

MINUTES OF  
ZONING BOARD OF ADJUSTMENT  
Hopatcong Borough Hall, Hopatcong, NJ  
September 12, 2007

CALL TO ORDER: Chairman Mike Francis called the meeting to Order at 7:35PM

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: Judith Kracht, Robert Rehe, Mike Rahill, Robert Daddis, Ch. Mike Francis  
Zoning Officer William Donegan  
Board Attorney William Haggerty, Esq.  
Zoning Board Engineer John Ruschke

ABSENT: Ken Trumppore, Mike Collins, Board Planner Kenneth Nelson

**MINUTES:**

Motion to approve the minutes of August 8, 2007, was made by Rahill, seconded by Kracht

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

**CONTINUED APPLICATIONS:**

**SOLBERG, GLEN / PATEL BLOCK 30607, LOT 6.1 530 Naritcong 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, June 13, July 11 and August 8, 2007 meetings. The newspaper notice was not properly done. Atty. John Williams represented Patel and said the notice was a clerical error and the 200' notice was proper. They had submitted an updated plan and met with the Borough Planner. Litigation has commenced: Solbergs vs. Patel and the Borough of Hopatcong and that was a consideration in this matter. The Board also felt it had not been effective in resolving this matter and it was an enforcement issue.

The Board could not hear the matter because of the notice problem and Haggerty advised to carry the matter. The Board felt two jurisdictions should not manage this at the same time

A motion to deny the Reconsideration of Denial with prejudice was made by Daddis, seconded by Kracht.

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

The Code Official will proceed with enforcement. The Court will have to resolve this matter.

**GARDEN VIEW 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. Gerald D. Simeone, the Principal and attorney of Garden View was sworn in. This application had been dismissed without prejudice in April 2006. This is a new application and he has sewer allocation now. He will have to dig a well because his request to be tied into municipal water was denied. The house can be moved back now that he has sewer allocation and this would fit better in the neighborhood. Engineer Matarazzo was qualified. The average alignment was 29' but they can move the house back 6' for a 35' setback. The Nash notice was sent out in July and no response had been received.

The meeting was open to the public. Cary Balber was sworn in. He wanted to make the Board aware of the site conditions on this street. Francis was aware of the flooding and this should be brought to the attention of the DPW, Engineer and Mayor and Council if necessary. He has brought this to the Borough's attention before as his garage floods. A photo was submitted marked Exhibit O-1 that showed the flooding.

The applicant's plans showed detention tanks for runoff so there will be no net change in runoff from developing this property. A landscape plan is part of this application.

Dennis Snyder said he also has a problem with the flooding and didn't want this lot improved because it would set a precedent for the other undersized lots nearby.

Christian Abbot, 620 Durban Ave. was concerned about blasting. Simeone did not feel blasting would be necessary. He agreed that if blasting were required, he would notice the neighbors and come back to the Board.

There was a discussion on possible well contamination and clarification that the wall had been eliminated because of the elimination of the septic system.

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

A motion to approve the application provided the house is set back 35' and that the applicant notice and appear before the Board should any blasting be necessary was made by Daddis, seconded by Rehe.

Roll call: Daddis – 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>, June 13<sup>th</sup> and August 8<sup>th</sup> meetings to complete the survey. No survey was received.

Morgan Kraus and Carrie Naylor were sworn in. As per the Board's directive at the July meeting they had obtained Borough approval for the wall in the right of way and had applied to the State for approval of the boathouse. They have not heard from the State and finally decided not to hold up the survey for this. They now have a survey that just shows the wall that they are submitting tonight. Because the survey wasn't received 10 days before the hearing, the application could not be heard.

A motion to continue the matter to the October 10<sup>th</sup> with no further notice was made by Daddis, seconded by Kracht.

Roll call: Daddis – 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. This had been carried from the August 8<sup>th</sup> meeting. The applicant's site plan was not ready so the applicant requests a continuation to the October 10<sup>th</sup> meeting.

A motion to continue this matter to the October 10<sup>th</sup> meeting with no further notice was made by Rehe, seconded by Kracht.

Roll call: Daddis – yes, Kracht – yes, Rahill –yes, Rehe – 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 and 242-42C(a), antenna height

Applicant wants to install a telecommunications facility on the top of an existing transmission tower. This application was carried from the August 8<sup>th</sup> meeting. The applicant has requested a continuation to the October 10, 2007 meeting with no further notice.

A motion to continue this matter to the October 10<sup>th</sup> meeting with no further notice was made by Daddis, seconded by Rehe.

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

**NEW APPLICATIONS:**

**GHANS, STANFORD BLOCK 40106, LOT 20, 21 & 22 13 Williams Trail**

Applicant is seeking relief from 242-11C, steep/critical slope and any variances required by the Zoning Board.

Applicant wants to build a single-family home on a vacant lot. Stanford Ghans was sworn in. He will locate the house behind some big rocks. He has a sewer allocation but needs to drill a well. The house will be built on a slab. He is in the process of incorporating the three lots.

The meeting was open to the public. Emily Cordaro, 5 Williams Tr., has a flooding problem behind her house and doesn't want it to get any worse. The applicant had designed a retention system for the runoff as part of this application. Nancy Gefert, 25 Tufts Tr., had questions about the slab construction. Karen Connelly, 24 Tufts Tr. was concerned about the effect on her well. The applicant agreed there should be no blasting and, if there was, he'll have to notice the neighbors and come back to the Board.

Ryan Filipovski felt that Engineer Careaga 's design complemented the natural features of the lot and the landscape design looked good. No one else from the public commented. The meeting was closed to the public.

The landscape design had been reviewed by the Borough Planner. Mr. Ghans and Careaga agreed to comply with his report and also with the Borough Engineer's report.

A motion to approve the application was made by Kracht, seconded by Rahill

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

**CLARK, KEVIN BLOCK 40209, LOT 28 22 Madison Trail**

Applicant is seeking relief from 242-38D(4), front yard setback; 242-38D(5), side yard setback, 242-38E(1), foot print and any variances required by the Zoning Board. Preexisting nonconforming 242-38D(1), lot size, 242-38D(2), lot width; 242-11C, steep/critical slope and any variances required by the Zoning Board

Applicant wants to add a level to an existing structure. Kevin Clark and Pamela Ramnaranie were sworn in. The addition is going over an existing porch and this triggered the variance. They are staying in the original footprint 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 grant the variances to add a level to his existing structure was made by Daddis, seconded by Rahill.

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

**PERRIN, JIM & JANE BLOCK 50507, LOT 11 30 Oakdale Avenue**

Applicant is seeking relief from 242-38D(6), rear yard setback; 242-18A, structure within 50' of lake and any variances required by the Zoning Board. Preexisting nonconforming 242-38D(1), lot size, 242-38D(2), lot width; 242-38D(3), lot depth; 242-11C; 242-38D(4), front yard setback; 242-28C, retaining wall set back.

Applicant wants to build an addition to the side of the house. Jim and Jane Perrin and contractor Roy Impink were sworn in. The 20' x 40' open addition is off the side of the house, over the septic field and supported by towers. They will have to replace the septic according to the Health Department and comply with their requirements.

Ann Dongenia, 14 Dibert Road was sworn in. The existing house is 27' from her property line at its closest point and will be 6' after the addition. The rear yard setback is 20'. She felt the addition is too close to her property and also to the lake. She was concerned about the effectiveness of the septic system with a structure over it and felt there was too much rock on the property for a suitable alternative location. The towers would also be too high and a mature oak tree between the homes will be compromised. She felt this type of addition was a fire safety issue also. She submitted photos marked O-1 through O-4 showing the two homes and property.

The Board advised them to address the septic issue first and Impink said they had a licensed septic contractor there and they were going to put in a chromo glass tank and they did have a secondary area for a field up the hill. He also said the tallest pier would be 17'6". He said there is 9' of clearance between the addition and the existing septic and the new septic will be moved out as far as possible and the field will be ¾ outside the addition.

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

A motion to approve the application with the caveat that they are in compliance with the Health and Building Department requirements was made by Daddis, seconded by Rehe.

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

**SOSA, LUIS BLOCK 30809, LOT 50 11 Rollins Trail**

Applicant is seeking relief from 242-38D(5), side yard setback, 242-38E(1), foot print and any variances required by the Zoning Board. Preexisting nonconforming 242-38D(1), lot size, 242-38D(2), lot width and any variances required by the Zoning Board.

Applicant would like to build an addition. Applicant did not notice for this meeting and has requested an October 10<sup>th</sup> hearing date.

A motion to hear this matter at the October 10, 2007 meeting was made by Rahill, seconded by Daddis.

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

**MEYERS, MICHAEL BLOCK 50602, LOT 28 19 Skyline Drive**

Applicant is seeking relief from 242-38D(5), side yard setback, 242-38D, lot coverage and any variances required by the Zoning Board. Preexisting nonconforming 242-38D(6), rear yard set back, lot size, 242-18(A), structure within 50’ of the lake; 242-28C(1), retaining wall set back.

Applicant wants to put a roof over a sundeck. Michael Meyers and contractor Roy Impink were sworn in. This is mostly preexisting non-conforming and the new, replacement deck was reduced to be more in compliance with zoning.

The meeting was open to the public. Kevin O’Connor was sworn in. He wanted to clarify that walls cannot be built on an easement and that this application was not for walls. He was not comfortable with more roof and felt it had an adverse affect on the land. He was concerned about rainwater runoff but this had been addressed in Meyer’s previous application with drywells.

The applicant agreed there would be no screening, heat or plumbing on the deck. The roof doesn’t cover the whole deck would also be cut back.

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

A motion to grant the variances for the roof over the sundeck with the caveat that there be no plumbing, heating or enclosure was made by Daddis, seconded by Kracht.

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

A motion to waive the memorialization because they are in the middle of construction of previously approved construction was made by Daddis, seconded by Kracht.

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

**REHE, ROBERT BLOCK 50202, LOT 1 102 Blackfoot Trail**

Applicant is seeking relief from 242-38D(4), front yard setback; 242-15B(5), accessory structure in front yard, 242-15E, maximum of accessory structures and any variances required by the Zoning Board

Applicant wants to install an in-ground pool. Robert Rehe stepped down from the Board and was sworn in. His property has three front yards. He has a hot tub on his deck and that was counted as an accessory structure although there was discussion as to whether this should be counted as an accessory structure.

The meeting was open to the public. Margaret Dam was sworn in. She had no objections to this application. No one else from the public commented. The meeting was closed to the public.

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

Roll call: Daddis – yes, Kracht – yes, Rahill –yes, Francis – yes

**RESOLUTIONS:**

<b>Katz</b>	<b>31401/13</b>
<b>Voelker</b>	<b>31303/5 &amp; 7</b>
<b>Kondor</b>	<b>30702/30</b>
<b>Yingling</b>	<b>30407/2</b>
<b>Perez</b>	<b>40202/30</b>
<b>Bartley</b>	<b>50505/16</b>

A motion to approve the Resolutions was made by Rehe, seconded by Rahill

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

**BILLS:****Dolan & Dolan**

Burkhart	10510/45	\$52.00
Chavez20109/3		\$240.00
George	10305/9	\$253.50
Gilfillan	41005/8	\$266.50
Hellum30501/52		\$253.50
Hennen	50411/10	\$201.50
Reid	40412/12	\$253.50
Schickel	50508/6	\$247.00
Tobias	11303/13	\$32.50
Vanderbilt	30501/20	\$266.50
General	7/11 mtg.	\$455.00

**Hatch Mott MacDonald**

General	7/11 mtg.	\$440.00
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A motion to approve the bills was made by Kracht, seconded by Rehe

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

**ESCROW REFUNDS:****OLD BUSINESS:****NEW BUSINESS:****VANDERBILT, ROBERT BLOCK 30501, LOT 20 1 Sharps Rock Drive**

Applicant wants reconsideration of the roofline of the boathouse that was approved by the Board on June 13, 2007. The Board was not concerned about the roofline as long as there was not a deck on the roof.

A motion to approve the reconfiguration of the roof provided it was not a deck was made by Daddis, seconded by Rehe.

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

**Discussion on Front Yard Setback for accessory structures:** Donegan wanted clarification as to whether the definition of dwelling when considering a prevailing front yard setback included sheds and pools and was told it did.

**ADJOURNMENT:**

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

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 9:37 p.m.

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Eugenia Wiss, Secretary