

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Regular Meeting Minutes July 6, 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. McGurl, Mr. Neczesny, Mr. Ridgeway, Mr. Schiavetti, Mr. Mulé, Mrs. Quigley, Mr. Lehder

Absent: Mrs. Koch, Mr. Ryan

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

2. NEW BUSINESS

Sullivan – 68 Park Lane, Block 57, Lot 9, R10-B – Application for covered porch – Variance required for front yard setback

Dan Hauben, CCH Planner was sworn. Jill Sullivan and Sean Sullivan, both of 68 Park Lane were sworn, and the following were entered into evidence:

Ex. A-1 – Survey Frank R. DeSantis, dated 7/25/12 and **Ex. A-2** – Plans prepared by James T. Daley with revision date May 12, 2017, consisting of 3 pages

Mrs. Sullivan stated they are requesting a covering for the entryway of their house and a pergola over the front patio. **Ex. A-3** consists of 6 photos on 3 pages, taken today by Mrs. Sullivan. She stated the plans fit in with the neighborhood and the renovation married the old neighborhood with the new neighborhood. It was pointed out that the survey does not show the added patio. The survey shown on the plan was done by the architect.

It was noted that the Board is operating on the assumption that the existing padding in front of the house was approved.

Mr. Irene explained to the applicant the requirements for the C1 and C2 variances. Mrs. Sullivan stated that their lot had a unique shape. The house hasn't been moved. All of the houses directly near them have porches. **Ex. A-4** – two sheets consisting of 8 photos, taken today, showing homes on the block within the 200' range. **Ex. A-5** – tax map sheet. It was noted that the house is one of the shorter ones on the block. The pergola is open, adding definition without a bulky imposing structure. The covered portion over the front door is for weather protection and would mimic the gables. It was further noted that the house is 50' across without the garage, the gable is set back from the front of the house.

There were no comments or questions from the public.

The Board discussed the pattern of porch requests with some members not seeing anything wrong with the application.

Mr. Lehder mentioned balancing the proposal with the zoning plan and saw this as a sensible alternative.

Mr. Mulé noted the constraints of building off existing foundation rather than tearing it down. It was stated that there are problems with the ordinance but the issue here is whether the proposal is appropriate.

Mr. McGurl noted the exacerbation of an existing situation adding something new.

Mrs. Quigley stated that if the patio wasn't there they could have been coming to the Board asking for a porch.

Mr. Neczesny stated the design was not over and above other approved porches.

Mr. Schiavetti stated the "creep" is in the process, not the Board approvals. He has questions about the information provided.

Mr. Mulé noted that the house is located on a curve and is more set back.

Mr. Ridgeway referred to the merits of the case as presented and said it should be approved.

MOTION made by Mr. Neczesny, second by Mr. Mulé, to approve the application as submitted.

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

Opposed: McGurl, Schiavetti

McGillicuddy, 5 Gentry Drive, Block 77.01, Lot 6 – Application for an addition – variance required for HFAR.

Mr. Hauben, CCH, sworn. Ryan McGillicuddy, 5 Gentry Drive, sworn, and the following were entered into evidence: **Ex. A-1** – survey prepared by Frank R. DeSantis dated 8/26/13, revised 5/16/17, and **Ex. A-2** – plans prepared by Anthony M. Condouris dated 5/15/17.

Mr. McGillicuddy stated the plan is to add a 142 sq. ft. addition to the first floor. The HFA of 3,041 would comply. He added that the addition would extend out 5' with limited impact and won't interfere with light, air or open space. It will not be visible from the street and it is in keeping with the neighborhood.

Mr. Mulé questioned the location of the deck on page Z2 of **Ex. A-2**. Mr. McGillicuddy stated that the deck would be smaller. The wall between the kitchen and the laundry room would be relocated, creating a mud room.

Mr. Lehder stated that the Gentry was developing in a good way and he thought this was a modest request. The Gentry has done a good job of changes in keeping with the area. He noted that this lot is deeper than many of the others.

Mr. Ridgeway noted the other smaller lots.

Mr. Mulé stated there was minimal impact on building and lot coverage.

There were no questions or comments from the public.

Mrs. Quigley stated the change will improve the function of the home.

Mr. Schiavetti expressed amazement that a house built 30 years ago was not designed in a way that is considered functional now. He stated to achieve functionality would require major renovation.

Mr. McGurl noted that every house in the Gentry was zoned with 8' side setbacks.

MOTION made by Mr. Mulé, second by Mr. McGurl to approve the application.

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

Opposed: None

3. ADMINISTRATIVE ITEMS

MOTION by Mulé, second Neczesny, to approve the minutes of the June meeting as amended.

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

Opposed: None

MOTION Mulé, second Neczesny, to approve the Harvey resolution

In Favor: Neczesny, Mulé, Quigley

Opposed: none

MOTION Mulé, second Neczesny, to approve the Murphy resolution

In Favor: Neczesny, Mulé, Quigley, Lehder

Opposed: None

MOTION Mulé, second Neczesny, to approve the Bonanno resolution

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

Opposed: None

Annual Report – Mr. Lehder noted that a Council member had asked for feedback from the Borough Administrator regarding the Comments section of the report. She responded that it was not the Zoning Board's role to provide some of the commentary that was included. Her response was sent to the members of the Planning Board but not to the Zoning Board. They will now be forwarded to the Zoning Board for future discussion.

Comments from the Public

Susan O'Brien asked for the date of the email from Mrs. Casagrande.

MOTION to adjourn made by Mr. Mulé, second by Mr. Schiavetti and approved by acclamation.

Meeting adjourned at 9:03 PM.

Respectfully submitted,

Judy Fuller

