

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
February 3, 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: 32PM

ROLL CALL:

Present: Murphy, DeNooyer, Astrup, Peters, McCormick, and Leininger (8PM)

Absent: Caputo, Vecchione and Paddock

Also, Present: Attorney, Michael Sullivan

REVIEW OF MINUTES: Kelly McCormick made a motion to approve the minutes from the January 6th meeting. Jake DeNooyer provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION:

William and Carrie Koy

Appl. #21-729

Jake DeNooyer made a motion to adopt the resolution of approval for William and Carrie Koy and Annie Peters provided the second. The Board voted 4 – 0 with Murphy, Peters, McCormick, and DeNooyer voting in favor.

Andy Thompson

Appl. #21-730

Annie Peters made a motion to adopt the resolution of approval for Andy Thompson and Jake DeNooyer provided the second. The Board voted 3 – 0 with Murphy, Peters and DeNooyer voting in favor.

Alfonso Diazgranados

Appl. #21-731

James Murphy made a motion to adopt the resolution of approval for Alfonso Diazgrandados and Annie Peters provided the second. The Board voted 4 – 0 with Murphy, Peters, McCormick and DeNooyer voting in favor.

PUBLIC HEARINGS:

Carried Application:

Alexander Lu

144 Lookout Road

Side Yard Setback

Appl. #21-727

Blk. 51, Lot 17

R-AA zone

Alex Gotthelf, the architect for the project continued the application. He provided the Board with new floor plans and elevations for the proposed garage. The applicant took the Board's feedback into consideration when altering the original plans. They move the garage back to where it previously was. It now has direct access to the kitchen. The average front setback and improved lot coverage now conform. They are maintaining the current non-conforming side yard setback of 20ft. The two-car garage will be attached. They will enter the house through the existing mud room. The garage will have a pull-down stair for attic access. The attic square footage is less than 40% of the area below. The garage will have a hip roof like the rest of the house and a stucco facade. The 500sqft of garage does not add to the FAR.

Peter Korzen, the engineer for the project, directed the Board to sheet 1 of 3 dated January 5, 2022. The lower portion of the existing driveway will remain. They will add a new asphalt area and retaining wall to the left of the existing driveway. The existing paver walkway is where the new driveway area will be. They plan to remove pavers in the rear of the house to reduce the coverage. This is a nonconforming preexisting side yard setback of 20ft. The new garage will continue that same side setback. They do need a variance for this since a 25ft side setback is required. They are going to capture the garage roof run off with a 4-chamber storm water recharge system. Currently the roof runoff runs down the driveway.

James Murphy confirmed the FAR was not changing. He mentioned the runoff complaints from neighbors at the previous hearing. Mr. Korzen answered, the existing paved area is greater than the area they are adding so they are reducing the coverage. No one from the public wished to make comments or ask questions. Chairmen Murphy closed the public portion of the meeting.

Jake DeNooyer visited the site and thought the neighbor to the right would not see the garage. He made a motion to approve the application with the standard conditions: only the plans submitted were approved, they file a tree management plan and an as-built survey be submitted once the garage was built. A second was provided by Kelly McCormick. The Board voted 5 to 0 to approve the application with members Murphy, DeNooyer, Astrup, Peters, and McCormick voting in favor.

Brandon & Katherine D'Orlando	Appl. #21-733
59 Briarcliff Road	Blk. 78, Lot 36
Improved Lot Coverage, Floor Area Ratio	R-A zone
Side Yard & Combined Side Yard Setback	

Brandon & Katherine D'Orlando, of 59 Briarcliff Road, have a greenhouse that doesn't fit in with the rest of the house. It is not energy efficient and the water from the gutters enters the greenhouse. They would like to remove it and replace it with a room to be use as an office. Doing so increases the FAR to 22.05% so they need a variance. Rick Nelson, a licensed architect in in the state of NJ, stated the property was in the R-A zone and has no previous Board of Adjustment resolutions. They filed the application under the Historic Preservation Ordinance. They have a FAR request of 22.05% where 20% is allowed. They are altering a one-story structure at the rear of the house. The combined side yard setback of 50ft was not met. Currently the combined setback is 40.9ft and remains 40.9ft. The westerly side of the property does not comply either, but they are not making any changes to that side. The side setback of 20.8ft on the greenhouse side

does not comply. The ILC does not changed but it also does not comply. They need a variance for an ILC of 30.44% where 30% is allowed. The greenhouse will be replaced with a one-story office. They are matching the roof overhangs and the historic details. Mr. Nelson review all the exterior elevations with the Board.

James Murphy asked Mr. Nelson to locate the A/C units on the site plan. Meghan Leininger asked if they would use the foundation from the original greenhouse. Mr. Nelson answered the greenhouse currently sits back from the foundation. It looks solid so they plan to use it. They may need to replace the water table. Annie Peters thought the plans were an improvement.

No one from the public wished to make comments or ask questions. Chairmen Murphy closed the public portion of the meeting.

Mr. Sullivan pointed out the Board had only six members present. Did the applicant want to proceed? The applicant did. Annie Peters made a motion to approve the application with the standard conditions. A second was provided by Meghan Leininger. The Board voted 6 to 0 to approve the application with members Murphy, DeNooyer, Astrup, Peters, Leininger, and McCormick voting in favor.

Michael Booth
136 Ball Road
Side Yard Setback (2)
Floor Area Ratio

Appl. #21-732
Blk. 103, Lot 83
R-A zone

Keira Keller and Michael Booth, of 136 Ball Road, wish to expand the current house. The heat does not keep up, it is not insulated, and they have plumbing issues. They have a cape style home surrounded by larger homes. No matter what they do to the home they would need a side yard setback variance. They are removing the screened in porch and pavers to lower the lot coverage. They are adding a second story and they also have a two-story foyer. This caused them to exceed the allowable FAR of 17%.

Ken Mihalik, a licensed architect in the state of NJ, presented the application. The applicant was expanding the 1 ½ story ranch style home to 2 stories. The FAR of the homes in the area are over 30%. They have one of the more modest homes in the neighborhood. They are reducing the ILC from 29.3% to 24.8% which is under the permitted 25%. Mr. Mihalik reviewed the site plan. They are staying within the current side setbacks of 20ft and going up. All the other setbacks comply. There will be a 2-car garage at the 1st floor, a covered porch, and the balance will be family living space. The 2nd floor has 5 bedrooms, a hall bath, laundry, master bedroom and bath.

Mr. Mihalik listed what he thought were the FAR's for the following homes: 110 Ball Road at 27%, 63 Ball Road at 31% and 293 Morris Ave at 27%. He used this information to justify the FAR they were requesting. James Murphy asked the architect to list the variance they are seeking. They were seeking a left and right-side yard setback variance and the FAR variance. A side yard setback of 25ft is required and they are proposing 20ft. in keeping with the existing conditions. The allowable FAR is 17%, they are currently at 16% and are proposing 31%. The foyer is two story, so the cathedral space counts twice.

Mr. Sullivan explained the how FAR worked. Annie Peters questioned if the architect looked at what zone those homes were in and what was permitted? Did he look at the homes within 200ft? Ken Mihalik used information from Zillow to determine the FAR's. James Murphy said he looked at the FAR variances the Board had granted in the past. The bottom

line was they were not of the magnitude the applicant was requesting. They needed to bring their request in line with what is allowed. Their application was quite challenging. There would not be much of the house left, it looks like new construction. J. DeNooyer agreed the ranch home was surrounded by larger homes, so he understood the request, but this was a tough sell. Mr. Sullivan said you can't use Zillow for your FAR comparison. You need to go to the town hall to get the actual information. He continued this is an undersized lot but if the lot was conforming, I don't think you could build this home. Annie Peters said she realized this was a small lot, but the point is not over building on your lot. They should revisit their plans. Kelly McCormick agreed. The homes on the street sit on larger lots. Meghan Leininger suggested they look to the Hapgood homes. Many are large but have only a one car garage. James Murphy added many of the Hapgoods are taller. The house needs to be in proportion to the lot. Annie Peters told the applicant one of the reasons you fell in love with Mountain Lakes was because we have FAR.

No one from the public wished to make comments or ask questions. Chairmen Murphy closed the public portion of the meeting.

Michael Booth wished to carry the application and revisit the proposed plans. James Murphy made a motion to carry the application to the April 7th meeting with no further notice if the variances remained the same. A second was provided by Jake DeNooyer. The Board voted 6 to 0 to approve carrying the application with members Murphy, DeNooyer, Astrup, Peters, Leininger, and McCormick voting in favor.

Other Matters / Public Comment:

2021 Annual Report – The Administrator will try to have this for the Board next month.

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

Annie Peters made a motion to adjourn the meeting and Kelly McCormick provided the second. The meeting was adjourned at 9:12PM.

Respectfully submitted,

Cynthia Shaw