

MINUTES OF
ZONING BOARD OF ADJUSTMENT
Hopatcong Borough Hall, Hopatcong, NJ
August 9, 2006

CALL TO ORDER: Vice Chairman Ken Trumpore called the meeting to Order at 7:30PM

CHAIRMAN'S STATEMENT: The Vice 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: Robert Daddis, Michael Rahill, Steve Wenz, Roy Winfield, V. Ch. Ken Trumpore, Zoning Officer William Donegan
Zoning Board Attorney William Haggerty
Excused: Borough Planner Kenneth Nelson

ABSENT: Michael Collins, Ch. Michael Francis and Cliff Lundin
LATE: John Ruschke, arrived at 8:45 p.m.

MINUTES:

Motion to approve the minutes of July 12, 2006, was made by Daddis, seconded by Winfield.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

CONTINUED APPLICATION:

BRENNAN, KATHLEEN & WILLIAM BLOCK 11209, LOT 23 18 Smokehouse Road

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

Applicant would like to build an addition and deck to a single-family home. This matter was continued from the July 12, 2006 meeting with new notice. William and Kathleen Brennan were sworn in. They want to put a 15'6" two-story addition on their house and it would be set 4'8" off the sideline. That is the existing setback. They are on sewers now and the adjoining neighbor has a double lot.

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

The Board felt the addition was similar to others in the neighborhood.

A motion to approve the variances was made by Daddis, seconded by Wenz.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

CARVALHO, LUIS & LAURA BLOCK 70111, LOT 9 316 Lakeside Avenue

Applicant is seeking relief from 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; 242-18A, minimum distance to the Lake.

Applicant would like to build retaining walls, a deck and a dock. This application was continued from the July 12, 2006 meeting with new notice. Luis Carvalho and his

attorney, Debra Gabry, were sworn in. This property had been abandoned and they rebuilt a home on the existing foundation. They are here for the other improvements that were done without permits. The property is small. The length of the dock is 52 ½', it is two 26' sections of floating docks that are anchored with pipes. The upper story deck has a concrete pad below it and goes right to property line. There is also a wooden deck at ground level that also abuts the property line.

The Board doesn't like it when people do things without permits and then expect the Board to approve them. The dock is too long, needs State approval and requires significant variances. The property line ends at the lake's edge. They need to remove one section of the dock and get verification from the State that the dock is either approved or that they have no jurisdiction because it is a floating dock.

The house is not occupied now. The retaining walls are for sewage holding tanks. Any disturbance over 1500 sf. would require a soil erosion plan but and silt fences were recommended because of the slope and proximity to the Lake.

The meeting was open to the public. Elliot Hirschorn, adjoining neighbor, said he gave Carvalho the dock and it is no longer than his or the other neighbors. His dock is 60'. He has no objection to the dock. Josephine Ciarfella, adjoining neighbor on the other side, said they have enhanced the property but she is worried about the survey and property line encroachment.

They had already agreed to remove the fence and walkway. A photo of the fence was marked Exhibit A-1.

A motion to approve the variances for the wall and concrete patio that does not extend past the upper deck with the removal of the 26' dock section and removal of the lower deck was made by Daddis, seconded Wenz.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumppore – yes

A request to waive the memorialization was denied because the State needed to approve the dock and the paperwork needs to be provided to the Board.

NEW APPLICATIONS:

STEINBAUM, FRED BLOCK 11306, LOT 2 167 Lakeside Boulevard

Applicant is seeking relief from 242-38D(8), lot coverage; 242-38D(9), footprint; 242-62, expansion of non-conforming use; 242-11C, steep/critical slope and any variances required by the Board. Pre-existing non-conforming 242-38D(2), lot width; 242-38D(4), front yard setback; 242-38D(5), side yard accessory structure, 242-28C(1), retaining wall setback.

Applicant is seeking approval of revised plans for a single-family home. Bernd Hefele, Fred and Ellie Steinbaum, Architect Paul Damiano and Engineer Stewart were sworn in. An application for a garage, boathouse and an addition to a single-family home was approved on Oct. 13, 2004 and a copy of the Resolution was submitted and marked Exhibit A-1. The property is 28,009 sf. Construction was in progress on the garage and boathouse, however, the existing home that the renovation had been planned around was unsalvageable because of a crumbling foundation and compromised beams. The professionals and Building Inspector agreed. Since the structure came down, the applicants proposed to build a smaller house that was more centered on the lot eliminating a sideline setback. They were here for two new variances, footprint and lot coverage.

Fred Steinbaum said that they would have kept the original structure had it been possible. This property has sentimental value because it was his wife's family's home.

Mr. Damiano was qualified. A site plan from the previous approval dated 5/28/04 was marked A-2. He was not the original architect and was hired to design something less complicated. He presented a model of the previously approved home marked Exhibit A-3

and the proposed home on the site marked Exhibit A-4. They had moved the home 10' back from the lake, the footprint is 300 sf. less including a one-car attached garage. The internal reduction is 13%, from 7800 to 6200 sf. The new home will appear lower from the Lake. They will use a specialty concrete paver in the hatched area on the plan to reduce the lot coverage. The proposed lot coverage was 36.1%, 42.76% was granted in the prior approval. The calculations supplied by the engineer were correct and Donegan agreed. The underground boat storage and garage were not included in the footprint.

This property had two homes on it and now that one has been demolished it is a conforming lot. Haggerty felt the previously approved home could be built according to our Ordinance.

The applicant agreed to reduce the coverage to 34.5% that was the existing coverage before any approvals. Mr. Tobia, Planner, explained the benefits to approval, the design was more aesthetic and variances had been reduced. There are always lot coverage issues on long narrow lots. The new plan was better for the municipality subject to the use of the specialty pavers.

The meeting was open to the public. Adjoining neighbor, Mary Lou Kelliher, was sworn in. Her property has been disturbed by the construction and she appealed to the Board to expedite this so the property could be restored. She is supportive of the project.

Some Board members were not in favor of another garage but agreed an attached garage is practical with inclement weather.

A motion to grant the variances with the stipulation that the lot coverage is reduced with the open pavers to the previous lot coverage was made by Winfield, seconded by Wenz.

Roll call: Winfield – yes, Wenz – yes, Daddis – no, Rahill – yes, Trumpore – yes

Haggerty determined this was a C, not D variance application because it was a reduction in what was previously approved. The motion carried.

A motion to waive the memorialization period was made by Winfield, seconded by Wenz.
Roll call: Winfield – yes, Wenz – yes, Daddis – abs., Rahill – yes, Trumpore – yes

VASARHELYI, JOSEF AND MARIA BLOCK 31304, LOT 36 104 Bishops Rock Road

Applicant is seeking relief from 242-38D(4), front yard set back; 242038D(5), side yard setback and any variances required by the Board. Pre-existing non-conforming 242-38D(1), minimum lot size; 242-38D(2), lot width

Applicant would like to build an addition to a single-family home. Josef and Maria Vasarhelyi were sworn in. They would like to enlarge a bedroom and living room, add a 15' wide deck, and build an attic with a computer room and library. The lot is 14,279 sf.

The Board felt this is a modest addition to a large property with no new variances and there were no closets in upper rooms. There was a shed on the property that was 5 feet from the property line. Trumpore wanted it conform to the Ordinance and be 6' off the sidelines. It was there when they bought the property.

The meeting was open to the public. Estelle Klein was sworn in and wanted more information about the setback for the shed. No one else from the public commented. The meeting was closed to the public.

The applicant agreed to move the shed; it wouldn't be too difficult.

A motion to grant the variances with the stipulation that the shed be moved was made by Daddis, seconded by Winfield.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

A motion to waive the memorialization since the applicant just missed the July meeting was made by Daddis, seconded by Wenz.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – no

O'CONNOR, WILLIAM AND ELENA BLOCK 30604, LOT 20 238 Chinopee Ave.

Applicant is seeking relief from 242-38E(1), footprint minimum lot size; 242-38D(2), minimum lot width; 242-28C(1), retaining wall setback

Applicant would like to build a roof over and screen in a recently approved deck. William and Elena O'Connor were sworn in. They want to put a roof over the deck because it is too sunny and also screen it in. They agreed not to put windows in or heat it. They will eventually put a hot tub on the deck/porch.

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

A motion to grant the variances for a roof and enclosure with screening with the condition that it never be fully enclosed, heated or air-conditioned was made by Daddis, seconded by Winfield.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

They requested that the memorialization period be waived so they could use it by the end of the season. No motion was made.

DEARY, WILLIAM BLOCK 11203, LOT 2 124 Idalroy Trail

Applicant is seeking relief from 242-38D(4), front yard set back; 242038D(6), rear yard setback and any variances required by the Board. Pre-existing non-conforming 242-38D(1), minimum lot size; 242-38D(2), lot width; 242-38D(3), minimum lot depth; 242-38D(5), minimum side yard setback.

Applicant would like to build a detached garage. William and Lorraine Deary were sworn in. The detached garage would be built over an existing driveway. They will remove the concrete patio on the side of the house and the balance of the macadam behind the garage. The garage would not add to the impervious coverage. The overhang of the garage will be one foot leaving a 6' setback. They had gotten permits for the shed on the property.

Leaders and gutters from the garage could give some recharge. The applicant agreed to run the gutters from the house that runoff into the driveway into a drywell. Ruschke will work with the engineer to determine a proper size drywell.

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 application with a plan approved by the Borough Engineer for recharge of the runoff from the garage and house was made by Wenz, seconded by Winfield.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

HOMAN, HAROLD BLOCK 11006, LOT 9 211 Brown Trail

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), lot width; 242-38D(4), front yard set back; 242-11C, step/critical slope; 242-28C(1), retaining wall setback and any variances required by the Board

Applicant would like to build a new single-family home. Harold Homan was sworn in with his engineer Jeff Careaga. He had noticed his abutting neighbors and received no reply to the Nash letters.

There is substantial rock on this property. Careaga said this is why they moved the house forward and needed a front yard setback variance. The only other alternative would be not to build on this property.

The house is 28' x 42' modular with a garage underneath; stormwater controls have been addressed. They received the Borough engineer's letter and can comply with his report.

Mr. Homan has lived here since 1972 and he now lives with his daughter next to this lot who has two small children and it is difficult. He loves the neighborhood.

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

Daddis felt this was the best use for this property. Ruschke had no further comments.

A motion to accept the application was made by Rahill, seconded by Daddis.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

A motion to waive the memorialization was made by Wenz, seconded by Rahill

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – no

COMPITIELLO, ANTHONY & GAIL BLOCK 11017, LOT 15 15 Lackawanna Trail

Applicant is seeking relief from 242-38d(6), rear yard setback; 242-15B/C, pool side and rear yard setback; 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; 242-38D(4), front yard setback

Applicant would like approval of a shed relocation, pool, retaining walls, driveway and deck expansion. Gail and Anthony Compitiello were sworn in. They had already done work, they relocated the shed because of a problem with the leach field. Now they are on sewers. The shed is about 3 feet from the property line. Donegan said a neighbor complained about drainage problems caused by the work they did without permits. There is no problem with the deck expansion as far as variances go. The lot coverage is no longer an issue due to Ordinance change. A photo of the driveway wall was marked Exhibit A-1 and the pool wall photo was marked Exhibit A-2. They had removed the river rock around the pool and replaced it with mulch to reduce the lot coverage. They have a French drain that runs into the street for drainage. They were planning on blacktopping the additional driveway but agreed to use porous pavers. They agreed to move the shed forward to meet the setback requirement.

The meeting was open to the public. Paul Bevacqua was sworn in. He has no problems with what they have done except for drainage issues. The French drain has solved the problem in the front yard but he still has a problem in his back yard. He doesn't like the way the plywood wall looks from his property. He mentioned an addition but they said they got permits for that.

It was suggested that the Borough Engineer look at the property to assess the drainage issue and come up with a simple solution.

A motion to postpone the matter to the September 13, 2006 meeting with no further notice was made by Daddis, seconded by Wenz.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

MEYER, RON & AMY BLOCK 30904, LOT 21 243 Hudson Avenue

Applicant is seeking relief from 242-11C, step/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; 242-38D(5), side yard setback; 242-38D(6), rear yard setback; 242-38E(1), footprint, 242-18A, 50 feet from Lake.

Applicant would like to build retaining walls and regrade the front yard. Amy Meyer and Architect Michael Bengis were sworn in. They wanted to flatten out the property that is a steep slope and expand the parking area so they can park two cars.

Ruschke said structural calculations must be provided and suggested shifting the parking area. They need Mayor and Council approval for any work in the right of way.

Bengis explained that Meyer started the project to repair a wall that was falling down and as he got involved he realized that he needed professional help. They need off street parking, three people have hit her car.

Ruschke wanted more specs on the wall since it would be a requirement of the Building Dept. anyway since the wall is 9'4". Meyer said the specs would cost \$2000 to get from the manufacturer. If they shift the wall, it would encroach on the septic bed. Ruschke suggested they try to shift the wall as much as possible to get the parking out of the right of way. They will put a substantial fence at the top of the wall for safety reasons.

A motion to approve the variance with the caveat that the proper approvals are gotten from the Building Inspector and Mayor and Council was made by Daddis, seconded by Wenz.

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

The applicant requested that the memorialization period be waived because it is a safety hazard and Mr. Meyer is an excavator and can finish it. They still need building and council approval so the Board was not in favor of this.

RESOLUTIONS:

Chaplin	10811/3
Zieselman	11002/18
Ciborski	31007/11 & 22
Downey	30327/7
Hauck	10501/42
Mitchell	40201/21
On My Way Homes	10809/10

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

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – abs.

Designer Homes, 104 Randolph Ave. 10712/64

Attorney Ursin said clarification on the length of the docks was necessary. The catwalk was reduced to 20' x 2' and the 30' dock length on the other dock was to be measured from the end of the concrete pad.

A motion to amend the Resolution was made by Daddis, seconded by Wenz

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – abs.

BILLS:

Hatch Mott MacDonald		
Chaplin	10901/15	262.50
Morreale	11003/13	262.50
On My Way Homes	10809/10	315.00
On My Way Homes	10809/10	210.00
Quick Chek	10701/2	210.00
Leka	70221/6.02	157.50
Muir	40504/45	262.50
Fabrikant	10301/1	315.00
Des. Homes, Sutton	31103/2	262.50
Meyer	30904/21	105.00
Tidewater Realty	40205/19	105.00
Gen.	May mtg.	252.46

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

Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

<u>ESCROW REFUNDS:</u>	Vellarde	11205/12	\$402.00
	McCloskey	30508/33	\$85.50
	Wood	40215L8	\$420.00

A motion to approve the escrow refunds was made by Daddis, seconded by Winfield.
Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

OLD BUSINESS:

NEW BUSINESS:

CIBORSKI, KRISTON & MATTHEW BLOCK 31007, LOT 11 5 Kansas Way

Corrections to plans approved at the July 18, 2006 Zoning Board Meeting. Kriston Ciborski was sworn in. They realized there was miscommunication with their architect and the cantilever off the back was not shown on the plan. This would not affect lot coverage or the front yard setback that was the variance granted so the Board was comfortable with the change.

A motion to accept the minor design change was made by Daddis, seconded Wenz.
Roll call: Winfield – yes, Wenz – yes, Daddis – yes, Rahill – yes, Trumpore – yes

BLAU MAAN I, LLC. BLOCK 30501, LOT 66 411 Lakeside Boulevard

Discussion on approval. Glen Burkhart was sworn in. He wanted clarification on his approvals. The original approval was for two condominiums and the demolition of the cottage. Or could the house be single-family in the main house and single family in the cottage? In other words could it be two-family regardless of where the families reside? This request was driven by potential purchasers.

Estelle Klein was sworn in. She to know if he can do what was approved or go back to what the property was used for before approval.

Trumpore remember a substantial improvement to the driveway that was in the approval and required removal of the cottage. The existing driveway is shared by four people and if he builds the condos, he is obligated to pay for the driveway improvement.

A recommendation to alter the approval to change the requirement and permit single-family home use of each of the structures that was a preexisting use was made by Daddis and Trumpore.

RUSCHKE, JOHN BLOCK 10706, LOT 4 5 Ryerson Road

The final architectural plans for the approved home came in with a standard size garage that is slightly larger than what the Board approved, 50 sf.. The lot coverage would still not require a variance and no other variance approvals were affected. This was a minor design change that Donegan was authorized to approve.

ADJOURNMENT:

A motion to adjourn was made by Daddis, seconded by Wenz.

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 11:10 p.m.

Eugenia Wiss, Secretary