

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN
LAKES
September 20, 2018**

Chair Chris Richter 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 February 1, 2018. Said resolution was mailed to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on February 5, 2018 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30PM

ROLL CALL:

Present: Richter, DeNooyer, Sheikh, Peters, McCormick Vecchione, Max, Murphy and Caputo

Also Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Jake DeNooyer made a motion to approve the minutes from the August 2, 2018 meeting. Ann Peters provided the second; the minutes were approved by voice vote by all members present.

RESOLUTION:

Chris and Maria Westington Appl. #18-686
Ann Peters made a motion to adopt the resolution of approval; Kelly McCormick seconded the motion. The resolution was adopted by a vote of 5 to 0 with members Richter, Sheikh, Peters, McCormick and DeNooyer voting to approve.

Stephen and Cynthia Shaw Appl. #18-687
Kelly McCormick made a motion to adopt the resolution of approval; Chris Richter seconded the motion. The resolution was adopted by a vote of 5 to 0 with members Richter, Sheikh, Peters, McCormick and DeNooyer voting to approve.

Andrew and Elana Koplik Appl. #18-688
Jake DeNooyer made a motion to adopt the resolution of approval; Kelly McCormick seconded the motion. The resolution was adopted by a vote of 5 to 0 with members Richter, Sheikh, Peters, McCormick and DeNooyer voting to approve.

PUBLIC HEARINGS:

New Applications:

Kyle and Meral Malady	Appl. #18-689
341 Morris Avenue	Blk. 103, Lot 6
Side, Rear, ILC	R-A zone

Meral Malady, of 341 Morris Ave, and Larry Korinda, a licensed Architect in the state of NJ presented the application. Mr. Korinda offered exhibit A-1 which was page 2 of the

application revised. It now listed the existing side and rear setback and indicated they would be filing for a C-1 “hardship” variance.

The applicant was replacing their garage which was destroyed by a large tree. They originally planned on using the same foundation but it was determined it needed to be replaced. The existing foundation is not square and the frame was bowed. The side setback is 5.8ft and will remain 5.8ft. The rear setback is 5.6ft and will remain 5.6ft. The allowed setback for both is 25ft. Sheet V showed the footprint and elevations for the garage. The original building was tight so they made it wider to accommodate two cars and added a bump out for a motorcycle. They needed an ILC variance of 37.3% down from 37.35% where 17% is allowed. The increased 125 sq. ft. was due to the bump out but the total garage area is 499 sq. ft., still under the allowed 500 square feet. The original ILC variance was granted in 1997. They plan to remove some gravel in the front and an existing sidewalk near the garage to bring down the ILC.

Chris Richter asked about the gravel/patio on the easterly side of the property. He thought they should remove the patio not on their property and clean up the north easterly side to create the required 2.5ft pervious buffer. There are some old stairs in that area that could remain. Mr. Richter asked Mr. Korinda if they had considered moving the garage forward to comply with the rear setback. Larry Korinda said they had not because they would lose the turnaround area. It’s safer to turn around so you don’t have to back out onto Morris Ave. Mr. Richter pointed out they had thirty feet from the house and they only need 24ft for a turnaround. James Murphy confirmed the garage come down in a March wind storm. Stephen Vecchione asked how old the garage was. Mr. Korinda answered, based on the foundation it could have been an old Hapgood. Arthur Max saw no reason to keep the garage where it was and asked why it couldn’t be pulled forward to obtain the 25ft rear setback. Larry Korinda thought they could move the garage forward 2 -2.5 ft. creating a rear setback of 8.1ft. Khizar Sheikh was happy with the way the garage was proposed. Stephen Vecchione responded he didn’t have a problem with the location either. He thought the homeowner was being penalized due to a falling tree. He was in favor of getting the easterly side line cleared up. Kelly McCormick confirmed the applicant would be putting the landscaping back behind the garage.

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

Chris Richter made a motion to approve the application with the conditions the applicant remove the gravel & stone patio on easterly side to create a 2.5ft pervious buffer, a rear setback of 8.0ft be obtained for the garage, they landscape the area along the back property line and the site plans be revised. A second was provided by Jake DeNooyer. The Board voted 2 to 5 with Board Members Richter and DeNooyer voting in favor and Vecchione, Sheikh, Max, Murphy, Peters voting against.

Stephen Vecchione made a motion to approve the application with the conditions the applicant remove the gravel & stone patio on easterly side to create a 2.5ft pervious buffer and they landscape the area along the back property line. A second was provided by Khizar Sheikh. The Board voted 5 to 2 with Board Members Vecchione, Sheikh, DeNooyer, Murphy and Peters voting in favor and Richter and Max voting against.

Allen Tamarelli & Sarah Schano
65 Lake Drive
Side, Height, ILC, FAR

Appl. #18-690
Blk. 101, Lot 21
R-A zone

Allen Tamarelli, of 65 Lake Drive, and Larry Korinda, a licensed Architect in the state of NJ, would present the application. Board member Jake DeNooyer had to recuse himself since he resided within 200ft of the property. The applicant was looking for an FAR of 21.11% where 20.39% exists and 17% is allowed. They currently have an ILC of 33.2% and are proposing 33.4% where 25% is allowed. The applicant is asking for a side setback of 16ft to the new mud room where 25ft is required. The new addition lines up with the existing deck. Lastly the need a variance for height on the non-street facing side. They are proposing a height of 40ft. where 38ft is required and there is no actual change in height. Exhibit A-1 was a photo board consisting of two photos of back of the house. There was a lot of landscape screening on the side yard that would block view of the addition from the neighbors. They were not using the Historic Preservation Ordinance because they don't have the required 50ft combined side yard setback. The addition is approximately 10 x15 with a door to the kitchen, deck and garage. They have designed the addition with a hip roof to preserve an existing window. All the finishes will be in the Hapgood style. There was a previous FAR of 20.39% granted in February of 2007. When calculating the FAR they have to count the third floor in the percentage. There is a large area under the deck that is covered with gravel and they have counted that in the ILC. Michael Sullivan brought William Ryden's letter to the Board's attention. In item #3 of the Engineer's letter he points out the height variance is a technicality.

Mr. Richter asked if the Board had any questions. Jim Murphy mentioned there had been a 21.19% FAR variance request in 2006 to enclose the porch that was denied. Chris Richter pointed out a discrepancy in the ILC. Ann Peters question the neighbor's ability to see the addition.

The Chair asked if there were any questions or comments from the public. Jake DeNooyer, of 79 Lake Drive, commented he like that mud room was hidden behind the garage. Khizar Sheikh asked if there was anywhere in the house, such as the kitchen, they could have taken the additional FAR away from. Larry Korinda responded, no this is the only area they could have placed it. Could they have put some of the mud room in the garage? Allen Tamarelli answered it is only a 1.5 car garage now. Larry Korinda added the garage is only 18ft x 24ft. and is only slightly less than the 500 sq. ft. feet allowed.

Mark Caputo made a motion to approve the application as submitted and Chris Richter provided the second. The Board voted 7 to 0 with Board Members Vecchione, Sheikh, Richter, Max, Murphy, Peters and Caputo voting in favor.

Other Matters / Public Comment:

No one from the public wished to speak during the public portion of the meeting.

Arthur Max made a motion to adjourn the meeting and Stephen Vecchione provided the second. The meeting was adjourned at 8:30PM.

Respectfully submitted,

Cynthia Shaw