

Board of Adjustment 06/13/11

Regular meeting of the Board of Adjustment of the Township of Roxbury was held on June 13, 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. Crowley, Mr. D'Amato, Ms. Dargel, Ms. Darling, Mr. Data, Mr. Grossman, Ms. Kinback and Ms. Robortaccio.

**ARRIVED LATE** 7:17 p.m. - Mr. D'Amato

**ABSENT:** Mr. Giardina, and Ms. Robortaccio.

Professional Staff Present:

Mr. Erik Brachman, Zoning Officer

Mr. John Hansen, P. E. - Excused

Mr. Russell Stern, P.P.

Mr. Larry Wiener, Esq.

MINUTES OF 05/09/11

Ms. Dargel made a motion to approve the minutes of May 09, 2011. Mr. Crowley seconded.

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

RESOLUTIONS:

**ZBA-09-00036 GEDICKE'S / LAKE'S END MARINA,** Preliminary Major Site Plan for property located at 91 Mt. Arlington Boulevard, Landing, Block 10101, Lot 48 in a B-1 zone.

Ms. Dargel made a motion to approve the Resolution. Mr. Crowley seconded.

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

**ZBA-09-00038 GEDICKE'S / LAKE'S END MARINA,** Major Soil Removal / Relocation Permit for property located at 91 Mt. Arlington Boulevard, Landing, Block 10101, Lot 48 in a B-1 zone.

Ms. Dargel made a motion to approve the soil removal permit resolution with a new ZBA number, being 09-00038. Mr. Crowley seconded.

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

APPLICATIONS:

**ZBA-11-006 Babinska,** Bulk Variance for property located at 63 King Road, Landing, Block 11912, Lot 5 in a R-3 zone. Mrs. Anna Babinska, 63 King Road, Landing was sworn in and stated that she and her husband have lived in their house for one year, are very happy with the location, have many friends in the neighborhood and plan to stay for a long time. They would like to enlarge the house as neighbors have done to theirs, and fix the garage and deck. To try to repair the garage would be very costly, it would be better just to reconstruct it so that we would be able to also use the garage for storage (boat, lawnmower, automobile and bikes). There is no basement; it is a lake house. A garage would enable them to keep the boat stored inside for the winter, they have always kept the boat outside on the property during the winter.

Mr. Joseph Gates, AIA of Gates Architectural Design, 132 Landing Road, Landing, was sworn in and accepted by the Board. Mr. Gates explained that the footprint will be enlarged. The present footprint is 20' X 20' the new footprint will be 24' X 32'. The present garage is 4.97 off

the left side yard, so they will match it in the similar location but it will extend further out towards the street. With respect to impervious coverage, the extension of the garage will go over the existing paved area, when the garage is reconstructed and the driveway is modified, it will actually remain as a net zero increase. With respect to building coverage as shown on the zoning analysis the existing coverage is 18.1% and the proposed is 20.62%, requiring a variance for building coverage. The front yard set back is a true variance (no accessory structure is permitted in the front yard). Most lake area properties have garages in their front yard. Regarding the second aspect of the application, the only reason the deck is being reconstructed is a large glass window wall existing now needs to be replaced due to deterioration over the past years and they would like to be able to replace it with a new surround steel glass structure. In order to do that the deck has to be taken down and as soon as the deck comes down, that counts as new construction and a variance is needed because they do want to put the deck back up. There was a discussion on the stairs on the deck and the depth of the garage and also Mr. McDonnells denial letter. \* Mr. Damato arrived at 7:17p.m.

Mr. Gates stated that the garage will be one story, have electric, but there will be no water. Open to the public. No one commented. Closed to the public.

Mr. Crowley made a motion to approve this application with the stipulations set forth on the record and electric will be the only utility in the garage. Ms. Dargel seconded.

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

**ZBA-11-007 Curtiss**, Bulk Variance for property located at 11 Richards Avenue, Succasunna, Block 3704, Lot 21 in a R-3 zone.

Steven Curtiss, was sworn in and is applying for a variance. There family is growing; he and his wife live in one of the cookie cutter developments of original Roxbury. They are at the point in time that they need to do an addition for their growing family. They like living close to the schools and having a lake nearby. He grew up in town and works in town. He would like for his children to enjoy the same kid of childhood that he did growing up in this township. This addition would allow his growing family to stay in their current residence. And would also update the property to the current level many of my neighbors have brought their homes up to. The house is an L shape and the eastern side addition would be a master bath & closet. The garage will go over our existing driveway so that will not add to our impervious coverage. The entrance to the front of the house is an existing stoop (four steps) and they want to put a small roof line over it. The property is a non conforming lot; it is a hardship due to the size 9,097 square feet. This is an R-3 district which requires 15,000 square feet and that is why six variances are needed. A lot of the neighbors have come before this Board to do different projects (additions, sheds) on their property. Mr. Curtiss submitted photos as exhibit A-1, 29 Meekel Street, exhibit A-2, 31 Mekeel Street, exhibit A-3, 6 Richards Avenue, exhibit A-4,7 Richards Avenue and exhibit A-5, 9 Richards Avenue showing different projects that have recently been done in the neighborhood . Mr. Stern noted that the applicant is proposing a garage, Township code requires a garage. Although this requires a variance, the applicant is getting rid of a non conforming element. There was a discussion on the size of the house and the number of bathrooms in the house. Open to the Public. No one stepped forward. Closed to the Public.

Mr. Damato made a motion to approve this application. Ms. Dargel seconded.

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

**ZBA-11-008 Reynolds**, Bulk Variance for property located at 143 Mt. Arlington Boulevard, Landing, Block 11101, Lot 20 in a R-3 zone.

John & Renata Reynolds, 143 Mt. Arlington Boulevard, Landing, applicants and Mr. Joseph Gates, AIA of Gates Architectural Design, 132 Landing Road, Landing, were sworn in. Mr. Gates had previously been accepted this evening by the Board. Mr. Reynolds explained that he and his wife moved into their home two years ago. They love the area and do not want to move. They are looking to construct an 8' X 10" addition at the basement level of their single family residence which will allow them to construct a two story addition over the existing and new one story portion of the basement. They would like to add a little bedroom and also a dining area for more living space and comfort. The change will be a 1.2% increase in impervious coverage. The ground level will be squared off and the house will be built up. Mr. Gates explained the colorized rendering Exhibit A-1, is the same preliminary design plans the Board has on hand in black and white. The proposed addition at the ground level is an 8' X 6" and 13' X 6" wide that will be squared off so to match the existing retaining wall. In squaring that off it will allow them to build up with two levels. There was a discussion on the set backs out to the lake. The front yard setback is the most drastic; it matches the existing (23.3ft) it comes out in a straight line and matches the lower level. So if you look at the house from the street what you notice is it appears to be a one story house. When you drive by it is very low profile in nature, but to the right and/or left side of the building the grade drops off very steeply and that triggers another variance which by definition the building becomes a three story structure. The last item is the distance to the lake, it exists non-conforming it is not being changed but still requires a variance. The impervious coverage is going up from 31.99% to 33.2%. There was a discussion on the roof line and the deck plan for the second level. Mr. Stern commented this will be a single family dwelling only, there will be no doors dividing the basement area from the first floor. Open to the Public.

Devyani Dalal & Jimmy Dalal, 140 Mt. Arlington Boulevard, Landing, received the 200ft notice and assumed they had to attend this meeting. Township Attorney, Mr. Wiener explained the reason for the notice, Mr. & Mrs. Dalal realized they had misunderstood the notice and had no problem with this application. No one else stepped forward. Closed to the Public.

There was a discussion on the use of the basement, and this property being a single family residence. No doors will be dividing the floors in the house; the basement stairs going to the dining area will remain open.

Ms. Dargel made a motion to approve this application with all the stipulated conditions as noted on record. Mr. Damato seconded.

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

**ZBA-11-009 Acosta**, Bulk Variance for property located at 7 Pine Street, Kenvil, Block 7101, Lot 10 in a I-3 zone.

Diana Acosta, 7 Pine Street, Kenvil and Fred Alvarado, 7 Pine Street, Kenvil were sworn in. Mr. Alvarado explained that they had started to build a gazebo and did not know they needed a permit. The gazebo is started but is not quite finished; it is open on all four sides they do not intend at any time to close it in with screens. There are pavers inside the gazebo; they were there

Board of Adjustment 06/13/11

before the gazebo was built. The gazebo was built around the pavers. There was a discussion on the size of the pavers and the impervious coverage calculation. Mr. Stern explained this is an I-3 zone and it is written in the Township code a single family dwelling in I-3 zone is allowed a shed (accessory structure). There was a discussion on the back yard set back. Open to the Public. No one stepped forward. Closed to the Public.

Mr. Crowley made a motion to approve this application. Ms. Dargel seconded.

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

**ZBA-10-010 LaRoy**, Use Variance & Site Plan Approval for property located at Ledgewood Landing Shipping Port Road, Landing, Block 10101, Lot 18, 19 & 20, in a B-1A zone. Carried to September 12, 2011 with no further notice.

Motion to adjourn the meeting was made at 8:05 p.m.

ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF ROXBURY  
Dolores Tardive,  
Board Secretary  
June 13, 2011