

**MINUTES OF A REGULAR MEETING  
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN  
LAKES  
April 5, 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 February 1, 2018. Said resolution was mailed to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on February 5, 2018 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:34PM

**ROLL CALL:**

Present: Richter, Peters, Caputo, McCormick, Vecchione and Murphy

Absent: Max, Sheikh and DeNooyer

Also Present: Attorney Michael Sullivan

**REVIEW OF MINUTES:** Mark Caputo made a motion to approve the minutes from the March 1, 2018 meeting. Chris Richter provided the second; the minutes were approved by voice vote by all eligible members.

**RESOLUTION:**

Rod and Lesley Gower

Appl. #17-677

A motion was made by James Murphy to adopt the resolution of approval and a second was provided by Mark Caputo. The resolution was passed by a vote of 4 – 0 with members Richter, Murphy, McCormick and Caputo voting in favor.

Brett Paddock

Appl. #18-678

A motion was made by Mark Caputo to adopt the resolution of approval and a second was provided by James Murphy. The resolution was passed by a vote of 4 – 0 with members Richter, Murphy, Vecchione and Caputo voting in favor.

Anthony DeConciliis

Appl. #18-679

A motion was made by Stephen Vecchione to adopt the resolution of approval and a second was provided by Mark Caputo. The resolution was passed by a vote of 4 – 0 with members Richter, Murphy, Vecchione and Caputo voting in favor.

**PUBLIC HEARINGS:**

New Application:

Paul and Jennifer L'Estrange  
131 Lake Drive  
Floor Area Ratio

Appl. #18-682  
Blk. 101, Lot 54  
R-A zone

The applicant requested their hearing be carried to May 3, 2018. Mark Caputo made a motion to carry the application to May 3<sup>rd</sup> without further newspaper noticing. James

Murphy provided the second and the carry was approved by a voice vote of all members present.

Shomaf and Seama Nakjho  
53 Lake Drive  
Floor Area Ratio, Improved Lot Coverage  
Height, Shoreline Set Back

Appl. #18-680  
Blk. 101, Lot 14  
R-A Zone

Larry Korinda, a licensed Architect in the state of New Jersey, and Shomaf Nakjho, of 53 Lake Drive, presented the application. The applicant was looking for a FAR variance of 17.4%, where 17.4% exists and 17% is allowed. They are requesting an ILC of 30.2%, 30.2% exists and they are allowed 25%. There is no change in the existing FAR or ILC. They require a shoreline setback variance but there is no change in actual setback. The current height on the non- street fronting sides is 38.67ft. By converting the area under their existing back deck into a garage they increases the proposed height to 39.36ft where 38ft is allowed. They currently have 3.5 stories on the non-street facing sides and it will remain 3.5 stories; 3 stories are permitted. The home is a Hapgood but they are not using the Historic Preservation Ordinance because they do not meet the required 50ft combined side yard setback. They need a side yard setback variance because the existing non-conforming setback is 14.7ft. The new garage will be 28.1ft from the property line.

They are rebuilding the current garage, enclosing the existing under deck carport to create a second garage and installing a new fiberglass deck above the new garage. The new garage has same lakefront setback as the carport, it does not change the views for the neighbors and does not impede further into the setback. Mr. Korinda presented exhibit A-1 a photo board consisting of three photos of the rear of the home; specifically the existing garage and carport with the deck above. Currently the carport stores one car, toys and bikes. Drawing #1, the basement garage plan, showed the new garage addition; specifically how the new outside wall would match up with the existing deck above. The homes original outside wall would be removed and replaced with a beam. Drawing #2, showed how the enclosed porch was being reconstructed. The porch interior would be rearranged to expand the kitchen and add a family room. Drawing #3, the second floor plan, showed the addition of a deck off the master bedroom. Drawing #5, the new rear elevation was compared to the photos of the rear of the existing home. Mr. Korinda concluded they haven't added any ILC or FAR. The building height increased a nominal amount. And if they could use the Historic Preservation Ordinance they would not need the ILC or FAR variances.

James Murphy clarified the combined setback was 37.7ft and the increased in height on the non-street facing side was due to the property sloping away at the rear of the home. Chris Richter asked if they counted the lower level as a story. Mr. Korinda responded the lower level was defined as a basement. Mr. Richter had issues with the 4 story look in the back of the house. Could they add landscaping in the back to reduce the appearance of the height? The Board discussed various ways to disguise the height of the house. The applicant agreed to add landscaping along the garage wall facing the lake. Larry Korinda suggested 10 boxwoods, 3 to 4ft high, planted between the pillars. No one from the public wished to comment on the application.

Michael Sullivan asked the applicant if they wished to proceed with the Board vote since the “D” variance required 5 affirmative votes and only 6 members were present. Mr. Nakjho wished to continue. Chris Richter confirmed there were no previous resolution on the property.

A motion was made by Stephen Vecchione to approve the application as presented with a condition they add 10 boxwoods along the back of the home. A second was provided by Kelly McCormick. The Board voted 6 to 0 to approve the application with members Richter, Vecchione, Murphy, Peters, Caputo and McCormick voting in favor.

Frank Coppola and Tom Pierro  
157 Morris Avenue  
Front Setback (2), Height, Side Setback

Appl. #18-681  
Blk. 92, Lot 21  
R-A Zone

Brian Murphy, a licensed Architect in the state of NJ, Marc Walker, a licensed Engineer in the state of NJ and Attorney Larry Calli would be presenting the application. The property is a triangular shaped lot with two fronts. They were seeking variances for height, two (2) front setbacks and a side setback. Brian Murphy explained the large front steps on Morris Ave. would be removed. The existing front porch would be made into the dining room. On the Bellvale side they will build a portico for the new front door. The house is a Hapgood. They are adding windows to the front screened-in porch to make it a three season sunroom. They are removing the second floor bay window on the left side of the home and updating the second floor bathroom. On the third floor they have added two dormers, one to the side and one facing Morris Ave. creating bedrooms 4 and 5. Brian Murphy reviewed the new elevations, comparing them to exhibit A-1, 12 photos of the house today. They added a double gable roof to create architectural interest and a covered portico on the new front of the home. The FAR calculations remain the same. Chris Richter confirmed they included 490sq ft. for the closed in sun room and porch on the 1<sup>st</sup> floor in the FAR.

The Chair asked if the public had any questions for the Architect; there were none. He confirmed the Board did not have any additional questions.

Marc Walker reviewed the report written by Mr. Ryden. As required in item #4 he would modify the plot plan to show the correct non-street fronting height calculation in the zoning chart. They are not changing the setback, the structure of the house or the height. They are just adding a front stoop on the Bellvale Road side. There was little or no impact to the zone plan.

James Murphy questioned why, on the Morris Ave side, the existing setback was 31.9ft to the stairs and 40.5ft to the house. Mr. Walkers explained once the stairs were removed you measure the setback to the house. Chris Richter asked about the condition of the gazebo. Tom Pierro, of 35 Chillhowy Drive, Kinnelon, answered the condition was fine, it is hidden behind pines but it needed to be painted and cleaned up. It was located just off the paper road and was very close to the property line. The applicant was willing to tear it down if the Board wanted. Mark Caputo thought it should be taken down so they were in compliance. James Murphy asked if it had a foundation; it was on a slab. The Board decided to let the existing gazebo stay. James Murphy asked who owned the property. It is owned by them individually.

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

James Murphy made a motion to accept the application as presented with a condition to correct the zoning chart on site plan. Ann Peters provided the second. The Board voted 6 to 0 to approve the application with members Richter, Vecchione, Murphy, Peters, Caputo and McCormick voting in favor.

**Other Matters / Public Comment:**

No one from the public was present.

Chris Richter asked for an update on the Borough's Affordable Housing plan. Cynthia Korman, the Board liaison to the Council, said the Affordable House Advisory Committee would most likely meet in April and the Council Attorney was reviewing the recent Mercer County decision on Affordable Housing.

Stephen Vecchione made a motion to adjourn the meeting and James Murphy provided the second. The meeting was adjourned at 8:34PM.

Respectfully submitted,

Cynthia Shaw