

**MINUTES OF A SPECIAL MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
October 7, 2021**

Chair 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, 2021 and by filing the same with the Borough Clerk and posting it on the Front Door on January 11, 2021 and was made available to all those requesting individual notice and paying the required fee.

Start: 7: 30 PM

ROLL CALL:

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

Also, Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Jake DeNooyer made a motion to approve the minutes from the September 2nd meeting. Brett Paddock provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION:

Justin and Suzanne Chan

Appl. #21-723

The square footage of the approved addition was corrected in the resolution to 558sqft. Stephen Vecchione made a motion to adopt the resolution of approval and Mark Caputo provided the second. The Board voted 7 - 0 to adopt the resolution with members Murphy, Paddock, Peters, McCormick, Caputo, Vecchione and DeNooyer voting in favor.

Andy Thompson

Appl. #21-724

Mark Caputo made a motion to adopt the resolution of approval and Brett Paddock provided the second. The Board voted 6 - 0 to adopt the resolution with members Murphy, Paddock, Peters, Caputo, Astrup and DeNooyer voting in favor.

PUBLIC HEARINGS:

15 Point View Place, LLC

Appl. #21-725

15 Point View Place

Blk. 100.02 Lot 87

Avg Lake Front Exception

R-A zone

Improved Lot Coverage

Attorney James Polles would be representing 15 Point View Place, LLC. He reviewed the homes eligibility to apply under the Historic Preservation Ordinance. The applicant was removing the covered porch at the rear of the home and replacing it with a sunroom on the 1st floor and an expanded deck on the 2nd floor. They were adding a dormer on the second floor over the garage and replacing the second-floor dormer on the rear of the

home with a larger shed dormer. They need an ILC variance of 34.56% where 30% was permitted and a lake front exception variance since their setback line falls in front of the house. Mr. Polles introduced Joseph Marra, a licensed Architect and Planner in the state of NJ.

Mr. Marra said the property was in the R-A zone. He referenced the site plan on sheet SP1 dated September 8, 2021. The site was on the tip of a peninsula. You enter the property using a 105ft long driveway. They will be removing the hot tub and replacing it with a greenhouse. The new sunroom and upper deck will sit on top of an existing patio. The expanded rear dormer will contain the laundry area. They will add a shed dormer between the two existing dormers in the art studio. Even with all the changes the ILC remains the same. Mr. Marra explained a line was drawn from lot 88 and 86 creates the lake front setback. This variance was a hardship since the line doesn't even fall on their property. They would need a variance no matter what they did. The two variances are pre-existing conditions. James Murphy questioned the differences between page SP1 drawings submitted and those presented at the hearing. The Board made the exhibit he was referencing exhibit A-1. The dog kennel would be removed.

Mr. Marra referred exhibit A-2, 5 photos of the house from 2012, the year it became a contributing dwelling. He then showed the current photos of the house; nothing had changed on the home. The last photo in the packet showed the existing covered porch. They were expanding the depth to 18ft from 11ft to create the sunroom. The garage doors would be replaced with garage doors that had the same pattern. They would replace the front door in kind including the lead glass. Mr. Marra showed a historic photo of the front door he found on the Historic Preservation website. The photo showed trellises on either side of the front door. This became exhibit A-4. The homeowner plans to reinstall trellises. Mr. Marra reviewed all the proposed elevations of the home found on page SK3. One of the conditions of the Historic Preservation Ordinance was that they maintain the front of the house. They will change the windows in kind and the siding with be cement siding with the same profile. They will be replacing the trim around the windows and other detailed facia to match what was there. The shutters will also be replaced in kind. The slate roof will be replaced with a synthetic slate roof.

Mr. Marra explained the application from a planning perspective. He said the allowed ILC was 30% and the pre-existing non-conforming coverage was 34.56% This could be a C-1 or C-2 variance. There is no increase in coverage since everything will be done on the existing patios. If placed elsewhere on the lot, they would increase coverage. All the improvements will be screened by the house on the street side. The unusual shape of the property and the property being on a peninsula create a hardship. Under C-2 the proposed deviation from the ordinance would not harm the zoning plan and are advancing the purposes of the Land Use Law. *2a – encourage the development of lands ... to promote the public health, safety, morals, and general welfare, 2g - to provide sufficient space for ... residential...use to meet the needs of NJ citizens, 2i - to promote a desirable visual environment, 2j - to promote the conservation of historic site.* The variance requested did not have any negative criteria because there is no increase in lot coverage and is a pre-existing condition. The second variance for lake front exception is a hardship. An addition of any type would require a variance.

Chairman Murphy asked if the Board had any questions on the proposed plans. Mark Caputo asked if the home would be the principal residence for the applicant. Yes, it would

be. Ryan Astrup asked if the addition of the dormer over the garage increased the FAR. Yes, it does and was included. James Murphy asked if the green house sat on the deck. The greenhouse will be on the same grade level patio the hot tub was. Was there any foundation for the greenhouse or sunroom? Not for the greenhouse but they will need to check the existing patio foundation to make sure it can handle the weight of the new sunroom. Brett Paddock asked the height of the greenhouse. Joseph Marra estimated it to be 10ft tall. Stephen Vecchione asked if the hot tub was an accessory structure. Yes, it was. How do you secure the greenhouse to the ground? Mr. Marra said it was a modular unit that would need to be anchored down. Ann Peters asked if the house would remain white. They may change the color. Could they please consider keeping it white? Brett Paddock asked is there a shoreline setback or only just the average lake front exception. There are both; 245-A. (1) *“neighboring house or principal buildings, on each side, on adjacent properties, the new setback distance shall be no less than the setback of a line drawn between... or 25 feet, whichever is greater. (2) No structure shall be located within 25 feet of the shoreline of a lake...”* Mr. Murphy said the applicant’s plans showed they were replacing the driveway with pavers and realigning it. Would they consider reducing the coverage? Mark Caputo asked since they are correcting the driveway will they need a variance? Mr. Sullivan responded no. Mr. Paddock questioned the use of pervious pavers. In Mountain Lakes they would still count as lot coverage. Mr. Murphy said lot coverage in this zone is 25% but under the Historic Preservation Ordinance it’s 30% and 34.56% is the existing. A 1% reduction would be about 277sqft. Could they remove the 256sqft flagstone patio in the front to reduce the coverage? Mr. Marra said they did discuss that. What about the narrowing the driveway to 10ft. from 12ft wide. Mr. Marra thought the driveway very narrow as it was. Mark Caputo thought they could trim the entire length. Kelly McCormick asked could they tighten the wide coverage by the garage to reduce the coverage. Jake DeNooyer said the patio does not bother the neighbor. He was fine since they were not adding anything to the ILC.

Chairman Murphy opened the hearing to the public. Ellen Foppes, of 29 Rainbow Trail, asked if these projects went to the Historic Preservation Committee for review. The Administrator explained a copy of the application was sent to the committee for their records but ultimately the Zoning Officer determined compliance with the Ordinance. She asked if the replacement windows had true divided lights. Joseph Marra answered it would depend on the supplier they selected. Ms. Foppes said the Ordinance was not strong enough. She was concerned they were not replacing materials for the home’s exterior in kind. Jake DeNooyer responded we are allowing homeowners to make changes to their historic home, so they don’t knock it down. Stephen Vecchione added most towns have Ordinances that place limits on those things, but we do not. The Administrator explained the Borough has a carrot approach. If you leave the front of the home the same, you can get enhanced bulk incentives. David Winters, of 11 Point View Place, asked if they would be installing a generator. There was an existing generator but the owner plans to replace it with a new unit. He thought the drawings were great and was happy to hear they were moving the driveway off his property. The public portion of the hearing was closed.

James Murphy thought they had a great design, he urged them to consider removing some of the impervious cover and to take Ms. Foppes’ comments on replacing the materials in kind under consideration. Jake DeNooyer was comfortable with the

application as presented. Ann Peters said the changes in the back were significant. The iconic house was a prominent one in the community with the back acting more like the front. Most people know the house from the back. Kelly McCormick thought the plans well done, they stayed within the current footprint. Mark Caputo could add nothing new to the comments. Brett Paddock thought it well done. He viewed this application as a learning opportunity. We see applications like this all the time, a property surrounded by water making for a ridiculous lake front setback. If the Ordinance was written differently and the lake front exception did not take precedent, we would only be talking about a 25ft setback, and the expansion would infringe on that 25ft. Stephen Vecchione agreed the back was what most people see. We hope the new homeowners will respect the current home design. Ryan Astrup thought the design was well thought out. He currently sits on the Historic Preservation Committee. They did review it and they were happy with the materials selected. He told the homeowner the committee would take any materials that could be salvaged.

Mark Caputo made a motion to grant the waiver for providing topographical information and Brett Paddock provided the second. The Board voted in favor of granting the waiver by voice vote of all eligible members present.

Stephen Vecchione made a motion to approve the application as presented and Jake DeNooyer provided the second. The Board voted 7 to 0 to approve the motion with members Murphy, Paddock, Peters, McCormick, Caputo, Vecchione and DeNooyer voting in favor.

Other Matters / Public Comment:

Chairman Murphy opened the meeting to the public. No one wished to speak so the public portion of the meeting was closed.

Jim Murphy told the Board we would continue remotely through January of 2022.

Stephen Vecchione made a motion to adjourn the meeting and Jake DeNooyer provided the second. The meeting was adjourned at 10:04PM.

Respectfully submitted,

Cynthia Shaw