

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Regular Meeting Minutes October 5, 2017

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

1. ROLL CALL

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

Absent: Mr. Neczesny

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

2. NEW BUSINESS

Sarto – Block 50, Lot 9, 49 Gillespie, R-5 Zone – Application for 1st & 2nd floor addition, covered porch - variance needed for habitable floor area

The Board has jurisdiction to hear the application. Daniel Hauben, Planner, was sworn.

John Sarto, 49 Gillespie, was sworn. Anthony Condouris, 20 Bingham Ave., Rumson, was sworn and his credentials as a licensed architect were accepted by the Board.

The following were offered into evidence:

Ex. A-1 – Plans prepared by Anthony Condouris, 4 sheets, with cover sheet (Z-1) dated 9/18/17, sheets Z-2 to Z-4 dated 9/5/17.

Ex. A-2 – Survey prepared by Frank R, DeSantis, dated 2/27/12

Ex. A-3 – Survey prepared by Charles C. Widdis, dated 8/22/08

Ex. A-4 – Floor plan of existing conditions, prepared by Mr. Condouris dated 9/18/17

Mr. Sarto stated there are two existing non-conformities, the front yard setback on Clay and on Gillespie, which are not being exacerbated. An accessory (swing set) side yard setback of 6.5' and a shed with an 8.38' side yard setback are not being removed. A cupola on top of the proposed new garage will require a height variance and the proposed HFA of 2,567 requires a variance. In addition, over 25% of the front yard will be covered by the driveway on the Gillespie side. The new garage on Gillespie has a setback of 5' which does not require a variance. The house was once considered 49 Clay St. but it faces Gillespie Ave. After some discussion regarding the cupola and the ordinance definitions involved, it was noted that the ridge of the garage is 15' which conforms and the size of the cupola conforms, therefore no variance is needed. In regard to the front yard coverage, Mr. Hauben stated that in computing the percentage of coverage he treated both front yards separately, rather than cumulatively.

Mr. Sarto stated that the existing driveway is on Clay St. which is in the R-5 zone. There is parking on the other side of the street and that, plus the placement of a telephone pole, makes backing out of the driveway difficult. He stated that there are fewer cars parked on Gillespie

and the new driveway would be an improved condition. It would also enable entrance to the front of his house rather than the rear. The garage will add additional parking, will comply. Mr. Sarto said he has lived in the home for about 6 years. There are currently 4 bedrooms, two of which have no closets. There is one bathroom upstairs and one downstairs. They are proposing a master bathroom and small laundry room upstairs. A 1st floor addition of 14 sq. ft. will square off the house and add a mud room. They are not pushing further into the front yard.

Mr. Condouris reviewed the floor plan (sheet Z-2 of Ex. A-1). A half bath is being created on the first floor. Adding a covered porch will help support the master bath on the 2nd floor. The 2 small bedrooms will remain; they measure 8 x 13 (#3) and 9 x 15 (#4). Sheet Z-4 of the plans (Ex. A-1) shows the exterior. The additions stays below the ridge. There is no change in the Clay St. elevation.

Ex. A-5 - a color enhanced page Z-4 of Ex. A-1 showing the additions. Mr. Condouris stated that the rooflines and simplicity of lines fits in with the house and the neighborhood.

Ex. A-6 – Memorandum of action from the Historic Commission dated 9/12/17.

Responding to comments 3.1 and 3.2 in the technical review prepared by Mr. Hauben, Mr. Condouris stated that the error in regard to the frieze board would be corrected. He added that he could not make changes without expanding.

Mr. Sarto said the existing paved patio is to be removed. The proposed porch would be covered by the overhang and would be 12' x 17'.

In regard to the parking, Mr. Sarto said it would be 2 + 1. Currently approximately one car can fit behind the house, moving the garage back would lose lot coverage, the long driveway would be a problem. The driveway width was determined by the maximum permitted – 24'. This could be narrowed. Mr. Condouris said 18' would be minimum, 22' is needed. Mr. Hauben said that 287.5 sq. ft. is the maximum permitted – to conform 21 ½' would be needed. The driveway is gravel. There is a walkway to the house from the driveway.

The meeting was opened for public comment.

Stephen Knowlton, 77 Church St. was sworn. He asked if the square footage of the porch was included and the calculations and was told that it wasn't since it was not habitable. He questioned whether dry wells would be needed and was told that the lot coverage was not exceeded.

Dorothy Neceda, 43 Gillespie, was sworn. She said she has lived there for 15 years. She is a member of the Historic Assn. She is not objecting to the construction but to the location of the driveway and garage which will be directly adjacent to her home. **ODN- 1** – photo taken this morning from her front porch, looking to the sidewalk, and **ODN-2** – alleyway between the two houses. She stated her property is 44' wide and the house is narrow. It is currently for sale. The driveway will make it harder to sell, will hem in the side of her property. She referred to the extensive landscaping she has put in and added that trees will be lost. Mr. Lehder noted the possibility of a buffer be installed on the applicant's side as well. He added that in view of the ordinances the applicant will need a permit for a curb cut.

Michael Goione, Clay St, was sworn. He stated that parking was an issue agrees that the issue would be alleviated by moving the driveway.

Kathleen Robinson, 51 Clay, was sworn. She said her property is across the street from the existing driveway. She agrees with Mr. Goione that parking and navigating is a problem and supports the relocation of the driveway.

Mrs. Neceda said that the cars sitting on Clay Street belong to the residents and the proposed change is just moving the car problem on to Gillespie.

Mrs. Koch questioned whether the trees could be removed and was told the applicant would need to get a permit.

Mr. Lehder asked Mr. Sarto if he had considered flipping the driveway and Mr. Sarto stated he had not given it much consideration. Given the existing landscaping this is not optimal.

Mr. Sarto said he could mirror the Neceda house plantings and provide a better fence. Moving driveway is similar to Goione. Mr. Sarto said he would stipulate closing the curb cut on Clay St. There is no plan to change or relocate the fence.

There were no further comments from the public.

Mrs. Koch stated the plan makes sense.

Mr. Lehder expressed concern about the slippery slope with the porch and suggested conditioning an approval on the porch not being enclosed.

Mr. Mulé stated that the % of the driveway was a non-issue.

Mr. Ryan agreed.

Mr. McGurl was concerned that the driveway was not deep enough; vehicles could overhang the sidewalk rather than parking along side.

Mr. Lehder agreed. The driveway could be extended to the west, shortening the walkway, moving the fence back.

There are two parking issues; the width and depth of the driveway, and the design criteria of 3 spaces behind the setback. Mr. Sarto agreed to the idea of swapping 5' of walkway to become driveway.

The board was ok with the width of the driveway in front.

Mr. Lehder suggested 3' evergreens along the property, complementing the existing plantings.

Mr. Sarto agreed. Planting within 30 days of final approval, weather permitting. Sight triangle easement 3' back.

MOTION made by Mr. Mulé, second by Mr. Lehder to approve the application granting 3 variances for HFA, driveway coverage and parking; subject to the porch remaining open, an evergreen buffer on the southerly side of the driveway not to exceed 3', parking, closing of Clay St. curb cut, no determination on exacerbation of fence (up to Borough approval), compliance with CCH report, new steps within the front yard setback di minimus shown on Z1 of Ex. A1,

Historic Commission memorandum, and changes made to the plans at the hearing (walkway swap).

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

Opposed: Schiavetti

3. ADMINISTRATIVE ITEMS

Stephen Knowlton 77 Church, came to the Board to request that a Zoning board resolution of 2005 be corrected or clarified. He stated that the overage of habitable area relief was granted but left out of the resolution. He presented two resolutions and correspondence from his attorney to the Board Attorney to make his point. He stated his concern was that the resolution as written could present problems at the time he sold his home. Mr. Mulé, who was on the Board at that time recollects lots of discussion regarding calculation of the attic. Mr. Lehder stated he was uncomfortable with rewriting the resolution. It was noted that the resolution specifies the square footage that was approved and this information should be sufficient.

MOTION made by Mrs. Quigley, second by Mrs. Koch, to approve the resolution granting bulk variance relief to the Weiss application.

In Favor: Schiavetti, Koch, Ryan, Quigley, Lehder

Opposed: None

MOTION made by Mrs. Quigley, second by Mr. Ryan, to approve the minutes of the September meeting as corrected.

In Favor: Schiavetti, Koch, Ryan, Quigley, Lehder

Opposed: None

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

Meeting adjourned at 9:45.

Respectfully submitted,

Judy Fuller,

Zoning Board Secretary

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Public Announcement of compliance

This is a regular meeting of the Fair Haven Zoning Board of Adjustment. Adequate notice of this meeting has been given pursuant to the provisions of the Open Public Meetings Act. At the time of the Board reorganization in January of this year, the Board adopted its regular meeting schedule for the year. Notice of the schedule of the Board's regular meetings was sent to and published in the Asbury Park Press, and was also sent to the Two River Times and the Star Ledger. Tonight's meeting was listed in the Notice of the schedule of regular meetings. That Notice was also posted on the bulletin board in Borough Hall, and has remained continuously posted there as required by the Statute. In addition, a copy of the Notice is and has been available to the public and is on file in the Office of the Borough Clerk. A copy of the Notice has also been sent to such members of the public as have requested such information in accordance with the statute. Adequate notice having been given, the Board Secretary is directed to include this statement in the minutes of this meeting.