

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
April 6, 2023**

James Murphy 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 January 11, 2023 and by filing the same with the Borough Clerk and posting it on the Borough Office bulletin board on January 09, 2023 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30 PM

ROLL CALL:

Present: Murphy, De Nooyer, Peters, Vecchione (7:40pm), Caputo, Astrup, and Paddock

Absent: McCormick, Leininger

Also, Present: Attorney, Michael Sullivan

REVIEW OF MINUTES: James Murphy made a motion to approve the minutes from the March 2, 2023 meeting. Brett Paddock provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION: none

PUBLIC HEARINGS:

Carried Application:

The Craig School	Appl. # 22-739
10 & 15 Tower Hill Road	Blk 54, Lot 14 and Blk 55, Lot 1 & 4
Major Site Plan	Zone R-A
Lot 14: Improved Lot Coverage, Parking Stall Size	
Lot 1 & 4: Front Setback (2), Floor Area Ratio,	
Improved Lot Coverage, Number of Stories, Sign,	
Parking Stall Size, Parking Aisle Width	

The Craig School application was withdrawn without prejudice.

New Application:

Jonathan Weizman	App #23-748
28 Lake Drive	Blk 101, Lot 104
Improved Lot Coverage	R-A Zone

Jonathan Weizman wanted to realign his existing driveway. Marc Walker, a licensed engineer in the state of NJ would present the application. In December of 2019 the Board granted the applicant a 27.18% ILC variance to build a 4th garage. Recently the homeowner hired a Landscape Architect to do new plans for the property. They plan to remove their hot tub, redo their back patio and removing the existing serpentine driveway. They now proposing a driveway that is straight. There is an existing ponding

problem on the property. Currently there is a small drain to accommodate the runoff from the driveway and the neighbor's property. Now they plan to put in 3 infiltrator pits to capture said runoff from the low area and driveway. They will leave the old drain and add the new one which will capture up to a 4" rain event. They are adding 2 light stanchions that meet all the borough requirements, at the end of the driveway. There will be a paver curb along the driveway. They are moving 200CY of material on the property so they will need a minor soil permit.

Michael Sullivan confirmed they home now had 4 garage bays. James Murphy said the Board originally approved an ILC of 27.18% and the existing is 27.91%. They are requesting an ILC of 27.03%. How do you have an ILC over what the Board approved? Mr. Walker stated the steppingstone walkway was never removed and the driveway was never trimmed. The contractor was over the ILC by around 400sqft when he was done. How does this happen? Mr. Walker stated there should have been an as-built requirement. Mr. Sullivan commented we now have that as a standard condition. Mr. Murphy wanted a condition in the resolution stating the as-built was required. Mr. Sullivan commented that the drainage system was not required but the applicant was doing it anyway.

Jake De Nooyer asked about the original walkway that was supposed to be removed. Jonathan Weizman responded they did remove the walkway, but the contractor asked if we wanted to put the walkway back in as steppingstones. I said yes so this is my fault. J. DeNooyer thought the ILC would be less. Did they talk about getting closer to the 25% allowed. Marc Walker said it could be achieved with a 10ft wide driveway, but Mr. Weizman wanted it to be 12ft. Mr. DeNooyer thought the driveway was more visible now. J. Weizman said they did talk about that. The driveway needs to be done since it is falling apart, straightening it was an attempt to reduce coverage. Plus, it moves us away from the Barton Road intersection. That will help to avoid walkers and car traffic. There will be trees and shrubbery added to hide the driveway.

Brett Paddock asked about the slate patio area. Mr. Walker said the patio has two elevations. The existing retaining wall and hot tub are being replaced. The patio area remains the same, but they are changing the building materials and adding steps between the upper and lower patio. The footprint is remaining the same. J. Murphy asked if they could remove the hot tub and not expand the patio underneath it. J. Weizman said that spot will be empty, not a patio, if it stayed it would create a third level. Mr. Walker said the hot tub removes 60sq ft. The new ILC would become 26.9%. Ryan Astrup asked about the new curb cut at the street. Marc Walker said the applicant would need to cover the cost and the town could require a bond. Steve Vecchione asked why they didn't keep the serpentine shaped driveway? J. Weizman said the old design created more coverage. Mr. Walker added the way they have it designed it is easier to back out of the garage and pull forward to exit the property. Right now, they must do a K turn in the current pad to exit the property forward.

No one from the public had questions or comments on the application.

Mr. Sullivan said the applicant was amending their application. The new ILC will be 26.9%. James Murphy said the applicant should remove the hot tub and change the plans to show they are replacing the area with pervious material. The ILC should remain the same since Mr. Walker could not confirm the ILC calculation included the hot tub. Jake DeNooyer asked about the brightness of the lights at the end of driveway. J. Weizman

said the piers were for aesthetic only the wattage of the light fixtures will remain the same.

Steve Vecchione made a motion to approve the application with the condition they revise the plans to eliminate the hot tub and replace it with a pervious material. The ILC request will remain at 27.03%. The second was provided by Jake DeNooyer. The Board voted 7 – 0 to approve the application with members Murphy, De Nooyer, Peters, Vecchione, Caputo, Astrup, and Paddock voting in favor.

Other Matters / Public Comment:

Public Comment – No one from the public wished to comment.

Annual Report – James Murphy made a motion to adopt the 2022 Annual Report and Brett Paddock provided the second. The Board discussed changing the format of the Annual Report for 2023.

Historic Preservation Ordinance – The Board discussed the requirement for a 1ft setback for any new construction to take advantage of the ordinance. The Board thought the ordinance was unclear and it needed to be addressed. The Board can make a recommendation to the Council at any time or put it in their Annual Report. The government body ultimately decides. Ryan Astrup, who also sits on the Historic Preservation Committee, volunteered to write something up to facilitate the discussion.

The Economic Development Committee and the Ordinance Committee had no update.

Stephen Vecchione made a motion to adjourn the meeting and Annie Peters provided the second. The meeting was adjourned at 9:00PM.

Respectfully submitted,

Cynthia Shaw