

METUCHEN ZONING BOARD OF ADJUSTMENT

MINUTES

January 9, 2014

The meeting was called to order at 7:52 p.m. by Robert Renaud, Attorney, who temporarily chaired the meeting and read the statement in accordance with the Open Public Meetings Act.

Present:	Pat Lagay, Chairperson	Jonathan Rabinowitz, Alt. I
	Catherine McCartin	Michael DiGeronimo, Planner
	Judith Sisko	Robert Renaud, Attorney
	Byron Sondergard	Lisa DiFranza, Engineer
	Brian Tobin, Vice Chairperson	Chris S. Cosenza, Zoning Officer

Late: Eilleen Millett (Alt. II) (7:58)

Absent: Suzanne Andrews Daniel Spiegel

ANNUAL REORGANIZATION OF THE BOARD

Chairperson: Pat Lagay

A motion to nominate and name Ms. Lagay as Chairperson was made by Ms. Sisko and seconded by Mr. Sondergard. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin and Mr. Rabinowitz voted yes. Motion carried unanimously.

Ms. Lagay relieved Mr. Renaud, thanked the Board and chaired the remainder of the meeting.

Vice Chairperson: Brian Tobin

A motion to nominate and name Mr. Tobin as Vice Chairperson was made by Ms. Sisko and seconded by Mr. Sondergard. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin and Mr. Rabinowitz voted yes. Motion carried unanimously.

Board Attorney: Robert Renaud

A motion to name Mr. Renaud as Board Attorney was made by Ms. Sisko and seconded by Mr. Rabinowitz. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin and Mr. Rabinowitz voted yes. Motion carried unanimously.

Secretary: Sharon Hollis

A motion to name Ms. Hollis as Board Secretary was made by Mr. Sondergard and seconded by Mr. Rabinowitz. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin and Mr. Rabinowitz voted yes. Motion carried unanimously.

Recording Secretary: Chris S. Cosenza

A motion to name Mr. Cosenza as Recording Secretary was made by Mr. Sondergard and seconded by Ms. McCartin. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin and Mr. Rabinowitz voted yes. Motion carried unanimously.

Board Planner: James Constantine, LRK, Inc.

A motion to name James Constantine, LRK, Inc. as Board Planner was made by Mr. Sondergard and seconded by Mr. Rabinowitz. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin and Mr. Rabinowitz voted yes. Motion carried unanimously.

Board Engineer: Lisa DiFranza, Maser Consulting, P.A.

A motion to name Lisa DiFranza, Maser Consulting, P.A. as Board Engineer was made by Ms. Sisko and seconded by Mr. Tobin. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin and Mr. Rabinowitz voted yes. Motion carried unanimously.

Meeting Dates for 2014 at 7:45 p.m.

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|-------------------|--------------------|
| January 9, 2014 | August 14, 2014 |
| February 13, 2014 | September 11, 2014 |
| March 13, 2014 | October 9, 2014 |
| April 10, 2014 | November 13, 2014 |
| May 8, 2014 | December 11, 2014 |
| June 12, 2014 | January 8, 2015 |
| July 10, 2014 | |

A motion to adopt the meeting schedule as presented was made by Mr. Sondergard and seconded by Mr. Rabinowitz. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin and Mr. Rabinowitz voted yes. Motion carried unanimously.

TRC Appointments

Ms. Lagay appointed Mr. Rabinowitz to the TRC Appointment.

Ms. Lagay announced that Ms. Millett had arrived and observed no members of the public at the hearing.

OLD BUSINESS

13-991 **Mongelli LLC** – Applicant is seeking site plan, use variance for height and bulk variance approval to construct a third floor addition.

439-443 Main Street Block 114, Lot 17.05 B-1 Zone

Mr. Tobin has recussed himself.

Mr. Renaud announced that Ms. Sisko had certified that she had listened to the tapes and is eligible to vote on the application.

Mr. Mongelli indicated that testimony regarding the positive and negative criteria had been addressed at the prior hearing. He deferred to his architect, Mr. Burns to describe changes to the facade and present examples of the mixing of styles as requested by the Board.

Ms. Lagay indicated that Mr. Burns was still under oath.

Mr. Burns passed around an exhibit, which Mr. Renaud requested it be marked. Mr. Burns indicated the addition has been set back to the 10 foot setback. The existing building remains at the existing non-conforming 3+ foot setback. Additional slides further depict the changes to elevation and section. He provided sun diagram indicating it would be almost impossible to have light refract directly into the storefront across the street of the subject premises. He also provided examples of light monitors on classically-design buildings. It was apparent that glass on a masonry building was typical in the industrial revolution. He also provided contemporary examples.

Mr. Burns further described briefly the Secretary of the Interior's Standards and Guidelines, referring to federal standards, in which the standards are not meant to prevent change - instead, they represent a sophisticated and nuanced framework for managing change. The new work should be differentiated and made compatible with the massing and scale to protect the historic nature of the building. He opined that they met the intention of these standards. The architectural integrity of the building, as originally constructed, remains intact. In addition, there were originally circular windows that, over time, were taken away. Applicant proposes to restore these windows.

Mr. Burns provided an additional photo-rendering from the other side of Main Street, looking in the opposite angle. He opined that the building is recognizable by its heavy cornice, whereas the light monitor now steps back further, away from view. At the rear of the building, a screen/railing was provided to screen the mechanical equipment and also provides the necessary barrier for persons using the roof. This helps shield, not only the mechanical equipment but also, the lower portion of the glass addition. He showed additional views and respective night views.

Ms. Lagay indicated that there were no other changes other than the setbacks.

Mr. Burns confirmed; there is also additional screening on the rear of the building.

Ms. Lagay asked if the floor plan changed.

Mr. Mongelli confirmed no.

Ms. Lagay indicated she appreciated the additional testimony and requested the Board to discuss the application.

Ms. Millett indicated that she had no concerns regarding the application and asked about the idea of reinstating the circular windows.

Mr. Burns indicated that the windows are already there, sans glass. The stucco finish will be removed and glass will be put back in.

Ms. Lagay asked about the triangular panes.

Mr. Burns indicated it would be brought back.

Ms. McCartin expressed her appreciation to Applicant to address neighbor's concern regarding the sun angle.

Mr. Sondergard indicated that he had given it more thought; he was not entirely convinced that the proposed building is the absolute best that could be done; however, the revised plan is certainly much better and he is much more comfortable with the application.

There being no further questions from the Board for Mr. Burns, Ms. Lagay opened the hearing to the public for questions for Mr. Burns. There being none, Ms. Lagay closed the public portion.

Ms. Sisko commended Mr. Burns for his presentation. While she was not present, she listened to the tape and it was very easy to follow along. It is a wonderful proposal.

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

Ms. Lagay asked about the rear elevation, specifically the first floor doors.

Mr. Mongelli indicated that they were four (4) doors; three (3) doors provide access to the ground-floor uses and the fourth door leads to second (and third) floor offices. He indicated that the rear elevation needs a little love, indicating that he would be willing to improve it in the future. He would have his architect coordinate with the Borough Planner.

There was a discussion regarding the closed alleyway.

Mr. Renaud summarized the conditions, indicating that Applicant would work with Planner regarding the colors and finishes. It appears all other concerns were addressed.

A motion to approve the application as presented was made by Mr. Sondergard and seconded by Mr. Rabinowitz. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Rabinowitz and Ms. Millett voted yes. Motion passed unanimously.

NEW BUSINESS

13-1006 **Matt & Maria Fulham** – Applicant is seeking bulk variance approval to construct an addition and new garage.

116 Main Street

Block 215, Lots 1 & 1.01

R-2 Zone

Mr. Tobin rejoined the Board.

Mr. Wiley, Applicant's Attorney, introduced the application. The property contains a single-family dwelling on a corner lot. Applicant requests to construct an addition, deck, porches and a new two-car detached garage.

Mr. Renaud indicated all of the bulk variances being requested, taken from Ms. DiFranza's report:

- Lot Area: 7,500 square feet is required, 6,492 square feet is existing/proposed
- Lot Width at Street Line: 50 feet is required, 37.5 feet is existing/proposed
- Lot Width at Setback Line: 62.5 feet is required, 39 feet is existing/proposed
- Front Yard Setback (Main): 25 feet is required, 0.9 feet is existing and 6.75 feet is proposed
- Front Yard Setback (Myrtle): 25 feet is required, 14.9 feet is existing and 10.8 feet is proposed
- Side Yard Setback: 8 feet is existing, 4.4 feet is existing and 5 feet is proposed.
- Building Coverage: 30% is permitted, 16.2% is existing and 35.1% is proposed
- Sight Triangle

Almost all are existing non-conformities; an addition will be within the side lines of what presently exists. The addition will not increase any existing non-conformity except for building coverage. The only "new" variance is building coverage.

Matthew Thomas Fulham was sworn in by Mr. Renaud.

Mr. Fulham indicated that he is the property owner of 116 Main Street. He rents the home to two (2) persons. Upon approval, he and his family will move in. He just had a baby on December 10.

Mr. Wiley asked Mr. Fulham to describe the objectives.

Mr. Fulham indicated that he wants to make the house more livable. There are narrow staircases; rooms are small; the house is generally not that livable. He proposes to make the house more livable.

Mr. Wiley introduced Exhibit A-1, prepared by Mark Marcille, Applicant's Architect, a board depicting the proposed color rendering of the dwelling. He further introduced Exhibit A-2, also prepared by Mr. Marcille, a board with the left side showing a color photograph depicting existing conditions and the right side depicting the proposed plot plan.

Mr. Wiley acknowledged that questions had been raised by the garage. The first is that the 1 1/2 story garage, he asked Mr. Fulham to indicate the intent of the use of the second floor.

Mr. Fulham indicated that the second floor of the garage will be for storage. They are both teachers, so they tend to pile a lot of things. They would like to have the basement finished for the use of the family, limiting storage area.

Ms. Lagay questioned the half story. The second story still appeared to be tall enough to stand in.

Mr. Wiley reviewed the Maser report dated December 10, 2013; Mr. Fulham indicated there would not be any further walkways and agreed with all recommendations.

Mr. Wiley reviewed the LRK report dated December 9, 2013; questions were raised regarding the porch. The front setback was measured to the porch and can correct the drawings. This would lessen the amount of the variance request.

Mr. Renaud indicated that the report asked for testimony clarifying the depth of the porch.

Mr. Cosenza clarified that porch is 7.5 feet deep; given the 6.75 foot setback to the porch, the setback to the house is 14.25 feet. He had requested the architect to indicate 6.75 foot setback because the permitted projection regulations permits porches into front setback areas; however, the existing dwelling does not conform to the front yard setback, so it should measure to the foremost portion of the structure (including the porch). He noted that the foremost portion of the dwelling (sans porch) actually aligns with the home next door.

Mr. Wiley agreed (that the dwelling aligns with home next door); arguably, the front yard setback variance was no longer required because conforms to the average.

Mr. Cosenza indicated that the variance is still required (because the averaging provisions only apply to new buildings).

Ms. Lagay stated that the house is not any closer to the street than the existing enclosed porch.

Mr. Wiley confirmed.

Mr. Cosenza agreed; the front yard setback is being increased from 0.9 feet (counting the existing enclosed porch) to 14.75 feet (not counting the proposed open porch). The house is being brought back nearly 13 feet.

Ms. McCartin asked if that is the case because an enclosed porch is considered to be part of the house.

Mr. Cosenza confirmed.

Mr. Wiley discussed the lot coverage issue. The proposed garage is larger than the existing garage.

Mr. Fulham confirmed.

Mr. Wiley indicated that the larger garage and rear addition and porch are what trigger the building coverage variance. He further indicated that under the present Ordinance, the impervious coverage complies. The application was filed under the previous Ordinance, for which an open space variance is required.

Mr. Cosenza confirmed. The open space being provided is 57.5%. The inverse of that is 42.5% coverage, which would comply with the present Ordinance's maximum permitted 50% impervious coverage.

Ms. Lagay asked how the Board handles that.

Mr. Renaud indicated that while the application was filed under the old Ordinance, the Board could find, as a reason for the support of the variance, that the application it complies with the new Ordinance.

Mr. Wiley asked Mr. Fulham to describe the colors, materials and details of the addition.

Mr. Fulham indicated that facade would be blue vinyl siding with dark blue shutters or beige with brown shutters. There will be white trim (in either option).

There was a discussion regarding garage and possible conditions limiting the use of the second floor of the garage. The Board was concerned about the use of the garage somehow to an illegal apartment. The dormers add aesthetic value.

Mr. Cosenza clarified that when he receives permits for accessory structures, it is permissible to have living space above the garage; however, one cannot live or sleep in such space. It could be an office, deck or playhouse.

Mr. Renaud clarified, then, that the Board could impose a condition that the space could not be living space at all. It is ultimately up to the Board to decide.

Ms. Lagay deferred to Mr. Cosenza's interpretation; if they are allowed to use it as a playroom, that is OK. No further restrictions should be contemplated.

Mr. Renaud noted that the planner's report requested testimony regarding landscaping.

Mr. Fulham indicated that he had a landscaper provide a landscaping plan, conforming to whatever was asked or required by the Board. He introduced Exhibit A-3, a rendered landscaping plan.

There was a discussion regarding the driveway, during which Mr. Cosenza indicated that the driveway width at the apron requires an exception. Under the old Ordinance, a maximum of nine (9) feet is permitted whereas 12 feet is permitted under the new Ordinance. Either way, relief is required as Applicant is requesting a 20 foot driveway width at the apron. Mr. Cosenza noted that Applicant was closing up a curb cut, so that could be a finding to permit a slightly wider driveway apron.

Ms. Lagay understood; she asked if there were issues with the driveway with respect to the corner lot setback.

Ms. DiFranza confirmed.

Mr. Cosenza further indicated that he had requested architect to provide required replacement trees on the plan during completeness review. The required tree replacement is fairly significant, over \$3,500 to be contributed to the Shade Tree Commission. He suggested that testimony be given regarding the tree replacement.

Mr. Fulham briefly discussed the landscaping and necessary tree removal. He had a discussion with his wife and determined that they would replace the trees as necessary.

Mr. Cosenza indicated that had wanted Applicant to understand the cost. Upon review of the drawings, four (4) trees of large caliper are being removed, requiring 13 new trees. A note on the plot plan in the submittal to the Board indicates they would all be contributed to the Borough. However, given that the Board was just introduced to a landscaping plan showing proposed trees, Mr. Cosenza indicated that all of the proposed ornamental, shade and street trees should count towards the required replacement trees. Any leftover balance should then be contributed to the Borough.

Ms. Lagay requested Mr. DiGeronimo's review of the landscaping plan.

Mr. Renaud indicated that, generally, the purpose of the replacement trees is to replace trees on site, not to give the Borough trees.

Ms. Lagay asked if Applicant would work with the Planner.

Mr. Fulham agreed.

Ms. Lagay asked Mr. Fulham to describe the floor plans.

Mr. Fulham described the layout of the renovated home. There will be a large open floor plan. There will be an open porch in the front and a screened porch in the rear. As shown on Exhibit A-3, the second floor contains three (3) large bedrooms as well a master suite. He would like to eventually finish the basement. The basement will be brought down further. The home will be 2,513 square feet. Mr. Renaud indicated that the application indicates that 1,052 square feet exists and the addition is 2,277 square feet. The plans are to be revised to indicate the correct square footage.

Mr. Rabinowitz asked if there will be a third floor.

Mr. Fulham indicated the stairs will lead to the third floor which will be an attic at this time. He further indicated that much of the existing house will be gutted and only a wall will remain.

Mr. Renaud clarified that it is apparent that the existing house will essentially be demolished.

Ms. Lagay questioned the third floor.

Mr. Wiley indicated that it is not a full third floor. It is a half-story.

Ms. Lagay questioned the height.

Ms. DiFranza indicated that the proposed height is 34'-10".

Ms. McCartin indicated that the side elevation (fronting on Myrtle Avenue) is visually interesting. Other proposals (presented to the Board) seem to be flat.

Mr. Rabinowitz agreed.

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

Ms. Lagay opined that it was an ambitious project in South Main. The garage is being moved further back, giving Applicant more outdoor space.

Mr. Fulham agreed; if the garage was attached to the house, they would not be able to see into the rear yard area.

Mr. DiGeronimo indicated that after review of the landscaping plan, 15 trees were being provided.

Mr. Cosenza confirmed and indicated that the tree replacement requirement was therefore satisfied and Applicant did not require a contribution to the Borough.

Ms. Lagay remarked that Applicant had saved some money.

Mr. Renaud reviewed the conditions he believed the Board would impose. Revised plans shall be provided as well as compliance with Engineer and Planner's reports.

Mr. Cosenza indicated that a decision had to be made regarding the driveway.

After a brief discussion, Board members decided that the driveway opening should be limited to 12 feet, permitted to flare out to 20 feet, as permitted under the new Ordinance. Furthermore, there will be no restrictions on the use of the second floor of the garage; Mr. Cosenza noted that should a bedroom be proposed, Applicant requires Use Variance approval from the Zoning Board of Adjustment.

A motion to approve the application with the conditions noted was made by Ms. McCartin and seconded by Mr. Tobin. Roll call vote taken. Ms. Lagay, Ms. McCartin, Ms. Sisko, Mr. Sondergard, Mr. Tobin, Mr. Rabinowitz and Ms. Millett voted yes. Motion passed unanimously.

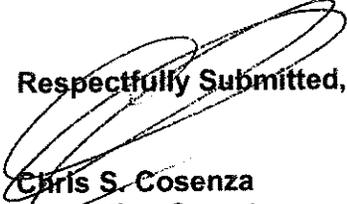
Board members congratulated Mr. Fulham on the birth of his child, to which Mr. Fulham indicated he is named Matthew Jr.

ADJOURNMENT

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

The meeting adjourned at 9:24 p.m.

Respectfully Submitted,


Chris S. Cosenza
Recording Secretary