

A meeting of the Zoning Board of Adjustment was held on the above date with Chairman Warner presiding. The following members were present: Mr. Warner, Mr. Pellet, Mr. Magnus, Mr. Honeyman, Mr. McNulty.

Continued hearing for

3966 - Fred Colacuori, 8 Chesler Square, Succasunna, N.J. Application from the terms of the Zoning Ordinance for a variance from Article 10, Section 1001(c), side yard insufficient, construction of aluminum siding garage attached to side of house, Block 325, lot 5, R-4 zone at 8 Chesler Square, Succasunna, N.J.

Mr. Warner asked the applicant if there was anything further he wished to add before the Board made its decision.

Mr. Colacuori's attorney stated that the nature of the property indicates that it would be advisable to attach the garage to the house rather than try to fit it in the rear yard.

There were no further questions from the Board and Mr. Pellet offered the following motion seconded by Mr. Magnus:

That the application for a variance to erect a garage attached to the right side of Mr. Colacuori's house be approved for the following reasons,

1. The property was inspected or looked at by the Board of Adjustment members, it was adequately marked, the Board understands where the garage is to be erected according to the plans, there was in existence a driveway, the width of two cars, in the rear a septic tank, patio, swings and portable pool,
2. in excess of 30% of the front yard will be occupied by the house,
3. The applicant has need for the garage and further it was brought out at the last meeting that there was one objector who felt that the proposed garage would be too close to his bedroom windows, upon inspection the Board found that there would be adequate light and space between the garage and bedroom windows and as such relief will not be substantial detriment to the zone plan and zoning ordinance.

The motion was carried by roll call vote showing the following:

Mr. Pellet - Yes, Mr. Magnus - Yes, Mr. Warner - Yes. Mr. Honeyman and Mr. McNulty did not vote as they were not present during the hearing at the last meeting.

Continued hearing

31166 - Mt. Olive Professional Group, Inc. t/a Roxbury Honda, 586 Route 46, Kenilworth, N.J. Application for a special exception to the Zoning Ordinance, existing service station to be used as a Honda Sales and Service Agency, a public garage, Article 17 Section 1701 and 1704. Also application for a variance from the terms of the Zoning Ordinance under Article 13, Section 1303(b). Front yard set back and Section 1704, Front yard set back, Block 41, lot 1b, Route 46, Kenilworth, B-2 zone.

The Chairman asked the applicant if there was further evidence he would like to submit to the Board.

Mr. Jack Toohey representing the Mt. Olive Professional Group, Inc. presented a letter from New Jersey Communications Corp. 760 Fairfield Ave. Kenilworth, N.J. Mr. Toohey stated that this Corp. had taken a sound survey at the proposed site of the Roxbury Honda which showed that the normal noise level in the area was

50 db and that the average increase was about 73, or 45% with traffic. Also presented was a sound test of two of the Honda machines which indicates, Mr. Toohey stated that the loudest noise the Hondas made were less noisy than the trucks on Route 46. Mr. Toohey also presented a letter from the Mayor of Charleroi, Pa. stating that the "House of Hondas has been located in our community for approximately a year and a halfand have had no complaints as to the manner in which the operation is run.....". Also presented were pictures of six other Honda Agencies and a newspaper article showing that the Tri-County Motorcycle Club, founded four years ago have had no major accidents or summons.

There was no one in the audience who were either for or against the application.

The Chairman called a recess.

After a recess, the Chairman called the meeting to order and Mr. Pellet offered the following motion seconded by Mr. Magnus.

The the application for the establishment by the Mt. Olive Professional Group to open and operate a Honda Sales and Service shop be denied for the following reasons: The new Zoning Ordinance adopted Dec. 16, 1965 specifically sets forth that public garages shall not be closer than 1500 feet from one another, it is noted by the Board that this is an increase from the previous 500' separation of public garages. There are five other public garages within the 1500' mandate set down by the new zoning ordinance, the rear driveway exits onto First Street and the area opposite thereto is residential, the frontage is only 100' whereas the ordinance requires 125' and the narrowness is not conducive to ingress and egress from the main arterial highway designated as State Route 46. The driveways are too narrow and are too close to the adjacent property lines., the noise reports are given little weight for comparison purposes. The applicant has not submitted any evidence to this Board that would justify the granting of the request to deviate from the requirements of the recently enacted zoning ordinance. The applicant has not proved to this Board that it can grant the variance in question without causing substantial detriment to the Zoning Ordinance and zone plan of the Township of Roxbury.

Motion was carried by roll call vote showing all in favor as follows: Mr. Pellet - Yes, Mr. Magnus - Yes, Mr. Warner - Yes, Mr. Honeyman and Mr. McNulty did not vote as they were not present for the previous hearing.

Continued hearing for

31266 - Mr. Harold Lucas, 2 Putters Road, Succasunna, N.J. Application for a variance from the terms of the zoning ordinance. Erection of a one family bi-level house at 60 Kenvil Avenue, Succasunna, Block 320, lot 2, lot area is insufficient according to Article 9, Section 901a, which requires 15,000 square feet. The lot contains 11,600 sq.ft. in the R-3 zone.

Mr. Lucas presented site plans for a house to be located on the lot. The dwelling is 26'x 38', ten feet from each side line, and 35' from the front property line which is in line with the existing structures, establishing front set back. Mr. Lucas said that there were dwellings on both sides of the property and was unable to obtain more land.

There was no one in the audience who wished to speak for or against the proposal and Mr. Pellet offered the following motion, seconded by Mr. Magnus;

That the submittal of the new site plan to erect a bi-level one family house at 60 Kenvil Avenue be approved since the soze of the house was reduced to the limits determined feasible by the applicant, that the area in which the house is to be built contains other lots that have 50' frontages, that the lot utilized for dwelling

would become of less or no value does demonstrate a hardship imposed upon the owner and that the erection of this dwelling will not be a substantial detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance.

Motion was carried by roll call vote showing all in favor as follows: Mr. Pellet - Yes, Mr. Magnus - Yes, Mr. Warner - Yes. Mr. Honeyman and Mr. McNulty did not vote as they were not present for the entire hearing.

New hearings:

41366 - Fred V. Davis Jr. Main Street, Succasunna, N.J. Application for a variance from the terms of the zoning ordinance, to erect an addition to the Funeral Home and residence at 96 Main Street, Block 330, lot 10, R-3 and B-2 zones. Section 1303(f-2) parking set back insufficient in business zone, from a residential property line. Application for a recommendation to the Township Committee to allow a structure or use in a zone restricted against such structure or use. Erect an addition to the funeral home in a residential zone and erect an addition to the rear of said building to be used as a residence in the business zone, Section 401a, 1302d, 1108b, 1303 f-1, and 1303 f-2.

Mr. Davis said that he had taken care of the set back from the street under Section 1108b. That he was living up to the side yard, front yard and back yard requirement in every way. He said that there would be an addition to the funeral home on the driveway side which would increase the rooms for services, there would be a room up stairs used for display rooms which he does not have now and also a smoking room which he does not have now. Mr. Davis stated that he and his wife live upstairs at the present time and that their life is not their own. We cannot cook anything which sells, cannot watch TV when he is having services and there are many other inconveniences. He stated that he had on occasion had to use their living room upstairs for services because the two rooms downstairs were in use.

Mr. Davis said that he might eventually be able to obtain Russell Green's property but that the lot on the other side owned by the Methodist Church was not obtainable at all. He said that the present garage in the rear of the lot would be removed, and more parking area would be available, that the house would be frame with aluminum siding, he said that the septic system would be in the front of the house and all the facilities inside the house are on the same side.

Mr. Davis explained to the Board what he wanted to do by referring to the site plan showing the location of the present structure and the location of the proposed additions.

Mr. Valentino asked how many other funeral homes were in the Town.

Mr. Davis said there were none in the Town and only one other in the Township, that being in Landing.

Mr. Valentino asked how many layout rooms did he have now.

Mr. Davis said four rooms on the first floor, but usually two rooms are used for one service.

Mr. Valentino asked if there were times when these were inadequate?

Mr. Davis said yes, about 6 to 8 times a year. He said the future is here now, the Town is growing, the entire lot is presently being used as a residence and funeral home, there is no other business or use on the lot.

Mr. Valentino asked if there was parking available on the lot now.

Mr. Davis said only in the driveway, that the present driveway goes out to Hunter Street. He said that he had tried to make maximum parking available by moving the garage and opening the rear area for parking.

Mr. Pellet read a letter from the Methodist Church Minister stating that there was no objections to the variance request, infact they would welcome the increase in the parking area.

Mr. Davis added, perhaps to the Board's interest the house was originally built as a funeral home by "Fancher" that it had become a one family house, then a two family house and then a funeral home when he purchased it in 1954, and has been such since then.

Mr. Pellet made motion, seconded by Mr. Magnus that due to the complexities of the case and the many variances that require recommendation to the Township Committee and the need for adequately preparing such resolution that the Board delay the decision on this application until our next meeting. Motion was carried by roll call vote showing all five members in agreement.

41466 - Victor Fasino, 350 Sherman Street, Passaic, N.J. Application for a variance from the terms of the zoning ordinance, to erect a one family dwelling on Oneida Avenue, Block 75a, lot 18, R-3 zone. Section 901 a, lot area insufficient, section 901b, front yard set back insufficient, section 901c, side yard set back insufficient.

Mr. Fasino said that he owns the lot which is 40'x 127' and wishes to erect a 25'x 50' dwelling on it, it will be a one story, one family dwelling. The left side is 7' from the property line and the right side is 8' from the property line.

Mr. Warner asked if the land was hilly.

Mr. Fasino said that it slopes from the road down to the back or rear of the lot.

Mr. Fasino said that the lots on both sides are built on and it would be impossible to obtain more land. He said that he would live in the house himself, that his company was moving to Randolph Township in June and he would have to move into the area. He has three children, 2 boys and a girl, he will have three bedrooms, a six room house. He said in answer to a question that he would not have a heavy mortgage as he couldn't carry it.

Mr. Warner asked how much of a pitch there would be from the road to the garage underneath the house.

Mr. Fasino said a three foot pitch from the road to the proposed garage, there is a two foot overhang on the house, the septic system would be in the back of the house.

Mr. Pellet said that the footing or foundation measured 25' across and that the overhang would add four feet to that measurement, 2 feet on each side, the plot plan is not proper in that it does not show the overhang nor the proposed side porch would bring the side line to 4' instead of 8'.

Motion was made by Mr. Pellet, and carried that the Board inspect the site in question and that Mr. Fasino submit maps which show the property/set backs proposed.

41566 - Humble Oil Co. by Eugene M. Friedman, atty. 14 West Blackwell Street, Dover, N.J. Application for a special exception to the zoning ordinance pursuant to N.J. S.A. 40-55:39(b), reconstruction of existing service station. Article 17. Application for a variance from the terms of the Zoning Ordinance under Section 1704 a,b,c,d and g, signs and set backs; and application for a recommendation to the Township Committee to allow a structure or use in a zone restricted against such structure or use. Service station to be reconstructed on the corner of Landing Road and Mt. Arlington Blvd. Block 202, lot 8, in the B-1 zone.

Mr. Friedman, Attorney and Mr. Calder representing Humble Oil were present and submitted a site plan. The Board checked the application and plans against Article 17 in the zoning ordinance. 1704 c was questioned, and 1704 f-5, was questioned as there is the State Park Dock across the street. There were other items not shown on the map.

Motion was made and carried that the Board inspect the site in question and that the representatives of Humble Oil submit revised maps showing all the items as required in the zoning ordinance.

Mr. Warner read a letter of resignation from Mr. Magnus who stated that because of business reasons he felt that he should resign from the Board. Motion was made by Mr. Pellet and seconded by Mr. McNulty that the resignation be accepted with regret and that it be effective, with Mr. Magnus's approval on the 5th of May rather than immediately as mentioned in the letter. Mr. Magnus agreed that he would stay on the Board until the three cases heard tonight were decided upon. Motion was carried.

Mr. Warner stated that a letter should be written to the Township Committee stating that the Chrysler-Plymouth was operating in violation of the variance granted.

There was no further business and the meeting was adjourned at 10:30 P.M.

Respectfully submitted,

Ruth H. Thiele

Ruth H. Thiele, Clerk