

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
February 2, 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: 30PM

ROLL CALL:

Present: Murphy, De Nooyer, Peters, McCormick, Leininger, Caputo, Astrup, and Paddock

Absent: Vecchione

Also, Present: Attorney, Michael Sullivan

REVIEW OF MINUTES: James Murphy made a motion to approve the minutes from the January 5, 2023 meeting. Annie Peters provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION: none

PUBLIC HEARINGS:

New Applications:

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 requested their application be carried to the next Zoning Board meeting without further notice. A motion was made by Mark Caputo and seconded by James Murphy. The Board carried the application by voice vote to the March 2, 2023 meeting without further notice.

New Applications:

Jamie Rodgers & Tina Andrejewski	Appl. #22-746
85 Cobb Road	Blk. 57, Lot 6
Stories	R-AA zone

Seth Leeb, a licensed architect in the state of NJ, presented the application. The homeowners are joining their two families and need additional space. They have an existing

non-conforming ILC which is not changing. They need height and stories variances. The front of the current home has a non-conforming height of 41.15ft. They are proposing a height of 39.81ft for the new addition. All the other sides comply. They are adding a second story and a third ½ story over an existing garage and one-story great room. This will make a 5-bedroom house an 8-bedroom house with a new laundry, bath, and office.

Exhibit A-1 was 4 slides consisting of 16 photos showing how close the neighbors were to the property. All the exterior construction materials remain the same as in the 2012 contributing dwelling photos. DJ Egrarian Associates was the engineer for the project. The lot is 55,035sqft. The addition will be 90.6ft from the front property line. The required front yard setback is 79.9ft. The property line is 100ft from the addition on the left side. All the changes are happening on the second and third floor. They are extending the deck on the second floor. The new roof is lower than the existing. The addition is shorter than the main part of the house.

The building height requires a D variance. The addition is 3 stories where only 2 ½ stories are allowed. The proposed number of stories matches the existing home. This request requires a C variance. The property is 2.5 times the required size. Rather than increase the ILC by expanding out they went up. You will see the addition from the front, but it is setback further than the existing home. This project is not a detriment to the public good, does not create any light hazard and the benefits outweigh the detriments.

Jake De Nooyer asked why they no longer were applying under the Historic Preservation Ordinance. M. Sullivan explained the application would not benefit from its use since there is no relief for height or stories in the Ordinance. J. Murphy confirmed the front yard setback was 71.1ft to the existing front porch, the addition is 90.6ft and the average front yard setback is 79.9ft. The front height variance requested is less because the height of the new addition is less.

Ryan Astrup asked if the architect calculate the existing cathedral ceilings in the FAR. Mr. Leeb said he did not since they were removing the semi-cathedral ceiling and replacing it with a 9ft ceiling. The existing FAR calculation should include the cathedral. Mr. Leeb will provide a revise FAR calculation. Mr. Astrup asked Mr. Leeb to respond to item #4, of Mr. Ryden's review letter. He answered ½ story does count toward the FAR. In this case the second story is between 40% and 80% of the 1st floor so it is considered a half story.

Meghan Leininger asked if bedroom #7 met the egress requirements. Yes, it does. Annie Peters confirmed the ILC did not change. Could they have brought the height down 4ft to comply. No, because they needed the head room in the hallway.

The Chair opened the meeting to the public. James Fan, of 81 Cobb Road, noted the existing house already violated the Ordinance for height. Is it ok to still violate the height Ordinance. Seth Leeb responded it does, but the applicant thought it was better than asking for a variance to increase the lot coverage. Mark Caputo asked if there was a better option that wouldn't require a variance. M. Sullivan responded then they would have needed a variance for ILC.

Brett Paddock made a motion to approve the application as presented with our usual conditions and a condition the redo the FAR calculation. A second was provided by Mark Caputo. The Board voted 7 -0 with members Murphy, De Nooyer, Peters, McCormick, Caputo, Astrup, and Paddock voting in favor.

Sanam and Erin Maniar
9 Briarcliff Road

Appl. # 22-744
Blk. 78, Lot 9.02

Elana Koplik, a licensed architect in the state of NJ, presented the application. The home was a Hapgood home and is considered a contributing dwelling. Originally, they received approval to use the Historic Preservation Ordinances but that was revoked. They are now seeking a side yard setback of 8.2ft which is existing non-conforming. They need a FAR variance of 18.35% where 17% is allowed and 17.84% currently exists. They also need a variance for ILC. Currently the existing ILC is 27.96% and they are proposing 28.57% where 25% is allowed. Ms. Koplik showed photos of the home from HPC website pointing out the original house and the additions. They are proposing a bedroom addition over the existing garage. This addition is 4.11ft from the front elevation of the house and has no impact on the ILC, front or side setback. The height is below the top line of the existing house. They are adding a mud room behind the existing garage. This addition is 113sqft, meets all the setbacks and is not visible from the street. They are also doing a second-floor addition at the rear of the house. This increases the FAR 261sqft, has no impact on the ILC or setbacks and is not visible from the street. The house has been renovated 3 or 4 times. These additions tie the different parts of the house together. They plan an expansion of an existing deck. It is still a single level. They plan to relocate the A/C units which are 15.6ft from the property line. They are moving them 1ft closer to the house for a setback of 16.6ft. The Chair opened the hearing for Board member questions. Annie Peter confirmed the location of the A/C units. Jake De Nooyer asked why they no longer needed the Front Yard setback variance. The new construction is more than the required 40ft setback. Mr. De Nooyer questioned why the applicant could not use the Historic Preservation Ordinance. Mark Caputo liked the house design. Brett Paddock asked if the existing patio and the new deck were at the same elevation. Elana Koplik said the deck was one step down and the patio was original to the Hapgood home. Ryan Astrup asked why they included the deck on the plans. E. Koplik said to make the application complete. Brett Paddock asked how the sidewalks and patios effected the increase in ILC. Ms. Koplik could not answer James. The mud room was 113sqft. There is a 146sqft difference in ILC on the engineer's calculations. Jim Murphy asked if there was hardscape being removed. They are removing the existing slate stairs. Mr. Murphy asked if they could remove the old stone fireplace over the property line and the patio around the firepit to reduce coverage. The applicant was willing to remove the stone fireplace on the property line. If they remove both is would be 54sqft less in ILC. Kelly McCormick asked if they used the structures. Not the one on the property line. If they removed just the fireplace, they would reduce the ILC 30sqft. The Board agree it should be removed unless it has some historic significance.

No one from the public had any questions or comments.

Michael Sullivan listed the additional conditions as the removal of the fireplace on the property line and they comply with the report from construction department. Megan Leininger questioned the steps to be removed. They are a portion of the existing deck and would no longer be needed. Brett Paddock was looking to reduce the ILC but would not want the fireplace to be removed. He made motion to approve the application without the removal of the fireplace. The motion was seconded by Mark Caputo. The Board voted 7 – 0 to approve the application with members Murphy, De Nooyer, Peters, McCormick, Leininger, Caputo, Astrup, and Paddock voting in favor.

Raymond & Megan Connor
38 Tower Hill Road
Floor Area Ratio

Appl. #23-747
Blk. 39, Lot 12
R-AA zone

Bruce Brattstrom, a licensed architect in the state of NJ, presented the application. The project was currently permitted and underway. They decided mid-project to finish the space above the garage rather than use it for storage. This change increases the FAR to 13.4% where 13% is permitted. They now need a variance. They increased the size of the 3.6ft dormers to 4ft. wide. They have added 328sqft of usable area.

Brett Paddock noted they only increased the garage attic space 40sqft. He asked if they would need the variance if they left the dormers the same. B. Brattstrom said they would. The ceiling height is now at 8ft originally the rafters were installed at 5ft. Michael Sullivan asked if the exterior remained the same. No one walking down the street would see a difference. Mr. Paddock asked if the dormers were wider on the outside. No, they were only made wider on the inside.

No one from the public wished to ask any questions or make comments.

A. Peter and Jake De Nooyer thought they had done a nice job with the renovation. James Murphy noted the FAR was over 140sqft for this project. He thought that was a modest request. Brett Paddock made a motion to approve the project as presented with the Board's standard conditions. Annie Peters provided the second. The Board voted 7 -0 with members Murphy, De Nooyer, Peters, McCormick, Caputo, Astrup, and Paddock voting in favor.

Other Matters / Public Comment:

Public Comment – The Board discussed the Historic Preservation Ordinance, specifically the requirement to set back all alterations 12” from the front façade. Kevin Lewthwaite, the Borough Zoning Officer, felt garages built later, as in both applications, were not part of the original home. He originally determined they could use the Ordinance relief for these projects. Later it was explained that no changes could be made to the front of the home as photographed in 2012. He rescinded his approval. Tom Menard, of 33 Hillcrest, was on the original Ordinance committee. He felt the garage additions should not be considered part of the original home. Ryan Astrup shared that the Historic Preservation Committee, of which he is a member, felt they should.

Economic Development Committee – The committee was looking into the rezone of Route 46 to attract new business to our community.

Annie Peters made a motion to adjourn the meeting and Mark Caputo provided the second. The meeting was adjourned at 9:40PM.

Respectfully submitted,

Cynthia Shaw