

## ZONING BOARD OF ADJUSTMENT MEETING

February 11, 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 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, Robert Hastings, Kenneth Trumpore, Robert Daddis, Clifford Lundin, Steven Wenz, Chairman Michael Francis  
Zoning Officer – William Donegan  
Planning Board Attorney -William Haggerty, Esq.  
Planning Board Engineer – John Ruschke

Planning Board Planner – Kenneth Nelson arrived at 9:00

**MINUTES:**

Motion to approve the minutes of January 14, 2004 with minor corrections was made by Trumpore, seconded by Daddis.

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

**ADJOURNED APPLICATIONS:****ROBERT'S HOME DESIGN FOR KAHLE BLOCK 40207, LOT 13 325 Windsor Ave.**

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; 242-38D(9), maximum floor area ratio

This application was continued from the January 14<sup>th</sup> meeting for redesign. Francis Kahle appeared with Robert Frazier from Robert's Home Design who explained the revisions. The steps on the adjacent property will be removed. The doorway to the downstairs den was opened up and the closet removed. The second story add-a-level was the smallest he has ever designed and the bedrooms are as small as possible.

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

The board was reassured by Ms. Kahle that only she and her daughter would be living in this home. Mr. Lundin was still concerned about the 28.2% lot coverage ratio and the size of this lot.

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

Roll call: Winfield - yes, Collins – yes, Hasting – yes, Daddis – no, Trumpore – yes, Lundin – no, Wenz – yes, Francis – yes

**RIOS , MARIA BLOCK 40413, LOT 33 701 Brooklyn Mountain 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; 242-11C, critical slope.

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Applicant wants to build a retaining wall. Maria and Jose Rios and their engineer, William Gregor, were sworn in. Mr. Gregor presented a letter from septic contractor David Zuidema to the Board regarding the septic system which was read into the record by Mr. Ruschke. Gary Landiak from the Health Department said there was a discrepancy in the location and number of septic systems. The system(s) need to be located and the home classified as three-bedroom for resale.

Mr. Gregor said that the 13' wall will be dug into the new fill that was added which should not affect the old septic system. A redesign of the wall with tiers would bring it closer to the septic.

The Board felt possible solutions to this problem include (1) putting the land back to its original state or (2) moving the septic or (3) tiering the wall. Stabilization of the slope and safety was a priority until this matter is resolved especially with spring coming.

The meeting was opened to the public. Dennis Twyford, who lives on the adjoining lot has concerns about his well, pooling and the poor condition of the silt barriers. The meeting was closed to the public.

Ruschke said fill can be removed and the area can be stabilized and, given time, restored and he and the construction official can enforce compliance.

A motion to deny approval of a 13 foot wall as shown on the plans was made by Lundin, seconded by Trumpore. Collins asked Rios if they would redesign the wall and they are willing to do this.

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

It was emphasized that the Rios' must remove fill and rocks and stabilize the slope. The applicant can also reapply for a smaller wall.

**ARICO, LEE BLOCK 30106, LOT 12 6 LEHIGH WAY**

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.

Jack Dolan, contractor, represented Ms. Arico who is building a carport over an existing driveway. The carport is less than 2' from the property line. The septic is in front of the house so access was not a problem. According to plans submitted, the carport would be 56 feet long.

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

There was a question as to the size of the carport. Mr. Dolan thought it ran the length of the house which was not indicated on the plans. The Board felt 56' was too long and the scale of the drawings was not clear. Another alternative would be to put the garage in the back of the property.

A motion to deny due to lack of hardship was made by Lundin, seconded by Trumpore.

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

**RESTRICK, ROBERT BLOCK 50305, LOT 12 & 13, One Beams Lane**

Applicant is seeking an extension on an approval for a deck and addition memorialized on March 12, 2003.

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A notarized letter explaining the reason for the extension request due to illness had been received. Mr. Restrick lives in New York City. Lundin felt Mr. Restrick should have attended the meeting.

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

A motion to grant an extension of the approval was made by Daddis, seconded by Winfield.

Roll call: Winfield - yes, Collins – yes, Hastings – yes, Daddis – yes, Trumppore – yes, Lundin – no, Wenz – yes, Francis – yes

### **NEW APPLICATIONS:**

#### **NITZSCHE, STEVEN & ROSEMARIE BLOCK 20110, LOT 6 20 Kynor Ave.**

Applicant is seeking relief from 242-38D(7), maximum height, 242-28C(1), retaining wall within 5' of property.

Applicant has made a design change that affects the Board's prior approval on April 9, 2003, of this application to construct a new dwelling. Mr. Lundin reclused himself from this application. Steven and Rose Nitzche were sworn in. They need a height variance because of a miscalculation with the design of their modular design. The stacking added additional height. To maintain the grading they would like to build a 3'9" retaining wall at the back of the property. The Board recommended moving the wall 5' off the property line so no variance is needed.

The meeting was opened to the public. Burt Pampanim was one of 6 families here. He said the property had been stripped, the foundation was not put in deeply enough, excess fill was brought in, the level of the property was changed causing drainage problems and the house was not built according to the approved plans.

Mr. Nitzche said he built the house according to the approved plans. The grading around the house is not finished. He did bring fill in and also had to remove soil. This property has a septic mound and Ruschke is working with them on the engineering.

Mr. Donegan said the home is higher than the original plans and that the maximum height requirement has changed since the plans were approved.

The meeting was opened to the public. Mr. Pampanim presented photos. He wants the roof or foundation lowered. Michael Ventura, neighbor, said his basement flooded for the first time in 15 years because of this new construction and has sink holes near his septic.

Mr. Ruschke will make the Nitzches comply with the approved site plan and maintain the original flow of the water.

Paul Callahan, 9 Hazel St., is concerned about water and the proposed wall. Mr. Iuliano, neighbor, is also concerned about water. Mr. Devecchio would like to know what will happen if the problem isn't fixed, what the neighbors' recourse would be.

Mr. Wickart maintained that water problems in area have been very bad this past year.

The second proposed wall is around the septic and is 18" tall. If this wall was a necessary part of the septic it will be approved without reapplication to the Board. Otherwise the slope should be graded.

The height of the garage roof has also been changed from the original plan to accommodate a closet and attic.

A motion to approve the variances with the following conditions: the retaining wall bordering Lot 7 & 8 is to be moved 5' back; the ceiling in the garage is to be cathedraled with no attic or closet and the roof is to match the gutter line; the upstairs hall to the attic

closet is to be eliminated; and the wall adjacent to Lot 4 is approved only if required by the health department as determined by a letter from Mr. Ruschke; was made by Daddis,

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seconded by Hastings.

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

Mrs. Nitzche requested the memorialization period be waived and the application fee be waived. The fee was not waived. A motion to waive the memorialization period was made by Daddis, seconded by Hastings.

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

The Nitzches were advised that they needed to comply with Mr. Ruschke even if they don't agree with him.

**MCCLOSKY, ROBERT BLOCK 30508, LOT 33 33 Musconetcong Ave.**

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(9), maximum floor area ratio.

Applicant wants to build a second-story addition. Robert McClosky appeared with his architect, Joseph Gates. He wants to build an approximate 1000 sq. ft. addition over an existing 1000 sq. foot home. There would be no change in sideline setbacks. A covered front porch was proposed where now a cement stoop exists. Lot coverage would be 20.2%.

The meeting was opened to the public. Richard Hodson said according to the survey the set back was only 20 feet. Putting a second story addition would create a tunnel effect on this street. There is also an unapproved structure on the paved driveway area. A picture of this portable garage was submitted. He said the size of bedrooms should be considered in applications. He also suggested that the applicant explore putting the addition out the back of the property. The meeting was closed to the public.

Mr. Gates said it would be difficult to build in the back because of access and the slope starts 5' from the existing house. Mr. McClosky's family has gotten larger and the he does not want to lose what yard he has for his children to play in. The floor area not including the basement with a 7' ceiling was 13.92%.

Mr. Hodson said the downstairs is a rec room so it shouldn't be excluded.

The board felt the covered garage has to be removed and future parking should be considered. Daddis felt there was no hardship and a tunnel effect would be created if all the homes on this street were similarly altered. The Board was in favor of at least exploring a rear addition and addressing the need for a permanent garage.

A motion for postponement for redesign to the next meeting was made by Daddis, seconded by Hastings.

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

**ADJOURNED APPLICATION:**

**NORTHWOOD INN BLOCK 70111, LOT 1 300 Lakeside Ave.**

Preliminary and Final Site Plan approval which requires relief from 242-44D(1b), minimum lot size; 242-44D(2b), minimum lot width; 242-38D(2) minimum lot width; 242-44D(4), minimum front yard setback; 242-44D(5), minimum side yard setback, 242-44D(6), minimum rear yard setback; 242-44D(8) maximum lot coverage; 242-18A, work 50' from lake; 242-38A & B, use for lot 34; 242-28C(1), retaining wall less than 5' from property line; 242-10(C & D) steep & critical slope; 242-23A, driveway grade less than

10%; 242-26(1), minimum required parking spaces within front yard set back; 242-26B, minimum parking space size; 242-26C, minimum number of parking spaces as a result of the expansion or modification of the Certified non-conforming pre-existing use.

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Chairman Francis asked the Board to consider how much more information they will need to make a decision on this. John Ursin, attorney for the Northwood Inn and his engineer, William Gregor, were sworn in. Mr. Gregor explained his site plan for a 110 seat restaurant and lounge and general store. The septic was designed for a 125 seat restaurant in the 80's and he said it was adequate. The number of parking spaces necessary is 56. This was calculated by the ordinance, using the highest number as calculated by square footage and seat capacity. The site plan was marked as an exhibit. They have a total of 49 parking spaces and are seeking a variance. There are available boat slips not included in this calculation, 7 on lot 1, 12 on Lot 34 and 13 on the disputed Lot 35. The docks will be reconfigured. Three spaces will be reserved for the post office and tenants. A variance is needed for the size of parking spaces.

15 of the parking spaces are on the disputed Lot 35. Mr. Schaffer is concerned about the rights of his client, Mr. Gropper who owns Lot 35. The parties have not come to any agreements.

Mr. Ursin said he has no further witnesses. Mr. Schaffer asked Mr. Gregor about the slope of the proposed driveway, was it acceptable. Mr. Gregor said he would not design a driveway with that slope but it was existing. The grade of Hopatcong street appeared to be less. Mr. Schaffer questioned Mr. Gregor about the easement and was advised this was not his expertise. The boat slips are not to be rented out and it was customary to use slips on the lake exclusively for parking.

In an effort to settle this application the Board requested that the attorneys do a summation at the next meeting. Mr. Schaeffer requires Mr. Gregor to be there and he has two witnesses. It was requested the questions be specific to the application. Mr. Ursin granted the Board an extension.

**BILLS/ESCROWS: Dolan & Dolan**

Northwood Inn	70111/1	\$49.50
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**Hatch Mott MacDonald**

Northwood Inn	70111/1	\$250.00
Magnolia	11308/1	\$320.00
Beretta	31101/23	\$150.00
Sowa	40414/35,36	\$150.00
Attendance	12/10/03	\$250.00

A motion to approve the payment to Dolan & Dolan and Hatch Mott MacDonald was made by Daddis, seconded by Trumpore.

Roll call: Winfield - yes, Collins - yes, Hastings - yes, Trumpore - yes, Lundin - yes, Wenz - yes, Francis - yes

**ESCROW REFUND:** Hinczynski 40504/70 \$268.00

A motion to approve the escrow refund to Hinczynski was made by Trumpore, seconded by Daddis.

Roll call: Winfield - yes, Collins - yes, Hastings - yes, Trumpore - yes, Lundin - yes, Wenz - yes, Francis - yes

**ADJOURNMENT:**

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

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 11:40 p.m.

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Eugenia Wiss, Secretary

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