

**MINUTES OF A REGULAR MEETING  
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN  
LAKES**

**March 7, 2019**

Vice Chair Stephen Vecchione called the meeting to order and announced: Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by adoption of the annual notice on January 3, 2019. Said resolution was mailed to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on January 7, 2019 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:34PM

**ROLL CALL:**

Present: Vecchione, Murphy (7:36PM), McCormick, DeNooyer, Max, Peters and Paddock

Absent: Richter and Caputo

Also Present: Attorney Michael Sullivan

**REVIEW OF MINUTES:** Ann Peters made a motion to approve the minutes from the January 3, 2019 meeting. Kelly McCormick provided the second; the minutes were approved by voice vote by all eligible members present.

**RESOLUTION:**

Stephen Vecchione

Appl. #18-693

A motion was made by Kelly McCormick to adopt the resolution of approval and a second was provided by Ann Peters. The resolution was passed by a vote of 3 – 0 with members Max, Peters and McCormick voting in favor.

**PUBLIC HEARINGS:**

New Applications:

Jan DeBenedetto & Collette Liantonio

6 Cove Place

Average Front Yard Setback, Building Envelope

Appl. #18-693

Blk. 100.02, Lot 84

R-A zone

Mark Brancato, the attorney for the owners of 6 Cove Place presented the application. The variances previously approved for the property had expired. This application was a duplicate of the one presented in 2016. At that time the owner received approval for two variances; one for the front yard setback and one for the building envelope. This submission included a copy of the resolution dated 2/4/2016. The DeBenedetto/Liantonio's resubmitted the same house plans originally dated 11/10/15 now dated 1/15/19. The site plans are the original ones dated 7/8/15. Michael Sullivan found the architectural plans to be identical even though they had a different date and the engineering plans were exactly the same with the same date. M. Brancato requested the Board reapprove the variances.

The applicant was not available for tonight's hearing. M. Sullivan explained the issues with moving forward without the actual applicant present. The Board decided to proceed. If any questions arose during the hearing the application would need to be carried.

Vice Chair Stephen Vecchione asked if the Board had any questions. Jim Murphy asked why there were two FAR calculations; which one was correct. The calculations were not correct during the 1<sup>st</sup> application and needed to be redone. The one dated 1/15/19 was the one for tonight's application and they were not seeking a FAR variance. The Board decided to make it a condition of the resolution that the new calculations be reviewed by the Borough Engineer. Our engineer, Bill Ryden's letter dated 10/15/2016 also had several open items. Michael Sullivan suggested they be added to the new resolution as conditions. Items #4 (FAR), 6, 8, 9 and 10 of the letter would need to be satisfied before issuing a permit. Arthur Max asked how much the Board could rely on the previous testimony. Mr. Sullivan said if the Board was not comfortable they could carry the application to next month. He reminded them the property had been sold. Boardwalk Builders was the previous applicant. Kelly McCormick was comfortable continuing since nothing has changed. The Board questioned the DEP approvals. Mark Brancato answered the DEP approvals were in effect until 2021.

No one from the public had any questions or comments for the applicant's attorney. James Murphy made a motion to approve the new application as presented with all the conditions of the last resolution and the conditions in Bill Ryden's letter, dated 10/15/2016, including condition #4 pertaining to the FAR calculations. Jake DeNooyer provided the second. The Board voted 6 to 1 to approve the application with members Vecchione, Murphy, McCormick, DeNooyer, Peters and Paddock voting in favor. Max voted against.

Samuel Horowitz & Kelly McCormick  
74 Kenilworth Road  
Side Yard Setback

Appl. #18-694  
Blk. 69, Lot 6  
R-A zone

Samuel Horowitz, of 74 Kenilworth, and Elana Koplik, of 63 Briarcliff Rd and a licensed architect in the state of NJ, would be presenting the application. E. Koplik explained the existing conditions of the site. The existing garage is in the side yard setback. Since they are proposing adding a master suite above the garage it creates a need for a side setback variance. They are also adding a covered porch to the side door entrance. That door will lead to a mud room addition. It will have a minimal impact since it is over the existing stone entrance. The proposed additions do not create issues with ILC or FAR.

The entire family shares one hall bath that is only large enough for 1 person at a time. They have created a master suite over the foot print of the existing garage. The proposed FAR is 14.9% where 17% is allowed. The new side yard setback maintains the existing side yard setback. They are replacing the old deck with a larger composite deck. The deck is anchored by the exterior walls of the house.

Michael Sullivan asked the architect to clarify the directional arrows on the plot plan. S. Vecchione asked if you could put a deck in the side yard setback. A variance would be needed. Arthur Max asked about the proposed elevations which side would face the neighbor. Elana Koplik pointed out the garage side elevation. S. Vecchione said in the future it would help to have photos of the existing elevations.

No one from the public wished to ask questions or comment on the application.

Vice Chair Vecchione felt the variance request was reasonable. Jake DeNooyer thought the alterations made the house more functional. Brett Paddock questioned the second entrance. The fireplace and entrance stairs will be removed. The entrance to the mudroom will be on

the side. The mudroom will lead to the dining room. Stephen Vecchione asked if the property line on the garage side was landscaped. Sam Horowitz answered there are some mountain laurel and other bushes on that side. The neighbor's detached garage is along that side of their property.

Jake DeNooyer made a motion to approve the application as presented and Ann Peters provided the second. The Board voted 6 to 0 to approve the application with members Vecchione, Murphy, DeNooyer, Peters, Max and Paddock voting in favor.

Ramez Samuel  
25 Lookout Road  
Number of Stories

Appl. #19-695  
Blk. 46, Lot 4  
R-A zone

Roy Kurnos, was the attorney presenting the Samuel application. He said this request was really a technical variance. The house has three stories in the front and 2 stories in the rear. The Borough Ordinances only allow 2 ½ stories in the front. The project conforms to the bulk requirements in every other respect. The applicant would like to add a front porch. Plans drawn by licensed architect Jose Carballo, dated 2/9/19, were presented. The current house entrance is from the side. The Samuel family would like to create a true front entrance. The stories exceed the allowed 2 ½ stories but they meet the required height limits.

James Murphy confirmed the variance was for the number of stories on the street fronting side to create. Kelly McCormick established the existing front door entered into the basement. James Murphy asked the applicant to confirm they were adding stairs to enter the 1<sup>st</sup> floor rather than the basement. The basement door will stay. The architect Jose Carballo said the existing house façade is flat with a roof overhang. Stephen Vecchione clarified the front was a flat wall with a door. J. Murphy asked what materials they would be using. They will be using treated wood on concrete piers. The architect said the new porch will add character to the home. S. Vecchione asked about the existing paver walkway. They will leave the existing walkway and add a new walkway connecting the front porch to the driveway. J. DeNooyer thought the house would look better from the road.

No one from the public wished to ask questions of comment about the application.

Ann Peters made a motion to approve the application as presented and Kelly McCormick provided the second. The Board voted 7 to 0 to approve the application with members Vecchione, Murphy, McCormick, DeNooyer, Max, Peters and Paddock voting in favor.

### **Other Matters / Public Comment:**

The Board Administrator introduced the Board's Council liaison Audrey Lane. No one from the public was present to speak during the public portion of the hearing.

James Murphy made a motion to adjourn the meeting and Jake DeNooyer provided the second. The meeting was adjourned at 8:27PM .

Respectfully submitted,

Cynthia Shaw