

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
February 6, 2025**

James Murphy called the regular meeting to order and announced: Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by publishing the meeting notice in The Citizen on January 15, 2025 and The Morris County Daily Record on January 09, 2025 and by filing the same with the Borough Clerk and posting it on the Bulletin Board on January 6, 2025 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30 pm

ROLL CALL:

Present: Peters, Murphy, DeNooyer, Leininger, Astrup, Caputo, McCormick and Paddock

Absent: Vecchione

Also, Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Brett Paddock made a motion to approve the minutes from the January 2nd meeting. Annie Peters provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION:

Stephanie Zumas & Ryan Kiczek

Appl # 24-761

Annie Peters made a motion to adopt the resolution of approval for application 24-761 and a second was provided by James Murphy. The Board voted 6 – 0 to adopt the resolution with members Peters, Murphy, DeNooyer, Caputo, McCormick and Paddock voting in favor.

Dusko and Jana Joldzic

Appl# 24-763

Brett Paddock made a motion to adopt the resolution of approval for application 24-763 and a second was provided by Mark Caputo. The Board voted 6 – 0 to adopt the resolution with members Peters, Murphy, DeNooyer, Caputo, McCormick and Paddock voting in favor.

PUBLIC HEARINGS:

Carried Applications:

Alexandra & Thomas Barbarite
12 Raynold Road
Improved Lot Coverage

Appl. #24-759
Blk. 113, Lot 13
R-A zone

Alexandra Barbarite, of 12 Raynold Road, said they requested an ILC of 34.2% the last time they were before the Board. The Board felt that was too much, so they carried their application and revised the site plan. They proposed removing the bluestone walkway

and part of the driveway to obtain an ILC of 32.2% where 30% is allowed under the Historic Preservation Ordinance. This represents a decreased ILC variance request of 2.2%.

Alison Kopsco, a licensed Planner in the state of NJ, shared Exhibit A-1 with the Board. The report noted the house was a 1920, 2 story single-family Hapgood home. The lot was conforming with almost 3000sqft of additional area than required. The applicant proposes removing the side walkway on the left side of the house and driveway turn-round. They are applying for the variance under the C-2 criteria. They feel the Board can grant the variance without substantial detriment to the public. On the positive side they meet purpose A, ... *“the appropriate use or development of land”*, since they are removing 664sqft of coverage. It is customary to have outdoor spaces to modernize historic homes. Purpose G provide *“sufficient space in appropriate locations for a variety of ...residential, recreational... uses”*. The patio does not bust the setback established by the town. Purpose J *“To promote the conservation of historic sites...”*. They replaced a degrading patio not visible from the street. Ms. Kopsco felt there was no detriment to the public good. The site and patio are like others in the neighborhood. The primary issue is the stormwater runoff. They are willing to work with the Board to handle the stormwater runoff. There is no substantial detriment to the zone plan. The Master Plan states the community should keep the neighborhood feel by maintaining the topography. HPC encourages the improving the historic property.

The Board questioned the 664 square foot removal of coverage. Based on the plans submitted they could only identify 348sqft. 174 for the walkway and 174sqft for the turn around. Mrs. Barbarite identify another part of the walkway to the left that was part of the calculation. The Board thought that part of the walkway was already captured in the 174sqft. The Planner said she got the 644sqft off the plans. The other 316sqft were not identified.

James Murphy noted the changes made to the plans were only what they suggested at the last time. Alison Kopsco said the applicant was willing to work on stormwater with the Borough Engineer but not change the plans. They are willing to do a curtain drain but not a drainage pit. Meghan Leininger noted the river rock at the back of the patio. Kelly McCormick was looking at the ariel photos provided by the Zoning Officer and noted it was not counted as coverage on the site plan. Brett Paddock said there should be a condition to remove the river rock and come up with a drainage plan with the engineer. If the engineer requires a pit, will you install it? A. Barbarite answered if it doesn't cost too much. Mark Caputo added you will need to do that to get this approval. K. McCormick looked at the width of the walkway from the driveway to the back patio. Could they reduce that? Annie Peter suggested they replace that walkway with steppingstones. A. Barbarite said no.

No one from the public wished to speak about the application.

The chair opened the hearing to the Board for comments. K. McCormick noted adding impervious coverage did not protect the natural resources and native vegetation as stated in the Planner report. J. DeNooyer was struggling with the large request. A. Peters said the Board was trying to follow the ordinances and come up with a compromise. K. McCormick said they should remove the driveway walkway to the patio and get closer to 31%. B. Paddock noted what they offered was somewhat significate, but they must remove the river rock. The applicant shall be required to do whatever is deemed

necessary by the Borough Engineer. M. Sullivan listed the Board standard conditions, including an as-built survey after everything was done. M. Caputo reminded the applicant she was here asking for forgiveness; do not come back here and say it's too expensive. J. DeNooyer said you have a massive patio and should be reduced to 30 x 21. A. Barbarite said she didn't want to remove the patio.

Mark Caputo made a motion to approve the applications with the conditions listed above. A second was provided by Jim Murphy. The Board voted 7 – 0 to approve the application with members Murphy, DeNooyer, Leininger, Astrup, Caputo, McCormick and Paddock voting in favor.

Mohamad Cherry	Appl # 24-760
223 Boulevard	Blk. 55, Lot 24.02
Improved Lot Coverage, Rear Setback	R-AA zone
Side Setback (2)	

Larry Korinda a licensed architect in the state of NJ represented Mr. Mohamad Cherry, the property owner. Since their last visit they revised their plans and would like to amend the application to be the Mahmad Cherry application. The property is in the R-AA zone. Mr. Korinda said times have changed since Hapgood designed the Borough but not really since he wanted to encourage outdoor living. They presented exhibit A-2, a photo board dated 12/5/24, of 6 exterior photos of the house. The property was originally a pass-through lot from Laurel Hill that was subdivided. There is a full set of stairs to the backyard. The terrane is a hardship. There is a steep driveway that traverses the front of the property. They submitted exhibit A-3 a colorized version of the site plan dated 3/13/25. They reduced the ILC from their 1st request of 31.7% to 29.3%. Mr. Korinda provided exhibit A-4, "Site Study A" to show how the house footprint would look if it was set at the 40ft setback. The applicant removed the side steps, the fire pit and the walkway to it from the 1st proposal. There is a curb drain around the property improvements as well as seepage pits. They removed pavement around the patio. The pergola is now on a composite deck. The development is not visible from the street. No trees will be removed. The walls and long driveway are a detriment.

Micheal Sullivan listed the variances. They need one for an ILC of 29.3%, one for a 21ft rear setback for the kitchen patio, and several variances for the fence close to the property line James Muphy questioned a house built in 2013 having an existing non-conforming ILC of 23.37%. He recognized the long-curved driveway and a house setback further on the lot. What can you do to reduce the ILC. L. Korinda said they would need to remove the patio and build a smaller pool. They already removed 875ft from their original plan. Meghan Leininger was concerned about a deluge of water filling the pool and coming into the house during heavy rain. Could they add the drainage system to the pool patio. The pool patio will slope away from the house. Mark Caputo asked if they could make the patio a deck and change the chain link fences to another material. M. Leininger asked if they could make it all deck. Brett Paddock asked if they would consider a smaller pool. J. Murphy said the applicant was over the ILC by 3200sqft. If you remove the 1800sqft of driveway due to hardship that leaves an overage of 1425sqft. He added you need to move the fence to the pool area. They were willing to change the fence to black. Mr. Korinda said the drywells will help. M. Caputo added the stormwater calculations needed to be reviewed by the Borough Engineer. He thought they had already compromised by removing items from the

last plan. J. Murphy noted the Lakeland survey shows the driveway makes up 9.45% of the overall coverage. They could remove the patio at the backside of the pool to reduce the area by about 200sqft. Annie Peters said, “We don’t have to have a swimming pool if the property does not have the ability to support”. The bulk requirement numbers help the Borough maintain the Zoning Ordinances.

The hearing was opened to the public. Kim Kline, 626 Mt Road, Kinnelon asked if the Board could live with just the removal of an additional 250sqft.

B. Paddock and Jim Murphy said the fences had to be moved in to respect the 25ft setbacks. M. Caputo thought that would put the fencing on a slope and create a climbing issue. Jake DeNooyer was ok with the plan changes if they also removed 250sqft off the back of the patio and tucked in the pool equipment and pergola. M. Caputo was worried the pool construction may dictate something other than what the Board was approving. A. Peters and K. McCormick could not support the application as submitted but recognize the hardships. B. Paddock thought this was a large request. J. DeNooyer said he could support it if the items he requested were eliminated. M. Caputo was worried about the building codes. He did not like the fence along the property line. Ryan Astrup said it was hard for him to accept the project, he thought the ILC was too high and needed to be scaled back. He needed to see new plans. J. Murphy had a problem with the fence. He wanted them to reduce the ILC to 28.57% and to discuss the fence location further. M. Leininger said the coverage was significant for her and she needed to see a redraw, she would be a no.

L. Korinda asked what number the Board was looking for. Michael Sullivan said we can’t tell you that. Kelly McCormick responded you already have 8000sqft of coverage and you are asking for an additional 2000sqft.

The applicant requested their application be carried to April 3rd without further notice. The applicant granted the Board an extension of time to act on the application. James Murphy made a motion to carry the application without further notice, and Jake DeNooyer provided the second. The Board voted 7 – 0 to carry the application by voice vote of all eligible members present.

Other Matters / Public Comment:

Public Comment – No one was present to make public comment.

The Board discussed the possibility of the Council choosing to opt in to the Highlands. The Administrator said the revised Land Use Ordinances will be discussed at the February 10th Council meeting.

James Murphy made a motion to adjourn the meeting, and Brett Paddock provided the second. The meeting was adjourned at 10:38 PM.

Respectfully submitted,

Cynthia Shaw