

MINUTES OF  
ZONING BOARD OF ADJUSTMENT  
Hopatcong Borough Hall, Hopatcong, NJ  
March 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, Robert Daddis, Stephen Wenz, Kenneth Trumpore, Ch. Michael Francis  
Zoning Officer William Donegan  
Zoning Board Attorney William Haggerty  
Borough Engineer John Ruschke, arrived at 8:15 p.m.  
Excused: Borough Planner Kenneth Nelson

ABSENT: Robert Hastings and Cliff Lundin

**MINUTES:**

Motion to approve the minutes of February 8, 2006 was made by Wenz, seconded by Trumpore.

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

**CONTINUED APPLICATIONS:**

**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 meeting. The applicant has requested that the matter be carried to the April 12, 2006 meeting with notice.

A motion to continue this matter to the April 12<sup>th</sup> meeting with notice was made by Winfield, seconded by Daddis.

Roll call: Winfield - yes, Collins – yes, Daddis – yes, Trumpore – 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 14, 2005, January 11, and February 8, 2006 meeting with new notice to address the engineering issues. The applicant has withdrawn this application.

A motion to dismiss this matter without prejudice was made by Trumpore, seconded by Daddis.

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

**REDSHAW 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

The applicant would like to reconstruct a house. This matter was carried from the January 11<sup>th</sup> and February 8<sup>th</sup> meetings to address the engineering issues. Dennis and Richard Redshaw were sworn in. They had received the engineering report dated February 21, 2006 from John Ruschke and had redone the plans to address the concerns. They had also obtained a letter from the Board of Health dated March 3, 2006 approving the drywell and septic alteration.

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

The applicant had met the Board's requirements.

A motion to grant the approval of the reconstruction was made by Daddis, seconded by Trumpore.

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

Mr. Donegan noted that there is a proposed retaining wall that is set back 3' from the property line so an additional variance is required.

A motion to approve the wall with a 3' setback was made by Trumpore, seconded by Winfield.

Roll call: Winfield - yes, Collins – yes, Daddis – yes, Trumpore – 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 and February 8, 2006 meeting with new notice to address the engineering issues. Mr. Meyers and Roy Impink, his contractor, were sworn in. Mr. Meyers addressed the items in Borough Engineer Ruschke's report of February 23, 2005. Stormwater calculations were provided along with retaining wall calculations. The applicant requested installing an asphalt curb instead of Belgium block curbing because of plow damage. He cannot tier the retaining walls because it would encroach on the disposal tank. With regard to the installation of guardrails, the Board and Engineer agreed that stone higher than the driveway would be acceptable for a more natural look.

The meeting was open to the public. Arthur Tillis was sworn in. He was satisfied with the engineering plans but doesn't like the 7' wall. He would prefer Belgium block curbing. No one else from the public commented. The meeting was closed to the public.

Mr. Meyer's engineer, Jeff Carreaga, had arrived during the testimony and said a 6' asphalt curb would be adequate

The Board felt the applicant had complied with their requirements. The “phasing” aspect of this application is going to be eliminated.

A motion to approve the proposal with the agreed exceptions to Mr. Ruschke’s report was made by Daddis, seconded by Winfield.

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

**NEW APPLICATIONS:**

**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. Robert and Dorothy Sabarese and their son, Kenneth, were sworn in. They would like to build a three-car garage 32’ by 24’ part of which would be used for storage and a workshop. They bought the house last June and there isn’t sufficient storage.

Mr. Trumpore was concerned because there are two apartments in this house and no pre-existing use had ever been determined. They had not planned on bringing this matter up at the meeting; however, there was a neighbor here who had information regarding the use.

Joy Levitt, adjoining neighbor, was sworn in. She doesn’t want the garage to be built. This is her family’s summerhouse and she has been visiting since she was nine years old. She cannot swear to the two-family use prior to zoning.

The legal notice was not to establish preexisting use. Mrs. Sabarese said she doesn’t want a two-family use. Presently there are two separate entrances but the inside is all connected. The Board would like to see a floor plan of the house. They would like it to be a single-family home with a floor plan reflecting this.

Ms. Levitt said they share stairways and walkways. She feels the proposed garage is too big, requires too many variances, it’s 4’ from her property line, will require a wall and the garage will block light. She is also concerned about water diversion and potential drainage problems. The garage will also block access for the neighbors; trucks including fire trucks have to turn around in this area. She felt there was potential for an apartment over the garage in the future.

The Board could incorporate the apartment concern in a Resolution. The roof is a peaked roof that could be used for storage. They would have to comply with the Borough’s stormwater ordinance with zero percent change in runoff. They would have to put in drywells and have erosion controls.

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

The Board cannot dictate that people can be allowed to use someone else’s property as a turn around. Ms. Sabarese said she doesn’t want to remove any trees. They agreed to make the garage two bays and to rotate it and use the back area for storage. This will increase the sideline setback and they were advised to try and center the garage on the property. They will remove the shed. They also agreed to comply with the stormwater requirements by engineering drains and soil erosion controls if the disturbance is over 1500 sf.

Ms. Levitt wanted a 15' setback to her property.

The Board felt abandoning the two-family use and removing the accessory structure were positive criteria for granting the variance but would like to see a floor plan and engineering. The applicant said they will clean up the property where debris had been dumped before they purchased it as they are planning to get a dumpster in. They requested a postponement to reconfigure the garage and prepare an engineering plan subject to our engineer's approval.

A motion to postpone to the April 12<sup>th</sup> meeting with no further notice was made by Daddis, seconded by Wenz.

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

**POYSER, CRAIG BLOCK 40203, LOT 22 10 Madison Trail**

Applicant is seeking relief from 242-38D(4), front yard setback; 242-38D(5), side yard setback; 242-38D(9), floor area ratio, and variances required by the Board. Pre-existing non-conforming: 242-38D(1), lot size, 242-38D(2), lot width.

Applicant wants to add a second-story addition. Craig Poyser and his wife, Jessica Kehayes were sworn in. This house has been empty for eight years, there is no well on the property just a cistern in the crawl space. They have a state permit for a well and will work with the health department. The January 27<sup>th</sup> letter from the Health Dept. stated that this property will be hooked up to the sewers in the spring. The applicant agreed to provide parking for two cars on site. If they cannot provide 400 sf. of parking on site they will come back to the Board.

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

Although the FAR and lot coverage were over, this property is an eyesore with no water.

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

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

The applicant requested that the memorialization period be waived so they could commence work.

A motion to waive the memorialization period was made by Daddis, seconded by Wenz.

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

**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 applicant has requested that this matter be continued to the April 12, 2006 meeting with no further notice to address the engineering issues.

A motion to carry this matter to the April 12<sup>th</sup> meeting with no further notice was made by Daddis, seconded by Wenz.

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

<b><u>MEMORIALIZATIONS:</u></b>	<b>Redshaw's Contracting</b>	<b>40413/71</b>
	<b>Lally</b>	<b>31005/42</b>
	<b>Designer Homes</b>	<b>20206/5</b>
	<b>Designer Homes</b>	<b>10106/18&amp;19</b>
	<b>Zieselman-Rosenzweig</b>	<b>11002/18</b>

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

<b><u>BILLS:</u></b>	<b>Dolan &amp; Dolan</b>		
	Des. Homes	31503/21	\$24.00
	Grieco	11305/12	\$168.00
	McClosky	30508/33	\$60.00
	Merzeau	10811/6	\$234.00
	Ramos	30809/4	\$36.00
	RJ Inv. lit	31302/5	\$24.00
	Gen.& 1/11 mtg.		\$646.00
	<b>Hatch Mott MacDonald</b>		
	Gardenview	11107/47	\$100.00
	Quick Chek	10701/2	\$420.00
	Carbone	30501/63	\$262.50
	Norwescap	10203/4	\$367.50
	Levin	40413/52	\$157.50
	Designer Hm.	10106/18	\$270.63
	Rugel	40912/7	\$105.00
	Designer Hm.	31204/5	\$105.00
	Bloom	40318/11	\$903.00
	Meyers	50602/28	\$105.00
	Raykov	30902/37	\$315.00
	Gen.	1/11 mtg.	\$367.50

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

<b><u>ESCROW REFUNDS:</u></b>	1011 Duban	30704/8	\$430.00
	Orlans	50305/9	\$408.00
	Moreno	11013/6	\$384.00

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

### **NEW BUSINESS:**

Floor Area Ratio Ordinance Discussion. Chairman Francis thanked the Board members for their input to the Council on the Floor Area Ratio. The Council was impressed with the integrity, intellect and diversity of the Board.

Daddis felt the Council did not listen to their recommendations since four out of six Zoning Board members were in favor of keeping the FAR and the Council voted 5 to 0 to eliminate it immediately. Asking for the Board's input was just for show; it was already a played-out ballgame.

Francis says this is how democracy works and we gave them our input. The Council has to bow to other influences. We need to respect their decision even if we don't agree and uphold their final decision.

Trumpore was disappointed that the FAR was eliminated with nothing substantial to replace it. The Council was listening to the few people who have been denied because

their lot is too small or their project is too big. They are not hearing from the satisfied applicants. Eliminating the FAR will result in crowded lots and higher density; it will look like Brooklyn.

**ADJOURNMENT:**

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

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 9:45 p.m.

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Eugenia Wiss, Secretary