

**MINUTES OF A MEETING  
ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MOUNTAIN LAKES  
April 7, 2022**

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 12, 2022 and by filing the same with the Borough Clerk and posting it on the Front Door on January 10, 2022 and was made available to all those requesting individual notice and paying the required fee.

Start: 7: 35 PM

**ROLL CALL:**

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

Also, Present: Attorney, Michael Sullivan

**REVIEW OF MINUTES:** James Murphy made a motion to approve the minutes from the March 3<sup>rd</sup> meeting. Brett Paddock provided the second; the minutes were approved by voice vote by all eligible members present.

**RESOLUTION:**

Nouvelle, LLC

Appl. #21-726

Stephen Vecchione made a motion to adopt the resolution of approval and Jake DeNooyer provided the second. The Board voted 6 – 0 to adopt the resolution with members Murphy, Vecchione, McCormick, Paddock, Peters, and DeNooyer voting in favor

**PUBLIC HEARINGS:**

Carried Application:

Michael Booth

136 Ball Road

Side Yard Setback (2)

Floor Area Ratio

Appl. #21-732

Blk. 103, Lot 83

R-A zone

The applicant requested their application be carried to July 7, 2022 meeting. Jake DeNooyer made a motion to carry the application to July 7<sup>th</sup> without further notice and a second was provided by Kelly McCormick. The Board voted 7 – 0 to approve the carry with members Murphy, Vecchione, Caputo, McCormick, Paddock, Peters, and DeNooyer voting in favor.

Applications:

Brad & Kendra Bohler

133 Pollard Road

Side Yard Setback

Appl.#21-734

Blk. 112, Lot 32

R-A zone

Brad & Kendra Bohler, of 133 Pollard Road, presented their application. They installed a new hot tub on the east side of the property. The unit was installed on an existing concrete patio. The patio was an existing non-conforming condition. The required side yard setback needs to be 25ft and the hot tub will be at 17.2ft. Michael Sullivan asked

why they were locating the hot tub there. B. Bohler answered it was closer to the electric panel and behind the house bump out, so it was less visible from the street. They previously planted evergreens along the property line to block the view of their side patio. The hot tub was 8.5' x 9' and holds 6 people. J. Murphy asked if the tub on the site plan was to scale. It was. Anne Peters appreciated the photo of the landscape screening. J. Murphy asked if they considered any other locations. They did look at placing it on the other side of the deck but that would have added coverage.

No one from the public wished to comment on the application.

Kelly McCormick made a motion to approve the application with the condition it have a locking cover and they provide an as-built survey if necessary. Anne Peters provided the second. The Board voted 7 – 0 to approve the application with members: Murphy, DeNooyer, Peters, McCormick, Caputo Vecchione and Paddock voting in favor.

James & Cassandra Kiely	Appl. #21-735
6 Cove Place	Blk. 100.02, Lot 84
Two Side Yard & Front Yard Setback	R-A zone

James & Cassandra Kiely, of 6 Cove Place, had Larry Korinda, a NJ licensed Architect, and Marc Walker, a NJ licensed Engineer, present their application. Marc Walker offered exhibit A-1, an aerial photo of the property with the site plan imposed on it. It showed how the finished house fit on the property. The Board previously granted variances to build a new home. They recently added a walkway to connect the front door to the back yard. They need a front yard setback variance of 45.2ft when they previously received a variance for 45.4ft. The stone veneer was creating the 2” difference. The new patio was constructed over the side setback line at 24.7ft where 25ft was required. They need a third variance for an outdoor kitchen located 19.3ft from side lot line where 25ft is required. They originally planned to install the outdoor kitchen on the patio. This overage represents an increase of 51sqft. Exhibit A-2 was the original site plan, dated 11/10/2020. It showed the original oval driveway. They decided to make the driveway straight. Mr. Walker then shared exhibit A-3 a photo of the front of the house and driveway and exhibit A-4 two photos of the house from the lake. Larry Korinda explained the plan for the outdoor kitchen. The chimney is currently 9ft and it will be lowered to 7ft to improve the draft. The owner and landscaper redesigned the original patio and moved it off the patio. The neighbor is about 150ft away from the backyard kitchen. The variance for the outdoor kitchen is de minimis. No part of the house violates the 25ft setback.

James Murphy said this was not built according to the plans and now we are being asked for additional variances. 51sqft is not inconsequential. You are more than 6ft. off. Does the pizza oven really need to be this big? Cassandra Kiely responded, they made modifications as they built the back patio. The other patio was designed for the original house. We tried so hard to stay with in the lines of the original plans. We stopped the construction of the outdoor project in December when they found out there was an issue. Larry Korinda added the lot shape created a hardship because the property tapered down to a point at the back of the property. J. Murphy commented the constraints were known all along and professionals were being paid to advise the homeowner. Jake DeNooyer liked the shield of the trees and the distance of the neighbor’s house. On the other hand, you knew where the setback lines. M. Sullivan broke down the three variances. Mr. DeNooyer did not care about the two other variances he was just concerned about the the

outdoor kitchen. Marc Walker commented there was little or no impact to the neighbors. Mr. DeNooyer said if the house next door was 25ft away I would say no but since the neighbor is so far away, I am on the fence. Ryan Astrup shared he used to live across the water and knew this was a difficult lot. I think if this were a new application, the Board would approve it. Kelly McCormick asked what the approved setback was. M. Walker answered it was 25ft. J. Murphy said they now want 24.7ft for the patio on the lot 85 side. M. Walker added the patio was flush with the ground. James Murphy asked if they could trim the patio back to 25ft as an offset to the patio kitchen. James Kiely thought the cost would be significant. Mr. DeNooyer also felt that setback request was an insignificant amount. Stephen Vecchione questioned the height of the chimney. Don't we have an ordinance stating this chimney can't be taller than 5ft. Marc Walker said the Ordinance applied on the other side of the lakefront setback line, not in this situation. Ryan Astrup confirmed the driveway was less coverage than the original planned driveway. The reduced driveway coverage was balanced out with the new walkway and patio coverage. K. McCormick asked with the additional encroachment did they need to get an approval from the state. M. Walker responded they did not since they filed under state permit #8. Mr. Murphy opened the hearing to the public. Chris Richter, of 5 Cove Place, had no objection to the application. He thought they should be required to trim the patio back to 25ft on the lot 85 side. The public comment portion was closed.

Jake DeNooyer liked the home and Ryan Astrup agreed. Meghan Leininger said it looked like a beautiful home, but she thought 6ft was a lot. James Murphy made a motion to approve the front yard setback and easterly side setback variance for the kitchen and deny the westerly side setback for the patio with a condition they lower the height of the chimney to 7ft and all our other standard conditions. Stephen Vecchione made a motion to approve all three variances as presented and the lowering of the chimney height. Jake DeNooyer agreed with the granting the three variances. Kelly McCormick found the patio variance inconsequential. Mr. Murphy rescinded his original motion. A second was provided by Brett Paddock. The Board voted 7 – 0 to approve the application with members: Murphy, DeNooyer, Peters, McCormick, Caputo Vecchione and Paddock voting in favor.

Paul Selver  
290 Boulevard  
Front & Side Yard Setback

Appl. #21-736  
Blk. 100, Lot 37  
R-A zone

Paul Selver, of 290 Boulevard, presented his own application. He needs to replace a single A/C compressor that was installed 10 years ago. This services their accessory apartment over the garage. The building is a non-complying existing detached garage with a setback of 19.3ft. The unit is invisible from the street, lake, and side property line due to a mature tree screening. The adjacent property has their detached garage along the property line that also blocks their view.

Michael Sullivan repeated the requested variances. The applicant needs has a front yard setback variance of 107.3ft where a 109ft. was required and a side yard setback variance of 16.7ft where 25ft is required. James Murphy asked if the unit was a replacement. Paul Selver said the original A/C was added about 10 years ago when they renovated the space to use for guests. Brett Paddock thought the unit was in the best location. No one from the public wished to comment on the application.

Brett Paddock made a motion to approve the application with the condition the unit be installed with the proper clearance from the house. A second was provided by Stephen Vecchione. The Board voted 7 – 0 to approve the application with members: Murphy, DeNooyer, Peters, McCormick, Caputo Vecchione and Paddock voting in favor.

Daniel & Caitlin Yacey  
26 Howell Road  
Side Yard Setback

Appl. #21-737  
Blk. 93, Lot 19  
R-A zone

Daniel & Caitlin Yacey, of 26 Howell Road, presented their application. They wanted to replace their two A/C units with three units. The current location is already paved, and they were trying to keep them in the same space. One unit complies with the required 25ft setback. The second will have a 24ft setback and third one will be at 23ft. They will have one unit per floor. Brett Paddock asked if the wall on the site plan hid the units. D. Yacey answered it did not but a 3ft white picket fence on top of the wall did. J. Murphy asked if there was landscaping along the property line. There were a few trees and shrubs in the area. Mr. Vecchione questioned the fence in the setback. Mr. Sullivan said it would be considered a preexisting non-conforming condition. Brett Paddock found the request acceptable. Meghan Leininger wanted to make sure there was enough clearance for the unit to operate properly.

No one from the public wished to comment on the application.

Kelly McCormick made a motion to approve the application including a condition to meet the clearance requirement and a second was provided by Brett Paddock. The Board voted 7 – 0 to approve the application with members: Murphy, DeNooyer, Peters, McCormick, Caputo Vecchione and Paddock voting in favor.

**Other Matters / Public Comment:**

Review of Ordinances – Brett Paddock asked what the Zoning Boards input would be on the plan to review the current Ordinances. He felt several of them needed updating. Our liaison Chris Richter said he would speak to the Council about setting up a subcommittee, including the Planning Board, to make sure that was incorporated.

2021 Annual Report – A motion was made by Brett Paddock to approve the Annual Report. A second was provided by James Murphy. The report was approved by voice vote of all eligible members.

Public Comment – No one wished to speak during the public comment period.

James Murphy made a motion to cancel the May 5<sup>th</sup> meeting and hold a special meeting on May 12<sup>th</sup> at 7:30pm. Brett Paddock provided the second. The change in meeting date was approved by voice vote of all eligible members.

Stephen Vecchione made a motion to adjourn the meeting and Brett Paddock provided the second. The meeting was adjourned at 9:41 PM.

Respectfully submitted,

Cynthia Shaw