

A regular/reorganizational meeting of the Board of Adjustment of the Township of Roxbury was held on Monday, January 9, 2023 at **7:00 p.m.** in the Municipal Building at 1715 Route 46, Ledgewood, NJ after a salute to the flag, Zoning Board Secretary Tracy Osetec read the “Open Public Meetings Act”.

BOARD MEMBERS PRESENT

Mr. Summers, Ms. Dawson, Mr. Klein, Mr. Overman, Ms. Robortaccio, Mr. Furey, Ms. Dargel, and Dr. Kennedy

ABSENT: None

PROFESSIONAL STAFF

Mr. Russell Stern, P.P.

Ms. Alyse Hubbard, Esq. (*voted in during the award of contract for Board Attorney later in the meeting*)

REORGANIZATION PORTION OF MEETING

NOMINATIONS FOR BOARD CHAIRMAN

Ms. Dargel made a motion to nominate Dr. James Kennedy for the position of Zoning Board Chairman, Ms. Robortaccio seconded. *No other nominations were made.*

Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Dr. Kennedy, accepted the position as Zoning Board Chairman.

NOMINATIONS FOR BOARD VICE CHAIRMAN

Dr. Kennedy asked if there were any nominations for Vice Chairman of the Zoning Board; Ms. Robortaccio made a motion to nominate Ms. Joyce Dargel for the position of Zoning Board Vice Chairman, Dr. Kennedy seconded. *No other nominations were made.*

Roll call: Ms. Robortaccio, yes; Dr. Kennedy, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Overman, yes; Mr. Klein, yes; Mr. Furey, yes; Ms. Dargel, accepted the position as Zoning Board Vice Chairman.

RESOLUTIONS:

Ms. Dargel made a motion to memorialize the resolution of appointment of Tracy Osetec as Secretary to the Zoning Board, Ms. Robortaccio seconded.

Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Dr. Kennedy, yes.

Resolution appointing Secretary:

**RESOLUTION AUTHORIZING THE APPOINTMENT OF
TRACY OSETEC AS SECRETARY
TO THE ZONING BOARD OF ADJUSTMENT**

WHEREAS, there exists a need for the appointment of a Secretary by the Zoning Board of Adjustment of the Township of Roxbury, and

WHEREAS, Section 40:55D-1b, Article 9 of the Municipal Land Use Law states that the Zoning Board may employ, or contract for and fix the compensation of experts, and other staff and services as it may deem necessary; and

WHEREAS, the Board wishes to retain Tracy Osetec as a Secretary to the Zoning Board of Adjustment,

NOW, THEREFORE, BE IT RESOLVED Tracy Osetec is appointed Secretary to the Zoning Board of Adjustment of the Township of Roxbury and this Resolution shall take effect immediately.

Adopted: January 09, 2023

Ms. Dargel made a motion to memorialize the resolution of authorizing the award of contract for professional services to Alyse Hubbard, Esq. of Maraziti Falcon, LLC, Ms. Robertaccio seconded. *Roll call:* Ms. Dargel, yes; Ms. Robertaccio, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Dr. Kennedy, yes.

Resolution appointing Attorney:

**RESOLUTION OF THE ZONING BOARD OF THE TOWNSHIP OF ROXBURY
AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES
TO ALYSE HUBBARD, ESQ. OF MARAZITI FALCON, LLC**

WHEREAS, the Zoning Board of the Township of Roxbury has a need to retain the services of a Zoning Board Attorney to provide legal counsel to the Board for calendar year 2023 (the Legal Services); and,

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensations of its legal counsel, subject to the appropriation of funds by the governing body; and,

WHEREAS, the Board has determined to award this contract as a professional service without obtaining competitive bids pursuant to N.J.S.A. 19:44A-2.05; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-*et. seq.*) requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and,

WHEREAS, Alyse Hubbard, Esq. of Maraziti Falcon, LLC has submitted a proposal indicating that she will provide the Legal Services at \$180.00 per hour for attorney time and \$195.00 per hour for litigation; and,

WHEREAS, the Chief Financial Officer of the Township of Roxbury has certified that the funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Roxbury, that Alyse Hubbard, Esq. of Maraziti Falcon, LLC is appointed as Zoning Board Attorney for calendar year 2023 and the Zoning Board Chairman is authorized to enter into a contract with Alyse Hubbard, Esq. of Maraziti Falcon, LLC to perform the Legal Services in accordance with the terms and conditions set forth herein; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the Township's official newspaper as required by law, and this resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Zoning Board of the Township of Roxbury memorializing the action taken at its reorganization meeting of January 09, 2023.

Adopted: January 09, 2023

Ms. Dargel made a motion to memorialize the resolution of authorizing the award of contract for professional services to Ferriero Engineering, Inc., Ms. Robortaccio seconded.

Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Dr. Kennedy, yes.

Resolution appointing Board Engineer:

**RESOLUTION OF THE ZONING BOARD OF THE TOWNSHIP OF ROXBURY
AUTHORIZING THE AWARD OF A
CONTRACT FOR PROFESSIONAL SERVICES TO
FERRIERO ENGINEERING, INC.**

WHEREAS, the Zoning Board of the Township of Roxbury (the “Board”) has a need to retain the services of a Zoning Board Engineer to provide engineering services to the Board for calendar year 2023 (the “Engineering Services”); and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensation of its engineering services, subject to the appropriation of funds by the governing body; and

WHEREAS, the Board has determined to award this contract as a professional service without obtaining competitive bids pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, requires that the resolution authorizing the award of contracts for professional services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Ferriero Engineering, Inc., has submitted a proposal indicating that he will provide the Engineering Services according to the attached contract; and

WHEREAS, the Chief Financial Officer of the Township of Roxbury has certified that the funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Roxbury, that Ferriero Engineering is appointed as Zoning Board Engineer for calendar year 2023, and the Zoning Board Chairman is authorized to enter into a contract with Ferriero Engineering, Inc. to perform the Engineering Services in accordance with the terms and conditions set forth in the attached service contract; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the Township’s official newspaper as required by law, and this Resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Zoning Board of the Township of Roxbury memorializing the action taken by the Board at its Reorganization Meeting of January 09, 2023.

Adopted: January 09, 2023

Ms. Dargel made a motion to memorialize the resolution of authorizing the award of contract for professional services to Lee Klein, Mr. Klein seconded.

Roll call: Ms. Dargel, yes; Mr. Klein, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Overman, yes; Ms. Robortaccio, yes; Mr. Furey, yes; Dr. Kennedy, yes.

Resolution appointing Traffic Consultant:

**RESOLUTION AUTHORIZING THE APPOINTMENT OF
LEE KLEIN
AS CONSULTING TRAFFIC ENGINEER
TO ROXBURY ZONING BOARD**

WHEREAS, there exists a need for the appointment of a consulting traffic engineer by the Zoning Board of the Township of Roxbury to advise the Zoning Board regarding traffic impact associated with development applications, and

WHEREAS, the funds for this purpose will be paid out of Applicant's escrow account, and

WHEREAS, Section 40:55D-24 of the Municipal Land Use Law states that the Zoning Board may employ, or contract for and fix the compensation of experts, and other staff and services as it may deem necessary; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:A-11 etc. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection; and

WHEREAS, the Board wishes to retain Lee Klein as a Consulting Traffic Engineer to advise the Zoning Board regarding traffic impacts associated with development applications on an as-needed basis.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of the Township of Roxbury as follows:

1. Lee Klein is retained to serve as a Consulting Traffic Engineer to the Board, on *an as needed basis* regarding traffic impacts associated with development applications, at an hourly rate of \$170.00, plus out of pocket expenses.
2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the local Public Contracts Law because traffic engineering services are rendered by persons authorized by law to practice a recognized profession.
3. A copy of this resolution shall be published in the official newspaper as designated by the Township Council as required by law.
4. This resolution shall take effect immediately.

The undersigned does hereby certify the foregoing is a true copy of the Resolution of the Roxbury Township Zoning Board memorializing the action taken by the Board at its meeting of January 09, 2023.

Adopted: January 09, 2023

Ms. Dargel made a motion to memorialize the resolution of authorizing the utilization of municipal professionals for the review of development applications, Ms. Robortaccio seconded.
Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Dr. Kennedy, yes.

Resolution appointing Township Professionals:

**RESOLUTION OF THE TOWNSHIP OF ROXBURY,
COUNTY OF MORRIS, STATE OF NEW JERSEY,
UTILIZING MUNICIPAL PROFESSIONALS FOR THE REVIEW OF DEVELOPMENT
APPLICATIONS**

WHEREAS, the Zoning Board of the Township of Roxbury has a need to utilize the services of professionals employed by Roxbury Township for the review of development applications pursuant to the provisions of N.J.S.A. 40:55D-53.2; and

WHEREAS, the following Roxbury Township professionals will be billed by the municipality to the applicant at the following rates in accordance with N.J.S.A. 40:55D-53.2:
Melanie Michetti, PE, CME, - \$134.07 per hour
Russell Stern, AICP, PP, LLA - \$138.79 per hour
Peter Turnbull, Senior Engineering Aide, - \$67.08 per hour

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Roxbury, in the County of Morris and State of New Jersey, that the above Township professionals are hereby authorized to review development applications and bill in accordance with N.J.S.A. 40:55D-53.2:

BE IT FURTHER RESOLVED, a notice of this action shall be printed once in the legal newspaper of the Township of Roxbury as required by law. This resolution shall take effect immediately.

Adopted: January 09, 2023

Ms. Dargel made a motion to memorialize the resolution designating newspapers for noticing, Ms. Robortaccio seconded.
Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Dr. Kennedy, yes.

Resolution designating newspapers:

**RESOLUTION
FOR NOTICES & DESIGNATING NEWSPAPERS**

WHEREAS, the Zoning Board of Adjustment of the Township of Roxbury, Morris County, New Jersey, is required to select a public place for the posting of notices all regular and special meetings; and

WHEREAS, said Board must provide notice of all regular and special meetings to three (3) newspapers, one of which must be the official municipal newspaper.

NOW, THEREFORE BE IT RESOLVED, that the public place for the posting of notices of all regular and special meetings of said Board be the bulletin board for the calendar

year 2022, located within the Municipal Building of the municipality located at 1715 Route 46, LedgeWood, New Jersey and

BE IT FURTHER RESOLVED, that all notices of the meeting of this Board be furnished to the following three newspapers as designated by the Township Council.

Daily Record, Star Ledger, and Roxbury Register

Adopted: January 09, 2023

Ms. Dargel made a motion to memorialize the resolution fixing fees for notice of meeting. Ms. Robortaccio seconded.

Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Mr. Summers, yes; Ms. Dawson, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Dr. Kennedy, yes.

Resolution setting the fees required for mailing notice of meeting to those requesting the same:

RESOLUTION FIXING “FEES” FOR NOTICE OF MEETING

WHEREAS, N.J.S. 10:4-6 et. Seq. Known as the “Open Public Meetings Act”, provides for the fixing of a reasonable charge to be paid by any person requesting notification of meetings of the Board of Adjustment.

NOW, THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Roxbury that the sum of \$2.50 is hereby fixed as a fee to be paid by anyone requesting that notices of meetings of the Board of Adjustment of the Township of Roxbury for the 2022 calendar year to be mailed to such person; but, as provided in N.J.S. 40:4-19, no charge shall be made to any newspaper requesting the mail of such notices to its business office.

Adopted: January 09, 2023

Ms. Dargel made a motion to memorialize the resolution Conflict of Interest, Ms. Dawson seconded.

Roll call: Ms. Dargel, yes; Ms. Dawson, yes; R. Summers, yes; Mr. Klein, yes; Mr. Overman, yes; Ms. Robortaccio, yes; Mr. Furey, yes; Dr. Kennedy, yes.

Resolution regarding conflict of interest:

**RESOLUTION
CONFLICT OF INTEREST 2023**

WHEREAS, the members of the Zoning Board of the Township of Roxbury desire to provide the best possible service to the Township of Roxbury; and

WHEREAS, members of the Zoning Board are expected to conduct themselves with respect to matters before the Board in such a manner as to avoid all possibility of a conflict between their private interests and their public duty.

NOW, THEREFORE, BE IT RESOLVED, by the present and new members of the Zoning Board of the Township of Roxbury that they will act in a manner to provide the best possible service to the Township of Roxbury and to avoid all conflicts between their private interests and their public duty and to that end have signed Certifications as to all properties that are owned by members of the Zoning Board in Roxbury Township or in other communities which

about the Township of Roxbury and said Certifications will be open for public inspection at the Municipal Building during normal business hours.

Adopted: January 09, 2023

REGULAR PORTION OF MEETING

MINUTES

December 12, 2022 meeting minutes *to be approved.*

RESOLUTIONS:

ZBA-20-004 SPEICHER, Extension for Minor Subdivision, “D2” Variance for property located at 280 Old LedgeWood Road, Flanders, Block 9303, Lot 1, 3 & 4 in a B1-A zone.

Ms. Dargel made a motion to memorialize the resolution, Mr. Klein seconded.
Roll call: Ms. Dargel, yes; Mr. Klein, yes; Mr. Overman, yes; Ms. Robortaccio, yes; Mr. Furey, yes; Dr. Kennedy, yes.

*In the matter of Michael Speicher
Case No. ZBA-20-004*

**RESOLUTION OF FINDINGS AND CONCLUSIONS
BOARD OF ADJUSTMENT TOWNSHIP OF ROXBURY
RESOLUTION – EXTENSION OF TIME TO PERFECT
MINOR SITE PLAN APPROVAL**

WHEREAS, the applicant, Michael Speicher, has submitted a request for an extension of the time to perfect a minor site plan approval for the premises located at 280 Old LedgeWood Road, being designated and known as Block 9303, Lots 1, 3 & 4 on the official tax map of the Township of Roxbury, which Premises are in the B-1A Zone; and

WHEREAS, the applicant had previously appeared before the Board of Adjustment of the Township of Roxbury and had been granted prior approvals, including but not limited to, a minor site plan approval, which had been memorialized and adopted by the Board of Adjustment by way of Resolution memorialized at a duly convened meeting held on July 11, 2022; and

WHEREAS, said Resolution contained condition #2 that required the applicant to submit a minor subdivision plat for review and approval; and

WHEREAS; the New Jersey Municipal Land Use Law, section 47(d) provides that a minor subdivision approval will expire 190 days from the date on which the Resolution is adopted unless a plan in conformity with the approval and Map Filing Law is filed by the applicant with the county recording officer; and

WHEREAS, the 190 day deadline here will expire on January 7, 2023; and

WHEREAS, the applicant forwarded the proposed minor subdivision plat to the township for review and approval on June 13, 2022; and

WHEREAS, while the applicant has followed up with township officials and heard from some, he is still awaiting the review and approval by all township officials who are

required to review and approve the plan. Until all reviews are completed, and the proposed minor subdivision plan approved, the applicant cannot file the map to perfect the minor subdivision approval; and

WHEREAS, the applicant does not believe it will have sufficient time to file the subdivision map before January 7, 2023, once it hears from township officials, especially if further revisions to the plan are required; and

WHEREAS, to protect from the expiration of the approval, the applicant requests a 90-day extension of the 190-day deadline as per Section 47(f) of the MLUL which allows extensions if the applicant is barred from filing the plan because of delays in obtaining approvals from governmental entities and the applicant was diligently pursuing those approvals; and

WHEREAS, the Board of Adjustment has determined that the extension requested by the applicant can be granted in accordance with the MLUL because the applicant has been prevented from filing the map through delays encountered in obtaining the legally required approval from township officials and the applicant did promptly apply for and diligently pursue securing the approval of the proposed minor subdivision map.

NOW THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Roxbury on this 12th day of December 2022, that the extension of the time to perfect minor subdivision approval be granted to the applicant as follows:

1. The time for the applicant to perfect its minor subdivision approval is hereby extended to April 7, 2023.
2. All of the terms and conditions of the prior Resolution of the Board of Adjustment are specifically incorporated herein and specifically made a part hereof, and the applicant shall be bound by the terms and conditions set forth herein as those set forth herein at length.

I, Tracy Osetec, Administrative Secretary of the Zoning Board of the Township of Roxbury, County of Morris, State of New Jersey, hereby certify that the foregoing is a true and exact copy of a Resolution adopted at a meeting of the Board of Adjustment held on January 9, 2023.

ZBA-22-031 MORIN, Bulk Variance for property located at 198 Mooney Road, Flanders, Block 7601, Lot 33 in a R-1 zone.

Ms. Dargel made a motion to memorialize the resolution, Ms. Robortaccio seconded.
Roll call: Ms. Dargel, yes; Ms. Robortaccio, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Dr. Kennedy, yes.

*In the matter of Jacob Morin
Case No. ZBA 22-031*

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

Approved: December 12, 2022

Memorialized: January 09, 2023

WHEREAS, Jacob Morin has applied to the Board of Adjustment, Township of Roxbury for permission to construct an addition requiring variance relief for premises located at 198 Mooney Road and known as Block 7601, Lot 33 on the Tax Map of the Township of Roxbury which premises are in a “R-1” Zone; said proposal required relief from Sections 13-7.905b, 13-7.905c, 13-8.700E 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. The Applicant is the owner and occupant of the subject premises.
2. The Applicant was proposing to construct 24 x 32 x 10’4” Pole Barn/Garage. The Applicant stated he had no intention of adding a driveway to the Pole Barn/Garage.
3. The Applicant submitted a survey of the property together with drawings of the proposed Pole/Barn Garage prepared by PPB. Inc., Pioneer Pole Buildings, Inc., dated 11/5/21 consisting of five (5) sheets.
4. The Applicant received a letter of denial dated 10/7/22 from Tom Potere, the Zoning Officer. As noted by Mr. Potere, the Applicant needs the following relief:

<i>Section</i>	<i>Permitted</i>	<i>Existing</i>	<i>Proposed</i>
§13-7.905b Accessory Building or Structure	No more than two (2) accessory buildings / structures shall be permitted on a residential lot.	Shed, Above-ground pool and roofed firewood storage area	32’x24’ Pole Barn / garage, Shed, Above-ground pool and roofed firewood storage area
§ 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.	1,120 Sq. foot House	768 Sq. foot Pole barn / Garage
§ 13-8.700E Off-Street Parking	No more than three car garage is Permitted.	One car attached garage within the house	Three vehicles would fit within this pole barn / garage and existing one car attached garage.

5. The Applicant stated the shed will be set back behind a row of shrubs which will act to screen part of the Pole Barn.
6. The Applicant proposed that there would be a tree and foliage line. The proposed structure would be compatible with the existing garage.

7. The Applicant stated that due to the square footage of the home, they do not have adequate storage for a family of 4 or the same living space as the rest of the community.
8. The Applicant's property is 2.55 acres. This is a substantial property. As noted by the Applicant, the house, itself, is approximately 1,300 square feet. The proposed shed would ameliorate the situation to maintain household goods and normal home accessories and lawn equipment within the storage area of the shed.

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 relief sought by the Applicant to be *de minimis* under the circumstances. The additional shed has no substantial impact on the zone plan and zone scheme. In addition, the 768 square foot Pole Barn would exceed the 50% maximum permitted of the house. This is in conflict with the zoning ordinance. In addition, the Township ordinance permits no more than a 3-car garage. As observed by the Zoning Officer, there is one attached garage within the existing home. There would be potential for 3 vehicles within the Pole Barn Garage and thus, there would be an area for a 4-car garage.
2. A discussion, by the Board, resulted in a conclusion that none of the above variance requests constitutes a significant deviation from the zoning ordinance. In fact, the changes proposed by the Applicant meet the qualifications of a "C2" variance. The Applicant's plans are an enhancement to the existing property while simultaneously demonstrating no substantial negative impact.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 12th day of December 2022 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. The Applicant shall have six (6) months from the completion of the Pole Barn/Garage to close out all permits and conclude the work on-site.

ZBA-22-025 YATES, Bulk variance for property located at 7 John Street, Kenvil, Block 2503, Lot 15 in a R-4.

Ms. Robortaccio made a motion to memorialize the resolution, Ms. Dargel seconded.
Roll call: Ms. Robortaccio, yes; Ms. Dargel, yes; Mr. Klein, yes; Mr. Overman, yes; Mr. Furey, yes; Dr. Kennedy, yes.

*In the matter of Chris Yates
Case No. ZBA 22-025*

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

Approved: December 12, 2022
Memorialized: January 09, 2023

WHEREAS, Chris Yates has applied to the Board of Adjustment, Township of Roxbury for permission to repave and expand the driveway requiring variance relief for premises located at 7 John Street and known as Block 2503, Lot 15 on the Tax Map of the Township of Roxbury which premises are in a “R-4” Zone; said proposal required relief from Section 13-8.612F & 13-7.7C 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. The Applicant is the owner and occupant of the subject premises.
2. The Applicant is proposing to repave and expand his driveway which is in disrepair requiring variance relief. The Applicant submitted pictures of the driveway and a marked-up survey showing the location of the proposal.
3. Applicant received a letter of denial dated 9/28/20 from Tom Potere, the Zoning Officer. As noted by Mr. Potere, the Applicant needs the following relief:

Section	Permitted	Existing	Proposed
§ 13-8.612F: Residential Driveways.	Residential driveways shall be set back a minimum of five (5) feet from the side and rear property lines.	Existing driveway is located on the side property lot line as depicted on the survey.	Expand existing nonconforming driveway which is located on the side property lot line.
<u>§ 13-7.7C NONCONFORMING USES AND BUILDINGS.</u> Any structure or use of land which is nonconforming because of use shall not be enlarged or extended in any manner whatsoever except by authority of the Board of Adjustment.			

4. The Applicant noted that their driveway has been in need of repairs since April of 2019 when they moved into the house. The Applicant supplied photos indicating that the driveway was in dire need of repair. The Applicant also noted that the existing driveway is not compliant since it is less than 5’ from the property line. The Applicant’s adjoining neighbor had no objections to maintaining the existing status quo and 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 to be compelling. The situation, as described by the Applicant, clearly needs to be addressed. Keeping the width of the existing driveway and enhancing the driveway by repaving it constitutes the basis for the grant of a C2 flexible C variance. This enhanced driveway will be an upgrade of the existing aesthetics on site. Based upon the submission from the adjoining neighbor, the Board does not see any substantial detriment to the Applicant's proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township Roxbury on the 12th day of December 2022 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. The paving of the driveway shall comply with all Township regulations.

APPLICATIONS:

ZBA-22-008 BONDOC, Bulk variance for property located at 268 Mt. Arlington Blvd., Landing, Block 12002, Lot 3 in a R-3.
(Request to be carried to the February 13, 2023 meeting with no further notification).

ZBA-21-004 BLACK RIVER HOLDINGS, LLC & MORGAN DEAN HOLDINGS, LLC .
Use Variance, Bulk Variance, Lot Merger, and Preliminary Major Site Plan for property located at 1371, 1373, and 1393 Route 46, Ledgewood, Block 8701, Lot(s) 4, 5, & 6 in a B-2 zone.
(Request to be carried to the February 13th, 2023 meeting with no further notification).

ZBA-22-020 PICCOLO, Certificate of Non-Conforming Use for property located at 81-83 Main Street, Succasunna, Block 3801, Lot 79 in a B1-A zone.
(Request to be carried to the February 13, 2023 meeting with no further notification).

ZBA-22-026 BLANTON, Bulk Variance relief for property located at 215 Kingsland Avenue, Landing, Block 11002, Lot 32 in a R-3 zone.
(Request to be carried to the March 13, 2023 meeting with no further notification).

ZBA-22-033 ORZACK, Bulk variance for property located at 13 E Circuit Drive, Succasunna, Block 1506, Lot 22 in a R-3 zone.

Ms. Hubbard swore in Mr. Robert Orzack of 13 E Circuit Drive, Succasunna, NJ and Anthony Adesso of Paradigm Architecture located at 11-13 Sunflower Avenue, Paramus, NJ.

Mr. Orzack stepped forward and testified that he would like to install a covered deck off of the dining room located on the second level of his split level home. In addition, he would like to install a sliding glass door off of the dining room that will lead out onto the proposed deck. Mr. Orzack stated that he would like a covered deck because since the pandemic he and his family has been doing a lot of outdoor entertaining.

Mr. Adesso, Architect for Mr. Orzack stepped forward and explained the two variances being requested by Mr. Orzack which are building coverage and impervious lot coverage. Mr. Adesso stated that Mr. Orzack's proposal puts him at 15.8% for building coverage where 15% is allowed and 27.9% impervious coverage where 25% is allowed. Mr. Stern explained that the proposed building coverage is really 15.66% due the fact that the applicant included the stairs and some other elements that were not applicable.

Mr. Adesso further stated that Mr. Orzack has an expansive back yard and the proposed deck is not overtaking the yard in any way. Mr. Adesso also testified that there is little to no visual impact from the street in either direction. Mr. Adesso stated that the plan is to install a privacy screen which allows provision for visual breakage and allows air flow, where on the in-board side an open railing is proposed. Mr. Overman asked about the roofing material. Mr. Adesso replied that the material would match up to the current roof. Ms. Dargel asked what the dimensions of the deck were. Mr. Adesso replied, 16 x 16 feet.

Motion was made to open to the public for questions – none were made.
Motion was made to close to the public.

Motion was made to open to the public for comments – none were made.
Motion was made to close to the public.

Ms. Robortaccio made a motion to approve the application, Mr. Furey seconded.
Roll call: Ms. Robortaccio, yes; Mr. Furey, yes; Ms. Dargel, yes; Ms. Dawson, yes; Mr. Overman, yes; Mr. Klein, yes; Dr. Kennedy, yes.

ZBA-22-036 BURKE, Bulk variance for property located at 11 Silver Springs Drive, Landing, Block 11601, Lot 10 in a R-3 zone.

Ms. Hubbard swore in Ms. Toni Burke of 141 Geering Terrace, Paramus, NJ. Ms. Burke stepped forward and explained that she would like to install a deck on the second level of her lake front home. Ms. Burke explained that there was a previous deck, and the newly proposed deck will be larger than the original deck.

Dr. Kennedy asked Ms. Burke if she received a copy of the Lake Hopatcong Commission report. Ms. Burke replied, yes. Dr. Kennedy then asked Ms. Burke if she would comply with the Lake Hopatcong Commission's suggestions. Ms. Burke replied, yes. Ms. Dargel asked Ms. Burke if she knew of the algae situation that occurred a few summers back and all of the challenges it presented. Ms. Burke replied, yes and that she installed turf on the lake front portion of her home in lieu of grass which would require no fertilization so, as to not contribute to the nitrate and phosphorus run-off into the lake.

Mr. Stern asked if the decking would be open decking where water can flow between the boards. Ms. Burke stated that it was her wish to have solid flooring. Mr. Stern stated that the reason he was raising the issue was because below the deck are pavers and if you are putting a deck with open boards then the water will be flowing through it, but if an impervious flooring is put down then the deck is counted as impervious coverage. Mr. Stern went onto state that a recalculation will need to be provided by Tom Potere, Zoning Officer to determine if there is not an overage in the impervious coverage percentage. Mr. Stern went onto state that should this application be approved, the applicant will be required to submit a permit and if impervious deck flooring is going to be used, it will

require a variance and the applicant will be back before the Board. If the applicant shows drawings with open board flooring, a variance will not be required.

Mr. Overman stated that he would not be opposed to the application if it showed some type of water collection system.

Mr. Stern asked what material was used for the patio below the deck. Ms. Burke replied cement.

Motion was made to open to the public for questions – Julie Meola of 9 Silver Springs Drive, Landing stepped forward and was sworn in by Ms. Hubbard. Ms. Meola stated that she didn't really have an objection but did have some concerns. Ms. Meola stated that she may have a lake view obstruction with Ms. Burke's proposed deck. Ms. Meola stated that her deck is 20 feet by 12 feet and her other deck off of her master bedroom that is 8 feet by 4 feet. Ms. Meola stated the proposed deck will go out 4 feet further than her deck. Mr. Overman explained the proposed deck would not impede on Ms. Meola's view straight out to the lake, and the concern at hand would be Ms. Burke's deck and the encroachment to the lake. Ms. Burke stated that her property has very tall arborvitae trees that run along the property line in the rear on Ms. Meola's side of the property. Mr. Stern looked at an aerial photo from Nearmap dated March 8, 2022 and confirmed the tree line and stated it looks as though the proposed deck would be screened. Ms. Burke agreed.

Motion was made to close to the public.

Motion was made to open to the public for comments – none were made.
Motion was made to close to the public.

The Board suggested that Ms. Burke provide an updated survey to the Township Zoning Officer so that an impervious coverage calculation can include the cement patio and additional sidewalks installed over the past few years.

Ms. Burke requested the application be carried to the February 13, 2023 meeting.

NEW BUSINESS:

OLD BUSINESS:

Motion to adjourn at 8:07 pm

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF ROXBURY
Tracy Osetec, Board Secretary
January 09, 2023