

**MINUTES OF A SPECIAL MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
February 6, 2020**

Chair Chris Richter called the meeting to order and announced: Adequate notice of this special meeting has been provided in accordance with the Open Public Meetings Act by emailing the special meeting notice to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on December 12, 2019 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:31PM

ROLL CALL:

Present: Max, Richter, Murphy, Peters, Vecchione, DeNooyer, Paddock, Caputo and McCormick

Also, Present: Attorney Michael Sullivan

REORGANIZATION:

Election of Chair – Jake DeNooyer made a motion to appoint Chris Richter Chair of the Zoning Board of Adjustment and Stephen Vecchione provided the second. The motion was approved by a voice vote of all members present.

Election of Vice Chair– Chris Richter made a motion to appoint Stephen Vecchione vice Chair of the Zoning Board of Adjustment and Mark Caputo provided the second. The motion was approved by voice vote of all members present.

Appointment of the Board Attorney, Michael Sullivan,

Appointment of Administrator/Secretary, Cynthia Shaw,

Appointment of Board Engineer, Bill Ryden,

Appointment of Board Planner, Paul Phillips,

Designation of Official Newspapers, The Citizen and The Daily Record, and

Determination of the regular Meeting Dates as follows:

	August 6, 2020
March 5, 2020	September 10, 2020
April 2, 2020	October 1, 2020
May 7, 2020	November 5, 2020
June 4, 2020	December 3, 2020
July 9, 2020	January 7, 2021

Mark Caputo made a motion to adopt the resolutions determining the Attorney, Board Administrator/Secretary, Engineer, Planner, newspaper designations and meeting dates for the Zoning Board of Adjustment for the 2020 calendar year. A second was provided by Arthur Max. The resolutions were approved by a voice vote of all members present.

Re-adoption of the By-Law

James Murphy made the motion to adopt the by-laws and a second was provided by Arthur Max. The resolution was approved by a voice vote of all members present.

REVIEW OF MINUTES: Jake DeNooyer made a motion to approve the minutes from the December 5, 2019 meeting. Mark Caputo provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION: none

PUBLIC HEARINGS:

New Application:

John Maione	Appl. #20-705
80 Boulevard	Blk. 73, Lot 26
Improved Lot Coverage,	R-A Zone
Driveway Pillar; size and material	

James Murphy recused himself from hearing the application since he lives within 200ft of the applicant. John Maione, of 80 Boulevard, would be presenting his own application. Mr. Maione presented exhibit A-1 consisting of 4 photos of the house, pillars and patio. Mr. Maione said the Zoning Officer told him the pillars he built at the end of his driveway were too large and needed to be made smaller or he had to get a variance. He was unfamiliar with the Borough Ordinance restricting the size of the pillars. Since finding this out he asked three contractors about making them smaller and they all said they could not do it. He thought them appropriate size for the one-acre lot. As for the coverage he originally planned to install a deck but changed his mind and decided to build a patio. He used permeable pavers but did not realize they were not allowed in Mountain Lakes. Chris Richter confirmed he was about 560sqft over on the lot coverage. No one from the public nor the Board had any questions for Mr. Maione. Chairman Richter noted the Zoning Officer's memo stating he told the applicant the pillars were too large. Mr. Maione said he did not hear from the Zoning Officer until after he built the pillars. Mr. Richter thought the pillars would be safer with the circular driveway. However, if Mr. Maione had come for a variance application before they were built, they would not have granted a coverage variance over the allowed 25%. Mr. Richter asked the Board for their comments. Jake DeNooyer asked Mr. Maione if he was the contractor. Yes, he was and has been one for over 40 years. J. DeNooyer asked why he didn't call another builder or architect for guidance. Kelly McCormick asked if he had built in town before? No, he had not. Mr. Richter questioned the ILC calculation sheet. Michael Sullivan explained all the numbers were included on the form just not counted in the total ILC calculation. When it was redone the numbers were added properly. Arthur Max said the applicant built a nice house. He was less concerned about the patio and more concerned about the pillars since they were visible. Kelly McCormick asked if the area from the property line to the pavement edge was included in his ILC calculation. Mr. Maione did not think so. Chris Richter thought the piers too large; the Ordinance was designed to keep them small. He could support the patio but not the piers. Stephen Vecchione said he liked the pillars and had no issues with the stone, but he had a problem with giving someone approval after the fact. Anne Peters said he had a beautiful house. She was concerned approving this application could become a slippery slope. She was less concerned with the coverage but had issues with the pillars. She could grant the use of stone to match the house. Brett Paddock commented we usually don't have a person making an application who has more experience than the Board combined. Is

there something else you would give up in order to keep the patio and piers as constructed? Mr. Maione said he would remove the patio or he was willing to keep the patio and take down two pillars. Arthur Max said he could live with taking down two pillars and keeping the patio. Jake DeNooyer said he had trouble with granting the variance just because someone made a mistake.

Michael Sullivan told the Board if they were going to approve this, they had to look at it in the context of the MLUL. Mr. DeNooyer commented the patio was huge and would never have been approved if it came in as a variance application. Kelly McCormick asked if the pervious pavers were approved by the NJDEP for stormwater management. Chris Richter answered they were not that type of pavers. Mark Caputo agree with Mr. Max and Mr. Richter, but he would like to see a new site plan reducing the pillars and patio area.

Mr. Richter asked if there were comments from the public. Janet Horst, of 82 Pocono Road, asked if there was a limit on the number pillars allowed. There was no limit in our Ordinances.

Chris Richter made a motion to deny the application for the pillar size, to approve the use of the alternate stone for the pillars and an ILC of approximately 26.4%. The new ILC will be a little less than the 26.4% requested. Ann Peters provided the second. The Board voted 5 to 2 to approve the application with members Max, Richter, Peters, Caputo and McCormick voting in favor and Vecchione and DeNooyer voting against.

Chris Richter asked Mr. Maione to lower the wattage on the bulbs in the light fixtures on the pillars since they were blinding drivers on the Boulevard.

Lina Shihabuddin
34 West Shore Road
Far, Lake front Exception, Side

Appl. #20-706
Blk 31, Lot 80.02
R-AA Zone

Lina Shihabuddin, of 34 West Shore Rd, would be presenting her application along with Nick Salerno, a licensed architect in the state of NJ. Mr. Salerno said they planned to add on to an existing split-level house which currently has two stories on the left side and one story on the right. At present the lower level of the house is the basement. They wanted to move the main level of the house out of the basement on to the 1st floor and build over the three-car garage making the house a more traditional two-story home. They exceed the FAR allowed by zoning. Exhibit A-1 was a survey of the property done by Control Layouts Inc., dated 7/16/19, of the existing site plan. They need a 24ft side setback variance for the existing garage which they plan to make a two-story pool house. Exhibit A-2 was the previously submitted page 1 of the Soil Movement plan colorized to show the lake front exception line. Exhibit A-3 was page 2 of the Soil Movement Plan with the lake front exception line in pink and a blue line outlining the area of disturbance. Exhibit A-4, dated 6/4/19, showed the existing house footprint, the areas to be removed and the footprint of the areas to be added. Mr. Salerno summarized the variances need; FAR, Lake Front Exception and Side Yard setback for the detached garage. Chris Richter questioned the swimming pool fence. Mr. Salerno explained the area depicted on the plan represents the entire area of the pool including the patio.

Mr. Richter asked if anyone consult with the DEP and the potential for wetlands on the property. The applicant would investigate getting a letter of interpretation. Chris Richter asked what their justifications were for the FAR they were proposing. Mr. Salerno explained

the needs of the family using the house. Mr. Richter said those reasons were not reasons for granting them the variances requested. He asked if they were taking the house down to the slab. Larry Salerno responded the whole house was coming down except for the center stone wall that contained the fireplace. Chris Richter said you are asking for so much, they needed to give the Board a reason why they should grant the variances. Arthur Max was concerned with the view of the house from the houses across the lake. What impact will the house have on the neighborhood? Lina Shihabuddin answered they are trying to use the footprint of the original house and make the space more livable.

Arthur Max pointed out they didn't have to build on the existing foundation. Ron Zemel, a licensed builder in state NJ, responded if they pushed the house forward to meet the lakefront exception, they would not meet the average front setback. The property slopes down from the road in the front. Lina Shihabuddin said they have reduced the coverage on the property. Chris Richter said he was all for rebuilding the house but the FAR was too much. They had not provided enough testimony on the FAR.

Mr. Richter asked if the Board had any questions. James Murphy asked how many structures one can have on a property. You can have one dwelling and there was no limit on the number of accessory structures. Michael Sullivan pointed out this house and garage are more than 50% larger than our Ordinances allow. Stephen Vecchione confirmed the garage had a second floor, yet they were calling it a pool house. Nick Salerno said the second floor would be for small boat storage. The bathroom was on the second floor because it didn't fit on the first floor.

Mr. Richter asked if the public had any questions for the applicant. Jane Cook, of 40 West Shore Road, asked if they were going to connect the different areas by pathways? Mr. Salerno said the areas will be connected by pathways, but they would not exceed the ILC. She asked if there were four kitchens? Mr. Salerno said there were three kitchens; one by the outdoor kitchen, the kitchen in the house and one in the pool house. Ms. Cook thought the second story of the pool house would impede her view of the lake. Ms. Cook asked about the landscaping and fencing around the pool. She asked about the location of the equipment and how noisy it would be. Lina Shihabuddin responded we also don't want to hear the pool pump so it will be insulated. Suzanne Morgis, of 48 West Shore Road, had questions about outdoor kitchen. Was this a structure? Yes, the outdoor kitchen will have a roof, a bathroom and a kitchen. S. Vecchione asked the height of the outdoor kitchen. It will be 15ft high.

Mr. Richter again asked the Board for their questions. Jake DeNooyer had an issue with the number of kitchens. James Murphy asked about the construction materials. The home will have a Mediterranean look using stucco, cultured stone and a red tile roof. Chris Richter told the applicant her application was way too aggressive. Their 11,000sqft home was excessive for Mountain Lakes and they had too many accessory structures. They needed to do a better job respecting our Ordinances. Kelly McCormick agreed. Ann Peters said they should comeback with a different plan and be mindful of all their neighbors on the lake. Jake DeNooyer was concerned with all the new structures beyond the lake front exception line. They were blocking other people's views of the lake with those structures. Stephen Vecchione told them to look at an aerial google map. If they did, they would see very few people in town have pools. They were asking for too much.

The applicant wished to work on their proposed plans and bring something new back to the Board next month. Jake DeNooyer made a motion to carry the application to the March 5th

meeting and Chris Richter provided the second. The Board approved the carry by voice vote of all members eligible to vote.

Other Matters / Public Comment:

2019 Annual Report – A motion was made by James Murphy and a second was provided by Stephen Vecchione to approve the report. The motion was carried by a voice vote of all members present.

No one from the public wished to speak.

Chris Richter made a motion to adjourn the meeting and Arthur Max provided the second. The meeting was adjourned at 9:31PM.

Respectfully submitted,

Cynthia Shaw