

**LOPATCONG TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
NOVEMBER 12, 2025**

**CALL TO ORDER**

Chairman Gary called the meeting to order.

**PLEDGE OF ALLEGIANCE**

Chairman Gary requested everyone stand for the Pledge of Allegiance.

**SILENT PRAYER**

Chairman Gary offered a moment of silent prayer.

**OPEN PUBLIC MEETINGS STATEMENT**

Chairman Gary stated “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 Express Times, Warren County Zone and The Star Ledger and by posting a copy on the bulletin board in the Municipal Building.”

**ROLL CALL**

**Present:** Member Ben George, Member Andy Horun, Vice-Chairman Doug Mace, Member Mike Unangst, Member Jose Valente, Member Bill Vine and Chairman Fred Gary

**Also present:** Attorney James Bryce, Planner Daniel Bloch and Engineer Adam Wisniewski

Chairman Gary continued with Old Business.

**OLD BUSINESS:**

- Minutes – Approve Regular Meeting Minutes from March 12, 2025

Chairman Gary asked for a motion to approve the regular meeting minutes from March 12, 2025.

**Motion by:** Member Unangst

**Seconded by:** Vice-Chairman Mace

**ROLL CALL**

**AYES:** Member George, Vice-Chairman Mace, Member Unangst and Chairman Gary

**NAYS:** None

**ABSTAIN:** Member Horun, Member Valente and Member Vine

**NEW BUSINESS:**

- Rabbath – Block 2, Lot 27 – Bulk Variance –Proposed construction of a pole barn

Chairman Gary: Can you please come forward?

Attorney Bryce: Sir, are you going to be the only one testifying tonight on your behalf?

Andrew Rabbath: Yes.

Attorney Bryce: Okay. I'm going to have you raise your right hand and swear you in. Do you solemnly swear and affirm that the testimony you are about to give this Board is the truth, the whole truth and nothing but the truth?

Andrew Rabbath: Yes.

Attorney Bryce: Can you state your name and spell your last for the record.

Andrew Rabbath: Andrew Rabbath. R-A-B-B-A-T-H.

Attorney Bryce: Thank you sir.

Chairman Gary: Okay. Would you express to us what you are looking to do.

Mr. Rabbath: I'm looking to construct a pole barn in the northwest portion of the property. Due to the property, the house is set back pretty far so it is like, basically, all front yard and the only spot I could put it that feasibly is where I am asking to put it.

Attorney Bryce: Okay.

Chairman Gary: Jim, what do you got to say about this? Anything?

Attorney Bryce: So why don't you just, for the benefit of the record and for the Board, tell the Board about the size of your property, the setbacks that you are proposing and the size of the pole barn.

Mr. Rabbath: The size of the property is 3 acres. The pole barn is going to be 40 by 60. I am looking for 10 feet on the north side and the west side.

Attorney Bryce: From the property line?

Mr. Rabbath: Yeah.

Attorney Bryce: And how are you going to access it?

Mr. Rabbath: A gravel driveway through ... I didn't note it on the survey. Figured I did not have to because it's not impervious coverage. I can do that if it is needed.

Attorney Bryce: (Inaudible)

Chairman Gary: Patty sent this but then I couldn't get it ... the computer ... anyway.

Attorney Bryce: Now, what's immediately to the sides and to the rear of your property?

Mr. Rabbath: I have a neighbor to the north side of me, Sal and his wife Joann and behind me is township property ... a conservation easement.

Attorney Bryce: So there is a conservation easement back there that ... you're not infringing in that, right?

Mr. Rabbath: No. I'll be fully on my property.

Attorney Bryce: And the property that's really adjacent to where you are looking to place this is township property ... Board of Ed property?

Mr. Rabbath: Yeah and to the north is one of my neighbors, Sal.

Chairman Gary: Anybody on the Board have any questions?

Vice-Chairman Mace: Yes. I do.

Chairman Gary: Go ahead.

Vice-Chairman Mace: What are you going to use this for?

Mr. Rabbath: Storage. I plan on getting a fifth wheel camper and store it inside so it's not outside and a truck.

Vice-Chairman Mace: And, why can't it be 20 feet if that's the setback? Why can't it meet the setback?

Mr. Rabbath: Where the other garage is positioned, it will be hard to access getting the camper in the garage.

Vice-Chairman Mace: Couldn't you move the camper over to the house side of the garage? Is it all filled with doors across the front?

Mr. Rabbath: There is going to be three on the front.

Vice-Chairman Mace: Okay. That's about half the width?

Mr. Rabbath: Give or take. Yeah.

Vice-Chairman Mace: Yeah. So, I guess ... and the planner said this ... I guess without seeing what you want to do, I find it, at least, kind of hard to make a decision cause I don't ... It seems to me from what you described, you can get into the pole barn if the doors were on the outside. I'm not following it.

Mr. Rabbath: I just feel like the ease of access if the setbacks are 10 feet instead of 20, trying to maneuver a trailer into the garage would be easier.

Member George: Which direction would you be coming in on where the driveway would be.

Mr. Rabbath: So, the driveway would be between the house and the other garage.

Member George: So this side here?

Mr. Rabbath: Yeah. There's arborvitaes most of the way between the two already. So it will be closer to the house side where we have access for the driveway.

Member Valente: Nothing crazy about the pole barn? It's gonna look ... you know, be in character?

Mr. Rabbath: Yeah. Yeah. It's gonna be a normal pole barn.

Attorney Bryce: And let me ask you this ... Currently, you do have a driveway that accesses the property right?

Mr. Rabbath: The house? Yes.

Attorney Bryce: Yeah. And it's there.

Mr. Rabbath: Yes.

Attorney Bryce: And you want to have that pole barn be somewhat in line with that driveway? Correct?

Mr. Rabbath: Yes.

Attorney Bryce: Because, that's gonna, as you said ... ease of access

Mr. Rabbath: Yes.

Attorney Bryce: And really, what the variance that you're looking for is up against, I guess, is a conservation easement somewhat?

Mr. Rabbath: Yes.

Attorney Bryce: And the only one that you really need is 10 feet off that rear property line?

Mr. Rabbath: I was looking to get on the side property line and the rear.

Attorney Bryce: On the proposal here, it looks like you are pretty well compliant. Is the proposal changing?

Planner Bloch: The plans you provided shows 20 on side and 10 in the rear. So is that not ...

Mr. Rabbath: Was that the initial application?

Attorney Bryce: That's what we have.

Member Valente: I think it's 10 and 10.

Member George: Ten and 10.

Mr. Rabbath: Yeah. I asked about that ... if I had to reapply and I was told just to lay it out on the survey.

Vice-Chairman Mace: Is there any reason, since that is a conservation easement, that you couldn't hold the 20 off the Arena ... Is that how I pronounce that? Arena, your neighbor. I mean, that looks to line up much clearer off the brick garage ... this plan ... with the 10 feet against the conservation easement.

Mr. Rabbath: There's arborvitaes in the way of ... in between the detached garage currently and the house. I'm just trying to have as much backyard still as possible because on the other side it drops off pretty drastically.

Member Horun: So those trees are right behind the brick garage there?

Mr. Rabbath: They're in between the ... They line up with the front of the brick garage ... the detached and the house.

Member Horun: Okay. And when you said if you moved the proposed structure closer to the brick garage, you'd have a difficult time maneuvering vehicles into the garage?

Mr. Rabbath: Yeah.

Attorney Bryce: And that would also be closer to your pre-existing house, right? ... Having it that close?

Mr. Rabbath: Yeah.

Attorney Bryce: It would shorten the distance.

Member George: Is there any more mitigation you have to do getting back that far? Is there more trees that have to come down if you push back toward the conservation area or is it pretty much the same ...

Mr. Rabbath: There's two trees either way that would have to come down.

Member George: Either way?

Mr. Rabbath: Yeah.

Member George: You'd need a permit.

Mr. Rabbath: Okay.

Member George: If you didn't know.

Mr. Rabbath: I do.

Member George: You'd have to take a permit out for that at the municipal building.

Mr. Rabbath: Okay.

Member George: I happen to be on the Shade Tree Commission.

Mr. Rabbath: Okay.

Member Horun: Is the proposed structure the same height as the garage that's there ... the brick garage ... or approximately you said?

Mr. Rabbath: It might be taller. The overall height is going to be 20 feet for the pole barn.

Member Horun: Approximately how tall is the current brick garage? Can you estimate?

Mr. Rabbath: Fifteen. It's a one car garage with an attic. I don't know exactly how tall.

Member Mace: I thought we suggested ... we really do need to see where the driveway is and what the pole barn looks like to make ... I would like to suggest an appropriate decision. And I would also suggest that ... I'm not exactly sure how the ordinance reads, but a gravel driveway does count or should count to some degree as impervious coverage. It's not as high as macadam but it does have a runoff coefficient. It's higher than grass.

Mr. Rabbath: Okay.

Member Mace: I, personally ... I'd like to see what the front of this looks like and see where the driveway is going. If that seems to be the basis ... What I'm hearing is, the basis for this is access and I personally don't have any feel for the access.

Chairman Gary: It's hard for me to discern the distance from ... I'm sorry if you already said it ... the distance from where you're proposing the pole barn to the back of the garage. Did you already say that? I mean you mentioned it'd be ... it might be a little prohibitive getting the camper in.

Member George: The distance from here to here.

Mr. Rabbath: Yeah, I don't have that measurement.

Chairman Gary: That would really be helpful.

Vice-Chairman Mace: Is that garage used?

Mr. Rabbath: Yes.

Vice-Chairman Mace: So how do you get into that garage?

Mr. Rabbath: There is ... it's just grass.

Vice-Chairman Mace: Okay. I'm assuming you come in where it says concrete? Is that on the narrow end that's facing Rowe's Lane?

Mr. Rabbath: The access is facing the road.

Vice-Chairman Mace: Yeah. Okay. Thank you.

Planner Bloch: Just scaling off of this plan, it's about 50 feet between the existing garage and the proposed garage. And you have the doors on the wide side of the garage facing ...

Mr. Rabbath: Yes. It'll be facing the detached garage currently.

Planner Bloch: And you want to keep the arborvitae where they are?

Mr. Rabbath: Yes. It's kind of ...

Planner Bloch: So the driveway would go between the house and the arborvitae and then curve around?

Mr. Rabbath: Yes.

Planner Bloch: So how does having it further towards the property line help you? I don't understand that.

Mr. Rabbath: Just to have more access.

Planner Bloch: (Inaudible)

Mr. Rabbath: What was that?

Planner Bloch: Wouldn't it be better to have a straight driveway than curved?

Mr. Rabbath: But then it would be like right on top of the house. I was just trying to keep as much space back there as possible.

Planner Bloch: What is the function of the arborvitae between the shed or the garage and the house?

Mr. Rabbath: I think it was just blocking a pool that use to be there. It was there when I bought the house.

Planner Bloch: There's no pool there now?

Mr. Rabbath: No.

Planner Bloch: So ... I mean ... they're not really serving any function. You could just move them and put a driveway straight to the garage.

Mr. Rabbath: I mean ... I'd have to rip them out of there. They're 30 feet tall.

Planner Bloch: Well there's gotta be some trade off, right? You want to build a giant structure and put it right on the property line. I mean, it needs to make sense.

Chairman Gary: They're 30 feet tall, but how many?

Mr. Rabbath: There's 10 ... 12 of them.

Member Valente: That's a lot.

Member Horun: And those run in a line from like where to where? They're in a line from ... like a straight line pretty much for purposes of ...

Mr. Rabbath: Yeah.

Member Horun: So where would they start from?

Mr. Rabbath: They start, maybe, eight feet from the detached garage and run toward the house.

Member Horun: Oh, I see.

Member George: (Inaudible)

Mr. Rabbath: The front of the detached garage.

Vice-Chairman Mace: Looking at ... on the Planner's report we have a copy of an ariel photograph. I'm assuming the arborvitae that we're talking about are between the garage ... It really would be nice if they were shown on here ... between the brick garage roughly at the front of it, maybe a little bit back, over to the house.

Planner Bloch: You can see the shadow.

Vice-Chairman Mace: Yeah. I think I see them but I want to verify cause I got a question. So, if you're gonna run the driveway straight back, don't the arborvitae have to go anyhow? Unless I'm not looking at the arborvitae.

(Inaudible – Everyone speaking at once)

Vice-Chairman Mace: So, if we're gonna do that, don't we have to cut them down to run the driveway?

Mr. Rabbath: There's a gap between the house and the arborvitae right now. It's like 12ish feet.

Vice-Chairman Mace: I'd like to suggest ... for me, I'd like to suggest that what we need to see is where the driveway is going, the arborvitae and how all this works out and where the ... I mean, we were asked to get some sort of a drawing of the facade at least of this and where the garage doors are going. I'm not trying ... I got a rough idea of what you are talking about but I'm having a hard time figuring out why it can't be done and it conforms with the ordinance.

Mr. Rabbath: Yeah. I feel like if we remove the arborvitae, there would ... all the neighbors would see it even more ... the structure. So it kind of hides it.

Vice-Chairman Mace: I gotcha but somehow it's still not in my mind. I just think that stuff needs to be ... part and parcel of making a decision on this. I really think it should be ... we should have that data to make a decision.

Attorney Bryce: Here's my question ... is that ... If it was originally proposed the 20 feet from the sideline and it was just reduced to the 10 foot rear yard setback ... and I'm not saying that the applicant has to do that ... that would be more consistent with the direction around the arborvitae ... preserving the arborvitae as originally proposed. And then you can say based upon the location of the house that's pre-existing and the location of the pre-existing garage, that rear yard setback is appropriate ... that variance is appropriate, so that you have maneuvering room and it's not too close to any one of those structures. Now, I'm not saying that you have to do that, but it may be beneficial to the Board to understand that and say "yeah" to moving that to a compliance setback from the side, that makes sense because it's lining up with ... coming in off the arborvitae off your house.

Member George: So keep the 20 foot from the side and keep the 10 foot from the back rear.

Vice-Chairman Mace: Yeah. Because their back goes into this conservation.

Chairman Gary: Yeah. That's enough.

Vice-Chairman Mace: Yeah. It's no big deal. I get ... who ... this map that you gave us shows that that property and that easement or one time easement ... it's a right-of-way ... well, this says it's an easement (inaudible) ... is owned by Peron Rowes Lane II, LLC. Who ...

Mr. Rabbath: There's a strip attached to the property next to me.

Vice-Chairman Mace: Yeah. Yes. But who is ... You had mentioned the township. I was trying to clarify that.

Attorney Bryce: I think behind that conservation.

Mr. Rabbath: Yeah. There's a 17 foot strip attached to the property next to me and behind that is the townships.

Vice-Chairman Mace: Oh. That's the high school?

Mr. Rabbath: Yeah.

Vice-Chairman Mace: Yeah. Okay. Okay. Thank you.

(Inaudible) Everyone speaking at once.

Planner Bloch: The concrete pad ... What is that?

Mr. Rabbath: Right now I'm storing firewood on it.

Member George: On this, CONC is a concrete pad?

Mr. Rabbath: Yeah.

Member George: The pole barn won't have a base ... there's gonna just be a natural base pole barn?

Mr. Rabbath: Yeah.

Member Horun: If the side yard is moved to 20 feet like we're talking about, doesn't that mean the structure has to be moved toward the house in order to keep ...

Member Valente: Yeah. That's gonna be 40 feet within the house.

Vice-Chairman Mace: Ten feet.

Member Horun: In order to keep it 10 foot in the rear because of the angle of that easement.

Vice-Chairman Mace: Then you got these two there that nobody can use anyhow. So.

Member Horun: Well, the question's how close does it get to his house then.

Vice-Chairman Mace: Well, it's saying it's 50 if we moved it ... if you moved it out 10, it'd be 40 from that back corner.

Mr. Rabbath: I'd have to move forward though with the angle of the property line too.

Member George: To keep the 10 foot you'll go past that wooded floor?

Mr. Rabbath: Yeah cause the property line angles.

Member George: And unless you do tear down the trees, it's hard to tell exactly how much until you get out there and ...

Vice-Chairman Mace: Well, you can get an idea in that there's ... the line drops 8.3 feet in 60 feet so it's roughly, let's say, a foot and a half per 10 feet. So, bring it out to 11. Bring it forward 11 feet. A total of 11, not 11 new.

Member George: And that's the point you're making about losing some of your usable backyard?

Mr. Rabbath: Yeah. Yeah. The other side of the property drops off already as it is so the only flat spot is that spot back there.

Vice-Chairman Mace: Just to clarify ... maybe it says in here ... this area with all these ... I'm getting this is a clean-out ... That's the way your septic system ...

Mr. Rabbath: Yeah.

Vice-Chairman Mace: I mean, not that it makes ... I just ...

Mr. Rabbath: Yeah. It's a septic. The leach field is out in the front of the house.

Member Horun: Is there an issue with the stone driveway or not? I mean, is that something ... If he puts it in, is that something that we have to be concerned about?

Attorney Bryce: Adam's the engineer. I don't think that what he's proposing would probably be considered a major stormwater management by any means ... trigger ...

Planner Bloch: They're not anywhere close to impervious coverage. So ...

Attorney Bryce: Right.

Planner Bloch: I don't think that's going to be an issue.

Attorney Bryce: Yeah.

Member Horun: And how about the width? I mean, is he saying it'd be about ... I'm sorry sir ... Mr. Rabbath?

Mr. Rabbath: Yeah.

Member Horun: ... was saying that it would be about 12 feet wide. Is that an issue or not? Is that okay?

Vice-Chairman Mace: It would probably be under the maximum coverage.

Member Horun: What I'm saying in terms of the driveway, is there a certain width it has to be?

Planner Bloch: I don't believe so.

Vice-Chairman Mace: I believe there are driveway standards if I'm not mistaken but this in an access way to the barn. I mean, that's ... in my mind that doesn't ... wouldn't fall under as a driveway. It's just an access way.

Chairman Gary: Alright, having said all this and gathering everything that we did, I have to say that I don't really see that there's a problem with it the way it is since there's nothing to be concerned about in the rear and the side. I see no one here. Well, no one seems to be debating it, I guess.

Member George: The neighbor has no problem? It sounds like he's compliant.

Mr. Rabbath: Yeah. Yeah. He wanted me to walk him down and show him where it was going and everything. His words were "I can't see it from my house, so".

Chairman Gary: I used to hear that all the time in construction.

Member Horun: And on this photograph you see his home's up here. His house is up in this corner here it looks like? You can see a structure up here.

Mr. Rabbath: Yeah.

Chairman Gary: Yeah, as much as I would like to comply, I mean that's why we're here, I just don't see a big issue with it the way it is. That's my take on it.

Vice-Chairman Mace: Can I ...

Chairman Gary: Yeah. Sure.

Vice-Chairman Mace: ... ask our attorney what part of the law are we allowing this under if we were to allow it. What law does this fall under? Forget we're allowing it, what part of the law do we fall under?

Attorney Bryce: The testimony that you heard was basically a C1 variance for hardship based upon ... well later on there is testimony of topography on the opposite side which kind of limits yard use which is a residential use on its own but even considering that is saying, "Look my house is now lawfully existing to the very far rear of the property. It limits my space available. I have a hardship as to where to place this and maintain useable space on my property". And the hardship comes in, I think, because of the distance between the pre-existing home and the pre-existing garage and the ability to utilize and maneuver to this particular structure that justifies it being different from the normal setback. That's the recapping of the testimonies. And, from the negative criteria, they're saying, "Well, right behind us we have a conservation easement, a school, there's really no impact to the adjacent neighbors so there is no impact to the public good, works at the intended purposes only ... plan and zoning ordinance. So, that's the summary of what the testimony is as to hardship.

Chairman Gary: My thing is, no one's hurt. That's how I see it. Nobody is going to be hurt by this.

Member George: The other side of it is, how much of a hardship is it to maneuver. So, it's those two facts. You know, and it states ... you know ... I forget exactly ... moving forward ... and peculiar and exceptional practical difficulties ... you know ... so that's what we're ... two sides of that. I guess you'll be backing into the garage?

Mr. Rabbath: Yeah.

Member George: Why?

Mr. Rabbath: It would be easier.

Attorney Bryce: And I should say, Mr. Mace, also to answer your question there's an additional factor that was raised and that is the existence of those arborvitaes up front in trying to ... trying to fit it in with those arborvitaes to be preserved.

Vice-Chairman Mace: And understanding that, that puts the driveway closer to the house which puts it further away from the garage and that's where I'm having the problem tracking with where the maneuvering is. It's because I move the driveway now down ... I'm not sure exactly where the arborvitaes are but roughly ... I'm gonna now run the driveway up close to the house and it would seem to me the further over that that building were to ... from what's on this map, which is not enough to really understand it fully ... it's gonna make it easier to get into the garage if you move it over 10 feet. That's what I'm not ... That's where I'm not tracking with what we're talking about.

Member Valente: I think if you're thinking you're gonna pull straight in, yeah, but if you gotta make a u-turn with a trailer, and trust me I know, it's a pain in the [ ]. I'd rather it over to the side so I can pull around and then pull it back.

Vice-Chairman Mace: I mean, if you're taking the arborvitaes out and running it straight back, it makes sense but I'm not tracking with what this ...

Member Unangst: Yeah but the doors are on the wrong side of the garage.

Vice-Chairman Mace: But I'm a lousy trailer driver.

Chairman Gary: It would be helpful to ...

Member Unangst: The doors are on the 60 foot side of the garage.

Member Valente: Yeah. Yeah. When you come in.

Member George: So you see this part there, you line it up.

Member Valente: You still could pull out and then pull in this way.

(Inaudible) Everyone speaking at once.

Member George: It puts you more in line with the existing driveway.

Mr. Rabbath: Yeah, but then I lose all the yard space.

Member George: So it's mostly about that.

Vice-Chairman Mace: But you're gonna use a lot of that yard space anyhow with the driveway.

Mr. Rabbath: But then the structure is closer to the house.

Vice-Chairman Mace: True.

Mr. Rabbath: And further forward.

Vice-Chairman Mace: I understand, but I'm looking for reasons from my understanding of zoning to ... if I ... My understanding of zoning to a large extent is if you can moderate that deviation that it should be done. And what I'm seeing here is when we talk about backing this in, you gotta back this in, you're gonna have to curve it and bring it over. That does not look to me ... That looks to me like we can moderate and make it easier to move their vehicle. That's just where I'm having the trouble with it. Without the information on here. And again, you know, I don't know how much ... and maybe you're not going put any pavement ... when I say pavement, that's gravel. I'm using that term loosely. In front ... maneuvering room in front of

the structure ... I mean I ... for me to make an appropriate decision, we need, really, some more information.

Chairman Gary: It would be good to see the driveway.

Vice-Chairman Mace: Yeah. Yeah. I mean, maybe. Maybe what's being said is valid. I just don't know because I can't visualize it here and without the arborvitae shown on there, it makes it really tough.

Member George: The arborvitae is staying.

Vice-Chairman Mace: Yes. I know.

Member George: It's gonna be coming over.

Vice-Chairman Mace: But that justifies where the driveway is which raises the question of, if the arborvitae weren't there, to be the issue of coming in the driveway, it's almost a ... almost but not quite, a straight shot up the driveway. You know.

Member George: That makes sense.

Vice-Chairman Mace: That's all that I'm saying. And I ... I don't see that. I'm having a hard time with it.

Member Horun: If we approve that, could we put a requirement that it be gravel in terms of the driveway. Is that something you could say rather than it be macadam.

Attorney Bryce: That's what's been testified to.

Member Horun: Oh, I see. So that will be part of the resolution?

Attorney Bryce: I don't know if that would ever necessarily prevent them looking to pave in the future.

Member Horun: Okay.

Attorney Bryce: If they're allowed to do it by permit, they wouldn't need any type of permission from the Zoning Board to do that if they meet the requirements of the code.

Chairman Gary: What about 15 feet? You know, split the difference at least. Would that be a little helpful ... from the side?

(Inaudible) Every speaking at once.

Chairman Gary: The back to me doesn't seem like it's an issue.

Member George: Yeah.

Chairman Gary: There's really nothing going on in the back. So he gets closer in the rear. As far as him being able to get the trailer in there ... he's good at it. You know. Really.

Mr. Rabbath: Yeah. I do it for a living.

Chairman Gary: Yeah. Okay. Well, there you go. So it's not a big deal to you.

Member George: So the biggest thing is the landscaping that you have to do if the arborvitae had to come down.

Mr. Rabbath: Yeah.

Member George: Or you know, losing part of your backyard to move it out and over.

Mr. Rabbath: Yeah. I'm just trying to ... As you can see, the house is set so far back that the backyard's basically ... is limited, so I'm trying to have as much as I can.

Member George: Right. The more I look at it, the more you can see that. The back of the house is almost ... you know, you can see ...

Mr. Rabbath: Yeah. It's like 50 feet from the property line.

Member George: Right. But as far as being back set from the back of the house, it's not that far back.

Mr. Rabbath: Yeah.

Member Horun: It just seems to me that ... like you're talking about the conservation easement in the back is not an issue and Arena has not come in here to say ...

Chairman Gary: Yeah. I mean, that's my thinking.

Member Horun: I guess this has to be closed? Does it have to be closed?

Attorney Bryce: No. It has to be open to the public first.

Member Horun: Before I make a motion for whenever?

Chairman Gary: Yeah. We have to talk. It has to be a public comment. What about the 15? That really doesn't impact the rear, but another five feet is not gonna be a good ... I mean, it's not gonna work for you if you come from the ... you know, toward the house another five?

Member George: (Inaudible)

Chairman Gary: Well, I guess what I'm having a tough time understanding is ... So you're gonna bring a driveway in but you're gonna have three doors?

Mr. Rabbath: Yeah.

Chairman Gary: Where does the driveway end? How does it line up with the doors? I mean, it's just gonna run in front of the doors? ... Or ... I'm just having a tough time.

Mr. Rabbath: Yeah. In hindsight I should have thought to put it on the plan but this is the first time I've ...

Chairman Gary: Well, I mean, if you could show me that's okay.

Vice-Chairman Mace: That's understandable.

Mr. Rabbath: Yeah.

Member George: You could write it down.

Chairman Gary: I wouldn't care if you come up here and show me what ...

Attorney Bryce: We'll mark that as Exhibit A1. Can you just mark that as Exhibit A1?

(Inaudible) Everyone speaking at once.

Vice-Chairman Mace: How far out is the pad underneath?

Member George: Right. It would be helpful to see the ...

Vice-Chairman Mace: How long is the trailer you're talking about putting in there?

Mr. Rabbath: Thirty to 35 feet.

Member Horun: Could I see it? Can we see it back here?

Vice-Chairman Mace: (Inaudible) 10 foot wide garage door, you can it without violating ...

Mr. Rabbath: What was that?

(Inaudible) Everyone speaking at once.

Chairman Gary: Let's let ... Our engineer's here now so.

(Inaudible) Everyone speaking at once.

Engineer Adam Wesniewski: Sorry gentlemen, I just wanted to add one minor thing. You know, certainly, you know, Mr. Bloch prepared his report as part of the review of the application. I think I mentioned, you know, traditionally we have ... we defer to the planner on residential variance applications. But the one thing I did just want to put on the record, and I know we're speaking about a driveway extension, the only ... There are no minor stormwater requirements in Lopatcong Township that are in the ordinance so there's no requirement for any sort of dry well or any other facility. But one thing I would mention is, should the disturbance on the lot exceed 5,000 square feet with the driveway extension and the building which is 2,400 square feet, you'll have to prepare a plan and file it with the county soil conservation district so I don't know if your engineer would likely ... I don't know. Did you use an engineer to prepare this plan?

Mr. Rabbath: Do I didn't.

Engineer Wisniewski: You just did it?

Mr. Rabbath: Yeah.

Engineer Wisniewski: Okay. So, I wouldn't expect that a driveway extension ... a gravel driveway extension to the front of the building would ... you know, that plus the size of the building, exceed 5,000 square feet of disturbance, but you'll just want to make sure that you don't so the county doesn't have a reason to, potentially, issue ... not they would ... issue a violation or require you to file for a permit application.

Attorney Bryce: And that has no effect on your variance request. That's going to be a condition.

Engineer Wisniewski: That's a separate condition.

Attorney Bryce: You don't need to worry about that yet.

Engineer Wisniewski: So if you ... You know, I think what we're talking about is potentially just upgrading this plan or updating the plan to show where the driveway extension is going to be and then we'll be able to understand that you're under that 5,000 square foot threshold and you don't have to file for a permit with the County Soil Conservation District.

Mr. Rabbath: Okay.

Engineer Wisniewski: So that would be the only issue. Otherwise, I mean, it looks like the land sort of slopes back to the wooded area and open space area so there's not going to be any impact that I can see to a neighboring property or anything like that. And I think I heard there's no residents or neighbors here expressing concern about runoff or anything like that. So, from an engineering perspective, I really didn't have concern. Certainly, it's all deferred to the Board in terms of the degree and the variance that's being requested. But, that would be ... that's my only sort of input on the application. Thank you.

Chairman Gary: I'd just say now that I have a better understanding of the driveway, the area in front of the garage and trusting that you're very capable of maneuvering the trailer, I don't have a problem with it. I just don't think anyone is going to be impacted by it. Anyone? Anyone else have any questions or any comments for the Board? Is there anyone from the public who would like to comment on this.

Bill Wright: Hello. Bill Wright, 1371 Rowes Lane.

Attorney Bryce: Sir. If you please raise your right hand. Do you swear and affirm that the testimony you about to give this Board is the truth, the whole truth and nothing but the truth?

Mr. Wright: I do.

Attorney Bryce: Please state your name and spell you last for the record.

Mr. Wright: Sure. It's William W-R-I-G-H-T, 1371 Rowes Lane. I live catty-corner from Andrew.

Attorney Bryce: Thank you sir.

Mr. Wright: Yeah. No problem. Yeah, it's harder to see on that piece of paper than it is when we were there. Like the back corner does drop down like crazy so if he brings that building over, he really doesn't have much of a yard. And, he does trailers all the time. It's up to him to pull in there. But the arborvitaes are very important because that blocks from Sal's house, my house and they're huge ... they're nice. I'd hate to see them go. He just wants to bring it over. We, as neighbors, don't have any problem with it. I would have brought Sal. He just was up talking about it but didn't think he needed to come. We'd love to see him put it up there. He needs the room. So, that's all I got.

Chairman Gary: Alright. Thank you.

Vice-Chairman Mace: Can I ask another question?

Chairman Gary: Yeah. Sure.

Vice-Chairman Mace: Maybe I'm not understanding something here and thank you for that. Between the house ... back ... behind the house, going straight back from the house, what does that land do? Does it go down? Does it go up? Is it level? What does it do?

Mr. Rabbath: Off of? Which part of the house?

Vice-Chairman Mace: The narrow ... the 25 foot back part there. The narrow part. This part right here. So, this 50 feet. This feet ...

Mr. Rabbath: It's somewhat flat but slopes towards ...

Vice-Chairman Mace: Yeah, it slopes down. That part of it I get. I just said I'm very familiar with Rowes Lane so I know what it does this way going up the lane. What I don't know is what it does that way because it's so far back. If somebody like me riding up the road, I don't get to see it.

Mr. Rabbath: It slopes away from the house and then down towards Belvidere.

Vice-Chairman Mace: How steep is it going away from the house back towards the easement?

Mr. Rabbath: Directly behind the house isn't that steep but as soon as you get to the south, it drops off quite a bit. It's like flat-ish for a little bit and then it goes down maybe ...

Vice-Chairman Mace: So if I'm going towards the easement, it's drops ... part of it towards the back of it is dropping off? Is that ... Do I understand that, that way? I'm just ... I'm sorry. I'm just having a little ...

Mr. Rabbath: I can show you the map.

Vice-Chairman Mace: Please do.

Mr. Rabbath: So like, it's flat if you go like a semi-circle connecting this part of the house and this part is flat, and then down here it drops off quite a bit.

Vice-Chairman Mace: Yes. But if I go straight back ... right there. What happens right there where your thumb is? I'm sorry, your index finger toward me.

Mr. Rabbath: It slopes from the house and then it slopes down a little but towards the ... this property line in the back and then comes down this way.

Member George: Relatively flat on this side?

Mr. Rabbath: Yeah.

Member Valente: (Inaudible)

Mr. Rabbath: Yeah. I'd have to make a long driveway.

Member Valente: Yeah. You can't do it.

Vice-Chairman Mace: Yeah. No. I'm not ... I wouldn't ... Okay. That seems to me for the purpose I was asking ... gave it a little bit of value to granting this easement ... I wasn't understandingly saying "you lose a backyard" without having an understanding of where the slopes were straight back.

Mr. Rabbath: I wish it was ...

Vice-Chairman Mace: This I understand. This way. That, I didn't.

Mr. Rabbath: Yeah. It's a fairly steep drop off ...

Vice-Chairman Mace: Okay. I feel better.

Mr. Rabbath: ... on the side.

Vice-Chairman Mace: I'd still like to see the driveway but I feel better about the variance.

Chairman Gary: Alright. Any other questions ... comments. No one else from the public? Alright. Is there ... Would anyone like to ...

Member Horun: I would entertain a motion.

Member Valente: I'll second.

Chairman Gary: Wait ... Lets ...

Member Horun: I'll make a motion to approve the variance to be a 10 foot side yard and 10 foot rear yard setback to allow the structure to be built with the testimony about the driveway and how the driveway would be constructed.

Chairman Gary: Okay. Is there a second?

Member Unangst: I'll second.

Member George: I'll second.

Member Valente: I'll second.

Chairman Gary: Okay, you want to fight it out?

Member Valente: Go ahead Mike.

**Motion by:** Member Horun

**Seconded by:** Member Unangst

## **ROLL CALL**

**AYES:** Member George, Member Horun, Vice-Chairman Mace, Member Unangst, Member Valente, Member Vine and Chairman Gary

**NAYS:** None

**ABSTAIN:** None

Attorney Bryce: Sir, the motion has passed. You've been granted the variance. You're going to be getting a Resolution next month.

Mr. Rabbath: Okay.

Attorney Bryce: And then you can go and pull your building permits. There is right of appeal for 45 days. I don't think anybody is going to appeal that so you are probably going to be safe.

Mr. Rabbath: Okay. Thank you gentleman.

Chairman Gary: You're welcome. Hope it all works out.

Vice-Chairman Mace: Thanks for the testimony.

Chairman Gary: Maybe you can take a video of you backing that trailer in.

Unknown member of the public: He's very good.

Chairman Gary: I'm sure. I'm sure he is. Okay. There's nothing else on the agenda. Anything else? Anybody has anything before the Board? If not, then I would entertain a motion to adjourn.

## **ADJOURNMENT**

Member Unangst: I'll make the motion to adjourn.

Chairman Gary: Second?

Vice-Chairman Mace: Second.

Chairman Gary: All in favor?

The Board: Aye

Chairman Gary: Opposed? No? We are adjourned.

**Motion by:** Member Unangst

**Seconded by:** Vice-Chairman Mace

**ALL IN FAVOR:** Ayes

**NAYS:** None

Respectfully submitted by:

Patricia A. Segeda  
Secretary, Zoning Board of Adjustment