

Board of Adjustment 09/13/10

A regular meeting of the Board of Adjustment of the Township of Roxbury was held on September 13, 2010 at 7:00 p.m. with Chairperson Gail Robortaccio presiding. After a salute to the flag, Ms. Robortaccio read the Open Public Meetings Act.

Board Members Present: Ms. Darling, Mr. Grossman, Ms. Dargel, Mr. DAmato, Mr. Giardina, Mr. Crowley, Mr. Data, Ms. Robortaccio.

Absent: Ms. Kinback

Professional Staff Present:

Mr. John Hansen, P.E. – Arrived at 7:25 p.m.

Mr. Russell Stern, Township Planner

Mr. Larry Wiener, Esq.

Mr. William Lovas, Esq.

Minutes of 08/09/10

Ms. Dargel made a motion to approve the minutes of August 9, 2010. Mr. Data seconded.

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

RESOLUTION:

ZBA-10-022 John Selby Extension for a Use & Site Plan Approval for Blanche Valentino for a Warehouse / Office on property located at Orben Drive and Hillcrest Avenue, Ledgewood, Block 8602, Lot 16 in a OR-5 zone. This matter was memorialized on November 8, 2007; Mr. Selby is the new owner.

In the matter of Blanche Valentino/John Selby
Case No. ZBA-5-07

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

Approved: September 13, 2010

Memorialized: September 13, 2010

WHEREAS, Blanche Valentino previously applied to the Board of Adjustment, Township of Roxbury for use variance and preliminary site plan approval for premises located at Orben Drive and Hillcrest Avenue and known as Block 8602, Lot 16 on the Tax Map of the Township of Roxbury which premises are in a “LI/OR” Zone; said proposal required relief from Section 13-7.34 of the Roxbury Township Land Use Ordinance; and

WHEREAS, the Board approved said application, which was memorialized in a resolution adopted on November 8, 2007;

WHEREAS, John Selby purchased the subject premises from Blanche Valentino and now stands in the place of Blanche Valentino, as the owner and developer of said property;

WHEREAS, the time for implementation of said approval is terminating on November 8, 2010;

WHEREAS, John Selby has made application to the Board for a request to extend the time period for implementing the approval;

THE BOARD hereby finds as follows:

1. John Selby is the present owner of the property.
2. His ownership of the property comes with all the rights, privileges, and responsibilities of the approvals that were granted to the property when Blanche Valentino was the applicant.
3. The Board finds for good cause shown and noting the present economy, the applicant is entitled to an extension of two (2) year. The approval implementation time period will be extended until November 8, 2012.

4. This approval is subject to all the other conditions of the prior resolution granting the relief to Blanche Valentino.
5. Applicant is responsible to pay all fees, sureties, and escrows required by Ordinance.

Mr. Data made a motion to approve the two year extension and the Resolution, Mr. Giardina seconded.

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

APPLICATIONS:

ZBA-10-018 Christopher Walsh Variance for a proposed Martial Arts Studio and Wrestling Club for property located at 2 Howard Place, Ledgewood, Block 8901, Lot 9 in a OR-5 zone. Mr. Wiener excused himself and Ms. Darling stepped down from this matter. Mr. Lovas, Esq. represented the Township. The applicant, Mr. Christopher Walsh, 22 Dayton Road, Denville, New Jersey was sworn in and preceded to explain the property is located at the terminus of Howard Place. It is developed with a 27,500 sq. ft. industrial building that is an existing warehouse; where a Martial Art Studio & Wrestling club is proposed. With regards to Mr. Stern's letter dated July 30, 2010, the hours of operation will be 3:00 p.m. – 11:00 p.m., peak parking demand will be 25 – 30 vehicles. The existing warehouse tenant's hours of business are primarily from 8:00 a.m. – 4:00 p.m. They have very little parking needs, and overlap time is minimal. The parking lot will be re-striped and the nonconforming floodlights will be removed and a new parking lot illumination will be implemented with the approval of the Township Engineer and Planner. No classes will be held outside the building; there maybe some competitions held at this location, but not more than fifty people would be in attendance. Competitions are normally held on a Saturday or Sunday from 9:00 a.m. to 3:00 p.m. Mr. Stern stated that the Board hears a number of these applications with recreational type uses within the LI/OR zone, the Master Plan recommends allowing these types of uses as permitted uses as long as there is no conflict and the applicant has addressed that issue regarding potential conflicts with the industrial activity. This is something the Township is looking to promote. Open to the Public: No one stepped forward: Closed to the Public.

Mr. Data made a motion to approve this application with all the stipulations stated, as agreed to on the record. Mr. DAMato seconded.

Roll call: Mr. Data, yes; Mr. DAMato, yes; Ms. Dargel, yes; Mr. Giardina, yes; Mr. Crowley, yes; Mr. Grossman, yes; Ms. Robortaccio, yes.

Mr. Wiener and Ms. Darling returned.

ZBA-10-021 Gary Zeek C Variance for a proposed covering on existing front step for property located at 10 Gordon Road, Wharton, Block 12901, Lot 57 in a R-2 zone. Mr. Gary Zeek, lives at 10 Gordon Road, Wharton (Roxbury Township) was sworn in and stated that the concrete front porch which is 29 feet from the roadway was built with the house in the 1950's. He'd like to put a roof over the porch to improve the appearance of the front of house and will not be changing the size of the porch just covering it with a roof. Two columns will support the roof and the roof will cover just the porch; it will not extend over the steps. This will provide more safety when entering into the house during inclement weather. There are other

houses in the neighborhood that have a covered porch. Open to the Public; No one stepped forward. Closed to the Public.

Mr. DAmato made a motion to approve this application, Mr. Giardina seconded.

Roll call: Mr. DAmato, yes; Mr. Giardina, yes; Ms. Dargel, yes; Mr. Crowley, yes; Mr. Data, yes; Mr. Grossman, yes; Ms. Darling, yes; Ms. Robortaccio, yes.

Mr. Hansen arrived at [7:16:00 PM](#)

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.

Mr. Ronald Heymann, Esq. gave a brief review of the application: the project is a three lot Minor Sub Division located in a R-3 zone with a total area of 4.915 acres. There is a historic two family house located in the center of this oversized lot. They are requesting a D Variance; to keep the historic two family home and the additional two new single family homes will require reduced lot size. They had initially proposed a four Lot Sub Division, but the Township professionals felt that was too much for the lot so it was reduced to a three lot Sub Division. There was a discussion on the historic two family home. They agreed to all the recommendations from the professionals:

1. A Deed restriction prohibiting any further sub division.
2. Locating the dry walls closer to the existing dwelling.
3. A conservation easement which will be similar to Cliff Court with steep slopes.

Mr. Heymann felt the project would fit right into the neighborhood and they have spent a lot of time in front of the Board, made the changes requested by the Board and brought in the professionals that the Board wanted to hear from. This project was reduced from four lots to three lots as requested. Mr. Hansen stated that he is satisfied, but because this is a Minor Sub Division if the Board approves it there are some sidewalk improvements and street trees that need to be installed before Deeds are filed. This should be a condition of approval as well as the storm water improvements for the existing two family house. Mr. Stern stated there were two memos from the Township Engineer dated October 23, 2009 & January 7, 2010 in which everything was agreed to. Mr. Crowley questioned the water drainage in the driveway on the left side of the property. There was a discussion on the dry wells and storm drains to be installed. Open to the Public: No one stepped forward. Closed to the Public.

Ms. Dargel made a motion to approve the application. Mr. Data seconded.

Roll call: Ms. Dargel, yes; Mr. Data, yes; Mr. DAmato, yes; Mr. Giardina, yes; Mr. Crowley, yes; Mr. Grossman, yes; Ms. Robortaccio, yes.

Mr. Hansen left the meeting [7:27:24 PM](#)

[7:27:35 PM](#)

ZBA-10-019 KEN'S AUTO BODY D1 Use Variance & Site Plan Approval for property located at 1280 Route 46, Ledgewood, Block 7502, Lot 4, in a B-2 zone.

Mr. David Brady, Esq. represented the applicant Mr. Christian Mockler, 61 Ironia Road Mendham NJ owner of Homecraft Rentals, 1280 Route 46, Ledgewood which is located on the eastbound side of Route 46 shortly after the intersection of Route 46 with Main Street and west of its intersection with Route 10. The property is a through lot with frontage on both Route 46

and Main Street. It is a B-2 Zone. The lot is L shaped it is .77 acres with more frontage on Route 46 than on Main Street. The property slopes downward from the Route 46 frontage to Main Street. Adjacent properties on Route 46 are used for commercial purposes. On Main Street there are mostly commercial uses, including a Suburban Propane Distribution Facility directly across the street and an office building immediately to the West. In 1985 the applicant received approval to construct and did construct a building containing approximately 9,240 sq. ft. on two levels, together with adjacent parking areas. The upper floor contains approximately 4,620 sq. ft. It fronts on Route 46 with a customer entrance and one roll-up garage door with a parking area containing 18 spaces. The lower level fronts on Main Street and contains approximately 4,620 sq. ft. It also has one customer entrance and one roll-up garage door entrance. The upper and lower levels do not have an internal connection, but there is an outside staircase. The applicant uses the upper level to operate the Homecraft Rental Center. Homecraft rents such items as ladders, floor sanders, compactors, back hoes and power washers. It also refills propane tanks from a storage tank located next to the parking area. Customers include both individuals and small businesses in the surrounding community. The Homecraft space includes a small office, a showroom and an adjacent storage/maintenance area accessed through the roll up door. Operating hours are Monday through Saturday 7:30 a.m. to 5:00 p.m. The lower level is currently rented to a baseball instructional school called RBI Baseball. It contains batting cages and similar baseball instructional – practice space. The lease with RBI ends December 31, 2010. Mr. Mockler has decided to sell the rental center. The purchasers propose to continue the operation of the rental center on the upper level although in a slightly smaller section of that level and to operate an auto body repair shop on the lower level with a customer entrance –office on the upper level.

The upper level of the building will be internally changed such that a separate office will be created on the west side to serve customers of the auto body shop. This office waiting area will be internally connected to the lower level. It will be approximately 640 sq. ft. The remainder of that level, 3,980 sq. ft., will contain the Homecraft Rental Center including the office, showroom and maintenance /storage area. The exterior of the building on the upper level will be upgraded. The existing entrance will be removed and two new entrances installed. Above each entrance a gable roof will be added to the existing overhang. A stockade fence will be added as screening around the propane tank and additional landscaping will be added adjacent to the parking areas. The lower level will have interior changes to accommodate the auto body repair shop including installation of a state of the art spray booth. The exterior will have additional landscaping installed to screen the parking area. The Homecraft Rental Center use will continue essentially as it has operated in the past. The proposed auto body shop will be operated by the owners of Ken's Auto Body which is currently located at 1262 Route 46, Ledgewood. The auto body shop will have its offices on the upper level. Customers will report to that level and cars will be repaired on the lower level. The auto body shop will be open Monday through Friday from 7:30 a.m. to 5:30 p.m. It is open Saturday only by appointment and closed on Sunday. Drop offs and pick ups are generally by appointment. It is anticipated that there will be five employees. The lower level will contain the spray booth and also all the repair operations. There will be room for up to ten work stations. New parts and damaged parts will be stored inside. No work will be performed outside. Cars awaiting repairs will be stored in the lower parking lot. A dumpster will be kept in the building. Open to the Public:

Mr. Kravchuk of Morris Township asked to speak for his brother-in-law, Mr. Peter Klimovich. There was a discussion on who needs to speak. Mr. Wiener requested that Mr. Klimovich of 52 Main Street, Ledgewood, was in attendance and should speak. Mr. Klimovich wanted to know

the hours of operation for the business on Main Street. There was a discussion on the proposed business hours of operation. No one else stepped forward. Closed to the public.

Mr. Robert ODonnell, 33 Edgemere Avenue, Mt. Arlington is a general contractor and works in the area he and his son plan to purchase Homecraft Rentals. There was a discussion on the changes that will be made to the building interior and exterior. Homecraft Rentals & Kens Auto Body will be two separate businesses. Kens Body Shop will be downstairs on Main Street which is the lower level and there will be an office for Kens Auto Body on the upper level along with Homecraft Rentals. Mr. Stern questioned the parking and display of equipment in the parking area on the upper level. There was a discussion on the number of parking spaces and handicap parking. Mr. Brady reviewed Mr. Stern's report on this application and stated that the free standing sign on Route 46 will remain but the message will change. There was a discussion on the location of the only entrance door to Kens Body Shop on Main Street, also the lighting and landscaping. Open to the Public. No one stepped forward. Closed to the Public:

Mr. Ed Korpos, 5 River Run Road, Columbia NJ was sworn in. Mr. Korpos & Mr. Lipps are partners of Kens Auto Body located at 1262 Route 46 and have been in the business for the past twenty five years. They have owned Kens Auto Body for the past seven years and need to expand the business to make it better. Most of their business is done through Insurance agencies. Hours are 8:00am to 5:00pm Monday through Friday with Saturday hours 8:00am to 12:00 noon for pick ups and estimates. They have four employees now and would like to increase that to five employees. The upper level of the building will be the office area. The lower level will be where all repair work is done. Eight to ten stations are planned so that each tech will be able to work on multiple cars through out the day. All parts for the cars will be stored on the lower level. No work will be done outside the building. When the work is done the cars are cleaned at Roxbury car wash. They will be upgrading with a new paint booth at the cost of \$30,000.00. The lower level will have damaged vehicles that will be kept covered. There are few deliveries to Kens Auto Body and any that are made will be made to the upper level. There will be no truck repairs on vehicles over 10,000 lbs. with the exception of emergency vehicles. No cars will be parked on the street while awaiting repair.

Open to Public. No one stepped forward. Closed to Public.

Mr. John Mc Donough, LA, PP, AICP was accepted by the Board and sworn in to review exhibit A-1, a series of aerial photographs from various angles of the existing site, and states that there was a blend of uses around the site including the nearby Suburban Propane plant. He explained the unique features of the site, it being a through lot, the building itself and also the primary basis for the grant of the variance was its unique and particular suitability. Kens Auto Body would be leaving a site that it has outgrown and would be moving into a more compatible site that would be sheltered from the highway and will have much less of an overall visual impact. Open to the Public.

[8:58:42 PM](#)

Mr. Andrus Admsa is the owner of an engineering business on Main Street. His concern was the use of this property and that there is insufficient buffering between these properties. Mr. Admsa presented Exhibit 01 thru 03, pictures he had taken showing his building and parking and how this new business would have a visual impact on his property.

Mr. Victor Dean, 243 Main Street. Said his house is located behind Kens Auto Body its present location and has never had any problems in any way with them.

No one else stepped forward. Closed to the Public.

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There was a discussion on Main Street Ledgewood being the old historic district in the Township.

Mr. DAmato made a motion to approve this application with all the stipulations stated, as agreed to on the record. Mr. Data seconded.

Roll call: Mr. DAmato, yes; Mr. Data, yes; Ms. Dargel, yes; Mr. Giardina, yes; Mr. Crowley, yes; Mr. Grossman, yes; Ms. Darling, yes; Ms. Robotaccio, yes.

[9:39:02 PM](#) motion to adjourn the meeting.

ZONING BOARD OF ADJUSTMENT
FOR THE TOWNSHIP OF ROXBURY

Dolores Tardive,
Board Secretary
September 13, 2010