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March 2, 1966

A meeting of the Adjustment Board of the Township of Roxbury was held on the above date with Chairman Warner presiding. Other members present were Mr. Pellet, Mr. Magnus. Mr. McNulty and Mr. Honeyman were absent. Mr. Valentino was also present.

Mr. Warner announced that the case for the Port Murray Dairy Co. ³¹⁰⁶⁶ had been withdrawn and those interested would be notified again of another hearing.

1366 - Manuel Selengut, Landing, N.J. Application for a recommendation to the Township Committee to allow a structure or use in a zone restricted against such structure or use. Erection of a two story masonry and frame house to be used for business office and residence contrary to Section 901 of the Zoning Ordinance which prohibits a business use in a residential zone. Block 106, lot 1B, R-4 zone.

Mr. Selengut approached the table and stated that he would withdraw his application.

The withdrawal was accepted by the Board and there was no further action taken.

2566 - Edward Banko, 8 Little John Road, Morris Plains, N.J. Application for a special exception to the zoning ordinance pursuant to N.J.S.A. 55-39(b) under Article 17 to permit the alteration of an existing building from a one story block building 40'x 90' to one 40'x 150' to be used as a carwash station, located on Route 46 near Roxbury Avenue, Ledgewood, N.J. Also application for a variance from the terms of the zoning ordinance under Section 1704(b) & (g), set back from front street property line is insufficient; it is within 1500 feet of a public garage; and Section 1602(e3), parking in rear can be no closer than 25 feet from rear property line, in B-2 and "I" districts, Block 242, lot 32.

Henry Luther, attorney represented the applicant. He said that he would like to bring to the attention of the Board that the view structure conforms in every respect to the new ordinance, under Section 401(a) as is required for the existing buildings.

Mr. Luther said that the building is in a B-2 zone, the old building is non conforming by reason of the side and front yard requirements, the other variance was the side requirement of the new structure. Corrected drawings show that the building now complies with the ordinance.

Mr. Warner: Are you asking for variances for the addition to the building?

Mr. Luther: As to side and yard requirements, No.

The Board reviewed the maps as to the Zoning Ordinance requirements under Article 17, as follows:

Section 1702(a) Satisfied, The existing pumps will be removed.

- (b) Satisfied
- (c) Satisfied.
- (d) Satisfied
- (e) Satisfied

Mr. Magnus asked if this building is the present Chevron Station?

Mr. Luther answered, Yes.

Section 1704 (a) Satisfied

(b) The walls of the building should set back at least 40 feet from the front street property line.

The building sets back only 33' from the property line (existing).

Mr. Avlentino said that Section 401(a) would control this provision and would not need a variance for the existing set back. That the new building conforms with the set back requirements.

Mr. Luther said that the structure of the new building had to be altered in order to comply with the requirements.

- (c) Satisfied, there is 12' on the south side.
- (d) Satisfied, Mr. Luther said that existing tanks and pumps will be removed.
- (e) Satisfied, no storage tanks.
- (f) Satisfied
- (g) Mr. Luther said that within 1378 feet there is a used car lot or public garage.

Mr. Valentino said that there is 122' short of the 1500 feet.

Mr. Warner: Are you asking for a variance on the signs?

Mr. Luther: No, variance is not requested for any signs.

Mr. Pellet read the application.

Mr. Luther said if this proposed change is made and the landscaping is put in, the proposed use is desirable as opposed to a gas station, this is a car wash. This property will be serviced by a well, the water will be recirculated so that it will be reused. We have made every effort to comply with the zoning ordinance, and do not desire to violate it. As far as the location within 1500 feet of a public garage, it is not a comparable use, and I believe that used car lot came before this Board.

Mr. Warner: Can you explain the traffic flow?

Mr. Luther: The traffic will come from Route 46, across the front of the building and form into two lines, near the building, one car at a time will be taken through the building and out where they will be close to the highway, then the cars can proceed out onto the highway. There will be no standing on the highway because the stack up lane will hold 60 cars. All of the operations will be performed within the building, that is the purpose of the length of the building.

Mr. Warner: Will there be any work on the outside of the building?

Mr. Banko, No, the cars come through one at a time.

Mr. Magnus: How many cars will you park and where?

Mr. Banko: There is parking spaces for two cars on the highway side and 10 on the front side of the building, there is ample room and the parking spaces will be paved.

Mr. Pellet: What are your hours?

Mr. Banko: We will be open from 8:30 to 5:30 daily and $\frac{1}{2}$ day on Sunday. There are no night time activites, we presently operate a car wash in Denvill and there are no cars to wash at night, this is a 9 hour day which is pretty long.

Mr. Cartwright: (surrounding property owner) I live next door in the back. What are you going to do with the water so that it will not get in my well?

Mr. Banko: There is a reclaiming system. 20% of the water will be disposed of. We must meet the requirements of the Board of Health. We are under legal obligation not to polute the water supply.

Mr. Cartwright: How long will it be before I am bothered by detergents?

Mr. Banko: The other 80% of the water will be recirculated, there are no tanks, equipment is inside the building for purifying the water system, it takes the dirt out of the water.

Mr. Warner: What happens if his well does get poluted?

Mr. Luther: They could go to court. This problem must be satisfied by the Board of Health, however we will make every effort to take care of this and see that it doesn't happen.

Mr. Wallace and Mr. Dillon, (interested citizans) asked where the well was located?

It was pointed out on the site plan, they said that in kenvil a house faucet will produce detergent.

The Morris Engineers made a study of waste water and made percolation tests, there is course gravel mixed with fine sand, they have made a proposal for the disposal system and of course, Mr. Luthor said, we will comply with the State code for waste water.

Mr. Pellet: What does the 20% represent? This is, how many gallons of water does this 20% come to?

Mr. Banko: About 5,000 gallons a day, but we will comply with the State code. The disposal system is located about 100' from Mr. Cartwrights well.

Mr. Pellet: Do you flush the solids away with water?

Mr. Banko: No, the solids which collect will be taken away by truck, the trap must be cleaned out.

Mr. Cortland Smith and Mr. Warren Witherbee of the Sherman Carwash Equipment Co. appeared before the Board regarding the recirculating system of the water Mr. Smith said that in the use of the recirculating system, on of the purposes of it was to save detergent. This makes it completely automatic, it stays in the car wash area, the detergent water is used again for the next car, no water that is heated goes into the rinse water, it is a by-product of economy as the detergent is expensive.

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There was no one else in the audience who wished to speak for or against the proposal and the Chairman called a recess

After a recess the Chairman called the meeting to order and Mr Pellet offered the following Resolution:

WHEREAS, the applicant has applied for a variance from the provisions of Section 1704(g) in that it is located 1378' from an existing used car lot which is 122' short of the requirements of the statute, the Board finds as follows:

- 1 Site plan has been acceptable by the Planning Board
- 2 The existing premises are presently being used as a service station and th change to a car wash would benefit the community as there is presently no such facility in the Township.
3. The variance of 122' from present used car lot can be granted without detriment to the public good as it is the Boards feeling that based upon the application and plot plans as submitted the proposed use would improve the general area.
4. All other provisions of Article 17 have been complied with
- 5 Safety hazards in the area will be reduced due to the removal of the existing gas station facilitites, pumps and tanks
6. There is sufficient parking area for the proposed use

NOW THEREFORE based upon the foregoing findings, this Board grants a variance to the applicant from the provisions of Section 1704(g) as such relief can be granted without causing substantial detriment to the general welfare, zoning ordinance and zone plan of the Township of Roxbury, upon the condition that the existing gas pumps and tanks be removed from the premises; operations shall be no later than 6:00 P.M. Monday through Saturday and no later than 12:00 noon on Sunday

The Resolution was seconded by Mr Magnus and carried by roll call vote showing all in favor.

2666 - Jules Lustig, 130 New Road, Apt M-13 Application for a special exception to the Zoning Ordinance pursuant to N.J.S.A. 40:55-39(b) for a permit to erect a Midas Muffler Shop and additional space for future rental income, on Route 46, Kenvil in the "I" district, on Block 39, lot 16 Public garage requires Board of Adjustment approval. Also application for a recommendation to the Township Committee to allow a structure defined as public garage to be located within 1500 feet of another public garage, Article 17, Section 1704(g)

Mr. Arnold Kent of 23 Fulton Street, Newark represented Mr Lustig

The Board reviewed the maps submitted as to the requirements of Article 1702 and 1704 as follows:

- (a) - Satisfied, there will be interior lifts. No variance for signs are requested
 - (b) - Satisfied.
 - (c) - Satisfied
 - (d) - Satisfied
 - (e) - Satisfied
- Section 1704
- (a) - Satisfied
 - (b) - Satisfied
 - (c) - Satisfied
 - (d) - Satisfied, there will be no gasoline or oil tanks, pumps etc.
 - (e) - Satisfied, there will be no storage tanks.

- (f) - Satisfied, there is a skating rink down the street
(g) - There is a V W repair shop about 650' away, a Gulf gas station just over the 500', a Sunoco station 600' and a Chevron Station beyond the 1500'

Mr. Kent stated that the map had been before the Planning Board.

Mr. Pellet read a letter from the Planning Board stating that the site plan is acceptable but that it was classified as a public garage. Mr. Pellet then read the application.

Mr. Kent stated that the proposed use is a Midas Muffler shop and additional space for future rental, at the present time there is no tenant available.

Mr. Lustig runs a clean operation, Mr. Kent stated, odor free, noise free, waste free. He operates two shops, one in Plainfield and the other in Whippany. Everything is done inside the building. The parking, if needed has been laid out. There is a small shed, 6'x 15' to store waste products which is taken off the premises by truck. No traffic problems will occur. There is no Midas Muffler operations at the present time in Roxbury. Surveys have shown that there is a need for this type of operations. People in Roxbury would spend their dollars in Roxbury. The operation would be successful. It would not hurt the public welfare in the community. It is a neat operation, run by a professional who has been in the business for a while. There will be no gas sold. It was classified as a public garage, it is not, however, in a general manner of speaking, there is no gas, dirt, etc. The plans have been designed within the building code. The State Highway has seen fit to approve the highway cuts.

Mr. Valentino: Which side of the building have you designated for the Midas Shop?

Mr. Kent: The side towards Dover, it is shown in yellow shading on the site plans.

Mr. Magnus: This operation will include brakes?

Mr. Kent: Yes, brakes, front ends, shocks, mufflers.

Mr. Pellet: How many cars can you service at one time?

Mr. Lustig: Eight cars, there are three lifts, all work is done inside. There would hardly ever be any back up of cars outside. We will be open 8:00 to 6:00, four days and 8:00 to 8:00, two days. We are closed on Sundays.

There was no one in the audience who wished to speak for or against this application and the Chairman called for a recess.

After the recess the Chairman called the meeting to order and said, due to the fact that we do not have a full Board, this will be held over until next Monday night, the 7th of March.

3866 - Humble Oil, by Eugene M. Friedman, attorney, 14 West Blackwell Street, Dover, New Jersey. Application for a special exception to the zoning ordinance under Article 18 and 17 for the alteration of existing service station on Landing Road and Mt. Arlington Blvd., Landing, N.J. Block 202, lot 8, and application from the terms of the zoning ordinance for variance to Section 1704 a,b,c,d,g and Section 1110(d), pylon sign.

There was no one in the audience representing this application and the Chairman declared the hearing closed.

31166 - Mt. Olive Professional Group, Inc. t/a Roxbury Honda, 586 Route 46, Kenvil, 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, B-2 zone.

Mr. Jack Toohey, real estate agent, Dr. Walter McConnell, Mr. McConnell, Sr. and Dr. Penn Shelley are the applicants.

Mr. Toohey said that they were not adding to the building, that the pumps will be taken out except one pump which will be moved to the side of the building as shown on the site plan. Mr. Toohey submitted the authorization from the owner of the property.

Mr. Pellet read the application and the letter from the Planning Board.

The Board reviewed the site plan as it relates to Section 1702 of the Zoning Ordinance.

- (a) - The existing pumps will be removed, there will be one located at the side of the building.
- (b) - Satisfied.
- (c) - Satisfied.
- (d) - The inside of the building will be renovated to some extent, the outside will not be structurally changed other than show windows installed on the front.
- (e) - Satisfied.

Article 17, Section 1704

- (a) - Section 401(a) covers the existing building.
- (b) - Satisfied.
- (c) - The building is 5 feet on the east side, a variance is required on the side yard for driveway.
- (d) - Satisfied.
- (e) - Satisfied.
- (f-5) - A public lake, Lake Silver Spring is within 500 feet and a used car lot.

There is no variance for signs requested with this application.

Mr. Toohey said that the main items which will improve the property are the black top driveway, reface the building, removal of the pumps, the fire hazard will be reduced.

Mr. Toohey said that the Honda is not a large motorcycle as most people think of motorcycles. It is larger than a motor bike, it is a very light cycle. The service area is in the rear of the building and will service Honda's only. There will also be an office and showroom inside the building.

Mr. Valentino: Will there be any outside storage?

Mr. Toohey: No, all cycles will be inside the building, there will be no used bikes or cycles.

Mr. Toohey said that the lot will be landscaped properly and all driveways and parking areas will be blacktopped.

Anthony LaFalce of Jones Street and Route 46, stated that he objects to the application requested. It is going to be a hazard to safety on the highway. He said I come home tired, and I don't want to hear a lot of cycles warming up and revving motors all night.

Dr. McConnell said that the hours will be from 8:00 to 5:00 daily and sales only Mon. Wed. and Friday evenings. There will be no service in the evenings.

Mr. LaFalce said they make a lot of noise, the brakes squeal.

Mr. Haycock stated he lived across the street, he objects because of the racket and noise, disturbing the people who really need the rest, I have a brother who is not well and a housekeeper who needs her rest. The family next door also need their rest. I have a heart condition, he continued, and need all the rest I can get. People who ride these motorcycles tune them up, I had one myself and got rid of it because it bothered the neighbors.

Dr. McConnell said that these machines are a very light cycle, there is little noise, we will keep the noise to a minimum. Mr. Armstrong is planning to live upstairs in the apartment, the noise must be kept down.

Dr. McConnell stated that they didn't want this to become a hangout for black jacketed hoods. Honda states that they will take the franchise away if it becomes a hangout. There is heavy traffic on Route 46 anyway.

Motion was made by Mr. Pellet that the Board further investigate the site in question. The Chairman said that the hearing would be continued at the next regular meeting.

Mr. Toohey asked if a decision could not be made on April 7th when Midas Muffler will be ceontinued, as it would be important to be in business by April.

Mr. Toohey was informed that there was a 45 day period during which objectors could file after a decision was made and that the Board wanted time to inspect the site in question.

3966 - Fred Colacuori, 8 Chesler Square, Succasunna, N.J. Application from the terms of the zoning ordinance for a variance from Article 10, Section 100k(c) side yard insufficient. Construction of aluminium siding garage attached to side of house. Block 325, lot 5, R-4 zone at 8 Chesler Square, Succasunna, N.J.

Mr. Colacuori stated that he wanted to put up the garage because of the value of his property, there is a two car driveway. This is the only place he could put it that is practicle. It cannot be constructed any other place. There are other houses in the neighborhood which have additions. The garage cannot be constructed in the rear because of the septic tank, there are many things in the back yard, a large patio, barbaque area, swings, swimming pool. He stated that he has four grandchildren who come every weekend. To make me put a garage any other place would be a hardship. I am asking for a 3' variance from the side yard. I must have a minimum of 30% for side yards, which is 21', I have 18' there is 10' on one side.

Mr. Colacuori's attorney stated that there is two cars in the family, usdd for transportation as both husband and wife work.

Mr. Magnus asked how far from Kenvil Avenue is the house located?

Mr. Colacuori: About one block.

Mr. Pellet: The plans show an 8' door on both ends of the garage, a vehicle could drive through to the back yard.

Mr. Colacuori said yes, in case he had to have septic system taken care of, also there are no windows in the garage. It would destroy the whole effect of the house if this garage was put in the back yard.

Mr. Harries, adjoining property owner: I don't doubt that the construction of a garage will be an improvement but the trend is toward larger property. Because

of the position he is building the garage I am only 10' on that side, I have two bedrooms on that side of my house. His house is now 32' away from my line, the construction of a garage under the variance would bring him within 17' of my home. This would cut down on the amount of light available. I felt the code at the time would protect me with the small size side yard. My lot is 96' across the front.

Motion was made by Mr. Pellet, seconded by Mr. Magnus that the Board inspect the site in question and carry this case over until April 6, 1966. Motion was carried.

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 11, Section 1103(e) which requires 15,000 square feet. The lot contains 11,600 square feet in an R-3 zone district.

Mr. Harrison, real estate agent, Mr. Woods, owner of the property and Mr. Lucas, purchaser were present. Mr. Harrison submitted the house plans for the Board's consideration.

Mr. Warner: Do you have a new site plan, Mr. Harrison? The Board would like to see the side yard distances so they will be able to act properly.

Mr. Harrison: No, I didn't make up a new one, I thought we could use the other one.

Mr. Warner informed Mr. Harrison that a site plan showing the side yards, front and rear yards was necessary so that the Board knew what it was acting on.

The case will be heard on April 6, when Mr. Harrison should submit a new site plan.

The Clerk read a letter from the Township Committee with a Resolution stating that on February 10, 1966, the Committee adopted plans and specifications prepared by Lee T. Purcell, Consulting Engineers, entitled, "Township of Roxbury, Morris County, New Jersey, Water Distribution System Center Street Well House and Water Mains". Motion was made and carried that the letter be filed.

There was no further business and the meeting was adjourned at 11:30 P.M.

Respectfully submitted,

Ruth H. Thiele

Ruth H. Thiele, Clerk