

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN
LAKES
April 4, 2019**

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 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: 7:32

ROLL CALL:

Present: Vecchione, Murphy, DeNooyer, Peters, Paddock, Richter and Caputo

Absent: Max and McCormick

Also Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Stephen Vecchione made a motion to approve the minutes from the March 7, 2019 meeting. Ann Peters provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION:

Jan DeBenedetto & Collette Liantonio Appl. #18-693
A motion was made by James Murphy to adopt the resolution of approval and a second was provided by Stephen Vecchione. The resolution was passed by a vote of 5 – 0 with members Murphy, DeNooyer, Vecchione, Peters and Paddock voting in favor.

Samuel Horowitz & Kelly McCormick Appl. #18-694
A motion was made by Ann Peters to adopt the resolution of approval and a second was provided by Jake DeNooyer. The resolution was passed by a vote of 5 – 0 with members Murphy, DeNooyer, Vecchione, Peters and Paddock voting in favor.

Ramez Samuel Appl. #19-695
A motion was made by James Murphy to adopt the resolution of approval and a second was provided by Stephen Vecchione. The resolution was passed by a vote of 5 – 0 with members Murphy, DeNooyer, Vecchione, Peters and Paddock voting in favor.

PUBLIC HEARINGS:

New Applications:

Jamie Cahalane	Appl. #19-696
70 Tower Hill	Blk. 40, Lot 7
Floor Area Ratio, Improved Lot Coverage	R-AA zone
Height (2), Side	

The applicant has requested their application be carried to the May 2, 2019 meeting due to their inability to get the required neighbor notices mailed.

Chris Richter made a motion to carry the application with no newspaper notice. A second was provided by Jake DeNooyer. The Board approved the carry by voice vote.

Adam & Mara Kimowitz
396 Morris Ave.
Height, Floor Area Ratio

App. #19-697
Blk. 112, Lot 21
R-A zone

Adam Kimowitz, of 396 Morris Ave, and Lawrence Appel, a licensed architect in state of NJ, presented the application. Jillian DeLuca, a licensed architect in the state of NJ, would also be providing testimony. Mr. Kimowitz introduced himself and explained the goals for their home.

Michael Sullivan explained 5 affirmative votes were required for the requested FAR variance. The applicant understood and wished to proceed. Mr. Appel started with the site plan. The applicant was not changing the front grading. Currently water is coming into the basement and they plan to handle it with a new drainage plan.

They are not changing the front or sides of the home. All the work will be done in the back of the house. The current kitchen and bedrooms are small and there is no family room. The existing garage faces the rear of the property. It is only 10.5ft wide so it's not that usable. There was a previous small side addition they will be removing. They plan to add a 2 car garage to the back of the house. The main portion of the existing basement is staying. They have tried to keep the addition compact. The 1st floor addition will be over the new garage. This will allow them to expanded the existing kitchen, added a mud room and a powder room. They will leave the second floor as is. The 2nd floor area over the new kitchen will be a master suite. Mr. Appel said they are honoring the elements of the house by matching the existing house exterior in every way.

Mr. Appel continued the variances needed are for FAR and building height on the non-street facing sides. They are looking for a FAR of 31.7% where 21% is permitted under the Historic Preservation Ordinance. Mr. Appel felt this a misleading number. They are proposing lifting the grades around the house by re-grading the property. The basement is considered a story above grade and counts as part of the FAR. We are adding 1.5ft retaining walls around the home so they can remove the basement from the calculation and reduce the FAR to 22.2%. The height on the non-street facing sides goes to 39.4ft from 39ft where 38ft is allowed. By added the retaining walls they can achieve the 38ft allowed.

They are also reducing the ILC by removing some coverage. It will go from 31.5% to 29.2% where 30% is allowed. The original design of the home is maintained with the planned additions. The rear of the house is visually improved. A 1956 variance was granted to do a side addition. They cut back the new addition 1ft to eliminate the need for a side yard setback variance. As they went through the process of designing the addition they had something quite large and they brought the design in to make it more compact.

Mr. Appel said the current attic is finished. Chris Richter asked if the existing attic triggered the need to include it in the FAR calculation. Mr. Appel answered the original attic was part of the FAR calculation but it dropped out when including the new addition. Jim Murphy asked about access to the new attic. Mr. Appel said there is no attic plans since there were no changes to the original attic. The attic addition has no living space and there will only be a scuttle hole to access the ductwork. The new and old attic spaces are not connected. After some discussion Chris Richter requested the attic calculations be provided later. Michael Sullivan asked if the applicant agreed to meet the conditions listed in Bill Ryden's March

22nd letter. The applicant found items 6, 7 & 8 acceptable. Stephen Vecchione asked what was in the existing attic. Adam Kimowitz responded there are 2 rooms and a bath but they are used as storage.

The Chair asked if there were any questions from the Board. Jake DeNooyer referred to the site plan. He asked what the proposed grading plan was. Larry Appel answered the average grade plane to the 1st floor was 6.5ft. The existing building is 6.5ft but when you add the addition the grade goes to 7ft. When they bring in the fill the grade plan will be under 6ft. Mark Caputo said you suggested the new attic would be eaten up by the higher ceiling and duct work. What is the actual ceiling height in the master bedroom? Mr. Appel answered the ceiling is 8ft. tall; they will use the attic space to get the higher ceiling. Stephen Vecchione asked if the porch was always finished. Mr. Appel said it appears to be three season space. It is enclosed and is heated by a wood burning stove. Chris Richter said those are old sleeping porches. L. Appel said all the old photos show the areas enclosed but there are exterior doors to the space. S. Vecchione asked the architect to review how the second floor bedrooms were to be used.

Jim Murphy asked how they determined the best location for the garage. L. Appel said the property slopes right to left across the property. He produced exhibit A-1, a photo of the front of the house, which showed the slope from right to left and the slope from the front to the rear of the property. Chris Richter asked him to explain the grading. The street grade is 203 on one side of the property and 196 on the opposite side. The elevation west to east runs from 205 to 198. Mr. Richter asked if the house was sunken from the street grade. Yes, the house is several feet lower than the curb of the road. The elevation of a house like this should be 204 or 205. You currently enter at the driveway at 197 and the existing garage floor is at 190. There was no room on either side to add the garage and you don't want to add it in the front because it is a contributing dwelling. Mr. Richter asked if they considered a free standing garage in the building envelope. No, the homeowner wanted a garage attached to the house. Currently the house has only one bath on the second floor. If they built a free standing garage they would not have been able to keep the addition out the back small when they added the master bath.

Mr. Richter referred to page PB-02 of the submitted plans. He asked what was the existing ridge line verses the new ridge line. Mr. Appel answered the difference is about 5.5ft. Chris Richter concluded the new work was below the existing ridge line. Mr. Richter then asked how they went from a 19.9% FAR to 31.7%; this does not appear to be a 2000sqft addition. Mr. Richter felt the existing calculations were incorrect. Mr. Murphy asked Mr. Appel to explain how the new addition attached at the existing roof line. Mr. Appel said it was a continuous roof line.

Chairmen Richter opened the hearing to the public for questions or comments. Kenneth Adams, of 388 Morris Ave, asked how they planned on handling the water that runs off from the new construction. Mr. Appel said there would be less coverage after the new construction. Mr. Adams asked if they would be re-grading the property. Mr. Appel answered the run off is from three properties. The curbs are not keeping the existing water in the street. He suggested the neighbors meet with the Borough Engineer to resolve the issue. Michael Sullivan read item #5 from Mr. Ryden's letter. He was not requiring any additional stormwater measures. Mr. Appel showed everyone exhibit A-2 an aerial photo of the property from Google maps.

Mr. Richter reviewed the existing FAR. The existing basement was 1017sqft, the 1st floor was 1576sqft, the 2nd floor was 1278sqft and the attic was 733sqft. When added together that was a total of 4604sqft or a FAR of 25.6% not 19.9%. He suggested it be a condition of the resolution they revise the FAR calculation. The proposed FAR was off 4sqft. And should be a total of 5,723sqft. This caused the proposed FAR calculation to go from 31.7% to 31.79%. Jim Murphy agreed with Mr. Richter the existing FAR calculation was incorrect. Why were they adding 113sqft for the garage area over 500sqft back in.

Michael Sullivan recapped the conditions of the resolution. They agreed to items 6, 7, and 8 of Bill Ryden's letter. They would prepare a new FAR calculation sheet and revise page 2 of the application. Chris Richter added two conditions. They will provide an as-built topographical survey certification to confirm the grading plan and the architect shall submit a certification that the building height analysis is consistent with the sight grades proposed in the application.

Chris Richter made a motion based on the conditions set forth and a second was provided by Jake DeNooyer. The Board voted 7 – 0 to approve the application with the conditions listed above. Members Vecchione, Murphy, DeNooyer, Peters, Paddock, Richter and Caputo voted in favor.

Other Matters / Public Comment:

No one from the public wished to speak during the public comment period.

Chris Richter made a motion to adjourn the meeting and Stephen Vecchione provided the second. The meeting was adjourned at 9:20PM.

Respectfully submitted,

Cynthia Shaw