

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
October 3, 2024**

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 and The Morris County Daily Record on January 11, 2024 and by filing the same with the Borough Clerk and posting it on the Bulletin Board on January 8, 2024 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:32 pm

ROLL CALL:

Present: Vecchione, Astrup, Caputo, Peters, Murphy, DeNooyer and Leininger

Absent: McCormick and Paddock

Also, Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Stephen Vecchione made a motion to approve the minutes from the September 5th meeting. Annie Peters provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION: none

PUBLIC HEARINGS:

New Application:

Alexandra & Thomas Barbarite	Appl. #24-759
12 Raynold Road	Blk. 113, Lot 13
Improved Lot Coverage	R-A zone

Alex and Tom Barbarite, of 12 Raynold Road, were applying for an improved lot coverage variance for a preexisting patio under the Historic Preservation Ordinance. They originally had an ILC of 28.8%. When they added the patio and walkways, the ILC increased to 34.2%. They bought this house in 2020 and added the patio in 2021 without a permit. The driveway and front walkway projects were done in 2023 without a permit. They now have an ILC of 34.2% where the maximum allowed is 30% under the Historic Preservation Ordinance.

James Murphy said he looked at the ILC variances granted for all applications during 2021-2023. The largest increase was .2% over the existing percentage and this applicant is looking for 4.2% over the enhanced percentage of 30%. You have a slate walkway on the left side of the property and a gravel driveway on the right, do you need all that? The applicant said the gravel driveway is miss marked it should be asphalt. Steve Vecchione noted the driveway bump-out on left hand side and the circular drive in the front. Were the driveways there before. Yes, they were. The applicant was requesting 746sqft above the permitted square footage. Jake DeNooyer asked why they were here after three years. Alex Barbarite said the Zoning Officer was called out about the work being done in the front yard. He allowed the work to in the front of the house to continue as long as the

applicant filed for a permit. He told the homeowner they needed to get a variance for the work done in the back. Jim Murphy asked what they could easily remove? They could take out the side slate walkway. That is about 140sqft. S. Vecchione asked, "do you use the garage"? Yes, it is for storage. He continued, there is a lot of redundancy on the property. You don't need a walkway from the street when you can walk up the driveway. Do you need two driveways and two walkways around the house. You could have put the firepit in the grass area. Annie Peters said earlier the applicant asked why does the coverage matter. It's to keep the town looking like it does. It's what you fell in love with when you decided to move to town. J. Murphy suggested they remove the slate walkway and the back of the driveway to get the number down. If the applicant came here before everything was built, he would have told them the front slate walkway and steps were redundant with the circular driveway and should not be installed. Alex Barbarite did not think they could do what the Board was asking for without ruining their design. They have tried to improve a home that was in such disrepair. Jake DeNooyer said granting a high ILC sets a precedent. Micheal Sullivan reminded the Board each case should be looked at individually. He asked if the applicant had trees that blocked the view of the neighbors. The neighbors on lot 15 have more coverage than the other side. The patio is not visible from Raynold Road. They were willing to eliminate the slate walkway and part of the driveway. Steve Vecchione suggested they remove the driveway from the walkway toward lot 11. A. Barbarite said they would remove the walkway and add trees on the side that does not have screening. The applicant did not think the Board was being reasonable when they requested more than that. We thought the Board would grant the variance but have concerns about the runoff. Meghan Leininger noted if this was a new application, and you were requesting this type of coverage we would have required drywells. Your patio and driveway combined have more square footage than the footprint of your home. Having too much coverage can become issues in the future. You do not need five access points to enter your home.

Mrs. Barbarite asked what the Board was willing to approve. Mr. Vecchione said you need to ask your professionals to confirm how they came up with the actual coverage percentage. He added if you came here before you did the work, he would have said the walkway to the driveway would not be needed, they would need to remove the slate walkway on the side of the house and the patio was too large. Those changes would have resulted in a 300 to 350sqft overage rather than a 700sqft overage in lot coverage. Meghan Leininger felt their offer was a good start but not enough. J. Murphy said he thought they should take our concerns back to their professionals and come up with a new plan. Annie Peters responded it all looks beautiful, but you added a 1000sq ft patio. You are asking for more than you are giving. J. DeNooyer said the asking was just too high. Mark Caputo commented that the best idea was to go back to the drawing board. M. Sullivan said you can reduce the improve the coverage to 30% and not come back to the Board. Ryan Astrup said we would have had you add some type of stormwater system if you came to the Board first. That would have cost you more money. J. Murphy said the removal of the walkway, part of the driveway and adding landscape is a start but you need to add some other things.

The chair opened the hearing to the public. Robin Barrasso, 18 Raynold Rd, said the house needed a lot of help. She doesn't see the patio from her home. She supported the application.

The applicant requested their application be carried to the December meeting. Jim Murphy made a motion to carry the application to December 5th and Annie Peters provided the second. The applicant granted the Board an extension of time to act on the application until December 5th. They also granted the Board permission to visit the site.

Other Matters / Public Comment:

Public Comment – Board liaison, Chris Richter, explained the new tree ordinance. Removal of trees in the right of way is limited to two (2) trees annually for both residential and commercial properties. The new Ordinance now has a fee schedule for tree replacement.

Stephen Vecchione made a motion to adjourn the meeting and Annie Peters provided the second. The meeting was adjourned at 8:49PM.

Respectfully submitted,

Cynthia Shaw