

MEETING
ZONING BOARD OF ADJUSTMENT MEETING
Hopatcong Borough Hall, Hopatcong, NJ
September 8, 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: Roy Winfield, Michael Collins, Clifford Lundin, Robert Hastings, Stephen Wenz, Robert Daddis, Kenneth Trumpore, Chairman Michael Francis
Zoning Officer – William Donegan
Board Attorney -William Haggerty, Esq.
Board Engineer John Ruschke
Board Planner Nelson - excused
Absent: Clifford Lundin

MINUTES:

A motion to approve the minutes of July 29, 2004, with was made by Daddis, seconded by Hastings.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes.

A motion to approve the minutes of August 11, 2004, was made by Trumpore, seconded by Hastings.

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

ADJOURNED APPLICATIONS:

WITTER, PHYLLIS BLOCK 10807, LOT 13 3 Walton Way

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(3), minimum lot depth; 242-38(4), minimum front-yard setback; 242-38D(5), minimum side yard set back; 242-38D(8), maximum lot coverage; 242-38D(9), maximum floor area

Applicant would like to add-a-level to a single-family home. This matter was continued from the July 22, 2004, meeting for redesign. The applicant submitted a letter requesting a continuation to the October 13th meeting because her plans were not submitted before the deadline due to circumstances beyond her control.

A motion to continue the application to the October 13th meeting with no further notice was made by Daddis, seconded by Wenz.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes.

CONDON, WILLIAM BLOCK 30301, LOT 4 15 Richards Road

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38D(6), minimum rear yard set back; 242-38D(9), maximum floor area; 242-26C, minimum off street parking.

Applicant wants to build a single-family residence on a vacant lot. The matter was continued from the July 22, 2004, meeting with new notice sent to the adjoining neighbors. Ken Trumpore excused himself from this application. William Condon was sworn in along with his attorney, John Ursin. Mr. Condon said he had renoticed with no response from adjacent property owners. He would like to build a two-bedroom, two bath home for his mother and daughter on a 5000 sq. ft. lot. His mother had always intended to build on this lot that she had purchased 8 or 9 years ago. He is an adjacent property owner and has purchased lots from the Borough to increase his property. Photos were submitted, Exhibit A-1, his home, a four-bedroom raised ranch, Exhibit A-2 a neighbor's house also a four bedroom raised ranch. Both homes were on 5000 sq. ft. lots. A-3 & A-4 are photos of the applicant's property.

The meeting was opened to the public. Robert Scanlon who lives directly behind Mr. Condon said he has no objection. Sandra Hohmann who lives across the street has no objection.

They are in phase one of the sewers, however, vacant lots are not able to hook up at this time. This is a significantly undersized lot, Mr. Hastings suggested that they combine the lot owned by Mr. Condon to the adjacent lot owned by his mother and build an addition. Mr. Condon did not feel his mother would want this. Mr. Ursin said not granting this application would create a hardship. The septic design has been approved and this property is at the end of a dead end street, the proposed house was not unreasonably large.

The Board would be reluctant to approve in the future any deviation from the floor area ratio because it is significant.

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

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

IURATO, SALVATORE BLOCK 10905, LOT 10 20 Winding Hill Road

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 set back; 242-28Cc(1), retaining wall less than 5 ft. from property line, 242-12, steep slope.

Applicant wants to replace an existing deck with a larger deck and replace a tie wall with a tiered block retaining wall. This matter was continued for redesign. Salvatore Iurato and Architect Joseph Gates were sworn in. Mr. Gates presented a colorized site plan marked exhibit A-1 showing a two-tiered wall with the top wall stepped back 3' at the midpoint to keep the height down. The wall will be stepped down following the contours of the street and the height at its highest point will be 6'.

John Rushcke was satisfied with Mr. Gate's clarifications of the dimensions and requested a low fence at the top of the wall. The corners of the property should be staked by a surveyor and SESC regulations should be complied with. The applicant agreed to this. No drainage calculations were necessary since the wall is stepped.

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

The deck needed a variance because it was 22' set back from the road. The left side of the proposed wall butts up to the neighbor's wall. The proposed wall will replace an existing wall, a photo of which was marked Exhibit A-2.

A motion to approve the application allowing the wall to be tied into the neighbor's wall, with appropriate fencing, staking and compliance with SESC regulations and modification of the site plan to show the correct dimensions was made by Daddis, seconded by Hastings.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes.

Mr. Iurator requested that the memorialization period be waived.

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

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes.

DESIGNER HOMES FOR PETROSINO BLOCK 31503, LOT 21 Mohawk 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 June 9th meeting to see if an easement or purchase of land would enable the home to be built off Mohawk Trail. The applicant had requested a postponement at the August 11th meeting. Applicant resubmitted revised plans and readvertised.

Paul Chodniewicz with Attorney Daniel McCarthy and their Engineer, Mr. Hanson, were sworn. Mr. McCarthy wanted assurance from the Board that the easement from the Methodist Church would not jeopardize the recently approved application of Church to build a parsonage. The Board did not feel the additional impervious coverage of 80' was significant enough to alter the approved application of the Church.

The applicant relocated the house upon the suggestion of the Board from fronting on Kisling Ave. to fronting on Mohawk Ave. because of runoff problems on Kisling. The only issue to be addressed was the steep slope.

The meeting was open to the public. Attorney John Williams represented Manual Gutierrez, adjoining neighbor, 12 Mohawk Trail who is interested in purchasing the lot but did not receive the Notice required under Nash or the notice of the first hearing. Mr. McCarthy presented two unclaimed letters mailed to Mr. Gutierrez marked A-1 & A-2. There was a discussion as to whether Nash applied since this was not an undersized lot, just long and narrow. The Board could use its discretion.

A motion that the Nash ruling does not apply in this application because it is not an undersized lot was made by Daddis, seconded by Collins.

Carolyn Liquori from the public wanted to insure that the conservation easement discussed at earlier meetings be added as a condition. The applicant agreed.

Donna & Bill Schuman of 7 Kisling were sworn in. They object to the house being built in this location as it impacts their property and are concerned about drainage. They had no objection to the original plans but this house is now larger and requested the application not be approved tonight.

The meeting was closed to the public. The motion will be contingent on the easement. Mr. Williams inquired as to why Nash notices were initially sent if they were not required. The first design of the house located the house very close to a property line so the notices were sent.

The Board felt Designer Homes had been diligent in complying with the Board's recommendations and the new design was a vast improvement over the original design, there were storm water controls. Mr. Ruschke said the Borough's current SESC measures would be applied. The Borough would supervise the project to ensure this. If Mr. Gutierrez was interested in making an offer on the property he could still do so.

A motion to approve the application with the stipulation that the engineer's recommendations be complied with and, if the easement from the Church for the driveway is not obtained, approval will be null and void, that conservation easement begin 5' from the retaining wall of the septic system to the Kisling end of the property line was made by Trumpore, seconded by Daddis.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings - yes, Francis – yes.

DIVITTORIO, JEFFREY BLOCK 50410, LOT 14 307 Squaw Trail

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), minimum lot width; 242-38(6), minimum rear-yard setback; 242-38D(9), maximum floor area ratio; 242-18A, 50 feet from lake.

Applicant would like to remodel an existing single-family house. Application was carried for redesign. Applicant would like an extension to the October 13th meeting.

A motion to continue this matter to the October 13th meeting with no further notice was made by Hastings, seconded by Trumpore.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes.

STEINBAUM, FRED & ELIE BLOCK 11306, LOT 2 167 Lakeside Blvd.

Applicant is seeking relief from 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; 242-38D(9), maximum floor area; 242-18a, 50 feet from lake; 242-12, critical slope.

Application for a garage, addition and boat storage area was carried from the August 11th meeting for redesign. Fred Steinbaum was sworn in and appeared with his attorney, Bernd Hefele. Mr. Hefele said that this was the fourth meeting they had come to and they had reduced the size of the garage, boat storage area and house. The Board requested at the last meeting that they reduce the floor area ratio from 28 to 24% and that they provide calculations that the post development drainage be less than the pre development drainage with the addition of drywells. They had reduced the size of the house. Mr. Donegan's calculations did not agree with theirs and he said the FAR was 25.11%.

The meeting was open to the public. Mr. Kelliher, adjacent neighbor, said she supported 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 Hastings

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes

ZIESELMAN-ROSENZWEIG, SUSAN BLOCK 11002, LOT 18 212 Tulsa Trail

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(9), maximum floor area

Application for an addition was carried from the August 11th meeting for redesign. Mark and Susan Zieselman were sworn in. They had removed the wall adjacent to the stairwell and took out the bathtub from the second bathroom as per the recommendations of the Board.

The meeting was opened 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 Hastings, seconded by Daddis.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes

NEW APPLICATIONS:

R. J. INVESTORS, LLC BLOCK 50602, LOT 25 502 Lakeside Ave.

Applicant is seeking relief from 242-11C, Steep and critical slope.

Applicant wants to build a single-family residence on a 34,000 sq. ft. vacant lot. John Simon of R.J. Investors was sworn in with his attorney, Larry Kron. They tried to minimize the impact on the critical slope in the placement of the driveway and house. They will need an additional variance for work within 50 feet from the lake because of the addition of a patio and dock to this application. Mr. Simon was willing to eliminate this part of the application.

John Ursin, Esq. representing a neighbor, objected to this application as his client wanted to purchase this property. Mr. Kron said his client is not interested in selling. Mr. Ursin said there is no hardship if the neighbors are willing to purchase. There was another discussion on whether Nash applied and it was determined it did not, however, the Board

encouraged communication between the parties regarding the purchase of the property by the neighbors.

Their engineer, Daren Phil, of Suburban Consulting was sworn in and explained the project and answered questions on the septic system. The dock would need DEP approval and he submitted a letter from Wander Ecological Cons. marked Exhibit A-1 stating there are no wetlands on the property.

The applicant will comply with all the recommendations of Mr. Ruschke's letter of September 7th and will additionally protect trees. They will also comply with the Lake Commission's letter dated September 5th.

The meeting was open to the public. Mr. Ursin asked about the amount of critical slope being disturbed and why if they were trying to lessen the impact on the critical slope, why is the house 4177 sq. ft. and not located on Lakeside Avenue instead of being down by the lake. Mr. Daddis was concerned about the need for a pressure dosing septic system.

John Hoff of Indian Island was sworn in. He explained that the property is in a channel and the area was bowl shaped so he was concerned about the water quality in the cove. This house is 1/3 to 1/2 bigger than any other house in the cove.

Eric Buchman, neighbor, was sworn and said he liked the natural state of the property and is concerned about the Lake being overbuilt. He is also willing to buy the property to preserve it.

John Pierro was sworn in. He presented a survey of his and the applicant's property marked O-1. He said there is a ravine between their properties; he has runoff concerns. He did not think the property was developable and had tried to buy it on four occasions. He submitted photos of the property marked Exhibit 0-2 through 0-6. He also said the dock protrudes more than necessary because of its placement.

Attorney Kron asked him questions about Mr. Pierro's recent application to build retaining walls to the Zoning Board and presented his application marked A-2.

John Hoff commented that the walls Mr. Pierro built were not in as critical an area as the applicant's property and Mr. Pierro had not removed additional trees.

Mr. Ursin summarized that the house is too big, not in character, should be located on Lakeside Ave. to minimize disturbance and there was no hardship because there was a buyer for this property.

Mr. Kron said that only 537 sq. ft. for the driveway is in the critical slope area and the home meets the other requirements. The applicant will reduce the dock to 35'.

A motion to carry the matter to the November 10th meeting for redesign with notice was made by Daddis, seconded by Hastings.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes

MAZELEWSKI, JAMES AND JEAN BLOCK 31612, LOT 7 282 Carentan Road

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(8), maximum lot coverage; 242-38D(9), maximum floor area

Applicant wants to add a second-floor addition and a first-floor deck to an existing single-story home. Mr. Mazelewski and his builder Mark Wakefoose was sworn in. He had a previous application for an addition that had been turned down. He redesigned the addition to address the Board's concerns.

The meeting was opened to the public. Al Novell was sworn and supported the application. Elsworth Francis, neighbor, was sworn and supported the application. Chris Kusbill was sworn, said it was a great idea. Elaine and Bob Anderson were sworn and were in favor. John Spasledon was sworn and said it would enhance the neighborhood. Some modifications to the final design might be made and were explained and the Board approved them as long as the square footage remained the same.

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

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, – yes, Francis – yes

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

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes

CIARDI, DEAN & WENDY BLOCK 11209, LOT 42 15 Squire Road

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(8), maximum lot coverage

Applicant wants to withdraw this application.

A motion to deny the application based on the applicant’s request to withdraw was made by Trumpore, seconded by Hastings.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes

LUCIANI, VINCENT AND SHARON BLOCK 31206, LOT 25 14 Sutton Road

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; 242-28C, retaining wall within 5’ of the property; 242-12, steep and critical slope, 242-23A, driveway grade greater than 15%.

Applicant wants to build a single-family residence on a vacant lot. Because of the late hour this application was carried to the October 13th meeting with no further notice.

MCMILLAN THOMAS AND MARION BLOCK 11210, LOT 11 109 Pahaquarry Road

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(8), maximum lot coverage

Applicant wants to build an addition to a single-family residence. Because of the late hour this application was carried to the October 13th meeting with no further notice.

MEMORIALIZATIONS:

Kasmedo	40208/39
O’Keefe	11304/14
Kelliher	11306/1
Camp	10601/9
Corregan	31005/1
Sheldon	11104/8
Andrew Kraus	30501/14
Norlander	31401/10
Quik Check	10701/2

A motion to approve the resolutions was made by Hastings, seconded by Trumpore.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, – yes, Francis – yes

BILLS:

Dolan & Dolan

Semanchik	30408/20	33.00
Madden	50508/18	137.50
Rios	40413/33	93.50
Tobias	11303/13	44.00
Romeo	31603/28	49.50
Northwood	70111/1	66.00
Norlander	31401/10	66.00
Des. Homes	31503/21	57.20
Smaha	50603/5,7	209.00
RJ Inv.	31302/5	258.50
Kraus	30501/ 14	159.50
McLean	10712/37	231.00
Cunningham	50302/1,2	247.50

Schooner	30510/19	137.50
Pastore	31003/33	137.50
Waldron	40505/14	137.50
Knapp	30701/11	137.50
Jaworski	31207/1	137.50
Steinbaum	11306/2	22.00
Balarezo	10405/13	165.00
Edwards	31704/16	137.50
Bolger	10309/9	137.50
Donnarumma	30408/7	165.00
O'Hare	10202/5	137.50
Remax/Nieves	11209/28	66.00
Morris	10712/26	176.00
Westside Ch.	31503/29	165.00
Corrente	30501/60	66.00
Grieco	11305/12	148.50
Hornberger	30508/14	214.50
Cullen	31704/35	181.50
Dichiara	30320/4	148.50
Dispoto	31611/6	147.50
Bochstein	31503/5	148.50
Maldonado	40407/4	148.50
Quick Chek	10701/2	170.50
Mtg. 6/9, 7/14, 7/22		1047.00

Hatch Mott MacDonald

Kelliher	11306/1	200.00
Cullen	31704/35	250.00
Hornberger	30408/14	200.00
Meetings 7/22 & 7/29		209.00

Nelson Consulting

Quick Chek	10701/2	\$883.50
Meeting Att. 7/29/04		\$361.00

A motion to approve payment of the bills was made by Hastings, seconded by Trumpore.
 Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes,
 Hastings – yes, Francis – yes

ESCROW REFUNDS:

Blackwell	10212/2	\$317.50
Kahle	40207/13	\$246.00

A motion to refund the escrows was made by Hastings, seconded by Trumpore.
 Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes,
 Hastings – yes, Francis – yes

OLD BUSINESS:

NEW BUSINESS:

Cunningham – Request to rescind driveway condition.

A motion to amend the Resolution for Cunningham, Block 50302, Lot 1 to rescind the driveway condition was made by Trumpore, seconded by Hastings.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes,
 Hastings – yes, Francis – yes

Segura, Jose – Block 10305, Lot 11, 29 Conklin Avenue: Request to modify approved addition from five bedrooms to three bedrooms as per the Health Department's recommendation.

A motion to modify the approval from five bedrooms to three bedrooms was made by Hastings, seconded by Trumpore.

Roll Call: Winfield – yes, Collins – yes, Daddis – yes, Trumpore – yes, Wenz – yes, Hastings – yes, Francis – yes

Logan, Nelson: Request to modify an approved application. Mr. Logan did not appear.

ADJOURNMENT:

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

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 11:10 p.m

Eugenia Wiss, Secretary