

FAIR HAVEN ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes June 1, 2017

The meeting was called to order at 7:21 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. Neczesny, Mr. Schiavetti, Mrs. Koch, Mr. Mulé, Mr. Ryan, Mrs. Quigley, Mr. Lehder

Absent: Mr. McGurl (arrived 7:51), Mr. Ridgeway (arrived 7:24)

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

2. OLD BUSINESS

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

Mr. Ryan recused himself and left the dais.

Mr. Ridgeway arrived at 7:24 and joined the dais.

Ex. A-4 – plans prepared by Anthony Condouris with revision date 5/17/17

Mr. Condouris stated the plans meet the requirements of the R20 zone. The only variance the applicant is looking for is for the HFA in an R10 zone. The cabana is to be used for storage only; all utilities have been removed with only the sink remaining. He is counting the square footage in the total although they do not think it is habitable and it would still comply with the R20 requirements. There is a 740 sq. ft. increase over 3220 sq. ft. The applicant agrees to the restrictions regarding no heating, toilets. The Board had no questions regarding previous testimony.

There were no questions or comments from the public.

Mr. Lehder stated he doesn't see a reason for calling the cabana a habitable space and is not dealing with it as habitable.

MOTION made by Lehder, second by Schiavetti, to approve the application on the condition that the cabana is built as shown on the plans.

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

Opposed: None

Mr. Ryan returned to the dais.

Harvey - 144 Woodland Dr., Block 65, Lot 6, R10A- Application for addition and porch

Mr. Harvey, Mr. Adler and Mr. Hauben were all previously sworn.

Ex. A-5 – plans prepared by Robert W. Adler with a revision date 5/17/17

Mr. Adler reviewed the concerns expressed about the front porch at the previous meeting and conditions in the neighborhood. **Ex. A-6** – photos taken by Mr. Adler of the subject's property and 5 nearby homes demonstrating front setbacks as viewed from the curb. He noted that the distance varies from house to house and porches are common. The applicant is proposing adding 1' to the foyer, adding 11 sq. ft. of additional space and another 4' for the porch. There is a landing and a step that is just under 6". The height and depth of the porch have been reduced.

Mr. McGurl arrived at 7:51 and was seated at the dais.

Mr. Mulé noted the changes made over the 3 meetings; the front setback went from 17.83' to 21.83' and is now at 23.83. Mr. Hauben stated that when the porch has a roof the step is counted in the setback.

There were no questions or comments from the public.

The new HFA is 3,440; it was 3,420 when the application was approved at the last meeting.

Mr. Schiavetti said he likes the effort on the porch but still has an issue with the HFA.

Mr. Neczesny said he also appreciated the effort.

Mr. Lehder said he appreciated the effort but still has a problem with the design, which is bulky.

Mrs. Koch said she has problems with the size of the porch.

Mrs. Quigley compared the applicant's house to the setback of the house at 86 Buttonwood.

Mr. Mulé, referring to page 5 of the plans, noted the impact on the environment, without a porch the structure appears massive.

Mr. Ryan noted that the other porches projected more than 5' and thought the current request was reasonable.

Mr. Mulé noted that the front setback was not moving closer.

MOTION made by Mulé, second by Ryan, to approve the application recognizing the increase in HFA of 11 sq. ft., conditioned on the stairway not moving and carrying forward the conditions of the previous resolution. The front setback is 27.7' to the house, not counting the 1st step.

In Favor: Neczesny, Koch, Mulé, Ryan

Opposed: Ridgeway, Schiavetti

Abstained: Lehder

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

Mr. Cronin, Mr. Hauben and Mr. Ward previously sworn.

Mr. Aikins noted his appearance on behalf of the applicant. **Ex. A-10** – plan prepared by Mr. Cronin with a revision date of 5/11/17. Mr. Cronin stated the plan shows that the porch depth has been reduced by 2'. The proposed front yard setback is now 15', it is currently 16'. He has used existing grade and a recessed tread.

Mr. Ward introduced **Ex. A-11**, a colored aerial photo of adjoining properties with porches and setbacks, with a tax map overlay, dated 5/30. He said there appears to be 10 homes with setback issues. Homes marked with P on the photo have full porches. The setbacks from the steps vary from +/-11' to 25'. Colored photos of the applicant's property and other properties on Fair Haven Road were entered into evidence and numbered **Ex. A-12** through **A-21** with Mr. Ward noting the frequency of homes with porches or porticos. Mr. Ward stated the applicant's front yard setback is 15' and the existing 21' dimension on the home will remain unchanged.

Referring to Ex. A-11, Mr. McGurl stated that lacking the seal or signature of a licensed surveyor it should not be considered a professional document. Referring to the photographs, Mr. Ward stated that this is a signature, historic street and the applicant will be enhancing the structure. He noted that there had been a positive response from the HPC. He stated that the proposal complies with building coverage, FAR, and the property can support the proposed house. He said historic homes predate zoning. An increase of 240 sq. ft. can be absorbed. He stated this was an appropriate use of the land, there was adequate light, air and open space and a desirable visual. There would not have an impact on the neighbors. The front porch fits in with the character of the neighborhood. **Ex. A-22** – consists of 13 photos taken at intervals down Fair Haven Road showing the streetscape. Mr. Ward noted the presence of mature street trees and said the existing view shed won't be impacted and plantings screen the house. He went on to say that the proposal is in keeping with the Master Plan in that it is maintaining and enhancing the neighborhood. There were no substantial detriments.

Mr. Lehder expressed concern about the effect on the neighborhood if similar porches were added to other homes on the street. Mr. Ward responded that this house was unique. Mr. Neczesny had a problem with the expansion of the front porch, noting there was a side porch.

Kristen Murphy, 56 Fair Haven Rd, was sworn. She said their goal was to increase interaction with the neighbors. The side porch alone is set back, a good sitting porch but blocked. A second goal was aesthetic, to give the house a more historic feel.

Mr. Mulé asked Mr. Ward about the photos and the street trees. He responded that they are not doing anything to disrupt the street view. Mr. Mulé said there was no common theme as far as size and shape of the porches. The applicant's house doesn't have trees in front. The applicant would be willing to plan trees.

Mr. McGurl asked which portion of the house was the original and was told it was the front square. The house is has already forward.

Comments from the public

Melanie Jannuzzi, 49 Fair Haven Rd, was sworn. She thinks the aesthetics would be improved. Beth Goodes, 23 Fair Haven Rd, was sworn. She loves that the neighbors are outside and the nature of the street.

Eric Dale, 50 Fair Haven Rd, was sworn. The house lacks something. This is a beautiful addition, the house is unbalanced without it.

Alison Dale, 50 Fair Haven Rd, sworn. The Murphy's are trying to do the right thing. Adding a porch will add to the character. The door used to be on the other side.

Kelly Gaun, 76 Fair Haven Rd, sworn, agrees with the previous speakers.

Jenny O'Toole, sworn. The porch adds character and charm.

Scott Applegate, 42 Clay, sworn, spoke in favor of the application.

Brent Burdick, 69 Fair Haven Rd, sworn. He said years ago that porch would have been built, big enough to be useable. He likes the stairs as they were in the original plan.

Mike Kilfeather, 77 Fair Haven Rd, sworn, spoke of his enjoyment handing children candy from the porch on Halloween.

Melissa Newall, Fairwaters Lane, sworn, objects to the idea that porches could have an impact on the neighborhood over time. They aren't changing the property.

Alison Dale said the HPC blessed this project and will also treat future projects on a case by case basis.

Eric Dale again noted the historic context.

Chris Trier, Riverlawn Dr, sworn, said the Board is losing sight of the importance of community.

Mr. Aikins asked the Board about a 5' porch in lieu of 6'. Mr. Neczesny said he would view it differently. Mr. Schiavetti said the side porch could mitigate.

The Board recessed at 9:51 and returned at 9:55. No Board business was conducted during the recess.

Mr. Aikins stated that the applicant was willing to reduce the porch to 5'.

Mrs. Koch said she thought the inset step was dangerous. Mr. Cronin said the problem could be solved with grading.

Mr. Neczesny doesn't like the setback but thinks the aesthetics is worth it with a 5' porch.

Mr. Lehder doesn't agree; he thinks 6' is needed for functionality. The house across the street is a problem.

Mr. McGurl said it is hard to understand the scale with the wraparound porch, mass an issue.

Mr. Ryan said wraparound porch adds character.

MOTION Mulé, second Neczesny, to approve the application for an additional 240 sq. ft., front yard setback 14', porch depth 6' plus a one foot step.

In Favor: Neczesny, Koch, Mulé, Lehder

Opposed: McGurl, Ridgeway, Schiavetti

3. ADMINISTRATIVE ITEMS

MOTION Neczesny, second Mulé, to accept the minutes of the May meeting as corrected.

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

Opposed: None

MOTION Mulé, second Schiavetti, to approve the annual report and resolution adopting the report.

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

Opposed: None

MOTION Mulé, second Neczesny, to approve the Harvey resolution

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

Opposed: None

MOTION to adjourn made by Mr. Lehder and approved unanimously by voice vote.

Meeting adjourned at 10:22 PM.

Respectfully submitted,

Judy Fuller