

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN
LAKES
February 2, 2017**

Chair Chris Richter called the meeting to order and announced: Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by adoption of the annual notice on January 05, 2017. Said resolution was mailed to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on January 09, 2017 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30PM

ROLL CALL:

Present: Max, Richter, DeNooyer, Sheikh, McConnell, Peters, Murphy and Caputo

Absent: Vecchione

Also Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Arthur Max made a motion to approve the minutes from the January 5, 2017 meeting. Khizar Sheikh provided the second; the minutes were approved by voice vote by all members present.

RESOLUTION: none

PUBLIC HEARINGS:

Carried Application:

Celal Andican	Appl. # 16-664
26 Dartmouth Road,	Blk. 84, Lot 6
FAR, Average Front Setback, 2 Side Setback	R-A zone

The Administrator received a letter from the applicant's attorney informing her Mr. Andican had hired a local architect to redo the house plans. The applicant requested the hearing be carried to March 2, 2017 to prepare the plans. Chris Richter made a motion to carry the application to March 2nd without further notice. James Murphy provided the second and the carry was approved by a voice vote of all members present.

New Applications:

David Caggiano	Appl. #17-670
185 Boulevard	Blk. 56, Lot 8.02
Stone on Pillars	R-AA zone

David Caggiano, of 185 Boulevard, presented his own application. He would like to add lit stone pillars at the end of his driveway. Ordinance 254-15 P. Fences (2) (a) [1] [b] dictates the type of stone the pillars can be made of. He would like to use the cultured veneer stone; "Dutch Quality" stacked ledgestone in color autumn blend to match the stone veneer on his

home. The Ordinance says they must be built with *natural fieldstone ... with the general appearance of stone walls in the Borough.*

Mr. Richter asked if the Board had questions for Mr. Caggiano. Khizar Sheikh asked him if the benefits outweigh the detriment in this situation. David Caggiano said the pillars would look better and match the stone on his house. They would be set back about 40 ft. from the Boulevard due to the walking path. Many houses in town have pillars at the driveway to match their home. Chris Richter explained the history of the Ordinance, existing stone walls in the front yard and pillars at the end of driveway. He opened the hearing to the public; no one present wished to speak. Mr. Sheikh was concerned the pillars stick out if not similar to others in the town. He asked Mr. Caggiano for photos of other pillars in the neighborhood. David Caggiano thought this a safety issue; he needed the lighting in order to find his driveway at night.

Mr. Richter asked for comments from the Board. Jake DeNooyer said he looked at the house and thought the stone would be fine. Arthur Max could go one way or the other. James McConnell said we shouldn't give a variance just because people did it before. The Zoning Board needs to hold to the Ordinance as written today. It was written because the community thought we needed it. All new walls and pillars should follow the new Ordinance going forward. Ann Peters said the pillar and the material they were made of did not bother her it was the additional wall.

Mr. Sheikh wanted to know if these pillars would look like others in the neighborhood. David Caggiano said he has woods to one side of his home and his neighbor on the other side has pillars that match his house and are not made of fieldstone. Khizar Sheikh asked if the material he was using was fieldstone. Donald Covert, of 17 Glenbourne Drive Boonton, NJ, was the landscaper for the project. He said this was like fieldstone but not the color and shape we usually see in Mountain Lakes. David Caggiano said he wanted to carry his application and come back in March with photos.

Chris Richter made a motion to carry the application to March 2, 2017 without notice. Ann Peters provided the second. The carry was approved by a voice of all members present.

Leonard and Helena Mazur
10 Cove Place
Lake Front Exception

Appl. #17-669
Blk. 100.02, Lot 83
R-A zone

Chris Richter lives within 200 feet of the applicant and recused himself from hearing the application. Leonard Mazur, owner of the property at 10 Cove Place and living at 32 Arden Road, was sworn in. Marc Walker a licensed engineer and Larry Korinda a licensed architect in the state of New Jersey would also be presenting the application. Mr. Walker presented exhibit A-1, Existing Conditions Plan, dated February 2, 2017. He called out the edge of the property which creates a peninsula into Mountain Lake. The property is 1.3 acres with some wetlands and a flood hazard area. He used the town's flood hazard elevation for the dam at Birchwood and Mountain Lake to determine the location of the flood hazard area on this property. Currently there is a shared driveway with Block 100.02, Lot 88. The lot currently has a lot of impervious coverage. Exhibit A-2, Plot Plan Exhibit, dated February 2, 2017 was presented. The Mazurs plan to take the house down. They used the footprint of the old house for the new house. They designed the house not to limit the lake views of the neighbors any more than they do now. They saved the dock, the existing patio plus the detached garage. They are

removing some of the driveway pavement to make sure it is totally on his property. They have filed for a flood hazard general permit #6 and flood hazard verification. They feel they are going to have a 50 ft. wetland buffer when they hear back from the NJDEP and are confident they will receive the permits. The house has no basement just a crawl space. When we designed the new house we purposely did not change anything so we would not need a wetlands permit.

Mr. Walker continued, we meet all the side and front yard setbacks. The average lake front setback is 125 ft. resulting in a lake front exception line in front of the house. The other homes built on the street have created the line in front of the house. Khizar Sheikh confirmed if the Board didn't approve the variance no home could be built on this lot. Marc Walker explained this ordinance was designed to make sure a home did not block the lake views of its neighbors. Exhibit A-3, Plot Plan Aerial Exhibit, dated February 2, 2017, allowed the Board to see the peninsula and how the house would fit on it. The aerial also showed there were a lot of peninsulas in the area. Mr. Sheikh asked if the house extend out any closer to the lake; it extends out 10 additional feet. Arthur Max asked what the total elevation of the house was. The proposed height on the non-street facing sides is 33.81 ft. The existing height is only 24 ft. because of the flat roof. Mr. Walker concluded this property was a hardship because of its shape.

Vice Chair Sheikh opened the meeting to the public. Chris Richter, of 5 Cove Place, felt the driveway was an issue. He asked if they meet the required pervious buffer of 2.5 ft. from the property line, no the applicant did not. Mr. Richter pointed out the applicant shared the driveway with his house. He asked if they could redesigned it to help the driveway situation. Mr. Walker answered it could but it would require relief from the Board.

Larry Korinda presented exhibits A-4 and A-5. Each was a photo of the house from the front door and the lake side. The existing house was built in the late 60's with a flat roof and a garage attached by a breezeway. Exhibit A – 6 was a foot print comparison of the new and existing houses. In reviewing it the Board could see the setback was improved from 8 ft. to 25.6 ft. with the removal of the garage. Further along the same side of the property the main house was now 28 ft. from the line rather than 27 ft. On other side of the property the setback was 20 ft. and would become 25.5 ft. for the new house. Exhibit A- 7 was sheet V1 already submitted but colorized. Drawing V-1 was the floor plans for the house. The home becomes longer and narrower and they are well under the building height. They will be renovating the detached garage to add new low hip roof to replace the flat roof which will soften the look. Exhibit A-8 was a colorized version of sheet V-2 depicting the elevations of the house. The house has varied roof lines reminiscent of a haggood house to temper the massing of the house. They have finished the exterior of the home with stucco and stone. The FAR is well below the allowed percentage as is the ILC. While the house is on a big lot they can only have a home 50 ft. wide due to the narrowness of the property. The lake front exception is a hardship. The Board had no questions for the architect.

Mr. Sheikh asked if anyone from the public wished to make a comment on the application. Chris Richter, of 5 Cove Place, was in favor of the application. The house was aesthetically pleasing. The Mazur family shared the house plans with him in advance. He did ask if they could provide a bullnose at the end of the cul-de-sac. Using exhibit A-2 Marc Walker showed a new driveway configuration using the bullnose curb.

The driveway will be common for the first 10 ft. and split off after that. Arthur Max asked if the neighbors needed to be re-noticed for this change. Michael Sullivan thought it was a small enough change to not require re-noticing.

Jim McConnell made a motion to approve the application with the condition the driveway be redrawn to be consistent with exhibit A-2 and two variances be granted for lake front exception and pervious buffer. A second was provided by Jake DeNooyer. The Board voted 7 – 0 to approve the application with members Max, DeNooyer, Sheikh, McConnell Peters, Murphy and Caputo voting in favor.

Other Matters / Public Comment:

No one from the public was present.

Michael Sullivan told the Board the Ansell appeal had been settled. The Planning Board, who had also been sued, reached a settlement with the Mr. and Mrs. Ansell.

James McConnell made a motion to adjourn the meeting and Khizar Sheikh provided the second. The meeting was adjourned at 8:55PM.

Respectfully submitted,

Cynthia Shaw