

A meeting of the Zoning Board of Adjustment was held on the above date with Chairman Warner presiding. The following members were present: Mr. Pellet, Mr. Honeyman, Mr. Sheaffer, Mr. Popitz. Mr. Valentino, attorney was also present.

103066 - S & S. Construction Co., 206 Mt. Arlington Blvd. Landing, N.J. Application for the erection of a dwelling on 98 Mansel Road, Block 132, lot 1, being the corner of Rogers drive, Contrary to Section 901 (b) and (d), insufficient front and rear yards. R-3 Zone.

Mr. Warner asked if there was further information Mr. Selengut would like to be before the Board.

Mr. Selengut stated that he had taken care of Mr. Kelly's lot which was in question at the last meeting. The lot has been graded and Mr. Kelly seems to be happy now.

Mr. Warner stated that the Board had inspected the lot in question and asked if there was any one in the audience who wished to be heard. There was no one in the audience who wished to speak either for or against the application and the hearing was closed.

Mr. Sheaffer offered the following Resolution:

WHEREAS the applicant has applied for a variance to the Zoning Ordinance of the Township of Roxbury to permit the construction of a house located on the intersection of Rogers Drive and Mansel Drive on a lot with dimensions 165' on Mansel Drive and 50' on Rogers Drive designated as lot 1, block 132 on the Tax map of the Township of Roxbury and the Board having held a public hearing and has inspected the property sets forth its findings;

1. an inspection of the property revealed that there is a vacant lot adjacent to this property which if combined with the subject property would constitute a conforming lot and a house could be built upon it without the necessity of a variance from the terms of the Zoning Ordinance and would tend to foster the aims of the new Zoning Ordinance.
2. The proposed house of 24' x 45' is too large for the size of the lot taking into consideration that the lot fronts on two streets.
3. The proposed house would not provide sufficient set backs and would constitute an undesirable means of development for this lot.
4. The applicant has failed to submit any evidence whatsoever to this Board to justify a deviation from the principles set forth in the comprehensive zoning ordinance just adopted by the Township of Roxbury.
5. The applicant has failed to submit any evidence to prove that the granting of this variance can be made without causing substantial detriment to the Zone plan and Zoning Ordinance of the Township of Roxbury.

NOW THEREFORE for the foregoing reasons the application for the variance as requested is hereby denied.

The above Resolution was seconded by Mr. Poppitz and carried by roll call vote as follows:

Mr. Poppitz - Yes Mr. Sheaffer - Yes Mr. Pellet - No Mr. Honeyman - Not Voting

Mr. Warner - Yes

Mr. Selengut stated: You know that I tried to buy the adjoining lot but it is impossible.

Mr. Warner stated that the hearing was closed.

103166 - S & S Construction Co. 206 Mt. Arlington Blvd., Landing, N.J. Application for a variance for the erection of a dwelling on 501 Mansel Road, Block 111, lot 11 being also on the corner of Rogers Drive, R.- 3 Zone, contrary to Section 901 (b) & (d) insufficient front and rear yards.

Mr. Pellet read the application. The Board reviewed the map submitted with the application and stated that the Board had inspected informally this lot when they had inspected the lot concerned with the previous application.

Mr. Selengut stated: Without a building permit this land is valueless. Variances have been given for this type of lot. This has an excellent percolation test, the contour is exactly similar to the lot next door, this house is being set back from the rear of the dwelling to the west so as to give more space to the other house. This house is planned to be erected so that there will be space in the back yard overlooking the other back yards and is to be built the same as the house to the south. This house is in the same approximate location on this lot as the house this Board gave a variance to for Pleasant Valley Homes.

Mr. Newmark, Mr. Selengut's attorney said, we own this lot and have owned it a long time prior to the present ordinance that if this lot was not to be built upon then there is an undue hardship and constitutes confiscation.

Mr. Newmark cited a case where the lots had been made valueless and this constitutes an economic loss or undue hardship. The same situation pertains to the other lot across the street. By the action of this Board you now have a piece of land that is of no value to anybody including yourselves, but it's taxed as a lot. We can establish that we owned the lot prior to the passage of the ordinance and we would have an undue hardship.

Mr. Selengut pointed out to the Board that there is no one in the audience either for or against the application.

Mr. Pellet: In the second question you state "the contour of the land is the same as the lot to the south." The Board has investigated both these lots, it appears that the elevation and the grades differ.

Mr. Selengut: That lot was the same contour, it fell 10' or 8', there is a knoll in back where the next house is. The people graded the lot so they walk in on Mansel Drive and drive in on Rogers Drive, the house is in two levels. In the original natural state the lots were identical and the lot in question will be graded the same to meet the present contour.

Mr. Pellet: When the Board was inspecting the lots you showed us a lot which was nearby, it was landscaped. The house would build would be similar to that house down the block?

Mr. Selengut: Yes, I would build this house like the one of Pleasant Valley Homes. There is a house on the corner of Dell Road and Rogers Drive, on the north west corner, fronting on Rogers Drive, Blck 3, Section 5, lot 26, that is, west of lot 26.

Mr. Honeyman: Inasmuch as I was not present at the other meeting, I would like to take a look at this property and I move that we hold it over until the next

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meeting.

The motion was seconded by Mr. Sheaffer and carried by roll call vote showing all in favor of looking at the property.

Mr. Newmark said that we do own a lot, we cannot enlarge the size of it since we cannot acquire the other lot. We therefore wind up by having a lot which now constitutes a piece of valueless land except to pay taxes. I am sure that the testimony as taken would not stand the upper court, you leave us with no alternative, the appeal is going to be remanded, I would ask if this is in keeping with your attorney's advise that you vacate your findings on this particular lot, that we do have stenographic record of the particular case. We will take up a record that will not be acceptable in court.

Mr. Warner stated that the hearing had been closed and that the decision of the Board stands.

113266 - Rudolph S. Blazo, 120 Ford Road, Landing, N.J. Application for variance to Section 901 (b-1) front yard set back insufficient. Erection of an addition to existing dwelling at 120 Ford Road, Landing, N.J. in R-3 Zone.

Mr. Pellet read the application.

Mr. Honeyman asked why the front portion of the addition was not in line with the front part of the rest of the existing house.

Mr. Blazo stated that the front door is at that corner of the house and he would like to off-set the addition so as to give more room for the entrance door, also, he pointed to the inside plans of the proposed addition, showing that the addition will consist of two bedrooms and a proposed powder room which will be used for storage until such time as the applicant can afford to install sanitary facilities in this room

Mr. Blazo stated that he had only one bedroom in his home at the present time. That he could not even have overnight guests. That he had no other person such as brother or inlaws living with him. He further stated that he owned the lot next door and had combined the two lots into one, that the existing house had been built on a 50' lot several years ago, that it would be impractical to build the addition at any other location on the present house.

Mr. Warner asked where the septic system was presently located.

Mr. Blazo said in the rear of the existing house toward the Mansel Drive side of the property.

There was no one in the audience who wished to speak for or against the application and the hearing was closed.

Motion was made by Mr. Pellet seconded by Mr. Honeyman and carried that the application for variance as shown be approved because the minutes show that such variance can be granted and will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

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

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most of the work will be fabricated and will not need a great amount of tools. Mr. Harrison further stated that he does not believe that there is many lots along Route 46 which does not have a double use.

Mr. Pellet asked if the applicant will have a paint shop for the finishing of these cabinets.

Mr. Harrison said yes, but he could noly build one or two at a time, there will be no employees.

After further review of the map and application it was felt that the Board could not act as the application and map were incomplete.

Mr. Harrison said that he would submit more complete applications at the next meeting.

Mr. Warner said that the case would be carried until the December meeting.

113466 - Roxbury State Bank, Roxbury Shopping Center, Route 10, Succasunna, N.J. Application for variance to erect a sign contrary to Section 1110 and 1403(b) and (c), only one pylon sign allowed on the same property, insufficient side and front yard set back. Located on Block 45, lot 23 in the B-3 zone.

After review of the maps and application presented which were incomplete, the Chairman stated that the Board would hear this case at the next meeting, giving time for the applicant to submit applications and maps on which the Board could act.

On a motion made by Mr. Honeyman, seconded by Mr. Pellet and carried the minutes of the last meeting were approved.

A letter from Parkhurst Distributing Company requesting a one year extension of the variance granted, due to a hardship resulting from the Federal Government's tightening of the money market, was read by the Clerk.

Motion was made and carried that the Clerk inform Mr. Parkhurst that the Board cannot grant extensions of variances and that a new application would have to be submitted.

There was no further business to come before the Board and the meeting was adjourned at 11:00 P.M.

Respectfully submitted,



Ruth H. Thiele, Clerk