

# FAIR HAVEN ZONING BOARD OF ADJUSTMENT

## Regular Meeting Minutes      May 4, 2017

The meeting was called to order at 7:15 by the Chair with a reading of the Open Public Meetings Act Statement (attached), followed by a statement regarding the Board's responsibilities and authority and the pledge to the flag.

### 1. ROLL CALL

Present: Mr. McGurl, Mr. Neczesny, Mr. Ridgeway, Mr. Schiavetti, Mrs. Koch, Mr. Mulé, Mr. Ryan, Mrs. Quigley, Mr. Lehder

Also Present: Mr. Irene, Board Attorney, Mr. Hauben, Board Planner

### 2. OLD BUSINESS

**Harvey - 144 Woodland Dr., Block 65, Lot 6, R10A- Application for addition and porch –**  
variances needed for habitable floor area and front yard setback

Mr. Adler and Mr. Harvey, previously sworn. Mr. Hauben was sworn. Ex. A-4 a revised plan prepared by Mr. Adler – Mr. Adler addressed the concerns of the Board and his attempts to reduce the square footage. The foyer has been cut back 2' and a covered porch has been reduced to 5'. The pitch of the porch roof is reduced and the columns are reduced, for less mass. The gables on the 2<sup>nd</sup> floor extension were reduced. 138 sq. ft. has been taken off the maximum HFA, going from 3588 to 3450. The step is less than 6". South Woodland is the only front setback of the 3 fronts to be nonconforming. There was discussion regarding the relevance of distance between the curb and the lot line. Mr. Adler did not know the distance of the setback on the adjacent lots.

Mr. Ridgeway asked that the date of the photos submitted previously be clarified for the record. The applicant was unable to give an exact date but thought it was early fall. He asked about other changes to the plans and was told the bilko doors were removed and the AC unit moved behind the garage. He said he couldn't see the changes on the porch and Mr. Adler repeated the changes. He asked where the hardship was. Mr. Adler said the the porch had a positive impact and can't be created without reducing the setback. In terms of the HFA, the layout of the existing house made it hard to accomplish making it more liveable.

Mr. Neczesny stated the addition has significant visual impact and it needs landscaping. He noted that by reducing the step to a tread it adds another foot. Mr. Adler stated they could grade up so no step was needed. Steps could be recessed into the porch.

Mr. Schiavetti asked if there was any issue with the proximity of the fence to the brook and Mr. Adler said nothing had been brought to his attention.

There were no questions or comments from the public.

In his closing comments, Mr. Adler said an effort was made to address the Board's concerns. They are open to making it work. The change in the current façade is important.

Mr. Lehder stated that the hardship was the existing house. As far as the C2 variance he has trouble with the porch and setback.

Mr. Neczesny said he would like to bifurcate the application.

Mr. Mulé liked the effect of front porches, they break up the bulk of the house. He said the open structure of the porch has aesthetic value and sees the benefits outweighing the negatives.

Mrs. Koch expressed agreement with Mr. Mulé, noting the comparison with neighboring houses.

Mrs. Quigley agreed that it would be an attractive addition.

Mr. Lehder said the appearance is positive but questioned whether it was appropriate to this lot.

Mr. Ryan noted a balance, saying the porch is an important feature. It will stick out but will soften the look of the house.

Mr. McGurl liked the appearance. He noted that the existing house already has overage. He said the columns add to the size and it bothers him to be so far front.

Mr. Schiavetti said his original concern was with HFA not setback. Anything added will be noticeable. There is too much wall but hard to do anything without coming forward.

Mr. Mulé said the dormers and brick façade will dress up the house even without the porch.

Mr. Schiavetti said the functional outdoor space is in back of the house.

Mr. Lehder proposed approving the square footage of the home with the exception of the square footage of the foyer, conditioned on installing landscaping in the rear.

Mr. Adler asked if they could table a decision about the porch and vote on the HFA tonight.

Mr. Irene said a withdrawal would necessitate re-applying. The Board could carry for HFA, excluding the FA for the foyer.

MOTION Lehder, second Neczesny, to approve the square footage exactly as drawn with the exception of the square footage of the foyer, conditioned on the front exactly as it is in the plan (siding and stone work).

In Favor: McGurl, Neczesny, Koch, Mulé, Lehder

Opposed: Ridgeway, Schiavetti

MOTION Mulé, second McGurl, to carry

In Favor: McGurl, Neczesny, Ridgeway, Schiavetti, Koch, Mulé, Lehder

Opposed: None

Mr. Adler was told that he needed to get revisions in by May 17.

### **3. NEW BUSINESS**

**Bonanno – 113 Church St., Block 42, Lot 28, R10 zone – Application for addition-** variance needed for habitable floor area

The Board has jurisdiction. Mr. Ryan recused himself and left the dais. Daniel Hauben was sworn and the following were entered into evidence Ex. A-1 – survey prepared by Justin J.

Hedges, dated 9/3/16, and Ex. A-2 – Plans prepared by Anthony M. Condouris dated 3/6/17, revised 3/22/17. Anthony Condouris, Rumson, NJ was sworn and his credentials were accepted by the Board. Courtney Bonanno and Michael Bonanno were sworn.

It was noted that the letter from review CCH stated that due to the lot size this application could be treated as if in the R20 zone for bulk standards but the front yard setback would be deficient. Using the R10 zone requirements, the only variance would be for the HFA. Mr. Condouris stated that his clients are asking for 400 sq. ft. above the cap, well below the FAR. Mrs. Bonanno said that the houses in the area vary in terms of front setback. She said they were flexible about the distance; they were trying to comply with the zone and were looking at in in relation to the distance from house to pool and driveway. They are compliant with R15 zone for setbacks but not for HFA.

Questions were raised about whether or not the cabana was habitable. The Planner considered it habitable, the plans show plumbing and electric. Mr. Bonanno referred to it as a shed, intended for storage. Mr. Condouris said the intention was to leave it unheated. After some discussion Mr. Bonanno said he agreed the Board should deal with the square footage in the main house and not with the cabana.

Ex. A-3 is a color rendering of the proposed front of the house. It was described as a farmhouse look, with 4 bedrooms and a 2 car attached garage. The 2<sup>nd</sup> floor contained 4 bedrooms, 3 baths and a laundry room and was not oversized. There is a covered front porch in the rear. The 450 sq. ft. area above the garage is unfinished and the dormer is for aesthetics only.

MOTION Mulé, second Koch to carry the application to the June meeting with not need to renote and a stipulation of extension of time.

In Favor: McGurl, Necsesny, Ridgeway Schiavetti, Koch, Mulé, Lehder

Opposed: None

Mrs. Koch left the dais at 9:24 and returned at 9:25.

**Murphy – 56 Fair Haven Rd, Block 27, Lot 5 – Application for an addition – variances required for habitable floor area and front yard setback.**

The Board has jurisdiction. Daniel Hauben, Board Planner was sworn.

Mark Aikins, Esq. announced his appearance on behalf of the applicants and the following were entered into evidence:

Ex. A-1 – Grading plan prepared by Charles Surmonte dated 2/17/17

Ex. A-2 – Topographic survey prepared by Charles Surmonte, dated 1/17/17

Ex. A-3 – Architectural plans prepared by Matthew Cronin with revision date 3/25/17

Matthew Cronin, 129 Shrewsbury Ave, was sworn, his credentials as a licensed architect were accepted by the Board and he offered the following additional exhibits:

Ex. A-4 – color version of sheet 1 of Ex. A-3

Ex. A-5 – color version of sheet 2 of Ex. A-3

Ex. A-6 – color version of sheet 3 of Ex. A-3

Ex. A-7 – package of 5 sheets of photos taken by Mr. Cronin.

Mr. Cronin spoke to the history of the house, noting there was a covered porch in the front at one time. He stated that the current proposal was approved by the Historic Preservation Commission (HPC). The living space was all in the rear of the house and the applicants wanted to create outdoor living space in the front to engage in the community. They proposed to enlarge the kitchen and family room and add a small addition to the second floor for a bath and laundry. The proposed porch would have a shed roof across it – the addition has the same volume as the existing screened porch being removed. The Historic Preservation Commission suggested that an 8' porch would be more appropriate and the plan was revised to reflect that. Mr. Cronin said the intent was to recreate symmetry and design of an Italianate style, not colonial. The building coverage is not changing. The lot is long. A great room in the back is more functional. The family room is now about 14'x16' and would be 14'x28'. The house currently has 3,216 sq. ft. total – it is long and skinny and some space is not being used. There was discussion about work done on the house based on prior resolutions. It was unclear what was done.

Ex. A-8- F.H. Historic Preservation Commission Memorandum of Action dated 1/24/17 was marked into evidence.

Mr. Cronin stated the porch is the only addition on the 1<sup>st</sup> floor. There is no footprint or dimensional change to the main structure. There will be a full internal renovation, rearranging, making it more functional. The kitchen is being moved to the unused formal dining room. The upstairs bathroom is the only change to the 2<sup>nd</sup> floor.

Alison Dale, 50 Fair Haven Rd, was sworn. She is a member of the HPC. She stated most of the houses on Fair Haven Rd started with a 24' box. The house is the same as 75 Fair Haven Rd- it had a porch. The houses were uniform. In 1987 there were renovations and addition, then a driveway and garage were added, followed by another addition that stripped the house of its architectural details. She stated the proposed work was important to the historic district. The HPC architect thought it was important to widen the porch. She noted that the HPC is only interested in the streetscape. The function of the porch was not a concern, just the appearance. It will add great value to Fair Haven Road. Ms. Dale was asked if there was any other type of front that would be in keeping other than the porch. She stated she couldn't speak to that.

Patrick Ward, 1914 Atlantic Ave, Wall, was sworn and his credentials as a licensed professional planner were accepted by the Board. Ex. A-9 – 11 sheet package of photos taken from Google street view dated July 2013. Mr. Ward noted this is an oversized lot. The properties in the area have unique shapes, many predate zoning. The lot width and side setback are unchanged and cited this as a hardship. The front yard setback is 16' from the step, 21' to the façade. The proposed front yard setback is 11' from the step. He reviewed properties with side yard setback problems.

#### Comments from the public

Melissa Newell, Fairwaters Lane, stated that interaction with the neighbors is important and porches add to the ability to interact. She does not see the porch as an encroachment.

There were no further comments from the public.

MOTION Lehder, second Neczesny, to carry the application to the June meeting with no need to renotice and the stipulation of an extension of time.

In Favor: McGurl, Neczesny, Ridgeway Schiavetti, Koch, Mulé, Lehder

Opposed: None

#### **4. ADMINISTRATIVE ITEMS**

The Annual Report has been carried to the June meeting.

MOTION Mulé, second McGurl, to approve the Finamore resolution

In Favor: McGurl, Neczesny, Ridgeway Schiavetti, Koch, Mulé, Lehder

Opposed: None

MOTION Mulé, second Ridgeway, to approve the minutes of the March meeting

In Favor: McGurl, Neczesny, Ridgeway Schiavetti, Koch, Mulé, Lehder

Opposed: None

MOTION Mulé, second Neczesny, to approve the minutes of the April meeting

In Favor: McGurl, Neczesny, Ridgeway Schiavetti, Koch, Mulé, Lehder

Opposed: None

MOTION to adjourn made by Mr. Mulé, second Neczesny and unanimously approved by voice vote.

Respectfully submitted,

Judy Fuller