

Board of Adjustment 06/14/10

A regular meeting of the Board of Adjustment of the Township of Roxbury was held on June 14, 2010 at 7:00 p.m. with Vice Chairman Edward Data presiding. After a salute to the flag, Mr. Data read the Open Public Meetings Act.

Board Members Present: Ms. Darling, Ms. Dargel, Mr. D'Amato, Mr. Giardina, Mr. Crowley, Ms. Kinback, Mr. Data. Absent: Mr. Grossman, Ms. Robortaccio

Professional Staff Present:

Mr. Steve Bolio, P. E. (substitute for John Hansen, P.E.)
Mr. Russell Stern, P.P.
Mr. Larry Wiener, Esq.

Minutes of 05/10/10

Ms. Kinback made a motion to approve the minutes of May 10, 2010. Ms. Dargel seconded.

Roll call: Ms. Kinback, yes; Ms. Dargel, yes; Mr. D'Amato, yes; Mr. Giardina, yes; Mr. Crowley, yes; Mr. Data, yes; Ms. Darling, yes.

RESOLUTIONS:

ZBA-09-00033 Chuck Mound Performance Training, LLC Variance for window signage for property located at 1045 Route 46, Ledgewood Block 6502, Lot 2 in a B-3.

In the matter of Chuck Mound Performance Training, LLC

Case No. ZBA-09-00033

**RESOLUTION OF FINDINGS AND CONCLUSIONS
BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
RESOLUTION OF DENIAL**

Approved: May 10, 2010

Memorialized: June 14, 2010

WHEREAS, Chuck Mound Performance Training, LLC has applied to the Board of Adjustment, Township of Roxbury for permission to obtain a variance to permit the continuance of signs in violation of the zoning ordinance (a "C" variance) for premises located at 1045 Route 46 and known as Block 6502, Lot 2 on the Tax Map of the Township of Roxbury which premises are in a "B-2" Zone; said proposal required relief from Section 13-8.916.D.1 of the Roxbury Township Land Use Ordinance; and

WHEREAS, the application was scheduled for several hearing dates;

WHEREAS, the applicant's former counsel requested an adjournment for the March 8, 2010 hearing date;

WHEREAS, the matter was continued, at the request of the applicant, and listed for May 10, 2010;

WHEREAS, neither the applicant nor counsel, on behalf of the applicant, appeared at the public hearing;

WHEREAS, the applicant has a duty to prosecute its case in a timely manner;

WHEREAS, the relief requested is for a use already in place.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 10th day of May, 2010 that the within application be denied without prejudice due to the applicant's failure to prosecute its case in a timely manner.

Ms. Dargel made a motion to approve the denial, Ms. Kinback seconded.

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Roll call: Ms. Dargel, yes; Ms. Kinback, yes; Mr. Giardina, yes; Mr. Crowley, yes; Mr. Data, yes.

ZBA-10-002 Joseph Kayser Bulk Variance for property located at 8 Yellow Barn Avenue, Landing Block 11601 Lot 44 in a R-3 zone.

In the matter of Joseph Kayser
Case No. ZBA-10-002

**RESOLUTION OF FINDINGS AND CONCLUSIONS
BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
RESOLUTION**

Approved: May 10, 2010

Memorialized: June 14, 2010

WHEREAS, Joseph Kayser has applied to the Board of Adjustment, Township of Roxbury for permission to raze an existing home for the development of a single-family dwelling and construct an accessory garage requiring dimensional variance relief for premises located at 8 Yellow Barn Avenue and known as Block 11601, Lot 44 on the Tax Map of the Township of Roxbury which premises are in a “R-3” Zone; said proposal required relief from Section 13-7.1301.D.4, 13-7.1301.D.5.a, 13-7.1301.D.8, 13-7.1301.D.7.b, 13-1.2, 13-8.700.E, 13-7.810.1B, 13-7.819, 13-7.905C, 13-7.818.G.2, 13-7.1301.D.6.a of the Roxbury Township Land Use Ordinance; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and having conducted a public hearing has made the following factual findings:

1. Bernd Hefele, Esquire represented the applicant.
2. The applicants are the owners of the subject property.
3. The applicants stated it was their desire to re-develop the property. Same would consist of re-doing the existing house and constructing a garage on the opposite side of Yellow Barn Avenue.
4. Applicant received a letter of denial dated 2/16/10 from Joseph McDonnell, the Zoning Officer.
5. The Board received a memorandum from Melanie M. Michetti, Senior Assistant to the Township Engineer, dated 2/22/10.
6. The applicants submitted the following drawings:
 - Dykstra Walker Design Group, Thomas F. Graham, PE, dated 1/4/10, revised 4/19/10 consisting of three sheets: Sheet 1 Title Sheet and Lot Layout Plan; Sheet 2 Grading, Utility, & Soil Erosion and Sediment Control Plan; and Sheet 3 Steep Slope Analysis.
 - Dykstra Walker Design Group, Kenneth D. Dykstra, PE, consisting of one sheet: Boundary and Topographic Survey Plan.
 - Stephen N Bias, architect, dated 1/12/10, revised 4/19/10 consisting of four sheets marked A-1 through A-4.
7. The following exhibits were introduced at the public hearing:
 - A-1 - plan sheet colorized
 - A-2 – existing home photo
 - A-3 – sheet 3 showing steep slopes
 - A-4 – depiction of 15 Yellow Barn Avenue
 - A-5 – depiction of 14 Yellow Barn Avenue
 - A-6 – depiction of 11 Yellow Barn Avenue

8. The applicant’s professional engineer, Thomas Graham, testified at the public hearing. He noted the need for the following variances:

	Section	Required	Existing	Proposed
Front Yard Setback	13-7.1301.D.4	35 ft.	71.26 ft.	25.1 ft.

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Rear Yard Setback	13-7.1301.D.5.a	35 ft.	17.9 ft.	27 ft.
Building Coverage	13-7.1301.D.8	15%	7.1%	20.3%
Impervious Coverage	13-7.1301.D.8	25%	16.9%	35.2%
Accessory Building Height/With Cupola	13-7.1301.D.7.b, 13-1.2	15 ft./20 ft.	N/A	14.83 ft./27 ft.
Maximum Garage Motor Vehicle Capacity	13-8.700.E	Not more than three.	N/A	Four (2 in attached and 2 in detached garage).
Lake Buffer	13-7.819	50 ft.	14 ft. to rear patio steps	25 ft. to rear steps, 27 ft. to building.
Maximum Steep Slope Disturbance	13-7.818.G.2	Within slope 15-19.99% = 35%, 25% + = 3%	N/A	Within slope 15-19.99%=68.3% 25% + = 9.3%
Left Side Setback	13-7.1301.D.6.a	10 ft. (Chimney up to 2 ft. deep not considered.)		7.7 ft. (Chimney 2.3 ft. deep.)

9. In addition, it was conceded that the proposed garage on the easterly side of Yellow Barn Avenue would require a front yard setback variance as Yellow Barn Avenue, which bisected this property (like many of the properties along Yellow Barn Avenue) and thus created front yards on either side of Yellow Barn Avenue.
10. Mr. Graham then presented a general outline to the Board reviewing both the marked exhibits as well as the plans previously submitted with the application. Mr. Graham noted the lot had several built in hardships. It is a long narrow lot 13,676 sq. ft., but only 50 ft. wide in a zone that contemplated 15,000 sq. ft. lots. In addition, the rear of the house fronts on Lake Hopatcong and the property itself, as noted above, is bisected by Yellow Barn Avenue.
11. During much of the hearing, there were questions raised as to the need (and the request for a variance from same) to create a two-car garage with a house and an additional two-car garage with the accessory structure on the opposite side of Yellow Barn Avenue.
12. After a colloquy with the Board, the applicant agreed to attempt to create new plans to see what variances could be eliminated, and the matter was scheduled for a future public hearing.
13. The matter was carried to the 5/10/10 public hearing.
14. The applicant made changes to the plans. The plans showed a reduction in size of the house (garage eliminated on house side) and the detached garage was moved closer to the roadway.
15. Thomas Graham, the applicant's engineer, resumed his testimony. He noted the architecture of both the dwelling and the freestanding garage were revised to eliminate the garage from the dwelling and increase the size of the freestanding garage structure. He then noted the applicant had eliminated variances for the front yard setback of the principal dwelling, the height of the accessory building, the garage motor vehicle capacity, and the left side setback for the dwelling.
16. Mr. Graham also reviewed various other applications that the Board granted along Yellow Barn Avenue. He noted the proposed garage and lot coverage for the site were in keeping with other variances granted by the Board. He also demonstrated an exhibit A-8, the similarity, setbacks, and footprints along this immediate area of Yellow Barn Avenue.
17. Tom Potere, the zoning officer, issued a revised denial letter, dated 4/29/10, summarizing the variances based upon the revisions:

	Section	Required	Existing	Proposed
Accessory Building	13-7.810.1B	No accessory building shall be	N/A	Proposed detached garage (possible 4

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		permitted in a front yard.		motor vehicle storage) 28' wide x 40' length
Front Yard setback for the Accessory Building	13-7.1301D4	35 ft.	N/A	20.4 ft.
Rear Yard Setback	13-7.1301D.5.a	35 ft.	17.9 ft.	27 ft.
Building Coverage	13-7.1301D.8	15%	7.1%	20.4%
Impervious Coverage	13-7.1301D.8	25%	16.9%	36% with roadway 29.68 % without roadway
Accessory Building Size	13-7.905C	The total ground area of all accessory buildings shall not exceed fifty (50%) percent of the ground area of the principal building on the same lot.	N/A	House 1661Sq. ft. Garage 1120 Sq. Ft.
Lake Buffer	13-7.819	50 ft.	14 ft. to rear patio steps	25 ft. to rear steps, 27 ft. to building.
Maximum Steep Slope Disturbance	13-7.818G.2	Within slope 15-19.99% = 35%, 25% + = 3%	N/A	Within slope 15-19.99%=68.3% 25% + = 18.9%

18. Mr. Potere picked up an additional variance that was omitted on Mr. McDonald's initial report. That variance was a technical variance for the front yard setback locating the detached garage within the front yard setback.

WHEREAS, the Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Roxbury for the following reasons:

1. The Board finds the testimony of the applicant and the applicant's witnesses, and in particular, Mr. Graham, to be compelling and on-point. The Board is very familiar with this unique street. It has granted similar variances up and down this street and this relief is necessitated by the peculiar circumstance that Yellow Barn Avenue bisects the property. It is a narrow street with limited on-site parking. The homes on this street are all located on the lakeside of the street. Their nominal rear yard is actually the lakefront property. Most of the homes now have detached accessory garages located on the eastern side of the street. (A quick review of the title sheet and layout plan of the Dykstra Walker exhibit quickly confirms the situation.)
2. As such, each of these properties has a built-in hardship. A zoning ordinance does not really contemplate properties that are bisected by a street. The Roxbury zoning ordinance requires homes to have a garage. Granting the variance, promotes the zoning ordinance and is a better alternative than trying to find some way to enlarge the house without running afoul with the ordinance.
3. The Board agrees with Mr. Graham's observations that the Board has previously granted many similar variances on Yellow Barn Avenue. The applicant, in reducing its original request, has brought the current relief in line with the other variances granted by the Board.
4. The grant of this variance will have absolutely no negative impact on the zone plan and zone scheme. As noted, it promotes part of the ordinance in providing off-street garage parking. The applicant's proposal brings this property in line with the other properties on Yellow Barn Avenue

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and is consistent with what has become the predominant neighborhood-building pattern on Yellow Barn.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 10th day of May, 2010 that the approval of the within application be granted subject, however, to the following conditions:

1. Addition to be sized and located as constructed on the 4/19/10 revised Dykstra Walker plans and shall be consistent with the Stephen Bias architectural plans, which also have a revision date of 4/19/10. Same to be consistent with the relief granted and the location of the improvements as depicted on the Dykstra Walker 4/19/10 plans.
2. The variances granted and the relief noted are as follows:
 - a. Front yard setback for accessory building 20.4'
 - b. Rear yard setback to be no less than 27'
 - c. Building coverage 20.4%
 - d. Impervious coverage 36% (which includes the roadway)
 - e. Accessory building size – garage to be 1,120 sq. ft. compared to home at 1,661 sq. ft. which exceeds the maximum of 50%
 - f. Lake buffer 25' to rear steps 27' to building
 - g. Steep slope disturbance $15-19.99\%=68.3\%/25\%+=18.9\%$
3. Accessory garage attic is to remain unfinished and only be utilized for storage.
4. Heating, cooling, and plumbing for the accessory garage are prohibited.
5. Subject to the review and approval of all governmental agencies with joint and/or concurrent jurisdiction over the within application including, but not limited to New Jersey Department of Environmental Protection.
6. Subject to review and approval by the Township Engineer.

An as-built including location of structures, setbacks, final grading and drainage, building and lot coverage, and building heights shall be provided prior to the issuance of a Certificate of Occupancy

Ms. Kinback made a motion to approve the resolution, Mr. Crowley seconded.

Roll call: Ms. Kinback, yes; Mr. Crowley, yes; Ms. Dargel, yes; Mr. Giardina, yes; Mr. Data, yes; Ms. Darling, yes.

ZBA-10-011 Adam DelGuercio Bulk Variances for an addition and two decks for property located at 119 Mt. Arlington Blvd, Landing Block 11101 Lot 13 in a R-3 zone.

In the matter of Adam & Dana. DelGuercio

Case No. ZBA-10-011

**RESOLUTION OF FINDINGS AND CONCLUSIONS
BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
RESOLUTION**

Approved: May 10, 2010

Memorialized: June 14, 2010

WHEREAS, Adam & Dana DelGuercio have applied to the Board of Adjustment, Township of Roxbury for permission to construct an addition requiring bulk variance relief for premises located at 119 Mt. Arlington Boulevard and known as Block 11101, Lot 13 on the Tax Map of the Township of Roxbury which premises are in a “R-3” Zone; said proposal required relief from Section 13-7.1301D6c & 13-7.1301D8 of the Roxbury Township Land Use Ordinance; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and having conducted a public hearing has made the following factual findings:

8. The applicants are the owners and occupants of the single-family home on site.
9. The applicants were proposing to renovate the existing structure, which was constructed in the 1950's.

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10. Applicant received a letter of denial dated 4/27/10 from Tom Potere, the Zoning Officer.
11. Applicants submitted architectural plans prepared by Mileto-Godsall Associates, LLC, dated 4/16/10 consisting of seven (7) sheets.
12. The applicants stated that their existing home was a Cape Cod home. It was an extremely awkward functioning home with a steep stairway and limited living area. The applicants would be constructing an addition in accordance with the architectural plans submitted by Mileto-Godsall Associates, dated 4/16/10. As a result of the applicant's proposal, the following variance relief would be needed:
 - Right side yard setback - proposed 7.58', existing 7.72', required 10'
 - Building Coverage – maximum permitted 15%, existing 18.5%, proposed 17.71%
13. As noted, one of the applicant's variances (building coverage) would actually be somewhat reduced with the instant proposal.

WHEREAS, the Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Roxbury for the following reasons:

1. The Board finds the testimony of the applicants to be credible and reasonable. The existing home was somewhat outmoded and has an awkward internal configuration. The applicant's proposal will be a readapted reutilization of an existing resource. The applicants, themselves, had mentioned the possibility of moving, but were unable to sell their house. They opted, instead, to stay in Roxbury and bring this older home into a much more aesthetic and functional dwelling.
2. The applicants have several built-in hardships that actually trigger the variances in question. This is a narrow lot at 50' (in a zone that contemplates 90' wide at frontage and 100' at setback) and an 8,000 sq. ft. lot in a 15,000 sq. ft. zone.
3. The grant of this addition will have no adverse impact on the zone and will be in keeping with the overall goals of the Municipal Land Use Law to provide a variety of housing stock and to reutilize existing resources.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 10th day of May, 2010 that the approval of the within application be granted subject, however, to the following conditions:

1. Payment of all fees, sureties, and escrows required by Ordinance.
2. Side yard setback to be no less than 7.58' as requested. Total building coverage not to exceed 17.71%.
3. Addition to be sized, located, and constructed as depicted on the plot plan and architectural plan submitted with the application.

Ms. Dargel made a motion to approve the resolution, Mr. Giardina seconded.

Roll call: Ms. Dargel, yes; Mr. Giardina, yes; Mr. Crowley, yes; Ms. Kinback, yes; Mr. Data, yes.

2009 Annual Zoning Report

Ms. Dargel made a motion to approve the resolution for the 2009 Annual Zoning Report, Mr. Giardina seconded.

Roll Call: Ms. Dargel, yes; Mr. Giardina, yes; Mr. Crowley, yes; Ms. Kinback, yes; Mr. Data, yes.

APPLICATIONS:

ZBA-10-012 John Nitto Variance for a garage addition for property located at 44 Ferromonte Avenue, Kenvil, Block 2608, Lot 6 in a R-3 zone.

Mr. John Nitto of 44 Ferromonte Avenue, Kenvil was sworn in and stated that he wanted to put a garage addition onto his house. What is there now is a substandard one-car garage that is

attached to the house in which a present day car doesn't fit into. He'd like to add onto the garage to be able to park a car inside it. He has a car port that was built in 1970 and it is in much need of repair. He'd like to remove the car port (tear it down) and put a garage in its place. Mr. Nitto stated in order to get the building coverage down he will remove three structures that don't fall into today's standards; one is the woodshed on the back of the property, the second is the screened patio and third, the car port. The new garage will be 10ft back from where the car port is now and will be parallel in line with the house. The house was built in the late 50's, moving the three structures and building a new garage will enhance the appearance of the property. There was a discussion on the paved driveway. The garage will be two stories; the upstairs will be used for storage only. The garage will have electricity, no water. Open to the Public: No one stepped forward. Closed to the Public.

Mr. D'Amato made a motion to approve the application. Mr. Crowley seconded.
Roll call: Mr. D'Amato, yes; Mr. Crowley, yes; Ms. Dargel, yes; Mr. Giardina, yes; Ms. Kinback, yes; Mr. Data, yes; Ms. Darling, yes.

ZBA-10-013 Gennaro Scola Variance for an addition for property located at 23 Ford Road, Landing, Block 11105, Lot 32 in a R-3 zone.

Mr. Gennaro Scola, 23 Ford Road, Landing, NJ, was sworn in and explained he was before the Board because his wife's two elderly Aunts whom are incapable of caring for themselves because of their age and handicaps need assistance. They would like to add a 14' X 21' addition to the basement to be able to care for them for their remaining years. There was a discussion on the deck in the back of the house and where the addition would be. There will be no kitchen, just a bathroom with a shower, a bedroom and sitting room. Ms. Dargel asked if the property had any constraints, wetlands or highlands. Mr. Scola replied that there are no wetlands on his property, although there are plenty of woods behind the house. The house has an entrance door in the front and also a side entrance. Mr. Stern stated that the Township has seen a lot of applications for integral living area and this application clearly meets the definition of integral living space. Open to the Public: No one stepped forward. Closed to the Public.

Mr. Crowley made a motion to approve this application. Mr. D'Amato seconded.
Roll call: Mr. Crowley, yes; Mr. D'Amato, yes; Ms. Dargel, yes; Mr. Giardina, yes; Ms. Kinback, yes; Mr. Data, yes; Ms. Darling, yes.

ZBA-09-00012 WDIFTK, LLC, D Variance / Minor Sub Division for property located at Hillside Avenue, Succasunna Block 5203, Lot 46 in a R-3 zone.

Ronald Heymann, Esq. and Charles Schaffer, P.A. represented the applicant, Mr. Donald Parks in reference to WDIFTK. Charles Schaffer of Charles Schaffer Associates, LLC, 288 Newton Sparta Road, Sparta, NJ, was sworn in to give more detail on the streetscape of 35 North Hillside Avenue, Succasunna. Mr. Schaffer stated that after walking and viewing the area of the property two homes are well suited and in character with what is in the neighborhood now. There was a discussion and review of Exhibit A-1, the first streetscape that was presented to the Board at the previous meeting. The houses are in the three to four thousand square foot range not overly large and blend into the neighborhood. The new drawing, Exhibit A-2, Design A, is a larger version of the small version to show more clearly what is happening with the trees, the topography and also, marked with the finished grades in relationship to the street. There was a discussion on the grades from the street and the trees in the area. Design B, the second house Exhibit A-3, is

similar, just two feet taller than Design A. In Design B, the driveway will move upward and be hidden when the landscape is done. Some of the houses on the street are much closer to the road than these two new homes. There was a discussion on each house and the street elevation from the road. Exhibit A-1, the smaller version depicts better what you actually see, the three houses and the historic retaining wall that will remain. The retaining walls in the backyard will be 20 to 30 feet into the back of the yard, before the yard begins to climb upward to the retaining walls. The historic revolutionary wall is in the lower front of the houses and will be preserved. There was a discussion on the size of each retaining wall in the backyards. Mr. Parks agreed to bring in a landscape plan. There are no plans to renovate the existing two family home as of now. The existing two story garage on the property does have electricity only; the second floor loft area is empty and is not used at all. There was a discussion on the steep slopes behind the houses and the disturbances that will be created when the new homes are built. Open to the Public: Mr. Richard Cramond, a member of the Historical Advisory Committee, stated that the committee is pleased with the submission of the architecture for the two proposed homes also very satisfied with the arrangements that have been made to protect all the historic resources on the property relating to the original house. The Committee would like to make one suggestion; the window treatments in the proposed homes be a six over one treatment. No one else stepped forward. Closed to the public. There was a discussion on if the original two family house was not kept on the property; than three new single family homes could be built. There was agreement based on discussion at the January 11, 2010 Board of Adjustment hearing that a favorable resolution will note that demolition of the existing dwelling will require approval by the Zoning Board and a building design to complement the historic character of the property. Mr. Heymann requested that this matter be carried to July 12, 2010 with no further notice.

ZBA-10-008 Kingtown Diesel Amended Preliminary & Final Site Plan with a D Variance for modifying a use permitted by "D" variance for property located at 1470 US Highway 46, Block 9302, Lot 3 in a B-2 zone.

Mr. Ronald Heymann, Esq. represented the applicant. Mr. John Farnsworth, 14 Yellow Barn Avenue, Landing NJ and Mr. Charles Thomson, 119 Smithtown Road, Hackettstown NJ were both sworn in. Mr. Farnsworth now seeks a D variance and amended preliminary and final site plan approvals to utilize an 80 square foot portion of the convenience store as a take out deli with a grill for breakfast sandwiches as well as hot dogs etc. There will be no seating or change to the building footprint. The operation of the grill will be from 6:00a.m. until 5:00p.m., and there will be no employees added due to this application. No need for expanding parking this will be a stop and go. The grill will comply with the NJ Uniform Fire Code the cooking operation will include grease laden vapors. The Township Health Department has no objection to a deli counter and grill being added as is stated in a letter to Mr. Russell Stern dated June 8, 2010 regarding this matter. Any grease containers associated with the deli operation will be stored either indoors or within the gated dumpster enclosure. It is agreed that any rooftop mechanical equipment associated with the stove ventilation system shall be architecturally screened from the surrounding properties and streets. Also, an approval would be subject to all conditions of the prior approvals not in conflict with nor superseded by this approval. All applicable operational conditions of the prior resolutions are specifically carried forth and incorporated herein. All business operations on site shall be under a single integrated management. There was a discussion on the convenience store and its uses now. Mr. Thomson stated a variance is necessary for the LED signage, as the ordinance requires indirect or diffused illumination of signs while the proposed LED price signs are directly illuminated by the LED. LED signs are

much easier to change the numbers, and have higher visibility. There was a discussion on the colors on the signs, the distance of visibility and the signs being in use now. There was discussion on the fact that there are two signs, which are readable, helpful, not distracting or in anyway detrimental to the safety and welfare of traveling motorists. The LED price signs are located at the crest of a hill with 865.13 feet of frontage on an undivided four lane State highway. A safety enhancement is provided by having two signs; it's a positive impact on the site considering limited sight distance at this location in combination with heavy loaded, slow moving tractor trailers exiting onto the four lane highway. The signs automatically dim at night and on overcast days there are 16 levels of display dimming which are controlled automatically. Open to public: No one stepped forward. Closed to the Public.

Ms. Kinback made a motion to approve the application for the grill and signage. Mr. D'Amato seconded. Roll Call: Ms. Kinback, yes; Mr. D'Amato, yes; Ms. Dargel, yes; Mr. Giardina, yes; Mr. Crowley, yes; Mr. Data, yes.

ZBA-10-005 Roxbury Automotive Minor Site Plan with a D Variance for property located at 571 Route 46, Kenvil, Block 2702, Lot 4, in a B-2 zone. Applicant requested to be carried to July 12, 2010 with no further notice.

The meeting was adjourned by motion at 8:30 p.m.

Dolores Tardive,
Zoning Board Secretary