

Board of Adjustment 11/14/2011

A regular meeting of the Board of Adjustment of the Township of Roxbury was held on November 14, 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.

BOARD MEMBERS PRESENT: Ms. Dargel, Mr. Damato, Mr. Giardina, Ms. Robortaccio, Mr. Data.

ABSENT: Ms. Darling, Mr. Grossman, Ms. Kinback, Mr. Crowley.

PROFESSIONAL STAFF:

Mr. Erik Brachman, Zoning Officer
Mr. John Hansen, P.E. - Excused
Mr. Russell Stern, P.P. - Excused
Mr. Larry Wiener, Esq.

Minutes of 10/13/11

Ms. Dargel made a motion to approve the minutes of October 13, 2011.
Ms. Robortaccio seconded.
Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Mr. Data, yes.

RESOLUTIONS:

ZBA-11-015 LOGAN, Bulk Variance for property located at 54 Laurie Road, Landing Block 11311, Lot 8, in an R-3 zone.
In the matter of Diane & Joseph M. Logan
Case No. ZBA-11-015

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

Approved: October 13, 2011
Memorialized: November 14, 2011

WHEREAS, Diane & Joseph M. Logan have applied to the Board of Adjustment, Township of Roxbury for permission to obtain *ex post facto* variance approval for side yard setback and impervious coverage for premises located at 54 Laurie Road, Landing and known as Block 11311, Lot 8 on the Tax Map of the Township of Roxbury which premises are in a "R-3" Zone; said proposal required relief from Section 13-8.612F and 13-7.1301Db8 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. Paul Foreman, Esquire represented the applicants.
2. The applicants are the owners and occupants of the single-family home on site. The applicants previously constructed and enclosed a deck (screened-in porch) and widened the driveway.
3. Applicants received a letter of denial dated 9/9/11 from Erik Brachman, the Zoning Officer.
4. As noted by Mr. Brachman, applicants need the following relief:
 - a. Right Side Yard- 5' required, 2'-3' existing, 2'-3'/driveway is at an angle proposed / existing
 - b. Impervious Coverage – 25% required, 32.75% existing, 32.75% proposed / existing

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5. Both applicants are elderly and have significant health issues. Their daughter, Bonnie Logan, testified as a fact witness. She confirmed her parent's infirmities and inability to attend the hearing. She also noted that she had grown up in the house, was a frequent visitor to the house, and was familiar with the facts relating to this case.
6. Ms. Logan noted her parents had a deck in the rear yard. At some point in time, they constructed and converted the deck into a screened-in porch. They did this without benefit of zoning approval. Since the deck would not count as impervious coverage, once it was converted into a porch, it became impervious coverage and, as such, resulted (along with the driveway that is part of this application) in non-conforming impervious coverage of 32.75%.
7. Ms. Logan also stated that, at some point in time, municipal sewer service was brought into the subject premises. When this was done, the driveway was ripped up and, when it was replaced, the driveway was enlarged and wound up being located 2'-3' off the side yard. The ordinance requires a 5' side yard variance and thus, the applicant needs an additional variance. The location of the driveway was sketched-in on a plot plan attached to the application.

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 that the applicant's request, when closely analyzed, is somewhat *de minimis*. The subject premises are a very narrow (50') and undersized (7,500 sq. ft. vs. 15,000 sq. ft) in the R-3 zone.
2. It is the narrowness and size that create a hardship peculiar to the premises. The porch, which is constructed on what was formerly a deck, is merely an extension of an existing amenity. The driveway is a modest expansion and intrusion into the side yard. This situation, in addition to being cognizable as a hardship variance, also has elements of a flexible or "C2" variance. The benefit to the deviation, from the ordinance, is that it creates a safer and wider driveway that is more amenable and encourages off-street parking for the residences of the subject premises. This is consistent with the intent and purpose of the Township's zoning code. It is not only a benefit to the subject premises, but also beneficial to the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 13th day of October, 2011 that the approval of the within application be granted subject, however, to the following conditions:

1. Subject to all required inspections.
2. Impervious coverage not to exceed 32.75%, as requested.
3. Side yard setback to driveway 2'-3' as existing and depicted on the plot plan attached to the application.

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

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

ZBA-11-016 AMERICAN CHRISTIAN SCHOOL, Variance Relief, non conforming use for property located at 126 South Hillside Avenue, Succasunna, Block 4601, Lot 13 In an R-2 zone.

In the matter of American Christian School
Case No. ZBA-11-016

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

Approved: October 13, 2011
Memorialized: November 14, 2011

WHEREAS, American Christian School has applied to the Board of Adjustment, Township of Roxbury for permission to expand a conditional use requiring D3 variance relief for premises located at 126 South Hillside Avenue, Succasunna and known as Block 4601, Lot 13 on the Tax Map of the Township of Roxbury which premises are in a R-2 Zone; said proposal required relief from Section 13-7.3503 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. Peter Bogard, Esquire represented the applicant.
9. The applicant is a religious organization that operates a school on the subject premises. There are three separate buildings on-site. Two of the buildings are utilized as a school facility with classrooms and other similar amenities. The instant application involves a third building which is essentially a residence.
10. The subject property encompasses about 3.3 acres and is located in the R-2 Residence District. The site received prior Board approvals to be used as a religious school which is a permitted conditional use in the zone. Several years ago, an adjoining improved residential lot was "merged" into the subject property.
11. As noted, the applicant is now seeking a "D3" variance (a variance for relief from the terms of the conditional use standards) relief. The former residential dwelling would be converted to a preschool for 3 and 4 year olds on the first floor. A second floor would contain teacher offices.
12. The applicant is not seeking any exterior improvements and the subject building would retain its residential appearance.
13. The applicant's head of school, Kristen Brennan, testified at the public hearing. She provided much of the factual testimony noted above and stated that the existing 3 and 4 year old pre-school program, which is presently located within one of the existing school buildings, would be re-located to the renovated home.
14. During the course of the testimony, she stated the primary purpose was to create a separate environment for the 3 and 4 year olds and to relieve congestion within the existing two school buildings. She stated she did not anticipate any significant increment in the student body and, essentially, the students would be spread out and the campus buildings would be used in a more efficient manner.
15. She stated that the enrollment traffic patterns and amount of staff would basically remain "as is". The only change anticipated for the surrounding community would be a much cleaner and well kept appearance for the former residence.
16. Applicant received a letter of denial dated 9/23/11 from Erik Brachman, the Zoning Officer.
17. The Township Planner, Russell Stern, issued a report dated 10/12/11. Mr. Stern noted the following relief was needed:
 - a. Lot frontage: minimum 250' required, 245.01' existing
 - b. Rear yard setback: minimum 100' required, approximately 47' existing

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- c. Side yard setback: minimum 50' required, 23.38' existing
- d. District buffer: minimum 100' required, 23.38' existing

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 notes the elimination of the mixed use residential component is in keeping with the intent and purpose of the zoning ordinance and brings the applicant's site into greater conformity with the ordinance.
2. The applicant's proposal will result in a much better organized and efficient site. The use, itself, (a school) is an inherently beneficial use and provides an opportunity for school choice to those residents who prefer an alternative to the public school system.
3. The Board notes the controlling case is Coventry Square. The Board finds that the proposed deviations from the conditional use standards do not materially affect the suitability of the site as a school campus. This relatively minor change actually is a positive, and, as such, will not cause any damage to the character of the neighborhood as to constitute a substantial detriment to the public good. The Board also notes and incorporates the conditions below in re-enforcing its views relative to the negative impacts.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 13th day of October, 2011 that the approval of the within application be granted subject, however, to the following conditions:

1. The applicant shall provide Do Not Enter signage for the driveway entrances along Hillside Avenue. The internal drive to the dwelling shall be posted with a Do Not Enter Authorized Vehicles Only sign. The ultimate design and location of these signs shall be reviewed and approved by the Township Planner.
2. The applicant shall modify the present ramp to the residence approximately 180 degrees, as testified to at the public hearing. **If impractical, a three foot high picket fence shall be installed between interior drive and Hillside Avenue.** The details for same shall be reviewed and approved by the Township Planner.
3. Other than the traffic signage noted above, there shall be no additional signage.
4. The applicant shall secure all appropriate approvals from State and governmental agencies with joint and/or concurrent jurisdiction over the subject matter of the within application and, in particular, the number of students authorized in the new location for the 3 and 4 year old pre-school. (It is noted, the head of the school presented testimony, at the public hearing, that the school was within the number of students that would be approved by the appropriate State agency.)
5. The applicant shall obtain applicable permits from the Township Construction, Health & Fire Officials.
6. The parking stalls, handicap parking, and associated signage shall be provided as directed by the Township Construction Official and/or Township Engineer.
7. Inadequately illuminated areas shall be provided with conforming concealed source fixtures, subject to review by the Township prior to installation.
8. Applicant shall provide a designated garbage and recyclable area. Same shall be reasonably secured to limit access to wild animals and appropriately screened.
9. Applicant shall provide a report to the Township Engineer concerning the status of the removal of an abandoned oil tank located behind the building and the ultimate movement of a soil mound at the end of the parking lot.
10. Shrubs by the driveway entrance shall be pruned by the applicant to enhance sight lines.
11. All exposed soil shall be seeded and the tire ruts across from the pre-school handicap ramp shall be filled with topsoil and seeded.

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12. Applicant shall obtain all appropriate permits from the State, Township Construction, Fire, and Health Officials.
13. In the event the applicant no longer uses the former residential facility that is the subject of this application as a pre-school, any new use shall be reviewed and approved by the Zoning Board of Adjustment.

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

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

ZBA-11-017 ZOINO, Bulk Variance for property located at 30 Paul Drive, Succasunna, Block 1606, Lot 7 in an R-3 zone.

In the matter of Susan & Nino Zoino

Case No. ZBA-11-017

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

Approved: October 13, 2011

Memorialized: November 14, 2011

WHEREAS, Susan & Nino Zoino have applied to the Board of Adjustment, Township of Roxbury for permission to construct and maintain a fence in violation of the fence ordinance and a variance for lot coverage for premises located at 30 Paul Drive and known as Block 1606, Lot 7 on the Tax Map of the Township of Roxbury which premises are in a “R-3” Zone; said proposal required relief from Section 13-7.1301D8, 13-8.09B 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:

18. The applicants are the owners and occupants of the single-family home on site.
19. The applicants were in the process of constructing a fence (without benefit of a zoning permit) and, when it was brought to the attention of the appropriate Township officials, a stop work order was issued pending the results of this application. At the same time, the Zoning Officer noted that the applicants had apparently constructed or installed two separate paver patios that increased the impervious coverage on-site in violation of the zoning ordinance.
20. Applicant received a letter of denial dated 10/3/11 from Erik Brachman, the Zoning Officer.
21. As noted by Mr. Brachman, the applicant needs the following relief:
 - a. Impervious Coverage- less than 25% required, 21.8% existing, 29.74% proposed/existing
 - b. Fence – maximum fence height 4’ in front yard required, 6’ posts with fence being 5’7” existing, 6’ fence proposed/existing
22. The Board, in dealing with the application, dealt with each variance separately and, ultimately, reached a different result (see below) as to the merits of these variances.
23. The instant premise is approximately 10,700 sq. ft. and, as such, is short about 4,000 sq. ft. of the contemplated minimum lot size in the R-3 zone (15,000 sq. ft.). The subject premise is also a corner lot – the house is “canted” so that the front of the home faces the corner of Helen Street and Paul Drive. (Same was depicted on the plot plan that was submitted by the applicant.)
24. The Board notes and the records reflect that the applicant previously appeared in front of the Board of Adjustment in December of 1998 (Calendar No. BA-30-98). At that time, the

- applicant was seeking relief for a fence that was in violation of the Fence Height Ordinance (over 4') and also located within the municipal right-of-way. Since the fence was located in the municipal right-of-way, the only avenue of relief for the applicant was to make the request to the governing body. The matter was denied without prejudice to afford the applicant a chance to bring the property into compliance.
25. As noted, some almost 13 years have gone by and the applicant is front of the Board with almost the identical situation as the prior application. Mr. Zoino testified at the public hearing. Mr. Zoino presented several exhibits which included numerous photographs of the surrounding area, his home, and his immediate neighbor's home. Mr. Zoino also brought in two sections of fence to show the Board. He testified and showed pictures of the fence (apparently, the same fence that was unlawful in 1998 – a wooden boarded fence). He stated that he assumed the fence was OK. He noted that he had not heard from anybody from Roxbury Township until recently. He stated that it was his desire to replace the old deteriorated wood fence with a modern vinyl fence. A sample of the vinyl fence, which was approximately 5'8" in height, was one of the two fence samples the applicant brought to the meeting. Mr. Zoino stated that he had installed a significant portion of this fence (again without any zoning permit) on the assumption that it was merely replacing the prior fence. He stated that his adjoining neighbor on Helen Street had contacted the zoning department and instigated the present enforcement actions against him.
 26. Mr. Zoino was asked repeatedly as to the basis for granting relief. He testified the purpose of the fence would be to provide privacy and that the extra height would be a further deterrent to deer potentially jumping a 4' fence whereas a 5'8" fence would essentially preclude such activity. It was also noted that the corner lot came with two front yards and it was the presence of these two front yards that severely omitted the area within which a fence higher than 4' could be constructed. When asked whether or not there might be some leeway or possible reduction, at least in the area of the non-conforming fence, the applicant essentially said there was no "Plan B". The adjoining neighbors testified and brought photos showing that the fence interred with their sight line in backing their vehicle out of their driveway onto Helen Street. Mr. Zoino disputed this fact.
 27. During the course of the public hearing, numerous members of the public spoke out. Many of them attributed the problem to a squabble between neighbors and expressed their sympathies for Mr. Zoino and said much of the area was plagued with deer and higher fences would be better.
 28. Mr. Zoino also complained about the adjoining neighbors having a security system with cameras that overlooked and intruded into his yard.

WHEREAS, the Board has determined that the relief requested by the applicant should be granted in part and denied in part makes the following findings:

1. As to the request for impervious coverage relief:
 - a. The Board finds the applicant's property to be substantially undersized for the R-3 Zone. The applicant's improvements are modest paver blocks and, while certainly over the permitted maximum of 25% (proposed/existing 29.74%), they would most likely be conforming or nearly conforming, if the lot in question was a 15,000 sq. ft. lot.
 - b. The paver block patios provide an aesthetic and reasonable amenity for the premises in question. Same should have no adverse impact.
2. Fence relief:
 - a. The Board finds that the applicant has not established any cognizable, affirmative basis for relief under the Municipal Land Use Law. It is conceded that the location and orientation of the applicant's home is somewhat non-traditional and that it faces a corner as opposed to either of the two intersecting streets that create that corner.

- b. The applicant conceded that the driving force in locating the fence was to maximize the area, which the fence could enclose, notwithstanding a substantial portion of that area would be within the front yard on Helen Street. The Board notes that the purpose of the Fence Ordinance and its limitation on fence height within front yards is to avoid creating a community with high walls. Roxbury Township is a somewhat rural suburban community, and the zoning ordinance was designed to maintain a non-urban open feel. This is a small lot and the impact of a high fence was further amplified, when constructed, as proposed by the applicant.
3. During the course of his testimony, the applicant seemed to rely on two mistaken premises – (a) no one ever did any enforcement action regarding the prior unlawful wooded fence and, therefore, it must be OK and (b) the unlawful fence was allowed had somehow become lawful merely because it existed for so long.
4. Both of these contentions are erroneous and the mere fact that an existing violation has not gone detected means that it, therefore, becomes lawful. The applicant has had the benefit (if one were to characterize it as that) of having a higher fence for many years. Same does not translate into it morphing from unlawful to lawful. Thus, the fence request, as proposed, must be and is denied.
5. It is further noted that the Board finds the testimony of the adjoining neighbors to be credible that the fence, as constructed, (and the tree in the right-of-way) acts as an unsafe condition obstructing the sight line from the adjoining property to the north and thus, is also a significant negative impact (aside from the unaesthetic visual impact of a wall- like structure in the front yard mentioned above).

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 13th day of October, 2011 that the within application be part granted and part denied subject, however, to the following conditions:

1. Fence must be brought into conformity.
2. Applicant's request for impervious coverage relief is granted. Same may be maintained as built with the maximum impervious coverage of 29.74%.
3. To the extent that existing vegetation constitutes an unsafe intrusion into the site lines same shall be remedied.

Ms. Dargel made a motion to approve the resolution for the bifurcated application. Ms. Robortaccio seconded. (Approval of Impervious Coverage and Denial of a six foot fence)
Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Mr. Data, yes.

APPLICATIONS:

ZBA-11-020 DiTARANTO, Pre-Existing Non Conforming for property located at 194 Emmans Road, Flanders Block 5601, Lot 2 in an R-R zone.

Edward Dunne of Valentino and Dunne Counsellors at Law, represented James & Cynthia DiTaranto, property owners of 194-196 Emmans Road, Flanders. This application is for a continuing use certification for a lawful, non-conforming use of a carriage house rental on a single lot with a primary house residence, both detached in the R-R zone district. The property has a single family home with a carriage house residence that is above a two car detached garage. There was a discussion on New Jersey zoning. It was not until 1947 that the New Jersey constitution was amended to permit states to control the use and zoning of land which was delegated to the states by the planning act of 1953 which authorized municipality to develop zoning regulations based upon planning. In 1958 Roxbury Township developed its first Master Plan. Exhibit A 1, a copy of the 1958 Master Plan for Roxbury Township was presented to show the residential land use as at that time. There

was a discussion on the postal mailing address for this residence. Exhibit A 2 is the Township Ordinance 17-59, an ordinance to amend an ordinance to divide the Township of Roxbury into districts or zones, adopted October 29, 1946. Exhibit A 3 is a copy of the Roxbury Township Zoning Map dated September 1959 showing the R1 zone in the Township. Exhibit A 4 is a marketing pamphlet that was used when the property was for sale and purchased by the applicants in 1986. Exhibit A 5 is a copy of a New Jersey Department of Treasury, Internal Revenue Schedule E Tax Form. Exhibit 6 is a photo board with three photos showing different sides of the house on the property. Exhibit 7 is a photo board with six photos of older items on the subject premises. Exhibit 8 is a pamphlet of double hung windows that are the same as the windows in the carriage house. Exhibit 9 is a pamphlet on information about the heating system in the carriage house. Exhibit 10 is a photo demonstrating concrete that had a 1954 etching, the presumed pouring date. Witnesses:

Cynthia DiTaranto, 196 Emmans Road, Flanders

John Grabovetz, 40 Condit Street, Succasunna

Daniel Kubert, 63 Bud Avenue, Chester

James Zeller, 219 Honeyrod Road, Hope, were sworn in.

Mr. Grabovetz was the first witness and stated his birthday is January 30th and he will be 93 years old and has lived in Roxbury Township since 1928. He worked with his father selling fruit and produce from their family fruit stand on Route 46 in Kenvil and used to deliver produce to 194 Emmans Road. Back in 1950 Leo Bustin owned the property, Mr. Bustin and Mr. Grabovetz had a business relationship and were also friends for many years and at that time there was a tenant that lived in the carriage house. There was a discussion that in New Jersey it was not until 1947 that the New Jersey constitution was amended to permit states to control the use and zoning of land which was delegated to the states by the planning act of 1953 which authorized municipalities to control the zoning.

Daniel Kubert lives at 63 Bud Avenue, Chester now, and is familiar with the property owned by Cynthia DiTaranto at 193 Emmans Road. He had lived at 194 Emmans Road, from mid 1981 to early 1986. He lived in the upstairs part of the garage building at first by himself, then with his wife and at that time they paid rent to Mrs. Bustin who owned the property located at 196 Emmans Road. Mr. Kubert gave a description of the carriage house, explaining that the back stairs of the building was used as the entrance to the large kitchen, the living room had a fireplace and there was one bedroom and a bathroom. Below the apartment was a garage.

James Zeller is a Realtor and has sold real estate in the Roxbury area since 1960 and was a friend to both Mr. & Mrs. Bustin back in 1970 before Mr. Bustins death. There was a discussion on how well Mr. Zeller knew the Bustins and the times he had visited their home at 196 Emmans Road to play poker and at that time was familiar with the existence of the carriage house and its utilization as a residential rental property, which was back in the early seventies. Mr. Zeller was the realtor for the estates property sale in 1986 and listed the property as shown on Exhibit A 4.

Open to the Public:

No one stepped forward.

Closed to the Public.

Ms. DiTaranto stated that in 1986 their primary motivation to purchase the property was that the carriage house had a potential of rental income. They lived in the single family residence and enjoyed the farmland.

Open to the Public:

No one stepped forward.

Closed to the Public.

There was a discussion on the evidence that was presented. It was compelling but the Board wanted Mr. Stern to review this case. If approved the application will be memorialized at the December 12, 2011 Board of Adjustment .

Mr. DAmato made a motion for Mr. Wiener to draft a resolution that would be reviewed by Mr. Stern and if approved by the Board would be memorialized at the same time. Mr.

Giardina seconded.

Roll call: Mr. DAmato, yes; Mr. Giardina, yes; Ms. Dargel, no; Ms. Robortaccio, no; Mr. Data, yes.

ZBA-11-021 FALGIANO, Bulk Variance for property located at 5 Alexandra Road, Landing Block 11703, Lot 16 in an R-2 zone.

Mrs. Maureen Falgiano & Mr. Neil Falgiano of 5 Alexander Road, Landing were sworn in. They are requesting two variances, one is to construct a second 30' X 40' garage (they have two damaged sheds in the yard now that will be taken down) a third existing (15' X 10') shed is located at the elbow of the driveway in the front yard and they are requesting a variance to allow that shed to remain as is. The new garage would be used to store Mr. Falgianos classic car and two other antique automobiles. The shed that is located in the front yard it has always been at that location from the time they purchased the property so they were unaware that was not where it should have been and they would like to keep it there so the land and landscaping are not disturbed. This shed stores lawn equipment and patio furniture. Exhibit A-1 a photo showing the area where the rear yard garage structure would be located. Exhibit A 2 is a hand drawing of the new garage. Exhibit A 3 is a photo of the existing shed that will remain. Mrs. Falgiano stated that the percentage basis of accessory structure to the main structure by virtue of footprint did not account for the fact that their house was in fact at twice the square footage of the proposed accessory structure. Also, they have a rather large lot, an acre in the back yard which is on a hill. The Board questioned the possibility of reducing the size of the garage. There was a discussion on the size of the property.

Open to the public; No one stepped forward; Closed to the public.

The Board wanted to see more detailed drawings to be able to vote on this. There was a discussion on the height dimensions and elevations on the garage. A 26' X 40' garage on this property would not be out of character and being the front yard shed is relatively in good shape and has functioned in this location, it makes sense in these peculiar

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circumstances to leave it as is. The location of both the garage and shed will have no impact on the adjoining properties and will not affect the viewscape.

Open to the Public; No one stepped forward; Closed to the public.

A poll was taken by the Board, they voted three to two to make a motion to draft a resolution with a size change to the garage (26' by 40') also, keep the smaller shed in the front yard, and that before the December meeting new plans will be presented to the board members for review. If the Board approves the plans the resolution will be memorialized at that time. This matter is carried to the December 12th meeting with no further notice.

OLD BUSINESS:

ZBA-11-013 SYDOR, Bulk Variance for property located at 113 Eyland Avenue, Succasunna, Block 1703, Lot 20 in a R-2 zone. *This is to note that this application has been withdrawn.*

CORRESPONDENCE:

Strategic Environmental Partners, LLC (Fenimore Landfill) Mountain Road, Ledgewood, Block 7404, Lot 1. The Township has a meeting with the public that is in session this evening to protect public rights.

ZBA-09-00036 GEDICKE'S / LAKE'S END MARINA, 91 Mt. Arlington Boulevard, Landing, Block 10101, Lot 48 in a B-1 zone. Letter from Mr. Thomas Valiante dated October 24, 2011 & inter-office correspondence. The Board reviewed this correspondence it will be placed in the file.

Motion to adjourn the meeting was made at 9:13 p.m.

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
Dolores Tardive, Board Secretary
November 14, 2011