

**MINUTES OF A SPECIAL MEETING  
ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MOUNTAIN LAKES  
September 10, 2020**

Chair Chris Richter 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 on August 26, 2020 and The Morris County Daily Record on August 22, 2020 and by filing the same with the Borough Clerk and posting it on the Front Door on August 24, 2020 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30PM

**ROLL CALL:**

Present: Richter, DeNooyer, Paddock, McCormick, Murphy, Max, Peters, and Caputo

Absent: Vecchione

Also, Present: Attorney Michael Sullivan

**REVIEW OF MINUTES:** Jake DeNooyer made a motion to approve the minutes from the August 6<sup>th</sup> meeting. Mark Caputo provided the second; the minutes were approved by voice vote by all eligible members present.

**RESOLUTION:**

Ashley Brower & Robert Follet          Appl. #20-715

Jake DeNooyer made a motion to adopt the resolution of approval and Chris Richter provided the second. The Board voted 5 – 0 with members Richter, Caputo, DeNooyer, McCormick and Paddock voting in favor.

Since Chairmen Richter had to recuse himself from the next two Board issues the Zoning Board needed to appoint a temporary chair. Mark Caputo made a motion to make James Murphy the temporary chair and Jake DeNooyer seconded that motion. The temporary chair was approved by voice vote of all eligible members present.

**EXTENSION OF TIME:**

Jan DeBenedetto & Collette Liantonio          App. # 18-693

The applicants, Jan DeBenedetto & Collette Liantonio, requested the Board grant them an extension of time to act on their application. The new date of the resolution would be April 4, 2022. Mark Caputo made a motion to grant the 18-month extension and Kelly McCormick provided the second. The Board voted 7 – 0 with members Caputo, DeNooyer, McCormick, Max, Peters, Murphy and Paddock voting in favor.

**PUBLIC HEARINGS:**

New Applications:

James & Cassandra Kiely  
6 Cove Place  
Front Yard Setback, Building Envelope

Appl. #20-716  
Blk 101.02, Lot 84  
R-A Zone

The engineer and architect would present the application for the Kiely's. Marc Walker, a licensed engineer in the state of NJ, presented exhibit A-1, an aerial photo of the property, dated 9/8/20. The photo shows a newly built home, on Block 100.02, lot 83, at the end of the street. The street is a peninsula surrounded by water. The original home on this lot was raised several years ago. The new home plan for lot 84 is like the one approved back in 2019 for 6 Cove Place. Mr. Walker explained how the average front setback and lake front setback line were determined. An average front setback of 96.8ft is needed while the required front setback for the R-A zone is only 40 ft. The proposed ILC of 22.1% is less than the previous request of 25%. The side setbacks are better than the last approval. The previous application received a permit by rule from the DEP for the wetlands and their transition area. They have left all the DEP approvals from the previous application the same.

Michael Sullivan referenced the letter from Bill Ryden dated October 13, 2015. The previous resolution required comments 4, 6, 8, 9 and 10 be complied with. Mr. Walker said the applicant will still do a soil moving permit, a soil erosion control certification and tree management plan if approved.

Mr. Richter asked if the Board had any questions. Jim Murphy asked when the Fresh Water Wetland Permit #8 was dated and when it expired. Mr. Walker said it was dated April 9, 2016 and was good for 5 years, or until April 2021. Plus, you can get a five-year extension. The applicant was willing to a condition of approval in the resolution requiring all DEP permits be obtained. Cassandra Kiely, 34 Wilcox Drive, was sworn in. She understood the DEP passed a permit extension act. Kelly McCormick explained the DEP will require a written request to extend your permit, it is not an automatic 1-year renewal. Ms. McCormick asked if they received a flood hazard permit by rule. Marc Walker clarified they applied for that when they did the wetlands permit.

James Murphy asked if anyone from the public had any questions. David Winters, of 11 Point View Place, had comments but no questions. Mary Jacks, of 9 Point View Place, asked about the height of the house. Mr. Walker said the average height was 32.48ft on the non-street fronting sides and 38ft was allowed. Ms. Jacks asked about tree removal. Mr. Walker said a few trees would be removed in the building envelope. No trees in the buffer would come down. Mr. Sullivan said there is a requirement that any tree removal must be approved by the Manager. Ms. Jacks asked about the minor soil moving permit and how that would impact the runoff. Mr. Walker said there would be no additional runoff onto 9 Point View Place.

Larry Korinda, a licensed architect in the state of NJ, continued the application. The applicant was seeking two variances; one for the front yard setback and one for the building envelope. They have moved the new house 5ft back from the previous approval. The required building envelope of 85ft x 50ft box cannot be met because of the average front setback of 96.8ft. All 4 setbacks are better than the previous application. The coverage has also been reduced. The house footprint is smaller. Larry Korinda reviewed the 1<sup>st</sup> and 2<sup>nd</sup> floor plans. The siding will be cedar shingles with a stone base. The garages will be screened by existing trees. The east side is the rear of the house.

The attic dormers are for looks only. The height of the attic is only 5.6ft. Mr. Korinda presented exhibit A-2 the Attic Plan. This area is only for storage. You can only stand up in the dormers. The attic area is 35% of the floor below and cannot be converted to living space. The building envelope is a hardship. The house is more compact than previously planned and the benefits outweigh the detriments. James Murphy confirmed the attic access was by a pull-down stair. The HVAC unit would be up there, and the space would be unfinished.

Mr. Murphy asked for Board questions. Jim Murphy pointed out the setback of block 100.02, lot 83 is 144.3ft and last time it was 172.4ft. Mr. Korinda said the new house built on that lot creates the setback difference. Mark Caputo asked what the square footage of the original house was. It was 3144sqft and the new house is 3709sqft.

Mr. Murphy opened the hearing to the public for questions or statements. David Winters, of 11 Point View, was concerned it looked like a three story house. He did not think the house should have three stories on such a small lot. James Murphy explained the height complied with our ordinances. The third floor was not counted because it is less than 35% of the floor below. There will be a condition in the resolution that this is house that must be built. Mr. Murphy said the height is 32.4ft which includes the attic. Chris Richter, of 5 Cove Place, supported the application.

Mr. Murphy closed the public hearing for Board deliberations. J. DeNooyer thought the home was great. J. Murphy thought it was an excellent home design. Arthur Max likes the position of the home on the lot. A. Peters was concerned about the height and they have kept the height low; it was a great home. K. McCormick thought it a great redevelopment of the lot. M. Caputo said it was a good application. B. Paddock like the improvement of the design.

Mark Caputo made a motion to approve the application as submitted with the following conditions: obtaining an 84cy soil moving permit, a soil erosion control certification, DEP permits, submit a tree management plan and the approval limited to the plans submitted. Jake DeNooyer provided the second. The Board voted 6 – 0 with members Caputo, DeNooyer, McCormick, Max, Peters and Murphy voting in favor.

Claire & John Zamierowski  
4 Hillcrest Road  
Side Yard Setback

Appl. #20-717  
Blk 84, Lot 1.01  
R-A Zone

John Zamierowski, of 4 Hillcrest Road, was sworn in and presented his own application. He was planning to replace his A/C condenser. The new unit would be installed on the existing pad and hidden by landscaping along the side property line as well as the front of the house. The house was built when the side setback was only 20ft and air conditioning was added to the house in 1993. In 1997 A/C units were added to the list of accessory structures that must comply with our setbacks. This is a preexisting non-conforming situation. The applicant proposed a 17.7ft setback for the new unit while the existing unit was at 18ft. James Murphy confirmed the location would be the same, but the footprint may be bigger than before. They have not decided on the exact unit they will be purchasing.

Arthur Max was concerned with the number of A/C applications received by the Board and wasn't sure they should keep approving these variances. Chris Richter agree but each

application must stand by itself. John Zamierowski said the pad size was 33" x 36" and it was located straight across from his neighbor's condenser.

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

James Murphy made a motion to approve the application as presented and a second was provided by Jake DeNooyer. The Board voted 7 – 0 with members Caputo, DeNooyer, McCormick, Max, Peters, Murphy and Richter voting in favor.

**Other Matters / Public Comment:**

The Chair opened the meeting to the public and no one wished to speak.

The administrator introduced our new Zoning Officer, John Zamierowski, to the Board.

James Murphy made a motion to adjourn the meeting and Chris Richter provided the second. The meeting was adjourned at 8:58PM.

Respectfully submitted,

Cynthia Shaw