

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Regular Meeting Minutes April 12, 2018

The meeting was called to order at 7:15 by Mr. Neczesny, Vice-Chair with a reading of the Open Public Meetings Act Statement (attached), followed by the pledge to the flag. Two new members of the Board were sworn in.

1. ROLL CALL

Present: Mr. McGurl, Mr. Neczesny, Mr. Schiavetti, Mrs. Quigley, Mr. Lanni, Mrs. Ylagan

Absent: Mr. Ridgeway, Mr. Ryan, Mr. Lehder

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

2. ADMINISTRATIVE MATTERS

Brooks Von Arx appeared on behalf of Kolarsick requesting that the application be carried to the May meeting. The applicant has granted an extension of time.

Mary Magnuson requested that the Board members read the ruling of the Court in the case her ex-husband brought against the Board.

MOTION by Neczesny, second Quigley, to carry the case with no need to renote.

In Favor: McGurl, Neczesny, Schiavetti, Quigley, Lanni, Ylagan

Opposed: None

MOTION by Quigley, second McGurl, to carry the Bonello application to the May meeting with no need to renote.

In Favor: McGurl, Neczesny, Schiavetti, Quigley, Lanni, Ylagan

Opposed: None

John Tsakiris appeared to request an administrative amendment to the resolution of approval for his application for 1 Henderson. He stated that following measurement of the ground water table there is a need to raise the height of the building. In response to questions from the Board he stated that the roof pitch will be lowered as well as the 2nd floor ceilings. There will be no change in the house design and no changes in window height. No variances are triggered.

MOTION by Neczesny, second Quigley, to approve administrative change to allow ridge height of 32".

In Favor: McGurl, Neczesny, Schiavetti, Quigley, Lanni, Ylagan

Opposed: None

3. NEW BUSINESS

Leone – 81 Chestnut St. – block 13, Lot 22, R-5 – Application for addition to home – variances needed for HFA, front, side and rear yard setbacks and parking.

Dan Hauben, Board Planner was sworn.

Robert W. Adler, Jr., 1049 Broadway, West Long Branch, was sworn and it was noted that his credentials as a licensed architect have been previously accepted by this Board.

Frances Leone, 81 Chestnut St. was sworn and introduced herself to the Board as the owner of the house.

Mr. Adler stated that the intention was to keep most of the 1st floor structure of the house, remove the garage and build a new garage. The following were entered into evidence:

Ex. A-1 – Survey prepared by Robert W. Smith, Jr, Seneca Survey Co., dated 7/12/17

Ex. A-2 – Plans prepared by Robert Adler, dated 10/25/17, consisting of 7 sheets

Ex. A-3 – Sheets 1 and 6 of Ex. A-2 with revision date 12/15/17

Ex. A-4 – 1st floor plan, elevation, and photos prepared by Robert Adler, 3/1/18

Mr. Adler noted that the revisions were made on the recommendations of the Planner - the rear and side are changed with the front on Poplar. The design and layout of the house have not been changed.

Referring to the CCH review letter regarding depth Mr. Adler stated they are not seeking a variance for lot depth and Mr. Hauben noted there is a difference between frontage and width. There are two side yard setback issues. The existing figure on Chestnut is 22.6' and 9' will be picked up by removing the brick, bringing the setback to 23.25'. The setback on Poplar is 23.1'. Ex. A-4, Board 1 shows the 2nd floor pulled back in the corner. The setback complies on Chestnut and is only exacerbated on Poplar. On the rear (side) yard the roof is dropped down so there is no 2nd floor (bottom photo on the left). Board 2 shows that the home does not look into the windows of 78 Poplar.

Mrs. Leone stated that most of the trees will remain in the 6' yard. The rear (side) yard abuts the neighbor's side yard. The one story element (garage) will respect the neighbors. Removing the existing garage provides more setback from the neighbor and creates a feeling of outdoor space. Mr. Schiavetti stated that the breezeway adds appearance of bulk from the street.

The front of the garage is 30' at its closest point, it is forward of the box of the house but not of the lot line. Ex. A-5 is an outline of the front yard. The garage is not in the front yard. Mr. Adler noted that if the garage was detached it would require a variance if in the front yard. The height of the garage is 15.5'.

Referring to sheet 3 of 7, using the existing foundation. The 2nd floor is on top of the main box. Sheet 4 – Mr. Adler stated the square footage was not excessive and reducing the bedroom sizes would be a significant problem since they are using the original 1st floor. The height of the one story family room is about 14' and the applicant will stipulate that there will be no filling in. Mr. Adler disagrees with point 2.5 in the CCH report regarding non-conforming lots, saying the ordinance cited refers to undeveloped lots. In regard to item 2.6, he states they conform, the curb cut is over but reduced from the existing. Item 2.7 – agrees. Item 2.8 – the driveway could be reduced from 28' to 24' and applicant will so stipulate. Item 2.9 – agrees. In regard to the

architectural comments, Mr. Adler stated the siding would be wood or wood-like. He disagrees with the comments regarding wind proportions, stating variety is good. He noted that item C is a misinterpretation – the window is not a bay window. He also disagreed with item D regarding the louvered windows.

Mr. McGurl asked if the breezeway space could still function if the wall removed and replaced with a concrete patio. Mr. Adler said the porch could be reduced 10' or the wall could be eliminated. The applicant would agree.

Mr. Neczesny stated that he recognized they are still close to the property line but the neighbor's side yard is considerable.

Addressing the variances, Mr. Adler stated that the proposed house fits into the neighborhood, the 2nd floor is pulled back, part of the house is one story, the eave line is reduced, and the entrance is one story. An attempt has been made to fit the house in a challenging spot providing privacy for the applicant and the neighbor. The outdoor living space is 24' x 14' deep, the patio portion only under the roof.

Mr. McGurl asked how much is outside the building box. Mr. Adler said it was the garage and about 10' of living space.

Mr. Neczesny asked if moving the garage back would affect the windows of the family room. The response was that there would be a lot more driveway and would be adjacent to neighbors' yards on both Poplar and Chestnut.

There was a brief break when Mr. Lanni left the room at 9:03 during which no discussion took place.

There were no comments from the public.

There were no further witnesses.

Mr. McGurl questioned the appropriateness of the plan for the lot size, noting it is a long structure.

Mrs. Quigley stated she sees the justification for the architect's choices, in terms of light, air and open space.

Mr. Neczesny appreciated that the master bedroom was pulled back but has concerns with the garage and breezeway area.

Mrs. Quigley stated the plan provided privacy in view of the lack of yard.

Mr. Schiavetti questions the bulk of the family room high ceiling.

Mr. Neczesny stated that reducing the height of the family room would look imbalanced. He has no problem with the house itself.

Mr. Adler stated that if the garage is moved, the breezeway is invisible to the neighbors. There would be no walls beyond the floor of the patio.

Mrs. Ylagan stated she likes the changes and that they still have access to the back yard.

There was no comment from the public.

Mr. Lanni stated that he likes the design, the only issue was the breezeway.

MOTION by Mr. Neczesny, second Mrs. Quigley, to approve the plan as amended during the proceedings, including the reduction of setback, open breezeway, conforming driveway and curb cut, and no second story on the garage.

In Favor: McGurl, Neczesny, Quigley, Lanni, Ylagan

Opposed: Schiavetti

4. ADMINISTRATIVE ITEMS

MOTION McGurl, second Schiavetti approve the resolution regarding 882 River Rd.

In Favor: McGurl, Schiavetti, Lanni

Opposed: None

MOTION Neczesny, second Quigley to approve resolution awarding contract to Michael Irene, Esq. for services as Board Attorney

In Favor: McGurl, Neczesny, Schiavetti, Quigley, Lanni, Ylagan

Opposed: None

MOTION Neczesny, second Quigley, to approve resolution awarding contract to James Kennedy for services as Board Engineer.

In Favor: McGurl, Neczesny, Schiavetti, Quigley, Lanni, Ylagan

Opposed: None

MOTION Neczesny, second Quigley, to approve resolution appointing Heyer Gruel & Assoc. as Board Planer

In Favor: McGurl, Neczesny, Schiavetti, Quigley, Lanni, Ylagan

Opposed: None

MOTION Neczesny, second Quigley to approve resolution appointing Judy Fuller, Board Secretary

In Favor: McGurl, Neczesny, Schiavetti, Quigley, Lanni, Ylagan

Opposed: None

MOTION Schiavetti, second McGurl, to approve the minutes of the March 1, 2018 meeting.

In Favor: McGurl, Schiavetti, Quigley, Lanni, Ylagan

Opposed: None

MOTION Neczesny, second Schiavetti, to approve the resolution adopting the Zoning board 2017 Annual Report

In Favor: McGurl, Neczesny, Schiavetti, Quigley, Lanni, Ylagan

Opposed: None

MOTION to adjourn made by Schiavetti, second McGurl and passed unanimously by voice vote.

Meeting adjourned at 9:33 PM.

Respectfully submitted,

Judy Fuller,
Board Secretary