

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN
LAKES
November 6, 2014**

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 16, 2014. Said resolution was mailed to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on January 23, 2014 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:33 PM

ROLL CALL:

Present: Richter, Bolo, Max, Dietz, Sheikh, Murphy, Tolud and Vecchione (8:15 pm)

Absent: McConnell

Also Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Peter Bolo made a motion to approve the minutes from the October 2nd meeting. Arthur Max provided the second; the minutes were approved by voice vote by all members.

MEMORIALIZING RESOLUTIONS: none

PUBLIC HEARINGS:

DAWN FEMBLEAUX	150 Lake Drive
Blk. 102, Lot 77.02	Appl. # 14-640
Front Setback/Exception	R-A Zone

Dawn Fembleaux and Joseph J Bruno, a licensed Architect in state of NJ, would be presenting the application. Exhibit A-1 was three photos consisting of the applicant's house and the neighbor's homes to the right and left; both which have covered front porches. They were requesting a front yard setback of 36.04 feet where a front yard exception setback of 51.4 feet was required. They planned to remove the current front porch and rebuild it larger; 6' by 23.5'. Exhibit A-2 was a colorized version of the site plan with a red line added to show the front yard exception setback. The architect felt the new front porch fit the scale of the house and allowed for seating.

Chris Richter asked the architect why he situated the porch to the right rather than the left. Joseph Bruno put it to the right side where the guest bedroom window was located rather than on the other side of the front door where the living room window was; the applicant did not want the porch to interfere with the natural light coming into that room. Peter Bolo asked about the porch roof material. To create some visual interest it will be red tin. Mary Dietz asked why they didn't center the porch between the two windows; the applicant responded it would be smaller and not as interesting. Peter Bolo thought the neighbor's homes irrelevant to the design of this home he liked the look of the porch off center.

Khizar Sheikh asked Mr. Sullivan to explain the C-2 variance. Michael Sullivan said a C-2 variance must show the positive benefits to the community and prove the project would not impair the zoning ordinances in any way. Arthur Max thought the placement of the house on the lot and the house on the corner lot next door created a C-1 hardship.

No one from the public wished to comment on the application.

Peter Bolo made a motion to approve the application as presented and Arthur Max provided the second. The application was approved 7 to 0 with members Richter, Bolo, Max, Dietz, Sheikh, Murphy and Tolud voting in favor.

KENNETH & MARY ADAMS	388 Morris Avenue
Blk. 112, Lot 16	Appl. #14-641
Side Setback	R-A Zone

Arthur Max and John Tolud recused themselves since they live within 200 feet of the applicant. Joan Nix, a licensed Architect in state of NJ, and Ken Adams would be presenting the application. Ken Adams purchased his house in 2008 and is interested in expanding his kitchen and building a second story master suite above it. Mrs. Nix presented exhibit A-1, a photo board consisting of 9 pictures of the house from various angles and exhibit A-2, a revised site plan with the trees and shading added. Mrs. Nix continued, the Zoning Officer reviewed the application to determine its eligibility to be renovated under the Historic Preservation ordinance and approved it. He did however deny the site plan for rear and side yard setback so the applicant requested the application be amended to include the side and rear setback for shed and garage. Michael Sullivan said the garage would be a pre-existing non-conforming structure. It was determined the shed was added by current homeowner. Discussion ensued concerning granting a variance for the shed and garage. The practice of obtaining variances for accessory structures where no work would be done has not been traditionally followed; this would apply to the garage.

Joan Nix presented the expansion plans for the house. They will be constructing over the current driveway so the ILC does not change. The addition will be stucco and the roof will match the existing. Peter Bolo asked the applicant to describe the vegetation on both sides of property. He requested additional screening be added since the house was so close to the side property line and the applicant agreed to do so. Chris Richter asked about the 2.5 ft. buffer required along the sideline. Ken Adams said it was not clear on the survey but there was about a two foot patch of pacasandra down the length of the driveway. Exhibit A-3, a survey of the property, was presented. Requiring a 2.5 ft. buffer down the length of the driveway was not made a condition of the resolution.

Mary Dietz requested the shed be moved. It was in the back corner of the lot and sat on railroad ties over the gravel area. The shed was installed in 2010 in the setback without a permit. Peter Bolo agreed the shed was encroaching and needed to be moved. Michael Sullivan asked the applicant if he would consider moving the shed. Ken Adams said maybe. Chris Richter requested a condition be added to the resolution that stated by the time the applicant was looking for a Certificate of Occupancy he needed to move or remove the shed.

Chairmen Richter asked for public comment on the application. Arthur Max, of 390 Morris Avenue, pointed out the screening everyone was talking about was on his property. Could the property owner add his own screening? He was also concerned about

the run off from the new roof area. Joan Nix said there was no change to the Improved Lot Coverage so the storm water runoff regulations did not come into play. Mary Dietz added a roof has more intense run off. She presumed they would add gutters to the addition and pipe them out into the yard; Mrs. Nix confirmed they would. She asked a condition of the resolution be the roof leaders be piped to the inlet in the yard. Peter Bolo was not sure there was enough area for additional plantings along the property line. He asked Mr. Max if he would like the buffer built on his property; Mr. Max was more worried about the run off. Mr. Bolo thought the design was stupendous but the shed had to be removed or relocated before a CO was issued. Stephen Vecchione thought it was a nice design that modernized the house. Chairmen Richter added the play equipment on the property needed to comply with the required 10 ft. setback.

Peter Bolo made a motion to approve the application with the following conditions: the shed would be removed or relocated before the issuance of a CO, the playhouse was to be moved so it was 10 ft. off the property line and the roof leaders were to be connect to an existing drain in the yard. Mary Dietz provided the second. The application was approved 5 to 0 with members Richter, Bolo, Dietz, Sheikh and Murphy voting in favor.

Other Matters / Public Comment:

No one from the public wished to speak at this time.

The Board Secretary would inform the Zoning Officer of the Boards' position on historic non-conforming garages.

Mary Dietz made a motion to adjourn the meeting and Peter Bolo provided the second. The meeting was adjourned at 8:46 PM.

Respectfully submitted,

Cynthia Shaw, Secretary