

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
June 2, 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: 31PM

ROLL CALL:

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

Absent: Caputo

Also, Present: Attorney, Michael Sullivan,

REVIEW OF MINUTES: Brett Paddock made a motion to approve the minutes from the May 12th meeting. Stephen Vecchione provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION: none

PUBLIC HEARINGS:

Application:

Richard & Ingrid Shoenfeld
27 Briarcliff Road
Side Yard Setback

Appl.#21-738
Blk. 78, Lot 19
R-A zone

Richard Shoenfeld, of 27 Briarcliff Road, presented his application. Mr. Schoenfeld submitted two shed designs the “Garden Shed Garage” became exhibit A-1, and the “New England Barn” became exhibit A-2. His 12-page power point presentation became exhibit A-3.

They have rainwater coming off the road, driveway, and roof of their home. They are trying to improve the drainage by installing a cistern to capture the rainwater and use it for irrigation. The system has filters that need to be maintained. Once installed they will need a shed to hold the electronics for the cistern and to store their lawn furniture, boats, tools, and trash. They have a large piece of land with a small building envelope due to the lake front exception line. Any place they locate the shed requires a variance. We can't place the shed over the cistern so they would like to place it at the end of the existing driveway 5 to 7 ft off the property line. The neighbor's house, on the driveway side, sits higher than theirs and has a landscape buffer. The shed would be on the south side of the property so they can place solar panels on the roof. The balance of the property is too shaded for the panels. There are two prefabricated shed options with different roof pitches.

James Murphy asked why the shed couldn't be placed on the south corner of the property within the building box. Mr. Shoenfeld answered if the mechanicals needed to be serviced you couldn't drive over the cistern to access the shed. Stephen Vecchione questioned why the cistern had to be on the south side. Michael Sullivan told the Board the shed's setback variance was separate from the drainage plans. He noted the existing garage was at the northerly end of the house. How were they picking up water from the north side of the property and bringing it to the south side of the property? Mr. Shoenfeld said there was a proposed inlet that will collect the water at the bottom of the northside of the driveway. J. Murphy noted per the plans the cistern was only collecting the water from the front of the house not the driveway. S. Vecchione asked how close they were to the neighbors. The neighbor was 25ft from the property line. J. Murphy noted a soil moving permit was required. The Administrator said this should be a condition of approval. Kelly McCormick asked why they couldn't switch the two structures, put the cistern by the driveway to capture the runoff and place the shed on the south side. Mr. Shoenfeld said the proposed location was more convenient, the unit was more hidden, and it doesn't block the view of the lake. S. Vecchione asked if they would park a car in this garage. R. Shoenfeld said they would not. Mr. Murphy felt the shed should be moved further south at least 7.5ft from the house.

M. Sullivan said a lot of improvements are proposed on the property, but the purpose of the application was to get a C-2 variance for the shed. They are requesting a side yard setback of 5 to 7ft where 25ft is required. They need to show the purposes of the MLUL are being advanced by granting the variance and the improvements would not be a substantial detriment to the public good.

Jake DeNooyer did not understand why the south side would not work for the shed and the cistern. Annie Peter confirmed the shed site was selected for the solar panels. J. Murphy asked are the drainage, solar panels, and the cistern items the Board should address or just the shed. Mr. Sullivan said the Board was only concerned with the shed and the side yard setback. All the other things could be done without coming to this Board. Does the benefit of granting this variance substantially outweigh the detriments? S. Vecchione asked why the panels couldn't go on the roof of the house. They couldn't because of the trees and the house dormers. Meghan Leininger thought there were other options the homeowner could have used to achieve their goal. Mr. Murphy visited the site and thought more could be done to comply with the setbacks. S. Vecchione was not convinced the negatives outweighed the benefits. Brett Paddock said he saw a lot of options that were not being explored. Ryan Astrup felt there were no positives outweighing the detriments. M. Leininger added the panels and shed should be looked at separately. Kelly McCormick thought the two structures should be flipped. This application has nothing to do with solar panels it's just about the shed. A. Peters said there was enough property to find another location.

Mr. Murphy opened the hearing to the public. No one wished to comment on the application, so he closed the public comment portion of the hearing.

Mr. Sullivan said most of the Board seems to be no votes. He explained to Mr. Shoenfeld his option to carry the application and reevaluate their proposal. J. Murphy asked if he would consider moving the structure to the south an additional 5ft for a 10ft setback. Mr. Shoenfeld was not interested and there was no Board support for that. James Murphy made a motion to deny the application as presented. A second was provided by Ryan

Astrup. The application was denied by a vote of 5 to 1 with 1 abstention. Board members Murphy, McCormick, Paddock, Peters and Astrup voted in favor and Vecchione voted against. DeNooyer abstained.

Other Matters / Public Comment:

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

Stephen Vecchione made a motion to adjourn the meeting and Anne Peters provided the second. The meeting was adjourned at 9:10 PM.

Respectfully submitted,

Cynthia Shaw