

# FAIR HAVEN ZONING BOARD OF ADJUSTMENT

## Regular Meeting Minutes      April 6, 2017

The meeting was called to order at 7:20 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.

The oath of office was administered to new Board Member Patricia Quigley prior to the start of the meeting.

### **1. ROLL CALL**

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

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

### **2. OLD 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.

Keith Mazarek, Ashley Finamore and Robert Finamore were previously sworn. The following were entered into evidence: Ex. A-6 Variance Plan prepared by Charles Surmonte with a revision date 3/27/17 and Ex. A-7 Architectural plans prepared by Keith Mazurek with a revision date 3/20/17. Mr. Mazurek reviewed the application and the variances needed. The property will not allow for any conforming structure. The house size has been reduced since the original submission. It is designed to conform to the side yard setbacks. (It was noted that the setback of 7.2 shown on the table is incorrect – it should be 7.4.) The front yard setback of 12'1" represents an increase from the existing setback. The rear yard setback has been changed to 3.5' – below 3' would not conform to fire code. The street façade conforms to the neighborhood. The new design will be consistent with the character of the neighborhood and attractive. The house size was reduced to conform to building and lot coverage. The property is adjacent to a park which is relevant in terms of air, light and open space. There is no impact on another neighbor, the rear backs on to a large property. The house will not be out of scale or character of the neighborhood.

Mr. Irene noted that in regard to the FAR the Board follows the land use definition – ratio of floor area to land area, thus a D variance is needed, and the criteria for a D variance should be addressed by the applicant.

Mr. Mazurek noted that the attic was going to be accessed via pull-down stairs and would be used for storage only. He slid the house back per the Board's suggestion which allowed for the addition of a porch. The house was shrunk and conforms to the HFA cap – 1553sq. ft. from 1682 sq. ft. The staircase to the attic was eliminated and the bedrooms rearranged. The 2<sup>nd</sup> floor is smaller than the first floor. The materials represented on the plan will be used.

Mr. Lehder noted the applicant's attempt to conform and maintain functionality. He asked if the house would fit in or whether it looked too small. Mr. Mazurek stated he did not think so. He noted that the house has two bedrooms and 2 ½ baths.

Mr. McGurl asked about the sense of square footage of the area closer to the neighbor. Mr. Mazurek said the bulk was closer to the neighbor but still sufficient.

Mrs. Koch asked if consideration was given to building the house east to west. Mr. Mazurek stated there it would not fit in terms of setbacks and Mr. Finamore added that it would not fit in with the neighborhood.

Mr. Irene questioned what size house would be needed in order to conform to the FAR.

There were no questions or comments from the public.

Mr. Neczesny stated that the changes were positive and addressed the Board's concerns.

Mr. Mulé concurred, noted the reduced size and the changes making it more aesthetic.

Mr. Lehder stated he likes the design, it shows improvement and noted the applicant is limited in what can be done.

Mrs. Koch noted that there were no objections from neighbors.

Mr. Schiavetti stated that removal of the staircase allowed the applicant to do other things. He likes the layout of the 1<sup>st</sup> floor and the appearance of the windows.

MOTION by Mr. Neczesny, second by Mr. Mulé to approve the plans based on the accuracy of the testimony and materials presented, conditioned on the schedule being updated to correct errors, the use of hardiboard siding and cultured stone foundation, the attic being used for storage only, with pull-down stairs.

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

Opposed: None

### **3. NEW 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

The Board has jurisdiction to hear the application. Daniel Hauben, Board Planner, was sworn and the following were entered into evidence:

Ex. A-1 – Survey prepared by Seneca Survey Co. with a revision date of 2/24/17

Ex. A-2 – Plans (7 sheets) prepared by Robert Adler, Architect, with a revision date 2/16/17

Robert Adler was sworn and his credentials were accepted by the Board. Lance L. Harvey, 7 Rutgers Dr. was sworn.

Mr. Adler described the house as a quintessential colonial but no longer fitting current lifestyles. He stated the owner wants to increase the size and noted that the property is close to double the required size for the zone. Lot coverage is 28.89% and the proposed building coverage is 13.37%. The current HFA is 2719 and the proposed is 3588 sq. ft. thus requiring a variance. They plan is to add a small extension to the foyer and add a porch, thus the front yard variance. He stated the change is a positive influence on the function of the home and

appearance. The distance from the stoop is 23.83', from the house it is 28.9'. A 10'8" exterior box adds 40 sq. ft. to the front and the covered porch comes out an additional 7'. No portion of the existing structure is being removed. Mr. Adler stated they are looking to open the flow, expand the kitchen, add mud room space. All additions except the front setback are compliant.

A question was raised regarding the location of a bilko door in the front yard. Mr. Adler said there was no other place for it but it will be hidden by shrubs. Referring to page 3 of the plans, Mr. Adler described the proposed changes and additions. The front foyer is expanded, the dining room is set back and compliant, the mud room is in existing space. Mr. Harvey stated that he was willing to forgo the bilko door if necessary. On the 2<sup>nd</sup> floor a bathroom and one bedroom will be extended over existing space and the laundry will be over the existing garage. The additions are in the back of the house so the impact is diminished. The siding will be replaced and stone will be added to the original portion of the house.

Ex. A-3 is a package of 15 black and white photos taken by Mr. Harvey. It was noted that the existing roof structure will be intact with the pitch increased.

Mr. Lehder asked if placing the entrance to the home on the side was considered. Mr. Adler said there would be a problem with the flow.

Mr. Neczesny expressed concern about the scope of the porch and said it seemed imposing. Mr. Mulé asked if the façade could be pushed back. Mr. Adler said it probably could. It was noted that it will be visible from three streets.

Mr. Schiavetti asked if the mechanicals would be located in the front. Mr. Adler stated the existing one would remain but the others would be in the back. The applicant would stipulate moving the existing ac unit to the back.

Reference was made to a prior resolution that indicated that greenery was to provide screening for the pool. Mr. Harvey said it wasn't there but they would comply.

Mrs. Koch asked about the architectural details in the roof line. Mr. Adler said there was no functional use of the attic, which would have pull-down stairs.

Mr. Lehder asked about the extent to which they are willing to commit to the existing framing. Mr. Adler said the exterior walls will remain intact except where the addition will be, in the back and on the side. The dormers were added purely for aesthetic reasons. The garage is to remain.

Mr. Lehder said the house was too nice for a tear down and it is fortunate that it will remain. He asked why so much more square footage is being added when it is keeping 4 bedrooms. Mr. Adler said a large part is the 1<sup>st</sup> floor – 450 sq. ft., the 396 sq. ft. on the second floor is due to bathroom and closet space.

There was discussion regarding what type of reduction could be made to the addition and the porch as well as the foyer bump-out.

Mr. Neczesny asked if there was an effort made to stay within the 3,220 sq. ft. requirement. Mr. Adler stated he couldn't bring it down enough to comply.

Mr. Lehder asked about the use of landscaping to soften the appearance. Mr. Adler said there was no landscaping plan but efforts were made to soften the design of the house. The covered porch is a positive influence. Mr. Lehder said he sees the porch as a different issue than the addition in the rear. The house stands out and needs landscaping.

Mr. Mulé said you can see through the porch. The mass in the back is not as intrusive. There were no questions or comments from the public.

Mr. Neczesny expressed concern about the front yard setback. There is no change in grading so it won't seem as high as a new structure.

Mr. Ridgeway said the house would be attractive without a porch.

Mr. Mulé said porches made houses more appealing.

Mr. Schiavetti noted that the problem is that the house is on a peninsula and will be seen from three directions.

Mrs. Quigley asked about the right of way. It was explained that there is an additional 10 or 11' from the property line to the right of way. This makes the property appear large.

Mr. Schiavetti said that an oversized lot is not a hardship and there is no need to extend beyond the cap. He doesn't see how the flow changes because the changes are not at the core of the living space. Mr. Adler said he was referring to a visual flow, not just a traffic pattern.

The Board discussed issues regarding how and why various spaces are being proposed. Mr. Adler said the on the second floor 2 closets in the master bedroom have been made into one and the bedroom and bathroom size increased. The existing bathroom is removed and pushed toward the back. The cedar closet was added in part because the attic space won't be useful, but also for geometric reasons. None of the push-back comes out as far as the first floor. Mr. Lehder stated he had a problem with the cedar closet at 90 sq. ft., noting that it is a significant percentage of the addition. Mr. Adler said the closet can be squeezed in and the laundry room pulled in.

Mr. McGurl stated he liked the way the addition was stepped back.

MOTION made by Mr. Lehder, second by Mr. McGurl, to carry the application to the May 4 meeting with no need to re-notice and with the granting of an extension of time, on the condition that the revised plan be submitted not later than April 17.

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

Opposed: None

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

MOTION made by Mr. Neczesny, second by Mr. McGurl to approved the Burdick resolution

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

Opposed: None

Approval of the minutes of the March meeting carried to the May meeting because the Board did not have sufficient time to review them.

Approval of the 2016 annual report was carried to the May meeting.

MOTION to adjourn mad by Mr. Schiavetti, second by Mr. McGurl and approved unanimously by voice vote

Meeting adjourned at 10:03 PM

Respectfully submitted,

Judy Fuller