

**MINUTES OF A SPECIAL MEETING  
ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MOUNTAIN LAKES  
June 4, 2020**

Chair Chris Richter 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 May 18, 2020 and by filing the same with the Borough Clerk and posting it on the bulletin Board on May 21, 2020 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30pm

**ROLL CALL:**

Present: Max, Richter, Murphy, Peters, DeNooyer, Paddock, Vecchione, Caputo and McCormick

Also, Present: Attorney Michael Sullivan

**REVIEW OF MINUTES:** James Murphy made a motion to approve the minutes from the May 7th meeting. Jake DeNooyer provided the second; the minutes were approved by voice vote by all eligible members present.

**RESOLUTION:**

Mehrdad Rafizadeh

Appl. #20-710

Stephen Vecchione made a motion to adopt the resolution of approval and Mark Caputo provided the second. The Board voted 7 – 0 with members Max, Richter, Murphy, Peters, DeNooyer, Vecchione and Caputo voting in favor.

**PUBLIC HEARINGS:**

New Application:

Richard and Christina Bariletto  
25 Ronarm Drive  
Side Setback

Appl. #20-711  
Blk 130, Lot 3  
R-A Zone

Richard and Christina Bariletto, of 25 Ronarm Dr., would present the application. The applicant was looking to improve their backyard. They plan to move the A/C units from the backyard to the side yard outside the required 25ft setback. The new units will be further than they are now from the neighbor. They need a side setback variance for the A/C units and the proposed patio. The property line to the right of the house was at an angle. When the house was built the side setback requirement was 20ft not 25ft as it is now.

Chris Richter pointed out they were moving the A/C units, that currently meet the setback requirements, to outside of the building box. Richard Bariletto agreed but the units would be much quieter. James Murphy stated it was 22ft to the new A/C units, but the patio was at 17.31ft. Arthur Max said if they move the patio to the left, they could meet the setback requirements. Mr. Bariletto said if they did that it would make the play area their children

could use smaller. The Bariletto's referenced the photos of their backyard already submitted. Using the rear photo of the house C. Richter pointed out if they moved the patio to the left, they could line it up with the house bump out and leave the A/C units where they were. Richard Bariletto said the area to the left was swampy and a large tree is in the way. The lot shape was a rhomboid making it difficult to place the patio. The neighbor can see the A/C units now but moving them takes them out of their view. Chairman Richter said he had trouble granting a variance for the A/C when they currently comply. Richard Bariletto responded when they get replaced, they will be larger, and they will still be out of compliance if left in the same spot. The new units need to be further from the house and each other than the current pair. Stephen Vecchione said he did not have a problem with the A/C units being moved. He would rather they move the patio over, so they don't install a long walkway to the patio from the garage and get it further away from the property line. James Murphy asked if they considered moving the condenser units to the other side of the chimney so they would be more in compliance. R. Bariletto said there was a basement window on that side. Arthur Max said he did not think he could approve the application as proposed.

Christina Bariletto said they could move the patio over a few feet. Brett Paddock was fine with the A/C units to the side. He felt the patio lining up with the house was too much of an ask. Could they move the patio to the left, so it was 22.33ft from the property line? Michael Sullivan asked the applicants if they were willing to amend their application, so everything was 22.33ft from the property line. The applicants agreed. Jake DeNooyer was ok with the proposed A/C unit location. He thought the patio should be centered to match up with the house bump out. He was willing to approve a 22.33ft setback for everything.

No one from the public wished to comment on the application.

Chris Richter confirmed the applicant would keep the patio the same size and slide it over 5ft. to the left to match up with the window. He felt there was no hardships on this application.

Mark Caputo asked about the tree screening between the two properties. Kelly McCormick said replacing the A/C units where they were now would still bust the setback so why not move them to the side. They have plenty of coverage with the trees. Annie Peters was also fine with the proposed A/C location. James Murphy said moving the patio over was a good proposal and the A/C unit's location was fine since the arborvitaes provided a screening. Stephen Vecchione made motion to approve the amended application with the A/C units on the side of the house and maintaining the 22.33ft setback for the patio as discussed. A second was provided by Mark Caputo. The Board voted 5 to 2 with members Vecchione, Caputo, Murphy, Peters and DeNooyer voting in favor and Max and Richter voting against.

The Administrator ask the applicant to provide two copies of the revised plans for the file.

**Other Matters / Public Comment:**

No one from the public wished to speak during the public portion of the hearing.

Chris Richter made a motion to adjourn the meeting and Stephen Vecchione provided the second. The meeting was adjourned at 8:27PM.

Respectfully submitted,

Cynthia Shaw