

MINUTES OF
ZONING BOARD OF ADJUSTMENT
Hopatcong Borough Hall, Hopatcong, NJ
December 14, 2005

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, Michael Collins, Kenneth Trumpore, Steven Wenz, Chairman Michael Francis
Zoning Officer William Donegan
Zoning Board Attorney William Haggerty
Borough Engineer John Ruschke
Excused: Borough Planner Kenneth Nelson

ABSENT: Robert Daddis, Robert Hastings

MINUTES:

A motion to approve the minutes of November 9, 2005 with a minor correction was made by Trumpore, seconded by Winfield.

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

CONTINUED APPLICATIONS:

MERZEAU, HUMBERTO BLOCK 10811, LOT 6 7 Cove Road

Applicant is seeking relief from 242-38D(4), minimum front yard setback; 242-38D(5), minimum side yard setback; 242-38D(8), maximum lot coverage; 242-38D(8), maximum lot coverage; 242-38D(9), maximum floor area; 242-18A, structure within 50' of lake and any variances required by the Board. Preexisting nonconforming: 242-38D(1), minimum lot size; 242-38D(6), minimum rear yard setback.

A motion to carry the matter to the January 11, 2006 meeting without further notice at the request of the applicant was made by Lundin, seconded by Wenz.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

LEKA, XHELADIN BLOCK 70221, LOT 6.02 53 Northwood Road

Applicant is seeking relief from 242-11C steep and critical slopes and any variances required by the Board. Preexisting nonconforming: 242-38D(1), minimum lot size.

Applicant would like to build a new single-family home. This matter was continued from the November 9, 2005 meeting with no further notice. Attorney Barry Markowitz represented Mr. Leka who was sworn in. Engineer Albert Gloor was qualified and sworn in. This lot was one of three that had been created by the Planning Board and was a pre-existing non conforming lot in the R-3 zone that is five acre now. The Zoning Permit denial was marked Exhibit 1-A. The lot size is not a variance, just the critical slope.

Mr. Gloor explained that they had located the house in such a position to minimize slope disturbance, variances and conform to the wetland setback. The rock wall will minimize

fill need to support the structure. They responded to Ruschke's letter of October 28, 2005, and addressed his concerns.

Moving the house ten feet forward would create a front yard variance but would lessen the steep slope disturbance. They agreed to move the house forward 9 feet only because of the septic placement. Although Ruschke felt the Stormwater Ordinance requirements had been fully met, the lot was a substantial size, 1.29 acres, and they could be addressed later. The wetland delineation was discussed and they will correct the site plan. No variance for building height was approved.

A motion to grant the variance for steep slope and front yard setback with the stipulation that the applicant move the house toward the road nine feet, that the stormwater requirements be met and approved before permits are issued and a conservation easement for the corrected wetlands buffer be provided was made by Trumpore, seconded by Wenz.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

NEW APPLICATIONS:

POSCIK, SUZANNE BLOCK 31101, LOT 11 & 12 321 Maxim Drive

Applicant is seeking relief from 242-38D(2), minimum lot width; 242-38D(4), minimum front yard setback; 242-38D(5), minimum side yard setback; 242-38F(8), maximum lot coverage; 242-18A, structure within 50' of the lake; 242-15E maximum number of accessory structures, 242-15B(5), accessory structure n front yard, 242-38C(1), minimum retaining wall and any variances required by the Board.

Applicant would like to subdivide a lot with a single-family home and multi-family home on it. Atty. John Ursin represented Suzanne Poscik who was sworn in. The property had been in the family for 35 years. They are not proposing any expansions of use. The single-family house has a boathouse, garage, carport and parking and the three apartments over the boathouse have parking and a garage with storage over it. The apartments are vacant now. There are separate septic systems contained on each lot and the one for the apartments is new. There is one well for both properties on the property line, they will file a common well agreement. Dykstra Engineering had survey the property and determined the lot line, which was difficult because of the walkway crossover. The lot next door is a vacant lot that they are combining with the lot with a single-family home. Both new lots will be over 15,000 sf. They are subdividing because the property is cumbersome to maintain, they can't sell it and the taxes are high. The property has a pre-existing non-conforming use.

The positive was that the single-family lot will be conforming and the two lots would be merged. Lundin would like to see the apartment turned into a single-family but Ursin said that would be economically unrealistic. They are thinking of selling the single-family and keeping the apartments for the family.

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 variance with the stipulation that Lot 11 will be merged with part of Lot 12 and that the non-conforming use on Lot 11 be removed from the property with the single-family home and that there be a well agreement was made by Winfield and seconded by Collins.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – no, Wenz – yes, Francis – yes

DESIGNER HOMES OF NJ, INC. BLOCK 10106, LOTS 18, 19 Frances Avenue

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38F(8), maximum lot coverage; 242-38D(9), floor area ratio, 242-11C, steep/critical slope and variances required by the Board.

Applicant would like to build a new single-family home on a vacant lot. Atty. Ursin represented Paul Chodniewicz who was sworn in with his engineer John Hansen. This lot is undersized at 13,939 sf. They had noticed the abutting neighbors and two letters were received by the Zoning Secretary. Gladys D'Amico, abutting neighbor, was sworn in and said she was interested in selling part of her 22,000 sf. lot to make this lot conforming. Ruschke said the Stormwater Ordinance requirements have not been met yet. The Board would like these two issues addressed before they consider this application.

A motion to continue the matter to the January 11, 2006 meeting with no further notice was made by Lundin, seconded by Winfield.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

DESIGNER HOMES OF NJ, INC. BLOCK 31204, LOT 5,11,16 Dupont Avenue

Applicant is seeking relief from 242-11C, steep/critical slope, 242-21F, frontage on an approved unapproved road and variances required by the Board.

Applicant would like to build a new single-family home on a vacant lot. Atty. Ursin represented Paul Chodniewicz who was sworn in with his engineer John Hansen. They are combining seven existing lots into one 105,000 sf lot and are proposing to construct a driveway in the Borough right of way. If they constructed a road to the Borough standards there would be triple the site disturbance. They agree to a deed restriction with no future subdivision of this lot. They have designed a two-story 3600 sf. 4 bedroom colonial. The slopes on the property were constructed when the old development was planned. They have health department approval.

Ruschke said they are ultimately merging all the lots into four lots and were originally going to go before the Planning Board for a subdivision. He would like the driveway on Sutton and no improvements made in the Borough right of way because of maintenance issues. This Board could approve improvements in the right of ways if they were up to standard for fire and ambulance access.

Hansen showed the concept plan marked A-1 where 50 lots are merged into 4. Three lots are owned by Designer Homes. The property was bought to be developed sensibly, the shaded areas would be vacated right of ways. They would share a common driveway on off Dupont.

Ruschke felt the total plan should be presented so they can tie in the maintenance. Ursin said the homes would be built in phases that would be a problem with time limits and the Council would have to approve vacation of streets. This is not a subdivision but a lot merger. The other property owner could come in next month with a joint application. The roadway will be a key issue; a development agreement or common driveway agreement should be provided as well as a stormwater control plan for the entire site. The Board could recognize the time limits for phasing in the Resolution.

The meeting was open to the public. Fred Gunsul was sworn in. He is the owner of the fourth lot and purchased it with knowledge of common ownership of access. He wants to build a 2100 sf. home.

A motion to postpone this application to the January meeting with no further notice was made by Lundin, seconded by Trumpore.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

DOWLING, CHERYL BLOCK 10303, LOT 11 81 Unger Avenue

Applicant is seeking relief from 242-38D(4), minimum front yard setback; 242-12, building in critical slope and any variances required by the Board. Preexisting nonconforming 242-38D(5), minimum side yard setback

Applicant wants to build an addition on the side of an existing single-family home. Cheryl and John Dowling were sworn in. Collins stepped down for this application. Now that they have grandchildren their house is too small. The problem with the addition is the existing slope. They received Ruschke's letter of December 1, 2005, and agreed to provide a drywell. Ruschke felt there was no substantial regrading in the sloped area.

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 on the condition that the plan include drywells and that there be the least amount of disturbance on the steep slope was made by Lundin, seconded by Winfield.

Roll call: Winfield –yes, Collins – abs, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

RAYKOV, RAYMOND R. BLOCK 30902, LOT 37 37 Skidmore Trail

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(4), front yard setback; 242-38D(5), side yard set back, 242-38D(8), maximum lot coverage; 242-11C, steep/critical slope and variances required by the Board.

Applicant would like to build a new single-family home on a vacant lot. Atty. Steve Sheppis represented Mr. Raykov who was sworn in with Joseph Mianeki, his engineer. Mr. Raykov is the contract purchaser of this 13,775 sf lot. He noticed the abutting neighbors as was required. After receiving Ruschke's report dated December 1, 2005, they revised the plans and they were distributed at the meeting.

The Board and Ruschke needed time to review the changes. It was suggested that the house be rotated to increase the side yard setback and the stormwater issue needs to be addressed.

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

A motion to carry the matter to the January 11, 2005 meeting with no further notice was made by Lundin, seconded by Winfield.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

RUGEL, CHRISTIAN BLOCK 40912, LOT 7 & 8 Temple Trail

Applicant is seeking relief from 242-11C, steep/critical slope, 242-28C(1), retaining wall setback, 242-23A, driveway grade and variances required by the Board.

Applicant would like to build a new single-family home on a vacant lot. Christian and Monica Rugel were sworn in. They have modified their original plans to reduce the variances to only one, steep slope. After receiving Ruschke's letter dated December 1, 2005 they again revised the plans to comply with his report. Ruschke had reviewed the new plans and aside from some minor details that need to be addressed, it is close to what is required although they need to provide the drainage calculations. The concern is a large rock outcrop in the front of the property that will have to be blasted that will add expense to the project.

The meeting was open to the public. Michael Flippin who lives across the street is concerned about the removal of the rock; that the blasting will affect his well and wants assurances if he has damage to his property. Haggerty said the blasting is regulated by the State. Flippin would like a blasting survey for house evaluations within 200' of the site. Rugel has submitted Soil Erosion Control for the soil that will be stockpiled. Lou Ricca, an adjacent property owner was concerned about the blasting affecting his well and new septic and the water runoff since this property sits higher than his. He was surprised this

property perked. Neighbor Frank Carubia was concerned about the blasting and runoff. No one else from the public commented. The meeting was closed to the public.

Drywells on the property should control the runoff. Mr. Rugel was advised that he would have to pay a 1% fee for the construction of affordable housing as required by the State.

A motion to approve the variance for steep slope with the provision that he provide a blasting survey if blasting is required was made by Winfield, seconded by Trumpore.

Roll call: Winfield –yes, Collins – abs, Trumpore – yes, Lundin – no, Wenz – yes, Francis – yes

GARDENVIEW CONSTRUCTION CORP. BLOCK 11107, LOT 47 One Berkley Road

Applicant is seeking relief from 242-38D(1), min. lot size; 242-38D(2), minimum lot width; 242-38D(4), side yard set back; 242-38D(8), max. lot coverage; 242-38D(9), floor area ratio; 242-128C(1), retaining wall set back and any variances required by the Board.

Applicant would like to build a single-family residential dwelling. The applicant has requested that this matter be continued so that the engineering issues can be addressed.

A motion to carry the application to the January 11, 2006 meeting without further notice at the request of the applicant was made by Lundin, seconded by Winfield.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

TEMPLIN, MARK BLOCK 40216, LOT 3 35 Washington Trail

Applicant is seeking relief from 242-38D(6), rear yard setback. Preexisting non-conforming 242-38D(1), minimum lot size, 242-38D(2), minimum lot width; 242-38D(3), lot depth; 242-38D(4), minimum front yard setback; 242-38D(5), minimum side yard setback; 242-38F(8), maximum lot coverage; and any variances required by the Board.

Applicant would like to construct a deck. Mr. Templin was sworn in. He has Health Department approval. The house behind the property is 25 feet away and there is also a vacant lot behind the house.

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

A motion to grant approval was made by Lundin, seconded by Wenz.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

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

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

<u>MEMORIALIZATIONS:</u>	Blau Maan, L.L.C.	30501/66
	Owen	40213/5
	Wood	40215/8
	Iberer	10901/22
	Sabo	10712/31
	Hudson Farms	60001/7
	Faizi	50302/1

A motion to approve the memorializations was made by Lundin, seconded by Collins.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

Muir 40504/45

A motion to approve the memorialization was made by Collins, seconded by Wenz.

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

BILLS:

Dolan & Dolan

Katz	31402/13	\$30.00
Blau Maan	30501/66	\$24.00
Byron	70219/16	\$198.00
Castillo	30504/4	\$228.00
Corregan	31005/1	\$126.00
Cramer	50601/3	\$180.00
Designer Homes	31503/21	\$282.00
Jones	30501/59	\$48.00
Gehring	10308/6	\$204.00
Hicok	50403/10	\$180.00
Horrell	11301/10	\$180.00
1011 Durban Rd	30704/8	\$180.00
Hudson Farm	60001/7	\$198.00
Jarosinski	10810/22	\$30.00
Justin	40412/2	\$186.00
Kelly	31102/1	\$198.00
Lat	10810/61	\$198.00
Lessig	30804/12	\$48.00
Lessig	30804/12	\$30.00
Levin	40413/51	\$246.00
Lothian	40415/24	\$186.00
Loughridge	70111/15	\$186.00
Luciani	31206/25	\$54.00
Margo	31706/7	\$234.00
Moreno	11013/6	\$216.00
Morris	10712/60	\$252.00
Nardone	50305/7	\$72.00
Orlans	50305/9	\$192.00
Pampanin	30803/98	\$186.00
Richards	11308/1	\$168.00
Riffel	11013/20	\$192.00
Rospond	30803/4	\$72.00
Ruprecht	11012/5	\$186.00
Sada Const.	10313/1	\$72.00
Solberg	30209/6	\$72.00
Stearn	70220/9	\$426.00
Polizzotto	30103/39	\$30.00
Velarde	11205/12	\$198.00
Viscaro	70220/15	\$204.00
Webb	50204/5	\$192.00
General 8/10, 09/14, 10/12 mtgs.		\$1347.50
RJ Inv. Litigation	31302/5	\$798.00
Northwood lit.	70111/1	\$72.00
Blau Maan	30501/56	\$78.00
Carbone	30501/63	\$48.00
Corregan	31005/1	\$48.00
Des. Homes, Kisling	31503/21	\$42.00
Hudson Farm	60001/7	\$234.00
Iberer	10901/22	\$180.00
Muir	40504/45	\$240.00
Nardone	50305/7	\$48.00
Northwood	70111/1	\$204.00
Owens	40213/5	\$186.00

Sabo	10712/31	\$198.00
Wood	40215/8	\$180.00
Gen. 11/9 mtg.		\$400.00
R.J. Inv. lit.		\$24.00

Hatch Mott MacDonald:

Levin	40413/52	\$200.00
Des. Homes, Frances	10106/18	\$560.84
Northwood	70111/1	\$465.52
Leka	70221/6.02	\$250.00
Henshaw	30501/37	\$747.78
Muir	40504/45	\$473.89

Nelson Consulting

Northwood Inn	70111/1	\$237.50
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A motion to approve payment of the bills was made by Trumpore, seconded by Wenz.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

ESCROW REFUNDS:	Norlander	31401/10	\$196.50
	Smaha	50603/5	\$169.00
	Solberg	30209/6	\$328.00

A motion to approve the escrow refunds was made by Trumpore, seconded by Lundin.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

NEW BUSINESS:

The Board felt the submission checklist for applications in the Borough Ordinance should be revised to include stormwater calculations and to include a Low Impact Checklist. Mr. Haggerty will look at the Ordinance, update it and recommend changes to the Council.

STEARN, ALBERT BLOCK 70220, LOT 9 220 Lakeside Avenue

Applicant is seeking relief from 242-38D(4), minimum front yard setback; 242-38D(5), minimum side yard setback; 242-38D(8), maximum lot coverage; 242-15B(5), accessory structure in front yard; 242-15E, maximum number of accessory structures; 242-15B(6), accessory buildings within 6 feet of each other and any variances required by the Board. Preexisting nonconforming: 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-18A, structure within 50' of lake.

Applicant would like to amend his approval. Atty. John Desimone represented the applicant. Maureen Stearn was sworn in. The Board approved location of the carport would not make it useable so they would like to instead remove the carport completely and keep the shed that the Board required they remove. They would move the shed 5' off the property line and it would not interfere with their septic. They would also like the as built survey aspect of the approval waived.

Donegan felt with the survey from the neighbor and the existing fence it would not be a problem to waive the survey. They have removed the pumphouse.

A motion to amend the approval was made by Trumpore, seconded by Winfield.

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

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

Roll call: Winfield –yes, Collins – yes, Trumpore – yes, Lundin – yes, Wenz – yes, Francis – yes

WEST SHORE AGENCY, INC. BLOCK 10707, LOTS 6 (4-9)

Informal discussion of future Minor Subdivision Application involving a mixed use of residential and business, sideline variance and temporary encroachment: Dan Chiariella appeared and explained that he has a buyer for part of Lot 6 and would combine it with adjacent Lot 7. Currently, there is a residence and business on lot 6 and this would make it conforming. The house and garage on Lot 6 would be demolished and a day spa would be built. The garage would be on the other property, they would need a variance for side line, a revised site plan and subdivision.

The Borough Planner should discuss the project with the applicant and also the engineer. He would need to post escrow for this meeting.

BLOCK 30805, LOT 11 122 Hudson Ave.

Engineer's discussion on lot development. Ruschke advised the Board that he would be before the Board for some development projects and discussed procedural aspects.

There will be a joint meeting of the Council and the Zoning Board to discuss the Floor Area Ratio and this is tentatively scheduled for February.

ADJOURNMENT:

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

ALL IN FAVOR, MOTION CARRIED.

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