

**MINUTES OF A MEETING  
ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MOUNTAIN LAKES  
March 7, 2024**

James Murphy called the meeting to order and announced: Adequate notice of this regular meeting has been provided in accordance with the Open Public Meetings Act by publishing the meeting notice in The Citizen and The Morris County Daily Record on January 11, 2024 and by filing the same with the Borough Clerk and posting it on the Bulletin Board on January 8, 2024 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:31pm

**ROLL CALL:**

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

Absent: Vecchione

Also, Present: Attorney, Michael Sullivan

**REVIEW OF MINUTES:** Kelly McCormick made a motion to approve the minutes from the February 1<sup>st</sup> meeting. Brett Paddock provided the second; the minutes were approved by voice vote by all eligible members present.

**RESOLUTION:** none

**EXTENSION OF TIME:**

Mountain Lakes Storage (Highview Commercial)

App. #22-743

Lisa Lomelo was the attorney for the contract purchaser of 372 Route 46E. Her client was seeking an extension of time to obtain the necessary agency approvals to build the storage facility approved by the Zoning Board. James Murphy made a motion to grant the 18-month extension and a second was provided by Brett Paddock. The extension was granted by voice vote of all eligible members present.

**PUBLIC HEARINGS:**

New Application:

Dusko & Jana Joldzic

Appl. #24-756

26 Lake Drive

Blk. 101, Lot 105

Average Front Yard Setback

R-A zone

Steven Schepis was the attorney for the applicant. Dusko and Jana Joldzic were seeking an average front yard setback of 100.4ft where 150ft is required. The Board previously approve a front setback of 98ft in 2003.

Marc Walker, a licensed engineer in the state of NJ, presented exhibit A-1, an aerial view of the property. The original home was removed 10 years ago. A canal runs along the north side of the lot. The Mt. Lakes Club is located on the other side of the canal. The home to the east has a setback of 131ft. There is a sanitary sewer easement on the lot. The

Club has a front setback of 181.2ft to the building. This creates an average front setback of 156.1ft. The lake front exception does not come into play because the lots to the right and left are closer to the lake. A 50ft riparian buffer is required for the canal. The pool will be situated about 50ft from the lake. They set the location of the pool and worked the home forward. The house is a one- and two-story dwelling. They are using the garage as a retaining wall grading the slopes up to the structure. Mr. Walker described the home elevations and explained how the home would fit into the lot. The building has a flat roof area with a height of 28.89ft in the front where 35ft is permitted. The non-fronting sides of the home are 28.89ft where 38ft is allowed. The zone permits an ILC of 25% and they are at 23%. They are allowed a FAR of 17% and they are at 16.9%.

They plan to install 6 dry wells. The wells will handle the pond created when it rains on the side closest to lot 104. They will not disturb the 50ft buffer along the canal during construction. They will not take down the trees on the westerly sideline. The building at 26 Lake Drive is permitted by DEP rule #10. They will comply with items 3, 5 and 6 of Mr. Ryden's report dated 1/24. In comment #4 Mr. Ryden asked for testimony about the geothermal system for heating and cooling. M. Walker said it will be installed underground in the front yard. Jim Murphy asked which engineer determined the use of "permit by rule". M. Walker said he does but it would be reviewed by B. Ryden.

Anne Peters asked about the limited pool fencing. M. Walker answered, only the front of the pool will require a fence. The back does not require one because of the retaining wall height. Kelly McCormick thought a riparian buffer would be needed on the lake side. She asked Mr. Walker to please check that and reflect it correctly on the plans. Mark Caputo asked the location of pool equipment. It will be on the easterly side of the pool cabana. M. Walker represented the previous owner in 2003. Mr. Schepis asked if the configuration of the property had changed since then. Nothing has changed on the lot. The average front setback did change because the neighbor added a garage.

There were no public comments or questions.

Mr. Schepis felt the property could be granted a C-1 hardship variance, due to the shape of the property. They could file under a C-2 variance because of the way the house has been designed into the terrain of the lot. One could site purpose "i – to promote good civic design". They could have located the home 25ft closer to the lake but did not.

Michael Sullivan sited the conditions of the resolution. The applicant must submit a tree management plan, an as-built survey, comply with items 3, 5 &6 of the Ryden report, confirm the riparian zone on the lake and adjust the plan as required.

Brett Paddock made a motion to approve the application as submitted. A second was provided by Annie Peters. The Board voted 7 to 0 to approve the application with members Murphy, DeNooyer, Peters, Astrup, McCormick, Caputo, and Paddock voting in favor.

Daniel & Casey Gocel  
55 Condit Road  
Improved Lot Coverage

Appl.#24-757  
Blk. 51, Lot 1  
R-AA zone

Annie Peter recused herself from hearing the application because she lives within 200ft of the property.

Michael Lipari was the attorney for the applicant. Daniel Gocel, of 55 Condit Rd, was seeking an ILC variance of 22.2% where 20% is allowed. Their driveway does not

function properly, so they want to create a larger parking area and circular drive. They wish to add a roof over an existing entrance and part of the back deck. Meghan Leininger questioned what made the driveway so difficult now. It is hard to back out of the garage if there are other cars in the driveway. They always back out of the driveway into the street. They wish to have three functional garage bays. They have made no changes to the home since they purchased it in June. M. Sullivan asked who prepared the elevations of the home. The homeowner did them.

There were no questions or comments from the public.

Tom Graham was the engineer for the project. The house is on the corner of Condit and Towerhill Roads in the R-AA zone. The property drains toward Condit Road. The home is located on the flat part of the lot. They wish to add a structure over the deck and an access door. Currently their home has a FAR of 19.1% but only 13% is allowed. The new roof areas are less than the 500sqft allowed for free so the FAR does not change. They propose a 623sqft increase in ILC, going from 20.1% to 22.2%. Currently the backup area is not deep enough to use without making a series of turns. The site distance out of the driveway is extremely limited. They created a circular drive so you can safely pull forward out of the driveway. It will be safer for the homeowner and the public.

B. Paddock noted they did their calculations using a sprinter van. T. Graham said they wanted to make sure an Amazon truck could pull in. J. Murphy asked what the existing and proposed width of the driveway was. Currently it is 22ft wide and it will become 18ft wide. The extra area is 10ft wide. Ryan Astrup asked for the dimensions of the light piers at the end of the driveway. They will not exceed the allowed 2ft x 2ft x 4ft. Jake DeNooyer asked if they looked at other places to reduce the coverage on the lot. T. Graham answered they did look at it but there was no other area they could remove. K. McCormick asked what the depth of the extra turnaround area was. It was 20ft x 20ft. J. Murphy thought the driveway design made sense.

No public was present to ask questions or make comments.

M. Sullivan stated if approved all the standard conditions would apply and the entry piers must conform to the current ordinance. A motion was made by Jake DeNooyer to approve the application as presented. A second was provided by Ryan Astrup. The Board voted 7 to 0 to approve the application with members Murphy, DeNooyer, Leininger, Astrup, McCormick, Caputo, and Paddock voting in favor.

**Other Matters / Public Comment:**

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

The Economic Development Committee did not meet.

The Ordinance Committee is close to reviewing the rough draft.

Annie Peters made a motion to adjourn the meeting and Kelly McCormick provided the second. The meeting was adjourned at 9:05PM.

Respectfully submitted,

Cynthia Shaw