

February 3, 1960

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The regular monthly meeting of the Zoning Board of Adjustment was held on the above date with Chairman Williams presiding. The following members were present: Messrs, Williams, Perk, Honeyman, Warner, Magnus. The minutes of the previous meeting were reviewed.

A public hearing having been held on December 3, 1959, upon the application of Abe Simon, owner, for a recommendation to the Township Committee for a variance to allow minimum floor areas of 970 square feet in the Section 3, Sunrise Park Sub-division, and 1,200~~0~~ square feet in the Forest Hills Sub-division, and plot sizes in both Subdivision as shown by map entitled "Sunrise Park, Map of Section III, Roxbury Township, Morris County, N.J." dated Feb. 1956, (Exhibit 2), and map entitled "Preliminary Plat Map of Forest Hills," dated April, 1956, (Exhibit 3):

A William B. Kaufman, of Elizabeth, New Jersey, attorney for the owner, having represented to the Board that due notice had been given and having filed with the Clerk proof of service:

And Mr. Kaufman having stated that Mr. Simon proposed to convey to the Township an area of approximately 4.8 acres and to construct thereon a sewage disposal plant which would serve the proposed developments and which could be enlarge ultimately to a capacity sufficient to serve between 20,000 and 25,000 families;

And Mr. Kaufman having introduced Mr. Frank Burd, a representative of the Drabo-Walker Co., a company which constructs and installs sewage systems, and Mr. Burd having explained briefly the construction and facilities of the plants constructed and installed by his company;

And Mr. Kaufman having presented a map entitled "Preliminary Sanitary Sewer Study of Forest Hills and a portion of Section III, Sunrise Park, Roxbury Township, Morris County, N.J." dated November 4, 1959 (Exhibit 4):

And the Board having considered the application, the exhibits submitted, and the statements and representations of Counsel, it is RESOLVED that the determinations which follow be and they are hereby adopted:

First, that no evidence was presented, or appears, to the Board of unique or special circumstances which warrant the granting of the application.

Second, that no evidence was presented, or appears to the Board which establishes that the land in question cannot be developed and used in accordance with the zoning provisions or that to deny the application would constitute a burden or undue hardship on the owner.

Third, that no evidence was presented, or appears, to the Board which establishes that the proposed use is the best use to which the land in question can be put.

Fourth, that the granting of the application would have a detrimental effect upon surrounding undeveloped lands.

Fifth, that the granting of the application would be contrary to the intent and purposes of the zone plan and ordinance, and that the application cannot be granted without substantial

detriment to the public good and without impairing substantially the purpose and intent of the zone plan and ordinance.

Lastly, that the application be and is hereby denied.

Roll call vote as follows:

Mr. Williams - Yes	Mr. Warner - Yes
Mr. Honeyman - Yes	Mr. Magnus - Yes
Mr. Perk - Yes	

As a result of the above roll call the application was denied.

A public hearing having been held on January 6, 1960, upon the application Hilton Acres, owner, for a recommendation to the Township Committee for a variance to allow plot sizes as shown on map entitled "Hilton Acres, E'Dor Building Corp. Owner and Developer, Roxbury Township, Morris County, N.J." total area 123.85 acres, Frank Pesce, Surveyor, Kenvil, N.J. There is no date on the map. (Exhibit 1);

And Mr. Markovitz, attorney for the owner, having represented to the Board that due notice had been given and having filed with the Clerk proof of service;

And Mr. Markovitz, having stated that there were section on the map which were not included in the application before the Board, and having indicated on the map the section so excluded;

And Mr. Markovitz having stated to the Board that there were 254 lots in the proposed sub-division but that, omitting the excluded areas and approximately 18 acres set aside for park purposes, the number of lots would be approximately 212, whereas under the present zoning ordinance, the number would be approximately 134; that the sale price of dwellings in the nearby Roxbury Hills subdivision range from \$17,000.00 to \$18,000.000, and that more expensive houses, such as would be required by the lot size prescribed by the present zoning ordinance, would not sell readily; that the floor area of the model homes now constructed on the property exceeds the prescribed 16,000 square feet, and that they are selling for \$20,000.00 and \$21,000.00.

And the Board having considered the application, the exhibit submitted, and the statements and representations of Counsel, it is

RESOLVED that the determinations which follow be and they are hereby adopted:

First, that no evidence was presented, or appears, to the Board which establishes that the land in question cannot be developed and used in accordance with the zoning provisions or that to deny the application would constitute a burden or undue hardship on the owner.

Third, that no evidence was presented, or appears, to the Board which establishes that the proposed use is the best use to which the land in question can be put.

Fourth, that the granting of the application would have a detrimental effect upon surrounding undeveloped lands.

Fifth, that the granting of the application would be contrary to the intent and purposes of the zone plan and ordinance, and that the application cannot be granted without substantial detriment to the public good and without impairing substantially the purpose and intent of the zone plan and ordinance.

Lastly, that the application be and is hereby denied.

February 3, 1960

Roll call on the above motion was as follows:

Mr. Williams - Yes      Mr. Warner - Yes  
Mr. Honeyman - Yes      Mr. Magnus - Yes  
Mr. Perk - Yes

As a result of the above roll all the motion was carried and the request denied.

Mr. Goldman asked if the school - park site as shown on the map could be made more specific in the minutes. Motion was made by Mr. Honeyman and seconded by Mr. Perk that the minutes stand as read with a revision as to park area to the attorney's decision. Motion was carried by roll call vote showing all in favor.

Mrs. Irene Frank, Lake Lackawana, Stanhope, N.J. made application for a variance on side yard set back. The applicants property is located on the corner of Route 46 and Manor Road and is 51'  $\frac{1}{2}$  X 98'  $\frac{1}{2}$  by 86 on Manor Road, and 50' rear. A building proposed is 20' X 38.65 leaving a 40' front yard, 20' rear yard, 10' inside yard and 20' outside yard along Manor Rd. and shown on a plot plan presented. The applicant wishes to erect a small luncheonette of one story.

Mrs. Frank stated that a small business is intended, open for 6 months of the year. The property is in a business zone.

The applicant presented proof of service that notice had been given surrounding property owners. There was no question.

Mr. Steve Vernichek of Route 46 Ledgewood a surrounding property owner stated that he had had difficulty with the property next to the applicants for drainage and parking area along the highway.

Mrs. P. Hoehn of 919 South 19th St. Newark, N.J. asked if this would have any effect on her property in the rear for future building. The Chairman stated that each case coming before this Board is considered individually and no case necessarily sets a precedent.

This appeal is being made because of the side yard set back line of 20' instead of 40'.

Mr. Magnus asked where the water supply is located.

Mr. Frank answered by saying there is a driven well in the immediate rear of the proposed building with the sanitary system to be located in the front. The well complies with the State code. The seepage test which was made on this property was marked excellent. This ground is higher than that across the street, (Manor Rd.)

There was no further discussion and the Chairman declared the hearing closed and asked for motion from the Board.

Motion was made by Mr. Warner and seconded by Mr. Honeyman that the variance be denied due to ~~insufficient~~ insufficient side yard clearance on Manor Road. Roll call on the above motion showed all in favor of the motion to deny the request.

There was no further business and the meeting was adjourned by motion at 9:50.

Respectfully submitted,



Ruth H. Thiele, Clerk