

August 3, 1960

The regular monthly meeting of the zoning Board of Adjustment of the Township of Roxbury was held on the above date with Mr. Warner acting Chairman. The following members were present: Messrs, Warner, Perk, Honeyman. Absent, Messrs, Williams, Magnus.

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Mr. Henry D'Antonio, of Lower Berkshire Valley Road, appeared before the Board for a continuation of his appeal. He presented the additional information requested at the last meeting in the form of a letter from Mr. Conkling Tax Collector stating that the land owned by Mr. D'Antonio has been taxed as two parcels since 1949 and is known as Block 9, Lots 1A and 1. The applicant wishes to subdivide the rear parcel as shown on the map presented into two lots, one containing 145 feet frontage. The other containing a 75 foot frontage which also contains a small dwelling. There were no surrounding property owners present.

Motion was made by Mr. Honeyman and seconded by Mr. Perk to grant the variance requested to allow a subdivision of land of two lots each containing less than the required area and front width line. Motion was passed by roll call vote showing all in favor because the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Roll call vote showed all in favor, and the motion was carried.

Mr. William R. Holzappel representing the Dean Oil Co. located on Route 10, Succasunna, made application to the Township Committee for the granting of a variance to certain provisions of the Zoning Ordinance under Section 1202 of the Ordinance.

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Mr. Holzappel questioned Mr. Bird a representative of the Dean Oil Co. as to the sending of letters to surrounding property owners. Mr. Bird stated that the letters were given in person to property owners in the Town and sent registered return receipt to out of Town owners. The Company proposes to install three 4,000 gallon underground storage tanks, to be located approximately in the center of the property now used as service station. This type of installation meets the requirements of the National Board of Fire Underwriters. There are two dwellings facing Eyland Place owned by Dean Oil Co.

Mr. Holzappel asked why more tanks were needed. Mr. Bird stated that tank trailers hold more gasoline now and it would save grips up here be be able to deliver more at one time. Mr. Bird said that the station at present has two 550 gallon tanks, one 1,500 gallon tank and one 2,000 gallon tank. With the new installations the two 550 gallon tanks will be eliminated. The 4,000 gallon tanks will be used for regular gasoline, the 1,500 gallon tank and the 2,000 gallon tank will be used for premium gasoline.

The property is half business and half residential with the two lots on Route 10 completely paved in black top so it appears to be one lot. The tanks must be installed on the residential property because the Building Inspector will not allow the installation on the station property which is a non-conforming use at present, also 125 feet of frontage is required.

The general character of the neighborhood is mostly business, a residential dwelling is two doors away, and the residential property on the other side of the station contains a real estate office. There have been only minor objections to the operation of the station. The car lift was making a noise but a muffler has been installed on this.

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The tenants in the one dwelling on Eyland Place are being evicted as there have been many complaints about them. The other dwelling is going to be painted and repaired.

The following surrounding property owners were present:

Mr. Frank Smith, Speed Parts, corner of Eyland Ave. and Route 10; objects to the size of the tanks and feels that it will be a depot for storage to be transported to other stations in the area.

Mrs. Margaret Unneberg, Eyland Avenue, does not like the idea of trucks coming in and out, and that she plans to build opposite one of the dwellings owned by the Company.

Mr. Roedell, Eyland Place, agreed with Mr. Smith.

Mr. Bird stated that the tanks will be approximately near the present pump position. The houses will not be torn down.

Mrs. Roedwill, Eyland Place stated that she lives opposite the two dwellings on Eyland Place. In the 1st. place the station does very little business. There are garbage cans in the rear on Eyland Place. Their back yard is our front yard, the boys who operate the garage are noisy. Many children play on the street and the entrance driveway from Eyland Place cause a hazard. The gasoline has an objectional odor and we always know when gasoline is being delivered.

Mr. Philip Traynor stated that the present owners could use the right of way that the original owners used. There is a Natural Gas Co. tank above the ground at one end of the street and we don't want more tanks at the other end, this could lead to over head tanks.

Mr. Frank Polwin feels the same way as Mr. Traynor concerning the Natural Gas Co. tanks, he stated that he had seen two Dean Oil trucks go up Eyland Place in the past year.

Mr. Edwin Lee, stated that this station is causing a depreciation of the surrounding property.

Mr. Fred Zink, Vice President of the Dean Oil Co. stated that there would never be overhead tank installed on the property. A storage plant would require at least 1/2 million gallons and this is not the intention. The newer stations have 12,000 to 18,000 gallon storage. We have four stations in the area and all contain 12,000 to 14,000 gallon storage. This station is the smaller of them all. These tanks are approved by the National Board of Fire Underwriters. There is no hazard from them at all, whether full or empty.

Mrs. Roedell stated that the diesel trucks which were kept at the station during the last year made so much noise it would wake the children at night.

Mr. Frank Smith said he would like to make a suggestion that the Dean Oil Co. Make plans to clean up the station and the rear property facing Eyland Place so that it would not ruin the rest of the neighborhood.

Mr. Zink said that the station is admittedly a second rate station, it is hard to get good operators for it, if we had a better station we could get better operators; and he will make arrangements to clean up the property and repair dwellings.

There were no further questions and motion was made by Mr. Honeyman and seconded by Mr. Perk to hold this for further consideration. Motion was carried by roll call vote showing all in favor.

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Hearing was open for an application of special matters for Mr. Nicholas Steneck for permission to use his present dwelling for a public library. The property is located on Main Street next to the Manse of the Presbyterian Church in Succasunna, the lot is 114' X 408', the dwelling contains eight rooms, there will be no occupancy.

Mr. Warner asked if there would be social functions held in the building.

Mr. William Pellet, Secretary of the Library Association stated that a library often has various programs going on, There is a possibility that there might be a music room where people could use head sets and listen to records, there is also a possibility a small museum could be set up in one corner of room. The intention is to leave the kitchen and bathroom to serve the volunteer service people. The physical dimensions of the building do not lend themselves to social functions.

Mr. MacCrea, representing Mr. Steneck stated that the Library was made of citizens of the Township, it is a non-profit corporation, it is not a community center, there is ample space for parking.

Mrs. Borien Wright, Main Street, stated that she is in favor of the Library.

Mr. Leonard stated that there are rumors that it would be used for other than library purposes. That the doctor and the church create a parking condition now. That he and his family are in favor of the library.

Mr. Pellet stated that the building would only be used for a library and related functions.

There were no further questions and motion was made by Mr. Honeyman and seconded by Mr. Perk that the special exception be granted because the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Motion was carried by roll call vote showing all in favor. With Mr. Warner voting in favor providing that the building is only used as a library and its related functions.

Mr. Manuel Selengut appealed for a variance to the strict application of the zoning ordinance to erect a dwelling on a corner lot. The lot is 50' X 150', there is insufficient front and back yards, the house is 40' X 26' which meets the present requirements of the zoning ordinance.

Mr. Leo Levens, 502 Colver Road, a surrounding property owner asked where the ceptic tank would be located. Mr. Selengut stated that it would be at least 25' away from the property line. The house will face Rogers Drive rather than Dell Road because it makes for better utilization of the property, the house will look better on the lot with a larger side yard.

There were no further questions from the floor or the Board and motion was made by Mr. Honeyman and seconded by Mr. Perk to grant the variance because the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Motion was carried by roll call vote showing Mr. Honeyman and Mr. Perk in favor and Mr. Warner voting against.

Mr. Robert D. Mathison, General Agent for the New Jersey Bell Telephone Co. made application on special matters pursuant to the zoning ordinance under Section 408 Public Utilities. He stated that the building to be erected would be used as a telephone repeater station, necessary because of the new building being erected in Landing. The repeater building is used to further

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amplify the voice and the location of this building is very important. The building would be unattended except for an occasional repair man. It will be constructed of cinderblock, but the exterior will be of colonial type and will look just like a dwelling. The shades on the windows and doors are painted on. There will be no visible wires as they will all be underground.

Mr. Mathison stated that the Planning Board had approved the Site Development Plan and the subdivision of land at their last meeting, but that on Tuesday of this week Mrs. Langdon the owners of the property said she would not sell as large a plat as shown on the map, therefore the plan has been changed as shown on a new map presented.

Motion was made by Mr. Honeyman and seconded by Mr. Perk that the special exception be granted subject to the approval of the subdivision and Site Development Plan by the Planning Board because the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent or purpose of the zone plan or zoning ordinance. Motion was passed by roll call vote showing all in favor. There were no surrounding property owners present.

Mr. William Kopia, Hillside Ave, Succasunna applied for a variance to the strict application of the zoning ordinance for a subdivision of land. The plot plan includes three lots, starting on the south end the lots contain, 175', 165', 150' front width. The 150' lot contains the applicant's dwelling. This map was approved as a minor subdivision by the Planning Board on August 11, 1950, but the deed was never filed in Morris County Clerk's Office. The variance request is for the front lot lines which should be 175' in the R-1 zone. There is approximately 2 acres in each lot.

There were no surrounding property owners present and motion was made by Mr. Perk and seconded by Mr. Honeyman that the variance to the strict application of the zoning ordinance be granted because the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Motion was passed by roll call vote showing all in favor.

Mr. Edgar Bragger of 11 Chesler Sq. Succasunna appealed for a variance to the strict application of the zoning ordinance under Section 415, corner lot set back and Section 1203d, rear yard. The applicant wishes to erect a garage and breezeway attached to his dwelling. The breezeway to be 13' X 24'. The set back from the road to the side of the house will be 16.72'. The garage is 16' X 24'. The set back from the rear property line is 16.25'. The lot is 90' X 86.05'. The acting Chairman asked where the septic tank was located. Mr. Bragger stated that it was in the middle of the back yard, and that the proposed buildings would not be near it.

There being no surrounding property owners present and being no further questions from the Board, motion was made by Mr. Honeyman and seconded by Mr. Perk to grant the variance to the strict application of the zoning ordinance because the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Motion carried by roll call vote showing all in favor.

Mr. Martin Trosky of Irondale Road, Wharton did not appear. He called the Clerk of the Board earlier in the week stating that he would comply with the ordinance and would not have to have a variance.

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As continued from the last meeting the appeal of Mr. Howard Briant was discussed. The applicants were not present but Mr. Perk read a letter from Mr. Meyerson representing Mr. Briant. The letter states that "It has been held by our Courts that reference in a deed to a street without restricting it to private use, constitutes a dedication of the proposed street to the use of the public. The right of easement if it is effective at all may refer to the bed of the street, but once a street is used by the public, and has been in use for twenty years, it becomes public by prescriptive right."

There were no surrounding property owners present and motion was made by Mr. Honeyman and seconded by Mr. Perk that the variance to the strict application of the zoning ordinance be approved because the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Motion was carried by roll call vote showing all in favor.

There being no further business the meeting was adjourned at 11:30 PM by motion made and carried.

Respectfully submitted,

Ruth H. Thiele

Ruth H. Thiele, Clerk

There will be a special meeting of the Board on August 31, 1960 for an appeal by Mr. Abe Simon represented by Robert S. Greenbaum, Sunrise Park Section 3 and Forest Hills.