

**CALL TO ORDER:** Chairman Shivas called the meeting to order at 7:30 p.m.

**ROLL CALL:**

*Members Present:* Ms. Raffay, Messrs. Proctor, Morytko, Serrilli, Walsh, and Chairman Shivas

*Members Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

*Also Present:* Engineer Cory Stoner, Attorney Alyse Hubbard, Secretary Caitlin Phillips

**OPENING STATEMENT:** Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

**FLAG SALUTE:** led by Chairman Shivas

**COMMITTEE APPOINTMENTS**

Chairman Shivas said Mr. Walsh will lead the Site Plan subcommittee, and Ms. Raffay, Mr. McElroy, and Mr. Serrilli will also be on it.

**MINUTES:** January 18 2024. Mr. Proctor motioned to approve the minutes, seconded by Ms. Raffay.

*Ayes:* Ms. Raffay, Messrs. Proctor, Morytko, Serrilli, and Chairman Shivas

*Abstaining:* Mr. Walsh

*Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

None opposed. Motion carried.

**RESOLUTIONS**

Z26-2023 Alex Rubenstein, 2 and 8 Carpenter Road, Block 237 Lots 519, 521, 522, R3 Zone

*Approval for minor subdivision, site plan for a single-family dwelling, and site plan construction of a new single-family dwelling*

Mr. Morytko motioned to approve the resolution, seconded by Mr. Serrilli.

*Ayes:* Messrs. Morytko and Serrilli, Chairman Shivas

*Abstaining:* Ms. Raffay, Messrs. Proctor and Walsh

*Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

None opposed. Motion carried.

SP7-2023 Panther Lake RV, LLC, 6 Panther Lake Campground, Block 360 Lots 23, 24, 31, 31.10, and 31.11, CR Zone

*Approval for changes to pool and patio area, including bathrooms, a pavilion, cabana facilities, expansion of patio, and enhancements to lighting and landscaping*

Mr. Proctor motioned to approve the resolution, seconded by Mr. Serrilli.

*Ayes:* Ms. Raffay, Messrs. Proctor, Morytko, Serrilli, and Chairman Shivas

*Abstaining:* Mr. Walsh

*Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

None opposed. Motion carried.

Zo8-2022 Jose Quinones, 187 Lackawanna Drive, Block 264 Lot 280, R-5 Zone

*Extension request for construction of a deck*

Mr. Proctor motioned to approve the resolution, seconded by Ms. Raffay.

*Ayes:* Ms. Raffay, Messrs. Proctor, Morytko, Serrilli, and Chairman Shivas

*Abstaining:* Mr. Walsh

*Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

None opposed. Motion carried.

**NEW BUSINESS**

Zo2-2024 Catherine Trader, 55 North Shore Road, Block 157 Lot 272, R-5 Zone

*Approval for concrete pad and propane tanks in the side setback*

Ms. Phillips noted the newspaper did not publish the legal notice prior to the ten day mark. Mr. Proctor motioned to carry the application to 02/15, seconded by Mr. Morytko.

*Ayes:* Ms. Raffay, Messrs. Proctor, Morytko, Serrilli, and Chairman Shivas

*Abstaining:* Mr. Walsh

*Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

None opposed. Motion carried.

Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone

*Approval for deck on an undersized lot*

The applicant was not present, so Chairman Shivas noted they would revisit this application later in the meeting.

Z30-2023 David Maida, 68 Sleepy Hollow Road, Block 406 Lot 103, R4 Zone

*Approval for gazebo within setback to house*

David Maida was sworn in. Mr. Maida has a 16x12 gazebo 2.5 feet from the side of the house and about 17 feet from the property line. He can't move it away from the house because then there would be a setback issue, it would be too close to the septic tank, and block the gate. This is the only level spot on the property—the only other spot is on top of his property, everywhere else is sloped and there's a leech field. It's also easier to access where it is. Ms. Raffay confirmed the leech field is behind the house, about 100 feet from the side of the house, and it's a level part of the property. Mr. Maida said where the gazebo is, the septic tanks are about 7-8 feet away; if the gazebo was moved, it would be less than five feet from them. The two tanks are in the side yard. He got a permit for the patio over the summer. Mr. Proctor asked about the pavers; Mr. Stoner said they're impervious. Mr. Proctor confirmed the patio area is sloped toward the side and front of the property, and the water is still on his property. Mr. Stoner said the grade drops off to the left towards Sleepy Hollow. He reviewed his report and confirmed the back yard slopes. Chairman Shivas confirmed the septic has a pump system. Mr. Stoner confirmed the gazebo blends in to the side of the house. Mr. Walsh confirmed the configuration and topography drives the placement.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. Proctor motioned to approve the application, seconded by Mr. Serrilli.

*Ayes:* Ms. Raffay, Messrs. Proctor, Morytko, Serrilli, Walsh, and Chairman Shivas

*Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

None opposed. Motion carried. Ms. Hubbard explained the appeal period.

Z29-2023 Ziad Jalbout, 60 Birch Parkway, Block 308 Lot 1831.02, R5 Zone

*Approval for addition to home, relocation of entryway, and proposed porch*

Ziad Jalbout was sworn in as the applicant, as well as Sergio Chavarria as the architect in Stanhope. Mr. Chavarria has worked in Lake Mohawk, Newton, Bergen County, Essex County, Bloomfield, Belleville, and Nutley; he was deemed an expert, and his license is in good standing. Mr. Chavarria said they're looking to expand the existing house; it's a one-story ranch now. They want a partial add-a-level. The front of the house has no formal entrance, so they proposing to re-align it. They need relief for the front encroachment; the current entrance has steps with no platform, so it's dangerous to open the door. The porch would help with this hazard, and it being a covered porch, there would be a roof for inclement weather. The porch is 7x4. Chairman Shivas confirmed the porch just has a roof, not sides.

Mr. Chavarria said they're not planning to change the number of bedrooms. He noted currently the septic is too close; they are discussing with the County about the proper location. Chairman Shivas confirmed there's no leech field. Mr. Chavarria said replacing the septic will improve the house. Mr. Stoner confirmed an approval should be subject to approval from the County for the septic. Mr. Chavarria said they received a letter from the County Board of Health confirming they're using a gravity system. Mr. Stoner confirmed the design is already being prepared. The County letter was submitted as **Exhibit A1**. Ms. Raffay confirmed the County approved them for 3 bedrooms. Mr. Chavarria said in the documents for this property, it shows this was listed as a 3 bedroom; they're not planning on having 3 bedrooms, just two. Mr. Chavarria said they're discussing with Candice Morgan at the County what the best placement is. Ms. Raffay confirmed the location may change depending on the Board of Health approval. Mr. Stoner said before building permits are issued, they should show where the existing and proposed septic are. He confirmed they're on city water; this is in the right corner. It won't interfere with construction. Mr. Chavarria said they presented plans to the Lake Mohawk commission in November, and they've received an approval. Ms. Raffay asked about the revision date for the plans. The Board discussed which version of the plans should be used. Mr. Chavarria said the revision includes the basement plan, and confirms measurements. Ms. Hubbard confirmed the original date of sheet A-0 is 11/13/2023, revised 01/18/2024. Mr. Stoner confirmed the only difference is the basement plan and the third sheet being removed. Mr. Chavarria added the corrected table indicating the front setback. Chairman Shivas confirmed the basement isn't changing other than removing the fireplace.

Mr. Chavarria said the upper level is like a principal bedroom in setup. Chairman Shivas confirmed that area is all open; part of the roof is cathedral ceilings, and there is a part with a loft at the top. Mr. Stoner said the plans need to be provided that show revisions of the location of the utilities, septic, and waterline. He noted they're close to maximum height; they should get a height certification as a condition of approval. Mr. Chavarria asked how they'd measure the height; Mr. Stoner said it's from the exposed foundation. Mr. Stoner asked about the decks around the house. Mr. Chavarria said some are being removed; the one with the steps on the east side is of no use. They're not doing anything with the deck in the rear of the house yet. Mr. Stoner said if the deck is replaced in kind it'd likely be okay, but if reconfigured, there may be setback issues. Chairman Shivas confirmed they'll grade out the area where the decks will be removed. Mr. Chavarria said regarding the septic system, the lower-

tiered deck will have to be opened so they can run a pipe to the system. They're not planning to alter the deck, just rebuilding back to same. Mr. Chavarria noted they can't get into plans for the deck now since it wasn't part of this application. He reviewed the environmental commission's comments. There is a bulkhead and existing vegetation. **Exhibit A2** was submitted, a photo of the property from the lake. Chairman Shivas noted they don't need a variance for this but they're like to help the lake. Mr. Jalbout said they intend to build a proper wall, and for now they'll put native plants there. He said no trees are being removed for the construction. Chairman Shivas noted with the septic they may have to. Mr. Jalbout said they may give up some part of the parking to not cut the trees. Mr. Chavarria said the current gutters are booted at the four corners; they go underground. They're not changing the outflow. Ms. Raffay noted the railroad ties in the back yard. Mr. Chavarria said it would be as close to the house as possible. Ms. Raffay asked if the basement-level deck is being removed. There was discussion about the foundation, height, and façade.

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Ms. Hubbard reviewed the conditions including: approval from the County health department for the septic, showing the utilities on the plans, submit approval from the Lake Mohawk Association, submit the plans electronically, make plan corrections, obtain a height certification from a licensed professional, and put plantings along the lakefront. Mr. Stoner confirmed with the walkout basement that's three stories; they need a variance. Mr. Morytko motioned to approve the application with the conditions and additional variance, seconded by Mr. Serrilli.

*Ayes:* Ms. Raffay, Messrs. Proctor, Morytko, Serrilli, Walsh, and Chairman Shivas

*Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

None opposed. Motion carried. Ms. Hubbard explained the appeal period. The Board took a five-minute recess.

## **BILLS**

Harold Pellow and Associates (10): \$3,570.00. A motion to approve the bills was made by Mr. Walsh, seconded by Mr. Morytko. All were in favor. Motion carried.

Maraziti Falcon (12): \$3,132.50 A motion to approve the bills was made by Mr. Walsh, seconded by Ms. Raffay. All were in favor. Motion carried.

## **REPORTS FROM COMMITTEES**

*Architectural Review Committee:* Mr. Morytko said there's been no meeting.

*Environmental Commission:* Mr. McElroy was not present.

*Open Space:* Mr. Morytko said there's a meeting later this month.

*Township Council:* Mr. Proctor said they had a special meeting for the Completely Inclusive Playground. They had a few people show up in support. He noted if anyone supports the park they can go on the township website; there is a link to write a letter of support to help the grant application, which is due 02/07.

## **EXTENSION REQUEST**

Z19-2022 Kevin and Kate Grey, 25 Carpenter Road, Block 238 Lot 508, R-3 Zone

*Extension request for new single-family home*

Mr. Proctor motioned to approve the extension, seconded by Mr. Morytko.

*Ayes:* Ms. Raffay, Messrs. Proctor, Morytko, Serrilli, Walsh, and Chairman Shivas

*Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

None opposed. Motion carried.

Mr. Stoner noted for the Council meeting next week, they will have the quarry license and Raimos. There was a license approved for North Jersey Auto Wreckers about 3-4 months ago; North Jersey changed ownership. Raimos is under construction; they built most of the roadway improvements. He noted along Netcong Avenue, there's a building that they've asked to make some changes to. Mr. Stoner recommended they come back to the Board for an amendment. Ms. Hubbard noted this is more an amended site plan than a site plan waiver.

## **NEW BUSINESS**

Z16-2023 Barbara Krassner, 11 Pathfinder Trail, Block 115 Lot 6, R5 Zone

*Approval for deck on an undersized lot*

Barbara Krassner was sworn in. She needs a variance because her property is under 10,000 square feet. Ms. Hubbard confirmed it's an expansion of a nonconforming structure. Chairman Shivas noted her shed is too close to the property line as well. Ms. Krassner said the deck is about 16x12. Chairman Shivas noted this is a corner lot, so there's no rear yard. The Board discussed the rear versus a side yard, what variances are needed, and if the stairs are part of the deck. Chairman Shivas noted it doesn't look like she needs a variance for the deck.

Chairman Shivas opened to the public and no one spoke so he closed to the public.

Mr. Walsh motioned to approve the application, seconded by Mr. Serrilli.

*Ayes:* Ms. Raffay, Messrs. Proctor, Morytko, Serrilli, Walsh, and Chairman Shivas

*Absent:* Mayor Rubenstein, Messrs. McElroy and Smith

None opposed. Motion carried.

**OPEN TO THE PUBLIC**

Chairman Shivas opened and closed to the public.

**ADJOURNMENT**

A motion to adjourn the meeting was made at 9:05pm by Ms. Raffay, seconded by Mr. Serrilli. All were in favor.

Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips