

ZONING BOARD OF ADJUSTMENT SPECIAL MEETING

Hopatcong Borough Hall, Hopatcong, NJ

May 6, 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, Clifford Lundin, Stephen Wenz, Chairman Michael Francis. Mike Collins arrived at 7:31 p.m.
Zoning Officer – William Donegan
Board Attorney -William Haggerty, Esq.
Board Engineer John Ruschke - excused
Board Planner Nelson - excused
Absent: Robert Daddis, Ken Trumpore, Robert Hastings

MINUTES: A motion to approve the minutes of April 14, 2004, with minor corrections was made by Lundin, seconded by Collins.

Roll call: Winfield – yes, Collins -yes, Lundin – yes, Wenz –yes, Francis – yes.

APPLICATIONS CARRIED FROM THE APRIL 14TH MEETING

SMAHA, RAYMOND BLOCK 50603, LOTS 5 & 7 1 Cox Lane

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 setback; 242-38D(8), maximum lot coverage; 242-38D(9), maximum floor area ratio; 242-18A, work 50' from Lake, 242-21F, frontage on improved, approved street.

Applicant wants to add a level and an addition to a single-family residence. Mr. Smaha appeared with his attorney, William Fisher. The applicant would like to expand his sun porch, move the three existing bedrooms upstairs and build a wrap around porch. This home has been in his family before he was born. Mr. Smaha owns Lot 5 and Lot 7 that are separated by a fire lane. He submitted photos, A-1, A-2 & A-3 of this lane which is grassy with a tree growing in it. His family maintained this property and he presently maintains it. The Board of Health letter of February 23rd was read into the record.

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

Some of the variances are needed because of the right of way. The addition to the sunroom brings the home eight feet closer to the lake, however, the applicant felt this would be consistent with other homes in this lakefront area. If Lot 7 was included in the calculations the lot would be 6,893 sq. ft. The applicant is willing to merge the title for Lot 5 & 7.

The Board would like Mr. Smaha to go to the Mayor and Council and ask them to vacate Cox Lane and pursue giving them an easement. He had tried to do this a few years ago without success. He is willing to pursue this again.

Title Officer Sharon Larson of Progressive Title Agency in Morristown was sworn in. She reviewed the deeds for all the properties on Cox Lane and Cox Lane is to be used only for access to their property, not for lake access. The lane is probably still owned by the heirs of Nellie Cox. There is no indication of dedication to the town.

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

A motion was made to grant the variances with the condition that Lots 5 & 7 are merged and Mr. Smaha pursue vacation of Cox Lane by the Borough or arrange an easement was made by Collins, seconded by Wenz.

Roll call: Winfield –no, Collins- yes, Lundin – no, Wenz –yes, Francis – yes.

Motion denied. Atty. Fisher requested the matter be carried until there is a full Board. The Board would retain jurisdiction for 60 days if the applicant can clear up the matter of the vacation of Cox Lane.

A motion to retain jurisdiction for 60 days on this matter was made by Collins, seconded by Wenz.

Roll call: Winfield –no, Collins- yes, Lundin – no, Wenz –yes, Francis – yes.

R. J. INVESTORS BLOCK 31302, LOT 5 111 Maxim Drive

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(8), maximum lot coverage

Applicant is refurbishing an existing single-family home, and adding a two-car garage in place of a carports. Mr. John Simon of R.J. Investments appeared with his attorney, William Fisher. He purchased a 1 ½ frame home that had fire damage. The home was vacant and in disrepair. He wants to renovate and expand the home, removing two carports and replacing one carport that encroaches on adjoining property with a garage one foot back from the property line. He submitted exhibit A-1 showing photos of the home and property.

The meeting was opened to the public. Martin Blackwell, neighbor, was sworn in. He said their were substantial variances involved with this application. The 1' setback of the garage is on his property line, and 15' is required. He feels the new owners will back their cars onto his property. He doesn't want the floor area ratio increased and the deck would look into his home. He suggested a detached garage.

Architect William Byrne of Byrne Design was sworn in. The home is a traditional design, similar to others on the lake. The detached garage would be higher and give the appearance of more building on the property.

The Board requested that the garage be designed smaller and setback 5' from the property line and landscaping be planted as a screen between the deck and Mr. Blackwell's property. Mr. Simon is willing to do this.

A motion to grant the variances if the size of the garage is decreased so that the setback is 5', the shed and carports are removed and a screen is planted on the property line was made by Winfield, seconded by Lundin.

Roll call: Winfield – yes, Collins- yes, Lundin – yes, Wenz –yes, Francis – yes

As per the letter from the Board of Health of March 12th, the septic tank will be replaced.

ROMEO, RICHARD AND THERESA BLOCK 31603, LOT 28 12 Deane Road

This matter was continued from the April 14th meeting. Applicant is requesting an extension for a Memorialization dated August 13, 2003, for the construction of an addition to a single-family home.

Theresa Romeo was sworn in. They have been having trouble securing a contractor but they are now receiving bids for the construction.

A motion to grant a nine month extension from April 13, 2004 was made by Winfield, seconded by Collins.

Roll call: Winfield – yes, Collins- yes, Lundin – yes, Wenz –yes, Francis – yes

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 side 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. Frank and Grace Schooner were sworn in. Their house has three small bedrooms which they would move to the second floor keeping the same footprint as the house.

Zoning officer Donegan noted there was a shed on the property not shown on the survey. Most of the homes on Hunter Court are similar in size. Mr. Lundin felt if everyone on this Court increased the size of their homes it would make the area too crowded.

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

The homes on each side were 30' and 70' feet away. The floor area ratio could be reduced if the sun porch was removed. The measurements should be recalculated and the Board members should view the property.

A motion was made to continue the matter without further notice so the Board can view the property and recalculate the floor area ratio was made by Lundin, seconded by Winfield.

Roll call: Winfield – yes, Collins- yes, Lundin – yes, Wenz –yes, Francis – yes

KRAUS, ANDREW BLOCK 30501, LOT 14 12 Sharps Rock Drive

Applicant is seeking relief from 242-38D(2), minimum lot width; 242-38(4), minimum front-yard setback; 242-38D(5), minimum side yard setback; 242-38D(7), maximum height; 242-38D(8), maximum lot coverage

Applicant would like to construct an addition to a single-family home. Mr. Kraus was sworn in. He purchased a cape cod home on one-half acre on Sharps Rock Drive. He wants to add a level on the existing foot print with the exception of the addition of a two story turret. The Board of Health letter of March 12th was read into the record.

The applicant agreed to make the entrance to the study an archway. The stone turret boat house or “Rattskeller” was originally the icehouse for Hudson Maxim. He is not going to alter the exterior of this historic building.

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 if the study entrance is an archway and if a historical easement is provided for the icehouse so that it is externally preserved was made by Lundin, seconded by Winfield.

Roll call: Winfield – yes, Collins- yes, Lundin – yes, Wenz –yes, Francis – yes

The applicant requested a waiver of the memorialization period because of the postponement of his hearing.

A motion to waive the memorialization period was made by Lundin, seconded by Wenz.

Roll call: Winfield – yes, Collins- yes, Lundin – yes, Wenz –yes, Francis – yes

BILLS:

Hatch Mott MacDonald

Beretta	31101/23	\$100.00
Rehe	31307/5,6	\$50.00
Costello	31306/17	\$250.60
Northwood Inn	70111/1	\$300.00
Rios	40413/33	\$480.00
Chaplin	11209/28	\$100.00
Nitzsche	20110/6	\$150.00
Northwood Inn 3/30	70111/1	\$500.00
Meeting Att.	2/11, 3/10	\$550.00

A motion to pay Hatch Mott MacDonald was made by Collins, seconded by Wenz.

Roll call: Winfield – yes, Collins- yes, Lundin – yes, Wenz –yes, Francis – yes

ESCROW REFUNDS:

Wakefoose	31402/32	\$330.00
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A motion to refund the escrow was made by Collins, seconded by Winfield.

Roll call: Winfield – yes, Collins- yes, Lundin – yes, Wenz –yes, Francis – yes

OLD BUSINESS:

NEW BUSINESS:

NORLANDER, JOHN BLOCK 31401, LOT 10 20 Ridge RoadThe applicant received approval to construct an attached garage with living space above on October 8, 2003, and has downsized his plans reducing the variances needed. Chairman Francis would like him to be able to come back before the Board without a formal application. Attorney Haggerty felt it the Board could informally address these changes if Mr. Norlander submitted plans by the next meeting.

The Secretary requested clarification on how much research was needed for Huang’s application. She was told to research the zoning records from the onset of zoning through 1964 on Huang and the two other multi family properties.

Zoning Officer Donegan has been in contact with Mr. McCloskey who was before the Board on March 10, 2004, regarding the removal of his carport as a condition of approval.

ADJOURNMENT:

A motion to adjourn was made by Winfield, seconded by Collins

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 9:30 p.m.

Eugenia Wiss, Secretary