

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN
LAKES
September 7, 2017**

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 05, 2017. Said resolution was mailed to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on January 09, 2017 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30PM

ROLL CALL:

Present: Richter, DeNooyer, Peters, Max, Vecchione, Sheikh and Murphy

Absent: Caputo and McConnell

Also Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Chris Richter made a motion to approve the minutes with from the August 3, 2017 meeting. Ann Peters provided the second; the minutes were approved by voice vote by all members present.

RESOLUTION:

Joseph and Gretchen Riccardi

Appl. #17-674

Jake DeNooyer made a motion to adopt the resolution of approval and Chris Richter seconded the motion. The resolution was adopted by a vote of 3 to 0 with members Richter, DeNooyer and Peters voting in favor.

EXTENSION OF TIME:

Jan DeBenedetto

6 Cove Place

Since Chairman Richter lives within 200 ft. of the property he recused himself. The Administrator received a written request from the lot owner to extend the expiration date on their variance approvals. A motion was made by Khizar Sheikh to extend the expiration date for the variances an additional 18 months. A second was provided by James Murphy and the Board voted in favor of the extension of time to start the construction by a voice vote of all eligible members.

PUBLIC HEARINGS:

Carried Application:

Dean Ferdico

250 Boulevard

Average Front Setback, Side Setback

Height, FAR, ILC

Appl. #17-672

Blk. 100, Lot 19

R-A zone

Dean Ferdico, of 250 Boulevard, Candice Destefano and Larry Appel from the Appel Design Group and Mark Gimigliano from Dykstra Walker Design Group would continue presenting the application.

Mark Gimigliano reviewed where they left off last May. Originally they planned for a semicircular driveway and to remove the guide rail. The Boulevard is a county road and the county said they would not allow two driveway entrances closer than 150ft. apart. Now they are proposing closing off the original driveway entrance and installing a new one on the right which will cut across the front of the house to access the garage. The county said this design was acceptable as long as the slope was no more than a 4 to 1 ratio. They plan to raise the garage floor 3ft. and the 1st floor 2ft.

Originally the front height of the house was conforming now they are asking for a height of 37ft. which is a C variance. The non-street facing sides of the home were originally 38' and last time they asked for a height of 40' 3". By raising the floor the height of the non-street facing sides of the home increased. They are now asking for a height on the non-fronting sides of 42.14ft. which is a D variance. The basement is now considered a story above grade so they are requesting a FAR of 25.5% where 17% is allowed. Jake DeNooyer asked if they didn't count the basement what the FAR would be; it would be 17%. In this design the basement elevation stays the same but they have raised the ceiling height in the basement 2 ft. In their previous submission the ILC was under the allowed 25% at 21.9%. With the driveway coming across the front of the house it is now 26.7%. The ILC is only an increase of 467 sq. ft. Chris Richter questioned the ILC calculation. He thought the ILC could be reduced to 25% and then would not require a variance. He asked Mr. Gimigliano to recalculate how many square feet would need to be removed to comply.

Mark Gimigliano reviewed the variance required for the front yard setback. The current home sits back 40.5ft. They are proposing a setback of 38.5 ft. in order to accommodate a new covered front porch. The average front setback is 36.5 ft. but the minimum front setback requirement is 40ft. A side yard setback of 25 ft. is required. They have a pre-existing setback of 21.2ft and plan to be no closer to the property line with the new design. Chris Richter questioned the steps in the setback. The uncovered steps are 6 ft. wide and 9.5 ft. into the setback and are acceptable. Mr. Gimigliano explained the Ferdico's needed to remove approximately 400 sq. ft. of coverage to eliminate the need for the coverage variance. Mr. Richter thought they could remove some of the parking area to comply. Dean Ferdico replied I can't make K-turns in my driveway; this is what I agreed to live with since the county would not give me permission to have a circular drive.

Arthur Max asked if, during the meeting with the county, site lines were discussed. Mark Gimigliano said they had discussed this with the county and they found the design acceptable. On Sheet 3 they have shown the site distance plan. There is a 15% slope over 25 to 30 ft. At the road the driveway is flat with a 2% grade. There will be a shoulder where the guide rail is now. The rail will be removed if they can keep the 4 to 1 ratio. Jim Murphy asked how much soil they needed to bring in to make the grade the county wants. They needed to import 561 CY. Chris Richter asked when you looked at dropping the building to avoid the variances what were the issues that caused you to make these changes. Mr. Gimigliano answered the lower the house was to the road the longer the 15% slope would be. As designed the driveway drains down into a trench

drain. This grading would reduce the amount of water that would run toward the house. Lowering any further would increase the grading and drainage issues.

Chairman Richter asked if anyone from the public wished to be heard; no one was present.

James Murphy asked if the detention plan was the same as before and it was. Michael Sullivan said the revised plans should go back to Bill Ryden for review. Khizar Sheikh asked if there was a way to reduce the FAR. Mark Gimigliano said there was no way to change the grade plan. The only way is to drop the home back down and then the guide rail remains. Chris Richer asked the Engineer to explain the rear elevation; specifically what were the grade conditions at the basement walkout. Mr. Gimigliano answered they were meeting the existing conditions at the walkout; nothing was changing. The elevation of Boulevard is 199.5 ft., the current house is at 193.9ft and the proposed house elevation is 195.9ft.

Larry Appel spoke about the actual house plans done by Candice Destefano the project architect. He said the plan was a compromise. Currently the garage and the curb cut are on the left side. They had to put the new curb cut to the right. The design is the same but the house was raised 2ft and the garage 3ft. to get the house out of the hole. He would like to raise the house more but that creates issues. Exhibit A-3 was sheet ZB-7, Site Section, last revised 5/22/17. The exhibit showed the side elevation of the house and the grades to the road. A trench drain in front of the garage is not ideal, we usually want the drainage sloping away from the house, but it is what they need to do as part of the balancing act. The front porch is tight to grade and the 1st floor of the house is close to grade. The proposed home is a drastic improvement over what is there. The old home had no architectural detail. Landscaping could be used in the rear to soften the grade. The house is an existing non-conforming structure. The new second floor above the garage is set back two feet. The 1st floor mud room addition is conforming and they added a screened-in porch to create open space. They are enclosing the old screened-in porch to make it the new kitchen and dinette. The wrap around deck ties everything together. All the new space is added to the FAR except the new screened-in porch. The attic is not counted because it is 40% of the space below. Mr. Appel said their intention is to raise the right side of the house and install a new floor. The existing concrete garage floor will be broken up and re-poured. The garage walls will remain and be added onto. On the basement plan, the area that was marked as the patio was remaining and they were adding boat storage. Chris Richter asked why the boat storage can't be smaller and in line with the existing covered porch. They were pushing the basement out 10ft into the backyard. Mr. Appel said the boat storage went out 5ft 4" not 10ft onto a flat area. Mr. Richter said when you look at the back of the house you are looking at 4 stories why not change the roof line and use smaller windows. Stephen Vecchione asked why they needed 10ft ceilings on the 1st floor. Larry Appel responded they did this for proportion and the roof pitch. We were trying to copy the design pattern of the older homes in Mountain Lakes. The house is 32 ft. tall it is the site that is the problem. The architect suggested they could grade the back to make it look less tall. Jim Murphy asked what the floor to ceiling height was on the 3rd floor. Mr. Richter asked why they had to make the attic look like a story. Mr. Appel answered they were trying to not make this a flat house. Chris Richter suggested they drop the gables by 2 ft. Larry Appel said that would create clipped ceilings in the rooms on the second floor. The walk up attic is

600 sq. ft. with clipped walls. Some of the area will be for mechanicals and the windows in the attic provide a view of the lake. Arthur Max interjected the applicant was changing so much did they consider tearing down this home. He thought they should be able to design a new house for this lot. Larry Appel said we can relook at the height of the home. Khizar Sheikh thought photos of other houses on the lake would be helpful. Larry Appel explained you need the house taller in the front for the driveway. When they changed the floor level in the front it brought the house up in the back. Chris Richter responded they needed to change the attic in the back and reduce the mass of the house.

Michael Sullivan reminded the applicant the FAR and height variances were D variances. Mr. Sheikh asked if the raising of the floor triggered the FAR variance. Couldn't they raise the property grade and keep the house the same. Larry Appel explained you would step into the house and have water issues. If you took 2 ft. off the height of the 1st floor you would not solve the issues in the back or the FAR only the height. Mark Gimigliano said the 1st floor has to be elevated to eliminate the guide rail. Stephen Vecchione liked the house design he just had a problem with the height. Ann Peters thought the height from the lake was over bearing. She didn't understand the need for the lake view from the attic. Jake DeNooyer was concerned he would hear "you approved that" from the public. You need to change the windows in the rear and add planters around the foundation to reduce the height. Jim Murphy said this design was an upgrade to what was there but the roof line needed work. Larry Appel responded we can change the grade plan in the rear. Chris Richter said you need to reduce the front down to 35 ft. The back needs to have a 3 story appearance. You could do it with roof gables and planter boxes in the back. Khizar Sheikh said the applicant makes a choice. He is going with the guide rail removal. I want the guide rail gone so I am ok with the proposed design. Mr. Richter concluded you have not created a balance to respect our Ordinances.

Larry Appel said they understood the Board comments. They hate to give up removing the guide rail so they would like to come back next month with a revised plan. James Murphy made a motion to carry the application to October 5th without notice. Stephen Vecchione provided the second. The Board suggested they change the roof line and review the ILC. The Board voted to grant the carry by voice vote of all members present.

Other Matters / Public Comment:

Janet Horst, of 82 Pocono Road, spoke to the Zoning Board about permits. Chairman Richter explained permits were not the jurisdiction of this Board.

Chris Richter made a motion to adjourn the meeting and Ann Peters provided the second. The meeting was adjourned at 9:39PM.

Respectfully submitted,

Cynthia Shaw