

On Monday, July 20th, 2020 a 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: 857 0070 0781#, Participant ID: # and Password: 287087#. 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](http://www.roxburynj.us). The purpose of the Regular Zoning Board Meeting was to conduct routine business.

**BOARD MEMBERS PRESENT**

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

ABSENT: Mr. Furey

**PROFESSIONAL STAFF**

Mr. Russell Stern, P.P.

Mr. Larry Wiener, Esq.

Ms. Alyse Hubbard, Esq.

**MINUTES OF JUNE 8, 2020 MEETING**

Ms. Robortaccio made a motion to approve the minutes of June 8, 2020, Mr. Klein seconded.

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

**RESOLUTIONS:**

None

**APPLICATIONS:**

**ZBA-20-007 MILLER,** Variance relief for property located at 19 Kadel Drive, Succasunna, Block 3002, Lot 12 in an R-3 zone. *Requested to be carried to August 10, 2020 without further notice.*

**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. *Requested to be carried to September 14th, 2020.*

**ZBA-20-006 AMATO,** Variance relief for property located at 10 Stone Cottage Lane, Wharton, Block 12501, Lot 24.05 in an R-1 zone.

Brian Amato and Suzanne Amato of 10 Stone Cottage Lane, Wharton, NJ were sworn in by Ms. Dargel. Brian Amato testified he would like to put a 6 foot privacy fence that extends out 11.5 feet into the front side yard. He feels it would add to the beautification of the yard and provide more privacy. Mr. Amato spoke with his next door neighbor and stated his neighbor is in favor of the fence as well. The fence will be a 6 foot vinyl fence that is a darker wood grain tone in color. Ms. Dargel asked what type of fence, stockade, chain link, etc. Mr. Amato replied it would be a solid 6 foot fence. Dr. Kennedy asked if the fence would run along the neighbors pre-existing fence. Mr. Amato replied yes we will run the fence concurrent with the neighbor’s fence so it fits in aesthetically. Ms. Dargel asked if the fence would only be on the right side of the property. Mr. Amato replied that is correct. Ms. Robortaccio asked how much further forward will the fence be in front of your neighbors. Mr. Amato replied one foot, due to a tree in the area. Ms. Houtz asked the applicant if they were going to be adding any additional fencing. Mr. Amato replied that they would not need any further fencing due to the fact they live on a cul-de-sac and

basically cannot see there other neighbors that border their property. Dr. Kennedy asked how far in from the property line is the fence going to be installed. Mr. Amato replied about three to four feet in from the property line. Mr. D'Amato asked if the neighbor's fence encircled his entire property. Mr. Amato replied yes, the neighbor has his entire backyard fenced in due to the fact he has a pool. Mr. Overman asked why not install a four foot fence instead of a six foot fence. Mr. Amato replied that a four foot fence would not provide any privacy. The neighbors frequently use their pool and the fact that Mr. Amato is six feet tall a four foot fence would not justify the expense if no privacy was provided. Dr. Kennedy asked Mr. Amato if he looked into installing a planting buffer instead of a fence. Mr. Amato explained he first sought to do a tree planting but when he spoke to several different landscapers, he realized his options for trees were limited due to the fact he needed deer resistant trees. This left Mr. Amato with two option and both options were trees that grew several feet in height and would not fit in the area. Ms. Dargel asked the height of the neighbor's fence. Mr. Amato replied 4 feet.

Mr. D'Amato made a motion to approve the application ZBA-20-006 AMATO. Dr. Kennedy seconded. Roll call: Mr. D'Amato, yes; Dr. Kennedy, yes; Ms. Robortaccio, yes; Mr. Overman, yes; Mr. Klein, yes; Ms. Dargel, yes. *Application approved*

**ZBA-20-008 TAGUE**, Variance relief for property located at 18 Mohican Avenue, Landing, Block 12014, Lot 26 in an R-3 zone.

Daniel Tague and Rachel Tague of 18 Mohican Avenue, Landing, NJ were sworn in by Ms. Dargel. Mr. Tague testified the reason why he would like to expand his deck is he and his family have lived in the home for six years and each year has tried unsuccessfully to grow grass in the area where the deck expansion is proposed. He testified that his yard is almost fully shaded which hinders his ability to grow grass so instead they have opted to expand their deck to cover the area. He stated that while they do not get a lot of sun in the backyard it is pleasant to sit on their shaded deck. Mrs. Tague stated she spoke with an adjacent neighbor and the neighbor commented the expansion would look nice and would finish off the look of the back of the house. Mr. D'Amato asked why in the denial letter is there a rear yard setback variance when the deck is not being expanded any further out than the existing deck. Mrs. Tague explained the prior homeowner never applied for a variance, so this is a pre-existing non-conforming structure. Dr. Kennedy asked if the deck was going to have height to it such as having columns and covering it with a roof. Mr. Tague replied no, it will be an open deck and the deck is not high off the ground.

Ms. Robortaccio made a motion to approve the application ZBA-20-008 TAGUE, Mr. D'Amato seconded. Roll call: Ms. Robortaccio, yes; Mr. D'Amato, yes; Mr. Klein, yes; Mr. Overman, yes; Dr. Kennedy, yes; Ms. Dargel, yes. *Application approved*

NEW BUSINESS:

### **2019 Annual Zoning Report**

Pursuant to C.40:55D-70.1 of the Municipal Land Use Law, "The Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the Governing Body and Planning Board."

**APPLICATION SUMMARY:**

In 2019 the Board of Adjustment accepted 31 new applications. The Board heard 26 of the new applications plus 9 applications carried from 2018, 2 applications that were carried from 2017 and one carried from 2016. The Zoning Board heard a total of 38 applications in 2019.

*\*The Board scheduled one special meeting in 2019 for Kingtown Diesel.*

**Non-Residential Projects:**

*Applications carried from previous years and completed in 2019:*

- **2016:**
  - **ZBA-16-025 FRA Realty**, ‘D’ Variance and Preliminary Site Plan /Use Variance (outdoor storage) for property located at 151 Shippenport Road, Landing, Block 10201, Lot 1 in a LI/OR zone. *Approved* in 2019.
- **2017:**
  - **ZBA-17-012 Kingtown Diesel**, ‘D’ Variance Site Plan /Use Variance (Weight Station) for property located at 1470 Route 46, East, Ledgewood. *Currently before the Board of Adjustment -2020*
  - **ZBA-17-008 County Concrete**, ‘D’ Variance and Site Plan / New Maintenance Building for property located at 50 Rail Road Ave., Kenvil, Block 2401, Lot 9 in an OS zone. *Approved 09/09/2019*
- **2018:**
  - **ZBA-18-009 Grace Baptist Church**, ‘D’ Variance and Preliminary Site Plan/ parking lot expansion and gazebo for property located at 1500 Route 46 East, Ledgewood, Block 9302, Lot 2, in a B-2 zone. *Approved 01/14/2019*
  - **ZBA-18-017 St. Therese Church & School**, ‘D’ Variance and Impervious Coverage / New Rectory for property located at 145 Main Street, Succasunna, Block 5103, Lot 1 in a PO-R zone. *Approved 07/08/2019*
  - **ZBA-18-024 Roxbury Enterprises, LLC**, ‘D’ Variance and Amended Site Plan / Variance for building and property improvements located at 79 Sunset Strip, Succasunna, Block 3601, Lot 16 in an R-3 zone. *Approved 02/24/2019*

**2019 Non-Residential Projects:**

- **ZBA-19-003 Gill Petroleum**, Final Site Plan, Use “D” Variance / Gas Station - Convenience Store for property located at 1551 Route 46 West, Ledgewood, Block 8601, Lot 2, in a B-2 zone. *Approved with conditions 03/11/2019*
- **ZBA-19-005 National Bus**, Site Plan, Use “D” Variance /Outdoor Storage for property located at 3 Howard Place, Ledgewood, Block 8901, Lot 11 in a OR-5 zone. *Carried*
- **ZBA-19-009 Quick Chek**, Amended Site Plan/ Sign Architecture for property located at 84 Route 206, Block 9202, Lot 8.01 in a B-1A zone. *Approved with Conditions 05/13/2019*
- **ZBA-19-018 Selby**, Final Site Plan for property located at 101 Hillcrest Avenue, Block 8602, Lot 16 in a OR-5 zone. *Approved with Conditions 12/09/2019*
- **ZBA-19-030 County Concrete**, Major Site Plan /Use Variance for property located at Railroad Avenue, Kenvil, Block 2401, Lot 7 in a R-3 zone. *Approved with Conditions 09/09/2019*
- **ZBA-19-031 Fullerton Grounds Maintenance**, Soil Moving Permit for property located at 77 North Hillside, Kenvil, Block 5301, Lot 20 in a B-2 zone. *Approved with Conditions 12/09/2019*

*The 31 applications for 2019 involved the following zoning districts:*

<u>ZONE</u>	<u># of Applications</u>
R-1	1
R-1.8	1
R-2	5
R-2.5	0
R-3	15
R-4	1
B-1	1
B-2	5
B-3	0

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<u>ZONE</u>	<u># of Applications (cont'd)</u>
I-5	0
RR-5	0
LI/OR	1
OR-5	1
PO/R	0
GU	0
OB	0
<b>Total 31</b>	

**R-3** residential district received the majority of variance applications (15)  
**R-2** residential had (5) applications.

**2019 Application activity:**

- 26 Approved
- 3 Carried
- 0 Denied
- 2 Withdrawn
- 0 Incomplete

Four applications in 2019 were *carried* over to 2020:

<u>Applicant</u>		<u>Zone</u>	<u>Address</u>
1. National Express Bus	ZBA-19-005	OR-5	3 Howard Place, Ledgewood
2. Roxbury Mortgage	ZBA-19-017	B-1	260 Center Street, Landing
3. Dontas United, LLC	ZBA-19-029	B-2	101 Route 10, Succasunna
4. Kingtown Diesel	ZBA-17-012	B-2	1470 Route 46 East, Ledgewood

Here is an overview of the types of the applications that were applied for in 2019:

<u>TYPE OF APPLICATION 2019</u>	<u>#</u>
Site Plan	1
Site Plan w/Use Variance	2
Building Coverage	5
Bulk Variance	9
Concept Plan	0
Non-Conforming Use	1
Extension	0
Final Site Plan	2
Minor Subdivision	0
Sign	1
Use Variance	2
Impervious Coverage	5
Soil	1
Conditional Use	0
Accessory Structure	2

**RECOMMENDATIONS:**

- *Provision for conforming and nonconforming single family homes that allows for limited improvements such as porches, porticos, entry foyers and dormers to extend within a slightly reduced front yard setback line. This provides for a more attractive entrance, energy efficient and safer design.*
- *Establishment of LED sign standards specifically applying to the numbers on gas station price signs.*
- *Create standards prohibiting perimeter window lighting on commercial properties.*

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- *Stronger regulation prohibiting feather/banana flags.*
- *The policy / requirements concerning fencing and sheds along Lake Hopatcong (50ft buffer) should be reviewed. (technical interpretation including fences and shrubs within 50 feet of the lake).*
- *Air BnB rental & advertising policies should be established.*
- *Outdoor dining*
- *Commercial vehicle parking in the B-2 zone.*

OLD BUSINESS:

None

Motion to adjourn 8:04 pm

ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF ROXBURY  
*Tracy Osetec, Board Secretary*  
*July 23, 2020*