

A regular meeting of the Board of Adjustment of the Township of Roxbury was held on Monday, May 8, 2023 at **7:00 p.m.** in the Municipal Building at 1715 Route 46, Ledgewood, NJ, after a salute to the flag, Ms. Dargel, Vice Chairwoman read the “Open Public Meetings Act”.

BOARD MEMBERS PRESENT

Mr. Summers, Ms. Dawson, *Mr. Klein, Mr. Overman*, Ms. Robortaccio, Mr. Furey, and Ms. Dargel

ABSENT: Dr. Kennedy

PROFESSIONAL STAFF

Mr. Russell Stern, P.P.
Mr. Kataryniak, PE, PTOE, Ferriero Engineering
Ms. Alyse Hubbard, Esq.

RESOLUTIONS:

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

Ms. Dawson made a motion to memorialize the resolution. Mr. Overman seconded.
Roll call: Ms. Dawson, yes; Mr. Overman, yes; Mr. Summers, yes; Ms. Robortaccio, yes.

*In the matter of Vincent and Toni Burke
Case No. ZB22-036
MF# 7000.003*

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

Approved: April 10, 2023
Memorialized: May 8, 2023

WHEREAS, Vincent and Toni Burke have applied to the Zoning Board of Adjustment of the Township of Roxbury seeking to construct a second story deck requiring bulk variance approval for premises located at 11 Silver Springs Drive, and known as Block 11601, Lot 10 on the Tax Map of the Township of Roxbury which premises are in a “R-3” Residential Zone; said proposal required relief from Sections 13-7.819, 13-7.1301D5, 13-7.1301D8, 13-7.810-1B, and 13-7.1301D6(b), 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 Applicants are the owners of the subject property. The Applicants are proposing a second story deck, which requires relief, pursuant to N.J.S.A. 40:55D-70(c), from the following Sections of the Township’s Zoning Ordinance:

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- a. Section 13-7.819 – No disturbance, including construction or expansion of any building shall be permitted within fifty (50) feet from the bank of any lake: the house is 40 feet from the lake and the deck is proposed at 24 feet from the lake.
 - b. Section 13-7.1301D5 – Minimum Rear Yard Setback: 35-foot setback required, 39 foot setback existing to the house, 23 foot setback proposed to the deck.
 - c. Section 13-7.1301D8 – Maximum impervious coverage: 25% permitted, 48.68% existing, 48.68% proposed.
 - d. Section 13-7.1301D8 – Maximum building coverage: 15% permitted, 13.52% existing, 17.82% proposed.
2. Additional variance relief was required for the existing shed on the property:
- a. Section 13-7.810-1B – No accessory structure shall be permitted in the front yard, 15.5’ by 10’ shed is located in the front yard.
 - b. Section 13-7.1301D6(b) – Side yard setback of an accessory structure: 5 feet is required, 3 feet is existing and proposed.
3. The Applicant submitted the following documents in addition to the Land Development Application:
- a. Zoning Denial, from Tom Potere, Zoning Officer, dated January 3, 2023, revised March 31, 2023.
 - b. Survey of Property, prepared by Lakeland Surveying, dated January 16, 2023, with setbacks indicated and lot coverage and building coverage calculations.
 - c. Property Survey, prepared by Benchmark Land Surveyors, Inc., dated March 31, 2011, with the deck location indicated.
 - d. Architectural Sketch, undated and unsigned
 - e. Photos of the rear of the property and adjacent homes, three (3) photos, undated
4. The Board a memorandum from H. Ronald Smith, Lake Hopatcong Commission, dated January 5, 2023
5. Duly noticed public hearings were held on January 9, 2023 and April 10 2023, during which Toni Burke and John Tomac, the general contractor, presented sworn testimony in support of application. The subject property is a long, narrow lot that fronts on Silver Springs Drive and has frontage on Lake Hopatcong. The lot is non-conforming as to lot area; 15,000 square feet is required, and 7,707 square feet is existing. Additionally, it has non-conforming lot width and lot frontage, with does not meet the minimum side yard

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setback on the north, where 10' is required and 6.9' is existing. The lot has approximately 51 feet of frontage on Lake Hopatcong and narrows toward Silver Springs Drive, with approximately 30 feet of frontage.

6. The property consists of a two-story dwelling, with a concrete patio in the rear and a walkway to the lake front dock. There is an asphalt driveway on Silver Springs Drive with a concrete walkway that leads to the house and the rear of the property. There is a wooden shed in the front yard, adjacent to the fence that separates the driveway and concrete walk to the walkway to the rear of the property.
7. Ms. Burke testified that they live in Paramus and purchased the subject property in 2009 as their second home. There was a second story, small deck accessed by sliding doors from the bedroom, which was in disrepair and removed. The subject application seeks approval to construct a 16'x22' deck to replace the prior deck.
8. The Applicant agreed to comply with the conditions set forth in the Lake Hopatcong Commission letter dated January 5, 2023. The existing sidewalks and pavers were installed to address a drainage issue that the property owners were experiencing. Turf was installed on the lake front portion of the property, in lieu of grass, to eliminate the need for fertilizer and the potential runoff of nitrates and phosphorus into the lake.
9. During the public portion of the hearing on January 9, 2023, Julie Meola, the adjacent property owner, expressed concerns about the proposed deck obstructing her lake view. It was noted that very tall arborvitae run along the property line and provide screening between the two lots.
10. The deck was proposed with solid flooring, which required an impervious coverage calculation and a new survey. The hearing was carried to February 13, 2023, without being heard. The application was heard on April 10, 2023
11. During the April 10, 2023 hearing, Mr. Tomic provided additional testimony regarding the proposed construction. A spiral staircase was added to the proposed deck but requires no variance relief. The deck will be constructed with Trex and corrugated waterproof protection underneath. Both the deck and the railings will be constructed in conformance with the construction code.
12. Gutters are proposed to run into the existing PVC piping on the property. The rear yard is tiered, and the roof leaders drain into the 2nd tier, which is a planter, and do not run into the lake.

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13. The 15.5'x10' shed in the front yard was on the property when the Applicant purchased the home. The shed requires relief for being located in the front yard as well as violating the required side yard setback of 5 feet as it is only 3 feet from the property line.
14. There was no one present at the April 10, 2023 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 the following Sections of the municipal zoning ordinance.
 - a. Section 13-7.819 – No disturbance, including construction or expansion of any building shall be permitted within fifty (50) feet from the bank of any lake: the house is 40 feet from the lake and the deck is approved at 24 feet from the lake.
 - b. Section 13-7.1301D5 – Minimum Rear Yard Setback: 35-foot setback required, 39-foot setback existing to the house, 23 foot setback approved to the deck.
 - c. Section 13-7.1301D8 – Maximum impervious coverage: 25% permitted, 48.68% existing, 48.68% approved.
 - d. Section 13-7.1301D8 – Maximum building coverage: 15% permitted, 13.52% existing, 17.82% approved.
 - e. Section 13-7.810-1B – No accessory structure shall be permitted in the front yard, 15.5' by 10' shed is approved in the front yard.
 - f. Section 13-7.1301D6(b) – Side yard setback of an accessory structure: 5 feet is required, 3 feet is existing and 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.

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3. The subject property is an undersized lot, that is non-conforming as to lot area, width and frontage. The house is located within 50 feet of Lake Hopatcong and the driveway is located on Silver Spring Drive. There are second story sliding doors that cannot currently be utilized as the prior deck was not properly constructed, was in disrepair and has been removed. The proposed deck cannot be constructed in a conforming location.
4. The shed is in a pre-existing, non-conforming location and was there when the Applicant purchased the property. Although non-conforming, there is no increase in impervious coverage and only a small increase in building coverage. The Board determined that the benefits of permitting the construction of deck and approving the location of the shed outweigh the detriments that may result from denying the requested relief. It was further determined that there would be little impact to the surrounding area and that the second story deck will provide an outdoor area for the homeowner to enjoy the lake view. The deck will not interfere with adjacent homeowners' lake view and there is sufficient vegetative screening for the adjacent property owner. Accordingly, 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 10th day of April 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 deck shall be constructed consistent with the plans submitted to the Board and the representations made at the public hearing.
3. The Applicant shall obtain all necessary building and zoning permits prior to the construction of the deck.
4. The Applicant shall comply with the recommendations of the Lake Hopatcong Commission, as set forth in their letter dated January 5, 2023.
5. The deck shall remain uncovered.

ZBA-23-001 OSBORNE. Bulk variance for property located at 13 Summit Lane, Succasunna, Block 5403, Lot 2 in a R-3 zone.

Ms. Robortaccio made a motion to memorialize the resolution. Mr. Furey seconded.
Roll call: Ms. Robortaccio, yes; Mr. Furey, yes; Mr. Summers, yes; Ms. Dawson.

*In the matter of Brian Osborne
Case No. ZBA-23-001
MF# 7000.017*

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

Approved: April 10, 2023
Memorialized: May 8, 2023

WHEREAS, Brian Osborne has applied to the Zoning Board of Adjustment of the Township of Roxbury seeking bulk variance approval related to the construction of a detached garage for premises located at 15 Summit Lane and known as Block 5403, Lot 2 on the Tax Map of the Township of Roxbury which premises are in a “R-1” Residential Zone; said proposal required relief from Section 13-7.905C and 13-8.700E 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 proposing to construct a new two-car detached garage, with attached shed, requiring the following relief from the Township’s Ordinances:
 - a. Variance relief from Section 13-7.905C: Total ground area of all accessory structures shall not exceed 50% of the ground area of the principal structure; Principal Structure is 2,545 square feet, the proposed square footage of accessory structures would be 1,460 square feet, where 1,272.5 square feet is permitted.
 - b. Design Waiver from Section 13-8.700E: No residential building permit shall be granted for construction, including a garage, for more than 3 motor vehicles; proposed garage will create 4 motor vehicle parking spaces.
2. The Applicant submitted the following documents in addition to the application:
 - a. Plot Plan/Bulk Regulations, prepared by Fox Architectural Design, PC, dated December 19, 2022
 - b. Location Survey, prepared by G.L. Worley & Associates, L.L.C., dated August 17, 2011
 - c. Zoning Denial from Tom Potere, Zoning Officer, dated December 7, 2022
3. A duly noticed public meeting was held on April 10, 2023, at which time Brian Osborne and Kenneth Fox, AIA, PP, who was accepted as an expert in the field of architecture, presented sworn testimony in support of the application. The subject property is approximately a 1.4-acre lot, with 175 feet of frontage and

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approximately 350 feet in depth. The existing single-family structure is located approximately 55 feet from the front lot line, with driveway access to the attached two-car garage. The property is located at the end of a cul-de-sac with a 20' wide drainage easement (the "Easement") along the eastern property line.

4. In addition to the single-family dwelling the current property contains an in-ground pool, with a concrete patio and pool house, which attaches to an existing deck on the rear of the home. The existing garage is smaller than the current standard for garages for vehicular storage. The existing basement consists of a living area and a workout area.
5. The proposed garage is comprised of two parts: the garage portion is 32' by 30' with two bay doors facing Summit Lane and the shed portion is 25' by 20' with a man door facing the rear of the home. There is an interior door that connects the two portions of the structure with interior stairs that lead to a basement proposed below grade. The garage is proposed on the Easement line, with an expansion of the driveway to the width of the garage.
6. The Applicant testified that he has a classic car collection and is proposing the detached garage to store the classic vehicles, as well as his motorcycles and bikes. He currently rents spaces to store the vehicles, which is inconvenient and not ideal. He would like to store the vehicles on site, indoors, and there is no other location for the vehicles.
7. The Applicant was advised that the garage must be 5 feet from the Easement. There is currently a shed within the Easement area on the property that must be removed prior to the construction of the garage. During discussion with the Board, the Applicant agreed to reduce the garage as follows:

- a. Garage portion: 32'x30' shall be reduced to 30'x28'.
- b. Shed portion: 25'x20' shall be reduced to 23'x18'.

By reducing the size of the structure, the variance for the square footage of accessory structures above 50% of the principal structure is being eliminated and brought into compliance.

8. The structure will have electrical and/or gas service, but no water or sewer service. The structure will be used for vehicles and other storage but will not be habitable or used to store commercial vehicles. The exterior siding will match the existing structure, with a decorative stone base and fit in with the character of the neighborhood.
9. Mr. Fox noted that the current lot is oversized and well situated for the proposed garage.
10. No one from the public was in attendance for this hearing.

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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. The Board noted the Applicant's willingness to address the concerns of the Board by reducing the size and shifting the location of the garage.
2. The Applicant sought relief from pursuant to N.J.S.A. 40:55D-70(c) from Section 13-7.905C of the Township's Zoning Ordinance, as the total ground area of all accessory structures shall not exceed 50% of the ground area of the principal structure. The principal structure is 2,545 square feet, the proposed square footage of accessory structures shall not exceed 1,272.5 square feet. The Applicant reduced the size of the structure, agreed to remove the shed and limit the square of the garage to 1250 square feet, thereby eliminating the need for the variance.
3. Additionally, the Applicant relocated the garage structure 5 feet from the Easement, thereby avoiding a variance for location of the garage.
4. Waivers can be granted pursuant to N.J.S.A 40:55D-51, if they are reasonable and within the general purposes and intent of the provisions for design guidelines and the literal enforcement of the provisions of the ordinance is impracticable and will exact undo hardship because of peculiar conditions pertaining to the land in question. A Design Waiver from Section 13-8.700E is hereby granted to permit 4 garage vehicle parking spaces where no residential building permit shall be granted for construction, including for a garage, for more than 3 motor vehicles.
5. The Board determined that the benefits of the garage to provide indoor parking for the Applicants classic car collection and other vehicles outweigh the detriments that may result from denying the requested relief. There will be little impact to the surrounding area, as the subject property is an oversized lot, at the end of a cul-de-sac. Accordingly, it was determined that there would be little impact to the surrounding area and that 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 10th day of April 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 Applicant shall obtain all necessary zoning and construction permits.
3. The proposed structure shall be constructed consistent with the plans submitted to the Board and the representations made at the public hearing.
4. The existing shed shall be removed prior to construction of the garage.
5. The proposed structure shall be utilized for residential storage only, there shall be no storage of commercial vehicles.
6. The proposed structure shall be serviced by electric or gas but shall not be serviced by water or sewer connections.
7. The proposed structure shall not be habitable.
8. The proposed structure shall not exceed 1250 square feet.
9. The proposed structure shall be located 5 feet from the drainage easement.
- 10.

APPLICATIONS:

ZBA-21-008 KALM. Use Variance for property located at 142 Lakeside Boulevard, Landing, Block 11001, Lot 3 in a R-3 zone. *(Request to be carried to the July 10, 2023 meeting with no further notification required).*

ZBA-23-005 RBS HARRISON, LLC. Certificate of Non-Conforming Use for property located at 12 Mark Lane, Succasunna, Block 2001, Lot 4 in a R-3 zone. *(Request to be carried to the June 12, 2023 meeting with no further notification required).*

ZBA-22-043 PETERS. Bulk variance for property located at 305 Kingsland Road, Landing, Block 11001, Lot 16 in a R-3 zone. *(Request to be carried to the June 12, 2023 meeting with no further notification required).*

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.

Mr. Anthony Sposaro stepped forward as attorney representation for the applicant. Mr. Sposaro stated that they were here a few months ago and were close to a vote on this matter. But an issue arose regarding access to the rear of the building by firefighting equipment and the decision made at that time was to seek some additional input from the fire department. Since then, there was a report that was generated by Jerry Filipow, Department Chief of the Roxbury Fire Department. The report references a meeting that occurred on Wednesday, March 22, 2023 which was attended by a number of individuals, including Mr. Forlenza. The outcome to the meeting was that they felt comfortable and had no objections to the proposed addition. Additionally, they believe they can provide access to the building safely and adequately.

Mr. Sposaro stated that the final issue to be addressed is whether there are going to be any changes to the roof design and roof line for the addition. The applicant submitted a letter from

William Byrne, the project architect dated March 29, 2023. It indicated that the roof that currently exists has a life expectancy of an additional 17 years and that to take it off now would result in economic waste. Mr. Sposaro asked the board to allow the roof to continue as is.

Mr. Sposaro stated his applicant came before this Board a decade or so ago when proposed parking in the state right of way was approved and now, we have agreed to remove it. Mr. Sposaro also agreed to substantially landscape that area subject to the reasonable.

Ms. Dargel asked if Mr. Sposaro had gone to the DOT for access change. Mr. Sposaro replied, no, and in his opinion, it would be premature to go to the DOT and get that approval until we had municipal site plan approval.

Mr. Kataryniak stated that it is a standard course of business and that it is acceptable for the applicant to seek local approval first from the local land use board, then pursue approvals from the outside agencies, with the DOT being one of them. Mr. Kataryniak further stated that the applicant does that with a certain amount of risk, so if the DOT should enforce changes to the site plan and then the modification is to the, let's say the driveways, that would impact the site plan. Then the applicant would be obligated to come back to this Board and amend their application.

Mr. Sposaro continued with it was his understanding based upon feedback from the board and professionals, that they were comfortable with the new circulation and that the only issue was access to the rear of the property for circulation for firefighting purposes, and I think that's been addressed through the letter that you've received.

Mr. Furey asked Mr. Kataryniak if he remembered a discussion about circulation and how the applicant changed the the circulation plan to reflect what they're looking to go with right now. Mr. Furey asked Mr. Kataryniak for his opinion, was this circulation plan acceptable. Mr. Kataryniak replied he thought it offered an improvement over what had been and what exists today. The elimination of that egress movement and the deceleration eliminates a weaving movement that takes place at that deceleration lane now. Mr. Kataryniak stated that this is an opportunity for not only for the parking that encroaches the DOT right away to be removed but it it allows the driveway configurations to be reconstructed to a conventional driveway geometry with curbing the defined driveway. Mr. Kataryniak followed up with this is an opportunity for that driveway to be brought into concurrent into current standards for DOT, and the elimination of that traffic movement does offer an improvement.

Mr. Sposaro closed with this is our case and we have presented all of our testimony, including testimony from our planner regarding the variances that we seek.

Mr. Stern stated that you have a 17-year roof life, so you're not going to make the changes to the roof line, but there's always been that issue about having that very unique existing building with the two signs, the two rooftop signs, which were permitted to be retained with the variance a long time ago. Mr. Stern stated but now you are adding a new building to it. Mr. Stern then asked if Mr. Sposaro had an exhibit showing what the board will be approving in terms of the building design, because of the modifications that were made to the plans when the roof line was going to be modified.

The Board agreed that would like to see a rendering of what they would be approving for 17 years.

Mr. Sposaro stated that he believed a rendering was submitted by Mr. Byrne a while ago.

Mr. Stern stated that it had not been updated to reflect the most recent roofline and landscape plan.

Mr. Sposaro stated that for the record the applicant submitted a plan prepared by Byrne Design Associates LLC dated June 25, 2021, consisting of three sheets and there were two revision dates. One dated August 20, 2021, and then on October 5, 2021, existing building mounted signs and dimensions were added.

Mr. Stern asked Mr. Sposaro if that reflected what's actually going to be on site, because the proposal does not show a stone base nor depict the side elevation sign. Mr. Stern stated if not then we will need an update.

Mr. Sposaro asked the question whether the Board was comfortable looking at the two drawing revisions by putting them together by making a decision or not. If not, we will submit a revised drawing and hope to see you next month.

Mr. Sposaro asked the Board if they were comfortable with that straight roof design eliminating the two gables over the existing structure, because they do not want to come in with a plan so that shows no gables across the existing structure. Right now, it shows three small gables across the addition. Mr. Sposaro asked the Board if they were ok with trying to preserve the roof that has a useful life. Mr. Sposaro stated that his applicant does not want to construct these two gables because it would destroy the roof the currently exists, so they are asking that these gables be eliminated and keep the stone façade, the sign on the side, make whatever other minor technical changes were discussed and agreed upon, and present that drawing to you.

Mr. Sposaro stated his applicant submitted a landscaping plan and that Mr. Stern requested that we make certain changes to it, and we stipulated that we would make those changes subject to his review and approval.

Mr. Sposaro suggested that a motion be made to direct the Board attorney to prepare a resolution, not to vote on the application, but to prepare a resolution where action will not be taken until next month and between now and next month, a plan revision will be submitted that shows the additional roof line, and a revised landscaping plan. If the Board is satisfied with the change, then the resolution will be ready for adoption.

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. Dargel stated that the application will be carried to June 12th for the purpose of submitting drawings of the roofline of what it will look like, as well as a landscaping plan.

Mr. Sposaro asked Ms. Dargel if she would entertain a motion to direct the Board attorney to prepare a resolution.

Ms. Dargel replied yes, and that the next meeting will be held on June 12th, 2023 at 7:00 o'clock pm. and asked the Board attorney to prepare a draft resolution.

Ms. Dargel asked for a motion regarding the preparation of the draft resolution.

Ms. Robortaccio made a motion to prepare a draft resolution. Ms. Dawson seconded. Roll call: Ms. Robortaccio, yes; Ms. Dawson, yes; Mr. Summers, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Ms. Dargel, yes.

ZBA-22-041 SPARK CAR WASH, LLC.

Use Variance, Preliminary Major Site Plan and Bulk Variance relief for property located at 1441 Route 46, Ledgewood, Block 8602, Lot 42 in a B-2 zone.

Mr. John Wyciskala stepped forward as Attorney for SPARK Car Wash LLC, and stated his client acquired the property last year and is seeking variances and site plan approvals essentially to rebrand and repurpose the existing car wash facility. Mr. Wyciskala stated that when his applicant was heard last month, operations testimony was presented and there were a number of questions and comments raised where in the interim between April 10th and tonight MR. Wyciskala and the applicant met with your board professionals Mr. Kataryniak and Mr. Stern and went through the plans. Mr. Wyciskala stated they went through their reports and made a number of plan revisions and made a formal submittal about two weeks ago.

Ms. Hubbard swore in Paul Mutch of Stonefield Engineering located at 15 Spring Street, Princeton, NJ. Mr. Mutch stepped forward and stated that a lot of work has gone since the last meeting and some significant plan updates were made to the overall layout. Two of the vacuum spaces have been shifted out of the front yard. Originally, there were four vacuum spaces closest to Route 46 and two of those spaces have been relocated. This will allow for the establishment of a 20-foot landscaping buffer. Additionally, upgrades to the access to King's Parkway will be made to tailor it back to the existing width. There is a residential property to the north and west and there will be no impact to the residential character of that road anywhere beyond our side, but to provide the maneuverability for deliveries, employees, as well as the trash vehicle.

Mr. Mutch continued with testimony stating that directional signage as well as striping to the drive through lanes will be added, so it is clear which is the members lane and which is the no-member lane.

A discussion was had regarding member and non-member lanes.

Ms. Dargel asked about the size of the signage and if they are compliant with the ordinance. Mr. Mutch replied yes, there are 8 directional signs that are being proposed that will be internally illuminated. Additionally, they will also have the SPARK car wash emblem on them with a background color of blue.

A discussion as had regarding the curbing on the property and painting of the curbing would be a prohibition in the resolution. The applicant stated that they are keeping the radiuses in the back as concrete and doing the front cubing in Belgium block.

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. Hubbard swore in Oliver Young of GK Architects, located 36 Ames Avenue, Rutherford, NJ. Mr. Young addressed the drawing labeled existing condition photo is exhibit A. Mr. Young went onto state as the other professionals have testified this is a gut renovation and expansion of the former car wash building and the Spark Car Wash location. The existing building is approximately 6457 square feet. We're squaring off one end of the building and adding a couple

of little aesthetic elements to the footprint for a new square footage of 6346 square feet overall dimensions, the building is approximately 40 feet wide and 159 feet 9 inches deep. The wash tunnel itself sits on the south part of the building facing Route 46 in the jug handle. All the ancillary spots for the building sit on the north side, starting at the far end of the site. The floor plans depict an office, restroom, employee break room, and storage room.

Mr. Young went on to testify that the building's existing roof height is approximately 15 feet to the highest point, and we are going to replace the roof and add some insulation. Additionally, we are going to bump up the South end of the building to approximately 15 feet 7 inches high. However, on the West and E sides of the building where the tunnel entrance exists, we are going to build up two parapets at the west elevation with a height of 18 feet 8 inches making the parapet height approximately 3 foot 9 inches screening the rooftop equipment.

A discussion was had between Mr. Young and Mr. Stern regarding the definition of an architectural element. Mr. Stern stated that what was being proposed was a variance as opposed to an architectural element, which we typically see at the entryway of the malls, think about the Home Store or maybe Burlington where the element exceeds the height that was meant to pop out as an entrance feature. What is being proposed is not an entry feature, it's there for the signage making it a height variance. It's a "C" variance that could be granted by the Board.

This element along the length of the tunnel projects out from the building by 1 foot and it's 1 foot high over the tunnel entrance and the tunnel exit as well as the office which is on the east elevation.

A discussion was had regarding landscaping.

Mr. Young stated the tunnel doors at the entrance and the exit to clarify that is translucent polycarbonate, so that is not transparent. You cannot see into and out of it, however, at night, if there was light inside, it would glow a little, but there's no view there, so the view is along the South elevation.

Mr. Young discussed signage, noting the applicant had originally proposed 5 total signs for the building, plus one monument sign, but after a meeting with the Township professionals, the sign quantities have been reduced on the building from 5 to 3.

There will be some directional signage and informational signage at the kiosk. On the West elevation, there will be a Spark Car Wash sign with the logo above it. The original proposal of 73.5 square feet has not been reduced to 60.26 square feet and with this reduction in size, we've also eliminated a variance.

A discussion was had regarding the vacuuming systems. Mr. Stern stated that the details show a garbage can attached to the vacuum and that is the case. Mr. Young replied that no, that is not the case here, we spoke with SPARK and the vacuum attachment on the pole is an optional item and it's not when they want to pursue.

Mr. Stern stated that he had seen photographs of one of the SPARK facilities and it looked like there was like a rubber black rubber-made trash can next to the vacuum. Noting that at the last meeting it was mentioned that that the trash cans at each vacuum there needs to be a decorative type of trash receptacle associated with the vacuums, such as an architectural element that I guess goes along with the vacuum. Mr. Stern stated that it was not reflected in the engineering drawings and that is all of these vacuums are connected with this horizontal vertical pipe. Mr. Young replied, that's the actual suction tube which we want to keep above ground for maintenance purposes.

Mr. Stern stated so as you know, communities are trying to eliminate overhead utilities. Noting our ordinance talks about putting them underground. Mr. Stern stated that what is being proposed is 14 overhead arms and hoses. Mr. Stern asked if they could be placed underground.

Mr. Young replied, for practicality purposes, since this acts as the suction for the entire row, you need to be able to get in there in case something happens and easily clean it out or replace the pipe by placing that pipe underground, you immediately eliminated that option. This is PVC piping above ground connecting each one for a distance of over 100 feet. They go back to the turbines shown on the site plan.

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.

A discussion regarding the signage on the building was had. Mr. Young stated all signs are internally illuminated. In regard to other lights, there will be a vertical LED element at the tower. It's an LED strip and it's covered with a clear, not clear, translucent plastic lens. There will be another smaller vertical LED element at the tunnel exit on the West elevation. Additionally, along the South elevation at the tunnel or the length of the window is only at the gray coping there will be the same LED strip, but it's recessed. There will be have the same recessed LED strip present at the tunnel entrance only for the length of the door and the tunnel exit again only for the length of the door.

Mr. Young stated the last remaining element for lights on the building will be some decorative wall sconces on the South elevation and on the West elevation which is backlit.

The application was carried to the July 10, 2023 meeting.

ZBA-23-003 NOSENZO, Bulk variance for property located at 9 Cottage Avenue, Landing, Block 11906, Lot 1 in a R-3 zone.

Ms. Hubbard swore in Mr. Nicholas Ferrucci and Jillian Ferrucci of 9 Cottage Ave. Landing NJ 07850.

Mr. Ferrucci stepped forward and stated that he and his wife have been living at 9 Cottage Ave. since 2016 and now have a 1 1/2 year old son named TJ and he and his wife always dreamed of having a house on Lake Hopatcong. Mr. Ferrucci noted both he and his wife work from home and need space for our offices and additional bedrooms. The project aims at adding the space our family needs inside, and it provides improvements in functionality and safety on the outside.

Ms. Hubbard swore in Michael Roth of Roth Engineering located at 52 Quail Run Long Valley, NJ.

Mr. Roth stated the property is a single-family dwelling fronting Lake Hopatcong. The lot has an area of 5,583 square feet and is located in the R3 Zone district. The property has a setback of 57.2 feet from the front property line, which complies with the minimum setback requirement of 35 feet. The home is set back 2 feet from the Eastern property line and 6.4 feet from the Western property line, which are pre-existing non-conforming conditions as the home is set back 30.5 feet from the rear property line, which is previously not in compliance with the minimum set back is 35 feet. The property contains a detached garage which is pre-

existing and non-conforming. There is driveway access on the west side of the garage, in which the existing slope is a maximum of 20%, which increases the non-conforming as the maximum slope permitted to 6%. The existing building coverage is 24.9%. and the impervious coverage is 43.7%, which is a pre-existing non-conforming condition. The rear property has an uncovered deck that measures 20.3 feet noting the property contains some areas that are considered steep slopes by township ordinance.

Mr. Roth went on to explain the proposed improvements to the project. The detached garage will be taken down and replaced with an attached garage addition. The existing driveway is proposed to be removed and a new driveway installed. The installation of a rear covered deck that will replace the existing uncovered deck. The new building footprint for the addition is set back 28.1 feet from the property line where a minimum of 35 feet is required. The addition is set back 6.6 feet from the east property line and 9.5 feet from the West property line where minimum of 10 feet is required. While taking down the detached garage, it removes the pre-existing non-conforming condition as we had an accessory structure in the front yard and also that structure was pre-existing non-conforming where its side yard setback, at 3.77 feet. The new driveway connects directly to the front of the garage and the proposed slope is 7.4%, which is a great improvement from the pre-existing conditional, which was 22% at its maximum. However, 7.4 is over than that is over the 6% allowed which will require a variance. The deck will be set back 14.5 feet to the west property line, which complies with the 10% back requirement. The deck extends closer to the lake compared to the existing uncovered deck, but it's the same distance as the existing rock wall at 17.2 feet, which is the closest feature to the link. The changes to the to the dwelling result in a proposed building coverage of 37.1%, which is an increase from that pre-existing non-conforming condition of 24.9%.

A discussion on stormwater runoff was had by the Board and Mr. Roth.

Mr. Roth stated that they have read the Lake Hopatcong Commission's report and will be meeting with them to resolve their concerns.

Ms. Dargel stated that it was her personal opinion that the proposal was too large for the lot size.

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.

The application was carried to June 12th 2023 at 7:00 o'clock pm.

NEW BUSINESS: Mr. Thomas Furey let the Board know of his resignation. The Board wished him well and thanked him for his 10 years of service.

OLD BUSINESS:
Motion to adjourn at 10:00 pm

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
Tracy Osetec, Board Secretary
May 8, 2023