

MINUTES OF REORGANIZATION MEETING
ZONING BOARD OF ADJUSTMENT

January 14, 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, Clifford Lundin, Steven Wenz, Chairman Michael Francis
Zoning Officer – William Donegan
Planning Board Attorney -William Haggerty, Esq.

Absent: Robert Daddis

Late: Planning Board Engineer - John Ruschke arrived at 8:05
Planning Board Planner – Kenneth Nelson arrived at 9:30

Prior to the meeting Kenneth Trumpore was sworn in for a four-year term ending in 2007, Steven Wenz was sworn in to fill a vacant term ending in 2004, Robert Hastings was sworn in as an alternate for a one year term ending in 2004.

REORGANIZATION:

The Chairman turned the meeting over to William Haggerty, Esq.

CHAIRMAN: Haggerty called for nominations for Chairman. Trumpore nominated Michael Francis, seconded by Winfield. There were no other nominations. The nominations were closed.

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

Chairman Francis repeated the Chairman's Statement and resumed the meeting.

VICE CHAIRMAN: Chairman Francis asked for nominations for Vice Chairman. Trumpore nominated Robert Daddis, seconded by Hastings. There were no other nominations. The nominations were closed.

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

SECRETARY: A motion to appoint Eugenia Wiss as Secretary to the Board was made by Winfield, seconded by Lundin. There were no other nominations. The nominations were closed.

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

PROFESSIONAL APPOINTMENTS:

A motion to appoint Kenneth Nelson as **Board Planner** was made by Lundin, seconded by Winfield. There were no other nominations. The nominations were closed.

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

A motion to appoint William Haggerty as **Board Attorney** was made by Trumpore, seconded by Winfield. There were no other nominations. The nominations were closed.

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

A motion to appoint John Ruschke as **Board Engineer** was made by Lundin, seconded by Trumpore. There were no other nominations. The nominations were closed.

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

ADOPTION OF MEETING DATES:

A motion to continue to hold the meetings on the second Wednesday of the month at 7:30 p.m. was made by Collins, seconded by Hastings.

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

ADOPTION OF OFFICIAL NEWSPAPER:

A motion to continue to use the New Jersey Herald and Sunday Herald as the official newspapers consistent with the Borough's policy was made by Trumpore, seconded by Collins.

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

A motion to appoint Robert Daddis as the Zoning Board **Representative to the Open Space Recreation Committee** was made by Trumpore, seconded by Hastings.

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

A motion to close the Reorganization Meeting was made by Hastings, seconded by Trumpore.

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

MINUTES:

Motion to approve the minutes of December 10, 2003 with minor corrections was made by Trumpore, seconded by Hastings.

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

ADJOURNED APPLICATIONS:

NGUYEN, HUNG BLOCK 10501, LOT 19 4 Henry Street

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 wants to build an addition to an existing single-family home. This was continued from the November 12, 2003, meeting so new plans could be submitted. No plans were received.

A motion to deny this application due to lack of prosecution was made by Lundin, seconded by Trumpore.

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

SADAUSKA, LENORA BLOCK 40415, LOT 20 113 Jefferson 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(5), minimum side yard setback.

This application was postponed from the December 10th meeting.

Lenora Sadauska appeared and stated she owns two lots that are now legally combined and wants to add a second story addition. The home will be cantilevered 2' in the front and back.

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

According to the Board of Health letter, the septic will be replaced. There is no increase in the number of bedrooms. The board recommended changes to the upstairs “sitting room” to insure that it will not become a bedroom in the future.

A motion to grant relief from the variances with the stipulation that the doorway to the “sitting room” be replaced with a 3' archway, the closet in the sitting room be deleted and replaced with a closet opening into the hallway, verification be provided that the lots are legally combined and subject to approval of the septic system by the health department prior to construction was made by Hastings, seconded by Lundin.

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

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 postponed from the December 10th meeting. Francis Kahle, the owner, her daughter, Linda Kahle, and Marty Ceresnik from Robert’s Home Design appeared to request approval of a second story addition.

The letter to from the Health Department was read into the record. The Kahles want to open up the downstairs and move the bedrooms upstairs. This lot is 4000 sq. ft. and the new floor area ratio would be 28%.

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

John Ruschke arrived: 8:05 p.m.

The existing steps on the survey encroached on the neighbor’s property. They agreed to remove them. They agreed to open up the doorway into the downstairs den. Trumpore felt the lot was too small to support the proposed house and recommended that they pursue purchasing the lot next door that had an abandoned home on it and combine the lots for 8000 sq. feet.

Mr. Ceresnik requested a one-month postponement to revise the plans.

A motion to postpone this application to the February 11th meeting with no notice was made by Lundin, seconded by Hastings.

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

NEW APPLICATIONS:**LOGAN, NELSON BLOCK 31209, LOT 9 124 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; 242-38D(9), maximum floor area ratio.

Applicant wants to build a two-story addition. Mr. and Mrs. Logan had an addition previously approved by the Board in May, 2003, and have since redesigned the addition and it is larger. This is an 8000 sq. ft. lot, existing 28% and proposed 39% floor area ratio. The Board felt the addition should be the same size as the previously approved addition. The number of bedrooms has been reduced from 4 to 2.

The Health Department letter was read into the record. The septic system will be upgraded and the number of bedrooms conserved at two.

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

The Logans maintained living space is diminished by the thick walls of the house and dormers.

A motion to approve relief from the variances with the condition that the footprint of the house from left to right remain the same and the length of the addition from front to rear be 34 feet with the stipulation that the attic not be finished and the house be maintained as a two-bedroom home was made by Trumpore, seconded by Hastings.

Roll call: Winfield - no, Collins – yes, Hastings– yes, 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.

Applicant wants to build a retaining wall. Jose Rios and his engineer William Gregor were sworn in. Gregor said he had taken the Board's suggestions at a prior meeting to work with the neighbors to design a stable, safe wall and supply necessary engineering calculations. He designed a 13' gray keystone wall with a 4' fence on top and added a drywell for storm water runoff. The block would be 8" x 18" x 12" deep.

John Ruschke's letter of January 6, 2004, was read into the record and also the Health Department's letter of January 14, 2004.

The meeting was opened to the public. Dennis Twyford, who lives on the adjoining lot below Rios', has concerns about the wall. He showed the Board a photo of a 12' two tiered wall of gray keystone. He has concerns about the septic after hearing the Health Departments report.

Ruschke said the Health Department needs to be satisfied first. The safety of the existing wall is an issue also.

Gloria Twyford, neighbor is very concerned about the septic because her well is near that area. She was assured there would be no drainage holes in the wall.

Gregor said he had reviewed the files in the health department but had not seen this recent letter. He was given a copy and would be in contact with Gary Landiak of the Health Department regarding his concerns. Mr. Rios said he had not made any changes to the septic without approval of the Health Department and when he bought the house it had 4 bedrooms. Gregor felt the 13' wall was the best solution to the problem and it would be screened by 6' high plantings.

The Board felt a 13' high wall was not a good solution and would prefer a tiered wall.

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Mr. Gregor requested a postponement to the next meeting so the issues with the Health Department and engineer could be resolved and a new design submitted.

The meeting was opened to the public. An unidentified neighbor requested that the property be restored to its original state. This would be impossible and the Board will work towards a solution.

A motion for a postponement to the February 11th meeting with no notice was made by Hastings, seconded by Collins.

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

APPLICATIONS TO BE CONTINUED TO THE FEBRUARY 11TH MEETING:

ARICO, LEE BLOCK 30106, LOT 12 & 9 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.

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.

Ken Nelson arrived at 9:30 p.m.

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.

John Ursin, attorney for the Northwood Inn said that there had been discussions on the parking but no resolution. His client was receptive to an easement for parking on Lot 34.

Mr. Schaffer, attorney for the owner of lot 35, Mr. Gropper, again maintained that the pending decision on the easement issue was pivotal to this case. If it is denied they will not be able to use Lot 35 for access and parking on lot 34 will be stacked.

At the request of the opposing attorneys, Ken Ochab, professional planner, witness for the Northwood Inn, answered questions regarding his testimony at the December 10th meeting.

Mr. Schaffer and Mr. Shivitz, attorney for neighbor, Mr. Kearny, questioned the planner on the number of variances required in this application. They had more and they will compare their lists.

The opposition was asked to clarify what they wanted. Mr. Gropper said he doesn't want to share his parking or docks and doesn't want the applications discussed before the easement ruling. He was open for negotiations on selling his property or rights on his property. A discussion on creating more parking for his tenants by cutting back the hill and installing a retaining wall was encouraging.

Mr. Kearny wants private access to his property to remain from Hopatcong Street across Lot 1. He does not want an easement through the parking lot even though that lot would only be used for employees and he would be guaranteed access and egress.

Mr. Ursin was asked if he would grant the Board an extension to decide on this application and he agreed to do so. This matter will be continued to the February 11th meeting at 9:30 p.m.

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MEMORIALIZATIONS:

Rehe	31307/5 & 6
Dellasala	10501/20
Machnik	40505/9
Juskus	20113/20
Todisco	11017/14

A motion to approve the memorializations with a correction to Juskus was made by Trumpore, seconded by Hastings.

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

BILLS/ESCROWS:

Hatch Mott MacDonald

Chaplin-Santa Fe	11209/28	\$150.00
Sowa	40414/35, 35	\$130.00
AJDM, LLC.	11112,11	\$150.00
Beretta	31101/23	\$ 80.00
Chaplin-Santa Fe	11209/28	\$ 50.00
Nardone	50305/6,7	\$ 50.00
Northwood	70111/1	\$200.00
Meeting 11/12/03		\$300.00

Nelson Consulting Group

Northwood	70111/1	\$247.00
Meeting Attendance	12/10/03	\$152.00

A motion to approve the payment to Hatch Mott MacDonald and Nelson Consulting was made by Trumpore, seconded by Hastings.

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

ESCROW REFUND: Bader 31704/10 \$290.00

A motion to approve the escrow refund to Bader was made by Hastings, seconded by Collins.

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

ADJOURNMENT:

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

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 11:15 p.m.

Eugenia Wiss, Secretary

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