

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
January 6, 2022**

James Murphy called the remote meeting to order and announced: Adequate notice of this remote meeting has been provided in accordance with the Open Public Meetings Act by publishing the remote meeting notice in The Citizen and The Morris County Daily Record on January 11, 2021 and by filing the same with the Borough Clerk and posting it on the Front Door on January 11, 2021 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:31 PM

ROLL CALL:

Present: Murphy, DeNooyer, Paddock, Peters, McCormick, Caputo (7:44pm) and Leininger

Absent: Astrup and Vecchione

Also, Present: Attorney, Michael Sullivan

Election of Chair – Jake DeNooyer made a motion to appoint James Murphy Chair of the Zoning Board of Adjustment and Kelly McCormick provided the second. The motion was approved by a 6 – 0 vote with members: Murphy, DeNooyer, Paddock, Peters, McCormick, and Leininger voting in favor.

Election of Vice Chair– Brett Paddock made a motion to appoint Stephen Vecchione vice Chair of the Zoning Board of Adjustment and James Murphy provided the second. The motion was approved by a 6 – 0 vote with members Murphy, DeNooyer, Paddock, Peters, McCormick, and Leininger voting in favor.

Appointment of the Board Attorney, Michael Sullivan,

Appointment of Administrator/Secretary, Cynthia Shaw,

Appointment of Board Engineer, Bill Ryden,

Appointment of Board Planner, Paul Phillips,

Designation of Official Newspapers, The Citizen and The Daily Record, and

Determination of the regular Meeting Dates as follows:

February 3rd	August 4th
March 3rd	September 1st
April 7th	October 6th
May 5th	November 3rd
June 2nd	December 1st
July 7th	January 5th

James Murphy made a motion to adopt the resolution determining the Attorney, Board Administrator/Secretary, Engineer, Planner, newspaper designations, meeting dates and re-adoption of the by-laws for the Zoning Board of Adjustment for the 2022 calendar year. A second was provided by Brett Paddock. The resolutions were approved by a voice vote of all members present.

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

RESOLUTION:

Courtney & Brian Hann

Appl. #21-728

James Murphy made a motion to adopt the resolution of approval for Courtney & Brian Hann and Annie Peters provided the second. The Board voted 4 – 0 to adopt the resolution with members Murphy, DeNooyer, Paddock, and Peters voting in favor.

PUBLIC HEARINGS:

Carried Application:

Alexander Lu

144 Lookout Road

Improved Lot Coverage

Appl. #21-727

Blk. 51, Lot 17

R-AA zone

The applicant, Alexander Lu, requested his application be carried to the next meeting. James Murphy made a motion to carry the application to February 3, 2022, and Jake DeNooyer provided the second. The application was carried by voice vote of all eligible members present.

New Applications:

William and Carrie Koy

4 Crescent Drive

Front Yard Setback, Floor Area Ratio

Appl. #21-729

Blk. 127.01, Lot 20

R-2 zone

Robert Brickner McDonald, a licensed architect in the state of NJ, presented the application. The house was originally built in 1947 and a small addition was constructed in 1953 which required a front yard setback variance. The Koy's added a family room/kitchen out the rear of the house and expanded the second-floor bedrooms in 2007. The property is a flat corner lot. They wish to add 2ft to the width of the garage with a master bedroom/bath above it. They also want to add a porch roof to the front door entry.

James Murphy made a motion to grant the waiver request for Topographic Information and a second was provided by Jake DeNooyer. The Board approved the request by voice vote of all eligible members present.

Mr. Brickner McDonald continued, the house has three bedrooms and one bath. They wanted to add new master bedroom, closet, and bathroom. The foundation under the garage wall cannot support a second story addition, so they plan to add a new load bearing wall. They will leave the current outside garage wall and build the new wall two feet away. The roof line will match the existing. The profile of the house will stay the same. The FAR will increase from 19.18% to 21.10% where 20% is allowed. They will also add a 4ft x 6ft roof covering for the front door and steps.

Michael Sullivan questioned the FAR calculation. The area they are adding is an additional 226 sq ft. The added square footage will exceed the allowable FAR by 130sqft. James Murphy asked the applicant to list the actual variances for the record. Mr. Brickner McDonald respond they were seeking a FAR increase to 21.1% and a front yard setback

variance of 21' 11" where 25' 11" exists and 30ft is required. The house was built as an existing non-conformity. Meghan Leininger asked if there was a slope to the front porch. No, water will drainage off to either side of the porch. They are trying to minimize the mass of the porch, so they made the roof flat. Mrs. Leininger suggested they add small pitch in the center of the porch roof to direct the drainage.

Mr. Murphy asked for public comments and questions. No one wished to speak so he closed the public portion of the hearing.

Jake DeNooyer liked the plans submitted and made a motion to approve them as presented with the Board's usual conditions: being limited to the plans presented, a Tree Management Plan be filed and an as-built be provided once the project was complete. A second was provided by Brett Paddock. The Board voted 7 to 0 to approve the application with members Murphy, DeNooyer, Paddock, Peters, McCormick, Caputo, and Leininger voting in favor.

Andy Thompson
76 Kenilworth Road
Side Yard and Combined Side Setback

Appl. #21-730
Blk. 69, Lot 4
R-A zone

Kelly McCormick recused herself from the hearing because she lives within 200ft of the applicant. Alex Gotthelf, a licensed architect in the state of NJ would present the application. Mr. Gotthelf mentioned the property did not have any easements, streams, wetlands, or lakes located it.

The applicant was back before the Zoning Board because he wished to change the garage plans already approved by the Board. They now wanted to replace the side porch and the garage. They were not comfortable with the old garage roof condition, so they did a redesign. Changes were also made based on comments from the Board at the original hearing. As previously stated, they can't put the garage behind the house. They still plan to build it along the side yard, but the impact will be less. The garage now has a staircase to an attic level and less dormers. The space will be used for storage. The original design went forward to the breakfast room. They are no longer attaching the garage to the house. It will be detached with an exterior stair into the house. Mr. Gotthelf referenced sheet SK1 dated December 20, 2021. This drawing showed their garage elevations; the one they currently have, the approved garage and the new proposed garage.

Michael Sullivan pointed out the applicant had received an exception from §40-49 B (5) of our Zoning Ordinances through the Historic Preservation Committee to allow the front porch to be flush with the front of the house. The applicant was requesting variances for a side yard setback of 6.4ft where 20ft is required and a combined setback of 32.4ft, where 50ft is required. They plan to build a 1 car detached garage (16.2ft x 28.8ft). The variances remain the same as last time.

Mr. Murphy asked if the Board had any questions or comments. Mr. Caputo confirmed the house remain the same except the for the side porch. Mr. DeNooyer asked why they didn't make the garage larger. Mr. Thompson answered they didn't want it to be too massive and they wanted it to work with the rest of the roof line. The width allows them to add a stair and get the additional storage. They wanted to make the garage look like it belonged there for 100 years. Brett Paddock asked what the space above the garage was for; it was for storage. What was the change to the FAR? Mr. Gotthelf said the area above the garage was less than 40% of the area below and did not count toward FAR. The

17.3% FAR was the correct calculation. He was calculating the second floor as an “attic” which does not count when determining the FAR. Brett Paddock thought the design was much better this time. James Murphy agreed. What was the ceiling height? It was 7ft 4” at the center of the space. Jake DeNooyer requested the architect provide the Board a letter confirming the attic space was 40% of the area below and would only be used for storage. Annie Peters thought the design was a great improvement. Meghan Leininger said it was beautiful, they did a great job.

Mr. Murphy opened the hearing to the public for comments and questions. Kelly McCormick, of 74 Kenilworth Road supported the application. She thought it much better than last time.

Brett Paddock made a motion to approve the application as presented with an additional condition that the FAR calculation be confirmed. A letter should be provided by the architect stating the space will only be used for storage and the space above the garage was counted as an attic not a half story. The conditions from the last resolution shall be carried forward. A second was provided by Annie Peters. The Board voted 6 – 0 with members Murphy, DeNooyer, Paddock, Peters, Caputo, and Leininger voting in favor.

Alfonso Diazgranados
12 Briarcliff Road
Improved Lot Coverage
Side Yard & Front Yard Setback

Appl. #21-731
Blk. 80, Lot 57
R-A Zone

Rick Nelson, a licensed architect in NJ, presented the application. The house was on a corner lot. The applicant wishes to extend the existing roof by 2ft, add a covered roof over the front door and add a roof over the existing back patio. The FAR and ILC would not change. The ILC is preexisting. The application states that the ILC was 35.83%. The calculation was redone by Marc Walker and found to be 35.2%. Mr. Nelson will submit the new ILC calculations for the file. The Diazgranados needs 2 side yard setback variances of 19.8ft and 23.2ft where 25ft is required. They are requesting a front yard setback variance for preexisting and non- conforming conditions. The setback is 52’ on Oak Road where 55ft is required and 39.7ft where 40ft is required on Briarcliff Road. The height is not changing. Mr. Nelson showed the prepared renderings of the proposed house elevations, the new 2ft roof overhangs, new windows, and siding. In the rear they plan to add a roof to the patio. The applicant requested this be an option in the resolution. They may not build the patio roof due to cost. Michael Sullivan said he could add a condition that the applicant can have the option of not adding the roof over the back patio. Mr. Nelson continued, normally you are allowed a 2ft overhang into the setback, but this was a strict interpretation by the Zoning Officer. He denied their request.

James Murphy questioned why the 2ft roof overhangs were not changing the setbacks. Mr. Sullivan explained the 2ft roof overhangs were exempt by Ordinance and don’t count when determining the setback. Mr. Murphy asked if the Board had any questions or comments. Mr. DeNooyer and Mrs. McCormick liked the overhangs. Meghan Leininger loved the design she thought it looked like a Hapgood.

Chairmen Murphy opened the hearing to the public and no one wished to ask questions or make comments.

March Caputo made a motion to approve the variances for the existing conditions and to add the condition allowing the applicant to have the option of adding the rear covered

porch. All the standard conditions would apply. A second was provided by Brett Paddock. The Board voted 7 to 0 to approve the application with members Murphy, DeNooyer, Paddock, Peters, McCormick, Caputo, and Leininger voting in favor.

Other Matters / Public Comment:

15 Point View Place, LLC Appl. #21-725

Mr. Sullivan reminded the Board they had approved variances for 15 Point View Place, LLC back on October 7, 2021 and that the resolution contained several conditions. There was a next-door neighbor who had some concerns. After the Board memorialized the resolution in November the neighbor's attorney and the homeowner's attorney tried to work together to make a request to the Board asking them to amend the resolution to satisfy all parties. The objector's attorney was running into the 45-day time limit to file an appeal. To protect the neighbors rights his attorney filed a complaint on December 30, 2021, titled PVLH, LLC vs 15 Point View Place LLC and The Mountain Lakes Board of Adjustment docket number MRS-L-002734-21. Mr. Sullivan thought all of this could be resolved by making some amendments to the current resolution.

James Murphy made a motion to authorized Michael Sullivan to represent the Board in this matter. A second was provided by Mark Caputo. The motion was approved by voice vote of all members present.

Mr. Sullivan referenced a revised resolution with 3 additional conditions. Items 5, 6 & 7 were discussed at the hearing but not memorialized in the resolution. The Board reviewed the conditions which included removal of the driveway on the neighbor's lot, the applicant doing his best to minimize the impact of the construction for the neighbors including keeping Point View Place clear of construction vehicles and replacing the existing generator with a new one in the same location.

Brett Paddock made a motion to approve the addition of the three conditions and Kelly McCormick provided the second. The Board voted 6 – 0 to add the three additional conditions with members Murphy, DeNooyer, Paddock, Peters, McCormick, and Caputo voting in favor.

2021 Annual Report – The Administrator will try to have this for the Board next month.

Public Comment – No one wished to speak during the public comment period.

Brett Paddock made a motion to adjourn the meeting and Annie Peters provided the second. The meeting was adjourned at 9:18PM.

Respectfully submitted,

Cynthia Shaw