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January<sup>6</sup>, 1971

A meeting of the Zoning Board of Adjustment was held on the above date with the following members present: Mr. Neudeck, Mr. Poppitz, Mr. Skarzynski, Mr. Lieberwith, -Mr. Kmetz. Absent, Mr. Reifer and Mr. Giovannoli. Mr. MacKenzie was present as the Board's attorney.

The Clerk opened the meeting and announced that Mr. Kmetz had been reappointed as an alternate member of the Board by the Township Committee. The Clerk then called for nominations for Chairman, Vice Chairman and Secretary and the following were duly elected.

Chairman - Mr. Neudeck  
Vice Chairman and Secretary - Mr. Reifer

112570 - Rems, Inc. Route 206, Netcong, New Jersey

Application for a variance under Section 510(a) of the Zoning Ordinance which requires a principal building or structure on a lot; Also application for special exception under Section 1701, the use proposed is classified as a public garage. The use of the property for the storage of drilling equipment, located on Block 32, lot 2 in a B-2 zone, Route 206.

Mr. Neudeck announced that the Board had made its decision on this application. Mr. Skarzynski read the following Resolution:

WHEREAS, the applicant has filed an application with the Board of Adjustment of the Township of Roxbury for a Variance for relief from the strict enforcement of Article 3, Section 325(b) of the Zoning Ordinance on the basis of hardship and

WHEREAS, the applicant has made a further application for a Variance to the Zoning Ordinance to utilize the premises for outside storage of truck mounted drills, service trucks and drill appurtenances, without a building or principal structure on the site and

WHEREAS, a hearing was conducted by the Board of Adjustment of the Township of Roxbury on December 2, 1970, and

WHEREAS, the applicant has offered proof of the following:

1. Rems, Inc. is a corporation with interlocking ownership with D & H Drilling Corporation.
2. The applicant is presently located on premises on the East side of Route 206, in Netcong, New Jersey, and currently store their equipment at said premises.
3. The property in question is an isolated parcel approximately 400 feet from Route 206, containing 7.4 acres.
4. The applicant intends to move its entire operation to the proposed site, this being the first phase thereof.

5. The entrance to the proposed site is by right of way, which shall be paved and curbed with a grade of about 10% going west.
6. The applicant's business is well drilling, test drilling and foundation drilling.  
Applicant utilizes truck mounted drill rigs which are utilized by driving to the drilling site and upon completion of the job, are then returned to Netcong until the next job.  
There are 22 pieces of equipment and it is intended that this equipment all be moved to the proposed site.
7. The property in question is virgin woodland and there are no residences adjacent to same. There is a new Esso gasoline station on one side of the right of way and a dwelling on the other and the Route 80 ramp is north of the property in question.
8. The applicant will install a chainlink fence with a locked gate around the property in question.  
There is also to be a buffer zone from the fence to the property line, which on the north side is between from 30 to 50 feet, on the west side is approximately 55 feet, and on the Route 80 side, approximately 350 feet. It is intended to leave the buffer zone in its natural state of virgin land.
9. The applicant will not store gasoline on the property, nor oil tanks, pumps, lift apparatus, filling or greasing tanks above or below the ground. Maintenance is not to be performed on the site, nor the servicing of vehicles.  
It is intended eventually to erect a building on a portion of the subject premises and move the entire operation thereon. The operation will then consist of storage, offices, shop and servicing.
10. This property is located in a B-2 zone as is all other property immediately surrounding this said premises within the Township of Roxbury. However, the adjacent property in Netcong owned by Dover Heights is zoned residential and the property adjoining in Mount Olive is garden apartment zoned.
11. At the present, no equipment of the applicant is stored in Roxbury.
12. The usual work shift is approximately 10 hours until about five or six o'clock at night, with the rigs returning at that time.
13. The applicant submitted photographs showing the surrounding area and the premises.

WHEREAS, cross examination by Theodore E. B. Einhorn, Esq. representing Dover Heights established:

1. that the proposed site is within 1500 feet of various service stations.
2. that on occasion there have been complaints to the police because of noise resulting from the rigs returning at a late hour.
3. that the applicant will use an overhead crane for the loading of pipes.
4. that there is approximately 1.6 acres of pavement which the workers will utilize for parking, and





Mr. Poppitz: How large is the building you propose?

Mr. Donofrio: The proposed building or phase one will be 106 feet in length. We also have a dwelling located on the map that was moved from another portion of the property, now sold to Mr. Froelich. The church will be one story or approximately 30 feet high.

A letter from the Planning Board was read stating that some items should be changed on the site plan, and that after receiving special exception from the Board of Adjustment, the maps should be revised and resubmitted to the Planning Board.

Mr. Dorfe Dante, 45 Locust Drive, Morristown: I am the owner of Kingtown Motel, and also a tax payer in Kenvil. I am not against the church in any way but I have a motel across the street and a church on that property will hurt my business. The traffic going out on Route 46 is very dangerous and in bad weather it is worse, there are a lot of accidents on the hill, this will increase the traffic going back and forth. Also, my motel guests do not want to be bothered with church bells at 6 or 7 in the morning.

Mr. Donofrio: All our services are at 11:00 in the morning, that is the only time the bells ring. It is not intended to ring any bells at other times.

Mr. Neudeck: You have only one service on Sunday?

Mr. Donofrio: Yes, that's right, only one service.

Mr. Dante: It will also increase the noise on Sunday Mornings.

Mr. Donofrio: I don't believe that there will be that much of an increase in the noise of the traffic on Route 46.

Mr. Neudeck suggested that it would be possible to have some other type of business go in there such as a hotdog stand, which would stay open longer and have more traffic, or another motel.

Mr. Dante: That would be all right with me, but I object to the church going in there. I am wondering if the people attending a church service will be able to see the motel, it may distract them and it will not be good for my guests either. They have 12 acres of land and I think they could move it back a little further, I think it is a beautiful spot.

Mr. Neudeck: There is not 12 acres but approximately 7.6 acres.

Mr. Dante: I have a valuable business and a valuable piece of property, I intend to expand and eventually obtain a liquor license. Will the church have any objections to that.

Mr. Donofrio: No, Mr. Dante, the church will have no objections whatever if you wish to have a liquor license.

Mr. Dante: The State will not give me a license if I am within so many feet of a church, I have planned this for a long time and now with the church there, I am unable to expand my business.

Mr. Skarzynski: There could be another tavern in the area who would object.

Mr. Dante: Yes, but their objections would not stand up, but the church building would cause the State to deny my license.

Mr. Dante: I have another question. Did you move this home off the other property without a building permit?

Mr. Donofrio: We had a demolition permit to move the building it is not on a permanent foundation, we would like to get it on a good foundation soon though, because we want to preserve the building for office and parsonage use.

Mr. Dante: Did you have Planning Board approval?

Mr. Donofrio: We have our application before the Planning Board, we will have to go back to them after we obtain a special exception from the Board of Adjustment. It will be hard to move any of the building locations, because we must comply with the ordinance in regard to parking, entrance and exit drives and so forth, we are working with the Planning Board in this regard. I believe a tavern must be 200 feet away from door to door of a church, not the property lines. The building sets back 135' from the property line and Route 46 must be 60 feet wide or so, I'm sure there is enough distance.

Mr. Dante: What about the trees, are you going to take down the existing trees on the front of the property.

Mr. Donofrio: No we think the trees enhance the property and we do not want to remove any more than we have to. Also this little hill near the highway more or less tends to hide the church from view of the road. We are only going to build one phase now and when the time arises, we will build the other portion shown on the map as phase two.

There was no one else in the audience who wished to speak in regard to this application and motion was made by Mr. Kmetz, seconded by Mr. Poppitz that

WHEREAS, Grace Baptist Church has applied to the Zoning Board of Adjustment of the Township of Roxbury for permission to construct a church building and a building to be used as a parsonage and office at premises located at (no number) Route 46 and known as Block 33, lot 8.1 on the tax map of the Township of Roxbury which premises are in a B-2 zone; and

WHEREAS, the Board after carefully considering the evidence presented by the applicant and of the adjoining property owners has made the following factual findings and conclusions of law:

1. the proposed institutional use is a special exception in the B-2 zone as defined in Sections 315 and 509 of the zoning ordinance:
2. the proposed use is reasonably necessary for the convenience of the Township.

3. The lot contains in excess of three acres as measured within 450 feet of the front property line as required by Section 509(a).

4. All yard requirements as required by Section 509(b) are complied with; and

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.

NOW THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Roxbury on this 6th day of January, 1971, that approval of the application of Grace Baptist Church be granted subject, however, to the following condition;

- 1. the Planning Board must give site plan approval.

The above resolution was passed by the following roll call vote:

Mr. Neudeck, Yes      Mr. Poppitz, Yes      Mr. Skarzynski, Yes  
Mr. Lieberwith, Yes      Mr. Kmetz, Yes

1271 - Robert and Gwendolyn Robinson, 246 Route 46, Kenvil, N.J.

Application for a variance under Section 1001(a) and Section 1303(a) of the Zoning Ordinance. The subdivision of land located on Route 46 and South First Avenue in Kenvil, each lot containing insufficient lot area for the two zones. Block 292, lot 5, located in the B-2 and R-4 zones.

Mr. Clifford Johnson, Jr. Attorney represented the applicant.

Mr. Poppitz read the application, aswell as a letter from the Planning Board recommending the subdivision.

Mr. Poppitz: What acreage is involved here.

Mr. Johnson: We are not particularly talking about acreage but the lot on Route 46 contains 6,000 sq.ft. and the other lot on South First Avenue contains 7,000 sq.ft. We are shy 40 feet on the lot on Route 46 and only 5 feet on the lot on South First Ave.

Mr. Poppitz: There is a dwelling on each of these lots?

Mr. Johnson: Yes, there is a dwelling on each lot, one in the residential zone and the other in the business zone. The use of the building on Route 46 will eventually turn to a business use, the two buildings have a natural barrier in the form of a fence which more or less acts as a division of the properties. The Route 46 dwelling is occupied by the prospective buyer of the building.

Mr. MacKenzie: Are there other undersized lots in the area?

Mr. Johnson: Yes there are, Number 17 and 18 across the street on Route 46 and lots 3,4,5,6 on South First Ave. are all under size in the R-4 zone. Lot number three on the north side and on the south side of South First Ave. there are lots number 2,5,6.

Mr. MacKenzie: Have you tried to purchase more property to bring the lots up to the lot area requirement?

Mr. Johnson: Yes, I called both the other neighbors, the problem is that they need another 40 feet which would bring the property line within 9' of the store, there is a 10 foot requirement and that would further violate the ordinance. Besides the fact that the neighbor did not wish to sell any portion of his property. The other neighbor has a small lot and could not reduce the size of his lot either.

Mr. Poppitz: When did you purchase this property.

Mrs. Robinson: I bought the house on Route 46 in 1946, it was 40 years old then. Our dwelling on South First Avenue was built in 1960 and we moved to that new dwelling. My son lived in the Route 46 house with his family but they had three children and there is only two bedrooms there, so they had to move.

Mr. Johnson: The property on Route 46 is in a business zone and the subdivision will enhance the possibility that it will in fact become a business use.

Mr. MacKenzie: You feel that without the subdivision it would not be probable that the use will become business?

Mr. Johnson: Yes I do, there are two residential uses on the property now and a business use with a residential use may not be allowed by the Planning Board.

There was no one in the audience who wished to speak in regard to this application and the hearing was closed.

Motion was made by Mr. Poppitz, seconded by Mr. Skarzynski that the Board of Adjustment approve the variance and grant the minor subdivision as requested on Block 292, lot 5 located on South First Avenue and Route 46 as the lot faces two streets and there is a fence which provides a boundary line for the two lots and there are dwellings on each portion each facing a different street, and, This relief may be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Map and Zoning Ordinance.

The above motion was carried by the following roll call vote:

Mr. Neudeck, Yes      Mr. Poppitz, Yes      Mr. Skarzynski, Yes  
Mr. Lieberwith, Yes      Mr. Kmetz, Yes

There was no further business to come before the Board and the meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Ruth H. Thiele, Clerk

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