

Board of Adjustment 04/11/11

Regular meeting of the Board of Adjustment of the Township of Roxbury was held on April 11, 2011 at 7:00 p.m. with Chairman Edward Data presiding. After a salute to the flag, Mr. Data read the Open Public Meetings Act.

PRESENT: Mr. Grossman, Ms. Dargel, Mr. Giardina, Ms. Robertaccio,
Mr. Crowley, Mr. Data.
ABSENT: Ms. Darling, Ms. Kinback.
LATE: Mr. Damato, arrived at 7:04 p.m.

Professional Staff Present:

Mr. John Hansen, P. E. - Excused
Mr. Russell Stern, P.P. - Excused
Mr. Larry Wiener, Esq.

MINUTES OF 03/14/11

Ms. Dargel made a motion to approve the minutes of March 14, 2011.

Mr. Giardina seconded.

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

CLOSED EXECUTIVE SESSION MINUTES OF 03/14/2011 TO BE APPROVED.

Ms. Robertaccio made a motion to approve the Closed Session Minutes of March 14, 2011.

Ms. Dargel seconded.

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

RESOLUTIONS:

EXTENSION:

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

In the matter of WDIFTK, LLC

Case No. ZBA-09-00012

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

Approved: March 14, 2011

Memorialized: April 11, 2011

WHEREAS, WDIFTK, LLC previously received approval from the Board of Adjustment, Township of Roxbury for permission to obtain a minor subdivision in connection with a "D" variance for premises located at Hillside Avenue and known as Block 5203, Lot 46 on the Tax Map of the Township of Roxbury which premises are in a "R-3" Zone; said proposal required relief from Section 13-7.701 of the Roxbury Township Land Use Ordinance; and

WHEREAS, set approval was memorialized in a resolution adopted September 13, 2010.

WHEREAS, the applicant has shown good cause and the Board hereby approves the applicant's request for an extension of time for the perfection of the minor subdivision for 90 days from the adoption of this resolution.

Ms. Dargel made a motion to approve the Resolution for an extension of time (90 days).

Ms. Robortaccio seconded.

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

Mr. Crowley, yes; Mr. Data, yes.

ZBA-10-015 VALLEY AUTO WRECKERS, Pre-Existing, Non Conforming Use for property located at 217 Berkshire Valley Road, Wharton, Block 7201, Lot 1, 2 in a LI-OR zone.

In the matter of Valley Auto Wreckers

Case No. ZBA-10-015

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

Approved: March 14, 2011

Memorialized: April 11, 2011

WHEREAS, Valley Auto Wreckers have applied to the Board of Adjustment, Township of Roxbury for certification of a prior non-conforming use pursuant to NJSA 40:55D-68 for premises located at 217 Berkshire Valley Road and known as Block 7201,

Lots 1 & 2 on the Tax Map of the Township of Roxbury which premises are in a "LI/OR"

Zone; said proposal required relief from Section 13-7.7 et seq. of the Roxbury Township Land Use Ordinance; and

WHEREAS, the applicant has made a request to the Board for a re-opening of the within matter for the purpose of providing additional testimony; and

WHEREAS, the Board having considered the applicant's request, hereby makes the following findings:

1. Edward Dunne, Esquire presently represents the applicant.
2. The Board previously adopted a resolution on February 14, 2011.
3. The applicant's counsel made a request that the Board re-open the public hearing.

4. The Board considered the applicant's request at its March 14, 2011 public hearing.
5. After due deliberation, the Board will permit the applicant a limited re-opening of the public hearing for the purpose of addressing the issue of the sale of motor vehicles associated with the front building. In addition, the Board wishes to clarify that there was no issue and is no issue with the use of the existing residence as a single family home.
6. All of the other provisions of the initial resolution remain in full force and effect.
7. After the re-opening of the public hearing, the Board will adopt a superseding resolution.
8. Applicant shall provide notice in accordance with the Municipal Land Use Law.

Ms. Dargel made a motion to approve the Resolution of Findings & Conclusions.

Ms. Robortaccio seconded.

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

APPLICATIONS:

ZBA-11-002 Williams, Variance for property located at 7 Robert Court, Succasunna, Block 3101, Lot 59 in a R-3 zone.

Mr. Robert G. Williams was sworn in. Mr. Damato arrived at 7:04 p.m. for the record.

Mr. Williams stated I am before the Board requesting a bulk variance to construct a second floor addition over my existing split level home to up grade and expand the family living quarters. The property existing set back is at 34 feet, the Township requires 35 feet, I am not changing the footprint at all. I will be adding a second bedroom on the existing blue print just building up. Open to the Public. No one commented. Closed to the Public.

Mr. Crowley made a motion to approve this application.

Mr. Williams requested if possible to approve and memorialize at this meeting.

Mr. Wiener read the resolution to the Board.

Mr. Crowley motioned to approve the application and memorialize the Resolution.

Ms. Robortaccio seconded.

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

Motion to adjourn the meeting was made at 7:07 p.m.

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY

Dolores Tardive,
Board Secretary
April 11, 2011

