

August 14, 1963

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

Mr. Earle Gilbert Taylor of Long Valley, N.J. representing Nels and Annie Paulsen as purchaser of their property requested a variance to Section 410 of the Zoning Ordinance, two principal buildings on one lot. Mr. Taylor is purchasing the property from Mr. Paulsen and plans to erect a drive-in milk store on the foundation of the existing garage. The property is located on the corner of Eyland Avenue and Route 10, Succasunna.

Mr. Taylor stated that the business is a drive-in business for milk and dairy products all packaged, ready to take home. There will be nothing consumed on the property. He further stated that there is a house presently on the lot and that he does not plan to live in it, but possibly the manager of the store might use it for residential purposes.

Mr. Leroy Howell, 9 West Street, Succasunna, surrounding property owner asked if there will be enough parking and will any other products be sold at the store.

Mr. Williams stated that the appellant agrees to purchase all the property and the dwelling, and is making his appeal for the erection of a building on an existing foundation to sell dairy products. Anything in the future would not be considered at this time.

Mrs. Campion, 17 Eyland Avenue, Succasunna, asked if they would sell cottage cheese, ice cream etc.

Mr. Taylor replied, No, ice cream will not be sold. Everything will be packaged to take home, there will be little parking as it is a drive-in, drive-out business. There will be no eating on the premises.

The hearing was declared closed.

Motion was made by Mr. Warner and seconded by Mr. Pellet that the variance be granted for the erection of a milk store because such relief will not be detrimental to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Roll call vote on the above motion was as follows:

Mr. Magnus, No	Mr. Honeyman, No.	Mr. Pellet, Yes
Mr. Warner, Yes	Mr. Williams, No.	

As a result of the above roll call the motion was denied and the variance was not granted.

Mr. George Booth, Kings Highway, Landing, appealed the decision of the Building Inspector to allow the operation of a business or junkyard on property in the residential zone under Section 1002 of the Zoning Ordinance. The property is located five houses from Benson's Hardware Store on the railroad side of Kings Highway in Landing.

August 14, 1963

39

Mr. Booth stated that he had a junkyard at this location since 1947 and a repair shop since 1954, he understood that it was not against the Zoning at that time. He further stated that he had had cars on the property since 1946 and at the present time there are about 35 or 40 cars.

Mr. Magnus asked if he had a license to carry on this tupe of business.

Mr. Booth said, No, he had applied twice for a license in 1956 and 1961 but was denied because it is a residential zone.

There were no further questions and the Chairman asked for surrounding property owners present who wished to speak.

Mr. Frank C. Bielicky, Kings Highway, said that he lived next door to Mr. Booth. That at the present time there is a fire hazard, that he had been annoyed with welding, acetylene torch burning, also there are cars on his (Mr. Booth's) property at the present time and it is ruinous to our health.

Mr. J. Kaltenback, Kings Highway, Landing said that she objected to the app.ication.

There was no further comments from the audience and the hearing was declared closed.

Mr. Williams pointed out that thereis no provision in the Zoning ordinance for junk yards.

Mr. Booth stated that he would sell to "niggers" and the Chairman said that his property was his own but this type of business is not allowed, that current zoning ordinance and previous ones never had provisions for junkyards.

Mr. Booth said that it was discrimination against some people, he said that he knew of more than two junkyards in the Township.

The Chairman said that this Board was not a Police Department.

Motion was made by Mr. Pellet, Seconded by Mr. Warner that the variance be denied because such relief will be detrimental to the public good and will substantially impair the intent and purpose of the Zoning Plan and Zoning Ordinance.

Roll call on the above motion was as follows:

Mr. Magnus, Yes	Mr. Honeyman, Yes because there	
are no provisions in the Zoning Ordinance which permit junkyards.		
Mr. Pellet, Yes	Mr. Warner, Yes	Mr. Williams, Yes.

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

Mr. Joseph Bizub appealing for a variance to the strict application of the Zoning Ordinance under Section 415, corner lot, and 1203 b-d, insufficient front and rear yards to erect a dwelling on the corner of Rogers Drive and Mansel Drive, Landing.

Mr. Bizub said that the dwelling would face Mansel Drive, it will be set 17' back with an open porch with roof protruding 5' making the actual set back 12' from the line. He further stated that he owned the property and planned to live in this house. That there is a vacant lot adjoining, (lot 22) and it is about the same level as the lot in question. Mr. Bizub continued by saying that there is a house on lot 24 set back 17' and it

Aug. 19, 1963

is a corner lot. The lot in question is located about three blocks from the Club House up Rogers Drive.

Mr. J. Adelman, surrounding property owner asked if this would be within the Zoning Ordinance and wondered if she would have trouble selling her house if the variance were granted.

The Chairman said that the set back lines were contrary to the present Zoning Ordinance but felt that it would probably not cause trouble in selling her house as there are other houses in the area with the same set back. The lot in question is 50' X 150'.

Mrs. Adelman said she had no objections if it would not interfere with the sale of her own lot.

The hearing was closed and motion was made by Mr. Warner, seconded by Mr. Magnus that the variance be granted as such 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 and also due to the fact that other homes within the area on corner lots bear about the same set backs, side and back yards.

Roll call on the above motion was as follows:

Mr. Warner, Yes	Mr. Magnus, Yes	Mr. Pellet Yes,
Mr. Williams Yes	Mr. Honeyman Yes	

As a result of the above roll call the variance was granted.

Mr. George A. Perk, Succasunna, representing the Dean Oil Company regarding variance to the strict application of the Zoning Ordinance under Section 804 a, front lot width. The existing station is to be removed and erection of a new station is planned.

Mr. Perk stated that this property has 122.96' of frontage and is 350' deep, it is partly in an industrial zone and partly in a business zone.

The Board determined that the location of existing structures within 500 feet have not been shown on the map in accordance with Section 802 c.

Mr. Perk asked if the Board wanted a certified copy.

The Chairman stated that it is not the intent of this Section of the Ordinance to require a detailed survey that the Board would accept a reasonably scaled plot plan.

The hearing will be carried over until this information is furnished, the next meeting being on the first Wednesday in September.

Mr. Anthony Ambrose, representing Phillip R. Michaud appealed for variance to the strict application of the Zoning Ordinance Under Section 415 corner lot, 1503 c, insufficient side yard, 602, insufficient parking area.

Mr. Ambrose stated that the size of this lot is 120' front with 100' depth and is rectangular in shape. It is the intent to demolish the present structures and construct a building 100' X 20'. A hardship would exist to comply with the side yard requirements. A lease has been signed dealing in a

Aug. 14, 1963

41

specialized business namely furniture, the building will consist of a basement and two floors, a little more than $\frac{1}{2}$ the first floor will be used for sales. This building will not be constructed to hold heavy equipment so there will be no machinery. There will be an elevator. The variance request is for corner lot set back, side yard and parking area.

Mr. Warner asked if more property could be obtained, and Mr. Ambrose said no, the price was exorbitant.

Mr. Ambrose stated that the building will be 2200 square feet and the parking requirement is twice that or 4400. The plot plan showed parking for 22 cars.

Mr. Williams pointed out that this parking area could not include access ways.

Mr. Ambrose said that the business we hope to bring in is one which does not cater to mass numbers of persons at any one time. It is a custom business basically with the use of the building to be a storage outlet and not one of customer on the premises business, therefore a large parking area is not required.

The Chairman said that this is a special zone established by the Zoning Committee as a Shopping Center Zone in which the requirement is 25% of land for parking. The ordinance does not prohibit a 10' side line set back on one side provided there are no openings in the building wall facing said line.

Mr. Goldberg, architect, said that there is no openings on that side of the building.

Mr. Williams said that it would be a sufficient compliance with the ordinance.

Mr. Goldberg stated that the sanitation would be located in the rear. That four people would be employed and the owner and transients,, there will be one toilet downstairs and one upstairs with a leaching well in the back, there have been no percolation tests taken up to this time.

Mr. Ambrose said that material and furniture would be stored in the building, that it would be a furniture, retail dry good and upholstery business.

Mr. Goldberg said that the building would be constructed with 100 lb. per square foot load limit, which would be sufficient for people and furniture.

The Board pointed out that the B-3 Zone does not restrict the sale of furniture.

Mr. Magnus suggested that special sale days might be held which would necessitate more parking spaces.

Mr. Ambrose said that there could be sale days, but this business is not a fly-by-night operation, there is a long term lease of 15 years.

Mr. Goldberg stated that the glass non-opening windows on the side could be closed up.

Aug. 14, 1963

There were no interested parties in the audience and the hearing was closed.

Motion was made by Mr. Warner and seconded by Mr. Pellet that the variance be denied for the following reasons, insufficient set back, insufficient side yard and insufficient parking area and because such relief would be detrimental to the public good and will substantially impair the intent and purpose of the zone plan and zoning ordinance.

Roll call on the above motion was as follows:

Mr. Magnus, Yes	Mr. Honeyman, No	Mr. Warner, Yes
Mr. Pellet, Yes	Mr. Williams Yes	

Mr. Ambrose asked how it was possible to deny a variance when the reasons for the denial are the basis for the appeal?

The Chairman said that the motion indicated it would impair the intent and purpose of the zone plan and zoning ordinance.

Mr. Warner said that there is too much on too little.

The minutes of the previous meeting were approved by a motion by Mr. Pellet seconded by Mr. Warner and carried.

The meeting was adjourned at 10:30 P.M.

Respectfully submitted,

D. E. Wieland, Clerk Pro-tem

Ruth H. Thiele, Clerk *Ruth H. Thiele*