

A regular meeting of the Board of Adjustment of the Township of Roxbury was held on Monday, August 8, 2022, 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

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

ABSENT: None

PROFESSIONAL STAFF

Mr. Larry Wiener, Esq.
Mr. Russell Stern, P.P.
Mr. Mark Kataryniak, PE, PTOE

MINUTES OF JULY 11, 2022

Ms. Dargel made a motion to approve the minutes of the June 13, 2022, Ms. Robortaccio seconded.

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

RESOLUTIONS:

ZBA-22-021 HOFFMAN, Bulk Variance relief for property located at 5 Gregory Drive, Kenvil, Block 2503, Lot 2 in a R-4 zone.

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

*In the matter of Kyle & Brianna Hoffman
Case No. ZBA 22-021*

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

Approved: July 11, 2022
Memorialized: August 8, 2022

WHEREAS, Kyle & Brianna Hoffmann have applied to the Board of Adjustment Township of Roxbury for permission to construct an addition requiring variance relief for premises located at 5 Gregory Drive and known as Block 2503, Lot 2 on the Tax Map of the Township of Roxbury which premises are in a “R-4” Zone; said proposal required relief from Section 13-7.1401D4 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:

Township of Roxbury
Board of Adjustment
August 08, 2022

1. The Applicants are the owners and occupants of the subject premises.
2. The Applicants were proposing to construct an addition onto the existing home.
3. Applicants submitted architectural plans prepared by Kenneth J. Fox, AIA PP dated 4/20/22 consisting of three (3) sheets together with a marked-up survey showing the location of the proposed addition.
4. Applicants received a letter of denial dated June 27, 2022 from Tom Potere, the Zoning Officer.
5. As noted by Mr. Potere, the Applicants need the following relief:
 - a. Minimum Front Yard Setback – 30’ permitted, 27.6’ existing, 24.67’ proposed (covered porch)
6. The Applicant’s key witness was its architect, Kenneth J. Fox. Mr. Fox testified at length during the public hearing. He reviewed the plans; he provided a narrative description of the project and how same would be implemented on site. He noted there would be a proposed second floor cantilever. The front yard setback would be 26.25’ at the second-floor cantilever and would be 24.67’ on the covered porch to the front yard setback. The zone requires a minimum front yard setback of 30’ and the existing non-conforming condition is 27.6’ with the proposed relief being 24.67’ encompassing the covered porch. Those were the only variances noted.

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 finds the Applicant’s proposal to be a well thought out plan for the existing home.
2. The testimony of the Applicant’s architect was well received by the Board. They noted that the plan incorporated the existing infrastructure and for the most part stayed within the existing footprint. As noted, the front yard setback variances were minimal. The Board finds there is no substantial negative impact, and the proposal would not substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Roxbury on the 11th day of July 2022 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 plans that were submitted with the application shall be implemented by the Applicant.
3. An as built location survey shall be reviewed and approved by the Construction Official/Zoning Officer.

APPLICATIONS:

ZBA-22-022 CAMACHO, Bulk Variance relief for property located at 31 Laurie Road, Landing, Block 11304, Lot 7 in a R-3 zone. *Request to be carried to the September 12, 2022 meeting with no further notification.*

ZBA-21-035 PIERSON, Bulk Variance relief for property located at 29 Sunset Lane, Landing, Block 11904, Lot 5 in a R-3 zone. *Request to be carried to the September 12, 2022 meeting with no further notification.*

ZBA-22-004 ST. THERESE CHURCH, Amended Preliminary/Final Site Plan for property located at 135 Main Street, Succasunna, Block 5103, Lot 1.01 in a PO-R zone.

Mr. Brian Griffin Esq. stepped forward as the attorney representing St. Therese Church stating along with a representative from Dynamic Engineering, head of St. Therese construction, Walter Hill as well as three priests from the parish.

Mr. Griffin went on to testify that St. Therese church is an existing and operating Roman Catholic church in PO/R district where a house of worship is a permitted conditional use. St. Therese previously applied to the Board of Adjustment in 2019 for permission to construct a rectory with associated improvements. The applicant sought ‘D3” variance relief and major preliminary site plan approval. The variance was required for an expansion of a pre-existing non-conforming use due to the set-back on the lot as requires a rear yard setback of 100 feet, where the existing was 84 feet and the applicant is proposing 46.7 feet. The applicant received approval subject to conditions listed in the resolution approved on July 8, 2019, and memorialization on September 9, 2019. Construction was completed and the applicant filed for final site plan approval but due to field changes and a request for a shed within the rear yard, they have also filed for an amended preliminary site plan with a “D3” variance. The applicant has now returned to the zoning board of adjustment for amended preliminary site plan approval and final major site plan approval. The applicant seeks the same approvals except for those changes made during construction that do not conform with the original resolution. St. Therese has provided the required notice to property owners within 200 feet, Morris County, and all utilities. The changes from the approvals provided in the resolution are incorporated into a comparison report which was submitted to the Board on January 6th 2022.

Mr. Wiener swore in Dan Schnal of Dynamic Engineering located at 245 Main Street, Chester, NJ.

Ms. Robortaccio and Mr. Furey recused themselves from opining on the St. Therese application due to a conflict of interest as they are parishioners of the church.

Mr. Schnal addressed site plan sheet 4 of 5 entitled site plan dated December 20, 2021 last revised May 26, 2022 which depicted the site plan sheet as an as-built condition. Mr. Schnal went on to highlight the changes that are associated with this final approval versus what was originally approved. The variance addressed was for a side yard setback. Originally St. Therese went to seek variance approval for a 46.7-foot side yard setback where 50.6 feet was required. Once the property was surveyed for as-build conditions it

was determined the setback was 46.4 feet, making it 3.5 inches closer than what was originally approved. Additionally, the landscaping that was originally approved varied slightly from what had been installed. Mr. Schnal stated he supports Mr. Stern's report where additional landscaping was requested along the parking lot. There were two additional decorative lights that were proposed on either side of the front entrance that fronts on Main Street where the glass should be frosted. Mr. Schnal stated that the property manager will replace the clear glass with frosted glass. Mr. Stern asked Mr. Schnal if it will occur with all lights. Mr. Schnal replied yes.

Mr. Schnal testified that an additional window well was added to the southeastern corner of the building which provides access to the crawl space that was not on the original site plan.

Mr. Schnal testified that what was originally proposed as an accessible concrete ramp along the northwestern side of the building since the building is commercial in nature, it will need to have handicap accessible entrance to the building.

Additionally, there was a small canopy or covered porch area that filled in the gap between the garage and the house itself.

The location of the sanitary laterals has shifted slightly to the northeast than what was originally proposed, and it still connects to the same location.

A change that was made to curb line where the original proposal essentially followed the same curb line from the parking area to the landscaped area. The curb line had a little bit of a jog in it which resulted in part of the curb line to be wider and made it at a weird angle, but what was built was a straight line to make a clean look in the parking lot. With a cut of the curb line and a reduction in the parking area it has resulted in the loss of 6 parking spaces. This site still complies with parking that is required which is 293 spots where there are 308 currently on site. There is also a 3-car garage associated with the land allowing for an additional 6 parking spaces and if you count the garage there are an additional 9 spaces. It was suggested that the removal of two parallel spaces that are on the curb line which resulted in a 24-foot-wide drive aisle. Mr. Schnal testified they would remove the spaces and it would not be a problem as the parking lot has not yet been striped. The removal of these two parking spaces will result in 306 spaces. There will also be an additional gravel area that will be on the north side of the building. The gravel area will be for a relocated shed. Back when the lot was subdivided for the Merry Heart parcel there was a shed the church used for fundraising items such as a hot dog cart, etc. As part of the subdivision approval, it was required to relocate the shed. Mr. Stern asked if the applicant would be removing the excess gravel. Mr. Schnal replied yes.

Mr. Schnal went on to note a point of clarification pertaining to the height variance listed on the table which was incorrectly noted as the church is the highest structure on the parcel.

Mr. Stern addressed item #8 of his report that referred to weeding, mulching, installation of missing plants, and removal of marginal plants. Mr. Schnal agreed to complete the tasks. Mr. Stern asked if the veneer would be installed on the front porch area. Mr. Schnal replied that faux brick would be installed.

Mr. Schnal agreed to update the grading and drainage plan in the Stormwater Management Operations and Maintenance Manual.

Mr. Stern let Mr. Schnal know that the area above the garage may only be used for storage which is a continued condition.

Mr. Klein asked about the modifications to the stair well in the rear of the home. Mr. Stern replied that the alignment had been changed.

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

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, Esq. stepped forward as attorney representing the applicant. This testimony is a continuation from a prior hearing. Mr. Sposaro called Mr. Gary Dean to come forward to testify as a traffic consultant. Mr. Wiener swore in Mr. Gary Dean of 181 West High Street, Sommerville, NJ.

Mr. Dean testified that his office was engaged by the applicant in 2018 to review the constraints associated with access on Route 46 and the NJDOT. In that capacity the applicant was advised of the constraints, and it was proposed a wide-open curb cut be installed on lot 5 and to bring it into contemporary design standards. An access application was submitted to NJDOT which was approved in 2019 and subsequently constructed in 2020. The access is depicted on the plan sheet 5 of 14 prepared by Mr. Glasson's office last revised on 04/27/2022. Mr. Dean stated that this is a little unusual in that typically people build their driveways after a site plan approval, but the challenge with the DOT and their regulations in this case is that access is granted for individual lots and had these lots been merged at the time DOT would have only given the applicant one driveway. The driveway was pursued prior to any proposed consolidation of the lots. The applicant received all the approvals, the access was constructed, and the final inspection was granted by DOT. All work has been completed in anticipation of this project.

Dr. Kennedy asked Mr. Dean if he had gone to DOT at a time where the lots were separate and received approval for access. Dr. Kennedy asked if the lots are merged will the applicant have to go back to DOT for another access permit. Mr. Dean replied that it has been discussed with Mr. Kataryniak and yes, the applicant will need to pull a permit from DOT and approval to consolidate the lots. Mr. Dean stated it is an administrative exercise and DOT has a process for lot consolidation.

Mr. Stern asked Mr. Sposaro to discuss the current access and questioned if it conforms to DOT standards and is that something that is built and designed for new properties. Mr. Sposaro asked Mr. Stern if he was speaking about the current driveway. Mr. Stern replied, yes. Mr. Sposaro replied no; the driveway preexisted and has a grandfathered access permit

that pre-dates what is now the current access code. The new driveway features certain dimensions and other elements that the current driveway does not. Mr. Sposaro stated although the driveway is not constructed to code, he asked if the existing access was safe and is the proposed access safe. Mr. Dean replied yes that he has visited the site and has spent time on the site with the applicant as part of our DOT work we were making routine inspections but, as a visitor to the site, I take no exception to the driveway as it has operated free from defect for as long as there has been occupancy in the building. Dr. Kennedy asked do you have to go back to DOT for an access permit. Mr. Dean explained he does not have to go back for an access permit but, just the permit to consolidate the lots, noting that is within the access code.

Mr. Stern asked what if the Township pursued closure of the westerly access. Mr. Sposaro replied, as part of this application. Mr. Stern replied, yes. Mr. Sposaro replied, I do not know if the applicant would find that acceptable and as a practical matter, why would the Municipality pursue that, as there was a site plan approval less than 10 years ago that utilized the driveway. Again, asking why now would you seek to eliminate that when it was part of an approval that is less than a decade old? Mr. Stern replied, because now you are consolidating the lots and adding a building that is over 4,000 square feet. Mr. Sposaro replied, and the applicant is providing separate access for that. Mr. Sposaro then went on to address the consolidation issue which originally proposed consolidating the lots because some of the improvements overlap lot lines, noting that the lots do not have to be consolidated. Mr. Sposaro stated that it was a suggestion but need not be done. One way to accomplish what is trying to be achieved during consolidation is to stipulate with a deed restriction that all the lots be in common ownership and that there be no further subdivision of the lots. If at some point in the future, the tax accessor chooses to consolidate the lots, so be it, but it is just administrative for taxing purposes. Mr. Sposaro stated that the applicant can avoid the necessity of going to DOT as he reads the regulations. Mr. Sposaro respectfully suggested to the Board the best interest of the Municipality can be adequately addressed by the deed restriction being proposed. Mr. Stern replied that deed restriction and lot consolidation has not been a policy where the coverage of buildings spanning from lot to lot, noting the last occurrence was Merry Heart. Mr. Sposaro stated that in Mr. Kataryniak's report correctly sites a DEP regulation that states if there is lot consolidation that we need an access permit. Mr. Sposaro stated his client is not trying to hide anything but looking to avoid the necessity of an access permit because that could potentially hinder this project. The DOT will look at the lots being consolidated and could take a fresh approach hence, Mr. Sposaro did not see any harm in the deed restriction being proposed.

Dr. Kennedy asked if the applicant was to go to DOT for a lot consolidation permit, do you think they would allow you to create what currently exists. Mr. Sposaro replied the applicant is not creating anything, just moving lot lines, so the driveways exist, the access exists. Mr. Furey rebutted and stated the applicant is asking for a new building. Mr. Sposaro replied the applicant is not creating new access points. Mr. Furey replied that the Board is here representing the best interest of the town to ensure this development is built in accordance with regulations and Dr. Kennedy's question was valid. Mr. Sposaro went on to explain that when it comes to DOT approvals there are two types work in the right of way which requires a permit or work off the right of way that does not require a permit, noting the new building does not require DOT permits because the driveway is existing. Mr. Sposaro gave the example that if the applicant took Mr. Stern's suggestion and modified or eliminated the westerly driveway which is work in the right of way and a permit would be required. Mr. Stern raised the question would the removal of the five parking spaces within the right of way require DOT review. Mr. Sposaro stated that is a different type of permit, technically it is work in the right of way, but that permit would be considered landscaping

where it would go through DOT's regional permits office, not the access group and it is to install landscaping where there is now blacktop. The permit is a highway occupancy permit. Dr. Kennedy replied that he is trying to ensure what was originally requested was lot consolidation and that the appropriate access permits that are required. Mr. Wiener stated that we need more clarity on the process, and he understand what the applicant is advocating.

Mr. Sposaro asked what the Board would like and that he understands the Chairman's concern regarding the consolidation of the lots and there are mechanisms to do that and if the requirement is to obtain a DOT approval for the lot consolidation, we can make the application but there is no guarantee what DOT will do with it and it is conceivable that the conditions they impose on simply irradiating a lot line are onerous because they can opine and compel an applicant to change their driveway. Dr. Kennedy asked if the DOT would review the application for safety and other rationale. Mr. Sposaro explained that there is a division in understanding and that his applicant is not asking the DOT to look at the application for safety and design of the driveways but merely a lot consolidation. Mr. Sposaro stated that the DOT rationale is one lot, one driveway unless a lot has 1,000 feet of frontage then there can be multiple driveways, noting the only way the proposed plan and circulation work is with two driveways and that is what was secured from the state. Mr. Sposaro went on to state that if it is the Board's preference to articulate a specific remedy or request to modify a driveway, the applicant will listen to the request and react but, what he is hearing from the Board is they would like DOT to make the decision and what Mr. Sposaro explained was the DOT will make a decision on the lot consolidation but if the Board is asking for a revisit of the access, he stated with absolute certainty the site will be left with one driveway. Mr. Stern stated that the case has not been made yet and that the site cannot function without the two ingress/egress points because so many sites do function with one ingress/egress. Mr. Sposaro asked if it was the Boards pleasure to only have one driveway for the site. Mr. Overman responded and stated the applicant has not made its case on why two driveways are necessary. Mr. Sposaro replied it provides two methods of ingress/egress so when a customer doesn't discern the first driveway as a point of entry and attempts to come to the rear which has one way circulation, it allows a second point of entry closer to the storage building on the adjoining lot and the shared access on the westerly side of the building. By having two access points, it further distributes, the overall parking to and from the lot allowing customer to use the easterly driveway which was constructed with a greater separation distance away from the jug handle that is to the west, noting it provides access to vehicles of varying size particularly because the expectation is there are people with boats, ATV's, and motorcycles on trailers that warrant a little extra maneuvering room that is not directly in front of the showroom where there is more pedestrian access, so by having multiple points on ingress/egress it spreads the traffic out better and under DOT regulations the driveways can be as close as 24 feet apart. Mr. Stern asked if DOT's code is one way in and one way out. Mr. Sposaro replied no, it could be a single two-way driveway which is called a bifurcated driveway, noting this option does not work for this site. Mr. Dean testified that there is a benefit to having separate ingress and egress and they are not violative of any of the DOT codes given that they are currently separate lots. Mr. Stern asked if the current driveway on the site which most likely has been there for decades comply with DOT standards. Mr. Dean replied, it does, as its width complies with their standards, its distance from the common property line that meets there standard and is separated from adjoining driveways by the required standard. Mr. Dean testified the turning radius may be a difference. Mr. Stern stated that if the DOT got involved with this perhaps, they would upgrade the standards and alignment of the ingress/egress. Mr. Dean replied, not always.

Mr. Overman asked what decisions are before the Board to proceed with the project. Mr. Dean replied after speaking with Mr. Kataryniak and Mr. Sposaro the applicant would agree to apply to DOT to consolidate the lots. Mr. Overman replied what is likely outcome. Mr. Dean replied 50/50 and one of three things will happen, we will receive approval, we will be denied, and then an appeal will be filed if denied., and the third option will be to come back before the Board where the applicant will withdraw the lot consolidation request. Mr. Overman asked if the lot consolidation is withdrawn what does the application, then look like. Mr. Dean replied it is beyond his expertise, but he surmised that Mr. Stern would tell the applicant he would need relief for side yard setbacks because the building straddles the common lot line. Mr. Stern replied that we would need input from the Township Tax Assessor.

Mr. Kataryniak posed the question if none of this existed can we agree that DOT would only limit you to one driveway. Mr. Dean replied, do you mean if it was a vacant lot. Mr. Kataryniak replied the entire property consolidated or otherwise sits along a section of the highway where there is a full width deceleration, where normally the DOT will not permit a driveway on a full width deceleration lane, they only let you put the driveway in the taper, the beginning. However, when they look at a lot, if the only frontage you own is along the full width deceleration lane, they will make certain exceptions and try and get you as far away from the ramp as you can.

Mr. Sposaro stated Mr. Kataryniak suggested in his report that the applicant apply for an access permit. Mr. Dean stated that the applicant cannot agree to do that but, they will make the effort to submit for a permit for the lot consolidation. Mr. Overman asked about the necessity of the access permit. Mr. Kataryniak replied that the statutes require an access permit noting there are several triggers for submittal and lot consolidation is one of them. Mr. Stern replied that likely wouldn't DOT look at the application and see there are two driveways on a deceleration lane and isn't it safer to have one driveway. Mr. Dean replied that is the risk, yes. Mr. Stern replied that it is a risk to the applicant, but it lessens the risk to the public. Mr. Dean replied its not a matter of safety, what the DOT will say is it violates our code. Mr. Stern asked if the issue of the parking spaces in the right of way are totally separate from that issue. Mr. Dean replied when DOT received drawings, even though their focus is supposed to be on the parameters of the actual application, they often wander, and so it could very well come up in that review process. Mr. Stern stated that this Board over the years where it's feasible is eliminating parking spaces that are located within the right of way and in this case, it is probably six feet from the curb line of Route 46, the parking spaces were never part of the parking calculations that are provided on the drawings and according to the calculations provided by Mr. Glasson there is more than sufficient parking. Mr. Stern opined that elimination of the spaces removes them from the right of way and will open visibility going to the west and will provide an additional area for landscaping along the right of way line and it will help clean the property up additionally, there is a segment of this access point that is not curbed which should be remedied and the parking lot should be restriped.

Mr. Sposaro responded that 10 years ago when the Board approved the site plan for this project the parking spaces were allowed to stay and questioned what had changed in the last 10 years to warrant their removal. Mr. Stern replied, a 4000 square foot addition that is 170 feet long. Mr. Stern stated that what is being proposed in this application is sub-standard to what the Township has been receiving in terms of development. Mr. Sposaro responded that what is being proposed is limited by the existing architecture and what is being proposed is a quantum improvement. Mr. Stern replied what the applicant is seeking is greater conformance to the codes of Roxbury Township, realizing the building was constructed in the fifties or sixties but architecturally there is no design element that

compliments the existing structure, there are two roof signs that are not permitted, noting this is now a difference scenario where a large addition is being proposed and the structure should be brought closer to municipal standards.

Mr. Dean commented to Mr. Stern that when the DOT continuously takes right of way or property from abutting owners and they decrease the depths of the lots, if the applicant could identify that the department when they condemned the right of way to do the jug handle allowed those parking spaces to remain would that be satisfactory to the Board. Mr. Stern replied regarding the setback issue, there is no front yard setback, it's the asphalt and the vehicles that are located six feet from the curb line of the deceleration lane, that should be removed.

Ms. Robortaccio asked Mr. Dean what was the issued with removing the spaces. Mr. Dean replied he could not answer the question. Mr. Stern stated the Board has heard testimony that the display area isn't as important as it once was, where now internet shopping is where a consumer may see something and if they like it, they then will come into the site, so if they need the spaces in the right of way then the applicant could simply eliminate the five outdoor display spaces. Ms. Robortaccio stated that she has witnessed ATVs parked on the grass near Route 46.

Mr. Sposaro addressed the Board and let them know that Land Use Legislation states that an application can be considered and approved subject conditions.

A discussion was had amongst the Board regarding the parking spaces on the most westerly lot.

Mr. Stern asked if a guide rail would be installed along the rear driveway where there is a change in grade. Mr. Glasson stepped forward and let the board know that the area behind the building where there is a wall is not downhill, the wall is above, noting it would not require a guard rail. Mr. Kataryniak asked Mr. Glasson to discuss overall circulation. Mr. Glasson stated that the circulation is clockwise. Mr. Glasson also address the turn around the corner near the island and that the plan is to shorten up the island area for better visibility. Mr. Kataryniak stated anyone coming in either driveway must make an immediate turn, where normally the DOT looks to have somewhat of a throw to the driveway, so it doesn't cause back up on the highway. An example is if someone is pulling out of a parking space and an incoming vehicle will have to wait causing potential back up. Ms. Dawson asked about the trailer and trucks and are the parking spaces large enough to accommodate such vehicles. Mr. Glasson explain large vehicles will travel in the rear of the building for drop off.

Nolan Forlenza stepped forward to continue testimony speaking about a discussion he had with Mr. Stern many years ago. Mr. Stern let Mr. Forlenza know that the Township never reviewed any permit for the access/egress and if he was referring to any conceptual discussion it is just that, conceptual, nothing was presented to the Township regarding that access point. Mr. Forlenza agreed. Mr. Forlenza explained that when he first bought the property his intent was to beautify the property and at that time there was one entrance to the property, and he pursued adding a second driveway under what he says was the recommendation of Mr. Stern. Mr. Stern stated he took great exception to the word recommendation.

Mr. Stern asked Mr. Glasson if vehicle charging stations apply. Mr. Glasson replied he will investigate. Mr. Sposaro asked Mr. Stern if there is a requirement for electric vehicle spaces

is there a preference on where he would like them located. Mr. Stern replied that it should be addressed at the next hearing.

The application was carried to the October 3, 2022 meeting with an extension of time granted through October 31, 2022.

ZBA-22-014 INGA, Bulk Variance relief for property located at 3 Reidar Street, Succasunna, Block 3202, Lot 2 in a R-2 zone.

Mr. Edward Dunne, Esq stepped forward on behalf of the applicant in this matter. Mr. Wiener then swore in Mr. Carmen Inga of 3 Reidar Street, Succasunna. Mr. Dunne testified that Mr. Inga has been the owner of the property since 2014 at which time he purchased the home while it was in foreclosure. Mr. Inga explained he has lived in Roxbury for many years and lived at 16 Unneberg Avenue. Mr. Inga explained he is employed as a property manager and a contractor by trade and as result requires a place to store tools that can be accessed from the driveway. Mr. Inga explained he expanded his driveway and built a shed on the right side of the property to store his tools. Mr. Inga agreed that the shed was built too close to the home and side yard and was not aware it required a permit.

Mr. Dunne addressed an exhibit labeled as A-1 which was the variance plot plan that was submitted to the Board. The plot plan depicted the property as Mr. Inga purchased it except the gravel driveway was added later. Additionally, the deck in rear of the home is too close to the property line, it was squared off by Mr. Inga when the cut out for a pool that had been removed left it unsightly. Mr. Inga stated that he expanded his driveway with gravel and built a small retaining wall on the side of the property. Mr. Inga stated that he would move the rear deck back so it will be nineteen feet off the property line. The deck which was constructed before Mr. Inga purchased the property currently stands at 5.5 feet off the property line. Mr. Dunne stated that because the deck is part of the principal structure the setback from the rear property line is fifty feet, noting the principal structure itself without the deck does not meet the required setback making it a non-conforming structure to the zone. Mr. Inga also agreed to push the gravel driveway in five feet from the property line to meet the setback requirement and reduce impervious coverage from 41% to 38%.

Mr. Overman asked about the abandoned oil tank on the property. Mr. Inga replied that he would be removing it and he recently converted to gas.

Mr. Dunne went onto testify about the shed Mr. Inga built which is in the front portion of the property. Mr. Dunne stated that the height of the shed is 13 feet to the peak and is located close to the home. Mr. Inga stated that the topography behind the home has a slope to it making it difficult to move the shed. There is a retaining wall that runs from the back of the shed that is 36" high to where it ends just short of an oak tree at 24' high and does not meet the setback. Additionally, there are railroad ties that are in the right of way.

Mr. Dunne went on to address the front porch Mr. Inga rehabilitated to accommodate his elderly mother moving in the home. The rehabilitation resulted in a 45-foot set back from the front yard where 50 feet is required.

Mr. Dunne addressed the 6-foot stockade fence that runs along the property line which is dilapidated. Mr. Inga would like to remove the fence and install a PVC fence that matches his neighbor's fence and install landscaping to screen the shed.

Mr. Dunne stated that Mr. Inga would like to retain the gravel he installed as part of a driveway expansion. Mr. Inga stated that the driveway perks and greatly helps with drainage.

Mr. Stern asked Mr. Inga if he would paint the shed to match his home. Mr. Inga concurred. Ms. Robortaccio asked if the roof line could be reduced. Mr. Inga concurred. Ms. Robortaccio asked Mr. Inga about the commercial vehicle parked in the driveway. The vehicle is a pickup truck with a magnetic advertising label. Mr. Inga explained that he is on call 24/7 and requires the vehicle for his job and if required, he will remove the magnetic label at the end of each workday.

Mr. Dunne stated that Mr. Inga has done some work on the property without the proper permits but, is here before the Board to rectify the situation.

Dr. Kennedy asked Mr. Inga to address the two plows on the left side of the property. Mr. Inga stated the plows will be removed and brought up to his property in Vermont.

Motion was made to open to the public for questions

David Steven Andrews of 10 Thor Drive stepped forward and explained that when they pull in their driveway, they see the shed Mr. Inga built and have no opposition to it. Mr. Inga approached Mr. Andrews and stated that if the shed were an eyesore Mr. Inga would plant some Arborvitae's to screen it. Mr. Andrew stated that since Mr. Inga has installed the gravel, they have had no water issues in their basement where they have had major issued in the past. Mr. Andrews described Mr. Inga as a great neighbor who is always willing to help his neighbors.

Carla Marie Andrews stepped of 10 Thor Drive stepped forward to attest to Mr. Inga's character noting he has done and help a lot of families in the neighborhood and has always kept his work and feels that whatever the Township required of Mr. Inga, he would comply.

Jeff Endean of 18 Unneberg Avenue stepped forward stating that he has know Mr. Inga for a long time and he has a lot of tools which he is willing to share with neighbors and is a great guy.

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. Stern stated that if the Board approves the gravel can remain in the driveway area, that it would be a waiver.

Ms. Robortaccio made a motion to approve the application with the conditions agreed upon in testimony. Dr. Kennedy seconded.

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

ZBA-22-019 IRELAND, Bulk Variance relief for property located at 272 Emmans Road, Succasunna, Block 5401, Lot 11 in a R-R zone.

Mr. Wiener swore in Romaine and Robert Ireland of 36 Rolling Ridge Road, Hyde Park, NY. Mr. Ireland went on to testify that he would like to construct a 10 x 12 addition to his bungalow which falls within the property of the Swim and Sports Club. The addition will greatly improve the sleep conditions of the bungalow, as right now there is only half of a loft and a futon on the first floor to sleep on. Mr. Ireland stated the bungalow is seasonal and is closed in October for the winter.

Mr. Overman asked if the bungalow was on its own lot and did it have property lines. Mr. Ireland replied, no. Mr. Ireland stated he is constructing a minimal addition as not to encroach on any of his neighbors.

Dr. Kennedy asked if there would be access from the front door only or will there be access through its own door as well. Mr. Ireland replied that there would be a door on the addition to allow access from the path and back of the home.

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

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

OLD BUSINESS: *None*

NEW BUSINESS: *None*

OPEN TO THE PUBLIC:

*No discussion of any pending application.

Motion to adjourn at 9:53 pm

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
Tracy Osetec, Board Secretary
August 8, 2022