

MINUTES OF
ZONING BOARD OF ADJUSTMENT
Hopatcong Borough Hall, Hopatcong, NJ
June 14, 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: Cliff Lundin, Robert Daddis, Kenneth Trumpore, Michael Rahill, Steve Wenz, Ch. Michael Francis
Zoning Officer William Donegan
Zoning Board Attorney William Haggerty
Borough Engineer Jack Fernandez
Excused: Borough Planner Kenneth Nelson

ABSENT: Roy Winfield

LATE: Michael Collins, 7:40 p.m.

MINUTES:

Motion to approve the minutes of May 10, 2006, with corrections was made by Lundin, seconded by Daddis.

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

CONTINUED APPLICATIONS:

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; 242-11C, 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. This matter was continued from the April 12, 2006 meeting for redesign with no further notice. The applicant has requested a continuation to the July 12th meeting.

A motion to continue the matter to the July 12th meeting at the applicant's request with no further notice was made by Lundin, seconded by Daddis.

Roll call: Lundin – yes, Collins – yes, Wenz – yes, Daddis – yes, Trumpore – yes, Rahill – 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; and any variances required by the Board.

Applicant wants to build a single-family home on a vacant lot. This matter was continued from the January 11, April 12th and May 10th 2006 meeting for redesign and to obtain a Letter of Interpretation from the DEP. This matter was renoticed.

Lundin recused himself. John Ursin, Esq. representing the applicant, discussed the history of a prior application and as a result the applicant had incorporated the comments of the neighbor and Board and revised his application. John Ruschke was sworn in. The lot is 9062 sf. and the new three-bedroom home is 1760 sf. It is 15% smaller than the home in his previous application; the lot coverage is 16%. A letter from the DEP dated June 1, 2006 stated that this lot could be developed based on the plans submitted.

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

The Board felt this home was consistent with other homes in the neighborhood and that the applicant had complied with the Board's and neighbor's requirements with the redesign.

A motion to approve the plan for the single-family home was made by Daddis, seconded by Trumpore.

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

NEW APPLICATIONS:

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.

The applicant would like to build retaining walls. Laura Carvalho was sworn in. She wants to build a closed septic system with a retaining wall; she has approval from the State. This is a very steep property. The Borough engineer had written a letter dated May 17, 2006, and she didn't receive this letter. The comments from the engineer need to be addressed by her engineer. The applicant asked for a postponement to address engineering and was advised to move the wall off the property line. There was construction done by the Lake that required a variance and even if this was removed it required a variance and should be tied into this application.

A motion to amend the application and postpone to the July 12th meeting with new notice for the additional work was made by Daddis, seconded by Lundin.

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

SERVOSS, JOEL & KATHLEEN BLOCK 31402, LOT 18 42 Byram Bay Road

Applicant is seeking relief from steep/critical slope and any variances required by the Zoning Department. Preexisting non-conforming 242-38D(5), minimum side yard setback; 242-18A, distance from the Lake.

The applicant would like relief from a Conservation Easement imposed by the Zoning Board. The applicant would like to build a detached garage. Joel Servoss was sworn in. When he bought the property in April 1992 he did not know there was a conservation easement and only learned of it when he made this application to build the detached garage. The Resolution on this matter was decided in April of 1992, memorialized on May 13, 1992 and involved two properties. The reason for the conservation easement was wetlands and this matter was before both the Planning and Zoning Boards.

The garage would go in the driveway and parking area. The Board felt there were wetlands there and some of the wetlands might have been filled on both properties. The garage would require more fill. This is a sensitive area.

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

The applicant needs to get a wetlands expert to do a DEP determination and this is the only way the Board would consider this application. It would probably result in a buffer requirement so this area might not be developable anyway.

A motion to give consent to withdraw without prejudice so an LOI could be done was made by Lundin, seconded by Trumpore.

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

HENSHAW, DOUGLAS BLOCK 30502, LOT 37 12 Pickerel Point Road

The applicant would like an Extension for Approval adopted July 13, 2005, for a single-family home renovation. Mr. Henshaw was sworn in. He is asking for an extension to address the stormwater requirements and also, because his renovation is in the next phase of the sewers, he would like to time his construction to that. He is planning on starting in September. This hearing was noticed.

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 Extension of Approval was made by Lundin, seconded by Daddis.

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

MARINOCK, MARK BLOCK 40319, LOT 11 3 Vassar Trail

Applicant is seeking relief from 242-38D(5), side yard set back 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, 242-28C(1) wall setback

Applicant wants to build an addition in the rear of his single-family home. Mark Marinock was sworn in with his builder, Harold Stemper. He wants to demolish his porch, expand his residence and add a level. The sewers are going in on his street at this time and the letter from the Board of Health said the addition is too close to his existing septic. The Board cannot approve this until the sewers are hooked up. Monthly pumping of the tank was not an option.

They are going to square off the house and there will be a cantilever in the back. The bay window on one side will be removed to improve a setback and a new one installed on the left.

The meeting was open to the public. No one from the public commented. The meeting was closed to the public. The equipment access will be through a neighbor's property. The house is presently 800 sf., two bedroom and they propose a three-bedroom home. The lot coverage is 25.5%, there are no steep slopes, the lot is long and skinny.

A motion to grant the variances including the sideline setback on the left with the contingency that the sewer be connected before permits are issued was made by Trumpore, seconded by Daddis.

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

ON MY WAY HOMES BLOCK 10809, LOT 10 21 Shore Road

Applicant is seeking relief from 24242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(4) front yard setback, 242-11C, steep/critical slope; 242-28C(1), retaining wall setback and any variances required by the Board.

Applicant would like to construct a single-family home on a vacant lot. Mark Walker, Project Engineer, and Robert Lamanna were sworn in. Although they designed a septic and well location, they would like to tie into the public water and sewer. They were told to apply to the Council and Health Department for this. There were no Nash letters to

abutting property owners available for examination. There is steep slope on this property. The proposed home was one story with a garage underneath and drywells were proposed in the rear yard and they had discussed the design with the engineer.

The Board would like to see the sewer and well allocation addressed first and the Nash letters provided. They should write a formal letter to the Mayor and Council regarding the sewers. The walls shown on the plan need to be pulled back 5' whether or not they get sewers and, because the house is large for the lot, if possible, they should lower the lot coverage with turfstones.

A motion to continue this matter to the next meeting on July 12, 2006 with no further notice was made by Lundin, seconded by Daddis.

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

SABO, LARRY AND ANA BLOCK 10712, LOT 31 1 F West Shore Ave.

Applicant is seeking relief from 242-38D(5), side yard set back; 242-38D(6), rear yard setback; 242-38D(8), lot coverage; 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(3), lot depth; 242-21F, street frontage

Applicant would like to reconstruct a single-family home. Larry and Ana Sabo were sworn in. They had been before the Board before and since then they had reduced the footprint, moved the house away from their rear neighbors, removed the dormers and lowered the roof. The Ordinances had been changed since their prior application and they would also like the common land to be included in the lot coverage. A letter, plan of the common property and tax records were marked Exhibit A-1. A letter from the Lake Commission dated June 5, 2006 was read into the record.

The meeting was open to the public. Mr. Dominic Saranelli said his house is 7' from the Sabos and they will be shaking hands out the window. He built his house two stories to look over the bungalows. He doesn't want to look at a wall. Other bungalows had not gone up.

Laura Morris supported the Sabos, it will be an improvement to the neighborhood. No one else from the public commented. The meeting was closed to the public.

Francis felt the addition was modest addition to a modest house. Daddis felt they had cut back on the footprint and the Sabos had satisfied the Board's requirements.

A motion to approve the reconstruction was made by Daddis, seconded by Collins.

Roll call: Lundin – no, Collins – yes, Wenz – yes, Daddis – yes, Trumpore – present, Rahill – yes, Francis – yes

Ana Sabo thanked members of the Board and Mr. Sabo thanked the Council for helping accomplish this.

GRUBER, SHARON AND MARK BLOCK 11306, LOT 20 9 Portside Road

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

Applicant wants to add a sunroom on an existing second-floor deck. Daddis recused himself from this application. Sharon Gruber and Rowland Pascoe were sworn in. She has an unused balcony outside of the 2nd story master bedroom that she wants to turn into a conservatory for year round use. She also wants to replace the windows on a screened in porch and fill in a 4' notch near the kitchen. Although the application indicated there were no prior Resolutions on this property, there were prior Resolutions that have to be checked. She said they were here three times before so there should be three Resolutions. Any approvals would be contingent on the terms of the other Resolutions. There will be a

airconditioning unit on the side of the building near an existing unit that will not protrude further out.

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 contingent on verifying that there are no conditions in previous resolutions that would affect approval was made by Trumpore, seconded by Lundin.

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

ORTIZ, CARLOS BLOCK 20709, LOT 7 13 Lawrie Ave.

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; 242-28C(1), retaining wall setback

Applicant would like to build a second-story addition. Carlos Ortiz and Ray Martinez were sworn in. They are keeping the same footprint with no overhangs. There is an unused escalator in the basement that was there when they built the house. They are hooked up to public water and sewers. This is a very small house and there are other two-story homes in the neighborhood so this will fit in.

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

A motion to grant relief to put the second-story addition on was made by Trumpore, seconded by Collins.

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

VAN BEKE, HAROLD BLCOK 11003, LOT 23 210 Windsor Ave.

Applicant is seeking relief from 242-38D(4), front yard setback; 242-38D(5), side yard set back; and any variances required by the Board. Preexisting nonconforming: 242-38D(1), minimum lot size; 242-38D(2), minimum lot width, 242-38D(6), rear yard setback.

Applicant would like to build an addition and two-car garage. Harold and Betty Van Beke were sworn in. They would like to add a garage, increase the kitchen and den, put in a fourth bedroom and add two baths. They are hooked up to the sewers. He will remove the shed on the property. The garage is one story and he agreed to a condition that it wouldn't be occupied. They are also going to square off the deck.

The lot coverage calculation was redone after a site inspection and two more variances were picked up, lot coverage at 35.9 and back yard set back.

They agreed to mitigate the lot coverage by using a grid-type block for the driveway in front of the new garage. This will also help with drainage.

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 for the addition and garage with the caveat that 14' x 20' pad in front of the garage be constructed of grid blocks, the accessory structure be removed and items presently stored the yard be stored in the garage was made by Daddis, seconded by Collins.

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

MORREALE, JOE BLOCK 11003, LOT 13 211 West End Ave.

Applicant is seeking relief from 242-38D(4), front yard setback; 242-38D(5), side yard set back. Preexisting nonconforming: 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-28C(1), retaining wall setback and any variances required by the Board.

Applicant wants to remove an existing home and build a new single-family residence. Joe Morreale, Engineer David Fantina and Architect Daniel Dubinett were sworn in. They want to demolish the existing house on a substandard lot, 3999 sf. Some of the variances had been eliminated with the recent Ordinance changes to Floor Area Ratio and lot coverage. The existing house is 300 sf. The Borough engineer's report dated June 6, 2006 was not received, however, after reviewing it, they agreed to comply with his report. The building footprint is 1.25% over what the new ordinance requires. They feel the new home is modest, 1575 sf. and in keeping with the neighborhood. The proposed driveway is 18' x 26' long. They have submitted stormwater calculations. The large maple tree on the property will have to be removed but had been damaged.

The meeting was open to the public. Betty VanBeke, a neighbor was in favor of this application. The meeting was closed to the public.

The will remove the driveway and walkway encroaching on the neighboring property. They will identify the storm sewer easement. The hardship was that they could not built a functional house without a variance on a 3999 sf. lot.

A motion to grant the variances required to remove the existing home and construct a new home on the condition that they comply with the Engineer's requirements in the June 6th letter that the encroachments on the neighbor's property are removed and replaced with pervious material was made by Trumpore, seconded by Daddis.

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

CHAPLIN, RAYMOND BLOCK 10811, LOT 3 13 Cove 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; 242-11C, steep/ critical slope and any variances required by the Board.

Applicant would like to build a single-family home on a vacant lot. Lundin recused himself from this application. Dominick Santini, Esq., appeared with Ray Chaplin who was sworn in. Engineer David Smith was qualified. They had received a copy of the Borough's engineer's report tonight and could comply with his requirements. The 1930 sf. three-bedroom house was positioned to meet the 50' lake setback on a 110' x 110' lot. There was an existing concrete bulkhead and pad on the property. They presented the Nash letters noticing the abutting neighbors and they were marked Exhibits A-1 and A-2. They have an approved sewer hookup. There is some steep slope on the side of the property where the driveway is planned but this was the preferred location for boating launching purposes. The house would conform to the neighborhood and the variances were similar to others in the neighborhood.

The meeting was open to the public. Chad Donahue was concerned with the lot width, if lot sidelines are not held the lake will be built out completely. He said the adjoining lot was recently for sale. They said they had no response to the Nash letter to the neighbor requesting to buy property.

The boat access did not justify disturbing steep slope for the driveway and the Board discussed alternative locations. Engineer Fernandez felt moving it close to the intersection would be dangerous. Donahue agreed. The Board wanted the driveway flipped to the other side even though trees might have to be removed. The applicant agreed to this.

A motion to accept the application with the driveway change to preserve the critical slope was made by Daddis, seconded by Trumpore.

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

Revised drawings will be submitted to the Secretary.

RESOLUTIONS:

Michelman 50204/1
Grazilla 20113/10
Riser 10810/3
Mikitik 31304/2
Designer Homes 31106/12&23, 31204/1-5 & 11-19
312-21-12 & 32-34, 31103/2, 31203/1-5
Northwood Inn 70111/1 & 70220/34,3
Hickey 30103/37

A motion to approve the Resolutions with corrections was made by Lundin, seconded by Trumpore.

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

BILLS:

Dolan & Dolan

Carney	10416/12	\$42.00
Chaplin	50411/6	\$30.00
Des. Homes	31503/21	\$48.00
Des. Homes	31204/5,11,16	\$72.00
Gardenview Const.	11107/47	\$48.00
Hauck	10501/42	\$24.00
Lally	31005/42	\$180.00
Leka	70221/6.02	\$72.00
Meyers	50602/28	\$258.00
Poyser	40203/22	\$180.00
Redshaw	40413/71	\$372.00
Zeiselman	11002/18	\$84.00
Des. Homes	2020615	\$288.00
Des. Homes	1010618	\$288.00
Raykov	30902/37	\$354.00
Bongiorno	70220/2	\$210.00
Chaplin	10901/15	\$288.00
Restrict	31101/30	\$216.00
Sabarese	30408/10	\$216.00
General and	2/8, 3/8 mtg.	\$1170.00
General	4/12 mtg.	\$490.00
R.J. Inv.	litigation	\$1758.00
R.J. Inv.	litigation	\$24.00

Hatch Mott MacDonald

Chaplin	10901/15	\$315.00
Gen. April Mtg.		\$430.68
Norwescap	10203/4	\$157.50
Hauck	10501/42	\$105.00
Sabarese	30408/10	\$105.00
Mikitik	31304/2	\$420.00
Designer Hm.	31202/1	\$577.50
Quick Chek	10701/2	\$105.00
Northwood Inn	70111/1	\$112.12

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

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

OLD BUSINESS: none

NEW BUSINESS:

LAT, EMMAUEL & ZENDA BLOCK 10810, LOT 61 22 Shore Road

Discussion on alteration of approved plans. Mr. Donegan wants to know if the Lats need to come back to the Board. They have raised the peak of the roof 2' however, the height still complies at 26'. The deck design did not meet the Board's criteria but they redesigned and now it does. No variances were affected. Donegan will recheck that the sideline setbacks are unchanged. He will also inquire about the chimney that was not shown in the new plans. If the parameters are not changed then this doesn't have to come back to the Board.

STEINBAUM, FRED & ELLIE BLOCK 11306, LOT 2 167 Lakeside Blvd.

Discussion on alteration of approved plans. Donegan wanted the Boards' input on proposed changes. Architect Paul Damiano was sworn in. The new plans show that the proposed home is now centered on the lot, the height is reduced also. They are presently constructing the Board approved garage and boat storage area. The original approved house plans were designed to mirror the existing house, however, the foundation was not appropriate so they could not save it. The new design has a garage, has been moved back from the Lake and sideline setbacks were eliminated. All the variances were either eliminated or reduced but they still need a variance for two homes on a single lot.

The Board felt this was a new application as the house change was significant. This will be subject to the new stormwater regulations.

ADJOURNMENT:

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

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 10:36 p.m.

Eugenia Wiss, Secretary