

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN
LAKES
May 4, 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: Max, Richter, DeNooyer, Sheikh, Peters, Murphy (7:36PM), Vecchione, McConnell and Caputo

Also Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Khizar Sheikh made a motion to approve the minutes of the April 6, 2017 meeting. Ann Peters provided the second; the minutes were approved by voice vote by all members present.

RESOLUTION:

David Caggiano

Appl. #17-670

Arthur Max made a motion to adopt the resolution of approval; Jake DeNooyer seconded the motion. The resolution was passed by a vote of 6 to 0 with members Richter, Sheikh, Max, DeNooyer, Peters and Caputo voting to approve.

PUBLIC HEARINGS:

Carried Application:

Celal Andican

26 Dartmouth Road,

FAR, Average Front Setback, 2 Side Setback

Appl. # 16-664

Blk. 84, Lot 6

R-A zone

The attorney for Celal Andican sent a letter to the Board requesting his application be withdraw without prejudice. The Board approved the withdrawal without prejudice by voice vote of all eligible members present.

New Applications:

Soumitra Mukherjee & Sima RoyChowdhury

44 Melrose Road

Average Front Setback, 2 - Height

Appl. #17-671

Blk. 68, Lot 25.02

R-A zone

Both Soumitra Mukherjee, of 44 Melrose Road, and Seth Leeb, a licensed architect in the state of NJ, were sworn in. The first order of business was the determination of the

waivers requested. Mr. Leeb's original waiver letter, dated March 16, 2017, was superseded by his letter dated April 24, 2017. In the second letter he asked for a partial waiver from requirement #6. The stream had been located on their site plan but not the delineation of fresh water wetlands. Right now they have an Engineer investigating the existence of wetlands on the property. The applicant was willing to make the delineation a condition of the resolution. Seth Leeb said the site plan showed a stream in the right rear corner of the property. There may be wetlands associated with the stream. The skunk cabbage present is off their property and the house addition will be 76 ft. off the back property line. Chris Richter thought there needed to be a condition in resolution that required a letter of interpretation (LOI) be obtained. Since there are no improvements within 50 ft. of the stream and there are reasonable remedies available to them he thought the application should be deemed complete. A motion was made by Khizar Sheikh to grant the waiver for item #6 as long as the resolution had a condition requiring a LOI be obtained; Jake DeNooyer provided the second. The Board voted 4 to 3 to grant the waivers with members Richter, Sheikh, Vecchione and DeNooyer voting in favor and Max, Murphy and McConnell voting against.

Mr. Mukherjee explained they were fond of the old hapgoods but they have their limitations and issues. They want to modernize it and it was important to them to maintain the historic home. Mr. Leeb presented a photo board, which was labeled exhibit A-1, consisting of 15 photos. The photos were of the front of their house, homes to either side and other homes on the street. They proposed restoring the original façade of the home and making additions to the side and rear. The house was eligible for the historic bulk incentives. On sheet V-4 was the elevations of the front of the existing home which showed siding on the third floor that was not original. They wish to rebuild the front elevation as close as possible to the original by bringing the front steps out. They presented exhibit A-2 a historic photo of the home from the HPC data base to support their plans. Sheet V-5 showed the rear and side elevation. They plan to take off the existing garage and porch addition and replace it with a two car garage with an addition above. The additions were designed so they would not be seen from the street. The applicant was seeking 4 variances which were all for existing non-conforming conditions. They need a 51.44 ft. average front setback to rebuild the porch to look like the original but 77.75 is required. They want to rebuild the steps in the same location. They have the front height variance for the pre-existing house which Bill Ryden determined was 35.51 ft.; there is no change. The height for the non-front sides can only be 38 ft. and the proposed is 41.16 ft. The property slopes off toward the back. Chris Richter asked what the grade line to the ridge line was for the new addition. It is a little under 31 ft. The 4th variance is for stories. The three sides are allowed to be 3 stories and the existing home has 3.5. The new addition is only 3 stories. Chris Richter confirmed the attic dropping out for FAR with the addition. The basement is counted as a story now and it was before. It also counts as FAR. No variance for stories are required in the front. Chris Richter verified all the materials used would be the same. The Chair asked if the Board had any questions. Arthur Max asked if the applicant did a study of the changes and historical timeline of the home. Mr. Leeb answered we started with the historic photo, they knew there was a fire in the house, but they don't have a true timeline. Mr. Leeb said in his work over the years with Hapgoods he thought the enclosed porch space was most likely an open porch at one time. Mr. Mukherjee said the

house was in a fire in the 1st year of its life. Mr. Richter asked if the amount of ILC was different after the addition. The driveway added ILC and he would amend application to correct the ILC.

The chair asked if anyone from the public had questions or comments but there were none.

Arthur Max asked where the applicant thought the hardship was. Mr. Leeb answered the home's several existing non-conforming conditions created the hardship. The front setback line ran through the house. They kept the grades as is so they will not change the height of the house. The house is staying and they will be tearing down only a portion in the rear. They will change the window configuration to be more historically accurate. There is wooded borough land behind the house.

James Murphy found the paperwork inconsistent. He thought the plan was great and what the town wanted to be done with the old homes. Jake DeNooyer liked the house design. Stephen Vecchione made a motion to approve the application as presented with the added condition that a LOI be obtained and reviewed by the Borough Engineer. The applicant needed to fix the ILC calculation and item #6 of Bill Ryden's letter be addressed. A second was provided by James McConnell and the board voted 7 to 0 with members Max, Richter, DeNooyer, Sheikh, Murphy, Vecchione and McConnell voting to approve.

Dean Ferdico
250 Boulevard
Average Front Setback, Side Setback
Height

Appl. #17-672
Blk. 100, Lot 19
R-A zone

Marc Walker, a licensed Engineer in the state of New Jersey, Dean Ferdico, of 250 Boulevard, and Joseph Cestaro, of 64 Stewart St Waldwick, NJ were sworn in. Mr. Walker began the house was located at 250 Boulevard. Exhibit A-1 was a photo of the house from the other side of the Boulevard. The property drops 8 ft. from the Boulevard to the front of the house. The County added the guard rail years ago for safety.

Additional photos of the front and rear yards of the home were marked exhibit A-2 (a & b). Mr. Walker showed the Board the view of the Boulevard from the driveway. The Board could see the guard rail and site distance leaving the property. The existing driveway has a 20% slope and the borough ordinances state it should be 15%. They wish to create a semicircular drive to meet the slope requirement of 15%. Doing so would raise the garage floor up a ½ ft. and that is the most they can raise it.

The proposed covered porch was 38.5 ft. from the right of way, the average front setback was 35.5 ft. and it needs to be at least 40 ft. so they need a variance. The front setback was 40.5 to the house. The side yard setback followed the line of the existing house. The addition and the existing house have a side setback of 21.2 ft. The height of the non-street fronting sides of the house are 39.89 ft. due to the grade of the lot and only 38 ft. is allowed. They meet the FAR and ILC requirements.

The new driveway area meets all the requirements. They submitted a request to Morris County to remove the guard rail and retaining wall. There are 18 homes on the Ferdico's side of the road that have semicircular driveways but the county has told them they do not allow circular drives. Now they have applied to the county Planning Board for a waiver. They will go before the board and explain how much safer their design is. They will remove the 20% slope side of the driveway after they get the driveway approved by

the county. The county told them they would not consider removing the guard rail and retaining wall unless they can raise the grade in front of the house and reduce the drop. The house next door is a 5 ft. drop from the street. They did story above grade calculations and determined they could raise the 1st floor 1 ft 4" and not create a story above grade issue and the basement would not count. This would make the drop 6 feet but it would create a need for a variance for street fronting height of 36.4 ft. rather than 35 ft. and the non-street fronting height would become 41.3 ft.

Chris Richter asked how they would do this without knocking the house down to bring the house up 1.4 ft. Joe Cestaro explained they were talking about keeping the foundation and add two courses of block under the 1st floor deck. They will use 95 % of the foundation as it is now. They are also keeping the first floor of the garage. Arthur Max asked have you talked to the county about this. Marc Walker said they had spoken to them earlier today about removing the guard rail but they could not a decision like that over the phone. Mr. Max did not think the Board could make a decision without more information either. He thought due to the safety issues with the driveway the Board might be better to give a bigger height variance. James McConnell asked were they going to raise the house for aesthetics even if the county says no to the removal of the guard rail and retaining wall. Chris Richter said I would be concerned about a 5 story house from the back. Jake DeNooyer asked how many feet do you need to go up from 20% to 15% for the driveway. Mr. Walker said in order to achieve a 5 ft. drop in elevation, to be consistent with the property next door, the 1st floor of the house floor would have to come up 2.5 ft.

Chris Richter said the applicant should get together with the county and come back next month for the June 1st meeting. Michael Sullivan reminded them if they changed the house significantly and change the variances they will need to re-notice.

The Chair opened the meeting to the public.

Chris Gimicci, of 254 Boulevard, thought it would be an improvement. Every time it snowed she had to help the mailman get out of the Ferdico's driveway. Kevin Driscoll, of 240 Boulevard, had no objections to the variances. The investment to the street will be so much better for Mountain Lakes. He had no problem with the new retaining wall be tied into his retaining wall.

Jim McConnell made a motion to carry the application to June 1, 2017 without further notice. A second was provided by Jake DeNooyer and approved by a voice vote of all eligible members.

Other Matters / Public Comment:

No one present from the public.

James McConnell made a motion to adjourn the meeting and Arthur Max provided the second. The meeting was adjourned at 9:08 PM

Respectfully submitted,

Cynthia Shaw