

**MINUTES OF A SPECIAL MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
July 9, 2020**

Chair Chris Richter 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 on June 24, 2020 and The Morris County Daily Record on July 1, 2020 and by filing the same with the Borough Clerk and posting it on the Front Door on June 29, 2020 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30PM

ROLL CALL:

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

Absent: McCormick and Caputo

Also, Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Jake DeNooyer made a motion to approve the minutes from the June 4th meeting. Ann Peters provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION:

Richard and Christina Bariletto

Appl. #20-711

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

RESOLUTION EXTENSION:

Stephen Vecchione

Appl. # -18-692

Mr. Vecchione requested the Board grant him an 18-month extension on his previously approved resolution allowing him to install a generator. A motion was made by James Murphy to grant the 18-month extension and a second was provided by Ann Peters. The motion was approved by voice vote of all members present.

PUBLIC HEARINGS:

New Applications:

Victor Garofalo

Appl. #20-712

7 Powerville Road

Blk 63, Lot 1

Front Yard Setback

R-A Zone

Victor Garofalo, of 7 Powerville Road, and Christine Miseo, a licensed architect in the state of NJ would present the application. Ms. Miseo stated this was a simple application. Mr. Garofalo was looking for a front yard setback variance. At the narrowest point, the

house was 30.8ft to the front property line. They need a front yard setback of 37.2ft to the proposed front porch. Michael Sullivan confirmed the front setback of 30.8ft was a pre-existing non-conforming condition. Ms. Miseo continued all the other planned renovations were within the zoning regulations. The hardship was that the lot was irregular in shape; it was somewhat trapezoidal. They are requesting a variance for 2' 10" to the new porch. The new porch is 6' 10" x 13' 4" and covered. The existing porch is smaller in size but has no covering. The porch addition will better identify the front door and the proposed addition is behind the pre-existing front yard setback. Christine Miseo did not think this proposal was in any way detrimental to the town's zoning or Master Plan.

Chairman Richter asked the Board if they had any questions seeing none, he opened the meeting to the public. Bill Bendar, of 3 Powerville Road, stated he supported the application.

Stephen Vecchione made a motion to approve the application as submitted and Ann Peters supplied the second. The Board voted 7 – 0 to approve the application with members Max, Richter, Murphy, Peters, DeNooyer, Paddock and Vecchione voting in favor.

Thomas & Karen Hunt	Appl. #20-713
37 Laurelwood Dr.	Blk 17, Lot 22
Side Yard Setback, Pervious Buffer	R-1 Zone
Improved Lot Coverage, Floor Area Ratio	

Thomas & Karin Hunt, of 37 Laurelwood Drive, would present their application along with Jeff Egarian, a licensed engineer in the state of NJ and Jeff McEntee, a licensed architect in the state of NJ. Mr. Hunt explained the house was small. The children occupy the 2 upstairs bedrooms and they are using a section of the basement as their bedroom. They wish to add a master bedroom and bath on the 1st floor. The lot is steep in the back and slopes down toward the Bay of Deep Waters. They do not have a lot of options to add on to the rear of the house due to that sloping so they are building out the side of the house.

Mr. McEntee, their architect explained sheets A-1 and A-2 of the house plans. The boundary line of Mt Lakes and Denville go down the middle of their property creates a hardship. The area of the property for both towns is 9,740sq ft. The house is currently 1300sq ft and the propose addition would make the home 1700sq ft but only 99sq ft of the addition will be built in Mt. Lakes. If they used the entire property not just the land in Mt. Lakes the FAR would be 17.8%. They are also requesting a side yard setback variance and 2.5ft pervious buffer variance. The existing house is on the boundary line so there is nothing they can do to remove those two variance requests. The requests sound harsh on paper but are actual modest. As stated, previously a rear yard expansion was impractical.

Michael Sullivan pointed out the calculation of the property area was different on the Architect and the Engineer worksheets by 25sq ft. He asked what lot area square footage they were planning on using. The applicant would be using the engineer's lot area. He asked the architect to recalculate the FAR based on the engineer's lot area. Mr. Sullivan continued the side setback should be 0ft because they are using the municipal boundary

line as the property line. Mr. McEntee said if they use only the Mountain Lakes lot area of 5774sq ft the correct FAR request becomes 24.29%. Arthur Max asked if the applicant was coordinating with Denville on this project. Mr. Hunt explained once they completed this application, they would be making an application to Denville's Zoning Board.

Mr. Sullivan referenced the memo from the construction department. The Architect responded he would make the plan changes requested by the construction department. Jake DeNooyer asked if the boundary line were not there what variances would the applicant still be requesting. Jeff McEntree answered they would only need a coverage variance; the three other variances would disappear. They are requesting an Improved Lot Coverage of 36.4% but if the whole area was used, they would only be 2.28% over what was allowed. Mr. DeNooyer asked if they could reduce the coverage by 2.28% and lower the variance request.

Mr. Richter asked if anyone from the public had any questions to ask of the architect. Seeing no hands raised he moved on with the application.

Jeff Egarian, the applicant's engineer, stated the conditions on the property were difficult. They are placing the new building where the deck originally was. They are extremely limited as to where the addition could go due to the lot topography. They were replacing existing pervious coverage with building coverage. There would be no additional run off from the addition. Michael Sullivan asked what the coverage would be if all the property was in Mountain Lakes. J. Egarian said they would have an ILC of 36.4%. C. Richter asked what the square area located on the Denville side of the plans was. It was a play area.

Mr. Richter asked if the Board had any questions of the applicant. Stephen Vecchione asked them to explain the proposed walkway and drive driveway. Mr. Egarian answered the walkway went to the crawl space. C. Richter asked why they could not remove 2.28% on the coverage and did the walkway exist when they bought the house. Karen Hunt answered all the walkways existed when they bought the house. Thomas Hunt added the gravel driveway was at street level and the walkways give them access to the back of the house. James Murphy asked what the area along the water was. It was an existing patio. Mr. Richter asked if any of the coverage was installed by the Hunts. The only area they added was the gravel play area to give their children a level place to play.

The Chair asked if anyone from the public had any questions or comments. Seeing none he closed the public portion of the hearing.

A motion was made by Jake DeNooyer to approve the application as presented and James Murphy provided the second. The Board request new FAR calculations be prepared. The Board voted 7 – 0 to approve the application with members Max, Richter, Murphy, Peters, DeNooyer, Paddock and Vecchione voting in favor.

Ted Pierson
324 Boulevard
Lake Front Setback

Appl. #20-714
Blk 100, Lot 53.02
R-A Zone

Ted Pierson, of 324 Boulevard and Marc Walker, a licensed engineer in the state of NJ presented the application. Mr. Vecchione recused himself from hearing the application since he lived within 200ft of the applicant.

The applicant has constructed a patio closer than 25ft to the edge of the lake and installed a pergola within the lakefront setback. Michael Sullivan verified the pergola was 9ft tall and the patio closest to the water was 0ft from the water's edge. Marc Walker stated photo #1, already provided was the pergola and photo #2 was the patio by the lake. Mr. Pierson purchased the house and hired a landscaper to do his backyard. The landscaper did not obtain a zoning permit for the work. Photo #4 was the original patio along the lake before the backyard renovation.

Chris Richter asked why the pergola couldn't be shifted to meet the lake front exception requirement. Ted Pierson responded the pergola had cement footings. It would be closer to the driveway and interfere with the seepage pit. Due to the slope of the property the home next door could look over the pergola, so it does not block their view of the lake. M. Sullivan asked what the average lake front exception line was. Marc Walker responded, lot 50 was 80ft and lot 56.02 was 90ft so the average was 85ft from the lake. The deck was 60ft from the lake. The westerly lakefront exception limit was 65ft and easterly was 60ft from the lake. The lake does curve into the property. At the midpoint of the property the line is 35ft from the water's edge and the pergola is 41ft from the lake edge. Mr. Walker concluded you would have to go out of your way to see the pergola from either neighbor's property. J. DeNooyer asked about the view of the house on lot 50. Ted Pierson said he planted trees that would grow to 30ft tall along the property line to create a screening. James Murphy asked about the lower patio. He confirmed if it was just a walkway there would be no issues with it but because the walkway bows out it becomes a patio.

Mr. Richter opened the hearing to the public. Stephen Vecchione, of 336 Boulevard, said the pergola did not present a problem for him. The ordinance was written to prevent people from building 20ft high outdoor fireplaces. Ann Peter verified the ivy planted hid the pergola. C. Richter added the new patio was only 20sqft more than the old one and he felt the pergola did not block the view of the lake. A tree could block the view more. He said the Board doesn't like applications that come in after everything is built. Jake DeNooyer was concerned with setting a precedent by approving this application. James Murphy understood his concerns but thought the pergola would not present a problem. James Murphy made a motion to approve the application as presented and Chris Richter provided the second. The Board voted 6 – 0 to approve the application with members Max, Richter, Murphy, Peters, DeNooyer and Paddock voting in favor.

Other Matters / Public Comment:

During the public portion of the meeting, liaison Janet Horst thanked the Board for their work.

The Board discussed when they could potentially go back to in person meetings.

Chris Richter made a motion to adjourn the meeting and Stephen Vecchione provided the second. The meeting was adjourned at 9:23PM.

Respectfully submitted,

Cynthia Shaw