

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN
LAKES
May 3, 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: 7:31PM

ROLL CALL:

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

Absent: Vecchione, Sheikh and Caputo

Also Present: Attorney Michael Sullivan

REVIEW OF MINUTES: James Murphy made a motion to approve the minutes from the April 5, 2018 meeting with a correction. Kelly McCormick provided the second; the minutes were approved by voice vote by all members present.

RESOLUTION:

Shomaf and Seama Nakjho

Appl. #18-680

Ann Peters made a motion to adopt the resolution of approval; James Murphy seconded the motion. The resolution was passed by a vote of 4 to 0 with members Richter, Murphy, Peters and McCormick voting to approve.

Frank Coppola and Tom Pierro

Appl. #18-681

Ann Peters made a motion to adopt the resolution of approval; Chris Richter seconded the motion. The resolution was passed by a vote of 4 to 0 with members Richter, Murphy, Peters and McCormick voting to approve.

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

Larry Korinda, a licensed Architect in the state of NJ, presented the application. Michael Sullivan noted the Board had only 6 members present and the FAR variance required 5 affirmative votes to be approved. Mr. Korinda confirmed they wished to continue anyway. The L'Estrange family was looking for an FAR variance to close in their screened-in porch. He presented exhibit A-1 a photo of the existing 19.3ft x 10.4ft screened-in porch. Sheet V-2 showed the elevations of the home. They plan to maintain the existing arched openings and replace the screens with double hung windows. Sheet V-3 showed the porch floor plan.

They will increase the living area by 174sq ft. resulting in a .9% change in FAR. The allowed FAR is 17% and they are increasing the FAR from 17.34% to 18.24%. The home has a combined side yard setback of 36.9ft so they can't use the HP Ordinance. If they had the combined side yard setback of 50ft they would be able to take advantage of the Ordinance. Mr. Korinda said per Mr. Dagger, chair of the Historic Preservation Committee, the combined side yard setback should only apply to the addition not the existing house as the Zoning Officer has done.

Chris Richter asked how this situation was so special or unique that the Board should allow the enclosure of the porch; this decision could set a precedent. Larry Korinda said this home was a contributing structure and the small porch was a minor element. James Murphy asked what variances were originally requested in the Buckley application. Mr. Sullivan answered they were FAR, front and side yard setback. Arthur Max asked why the 10ft side yard setback was previously granted. Larry Korinda answered it was a pre-existing condition. Chris Richter followed up; your case is if you applied under the Historic Preservation Ordinance you would be allowed a 21% FAR. The bump out on the 1st floor is a one story powder room which exceeds the required side yard setback. If the powder room was not there you would be able to take advantage of the Ordinance. Arthur Max asked what precedent this set. Mr. Sullivan didn't think it did. Mr. Richter noted the Buckley application was heard prior to the passing of the Historic Preservation Ordinance. Jennifer L'Estrange explained to the Board they wanted to install the windows because currently the wind blows out their porch screens. Jake DeNooyer added his family did not use their deck because of the wind on the lake.

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

James Murphy made a motion to approve the application as presented and Jake DeNooyer provided the second. The Board voted 6 to 0 to approve the application with members Richter, Peters, McCormick, Murphy, Max and DeNooyer voting in favor.

Other Matters / Public Comment:

Additional Professional Appointments:

Kelly McCormick made a motion to appoint Environmental Engineer Stephen Souza, of Princeton Hydro, and Traffic Engineer, Gary Dean, of Dolan and Dean Consulting Engineers, LLC to the Board's list of professionals for 2018. A second was provided by Arthur Max. The Board voted 6 to 0 with members Richter, Peters, McCormick, Murphy, Max and DeNooyer voting in favor.

Water Usage Plan: Cynthia Korman, of 53 Pollard Road, said she wanted to make the Board aware of the Environmental Commissions' report on water usage presented at the April 23rd Council meeting.

James Murphy made a motion to adjourn the meeting and Arthur Max provided the second. The meeting was adjourned at 8:20PM.

Respectfully submitted,

Cynthia Shaw