

METUCHEN ZONING BOARD OF ADJUSTMENT

MINUTES

March 8, 2012

The meeting was called to order at 7:48 p.m. by Robert Fair, Vice Chairperson, who read the statement in accordance with the Open Public Meetings Act.

ROLL CALL

Present: Robert Fair, Vice Chairperson Brian Tobin, Alt. I
Catherine McCartin Jonathan Rabinowitz, Alt. II
Judith Sisko Robert Renaud, Attorney
Byron Sondergard Kathy Elliott, Engineer
Daniel Spiegel Chris S. Cosenza, Zoning Officer

Late: Susanne Andrews (8:02 p.m.)

Absent: Pat Lagay, Chairperson
Jim Constantine, Planner

NEW BUSINESS

11-939 Vilmari Marotte and Albert Marotte – Applicant is seeking bulk variance approval to construct a second story addition which includes an attached carport over the existing driveway.

55 McCoy Avenue Block 193, Lots 31-33 R-2 Zoning District

Vilmari Marotte, Applicant, was sworn in by Mr. Renaud.

Mr. Renaud requested Ms. Marotte to explain why she was present before the Board, why she was seeking variances, and why the Board should grant the variances.

Ms. Marotte stated that she was applying for a bulk variance for side yard setback. She would like to construct a second story addition and a carport. Because of the driveway and to be able to park, she has to build the carport into the required eight (8) setback area. She would like a carport because there is a detached garage in the rear that was converted (to a cabana) because it was old, wooden and rotted. Her family parks on the driveway next to the house. She would like a carport so that she does not have to go outside in the rain to get into the house. She would like to get a new (electric) car and get a charging station. It would be dangerous to have the charging station outdoors. Working with her architect, the carport is currently designed to be 32 feet in length. Hopefully, at this time, she would like to make it 35 feet instead.

Mr. Spiegel requested clarification regarding the zoning schedule as presented to the Board. The side yard setback is represented to be four (4) feet which is set to the footings of the carport. This carport goes up to the new second floor. So, the Applicant is actually building a

second-story addition that going out to about four (4) from the property line.

Ms. Marotte stated yes, but that the space above the carport has no living space, it is just roof.

Mr. Spiegel stated that he understood, but the carport is leading to a large roof.

Ms. Marotte agreed.

Mr. Renaud apologized for interrupting and indicated that was the reason why he had requested the Applicant re-notice because the notice to go before the Board last month said the Applicant wished to construct a carport. Upon review of the plans, he determined that this was not a proposal to build a carport. He wished to apologize to the Applicant but it served to protect the Applicant as well the Board because if, two (2) months from now, the public may complain and say they thought the approval was for a carport and not for a big addition.

Ms. Marotte stated that she understood and appreciated the concern.

Mr. Renaud requested the Applicant and the Board to review C-1, "Plot Plan", which indicates the proposed carport is 12.75' by 29'. He requested clarification if the Applicant wished to make the whole addition larger.

Robert A. Hernandez, Architect, Applicant's Architect, requested to speak on the Applicant's behalf.

Mr. Renaud stated yes, but he would have to be sworn in; however, the Board should only listen to one witness at a time. To reiterate, he asked if the Applicant was requesting something different than what was represented on the plans.

Ms. Marotte stated yes, but that the front of the carport roof structure would be brought forward.

Ms. Elliott clarified for the Board what she believed the Applicant was proposing. She explained that the angle of the roof would change slightly.

Mr. Fair requested that issue be put aside and be answered by the Architect.

Mr. Spiegel stated that he understood the desire for bedrooms and bathrooms on the second floor addition but questioned the desire to go over the driveway into the side yard setback area. The carport could be achieved without all of the mass.

There was a long discussion regarding the intent of the carport and why a variance was needed.

Mr. Spiegel stated that, lately, applicants come in and request variances in order to put in fourth bedroom in and that it could only be put in a certain location. In this case, Ms. Marotte is requesting a certain architectural look.

Mr. Fair suggested that the architect testify.

Mr. Renaud agreed.

Mr. Hernandez was sworn in by Mr. Renaud.

Mr. Renaud requested Mr. Hernandez to qualify himself before the Board.

Mr. Hernandez stated that he is a licensed architect in the State of New Jersey and has appeared before other boards.

Mr. Fair accepted Mr. Hernandez as an expert.

Mr. Hernandez stated that his client approached him several months ago and wanted to have a second-floor addition over the first floor. In an effort to keep costs down, they considered tall rooflines to achieve decent wall heights for the additional living space. Then the discussion regarding the carport came into play. They wanted to achieve the carport without having to manipulate the design and existing movements entering the driveway. That's why he encouraged his client to apply for a variance. The roof line of the carport matches the rest of the house. It is purely aesthetic and he wanted to do a good job for his client and make it look right. He spoke to Mr. Cosenza prior to applying for a variance and explained to him that the space above the carport would not be habitable. Mr. Hernandez stated that he and his client attempted to park their two (2) vehicles under the proposed carport and felt that an additional area was needed and that it would add about 60 feet to what is shown on the plans, which is an extra 1% to the building coverage. The side yard setback would not change.

Mr. Fair clarified that there would be no additional variance required.

Mr. Hernandez agreed.

Ms. Elliott raised her concern regarding the potential additional roof with respect to the open space calculation.

Mr. Hernandez stated that the driveway had been considered in the open space calculation. He requested to bring the front of the carport forward approximately five (5) feet and bring it in line with the front of the house. The roof pitches would change slightly to accommodate the change.

Mr. Renaud raised his concern regarding the additional request for an open space variance.

Mr. Spiegel noted that, traditionally, the advice given to an applicant was that they put in their notice "any and all variances as deemed necessary by the Board." He asked if this particular application included that language.

Mr. Renaud stated that it probably did but the Municipal Land Use Law states that applicants have to notify the public of all variances. He stated that he had offered his opinion but the Board could take a different position.

Mr. Cosenza clarified that the open space calculation does not change because the roof overhang is over the driveway, which is already considered in the open space calculation. The only thing changing is building coverage, which does not need a variance with the latest change.

There was a brief discussion regarding the roof pitches and roof lines.

Mr. Fair reiterated that there would not be additional variances with respect to the design issues being raised.

Ms. Marotte agreed.

Ms. Elliott requested the Applicant to provide testimony regarding the proposed improvements and any visual impact the proposed addition and carport may have on the adjacent neighbors.

Mr. Hernandez stated that the masonry façade of the ranch house will be cleaned and stained. The siding material for the dormers would be cedar impressions which will have a sand tone to it. The roof material will be very dark shingles. There will be Azek trimboards around all of the windows. The Applicant desires a Craftsman-style home.

Ms. Elliott requested the Applicant provide testimony regarding the point of discharge of the roof leaders from the carport.

Mr. Hernandez stated that there are three roof leaders.

Ms. Elliott stated that she recommends running them underground and discharging it at the curb, which is related to another recommendation regarding a 2 foot section of curb that had been oddly damaged. The curb should be repaired when the new discharge penetration is made for the new roof leader pipe.

(continued) Ms. Elliott reviewed the requested design waivers. She had observed that there were no sidewalks on either side of McCoy Avenue and recommended to the Board to grant the waiver of providing a public sidewalk. Furthermore, a walkway is typically provided to connect the public sidewalk to the front door of a dwelling. With no public sidewalk, she recommended to the Board to grant the waiver of providing a private walkway to the front door. There is an existing walkway that connects to the existing driveway.

There being no further questions from the Board, Mr. Fair opened the hearing to the public for questions for the Applicant. There being none, Mr. Fair closed the public portion.

Mr. Spiegel stated that he has been on the Board for 20 years. He has never come across an application where variances were required, not for maximizing living space, but because the architecture looks better. He attempted to reconcile a redesign that featured less volume, but it would not be aesthetically-pleasing. He appreciates that the Applicant is spending a great deal of money to create a desirable architectural look. As a result, he is in favor of the application. He would like the staff to work with the Applicant with respect to landscaping on the carport side.

Ms. Marotte added that she is considering solar panels on the roof.

Mr. Spiegel noted that the other side of the property is deeper, so there is adequate combined side yard setback.

Ms. Marotte added that, in addition to that comment, the house on the right side is set back deeper as well, so the distance between buildings is consistent with the distance between buildings on the left side.

Mr. Spiegel complimented the Applicant's Architect because a thoughtful design was presented to the Board.

Ms. Sisko stated that landscaping has been considered, referring to Mr. Cosenza's review letter, where he commended the Applicant for intensive and extensive proposed landscaping.

Ms. Marotte discussed her proposed landscaping around the dwelling.

Mr. Cosenza recommended that an additional shade tree be installed in coordination with the Shade Tree Commission. There already exists one shade tree on the left side of the front yard; one more shade tree would make the property compliant with the design standards.

Ms. Marotte requested relief from this request for an additional shade tree, as there will be considerable vegetation on the property. Furthermore, an additional shade tree may be in the way of the solar panels.

Mr. Spiegel noted that with the considerable landscaping, relief should be granted.

There being no further comments from the Board, Mr. Fair opened the hearing to the public for comments for the Applicant. There being none, Mr. Fair closed the public portion.

Mr. Renaud stated that the resolution will incorporate the modification to permit the carport to be extended to the front as well as Ms. Elliott's recommendations regarding drainage and waivers pertaining to the sidewalks and shade tree.

A motion to approve the application with conditions as noted above was made by Mr. Spiegel and seconded by Mr. Sondergard. Roll call vote taken. Ms. Andrews abstained. All others present voted yes. Motion carried.

11-941 **Steven Kovach and Karen Kovach** – Applicant is seeking bulk variance approval to construct a single story rear addition.

2 Goodwill Place Block 206, Lots 10, 12, 14, 16 R-2 Zoning District

Mr. Renaud suggested that Applicant's Architect, Mr. Hernandez, testify first.

Steven Kovach, Applicant, was sworn in by Mr. Renaud.

Mr. Renaud asked Mr. Hernandez to present the application.

Mr. Hernandez stated that the Applicant's father-in-law passed away and his mother-in-law needed to move in. There are four (4) family members, each with their own car. The Applicant is requesting an additional bedroom in the rear of the house. The mother-in-law sold her house a few weeks ago and she hopes to move in as soon as possible. All of her belongings are stored in the three-car garage. He opined that the design of the addition is rather simple, approximately 11 feet 9 inches by 20 feet from the back wall of the house. The addition will project about two (2) feet more into the southerly side yard than the line of the existing dwelling, but will not encroach into the required side yard setback area. The variance request is for open space, where the minimum is 60%, existing is 54.9% and proposed is 53.0%. The applicant is seeking approval for the 1.9% decrease in open space.

Mr. Renaud asked what is being taken away that decreases open space because it the request (for 1.9%) appears to be rather small.

Mr. Hernandez stated that a portion of the existing deck will be removed to accommodate the proposed bedroom addition. 1.9% is the difference between the existing and proposed open space, already taking in consideration of the reduced deck.

Mr. Rabinowitz requested clarification regarding the offset of the outside wall.

Mr. Hernandez stated that the addition will extend two (2) feet beyond the existing wall. The existing side yard is 10.2 feet. The side yard for the proposed addition will be approximately 8.2 feet, which still complies with the Ordinance.

Mr. Rabinowitz asked if the addition that sticks out will be cladded or trimmed.

Mr. Hernandez stated that the addition will be vinyl clad to match the siding on the existing home. The changes to the dwelling will include converting some existing interior space into a bedroom suite. The overhanging portion of the addition will include a closet.

Ms. Elliott stated that she had inspected the property. She recommends that a dry-well system be installed in the rear yard to help mitigate the additional lot coverage.

Mr. Hernandez stated that the roof leaders are already brought underground and run to the street. He opined that it would be easier to connect to the existing pipe.

Ms. Elliott stated that would be acceptable. She raised a concern regarding all of the cars on the driveway. She asked what the three-car garage was being used for, if not for the cars.

Mr. Kovach stated that his mother-in-law had sold her house and all of her contents are stored inside the garage. The garage is being cleaned, which explains the heavy use of the garbage and recycling bins as well.

Ms. Elliott stated that she appreciated the clarification. Moving on to her review letter, she noted that there are sidewalks on either side of the subject property and according to the Ordinance, sidewalks should be provided on the frontage of the property. Where the sidewalk would meet the driveway, the Belgian block would have to be removed to be ADA compliant. She requested that the information regarding the maximum side slope of the sidewalk not to exceed 2% be passed on to the Applicant's contractor. Regarding the private walkway, she recommended to the Board to grant the waiver of providing a private walkway to the front door. There is an existing walkway that connects to the existing driveway.

Mr. Renaud asked if Mr. Kovach if he had wanted to testify.

Mr. Kovach stated that he was okay with not testifying. There was nothing else to add.

There being no further questions from the Board, Mr. Fair opened the hearing to the public for questions for the Applicant. There being none, Mr. Fair closed the public portion.

Mr. Cosenza stated that he would like to continue the discussion regarding landscaping. He stated that, in his review letter, front-yard landscaping is sufficient. He recommended installing additional landscaping on the left side of the attached garage. He also recommended providing for two (2) shade trees in the front yard area in the same rhythm and pattern as the other shade trees along Goodwill Place.

There being no further comments from the Board, Mr. Fair opened the hearing to the public for comments for the Applicant. There being none, Mr. Fair closed the public portion.

A motion to approve the application as presented to the Board was made by Mr. Spiegel and seconded by Ms. Sisko. Roll call vote taken. Motion carried unanimously.

CORRESPONDENCE

Ms. Sisko asked Mr. Hernandez if he was new to the Borough.

Mr. Hernandez stated that he was Tom Baio's oldest employee. He is now on his own, on Amboy Avenue.

Mr. Spiegel opined that his work was very effective and complimented his presentation.

Minutes from July 14, 2011

A motion to approve the minutes as written was made by Mr. Sondergard and seconded by Mr. Spiegel. Roll call vote taken. Motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Chris S. Cosenza
Recording Secretary