

MINUTES OF  
ZONING BOARD OF ADJUSTMENT  
Hopatcong Borough Hall, Hopatcong, NJ  
January 9, 2008

CALL TO ORDER: Vice Chairman Ken Trumpore called the meeting to Order at 7:35PM

CHAIRMAN'S STATEMENT: The Vice 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.

Judith Kracht and Ken Trumpore were sworn in by Atty. Haggerty.

ROLL CALL PRESENT: Ken Trumpore, Mike Rahill, Judith Kracht, Robert Rehe, George Malanga, Linda Hawkins  
Zoning Officer William Donegan  
Board Attorney William Haggerty, Esq.  
Zoning Board Engineer John Ruschke  
Excused: Borough Planner Kenneth Nelson

ABSENT: Luis Balzac

**REORGANIZATION:** Ken Trumpore turned the meeting over to William Haggerty, Esq.

**CHAIRMAN:** Haggerty called for nominations for Chairman. Judy Kracht nominated Ken Trumpore, seconded by Mike Rahill. There were no other nominations. The nominations were closed.

Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – abstain

The meeting was turned over to the Chairman, Ken Trumpore.

**VICE CHAIRMAN:** Trumpore asked for nominations for Vice Chairman. Robert Rehe nominated Judy Kracht, seconded by Hawkins. There were no other nominations. The nominations were closed.

Kracht –abs., Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – yes

**PROFESSIONAL APPOINTMENTS:**

A motion to appoint William Haggerty of Dolan and Dolan as **Board Attorney** was made by Trumpore, seconded by Kracht. There were no other nominations. The nominations were closed.

Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – yes

A motion to appoint John Ruschke of Hatch Mott MacDonald as **Board Engineer** was made by Trumpore, seconded by Kracht. There were no other nominations. The nominations were closed.

Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – yes

A Board Planner will not be appointed at this time. Resumes from Planners are still being reviewed.

**SECRETARY:** A motion to appoint Eugenia Wiss as Secretary to the Board was made by Rehe, seconded by Malanga. There were no other nominations. The nominations were closed.

Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – yes

**ADOPTION OF MEETING DATES:**

A motion to continue to hold the meetings on the second Wednesday of the month at 7:30 p.m. was made by Kracht, seconded by Rehe

Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – yes

**ADOPTION OF OFFICIAL NEWSPAPER:**

A motion to continue to use the New Jersey Herald and New Jersey Sunday Herald as the official newspapers consistent with the Borough's policy was made by Rahill, seconded by Rehe.

Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – yes

A motion to appoint Mike Rahill as the Zoning Board **Representative to the Open Space Recreation Committee** was made by Kracht, seconded by Trumpore.

Kracht – yes, Rahill – abs., Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – yes

**MINUTES:**

Motion to approve the minutes of December 12, 2007, was made by Kracht, seconded by Rahill

Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – yes

**CONTINUED APPLICATIONS:**

**RJ INVESTORS, LLC. BLOCK 30102, LOT 17 7 Lawless Place**

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. This application was continued from the December 12<sup>th</sup> meeting with new notice required. The applicant requests an adjournment to the February 13<sup>th</sup> meeting with no further notice.

A motion to continue this matter to the February 13<sup>th</sup> meeting with no further notice was made by Hawkins, seconded by Kracht.

Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent, Ken Trumpore – yes

**NEW APPLICATIONS:**

**DOLAN, MICHAEL AND CONROY, ARTHUR BLOCK 30408, LOT 22  
231 Lakeside Boulevard.**

Applicant is seeking relief of 242-38C(2), dock side yard; 242-30C(4), water area coverage; 242-30C(6), maximum number of docks; 242-30C(7), minimum distance between docks and any variances required by the Zoning Board

Applicant wants to rebuild an existing dock. Michael Patrick Carroll, Esq. represented the Dolans and Daniel McCarthy, Esq. represented Conroy. This pair of lots are front to back on Lakeside Boulevard. The Dolans own the back lot and have use of dock on the front, lakeside, lot via a private easement. When Dolans purchased the property they tried to repair the removable dock that was there and were told they needed a variance to do so.

The paperwork for the dock and access easement is ancient, dated 1950, and they are working on an updated easement. A 1985 survey represented the property. They will replace the dock with a removable dock if the Board desires but would like a permanent dock in the future.

The longer dock shown on the 1985 survey is used by Mr. Conroy and the Dolan's house is not depicted on the survey. Dolan's dock was destroyed in the flood of 2000.

Heidi Becker Dolan, Michael Dolan and Arthur T. Conroy were sworn in. Mr. Conroy purchased the property in February of 1999 and the dock was removed in the winter and then put it back in the summer and was put there by the previous owner. There is not a lot of room to store the dock (or planks) in the winter and Dolan would prefer a permanent dock in the future. They need to go to the State, the DEP, and Lake Commission for approval of the dock.

Donegan scaled the survey and the dock was 7' and 23' to 31' long depending on where you measure. The dock must be rebuilt the exact size as what was shown on the survey.

The meeting was open to the public. Immediate neighbor, Richard Semanchick of 233 Lakeside Boulevard was sworn in. He said his dock was built with the proper permits and is 35' long. The new dock will not be longer than Conroy's dock that is closer to his. He was concerned about the distance between the docks. No one else from the public commented. The meeting was closed to the public.

There is a Town right of way on the other side of the property. To make the dock measurement more exact the new dock will be 23' long from the stonewall by 7' wide.

Mr. Conroy had a concern that the neighbor, Schouten, docks his boat on the left of his boathouse in the Borough right of way. Trumpore says no one owns this water. Conroy said if the neighbors park their boats on their docks, there is no room for him to park his boat on his dock. This was not a matter for this Board to decide.

A motion to grant relief so that the dock can be rebuilt exactly as it was in 1985 was made by Rehe, seconded by Kracht.

Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – abstain, Malanga – yes, Balzac – absent, Ken Trumpore – yes

**RESOLUTIONS:**

<b>Seal</b>	<b>30703/4</b>
<b>Quinn</b>	<b>11018/2</b>
<b>Bautz</b>	<b>11003/15 &amp; 16</b>
<b>Takvorian</b>	<b>31603/3</b>

A motion to approve the Resolutions was made by Rehe, seconded by Rahill  
Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – abs., Malanga – abs, Balzac – absent, Ken Trumpore – yes

**BILLS:**

<b>Hatch Mott MacDonald</b>		
Leka	70221/6.02	\$234.55
Des. Homes	31103/2	\$1,012.31
On My Way	10809/10	\$330.00

Cobo	31301/67	\$55.83
Ghans	40106/20	\$210.00
PSE&G	40004/16	\$812.50
Condon	30301/4	\$165.00
Lessig	30804/12	\$385.00
Tobias	11303/42	\$55.00
Gen. Oct. 2007 Mtg.		\$330.00

A motion to approve the bills was made by Rahill, seconded by Kracht  
 Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent,  
 Ken Trumpore – yes

**Nelson Consulting**

RJ Investors	30102/7	\$220.00
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A motion to approve the bill was made by Rehe, seconded by Kracht  
 Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent,  
 Ken Trumpore – yes

**ESCROW REFUNDS:**

Zeiselman	11002/18	\$299.00	
Poscik	31101/11	\$129.50	
Kelly	31102/1	\$602.00	
Westside Methodist Church	31503/29		\$235.00
Szmala	31503/7	\$208.00	
Landolfi	41101/2	\$342.00	
Servoss	31402/18	\$570.00	
Kandonski	31703/4	\$150.00	
Sowa	40414/35	\$132.50	
Bochstein	31503/5	\$251.50	
O’Rafferty	31507/2	\$606.00	
Manevel	11209/28	\$431.00	
Compitiello	11017/15	\$312.00	

A motion to approve the escrow refunds was made by Rahill, seconded by Rehe  
 Kracht – yes, Rahill – yes, Rehe – yes, Hawkins – yes, Malanga – yes, Balzac – absent,  
 Ken Trumpore – yes

**MEETING OPEN TO THE PUBLIC:**

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

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**ADJOURNMENT:**

A motion to adjourn was made by Kracht, seconded by Rahill

ALL IN FAVOR, MOTION CARRIED.  
 The meeting was adjourned at 8:20 p.m.

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Eugenia Wiss, Secretary