

MINUTES OF
ZONING BOARD OF ADJUSTMENT
Hopatcong Borough Hall, Hopatcong, NJ
April 12, 2006

CALL TO ORDER: Chairman Francis called the meeting to Order at 7:30PM

CHAIRMAN'S STATEMENT: The Chairman stated that this meeting is held in Accordance with the Open Public Meetings Act 10:4-1 et seq. annual notice having been forwarded to the New Jersey Herald, the Sunday Herald and posted on the bulletin board maintained in the Municipal Building for public announcements.

SALUTE TO THE FLAG: The Members joined in a salute to the Flag.

ROLL CALL PRESENT: Roy Winfield, Cliff Lundin, Robert Daddis, Stephen Wenz, Kenneth Trumpore, Ch. Michael Francis
Zoning Officer William Donegan
Zoning Board Attorney William Haggerty
Borough Engineer John Ruschke
Excused: Borough Planner Kenneth Nelson

ABSENT: Robert Hastings and Michael Collins

Robert Hastings submitted a letter of resignation to the Zoning Board of Adjustment

MINUTES:

Motion to approve the minutes of March 8, 2006 was made by Daddis, seconded by Winfield.

Roll call: Winfield - yes, Lundin – abs., Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

CONTINUED APPLICATIONS:

CHAPLIN HOMES, INC. BLOCK 10901, LOT 15 Wake Forest Trail

Applicant is seeking relief from 242-38D(1), min. lot size; 242-38D(2), minimum lot width; 242-38D(9), floor area ratio; and any variances required by the Board.

Applicant would like to build a single-family home on a vacant lot. The application was continued from the March 8, 2006 meeting with no further notice to address the engineering issues. Larry Kron represented Mr. Chaplin. This is a 7941 sf lot, 60' wide. The Floor area ratio and lot coverage variances are no longer required because of the Ordinance change. The adjoining neighbors were noticed and copies of the letters were marked Exhibit A-1 and A-2. No response to the letters had been received. Lundin recused himself.

Jeff Careaga of Careaga Engineering was qualified and sworn in. He had prepared plans for a raised ranch with a deck off the rear with storm drainage systems and had addressed the comments from Borough Engineer Ruschke. Landscaping has been proposed. The property is proposed to be connected to the sanitary sewers and had applied before the sewer moratorium.

Ruschke said that currently the Borough has a moratorium on any sewer applications until a further study on phase 3 is done. There is no guarantee of a sewer connection. The applicant agreed that any approval will be contingent on this and if not, they will come back to the Board. They have done soil logs on the property.

Ruschke's report of March 27, 2006 was reviewed item by item and the engineers were in agreement. There was a variance for a wall and the applicant agreed to move the wall to eliminate the need for a variance. There is some minimal steep slope disturbance in front. They agreed to pay a development fee when permits were issued.

The meeting was open to the public. No one from the public commented. The meeting was closed to the public.

A motion to approve the design contingent on approval of the sewer connection prior to issuance of building permits was made by Daddis, seconded by Winfield.

Roll call: Winfield - yes, Lundin – abs., Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

MICHELMAN, HARVEY BLOCK 50204, LOT 1 433 Maxim Drive

Applicant is seeking relief from 242-38D(4), minimum front yard setback; 242-15E, maximum number of accessory structures, 242-15B(5), accessory structures in front yard and any variances required by the Board.

This matter was continued from the September 14, 2005 and March 8, 2005 meeting. The application had been noticed but a continuation was requested because of the holiday.

A motion to continue this matter to the May 10th meeting with no further notice was made by Lundin, seconded by Winfield.

Roll call: Winfield - yes, Lundin – yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

RESTRICK, ROBERT C. BLOCK 31101, LOT 30 251 Maxim Drive

Applicant is seeking relief from 242-38D(4), front yard setback; 242-38D(5B), side yard set back of accessory structure: 242-38D(8), lot coverage; 242-38D(9), maximum floor area ratio; 242-11C, steep and critical slope and any variances required by the Board. Preexisting nonconforming: 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(5), side yard setback; 242-18A, distance from the Lake.

This matter was continued from the February 8, 2006 meeting so the applicant could get a new survey. Robert and Wanda Restrict were sworn in. Two months ago they submitted an application to remove an unattractive one-car garage and replace it with a two-car garage built to code. The new survey showed the oil tank and the boat storage issue will be solved when the garage is built. Two of the variances, FAR and lot coverage, were eliminated with the Ordinance change. The setback is still an issue but Mr. Restrict had measured the setbacks up and down his road and submitted that as Exhibit A-1. The proposed location of the new garage would be moved 7' back from the present location. The room under the garage would have no windows and would only be used for storage and he would agree to a "no habitation" clause in the Resolution. The height at the back of the garage is 24', the average 19.6'.

Mr. Restrict had contacted engineers about the stormwater issue. Daddis and Trumpore were still concerned about a common driveway and possible fill issue. The garage doesn't trigger a stormwater management plan but the parking area should be addressed even if it was an enforcement issue. An engineer could mitigate the runoff issue.

The meeting was open to the public. No one from the public commented. The meeting was closed to the public.

This application is for the garage only. The driveway issue involves another property owner. The Planning Board had originally approved the minor subdivision and driveway but the neighbor had added more driveway afterward and the area was over 1500 sf. so a stormwater plan was needed.

A motion to approve the new garage with no habitation permitted contingent on having a stormwater management plan submitted for the garage, the altered parking area and driveway within 90 days with no building permits issued until the plan is received was made by Trumpore, seconded by Lundin.

Roll call: Winfield - yes, Lundin – yes., Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

The applicant is only responsible for implementing his fair share of the stormwater controls.

SABARESE, ROBERT & DOROTHY BLOCK 30408, LOT 10 251 Lakeside Blvd.

Applicant is seeking relief from 242-38D(5), side yard setback; 242-15(E), number of accessory structures; 242-15B(3), area of accessory structure; 242-62A, expansion of non-conforming use, 242-38F(8), maximum lot coverage; 242-38D(9), floor area ratio, and variances required by the Board. Pre-existing non-conforming 242-38D(2), width; 242-38D(5), side yard; 242-38D(6); rear yard.

Applicant would like to construct a detached garage. This matter was continued from the March 8th meeting to reconfigure the garage and provide floor plans and engineering plans. Lundin recused himself. Robert and Dorothy Sabarese were sworn in. This house had a tenant in it that has moved out and it will now be a single-family home with their son living in the existing apartment. They had rotated the garage at the Board's suggestion; there will be two garage doors instead of three. The peak will be 17' and the upper level will be used for storage only and they agreed to a "no habitation" clause in the Resolution; there will be no water or sewer installed. They have also started to clean the lot up; the lot disturbance is under 1500 sf and the steepage pit that was designed was adequate.

The meeting was open to the public. No one from the public commented. The meeting was closed to the public.

A motion to approve the proposed garage according to the plan submitted under the condition that the garage not be used for habitation and the one and ½ story home be single-family only was made by Trumpore, seconded by Daddis.

Roll call: Winfield - yes, Lundin – abs., Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

Ms. Sabarese requested that the Memorialization period be waived.

A motion to waive the memorialization was made by Trumpore, seconded by Winfield

Roll call: Winfield - yes, Lundin – abs., Daddis –no, Trumpore – yes, Wenz –yes, Francis – yes

NORTHWOOD INN, BLOCK 70111, LOT 1 300 Glasser Ave.

Final and Amended Site Plan Approval: This application was noticed but new plans were not submitted. Because plans were not on file, the application legally had to be renoticed.

A motion to postpone the hearing to the May 10, 2006 meeting with new notice was made by Winfield, seconded Daddis.

Roll call: Winfield - yes, Lundin –abt., Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

NEW APPLICATIONS:

BONGIORNO, JAMES & MARGARET BLOCK 70220, LOT 2 63 Northwood Road

Applicant is seeking relief from 242-38D(4) front yard setback; 242-18A, distance from a stream; and any variances required by the Board. Preexisting nonconforming: 242-38D(2), minimum lot width; 242-38D(5), side yard setback

Applicant would like to build a two-car garage with a covered walkway to the house and an addition on the second floor. Margaret Bongiorno and Joseph Cinotti, her son-in-law

were sworn in. This is a 220 sf living space addition with a one car garage and carport. The front yard setback is from an abandoned paper road and the other variance is for a stream that is closer to the existing home than the proposed addition.

Lundin felt the addition was reasonable but was concerned about a nearby wetland delineation and would like that looked into but the other Board members felt this was a considerable distance away. Jefferson notice had been given. The shed on the property is in Jefferson. The home will remain a two bedroom. The turnaround for the driveway is on the paper street.

The meeting was open to the public. No one from the public commented. The meeting was closed to the public.

The zoning calculations submitted were based on the entire lot.

A motion to approve the addition and garage was made by Daddis, seconded by Wenz.

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

Ms. Bongiorno asked to have the Memorialization period waived because she is having a wedding in September.

A motion to waive the Memorialization period was made by Wenz. There was no second. No waiver was given.

HAUCK, GLEN BLOCK 10501, LOT 42 9 Florence Street

Applicant is seeking relief from 242-38D(4), front yard setback; 242-38D(5), side yard set back; 242-38D(8), lot coverage; 242-38D(9), maximum floor area ratio; 242-11C, steep/critical slope; 242-28C(1), retaining wall setback and any variances required by the Board. Preexisting nonconforming: 242-38D(1), minimum lot size; 242-38D(2), minimum lot width

Applicant would like to build an addition to a single-family home. Lou Sceusi represented the opposition. John Williams represented the Haucks. He requested a motion to deem the application complete.

A motion to deem the application complete for purposes of the hearing was made by Lundin, seconded by Daddis.

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

Atty. Williams said the variances for FAR and lot coverage no longer applied and the footprint of the house with the proposed addition was okay. Ed Marcey who helped design the plans was sworn in. There was discussion about his qualifications as he was not an architect but worked with an architect to design the addition. Francis accepted his qualifications. The original design was for a 15' addition off the side with the understanding that additional property would be purchased from the neighbor. It was later revised to a 12' addition with a three-foot setback from the property line. The addition couldn't be located in the back of the house because of rock, septic and interior design problems. The addition would add a garage and family room with a spiral staircase to a loft on the second story.

Lundin wanted to know what the hardship was to justify building 3' from the property line. The lot is 80' wide. The house is a four-bedroom and will stay a four-bedroom, the property will be relandscaped, relocating railroad ti walls. They are not reducing the driveway pitch that is very steep. The proposed steps shown on the plan are on the property line. Ruschke was concerned about septic access and suggest making the addition 10' wide instead but that was not enough garage room for their cars.

Attorney Sceusi challenged Marcey's measurements and qualifications He submitted a photo of the space where the addition would go and that was marked Exhibit O-1.

There is a 17' x 15' covered deck in the rear and there was discussion as to whether the addition could be relocated there. Marcey stated it was a matter of needs and expense and the garage needed to be located near the existing garage. Sceusi submitted a photo of the septic area in the back marked Exhibit O-2.

Lundin noted that the Board of Health letter of March 23rd stated that this is a three-bedroom home. There is an office with a closet that could also be considered a bedroom. Daddis maintained that an addition couldn't be constructed 3' off a property line without disturbing the neighbor and a stairway on the property line was unacceptable.

Brad Elam, surveyor for Suburban Engineering said the neighbor's home was 60' from the property line. Photos marked exhibits A-1 through A-4 of the property with a guide as to where they were taken that was marked exhibit A-5 were submitted.

The Haucks were sworn in. Ms. Hauck said they tried to buy 10' from the neighbors, the Webbers, and had originally agreed to pay \$2500, then the Webbers talked to a realtor and wanted \$5000 for the property. They made a formal offer after having a survey done of \$5000 and then the Webbers wanted \$7500. So they decided to redesign the addition instead of purchasing the property. Mr. Hauck said after the redesign of the front yard they will be able to access the septic from the other side of the house.

The meeting was open to the public. Sceusi noted that there were two bedrooms and a bathroom upstairs. There were never any signed contracts between the neighbors. Williams produced a contract to purchase the property for \$5000 that was not signed.

Mrs. Maribeth Webber of 7 Florence Street has lived there for 32 years. They have a double lot and located their home in the center of the property. She said the Haucks originally wanted to purchase 20' for \$2500, she said maybe 10' and then a realtor told her it was worth \$5000-7000. She showed the contract to an attorney and he said the property had a value of \$10,000 to \$12,000 but thought \$7500 was a fair price. She was told the addition would be 10' wide. A letter to her attorney was marked Exhibit O-3.

The cost of the attorneys and redesign could have offset the expense of purchasing this property and the Board urged them to work something out. Ms. Webber said she was not interested in selling any property now. Sceusi said there is no hardship to approve this.

It was suggested that the addition be redesigned for maximum sideline setback and that the matter be continued.

A motion to postpone the matter to the May 10th meeting with no further notice was made by Lundin, seconded by Wenz.

Roll call: Winfield - yes, Lundin - yes, Daddis - yes, Trumpore - yes, Wenz - yes, Francis - yes

HOER, RICHARD & SHERYL BLOCK 10501, LOT 29 149 Brooklyn Stanhope Road

Applicant is seeking relief from 242-15E, maximum number of accessory structures; 242-15B(3), total area of accessory building; 242-11C, steep and critical slope; 242-15B(4), maximum height of accessory structure and any variances required by the Board. Pre-existing nonconforming: 242-39D(2), lot width.

Applicant would like to build an addition and detached garage. Rich Hoer was sworn in. He would like to put the addition on the left side of his house within an easement area for GPU. He has a deed description and has clarification from GPU saying they have no rights of refusal. The Board wanted a copy of this. He has 3 ½ acres and he asked for a variance on the height of that garage but doesn't anticipate needing that because it will be built into the hill. The garage is for expensive cars and he will have climate control and water in it but agreed to a "no habitation" clause in the Resolution. He wants to mirror the garage height to match the height of his existing garage.

The Board did not feel the plans were clear enough. He also needs to address the Stormwater issue because a neighbor had concerns. Mr. Hoer said he had dropped off plans but the Board and engineer did not have them.

The meeting was open to the public. Bill Hahm, 61 Frances, was sworn in. There is an issue of stormwater runoff on his property that didn't exist before Hoer's home was built so he would like a swale put back between the properties.

Hoer said a neighbor who discharges a sump pump onto his property since he was icing up the street before that causes the drainage problem. Hoer would put in a pipe if the town would let him. The town also discharges runoff onto his property.

The Board wanted a copy of the letter from GPU, architectural and floor plans and dimensions of the loft, something showing the garage in relationship to the topography other than the site plan and drywell plans for the garage.

A motion to carry the matter to the May 10th meeting with no further notice was made by Lundin, seconded by Winfield.

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

O'RAFFERTY, ANNE MARY BLOCK 31507, LOT 2 72 Wildwood Shores

Applicant is seeking relief from 242-38D(4), front yard setback; 242-38D(5), side yard set back; 242-38D(9), maximum floor area ratio; and any variances required by the Board. Preexisting nonconforming: 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(8), lot coverage

Applicant would like to construct a second-story addition to a single-family home.

Because of the late hour a motion to continue the matter with no further notice was made by Lundin, seconded by Trumpore.

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

OTTE, DOUGLAS BLOCK 10810, LOT 59 18 Shore Road

Applicant is seeking relief from 242-38D(5), side yard set back; 242-38D(6) minimum rear yard setback; 242-18A, structure within 50' of the lake and any variances required by the Board. Preexisting nonconforming: 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-28C, minimum setback for retaining wall

Applicant would like to add a 10' x 27' deck

Because of the late hour a motion to continue the matter with no further notice was made by Lundin, seconded by Trumpore.

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

MCKIERNAN, SPENCER & PAULA BLOCK 10408, LOT 10 35 Beverly Road

Applicant is seeking relief from 242-38D(4), front yard setback and any variances required by the Board. Preexisting nonconforming: 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(5), side yard set back

Applicant would like to build a second-floor deck on the side of a single-family home.

Because of the late hour a motion to continue the matter with no further notice was made by Lundin, seconded by Trumpore.

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

RUSCHKE, JOHN BLOCK 10706, LOT 4 5 Ryerson Road

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(4), minimum front-yard set back; 242-38D(3), minimum lot depth; 242-38D(9), maximum floor area ratio and any variances required by the Board.

This matter was continued from the January 11, 2006 meeting for redesign. The applicant requested a continuation to the April 12, 2006 meeting to obtain a Letter of Interpretation from the DEP.

Because of the late hour a motion to continue the matter with no further notice was made by Lundin, seconded by Trumpore.

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

<u>RESOLUTIONS:</u>	Redshaw’s Contracting, LLC	4041371
	Gardenview Const.	11107/47
	Meyers	50602/28 & 28.1
	Poyser	40203/22

A motion to approve the memorializations was made by Daddis, seconded by Trumpore.

Roll call: Winfield - yes, Lundin –abs., Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

<u>BILLS:</u>	Hatch Mott MacDonald		
	Quick Chek 10701/2	\$1072.50	
	Quick Chek 10701/2	\$105.00	
	Designer Homes	31103/2	\$1050.00
	Cafaro	10810/62	\$315.00
	Henshaw	30501/37	\$525.00
	Redshaws Contracting	40413/71	\$472.50
	Meyers	50602/28	\$472.50
	Des. Homes - Dupont	31204/5	\$262.50
	Rugel	40912/7	\$210.00
	Raykov	30902/37	\$630.00
	Des. Homes – Frances	10106/18	\$217.50
	Leka	70221/6.02	\$787.50
	Norwescap	10203/4	\$367.50
	Chaplin	10901/15	\$525.00
	Des. Homes – Kynor	20206/5	\$262.50
	Gen. Feb. mtg.		\$597.00

A motion to approve the bills was made by Trumpore, seconded by Daddis

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

OLD BUSINESS:

NEW BUSINESS:

LALLY, TRUDY BLOCK 31005, LOT 42 317 Dupont Avenue

Applicant would like to amend the floor plan of an addition to a single-family home that was approved on February 8, 2006 and Memorialized on March 8, 2006. Trudy Lalley said they wanted to change the interior floor plan by moving the bedrooms downstairs and opening up the upstairs to make a great room with no change in the number of bedrooms.

A motion to approve the change was made by Trumpore, seconded by Daddis.

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

SADOWSKI, BRIAN BLOCK 30703, LOT 9 7 No. Riverstyx Road

Applicant would like to amend the floor plan of an addition to a single-family home that was approved on and Memorialized on March 8, 2006.

Mr. Sadowski would like to add a bedroom to the approved plan since this home now has sewers. The bedroom count was part of the resolution so this is a new application that needs to be renoticed.

A letter was received from **Susan Woienski, 11 Bertha Street** requesting that the Board waive the fees for an application to determine pre-existing non-conforming use for a three-family home. Mr. and Mrs. Woienski appeared.

A motion to waive the application fee of \$400 and defer escrow payment until a bill is actually received was made by Trumpore, seconded by Winfield.

Roll call: Winfield - yes, Lundin –yes, Daddis – yes, Trumpore – yes, Wenz –yes, Francis – yes

ADJOURNMENT:

A motion to adjourn was made by Trumpore, seconded by Daddis

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 11:28 p.m.

Eugenia Wiss, Secretary