

Note: We are not submitting this for publication or for billing to the Borough.

For Notice under Sunshine Law

**MOUNTAIN LAKES ZONING BOARD OF ADJUSTMENT
AGENDA
September 10, 2020**

NOTICE: Please take notice that the regular meeting of the Zoning Board of Adjustment of the Borough of Mountain Lakes will be held on September 10, 2020 at 7:30 p.m. **as a remote meeting only.** Formal action may be taken. **To Participate** via computer please use the following link to join the webinar: <https://zoom.us/j/94321697504>
Or use iPhone one-tap: US: +13126266799,,94321697504# or +19292056099,,94321697504#
Or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833
Webinar ID: 943 2169 7504

1. CALL TO ORDER & OPEN PUBLIC MEETING ADVERTISEMENT NOTICE
2. ROLL CALL
3. REVIEW OF MINUTES: August 6, 2020
4. MEMORIALIZING RESOLUTION:
Ashley Brower & Robert Follet Appl. #20-715
5. EXTENSION OF TIME:
Jan DeBenedetto & Collette Liantonio App. # 18-693
6. PUBLIC HEARINGS:
New Application:
James & Cassandra Kiely Appl. #20-716
6 Cove Place Blk 101.02, Lot 84
Front Yard Setback, Building Envelope R-A Zone

Claire & John Zamierowski Appl. #20-717
4 Hillcrest Road Blk 84, Lot 1.01
Side Yard Setback R-A Zone
7. OTHER MATTERS / PUBLIC COMMENTS
8. ADJOURNMENT



Cynthia Shaw, Administrative Officer

Dated: August 20, 2020

Distribution:

Board Chairman and Members
Board Attorney
Citizen & Daily Record ✓

Web Site ✓
Council Liaison ✓

Applicants ✓
Bulletin Board ✓
Borough Clerk ✓

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**MINUTES OF A SPECIAL MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
August 6, 2020**

Chair Chris Richter 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 on July 29, 2020 and The Morris County Daily Record on July 22, 2020 and by filing the same with the Borough Clerk and posting it on the Front Door on July 23, 2020 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:30PM

ROLL CALL:

Present: Richter, DeNooyer, Paddock, Vecchione, McCormick and Caputo

Absent: Max, Murphy, Peters

Also, Present: Attorney Michael Sullivan

REVIEW OF MINUTES: Stephen Vecchione made a motion to approve the minutes from the July 9th meeting. Brett Paddock provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION:

Victor Garofalo

Appl. #20-712

Jake DeNooyer made a motion to adopt the resolution of approval, Stephen Vecchione provided the second. The Board voted 4 – 0 with members Richter, Vecchione, DeNooyer and Paddock voting in favor.

Thomas & Karen Hunt

Appl. #20-713

Jake DeNooyer made a motion to adopt the resolution of approval, Chris Richter provided the second. The Board voted 4 – 0 with members Richter, Vecchione, DeNooyer and Paddock voting in favor.

Ted Pierson

Appl. #20-714

Stephen Vecchione made a motion to adopt the resolution of approval, Brett Paddock provided the second. The Board voted 4 – 0 with members Richter, Vecchione, DeNooyer and Paddock voting in favor.

PUBLIC HEARINGS:

New Application:

Ashley Brower & Robert Follet
78 N. Pocono Road
Side Yard Setback

Appl. #20-715
Blk 19, Lot 3
R-A Zone

Ashley Brower and Robert Follet, of 78 N. Pocono Road, were sworn in and would be presenting their own application. They are requesting a 16.5ft side setback for an A/C unit. When house was built the side setback in the zone was only 20ft, so the house is 20ft from the property line. It would be hard to install a unit in the back of the house because of the chimney, windows and patio.

Michael Sullivan said the unit was 2.5ft wide but what was the distance it needed to be installed from the house. A. Brower said her contractor said the unit must be 10in from the house. Chris Richter said the application requests a variance for a side setback of +/- 16.5ft and the Board really needs a true measurement. Michael Sullivan reminded the Board we have a condition that requires an as-built survey once a project is finished. Chris Richter asked about the presence of vegetation along the property line. R. Follet said there was rose of Sharon there as well as evergreens. Stephen Vecchione asked if they had A/C now. Mr. Follet said they installed some ductless units they are using for the 1st floor, but they need a bigger unit to do the 2nd floor. The ductless units were small enough to install under the windows in the backyard. J. DeNooyer asked if the neighbors were noticed. The administrator answered yes, the notice was done properly. Mr. DeNooyer asked if they could put the new unit by the chimney in the rear of the house. A. Brower said they couldn't do that because the unit would be under a window next to their patio and the 1st floor units were on the other side of the chimney. If you put it in the back of the house it would be closer to the neighbor's patio than the side would be. Chairman Richter asked if anyone from the public had any questions or comments. Cathi Hadjiloucas, of 5 Lakewood Drive, and Dena Muniz, of 7 Rainbow Trail, had no comments on the application.

Michael Sullivan stated the standard resolution conditions applied including the need for an as-built survey to be done at the completion of the project to confirm the side yard setback does not exceed 16.5ft. A motion was made by Stephen Vecchione to approve the application as presented. A second was provided by Mark Caputo. The Board voted 6 – 0 to approve the request as submitted with members Richter, DeNooyer, Paddock, Vecchione, McCormick and Caputo voting in favor.

Other Matters / Public Comment:

The Chair opened the meeting to the public, but no one wished to speak during the public session.

Kelly McCormick made a motion to adjourn the meeting and Jake DeNooyer provided the second. The meeting was adjourned at 7:55PM.

Respectfully submitted,

Cynthia Shaw

**RESOLUTION
BOROUGH OF MOUNTAIN LAKES
ZONING BOARD OF ADJUSTMENT**

Application No. 20-715
Ashley Brower and Robert Follett
78 North Pocono Road
Block 19, Lot 3

WHEREAS, Ashely Brower and Robert Follett, as owners, did make application to the Zoning Board of Adjustment of the Borough of Mountain Lakes for permission to install an air conditioning condenser unit at the above-captioned property located in the R-A Zone; and

WHEREAS, the applicants sought a variance pursuant to N.J.S.A. 40:55D-70c to permit a southerly side yard setback of 16.5 feet where a minimum of 25 feet is required pursuant to Mountain Lakes Code Section 245-19/Schedule I; and

WHEREAS, the applicants submitted a survey consisting of one sheet prepared by Lakeland Surveying dated April 15, 2020 updated June 1, 2020; and

WHEREAS, this matter came on to be heard at a regular meeting of the Zoning Board of Adjustment held on August 6, 2020, at which time it was established that the property owners within 200 feet of the property in question had properly been served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings of fact and conclusions of law:

1. The subject property is located on the westerly side of North Pocono Road and contains lot area of 23,503.9 square feet. The property is improved with a two-story single-family dwelling and related site improvements.
2. The applicants propose to install a 29.8 in. (L) x 29.8 in. (W) x 25 in. (H) air conditioning condenser unit adjacent to the home on the southerly side of the property.

3. The existing home contains a preexisting nonconforming southerly side yard setback ranging from 20.1 feet to 21.6 feet where a minimum of 25 feet is required. The Board determined that based upon the location of the home lawfully existing on the property, the proposed location of the air conditioning condenser is the most appropriate and the strict application of the side yard setback requirement results in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the applicants.

4. Approval of this application advances the purposes of the Municipal Land Use Law contained in N.J.S.A. 40:55D-1 et seq., specifically encouraging appropriate use of land which promotes the general welfare (-2a); provides adequate light, air and open space (-2c) and provides sufficient space in an appropriate location for the air conditioning condenser unit (-2g).

5. There exists landscaping screening along the southerly side of the property minimizing the visual impact of the air conditioning condenser unit.

6. Based upon the Board's particular knowledge of local conditions, approval of this application is consistent with the character of the neighborhood and will not adversely impact area properties.

7. Approval of this application is not inconsistent with the intent and purpose of the Zone Plan and Zoning Ordinance which seeks to preserve the residential character of the neighborhood.

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants met the positive criteria and proved peculiar and exceptional practical difficulties and exceptional and undue hardship pursuant to requirements of N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment pursuant to the requirements of N.J.S.A. 40:55D-70c(2); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants met the negative criteria in that approval of the application will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70;

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Borough of Mountain Lakes that the within application of Ashley Brower and Robert Follett for a side yard setback variance, as outlined herein, is hereby approved subject to the following conditions:

1. This approval is limited to compliance with the plans submitted to the Board which are attached hereto and shall not be construed to permit any renovations not shown on the approved plans.

2. The applicants shall be bound by all representations made at the public hearing.

3. Compliance with the Tree Management Plan set forth in Sections 102-35 and 102-36 of the Code of the Borough of Mountain Lakes.

4. An as-built survey shall be submitted to the Construction Office for confirmation of compliance with zoning and engineering requirements.

Offered by:

Seconded by:

Vote:

Date:

**MCHUGH &
BRANCATO**
ATTORNEYS LLP

MARK J. BRANCATO
JAMES P. MCHUGH III
CERTIFIED CIVIL TRIAL ATTORNEY

104 ELCOCK AVE.
BOONTON, NJ 07005
973.541.9229
FAX 973.541.9259
LAW@MCHUGHBRANCATO.COM

August 18, 2020

Cynthia Shaw, Administrative Officer
Mountain Lakes Board of Adjustment
Borough of Mountain Lakes
400 Boulevard
Mountain Lakes NJ 07046

RE: Liantonio & De Benedetto
PQ: 6 Cove Place, Mt Lakes, NJ
B100.2 L84
Application number 18-693

Dear Ms. Shaw;

As you know I represent applicants in regard to the above.

I annex hereto the April 4, 2019 Resolution extending the approvals of my client's application for variance relief.

My clients have been taking steps to begin construction of the approved home upon the Subject. However, they have recently entered into a contract to sell the subject to a third party. Those buyers intend to construct a home that will conform with the provisions of the April 4, 2019 Resolution. I understand that they have filed an application with the Board to modify the design of the home to be built upon the Subject.

We respectfully request that the Board renew and extend for 18 months those approvals as set forth in the Resolution.

Thank you for your ongoing courtesies in this matter

Very truly yours,
McHUGH & BRANCATO


MARK J. BRANCATO

**RESOLUTION
BOROUGH OF MOUNTAIN LAKES
ZONING BOARD OF ADJUSTMENT**

Application No. 18-693
Jan DeBenedetto and Collette Liantonio
6 Cove Place
Block 100.02, Lot 84

WHEREAS, Jan DeBenedetto and Collette Liantonio, as owners, did make application to the Zoning Board of Adjustment of the Borough of Mountain Lakes to construct a single family home at the above-captioned property located in the R-A Zone; and

WHEREAS, the applicants requested variances pursuant to N.J.S.A. 40:55D-70c as follows:

1. To permit a front yard setback of 40.3 feet where a minimum of 110.9 feet is required pursuant to Mountain Lakes Code Section 245-20B.
2. To permit less than the required 85 feet by 50 feet minimum building envelope pursuant to Mountain Lakes Code Section 245-20C.

WHEREAS, the applicants submitted a plot plan and soil erosion and sediment control plan prepared by Dykstra Walker Design Group P.A. consisting of two sheets dated July 8, 2015 as well as floor plans and elevations prepared by John Saracco Architect L.L.C. consisting of Sheets PB-100 and PB-101 dated January 15, 2019 (identical to the previously approved plans dated November 10, 2015); and

WHEREAS, this matter came on to be heard at a regular meeting of the Zoning Board of Adjustment held on March 7, 2019, at which time it was established that property owners within 200 feet of the property in question had properly been served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings of fact and conclusions of law:

1. The subject property is a vacant lot located on the southerly side of Cove Place and contains lot area of 21,885 square feet. The property contained a single family residence for over forty years with a building footprint of 3,150 square feet. The location of the home did not comply with the minimum front yard setback requirement from Cove Place as well as the required westerly lake front setback from Mountain Lake.

2. The applicants propose to construct a single family home with a building footprint of 3,144 square feet in substantially the same location as the previously existing dwelling. The proposed home is less sprawling and more rectangular than the previous home and will comply with the requisite lake front setbacks.

3. By resolution adopted February 4, 2016, the Board approved the identical application and granted the same relief sought herein to Boardwalk Builders, LLC in Application No. 15-652 subject to conditions. Construction of the home did not commence and the variances expired pursuant to Mountain Lakes Code Section 40-42.

4. The front yard setback requirement in the R-A Zone is 40 feet, however, pursuant to the front yard exception contained in Mountain Lakes Code Section 245-20B, the front yard setback shall be the average of adjacent buildings as outlined therein except in no event shall the setback be less than the required front yard setback for the appropriate zone as specified in Mountain Lakes Code Section 245-19/Schedule I. The front yard setback of Lot 95 in Block 100.02 is 49.3 feet and the front yard setback of Lot 83 in Block 100.02 is 172.4 feet which yields a front yard setback requirement of 110.9 feet.

5. The subject property is irregularly shaped with two lake frontages requiring compliance with the lake front exception contained in Section 245-20A. The required front yard setback pursuant to the front yard exception contained in Section 245-20B eliminates the building envelope and unless relief is granted a home could not be constructed on the lot. By reason of an extraordinary and exceptional situation uniquely affecting this property, the strict application of the front yard setback requirement and minimum building envelope requirement results in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the applicant.

6. Approval of this application will allow for a single family home in the most appropriate location on the lot which advances the purposes of the Municipal Land Use Law contained in N.J.S.A. 40:55D-1 et. seq., specifically encouraging appropriate use of land which promotes the general welfare (-2a); provides adequate light, air and open space (-2c); promotes establishment of appropriate densities and concentrations that contribute to the well-being of persons (-2e); provides sufficient space in an appropriate location for residential use (-2g) and promotes a desirable visual environment (-2i).

7. The proposed front yard setback of 40.3 feet is consistent with setbacks in the area. Across Cove Place Block 100.02, Lot 80 contains a front yard setback of 41 feet and Block 100.01 in Lot 79 contains a front yard setback of 35 feet. The 172.4 foot front yard setback associated with Lot 83 in Block 100.02 is an anomaly and not representative of the prevailing setback. Based upon the Board's particular knowledge of local conditions approval of this application is consistent with the character of the neighborhood and will not adversely impact the public good.

8. Based upon the uniqueness of this property, approval of the requested variances allows for construction of a single family home on a lot which contained a residence in substantially the same location for over forty years is not inconsistent with the intent and purpose of the zone plan and zoning ordinance which seeks to preserve the residential character of the neighborhood.

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants met the positive criteria and proved peculiar and exceptional practical difficulties and exceptional and undue hardship pursuant to requirements of N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment pursuant to the requirements of N.J.S.A. 40:55D-70c(2); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants met the negative criteria in that approval of the application will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Borough of Mountain Lakes that the within application of Jan DeBenedetto and Collette Liantonio for variances relating to building envelope and front yard setback as outlined herein is hereby approved subject to the following conditions:

1. The applicants shall comply with and satisfy comments 4, 6, 8, 9 and 10 contained in the review letter of William D. Ryden, P.E., Borough Engineer dated October 13, 2015.

2. The applicants shall submit a revised floor area ratio calculation including the area of the second floor certified by a licensed architect or engineer indicating the actual proposed floor area ratio is 16.86 percent.

3. The applicants shall obtain all other required and necessary approvals for the approved project.

4. Compliance with the Tree Management Plan set forth in Sections 102-35 and 102-36 of the Code of the Borough of Mountain Lakes.

5. This approval is limited to compliance with the plans submitted to the Board which are attached hereto and shall not be construed to permit any renovations not shown on the approved plans.

Offered by: James Murphy

Seconded by: Stephen Vecchione

Vote: 5 - 0

Date: April 4, 2019

**Borough of Mountain Lakes
Mountain Lakes, NJ 07046**

April 8, 2019

Jan DeBenedetto and Collette Liantonio
3 Adams Way
Towaco, NJ 07046

Re: Application #18-693
6 Cove Place

Dear Applicant:

Enclosed is a copy of the resolution which memorializes the approval of your variance application to the Board of Adjustment. The memorializing resolution was adopted at the April 4, 2019 meeting of the Board. The memorialization of the resolution will appear in the April 10, 2019 edition of the Citizen.

Please note that variances expire after 18 months if construction has not commenced. Refer to Chapter 40-42 of the Mountain Lakes Land Use Ordinances:

Expiration of Variance. Any variance hereafter granted by the Zoning Board of Adjustment or the Planning Board permitting the erection or alteration of any structure(s) or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by the variance, or unless such permitted use has actually been commenced, within 18 months from the date of entry of the determination of the Zoning Board of Adjustment: except that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Zoning Board of Adjustment to the Council or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding. Any variance may be extended for up to an additional 18 months by written request to the Zoning Board of Adjustment or Planning Board based on whichever granted the original variance relief. The written request shall provide the reasoning for the variance extension and the requested time period for the extension. The respective Board shall review the request and determine if an extension is warranted given the specific circumstances and consideration of the variance in question.

If I can be of further assistance, please don't hesitate to contact me.

Sincerely,



Cynthia Shaw
Administrative Officer
Board of Adjustment

Enc.
Brancato

ANDERSON & DENZLER ASSOCIATES, INC.

CONSULTING ENGINEERS
519 RIDGEDALE AVENUE
P.O. BOX 343
EAST HANOVER, N.J. 07936

CARL E. DENZLER, PRES.
WILLIAM D. RYDEN, P.E.
LEON C. HALL, P.E.

TELEPHONE 973 887-2270
FACSIMILE 973 887-7974
mall@anderson-denzler.com

October 15, 2015

Mrs. Cynthia Shaw, Administrative Secretary
Mountain Lakes Board of Adjustment
Borough of Mountain Lakes
400 Boulevard
Mountain Lakes, NJ 07046

Re: Boardwalk Builders LLC Variance
Application No. 15-652
6 Cove Place
Lot 84, Block 100.02
Borough of Mountain Lakes

Dear Mrs. Shaw:

As requested in your September 28, 2015 memo, I have reviewed the above referenced variance application as shown on two (2) plan sheets dated 7-8-15, prepared by Dykstra Walker; and two (2) architectural plans dated 6-5-15, prepared by John Saracco, Architect. All of the required checklist information has been provided, therefore the application is ready for a public hearing.

My comments and recommendations are as follows:

1. The applicant is seeking variance relief for front setback in connection with the construction of a new home on a vacant lot at 6 Cove Place. The lot had been previously developed with a single-family home which was recently demolished. The property is located in the R-A Zoning district.
2. The proposed home construction requires a variance for front setback; i.e., 110.9 feet required versus 40.3 feet proposed.
3. In addition to the above noted variance, another variance for minimum building envelope may be required. As per Section 245-20C.(2)(b) of the ordinance, lots in the R-A Zone must have a minimum building envelope of 85' by 50' falling within the prescribed setback lines. Due to the existing lot configuration, the required building envelope can not be achieved. Defer to Mr. Sullivan on the applicability of this requirement.
4. The architect's floor area analysis concludes that the proposed second floor constitutes an attic space and therefore the floor area of the attic does not need to be included in the F.A.R. analysis. It is noted that the architect's calculations are very limited, and that his attic space determination relies on less than 10 square feet of floor area. My limited analysis of the floor areas based on the provided floor plans shows that the second floor is a half-story, and therefore should be included in the F.A.R. calculation. In such case, the F.A.R. exceeds 17% and a variance is required. The applicant should provide a detailed floor area analysis/summary to support their findings. The number of stories of the proposed home is also affected by the outcome of the foregoing.

ANDERSON & DENZLER ASSOCIATES, INC.
CONSULTING ENGINEERS

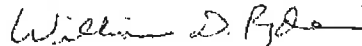
Boardwalk Builders LLC Variance -2-
Application No. 15-652
Borough of Mountain Lakes

October 15, 2015

5. The plan should be revised to show the specific houses used in determination of the lakefront exception lines.
6. The proposed lot disturbance will impact wetland transition areas and riparian zones. Any approval of this application should include a condition that all NJDEP permits required for such disturbances be obtained prior to the issuance of a building permit.
7. Lot grading and stormwater control measures as proposed are satisfactory.
8. A minor soil moving permit is required in connection with the 74 cubic yards of site grading work. This will be handled administratively at the time of application for a building permit.
9. Soil erosion control certification is required for the proposed lot disturbance. This will be addressed at the time of application for a building permit.
10. A Tree Management Plan must be approved by the Borough Manager or Shade Tree Commission as applicable.

I trust that the above is satisfactory.

Very truly yours,
ANDERSON & DENZLER ASSOCIATES, INC.



William D. Ryden, P.E.
Borough Engineer

WDR:mk/ML2452
c: M. Sullivan

Borough of Mountain Lakes Zoning Board of Adjustment Checklist

Applicant's Name: JAMES + CASSANDRA KIELY

Address: 6 COVE PLACE Blk 100.02 Lot 84

Application #: 20-716

Date: AUG. 14, 2020

By Ordinance (section 40-22) the items listed below must be included on your Plot Plan at the Zoning Board of Adjustment for a C or D Variance. The checklist must be submitted along with your application by 9:00 am 21 days prior to the hearing date.

	Required	Yes	Waiver	N/A
1.	Lot lines, with dimensions shown on a current survey prepared by a licensed professional surveyor, engineer, architect or landscape architect in the state of NJ	✓		
2.	Tax Block and Lot Numbers	✓		
3.	Zoning District	✓		
4.	Name of roads on which the property fronts	✓		
5.	Easements, right-of-way and zone boundaries	✓		
6.	Location of streams, lakes and fresh water wetlands	✓		
7.	Topographic Information	✓		
8.	Location of all existing buildings, proposed structures or changes, showing front, rear, and side yard dimensions, and distance from buildings and accessory structures to property lines.	✓		
9.	Architectural elevations and floor plans, including structural height, of proposed addition or new building	✓		
10.	Building area allowed; draw lines showing required front, rear and side yard setbacks (Example of Plot Plan provided in Appendix B)	✓		
11.	Location, arrangement and dimensions of parking area, driveway, patios, etc.	✓		
12.	Names of adjoining property owners with lot and block designation	✓		
13.	Location of all buildings on adjoining properties including setbacks (Example shown in Appendix B)	✓		
14.	Zoning Compliance Chart	✓		

APPLICATION FORM
ZONING BOARD OF ADJUSTMENT
BOROUGH OF MOUNTAIN LAKES, NEW JERSEY

Application Number 20-716
Date Filed 8/20/20
Fee Paid \$ 500
Taxes Paid yes

SECTION 1. INFORMATION REGARDING THE APPLICANT:

- A) Applicant's Name JAMES + CASSANDRA KIELY
Address 34 WILCOX DRIVE MTN. LAKES Telephone 973-580-4512
email MANDYKIELY25@GMAIL.COM
- B) Owner's Name JAN DEBENEDETTO + COLLETTE LIANTONIO
Address 3 ADAMS WAY, TONAWO NJ 07082 Telephone 201-213-2541
email CLANTONIO@AOL.COM
(If the applicant is not the owner of the property, please complete the owner's authorization at the end of this application.)

- C) The applicant is an: Individual(s) Corporation _____ Partnership _____
Other (please specify) _____
If the applicant is a corporation or a partnership, please attach a list of the names and addresses of persons having 10% interest or more in the corporation or partnership.
- D) The relationship of the applicant to the property is:
Owner _____ Purchaser under Contract Tenant or Lessee _____
Other (please specify) _____

SECTION 2. INFORMATION REGARDING THE PROPERTY

- A) The street address of the Property is 6 COVE PLACE
- B) The location of the Property is approximately 200 feet from the intersection of CRANE ROAD and COVE PLACE.
- C) The tax map Block number(s) is 100.02 the Lot number(s) is 84.
(See tax bill or deed for this information.)
- D) The zone in which the Property is located is R-A *
- E) The dimensions of the Property are APPROX. 108' x 100'
- F) The size of the property is 21,885 SF square feet.
- G) Notice is required in all cases. Additional notice is required if the property is located: (please check if applicable)

1. within 200 feet of another municipality ()
2. adjacent to an existing or proposed county road. ()
3. adjacent to other county land ()
4. adjacent to a state highway ()

H) Have there been any previous Board of Adjustment or Planning Board hearings involving this property? YES NO

If the answer to (H) is YES, attach a copy of the written decision(s)* adopted by the applicable Board.

* Administrative Officer can assist applicant with this information.

(I) Describe any deed restrictions, easements or other matters affecting this property.

RIPARIAN BUFFER ZONES
WETLANDS TRANSITION AREA

(J) Is this application filed pursuant to the *Special Zoning Requirements for Contributing Dwellings* in Section 40-49? Yes No

SECTION 3. INFORMATION ABOUT REQUESTED RELIEF: (see Chapter 40-21)

A) Provide information appropriate to your application and check those areas requiring variance relief:

	Existing	Proposed	Allowed/Required	PREVIOUS APPROVED
Floor Area Ratio (%)	<u>0</u>	<u>10.94%</u>	<u>17%</u>	<u>16.86%</u>
Improved Lot Coverage (%) <u>22.4%*</u>		<u>22.1%</u>	<u>25%</u>	<u>25%</u>
* INCL. PREVIOUSLY DEMOLISHED HOUSE				
Setbacks:				
<input checked="" type="checkbox"/> Front	<u>0</u>	<u>45.4'</u>	<u>96.8'</u>	<u>40.5'</u>
<input type="checkbox"/> Side	<u>0</u>	<u>26.4'</u>	<u>25'</u>	<u>25.0'</u>
<input type="checkbox"/> Side				
<input type="checkbox"/> Rear	<u>0</u>	<u>25.4'</u>	<u>25'</u>	<u>25.3'</u>
<input type="checkbox"/> Shoreline	<u>0</u>	<u>37.9'</u>	<u>25'</u>	<u>32.4'</u>

Use

Height*

0

32.30'/2 STORIES 2 1/2 STORIES/35' 34.92'/1 STORY

*See Chapter 40-21A.(4a)[6] to determine if your height variance is a C or D variance

Other (describe) 85'x50' MINIMUM BUILDING ENVELOPE

B) Indicate the Sub-Section of the Borough of Mountain Lakes Land Use Ordinances Chapter 40-21 under which this application is submitted:

Appeal of action of administrative officer

Interpretation of zoning ordinance or map

"C-1" (40-21.3A) hardship

"C-2" (40-21.3B) "benefits ... would substantially outweigh any detriment"

"D" Use, Floor Area Ratio, Height or Density variance

Other

C) PROPOSAL -- Provide a description of the proposed physical changes to the property/ or the proposed use of the property.

The applicant is proposing to construct a new single family residence on an existing vacant lot that will be in conformance with the character of the neighborhood. A front yard Variance of 45.4 FT is needed since 96.8 FT is required as well as a Variance for the minimum building envelope of 85' x 50'.

D) REASONS FOR RELIEF: Supply a statement of facts showing why the requested relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Plan and land use ordinances.

An average front yard setback variance is requested. A front yard setback variance of 45.4 feet is proposed. The setback of the neighboring Lot 83 in Block 100.2 is 144.3 feet which is an anomaly for the neighborhood and yields a required front yard setback of 96.8 feet. Across the Cove Place cul-de-sac Block 100.02 Lot 80 has a front yard setback of 41 feet; which is consistent with the character of the neighborhood. The required 96.8 feet front yard requirement is an undue hardship since the front yard setback, along with the side and rear results in an unbuildable building envelope. This hardship also means that the required 85 feet by 50 feet minimum building envelope cannot be achieved. The property has two lakefront requiring lake front exceptions which further constrict the building envelope so that a house cannot be built without relief.

A previously approved application for the same variances was presented in 2016 by Boardwalk Builders, LLC. That application had a 40.3 feet front yard setback, less than the proposal of 45.4 feet. All 4 setbacks are increased since this proposal is a more compact house. The previous application had a house footprint of 3,144 S.F. where as this proposal is 2,238 S.F.

Given the massing and compactness of the proposal it provides more light, air and open space and is better compatible with the neighborhood than the previous proposal. The improved lot coverage is significantly reduced. The planning benefits outweigh any detriments and would not impair the intent of the zone plan and zoning ordinances.

***This worksheet must be completed, sealed and certified by a licensed architect or engineer**
FLOOR AREA RATIO CALCULATION (Existing & Proposed)
-See Appendix A

FOR A NEW HOUSE OR AN ADDITION

Owner JAN DEBENEDETTO, COLETTE LIANTONIO APPLICANT: JAMES + CASSANDRA KIELY
 Address 6 COVE PLACE
 Block Number 100.02 Lot(s) 84
 Zone R-A Permissible FAR, % 17%

For Proposed House or Addition:

	Areas (sq. ft.)						
	1 st Floor	1 st floor	2 nd Floor	2 nd Floor	*Upper Story	*Upper Story	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	
Area of Basic House Footprint		1,634		1,986		698	35%
Additional Factored Area for Cathedral Ceiling							
Additions							
Over Attached Garage							
Bay Window							
Heated Porches, Entries and Breezeways							
Garage Space Greater than 500 square feet		89					
Roofed Porches, Breezeways & Decks over 500 sq ft							
Other							
Deductions							
SUB-TOTALS		1723		1986			
TOTAL FLOOR AREA (sq. ft.)							3,709

* The gross area of the full floor of any story containing a half-story, as defined. Divide the Total Floor Area by the Site Area to get the Actual FAR in percent.

Seal:

	Existing	Proposed
Total Floor Area (sq. ft.)	21,885	3,709
Site Area (sq. ft.)	21,885	
Actual FAR, %	16.94%	

Certified by: Lawrence Korinda Print Name: LAWRENCE KORINDA
 License #: AI-07700 Date: 8/14/20

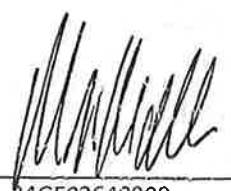
***This worksheet must be completed, sealed, and certified by a licensed architect or engineer.
IMPROVED LOT COVERAGE CALCULATION (Existing & Proposed)
(See Appendix A)**

Owner: Mandy Kiely
 Address: 6 Cove Place
 Block Number: 100.02 Lot(s): 84
 Zone: R-A Permissible Coverage, %: 25%

	Existing Area (sq. ft.)	Proposed Area (sq. ft.)	Remarks
Area of Basic House Footprint	3,151	2,238	
Additions	0	0	
Attached Garage	0	0	
Detached Garage	0	0	
Entries & Steps	0	62	
Porches, Breezeways, & Roofed Decks	0	180	Includes front and rear
Patios & Terraces	0	657	
Driveways & Parking Lots (paved or otherwise)	1,635	1,455	
Sidewalks & Walkways	110	185	
Tool Sheds	0	0	
Swimming Pools	0	0	
Walls	0	27	
Other:	0	18	AC Units
Other:	0	8	Generator
Other:	0	0	
TOTAL IMPROVED AREA	4,896	4,830	

Divide the Total Improved Area by the Site Area to get the Actual Coverage in percent.

Seal:



	Existing	Proposed
Total Improved Area (sq. ft.):	4896	4830
Site Area (sq. ft.):	21885	21885
Actual Coverage, %:	22.4%	22.1%

Certified by:

Print Name: Marc G. Walker, P.E.

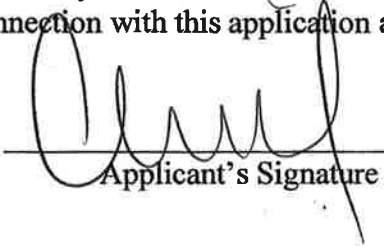
License #: 24GE03640900

Date: Aug 13, 2020

SECTION 4. VERIFICATION AND AUTHORIZATION:

A) APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are true.

Cell 
Applicant's Signature

B) OWNER'S AUTHORIZATION

I hereby certify that I reside at 3 Adams Way; Towner, NJ 07082 in the
County of MORRIS and State of NEW JERSEY;
and that I am the owner of all that certain lot, piece or parcel of land known as
Block(s) 100.02
Lot(s) 84 on the Tax Map of MOUNTAIN LAKES which
property is the subject of the above application, and that said application is hereby
authorized by me.


Owner's Signature


MARCH 7 2019

**RESOLUTION
BOROUGH OF MOUNTAIN LAKES
ZONING BOARD OF ADJUSTMENT**

Application No. 18-693
Jan DeBenedetto and Collette Liantonio
6 Cove Place
Block 100.02, Lot 84

WHEREAS, Jan DeBenedetto and Collette Liantonio, as owners, did make application to the Zoning Board of Adjustment of the Borough of Mountain Lakes to construct a single family home at the above-captioned property located in the R-A Zone; and

WHEREAS, the applicants requested variances pursuant to N.J.S.A. 40:55D-70c as follows:

1. To permit a front yard setback of 40.3 feet where a minimum of 110.9 feet is required pursuant to Mountain Lakes Code Section 245-20B.
2. To permit less than the required 85 feet by 50 feet minimum building envelope pursuant to Mountain Lakes Code Section 245-20C.

WHEREAS, the applicants submitted a plot plan and soil erosion and sediment control plan prepared by Dykstra Walker Design Group P.A. consisting of two sheets dated July 8, 2015 as well as floor plans and elevations prepared by John Saracco Architect L.L.C. consisting of Sheets PB-100 and PB-101 dated January 15, 2019 (identical to the previously approved plans dated November 10, 2015); and

WHEREAS, this matter came on to be heard at a regular meeting of the Zoning Board of Adjustment held on March 7, 2019, at which time it was established that property owners within 200 feet of the property in question had properly been served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings of fact and conclusions of law:

1. The subject property is a vacant lot located on the southerly side of Cove Place and contains lot area of 21,885 square feet. The property contained a single family residence for over forty years with a building footprint of 3,150 square feet. The location of the home did not comply with the minimum front yard setback requirement from Cove Place as well as the required westerly lake front setback from Mountain Lake.

2. The applicants propose to construct a single family home with a building footprint of 3,144 square feet in substantially the same location as the previously existing dwelling. The proposed home is less sprawling and more rectangular than the previous home and will comply with the requisite lake front setbacks.

3. By resolution adopted February 4, 2016, the Board approved the identical application and granted the same relief sought herein to Boardwalk Builders, LLC in Application No. 15-652 subject to conditions. Construction of the home did not commence and the variances expired pursuant to Mountain Lakes Code Section 40-42.

4. The front yard setback requirement in the R-A Zone is 40 feet, however, pursuant to the front yard exception contained in Mountain Lakes Code Section 245-20B, the front yard setback shall be the average of adjacent buildings as outlined therein except in no event shall the setback be less than the required front yard setback for the appropriate zone as specified in Mountain Lakes Code Section 245-19/Schedule I. The front yard setback of Lot 95 in Block 100.02 is 49.3 feet and the front yard setback of Lot 83 in Block 100.02 is 172.4 feet which yields a front yard setback requirement of 110.9 feet.

5. The subject property is irregularly shaped with two lake frontages requiring compliance with the lake front exception contained in Section 245-20A. The required front yard setback pursuant to the front yard exception contained in Section 245-20B eliminates the building envelope and unless relief is granted a home could not be constructed on the lot. By reason of an extraordinary and exceptional situation uniquely affecting this property, the strict application of the front yard setback requirement and minimum building envelope requirement results in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the applicant.

6. Approval of this application will allow for a single family home in the most appropriate location on the lot which advances the purposes of the Municipal Land Use Law contained in N.J.S.A. 40:55D-1 et. seq., specifically encouraging appropriate use of land which promotes the general welfare (-2a); provides adequate light, air and open space (-2c); promotes establishment of appropriate densities and concentrations that contribute to the well-being of persons (-2e); provides sufficient space in an appropriate location for residential use (-2g) and promotes a desirable visual environment (-2i).

7. The proposed front yard setback of 40.3 feet is consistent with setbacks in the area. Across Cove Place Block 100.02, Lot 80 contains a front yard setback of 41 feet and Block 100.01 in Lot 79 contains a front yard setback of 35 feet. The 172.4 foot front yard setback associated with Lot 83 in Block 100.02 is an anomaly and not representative of the prevailing setback. Based upon the Board's particular knowledge of local conditions approval of this application is consistent with the character of the neighborhood and will not adversely impact the public good.

8. Based upon the uniqueness of this property, approval of the requested variances allows for construction of a single family home on a lot which contained a residence in substantially the same location for over forty years is not inconsistent with the intent and purpose of the zone plan and zoning ordinance which seeks to preserve the residential character of the neighborhood.

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants met the positive criteria and proved peculiar and exceptional practical difficulties and exceptional and undue hardship pursuant to requirements of N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment pursuant to the requirements of N.J.S.A. 40:55D-70c(2); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants met the negative criteria in that approval of the application will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Borough of Mountain Lakes that the within application of Jan DeBenedetto and Collette Liantonio for variances relating to building envelope and front yard setback as outlined herein is hereby approved subject to the following conditions:

1. The applicants shall comply with and satisfy comments 4, 6, 8, 9 and 10 contained in the review letter of William D. Ryden, P.E., Borough Engineer dated October 13, 2015.

2. The applicants shall submit a revised floor area ratio calculation including the area of the second floor certified by a licensed architect or engineer indicating the actual proposed floor area ratio is 16.86 percent.

3. The applicants shall obtain all other required and necessary approvals for the approved project.

4. Compliance with the Tree Management Plan set forth in Sections 102-35 and 102-36 of the Code of the Borough of Mountain Lakes.

5. This approval is limited to compliance with the plans submitted to the Board which are attached hereto and shall not be construed to permit any renovations not shown on the approved plans.

Offered by: James Murphy

Seconded by: Stephen Vecchione

Vote: 5 - 0

Date: April 4, 2019

JAN 7, 2016

**RESOLUTION
BOROUGH OF MOUNTAIN LAKES
ZONING BOARD OF ADJUSTMENT**

Application No. 15-652
Boardwalk Builders, LLC
6 Cove Place
Block 100.02, Lot 84

WHEREAS, Boardwalk Builders, LLC, as owner, did make application to the Zoning Board of Adjustment of the Borough of Mountain Lakes to construct a single family home at the above-captioned property located in the R-A Zone; and

WHEREAS, the applicant requested variances pursuant to N.J.S.A. 40:55D-70c as follows:

1. To permit a front yard setback of 40.3 feet where a minimum of 110.9 feet is required pursuant to Mountain Lakes Code Section 245-20B.
2. To permit less than the required 85 feet by 50 feet minimum building envelope pursuant to Mountain Lakes Code Section 245-20C.

WHEREAS, the applicant submitted a plot plan and soil erosion and sediment control plan prepared by Dykstra Walker Design Group P.A. consisting of two sheets dated July 8, 2015 as well as floor plans and elevations prepared by John Saracco Architect L.L.C. consisting of Sheets PB-100 and PB-101 dated November 10, 2015; and

WHEREAS, this matter came on to be heard at a regular meeting of the Zoning Board of Adjustment held on January 7, 2016, at which time it was established that property owners within 200 feet of the property in question had properly been served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings of fact and conclusions of law:

1. The subject property is a vacant lot located on the southerly side of Cove Place and contains lot area of 21,885 square feet. The property contained a single family residence for over forty years with a building footprint of 3,150 square feet. The location of the home did not comply with the minimum front yard setback requirement from Cove Place as well as the required westerly lake front setback from Mountain Lake.

2. The applicant proposes to construct a single family home with a building footprint of 3,144 square feet in substantially the same location as the previously existing dwelling. The proposed home is less sprawling and more rectangular than the previous home and will comply with the requisite lake front setbacks.

3. The front yard setback requirement in the R-A Zone is 40 feet, however, pursuant to the front yard exception contained in Mountain Lakes Code Section 245-20B, the front yard setback shall be the average of adjacent buildings as outlined therein except in no event shall the setback be less than the required front yard setback for the appropriate zone as specified in Mountain Lakes Code Section 245-19/Schedule I. The front yard setback of Lot 95 in Block 100.02 is 49.3 feet and the front yard setback of Lot 83 in Block 100.02 is 172.4 feet which yields a front yard setback requirement of 110.9 feet.

4. The subject property is irregularly shaped with two lake frontages requiring compliance with the lake front exception contained in Section 245-20A. The required front yard setback pursuant to the front yard exception contained in Section 245-20B eviscerates the building envelope and unless relief is granted a home could not be constructed on the lot. By reason of an extraordinary and exceptional situation uniquely affecting this property, the strict application of the front yard setback requirement and minimum building envelope requirement.

results in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the applicant resulting in a hardship.

5. Approval of this application will allow for a single family home in the most appropriate location on the lot which advances the purposes of the Municipal Land Use Law contained in N.J.S.A. 40:55D-1 et. seq., specifically encouraging appropriate use of land which promotes the general welfare (-2a); provides adequate light, air and open space (-2c); promotes establishment of appropriate densities and concentrations that contribute to the well-being of persons (-2e); provides sufficient space in an appropriate location for residential use (-2g) and promotes a desirable visual environment (-2i).

6. The proposed front yard setback of 40.3 feet is consistent with setbacks in the area. Across Cove Place Block 100.02, Lot 80 contains a front yard setback of 41 feet and Block 100.01 in Lot 79 contains a front yard setback of 35 feet. The 172.4 foot front yard setback associated with Lot 83 in Block 100.02 is an anomaly and not representative of the prevailing setback. Based upon the Board's particular knowledge of local conditions approval of this application is consistent with the character of the neighborhood and will not adversely impact the public good.

7. Based upon the uniqueness of this property, approval of the requested variances allows for construction of a single family home on a lot which contained a residence in substantially the same location for over forty years is not inconsistent with the intent and purpose of the Zone Plan and Zoning Ordinance with seeks to preserve the residential character of the neighborhood.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and

that the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance pursuant to the requirements of N.J.S.A. 40:55D-70c(2).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Borough of Mountain Lakes that the within application of Boardwalk Builders, LLC for variances relating to building envelope and front yard setback as outlined herein is hereby approved subject to the following conditions:

1. The applicant shall comply with and satisfy comments 6, 8, 9 and 10 contained in the review letter of William D. Ryden, P.E., Borough Engineer dated October 13, 2015.
2. The applicant shall submit a revised floor area ratio calculation including the area of the second floor certified by a licensed architect or engineer indicating the actual proposed floor area ratio is 16.86 percent.
3. The applicant shall obtain all other required and necessary approvals for the approved project.
4. Compliance with the Tree Management Plan set forth in Sections 102-35 and 102-36 of the Code of the Borough of Mountain Lakes.

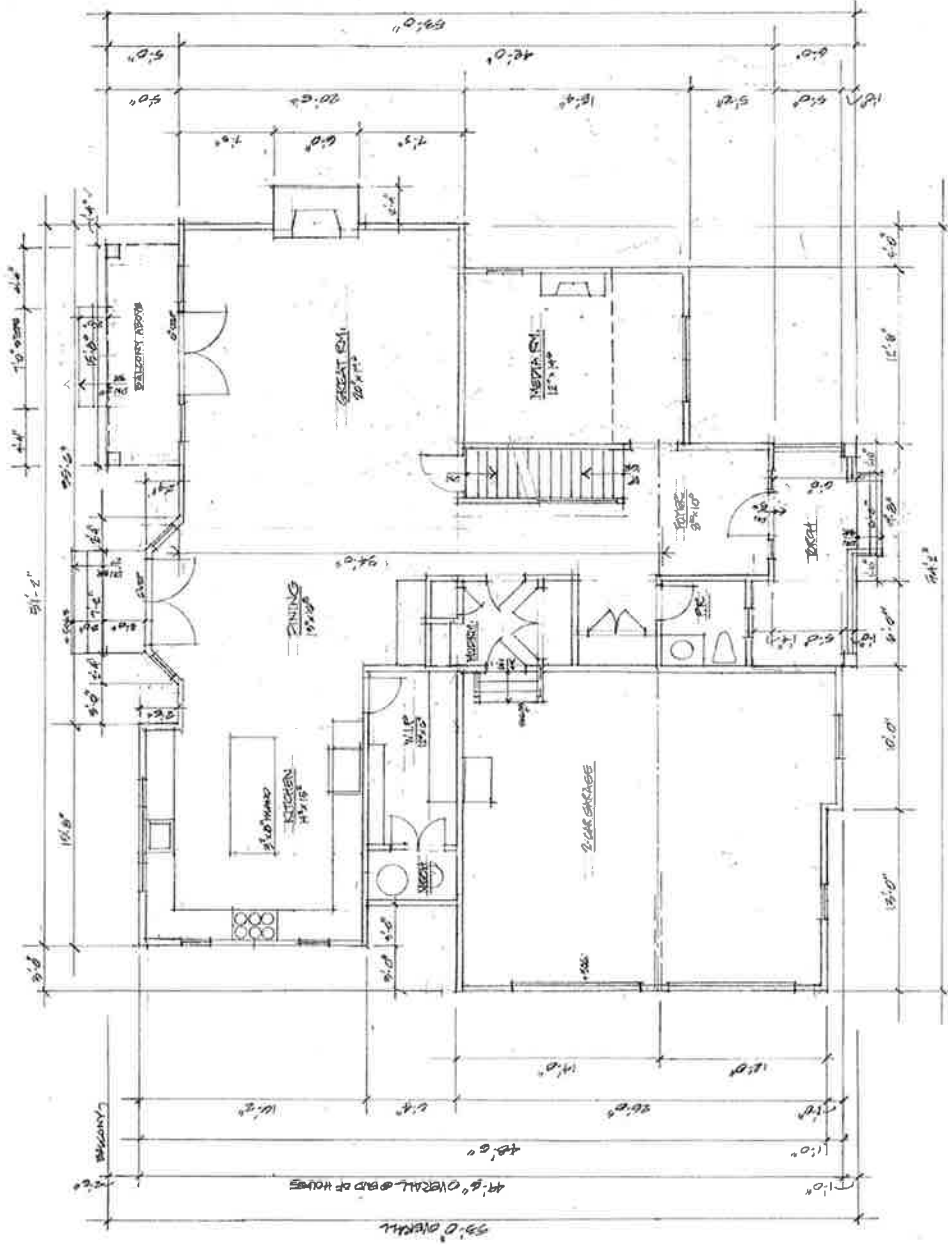
5. This approval is limited to compliance with the plans submitted to the Board which are attached hereto and shall not be construed to permit any renovations not shown on the approved plans.

Offered by: Arthur Max

Seconded by: Khizar Sheikh

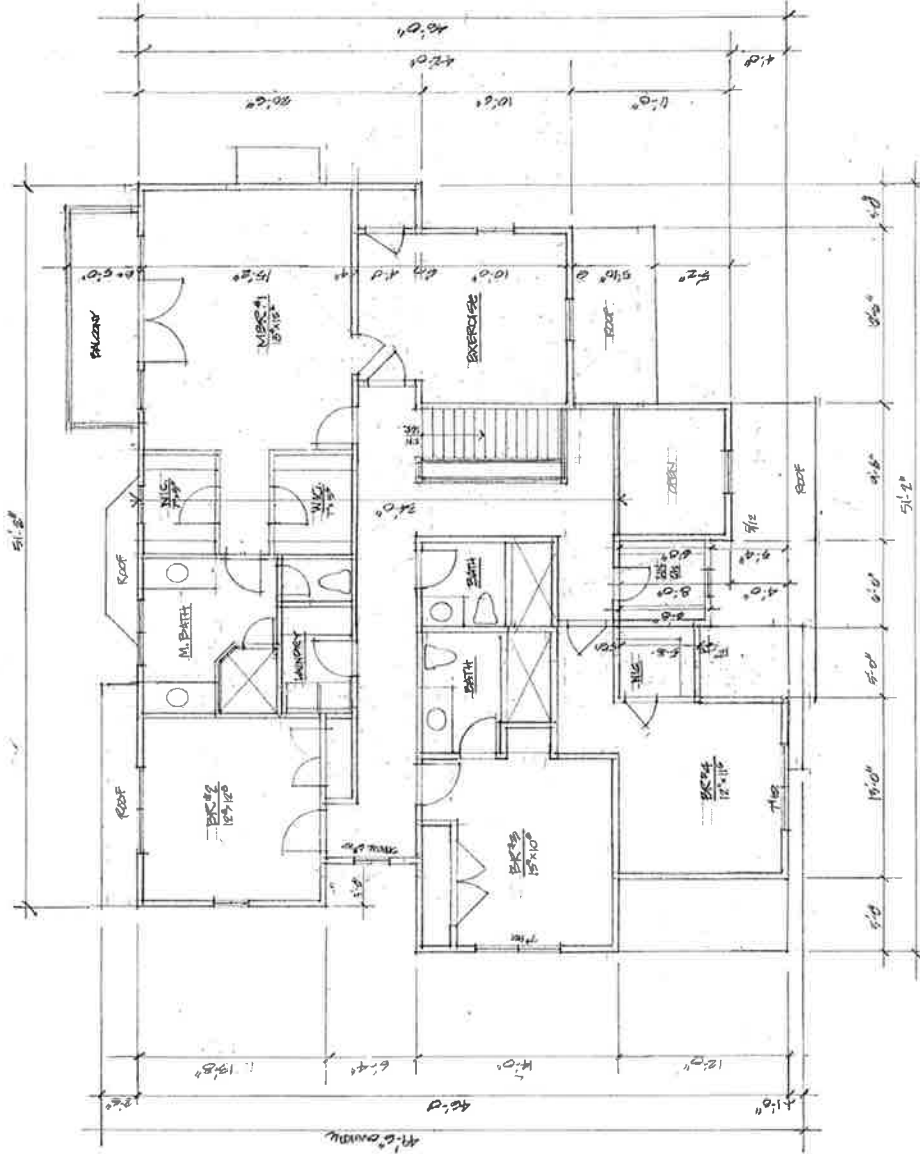
Vote: 4 – 0

Date: February 4, 2016



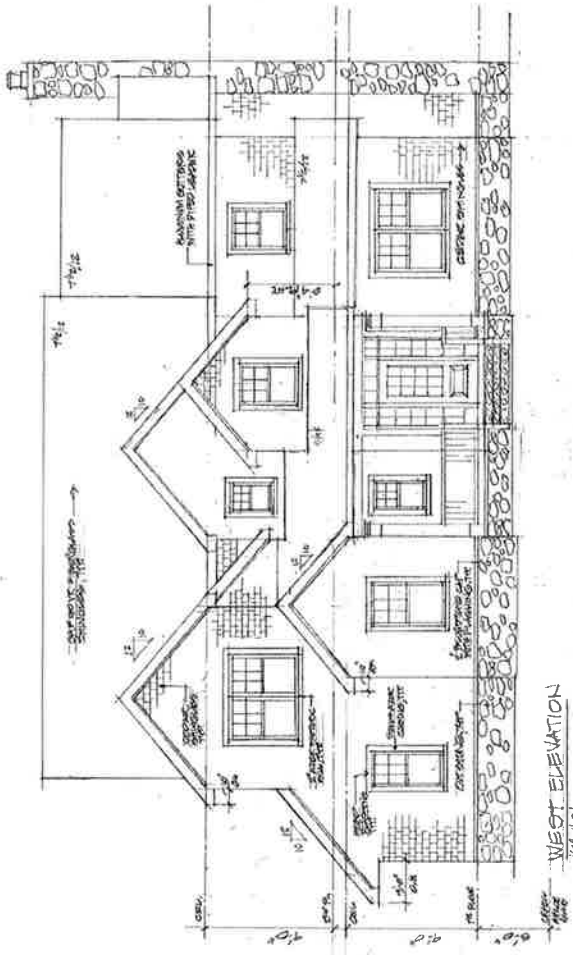
FIRST FLOOR PLAN
1/4"=1'-0"

<p>LAWRENCE KORINDA ARCHITECT 100 WEST STREET, SUITE 200 MOUNTAIN LAKE, N.J. 07096 Tel: 908.261.1111 Fax: 908.261.1112</p>	<p>Drawing Title: FIRST FLOOR Project #: Client: MR. & MRS. J. KIELY Location: 6008 PACE MOUNTAIN LAKES, N.J.</p>	<p>Date: 8/1/22</p>
	<p>Drawn By: LIC</p>	<p>1</p>
	<p>Project #:</p>	
	<p>Client:</p>	



SECOND FLOOR PLAN
1/4" = 1'-0"

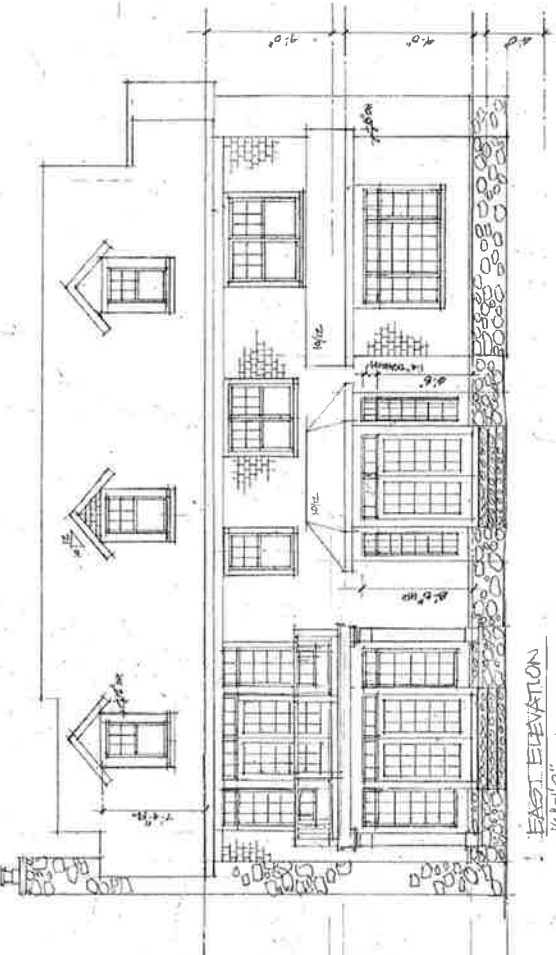
<p>LAWRENCE KORINDA ARCHITECT 100 NEW YORK STREET, SUITE 200 MOUNTAIN LAKE, N.J. 07096 Tel: 908.261.2222 Fax: 908.261.2222 Lawrence Korinda</p>	<p>Design: The SECOND FLOOR PROJECT #</p>	<p>Date: 5/17/20</p>
	<p>Drawn by: MR. & MRS. J. KIELY 6 GOVE PLACE MOUNTAIN LAKE, N.J.</p>	<p style="font-size: 2em; text-align: center;">2</p>



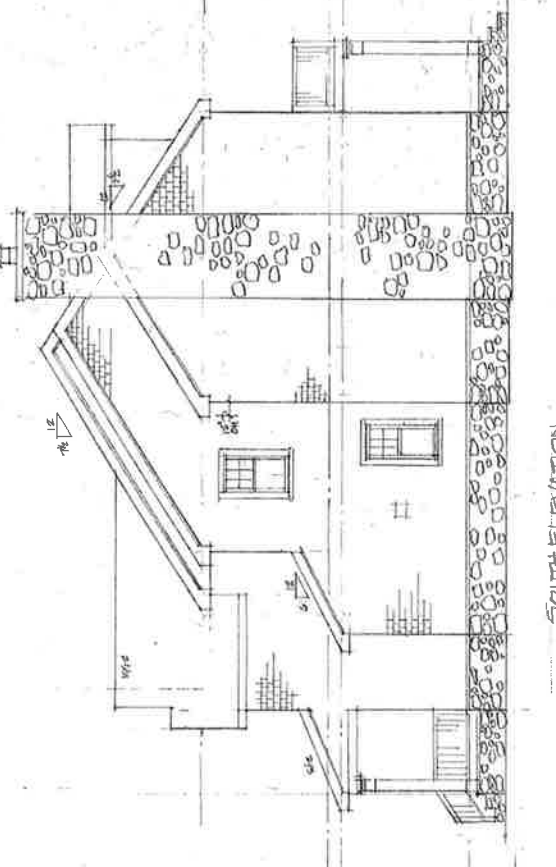
WEST ELEVATION
14'-0" x 11'-0"



NORTH ELEVATION
24'-0" x 11'-0"

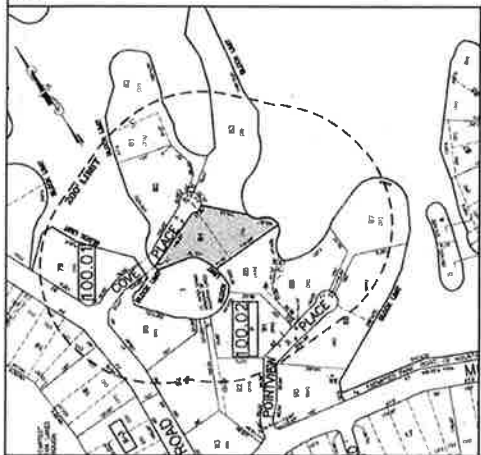


EAST ELEVATION
14'-0" x 11'-0"



SOUTH ELEVATION
14'-0" x 11'-0"

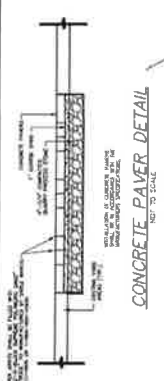
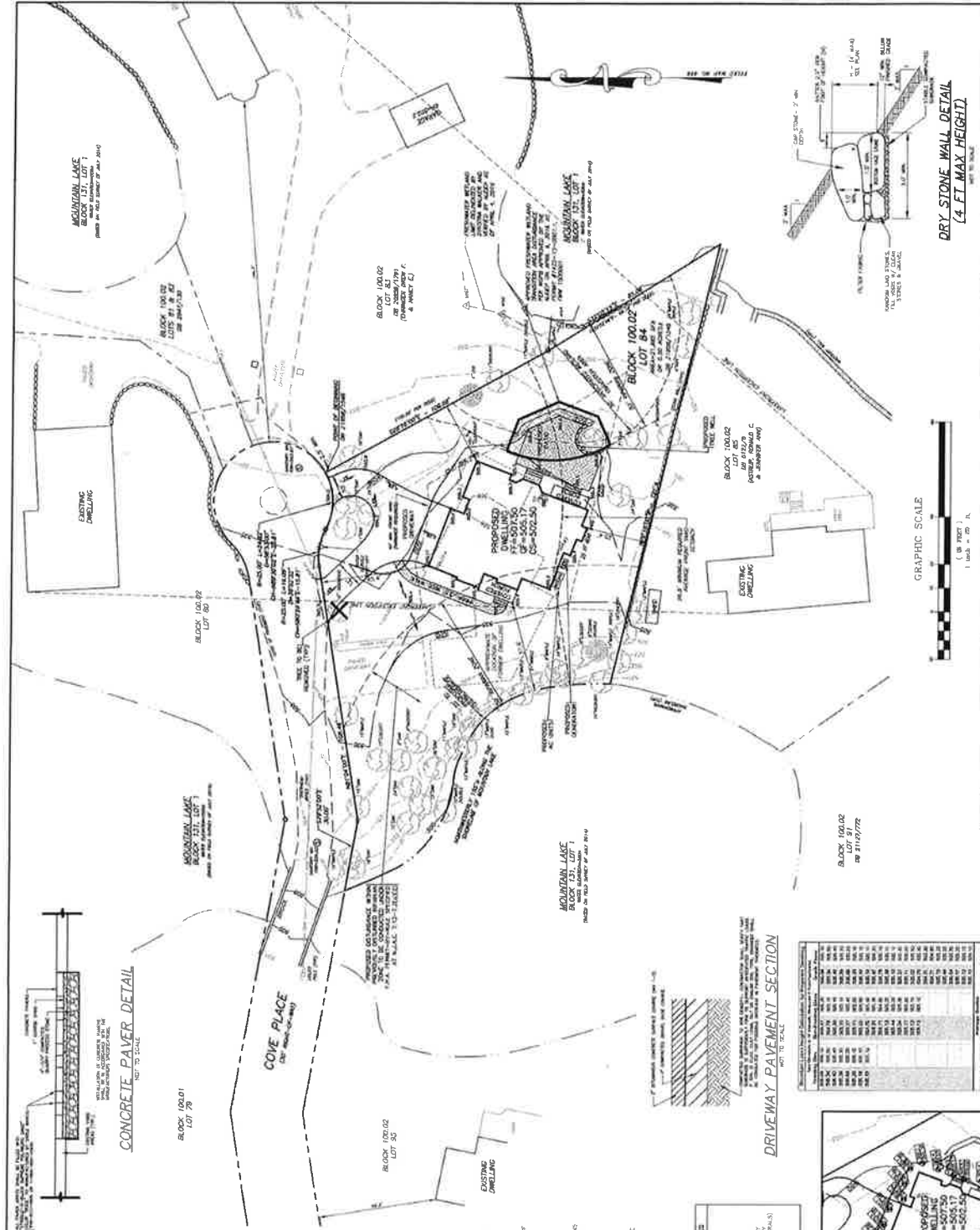
 LAWRENCE KORINDA ARCHITECT 1000 MAIN ST. SUITE 100 LAWRENCE, NJ 07044 TEL: 973-261-1100 FAX: 973-261-1101 WWW.LAWRENCEKORINDA.COM	Drawing Title: SEPARATIONS Project No.: JK Date: 8/14/09
	Client: NEW RESIDENCE FOR: MR. & MRS. J. KIELY 8 COVE PLACE MOUNTAIN LAKES, N.J.



KEY MAP
1" = 100'

NOTES AND REFERENCES:

1. OWNER/APPPLICANT: MANDALAY ACQUISITION CORP., NJ 07019
2. PROPERTY AND TRAFFIC INFORMATION BASED ON MAP TITLED "MOUNTAIN LAKES AND VICINITY" MARKET PLAN, BLOCK 100.02, LOT 84, PREPARED BY THE ENGINEER, 10/15/10.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



CONCRETE PAVEMENT DETAIL
NOT TO SCALE



DRIVEWAY PAVEMENT SECTION
NOT TO SCALE

ITEM	QUANTITY	UNIT	PRICE	TOTAL
1. DRIVEWAY PAVEMENT	1,200.00	SF	1.50	1,800.00
2. CONCRETE PAVEMENT	1,200.00	SF	1.50	1,800.00
3. DRIVEWAY CURB	100.00	LF	1.00	100.00
4. DRIVEWAY FINISH	1,200.00	SF	0.50	600.00
5. DRIVEWAY MARKING	1,200.00	SF	0.25	300.00
6. DRIVEWAY SIGNAGE	1,200.00	SF	0.25	300.00
7. DRIVEWAY LIGHTING	1,200.00	SF	0.25	300.00
8. DRIVEWAY MAINTENANCE	1,200.00	SF	0.25	300.00
9. DRIVEWAY INSPECTION	1,200.00	SF	0.25	300.00
10. DRIVEWAY TOTAL				5,500.00



AVERAGE GRADES - PROPOSED
SCALE: 1" = 10'

ZONE REQUIREMENTS

ZONE	MINIMUM SETBACK	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE YARD SETBACK	MINIMUM REAR YARD SETBACK	MINIMUM HEIGHT	MINIMUM AREA
RESIDENTIAL SINGLE-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF
RESIDENTIAL TWO-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF
RESIDENTIAL THREE-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF
RESIDENTIAL FOUR-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF
RESIDENTIAL FIVE-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF
RESIDENTIAL SIX-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF
RESIDENTIAL SEVEN-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF
RESIDENTIAL EIGHT-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF
RESIDENTIAL NINE-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF
RESIDENTIAL TEN-FAMILY	10 FT	10 FT	5 FT	10 FT	35 FT	1,000 SF

EARTHWORK SUMMARY

TOTAL CUT = 1,200 SF x 1.50 FT = 1,800 SF
 TOTAL FILL = 1,200 SF x 1.50 FT = 1,800 SF
 TOTAL EARTHWORK = 3,600 SF

1. EXCAVATION SPECIFICALLY REQUIRED FOR DRILLING CONSTRUCTION IS OBTAINED FROM THE EXCAVATION RECORD FROM THE SITE AND ALL DEEP TO BE OBTAINED FROM THE EXCAVATION RECORD.

2. THESE CALCULATIONS ARE TO BE USED FOR ESTIMATING PURPOSES ONLY. THE ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS.

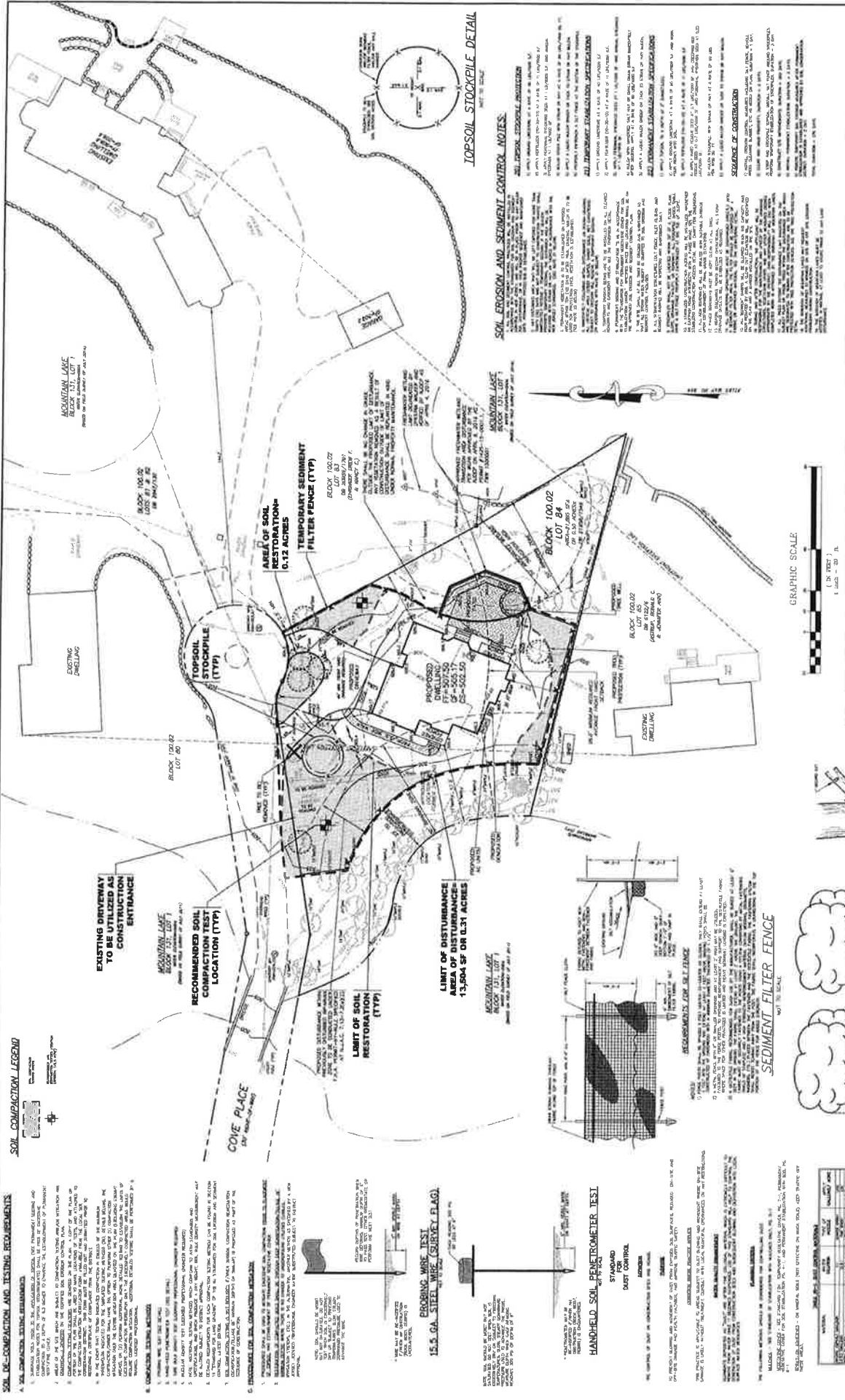
DYKSTRA WALKER ENGINEERS & ARCHITECTS, P.A.
 31 BOWLING GREEN PARKWAY, SUITE 204, LAKE HAVEN, NJ 07034
 TEL: 908.886.1100 FAX: 908.886.1101
 WWW.DYKSTRAWALKER.COM

MARC G. WALKER, P.E.
 PROFESSIONAL ENGINEER, N.J. LIC. NO. 240634640000

PLOT PLAN

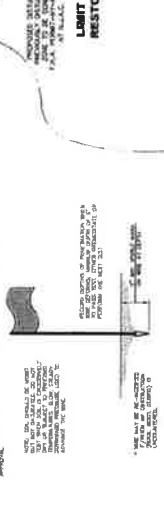
BLOCK 100.02, LOT 84
 #6 COVE PLACE
 BOROUGH OF MOUNTAIN LAKES
 MORRIS COUNTY, NEW JERSEY

SCALE: 1" = 20'
 DATE: 10/15/10
 SHEET NO. 1 OF 2



SOIL COMPACTION AND TESTING REQUIREMENTS

1. GENERAL SOIL TESTING REQUIREMENTS
 - a. STANDARD PROCTOR TESTS: ALL SUBGRADE, FILL, AND FINISH SOILS SHALL BE TESTED TO DETERMINE THE MAXIMUM DRY UNIT WEIGHT AND OPTIMUM MOISTURE CONTENT. TESTS SHALL BE CONDUCTED IN ACCORDANCE WITH ASTM D 1557.
 - b. FIELD DENSITY TESTS: FIELD DENSITY TESTS SHALL BE CONDUCTED AT REGULAR INTERVALS THROUGHOUT THE CONSTRUCTION PROCESS TO VERIFY THAT THE SOIL IS BEING PROPERLY COMPACTED TO THE REQUIRED DENSITY.
 - c. MOISTURE CONTENT: MOISTURE CONTENT SHALL BE MONITORED AND ADJUSTED AS NECESSARY TO ACHIEVE THE OPTIMUM MOISTURE CONTENT FOR COMPACTION.
 - d. SOIL TYPE: SOILS SHALL BE CLASSIFIED IN ACCORDANCE WITH ASTM D 2487.
2. COMPACTION TESTING METHODS
 - a. SAND CONE METHOD: THE SAND CONE METHOD SHALL BE USED FOR ALL SUBGRADE AND FILL SOILS.
 - b. NUCLEAR GAUGE METHOD: THE NUCLEAR GAUGE METHOD SHALL BE USED FOR ALL FINISH SOILS.
3. RECORDS: ALL TEST RESULTS SHALL BE RECORDED AND SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL.



SOIL EROSION AND SEDIMENT CONTROL NOTES

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.
2. EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT SOIL EROSION AND SEDIMENTATION OF ADJACENT AREAS.
3. SEDIMENT CONTROL MEASURES SHALL BE DESIGNED TO PREVENT SEDIMENT FROM ENTERING NEARBY WATER BODIES.
4. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.
5. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION.



SOIL EROSION AND SEDIMENT CONTROL PLAN

DATE: 11-20-20
 JOB NO.: 100.02
 SHEET NO.: 84
 SHEETS: 84 OF 84
 DATE: 11/20/20

BLOCK 100.02, LOT 84
 #6 COVE PLACE
 BOROUGH OF MOUNTAIN LAKES
 MORRIS COUNTY, NEW JERSEY

DYKSTRA WALKER DESIGN BY GROUP
 PROFESSIONAL ENGINEER LICENSE # 34572 IN PA
 21 BOWLING GREEN PARKWAY, SUITE 201, MORRIS COUNTY, NJ 07960
 PHONE: 908-527-1100 FAX: 908-527-1101
 WWW.DYKSTRAWALKER.COM

MARC G. WALKER, P.E.
 PROFESSIONAL ENGINEER, N.J. LIC. NO. 34572

SCALE: 1" = 20'

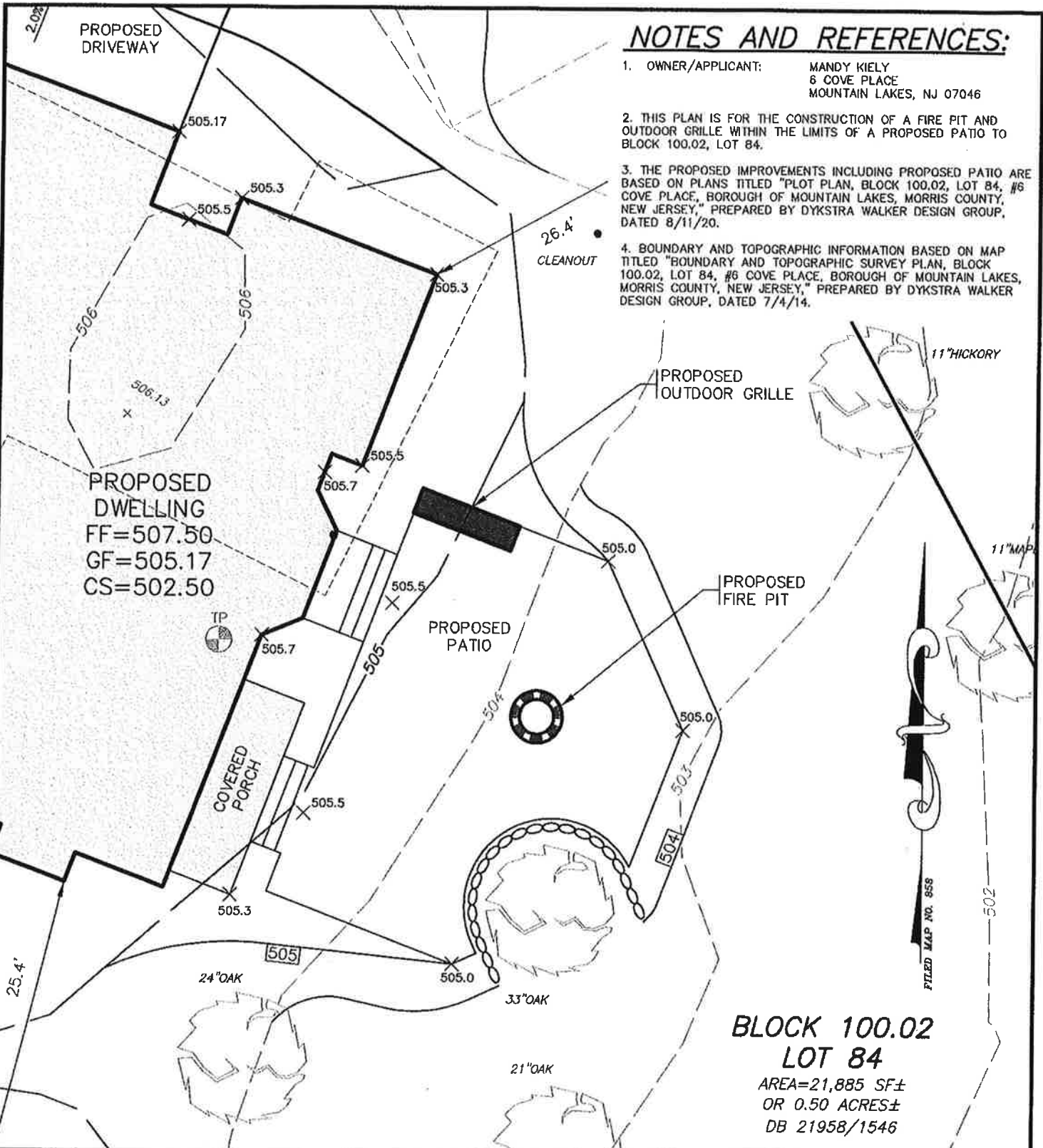
GRAPHIC SCALE: 1" = 20' 0"

DATE: 11-20-20

PROJECT: BLOCK 100.02, LOT 84, #6 COVE PLACE, MORRIS COUNTY, NJ

DATE: 11-20-20

PROJECT: BLOCK 100.02, LOT 84, #6 COVE PLACE, MORRIS COUNTY, NJ



NOTES AND REFERENCES:

1. OWNER/APPLICANT: MANDY KIELY
6 COVE PLACE
MOUNTAIN LAKES, NJ 07046
2. THIS PLAN IS FOR THE CONSTRUCTION OF A FIRE PIT AND OUTDOOR GRILLE WITHIN THE LIMITS OF A PROPOSED PATIO TO BLOCK 100.02, LOT 84.
3. THE PROPOSED IMPROVEMENTS INCLUDING PROPOSED PATIO ARE BASED ON PLANS TITLED "PLOT PLAN, BLOCK 100.02, LOT 84, #6 COVE PLACE, BOROUGH OF MOUNTAIN LAKES, MORRIS COUNTY, NEW JERSEY," PREPARED BY DYKSTRA WALKER DESIGN GROUP, DATED 8/11/20.
4. BOUNDARY AND TOPOGRAPHIC INFORMATION BASED ON MAP TITLED "BOUNDARY AND TOPOGRAPHIC SURVEY PLAN, BLOCK 100.02, LOT 84, #6 COVE PLACE, BOROUGH OF MOUNTAIN LAKES, MORRIS COUNTY, NEW JERSEY," PREPARED BY DYKSTRA WALKER DESIGN GROUP, DATED 7/4/14.

PROPOSED DWELLING
FF=507.50
GF=505.17
CS=502.50

**BLOCK 100.02
LOT 84**
AREA=21,885 SF±
OR 0.50 ACRES±
DB 21958/1546

**DYKSTRA WALKER
DESIGN GROUP PA**

PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
21 BOWLING GREEN PARKWAY, SUITE 204 / LAKE HOBATCONG, NJ 07849
PHONE (973) 663-6540 FAX (973) 663-0042
WWW.DYKSTRAWALKER.COM

[Signature]
MARC G. WALKER, P.E.
PROFESSIONAL ENGINEER, N.J. LIC. NO. 24GE03640900

PATIO IMPROVEMENTS PLAN

BLOCK 100.02 LOT 84
#6 COVE PLACE
BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY NEW JERSEY

PROJECT NO.: 14079	SCALE: 1" = 20'	8/18/20
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S:\3000\3000\14079\14079.dwg 08/19/20 09:32:40 AM, USER: LAINGI:GAIN IMPROVEMENT

Borough of Mountain Lakes Zoning Board of Adjustment Checklist

Applicant's Name: JOHN & CLAIRE ZAMIEROWSKI

Address: 4 HILLCREST RD Blk 84 Lot 1.01

Application #: 20-717

Date: 8/20/20

By Ordinance (section 40-22) the items listed below must be included on your Plot Plan at the Zoning Board of Adjustment for a C or D Variance. The checklist must be submitted along with your application by 9:00 am 21 days prior to the hearing date.

	Required	Yes	Waiver	N/A
1.	Lot lines, with dimensions shown on a current survey prepared by a licensed professional surveyor, engineer, architect or landscape architect in the state of NJ	✓		
2.	Tax Block and Lot Numbers	✓		
3.	Zoning District	✓		
4.	Name of roads on which the property fronts	✓		
5.	Easements, right-of-way and zone boundaries	✓		
6.	Location of streams, lakes and fresh water wetlands			N/A
7.	Topographic Information		✓	N/A
8.	Location of all existing buildings, proposed structures or changes, showing front, rear, and side yard dimensions, and distance from buildings and accessory structures to property lines.	✓		
9.	Architectural elevations and floor plans, including structural height, of proposed addition or new building		✓	N/A
10.	Building area allowed; draw lines showing required front, rear and side yard setbacks (Example of Plot Plan provided in Appendix B)	✓		
11.	Location, arrangement and dimensions of parking area, driveway, patios, etc.	✓		
12.	Names of adjoining property owners with lot and block designation	✓		
13.	Location of all buildings on adjoining properties including setbacks (Example shown in Appendix B)	✓		
14.	Zoning Compliance Chart	✓		

RECEIVED

AUG 20 2020

APPLICATION FORM
ZONING BOARD OF ADJUSTMENT
BOROUGH OF MOUNTAIN LAKES, NEW JERSEY

BOROUGH OF
MOUNTAIN LAKES

Application Number 20-717
Date Filed 8.20.2020
Fee Paid \$150
Taxes Paid yes

SECTION 1. INFORMATION REGARDING THE APPLICANT:

A) Applicant's Name JOHN & CLAIRE ZAMIEROWSKI
Address 4 HILLCREST RD Telephone (973) 335-5179
email JOHN.ZAMIEROWSKI@GMAIL.COM

B) Owner's Name
Address SAME AS ABOVE Telephone
email

(If the applicant is not the owner of the property, please complete the owner's authorization at the end of this application.)

C) The applicant is an: Individual(s) Corporation _____ Partnership _____
Other (please specify) _____

If the applicant is a corporation or a partnership, please attach a list of the names and addresses of persons having 10% interest or more in the corporation or partnership.

D) The relationship of the applicant to the property is:
Owner Purchaser under Contract _____ Tenant or Lessee _____
Other (please specify) _____

SECTION 2. INFORMATION REGARDING THE PROPERTY

A) The street address of the Property is 4 HILLCREST RD

B) The location of the Property is approximately 0 feet from the intersection of HILLCREST and DARTMOUTH.

C) The tax map Block number(s) is 84 the Lot number(s) is 1A OR 1.01
(See tax bill or deed for this information.)

D) The zone in which the Property is located is R-A *

E) The dimensions of the Property are 101.12' X 147.76' X 135.22' X 129.45'

F) The size of the property is 15,652 square feet.

G) Notice is required in all cases. Additional notice is required if the property is located: (please check if applicable)

1. within 200 feet of another municipality ()
2. adjacent to an existing or proposed county road. ()
3. adjacent to other county land ()
4. adjacent to a state highway ()

H) Have there been any previous Board of Adjustment or Planning Board hearings involving this property? YES NO

If the answer to (H) is YES, attach a copy of the written decision(s)* adopted by the applicable Board.

*** Administrative Officer can assist applicant with this information.**

(I) Describe any deed restrictions, easements or other matters affecting this property.

NONE

(J) Is this application filed pursuant to the *Special Zoning Requirements for Contributing Dwellings* in Section 40-49? Yes No

SECTION 3. INFORMATION ABOUT REQUESTED RELIEF: (see Chapter 40-21)

A) Provide information appropriate to your application and check those areas requiring variance relief:

	<u>Existing</u>	<u>Proposed</u>	<u>Allowed/Required</u>
<u> </u> Floor Area Ratio (%)	<u> </u>	<u> </u>	<u> </u>
<u> </u> Improved Lot Coverage (%)	<u>23%</u>	<u>23%</u>	<u>25%</u>
Setbacks:			
<u> </u> Front	<u> </u>	<u> </u>	<u> </u>
<u> </u> Side	<u> </u>	<u> </u>	<u> </u>
<input checked="" type="checkbox"/> Side	<u>21.0</u>	<u>19.0'</u>	<u>25'</u>
<u> </u> Rear	<u> </u>	<u> </u>	<u> </u>
<u> </u> Shoreline	<u> </u>	<u> </u>	<u> </u>
<u> </u> Use	<u> </u>	<u> </u>	<u> </u>
<u> </u> Height*	<u> </u>	<u> </u>	<u> </u>

***See Chapter 40-21A.(4a)[6] to determine if your height variance is a C or D variance**

 Other (describe) _____

B) Indicate the Sub-Section of the Borough of Mountain Lakes Land Use Ordinances Chapter 40-21 under which this application is submitted:

- Appeal of action of administrative officer
- Interpretation of zoning ordinance or map
- "C-1" (40-21.3A) hardship
- "C-2" (40-21.3B) "benefits ... would substantially outweigh any detriment"
- "D" Use, Floor Area Ratio, Height or Density variance
- Other _____

C) PROPOSAL -- Provide a description of the proposed physical changes to the property/ or the proposed use of the property.

NO PHYSICAL CHANGES OTHER THAN
TAKING THE OLD CONDENSER OFF
THE EXISTING PAD AND PUTTING THE
NEW ONE ON IT.

D) REASONS FOR RELIEF: Supply a statement of facts showing why the requested relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Plan and land use ordinances.

WE NEED TO REPLACE AN EXISTING CONDENSER
FOR OUR AIR CONDITIONER SYSTEM. THERE ARE NO
CHANGES TO THE IMPROVED LOT COVERAGE. THE HOUSE
WAS BUILT BEFORE THE 25' SIDEYARD SETBACK
WAS ADOPTED. THE NEW CONDENSER WOULD BE
PLACED ON THE EXISTING PAD. FRONT YARD
EXPOSURE, EXISTING WINDOWS AND PLUMBING AND
DRYER VENT LOCATION CREATE A HARDSHIP
IN PLACING THE CONDENSER WITHIN THE BUILDING
ENVELOPE. THE CONDENSER IS HIDDEN BY
LANDSCAPING SHRUBBERY. IT WAS FIRST INSTALLED
IN 1993.

NOTE PAGE 11 "FLOOR AREA RATIO CALCULATION" IS NOT APPLICABLE AND THERE ARE NO CHANGES TO IT.

*This worksheet must be completed, sealed and certified by a licensed architect or engineer.
IMPROVED LOT COVERAGE CALCULATION (Existing & Proposed)
 -See Appendix A

Owner John & Claire Zamierowski
 Address 4 HILLCREST RD
 Block Number 84 Lot(s) 1.01
 Zone RA Permissible Coverage, % 25%

No Change

	Existing Area (sq. ft.)	Proposed Area (sq. ft.)	Remarks
Area of Basic House Footprint	1821	1821	
Additions	-		
Attached Garage	531	531	
Detached Garage			
Entries & Steps	15	15	
Porches, Breezeways & Roofed Decks			
Patios & Terraces	189	189	
Driveways & Parking Lots (paved or otherwise)	735	735	
Sidewalks & Walkways	258	258	
Tool Sheds			
Swimming Pools			
Walls	48	48	
Other			
TOTAL IMPROVED AREA	3597	3597	

Divide the Total Improved Area by the Site Area to get the Actual Coverage in percent.

Seal:

Total Improved Area (sq. ft.)	Existing <u>3597</u>	Proposed <u>3597</u>
Site Area (sq. ft.)	<u>15652</u>	
Actual Coverage, %	<u>23%</u>	

Certified by: [Signature] Print Name John Zamierowski
 License #: 25952 Date: 8.16.2020

SECTION 4. VERIFICATION AND AUTHORIZATION:


A) APPLICANT'S VERIFICATION

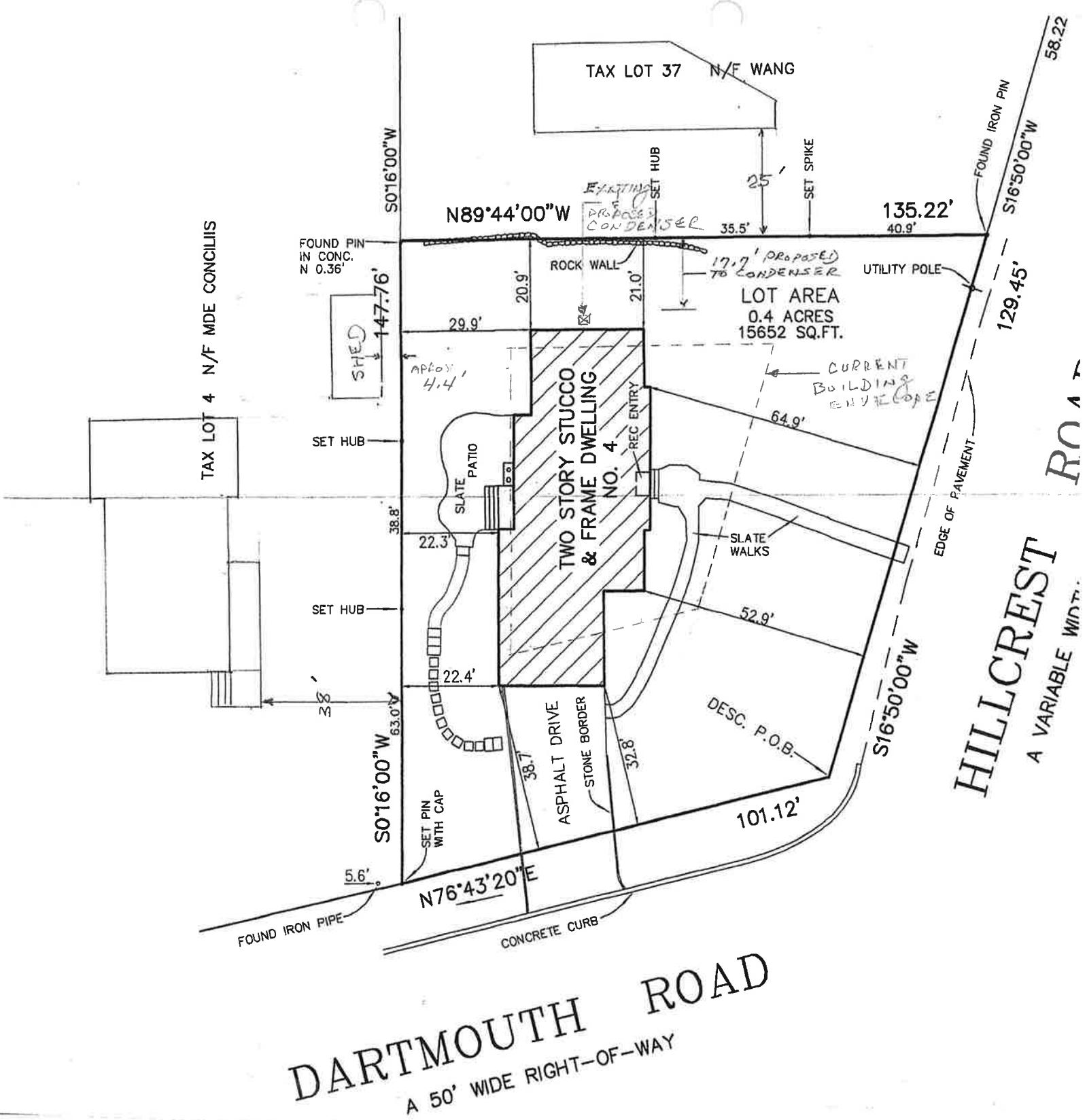
I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are true.


Applicant's Signature
Claire Jamierowski

B) OWNER'S AUTHORIZATION

I hereby certify that I reside at 4 HILLCREST RD in the County of MORRIS and State of NEW JERSEY ;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 84
Lot(s) 1.01 on the Tax Map of MOUNTAIN LAKES which property is the subject of the above application, and that said application is hereby authorized by me.


Owner's Signature
Claire Jamierowski



DARTMOUTH ROAD

A 50' WIDE RIGHT-OF-WAY

HILLCREST ROAD

A VARIABLE WIDTH

Zone R-A Requirements			
		Required	Provided
Min.	Lot Area (Sq. Ft.)	15,000	15,653
Min.	Lot Depth(Ft.)	150	135.22*
Min.	Lot Frontage(Ft.)	100	129.45
Min.	Front Setback(Ft.)	40	52.9
Min.	Side Setback(Ft.)	25	20.9*
Min.	Rear Setback(Ft.)	25	22.3*
Max.	Building Height (Ft.)	35	32
Max.	Building Height (Sty's.)	2.5	2
Max.	Impervious Coverage(%)	23	25

Tax Block 84 Lot 1.01

Proposed plot plan
 John & Claire Zamierowski
 4 Hillcrest Rd.
 Date 8.18.2020
 Scale 1"=30'
 Dawn by JWZ Lic. 25952

* pre-existing non-conforming

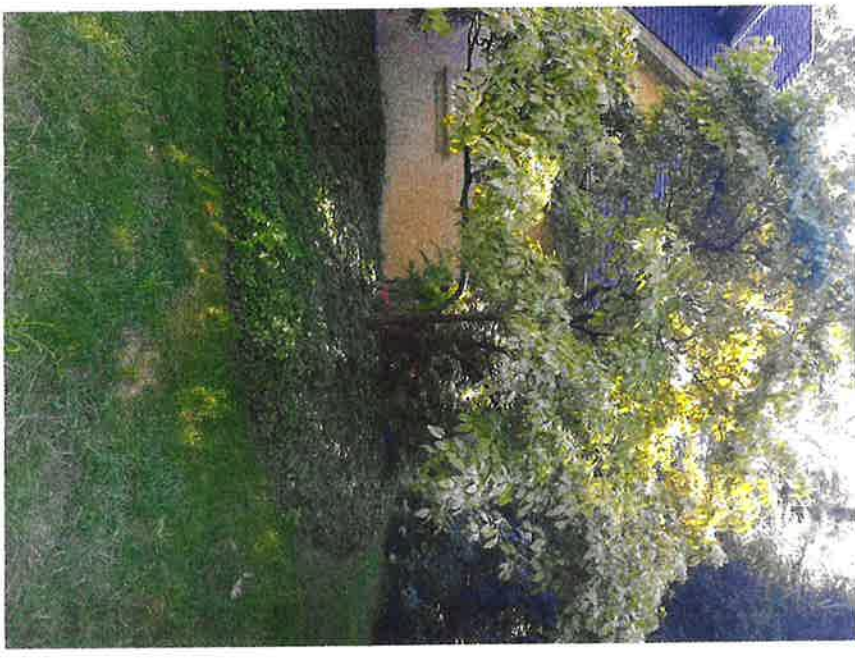
Looking at condenser



Looking at neighbors from condenser



Looking from front yard at condenser



RESOLUTION
BOROUGH OF MOUNTAIN LAKES
BOARD OF ADJUSTMENT

Application No. 89-121
John and Claire Zamierowski
4 Hillcrest Road
Block 84, Lot 1A

WHEREAS, John and Claire Zamierowski, as owners, did make application to the Board of Adjustment of the Borough of Mountain Lakes to construct a second floor addition and new roof on an existing dwelling located in the R-A zone; and

WHEREAS, the applicants sought a variance pursuant to N.J.S.A. 40:55D-70c to allow a 40' front yard setback where 55.1' is required pursuant to the front yard exception contained in Section 13-5.2B; and

WHEREAS, the applicants filed an application on September 18, 1989 as well as a set of plans dated August 25, 1989; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on October 12, 1989, at which time it was established that the property owners within 200 feet of the property in question had properly been served notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The two adjoining properties to the east along Dartmouth Road contain front yard setbacks of 55.9' and 54.2' respectively. Pursuant to the front yard exception, the required front yard setback of the subject property is 55.1'.

2. The proposed new construction will provide a front yard setback of 40' from Dartmouth Road which constitutes less of an encroachment than the existing garage which lies 33.8' from Dartmouth Road.

3. Based upon the location of the existing structure which contains a nonconforming front yard setback, conformance with the ordinance would result in peculiar and exceptional practical difficulties in development of the site.

4. The granting of this application will provide adequate light, air and open space and constitutes a desirable visual environment consistent with the purposes of the Municipal Land Use Law. Additionally, the granting of this application will result in a benefit to the public and constitutes a better zoning alternative on this particular piece of property.

5. In reliance on the testimony presented and based upon the Board's particular knowledge of local conditions, the proposed variance is not contrary to the characteristics of area residences and thus will not adversely affect the neighborhood or zone plan.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicants proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that

the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment pursuant to the requirements of N.J.S.A. 40:55D-70c(2);

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Borough of Mountain Lakes that the application of John and Claire Zamierowski is hereby approved.

Offered by: Dunn

Seconded by: Turnheim

Vote: For: Page, Stansfield, Dunn, Turnheim

Against:

Date: November 9, 1989