

Ruth H. Thiele

May 8, 1963

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

The minutes of a meeting held on January 2, 1963 were amended to include the following:

Mr. J. Perry Malkin, 132 Lyland Avenue, Succasunna, N.J. Block 1, Lot 17, in Sunrise Park appealing for a variance to the strict application of the Zoning Ordinance under Section 1003 b, insufficient front set back.

Mr. Malkin wishes to erect an addition to the front of his dwelling in order to enlarge his dining room and kitchen. The addition will extend 2 feet beyond the established front set back.

No one was present either for or against the proposal.

Motion was made by Mr. Warner and seconded by Mr. Honeyman that the relief requested for front set back 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. The motion was carried by roll call vote showing all in favor.

Mr. Richard Pearsall of 30 Morgan Drive, Succasunna, appeared before the board to appeal for a variance to the strict application of the Zoning Ordinance under Section 1103 b, front yard set back. Block 370, Lot 5.

Mr. Pearsall wishes to add a porch or foyer on the front of his house which will include enlarging the present cement landing and extending or building new stairs so that it will extend beyond the established front yard set back. From the Site Plan submitted it was determined that the adjoining property owners view will

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no be obstructed. There was no one present either for or against the proposal. Motion was made by Mr. Warner and seconded by Mr. Magnus that the variance for the erection of a porch or foyer be granted as such relief will not be detrimental 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.

Mr. Kjell Rosseland, 500A Bloomfield Avenue, Caldwell, N.J. appeared before the Board to appeal for a variance to the strict application of the zoning ordinance under Section 1003 c and 303 a lot width, side yard set back and unimproved Road. Block 56, Lot 1. Mr. Rosseland wished to erect a house on Sunset Lane off Lyland Ave in Succasunna.

Motion was made by Mr. Warner, seconded by Mr. Magnus that the variance for the erection of a house on a lot with insufficient width and side yard set back on an unimproved road be granted as such relief will not be detrimental 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.

Mr. Howard Faschan, 500 Route 10, Ledgewood, N.J. appeared before the Board to appeal for a variance to the strict application of the zoning ordinance under Section 903 c, to erect a dwelling with insufficient side yard, insufficient lot area and width. It was determined from the Site Plan submitted that the house will not exceed the established front set back and motion was made by Mr. Magnus, seconded by Mr. Warner that the variance be granted as such relief will not be detrimental 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.

Mr. Julius Lesino appeared before the Board alleging an error in the decision of the Zoning Officer and appealed for the continuance of a non-conforming use in the R-1 residential zone on Emmans Road. Mr. Arnold Stein, attorney for Mr. Lesino stated that his client was appealing under sub-section A, 40:55-39 which entitles an appeal from the order of the Zoning Officer who refused to grant a food and drink permit by the Board of Health. Mr. Stein pointed out that the applicants have owned the property since April 17, 1946 which was prior to the present Zoning Ordinance. Since that time the property has been used for picnics and similar types of parties at which the applicants have served food and drink. Mr. Stein offered as evidence a permit to construct a bath house, a permit to enlarge the septic system and evidence that the pool had been enlarged in size. He also stated that parties had been catered for the Bloomfield and Washington N.J. plants of the Tungsol Electric Company, also, the Succasunna Lutheran Church and others, and he contends that his clients have a right to continue the use of this property and a right to receive a food and drink license.

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The Chairman stated that Mr. Stein had not proven that the continuence of a non-conforming use existed under the rules of the Zoning Ordinance because the property has not been kept as a non-conforming use in that it has been enlarged upon over a period of years. Mr. Williams stated that Mr. Lesino must have been aware of Zoning Ordiances for he applied for permits to install a bath house and enlarge the septic system.

Upon questioning, Mr. Lesino said that the property was used weekly by private persons or parties only and also that he did not know whether the adjoining SSS camp had obtained permits or not. He further stated that Chief Appell had told him that permits were not necessary for other than dancing.

Mr. Williams pointed out that no evidence had been submitted to indicate that the land use has not been in violation.

Mr. Stein contended that his client has not been operating illegally and was only applying for a food and drink license on the advice of another Attorney.

Mr. Lesino was sworn in and Mr. Stein asked what use he had made of the land since April 1946.

Mr. Lesino said, for picnic grounds and swimming and catering to private parties at which he served food and drink, that he had been doing this continuously since 1946.

Mr. Stein showed pictures of parties which had been catered by Mr. Lesino and were submitted as evidence.

Mr. Lesino said that when food and beverage were served a charge was made for these services and he had never had a complaint from the surrounding neighbors.

Mr. Clifford Johnson representing Mr. and Mrs Currey who are adjoining property owners questioned Mr. Lesino by asking him if he a deed of record to the property and that the title was in his wife's name.

Mr. Lesino, "Yes I have a deed and yes it is in my wife's name."

Mr. Johnson: "What physical facilities are on the property?"

Mr. Lesino: "A bungalow and an outdoor 'Jon', picnic benches were on the property when we first opened"

What use have you made of the property since?: Mr. Johnson.

"The bathhouse was constructed in 1961". Mr. Lesino

Mr. Johnson: "What use was made of the property since the bath house was constructed?"

Mr. Lesino: "The pond was enlarged"

Mr. Johnson: "In other words you are using the property more extensively now than you did when you first purchased in in 1946?"

Mr. Lesino: "Yes. I only cater to private parties where arranged for in advance, the general public could not use the premises."

Mr. Johnson: "If you had a food and drink license you would be able to sell to the general public and encrease your services."

Mr. Lesino: "No, if I receive a license I still do not plan to sell to the general public."

Mr. Johnson: "Is it your purpose to extend the use of the land?"

Mr. Lesino: "Only to the extent that I will be able to meet the rising taxes. We have formed a corporation for the purpose of protecting the property only."

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Mr. Johnson: "The corporation is under the name of 'Lesino Farms', will you convey a portion of or all of the property to the Corporation?"

Mr. Lesino: "A portion of the property will be conveyed to the Corporation"

Mr. Johnson: You have been conducting a summer time operation for 12 years charging people for food and drink but at no time have you made application for a license?"

Mr. Lesino: "No."

Mr. Johnson: "Do you know whether there are any regulations for swimming?"

Mr. Lesino: "No."

Mr. Leo Gottoni was questioned by Mr. Stein.

"Have you been on the premises since 1946?"

Mr. Gottoni: "Yes, I paid part of the cost for a party of 20 or 25 people and I have been back to the premises subsequently."

Mr. Johnson: "How can you recall the date?"

Mr. Gottoni: "Several months previously I had been discharged from the New York hospital. A lady, Mrs. Gazoni was given a birthday party in June, I had been discharged in February 1946"

Mr. Dominick Gottoni of North Bergen (father of Leo) was questioned.

Mr. Stein: "Do you recall the party for Gazzoni?"

Mr. Gottoni: "Yes. I boarded with her for four years she's just like my own mother, and I told her that on her 76 birthday we would have a party for her, that was in June 1946."

Mr. Johnson: "When were you asked to appear at this hearing?"

Mr. Gottoni: "Mr. Lesino asked me to come last Wednesday."

Mr. Williams read the zoning ordinance regarding a non-conforming use, Section 505 and stated that he would have to charge the Board to deny the request based on the evidence submitted. The appellant may appeal to the Board to establish a business in the residential zone.

A letter from Mr. Reynolds was read and ordered filed.

Motion was made by Mr. Warner and seconded by Mr. Magnus that the appeal for a continuance of a non-conforming use be denied as evidence submitted indicates a violation of a non-conforming provision of the Ordinance adopted in 1946. The motion was carried.

Mr. Charles Turner, Rte. D. 2, Wharton, N.J. appeared before the Board appealing for a variance to the strict application of the Zoning Ordinance under Section 1003 e, lot width and unimproved road on Center Lane off Eyland Avenue and Roxbury Hills. It was learned that Mr. Turner did not own the lot outright but that the money for it was held in escrow by the owner Mr. Borenson. If the variance is not granted any monies will be returned to Mr. Turner. He is building a house for a Mr. Album who will also have his money returned if the variance does not go through. Mr. Turner stated that he is not a real estate agent but a builder and is not connected with Curtis Turner. He further stated that when he gave the notices to the people in the area they voiced opinion that they would be glad to see the lot built upon as it would keep the brush etc. down.

Motion was made by Mr. Pellet and seconded by Mr. Warner that the variance to erect a house on a lot of insufficient area and lot width on an unimproved road be granted as such relief can be

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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.

Dr. Leo Lewin applied for a variance to the strict application of the Zoning Ordinance under Section 703 d, 1 & 3, for the erection of a sign, the size of which exceeds the requirements and the set back from the road is insufficient.

A letter was read from Miss Lucy Panzica stating she had no objections.

Motion was made by Mr. Magnus and seconded by Mr. Pellet that the variance requested be granted as such relief will not be detrimental 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 as follows:

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

There was no further business and the meeting was adjourned at 11:02 P.M.

Respectfully submitted

Ruth H. Thiele

Ruth H. Thiele, Clerk