

MINUTES OF  
ZONING BOARD OF ADJUSTMENT  
Hopatcong Borough Hall, Hopatcong, NJ  
February 8, 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, Michael Collins, 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

LATE: Robert Hastings, arrived 8:56 p.m.

Michael Collins was reappointed for a 4-year term and sworn in. Councilperson Estelle Klein congratulated Mr. Collins on his reappointment.

**MINUTES:**

Motion to approve the minutes of January 11, 2006 with a minor correction was made by Lundin, seconded by Daddis.

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

**CONTINUED APPLICATIONS:**

**NORWESCAP HEADSTART BLOCK 10203, LOT 4 406 Wills Avenue**

Amendment of approved Resolution: This matter had been continued to address the drainage issues. Attorney James Swick represented the applicant and Jeff Careaga had been qualified and was still under oath. Careaga had redesigned and repositioned the drywells and swales. The gravel driveway will be paved. A copy of the letter from the Health Dept. requesting a waiver to install the drywell 22' from the existing septic system was marked Exhibit A-1. This redesign should be a better solution; the cost can't be prohibitive.

Borough Engineer Ruschke said the applicant should demonstrate there is no net change in runoff on the site. They agreed to provide the calculations for this.

Collins was concerned because the easement issue for the driveway had not been addressed in the two years that this matter has been pending. They need to pursue obtaining a legal easement. The length of time taken to resolve this matter was unfair to their neighbors. Addressing the drainage problem, however, was a positive.

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

A motion to approve the application with regard to the drainage on the condition that additional drainage calculations are provided showing no net increase to the satisfaction of our engineer and that there is no approval by the Board for any improvements off the property and that the Board takes no position on the legality of the easement; that the applicant report within 45 days on the status of easements; and that the timetable for the

construction of the drywells and swales be 90 days was made by Lundin, seconded by Trumpore.

Roll call: Winfield – yes, Collins– yes, Trumpore – yes, Lundin – yes, Daddis – yes, 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. This application was continued from the December, January and February meetings and the applicant would like another extension to the March 8, 2006 meeting.

A motion to grant the extension to the March 8, 2006 meeting under the condition that the application is renoticed was made by Lundin, seconded by Daddis.

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

**MEYERS, MICHAEL C. BLOCK 50602, LOT 28 & 28.01 19 Skyline Drive**

Applicant is seeking relief from 242-38D(8), maximum lot coverage and any variances required by the Zoning Board. Pre-existing non-conforming: 242-38D(5), minimum side yard setback, 242-18A, work within 50' of the Lake

Applicant wants to construct an attached garage, sunroom addition with sundeck. This matter was continued from the January 11, 2005 meeting with no further notice to address the engineering issues. The applicant has requested postponement to the March 8, 2006 meeting.

A motion to carry the matter to the March 8, 2006 meeting with new notice was made by Daddis, seconded by Collins.

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

**REDSHAWS CONTRACTING, L.L.C. BLOCK 40413, LOT 71 50 Northwestern Way**

Applicant is seeking relief from 242-38D(4), front yard setback; 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

Applicant wants to remove an existing house and construct a new home. This matter was continued from the January 11 and Feb. 8, 2006 meeting with no further notice to address the engineering issues. Dennis Redshaw and his architect, Matthew Smetana, were sworn in. The rock wall shown on the site plan is off the property. They are increasing the house footprint 90 sf. They are currently in the town water system area.

The meeting was open to the public. Richard Redshaw owns property next door. He said the applicant was replacing an old, dilapidated home. The applicant submitted photos of the home marked A-1.

Ruschke's report to Glassen Engineering was reviewed. Mr. Redshaw did not receive this letter and his engineer did not discuss the matter with him. The stormwater control plan revisions were important and it was suggested that the driveway be reduced to lower coverage. The applicant wanted a bigger driveway to keep parking on site. He is not increasing the bedroom count of this two-bedroom home. Any approval would be subject to Board of Health approvals.

A motion to grant the variances to tear down the existing home and build a new one with the stipulation that all the Borough engineer's comments be addressed to his satisfaction

and that Board of Health approvals be obtained was made by Trumppore, seconded by Wenz.

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

The motion did not carry. The applicant requested that the matter be continued to redesign; address the stormwater ordinance and get a waiver from the Board of Health.

A motion to allow the Board to keep jurisdiction of this matter and continue it to the March 8, 2006 meeting was made by Lundin, seconded by Trumppore.

Roll call: Winfield – yes, Collins– yes, Trumppore – yes, Lundin – yes, Daddis – 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 requests a continuation to the April 12, 2006.

A motion to continue this matter to the April 12, 2006 meeting with new notice was made by Daddis, seconded by Collins

Roll call: Winfield – yes, Collins– yes, Trumppore – yes, Lundin – yes, Daddis – yes, 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 wants to build a new single-family home on a vacant lot. This matter was continued from the December 14, 2005 and January 11, 2006 meeting. Attorney Ursin represented Designer Homes who was the contract purchaser of two separate lots on Frances that were going to be combined. They had revised the plans and their engineer, John Hanson, who was still under oath, explained the changes in the water infiltration system. They had done everything possible to meet the stormwater ordinance with the current lot conditions.

Ruschke's letter of February 2<sup>nd</sup> indicated that they have not complied with the stormwater ordinance. There is a recognized stormwater problem in this area. He suggested bringing the dwelling closer to minimize lot coverage.

Hanson said if they moved the house they would have to back into Frances and that would be unacceptable. They need additional drainage capacity and had looked into alternative drainage systems extensively. Some of the Board members suggested an additional drywell closer to the right of way. They would make one fit if it were a condition of approval.

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 to build a single-family house on a vacant lot was made by Daddis with the caveat that the second drainage system be installed by the roadside if approved by the Borough engineer and that a conservation easement be provided for the area behind the septic was made Daddis, seconded by Wenz.

Roll call: Winfield – yes, Collins– yes, Trumppore – yes, Lundin – yes, Daddis – yes, Francis – yes

The Board would like as many trees as possible saved on this lot.

**NEW APPLICATIONS:**

Board member Hastings arrived.

**DESIGNER HOMES OF NJ BLOCK 20206, LOT 5 60 Kynor Avenue**

Applicant is seeking relief from 242-39D(1), min. lot size; 242-39D(2), minimum lot width; 242-39D(4), front yard set back; 242-39D(5) side yard setback; 242-39D(9), floor area ratio; 242-28C(1), 242-26B retaining wall set back, parking size; 242-11C, steep slope and any variances required by the Board.

Applicant wants to build a new single-family home on a vacant lot. Lundin recused himself from this application. Atty. Ursin represented the applicant. The proposed 1600 sf home is on an isolated corner lot that is surrounded on two sides by a single owner who was sent a Nash letter on Jan. 25, 2006 offering to sell or buy more property. The letter was marked A-1. There was no response. This lot is in a R-2 zone that is 60,000 sf. minimum but this lot probably preexisted the zone change. The property is .21 acres, 9360 sf, and a modest two-bedroom dwelling was designed with no garage. The soil logs were acceptable and they had a letter from the Board of Health dated December 5, 2005.

Ruschke's report dated February 3, 2006 was addressed by Engineer Hanson. They provided a copy of the Letter of Interpretation for the wetlands. They agreed to comply with his other comments.

The meeting was open to the public. David Bercheck owns two acres across from this site. He said there are flash flooding problems in this area and water runs across this lot during the spring. He suggested a redundant, contained system for fuel and was concerned with the small parking area on the lot, cars will be parked in the street. He also said the configuration of the soil and rock has caused problems with septic systems and there is no space on this lot to relocate a system.

Neighbor Edward Decker doesn't think the house is suitable to the neighborhood. He owns 3 acres and there is a lot of runoff in this area. No one else from the public commented. The meeting was closed to the public.

Hastings felt the on site parking was inadequate and also that a garage would be preferable in this day and age. Hanson did some revisions and came up with 400 sf. of parking instead of 200 sf shown on the original plan.

Trumpore and Daddis who had walked the property and felt this lot should not be built on because it was in a wet, sensitive area and was undersized even in an R-1 zone.

The engineering issues had been satisfied, they had tried to purchase additional land and a lot can't be zoned out of utility. The adjacent property owners could try and purchase the property.

A motion to deny the application was made by Trumpore, seconded by Daddis.

Roll call: Winfield – yes, Collins–no, Trumpore – yes, Daddis – yes, Wenz - no, Hastings – no, Francis – yes

The motion did not carry.

The applicant did not want to carry the matter but agreed to lower the Floor Area Ratio. They agreed to reduce the ceiling height of the basement of the house to eliminate the Floor Area Ratio variance. A new plan will be submitted showing this.

A motion to approve the application with no Floor Area Ratio variance with the 400 sf parking modification with compliance with Ruschke's report with attention to the gutter flow on Hodes was made by Collins, seconded by Hastings.

Roll call: Winfield – no, Collins–yes, Trumpore –no, Daddis – no, Wenz - yes, Hastings-yes, Francis – yes

The motion carried.

**LALLY, TRUDY BLOCK 31005, LOT 42 317 Dupont Avenue**

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 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 put an addition on a single-family home. Lundin recused himself from this application. Mr. and Mrs. Lally were sworn in. They have lived in Hopatcong for 50 years in a larger home and would like to downsize and move into her mother's home, however, there is no access to the basement from inside the house. They want to add a 600 sf addition for a kitchen and utility room in an area under the rear porch that is open now. They had tried to minimize the size of the addition.

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 was made by Daddis, seconded by Hastings.

Roll call: Winfield – yes, Collins–yes, Trumpore – yes, Daddis – yes, Wenz- yes, Hastings – 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.

Applicant would like to replace an existing one-car garage with a two-car garage. Robert Restrict was sworn in. He submitted photos of the existing garage that he wants to remove because it is old construction and is in the County right of way. The area underneath the new garage has no windows and would be used for storage or possibly a home woodshop.

Daddis indicated that the layout shown on the survey did not indicate the correct size of the driveway especially on the neighbor's property. He was also concerned about the fill on the property.

Restrict explained that when he built his Board approved addition that the hill was torn up and the excavator repaired it that way.

The Board wanted to see a new survey showing the well and septic and a drywells installed to mitigate runoff.

A motion to continue the matter to the April 12<sup>th</sup> meeting with no further notice to enable the applicant to get a new survey was made by Lundin seconded by Daddis.

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

**MEMORIALIZATIONS:** Merzeau 10811/6  
Ramos 30809/4  
Designer Homes 31204/5,11,16

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

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

**Grieco            50505/2**  
**Raykov           30902/37**

A motion to approve the memorializations was made by Trumpore, seconded by Winfield.  
Roll call: Winfield – yes, Collins–yes, Trumpore – yes, Lundin – abs., Daddis – yes,  
Hastings – yes, Wenz - yes, Francis – yes

**BILLS:****Hatch Mott MacDonald**

General Oct. & Nov. mtgs.		\$331.52
General Dec. mtg.		\$300.00
Carbone	30501/63	\$230.00
Carbone	30501/63	\$245.00
Gardenview Const.	11107/47	\$296.00
Leka	70221/6.02	\$21.82
Rugel	40912/7	\$296.00
Rugel	40912/7	\$196.00
Quick Chek	10701/2	\$47.52
Designer Homes	31204/5	\$345.00 (Dupont Ave.)
Designer Homes	31204/5	\$100.00 (Dupont Ave.)
Designer Homes	10106/18	\$100.00 (Frances Ave.)
Dowling	10303/11	\$296.00
Raykov	30902/37	\$296.00
Raykov	30902/37	\$100.00
Dowling	10303/11	\$100.00
Levin	40413/52	\$196.00

**Dolan & Dolan**

Zieselman	11002/18	\$48.00
Leka	70221/6.02	\$60.00
Leka	70221/6.02	\$210.00
Poscik	31101/11	\$300.00
Carbone	30501/63	\$54.00
Dowling	10303/11	\$186.00
Faizi	50302/1	\$144.00
Hudson Farm	60001/7	\$24.00
Quick Chek	10701/2	\$84.00
Rugel	40912/7	\$222.00
Stern	70220/9	\$120.00
Templin	40216/3	\$150.00
Wills	40208/11	\$48.00
RJ Inv. litigation	31302/5	\$186.00
General	12/14 mtg.	\$400.00

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

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

**ESCROW REFUNDS:**

Krivoruchko	30809/127	\$138.00
Norlander	31401/10	\$196.50
Restrict, Jr.	50305/12	\$229.50
Restrict	50308/12	\$177.50 Incorrect block #
Kirkeby	11306/10	\$10.26
Carroll	50301/9	\$116.64
Riffel	11013/20	\$408.00

A motion to approve the escrow refunds was made by Daddis, seconded by Hastings.

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

**OLD BUSINESS:****NEW BUSINESS:**

Francis said there is a serious buyer for the Blau Maan property that had been previously approved for a specific use by the Board. The new owner would like to abandon the multi-family use of the main house but would like to keep the cottage that was supposed to be removed in the previous approval. This application also included a driveway reconfiguration. This would have to be a new application for a use variance and the notice should be specific.

**ZEISELMAN-ROSENZWEIG BLOCK 11002, LOT 18 212 Tulsa Trail**

Applicant would like to amend prior approval for a one-bedroom home. Mark and Michelle Zeiselman were sworn in. They had previously been approved for an addition but the Board only approved one-bedroom. They would like doors put on the den and exercise room. This is an open area now. They had sewers and there was ample parking. Photos of the lot and interior of the house were marked A-1, A-2 and A-3. Architectural plans were marked A-4. The proposed rooms would be 11'x13' and 11'x16'.

A board member had seen the house advertised for sale as a three-bedroom. The applicants weren't aware of this. They can't move into the house because it doesn't work for them as it now exists and they can't get an adequate mortgage to pay off a personal loan. There is a financial hardship now. A-5 was marked a site plan.

Haggerty said the approved bedroom count of one justified granting the Floor Area Ratio because there was no increase in intensity. They knew what was approved.

The meeting was open to the public. Neighbor Spencer Willard said the house that was there before was an eyesore, they had done a nice job renovating, there are other three-bedroom homes in this neighborhood and he doesn't see the difference between making it a three-bedroom home.

Collins felt the applicant was being forthright by coming to the Board, he was trying to do this legally, this doesn't change the outside.

A motion to approve an amendment to allow a conversion to a three-bedroom home was made by Collins, seconded by Wenz.

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

The motion did not carry.

**CAFARO, JAMES BLOCK 10810, LOT 62 & 63 26 Shore Road**

Applicant would like to amend approved plans to install a dormer. Zoning Officer Donegan said that Mr. Cafaro who had a Board approved addition would like to install a dormer and put in windows. The Board felt this was a significant change. The applicant should be more specific and appear before the Board.

A motion to deny the request to amend the approved plans was made by Daddis, seconded by Trumpore

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

Michael Collins thanked the Board for their support in having him reappointed.

**ADJOURNMENT:**

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

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 11:00 p.m.