

June 7, 1961

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

Letter was read from the Planning Board concerning property owned by Andrew DiBernardo located on Kingtown Mt. approximately 300' from the highway. The road leading into the property is unimproved. Mr. DiBernardo presented map of proposed subdivision as mentioned in above letter and appeared before the Board under State Statute 40-55:1.4 The Lot is 25,000 square feet conforming with the present ordinance in that area.

Motion was made by Mr. Honeyman and seconded by Mr. Perk that the variance requested be granted. Motion was carried by roll call vote showing all in favor.

Mr. Manuel Selengut presented plot plan for the erection of a light manufacturing building to be used for sew piece work. The variance request is contrary to Section 1603 d, b, . set back lines. The rear set back will be 20' and front set back is 15'. The plan shows a parking area conforming with the ordinance.

A letter was read from the Planning Board approving the Site development plan.

There were surrounding property owners present who voiced objections.

Mr. and Mrs. Ralph Hedden of 40 Mt. Arlington Road stated that the residence living on the street had been fighting for a banning of trucks on the road, that there were 58 children on the street, that the road bed is inadequate for two cars to pass. The school buses had not been allowed to travel the road because of it's condition. There is more and more traffice on the road. Also Mrs. Hedden did not feel that there would be a chance to voice objections if the use of the building changed.

Mr. and Mrs. Fred Cooper of 38 Mt. Arlington Road stated that the Freeholders had benned the street to trucks and there are signs posted. There is residential zone across the street and a light industrial factory would not go well in the neighborhood. Mrs. Cooper stated that the sewage disposal is not adequate, that some of the houses in the area were having trouble and that certainly a building employing some 20 people would use water to excess.

Mr. Selengut stated that he had tried to comply with the ordinance but the shape of the property does not allow this, and it is a hardship on him not to be able to sell or use the land. He stated that if he bought the land in rear which is for sale he would have a larger building and that would be right in back of the residential zone where Mr. and Mrs. Cooper and Mr. and Mrs. Hedden live.

The Board questioned the proposed tenants as to the kind of truck which would be used. They stated that about a two ton van type truck would be used for deliveries and pickups on a daily basis.

JUNE 7 1961

bases.

After discussion the Board decided to ask Mr. Selengut to specific questions as to the material to be used in the exterior walls of the building, transportation on the road, shrubbery to be used, whether the walk would be paved from the building to the parking lot, etc. The Clerk will so inform the applicant. No further action was taken at this time.

Mr. Albert Stickle appeared before the Board requesting a variance contrary to Section 410 of the Zoning Ordinance. Mr. Stickle stated that he was in the rock blasting business and wished to erect a building 24 X 30' to the rear of his dwelling located on West Dewey Avenue, Lower Berkshire Valley, to be used for sharpening tools, drills and other such items. (There will not be a blacksmith shop for shoeing horses) The building is to be constructed of cinderblock.

After further discussion motion was made by Mr. Magnus and seconded by Mr. Honeyman that the variance be granted. Roll call vote was as follows: Honeyman - Yes, Magnus - Yes, Perk - No, Warner - No. Since there was a tie vote the variance was not granted.

The following resolution was passed by motion made and carried.

WHEREAS applications were made to the Zoning Board of Adjustment of the Township of Roxbury for a variance pursuant to Title 40, Chapter 55, Article 3 of the Revised Statutes of the State of New Jersey with respect to the tracts in the Township of Roxbury known as "Sunrise Park, Section 3" and "Forest Hill"

WHEREAS a public hearing was held by the Zoning Board of Adjustment on said applications on December 2, 1959, and on February 3, 1960 said Board denied the applications for reasons set forth in minutes of the Board.

WHEREAS a civil action was instituted in lieu of prerogative writ in the Superior Court of the State of New Jersey, Law Division, Morris County, Docket No. L-10434-59 P.W., challenging the validity of the decision of the Zoning Board of Adjustment in respect of said applications and setting forth various claims for relief against said Board, the individuals serving as members of the Board and the Township of Roxbury,

WHEREAS it is proposed to settle and resolve the various issues in the above-mentioned civil action by the entry of an Order for Consent Judgment, a copy of which is annexed hereto and made a part of this resolution.

WHEREAS careful consideration has been given to the terms of such proposed settlement and disposition of the civil action,

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Roxbury, Morris County, New Jersey, that:

1. The entry of the Proposed Order for Consent Judgment, a copy of which is annexed hereto, is determined to be in the best interests of the Township of Roxbury.

2. The entry of such order is hereby consented to by the Zoning Board of Adjustment and counsel is hereby authorized and

June 7, 1961

directed to consent to such entry on behalf of the Zoning Board of Adjustment and its members.

Mr Joseph Lombardi representing Elizabeth Lombardi of Route 10, Succasunna, was present and asked if his variance request had been acted on. The Board had not seen the letter from the Planning Board as yet and deferred further action until that time. Later on in the meeting the application was again discussed and decision to refer it back to the Planning Board for further consideration concerning the blacktop parking area covering the ceptic system, and the drainage of water onto Route 10 and also the rear parking area.

It was decided to hold a special meeting for a hearing of the Convent of St. Therese Church. on June 21, 1961.

There being no further business the meeting was adjourned by motion made and carried.

Respectfully submitted,

*Ruth H. Thiele*

Ruth H. Thiele, Clerk