

MINUTES OF  
ZONING BOARD OF ADJUSTMENT  
Hopatcong Borough Hall, Hopatcong, NJ  
August 8, 2007

CALL TO ORDER: Chairman Mike 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: Ken Trumpore, Judith Kracht, Robert Rehe, Mike Rahill, Ch. Mike Francis  
Zoning Officer William Donegan  
Board Attorney William Haggerty, Esq.  
Zoning Board Engineer John Ruschke  
Borough Planner Kenneth Nelson

ABSENT: Robert Daddis, Mike Collins

RESIGNED: Stephen Wenz

**MINUTES:**

Motion to approve the minutes of July 11, 2007, was made by Kracht, seconded by Rahill  
Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – abs., Francis – yes

**CONTINUED APPLICATIONS:**

**BARTLEY, JOHN BLOCK 50505, LOT 16 10 Knollwood Place**

Applicant is seeking relief from 242-38D(5), side yard setback; 242-38D(6), rear yard setback; 242-18A structure within 50' of lake and any variances required by the Zoning Board. Pre-existing non-conforming: 242-38D(1), lot size, 242-38D(2), lot width.

Applicant wants to expand an existing deck. This matter was continued from the June and July meetings for redesign. Atty. McCarthy represented Mr. Bartley. The plans had been revised according to the Board's direction.

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 new deck design, was made by Trumpore, seconded by Kracht.  
Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – abs., Francis – yes

A motion to waive the memorialization was made by Rahill, seconded Kracht.  
Roll call: Trumpore – no, Kracht – yes, Rahill –yes, Rehe – abs., Francis – yes

**SOLBERG, GLEN / PATEL BLOCK 30607, LOT 6.1 530 Nariticong Ave.**  
**MAZUREK, ROLAND BLOCK 30607, LOT 10 412 Lakeside Blvd.**  
**EST. OF LOUIS PEPE BLOCK 30607, LOT 11**

Reconsideration of Denial. This matter was continued from the April 11, 2007, and June 13, 2007 meeting.

This matter was not noticed and no revised plans were received. A motion to continue this matter to the next meeting, September 12, 2007, was made by Rehe, seconded by Kracht with notice.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

**NAYLOR, CARRIE & KRAUS, MORGAN BLOCK 30501, LOT 68 415 Lakeside Blvd.**

Applicant is seeking relief from 242-38D(4) front yard setback; 242-38D(5), side yard setback; 242-38D(7), building height; 242-18A, structure within 50' of lake; 242-11C, steep/critical slope; 242-30D(4), water area coverage; 242-15B(5), accessory structure in front yard; 242-30D(2), dock side yard setback and any variances required by the Zoning Board. Pre-existing non-conforming: 242-38D(1), lot size, 242-38D(2), lot width

Applicant wants approval for walkways, docks, decks, stairs, walls and boathouse. This matter was continued from the April 11<sup>th</sup> and June 13<sup>th</sup> meeting to complete the survey. The applicant requests an extension to the Sept. 12<sup>th</sup> meeting.

A motion to continue this matter to the next meeting, September 12, 2007, was made by Rehe, seconded by Kracht.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

**CAHN, MICHAEL, GEMINI CONCEPTS BLOCK 10810, LOT 8 53 Point Pleasant Road**

Applicant is seeking relief from 242-38D(2), lot width; 242-38D(8), lot coverage; 242-15B(2), maximum size of accessory structure; 242-11C, steep/critical slope and any variances required by the Zoning Board

Applicant wants to build a new home on a vacant lot. This matter was continued because the notice for the July 11, 2007, meeting was not proper. Mr. Cahn was sworn in. His attorney was not available and since he was a corporation, the Board could not proceed.

Neighbor, Sam Hoagland, requested that the matter be postponed to November since he would be unavailable for two months and this matter has been continued twice.

Haggerty felt the application should not be deemed officially complete until September and then scheduled for the November hearing. Cahn agreed to request a continuation to the November meeting as long as an extension to the water approval be granted. The secretary would send a status update to the Administrator.

A motion to postpone the application to the November 14, 2007, meeting was made by Trumpore, seconded by Rahill

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

**GARDENVIEW CONSTRUCTION CORP./ GERALD D. SIMEONE BLOCK 11107, LOT 47 ONE BERKLEY ROAD**

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

Applicant wants to build a home on a vacant lot. Applicant requested an adjournment because his engineer was not available.

A motion to continue this matter to the next meeting, September 12, 2007, was made by Rehe, seconded by Kracht.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

**KONDOR, CAROL BLOCK 30702, LOT 30 58 West River Styx Road**

Applicant is seeking relief from 242-30C(3), water area coverage; 242-30C(7), distance between docks and any variances required by the Zoning Board. Pre-existing non-conforming 242-30C(2), dockside yard; 242-30F(1), dock width

Applicant wants to lengthen a dock. This matter was continued from the July meeting so that the measurement of the dock could be verified. Donegan said the measurement was 6" from the scaled drawing. The length of the existing dock is 41' 7". They wanted the dock extended because they have a big boat. They agreed to extend the dock 7' instead of 10'.

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

A motion to approve a 7' extension to the dock was made by Rahill, seconded by Kracht. Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

A motion to waive the memorialization was made by Rehe, seconded by Rahill. Roll call: Trumpore – no, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

### **NEW APPLICATIONS:**

#### **CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS BLOCK 40005, LOT 16 Columbia Valley Road**

Preliminary and Final Site Plan Approval. Applicant is seeking relief from 242-37C, wireless telecommunication antenna within 500' of residential property line and 242-42C(a), antenna height

Applicant wants to install a telecommunications facility on the top of an existing transmission tower. The applicant requests a continuation to the September 12<sup>th</sup> meeting with no further notice.

A motion to continue this matter to the next meeting, September 12, 2007, was made by Rehe, seconded by Kracht.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

#### **YINGLING, JOHN BLOCK 30407, LOT 2 209 Lakeside Blvd.**

Applicant is seeking relief from 242-38D(4) front yard setback; 242-15B(5), accessory structure in front yard; 242-18A, structure within 50' of lake and any variances required by the Zoning Board. Pre-existing non-conforming: 242-38D(1), lot size, 242-38D(2), lot width; 242-38D(5), side yard setback

Applicant wants to erect a storage shed and retaining wall and patio by the Lake. John and Nancy Yingling were sworn in. There were two parts to this application; however, the code change eliminated the retaining wall and patio variance. The storage shed is proposed 20' from Lakeside Bld. Photos, marked A-1 demonstrated that the shed would not be visible from Lakeside Blvd. No excavating was required.

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

The retaining walls were 3' high, now permitted by the ordinance change. There was a large tree in this area and the Board was concerned about undermining the root system. There is also a stream in this area.

A motion to approve the variances for the shed as indicated on the survey was made by Trumpore, seconded by Kracht.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

#### **HELDAK, VLADIMIR BLOCK 11202, LOT 16 409 Brooklyn Mtn. Road**

Applicant is seeking relief from 242-11C, steep/critical slope and any variances required by the Zoning Board. Pre-existing non-conforming: 242-38D(1), lot size, 242-38D(2), lot width; 242-38D(3), lot depth; 242-38D(4) front yard setback; 242-28C(1), retaining wall setback.

Applicant wants to level the back of property. The applicant has requested a postponement to the next meeting, September 12<sup>th</sup>.

A motion to continue this matter to the next meeting, September 12, 2007, was made by Rehe, seconded by Kracht.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

**VOLKER, EDWARD AND JOY BLOCK 31303, LOT 5 & 7 49 Maxim Drive**

Design Revision of approved application. Edward and Joy Volker were sworn in. They explained the changes in the plans. They squared off the back of the house by enclosing a porch and increased the size of a deck that triggered a rear yard setback.

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

A motion to approve was made by Rahill, seconded by Kracht.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

A motion to waive the memorialization period was made by Rehe seconded by Rahill.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

**PEREZ, LUIS BLOCK 40202, LOT 30 624 Brooklyn Mountain Road**

Applicant is seeking relief from 242-38D(4), front yard setback; 242-38D(5), side yard setback and any variances required by the Zoning Board. Pre-existing non-conforming: 242-38D(1), lot size, 242-38D(2), lot width; 242-28C(1), retaining wall setback

Applicant wants to build a second-story addition and add a deck. Luis Perez was sworn in. The rear yard is steeply pitched so a deck would be a good idea. It would be on the basement level and a large tree would have to be removed. He also changed the location of the stairs. Exhibit A-1 was a survey that showed a proposed extension of his driveway to get all his cars off the street.

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

The applicant agreed to relocate the shed within the proper setbacks. He also agreed to use pervious pavement for the existing and proposed parking.

A motion to approve the application was made by Rehe, seconded by Trumpore.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

**KATZ, SETH BLOCK 31402, LOT 13 38 Byram Bay Road**

Applicant is seeking relief from 242-38D(5), side yard setback 242-28C(1), retaining wall setback; 242-28B(3), height of fence in front yard and any variances required by the Zoning Board.

Applicant wants approval of a deck, fence and retaining wall. Seth Katz and Engineer Jeff Careaga were sworn in. The deck was reconfigured and this changed the areas within the approved setbacks but they are not closer to the approved setback. There is also a retaining wall within 5' of the property line that requires a variance. This wall was constructed for erosion control. They would also like to construct an automatic 10' gate in excess of the four feet that is allowed. They are not sure how high the gate will be.

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

The Board felt the gate should be no higher than eight feet.

A motion to approve the variances for the gate with a maximum height of 8', wall and deck was made by Kracht, seconded by Trumpore.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

A motion to waive the memorialization for the deck only because of a situation with the footings and settling of the deck was made by Kracht, seconded by Rahill.

Roll call: Trumpore – no, Kracht – yes, Rahill –yes, Rehe – no, Francis – yes

<b><u>RESOLUTIONS:</u></b>	<b>Chavez</b>	<b>20109/3</b>
	<b>Burkart</b>	<b>10501/45</b>
	<b>Shickel</b>	<b>50508/3,6,7</b>
	<b>Reid</b>	<b>40412/12</b>
	<b>George</b>	<b>10305/9</b>
	<b>Hellum</b>	<b>30501/52</b>

A motion to approve the Resolutions was made by Trumpore, seconded by Kracht.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – abs., Francis – yes

<b><u>BILLS:</u></b>	<b>Nelson Consulting</b>		
	Patel	30607/6.1	\$710.00
	Heider	11305/32	\$120.00
	<b>Dolan &amp; Dolan</b>		
	Designer Homes	31103/2	\$65.00
	Designer Homes	31103/2	\$26.00
	Devos	31209/16	\$240.50
	Dillon	31003/29	\$286.00
	Djoreski	10304/3	\$208.00
	Gingerelli	31301/76	\$273.00
	Hand	30806/12	\$247.00
	Heider	11305/32	\$273.00
	Hennen	50414/5	\$162.50
	Hopewell	70218/23	\$201.50
	Moore	30306/5	\$273.00
	Northwood	70111/1	\$117.00
	Reichert	30501/54	\$201.50
	Salvetta	50603/5	\$208.00
	Stearns	31605/13	\$266.50
	Tobias	11303/13	\$377.00
	Trautman	40208/4	\$208.00
	Westdyke	20106/7	\$201.50
	PSE&G		
	General		\$1209.00
	<b>Hatch Mott MacDonald</b>		
	Hudson Guild Farm	50002/7	\$275.00
	Tobias	11303/42	\$315.00
	Dillon	31063/29	\$52.50
	Des. Homes	31103/2	\$235.52
	Gardenview	11107/47	\$52.50
	Gen. June Mtg.		\$385.00

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

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

<b><u>ESCROW REFUNDS:</u></b>	<b>Ners</b>	<b>50506L17(N)</b>	<b>\$288.00</b>
	<b>O'Connor</b>	<b>30604/20</b>	<b>\$414.00</b>

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

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

**OLD BUSINESS:**

**NEW BUSINESS:**

**EVERARD, EVAN BLOCK 40504, LOT 46 110 Dartmouth Trail**

Extension and discussion on revision of approved plan. This minor design was more compliant than the approved design. He will also provide two off street parking spaces. If he blacktops the driveway, he agreed to use pervious pavers.

A motion to grant the variances for the minor design changes was made by Trumpore, seconded by Rehe.

Roll call: Trumpore – yes, Kracht – yes, Rahill –yes, Rehe – yes, Francis – yes

**ADJOURNMENT:**

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

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 8:54 p.m.

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Eugenia Wiss, Secretary