

September 7, 1966

A meeting of the Zoning Board of Adjustment was held on the above date with Chairman Warner presiding. The following members were present: Mr. Honeyman, Mr. Pellet, Mr. Sheaffer and Mr. Poppitz. Also present were Mr. Valentino, attorney, and Mr. Brown, Building Inspector.

Mr. Warner welcomed Mr. John Poppitz as a new member to the Board filling the unexpired term of Mr. McNulty.

72466 - Michael R. Prestera, P. O. Box Hunting West Virginia, %Whitten Transfer, Kenil, N.J. Application for Special Exception for the erection of an addition to existing garage building on Block 13, lot 2A on Mt. Arlington-Ledgewood Road in I Zone; and application for variance to Section 1704(g) of the Zoning Ordinance, erection of an addition to existing garage within 1500' of another public garage.

Mr. Shoemaker represented the Whitten Transfer Co. by letter of authorization. He stated that they wished to add a 15' x 22' addition to the existing garage, that at the time they built the present garage they had 32' trailers, now the trailers were as long as 40' and they cannot get the trailer inside the present building for servicing.

Mr. Warner asked what kind of work was done on the trailers.

Mr. Shoemaker stated that minor repair work, lights, brakes etc. was done, light maintenance work. He further stated that there was no gasoline sold on the premises and that they were not a "service station".

Mr. Pellet read the application. There was no one in the audience who wished to speak for or against the application and the hearing was closed. The Chairman called for motion by the Board.

Mr. Honeyman offered the following motion, seconded by Mr. Pellet in connection with the application of Michael R. Prestera operating as Whitten Transfer Co.

WHEREAS there has been no error in the refusal of the Building Inspector to permit the use applied for;

While the use of the property; and addition to the present building is for use as storage and inspection for privately owned automotive trucks and equipment it falls within the category of a public garage.

NOW THEREFORE BE IT RESOLVED that a special exception be granted to permit the erection of a 15' x 22' addition to the present structure located on Block 13, lot 2A on the Mt. Arlington Ledgewood Road in an Industrial zone.

This special exception will not in any way conflict with Service Stations in the area or any other requirements of the ordinance.

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 above was passed by roll call vote showing all in favor.

72766 - Lee's Body Shop, 5 John Street, Kenil, N.J. Application for Special Exception required by Article 17 of the Zoning Ordinance, pursuant to N.J.S.A. 40:55-39(b). Also application for a variance from Section 1704 (a),(b),(g), of the Zoning Ordinance. Public garage within 1500'; width of lot insufficient, side yard set back. Erection of a 40' x 60' cinder block building to be used as an auto body shop, block 12, lot 19, Route 46, Kenil, N.J.

Mr. Standridge submitted authorization from the property owner which was accepted by the Board. There was no further questions from the Board and there was

no one in the audience who wished to speak for or against the application. The Chairman declared the hearing closed and called for motion by the Board.

Mr. Honeyman offered the following motion seconded by Mr. Sheaffer in connection with the application of James B. Standridge trading as Lee's Body Shop.

WHEREAS it has been established that there has been no error in the refusal of the Building Inspector to permit the use applied for.

While the use of the property and building is strictly for automobile body repair, it falls in the category of a public garage.

NOW THEREFORE BE IT RESOLVED that a special exception be granted to permit the erection of a structure on Block 12, lot 19 in a B-2 zone on State Highway 46.

That a variance to Section 1704 (a), (b), (g) is approved as it will not conflict in any way with service stations within the area.

The frontage of the lot provides sufficient ingress and egress thereby eliminating traffic hazards and would provide the most suitable use for this parcel of land.

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 above was passed by roll call vote showing all in favor except Mr. Pellet and Mr. Poppitz who did not vote as they were not present at the previous meeting for the entire hearing.

9-66 St. Dunstan's Episcopal Church, %Rev. Thomas Henry, 4 Cedar Lane, Succasunna, N.J. Application for a special exception to the Zoning Ordinance for the erection of a 12 classroom educational building as required by Article 5 Section 509 of the Zoning Ordinance, Block 50, lot 2A and 4A in R-1 zone, Hillside Avenue, Succasunna, N.J.

Rev. Henry stated that the existing building is a temporary building is a temporary building and will come down eventually. The proposed 12 classroom building will be the first of the permanent buildings. There will be a Church and other buildings erected. Rev. Henry offered a site plan of the entire future plans, for the Board's review. He stated however, that he was not asking variance on the entire site plan but only on the 12 classroom building as indicated on the application. The building will be 104' x 36' and is set well back from the street.

Mr. Warner stated that the existing building was only a temporary building and asked how much longer will it be there?

Rev. Henry said, yes, but it meets all the requirements of a permanent building, it will possibly be there about 3 or 4 more years.

Mr. Pellet read a letter from the Planning Board stating that the application and site plan was acceptable to the Planning Board but that it required a special exception according to section 509 of the Zoning Ordinance.

There was no one in the audience who wished to speak for or against the application and the hearing was closed. The Chairman asked for a motion from the Board.

Mr. Honeyman offered the following motion, seconded by Mr. Pellet, in connection with the application of St. Dunstan's Episcopal Church.

WHEREAS the Board has carefully considered the evidence presented by the

appellant and

WHEREAS this exception can be permitted in accordance with Article 5, Section 509 having to do with Institutional uses and pursuant to R. S. 40: 55-39(b),

NOW THEREFORE BE IT RESOLVED THAT a special exception be granted for the erection of a 12 classroom education building on Block 50, lot 2A and 4A located in an R-1 zone on Hillside Avenue in Succasunna;

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.

Roll call vote on the above showed all in favor and motion was carried.

92866 - Port Murray Dairy Co., 12 North First Ave. Hillside, New Jersey. Application for Special exception for the erection of a 4 bay concrete garage on Block 284, lot 5, R-4 zone contrary to Section 1201 business use in a residential zone. Application for a recommendation to the Township Committee to allow a structure or use in a zone restricted against such structure or use.

Mr. Alan Katz, representing Mr. Anaya distributor for Port Murray Dairy stated that there is need of a garage as the trucks are now parking in the open lot. He stated that the lot in question adjoins the lot on Route 46 where the Port Murry Dairy building is located, the lot in question is directly to the rear and located in an R-4 residential zone.

Further, Mr. Katz said, the lot is sufficient in size to adequately house the garage, the existing dirt road will be paved, it is used for the driveway. The sole purpose of this garage is for the sole purpose of the applicant's trucks. The garage will permit a more attractive setting instead of having the trucks outside.

Mr. Pellet read the application.

Mr. Katz stated that he wished to correct the application, it should read a 30 foot front on North First Ave. instead of 25' and 130' from Route 46 instead of 135'. Also Mr. Katz said that he does not think the application should be under Article 17 but rather he said it was a private garage under Section 324 and Section 604 which is the general provisions for a residential zone. Also the application reads Section 1101 and should have been 1001.

Mr. Katz said that the Port Murry Dairy business had been in operation for 14 years and that the 7 or 8 trucks in operation now used by Port Murray are parked out in the open on an empty lot. We desire to construct a garage just to house these trucks which are parked on an open lot all day in all kinds of weather. This makes the useful life of the trucks longer (by housing them).

Mr. Warner asked what hours during the day and night the trucks were in use.

Mr. Anaya said we start at about 2 or 3 in the morning and finish at 10 or 11 in the late morning, the trucks then stay on the lot the rest of the day.

Mr. Katz said that it is a big lot, a portion of it is in the buisness zone but the largest portion of it is in the residential R-4 zone. Mr. Anaya intends to landscape the lot and plant shrubs and bushes against the residential zone as the Planning Board suggests, there will be no trees or shrubs along lot 19, Mr. Anaya owns that lot.

Mr. Warner asked how large the garage would be.

Mr. Anaya said that it would be about 12' high, 42' wide and 40 in length. The trucks will be parked in the garage two deep. The front of the garage will face

the driveway and will not be facing North First Avenue, also we plan to pave the road or driveway which is dirt at the present time, it will be paved right up to the garage doors. There will be no repairs done in the garage, the purpose is to keep the trucks when they are not in use, it is not heated, and no signs, there is sufficient lighting at the present time from the other building, and there will be no additional lighting needed.

Mr. Warner asked where the private cars of the truck drivers were parked.

Mr. Anaya stated that they would be parked in the driveway, that he has seven trucks plus 1 spare.

Mr. Pellet asked what kind of construction was intended.

Mr. Anaya stated that he would like to look into a steel building rather than concrete block.

Mr. Honeyman asked how long had the business been there and had there been complaints about the trucks in the past.

Mr. Anaya said he had been in business for 19 years and that he had never received any complaints.

Mr. Pellet asked about the roof line.

Mr. Anaya said it would be a gable roof with the roof running parallel to North First Avenue, that he lived directly across the street and did not want to put up an unsightly building.

Mr. Warner asked if the garage could be moved closer to the other building.

Mr. Anaya said that there was no room, all the loading was done from the rear of the other building.

A petition submitted by Frank Wasko signed by surrounding property owners objecting to the variance was accepted by the Board. Also snapshots showing the trucks on the lot.

Mr. Wasko stated that they had asked Mr. Anaya two years ago to move the trucks out, and now he has a new truck which exceeds 3/4 ton. He has 8 trucks there now, he is only allowed one commercial vehicle, there are more than just one dealer who park their trucks on this lot.

Mr. Anaya said that there is a dealer from Dover who parks one truck here and the other in Dover.

Mr. Wasko said that the noise at 1:30 in the morning indicates that they start to work then, at at 2:00 or 3:00 AM. If this building is to be metal, there will be more noise than ever, more noise would be created with a metal building than a cinder block.

Mrs. Kathleen Wasco, said that the present application indicated that there had been no other applications. But there was another application, she said, because she had received a notice of the hearing.

The Board stated that that application had been withdrawn.

Mrs. Wasko also stated that the tire repair company comes out and fixes the tires on the trucks, using an air pump which makes a lot of noise during the day, there isn't supposed to be repair work at all.

Mr. Katz stated that this repair work could be eliminated, that the building was going to cost in the neighborhood of \$10,000. and would look nice on the lot.

Mrs. Mary Noonan stated that if the building is erected he will get bigger and then need another building, he will never get his trucks off the lot. He didn't get a variance for the new truck which exceeds that allowed.

Mr. Rodman Reed stated that the lot didn't seem large enough.

Mr. Wesco stated that he got a variance to build the house, the area is congested now and this will make it worse.

Mr. Katz said that the dust problem would be eliminated, the trucks will be under cover and not out where they can be seen.

The interested people in the audience indicated that they would rather have the trucks as they are now without a building to house them.

Mr. Wesco stated that he is getting larger and if a building goes up it will never come down, he will be there forever.

Mr. Warner asked Mr. Anaya if the Dairy Co. had given thought to moving to another location?

himself

Mr. Anaya said No, not as long as he/was in business.

There was no further question from the floor or the Board and the Chairman closed the hearing and called a recess.

The Chairman called the meeting to order and asked for a motion from the Board.

Mr. Sheaffer moved that the application be denied for the reason that the applicant has failed to submit sufficient evidence and failed to sustain the burden of proof required for the granting of the variance in question. He has not submitted any evidence constituting a hardship nor evidence showing that such relief can be granted without causing substantial detriment to the zone plan and zoning ordinance and the general welfare of the Township of Roxbury.

The motion was seconded by Mr. Pellet and carried by roll call vote showing all in favor.

92966 - Kenneth Freund, Route 10, Succasunna, N.J. Application for the erection of a one story warehouse display building addition to existing building on Route 10 and Hillside Avenue, Succasunna, Block 330, lot 4A and 1, B-2 zone, contrary to Article 13, & 10, Sections 1303 and 1108 of the Zoning Ordinance.

Mr. Pellet read the application.

Mr. Rubenstein representing Freund's T. V. Appliance Center and Mr. Andy Susco appeared before the Board.

Mr. Rubenstein stated that the addition will cost about \$50,000., that there is no exit or entrance into Main Street, that the addition will be used only for storage, that the number of employees will not be increased. Presently there is a warehouse located in Wharton and one on Route 10 at Dr. Anton's (Veterinarian). This addition will consolidate the warehousing of appliances, more merchandise will be on hand the customers will not have to wait for delivery. There will be no increase in traffic as this is high value merchandise. There is a loading space provided on the side of the new building, which will eliminate the boxes and cartons

now in the front of the building. There is no customer entrance provided in this addition. Perhaps a fire or emergency exit as required by the building code. The property will be landscaped and the present shrubbery will be reworked to make an attractive setting. The employees are now parking their cars at Dr. Anton's on Route 10, there is one or two cars parked in front of the building to "create some business". The unloading will be done on the side of the building, and there will be no more unsightly boxes etc. The building will be an asset to the Town. There is one entrance on Hillside Avenue which will be closed off.

There was discussion by the board of the number of parking spaces required.

Mr. Rubenstein stated that there is plenty of parking now, that 27 parking spaces show on the map, including the six new spaces along the front of the new building, two on the side by the loading dock and two in the rear of the addition.

The Board stated that angle parking would be better and more convenient for backing out. 21 parking spaces seem sufficient for the business.

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

The Chairman called the meeting to order and asked for a motion from the Board.

Mr. Poppitz moved that the application for a variance from the parking requirements of Section 1108 be granted to allow 21 parking spaces instead of the required number for the following reasons.

1. The operation relates to major appliances of high value and is therefore conducive to low volume customer participation.
2. The proposed extension is to be used for warehouse purposes and will not substantially increase the customer volume now experienced by the store.
3. 21 parking spaces would appear sufficient for the volume of business anticipated by the addition of the warehouse facilities.
4. The new addition will eliminate the use of the front of the premises for the applicant trucks which will now be stored off the premises except two which will be parked in the garage, and such relief will not cause substantial detriment to the Zone plan and zoning ordinance.

The motion was seconded by Mr. Honeyman and carried by roll call vote showing all in favor.

The Chairman announced that the New Jersey League of Municipalities would hold its convention in Atlantic City in November and members desiring to go should take advantage of the information to be gained by attending the meetings on Thursday afternoon and Friday morning.

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

Respectfully submitted,



Ruth H. Thiele, Clerk