

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN
LAKES
October 1, 2015**

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 12, 2015. Said resolution was mailed to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on January 12, 2015 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:33PM

ROLL CALL:

Present: Bolo, Dietz, Max, Murphy, Richter and Vecchione

Absent: McConnell, Tould and Sheikh

Also Present: Attorney Michael Sullivan

REVIEW OF MINUTES: The minutes of the September 3rd meeting were approved by voice vote by all eligible members.

RESOLUTION:

ROBERT & SUZANNE PLATT

Appl. #15-647

Arthur Max made motion to adopt the resolution of approval; Mary Dietz seconded the motion. The resolution was passed by a vote of 6 to 0 with members: Richter, Bolo, Max, Dietz, Murphy and Vecchione voting to approve.

LAMAR OUTDOOR ADVERTISING OF PENN, LLC

Appl. # 15-646

Peter Bolo made motion to adopt the resolution of denial; Arthur Max seconded the motion. The resolution was passed by a vote of 5 to 0 with members: Richter, Bolo, Max, Dietz and Murphy voting to deny.

PUBLIC HEARINGS:

New Applications:

Carl and Tracey McKay
Blk. 49, Lot 43
Height (2) Front setback

Appl. #15-648
17 Condit Road
R-AA zone

Larry Korinda, a licensed Architect in the state of New Jersey, presented the application. The McKay's were looking for 3 modest variances; two height variances and a front setback variance. The house is on the corner of Condit and Van Dwyne with the front door faces Condit. Exhibit A-1 was a photo board consisting of 4 photos of the existing house from various angles. The house has a family room and mud room addition they

plan to take off. The existing garage will be removed since it is not serviceable and in bad repair; it is not original to house.

The front setback on Van Duyne becomes 37.4 ft. after the existing garage is removed improving a pre-existing nonconforming condition; 40 ft. is required. The height variance on Condit is needed due to the grade drop off in the front of the house. The height on that side becomes 38.54 ft. and is a D variance. The third variance is for height on Van Duyne. At 37.22 ft. the applicant has decreased the height but it is still over the allowed 35 ft. Michael Sullivan asked what the setback was to the new construction on Van Duyne; it is 52 ft. The new 2 car garage and mud room entrance will face Van Duyne. They will create a new loop driveway and abandon the old at the back of the lot. The large lot has the house crammed into the corner and the owner would like to take advantage of the yard. It is not safe to park by the current garage. By reducing the size of the patio in the back and removing the driveway loop on the right they will reduce coverage.

Exhibit A-2 showed the new driveway red lined on the plot plan. Arthur Max asked about the timing between phase one and two. Mr. Korinda said the phasing was for bidding purposes only; the client will be doing both phases. Peter Bolo confirmed the building height already existed, since the additions were one story and the roof line was not being raised. Chris Richter asked that the phasing be removed from the site plans before permitting. He was concern the garage would not come down later. Chris Richter noted all the vegetation they were showing as the buffer was being removed, was newlandscaping part of the improvements? Mr. Korinda said the old driveway was coming out and they would be putting in landscaping to create a new screening.

Exhibit A-3 was the 1st floor addition plans already submitted now highlighted. It showed all the one story additions. They were removing the existing family room. The exterior elevations showed them keeping the hip roofs and reducing the terrace because it was in bad shape. The house is off center on lot and in the area of the property with the most slope. They are nominally over on the height requiring a D variance and they are greatly improving the property.

Chris Richter asked Mr. Korinda why he did not keep the Hapgood look of the house and put the new garage out to the right of the family room. Mr. Korinda said he did plans like that for the previous owner and he did not get a good response. The McKay's preferred an L shaped kitchen and family room. This design created privacy and gave them light in the rooms. Stephen Vecchione was concerned about run off on eastern side of the property. Michael Sullivan addressed the conditions listed in Bill Ryden's letter; a soil moving application and soil erosion control certificate were required. Arthur Max said a reduction of ILC did not mean it will handle the run off. Larry Korinda said reducing the coverage from 24.2% to 19% eliminated the non-conformity and the water runoff would be directed down the street. Peter Bolo said this simple application reduced the non-conforming front setback and the height of the existing house was not being changed.

No one from the public was present for the application. Mr. Bolo made a motion to approve the application with the following conditions. The applicant must add screening vegetation on easterly side of the property, the phasing needed will be removed from the plans and conditions 5 and 6 of Bill Ryden's letter must be complied with. Chris Richter added the applicant had eliminated another non-conforming bulk requirement; 3 stories

now becomes 2.5 stories. Mary Dietz provided the second. . The Board voted 6 to 0 to approve the application with members Bolo, Dietz, Max, Murphy, Richter and Vecchione voting in favor.

Huy Lam & Jenny Yeung
Blk. 61, Lot 11
Side setback

Appl. #15-650
15 Cobb Road
R-A zone

Rick Nelson, a licensed Architect in the state of New Jersey, presented the application. Huy Lam and Jenny Yeung, of 116 Parks Road in Denville, were also sworn in. The couple will be living in the house once renovated. Mr. Nelson said the applicant was requesting a side yard variance for 15 Cobb Road. He was hoping to apply under the Historic Preservation Ordinance but did not get approval from the Zoning Officer. The historic ordinance requires there be a 12” setback from the plane of the existing street-facing façade, the second story addition is setback 12”. They also want to remove the garage on the front façade, it is not original to the house, and enlarge the existing roof over the front door. After much deliberation the Board agreed this renovation plan would not qualify for the Historic Preservation Ordinance due to the expansion of the front portico and the removal of the garage. The Board confirmed you cannot change the front façade in anyway.

Mr. Nelson presented exhibit A-1 a colorized version of the site plan highlighting the setbacks. He then presented the house plans already submitted. They are matching all the renovations to the historic home. The new dormers are setback and the second story bedroom addition is above an existing nonconforming garage. Chris Richter asked why they were removing the foundations and rebuilding them. Rick Nelson said the right side is an old porch with only 2 piers and a crawl space they would like to do new footings to provide support for the renovations on that side of the house. The owners have not met with any builders to see if the existing basement could be expanded. It may make more sense to replace the basement or do a crawl space. Mr. Nelson said he needed to correct the application. Under item E the side line measurement should be 150 ft. not 100 ft. Peter Bolo asked the setback of neighbor’s homes. On the variance side the property line is 50 ft. from the neighbor’s house. Steve Vecchione said this is a small house for the neighborhood and there was vegetation on the variance side of the property which provides a screen for the neighbor.

No one was present from the public to comment on the application. Chris Richter confirming the side yard setback was 25 ft. and they were asking for 18.9 ft. Stephen Vecchione asked if this approval would rule out their ability to file under historic preservation in the future. Mr. Richter said they would have to come back with an appeal.

A motion was made by Jim Murphy to approve the application for a side yard setback under our regular bulk requirements and Peter Bolo provided the second. The Board requested the applicant revise the application to reflect these changes. The Board voted 6 to 0 to approve the application with members Bolo, Dietz, Max, Murphy, Richter and Vecchione voting in favor.

John Harwood & Elizabeth Miles
Blk. 77, Lot 16
Improved Lot Coverage

Appl. #15-651
130 Kenilworth Road
R-A zone

John Harwood and Elizabeth Miles, of 130 Kenilworth Road, presented their own application. The home is a 1923 Belhall. The applicant was interested in expanding the front steps and walkway of their home. This improvement would be increasing the improved lot coverage from 27.2% to 27.8% when 25% is allowed. They cannot apply under the Historic Preservation Ordinance; the Zoning Officer said this type of expansion did not qualify for the relief. Right now the steps and walkway end under a window and do not go to the steps. They wish to extend the steps across to the front door and add more bluestone in front of the stoop extending the walkway. Mr. Harwood said this was a safety issue. Mary Dietz asked if there ever was a railing on the steps. John Harwood said there was no railing when they bought the house.

Chris Richter asked Mr. Harwood asked if any coverage could be removed somewhere else to compensate for the new coverage added. Mr. Harwood said they have a swamp area along the property line and the water was held back by the driveway so they did not think they could remove coverage from there. The only other area they could remove coverage from is a needed retaining wall.

No one from the public was present to comment on the application. Peter Bolo made a motion to approve the application as presented and Arthur Max provided the second. The Board voted 6 to 0 to approve the application with members Bolo, Dietz, Max, Murphy, Richter and Vecchione voting in favor.

Other Matters / Public Comment:

No one from the public was present to speak during the public portion of the meeting.

Chairman Richter recognized Mary Dietz and her service. Mary will be moving away and no longer serving on the Board. The Board needed to change the date of the November meeting from the 5th to the 12th due to the Teachers Convention. Stephen Vecchione made a motion to change the date and a second was provided by Peter Bolo. All members present voted in favor of the date change.

Jim Murphy made a motion to adjourn the meeting and Peter Bolo provided the second. The meeting was adjourned at 9:03PM.

Respectfully submitted,

Cynthia Shaw, Secretary