

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
September 7, 2023**

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 11, 2023 and by filing the same with the Borough Clerk and posting it on the Borough Office bulletin board on January 09, 2023 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:33 PM

ROLL CALL:

Present: Murphy, De Nooyer, Leininger, Paddock, Peters, Vecchione, and McCormick

Absent: Caputo and Astrup

Also, Present: Attorney, Michael Sullivan

REVIEW OF MINUTES: Brett Paddock made a motion to approve the minutes from the June 1, 2023 meeting. Meghan Leininger provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION: none

EXTENSION OF TIME:

Andrew Lu

Appl. #21-727

Andrew Lu requested an extension of 18 months to begin his previously approved construction project. A motion was made by Kelly McCormick to grant the 18-month extension and a second was provided by Annie Peters. The motion was approved by voice vote of all members present.

PUBLIC HEARINGS:

Ralph and Jill Pfeifer

12 N. Briarcliff Rd

Improved Lot Coverage Side Setback

Appl. #23-750

Blk 56, Lot 64

R-AA

The applicant requested a waiver not to include topography on his site plan. James Murphy made a motion to deem the application complete and Meghan Leininger provided the second. The motion was approved by voice vote of all members present.

Mr. Pfeifer said he hired Airgroup to add air conditioning and a new heating system to his home. The company installed the units and applied for permits at the same time. The Zoning Officer denied the zoning permit because the compressors did not meet the side setback requirements. Two heat pumps and one larger A/C unit were installed. The new modern units are much quieter. When he was denied Mr. Pfeifer tried to move the units behind the house. That did not work since the units would be too close to the deck and there is not enough room on the right side for all three units.

Mr. Pfifer submitted exhibit A-1 consisting of 7 photos of the units. The photos showed the view from the front and sides of the house as well as the shrubs around the units. The generator installed on the right limits their ability to place the compressors there. J. Murphy said the applicant was looking for a side setback variance of 16.8ft and 18.1ft for the three units where 25ft is required. The property already has improved lot coverage, height, stories, and side setback that are preexisting non-conforming. The existing non-conforming side setback should be noted on the site plan. Steve Vecchione said the contractor went ahead without the zoning approval; how can we stop this from happening in the future. J. DeNooyer agreed, he thought the units should be installed on the other side of the house. R. Pfifer said they didn't have enough room, there was a walkway to the hose bib in the way. Brett Paddock noted the basement window on the generator side and the lack of windows on the A/C heat pump side. Micheal Sullivan asked about screening on the property line. R. Pfeifer said there was dense screening on the left side. M. Leininger was just as disappointed in the installation as the rest of the board. She would like to have seen the installation plans for the ducting to see if it could have been moved. K. McCormick confirmed there would not be an issue with carbon dioxide. She liked the screening. Jim Murphy commented that the units were installed 4/22 and the denial was dated 5/22. Why did it take so long to get to the Board? A. Peters said the situation was not ideal but did not think it had a terrible impact on the neighbors. B. Paddock noted the ILC was over 34%. Could they remove some of it to compensate. K. McCormick and M. Leininger agreed with Brett Paddock. Mr. Murphy opened the hearing to the public and no one was present. J. Murphy said he could support the current location. B. Paddock made a motion to approve the application as presented if the zoning table was revised to note the existing non-conforming side setback. A second was provided by J. Murphy. S. Vecchione thought Airgroup took the easy way out, everything should have been installed on one side. The board voted to approve the application 6 to 1 with members Murphy, DeNooyer, Leininger, Paddock, Peters, and McCormick voting in favor. S. Vecchione voted against.

Other Matters / Public Comment:

Public Comment – No one wished to make a public comment.

Economic Development Committee – B. Paddock said there was nothing new to report.

Master Plan Committee – Meghan Leininger said the subcommittee was working on the reexamination report. A September zoom meeting was planned with the Borough Planner, Paul Phillips, to review the draft. An October 26th public hearing will be scheduled.

Ordinance Committee – The Borough Council approved funding for Phase II of the Ordinance revisions.

Brett Paddock made a motion to adjourn the meeting and Kelly McCormick provided the second. The meeting was adjourned at 8:45PM.

Respectfully submitted,

Cynthia Shaw