

**LOPATCONG TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MAY 13, 2015**

CALL TO ORDER BY CHAIRMAN 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, Horun, Rutledge, Larsen, Bittone and Vice-Chairman Gary and Chairman Barcik

Absent: Member Unangst

OLD BUSINESS:

- Memorialize Resolution 2015-04 - St. Luke’s Warren Hospital, Block 58, Lot 24.05, 755 Memorial Parkway, Suite C-9, Lopatcong Township, NJ, Bulk Variance Relief to Construct a Roof Mounted Sign.

Motion by: Member Rutledge

Seconded by: Member Marchie

ROLL CALL:

AYES: Members DeGroff, Marchie, Horun, Rutledge, Larsen, Bittone and Vice-Chairman Gary Chairman Barcik

ABSTAIN: Chairman Barcik

**BOARD OF ADJUSTMENT
TOWNSHIP OF LOPATCONG
WARREN COUNTY, NEW JERSEY
CASE NO.: 2015-04
PREMISES: BLOCK 58, LOT 24.05
755 MEMORIAL PARKWAY, SUITE C-9
LOPATCONG TOWNSHIP, NEW JERSEY
APPLICANT: ST. LUKE'S WARREN HOSPITAL, INC.**

WHEREAS, St. Luke's Warren Hospital, Inc. has made application to the Zoning Board of Adjustment of the Township of Lopatcong for bulk variance relief to construct a roof mounted sign on the office building located at 755 Memorial Parkway , Lopatcong Township, New Jersey; and

WHEREAS, the within matter was heard and considered at the regular open public meeting of the Zoning Board of Adjustment of Lopatcong Township on Wednesday, April 8, 2015 held at the Municipal Building, 232 South Third Street, Morris Park Phillipsburg, New Jersey 08865; and

WHEREAS, the applicant submitted a proper and complete Affidavit of service of notice of the instant proceeding upon all property owners within 200 feet of the subject property; and

WHEREAS, the applicant submitted a proper and complete Affidavit of Publication; and

WHEREAS, the aforesaid open public meeting was noticed, advertised and held in accordance with the Open Public Meetings Act; and

WHEREAS, this matter was opened to the public for both the questioning of witnesses and comments; and

WHEREAS, the Zoning Board of Adjustment considered the following:

1. A plan prepared by Reed Sign Company entitled: Exterior Signage and dated 9/17/2014;
2. A plan prepared by Burkavage Design Associates entitled Condo "C" Floor Plan dated 11/14/04;
3. An aerial photo by Digital Globe, PA Department of Conservation and Natural Resources dated 2015;
4. Report, prepared by George A. Ritter, AICP, PP, dated March 18, 2015;
5. Correspondence from Anthony J. Sposaro, Esq. to Phyllis Coleman, Secretary, Lopatcong Township Zoning Board of Adjustment, dated March 30, 2015;
6. Floor Plan prepared by Burkavage Design Associates, marked Exhibit A;
7. Aerial photograph of the subject property, marked Exhibit B;
8. Plans prepared by Reed Sign Company depicting the proposed roof mounted sign, consisting of two sheets, marked Exhibit C; and
9. Photographs of the subject property from Route 22, consisting of two sheets, marked Exhibit D; and

WHEREAS, the Zoning Board of Adjustment does hereby make the following findings of fact:

1. The property in question is known as Block 58, Lot 24.05 with a street address of 755 Memorial Parkway, Suite C-9. The commercial building in question is located within the Hillcrest Medical Plaza, identified as Suite C-9 and is occupied by St. Luke's Warren Hospital, Inc.. Presently, the suite is being utilized as the Hospital's Bone and Joint Institute.

2. The applicant proposes the erection of a roof mounted identification sign. The sign will be attached to the roof with aluminum angle roof mounting brackets. The sign will have an overall size of 3' in height by 47.5' in length with an area of 142.5 square feet. A second sign identifying the address of the suite is to be relocated over the entrance to the suite.

3. The site is located in the HB-Highway Business zone. Signs are a permitted accessory use as regulated in Article X Sign Regulations. The sections of Article X that apply to this application are as follows:

- A. Section 243-53 F provides- Under no circumstances shall any sign be located on the roof of any building, and no exceptions within this chapter shall be interpreted as applying hereto or creating such permission.
- B. Section 243-55 provides- The aggregate area of all business signs placed or inscribed on the front facade of a building and freestanding business signs shall not exceed two square feet for each one foot of width of the front facade of the building. In any case, the aggregate area of such signs shall not exceed 100 square feet, except for structures containing several tenants, a separate sign area may be computed for each ground floor tenant based upon the front facade width of the tenant.

4. Variance relief pursuant to N.J.S.A. 40:55D-70 (c) is necessary since the proposed sign is located on the roof of the building and the aggregate area of the signs proposed exceed 100 square feet. The applicant offered the testimony of two witnesses, Theodore Ruhf and Edward Reed. Mr. Ruhf is employed by St. Luke's and is responsible for overseeing construction at this location. He testified that the existing temporary wall sign is not sufficiently visible and that signage is necessary proximate to the building entrance so that patients not only can locate the Bone and Joint Institute within the complex, but the particular entrance to be utilized by them. Mr. Ruhf testified that the facility has experienced significant problems with patients being unable to locate either the building or proper entrance.

5. Edward Reed with Reed Sign Company also testified. Mr. Reed stated that in his opinion the proposed location of the sign was the best alternative given the construction of the existing building. There is limited facade space to provide for sufficient visible signage. Mr. Reed testified that increased visibility of the sign would enhance public safety and have no adverse impact. The top of the proposed sign is approximately six feet below the roof ridge. Mr. Reed also testified that the design and construction of this

building is unique to Hillcrest Medical Plaza because of its height and roof design. It should be noted that this is not a newly constructed building, but rather one that has been retrofitted to accommodate the needs of St. Luke's.

6. As noted above, Section 243-53 F prohibits the location of any sign on the roof of any building. These are very strong words to be included in a zoning ordinance. Nevertheless, the Board finds that the applicant has satisfied the statutory criteria for bulk variance relief.

7. The location of the sign on the roof is driven by the absence of any other meaningful alternatives. Any facade mounted sign would not be large enough and visible enough to not only identify the location of the Bone and Joint Institute within this medical complex, but the entrance to be utilized by patients as well. This condition satisfies the first prong of N.J.S.A. 40:55D-70 (c)(1). Not permitting the roof mounted sign, given the exceptional situation uniquely effecting this lawfully existing structure would result in particular and exceptional practical difficulties to and exceptional and undue hardship upon St. Luke's.

8. With respect to the negative criteria, the applicant must still demonstrate that the variance relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. Based upon the testimony offered, there would appear to be no detriment to the public good. If anything, the public good would be advanced by locating the sign on the roof for all of the reasons set forth above. With respect to substantial impairment of the intent and purpose of the zone plan and zoning ordinance, the Board finds that although the ordinance specifically prohibits roof located signs, this application is singularly unique. It is expected that a significant number of patients suffering from all different types of medical conditions will be visiting this facility. Enabling patients to readily find the building and the appropriate entrance is essential. The sign is not gaudy, to the contrary it is aesthetically pleasing. It blends well with the building and in the opinion of some, improves that appearance of the structure. Although a close call, and not unanimously supported by the Board, the majority of the Board has determined given

building is unique to Hillcrest Medical Plaza because of its height and roof design. It should be noted that this is not a newly constructed building, but rather one that has been retrofitted to accommodate the needs of St. Luke's.

6. As noted above, Section 243-53 F prohibits the location of any sign on the roof of any building. These are very strong words to be included in a zoning ordinance. Nevertheless, the Board finds that the applicant has satisfied the statutory criteria for bulk variance relief.

7. The location of the sign on the roof is driven by the absence of any other meaningful alternatives. Any facade mounted sign would not be large enough and visible enough to not only identify the location of the Bone and Joint Institute within this medical complex, but the entrance to be utilized by patients as well. This condition satisfies the first prong of N.J.S.A. 40:55D-70 (c)(1). Not permitting the roof mounted sign, given the exceptional situation uniquely effecting this lawfully existing structure would result in particular and exceptional practical difficulties to and exceptional and undue hardship upon St. Luke's.

8. With respect to the negative criteria, the applicant must still demonstrate that the variance relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. Based upon the testimony offered, there would appear to be no detriment to the public good. If anything, the public good would be advanced by locating the sign on the roof for all of the reasons set forth above. With respect to substantial impairment of the intent and purpose of the zone plan and zoning ordinance, the Board finds that although the ordinance specifically prohibits roof located signs, this application is singularly unique. It is expected that a significant number of patients suffering from all different types of medical conditions will be visiting this facility. Enabling patients to readily find the building and the appropriate entrance is essential. The sign is not gaudy, to the contrary it is aesthetically pleasing. It blends well with the building and in the opinion of some, improves that appearance of the structure. Although a close call, and not unanimously supported by the Board, the majority of the Board has determined given

the unique and particular facts and circumstances of this case, that the negative criteria for bulk variance relief have been satisfied.

9. St. Luke's also seeks variance relief since the aggregate area of the proposed signs exceed 100 square feet. All of the findings of fact set forth above that support the grant of bulk variance relief for the sign located on the roof apply with equal force to this variance as well. The size of the signage is in proportion to the building, is not offensive, does not extend above the roof line and has been tastefully designed.

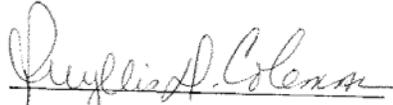
NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Lopatcong, State of New Jersey, that Case Number 2015-4 of St. Luke's Warren Hospital, Inc. be and is hereby approved subject to the following:

1. Copies of all applications and supporting data for permits issued by other agencies, responses thereto and copies of all governmental permits are required to be submitted to the Board Engineer.
2. Prior to the issuance of any construction permits all conditions of any approving resolution shall be addressed satisfactorily.
3. Prior to the issuance of any construction permit, proof must be received from the Township Tax Collector or other designated official, that no taxes or assessments for local improvements are due or delinquent on the tract.
4. No work shall be done without permission from and an inspection by the Board Engineer or his designee. No underground installation shall be covered until inspected and approved. The Board Engineer's office shall be notified of all phases of the work.
5. During construction, the developer shall comply fully with all requirements of the ordinances of the Township of Lopatcong.
6. All improvements made on the premises shall conform to building standards and other regulations as set forth in any applicable, federal, state, county or municipal statute, regulation, code or ordinance at the time of the installation of such improvements.
7. All improvements made on the premises shall conform with the plans hereby approved by the Board.

8. The Board reserves the right to withdraw any approval hereby granted in the event there is any deviation from or alteration of the plans hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Board. Minor deviations and field changes may be authorized by the Board Engineer.
9. Any deviation from or alteration of the plans as hereby approved shall render this approval void and of no further effect.
10. The acceptance of this approval by the applicant, its successors and assigns and the performance by the applicants, its successors and assigns of any further work on the project in reliance of this approval shall operate as an agreement by the applicants, its successors and assigns to be bound by the terms and conditions set forth herein.
11. In the event any other required regulatory approval conflicts with or materially alters the terms hereof, or in the event applicant or applicant's successors or assigns fail to post any tax map review fee, review fee, inspection fee or other financial imposition of the municipality, then in any such event, the Board reserves the right to withdraw, amend or supplant the within approval.
12. The applicant shall pay any outstanding invoices for fees and costs incurred in connection with this application prior to the issuance of any permits.
13. This approval shall be null and void unless the applicant obtains a statement from the Chief Financial Officer of the Township of Lopatcong within 60 days that the applicant has paid all outstanding fees and costs associated with this application and further that sufficient monies have been deposited to pay all anticipated disbursements and finally that deposit monies are not overdrawn from prior applications.
14. The applicant shall certify to the Board Engineer that all requisite governmental and regulatory agency approvals required before the start of construction have been obtained.
15. The within variance shall expire within one year of the date of entry of the determination of this Board unless construction shall have commenced or the applicants have applied for an extension.

CERTIFICATION

I, Phyllis D. Coleman do hereby certify the above to be a true correct copy of a Resolution regularly and duly adopted by the Board of Adjustment of the Township of Lopatcong at a duly called meeting of the Board of Adjustment held on _____.



Phyllis D. Coleman

- Memorialize Resolution 2015-05 – Macada Properties Management, LLC, Block 85, Lots 5 & 5.02, 222 Red School Lane, Lopatcong Township NJ, Variance Relief for the Erection of Numerous Signs on the Property and Structures.

Motion by: Member Rutledge

Seconded by: Member Bittone

AYES: Members DeGroff, Marchie, Horun, Rutledge, Larsen, Bittone and Vice-Chairman Gary

ABSTAIN: Chairman Barcik

**BOARD OF ADJUSTMENT
TOWNSHIP OF LOPATCONG
WARREN COUNTY, NEW JERSEY
CASE NO.: 2015-05
PREMISES: BLOCK 85, LOTS 5 & 5.02
222 RED SCHOOL LANE, LOPATCONG TOWNSHIP, NEW JERSEY
APPLICANT: MACADA PROPERTIES MANAGEMENT, LLC**

WHEREAS, Macada Properties Management, LLC has made application to the Zoning Board of Adjustment of the Township of Lopatcong for variance relief for the erection of numerous signs on the property and structures located at 222 Red School Lane, Lopatcong Township, New Jersey; and

WHEREAS, the within matter was heard and considered at the regular open public meeting of the Zoning Board of Adjustment of Lopatcong Township on Wednesday, April 8, 2015 held at the Municipal Building, 232 South Third Street, Morris Park Phillipsburg, New Jersey 08865; and

WHEREAS, the applicant submitted a proper and complete Affidavit of service of notice of the instant proceeding upon all property owners within 200 feet of the subject property; and

WHEREAS, the applicant submitted a proper and complete Affidavit of Publication; and

WHEREAS, the aforesaid open public meeting was noticed, advertised and held in accordance with the Open Public Meetings Act; and

WHEREAS, this matter was opened to the public for both the questioning of witnesses and comments; and

WHEREAS, the Zoning Board of Adjustment considered the following:

1. Lopatcong Township Zoning Board of Adjustment Application for Variance;
2. Written Sign Proposal Description, prepared by Macada Properties Asset Management, consisting of three sheets;
3. Drawings prepared by City Sign Service, Inc., including:

<u>Sheet</u>	<u>Description</u>	<u>Date Issued</u>	<u>Revised</u>
SP.1	Signage Plan	1/23/14	1/28/15
SE.1	Building South Elevation	1/23/14	2/4/15
01.1	Int. Illum. Channel Letter Set	1/23/14	2/4/15
01.1b	Int. Illum. Channel Letter Set (photo)	1/23/14	2/4/15
01.2	Roofline Channel Letter Set Concept	2/13/15	N/A
01.3	FCO Bldg. Mounted Address Numerals	2/5/14	N/A
02.1	Int. Illuminated Channel Letters on Pan	1/23/14	2/23/15
03.1	Int. Illuminated S/F Monument Sign	1/23/14	3/9/15
03.2	Int. Illuminated S/F Monument Sign (photo)	1/23/14	3/9/15
04.1	Int. Illuminated D/F Monument Directory	1/23/14	2/4/15
04.2	Int. Illum. D/F Monument Directory (detail)	1/23/14	1/28/15
05.1	D/F Int. Illuminated Directional Sign	1/23/14	2/4/15
06.1	Light Post Mounted D/F Banners	1/23/14	1/28/15

4. Report, prepared by George A. Ritter, AICP, PP, dated April 1, 2014; and
5. Exhibits A-1 through A-5, consisting of enlarged versions of drawings prepared by City Sign Service, Inc., submitted with the application.

WHEREAS, the Zoning Board of Adjustment does hereby make the following findings of fact:

1. The property in question is known as Block 85, Lots 5 & 5.02 with a street address of 222 Red School Lane. The site contains 10.46 acres and has frontage on Red School Lane, South 7th Street, South 8th Street, Cromwell Street and Baltimore Street. Vehicular access to the tract is from Red School Lane, South 7th Street and Cromwell

Street. The property is located in two zoning districts, PO Professional Office and R-75 Residential. The applicant proposes the installation of sixteen signs, fifteen of which are located in the PO zone; one monument sign is located in the R-75 zone. On June 25, 2014 the Planning Board granted site plan approval for this project. No signage was included in the site plan approved by the Planning Board. The application now before this Board seeks approval for all signage associated with this project.

2. The proposed signs consist of the following:

- Two (2) wall signs located on the front facade of the Coordinated Health buildings comprised of the company logo and the property address numerals. The combined sign area is 108.58 SF.
- One (1) business name sign mounted to the roof above the front facade. Sign area is 255 SF.
- One (1) business service sign mounted on the building's front entrance canopy. Sign area is 22.54 SF.
- Two (2) freestanding monument signs: one near the intersection of Red School Lane and Baltimore Street (70 SF); and one adjacent to the Red School Lane site entrance/exit drive (37.9 SF). The combined sign area, which includes the front/back elevation and one side elevation of each sign is 107.9 SF.
- Two (2) freestanding directional signs are proposed adjacent to the parking lot facing Red School Lane. Each sign has an area of 10 SF for a total of 20 SF.
- Eight (8) banner signs that display the company logo are proposed to be attached to the light posts in the parking lot facing Red School Lane. Each sign is 8 SF in area. The total is 64 SF.

3. Sign Area Calculations:

- Freestanding signs, which consist of banner, business monument and directional signs: multiply the full height of the monument structure or banner by its full width. The two business monument signs also include the area of the side that is used as a sign (height x width).

- All other signs (wall mounted, canopy and roof): where the sign is not contained within a box structure, the area is measured by multiplying the height of the largest letter or numeral by the full width measured across all of the sign message letters/numerals. If the message is boxed within a structure, the area is equal to the height of the structure multiplied by the structure's width.

4. Commercial/business signs are permitted in nonresidential districts including the PO Zone as set forth in the following sections of Chapter 243:

- §243-55A. One freestanding sign shall be permitted for each lot. Such sign shall not exceed 25 square feet in area, plus five square feet for each separately operated use or activity in the lot, if there is more than one. In no case shall any sign exceed 100 square feet in area. Such signs shall be located at least 20 feet from a street or property line and in accordance with all regulations of site plan review. Such signs may be illuminated by non-flashing light.
- §243-55B. One sign may be placed or inscribed upon the front facade of a building for each permitted use or occupant. Such sign may be illuminated by nonflashing light.
- §243-55. The aggregate area of all business signs placed or inscribed on the front facade of a building and freestanding business signs shall not exceed two square feet for each one foot of width of the front facade of the building. In any case, the aggregate area of such signs shall not exceed 100 square feet, except that for structures containing several tenants, a separate sign area may be computed for each ground floor tenant based upon the front facade width of the tenant.
- §243-53 B. The limitations of sign area as set forth by this chapter for the nonresidential zones shall not apply to parking lot markers, directional signs, entrance and exit signs and other such signs which are erected on the premises, provided that such signs do not exceed four square feet in area and do not contain any advertising of the use on the premises.
- §243-53 C. No flashing, oscillating or animated sign of any type may be erected within the Township.

- §243-53 D. No signs shall be so placed, colored or lighted as to impede or interfere in any way with the operation of a traffic light, traffic directional signal or general traffic vision.
- §243-53 E. No freestanding sign shall be erected in the Township which exceeds a height of five feet, except that in a service station such sign shall not exceed a height of 15 feet.
- §243-53 F. Under no circumstances shall any sign be located on the roof of any building, and no exceptions within this chapter shall be interpreted as applying thereto or creating such permission.

5. The proposed business freestanding sign located in the R-75 Residential Zone is not permitted. Section 243-54, Signs permitted in all zones, and §243-56, general sign regulations, provide the regulations that apply to residential districts. Nowhere in those sections is there any language that would permit a freestanding business monument sign. As a result, use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) is necessary.

6. The following (c) or bulk variances are required:

§243-55. The aggregate area of all business signs placed or inscribed on the front facade of a building and freestanding business signs shall not exceed two square feet for each one foot of width of the front facade of the building or 100 SF, whichever is the least.

A(1). The applicant proposes to install 4 signs on the front facade comprised of 2 signs mounted on the wall, a roof mounted sign and a sign attached to the canopy. Two freestanding business signs are proposed on the lot. The aggregate area of facade and freestanding signs is 494 SF, which is 394 SF or 394% greater than what is permitted (100SF).

§243-55A. One freestanding sign shall be permitted per lot.

B(1). The applicant has proposed 2 monument signs and 8 banner signs all of which are considered to be freestanding signs subject to this regulation. The applicant has requested a variance to allow 2 freestanding signs

whereas the required variance is to permit 10 such signs (2 monument and 8 banner).

§243-55A. A freestanding sign shall not exceed 25 SF in area.

C(1). Both freestanding monument signs exceed 25 SF. Sign #03.1 is 70 SF; #04.1 is 37.9 SF.

§243-55B. One front facade sign is permitted for each permitted use or occupant.

D(1). Only one use/occupant will locate on this site-Coordinated Health Management of Greater New Jersey, LLC- thus, one such sign is permitted. Four front facade signs are proposed (2 walls, a roof sign and a canopy sign).

§243-53B. The area of a directional sign shall not exceed 4 SF.

E(1). Two directional signs are proposed, each having an area of 10 SF.

§243-53B. If a sign intended to be classified as a directional sign contains any advertising of the use on the premises, it will be treated as a freestanding monument sign. Both signs that contain directional messages also contain the name of the buildings's tenant "Coordinated Health", which advertises the use.

§243-53 C& D. The regulations contain language that is intended to restrict the use of a sign that has a changing message or one that is of a color or lighted so as to impede or interfere with a traffic light.

§243-53E. A freestanding sign shall not exceed a height of 5'.

H(1). Monument Sign #03.1 is 8' high. All 8 banner signs are 20' high.

§243-53F. Roof signs are not permitted in any Township zoning district.

7. The applicant offered the testimony of Catherine Park, who is responsible for overseeing construction on the site for Coordinated Health, the tenant of this facility, Charles Longacre, who is affiliated with City Sign Company, Charles Heydt, a licensed professional planner and Erin Kintzer, director of development and construction for the applicant. Based upon the testimony of these witnesses the Board finds that although the number, size, type and location of the proposed signage triggers the need for bulk variance relief and in one case use variance relief, it has been well conceived, tastefully

designed, not obtrusive or offensive, reasonably necessary to identify the location of this facility and the services offered, all without any adverse impact. This is particularly true given the size of the property in question, in excess of 10 acres, and the distance of the existing structures from the streets that surround it. The overall intent of the signage is to create a campus like atmosphere that will identify the location of the facility, entrance, parking areas, services rendered and specifically where in the complex each of the particular services are located. All of the proposed signage appears to be reasonably necessary to achieve these goals, especially for those who may be infirm and/or in need of medical treatment.

8. The monument sign located within the R-75 zone district requires use or (d) variance relief. The Board finds that it is appropriately situated to assist motorists in locating the facility. Although its size and height exceeds the maximum permitted by ordinance, this is driven by the existence of a reader board incorporated within the sign. This reader board is very beneficial since it will be used in part to provide community related information to the general public, i.e. a community "bulletin board" and medical public service announcements. This constitutes special reasons for granting the (d) variance relief required.

9. The other signage that deserves special mention is the signage mounted on the facade of the building but extending above the roof line. The location of this signage appears to be reasonably necessary and is driven by two factors. The first is the need to have this sign visible by passing motorists. Given the distance of the building from the road and the topography of the site, elevating the sign to its proposed location is necessary to achieve this goal. Moreover, lowering the size of the sign would obstruct, in part, the windows directly below it.

10. For all of the reasons set forth above, all of the variance relief requested by the applicant can be granted without any detriment to the public good. Nor does it appear that the variance relief requested will substantially impair the intent and the purpose of the zone plan and zoning ordinance. Site plan approval already has been granted for the use. It is permitted in this zone district. With our aging population, healthcare and its

availability becomes increasingly important. The signage proposed by the applicant is reasonably calculated and designed to help ensure that those in need of medical care and treatment can find this facility, identify the services that are rendered and in particular where they are rendered. All of this is being accomplished without any adverse impact upon surrounding property owners or the community at large. For these reasons, the zone plan and zoning ordinance are not being impaired.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Lopatcong, State of New Jersey, that Case Number 2015-5 of Macada Properties Management, LLC be and is hereby approved subject to the following:

1. Copies of all applications and supporting data for permits issued by other agencies, responses thereto and copies of all governmental permits are required to be submitted to the Board Engineer.
2. Prior to the issuance of any construction permits all conditions of any approving resolution shall be addressed satisfactorily.
3. Prior to the issuance of any construction permit, proof must be received from the Township Tax Collector or other designated official, that no taxes or assessments for local improvements are due or delinquent on the tract.
4. No work shall be done without permission from and an inspection by the Board Engineer or his designee. No underground installation shall be covered until inspected and approved. The Board Engineer's office shall be notified of all phases of the work.
5. During construction, the developer shall comply fully with all requirements of the ordinances of the Township of Lopatcong.
6. All improvements made on the premises shall conform to building standards and other regulations as set forth in any applicable, federal, state, county or municipal statute, regulation, code or ordinance at the time of the installation of such improvements.
7. All improvements made on the premises shall conform with the plans hereby approved by the Board.

8. The Board reserves the right to withdraw any approval hereby granted in the event there is any deviation from or alteration of the plans hereby approved, unless prior written approval for any such deviation or alteration has been obtained from the Board. Minor deviations and field changes may be authorized by the Board Engineer.

9. Any deviation from or alteration of the plans as hereby approved shall render this approval void and of no further effect.

10. The acceptance of this approval by the applicant, its successors and assigns and the performance by the applicants, its successors and assigns of any further work on the project in reliance of this approval shall operate as an agreement by the applicants, its successors and assigns to be bound by the terms and conditions set forth herein.

11. In the event any other required regulatory approval conflicts with or materially alters the terms hereof, or in the event applicant or applicant's successors or assigns fail to post any tax map review fee, review fee, inspection fee or other financial imposition of the municipality, then in any such event, the Board reserves the right to withdraw, amend or supplant the within approval.

12. The applicant shall pay any outstanding invoices for fees and costs incurred in connection with this application prior to the issuance of any permits.

13. This approval shall be null and void unless the applicant obtains a statement from the Chief Financial Officer of the Township of Lopatcong within 60 days that the applicant has paid all outstanding fees and costs associated with this application and further that sufficient monies have been deposited to pay all anticipated disbursements and finally that deposit monies are not overdrawn from prior applications.

14. The applicant shall certify to the Board Engineer that all requisite governmental and regulatory agency approvals required before the start of construction have been obtained.

15. The within variance shall expire within one year of the date of entry of the determination of this Board unless construction shall have commenced or the applicants have applied for an extension.

CERTIFICATION

I, Phyllis D. Coleman do hereby certify the above to be a true correct copy of a Resolution regularly and duly adopted by the Board of Adjustment of the Township of Lopatecong at a duly called meeting of the Board of Adjustment held on May 13, 2015.

Phyllis D. Coleman

- Approve the April 8, 2015 Meeting Minutes

Motion by: Member Rutledge

Seconded by: Member Marchie

ROLL CALL:

AYES: Members DeGross, Marchie, Horun, Rutledge, Larsen, Bittone and Vice-Chairman Gary

ABSTAIN: Member Larsen and Chairman Barcik

NEW BUSINESS:

- Victor Camporine – 500 Red School Lane, in the R75 Zone, Block 35, Lot 2 – Asking for Approval to use a portion of the existing residence to be used as a third apartment in an approved two family home. Denial #243-60 (1) – (2).

Attorney Sposaro: Mr. Camporine, why don't you come up and, uh, I'll swear you in very (inaudible). Do you swear and affirm the testimony you will give in this matter will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Camporine: Yes I do.

Attorney Sposaro: State your name for the record; spell your last name.

Mr. Camporine: Victor, Victor Camporine.

Attorney Sposaro: Mr. Camporine, I think we all know who you are and for those who don't, shame on them. We have your application; as I understand with your wife, and she's not well and you're looking to convert the, uh, lower floor level of your home to create a separate apartment there for a caregiver. Is that correct?

Mr. Camporine: Correct.

Attorney Sposaro: Where is the out, outdoor access to that, that new apartment that you wish to create? Is it off the patio?

Mr. Camporine: Yeah, there's, there's a double door there, patio.

Attorney Sposaro: Okay. As, as you probably know, um, if this apartment is created, we can't create it just for your wife's caregiver. Once we grant an approval it runs with the land.

Mr. Camporine: Yep.

Attorney Sposaro: I, I think one concern the Board have, would have, would be to create a three family house out of this that, uh, would have no restrictions forever and ever. So my question to you is would you have any objection to limiting the occupancy of that third apartment to, uh, the caregiver for the owner or any family member?

Mr. Camporine: Well, I'll tell you the truth, uh, right now it's for caregiver, but I don't know what the future holds. I don't know if maybe my wife might have to move downstairs cause she can't walk the stairs or whatever. I see no reason at all why you couldn't make that as a, as an apartment cause
Mr. Camporine (Con't): nothing has to be done. Not one thing has to be done; it's already there. It's just to make it legal. And I looked at Red School Lane; on the north end you gotta church, you come down south, there's my house, across the street, it used to be a commercial building, now it's not. But after that there's two empty buildings that are owned by the care center, there's the care center, there's, behind the care center there's about thirty businesses. After that there's another nursing home. Then there's the big, uh, what used to be Baker Chemical, now it's a, it's a medical office, whatever, company that has

President Barcik: Coordinated Health Care.

Mr. Camporine: Yeah, and I mean and then to go across the street, you got the condominiums, then you got the, the, the, uh, the senior citizen; its four stories, there's probably a hundred homes. Then you got the, uh, gardens apartments; there's 440 apartments there. Then you got the

Attorney Sposaro: I think we get your point. I, I, um, I don't know what the Board's feelings are about this.

Mr. Camporine: So, I, I think that it's, it's, it's really with all that's on Red School Lane, it's just because we're gonna make it for one time, you know, it's a thing that I, that I, I don't know how I'm gonna might need it and, uh, I'd appreciate it if I could just keep it. I, I don't think I'm asking very much when it's already there and, uh, I think that it's, there's even a, what is it, the, uh, power station also, I mean just to add on to what I just said. So, and there's so many apartments there and so many businesses there, so to say that I can't just use it for, I don't think you should restrict me.

Attorney Sposaro: You've got public water and sewer there?

Mr. Camporine: Yeah.

Chairman Barcik: Now you said, uh, your wife is on the second floor?

Mr. Camporine: Yeah.

Chairman Barcik: What kind of emergency egress to you have up in the, the center steps?

Mr. Camporine: Well, what else do you need? She's got Parkinson's, and, uh, I need a care, right now I need a care center, somebody. And like I said, I don't know how I might want to, what I might want to do in the future, but it would just be advantageous to be able to have it that way. And it's not asking very much. I'm not asking to build out. I'm not asking to make any modifications, any changes, noth, nothing.

Chairman Barcik: I realize for

Mr. Camporine: So we're asking very little.

Chairman Barcik: I realize that, but for wife's safety, you only have one egress to the upstairs.

Mr. Camporine: What do you mean I only got one upstairs?

Chairman Barcik: You have one exit

Mr. Camporine: To the upstairs?

Chairman Barcik: Yes sir.

Mr. Camporine: No, I got two exits. I got, I got a sundeck. I got a back entrance and I got a front entrance.

Chairman Barcik: All right, I

Attorney Sposaro: That's, that's a building code issue if this is approved. I would think the building department would have to look at it to make sure that there's adequate ingress and egress that meets the fire code.

Chairman Barcik: All right.

Mr. Camporine: They already looked at it and everything's been ok. I checked it out.

Chairman Barcik: Okay. I, I wasn't aware of the

Mr. Camporine: Yeah.

Chairman Barcik: back patio.

Mr. Camporine: Everything is there.

Member Rutledge: Steps coming down from the back patio.

Mr. Camporine: In fact, everybody compliments my house. I mean I'm, it's a, it's a, it's an, an asset to the, to the community, cause I keep the yard pretty and all that.

Chairman Barcik: Uh huh.

Mr. Camporine: But it's just that right now I'm in kind of a little bit of a bind because, and because of my age, I'm not only worried about my wife, I'm worried about, it could be a help to, for me also.

Chairman Barcik: Yes.

Member Rutledge: I move to approve the request.

Attorney Sposaro: Well, let's, before we do that, let's see, does anybody have any questions for Mr. Camporine?

(Inaudible)

Mr. Camporine: More than sufficient.

Attorney Sposaro: I'll just note that's there's no one here, no one's here from the public, so we don't need to necessarily open and close it to the public, since there's no one present. Does somebody want to make a motion?

Motion by: Member Rutledge

Seconded by: Member Bittone

ROLL CALL

AYES: Members DeGroff, Marchie, Horun –

Member Horun: I mean this is because of the, the issue with the needing assistance for his wife, am I correct?

Member Rutledge: That's right.

Member Horun: That's why I just wanted to make sure what, because, that, that, that, I don't have a problem with. I just don't want to say anybody can come in and have an apartment added. That's the concern I have. If there's a reason for it, I don't have a problem.

Attorney Sposaro: That's the motion.

Member Bittone: And once it's approved, it survives.

Member Horun: Right, I understand that, but, I

Member Bittone: (Inaudible).

Member Horun: Right, I understand that, but I'm saying the purpose for it now, is because of this.

Attorney Sposaro: But it does run with the land.

Member Horun: I understand it runs with the land, I just don't want anybody coming in saying we can now start to approve any apartments on its way to use, what-so-ever.

Mr. Camporine: I don't think you'd ever have to worry about that, because there's no, there's not very many places that you could do what I did. Everything is kind of taken up, plus what I just went through, what, what's on Red School Lane, it's like asking the very, very minimum compared to what's there already.

Member Horun: I, I understand.

Mr. Camporine: You got hundreds and hundreds of apartments and there's, there, whatever, I don't mean

Member Horun: I'm just talking about the under, the underlying reason why you keep asking for this.

Mr. Camporine: Yeah.

Member Horun: Exactly.

Member Camporine: Well, I wouldn't be here if it wasn't a necessity.

Attorney Sposaro: Well that isn't the point. Just to be clear; to be fair to everyone, that's not the motion. The motion is to approve this without any limitations. Just so you understand that.

Member Horun: Well, that's the underlying reason that he did. He had to come in with a reason.

Attorney Sposaro: Understood. Yeah, okay.

Member Horun: That, that's all I'm saying.

Attorney Sposaro: That's fine.

Member Horun: Yeah.

ROLL CALL (CON'T):

AYES: Rutledge, Larsen, Bittone, Vice-Chairman Gary and Chairman Barcik

NAYS: None

Attorney Sposaro: Very well, I'll prepare a resolution and, uh, you'll be good to go.

Mr. Camporine: Okay, thank you's very much. Appreciate it.

PAYMENT OF BILLS:

Chairman Barcik: Make a motion that bills, bills be paid

Motion by: Member Rutledge

Seconded by: Member Bittone

ROLL CALL:

AYES: Members DeGroff, Marchie, Horun, Rutledge, Larsen, Bittone, Vice-Chairman Gary and Chairman Barcik

NAYS: None

PUBLIC COMMENT:

No one from public present

MOTION TO ADJOURN

ALL IN FAVOR: Ayes

NAYS: None

Respectfully submitted,

Phyllis D. Coleman
Secretary, Board of Adjustment

Joseph Barcik
Chairman