

On Monday, September 14th, 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: 850 0388 6645#, Participant ID: # and Password: 593315#. All applications of those applicants who were to appear before the Zoning Board of Adjustment on the aforementioned date were available online via our Township website at www.roxburynj.us. The purpose of the Regular Zoning Board Meeting was to conduct routine business.

BOARD MEMBERS PRESENT

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

ABSENT: None

PROFESSIONAL STAFF

Mr. Russell Stern, P.P.
Mr. Larry Wiener, Esq.

MINUTES OF AUGUST 10, 2020 MEETING

Ms. Robortaccio made a motion to approve the minutes of the August 10, 2020 meeting, Dr. Kennedy seconded.

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

RESOLUTIONS:

ZBA-20-007 MILLER, Variance relief for property located at 19 Kadel Drive, Succasunna, Block 3002, Lot 12 in an R-3 zone.

Mr. D’Amato made a motion to approve, Mr. Klein seconded.

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

In the matter of Thomas & Denise Miller
Case No. ZBA-20-007

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

Approved: August 10, 2020
Memorialized: September 14, 2020

WHEREAS, Thomas & Denise Miller have applied to the Board of Adjustment, Township of Roxbury for permission to construct an addition to the premises located at 19 Kadel Drive and known as Block 3002, Lot 12 on the Tax Map of the Township of Roxbury which premises are in a “R-3” Zone; said proposal required relief from Section 13-7.1301D8 of the Roxbury Township Land Use Ordinance; and

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

1. The Applicants are the owners and occupants of the subject premises.
2. The Applicants are proposing to construct a 597 square foot addition on their home requiring relief from the maximum impervious coverage permitted in the zone, as set forth in Section 13-7.1301D8 of the Township's Zoning Ordinance.
3. Applicants submitted an architectural drawing prepared by Jeffry R. McEntee dated May 12, 2020 consisting of two (2) sheets (A-1 and A-2). Sheet A1-A, also prepared by Mr. McEntee, was submitted with revised Zoning Evaluation, dated July 16, 2020, revised July 24, 2020.
4. Applicants received a letter of denial dated June 4, 2020, revised on July 23, 2020, from Tom Potere, the Zoning Officer. As noted by Mr. Potere, the Applicants need the following relief:
 - a. Maximum Impervious Coverage – 25% permitted, 25.66% existing; 28.05% proposed
5. A duly noticed public hearing occurred on August 10, 2020 via Zoom, a web-based meeting platform and telephone conferencing service, consistent with Governor Phil Murphy's statewide ban on public gatherings and in accordance with the Municipal Land Use Law, the Open Public Meetings Act, and the guidance document entitled "Planning Board and Zoning Board of Adjustments Operational Guidance – COVID-19: N.J.S.A. 40:55D-1: Recommendations for Land Use Public Meetings in New Jersey" issued by the Department of Community Affairs, Division of Local Government Services.
6. Thomas Miller presented sworn testimony at the public hearing in support of the Application. Mr. Miller stated that the proposed addition would accommodate his growing family with a new family room and dining room for additional living space. The Applicants will update their existing kitchen and add a wood deck to the rear of the home.
7. The proposed addition will require the removal of 2 existing sheds that are located on the northern side of the home and one shed in the rear of the property. The shed located on the southern side of the home and the larger shed in the rear of the yard, that is associated with the pool, will remain. The existing slate patio will be removed and replaced with dry-laid pavers.
8. The removal of the sheds and the proposed addition will result in an increase in total impervious coverage to 28.05%, from the existing coverage of 25.66%, where 25% is permitted. This increase in coverage is *de*

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minimis. It is noted that the non-conforming front yard setback will not be exacerbated by the proposed addition.

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 testimony of the witness to be competent and credible.
2. Relief can be granted pursuant to N.J.S.A. 40:55D-70C from the following Section 13-7.1301D8 of the municipal zoning ordinance, maximum impervious coverage of 28.05% is approved, where 25.66% is existing, where 25% is permitted.
3. N.J.S.A. 40:55D-70C(2) indicates that a variance may be granted where it is determined that the proposed relief advances one or more of the purposes of zoning and where it is further determined that the benefits of granting the variance outweigh any detriments which might result from it.
4. Accordingly, the proposed addition will provide additional living space for the homeowner and is *de minimis* in nature. The Applicant has mitigated the impervious coverage by removing sheds and patios to reduce the overall coverage on the property. The benefits of allowing the construction of this addition outweigh the detriments that may result from denying the requested relief.
5. There would be little impact to the surrounding area and the proposed addition will result in a home that is similar to other homes within the neighborhood. 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 10 day of August 2020 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. Applicants shall obtain all necessary permits prior to the start of construction.
3. The proposed deck shall not be covered or enclosed.
4. Three sheds and a patio shall be removed from the property, as testified to by the Applicant during the hearing.
5. The Applicant shall be bound by all representations made during the public hearing.

6. The proposed addition shall be constructed as indicated on the plans that were submitted to and approved by the Board.

ZBA-20-011 FIVE BAKERS, LLC, Certificate of Non-Conforming Use for property located at 631 Route 46, Kenvil, Block 2704, Lot 10 in a B-2 zone.

Mr. Klein made a motion to approve, Mr. D'Amato seconded.

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

In the matter of Five Bakers, LLC
Case No. ZBA-20-011

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

Approved: August 10, 2020
Memorialized: September 14, 2020

WHEREAS, Five Bakers, LLC has applied to the Board of Adjustment, Township of Roxbury seeking Certification pursuant to N.J.S.A. 40:55D-68 for a Pre-Existing, Non-Conforming Use as a single family dwelling for premises located at 631 Route 46 and known as Block 2704, Lot 10 on the Tax Map of the Township of Roxbury which premises are in a "B-2" Zone; and

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

1. Edward M. Dunne, Esquire represented the Applicant.
2. The Applicant is the owner of the subject premises and is seeking pre-existing non-conforming use as a single-family home for the subject property.
3. The Board received a memorandum dated July 29, 2020 from Tom Potere, the Zoning Officer. Mr. Potere also submitted 8 photos taken from various points of view of the subject property.
4. The Applicant submitted the following documents in support of their application:
 - a. Exhibit 1 – Application for Certification of Pre-existing Non-Conforming Use
 - b. Exhibit 2- Narrative in support of application prepared by the Applicant
 - c. Exhibit 3 – Tax Map
 - d. Exhibit 4 - Survey prepared by Frederick C. Meola, dated March 2, 1998
 - e. Exhibit 5 - An image of the home, from Google, image captured August, 201
 - f. Exhibit 6 - A property tax card, July 2, 2020

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- g. Exhibit 7 – Hand sketched first and second story floor plans
 - h. Exhibit 8 – Application for Zoning Permit for second floor, approved June 30, 1999
 - i. Exhibit 9 – Construction Permit for Second Story Kitchen, dated November 10, 1999
 - j. Exhibit 10 – Second Kitchen Floor Plans
 - k. Exhibit 11 – Second Kitchen Construction Counter Form
 - l. Exhibit 12 – New Roof Construction Permit, dated January 7, 1999
 - m. Exhibit 13 – Deed Between Russell H. Baker and Russell M. Baker and Rose A. Baker, dated June 16, 1965
5. A duly noticed public hearing occurred on August 10, 2020 via Zoom, a web-based meeting platform and telephone conferencing service, consistent with Governor Phil Murphy’s statewide ban on public gatherings and in accordance with the Municipal Land Use Law, the Open Public Meetings Act, and the guidance document entitled “Planning Board and Zoning Board of Adjustments Operational Guidance – COVID-19: N.J.S.A. 40:55D-1: Recommendations for Land Use Public Meetings in New Jersey” issued by the Department of Community Affairs, Division of Local Government Services.
6. The Applicant presented sworn testimony in support of the request for a certification that the subject property is a single-family home. The Applicant resided in the home during his childhood in the 1970-1980s. He purchased the home from his parents in 1998 and renovated the home to upgrade the electric, heat and roof, and add a second-floor kitchen and a deck. In 2003, he purchased his own home and moved out. His father resided in the dwelling until his passing in 2014 and his mother remained in the home until 2016, when she moved into a Nursing Home.
7. The Applicant has personal knowledge of the property dating back approximately 50 years. He is still the owner of the property, which he rents to a tenant. The only significant changes to the subject property occurred while the Applicant lived in the home and made the renovations to occupy the home with his parents. At no time was the second floor occupied by someone other than the primary residents. The second story is accessed through the main entrance to the home and does not have a separate entrance nor separate utilities. All of the construction and renovations were done with municipal permits.
8. The property was constructed in 1948 and the Applicant’s parents purchased it in 1965. The first zoning map for the subject property was filed in 1959, when the B2 Zone was created along Route 46 and Route

10. Said Zone permitted single family dwellings, so the property was conforming in 1965 when the Applicants family took title.

WHEREAS, the Board has determined that the relief requested by the Applicant can be granted for the following reasons:

1. Pursuant to N.J.S.A. 40:55D-68, any non-conforming use or structure existing at the time of passage of an ordinance may be continued upon a lot or in the structure so occupied. Any person with an interest in the land may apply to the Board of Adjustment, at any time, to certify that the use or structure is pre-existing and non-conforming. If the pre-existing, non-conforming use is established, the Applicant must demonstrate that there has been no abandonment of the use. The Applicant has the burden a proof.
2. The Board found the testimony of the witness to be competent and credible. The Board determined that the evidence submitted, by way of Deed, Construction Permits, with related floor plans and tax records, established that the single-family use and structure existed prior to the adoption of the Zoning Map in 1959, which permitted single-family dwellings. The property has existed as a single-family home since it was constructed in 1948 and pre-dates any changes in the applicable zoning prohibiting single-family homes.
3. The Board is satisfied that the property was constructed as a single-family dwelling and, although, renovated to construct a second story kitchen, it has not been used as a two-family dwelling. The second story does not have a separate entrance nor separate utilities. There was no indication of abandonment, at any time, of the single-family use.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 10 day of August 2020 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 comply with all representations made in testimony and evidence presented before the Board.

EXTENSION:

ZBA-08-022 WOODMONT REALTY RT. 46, LLC. One year extension of Amended Preliminary Site Plan, for property located at Route 46 West, Ledgewood, Block 9603, Lot 3 & 4 in a OB zone. *Withdrawn*

APPLICATIONS:

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 December 14th, 2020.*

ZBA-20-010 BURKE, Variance relief for property located at 27 Sunset Lane, Landing, Block 11904, Lot 4 in an R-3 zone.

Ms. Dargel stated she has listened to Burke application from the meeting prior due to her absence. Ms. Dargel went on to state the new drawings and a report were submitted since the August 10, 2020 meeting and asked the Burkes to discuss what has transpired since the last hearing.

Mrs. Burke stated they had received a lot of helpful information from the Board and thus revised their plans to include a garage and driveway in their architectural plans on the lakefront site. Mrs. Burke stated that in their prior submittal they had a relatively high impervious coverage at close to thirty-nine percent and now with their new proposal they have reduced the impervious coverage by close to ten percent. In addition, Mr. Burkes stated they have also added a drainage plan for storm overflow. Ms. Dargel then asked Mr. Joseph Gates to weigh in on the revised Burke architectural plans, specifically Exhibit 7. Mr. Gates went on to explain that there were two key aspects in the design and in listening to the Board's concerns from the last meeting, he and the Burkes re-thought the design of the home and came up with a plan they feel satisfies two critical issues. One being a garage must be part of the design of the home and the other the reduction of impervious coverage.

Mr. Gates stated they have submitted a calculation sheet named Exhibit 7. The calculation sheet shows the existing, previous submission from June 2020, and the new submission from September 2020. Mr. Gates further stated in working with the Burkes he was able to get the impervious coverage down from 39% to 28.97% by eliminating some of the extra outdoor parking. He further stated, the Burkes eliminated two additional parking spaces as well as, reduce the coverage amount in the walks.

It was noted that the Burkes did take into consideration the comments from the Lake Hopatcong Commission and there has been a Storm Water Management Plan prepared. Dr. Kennedy asked if the new calculation numbers had been reviewed by the Zoning Officer and did Mr. Potere concur. Mr. Stern replied that Mr. Potere did review the new calculations and had issued a revised report dated September 10, 2020.

Ms. Robortaccio asked Mr. Gates if he read Mr. Kobylarz's comments in regards to a Storm Water Management Plan. Mr. Gates responded that he did read Mr. Kobylarz's report. Ms. Robortaccio then asked Mr. Gates to address the report. Mr. Gates stated the Burkes are proposing a drainage system that handles a lot more drainage than is required and Mr. Kobylarz did not have an objection with their drainage plan. Mr. Gates stated that Mr. Kobylarz also suggested the applicant raise the access opening to grade to allow excess water to be released from the system. Mr. Gates stated the Burkes would have no issue addressing this request. Lastly, Mr. Kobylarz suggested that the sewer department be contacted in order to confirm what work is required for the grinder pump to operate. The pump chamber shut off valve, control panel, and alarm box discharge pipe would be reviewed by the department prior to obtaining a certificate of occupancy. Mr. Gates stated the applicant is aware this is a requirement for any property that has a grinder pump on their premises and they will comply.

Mr. Klein asked about the lot across the street with the garage on it that is currently owned by the Burkes. Mr. Klein wanted to know what the relation is between the lakefront property and the property across the street. Mr. Burke stated the lots are two independent lots that were purchased separately. He further stated that both properties were owned by one person and when the owner passed, both properties were left to a trust. The individual who was managing the trust lived in California and wanted to sell both properties at once. Mr. Klein then asked if the lot with the garage on it was buildable. The Burkes responded they believe so, due to the fact that there is a structure on it right now. Ms. Dargel asked Mr. Wiener if the lots were legally connected. Mr. Burke interjected that the resolution on the lot with garage does not have a tie to the lakefront lot. Mr. Gates further stated that he did not find any connection between the properties in his research. Mr. Dargel asked Mr. Wiener if the Burkes chose to redevelop the property with the garage on it, would that be a totally different application due to the fact the lot is in no way connected with the lakefront lot. Mr. Wiener replied yes, it is its own lot and it exists independently to the other lot. The Burkes are allowed to put anything on the lot that conforms to zoning. Mr. Gates stated the lot with the garage on it is significantly larger than the lakefront property and it fronts on two streets, Apple Tree and Sunset Lane.

Dr. Kennedy asked if the resubmission has met the requirements of the Lake Hopatcong Commission. Mr. Gates responded that the Burkes have addressed the following issues:

1. Impervious coverage.
2. Construction debris and taking the proper precautions to make sure the debris does not enter the water.
3. Green stormwater infrastructure to mitigate an increase in stormwater,
4. Soil disturbance in proximity to the lake
5. Planting using native plants and existing plants on the property
6. Fertilizer use and lake contamination (safe products must be used).

Ms. Dargel asked the Burkes if they concur to be good stewards of the lake. The Burkes responded absolutely.

Ms. Robortaccio asked the Burkes if they plan to remove the large tree in the front yard of the property. The Burkes replied yes due to the fact it is rotted and a safety issue.

Mr. Stern noted as a result of the modifications from last submission, the Burkes now require a front yard set-back due to the garage. He stated, what is required is 35 feet and the Burkes are proposing 17 feet. That means in order to meet your parking requirement you have a space in the garage and you have a space in the driveway, but the driveway is only 17 feet and 18 feet is what is required at the minimum. Mr. Gates asked the Burkes if they would consider bumping the garage into the house another foot. The Burke's concurred. Mr. Gates stated if the application was approved it could be a condition of the resolution.

Ms. Dargel wanted to confirm we are working with Burke (Exhibit 4A - Architectural Drawing) while under discussion. Mr. Gates replied yes and stated the plans are revision number (5) dated 9-20-2020.

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

Mr. Stern alerted the Burkes that there will be an affordable housing fee associated with the new build of their home. It is a requirement and a payment will be collected prior to receiving building permits.

Dr. Kennedy made a motion to approve the application with all the necessary verbiage that is required to make sure that there is an agreement to moving the garage in by one foot and other items discussed, Ms. Dargel stated revised plans can be sent to Tracy Osetec for distribution to the Board professionals. Ms. Robortaccio seconded.

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

ZBA-20-013 LAPERA, Variance relief for property located at 34 Kentwood Road, Succasunna, Block 5202, Lot 18 in an R-3 zone.

Ms. Dargel swore in Michael LePera of 34 Kentwood Road, Succasunna. Mr. LaPera stated he would like to put a shed on his property for storage. He stated his daughter has moved back into the home to help out her parents. Mr. Lapera noted he is 87 and his wife is 82 and that they require assistance in maintaining the home and daily activities. Presently all of his daughter's items are in a storage facility which is costly at \$200.00 per month.

Ms. Dargel stated that there was already a 10' by 10' shed on the property. Mr. LaPera replied he would place the proposed 10' by 20' shed ten feet away from the existing shed. Mr. Stern stated this would meet zoning requirements. Ms. Dargel stated the variance for the application is for impervious coverage and that the coverage amount is going from 27.1% to 28.48%. Ms. Robortaccio stated she went to the site and there is limited space and she did not see a problem with the proposed shed going where the applicant is requesting. Ms. Dargel stated the only variance is the increase of impervious coverage which is 1.33% which is de minimis.

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

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

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

ZBA-20-014 ESPOSITO, Variance relief for property located at 28 Reger Road, Succasunna, Block 301, Lot 27 in an R-1 zone.

Ms. Dargel swore in Matthew and Kristine Esposito of 28 Reger Road, Succasunna. Mr. Esposito stated they would like to add a deck and an above ground pool to their home. He stated they have four young children and would like to utilize their yard for more recreation. Mrs. Esposito added that they spoke with their neighbors who would be most directly affected by the project and they were in concurrence. Dr. Kennedy asked why the Esposito's did not configure the pool so as to fit within the zoning requirements. He further stated that there is a lot of property that was not be utilized that the pool could be reconfigured on. Mr. Esposito explained they wanted to keep as much of the yard open as grass as possible, especially where the play set is to give the children a place to run around and play. In addition, the proposed placement of the pool gives them direct access to the house off of the deck. Ms. Houtz referred to Exhibit 4 (Survey) and asked what the distance was between the corner of the home and the pool. Mr. Esposito responded eight feet. Mr. Stern asked how high above grade was the upper deck. Mr. Esposito replied five feet.

Ms. Dargel questioned why didn't the Esposito's have a lower deck coming off the house and then go to an upper deck and then have the pool off the upper deck and moved in towards the house more. Mr. Esposito stated that is how they currently have it. Off the house is a lower deck and then you go two steps up to the pool deck. The pool deck is in line with the pool. Ms. Dargel suggested if you placed the pool linear to the house you could have come closer to the 50 yard set-back. Dr. Kennedy agreed. Ms. Dargel stated if the lower deck was a little smaller and you move the upper deck to the left a little you would have a better side yard set-back. Ms. Robortaccio asked why the Esposito's could not go straight out with the pool. Mrs. Esposito stated they do not used the side yard right now and that is why they are proposing to put the pool there and that they were trying to keep the back yard open for the children to play. Dr. Kennedy stated if there is a relief to be obtained to remove a variance, which in this case there certainly is, it just seems to be more appropriate to manipulate the pool around to the point where it meets all the requirements of the zoning law without requiring any variance.

Mr. D'Amato stated if the Esposito's move the pool and the upper deck, they will still need both variances. In addition, if you move the pool to the left you will have no usable deck space to secure the pool for the children and if you make the deck on the lawn side bigger than you have a variance problem going to the rear-yard. Mr. Esposito replied yes. Dr. Kennedy stated his thought was to move the upper deck down so it is in line with the lower deck, and take the pool and move it so it is parallel to the deck. He stated he believes some rearranging can lessen the variance requirements. Mr. D'Amato replied what Dr. Kennedy is suggesting would not work because the area is still small and they are only using enough upper deck to surround the pool for safety and egress.

Ms. Robortaccio asked Mr. Stern's opinion. Mr. Stern stated he did not know the rear elevation because it was not depicted on the survey and then asked on the survey where it is labeled overhang, do you have that elevation and asked the Esposito's if they had access from the overhang to the rear elevation or is the only access to the outdoors by the brick patio. Mr. Esposito referred Mr. Stern to Exhibit 4 and stated there is an exit where the survey shows the word overhang. Mr. Stern stated to put the pool in a conforming location to get rid of the side yard set-back you would then be going to have a vertical obstruction looking out of the rear door, but on the other side you get better visibility of the children playing in the pool. If the pool was placed on the other side of the yard you do not have that visible accessibility from the rear of the house.

There really is no perfect solution to this. Either way there is negative associated with the proposed relocation.

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

Mr. D'Amato made a motion to approve the application. Mr. Overman seconded.

Roll call: Mr. D'Amato, yes; Mr. Overman, yes; Mr. Klein, yes; Ms. Robortaccio, yes; Mr. Furey, yes; Dr. Kennedy, no; Ms. Dargel, yes.

ZBA-20-015 VAN IDERSTINE, Variance relief for property located at 8 Atlantis Drive, Succasunna, Block 3301, Lot 22 in an R-2 zone.

Ms. Dargel swore in Kristine and Robert Van Iderstine of 8 Atlantis Drive, Succasunna. Kristine Van Iderstine stated they have an existing deck and above ground pool and would like to attach the deck to the pool. Mr. Van Iderstine stated his mother-in-law resides with them and has a very hard time getting in and out of the pool as it currently stands. Part of his mother-in-law's physical therapy requires her to swim and currently during COVID she is unable to swim at the YMCA. So to allow her to swim at their home they need make pool access easier for her. Mr. Stern asked that since the variance is requesting a rear-yard set-back could the Van Iderstines please tell the Board about the rear-yard property. Mr. Van Iderstine stated there is a farm behind them. Mr. Stern asked the applicants if they believe there will be an impact. Mrs. Van Iderstine stated they are friends with the owner of the farm and gave the Van Iderstines their blessing.

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

Ms. Robortaccio made a motion to approve the application. Mr. Klein seconded.

Roll call: Ms. Robortaccio, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. D'Amato, yes; Mr. Furey, yes; Dr. Kennedy, no; Ms. Dargel, yes.

ZBA-20-016 CAPKO, Variance relief for property located at 4 Sara Lane, Succasunna, Block 4603, Lot 6 in an R-2 zone.

Ms. Dargel swore in Lisa and Christopher Capko of 4 Sara Lane, Succasunna, NJ. Mr. Capko stated in March during the COVID pandemic they decided to forego their vacation and purchase an above ground pool. Mr. Capko noted they have an existing deck and would like to expand it to meet the pool. Dr. Kennedy asked if they could move the pool three feet to the left and eliminate one of the variance requirements. Mr. Capko stated the pool is already installed under an approved zoning permit. Dr. Kennedy questioned why the pool was permitted when the set-back requirement is not met. Mr. Stern stated that once you connect the deck to the pool, it then becomes part of the principal structure, and then becomes a rear-yard set-back variance. The pool alone without the deck connection does not have a 50 yard rear yard set-back and is in conformance.

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

Ms. Robortaccio made a motion to approve the application, Mr. D'Amato seconded.

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

NEW BUSINESS:

None

OLD BUSINESS:
None

Motion to adjourn 8:40 pm

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
Tracy Osetec, Board Secretary
September 30, 2020