

July 3, 1963

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

The Township of Roxbury represented by Committeeman Sprow applied for a Special Exception according to Article 8 and Section 501, 901A and 408 of the Zoning Ordinance for the enlargement of the Port Morris Firehouse.

Mr. Sprow stated that the building is in a residential zone. The addition is to be 13' X 34' and will be used for the storage of a water tank truck. As the area grows there will no doubt be need for another Fire Engine.

There was no one in the audience either for or against the application and the hearing was closed.

Motion was made by Mr. Honeyman, seconded by Mr. Warner that the special exception 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 or zoning ordinance.

The motion was carried by roll call vote showing all in favor.

A hearing was opened for the Roxbury Auto Wreckers, Inc. Mr. Sam Minor representing the Roxbury Auto Wreckers and his attorney gave proof of service papers to the Secretary of the Board. Mr. John Clark, the owner of the land was also present. Mr. Minor stated that they had a lease for the land that is to be entered into providing the variance is granted.

The Chairman reviewed the Lease and finding it had not been executed stated that it had no value and Roxbury Auto Wreckers had no right to appear before this Board. Mr. John Clark, owner of the property should be the one applying for the variance.

The attorney stated that the applicants are about to form a corporation and do not wish to assume further costs unless they are certain a variance will be granted.

The Chairman stated that the matter would be held in abeyance until the Board is satisfied that the application is in proper form. In essence, we cannot have a hearing for a corporation that does not exist.

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Mr. Zeek, from the audience stated that he happened to be at the last Township Committee meeting, and heard some of the proposal. It would be good if the people here tonight could get an idea of what was proposed.

The Chairman stated that at the adjourned hearing the public would have a chance to hear all the facts. There were several spokesmen in the audience who wished to be notified of the date for the hearing.

Mark D. Peters, Ju 4-5691 Major Kopia, Hillside Ave. Eugene Gourley,
Mr. Greengrass, 311 Emans Road, R. D. #landers, Ju 4-5474

After further discussion it was decided that Monday July 15 at 8:00 was an available date for the use of the municipal building and the meeting was set for that night.

The hearing for Mrs. Helen Canova was opened.

Mrs. Canova was present with her son-in-law, Mr. Howard Baylor, 18 Cherokee Avenue, Rockaway Township.

The application is for a variance to the strict application of the Zoning Ordinance Under Section 1201, single family residential. Mrs. Canova wishes to erect a dwelling on a lot known as Block 64, Lot 1 & 3 as shown on the tax books. She resides in an existing dwelling shown on the tax map as lot one. She now receives a tax bill for two lots shown on the tax bill as lot 1 & 3 and would like to have permission to officially subdivide. Both lots would be insufficient in area for the zone. Mr. Baylor pointed out that the deed mentions only one lot and that the detached garage would be removed, also that there are homes on the surrounding properties and the street is paved, the area is predominantly summer homes. Mrs. Canova plans to winterize her present home and build a smaller home for herself.

The property is located in King Cove off Mt. Arlington Blvd. in Landing known as Block 64, Lot 1 & 3 also being on Cottage Avenue and Apple Tree Lane. The lot is 50' X 218'.

A letter from Mr. Paul Herber surrounding property owner stating that he was in favor of the application was read by the Secretary.

The Chairman asked for persons in the audience who were for or against the proposal. There was no one present in favor and Mr. Charles Malovany, Caldwell, N.J. representing the King Cove Association stated that he would like to ask some questions.

Mr. Malovany: Are there two tax bills for this property?

Chairman: There is a single tax bill showing two lots, #s 1 and 3.

Mr. Malovany: Is there a tax map available?

Chairman: Yes, the Township has a tax map. A parcel of land is considered as one parcel even though it were originally purchased as two or more.

Mr. Malovany: Does Mrs. Canova have a deed to the property?

Mr. Bayer: Yes, the property was from Gene and Amelia Cornilius then to Canova.

Mr. Malovany gave the Secretary a paper showing the restrictions to people

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who purchase property in King Cove and particularly the last sentence which has to do with these restrictions. He then asked if the Planning Board had given subdivision approval for this parcel.

The Chairman stated that no subdivision had been approved. He further stated that the members of the Board have been in the area and are familiar with it.

Mr. Malovany stated that he also represented Mr. Broody who is an individual owner as well as the King Cove Association President, that we object to the granting of this variance and subdivision. He further stated, that were there two lots the question of subdivision would not exist, further, in examination of the history of this plat, that unless something "cropped up" since the property had been sold originally this should be a single lot. At the time of the adoption of the ordinance there was only one lot. There is a purpose to that restrictive covenant on the original deed in paragraph 1, when King Cove Association originally sold the lots.

Mr. Warner: How did the other houses get built?

Mr. Malovany: They were there.

Mr. Warner: Was the adjoining property, now lots 2 & 4 one piece?

Mr. Malovany: No, they were sold separately. Things have changed since 20 or 30 years ago, the traffic problem was not in existence. Should one be in a position to build a house and separate this as two lots, immediately you have a progression across the street, there are lots which are larger and there is a possibility of building on the rear portion.

Mr. Bayer: We thought it was two parcels instead of one, Mrs. Canova did not know about the covenant spoken of before.

Mr. Honeyman: Why do you want to build on the property when there is a house already available.

Mr. Bayer: The existing dwelling contains eight rooms, it is much too large for her to care for. Mrs. Canova was widowed last year and she is going to move into the new and smaller home and I am going to move into the old house.

There was no further discussion and the hearing was closed.

Motion was made by Mr. Pellet that variance in the case of the subdivision be referred to the Planning Board for their favorable consideration and that the dwelling be allowed to be erected in accordance with the application of Mrs. Canova because 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 that this home be occupied by Mrs. Canova.

The motion was seconded by Mr. Honeyman on the basis of the testimony that has been given which indicates to him that this falls in the category of a hardship for she needs a smaller home.

Roll call vote was as follows:

Mr. Pellet, Yes Mr. Honeyman, Yes Mr. Warner, Yes
Mr. Williams, No, as in his judgement and knowledge of the property and the present conditions which exists in this particular area of the lake there is considerable problem of sanitary facilities.

As a result of the above roll call the motion was carried.

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Mr. Malovany stated that he was curious about the thinking of the Board, that the property owners have a right to appeal the Board of Adjustment findings against the breach of covenant.

The Chairman stated that this right could be excersized, that this was known to the Board members.

Mr. Theodore Martka appealed for a variance to the strict application of the Zoning Ordinance under Section 903 e, front width. The width of the lot on Corn Hollow Road is 144' instead of the 175' required by the Ordinance.

Mr. Martka stated that the lot had been subdivided and there is no more land available, there are house on both sides. The front, rear and side yards meet the requirements of the Ordinance.

There was no one in the audience either for or against the proposal and the hearing was closed.

Motion was made by Mr. Warner, seconded by Mr. Honeyman 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 or Zoning Ordinance. Motion was carried by roll call vote showing all in favor.

Hearing was open for the Pacific Gas and Oil Co. applying for a Special Exception according to Article 8 of the Zoning Ordinance, for the erection of a Shell Service Station at the intersection of the Port Morris Road and the Landing-Hopatcong Blvd.

Mr. Sinclair, representing the Pacific Gas and Oil Co. stated that he had appeared before the Planning Board where he was informed that he would have to receive special exception from the Board of Adjustment and also premission from the County Planning board for the driveway openings and drainage on a County Road, both of these roads are County Roads. Mr. Sinclair submitted the County Planning Board forms, stating that he had complied with their request for catch basins and width of driveway openings.

He further stated that it would inhance the area, it would be a ratable for the Township, the station would be a modern, brick colonial three bay station, that it would clear up the intersection, as the building will be set back for enough to allow visibility around the corner which does not exist now, the map shows an existing billboard which will be removed, the building will set further back than that.

It was noted that the sign shown on the front point of the property is not located as to distance from the property line, Mr. Sinclair stated that it would be in compliance with the Ordinance and so noted on the map, he further stated that the sign would be 22 feet high and 6' X 6', also the "planting" as noted on the map will be white limestone, the area in the rear of the proposed building will remain the same but will be kept under control.

It was also noted by the members of the Board that the sign on the front point of the lot is a rotating sign and is very similiar to a flashing sign which is prohibited by the Ordinance.

Mr. Sinclair: Because of the topography of the land we would like the rotating sign, also the approval to erect the station, if for any reason your vote concerns the rotating sign then we will accept a stationary sign.

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There was no one in the audience either for or against the proposal and the hearing was closed.

Motion was made by Mr. Warner, seconded by Mr. Pellet that the Special Exception 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 or Zoning Ordinance, including a rotating sign due to the location of the station and the and the amended drawing showing the distance of the sign to the street.

Roll call vote was as follows:

Mr. Warner, Yes Mr. Pellet, Yes
Mr. Honeyman, No, because of the rotating sign.
Mr. Williams, No, because of the rotating sign and the location of it is prejudicial to the basic interest of the Township and Zoning Ordinance.

The above roll call resulted in a tie vote.

Mr. Warner withdrew his motion.

Mr. Warner made motion, seconded by Mr. Honeyman that the Special Exception 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, exclusive of the rotary sign and the location of same as presented to the Board with the submittal.

Roll call vote was as follows:

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

Mr. Peter DeJager appeared before the Board with request for variance under Section 415 of the Zoning Ordinance, corner lot set back, rear and front yards. Mr. DeJager wishes to erect one dwelling on each of three lots in Shore Hills, Landing, each lot is on a corner and is 50' X 125'.

The Chairman asked if Mr. DeJager owned all three lots?

Mr. DeJager was sworn in by the Chairman and stated that he owned two of the lots but had not seen the deed for the lot on Benson Place known as Lot 1, Block 87, he understands that it is in his attorney's office but had not actually seen it.

Each lot is the same size and the request for variance of an 8' rear yard and 26' front yard includes all three lots. The street side yard would be 40' and the interior side yard 48.4'.

There was no one in the audience either for or against the proposal and the hearing was closed.

Motion was made by Mr. Pellet, seconded by Mr. Warner that the variance for rear and front yard set back for Block 89, Lot 8 on Benson Place and Vail Road East, Block 87, Lot 1 Benson Place and Wills Road, and Block 96, Lot 1, Wills Road and Atlas Road, be granted as such relief can be granted without substantial detriment to the public good or substantially impair the intent or purpose of the zone plan and zoning ordinance. Roll call vote showed all in favor. The applicant will submit one copy of each lot to the Clerk of the Board

There was no further business and the meeting was adjourned.

Respectfully submitted,

Ruth H. Thiele, Clerk