

METUCHEN ZONING BOARD OF ADJUSTMENT

MINUTES

November 8, 2012

The meeting was called to order at 7:50 p.m. by Pat Lagay, Chairperson, who read the statement in accordance with the Open Public Meetings Act.

ROLL CALL

Present:	Suzanne Andrews Robert Fair, Vice Chairperson Pat Lagay, Chairperson Judith Sisko Byron Sondergard	Daniel Spiegel Brian Tobin, Alt. I Robert Renaud, Attorney Chris S. Cosenza, Zoning
Late:	(none)	
Absent:	Catherine McCartin Jonathan Rabinowitz, Alt. II	Kathy Elliott, Engineer James Constantine, Planner

OLD BUSINESS

12-952 **Todd & Nora Pagel** – Applicants are seeking bulk variance approval to construct an addition.

313 Midland Avenue Block 51.07, Lots 36 & 37 R-2 Zone

Mr. Renaud stated that Applicants, whom the Board saw last month, have requested to have the application be carried to December 13. If amenable by the Board, he would make the appropriate announcement.

Ms. Lagay indicated that it would be okay to have it carried.

Ms. Sisko stated that she was not present last month and asked if the plans would be different.

Mr. Renaud stated that Mr. Cosenza had explained to him that it would be different.

Ms. Lagay asked if Applicants would have to renotice.

Mr. Renaud stated that yes, they would, since it would be a completely different application. If they are requesting different variances, which he believes there will be, they will have to renotice.

Ms. Lagay asked if they needed to do so even with the “any and all variances” language within the notice.

Mr. Renaud stated that yes, they would, because part of the notice is to indicate what it is that they are doing that needs variances. If it was a different addition, he believes they would not need to renote, but in this case, as he understands it, Applicants are not considering an addition on the house at all; they are considering a shed. Nevertheless, the application should be carried until Applicants come in with a plan, give it to Mr. Cosenza to review and a judgment will be made at that time.

Mr. Renaud announced that the application would be carried to the meeting on December 13, 2012 in this room at 7:45 p.m. There will be no further notice.

NEW BUSINESS

12-964 **Stephen & Gail Toth** – Applicants are seeking bulk variance approval to construct an addition.

41 Buchanan Road

Block 4.2, Lot 22

R-1 Zone

Larry Lavender, attorney from John Wiley, Jr.'s office, introduced himself to the Board. He indicated that Applicants are a bulk variance for a small addition onto the front of the house. The house itself has pre-existing non-conforming side yard setbacks.

Ms. Toth sworn was in by Mr. Renaud

Mr. Lavendar asked Ms. Toth a series of questions, to which Ms. Toth indicated that she is the owner of the property for the past 25 years. She described the addition as not adding an additional room, rather it is adding onto the existing master bedroom and master bathroom. It would add about 10 to 12 feet coming out from the (front of the) house, utilizing the existing width of the two (2) rooms. She and her family have lived in the house for a long time, they want to stay in Metuchen and make it more comfortable for themselves. Additionally, her mother-in-law, who is 95 years old, is in an assisted-living facility and stays from time to time. Her mother-in-law finds it is difficult to use the existing bathroom. The addition will make it more convenient for the entire family. The house has a mostly brick façade with vinyl siding.

Ms. Toth further explained that when looking at the house from the street, the addition is to the left side of the front of the house. The addition will bring out the two (2) existing rooms a little more and it will have a brick facade, ideally with the same brick, or, if unable to do so, then a curb-appealing material that would fit in with the rest of the house.

Ms. Lagay asked how far back from the setback line the addition would be.

Ms. Toth stated that it does not cross the 25 foot front setback line, it is setback about 27 to 28 feet. It will be set back further than the existing garage (on the other side of the house, also facing the street).

Mr. Spiegel noted that (other than the required variances), Applicants meet all other provisions of the Ordinance, has so much open space on an unusually large lot. It just so happens that Applicants have a pre-existing condition with the short side yard.

Mr. Lavender stated that no matter what Applicants does, a variance is required, it is merely a technicality.

Ms. Lagay asked if Applicants had previously requested variance(s).

Mr. Lavender stated it appears that the house was originally built as is, but he does not have the answer to whether or not variances had previously been granted.

Ms. Toth noted that the house was built in the 1960's.

Ms. Lagay noted that the Ordinance (as we know it today) has been in place since 1967. She noted that the roof line will change slightly and asked about the landscaping.

Ms. Toth stated that the roof will match that of the garage on the other side of the house. The landscaping in the front of the porch will remain. Whatever landscaping is removed for the addition will be replaced. No trees are planned to be removed.

Ms. Lagay asked if Applicants had received memorandums from the Board professionals.

Mr. Lavender stated that he has them.

Mr. Renaud offered to summarize the contents of the memorandums. One of them had to do with landscaping which he believed has already been addressed. There appears to be no other issues to discuss.

Mr. Lavender offered to present Applicants' Architect, Susan Sheffmaker, AIA, if there were any technical issues regarding the addition that the Board would like addressed.

Ms. Sheffmaker was sworn in by Mr. Renaud.

Ms. Lagay asked Ms. Sheffmaker to describe the plans.

Ms. Sheffmaker stated that the addition on the left side is going to be pulled forward from the existing façade. As discussed earlier, it will be pulled out not quite as far as the garage. The roof will be front-facing gable to tie in with existing side gable-roof. The lower portion of the facade and wrapping around the sides will be brick. She and Applicants will try to match the existing brick as closely as possible. The top portion of the façade will have CertainTeed Cedar Impressions or similar siding that will also be installed on the right side of the house to match. The existing master bedroom will be enlarged. The bathroom will be fully renovated and enlarged, which will include a step-in shower. The existing closet will be enlarged as well. The number of rooms will not change.

There being no questions from the Board, Ms. Lagay opened the hearing to the public for questions or comments regarding the application. There being none, Ms. Lagay closed the public portion.

Ms. Lagay requested the Board to discuss the application.

Mr. Spiegel stated that it does not get as simple as this; he noted the pre-existing non-conformity, Applicants are otherwise complying with all other provisions of the Ordinance. He requested compliance of the shade tree ordinance and replacement of the existing foundation plantings with appropriate similar foundation plantings be made conditions.

A motion to approve the application with conditions as noted was made by Mr. Spiegel and seconded by Mr. Fair. Roll call vote taken. Motion carried unanimously.

RESOLUTIONS

12-951 **Karen Arny** – (bulk variance and use variance to construct an apartment above an existing garage – approved 10/11/2012)

10 Sidney Place

Block 195, Lot 33

R-4 Zoning District

Ms. Lagay stated that she had a couple questions. She asked about the taxes for the property now that it has two (2) dwelling units.

Mr. Renaud stated that the property will not be taxed as a two-family, it is based on the market value of the improvements on the property. You do not just add on “x” amount of dollars because it now has an extra dwelling unit. However, the fact that it does have an extra dwelling unit will probably make it worth more. The tax assessment will increase. He does a lot of tax appeals and he represents a lot of municipalities where the two-families, at this point because of the strange economy and so forth, are not even worth as much as single-families of equivalent size. Nevertheless, he is certain there will be an increase in taxes. Among other things, there will be new construction on top of the additional dwelling unit.

Ms. Lagay stated that her other question was in respect to the request to have the resolutions be filed with the deed at the County. She believed that needed to be done with this resolution.

Mr. Renaud noted that, if the Board would have a motion, he would add it onto as a condition to the resolution, that the approval be recorded.

There was a discussion regarding the findings of fact, during which Mr. Spiegel requested that the resolution also specifically note other findings of fact, such as 1) regarding no first floor development and 2) historic nature of the house. He requested that the resolution be very explicit with what the Board had considered.

Mr. Renaud stated that he will add them in as well. He requested the Board to clarify in which cases that the condition regarding the recording of the resolution in the deed be placed.

There was a long discussion regarding what should and should not be recorded in the deed. In the end, Board members noted that it would be on a case-by-case basis and that they would let Mr. Renaud know when it was appropriate.

Mr. Spiegel expressed his general concern about certain issues not being caught by the Zoning Officer and opined that certain resolutions should be recorded.

Mr. Renaud stated that he understood but explained that the Zoning Officer would not be searching through deeds for any restrictions; that is not the responsibility of zoning officers.

A motion to approve the resolution as amended was made by Mr. Spiegel and seconded by Mr. Fair. Roll call vote taken. Motion passed unanimously.

CORRESPONDENCE

Ms. Lagay stated that Mr. Cosenza had explained to her that the next meeting would be busy. 313 Midland Avenue might come back. Suburban Square would be on the agenda and a new application on Hillside Avenue.

Mr. Cosenza noted that the application would be bifurcated to hear the Use Variance first, with Site Plan to come at a later date. The application concerns apartments on the first floor.

Mr. Spiegel noted that he would not be present in January.

ADJOURNMENT

A motion to adjourn the meeting was made by Ms. Sisko and seconded by Mr. Spiegel. Voice vote taken. Motion carried unanimously.

The meeting adjourned at 8:31 p.m.

Respectfully Submitted,

Chris S. Cosenza
Recording Secretary