

A regular meeting of the Board of Adjustment of the Township of Roxbury was held on Monday, March 13, 2023 at **7:00 p.m.** in the Municipal Building at 1715 Route 46, Ledgewood, NJ, after a salute to the flag, Dr. Kennedy, Chairman read the “Open Public Meetings Act”.

BOARD MEMBERS PRESENT

Mr. Summers, Ms. Dawson, Mr. Klein, Ms. Robortaccio, Mr. Furey, Ms. Dargel, and Dr. Kennedy

ABSENT: Mr. Overman

PROFESSIONAL STAFF

Mr. Russell Stern, P.P.
Ms. Alyse Hubbard, Esq.

MINUTES OF FEBRUARY 13, 2023

Ms. Dargel made a motion to approve the minutes of the February 13, 2023.

Ms. Dawson seconded.

Roll call: Ms. Dargel, yes; Ms. Dawson, yes; Mr. Summers, yes; Mr. Klein, yes; Mr. Overman, yes; Ms. Robortaccio, yes; Mr. Furey, yes; Dr. Kennedy, yes.

RESOLUTIONS:

ZBA-22-008 BONDOC. Bulk variance for property located at 268 Mt. Arlington Blvd., Landing, Block 12002, Lot 3 in a R-3.

Ms. Dargel made a motion to memorialize the resolution. Mr. Klein seconded.

Roll call: Ms. Dargel, yes; Mr. Klein, yes; Ms. Robortaccio, yes; Mr. Furey, yes; Dr. Kennedy, yes.

*In the matter of Edilberto Bondoc
Case No. ZBA-22-008
MF# 7000.008*

**RESOLUTION OF FINDINGS AND CONCLUSIONS
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
RESOLUTION**

Approved: February 13, 2023
Memorialized: March 13, 2023

WHEREAS, Edilberto Bondoc has applied to the Zoning Board of Adjustment of the Township of Roxbury to expand the existing driveway, requiring bulk variance approval for premises located at 268 Mt. Arlington Boulevard and known as Block 12002, Lot 3 on the Tax Map of the Township of Roxbury which premises are in a “R-3” Residential Zone; said proposal requires relief from Section 13-7.1301D8 of the Roxbury Township Land Use Ordinance; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. The Applicant is the owner and occupant of the subject property. The Applicant is seeking approval to expand the existing driveway to accommodate the family’s

personal vehicles, which requires relief pursuant to N.J.S.A. 40:55D-70(c) from the following Sections of the Township's Zoning Ordinance:

- a. Section 13-7.1301D8 – Maximum Impervious Coverage: 25% permitted, 24.14% existing and 33.68% proposed.
 - b. Section 13-7.1301D8 – Maximum Building Coverage: 15% permitted, 19.08% existing and 19.57% proposed.
2. The Applicant submitted the following documents:
 - a. A Survey of Property, prepared by Morgan Engineering, LLC, dated July 2, 2013, with hand drawn improvements.
 - b. Tom Potere, Zoning Officer, Zoning Denial dated April 27, 2022, revised January 31, 2023
 3. The Board received an email from William Castore, Senior Engineer – Drainage, County of Morris Department of Planning and Public Works, Division of Engineering and Transportation, dated January 24, 2023.
 4. A duly noticed public meeting was held on February 13, 2023, at which time Edilberto Bondoc presented sworn testimony in support of the application. The subject property is an undersized lot of approximately 7500 square feet, where 15,000 square feet is required in the zone. The property is developed with a one-story frame dwelling, wood decks, a shed and an existing driveway.
 5. The Applicant previously appeared before the Board and has since revised his plans and worked with the Morris County Engineering Division regarding the design of the driveway. The Applicant testified that there are 6 vehicles in his family, that are currently parking on the street. The Applicant is seeking approval to expand the paved driveway area to accommodate parking on the property. The additional paving results in excess impervious coverage and excess building coverage than what is permitted in the R-3 Zone.
 6. Based on the location of the home and the existing improvements, there is no other location on the property to construct the driveway.
 7. Based on the correspondence from Mr. Castore of the Division of Engineering in Morris County, the Applicant satisfied the County's requirements for a residential driveway.
 8. There was no one from the public present for this hearing.

WHEREAS, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially

impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Roxbury for the following reasons:

1. The Board found the witness testimony to be competent and credible. Relief can be granted pursuant to N.J.S.A. 40:55D-70(c) from the following Sections of the municipal zoning ordinance:
 - a. Section 13-7.1301D8 – Maximum Impervious Coverage: 25% permitted, 24.14% existing and 33.68% approved.
 - b. Section 13-7.1301D8 – Maximum Building Coverage: 15% permitted, 19.08% existing and 19.57% approved.
2. N.J.S.A. 40:55D-70(c)(1) indicates that a variance may be granted under its “hardship” provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the (c)(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.
3. The subject property is an undersized lot with existing conditions. The Applicant’s family has 6 vehicles that need to be parked on the property and the proposed driveway will resolve the issue. The Applicant has made changes to the original application and worked with the County Engineers to meet all requirements for a residential driveway.
4. Accordingly, the benefits of permitting the increase in impervious and building coverage outweigh the detriments that may result from denying the requested relief. There would be little impact to the surrounding area and the relief can be granted without substantially impairing the zoning scheme or Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 13th day of February 2023 that the approval of the within application be granted subject, however, to the following conditions:

1. Payment of all fees, sureties, and escrows required by ordinance.
2. The improvements shall be consistent with the plans submitted to the Board and the representations made at the public hearing.
3. All removed asphalt should be properly recycled.
4. The area of asphalt that are being removed shall be stabilized and seeded.
5. Landscaping shall be installed along both sides of the driveway.

6. Applicant shall obtain a Road Opening Permit from the County of Morris, Division of Engineering and Transportation.
7. Applicant shall obtain a Zoning Permit prior to the construction of the driveway.

ZBA-22-037 STEVENSON, Certificate of Non-Conforming Use for property located at 566 Main Street, Landing, Block 11801, Lot 34 in a R-4 zone.

Ms. Dargel made a motion to memorialize the resolution. Mr. Klein seconded.

Roll call: Ms. Dargel, yes; Mr. Klein, yes; Ms. Robertaccio, yes; Mr. Furey, yes; Dr. Kennedy, yes.

In the matter of Pauline Stevenson

Case No. ZBA-22-037

MF# 7000.009

**RESOLUTION OF FINDINGS AND CONCLUSIONS
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
RESOLUTION**

Approved: February 13, 2023

Memorialized: March 13, 2023

WHEREAS, Pauline Stevenson has applied to the Zoning Board of Adjustment of the Township of Roxbury requesting a Certification of a Pre-existing Nonconforming Use and Structure, pursuant to N.J.S.A. 40:55D-68, for premises located at 566 Main Street, Landing, and known as Block 10403, Lot 15 on the Tax Map of the Township of Roxbury which premises are in a “R-4” Residential Zone; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. The Applicant is the owner of the subject property, which contains a two-family dwelling. The Applicant is seeking a Certification that the two-family dwelling is a Pre-existing, Nonconforming Use and Structure in the zone.
2. The application is under the jurisdiction of the Zoning Board as N.J.S.A. 40:55D-68 states that any time after the passage of an ordinance that renders an existing, permitted use or structure nonconforming, an interested party may apply to the Board of Adjustment for a Certificate certifying that the use or structure existed before the adoption of the ordinance which rendered it nonconforming.
3. The Applicant submitted the following documents:
 - a. Location Survey, prepared by G. L. Worley & Associates, dated September 21, 2022.
 - b. Zoning Map, Township of Roxbury, prepared by Keller & Kirkpatrick, Inc. and Robert Michaels & Associates, dated April 2001.

- c. Floor Layouts for First and Second Floors, Basement and Attic, preparer and date unknown, consisting of four (4) sheets.
 - d. Pictures of the Interior and Exterior of the home, preparer and date unknown, consisting of three (3) sheets.
 - e. Property Tax Bill Payment Receipt, dated August 11, 2022.
 - f. Tax Card, dated September 16, 2022.
4. The Board received a memorandum from Tom Potere, Zoning Officer, dated January 30, 2023, with photos attached, dated January 31, 2023, consisting of four (4) sheets.
 5. A duly noticed public meeting was held on February 13, 2023, at which time Pauline Stevenson presented sworn testimony in support of the application. The Applicant purchased the home in 1994 and is under contract to sell the property, requiring a certification that the two-family home is a pre-existing nonconforming use and structure.
 6. The subject home was constructed in 1883 and has been in the Applicant's family since the 1960s. The home was owned by the Applicant's Grandmother, who occupied one side of the home and her in-laws occupied the other side. They worked on the nearby railroad.
 7. The Applicant submitted a Tax Card that indicated that the home was a two-family dwelling. There are separate sewer assessments and connections, as well as separate electric meters, furnaces, and thermostats. There is a shared well.
 8. The units are side-by-side and mirror each other. There are two, two-bedroom apartments, with dining rooms, living rooms, kitchens, and bathrooms, as well as a basement and an attic. There is no common entrance, each unit has a front and rear entrance. There are separate parking areas for each unit.
 9. Based on historical zoning maps, the property was located in the B Zone District (Residential Double) in 1946. In 1959, the property was re-zoned to R-4, single-family zoning district, which is the current zoning. There is sufficient testimony and evidence that the two-family dwelling was a permitted use until the rezoning of the property in 1959.
 10. There was no one from the public present for this hearing.

WHEREAS, the Board has determined that the relief requested by the Applicant, for a Certification of a Pre-existing, Nonconforming Use and Structure, should be granted for the following reasons:

1. The Board found the witness testimony to be competent and credible. The Applicant was able to establish that the home was constructed as a permitted use prior to the

zoning change in 1959. The testimony of the Applicant is supported by the tax records and the physical features of the property.

2. The home was constructed in 1883, with the same layout and design as currently exists. There does not appear to be any alterations to suggest that the home was renovated to create two dwelling units. The individual units are independent of each other, with separate entrances, utilities and parking.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township Roxbury on the 13th day of February 2023 that the approval of the within application shall be granted subject.

ZBA-22-040 WESTENBERGER, Bulk variance for property located at 534 Dell Road, Landing, Block 10403, Lot 15 in a R-3 zone.

Ms. Dawson made a motion to memorialize the resolution. Ms. Dargel seconded.
Roll call: Ms. Dawson, yes; Ms. Dargel, yes; Mr. Summers, yes; Mr. Klein, yes; Ms. Robertaccio, yes; Mr. Furey, yes; Dr. Kennedy, yes.

In the matter of John Westenberger
Case No. ZBA-22-040
MF# 7000.010

RESOLUTION OF FINDINGS AND CONCLUSIONS
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
RESOLUTION

Approved: February 13, 2023
Memorialized: March 13, 2023

WHEREAS, John Westenberger has applied to the Zoning Board of Adjustment of the Township of Roxbury seeking bulk variance approval for the construction of a shed for premises located at 534 Dell Road, and known as Block 11801, Lot 34 on the Tax Map of the Township of Roxbury which premises are in a “R-3” Residential Zone; said proposal required relief from Section 13-7.1301(8) of the Roxbury Township Land Use Ordinance; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. The Applicant is the owner and occupant of the subject property.
2. The subject application seeks approval to construct a 12’x16’ shed in the rear of the property, requiring relief pursuant to N.J.S.A. 40:55D-70(c) for maximum impervious coverage, where 34% is proposed and only 25% is permitted by Section 13-7.1301(8) of the Roxbury Township Land Use Ordinance.
3. The Applicant submitted the following documents:
 - a. Survey prepared by Wm. F. Zimmerly & Associates, dated November 24, 2009.

- b. Building Sections, prepared by Tuff Shed, Inc, dated February 10, 2022.
 - c. Zoning Denial for Shed, prepared by Tom Potere, Zoning Officer, dated January 30, 2023.
4. A duly noticed public meeting was held on February 13, 2023, at which time John Westenberger presented sworn testimony in support of the application. The subject property is an undersized lot, consisting of 10,000 square feet where 15,000 square feet is required. The Applicant is proposing to construct a 12'x16' shed to provide additional storage space. The shed will be constructed on a gravel pad and be located in the rear of the property, which is a wooded area. The shed will have the same color siding as the existing home.
 5. The existing 8'x8' shed, that appears to encroach on the neighboring lot on the survey, has be relocated on the lot on cinderblocks and is no longer encroaching. Additionally, two (2) dead trees will be removed from the property to create safer conditions.
 6. There was no one present at the hearing for this application.

WHEREAS, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Roxbury for the following reasons:

1. The Board found the witness testimony to be competent and credible. Relief can be granted pursuant to N.J.S.A. 40:55D-70(c) from Section 13-7.1301(8) of the municipal zoning ordinance to permit 34% of impervious coverage where 25% is permitted in the zone.
2. N.J.S.A. 40:55D-70(c)(1) indicates that a variance may be granted under its "hardship" provisions, with the hardship being related to the exceptional narrowness, shallowness, shape of the property, unusual topographic conditions or by reason of the location of the existing structures on the property. Under the (c)(2) subsection, variance relief may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning (which purposes are set forth in N.J.S.A. 40:55D-2) and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.
3. Accordingly, relief can be granted as the subject property is undersized and creates a hardship for the Applicant to construct a shed without exceeding the maximum impervious coverage. The shed is a reasonable accessory structure for a residential home and will provide storage for the homeowners.

4. The benefits of permitting the shed outweigh the detriments that may result from denying the requested relief. The shed will be located in the rear of the property and not visible from the road. The requested relief is de minimus in nature and will not have a negative impact on the surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 13th day of February 2023 that the approval of the within application be granted subject, however, to the following conditions:

1. Payment of all fees, sureties, and escrows required by ordinance.
2. The proposed shed shall be constructed in accordance with the plans submitted to the Board and the representations made at the public meeting.
3. The impervious coverage shall not exceed 34%.
4. The exterior of the shed shall match the exterior of the principal residence.

APPLICATIONS:

ZBA-22-036 BURKE, Bulk variance for property located at 11 Silver Springs Drive, Landing, Block 11601, Lot 10 in a R-3 zone.

[\(Request to be carried to the April 10, 2023 meeting with no further notification\).](#)

ZBA-21-004 BLACK RIVER HOLDINGS, LLC & MORGAN DEAN HOLDINGS, LLC , Use Variance, Bulk Variance, Lot Merger, and Preliminary Major Site Plan for property located at 1371, 1373, and 1393 Route 46, Ledgewood, Block 8701, Lot(s) 4, 5, & 6 in a B-2 zone.

[\(Request to be carried to the April 10, 2023 meeting with no further notification\).](#)

ZBA-22-026 BLANTON, Bulk Variance relief for property located at 215 Kingsland Road, Landing, Block 11002, Lot 32 in a R-3 zone.

Ms. Hubbard swore in Ayla Clevenger Blanton and Christopher Blanton of 215 Kingsland Road, Landing, NJ 07850.

Christopher Blanton stepped forward and explained that he and his wife would like to build a single family home and that they are back before the Board for the third time with revisions to their plans to address the comments of the Board. Mr. Blanton explained that he and his wife met with the Lake Hopatcong Commission and have satisfied the needs of the commission and have their full support on the application as currently amended.

Ms. Hubbard swore in Michael Roth of Roth Engineering, LLC located at 52 Quail Run, Long Valley, NJ 07853. Mr. Roth addressed sheet 1 of 3 of the site plan that was submitted to the Board dated June 14th 2022 revised February 7th 2023 explaining that the applicant is requesting 6 “C” bulk variances for the project which include rear and side yard setback for the proposed deck, building coverage, impervious coverage, lake buffer, and number of garage spaces.

Mr. Roth explained that he and the applicant met with the Lake Hopatcong Commission on January 5th, 2023 to address some of their concerns. Mr. Roth explains that he made some adjustments to the plan where the changes were outlined in the Stormwater Management letter prepared by Mr. Roth’s office dated February 7th, 2023. Mr. Roth stated that he analyzed the stormwater management project for the site and is proposing a drywell that results in an

improvement to the site runoff. The runoff directed to the drywell exceeds the increase in coverage being proposed and the drainage pattern has changed so as to direct minimal runoff into the lake. The project is proposing soil control measures that are above and beyond what is required which will include two rows of silt fencing to protect the lake. Lastly, the project is proposing a rain garden adjacent to the lake on the western side of the property.

Ms. Robortaccio asked how far the steps to the road were. Mr. Roth replied, approximately 32 feet from the right of way line, noting the home itself complies with the setback.

Mr. Stern asked if four cars could be parked in the driveway. Mr. Roth replied yes. Mr. Stern stated that with the ability to park 4 cars in the driveway and potentially four cars within the dwelling, noting the four cars in the garage constitutes a variance. Mr. Stern stated that in previous testimony it was explained that the additional garage space is to be used for storage for outside equipment. Mr. Stern then asked if there was any way that one of the garage spaces could be converted into a storage areas instead of a parking space to eliminate the variance. Mr. Blanton replied, yes.

Mr. Furey stated that Mr. Roth testified that the stormwater management has been revised by increasing the capacity of the drywell based on the proposed conditions. Mr. Furey asked if it was a significant increase or a minimal increase. Mr. Furey then asked if there was any onsite soil testing based on the assumption that this will work. Mr. Roth replied that there has been no soil testing as of yet. Mr. Furey asked if Mr. Roth planned to conduct on-site soil testing to confirm his design. Mr. Roth replied yes.

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

Ms. Hubbard swore in Jessica Caldwell, PP of 145 Spring Street, Suite E, Newton, NJ. Ms. Caldwell stated that she provided testimony at the last hearing and that she just wanted to reiterate some of the positive and negative criteria. Ms. Caldwell testified that she believes the proposed has met the positive criteria because the property is an isolated undersized lot where the hardship has been shown. Additionally, what is being proposed fits into the neighborhood and based on the plans and some of the studies the proposed is in the median when it comes to its size, impervious coverage. Ms. Caldwell addressed the negative criteria where the Board was concerned about the comments from the Lake Hopatcong Commission. Ms. Caldwell stated that an extra effort was made to meet with the Lake Hopatcong Commission to determine what the concerns were and the applicant agreed to address all of their concerns. Also, the project has been downsized and minimized to the greatest extent possible. Ms. Caldwell stated that stormwater management has a better scenario moving forward. Ms. Caldwell also made the point that this property is currently dilapidated and abandoned and that the new proposal is a positive addition in bringing a nice new home into the community. Ms. Caldwell stated that the applicant has also agreed to a three-car garage when a four car was being proposed.

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 –

Ms. Maria Sudol of 302 Kingsland Road stepped forward and was sworn in by Ms. Hubbard. Ms. Sudol stated that she objected to the side yard setback, rear yard setback, and building coverage. Ms. Sudol felt the hardship had not been demonstrated by the applicant. Ms. Sudol stated she feels the deck, which has a 24-foot setback, is too close to the lake and that the home being proposed is too large.

Dr. Kennedy stated that the existing side yard setback was 3 feet where the newly proposed is 10 feet, showing improvement.

Mr. Kevin O'Donnell of 213 Kingsland Road stepped forward and acknowledged that he remained under oath from the prior hearing. Mr. O'Donnell stated he felt the house being proposed was too big for the lot size and is concerned about stormwater.

Ms. Robortaccio asked what was the difference in elevation between 215 and 213 Kingsland Road.

Mr. Roth asked the Board to look at sheet 2 of 3 last revised 02/07/2023 which showed the property is graded as not to direct water on the property of 213 Kingsland Road, but instead swales and channels downward out toward the street and on the backside the water is swaled and directed toward the lake.

Mr. Stern asked Mr. Roth if he looked into impervious pavers which would be a substantial reduction in the impervious coverage calculation. Mr. Roth replied yes, but felt with the amount of cars and lake vehicles coming in and out of the property, pavement would be a better option. Mr. Roth did state one of the modifications that was made was stone will be used in lieu of a concrete patio.

Ms. Judith Sabo of 213 Kingsland Road stepped forward and stated that she has lived in her home for 36 years and has concerns about the size of the newly proposed home. Ms. Sabo stated that she likes the neighbors but feels she is going to be overwhelmed by the new home. Ms. Sabo also stated that she is concerned about the retaining wall that runs between the two properties and the closeness of the two decks.

Ms. Sabo asked what type of barrier is going to be in place to protect the lake. Mr. Roth replied that the applicant has applied and was approved by the Morris County Soil Conservation District which is the entity that has jurisdiction on these types of matters. Mr. Roth stated that there are requirements and certain measures that must be taken in accordance with approval. Mr. Roth stated that the applicants are going above and beyond what is required to protect the neighbors and the lake.

Ms. Robortaccio asked Ms. Sabo how close her home was to the property line. Ms. Sabo replied that when she built her home the zoning standards were not in effect and her home did not meet the current setback requirements. Ms. Sabo stated that her home is approximately 5 feet from the property line.

Ms. Dargel referred to page 11 of a report written by Jessica Caldwell, the applicants Planner which depicted a lot coverage analysis that Ms. Sabo's property has a 50% lot coverage and the applicant is proposing 38.7%.

Ms. Sabo replied that everything on her property was done in accordance with the Township requirements at the time.

Motion was made to close to the public.

Mr. Stern stated that architectural rendering was very attractive and asked the applicant if they were going to mimic the rendering. Mr. Blanton replied, yes.

Ms. Robortaccio made a motion to approve the application. Dr. Kennedy seconded.

Roll call: Ms. Robortaccio, yes; Dr. Kennedy, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Furey, yes; Ms. Dargel, yes.

ZBA-22-020 PICCOLO, Certificate of Non-Conforming Use for property located at 81-83 Main Street, Succasunna, Block 3801, Lot 79 in a B1-A zone.

Mr. James Porfido stepped forward to represent Mr. Robert Piccolo stating he and his applicant had been before the Board a few months prior when the Board requested more evidence of the pre-existing non-conforming use be presented.

Mr. Porfido stated that he provided an affidavit from a building tenant at a previous hearing, and it was the concern of the Board Attorney at the time, Mr. Larry Weiner, that the tenant was not present to be cross examined.

Mr. Porfido stated that for the current hearing he has provided an affidavit from Marshall Gates who is a local Attorney and has Carl Wronko, who was a past Municipal Court Judge as a witness. Mr. Wronko has had several dealings with the said property as a closing Attorney.

Mr. Porfido explained that he tried to compile as much historical data on the property as he could which showed that from the time Mr. Piccolo purchased the property in 2003 and long before that time the property identified as 81-83 Main Street, Succasunna (Block 3801, Lot 79) has always and continuously been used for the same purposes that is two commercial establishments on the first floor and two apartments on the upstairs.

Mr. Stern stated that the most important factor in establishing a pre-existing non-conforming use of two commercial units and two apartment units which goes back to the 1950's. In Mr. Gates' affidavit it states that the property had the apartments on the second floor and business on the first floor.

A discussion was had regarding the affidavit of Mr. Gates and how he was not present for cross examination. Mr. Porfido explained he was advised by the prior Board Attorney that an affidavit would be sufficient. The Board decided to move forward and bring Mr. Wronko forward for cross examination.

Mr. Carl Wronko, Attorney at Law was sworn in by Ms. Hubbard and stepped forward to give his recollection of 81-83 Main Street, Succasunna. Mr. Wronko stated that he is very familiar with the area as he was an up-and-coming Attorney in the 1970's hired by the Fullerton/Porfido firm located in Succasunna where he subsequently purchased a home in the Berkshire Valley section of Roxbury and has lived there ever since.

Ms. Dargel asked what his relationship to the 81-83 Main Street property was. Mr. Wronko explained that Mr. Fullerton had done legal work for the owner for years. Mr. Wronko explained that at the time the building owner, Magdalena Baylor, Mr. Wronko explained that around 1976-1977 the owner then became his client where he prepared residential and commercial leases for potential tenants.

Ms. Dargel asked Mr. Wronko if the property was always two residential units upstairs and two commercial units downstairs as far as he remembers. Mr. Wronko replied yes.

Mr. Wronko explained that when Ms. Baylor passed away, he oversaw the estate. Mr. Wronko also stated that his office is currently located about 5 commercial parcels down from 81-83 Main Street.

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

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

Dr. Kennedy made a motion to approve the application. Ms. Robortaccio seconded.
Roll call: Dr. Kennedy, yes; Ms. Robortaccio, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Fuery, yes; Ms. Dargel, yes.

ZBA-22-042 KOVAL. Bulk variance for property located at 15 Harriet Way, Landing, Block 9703, Lot 9 in a R-3.

Ms. Cheryl and Frank Koval of 15 Harriet Way, Landing were sworn in by Ms. Hubbard. Ms. Koval stepped forward and explained that they reside in a Cape Cod style home that has a dormer in the front of the house and they would like to extend the dormer to both the right and the left. Ms. Koval explained that as a pre-existing condition the home front of the home does not meet the required 35 ft. setback.

Mr. Koval had photos on his phone of the dormers which he walked around and showed the Board members. Ms. Hubbard marked the photos as Exhibit A-1 and requested the photos be provided to the Board Secretary.

Mr. Stern explained what is triggering the variance is the fact that the home already does not meet the front yard setback and the proposed work is adding additional bulk on the second floor.

Ms. Dargel asked the Koval's if they would be residing to match the rest of the home. The Koval's replied yes.

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

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

Ms. Robortaccio made a motion to approve the application. Ms. Dargel seconded.
Roll call: Ms. Robortaccio, yes; Ms. Dargel, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Furey, yes; Dr. Kennedy, yes.

NEW BUSINESS:

OLD BUSINESS:

Motion to adjourn at 9:28 pm

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
Tracy Osetec, Board Secretary
March 13, 2023