

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
March 6, 2025**

Vice Chair Stephen Vecchione called the regular meeting to order and announced: Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by publishing the meeting notice in The Citizen on January 15, 2025 and The Morris County Daily Record on January 09, 2025 and by filing the same with the Borough Clerk and posting it on the Bulletin Board on January 6, 2025 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30pm

ROLL CALL:

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

Absent: Murphy

Also, Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Kelly McCormick made a motion to approve the minutes of the February 6th meeting. Brett Paddock provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION:

Alexandra & Thomas Barbarite

Appl. #24-759

Mark Caputo made a motion to adopt the resolution of approval for the Barbarite application. A second was provided by Jake DeNooyer. The Board voted 6 – 0 to adopt the resolution of approval with Board members Caputo, McCormick, Paddock, Peters, DeNooyer and Astrup voting in favor.

PUBLIC HEARINGS:

New Applications:

Sean and Erin Maniar

9 Briarcliff Road

Improved Lot Coverage, Rear Setback

Appl # 24-764

Blk. 78, Lot 9.02

R-A zone

Kevin Robine, a licensed engineer in the state of New Jersey, and Sean & Erin Maniar, owners of 9 Briarcliff Rd, were sworn in. Mr. Robine said the single-family house was in the R-A zone. It currently has a circular driveway and a rear deck and patio. They plan to remove and reconstruct the existing driveway, remove a portion of the deck and the slate patio in the yard. They wish to add a pool and fence in the backyard. The proposed pool and new patio will be at grade nearest the house but will sit on top of a 4ft high retaining wall closer to the water's edge. The 4ft fence will start near the house and run to the rear of the property. It will not be on top of the wall. The house was expanded in 2022. They had 3 existing non-conforming conditions. They applied for and were granted FAR, side yard setback and ILC variances. In this proposal they are reducing the ILC to 28.56%

from 28.57% but are still requesting a variance because 25% is all that is allowed. The entire pool, a large portion of the patio and the fence fall within the lake front exception line. The pool height is less than 5ft at its tallest point. After reviewing sections 245-20 - "Lake Front Exceptions" and 245-15P - "Fences" it was unclear how the 5ft rule applied to fencing, so they are asking for the lakefront setback variance. They applied for a Soil Moving Permit and have received their approval. No soil will be removed from the property.

Michael Sullivan asked if the memo from the Construction Department could be made a condition of approval. Mr. Robine said he would change the plans to answer Mr. Gluck's concerns. Mr. Sullivan asked about the Zoning Office's memo concerning the fence. He said the applicant would need to work out the fence and wall issues with zoning, so it is not climbable and met the state statute. Mr. Robine continued, the property slopes toward the lake and they will follow that grade when they build the pool. Stephen Vecchione clarified, the height of the pool and patio is 0ft at the house and 4ft at the retaining wall. The fence will run down the sides of the pool and meets up with the retaining wall. The end of the pool will not have a fence. Mr. Vecchione asked for the elevation of the deck; it is on the 1st floor level; the deck steps take you down to the pool which is at basement level. The new pool is within the lakefront exception, but this is not an issue because it is less than 5ft above ground. Annie Peters asked if they were removing the driveway to get the coverage needed in the back; yes, they are. The unfenced end of the pool will look like an infinity pool. Mr. Vecchione asked the height of the south patio corner, it was 2.5ft and there will be landscaping at that corner. When do you need to install a railing? Are the entrance and egress for the pool/patio on the south side and west side; yes, it is. Fall protection is needed when you are next to a pedestrian area and there is no pedestrian walkway here. The International Residential Code is not clear. Mr. Sullivan suggested the Board add a condition to the resolution that states if a southeast corner of patio adjacent to the pool needs a railing to meet code, they can add it.

The Vice Chair opened the hearing to the public and no one wished to comment.

Michael Sullivan said if the application were to be approved the Board's standard conditions such as being limited to the approved plans, providing an as-built survey if required, and compliance with tree management plan would be part of the resolution.

They will comply with the requests made in the 2/12/25 Construction report and the Zoning Officers report. The Board was willing to grant additional relief if a railing is required at the southeast corner. The material for the fence will be black aluminum.

Mark Caputo made a motion to approve the application with conditions list by Michael Sullivan. The second was provided by Brett Paddock. The Board voted 7 to 0 with members Peters, Vecchione, DeNooyer, Astrup, Caputo, McCormick and Paddock voting in favor.

Jeffery and Amy Eades
17 Laurelwood Road
Improved Lot Coverage, Side Setback
Front Setback

Appl # 24-765
Blk. 17, Lot 3
R-1 zone

Jeffery McEntee, a licensed architect in the state of NJ and Jeffery Eades, of 17 Laurelwood Drive, would present to application. Mr. McEntee said the homeowner has lived with the open carport for 10 years. They would like to enclose it for esthetic and security reasons.

The home is a 1950's ranch in the R-1 zone. A portion of the house and carport are in Mt. Lakes and the balance of the house is in Denville. They propose removing 246sqft of the existing driveway and the 206sqft carport. This will be replaced with a 2-car garage. The new space is 339sqft, larger than the existing carport. They plan to remove the flat roof on the house and add a small portico at the front door.

The property has several non-conforming preexisting conditions such as lot size, width and depth. They now have a 29.6ft front setback and are requesting 20.33ft where 30ft is required thereby needing a variance. They currently have a 0ft setback to the municipal boundary line where 10ft is required. This requires a variance. The existing ILC is 38.71% and they are asking for 41.25% where 25% is needed. The actual additional lot coverage is 106sqft. The new garage is where the carport and driveway are now. There is no steep slope disturbance or the removal of any trees. The building height remains the same. The FAR request is less than 1% because you are permitted to have 500sqft of garage for free. The non-conforming lot depth and the boundary line are creating the hardship.

Steve Vecchione asked how they were doing the calculation. They are only using the portion of the house and the land that are in Mt Lakes. If the entire property and house were in the Borough, the building coverage (roof areas) would be 18.25%, and the ILC would be 32.37%. Jake DeNooyer asked where does the extra 106sqft of coverage come from? It comes from the driveway to the right and the walkway. Jeffery Eades said they were not planning on adjusting the curb cut or moving the telephone pole is in the right of way. They are removing the gravel area and installing landscape in its place. They did not count the gravel area in their coverage. The pavers and walkway on the right side of the house will stay. A. Peters and R. Astrup liked the proposed improvements.

The Vice Chair opened the hearing to the public and no one wished to ask questions or make comments.

Michael Sullivan reviewed the conditions of the resolution. They will include our standard conditions, an engineering review, and the gravel area will be removed and replaced with landscaping or grass. Stephen Vecchione made a motion to approve the application with the conditions listed by Mr. Sullivan and Jake DeNooyer provided the second. The Board voted 7 – 0 with members Peters, Vecchione, DeNooyer, Leininger, Astrup, Caputo, McCormick and Paddock voting in favor.

Other Matters / Public Comment:

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

Annie Peters made a motion to adjourn the meeting, and Brett Paddock provided the second. The meeting was adjourned at 8:40PM.

Respectfully submitted,

Cynthia Shaw