

**LOPATCONG TOWNSHIP ZONING BOARD OF ADJUSTMENT
REORGANIZATION AND REGULAR MEETING
JANUARY 14, 2015**

CALL TO ORDER BY JOSEPH BARCIK

PLEDGE OF ALLEGIANCE

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

ROLL CALL:

Present: Members DeGroff, Marchie, Rutledge, Bittone, and Barcik
Absent: Members Unangst, Horun, Larsen and Gary

REORGANIZATION:

Reappoint and Swear-in Members Jesse DeGroff and Marchie

Sworn in by Secretary Coleman

ELECTION OF OFFICERS AND SECRETARY:

Chairman – Motion by: Member Bittone **Seconded by:** Member Marchie

To nominate *Joseph Barcik* as Chairman.

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge, Bittone, and Barcik

NAYS: None

SO CARRIED

Vice-Chairman - Motion by: Member DeGroff **Seconded by:** Member Bittone

To nominate *Fred Gary* as Vice-Chairman.

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge, Bittone, and Chairman Barcik

NAYS: None

SO CARRIED

ELECTION OF PROFESSIONALS

Attorney Anthony Sposaro as Zoning Board of Adjustment Attorney

Motion by: Chairman Barcik

Seconded by: Member Marchie

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge, Bittone and Chairman Barcik

NAYS: None

SO CARRIED

Paul Sterbenz of Maser Consulting PA as Zoning Board of Adjustment Engineer

Motion by: Member Rutledge

Seconded by: Member Marchie

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge, Bittone and Chairman Barcik

NAYS: None

SO CARRIED

George Ritter, of Ruggiero Plante Land Design, LLC as Zoning Board of Adjustment Planner

Motion by: Chairman Barcik

Seconded by: Member Marchie

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge, Bittone and Chairman Barcik

NAYS: None

SO CARRIED

Resolution 15-01 - Meeting Calendar and Professional

R15-01

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY
APPROVING ZONING BOARD OF ADJUSTMENT MEETING CALENDAR FOR THE YEAR 2015,
APPOINTMENTS OF OFFICIAL NEWSPAPERS AND APPOINTMENT OF PROFESSIONALS

NOTICE IS HEREBY GIVEN that the regular meetings of the Lopatcong Township Zoning Board of Adjustment will be held the second Wednesday of each month at 7:00 pm, except where otherwise noted below, at the Municipal Building located at 232 S. Third Street, Lopatcong Township, Phillipsburg, New Jersey.

IF THE SECOND WEDNESDAY of any month shall fall on a legal holiday, the meeting shall be held on the following day. The dates of the meetings are as follows:

Reorganization Meeting January 14, 2015

February 11, 2015

August 12, 2015

March 11, 2015

September 9, 2015

April 8, 2015

October 14, 2015

May 13, 2015

November 11, 2015

June 10, 2015
July 8, 2015

December 9, 2015
January 13, 2016 – Reorganization Meeting

Anthony Sposaro, Esq., Paul M. Sterbenz, Engineer of Maser Consulting P.A. and George Ritter of Ruggiero Plante Land Design LLC., Planner are hereby retained as Zoning Board of Adjustment Engineer and Planner. These awards are in accordance with N.J.S.A. 19:44A-20.5 et seq.

The Township Clerk through 2015 will prominently post a copy of the resolution in the Municipal Building, 232 S. Third Street, Lopatcong Township, Phillipsburg, New Jersey on the bulletin board and a copy shall be mailed to the Star-Gazette and The Express-Times, which are designated as the official newspapers for publication of legal notices for the Lopatcong Township Zoning Board of Adjustment pursuant to Section 3 (d) of the Open Public Meetings Act, Chapter 231 P.L. 1975.

CERTIFICATION

I, Phyllis D. Coleman, Secretary of the Zoning Board of Adjustment of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Zoning Board of Adjustment at the Reorganization Meeting held on January 14, 2015.

Phyllis D. Coleman, Secretary

Motion by: Member Rutledge

Seconded by: Chairman Barcik

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge, Bittone and Chairman Barcik

NAYS: None

Resolution 15-02 - to Adopt Robert's Rules of Order.

R 15-02

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADOPTING ROBERT'S RULES OF ORDER AS A BASIC GUIDE FOR FAIR AND ORDERLY PROCEDURE IN MEETINGS

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Lopatcong, County of Warren and State of New Jersey, that Robert's Rules of Order Newly Revised 9th Edition is hereby adopted as a parliamentary authority for the procedure in meetings.

CERTIFICATION

I, Phyllis D. Coleman, Zoning Board of Adjustment Secretary, of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Zoning Board of Adjustment at the Reorganization Meeting held on Wednesday, January 14, 2015.

Phyllis D. Coleman, Secretary

Motion by: Member Rutledge

Seconded by: Chairman Barcik

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge, Bittone and Chairman Barcik

NAYS: None

OLD BUSINESS:

- Approve the Regular Meeting Minutes – November 12, 2014

Motion by: Member Rutledge

Seconded by: Member Bittone

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge and Bittone

ABSTAIN: Chairman Barcik

Chairman Barcik wasn't sure if he was at that meeting and Secretary Coleman thought that he was, he was not. Secretary Coleman checked the minutes, therefore he will be in as abstaining.

- Resolution 14-11 – H. Matthew Curry, Block 106, Lot 2, 109 Stonehenge Drive, Bulk Variance to Install an In-Ground Pool

R14-11

ZONING BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF LOPATCONG

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Lopatcong that:

WHEREAS, MATTHEW & GRACE CURRY has filed an application for a bulk variance for Block 106, Lot 2, as shown on the Tax Map of the Township of Lopatcong, to permit the installation of a swimming pool.

WHEREAS, the Board has considered the application and a public hearing having been held thereon November 12, 2014 in accordance with law, at which time the applicant and the public were afforded the opportunity to be heard concerning the application, and

WHEREAS, the Zoning Board of the Township of Lopatcong has made the following findings of fact based upon the evidence presented by the applicant:

1. The applicant proposes to construct an in-ground swimming pool. The lot is located in the R-120 Zone.
2. The proposed pool is in violation of Lopatcong Township Zoning Ordinance 243-78 in that the pool will be located within the rear yard setback area of 15 feet being only 7 feet from the rear yard line.

The Zoning Board of Adjustment has made the following conclusions of law with respect to the requested use variances:

1. The applicant has set forth a sufficient case as required by N.J.S.A. 40:55D-70C.
 - a) The proposed use is a reasonable use of the premises.
 - b) The home occupies the lot on an angle from both front lot lines (lot is a corner lot which creates a situation where the swimming pool must be constructed on the bias as well;
 - c) There is a hardship created by that unique situation.
2. The applicant has demonstrated that this variance will not substantially impair the public good nor will it substantially impair the intent and purpose of the zoning in that the request is reasonable. Further, the site is comprised in such a way as to minimize impact on the surrounding zone.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Lopatcong on this 12th day of November, 2014, that a bulk variance approval is granted to permit the construction of an in-ground swimming pool within 7 inches of the rear lot line subject to the following conditions:

1. The payment of real estate taxes
2. The payment of fees and outstanding assessments, if any.
3. The procurement of approval or waiver thereof from the following outside review agency:

Warren County Planning Board, as applicable.

4. Compliance with all representations made by the applicant and its witnesses at the public hearing conducted on this application.
5. Applicant shall comply with all local ordinances and building codes and regulations.
6. If the Warren County Planning Board, or any other government body from which approval is necessary causes through their examination of the plans as recited in this resolution, any revisions to said plan then, in that event, same shall be submitted to the Zoning Board Engineer. If the Zoning Board Engineer deems said revisions to be significant, the applicant shall return to the Zoning Board of Adjustment for further review and approval.

I, hereby, certify that the above is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Township of Lopatcong adopted at its regular meeting, January 14, 2015.

Phyllis Coleman, Secretary

Motion by: Member Rutledge

Seconded by: Member Marchie

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge and Bittone

ABSTAIN: Chairman Barcik

PAYMENT OF BILLS:

- J. Edward Palmer, Esq. Attendance at Zoning Board Meeting 11/12/2014 \$250.00

Motion by: Chairman Barcik

Seconded by: Member Bittone

ROLL CALL:

AYES: Members DeGroff, Marchie, Rutledge, Bittone and Chairman Barcik

PUBLIC COMMENT:

- None

MOTION TO ADJOURN:

Motion by: Member Rutledge

Second: Member Marchie

ALL IN FAVOR: AYE

NAYS: NONE

Respectfully submitted,

Phyllis D. Coleman
Secretary

Joseph Barcik
Chairman

Date: _____

Date: _____