



explained that this revised plan would slightly increase the impervious coverage. He also confirmed that the parking area would not be paved.

**Mr. Heymann** then went through each point in Mr. Gregor's report.

**Mr. Senesky** asked how the parking would change with one less parking space.

**Mr. Marucci** stated that there are six boat slips, and each slip gets two parking spaces. The thirteenth parking space was kept for use by guests of the property owners. He also stated that there are plenty of fire suppression options in the immediate area.

**Mr. Heymann** then presented Exhibit A-15, a photograph of the fire hydrant at the corner of Brady Road and South Beach Road.

**Mr. Gregor** then asked for clarification on some points in his report that he felt were not addressed by the applicant's Attorney or Engineer. He then asked the applicant's Engineer to update the site plan to accurately reflect what exists on the property.

***Chairman VanderPloeg opened the meeting to the public.***

**Mr. Molica**, the Attorney for an opposing party, came forward. He asked Mr. Marucci to confirm the new impervious coverage.

**Mr. Marucci** stated that the current impervious coverage is 53.70% and the proposed impervious coverage would be 55.21%.

**Mr. Molica** asked if the increase in impervious coverage would increase the amount of runoff.

**Mr. Marucci** felt the increase was diminimus and would not increase runoff.

**Ms. Roxanna Scanlon**, a resident at 5 South Beach Road, came forward. She asked what will happen when the applicant sells the property.

**Mr. Heymann** stated that there would be conditions in the resolution to control what can be done on/with the property.

**Mr. Senesky** also stated that the Board can require deed restrictions on the property.

**Ms. Scanlon** then asked why the applicant couldn't just remove two of the docks so that the property would not be considered a marina by definition.

**Ms. Danckwerth** stated that they purchased the property with that many docks. They have not added any docks, and they would like to keep what they have.

**Mr. Tom Bautz**, a resident at 13 South Beach Road, came forward. He asked where the guests of the residents will park.

**Ms. Danckwerth** stated that the residents make arrangements with the other residents to see if they can utilize their parking spaces when they are having company to the island.

**Ms. Lori Bautz**, a resident at 13 South Beach Road, came forward. She asked where her guests should park when they have company.

**Mr. Neil Senatore**, a member of the Lake Hopatcong Commission, asked if the letter from the Commission could be read into the minutes.

**Mr. Senesky** stated that he did not think it was necessary to read the letter into the minutes. It has been received and reviewed by all of the Board Members and the professionals, in addition to a copy being kept in the application file.

***The public portion was closed.***

**Mr. Heymann** then presented Exhibit A-16, a series of five photographs of various areas on the property.

**Ms. Danckwerth** explained each photograph. She wanted to point out that any headlights from cars on her property would not be shining into neighboring windows since the windows are well above the height of car headlights. She then stated that Mrs. Elman, one of the neighbors opposing the application, was interviewed by the local newspaper after a recent Lake Hopatcong Commission meeting. Everything Mrs. Elman stated was 100% incorrect.

**Mr. Heymann** stated that the applicant does not intend to install a solid fence. They feel additional landscaping will be sufficient as a buffer.

**Mr. Danckwerth** explained that there are several mushroom lights along the walkway that are turned on by a switch near the patio. These lights are not on a timer so the neighbors are not constantly disturbed by the lights being on.

***Chairman VanderPloeg opened the meeting to the public.***

**Mr. Molica** asked Ms. Danckwerth how many people are renting slips from her.

**Ms. Danckwerth** stated that no one was paying her for the use of her boat slips.

**Mr. Molica** asked how many people were using her boat slips.

**Ms. Danckwerth** stated there were two.

***The public portion was closed.***

**Vice-Chairwoman Galfo** stated that Ms. Danckwerth previously testified that the boat slips on her property were being rented to residents of Halsey Island. She just testified that she does not rent any of her boat slips.

**Mr. Heymann** clarified that Ms. Danckwerth is not renting out any boat slips while the application is pending.

**Mr. Molica**, the Attorney representing Mr. and Mrs. Elman, came forward. He had Mr. Troast, the Elman's Planner, come forward for testimony. He then asked Mr. Troast if he had any comments on the testimony that was given.

**Mr. Troast** stated that he sees no benefit in the removal of one of the parking spaces, since it does not change the increase in impervious coverage. The testimony on the disabled he found disturbing. Whether the property is public or private, the applicant should be required to have accommodations for the disabled. He then argued the point that the docks were pre-existing/non-conforming, but there is no definitive evidence that these docks ever existed legally. It is his opinion that there are several other governmental approvals that should have been received for these docks. He also feels that there was not enough detailed information provided in order for the Board to make an educated decision.

**Mr. Molica** did not feel that a deed restriction on the property would be enough.

**Mr. Troast** argued that by approving this application, there is no benefit to the general public, it would create an even larger problem with the parking on the street, and there would be an issue with emergency services being able to access the other homes on the street should there be an emergency.

**Mr. Heymann** asked for confirmation from Mr. Troast that he believed the parking area on the property should be paved.

**Mr. Troast** stated that he believes a portion of the parking area should be paved, but the impervious coverage should be decreased.

**Mr. Molica** then asked Ms. Amy Elman, a resident 8 South Beach Road, to come forward and be sworn in. He then referenced Ms. Danckwerth's testimony regarding the most recent photographs of the property.

**Ms. Elman** stated that she saw Mr. Danckwerth taking the pictures, not Mrs. Danckwerth. She then explained that it is her feeling that the Danckwerths have created this "need" for their own benefit. Anyone who purchases property on Halsey Island is made aware that they are responsible for finding a means of transportation to and from the island. Most of the other residents on the island have overcome this issue on their own. She voiced her concerns regarding the parking on the property when the tenants have guests. She has witnessed the tenants park on the street on a Friday in order to let their guests park in the parking lot when they come to visit. With regard to the lighting on the property, it is usually very dark, and she finds herself putting her exterior lights on in order to assist the elderly tenants in seeing where they are going once they arrive at the property in the dark.

**Mr. Heymann** asked Ms. Elman how long she has lived on the street.

**Ms. Elman** stated that she has lived on the street since 2011.

**Mr. Heymann** asked what types of nuisances she has observed.

**Ms. Elman** stated that she has had issues with parking and random people docking their boats at the Danckwerth property and having parties, dumping their garbage everywhere. She contacted Andy Diamond, the Zoning Officer about the parking, and a police report was filed after Mr. Danckwerth pushed their boat up against a telephone pole and blocked it with his truck. Her ultimate concern is what will happen when the Danckwerths decide to sell the property.

**Mr. Molica** then presented Exhibit O-3, a copy of the police report for the incident with Ms. Elman's boat.

***Chairman VanderPloeg called for a short recess at 9:17 p.m.  
The meeting was back in session at 9:22 p.m.***

**Ms. Roxanne Scanlon**, a resident at 5 South Beach Road, came forward. She felt that there was no hard evidence the Danckwerths had permission to resurrect the one dock. She feels that the residents have been misled and recommends that the variance not be approved.

**Ms. Brenda Agamie**, a resident at 86 Brady Road, came forward. She does not live on the street, but her friends do. The property is beautiful, but it's a shame that because of the extra dock, the owner must come in front of the Board to request a variance. She wonders if the property values in the area will decrease if this application is approved.

**Ms. Alice Vradenburg**, a resident at 13 N. Beach Road, came forward. She is concerned about the traffic in the area.

**Ms. Lynne Scanlon**, a resident at 48 Halsey Island, came forward. She has helped Ms. Danckwerth several times going back and forth to the island, and feels that the property is an asset to the neighborhood. She currently docks her boat at the Jefferson House, but has had trouble finding a spot for her boat in the past.

**Ms. Jill North**, a resident at 14 Halsey Island, came forward. She does not agree with many things that Ms. Elman said regarding the property. She feels the parking issue is not due to the Halsey Island residents because they are mindful of the parking problems on the street. She claims they keep all cars on the property.

**Mr. George Mackey**, a resident at 16 Halsey Island, came forward. He stated that his grandchildren are fifth generation on the island, and the Danckwerth property is very convenient for the residents of Halsey Island.

**Mr. Steve Halperin**, owner of Lakeview Marina, came forward. He doesn't understand how the Mr. Danckwerths have been allowed to run an illegal marina for so many years, when the Danckwerths themselves were huge opponents of his legal marina a few years ago.

***The public portion was closed.***

**Mr. Molica** summarized the opposing views, and strongly recommended that the application be denied because the detriments substantially outweigh the benefits.

**Mr. Heymann** summarized the application, and doesn't understand how denying the application would benefit the surrounding residents. The Danckwerths have been utilizing the property in the same manner for the last ten years without incident. By denying the application, the parking issues will only become worse. He also believes the application meets the criteria, and asked the Board to consider the fact that this property was originally two separate lots. Had they stayed two separate lots, the Danckwerths would not be here with this application.

**Ms. Fallon** made a motion to deny the application. **Mr. DiFrisco** seconded the motion.

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

**APPROVAL OF THE MINUTES DATED MARCH 25, 2019**

Mr. Bakera made a motion to approve the minutes. Vice-Chairwoman Galfo seconded.

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

**ADJOURNMENT:**

Chairman VanderPloeg moved to adjourn the meeting at 10:00 PM. Vice-Chairwoman Galfo seconded the motion.

In Favor: All.

*Respectfully submitted,*

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*Stephanie McCormack, Board of Adjustment Secretary*