

**LOPATCONG TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 10, 2021**

CALL TO ORDER BY CHAIRMAN GARY

SILENT PRAYER

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETINGS STATEMENT: “Adequate notice of this meeting has been provided indicating the time and place in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Ledger and The Express Times and by posting a copy on the bulletin board in the Municipal Building”.

ROLL CALL:

Present: Member Horun, Member Mace, Member Unangst, Vice-Chairman Rutledge and Chairman Gary

OLD BUSINESS:

- Approve Regular Meeting Minutes of August 11, 2021

Chairman Gary: Old Business. We need to approve the minutes from the August 11, 2021 meeting. Is there a motion to approve?

Vice-Chairman Rutledge: So moved.

Chairman Gary: Second?

Member Unangst: Second.

Chairman Gary: Roll call.

Motion by: Vice-Chairman Rutledge

Seconded by: Member Unangst

ROLL CALL:

AYES: Member Mace, Member Unangst, Vice-Chairman Rutledge and Chairman Gary

NAYS: None

ABSTAIN: Member Horun

NEW BUSINESS:

- James R. Marinelli, III, Block 11, Lot 7 – Variance for the addition of an attached one car garage.

Chairman Gary: Alright. New business. New-ish business. Mr. Marinelli. Déjà vu, right?

Mr. Marinelli: Yeah, right?

Chairman Gary: Yeah.

Mr. Marinelli: So.

Chairman Gary: Just so you know, a couple of folks weren't here last time so that is why we need to do this.

Mr. Marinelli: Oh yeah. Nope. Everyone has a copy of everything I provided, correct?

Secretary Segeda: Yes.

Mr. Marinelli: So, it would just be a 14 by 24 single car garage on the 3rd Street side of our residence at 222 Beers Street. It would have a 10-foot-wide garage door leading out onto the Beers Street side of the residence and I know it would encroach on the setbacks needed for the property so that's why we started the variance process.

Chairman Gary: Okay. Any questions from the Board about this?

Member Mace: I'm sorry, did you say this was a one car garage?

Mr. Marinelli: Yes.

Member Mace: Okay. It seems kind of wide for a one car garage. Not that I care. I'm just trying to figure it out.

Mr. Marinelli: Well, it would be for the storage of a boat.

Member Mace: Oh. Okay.

Mr. Marinelli: The trailer is nine feet wide.

Member Mace: Okay. Also, someplace there was height of, I think it was 10 feet, which seemed a little ... with a 14-foot width assuming the ridge runs the 24-foot length, if you're going to shingle it, usually the minimum slope is five on 12 which would put that ...

Mr. Garrison: It's a single ... I'm John Garrison JDG Construction.

Chairman Gary: Wait. Hang on. Hang on John.

Mr. Garrison: I'm sorry.

Member Mace: I'm just wondering what the height's gonna be. Because if it's five on 12, you are not going to have eight feet (inaudible).

Chairman Gary: I'm assuming it's just a slope roof from one end to the other.

Mr. Marinelli: Yes.

Chairman Gary: Okay. I think that's what we're talking about.

Member Mace: Oh, no ridge? No ridge.

Mr. Marinelli: No.

Member Mace: Thank you.

Chairman Gary: No a-frame ... It's

Mr. Marinelli: It's a lean-to kind of. A lean-to style.

Chairman Gary: And it will be from the house out towards the street?

Mr. Marinelli: Yes.

Chairman Gary: Yeah.

Member Mace: That answer's my question.

Chairman Gary: Well, where are you going to send the water?

Mr. Marinelli: It would all be attached into the existing.

Chairman Gary: Do you have counter drainage there? Is that ... I'm just wondering. Is there counter drainage. I mean, where's the run-off. I know it's not going to run out into the street because it's sloped back from the street. Right?

Mr. Marinelli: So, the drainage would be into the property or into the existing spout that is already on that side of the house.

Chairman Gary: Alright.

Attorney Bryce: I'm gonna ask you to raise your right hand. Do you swear and affirm that the testimony you have given this Board and you are about to continue giving this Board is the truth, the whole truth and nothing but the truth?

Mr. Marinelli: Yes.

Attorney Bryce: Okay.

Chairman Gary: Wasn't he sworn in last time? You have to do it every ... I'm just asking.

Attorney Bryce: He wasn't. No. Last time we couldn't even proceed.

Chairman Gary: Ah, that's right. We didn't even have a meeting.

Mr. Marinelli: We didn't even start.

Everyone speaking at once. (Inaudible)

Chairman Gary: Okay.

Attorney Bryce: So, you're here for variance relief, correct?

Mr. Marinelli: Yes.

Attorney Bryce: And it's to put on this 14 by 24-foot garage as you indicated. It's gonna have a sloped roof, correct?

Mr. Marinelli: Yes.

Attorney Bryce: Okay.

Mr. Marinelli: And it also would be for, which I was told to add to it and bring tonight was, the driveway ... cause originally, I was said that this had to be approved first and then bring up the garage to the town ... I mean, the driveway widening to the town, but then I was advised right before last meeting to include it all in this meeting. So.

Attorney Bryce: Okay.

Mr. Marinelli: I have a copy that was indicated of what the driveway would also be on ... what the driveway widening would also be on the ...

Planner Ritter: No, I think he brought ... You're bringing that to the meeting?

Mr. Marinelli: Yeah. I mean, it's just ... Yeah, it's what we discussed.

Attorney Bryce: Okay. Why don't we have that marked as Exhibit A. Yeah, you could just hand it up to me and I'll mark it.

Mr. Marinelli: So, the widening the existing driveway by that 14 feet.

Attorney Bryce: And this is for George to look at to make sure that, I suppose, the impervious is okay.

Planner Ritter: Yeah, this is not an issue of impervious coverage. He's fine.

Attorney Bryce: Okay.

Chairman Gary: Okay.

Planner Ritter: Even with what's being proposed.

Attorney Bryce: So, it's just relocating that?

Planner Ritter: The issue is the side yard to the street from the garage.

Attorney Bryce: So, you indicated that you actually want to put this particular garage on the side of the house as an attached garage, correct?

Mr. Marinelli: Yes.

Attorney Bryce: Is there another place on the property that you could put it? Okay, so let's just go through property real fast. It's in the R75 Zone District, you'd agree?

Mr. Marinelli: Yes.

Attorney Bryce: Okay. It's a single-family house?

Mr. Marinelli: Yes.

Attorney Bryce: There's a ... The size of your property is how much? Twelve thousand square feet?

Mr. Marinelli: Yep.

Attorney Bryce: Give or take? And the setback currently required is for ...

Planner Ritter: Twenty-five is required.

Attorney Bryce: Twenty-five and you're looking to put it within 5 feet of the lot line, correct?

Mr. Marinelli: Um-hum.

Planner Ritter: Well, that's because the existing home already encroaches on the side yard.

Attorney Bryce: Okay. So, your existing home, you'd agree, does encroach into the side yard?

Mr. Marinelli: Yes.

Attorney Bryce: Okay. And based upon the size, shape and location of the pre-existing house do you think it would be a hardship if you could not put a garage in that particular area?

Mr. Marinelli: Yes.

Attorney Bryce: There's no other garage on the property?

Mr. Marinelli: No, well, there is a garage built into the house right now attached under the second floor which (inaudible) where the driveway is.

Attorney Bryce: So, this would just be a second garage attached?

Mr. Marinelli: Yeah.

Attorney Bryce: And that's really the only location on the property that it could go?

Mr. Marinelli: Yes. Yeah. Because, due to the ... our pool in the backyard and the very ... the slope of the hill to the side of the pool and the whole backyard. It's really the only flat piece of yard.

Attorney Bryce: And that's gonna face ... actually the side of it is going to be closer to the 3rd Street (inaudible).

Mr. Marinelli: Yes.

Attorney Bryce: I'm asking you these questions just to establish the basis for a variance. Okay.

Mr. Marinelli: Yeah. No problem.

Attorney Bryce: Okay

Mr. Marinelli: No problem.

Attorney Bryce: You did notice your neighbors, correct?

Mr. Marinelli: Yes.

Attorney Bryce: Nobody has any complaints?

Mr. Marinelli: No, including the Township which is one of my neighbors.

Attorney Bryce: And as a result, there'll be about approximate six-foot setback.

Mr. Marinelli: Yes.

Attorney Bryce: Okay. I don't have any further questions.

Chairman Gary: Alright. Anyone else?

Member Horun: Is there going to be any lighting on the 3rd Street side like attached to the garage itself? ... Like any lights or anything? I don't know if that would somehow interfere with the roadway.

Mr. Marinelli: We didn't ... There was no planning on any lighting on the exterior of that garage.

Chairman Gary: Anyone else? George, have anything you need to add or any comments?

Planner Ritter: No. The only thing I would add is that since the house sits, and I know this is a little on the knit-picky side, but the house doesn't sit exactly parallel to the street so the variance itself is probably for less than six feet. So, I think if you consider it, it should be a five-foot variance because as you go back through the lot, the six foot (inaudible) may go over the line. No, the only question that I had is that at some point how this is gonna be attached to the house ought to be part of the record and if the Board feels so inclined to approve it tonight, I do think the architectural plans ought to end up in the file at some point just to show it's going to be attached to the house.

Chairman Gary: Okay.

Planner Ritter: But no, that's the only issue. I thought... I'm sorry, I thought your contractor was going to show the Board what it was going to be this evening.

Chairman Gary: Well, he could probably explain. I mean, he is here. So, we could ask him to, at least, explain.

Mr. Marinelli: Yeah. That's what we discussed ... was explaining to the Board.

Attorney Bryce: Okay.

Chairman Gary: Yeah.

Attorney Bryce: So, if you'd like to as the applicant, you can introduce him and I can swear him in and he can provide testimony.

Mr. Marinelli: Alright. So, John Garrison from JDG Construction in Harmony Township.

Chairman Gary: Mr. Garrison. I'm sorry, go ahead Mr. Bryce.

Attorney Bryce: Please raise your right-hand Mr. Garrison. Do you swear and affirm that the testimony you are about give this Board is the truth, the whole truth and nothing but the truth?

Mr. Garrison: Yes sir.

Attorney Bryce: Okay. State your name. Spell your last for the record.

Mr. Garrison: John Garrison. G A R R I S O N.

Attorney Bryce: Thank you sir.

Mr. Garrison: The attachment to the house will be a ledger board on the top, standard roof rafters tied in with bracing and that'll all be submitted to the Board for approval for the permits once and if the variance goes through. And then, I can have Eileen or John send them to the Board so that they're in with the variance paperwork also.

Chairman Gary: Mr. Garrison, is this going to be enclosed? Or ... so it's gonna be entirely ... what, block or wood or?

Mr. Garrison: Wood. It'll be pole frame style but plywood outside and siding to match the house.

Chairman Gary: Okay. Alright then. That clears it up. So.

Member Mace: This garage is going ... and this is not as I say, part of the variance, because it could be fixed but just out of interest, the garage is going under what is identified here as the electrical service to the house which ... Are you going to have enough clearance?

Mr. Garrison: The electrical service I believe comes off the corner of Beers and 3rd.

Member Mace: This says it comes off ...

Several speaking at once. (Inaudible)

Mr. Marinelli: It comes off the pole. It would be right around where the ... the pole.

Mr. Garrison: Which there is ... The service is on the second story.

Member Mace: So, it's high enough to clear?

Mr. Garrison: So, it's plenty high enough to clear. Yeah.

Member Mace: Like I said, it's not part of the variance, I just wondered when I say it.

Mr. Garrison: No. No problem.

Member Mace: Let me get back to the roof a minute. You're putting a sloped roof on, correct?

Mr. Garrison: Correct.

Member Mace: So, how high is it going to be where it meets the house?

Mr. Garrison: If the garage is 10 feet and we're gonna do a metal roof on it ... So, 2/12 pitch probably. So, it won't be much pitch.

Member Mace: Okay, but the reason I'm worried about it with granting you variance, I'd just like to make sure that we've got the heights right.

Mr. Garrison: Oh no. Absolutely. Absolutely. With a 10-foot door and a low clearance door, I can do an 11 ½ foot inside so you're at with a 2/12 pitch on 14 feet you're only at another 28 inches.

Member Mace: Yeah.

Mr. Garrison: So ...

Member Mace: So ...

Mr. Garrison: (Inaudible)

Member Mace: The 10 feet is ... As I'm facing the garage, the wall that's farthest from the house is how high?

Mr. Garrison: Eleven and a half feet.

Member Mace: And then I'm gonna add two to that for the pitch of the roof by the time I get to the house.

Mr. Garrison: Correct.

Member Mace: So that means I'm really gonna have let's say a 14-foot height.

Mr. Garrison: Correct.

Member Mace: Okay, because I think we said 10 in here or just so the record is correct. That's my concern there.

Mr. Garrison: No problem.

Chairman Gary: But that's below the service ... That's below all the ...

Mr. Garrison: Oh yes. Yeah, the service comes in above the second story on up.

Chairman Gary: Okay.

Planner Ritter: The one question I had is that I assume the finished floor of this garage is going to match the floor of the other garage that's in the house today?

Mr. Marinelli: Yes.

Planner Ritter: That they're gonna have the same floor elevation. The only question that I ask is that when we get down to within five feet of the right of way as you extend that out, are you going to be able to keep all the grading on his lot?

Mr. Garrison: Yes.

Planner Ritter: Because there's an embankment there.

Mr. Garrison: Yes.

Planner Ritter: Okay, so you're not gonna go over into the right of way?

Mr. Garrison: No.

Planner Ritter: Okay.

Chairman Gary: Anyone else have any questions? Comments? Anyone? Are we ready to vote?

Member Unangst: I'll make a motion.

Attorney Bryce: You should open it to the public.

Chairman Gary: Oh, I'm sorry I didn't see any ... I'm sorry. You?

Mrs. Marinelli: I'm the owner so I'm good.

Several speaking at once. (Inaudible)

Chairman Gary: We know you don't have a problem with this. It kinda makes sense.

Member Mace: At least, we hope he has your permission.

Chairman Gary: I'm sorry.

Attorney Bryce: No. Yeah. Just ...

Chairman Gary: I didn't see anyone.

Attorney Bryce: Just as long as it's on the record.

Chairman Gary: Yeah. Alright. So, there is no one else from the public. So, is there a motion?

Member Unangst: I'll make a motion for the variance be approved.

Member Horun: I'll second.

Vice-Chairman Rutledge: Second motion.

Chairman Gary: Okay. Roll call please.

Motion by: Member Unangst

Seconded by: Member Horun

ROLL CALL:

AYES: Member Horun, Member Mace, Member Unangst, Vice-Chairman Rutledge and Chairman Gary

NAYS: None

Attorney Bryce: Alright.

Chairman Gary: Good to go.

Mr. Marinelli: Thank you.

Attorney Bryce: You're gonna get a resolution. It's going to be adopted next month.

Mr. Marinelli: Oh yeah. Thank you.

Chairman Gary: Sorry about that you know.

Several speaking at once. (Inaudible)

Mr. Marinelli: It is what it is. No problem.

Secretary Segeda: Do we have to make a motion to adjourn?

Attorney Bryce: Oh yeah. But ... Well, do you have other business?

Chairman Gary: Nah. There's no other ... There's no one here from the public. No other ... I mean no one from the public. Is there a motion to adjourn?

Member Unangst: I'll make a motion.

Chairman Gary: Is there a second?

Member Mace: Second.

Chairman Gary: All in favor?

MOTION TO ADJOURN:

Motion by: Member Unangst

Seconded by: Member Mace

ALL IN FAVOR: Ayes

NAYS: None

Respectfully submitted by:

Patty Segeda
Secretary, Zoning Board of Adjustment