

**LOPATCONG TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
NOVEMBER 8, 2023**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

SILENT PRAYER

OPEN PUBLIC MEETINGS STATEMENT

ROLL CALL

Present: Chairman Fred Gary, Vice-Chairman Gus Rutledge, Member Douglas Mace, Member Michael Unangst, Member Andrew Horun and Member Jose Valente

Also Present: Attorney David Ruitenberg and Planner George Ritter

OLD BUSINESS

- Approve Regular Meeting Minutes from October 11, 2023.

Chairman Gary: Okay. I would receive a motion to approve the minutes of the regular meeting from October 11, 2023.

Member Mace: So moved.

Chairman Gary: Is there a second?

Secretary Segeda: Who seconded?

Chairman Gary: Gus. Gus seconded.

Member Valente: Second.

Motion by: Member Mace

Seconded by: Vice-Chairman Rutledge

ROLL CALL

AYES: Chairman Gary, Vice-Chairman Rutledge, Members Mace, Unangst and Valente

NAYS: None

ABSTAIN: Member Horun

NEW BUSINESS

- Herbert - Block 12, Lot 6 – Two variances for an addition to current dwelling.

Chairman Gary: Okay. Moving to new business. Herbert - Block 12, Lot 6 – Two variances for an addition to a current dwelling. I assume you're Mr. Herbert.

Gordon Herbert: Yes.

Chairman Gary: Would you please come to the podium.

Mr. Herbert: How you doing?

Chairman Gary: I'm doing well. How about you?

Mr. Herbert: Good. I'm feeling a little nervous.

Chairman Gary: Would you?

Attorney Ruitenbergh: I absolutely will. Sir, will you raise your right hand. Do you swear or affirm that the testimony you are going to give here this evening is the truth, the whole truth and nothing but the truth so help you God?

Mr. Herbert: I do.

Attorney Ruitenbergh: Chairman, he is sworn and you may proceed.

Chairman Gary: Okay. So tell us what you want to do.

Mr. Herbert: I'd like to put an addition on my house to move my mother in but in order to put an addition on, it's a non-confirming structure since it was built 100 years ago before the setbacks. And then, where the addition is going, I need a front setback variance just because of where the outside of the building lands.

Chairman Gary: Okay. I happen to, and I don't normally ... well, sometimes I do ... happen to drive by. I'm always a little reluctant to do that. Ya know, like when you're cruising around the neighborhood and somebody says, ya know, why's that car going so slow? I was just curious so I think I understand what you're trying to do. So ...

Mr. Herbert: It will be right in front of the driveway. The driveway will be cut back.

Chairman Gary: Right.

Mr. Herbert: It'll be right in front of the driveway.

Chairman Gary: I mean, right where the existing driveway is?

Mr. Herbert: Yeah. Yes. Yes.

Chairman Gary: So, I've seen all this. Is there anyone on the Board that has any questions for Mr. Herbert? Mr. Mace?

Member Mace: Yeah. Just a couple of questions and this has to do with the architectural drawing. I interpret this that there is no kitchen.

Mr. Herbert: No.

Member Mace: And the other thing that I'm not quite understanding is, this seems to be at the level of the existing building.

Mr. Herbert: Yes.

Member Mace: I see stairs in this drawing. Where are they going?

Mr. Herbert: They are going downstairs to the laundry room. They're going to the basement. My mother's 85. She has terrible knees and walks with a rollator. So we want to keep it on the same plain as our house so she can easily travel through. The laundry room's gonna be kind of like a buffer in between us cause she needed a laundry room so we put that on the same level then she'll be coming in our house. And its gotta be up that far because of where the existing stairs are to go upstairs in our house. We want to use the existing window area for the doorway so its kinda gotta be where ... It can't go closer to the stairs really ... inside.

Chairman Gary: You good Doug?

Member Mace: Yeah. I'm good. I just ... when I first saw that ... that laundry looked like ... I didn't ... it was hard to read the laundry.

Mr. Herbert: I have it to full size if you need it.

Member Mace: No. I finally read it. But I just ...

Mr. Herbert: And the thing around the outside is a ramp.

Member Mace: Yeah.

Mr. Herbert: I didn't want to make it exposed cause then she's still in the elements. And I didn't want it to look like a funeral home or an Italian restaurant or something with a canopy. So, we designed it so if she goes in the front door, then she's right on the ramp and she can go up into her area. She's all protected and everything.

Secretary Segeda: May I have a copy of the large plans?

Chairman Gary: Thank you sir.

Member Mace: Actually Mr. Chairman, I do have another question.

Chairman Gary: Yeah sure. Wait til he comes back Doug.

Member Mace: Sure.

Chairman Gary: Go ahead.

Member Mace: Yeah. This building ... there's some drawings here that when I spoke with the planner, I was told that the drawings were old and showed the setback of the new building 25 feet from the road. Just for the record, what is the setback of the new building?

Mr. Herbert: I have a new ... I had the new survey done and from the beginning I told the guy it needed to show the proposed addition.

Member Mace: Yes.

Mr. Herbert: Cause that's what I needed for tonight. They got the survey done and the proposed addition wasn't on there and he said, well, there was a misunderstanding cause he wasn't allowed by law and someone else had to do that. So, I put it on the survey with the setbacks listed. I don't know if you want to see that.

Member Mace: I have one here that says ... but I understand that's not correct. That's why I'm asking.

Mr. Herbert: Andrew told me I could hand that in. That was from the beginning when he denied it. Then, I had to get the real survey done because it needed two variances.

Member Mace: Yeah. I just ...

Mr. Herbert: That was just a crude one.

Secretary Segeda: The updated survey is right before ...

Mr. Herbert: But it doesn't show ...

Member Mace: But it doesn't show the building.

Mr. Herbert: Yeah, but I have ...

Secretary Segeda: Do you want me to hand them out.

Mr. Herbert: Yeah, and then I was supposed to bring this.

Secretary Segeda: Do you have enough copies for everyone?

Member Unangst: That is the real one coming this way.

Member Mace: Is this ... it's less than 25 feet?

Mr. Herbert: Yeah, it can't go back because of the stairs inside.

Member Mace: I went through the same thing for the same reason.

Mr. Herbert: Ah, okay.

Member Mace: Fifteen years ago and you're being treated much better than I was.

Member Unangst: Really?

Chairman Gary: Here?

Member Mace: Gosh. I had to redesign what I was doing.

Chairman Gary: Here Doug? Here in this township?

Member Mace: Yeah ... No in this Board.

Chairman Gary: How many years ago. I was here fifteen years ago.

Member Mace: Probably, 0 whatever ... 0 something. I wanted to get even. I think I was having my chops busted, quite frankly. Okay, so, I'm reading this 19.37 feet.

Mr. Herbert: Yeah.

Member Mace: Thank you.

Mr. Herbert: Yep.

Chairman Gary: Okay, is there anyone else from the Board that has any questions? Mr. Ritter would you like to comment on anything?

Planner Ritter: Well, just to bring it to the Board's attention, the two variances that are needed ... One is a dimensional variance for the setback from North Prospect Street. The new addition will be located 19.37 feet from the street where the code requires 25. Just as an aside, if you actually look up and down the street, you'll see most of the homes are ... predate the zoning and most of them are actually located closer than that setback. So, really this is not out of character with the neighborhood even though it does require a variance. The other aspect of it, the second variance actually dealt with a section of the code that is a bit unusual. There is a section of our code that actually says that you cannot enlarge a non-conforming structure unless you make it more conforming which is sort of a Catch 22 to anyone that has a non-conforming lot. This happens to be non-conforming in the two front yard setbacks, both from North Prospect and North 2nd Street. So, those are the two variances that are involved. We have asked the applicant to provide (because the engineer will take a look at it) a plan showing (and I think that's what he turned into tonight ... I haven't had a chance to look at it) the proposed addition and the actual setbacks based on his architectural plans and new survey. I would like that to be a condition so that we make sure we get a plan in the file that properly shows the existing home and addition in its relation to the property lines. I'll also ask that we have a zoning chart put in the set that shows the setbacks, the impervious coverage, the building coverage so that we have for documentation something in the file that shows this complies. I've checked it. It does comply but I think it's good to get the information in the file to support that.

Mr. Herbert: And that's what I handed in tonight. That will cover that?

Planner Ritter: Well, I have to look at it.

Mr. Herbert: Okay. Okay.

Planner Ritter: I assume it will.

Mr. Herbert: Okay.

Planner Ritter: So, no, that's about it. Like I said, I think it's consistent with the neighborhood; that it's not out of character with the neighborhood.

Mr. Herbert: And we're gonna make it inside and out. I know you're not concerned with the inside look, but the outside look will blend in with the existing house. We don't want it to be something totally different so we're getting the same type of windows, vinyl, trim ... everything. So ...

Planner Ritter: Yeah. I think that pretty much covers it.

Member Mace: George, in looking at this on aerials (I didn't drive down there), this is kind of an extra wide lot. It's actually a double lot.

Mr. Herbert: Yes.

Member Mace: So even putting that addition on, it's not like we're encroaching or allowing him to further encroach on an already tight side yard situation.

Chairman Gary: Yeah, there's a lot of room there. Okay. Mike, you have a ...

Member Unangst: I'll make a motion ...

Chairman Gary: Well, hold on just a second. I don't see anyone from the public here so we're not going to ask any of those folks to say anything. Would you ... Are there any other questions? Any other comments from the Board? Okay. Mike, would you like to ...

Member Unangst: Can I make a motion to have both variances be granted or does it have to be separate?

Chairman Gary: I think we can do both of them with the conditions Mr. Ritter has proposed, correct?

Planner Ritter: Yes, please.

Chairman Gary: So ...

Vice-Chairman Rutledge: I second the motion.

Chairman Gary: Hang on a sec Gus. So, do it with that if you don't mind. So, you made a motion to approve the variances with the conditions Mr. Ritter ...

Member Unangst: Correct.

Chairman Gary: Alright. Is there a second.

Vice-Chairman Rutledge: Second.

Chairman Gary: Okay.

Motion by: Member Unangst

Seconded by: Vice-Chairman Rutledge

ROLL CALL

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

NAYS: None

ABSTAIN: None

Chairman Gary: Okay.

Secretary Segeda: Mr. Herbert had a question for the attorney. He wants to know if since it's granted today, can he apply for the permit tomorrow or does he have to wait for the Resolution.

Attorney Ruitenberg: I think you have to wait for the memorializing Resolution.

Mr. Herbert: Okay. How long will that take?

Attorney Ruitenberg: You can ask the construction official. He may have a different answer for you.

Mr. Herbert: I've gotten a lot of answers for things. Okay. I'll talk to him then. That's a ...

Attorney Ruitenberg: You're a little handicapped because I'm filling in for my partner who's the real attorney here.

Mr. Herbert: Oh. Okay.

Chairman Gary: He usually pushes that out.

Attorney Ruitenberg: Yeah?

Chairman Gary: Well, I'm just saying.

Mr. Herbert: So, talk to the construction official?

Attorney Ruitenberg: Yeah. Just let them know.

Mr. Herbert: What's his first name. I forget what ...

Chairman Gary: Well, he wouldn't know.

Member Mace: I think you need to get the zoning permit first.

Chairman Gary: Yeah.

Attorney Ruitenberg: Yeah.

Member Mace: And then go to the construction code official is John Fritz.

Chairman Gary: John Fritz is still ... I haven't seen his name.

Member Mace: I talked to him about a week and a half ago.

Mr. Herbert: So, I have to go back to Mr. Melendez?

Member Mace: If he's the Zoning Officer, yes.

Attorney Ruitenberg: I'm going to give you my card in case you have a problem you just give me a call. I'll make some calls for you until Jim get's back.

Mr. Herbert: Yeah. I just want to get it started.

Attorney Ruitenberg: Good luck with it.

Chairman Gary: Okay. You're on your way then.

Mr. Herbert: Thanks. Thank you, Patty, for everything.

Chairman Gary: Anyone else have anything that should come before the Board? Then I would entertain a motion to adjourn.

Vice-Chairman Rutledge: So moved.

Chairman Gary: Is there a second?

Member Horun: Second.

Chairman Gary: All in favor?

Chairman Gary, Vice-Chairman Rutledge and all Members: Aye.

Chairman Gary: Opposed? We are adjourned.

MOTION TO ADJOURN:

Motion by: Vice-Chairman Rutledge

Seconded by: Member Horun

ALL IN FAVOR: Ayes

NAYS: None

Respectfully submitted by:

Patricia A. Segeda
Secretary, Zoning Board of Adjustment