires a 10 foot wide driveway. Mr. Wunner asked Mr. Dusenberry why he thought Mr. Doonan want to increase the driveway to a two lane driveway. Mr. Dusenberry clarified that if the applicant were to design a two lane road in another context, say as an access to a townhouse community for example; would the cart-way have to be 24 feet in width. Mr. Wunner replied in that context yes. Mr. Dusenberry asked Mr. Wunner if the property would have to have 10 foot side yards. Mr. Wunner replied he would have to look at the RSIS Standards, if it was a townhouse project noting, not necessarily would it have to be 10 feet wide on either side. Mr. Doonan added he has no desire for a driveway width of 44 feet, and stated is will to comply with whatever is required by the Township Code. In addition he has no desire to build multiple houses on the newly proposed lot. Mr. Stern asked Mr. Wunner if the applicant narrowed the driveway would it have to be relocated to the north, which would result in disturbance of the root system to the existing trees that are located to the north. Mr. Wunner replied yes, the driveway would have to be moved closer to Lot 13, in addition, Mr. Dusenberry suggested that the applicant keep at least 10 feet off of the property line of his clients, but there are a number of trees that we are trying to retain. Mr. Stern replied a reduction in the width could be done noting it would reduce the impervious coverage but not at the detriment of the 30 inch maple or the other trees on the property. Ms. Robortaccio made the observation stating; didn't we agree that there would be no further subdivision and the driveway would be no wider than 12 feet. Mr. Heymann replied yes; that there would be a deed restriction as it pertained to further development and the driveway width would be a condition of the resolution. Mr. Stern asked if Mr. Heymann if he could structure the deed restriction to say there shall not be further subdivision and that the lot be created for the purpose of a single family dwelling only. Mr. Heymann replied yes.

Mr. Wiener swore in Ms. Jessica Caldwell, Professional Planner, 145 Spring Street, Suite E, Newton, NJ. Ms. Caldwell started her testimony by introducing an Exhibit A-1 which was an aerial photo of the property Block 3708, Lot 14 showing surrounding parcels with their block and lots and acreages. Ms. Caldwell put up this exhibit to show the Board the size of the Doonan lot relative to the surrounding lots, in addition, its shape and its unique aspects noting the lot feeds into its request for variances. Ms. Caldwell went on to testify that the property as it exists already has a flag shape configuration with approximately 109 feet of frontage along Eyland Avenue going back 2 acres into the center of the property. The property is 2.02 acres and is 6 times the minimum lot size for the R-3 Zone and theoretically, the applicant could be looking to divide the parcel into several more lots, even though they are not looking to do more than two lots, noting it has been previously agreed upon that there will be a deed restriction which will allow for only a subdivision of two. In the proposed new lot after the subdivision the lot will still be four times the minimum lot size for the zone and the remaining lot will be approximately 15,000 square feet. Ms. Caldwell went on to state many of the adjacent parcels are much smaller and will remain smaller than the proposed remaining lot. Ms. Caldwell stated there are also adjacent lots that have a similar configuration that look like flag lots, noting this lot is not atypical in the area and seems to be the last lot in a large block of lots along Eyland Avenue. The lot leaves little choice as far as developing the lot. Ms. Caldwell went on to discuss the variances before the Board which are lot

frontage for both parcels, lot frontage at the setback, lot width for both parcels, and impervious coverage which is staring at 44% but will proposed to reduce based on the increased size of the proposed remainder lot in addition, there is a use variance for requesting the flag lot where flag lots are not permitted. Ms. Caldwell went on to describe the positive criteria for the "D1" variance, noting case laws determine that a site is particularly suited to specific views that meet the general welfare and the evaluation of suitability that revolves around two questions; why the location is particularly suited to the use despite the zoning and what unique characteristics of the site make it particularly appropriate, this site is particularly suited to the use for a variety of reasons. As mentioned previously, the existing lot is 6 times larger the minimum for the zone, the existing shape of the lot is a flag type shape, the bulk of the property could be developed on the site as the highest and the existing residence on the site where the flag portion of the lot is, the proposed flag lot remained 4 times the minimum lot size for the zone after subdivision providing sufficient buffering from adjacent residences. The existing lot and proposed lots are larger than most of the surrounding lots, access is available by individual driveways, the surrounding area has very little lot sizes and flag shaped lots so that the proposed is not out of character with the area and with the exception of the minimum lot width frontage and impervious coverage for the remainder lot, the lots meet the remainder of the bulk standards for the zone. Ms. Caldwell stated she feels the proposal meets Purpose E to promote the establishment of the appropriate population, densities, and it will contribute to the wellbeing of persons, neighborhoods, communities, regions and preservation of the environment. The surrounding R-3 area is essentially fully developed and the proposed flag lot would be the only new development essentially in the area that would need to accommodate and you end up with a lesser density proposed than the master plan and an appropriate density given the lot layout within the area. Purpose G is to provide sufficient space and appropriate locations for a variety of uses, the proposed use is residential and is proposed to be similar in character to the surrounding neighborhood and the properties that are within 200 feet of the lot are still smaller as noted than the proposed two lots. Purpose I is to promote a desirable visual environment, the proposal will provide for a new visually appealing compatible residence that will be positive for the neighborhood and to encourage coordination the various public and private procedures and activities shaping land development with the view of lessening the cost of such development and the more efficient use of land. The proposed use will utilize the site largely as it is, allowing pre-existing structures in the historic district to remain and there is ample space for one additional proposed residence and overall from a positive perspective the proposed fits into the R-3 area by providing more single family housing. The lot is already fairly open and the location of the proposed residence provides a viable location for a single family home community. Ms. Caldwell went on to testify with respect to the negative criteria and substantial detriment to the public and substantial impairment to the master plan ordinances this proposed site will be well buffered because of existing trees and proposed buffers such as landscaping around the new single family home. The remainder lot will be larger than surrounding lots in keeping with the surrounding neighborhood. In terms of impairment to the master plan, this is a unique piece of property as shown from Exhibit A-1, it won't be particularly easily replicated and it should not have any negative impact on the Master Plan or Ordinances for Roxbury given this unique aspect of the property. The applicant has worked to minimize the proposed variances as well as provide a deed restriction to prevent further subdivision. In looking at the heighten criteria in terms of why the master plan hasn't considered adding flag lots to this area, when you look at what that would apply to could create impairment or impacts to the neighborhood if they were flag lots, however in this unique situation a flag lot is appropriate, however while making a proposal to the master plan would make it widespread. Mr. Stern asked Ms. Caldwell to address 2.2 in his report regarding greater setbacks for the dwelling, where flag lots are permitted there is a requirement for double the minimum setback for that zone, in this zone flag lots are not permitted, but still if it forces us to allow a flag lot, they should have some enlargement of those setbacks, noting Mr. Heymann stated he would circle back to the conversation. Mr. Stern stated he looked at the Ordinance, and the Ordinance states that for a private swimming pool there is a minimum 10 foot setback and

accessory building like a shed would have a 5 foot setback in the rear and same thing for the side yards. The recommendation is to double the setbacks. Ms. Caldwell responded the concern might be when looking at this particular flag lot that it's less than 2 acres where flag lots are usually considered much larger, more like 4 to 6 acres noting the concern is with limiting some of the development capacity and possibly triggering variances for any proposals. While that is not really understood for the pool however since we haven't designed a house on the property, it might limit location and it might negatively impact the development. In most cases the front yard is not going to impact anyone and it looks like the surrounding parcels have their residences close to the streets and not to the rear of its parcel.

Mr. Heymann asked Mr. Stern if the Board would consider waiving this section of the particular Ordinance. Mr. Stern stated he doesn't believe it is a waiver of the Ordinance, it is just related to the Use variance itself for the flag lot.

Ms. Robortaccio asked if this application were to be approved and the Historical Advisory Committee were to disagree with it, would it then come back to the Board. Mr. Stern replied the way the Historic Ordinance is drafted it is termed "Mandatory Recommendation" noting the Historic Advisory Committee is there to education of the perspective developer and provide input and make recommendations; it is then up to the developer or applicant to listen or not to listen to those recommendations. Mr. Stern stated there are no mandatory conditions, noting he hoped that Mr. Doonan would work in concert with the Historical Advisory Committee.

Dr. Kennedy asked Mr. Stern if the construction of the property is such that it once again violates the Ordinance for setbacks, they would have to come back to the Board again and have it resolved. Mr. Stern replied correct.

Dr. Kennedy mad a motion to open to the public for questions – Mr. Dusenberry addressed Ms. Caldwell noting that she heard all the prior conversations between Mr. Wunner and himself regarding impervious coverage and width of the staff. If any of the Board were to choose to reduce the width of the staff or increase the size of Lot 14.01 would that materially change any of your opinions regarding the Medici and other aspects of your testimony. Ms. Caldwell agreed it would not change to the extent that would minimize the impervious coverage variance, obviously it proves the case, but I do not think that from an overall perspective you still end up with two lots, I think the overall impact is still the same, and the overall positives are still the same, those minor tweaks do help some of the bulk variances in different ways it increases lot width on one side, but reduces it on the other, I think overall its really just a matter of reducing the impervious coverage variance is probably the biggest impact.

Elizabeth Osterhoudt of 10 West Street, Succasunna came forward to show concern that she is impacted by the Doonan application. Ms. Osterhoudt stated she thought the Doonan property was land-locked. Mr. Wunner responded when the survey of the property is completed by his firm they go by the deeds, deed research and title work, in addition deeds are also pulled up for the surrounding lots and placed all together, but, the deeds for this property show there has always been frontage on Eyland Avenue, and the lot was never land-locked. Mr. Heymann believes that maybe Ms. Osterhoudt believes the back lot was land-locked, but with the creation of the two driveways, that is not the case. Ms. Osterhoudt asked what would be the address of the new property. Mr. Wunner replied that has not been determined yet, but it will be 30 something Eyland Avenue. Ms. Osterhoudt stated that she will be over looking the proposed property from her backyard and asked how she would obtain privacy in her backyard. Mr. Wunner stated along the rear-line between Ms. Osterhoudt's and Mr. Doonan's property is a wooded area which would remain and the height of the structure is restricted by Ordinance and the land slopes from West Street back. Ms. Osterhoudt asked if the home will be a 2 ½ story home. Mr. Wunner replied yes.

Ms. Osterhoudt asked if it is known if there is going to be a pool or anything that will generate a lot of activity. Mr. Wunner replied that is a possibility. Ms. Osterhoudt asked if Mr. Doonan would be selling his existing home. Mr. Wunner replied yes. Ms. Osterhoudt wanted to confirm there will be two separate driveways and not an easement. Mr. Wunner replied; correct there will be two separate driveways. Ms. Osterhoudt asked what is the criteria that has to be met to receive a variance. Ms. Caldwell replied positive and negative criteria must be addressed in accordance to Municipal Land Use Law. Positive criteria must show that we met the purposes of the Municipal Land Use Law and then there is some case law that also requires us to show the site is particularly suited for the use. The negative criteria must show there is no substantial detriment to the public and no substantial impairment to the purposes master plan and Ordinances. Ms. Caldwell stated she would note that a big part of her testimony was that this zone has a minimum lot size of 15,000 square feet and this property is 6 times larger than the minimum lot area for the zone and they are proposing 2 lots. Noting that is much less dense and much less fewer residences than could potentially be proposed. Ms. Osterhouse asked in reading 2.0 in the request for variance/waivers the testimony must address the special reasons promoted to the benefit of the community rather than to the sole benefit of the applicant or property owner and she stated she does not see where this is a benefit to the community. Ms. Osterhoudt asked if it was sufficiently addressed. Ms. Caldwell stated the residential use is a permitted use, so implementing the master plan with the residential use is a benefit to the community noting it promotes the general welfare due to promoting the implementation of a single family residential use in a residential zone. The site being particularly suited to the use as it was found in Medici case law to show that the proposal meets the general welfare, which means it promotes the health, safety and welfare of the community. Ms. Osterhoudt stated she disagrees because there already is a house on the property that fronts Eyland Avenue. Mr. Wiener wanted to make the observation that this is an unapproved lot and it will be developed one way or another in the future, so the discussion is really around how it is going to be developed. We could simply say that you cannot use your property, so we have to figure out the appropriate use for it and can it be reasonably accommodated, that is what the real test is.

Mr. Overman asked if the applicant decided that he would anger the historians in Roxbury and tear down the existing home so that he could use his property to build a mansion in the back of the lot, would that be permitted according to the zoning ordinance. Mr. Stern replied yes. Mr. Overman responded that it should therefore not be a factor that that back lot can be used for a single family residence, because the issue here really is the property is suited to hold both the house on Eyland Avenue in the front and also a house in the back. Since the answer was there can be a house in the back if there was no house in the front then really it is not an argument about the back lot being used for a house. The only issue now is, should the existing house in front be kept and make it a flag lot or should we enforce the owner to remove the front house and become a historical issue.

Ms. Robortaccio stated she did not believe they can enforce the removal of the existing house. Mr. Overman said by way of denial of the application and by saying only one house per lot and we are denying the flag lot and that would be the other recourse. Mr. Heymann stated he could take down the front home and propose to build several houses on the property. Mr. Overman stated I guess you could subdivide but then you would have the issue of a road on the property. Mr. Overman stated he was just making the point that if the argument is just about the house in the back that is definitely permitted per existing ordinances. Mr. Stern stated to what Mr. Overman is saying yes they can knock down the existing home out front and not even come before the Board and build a home any place on the back flag lot portion if they so wanted as long as they complied with the setback requirements and building coverages which they should be able to do because it is such a large piece of property. Ms. Robortaccio stated if they want to, they could come in and ask for more than two homes, noting it is a very large lot this application in her opinion is the lesser of the evils as far as she is concerned of what could possibly be put there.

Ms. Osterhoudt stated that when you look at Ms. Caldwell's Exhibit A-1 and you look at the other flag lots in the area and everyone is accessed from a main road, which is a historic neighborhood. Ms. Robortaccio stated the proposed new lot will be accessed from Eyland Avenue. Ms. Robortaccio asked Ms. Osterhoudt if she was under the impression the driveway was going to be a large cart-way; when in fact the driveway will be completely separate one on the north side of the property and one on the south side and the property which is large enough to do so. Ms. Osterhoudt stated the property has been large enough to do so for years. Mr. Robortaccio responded yes and the owner is choosing to develop it now. Ms. Robortaccio asked Ms. Osterhoudt how far her home was from the back property line. Ms. Osterhoudt responded she was unsure. Mr. Wunner scaled it noting 100 feet from the property line. Ms. Robortaccio stated that the new home will be some distance from his property line leaving quite a large buffer. Ms. Osterhoudt stated it is not really that buffered. Ms. Robortaccio suggested perhaps Ms. Osterhoudt plant some trees, shrubs or put up a fence.

Motion was made to close to the public

Motion was made to open to the public for comments and Mr. Dusenberry made a statement stating that a Board should be careful to fall in love with an application and not with the applicant. In this case the Doonan's are lovely people, my clients accept their intentions to build the house of their dreams on the property and it would be a wonderful use for the property and with some tweaking of the remainder house lot a lot of things can be accomplished, but, where his clients concern are remain that good intentions do not always work their way out in the real world and I look at this lot and say can a subdivision be built as proposed and once the subdivision is granted the genie is out of the bottle. As I look at a 44 foot wide piece of land, I feel it is generous and cannot understand the Doonan's are looking for, but, I also see that if I am looking to deter development in some way other than a single family house, one of the easiest and best ways to do that is to narrow ever so slightly the staff as it comes into the property. I see that a two way driveway can conceivably be built if Mr. Doonan's plans were thwarted, I would be fearful of not a subdivision but a site plan that could result in Townhouses, multifamily dwellings, and yes while not a permitted use, they would have to come back to the Board but, nonetheless, in an environment and in the age of affordable housing and development projects I fear it for my clients. I would just ask the Board to incorporate the conditions that have been thrown on the record already, we would like to see the existing 4 trees remain, I am not going to ask that the driveway be moved closer to Lot 13, I understand there is needs for utilities, but maybe a 5 foot reduction on the width of that lot, it tends to reduce the risk of future development and does further enhance the square footage of the existing house lot, it also enhances the frontage that existing house has on Eyland Avenue in terms of the aesthetic value of an historic site. We would accept the condition that the driveway be no wider than 12 feet and we would like to make sure the setback from driveway on this site were from Lot 13 be 10 feet and would also suggest that the restriction against the subdivision be crafted by Mr. Wiener so to include the lots remain mostly open space and the adjacent surrounding properties. Ms. Robortaccio asked Mr. Wunner if the 5 feet is doable without impacting anything. Mr. Wunner replied if he knocks off 4.32 feet and keeps the driveway where it will still work. Ms. Robortaccio asked would the 4.32 feet go to the other lot. Mr. Wunner replied, yes

Mr. Stern stated it is a positive step, it reduces impervious coverage and I think the best restriction is the Deed restriction that prohibits further subdivision and development on that parcel noting it be a single family dwelling only.

Motion was made to close to the public

Ms. Robortaccio made a motion to approve the application and will apply all of the agreed upon reports from Mr. Stern, and from our Engineer Mr. Denisiuk, in addition, the flag staff will be narrowed to 40 feet and the addition footage be put on the original lot. Extend the original lot 35 feet back to pick up more impervious coverage and also have a condition in the deed that restricts further development on the lots and only approve a single family home, it will go before the Historical Committee for review, the driveway will be no smaller than 12 feet and a minimum of 10 feet from Lot 13 and all other items discussed and agreed upon; the motion was seconded by Mr. D'Amato.

Roll call: Ms. Robortaccio, yes; Mr. D'Amato, yes; Ms. Dargel, yes; Ms. Houtz, yes; Mr. Overman, yes; Mr. Klein, yes; Dr. Kennedy, yes.

ZBA-20-004 SPEICHER, Minor Subdivision, "D2" Variance for property located at 280 Old Ledgewood Road, Flanders, Block 9303, Lot 1, 3 & 4 in an B1-A zone. *Requested to be carried to February 8, 2021 with no further notification.*

ZBA-20-023 PISANO, Variance relief for property located at 4 Bell Court, Landing, Block 11302, Lot 9 in an R-3 zone. *Requested to be carried to February 8, 2021 with no further notification.*

ZBA-17-012 KINGTOWN DIESEL, Amended Preliminary Site Plan, "D" Variance for property located at 1470 Route 46 East, Ledgewood, Block 9302, Lot 3 in a B-2 zone. *Request for extension to March 8, 2021, notice required.*

Motion was made to open to the public for comments – none were made
Motion was made to close to the public

NEW BUSINESS: Ms. Christine Houtz gave her resignation to the Board letting them know that she and her family will be moving out of state next month. Ms. Houtz thanked the Board for her opportunity to be an Alternate Member and that she learned a great deal while in her position. In addition, she explained that she is leaving Roxbury with a heavy heart, as she has lived and volunteered in town for many years.

OLD BUSINESS: None

Motion to adjourn 10:04 pm

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
Tracy Osetec, Board Secretary
January 14, 2021