

**MINUTES OF A SPECIAL MEETING  
ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MOUNTAIN LAKES  
September 2, 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:** Brett Paddock made a motion to approve the minutes from the June 3<sup>rd</sup> meeting. Kelly McCormick provided the second; the minutes were approved by voice vote by all eligible members present.

**RESOLUTION:** none

**PUBLIC HEARINGS:**

Justin and Suzanne Chan  
3 Lake Drive  
Avg Front Yard Setback

Appl. #21-723  
Blk. 80, Lot 32  
R-A zone

Alex Gotthelf, a licensed Architect in the state of NJ, presented the application. Mr. Murphy confirmed he was a member of the Borough Historic Preservation Committee for 6 years and Chair for the last two. Mr. Gotthelf recused himself when the committee reviewed this application for compliance with the Ordinance.

The applicant requested a check list waiver for the need to provide a topographical map of the property. The grade slightly slopes away from the house on the southeast side of the property. James Murphy noted the grade change on the Boulevard side was significant, but the new addition was happening on the other side of the property. Kelly McCormick agreed with Mr. Gotthelf there was little grade change on side of the property where the addition would be. James Murphy made the motion to grant the waiver and a second was provided by Brett Paddock. The Board voted to grant the waiver by voice vote of all members present.

Mr. Gotthelf said the applicant was adding an addition on a small historic home that fronts on both the Boulevard and Lake Dr. It has a charming Swiss chalet style. The second-floor area they are using for the master bedroom expansion is currently attic space. They would like to enclose part of the big front porch and make it a vestibule, so you didn't walk directly into the living room. Currently there is no real entry, the master bedroom is small

with clipped ceilings, and they only have one bath on the second floor. The 1<sup>st</sup> floor bath will become a laundry room and the new addition to the right will become a family room with a powder room. On the 2<sup>nd</sup> floor they are adding a large dormer to accommodate the master bedroom. The existing bedroom space will become the new master bathroom and closets.

Michael Sullivan asked what variances they were requesting. Mr. Gotthelf said they needed an average front yard setback variance. The required average front setback is 64.6ft. Currently the front setback is at 36.5ft and will not change. The new construction will be at 44.10ft which is behind the current front setback. It is a pre-existing non-conforming condition and a hardship. Mr. Sullivan pointed out the applicant did not meet the requirements to use the relief provided in the Historic Preservation Ordinance. They do not comply with §40-49B (1) (c), since the alteration does not setback 12” from the primary plane of the existing primary street-facing façade. He asked if the hardship was because of the actual structure. Mr. Gotthelf said complying would have been difficult with this roof type and house geometry. They have applied using the exception under §40-49B (5). The Historic Preservation Committee determined this alteration was comparable with the existing structure.

The Chair asked if the Board members had any questions on the applicant. Mark Caputo questioned the height of the house? Would the ridge line stay the same? The existing ridge line was 26ft and would stay the same but the property slopes away making the height approximately 28ft at the end of the addition. James Murphy referenced sheet A-1. He noted the front property line was not completely straight. Was the 32,722sqft lot area per the survey; it was. Sheet 2 of the application did not agree with sheet A0 of the plans. Mr. Sullivan said he would add a resolution condition requiring sheet 2 be revised to be consistent with the testimony.

The Chair opened the meeting to the public – Ellen Foppes, of 29 Rainbow Trail, asked for a clarification on the ILC. Was the house footprint doubling? The footprint of the current house is 1302sqft plus the 365sqft addition for a total of 1,667sqft.

Jake DeNooyer made a motion to approve the application as presented with the condition that page two of the application and the plans be updated to agree with the testimony and the applicant was applying under the Historic Preservation Ordinance. A second was provided by Kelly McCormick and the Board voted 7 – 0 to approve the application with members Murphy, Paddock, Peters, McCormick, Caputo, Astrup, Vecchione and DeNooyer voting in favor.

Andy Thompson  
76 Kenilworth Road  
Side & Combined Side Yard Setback

Appl. #21-724  
Blk. 69, Lot 4  
R-A zone

Kelly McCormick recused herself from hearing the application because she lives within 200ft. The Architect for this application was also Alex Gotthelf. Mr. Gotthelf said the home was a contributing dwelling and they were seeking relief under the Historic Preservation bulk incentives. The applicant plans to restore the side porch. From the photos presented the Board could see there were two doors on the second floor that would have accessed the original sleeping porch built on top of the original side porch. They would like to use the old porch foundation to restore both, but they need to set any new construction back one foot to qualify to use the Historic Preservation Ordinance. The

new sleeping porch would have a roof. The homeowner would also like to have an attached garage. Currently they have a detached one car garage. Their plans showed a new garage in front of the existing garage. Their goal is to join the old garage to a new garage along with a new mud room and vestibule. The cars would be parked one behind the other in the garage. They would also like to add a circular driveway. The current detached garage was 6.4ft from the side property line. Under the Historic Preservation Ordinance, the new and old garage require a 20ft setback which they do not meet. The side entrance will have a new cover and the new and old garage will have dormers. James Murphy asked the Architect to list the variances requested. Mr. Gotthelf said they needed a side setback variance of 6.4ft on the east side of the property where 20ft is required and a combined side yard setback variance of 32.4ft where 50 ft is required. Brett Paddock asked if the patio was at grade? It was not at grade. Mark Caputo asked if the setback of 6.4ft was to the overhang or the garage wall. It was to the wall the overhang was another 18" closer to the property line. Mr. Caputo suggested gutters be added to the long outside wall of the combined garages to remove the water from the property line. James Murphy asked did they consider demolishing the existing garage? Alex Gotthelf thought by removing the old garage they would lose the existing 6.4ft setback. Steve Vecchione was concerned they were creating a large wall along the neighbor's property. A. Gotthelf thought they could offset the new garage 6" more if that would help. Mr. Vecchione asked about the buffer between the garage and the property line. Currently there are some trees along the property line.

Chairman Murphy opened the hearing for public comment. Kelly McCormick, of 74 Kenilworth Road, supported the application. Their garage was adjacent to the Thompson's. There were some maple trees that blocked the view. Both garages look at each other.

M. Caputo wanted them to add some landscaping the length of the garage. J. Murphy wanted the applicant to add gutters and leaders as well as the landscaping. J. DeNooyer was concerned a second row of landscaping would force someone to walk around it onto the neighbor's property. Brett Paddock asked does the existing garage have to remain; he did not think it did. Could they redesign a garage that was shorter and wider? A. Gotthelf said if they put the garage at the back of the house it would destroy the living room windows. What about expanding the existing garage back toward the patio? Could they redesign the garage and place it 9.4ft from the property line creating larger setback? M. Sullivan said if the garage was redesigned, he would want the Zoning Officer to determine if the project was still eligible to use the Historic Preservation incentives. Andy Thompson said he was fine with adding shrubs and gutters. They want to stay with the design presented. Mr. Sullivan confirmed the Board should act on this application. He suggested there be a condition in the resolution requiring the applicant to ask for an exception for the flush porch from Historic Preservation Committee. James Murphy asked if the 1<sup>st</sup> floor porch was open, or does it have screens? It is open and does not have screens.

Mr. Murphy opened the hearing to the public again. No one wished to comment or ask questions. The chair asked if there were any additional comments or deliberation. Stephen Vecchione was fine with the porch but was having trouble with the garage. He felt it make more sense to rebuild a new garage off the property line. Jake DeNooyer said he had trouble taking down the old garage to get 18" on the setback line. Mark Caputo

understood the desire to have an attached garage. Did they consider changing the orientation of the garage, so the garage doors faced the property line. Alex Gotthelf responded they did but that would not work. James Murphy was not enthusiastic about the garage but there is not a lot that can be done about the mass of the garage or the distance from the property line.

Michael Sullivan said the approval would be subject to the contributing dwellings requirements, they would need to revise the plans and page 2 of the application to agree with the testimony, adding gutters to the garage, obtain approval from the Historic Preservation Committee for the exception to the 12" setback for porch and redo the plans accordingly. Mark Caputo made a motion to approve the applications with the conditions above and the second was provided by Ann Peters. The Board voted 5 to 1 to approve the application with Board members Murphy, Paddock, Peters, Caputo, Astrup and DeNooyer voting in favor and Vecchione voting against.

**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 announced the Board would continue have our meetings remotely on Zoom through October.

Kelly McCormick made a motion to adjourn the meeting and Brett Paddock provided the second. The meeting was adjourned at 9:28 PM.

Respectfully submitted,

Cynthia Shaw