

MINUTES OF
ZONING BOARD OF ADJUSTMENT
Hopatcong Borough Hall, Hopatcong, NJ
November 14, 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: Robert Rehe, Luis Balzac, Robert Daddis, Ken Trumpore, Ch. Mike Francis
Zoning Officer William Donegan
Board Attorney William Haggerty, Esq.

ABSENT: Judith Kracht, Mike Rahill, Board Engineer John Ruschke, Board Planner Kenneth Nelson

MINUTES:

A Motion to approve the minutes of October 10, 2007, was made by Trumpore, seconded by Daddis

Roll call: Daddis – yes, Trumpore – yes, Rehe – yes, Balzac – yes, Francis – yes

CONTINUED APPLICATIONS:

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 from the September 12, 2007 meeting. Attorney James Guy represented Mr. Cahn. Engineer Jeff Careaga was sworn in. There is an existing driveway in the middle of this lot to access the property behind it that is landlocked. This lot has public water and sewer. They would like to relocate the driveway to the side of the property. This property has a history of drainage problems. Careaga presented Exhibit A-1, a google map with an overlay of the nearby area that had been considered in the attempt to alleviate the drainage problems. Lot 8 and Lot 9 are in different names; Lot 9 is in the applicant's wife's name, Mr. Cahn is the sole proprietor of Gemini Concepts so they can't be combined. They are proposing an easement for the driveway.

The Board was not comfortable with creating an easement situation, as this can be a problem in the future. To better protect the property deeding the land might be better, creating a flag lot.

Mr. Cahn was sworn in. Lot 9 was purchased with an easement but a Court Order extinguished it in 1999. This property was always serviced by an easement. They are going to vacate one easement for another. The water and sewer easement already exists there.

The proposed driveway was right on the property line. The Board wanted it moved 5' off the property line. This was actually a Technical Minor Subdivision and would need to go to the Planning Board if they were changing the property lines. They should also incorporate the existing pavement onto Lot 9. It was recommended that the house be spun 90 degrees.

Careaga was concerned about impacting lot coverage and creating more variances if this was done. The Zoning Board would forward their recommendations to the Planning Board where they could create a flag lot. The driveway could not be up against the property line because of the difficulty in plowing and by moving the driveway the house would have to be moved. The drainage tanks would be on Lot 8 and an easement would be required for Lot 9.

The meeting was open to the public. Sam Hoagland, 55 Point Pleasant Rd., was sworn in and his engineer, Nicholas Warner was qualified. Mr. Warner had looked at the plans and discussed his concerns with the Board. He also wanted the driveway moved, the house turned and felt Lot 9 should be included in this application with all the easement issues. He was concerned because no steep slope calculations, easements, flood plains or trees were shown on the plan, no height calculations were provided for the house or soil logs done for drywells. Also a shed had been put up but a permit had been gotten for that after Mr. Cahn realized one was needed.

Careaga said a temporary stormwater measurement was installed by Mr. Cahn to prevent runoff onto Mr. Hoagland's property that was a part of a settlement with the Town. The proposed driveway showed a 12" asphalt berm and also a catch basin. The stone trench is a temporary measure. He had met with the Borough engineer at the property and Mr. Cahn felt he had gone above and beyond what was required. This measure has to be approved by Ruschke.

Mr Warner was also concerned about an 8" pipe discharging into the lake because of recently adopted stream encroachment regulations that might require it to be 150' from the lake. Also a proposed pool was shown on the plans and since it is not part of this application, should be removed. He would like the driveway on the other side of the lot also.

Careaga explained moving the driveway would cause significant steep slope disturbance and the removal of many trees and the driveway he designed addressed the drainage issues. He agreed to tilt the driveway in for drainage issues. Soil logs were usually not required in Hopatcong until after approval and if ledgerrock is hit, the Borough engineer will have to approve changes. He will provide the structure height but it was below 35'.

Mr. Hoagland submitted photos of the existing fence marked Exhibits O-1 through O-7, O-8 showed the existing deck with a piece of railing missing on Lot 9 that he felt was a safety issue and Exhibit O-9, the existing driveway.

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

To summarize for the applicant: Deeds, Court Orders or paperwork for easements should be submitted; the house rotated 90 degrees, the pool eliminated from the plans if not part of the application, Lot 9 be included in the application, soil tests for seepage pits provided, the driveway moved 5' away from property line creating a 22' flag and the driveway will be pitched away from property line, pick up the existing pavement into Lot 9, State compliance will be required, drainage easement for Lot 8. The applicant would like to submit a house with a difference design and he will have more detailed plans. The Zoning Board will recommend these changes to the Planning Board in writing from Haggerty and encourage them to entertain the changes the Zoning Board would like to see. The Zoning Board members will be notified of the hearing so they can attend and have input.

Atty. Guy clarified that the Zoning Board has not approved this application. In the interest of zoning this matter needs to have more time so the matter needs to be withdrawn and a revised application presented to the Planning Board.

The applicant requested that the application be withdrawn.

A motion to forward this application to the Planning Board and accept the applicant's request to withdraw the application was made by Daddis, seconded by Rehe.

Roll call: Daddis – yes, Trumpore – yes, Rehe – yes, Balzac – yes, Francis – yes

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; 242-37, use; 242-62A, expansion of nonconforming structure and 242-42C(a), antenna height

Applicant wants to install a telecommunications facility on the top of an existing transmission tower. Atty. Richard Schneider represented the applicant. Radio frequency testimony had been presented at the Oct. 10, 2007, meeting. A letter from the DEP had been received granting exemptions from the Highlands Act. Licensed engineer Frank Pazden of Dewberry Goodkind was qualified and presented Exhibit A-6 and A-7, site plans and tower and antenna information, Z-1 & Z-3. They will utilize the existing grass/gravel access way, they will extend electric and phone service off of Columbia Valley Road. The proposed compound will be located inside the footprint of the tower. A 12' x 24' compound will house a steel equipment platform and cabinets. The cables will extend up to the antennas 125 feet. A maintenance technician will visit the facility once a month. No improvements will be made to the access road. The only lighting is a manual 70 watt light bulb for the technician. A structural analysis has confirmed that the tower has can support the antennas. There is no visibility of this compound so no landscaping is required.

The power will be supplied by four new poles and then will run underground. This plan for the power lines was included in the application for Highlands exemption by the State.

Planner Chris Nevill was sworn and qualified. This use is not permitted in the RPD zone so a use variance was required. The positive criteria was the advancement of telecommunication for the public, the particular suitability of the site and the use of an existing structure. There would be no detriment to the public, there will be no glare, no odor, noise or vibration and he presented a previously submitted Exhibit A-3 that showed what the facility would look like before and after.

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 Trumpore, seconded by Daddis.

Roll call: Daddis – yes, Trumpore – yes, Rehe – yes, Balzac – yes, Francis – yes

ATTAS, BRIAN & JILL BLOCK 10707, LOT 11 19 Rapalyea Road

Applicant is seeking relief from 242-38D(5), side yard setback and any variances required by the Zoning Board. Preexisting non-conforming 242-38F(1), lot size; 242-38D(2), lot width; 242-38D(4), front yard setback.

Applicant wants to add a level and extend a porch to the end of his house. This matter was continued from the October 10, 2007, meeting. Brian Attas was sworn in. This addition is small and will square off the house and would make the house more functional.

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 Trumpore, seconded by Daddis.

Roll call: Daddis – yes, Trumpore – yes, Rehe – yes, Balzac – yes, Francis – yes

The applicant requested that the memorialization period be waived.

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

Roll call: Daddis – no, Trumpore – no, Rehe – yes, Balzac – yes, Francis – yes

NEW APPLICATIONS:

UMHOLTZ, DALE & RUTH BLOCK 31604, LOT 5 8 Deane 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. Preexisting non-conforming 242-38F(1), lot size; 242-28C(1), wall setback. Figure calculated after lot consolidation.

Applicant wants to build an addition. Robert Rehe recused himself from this application. Dale Umholtz and his builder, Gerard Miller, were sworn in. This house has three front yards but actually only one functional front yard. The functional front is 91' from the road. The property has been incorporated. There is an existing encroachment of concrete on Lot 6. The existing house is 1.9' from the sideyard and the proposed addition is on the other side of the house.

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 Trumpore, seconded by Balzac.

Roll call: Daddis – yes, Trumpore – yes, Rehe – abs., Balzac – yes, Francis – yes

Because of the winter coming they requested a waiver of the memorialization period. A motion was made but there was no second so the motion did not carry.

RESOLUTIONS:

Northwood 70111/1, 70220/34 & 35
Maneval 11209/28
Ruschke 30805/11
Kraus 30501/68
Arico 30106/12
Lang 50411/11
Gangplank 31303/6
Caprioli/Sosa 30809/50

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

Roll call: Daddis – yes, Trumpore – yes, Rehe – yes., Balzac – yes, Francis – yes

BILLS:

Dolan & Dolan

Bartley	50505/16	\$234.00
Clark	40209/28	\$234.00
Designer Homes	31103/2	\$65.00
Everard	40504/46	\$58.50
Gardenview Corp.	11107/47	\$266.50
Ghans	40106/20	\$201.50
Hellem	30501/52	\$143.00
Katz	31402/13	\$195.00
Kondor	30702/30	\$234.00
Meyers	50602/12	\$234.00
Patel	30706/6	\$78.00
Perrin	50507/11	\$234.00
Perez	40402/30	\$247.00
Rehe	50202/1	\$162.50
Tobias	11303/13	\$26.00
Vanderbilt	30501/20	\$39.00
Voelker	30303/5	\$91.00
Yingling	30407/2	\$234.00
Northwood	70111/1	\$26.00
Northwood Inn	70111/1	\$45.50
Arico	30106/12	\$201.50
Kraus	30501/68	\$325.00
Leka	70221/6.02	\$45.50

Patel	30706/6	\$33.76
Cellco	40005/16	\$58.50
Lang	50411/11	\$277.50
Maneval	11209/28	\$169.00
Caprioli	30809/50	\$227.50
Gangplank	31304/4	\$318.50
Ruschke	30805/11	\$182.00
General	10/10 mtg.	\$219.25
Gen. 8/8 & 9/12/07 mtg.		\$520.00

Hatch Mott MacDonald

Designer Homes	31103/2	\$420.00
Cahn	10810/8	\$425.00
Cahn	10810/8	\$215.00
Ghans	40106/20	\$480.00
Gardenview Const.	11107/47	\$110.00
Leka	70221/6.02	\$278.88
Designer Homes	31103/2	\$220.00
Tobias	11303/42	\$105.00
Gen. Aug. & Sept. mtgs.		\$502.76

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

Roll call: Daddis – yes, Trumpore – yes, Rehe – yes., Balzac – yes, Francis – yes

<u>ESCROW REFUNDS:</u>	Blasi	40107/44	\$600.00
	Morris	10712/60	\$348.00
	Downey	30327/7	\$450.00
	Heldak	11202/16	\$200.00 Application fee
	Heldak	11202/16	\$600.00 Escrow fee

A motion to approve the refunds with the condition that Heldak be responsible for any engineering fees to be paid out of his escrow was made by Rehe, seconded by Trumpore.

Roll call: Daddis – yes, Trumpore – yes, Rehe – yes., Balzac – yes, Francis – yes

OLD BUSINESS:**NEW BUSINESS:****CARBONE, JOHN BLOCK 30501, LOT63 405 Lakeside Boulevard**

Design change: Remove ceiling height requirement because of no FAR ratio. Michael Handel of Handel Construction was sworn in. Mr. Handel explained that the excavator had dug the hole for the foundation 9' too deep so the house would actually be 5' lower than what was approved even with a 9' ceiling in the basement. He had poured a 9' foundation before he was aware of the condition in the Resolution. Since the FAR ratio no longer applies he would like this condition waived.

A motion to grant relief from the condition was made by Rehe, seconded by Daddis.

Roll call: Daddis – yes, Trumpore – yes, Rehe – yes., Balzac – yes, Francis – yes

VASARHELYI, JOSEPH BLOCK 31304, LOT 36 104 Bishops Rock Road

Application for Extension of August 9, 2006 approval for an addition. Mr. Vasarhelyi was sworn in. He could not start his construction because his builder had gone to Europe but was back now.

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

A motion to grant a six-month extension was made by Daddis, seconded by Trumpore.

Roll call: Daddis – yes, Trumpore – yes, Rehe – yes, Balzac – yes, Francis – yes

LEKA, XHELADIN BLOCK 70221, LOT 6.02 53 Northwood Road

Conservation Easement: Mr. Donegan said a wall had been built in the Conservation Easement. Instead of asking for relief he thought they had decided to move the wall. The Board would have wanted extraordinary circumstances to build in the Conservation Easement.

Mike Francis will not be serving on the Zoning Board after December because he will be a councilman in January. He will be liaison to the Council for the Zoning Board and Planning Board and plans on attending Zoning Board meetings.

ADJOURNMENT:

A motion to adjourn was made by Daddis, seconded by Rehe.

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 9:38 p.m.

Eugenia Wiss, Secretary