

**MINUTES OF A REGULAR MEETING  
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN  
LAKES  
July 19, 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, Caputo, Murphy, Max, and DeNooyer

Absent: Vecchione, Sheikh, Peters, McCormick

Also Present: Attorney Michael Sullivan

**REVIEW OF MINUTES:** Arthur Max made a motion to approve the minutes from the May 3, 2018 meeting. Jake DeNooyer provided the second; the minutes were approved by voice vote by all members present.

**RESOLUTION:**

Paul and Jennifer L'Estrange

Appl. #18-682

James Murphy made a motion to adopt the resolution of approval; Jake DeNooyer seconded the motion. The resolution was adopted by a vote of 4 to 0 with members Richter, Max, Murphy and DeNooyer voting in favor.

**PUBLIC HEARINGS:**

New Applications:

Boardwalk Builders, LLC

298 Boulevard

Pervious Buffer

Appl. #18-685

Blk. 100, Lot 43

R-A zone

Boardwalk Builders, LLC

302 Boulevard

Pervious Buffer

Appl. #18-684

Blk. 100, Lot 44

R-A zone

Since both properties were owned by the same company, were located next door to each other and their request for a variance were related the Board agreed to hear both applications simultaneously. Rosemary Stone-Dougherty, Attorney for the applicant, and Michael Moritz, a licensed Architect in the state of New Jersey presented the application. Their client had improved the driveway on 302 Boulevard. In the process they extended the driveway circle connecting it to the driveway on 298 Boulevard. Chris Richter confirmed the driveway was already constructed. Mr. Moritz presented exhibit A-1 which consisted of 6 photos, dated 7/19/18, showing the driveways on both lots. The driveway crosses the

property line and is located behind a heavy screening of trees and rhododendron bushes. This connection creates a path between the two properties and eliminates the required 2.5ft buffer on each lot. 302 Blvd., with the circular drive, is the main residence for the property owners and does not have a garage. They purchased 298 Blvd to use for their guests and to provide a garage for their cars.

Chris Richter asked the justification for connecting the driveways over the property line. Mr. Moritz answered the existing detached garage on 302 is a guest house so they do not have a garage. Rosemary Stone-Dougherty added the owner wanted to use the garage at the other house and did not want to drop off packages, go out the driveway onto the Blvd and then reenter the driveway at 298. Michael Sullivan said the ownership was common now. Were they willing to remove the driveway connection when they sold the house? Chris Richter asked how that would be enforced later. Mr. Sullivan said the Board could require the deed reference the resolution. Ms. Stone-Dougherty answered they would be willing have a deed restriction. Arthur Max could see the safety issue and thought a deed restriction necessary. He asked if there were plantings in the buffer to block the view of the connection. Mr. Richter thought there needed to be some additional low level bushes. Jake DeNooyer preferred the hidden driveway rather than another garage on 302. Michael Moritz said the applicant originally wanted to block off the driveway access on 302, screen the front of the lot and only use the driveway on 298 but that was not permitted.

Michael Sullivan clarified the applicant would have to record two deeds restrictions. When selling either of the homes the driveway connection would be removed, planted with native plants and the previous buffer replaced. Chris Richter thought they should have to remove the entire area they added. Mark Caputo asked about merging the two lots. Mr. Sullivan answered you would have two dwellings on the lot which was not permissible. James Murphy asked about the material used to build the driveway. Mr. Moritz responded it was a previous driveway with dry wells below to capture all the run off. J. Murphy clarified if they wanted to they could have built the driveways up to 2.5 ft. from the property.

Two separate motions were made, one for each lot.

298 Boulevard: Mark Caputo made a motion to approve the application as presented with the condition the applicant provide 3ft high evergreens to screen the interconnection from the Boulevard. A deed restriction be added requiring the removal of the driveway and native plantings replace the driveway connection when either home is sold. New plans with the evergreen plantings must be provided to the Borough. A second was provided by Jake DeNooyer. The Board voted 5 to 0 to approve the application with members Richter, Caputo, Murphy, Max, and DeNooyer voting in favor.

302 Boulevard: Mark Caputo made a motion to approve the application as presented with the condition the applicant provide 3ft high evergreens to screen the interconnection from the Boulevard. A deed restriction be added requiring the removal of the driveway and native plantings replace the driveway connection when either home is sold. New plans with the evergreen plantings must be provided to the Borough. A second was provided by Jake DeNooyer. The Board voted 5 to 0 to approve the application with members Richter, Caputo, Murphy, Max, and DeNooyer voting in favor.

#### **Other Matters / Public Comment:**

No one from the public wished to speak during the public comment period.

Mark Caputo made a motion to adjourn the meeting and Jake DeNooyer provided the second. The meeting was adjourned at 8:11PM.

Respectfully submitted,

Cynthia Shaw