

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN
LAKES**

February 1, 2018

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 05, 2017. Said resolution was mailed to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on January 09, 2017 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:31PM

ROLL CALL:

Present: Max, Richter, DeNooyer, Sheikh, Peters, Caputo and Murphy

Absent: Vecchione, McCormick

Also Present: Attorney Michael Sullivan

REORGANIZATION:

Election of Chair – Jake DeNooyer made a motion to appoint Chris Richter Chair of the Zoning Board of Adjustment and Ann Peters provided the second. The motion was approved by a voice vote of all members present.

Election of Vice Chair– Chris Richter made a motion to appoint Stephen Vecchione vice Chair of the Zoning Board of Adjustment and Khizar Sheikh provided the second. The motion was approved by voice vote of all members present.

Appointment of Board Planner, Paul Phillips: This vote was placed on hold until next month's meeting since the Council was reviewing the Planners contract rates.

*Appointment of the Board Attorney, Michael Sullivan,
Appointment of Administrator/Secretary, Cynthia Shaw,
Appointment of Board Engineer, Bill Ryden,
Designation of Official Newspapers, The Citizen and The Daily Record, and
Determination of the regular Meeting Dates as follows:*

<i>March 1, 2018</i>	<i>August 2, 2018</i>
<i>April 5, 2018</i>	<i>September 20, 2018</i>
<i>May 3, 2018</i>	<i>October 4, 2018</i>
<i>June 7, 2018</i>	<i>November 1, 2018</i>
<i>July 12, 2018</i>	<i>December 6, 2018</i>
	<i>January 3, 2019</i>

James Murphy made a motion to adopt the resolution determining the Attorney, Board Administrator/Secretary, Engineer, newspaper designations and meeting dates for the Zoning Board of Adjustment for the 2018 calendar year. A second was provided by Arthur Max. The resolutions were approved by a voice vote of all members present.

Re-adoption of the By-Law – James Murphy made the motion to adopt the by-laws and a second was provided by Arthur Max. The resolution was approved by a voice vote of all members present.

REVIEW OF MINUTES: Mark Caputo made a motion to approve the minutes from the December 7, 2017 meeting. Ann Peters provided the second; the minutes were approved by voice vote by all members present.

RESOLUTION:

Dean Ferdico

Appl. 17-672

Mark Caputo made motion to adopt the resolution of approval; Ann Peters seconded the motion. The resolution was passed by a vote of 4 to 0 with members Max, Peters, DeNooyer and Caputo voting to approve.

REQUEST FOR EXTENSION OF TIME:

Ken and Karen Ten Huisen Appl. 16-661

Ken and Karen Ten Huisen requested their variances be extended 18 months to give them time to complete their renovation project. A motion was made by James Murphy to grant the extension and a second provided by Jake DeNooyer. The Board voted 7 to 0 to grant the extension with members Max, Richter, DeNooyer, Sheikh, Peters, Caputo and Murphy voting in favor.

PUBLIC HEARINGS:

Carried Application:

Perry and Stephanie Troisi

Appl. #17-676

44 Hillcrest Road

Blk. 96, Lot 4

Side Setback, Height

R-A zone

Floor Area Ratio, Improved Lot Coverage

Larry Korinda, a licensed architect in the state of NJ, and Stephanie Troisi, of 44 Hillcrest Road, would be presenting the application. They were filing their application under the Historic Preservation Ordinance. They were seeking a FAR variance of 24.2% where 22.3% exists and 21% is allowed. Their existing ILC is 37.31% and they are proposing 32.54%. Under the HPC Ordinance they would be allowed 30%. The side yard setback on the left side of Hillcrest is 19.5ft, they are proposing 19.1ft and 25ft is required. The house sits at an angle to the side yard. They also require a variance for height on Ball Road. The existing height is 40.7ft, they are proposing 40.75ft. This reflects an increase of .05ft where 35 ft. is allowed. Michael Sullivan asked Larry Korinda to correct the application to reflect an allowed side yard setback of 20 ft., under the HPC Ordinance, with a combined side yard setback of 50 ft.

Exhibit A-1 was the colorized Plot Plan dated 9/18/17 and revised 11/8/17. The exhibit showed the through lot with the front facing on Hillcrest and the back facing on Ball Road. The house has a large porch and walkway to Ball Road. The proposed addition

includes a drive under garage with a one story screened-in porch above. The red shading on the exhibit shows the reduction of the driveway pavement bringing the ILC back to the previous variance granted in 2001. Exhibit A-2 was 6 photos on a photo board dated 2/01/18. Five photos were of the existing house and one was historic photo. They plan on keeping the main house original. They are squaring off the pocket of area at the corner of the home as seen in photo #4. Photo #6 shows the tandem garage under the porch on Ball Road.

Drawing V-1 showed the existing basement and the 15.6ft addition to create a new two car garage. They are eliminating the existing pavement to the tandem garage which will become a storage space. The new kitchen on the left will be on a crawl space. Drawing V-2 showed the 1st floor screened in porch over the garage that includes a fireplace. The kitchen addition squares off the existing space and creates a more workable kitchen. This represents a .5% increase in FAR or habitable space. Drawing #3 showed the second floor plan. Since they need to replace the flat office roof they decided to replace the roof with a pitched roof which will cover the office and the screened in porch. There are no changes to the third floor. Drawing #5 depicted all the exterior elevations of the house. The additions are 1 story and in keeping with the house. Despite not meeting the FAR and ILC Mr. Korinda thought they were in the spirit of the Ordinance. The majority of the 2% increase in FAR was created by the oversized 3rd floor and must be counted. The porches are 290 sq. ft. over the exempted 500 sq. ft. which is exacerbated by the oversize porch on the Ball Rd side. They are decreasing the ILC and reducing the coverage by 4.77%. They think the changes will not be a detriment to the neighborhood or the zoning and planning Ordinances.

Mr. Richter asked if there were questions from the Board. Mark Caputo asked if the third floor was finished; it was. Chris Richter asked what percentage the 3rd floor was over the 2nd floor. Larry Korinda answered it was 67% of the floor below. He then asked Larry Korinda to correct the site plan. The zoning chart on site plan for FAR needs match the testimony and the Hillcrest Road front yard is conforming and it is marked as non-conforming. Jake DeNooyer liked the garage off the side of the home and that the house was hidden from the road by trees on the Ball Rd side.

No one from the public had any comments or questions.

Mr. Richter asked for any follow-up questions from the Board. Arthur Max asked if the applicant made any effort to make the FAR comply with the ordinance. Mr. Korinda responded, they entertained the idea of adding railings to all the porches but it made the house look like a wedding cake. They added the screened in porch to create a different outdoor living area since they had so much open terrace space. Mr. Max said the house was big on the site and loomed over Ball Rd. He thought they had done a great job but could have made the house look smaller. Larry Korinda stated they could have added a second floor to the addition and knocked out the third floor for calculating the FAR but that would have made the house more massive. James Murphy asked if the front of the house was level with Hillcrest Rd and if the front porch was original to the house. Mr. Korinda answered yes to both questions. Chris Richter concluded, the problem with a Hapgood house is it has no garage and an outdated kitchen. He thought the additions were good but was concerned the screened-in porch would get closed in later.

James Murphy made a motion to accept the application as presented with a condition that the site plan errors for front yard and FAR be corrected in the zoning chart. A second was

provided by Jake DeNooyer. The Board voted 7 – 0 to approve the application with members Max, Richter, DeNooyer, Sheikh, Peters, Caputo and Murphy voting in favor.

New Application:

Rod and Lesley Gower	Appl. #17-677
58 Briarcliff Road	Blk. 83, Lot 6
Floor Area Ratio, Improved Lot Coverage	R-A Zone
Side and Front Setback	

Rod Gower, of 58 Briarcliff Rd, and Seth Leeb, a licensed Architect in the state of NJ, presented the application. The first order of business was the waiver request to not provide a topographic survey. Mr. Leeb commented the property was flat and he did not see the need for the topo. They are proposing a flat driveway off Larchdell Way leading to a two car garage at the back of the property. Chris Richter thought a topo survey would have been appropriate in this situation. He made a motion to conditionally approve the waiver requiring an engineered plan showing the topography of the site; a second was provided by Ann Peters. The waiver was approved by voice vote by all members present.

Mr. Leeb presented exhibit A-1 which was an eight page photo packet. The photos were taken by the architect. Pages 1 and 2 were the front of the house on Larchdell Way. The balance of the photos were of the property line and the neighbor's homes. The home to the right of property, who's backyard is adjacent to their property, will be affect by the garage. The photo on page 8 showed the rear of the house. The main goal of the Gowers was to add a two car garage and renovate the second floor to add a master bath and bedroom.

Exhibit A-2, page V-1 the site plan colorized, was presented. No matter what is done on this property they will need an average front yard setback variance. The average front setback line lands behind the existing house at 128.42ft. The side yard requires a 25 setback. It is 29.7ft to house and 10 ft. to proposed garage. They are allowed 4,004 sq. ft. (25%) of ILC and they are requesting 4,466 sq. ft. or 27.9%. The FAR can be 17% and they are requesting 21.1%. If they could remove the odd shaped window in the front of the house during the bathroom renovation and use the HPC ordinance they would not need a variance for FAR or ILC.

Mr. Leeb said they looked at several options when determining where the garage could go on the property. The option with the least impact would be a detached garage. He went on to explained all the locations they considered for the garage and why they were not the best choice. They felt they placed the garage in the best location so as to not disturb the view of the neighbor's backyard. If they pushed the garage back the neighbor would see it more. By putting it closer to the property line and forward it puts the garage on the side of the neighbor's house. They tried to keep the architecture of the garage like the existing house, a sideways salt box, matching the roof lines. The garage second floor is for storage with pull down stairs. Their vehicles fit in 500 sq. ft. but they added an additional 65 ft. making it wider to accommodate bikes and garbage cans. They cut back some of the driveway but were creating additional ILC because they need to get to the garage. The placement of the garage kept the ILC down. The side of the property has trees that will block the view of the garage. Although there are 4 variances required two already exist. The new detached garage will face forward typical of the time the home was built. They

feel the positives of this plan outweigh the detriments and there are no hazards to the zoning plan.

James Murphy confirmed the allowed coverage was 25%, the existing was 21.8% and they proposed 27.9%. Chris Richter pointed out the applicant was over their coverage by 2.9% with no turn around for cars. He thought it should be provided. Mr. Leeb responded it would increase the ILC and the applicant was comfortable backing out of the driveway. Mr. Richter replied you need a turnaround for safety and he would never approved a garage 10 ft. off the property line. He thought they should turn the garage. Seth Leeb answered if they turned it they would block the dining room windows. Ann Peters was concerned with backing out of the driveway; this street is part of the walk to school route. Arthur Max had a problem with the 10ft sideline setback and the proximity to the neighbor. He would prefer elevations for drainage and a site plan. Mark Caputo asked what the setback for the driveway was. Chris Richter said the town requires a 2.5ft setback from the property line. Mr. Sheikh said for him the setback was a problem; he was less concerned about the backing out.

Mr. Richter asked if anyone from the public wish to ask questions or speak about the application. Frank Ferreiras, of 6 Larchdell Way, commented the setback to my house would be 33ft. from the corner of the proposed garage. He would be able to see the garage from every window in his house and it would change the dynamic of his backyard. He was concerned with the water that currently settles in the front corner of the property. He confirmed one large tree will be removed in the back. S. Leeb responded no matter where they place the garage the 28" diameter tree will come out. Mr. Ferreiras presented exhibit O-1 photo of standing water after a rainstorm. Mr. Leeb said they are aware of the water and the plan was to pitch the driveway to take care of the water. He then presented exhibits O-2-5 which were photos of view from his house to the Gower's backyard. Rod Gower added moving the garage closer to the back of the house would alter the historic home. Khizar Sheikh asked could they fit the garage off the house. Mr. Leeb said it would fit but they were concerned the garage would block the view of the rear yard and children playing. If they pushed it back it would be more of an impact to the neighbor and their view from the deck. They would lose a lot of light to the butler's pantry, kitchen and dining room plus have to move A/C units. Ann Peters asked if they would consider a one car garage. Seth Leeb answered that was not entertained. James Murphy responded the garage was 1/3 of the foot print of the 1st floor. I think this is the reason the garage was never built. Jake DeNooyer questioned why they didn't fall under Historic Preservation Ordinance. The window in the Master Bath they want to remove is in the same plane as the front of the house. If they change the front window they no longer qualify.

Based on Board feedback Seth Leeb asked they carry the application to the March 1st meeting without further notice. Mark Caputo made a motion to carry the application and a second was provided by Jake DeNooyer. The Board approved the carry by voice vote of all eligible members.

Other Matters / Public Comment:

2017 Annual Report – The 2017 Annual Report was reviewed by the Board. The report was approved by a voice vote of all members present.

No one was present from the public.

Board discussed the Historic Preservation Ordinance.

James Murphy made a motion to adjourn the meeting and Chris Richter provided the second. The meeting was adjourned at 9:12 PM.

Respectfully submitted,

Cynthia Shaw