METUCHEN ZONING BOARD OF ADJUSTMENT

MINUTES

November 13, 2014

The meeting was called to order at 7:47 p.m. by Pat Lagay, Chairperson, who read the statement in accordance with the Open Public Meetings Act.

Present:	Suzanne Andrews	Brian Tobin, Vice Chairperson
	Pat Lagay, Chairperson	Jonathan Rabinowitz, Alt. I
	Catherine McCartin	Daniel Topping, Alt. II
	Judith Sisko	Mike DiGeronimo, Planner
	Byron Sondergard	Robert Renaud, Attorney
	Daniel Spiegel	Chris S. Cosenza, Zoning Officer
Late:	(none)	
Absent:	Lisa DiFranza, Engineer	

Ms. Lagay explained the procedures of the Board.

NEW BUSINESS

14-1048 **Priti Parikh** – Applicant is seeking bulk variance approval to construct a second story addition on a corner lot.

4 Wadsworth Avenue Block 16, Lots 1-6 R-1 Zone

Priti Parikh and Vikrant Parikh were sworn in by Mr. Renaud.

Mr. Parikh indicated that they recently purchased the property about four (4) or five (5) weeks ago. It is a single-story ranch with a one-car garage situated on a corner lot. The house was built at an angle. They would like a two-car garage and a five-bedroom house. For more living space, they seek to add a second floor and expand the garage by about five (5) feet to fit two (2) cars. Because the house is on an angle, they do not much have play with the house and, as a result, are seeking variances. They sought information about what they could do and they determined that this was the best option.

Ms. Lagay asked how old the house was.

Ms. Parikh indicated the house is 60+ years old.

Ms. Lagay asked what is being planned.

Mr. Parikh indicated that the house is in very bad shape in the current condition. There is extreme vegetative overgrowth and poison ivy. It is in bad shape.

Ms. Lagay asked if anyone has been living in it.

Mr. Parikh indicated that there was, but the property was essentially left to rod. They sought to purchase the house and improve it the way they wanted. The only thing that was reasonable was to add a second-car garage. The garage right now is about 14 feet wide and they want to make it slightly wider to accommodate the second car. They also seek to add the second floor.

Ms. Lagay noted that the house, on the left side, is less than what is permitted by Ordinance.

Mr. Parikh confirmed; the house is already beyond the 10 foot setback line. The variance request is for 5.5 feet on the left side lot line.

Mr. Spiegel asked how the family room came about. He asked if that was at construction (of the original house) or an addition.

Mr. Cosenza indicated that, during his research, he was not able to find any records indicated as to when that addition was constructed.

Mr. Renaud asked Mr. Parikh what qualifications he had to draw the house plans.

Mr. Parikh indicated he works for an architectural / engineering firm. He knows how to use AutoCAD.

Mr. Renaud expressed his concerns because the survey that is referenced does not have the same dimensions as shown in the plot plans.

Ms. Lagay noted that the existing family room is set back 5.31 feet from the left side lot line.

Mr. Renaud confirmed. The setback to the existing garage is almost exactly 10 feet. The setback to the proposed garage extension will be approximately 5.5 feet.

Ms. Lagay noted that drawings were provided highlighting the areas that trigger the variance requests: side yard setback and front yard setback (from Norris Avenue). She asked what will be on the second floor.

Mr. Parikh indicated bedrooms.

Mr. Rabinowitz asked Mr. Parikh to walk the Board through the plans.

Mr. Parikh described the plans. The existing first floor has three (3) bedrooms and two (2) bathrooms a well as a living room, kitchen and dining room with a family room at the rear. The first floor will be renovated so that two (2) bedrooms will be on the first floor and three (3) bedrooms on the second floor. The proposed garage extension will encroach upon the left side setback line. The second floor addition will encroach upon the front yard setback line along Norris Avenue. He noted that the driveway width at the property line is 14 feet which is a pre-existing condition. There are two (2) trees that are next the house which will likely have to be removed. If he needs to replant them, he will. Right now the property is very overgrown. They have contacted a tree company and they will work on a tree removal plan.

Ms. Lagay noted that a landscaping plan was provided.

Mr. Parikh indicated that most of the existing trees will remain; they do not anticipate removing any trees other than the two (2) as discussed before.

Mr. Rabinowitz asked if there was a basement.

Mr. Parikh indicated that it is not currently finished and they do not plan to do much work in the basement.

Mr. Topping indicated that it is large and could potentially double the size of the living area.

Ms. Lagay opined that it appeared the whole house had to be gutted.

Mr. Parikh described the plans; regarding sheet A-1, the existing first floor contains living, dining family room, kitchen, three (3) bedrooms and two (2) baths. Regarding sheet A-2, he described the existing elevations. Regarding sheet A-3, the proposed first floor will essentially be the same but will have a larger garage and the three (3) bedrooms will be consolidated into two (2) bedrooms. A new stair will be provided to the second floor. They would also like a deck off of the family room.

Mr. Rabinowitz asked if Mr. Parikh was essentially gutting the entire first floor.

Mr. Parikh indicated that they will try to maintain as much as possible. They want to work with most of what exists. They will try to keep the exterior walls and bathrooms where they are.

Ms. Parikh indicated that almost all of the old windows would be replaced. They have had contractors come to visit. They indicated that the roof and windows have to be replaced.

Mr. Parikh indicated that the original house does not have bay windows and they are proposing a couple.

Ms. Lagay asked about the second floor plans.

Mr. Parikh described sheet A-4, there will be three (3) bedrooms, including a master bedroom. There will be a terrace on top of the existing family room on the first floor. Regarding sheet A-5, he described the basement. Regarding sheet A-6, he described the proposed elevations. The elevation facing Wadsworth Avenue will be brick with all other sides siding. They are still trying to resolve the front elevation and they are considering options.

Mr. Topping indicated that the packet only has one (1) elevation, labeled "option A" and asked if there were other options being considered.

Mr. Parikh indicated that he has options to share with the Board.

Mr. Rabinowitz asked the height.

Mr. Parikh indicated that it would be less than 35 feet.

Ms. Lagay explained that it needs to be known.

Mr. Tobin noted that the drawings appear to show less than 30 feet.

Mr. Parikh presented exhibit A-1, which is "option B" of sheet A-6, an alternative elevation of the front facade, showing a one-story porch instead of the two-story entry feature.

There was a short discussion regarding exhibit A-1.

Ms. Lagay asked Applicants if they received the professionals' memoranda.

Mr. Parikh indicated that he did receive them.

Mr. DiGeronimo indicated he would go through his report item by item. The first comment describes the variances that are required by the application. With respect to comment #2, sidewalks are required but none currently exists and no sidewalk is proposed along Wadsworth Avenue. He asked Mr. Parikh if he is adding a sidewalk.

Mr. Parikh indicated that he was not aware of the cost.

Ms. Lagay indicated that it is a corner lot and it is an important issue. She noted the sidewalk along Norris Avenue was in disrepair.

Mr. Parikh indicated that he would repair that sidewalk.

Mr. DiGeronimo indicated that, with respect to comment #3, a private walkway to be connected from the public sidewalk to the front entry. There currently exists a walkway from the driveway to the front entry. He recommends that, at least, a private walkway is provided from Norris Avenue.

Mr. Speigel questioned the intention to provide a walkway connection from Norris Avenue. He opined that it is a dangerous roadway.

Mr. Topping indicated that, as a pedestrian, you have to walk in the street to get into the driveway and then to the walkway to the front entry.

Ms. McCartin asked if, on corner lots having two (2) sidewalks, the intention of the Ordinance was that it did not require pads from the front entry to both sidewalks, as long as it connects to one of them.

Mr. DiGeronimo agreed.

Mr. Cosenza confirmed; that was the intention of the Ordinance.

Mr. Renaud asked if there was a consensus.

Mr. Tobin indicated that the Board had not come to a conclusion.

Mr. DiGeronimo indicated that, with respect to comment #4, the driveway required a variance. There needs to be testimony given.

Mr. Renaud asked if it was being determined that the driveway was not installed lawfully. He agreed that it is wider than what the Ordinance permits. There was testimony that the house is over 60 years ago.

Mr. Cosenza indicated that comment is referring to it as a non-conforming condition.

Mr. Renaud indicated that it that was the case, Applicant would not require a variance.

Mr. Cosenza agreed; he clarified that he requests applicants notice for all non-conforming conditions in the case where it is found that it was installed unlawfully (during the course of the hearing).

Mr. Renaud indicated that was OK.

Mr. DiGeronimo continued, with respect to comment #5, he indicated that additional information regarding materials and design of the front faced. It sounds like some of that has not been determined. The Board may want additional information. The same concerns apply to comment #6 regarding the massing of the home. Again, portions of the one-story home are not conforming. The addition is substantial in terms of its scale and massing; some of the comments he would introduce would help address these issues and would like to work with Applicant. With respect to comment #7, he requested additional information regarding the landscaping, exactly what is being removed, improved and added. There are a number of trees that may or may not come down. He advised Applicant that there is a replacement for some of those items. With respect to comment #8, there is a requirement for additional street trees. The planting strip is fairly narrow along Norris Avenue, so putting street trees there may be difficult. Again, thinking about the landscape plan, as a whole, will be critical to what happens.

Ms. Lagay asked Mr. Renaud to review the Engineer's memorandum.

Mr. Renaud indicated that most of the first page is commentary. If the application is to be approve, a determination needs to be made regarding the sidewalk along Wadsworth Avenue, as well as the private walkway, or grant variances. The property appears to meet the parking requirements within the Residential Site Improvement Standards (RSIS). The driveway is proposed to be expanded to accommodate the second car garage. He asked if the removal the concrete patio was included as part of the impervious coverage calculations.

Mr. Cosenza indicated that it would not change, there is a deck going over its place.

Mr. Renaud noted that comment and asked if the patio was going to be removed under the deck.

Mr. Parikh confirmed that the patio would remain.

Mr. Renaud indicated that Applicant has to comply with comment #5 regarding the slope of grade with respect to runoff and soil retention. Gutters will have to be provided, directing stormwater runoff away from adjacent properties. With respect to comment #7, there was a question about location of A/C condenser units.

Mr. Parikh indicated that there is an existing unit located on the right side of the chimney in the rear yard area. The proposed A/C condenser unit for the second floor will be right next to it.

Mr. Rabinowtiz noted that usually when applicants come in with a variance, they explain that they just had a child or something else. In this case, Applicant is taking a small house that they just bought and is doubling the size of it; he asked why they needed a house of this size.

Ms. Parikh indicated that they currently live in Brooklyn. They have two (2) kids that are growing up; they have a large family and friends close by that visit often.

There being no further questions from the Board, Ms. Lagay opened the hearing to the public for questions regarding the application.

Oksana Kinal, 232 Norris Avenue, asked what is happening on the Norris Avenue side.

Mr. Renaud indicated that, basically, the existing house is going up a floor.

Donald Coleman, 12 Wadsworth Avenue, he asked about the terrace, which side it would be on.

Mr. Parikh indicated that it would be on the north side.

Mr. Coleman asked if it would be built on the existing footprint.

Mr. Parikh confirmed yes; a portion of it would be located over the existing garage.

Mr. Parikh and Mr. Coleman reviewed the plans.

Mr. Coleman asked if he could give a history of the house; he has been in his house since 1960.

Mr. Renaud indicated that comments would have to wait until later in the hearing and then he could testify.

Larry Soto, 227 Norris Avenue, indicated that he heard rumors were investors who were flipping the home. He asked if there would be a lawn, instead of gravel.

Mr. Parikh indicated that they would plant a lawn.

Mr. Soto asked if they are investors.

Mr. Parikh confirmed no.

Ms. McCartin asked if the bush at the corner would be removed.

Ms. Parikh indicated yes.

Mr. Parikh indicated that would be one of the first things that he would do.

Mr. Cosenza indicated that was good; as of now, it is a violation of the sight triangle.

Karen Coleman, 12 Wadsworth Avenue, asked if the foundation was strong enough to support second floor.

Mr. Parikh opined yes.

There being no further questions from the public, Ms. Lagay closed the public portion.

Mr. Spiegel asked what happened on the property when the family room was constructed; he wanted to know how it got to the five (5) foot setback. He believed the Ordinance has been in place long enough to deal with that.

Ms. Andrews indicated that there seems to be a lot variables; the Board does not know what the materials are. There is no landscape plan. We do not know if the measurements are correct. She is not comfortable with the application.

Ms. Lagay agreed.

There being no further questions from the Board, Ms. Lagay opened the hearing to the public for comments regarding the application.

Mr. Coleman was sworn in by Mr. Renaud. He indicated that his parents had bought the property in 1960. He was born in 1954. He does not remember exactly when the addition was, but he believes it was in the mid-1960s. He remembers his father discussing it and indicated that the owners did get a variance back then. It was not part of the original construction. He believes it was in 1965, give or take. His father passed away recently and he now owns the house. Today, he is not comfortable with the five (5) foot setback. When the properties were developed, it was normal to have sidewalk on one (1) side, driveway and walkway from the other. He indicated that the five (5) foot distance ending to the garage is way too close to the property line; he is not comfortable with it.

Ms. Lagay noted that the existing family room extension is 5.3 feet away.

Mr. Coleman indicated that his father was OK with the addition back then, but he is very uncomfortable with it. He does not want to see over-building.

Ms. Lagay asked how far his house was from the property line.

Mr. Coleman indicated it was 20 to 25 feet.

Ms. Lagay noted that it was well away from Applicant's house.

Mr. Spiegel noted that the variance being asked for on that side of the property is only for the one-story garage. They are not going up a floor on the family room.

Mr. Coleman reiterated that he is not comfortable with only five (5) feet.

Board members discussed the setbacks at various points of the house to the left side lot line. There was also a discussion regarding the terrace.

Mr. Coleman indicated that he is OK with the rest of the house. He is worried about the encroachment.

Mr. Parikh indicated that he would like to get the car off the street. That is why the garage is only being extended by five (5) feet to fit the second car. He indicated that he completely understood Mr. Coleman's concerns.

Mr. Renaud asked about the driveway.

Mr. Coleman indicated the driveway has maintained that dimension since he could remember.

Terry Colemen, 12 Wadsworth Avenue, was sworn in by Mr. Renaud. She indicated that she also has a problem with the one-car garage. She indicated that she was worried about setting a precedent for allowing people to have two-car garages. She is OK with the rest of the addition.

There being no further comments from the public, Ms. Lagay closed the public portion.

Ms. Lagay summarized that the Board is having a little trouble with the application. It is not clear what it is that is being proposed though Applicant has allowed the Board flexibility to work with the planner. The landscape plan should also be worked out with the planner. It is overgrown now and raised her concern regarding the large pile in the front yard area.

Mr. Speigel agreed with respect to the lack of information regarding the elevations, but there is a more fundamental problem. We have a Zoning Ordinance that tries to contain the building footprint and, in theory, can control the size of bulk. If every property in this neighborhood goes to five (5) bedrooms, then they better have 2-car garages and much wider driveways. There is not enough space for the cars. Norris Avenue is not a safe place to park a vehicle.

Ms. Lagay noted that it is a rather large property.

Mr. Spiegel agreed and noted that this particular property is one of the few properties that would be appropriate for having five (5) bedrooms; however, he does not like the idea of a five (5) foot variance. But, he cannot imagine building a 5 bedroom house and not give it 2-car garage. If you go to the Radio Section, knock-downs are going up for $600-$700,000, and they use every possible square foot. Now it is coming to this neighborhood. The message to the Borough Council, in the annual report, is that we have to have look at this neighborhood. This Board should not be the arbiter of these problems. Back to the application, he has an issue with elevations and the Board should see what it is that is being proposed.

Ms. Lagay indicated that she has a problem with how the house was originally built; it violates the front yard setback as well.

Mr. Spiegel rhetorically asked what is the rationale or justification for the variance. He is concerned for the reasons for the variance, other than "this is what we want." Before he can look at the elevations, he has concerns about the premise of the variance request.

Ms. McCartin indicated that the issue is the way the house is structured, where the wall separating the garage and house is set. She believed that it would be difficult to simply move it, unless the house was demolished. If the house was torn down and rebuilt, it could be enormous.

Ms. Lagay asked for direction regarding the elevations.

Mr. Topping indicated that Applicant has shown variations. He opined that the elevations are not truthful. The siting of the house is odd to begin with. In its current proposal, it is not accurately drawn.

Mr. Rabinowitz indicated that, while he understood that Applicant was trying to save money, but it was a disservice to them by not hiring a local architect to look at other options and potentially alleviate the need for variances. He recommended talking to a local architect and have a real set of drawings done that would possibly have variation in the elevation. None one wants a big vinyl box.

Ms. Sisko agreed; there needs to better idea of what materials are being used.

Ms. Andrews agreed. She has concerns regarding the five (5) foot setback to the garage. The Board has heard concerns from the public. She also believes no legal case has been presented.

Ms. Lagay indicated that the Board has a lot of questions and believes they would be less inclined to vote on the application. She suggested hiring an architect to help further the application along.

Mr. Tobin agreed. He still would like to see a sidewalk on Wadsworth Avenue and a private walkway connection. It promotes the Borough's Complete Streets policies. He agrees with Mr. DiGeronimo's suggestion to promote better pedestrian connectivity.

There was a discussion regarding the placement of the private walkway.

Mr. Sondergard also suggested an architect.

Ms. Andrews agreed and offered that it did not have to be a local architect, but it would be a good idea to have an architect who is familiar with the Borough.

Mr. Parikh indicated that he gave options to allow the Board to give him direction. He would like to do something that would check off all of the boxes, but it comes at a cost. He would love to have a sidewalk but it may be costly. He just bought the house which is completely run down. He was trying to get a variance to build the house the way it is supposed to be.

Ms. Lagay indicated that when someone comes in with a variance, the Board needs to see the plan.

Mr. Parikh discussed that he could address the plans but it looks like no matter what he does, the variances would be required. He does not see any other way to go about have a two-car garage. He opined that it would not matter which architect he went to.

Ms. McCartin indicated that the trouble is that whatever the Board may approve, Applicant has to build it. If Applicant does not know what they want to build yet, they are stuck with it and may not even like it after it is built. If they are not ready to decide what they want, they should not be before the Board to approve what was presented.

Mr. Parikh asked if he could have the variance and have the elevations worked out with the planner. This way it would allow him to get his construction drawings.

Ms. Lagay asked if it was possible to bifurcate the application.

Mr. Renaud indicated no, there was no use variance involved. There is nothing to bifurcate. Ultimately, it is up to the Board to decide. The Zoning Board and Planning Board have approved applications where the final design was subject to the approval of the Planner. He does not see a way to approve a concept of the variances unless the Board wants to do that. The footprint is what is applied for. It could be approved. But if the Board wants to see the final product, then Board wants to see the final product.

Ms. Andrews and Mr. Rabinowtiz raised their concerns of not seeing the final product.

Ms. Sisko indicated that the Board has done it before, basically, where the Board has seen most of what would be built. In this case, too much is unresolved to do so. She would not be comfortable leaving everything to the Planner.

Mr. Renaud indicated that there appeared to be three (3) choices for Applicant:

1) Ask the Board to take a vote. If denied, Applicant could not come back with the same plan.
2) Withdraw the application without prejudice and submit new application.
3) Postpone and come back next month; the only reservation he has is whether there will be enough time for Applicant to retain an architect and then to prepare the plans. He does not know if that could be done within a reasonable time frame. There is also the issue as to who will be back in January.

Mr. Spiegel noted that he and Ms. Lagay would not be coming back.

Ms. Lagay asked if it could be carried for 45 days.

Mr. Renaud indicated that he checked with Mr. Cosenza and it was deemed complete on October 28, 2014. The Board is required to act within 120 days of the date being deemed complete.

Ms. Andrews asked if the Board could deem the application not complete.

Mr. Renaud indicated that no, it could not because there is no checklist.

Mr. Cosenza agreed; there is no checklist for residential properties; this application is not a site plan application.

Mr. Parikh indicated that he would get an architect and wished to carry the application month to month. He asked for what the main concerns were.

Mr. Renaud summarized that the Board wants to see what it is that Applicant is proposing. This applies to the landscaping and massing. Applicant could not ask the Board to tell Applicant what they want to see. He suggested that the architect consider what happens to the plan if the Board denies certain aspects of the plan. An architect would be more familiar with law: you do not come in with a plan and say "I want this"; an architect may be able to better articulate for Applicant some legal reasons that would support the granting of the variances. That would be a benefit as well.

Mr. Speigel suggested that the Norris Avenue elevation be embellished to show whether there is vegetation that would buffer the terrace. If it is well landscaped, then the terrace is fine.

Mr. Renaud announced that the application would be carried to the December 11, 2014 meeting which will be held in this room at 7:45 PM. He requested Applicant to let the staff know as soon as possible whether there would be able to make the hearing. If the Applicant is not ready for the December 11, 2014 hearing, there will be a note on the door indicating that the application would be carried to January 8, 2015 at the same time, in this room.

Mr. Tobin asked if there was a deadline for filing so that the audience could look at it ahead of time.

Mr. Renaud further announced that paperwork would have to be filed at least 10 days in advance of the hearing. If it is not filed by then, there would be no hearing.

Mr. Cosenza clarified, for Applicant, that the deadline would be December 1, 2014 and if it was not in by then, it would have to be December 29, 2014 for the following hearing.

Ms. Lagay wished Applicant well.

RESOLUTIONS

14-1036 **Thomas Toomey** – *Applicant is seeking bulk variance approval to expand the driveway apron to 20'-0" to allow easier access for a handicap van.* – Approved October 9, 2014

86 Mason Drive | Block 6.01, Lot 14 | R-1 Zone

A motion to approve the resolution as written was made by Ms. Sisko and seconded by Mr. Tobin. Roll call vote taken. Ms. McCartin and Mr. Rabinowitz were not eligible to vote. Ms. Andrews, Ms. Lagay, Ms. Sisko, Mr. Sondergard, Mr. Spiegel, Mr. Tobin and Mr. Topping voted yes. Motion carried.

14-1045 **Sanjay Potdar** – *Applicant is seeking bulk variance approval to construct a 2-story addition at the rear and the addition of a front porch on an existing concrete terrace.* – Approved October 9, 2014

95 Linden Avenue | Block 95.01, Lots 13.01 & 9.05 | R-1 Zone

A motion to approve the resolution as written was made by Ms. Sisko and seconded by Mr. Sondergard. Roll call vote taken. Ms. McCartin and Mr. Rabinowitz were not eligible to vote. Ms. Andrews, Ms. Lagay, Ms. Sisko, Mr. Sondergard, Mr. Spiegel, Mr. Tobin and Mr. Topping voted yes. Motion carried.

CORRESPONDENCE

Minutes from March 13, 2014
A motion to approve the minutes as written was made by Mr. Tobin and seconded by Mr. Sondergard. Voice vote taken. All eligible Board members voted yes. Motion carried.

Minutes from April 10, 2014
A motion to approve the minutes as written was made by Mr. Tobin and seconded by Mr. Sondergard. Voice vote taken. All eligible Board members voted yes. Motion carried.

Minutes from May 8, 2014
A motion to approve the minutes as written was made by Mr. Rabinowitz and seconded by Mr. Sondergard. Voice vote taken. All eligible Board members voted yes. Motion carried.

Ms. Sisko indicated that she was taken aback that there might not be a December meeting and, with this opportunity, she thanked Ms. Lagay and Mr. Spiegel for serving on the Board.

Ms. Lagay and Mr. Spiegel thanked the Board.

Ms. Lagay recalled a book she read regarding Rockefeller, whose mother help him overcome dyslexia; the takeaway was to always surround yourself with people who are smarter than you.

Mr. Spiegel wanted to quote Marty Jessen. At a cub scout meeting, Mr. Jessen said that being a volunteer is where you commit yourself to something and you have absolutely no vested interest in the return. He said that's the standard by which people should volunteer.

ADJOURNMENT

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

The meeting adjourned at 9:33 p.m.

Respectfully Submitted,

Chris S. Cosenza
Recording Secretary