

The applicant owns property on both Halsey Island and on South Beach Road. Since there are no marinas that allow extended overnight parking of cars, Ms. Danckwerth decided to utilize her property on South Beach Road as a location for herself and other residents on Halsey Island to park and dock their boats when coming to the mainland. Prior to Ms. Danckwerth purchasing the property on South Beach Road, the existing lot was, in fact, two separate, 50 ft. wide parcels each with three docks. Once the properties were purchased by Ms. Danckwerth, the two lots were combined. Ms. Danckwerth does rent out the boat slips to other residents of Halsey and Raccoon Island for \$2,000.00 per year. The applicant is seeking a use variance for the property.

Mr. Thomas Molica, an Attorney representing neighboring residents, Steve and Amy Elman, was present.

Mr. Bernd Hefele, an Attorney representing Mr. Steve Halperin, owner of Lakeview Marina, was also present.

Ms. Erdean Danckwerth, the applicant, was sworn in. She explained that she purchased a property on Halsey Island approximately 30 years ago. She then purchased a second home on Halsey Island, and at that time they parked their cars on the street by Main Lake Market. When the Main Lake Market changed hands, they were asked not to park their cars on the street anymore. They were then in a desperate search for other parking options. When visiting Lakeview Marina in 2006, the owner of the marina pointed out the two available lots next to his property. She purchased the property in 2007. The boathouse, docks, and property were in terrible disrepair.

Mr. Heymann then presented Exhibit A-1, nine photographs of the property as it exists today.

Ms. Danckwerth then explained what was in each photograph. She stated that she received permits to refurbish the boathouse from the building department. When she purchased the property, the boathouse had a toilet that went right into the lake, space for a boat, and three cots. The boathouse does not have running water, and only has space for a boat, and a storage area for supplies and patio furniture.

Mr. Heymann then presented Exhibit A-2, a survey of the property certified and approved by Zoning Officer, Bruce Decker for the repair of the boathouse.

Ms. Danckwerth continued by stating that she is aware of 19 other marinas in the area. She contacted each one, asking if they could accommodate her 22' patio boat with overnight parking for 4 months. Only two stated they could accommodate her needs; Lakeland Marine Base and Great Cove. Lakeland Marine Base currently does not have any availability and Great Cove only has parking on the street. She continued to say that when she purchased the property, there were five docks. While refurbishing the docks, they found the remains of a sixth dock under the water. She then received permission from the Lake Hopatcong Commission to resurrect the sixth dock. She does not have a permit for resurrecting the sixth dock, since the permit, after time, disintegrated. The Lake Hopatcong Commission no longer has a copy of the permit since the permit was issued in 2007. She continued by saying that her neighbors on Halsey Island approached her about utilizing her property and docks for their use and offered compensation for utilizing it. Permission to do so was approved by Andrew Diamond, Zoning Officer at the time of inquiry. The property is not used for gathering purposes such as picnics, etc. No boat trailers will be stored on the property, and there are two parking spaces per boat.

Mr. Heymann then presented Exhibit A-3, a survey done by Dykstra Walker, dated February 26, 2007, and stamped and signed by Bruce Decker. Exhibit A-4 is a list of marinas in the area.

Mr. Senesky was presented with letters from Ms. Danckwerth's neighbors.

Mr. Molica, Attorney representing Mr. and Mrs. Elman, did not feel it appropriate for the letters to be submitted as exhibits since the residents who provided them were not available to provide testimony.

Mr. Senesky agreed with Mr. Molica's opinion.

Ms. Jill Hartmann pointed out that the overhang on the boathouse is significantly larger than it was previous to the repair of the boathouse. She also pointed out that the patio and driveway are not depicted on the 2007 survey.

Vice-Chairwoman Galfo opened the meeting to the public.

Mr. Molica asked Ms. Danckwerth if it is her testimony that all necessary permits and approvals were received for all improvements on the property.

Ms. Danckwerth replied that she does believe that she received all necessary approvals.

Mr. Molica asked if Ms. Danckwerth would consider renting only 4 boat slips.

Mr. Senesky stated that the ordinance reads, "capable of," so that would not make a difference.

Mr. Bernd Hefele, the Attorney representing Lakeview Marina, asked if she knew what the availability of slips was on the lake.

Ms. Danckwerth stated that she did not.

Mr. Tom Bautz, a resident at 13 S. Beach Road, came forward. He is concerned about parking on the street. He claims he has to patrol his property to make sure visitors to the Danckwerth property do not block his driveway.

Mr. Senesky asked if he can distinguish between the visitors to the Danckwerth property and the visitors to Lakeview Marina.

Mr. Bautz claimed he can tell the difference because the owner of Lakeview Marina installed signs and ensures that no one travels or parks past his property.

Ms. Susan Lehrer, a resident at 12 S. Beach Road, came forward. She does not feel that the use variance should be granted.

Ms. Hartmann stated that if the use variance is granted and Ms. Danckwerth at some point sells the property, the new owners would be allowed to use the property as a commercial marina next to another marina in a residential neighborhood.

Ms. Brenda Agamie, a resident at 86 Brady Road, came forward. She stated that she worked at three marinas on the lake and managed two of them. She then asked Ms. Danckwerth if she checked into overnight accommodations for her boat and car at the area marinas.

Ms. Danckwerth stated she had. They told her they did not want cars parked on the property for more than the day.

Mr. Pedro Smukler, a resident at 12 S. Beach Road, came forward. He feels that it is clear that the applicant is just seeking to make a profit by allowing others to utilize her property. He then asked how the granting of the use variance would benefit the neighboring property owners.

Mr. Heymann did not have an answer for Mr. Smukler.

Vice-Chairwoman Galfo closed the public portion.

Vice-Chairwoman Galfo called for a brief recess.

Mr. Anthony Marucci, the applicant's Engineer, was sworn in. He then described the property in detail. He stated that the property consists of a gravel driveway, boathouse, and six boat slips. He then described the survey of the property, and an aerial view of the property and the surrounding area. Mr. Marucci stated that he has a long history with the applicant. The Danckwerths purchased the property on Halsey Island in 1989, and he surveyed that property on September 16, 1989 (Exhibit A-5). He then presented Exhibit A-6, a survey of the second property purchased by the Danckwerths on Halsey Island, dated July 28, 1996. Exhibit A-7 is a survey of the property on S. Beach Road, dated July 14, 2006. Exhibit A-8 is a copy of the filed map of the subject property, dated June, 1953. Mr. Marucci argued that since the subject property had been, at one time, two lots, it did meet the zoning requirements until the Township changed the zoning and the lots were merged.

Mr. Gregor asked if Exhibit A-7 was a survey of the subject property as it was purchased by the applicant.

Mr. Marucci stated that it was.

Mr. Gregor argued the number of slips/docks that were existing and shown on the surveys at the time of purchase vs. current conditions.

Ms. Hartmann stated that the applicant needs to supply a corrected survey with all of the improvements.

Mr. Galfo asked for clarification on why there is a picnic table on the property if the applicant stated that the property is not used for gathering purposes.

Ms. Danckwerth stated that the picnic table is for use by her and her husband only.

Mr. Gregor asked for clarification on the circular slate cap on the property.

Ms. Danckwerth stated that it is for decorative purposes only; she puts a planter on top of it.

Mr. Heymann then responded to the points in Mr. Gregor's report regarding the request for certain waivers, starting at the bottom of Page 2.

Vice-Chairwoman Galfo made a motion to accept all requested waivers. **Mr. DiFrisco** seconded.

In Favor: All.

Mr. Heymann then began to respond to the points in Mr. Gregor's report.

Mr. Marucci argued that he feels the property with regard to parking and the driveway should stay as it exists so as to not change the aesthetics of the area.

Ms. Hartmann voiced her concerns about any future owners of this property and how the Board should be mindful of certain conditions they may want to include for the property.

Mr. Marucci argued the need for signage and paving on the property.

Ms. Hartmann was only stating that she is not the one requiring these items; it is required by Township Ordinance.

Mr. Marucci then responded to the lighting concerns. He would like to keep the lighting as unobtrusive as possible.

Mr. Molica does not believe there is appropriate documentation from the applicant with regard to the permitting of the improvements on the property. He also has some concern whether or not there was proper notice.

Mr. Senesky feels that there was proper notice for the application.

Mr. Heymann asked to question one of the residents utilizing the Danckwerth property for parking docking of their boat.

Ms. Jill North, a resident at 14 Halsey Island, came forward and was sworn in. She stated her family has owned property in the area for five generations. When the Danckwerths bought their property, the families became friends. She also was having trouble finding extended parking and dock space to get to and from Halsey Island. Once the Danckwerths acquired the property on South Beach Road, they offered to compensate the Danckwerths for the use of their property for those purposes. She and the other residents are very concerned that they will not be able to utilize the Danckwerth property. Prior to the Danckwerths purchasing the property on South Beach Road, they had to park in various locations around the lake. In addition, slips are not as readily available as they have been in the past.

Mr. Hefe asked what the Danckwerths are being compensated for use of the property.

Ms. North asked if she was required to answer that question. She stated that she knows the Danckwerths are not making a profit from any compensation that they are receiving.

Ms. North reiterated that she was the one that approached the Danckwerths and offered compensation for use of the property. She stated she pays the Danckwerths \$2,000.00 per year for utilizing their property.

Mr. Hefele asked if Ms. North had checked other marinas for availability.

Ms. North stated that she was unsuccessful in finding any availability for her needs.

Mr. Hefele asked if there will be revised plans available prior to the next meeting.

Vice-Chairwoman Galfo stated that there should not be revised plans until after all of Mr. Gregor's and Ms. Hartmann's comments have been addressed.

Vice-Chairwoman Galfo made a motion to carry the application to Monday, March 11, 2019, with no further notice. **Ms. Fallon** seconded.

In Favor: Vice-Chairwoman Galfo, Mr. DiFrisco, Ms. Fallon, Mr. Bakera, Mr. Jacoby, and Mr. Galfo.

APPROVAL OF MINUTES DATED JANUARY 28, 2019:

Ms. Fallon moved to approve the minutes. **Vice-Chairwoman Galfo** seconded the motion.

In Favor: Vice-Chairwoman Galfo, Ms. Fallon, Mr. DiFrisco, Mr. Bakera, Mr. Galfo, and Mr. Jacoby.

ADJOURNMENT:

Mr. DiFrisco moved to adjourn the meeting at 10:18 PM.
Ms. Fallon seconded the motion.

In Favor: All.

Respectfully submitted,

Stephanie McCormack, Board of Adjustment Secretary