

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Regular Meeting Minutes March 2, 2017

The meeting was called to order at 7:17 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, Mr. Lehder

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

2. NEW BUSINESS

Finamore – Block 39, Lot 19, 165 Third St, R-5 zone – Application to build a new house – variances required for front and rear yard setbacks and floor area ratio.

There are no issues with the notice and the Board has jurisdiction to hear the application. Dan Hauben, CCH Planner, was sworn in.

Keith Mazurek, 43 W. Front St, Red Bank, was sworn in and his credentials as a licensed architect were accepted by the Board. The following exhibits were offering into evidence:

Ex. A-1 – plans prepared by Mr. Mazurek consisting of one sheet, with a revision date 1/15/17.

Ex. A-2 – variance plan prepared by Charles Surmonte with a revision date 12/20/16.

Ex. A-3 – photo of the site taken from Google (date unknown).

Ashley Finamore, 32 Cedar Ave, was sworn in. She stated that when she purchased the property the purpose was not to demolish the house but was told after a structural report that the foundation was crumbling.

Robert Finamore, 32 Cedar Ave, was sworn in. He stated that the plan was to replace the current footprint.

Mr. Mazurek stated that the lot was about ½ of what is required for the R-5 zone. This is a unique situation because the lot is very small. He reviewed the required variances. The current house is setback 9'6" from the beginning of the structure, without the front porch. The setback from the new house is increased to 12' but a variance is needed for the stoop.

Ex. A-4 – Survey of existing house prepared by Charles Surmonte, dated 11/16/16. The existing rear setback is 2.8, where 8' is proposed.

The applicant was asked if turning the house was considered and Mr. Mazurek responded that it didn't have curb appeal with the front door not in the front. The house is visible from three sides and the applicant was asked what was done to dress up the sides. There is a gable on one side. Mr. Lehder stated it seemed as if there were not enough windows. Mr. Mazurek responded that the second floor has two bathrooms, maybe a window could be added in the stairwell. There is a fixed staircase to the attic, which is to be used for storage. Mr. Mazurek stated he didn't calculate the square footage because it didn't meet the definition in terms of

ridge height. The ceiling height is 7'2". After discussion regarding the definition of an attic the applicant indicated she was amenable to having a pull-down staircase. This would increase the space on the second floor.

The basement will be used for the mechanicals. The height will depend on the water table. The hope is for it to be 8'. Mr. Mazurek said he didn't see the house coming out of the ground higher than it is now. The foundation is 2' out of the ground.

Mr. Ridgeway stated that he didn't think aesthetics are a Board issue, he is more concerned about the size of the house. Since it is a knock-down, could it be built to conform. Mr. Lehder stated that there is a need to create softening to counteract the size of the structure on the lot. Mr. Neczesny said that since the rear yard is not useable, why not push back the house and maximize the front.

Ex. A-5 – pack of 8 photos taken by Mr. Finamore.

Mr. McGurl stated the applicant is looking to build a modern home on a lot not created to accommodate it. Why is the proposed house size being doubled when the house was originally bought to be lived in? Mr. Lehder said there is the issue of utility. He didn't see a lot of wasted space on the 1st floor. The 2nd floor seems too big for 2 bedrooms and two baths and could be pulled back.

The meeting was open to public comment. There was none.

Mr. Mazurek stated that one of the reasons the new house was originally designed to have three bedrooms was the concern about the salability of a two bedroom house. Mr. Mulé, referring to the Master Plan, cited the desire of maintaining affordable housing in the town.

The applicants asked the Board to carry the application to the April 6 meeting and stipulated an extension of time. They thanked the Board for their feedback.

MOTION made by Mr. Lehder, second by Mr. Neczesny to carry the application to the April 6, 2017 meeting with no need to renote.

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

Opposed: None

Burdick – Block 49, Lot 13 – 69 Fair Haven Rd – Application to reconstruct existing garage/greenhouse – variance needed for side yard setback.

There are no issues with notice and the Board has jurisdiction to hear the application.

Daniel Hauben was sworn in. Brenton Burdick, 69 Fair Haven Rd, was sworn in and the following were entered into evidence: Ex. A-1 – unsigned plans, one sheet, with revision date 12/27/16, Ex. A-2 – Plans prepared by Anthony Condouris, two sheets, dated 2/21/17, Ex. A-3 – survey prepared by Monno Surveying, dated 10/18/13, and Ex. A-4 – sheet of 3 photos of property taken three years ago and not currently accurate.

Mr. Burdick stated a variance was needed for the side yard setback of the garage. He noted that his original application included other matters, such as an in-ground pool but everything except the garage/greenhouse has been removed from the application. He said his original intent was to clean up the area and put in a pool. He pulled the shed down without realizing that he did it without a permit. He is proposing to remove the asphalt area and the lot coverage will conform. He wants to rebuild the garage, which will be one story.

It was noted that the footprint of the accessory structure comes to 54.1% where the ordinance calls for 40%. Mr. Schiavetti asked if the applicant should ask for one approval for everything he plans to do in the future.

Ex. A-1 shows the proposed garage and greenhouse. He is adding 2.8' to the garage. The right wall is attached to the greenhouse and will remain. The rear of the garage has a bump out that is new. There will be a potting area outside the wall that is covered. A question was raised as to whether the garage was too big but it was noted that it is close to what currently exists.

There were no comments or questions from the public.

Mr. Burdick stated that the height of the garage will conform. It was noted that the coverage of the garage will need a variance, along with the side yard which is extending an existing nonconformity.

Mrs. Koch stated that she thought the plan seems reasonable.

Mr. Schiavetti stated that they couldn't address what might be coming after this.

MOTION made by Mr. Lehder, second by Mr. Neczesny to approve the application as depicted on the plan prepared by Mr. Condouris, with the garage being one story and not to exceed 15', with lot coverage conforming and with the garage doors as depicted on Ex. A-1.

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

Opposed: None

A survey dated May 23, 1969 was entered into evidence as A-5.

3. ADMINISTRATIVE ITEMS

The annual report will be distributed for next month's meeting.

MOTION made by Mr. Mulé, second by Mr. Schiavetti, to approve the Kolarsick resolution denying the appeal of the ZO's denial and the variance relief in the alternative

In Favor: Neczesny, Schiavetti, Mulé, Ryan, Lehder

Opposed: None

MOTION made by Mr. Neczesny, second by Mr. Mulé, to accept the minutes of the February 2 meeting as corrected.

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

Opposed: None

The Board has expressed concern about the escrow costs incurred by applicants and will discuss the procedure.

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

Meeting adjourned at 10:10 PM

Respectfully submitted,

Judy Fuller