

ZONING BOARD OF ADJUSTMENT MEETING

Hopatcong Borough Hall, Hopatcong, NJ

June 9, 2004

CALL TO ORDER: Chairman Francis called the meeting to Order at 7:30PM

CHAIRMAN'S STATEMENT: Chairman stated that this meeting is held in accordance with the Open Public Meetings Act N.J.S.A.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: Michael Collins, Robert Daddis, Ken Trumpore, Clifford Lundin, Robert Hastings, Chairman Michael Francis
Zoning Officer – William Donegan
Board Attorney -William Haggerty, Esq.
Board Engineer John Ruschke – arrived at 8:20 p.m.
Board Planner Nelson - excused
Absent: Roy Winfield, Stephen Wenz

MINUTES:

A motion to approve the Minutes of May 6, 2004, was made by Collins, seconded by Lundin.

Roll Call: Collins – yes, Daddis – abs., Trumpore – abs., Lundin – yes, Hastings – abs., Francis – yes

A motion to approve the Minutes of May 12, 2004, was made by Trumpore, seconded by Collins.

Roll Call: Collins – yes, Daddis – abs., Trumpore –yes, Lundin – yes, Hastings –yes., Francis – yes

ADJOURNED APPLICATIONS:

SCHOONER, FRANK BLOCK 30510, LOT 19 11 Hunter Court

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38(4), minimum front-yard setback; 242-38D(5), minimum side yard setback; 242-38D(6), minimum rear yard set back; 242-38D(8), maximum lot coverage; 242-38D(9), maximum floor area ratio

Applicant would like to add a level to a single-family home. This matter was continued from the May 6th meeting so the Board could view the property and the floor area ratio could be recalculated. Mr. Schooner had not revised his plans and Mr. Donegan had recalculated the floor area not counting anything with ceilings under 8', the shed, part of basement and sunporch. The applicant said the ceiling height in the basement was under 8' but the plans did not indicate that.

Although the lot coverage did not change with this addition, the calculation is low since not all of the parking was shown on the survey. This lot is topographically higher than others on the street and the addition would be large and would set a new standard for this cul de sac.

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

A motion for denial was made Lundin, seconded by Trumpore.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings –abs., Francis - yes

DESIGNER HOMES FOR PETROSINO BLOCK 31503, LOT 21 19 Kisling Ave.

Applicant is seeking relief from 242-38D(2), minimum lot width; 242-12, working in a steep and critical slope area.

Applicant wants to build a single-family home on a vacant lot. This was continued from the May 12th meeting to see if the adjoining neighbors would be interested in purchasing the lot.

Mr. Paul Chodniewicz of Designer Homes, and his attorney, Daniel McCarthy, were sworn. None of the adjacent property owners had contacted Mr. McCarthy about purchasing the property. They had made no changes to the application. The applicant will comply with Mr. Ruschke's letter of May 10th. There are drainage problems on Kisling and Mr. Ruschke recommended a fair share contribution.

The meeting was open to the public. Carolyn Liguori asked why the applicant was not accessing the property from Mohawk Trail. City water might be available there. The applicant only has a foot of frontage there but could contact the neighbor for an easement or purchase more frontage. A larger house could be constructed on the back portion.

Atty. McCarthy had not explored an easement because their engineer felt the best site for the house was near Kisling and wetlands were a concern on the Mohawk side. Wetland research from an application for the neighboring property, Westside Methodist Church, revealed the wetlands buffer was not too restrictive. If a home construction on either end of the lot was approved the Board would put a conservation restriction on the property and insure that no further subdivision was possible.

A motion to postpone the matter for 30 days so the applicant can explore securing an easement for frontage on Mohawk and to do more tests was made by Trumpore, seconded by Lundin.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis - yes

PASTORE, ANTHONY BLOCK 31003, LOT 33 19 Fordham Trail

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(8), maximum lot coverage, 242-38D(9), maximum floor area ratio; 242-15B(6), accessory structure less than six feet from principal structure.

Applicant wants to construct a sunroom on an existing deck to a single-family home.

Mr. Pastore was sworn in. He has a 32 x 14' deck and he wants to build a 20 x 13' three season room, aluminum and single pane glass, 8 to 7' ceiling. The deck floor will be insulated.

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

A motion for approval of the room on the condition that there is no heat or plumbing in the room with a deed restriction for this was made by Daddis, seconded by Hastings.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis - yes

CUNNINGHAM, BRUCE BLOCK 50302, LOT 1, 39 Indian Trail

Applicant is seeking relief from 242-11C, critical slope; 242-23, driveway slope greater than 15%.

Applicant wants to build a new single-family home on a vacant lot. Bruce and Cheryl Cunningham were sworn in. The Board was concerned about the slope of the driveway. Mr. Cunningham had located the driveway and garage there because of site distance.

The meeting was open to the public. Paul Fisher of 43 Indian Trail was sworn in. He was concerned about the perc. test as the property had never passed before and his well is about 100 feet away.

Mr. Cunningham had applied to the County for driveway approval. Mr. Ruschke said the proposed driveway was within the ordinance requirements. Sussex County had suggested that the driveway come off paper street Ute Way if possible. This would eliminate the steep, unsafe driveway. Mr. Cunningham would have to get approval from the Mayor and Council for this and the Board would strongly recommend this.

Mr. Cunningham had combined his two lots. All approvals by this Board are subject to approval by the Health Department.

A motion to approve granting the variances with the stipulation that the driveway come in off Ute Way crossing the front of the house and that the garage be moved if necessary was made by Trumpore, seconded by Daddis.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis - yes

Mr. Cunningham asked that the memorialization period be waived. The Board would not waive the memorialization because he needs to go to the council and also revise the site plan to show the neighboring wells.

A motion was made to amend the motion to include the following conditions: the neighboring wells be shown on the site plan, the Mayor and Council approve the driveway and an application be made for a Soil Erosion and Sediment Control plan was made by Lundin, seconded by Hastings.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

NEW APPLICATIONS:

WALDRON, BIANCA BLOCK 40505, LOT 14 107 Dartmouth Trail

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(4), minimum front yard; 242-38D(5), minimum side-yard setback

Applicant wants to add a level to a single-family home. Bianca Waldron, Ned Duke and Marty Ceresnik, their builder, were sworn in. The Waldrons were raised in Hopatcong and want to raise their daughter here. Their house is 520 sq. ft. The addition would be cantilevered 2' on the side and front.

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

The Board felt this house was small and the proposed addition was not excessive.

A motion to grant the variances was made by Trumpore, seconded by Daddis.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

They requested a waiver of the memorialization period.

A motion to waive the memorialization period was made by Trumpore, seconded by Hastings.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

TOBIAS, NEIL BLOCK 11303, LOT 42 14 Chinopee Ave.

Applicant would like an extension on a Resolution dated December 12, 2001, to construct a single-family dwelling on a vacant lot.

Harold Hoffman, attorney for Mr. Tobias appeared with builder, Marvin Anhalt. The owner was not financially able to start construction until now and the vacant lot was an eyesore. Mr. Haggerty said the extension period had expired. The ordinance for floor area ratio had changed since the approval of this application. The lot was on the top of a hill and with recent drainage problems in the Borough, a reapplication was recommended.

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

A motion not to grant the extension was made by Trumpore, seconded by Daddis. The applicant must reapply.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

DIVITTORIO, JEFFREY BLOCK 50410, LOT 14 307 Squaw Trail

Applicant would like to remodel an existing single-family house. Mr. DiVittorio appeared with architect Ralph Costello of HBC. He purchased a 1 ½ story lakefront bungalow and wants to renovate adding another floor moving the bedrooms from the basement to the second story. The home will have a slightly smaller footprint. The lot is 8000 square feet, lot coverage, 47%.

The Board is concerned about runoff because of the lot coverage and the applicant is willing to reduce the gravel driveway. The “unfinished” basement will eventually be finished but not used as bedroom space.

The meeting was open to the public. Mr. Jurgen Kruger, neighbor, said the addition would block his view because the second floor is now set back. Mr. Costello provided photos of the property, exhibit A-1. There is no increase in encroachment to the Lake.

No one else from the public commented. The meeting was closed to the public. This would be a three story house 18’ from the Lake. The Board recommended a postponement for redesign to reduce the lot coverage and floor area ratio.

A motion to postpone for redesign was made by Lundin, seconded by Trumpore. Roll call: Collins – yes, Daddis –no, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

FRANCIS TULLY KNAPP BLOCK 30701, LOT 11 18 West River Styx Rd.

Applicant is seeking relief from 262-62B, enlargement of structure that houses a non-conforming use; 242-44D(10), minimum lot size; 242-44D(2B) minimum lot width; 242-44D(4), minimum front-yard setback; 242-44D(5), minimum side yard setback, 242-44B(1), residential use in B-1 zone, 242-26C, minimum number of parking spaces.

The applicant is rebuilding one of the apartments located on the property. Francis Tully Knapp and her attorney John Ursin appeared. This is a pre-existing three family house. Ms. Tully took out permits to demolish and rebuild an apartment two years ago. When she rebuilt the house she raised the crawl space two feet, raising the height of the house.

Ms. Knapp presented a resolution dated March 3, 1979, marked Exhibit A-1 regarding the rebuilding of the apartments after a fire.

The meeting was opened to the public. Fred Roth who lives on the other side of the fire lane stated that the parking of the tenants is a problem. They park illegally in the Fire Lane. No one else from the public commented. The meeting was closed to the public.

When the septic is decommissioned that area could be used as a grass or gravel parking area. This is a preexisting condition with a minor technicality. The demolition permit was marked as Exhibit A-2, Construction permit as A-3.

A motion to accept Ms. Tully’s application to rebuild was made by Daddis, seconded by Hastings. Roll call: Collins – yes, Daddis –no, Trumpore – yes, Lundin –no, Hastings – yes, Francis – yes

REMAX FOR NIEVES BLOCK 11209, LOT 28 309 Santa Fe Trail

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(4), minimum front-yard setback; 242-38D(8), maximum lot coverage; 242-38D(9), maximum floor area ratio.

Applicant would like to use a finished basement that was legally approved only for storage. The Applicant could not attend the meeting requested a postponement to the July 14th meeting.

A motion to postpone to the July 14th meeting with no further notice was made by Lundin, seconded by Daddis.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

JAWORSKI, DOMENIC BLOCK 31207, LOT 1 20 Sutton Road

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(4), minimum front-yard setback; 242-38D(5), minimum side yard setback; 242-38D(6), minimum rear yard set back; 242-38D(8), maximum lot coverage; 242-28C(1), retaining wall within 5 feet of property line

Mr. Jaworski was sworn in. He replaced a rock, retaining wall that was falling down with a 4' tie wall, replaced an existing deck that had a large tree growing through it and reconfigured stairs. He started the work before he realized he needed variances. The deck will be on top of the stump.

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

Mr. Jaworski had been before the council and there was a resolution that was unclear but gave him approval. Mr. Jaworski submitted photos of the wall, A-1. The construction of the wall was discussed, it was a tiered wall and a construction permit must be applied for and the integrity of the wall must be insured.

A motion to approve the location of the wall with the Building Department's determination that the walls are built according to code was made by Daddis, seconded by Hastings.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

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

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

MCLEAN, ALEXANDER BLOCK 10712, LOT 37 1-B1 West Shore Avenue

Applicant is seeking relief from 242-38D(2), minimum lot width; 242-38D(4), minimum front-yard setback; 242-38D(5), minimum side yard set back, 242-38D(8), maximum lot coverage; 242-21F, frontage on an approved, improved street, 242-14A more than one principle structure on lot; 242-13B(5), accessory structure in front yard; 242-18A, 50 feet from lake.

Applicant would like to renovate and build an addition to an existing single-family home. Mr. McLean, his Attorney, Bill Hinks, and architect Nancy Dougherty were sworn in. This is a 26,000 sq. ft. lot with two single-family homes on it. The proposed addition improved the Lake and sideline setbacks and also reduced the number of bedrooms. The lot coverage will be decreased by the removal of gravel in front of the house.

Ms. Dougherty was qualified by the Board and showed photos, Exhibit A-1, of the present home and explained the plans. The home was designed to maintain the character of the existing home but make it more livable.

Both homes were built prior to zoning, 1915 and 1947, tax records were submitted, marked Exhibit A-2. The applicant was agreeable to recharging the water from the gutters into the leach fields when sewers are put in or drywells.

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 with the condition that the impervious coverage be reduced and the water recharged was made by Daddis, seconded by Trumpore.

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

The applicant requested that the memorialization period be waived.

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

Roll call: Collins – yes, Daddis – yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

SEMANCHECK, RICHARD BLOCK 30408, LOT 20 233 Lakeside Boulevard

Applicant would like an extension on a Resolution memorialized September 10, 2003 to construct an addition to a single-family home. Mr. Smanchek was sworn in. He had some health problems. This was the second extension on a Resolution memorialized on July 10, 2002.

A motion to approve the extension of the September 2, 2003, extension was made by Hastings, seconded by Daddis.

Roll call: Collins – yes, Daddis –no, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

Mr. Smanchek would like to move the project away from the Lake, closer to the road, keeping the same plans. The Board would like him to make a new application, submit new plans with hearing notification.

BILLS:

Hatch Mott MacDonald:

Magnolia	11308/1	\$135.00
Costello	31306/17	\$250.00
Costello	31306/17	\$97.24
Kirkeby	11306/18	\$97.24
Impink	31101/44	\$97.24
Norwescap	16203/4	\$344.48
Rehe	31307,5,6	\$50.00
Meeting	4/14/04	\$257.88

Dolan & Dolan:

Northwood Inn	70111/1	\$137.50
Cahn	10810/9	\$176.00
Cahn	10810/9	\$27.50
Costello	31306/17	\$165.00
Costello	31306/17	\$27.50
Bunnivant	40910/14	\$27.50
Bunnivant	40910/14	\$110.00
Brill	10108/22	\$110.00
Brill	10108/22	\$27.50
Segura	10305/11	\$110.00
Segura	10305/11	\$27.50
Blum	30702/4	\$27.50
Blum	30702/4	\$110.00
Mazalewski	31612/7	\$27.50
Mazalewski	31612/7	\$110.00
Pezzano	30904/14	\$110.00
Pezzano	30904/14	\$27.50
Northwood	70111/1	\$407.00
Madden	50508/18	\$22.00
Designer Homes	31503/21	\$49.50
Designer Homes	31503/21	\$22.00
Meeting	4/14/04	\$330.00

A motion to approve payment of the bills was made by Lundin, seconded by Hastings.

Roll call: Collins – yes, Daddis –yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

ESCROW REFUNDS:

Essig	40206/12	\$85.00
Visicaco	70111/5	\$312.00
Kadimik	31704/21	\$325.00
Heinzelman	70110/24	\$262.50
Crosson	11103/15	\$323.00
Mitchell	11210/4	\$262.50
Nguyen	10501/19	\$334.00

A motion to approve the escrow refunds was made by Lundin, seconded by Hastings.

Roll call: Collins – yes, Daddis –yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

NEW BUSINESS:

Block 40413, Lot 33. Maria and Jose Rios appeared to request an extension from June 1st to complete their wall. The wall is now finished but they would like the extension to avoid the fines from June 1st. They submitted letters and testified that they had problems with the surveyor, contractors and weather.

Mr. Ruschke was concerned because each tier of the wall was supposed to be certified by himself and their engineer and now the wall was finished. He agreed to accept their engineer’s certification on each tier. A drywell and plantings were needed to complete the project.

The Rioses will meet with Ken Nelson to discuss the landscaping and go by his recommendations for planting time and will stabilize the site with ryegrass and mulch.

Mr. Dennis Twyford, neighbor, was concerned about the Rioses not complying with the Board regarding the deadline and certification. He said the wall was adequate.

Mrs. Twyford was concerned that the planting would not be done this year.

A motion to grant an extension with the condition that Ken Nelson’s planting recommendations and deadline for planting be followed with a completion before the end of the year, the site is stabilized with grass and mulch hay and that the certification of each tier be received by June 18, 2004, was made by Lundin, seconded by Hastings.

Roll call: Collins – yes, Daddis –yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

Mr. **Arminio, Block 10103, Lot 16**, wrote the Board a letter dated June 2, 2004, requesting waivers for the soil erosion and sediment control plan and the guard rail.

A motion not to grant the requested waivers was made by Lundin, seconded by Daddis.

Roll call: Collins – yes, Daddis –yes, Trumpore – yes, Lundin – yes, Hastings – yes, Francis – yes

MEMORIALIZATIONS: CONTINUED TO JULY 14TH MEETING

ADJOURNMENT:

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

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 11:30 p.m

Eugenia Wiss, Secretary