

The meeting was opened by **Ron Palmieri**, Chairman,

Mr. Palmieri read a statement of compliance with the New Jersey Open Public Meetings Law as follows:

This is a regular meeting of the Zoning Board of Adjustment of the Borough of Tinton Falls and is being held in compliance with the New Jersey Open Public Meetings Law. Adequate notice of this meeting has been given by posting on the bulletin board of the Municipal Building and by publishing in the Asbury Park Press and The Coaster.

Mr. Palmieri then led the meeting in a salute to the flag.

Present: Messrs. Palmieri, Slazyk, Lomangino, Moafi, Battista, Porzio, & Roche

Absent: Mr. Rickert

Also present: Mr. Hirsch, Board Attorney
Mr. Gotfredsen, Board Secretary

Mr. Palmieri read a statement of procedural guidelines.

NY SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS	BA 2007 – 22
1029 SYCAMORE AVENUE	BLOCK 45 LOT 5
USE & BULK VARIANCES & SITE PLAN APPROVAL	

Mr. Hirsch advised he had reviewed the affidavit of publication and proof of service and found them to be in order as to form.

A motion to accept service in the Verizon Wireless matter was offered by Mr. Battista and seconded by Mr. Moafi. A voice vote in favor was unanimous.

The application was carried to June 19, 2008, at the applicant's attorney's request.

MARY SEARIGHT	BA 2008 – 04
29 PEACH STREET	BLOCK 13.04 LOT 53
TWO SIDE YARD AND ONE FRONT YARD VARIANCE	
CARRIED FROM MARCH 20, 2008	

Mary Searight, the applicant, came forward with her contractor and daughter.

Mr. Hirsch advised he had reviewed the affidavit of publication and proof of service and found them to be in order as to form.

A motion to accept service in the Searight matter was offered by Mr. Lomangino and seconded by Mr. Roche. A voice vote in favor was unanimous.
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Mr. Hirsch swore in Ms. Searight as well as her contractor, **Richard Leli**, the principal for East Coast Renovations, 8 North St., Rumson, and Ms. Searight's daughter, **Audrey Jackson**, 29 Peach Street.

Ms. Searight advised the Board that she would like to put an upper level on her house. She had grandchildren and great grandchildren whom she like to come stay with her and she needs more room.

Mr. Leli advised the issue with the variance is the front setback and the side setback on one side of the home. With any changes to the house, she will lose her pre-existing, non-conforming rights and require variances. With construction the existing setbacks will remain the same as the contractor will simply go straight up with the second floor addition. The reason we're going straight up is quite frankly we didn't have much of an option the way the house stands now. Secondly several neighbors on the block have done the exact same thing without any other issues so the applicant is hoping she would be able to do the same. Mrs. Searight is looking to add bedrooms upstairs and one bathroom.

Mr. Palmieri asked if he was standing on Peach Street facing her dwelling, is the house to the right (no lot numbers were given on the survey) approximately the same distance from your common property line.

Ms. Searight advised yes but she didn't know how far that distance was.

Mr. Palmieri asked if that house was a single story home.

Ms. Searight replied no. It is a two-story.

Mr. Palmieri asked and the house to your left would be...

Ms. Searight replied a single story.

Mr. Palmieri asked along Peach Street do you have any idea how many two story houses there are.

Ms. Searight advised she guessed there was about four on that block.

Mr. Palmieri asked from the rear of your house to your rear property line.

Mr. Leli replied about 76 – 78 feet from the rear of the dwelling to the rear of the property line.

Mr. Palmieri asked if I was standing Peach Street facing the house, the distance based on the drawings we have here to the left property line is 3.65 feet. Is that correct.

Mr. Leli replied correct.

Mr. Palmieri asked and going to the right side, the distance from the house to common property line, do have any idea how far that is.

Mr. Leli replied approximately 13.75 feet.

Mr. Palmieri asked and that would be from the rear of the house.

Mr. Leli replied correct.

Mr. Hirsch asked do you have any idea how close the house is on the adjoining on the right side.

Mr. Leli said the adjoining home on the right side is approximately 8 feet from the common property line.

Mr. Hirsch asked alright and on the other side, that home would be.

Mr. Leli advised they have approximately 21 feet from the common property line. They're actually closer to their left setback just like this house sits.

Mr. Hirsch asked do you want to describe the second floor addition that we're talking about. Is it completely going to cover the first floor. Is it going to be cantilevered. Describe what the construction is going to be. What's going to be up there.

Mr. Leli said primarily what we're doing is a roof raise. We taking the existing roof off the home, putting down TGIs over the existing structure and going straight up. The only portion thereof that would actually cantilever over a little bit more is the cantilever on the second story around the perimeter...and what we did on the left side is we made that a short cantilever because they're so close to the setback.

Mr. Slazyk asked how far of a cantilever do you have.

Mr. Leli replied on the left is 12 inches and on the right side is 18.

Mr. Palmieri asked what is the cantilever measured from.

Mr. Slazyk replied it's measured from the foundation and Mr. Leli agreed.

Mr. Slazyk asked how many square feet is the first floor.

Mr. Leli replied I want to say there's between 700 and 800 square feet on the first floor.

Mr. Hirsch asked you don't know the square footage of the addition.

Mr. Leli, after checking the plans, advised the first floor is 774 square feet and the second floor is also 774 square feet.

Mr. Slazyk asked as far as the exterior skin, what is existing today.

Mr. Leli advised existing currently is ½ inch plywood with vinyl siding.

Mr. Slazyk asked so the vinyl siding is going to continue upstairs.

Mr. Leli advised actually we're going to remove it and put on all new.

Mr. Slazyk asked you're not doing anything with the porches or anything like that.

Mr. Leli advised the porch stays the way it is. New siding obviously but the structure itself is staying put.

Mr. Slazyk asked there's no garage on the house now.

Mr. Leli replied no.

Mr. Moafi asked if he extended in the back, would he have a problem.

Mr. Palmieri said then I think he's going to run into a lot coverage problem.

Mr. Slazyk stated in that particular area, there are homes that are exactly like they're talking about.

Mr. Battista said I go down Peach a lot. I live on Riveredge and there are, I don't definitely know how many, but there are a few of them that are second floor.

Mr. Palmieri opened the floor to the public for questions or comments. There were none and the applicant had no further comments.

A motion to close the public portion of the Searight matter was offered by Mr. Battista and seconded by Mr. Slazyk. A voice vote in favor was unanimous.

A motion to approve the variances requested by Ms. Searight was offered by Mr. Slazyk and seconded by Mr. Battista.

ROLL CALL

Yes: Messrs. Slazyk, Battista, Palmieri, Lomangino, Moafi, Porzio & Roche

No: None

Abstain: None

LISA KISSANE
20 ALPINE TRAIL

BA 2008 – 07
BLOCK 117 LOT 9.16

TWO SIDEYARD VARIANCES & LOT COVERAGE

Mr. Hirsch advised he reviewed the affidavit of publication and proof of service and found them to be in order as to form.

A motion to accept service in the Kissane matter was offered by Mr. Battista and seconded by Mr. Moafi. A voice vote in favor was unanimous.

Mr. & Mrs. Kissane came forward with their architect.

Mr. Hirsch swore in **Lisa & John Kissane**, the applicants, and **Michael Savarese**, 25 Elizabeth Drive, Oceanport, their architect.

Mrs. Kissane advised she and her husband and family had lived in their house about 14 years. When they moved in, they had one son and now we have four children. We feel like we're growing out of our house with the four children. They have looked around at other houses and other towns but the children do not want to move being involved in sports in the Borough's recreation programs as well as their schools' sports programs. She's a member of the PTA and her husband coaches with the Recreation Department's basketball program as well as helps out with Little League. We decided we wanted to stay in our house and contemplated adding onto the house a little bit putting more family room so the kids can have a little bit of space. We're thinking of bumping out the kitchen a bit and put on an addition. We went to the Hope Presbyterian Church behind us in August of last year and asked if we could purchase some land because we didn't know our lot was undersized. I guess the whole development is undersized from when we bought 14 years ago. I have a letter from the church telling us that right now they wouldn't be able to sell us any land because they have future plans for a circulatory driveway coming in.

A-1 Letter from Hope Presbyterian Church

Mr. Hirsch asked where is the church property...to your rear.

Mrs. Kissane replied yes, to the rear. Now I'd like to turn it over to Mike Savarese, the architect.

Mr. Savarese advised he's been an architect since 1986. I've been doing work in New York, New Jersey and Connecticut and I sit on the Oceanport Zoning and Planning Board. I think I testified once before this Board about five years ago but not in this building.

The Board agreed to accept Mr. Savarese's credentials.

Mr. Savarese introduced a board into evidence.

A-2 Photos surrounding a portion of the tax map

Mr. Savarese said the reason for A-2 is to show you the community that's here. It's a community of two story houses that were built about 14 years ago in a development called Pine Hill Estates. Every lot in this development is under the 30,000 square foot requirement. They all range from 20,000 to 26,000 and there are approximately 25 lots that are fully built out.

Mr. Palmieri asked you had handed out a series of photos. Those photos are exactly the same photos that are on A-2.

Mr. Savarese replied yes, they are. The basic reason for showing you this board is to show you the dark property which is the top two-thirds here is the church and it's wide open woodlands behind the Kissane's property.

Mr. Hirsch said alright, so the photographs on the top row, the two to the right, looking at the exhibit, show the rear of the property, you're saying.

Mr. Savarese stated I was actually in the church parking lot looking at the Kissane's house from these points in Lot 9.11 according to your tax map.

Mr. Palmieri asked who took the photographs.

Mr. Savarese replied I did.

Mr. Palmieri said Mr. Hirsch just asked the question but just so I'm on the same page as everybody...you were standing on the applicant's property taking photos of the church. Are the photos more of a panoramic type of thing and circumferencing the whole property.

Mr. Savarese replied correct, taking photos outward of the property. The other photo of interest is the photo to the lower lefthand corner which shows Lot 9.07 which is actually the backyard of this particular house and it's fully treed with evergreens which is right across the street from the front yard of the Kissanes.

Mr. Hirsch said so looking from your clients' property across the street...that's what they're seeing...the heavy buffering of the trees in front of that property.

Mr. Savarese replied correct. To go through the zoning of this particular lot, the lot area is required to be 30,000 square feet. The existing lot is 20,307. The lot width is supposed to be 120 feet. It's 92.24, an existing non-conformity. The lot depth is supposed to be 150 feet. It's 179 feet. The front yard is supposed to be 45 feet. It's actually 62.5 feet and will remain that. The rear yard is supposed to be 40. It's 70.11 and will be 40.3. The side yards are supposed to be 25. They're existing at 25.9. We're going to be encroaching slightly to 23.2 and 23.4 respectively. The building coverage is supposed to

be 18 percent and we're going to be around 33 percent. The existing house is at 22 percent. The building height is allowed to 30 feet and we're going to be at 30 feet.

Mr. Slazyk asked just for clarification...I didn't get something. What's the lot coverage.

Mr. Savarese replied the existing lot coverage right now is 22.5 percent.

Mr. Slazyk said and you're proposing...

Mr. Savarese answered 33.7 percent.

Mr. Palmieri stated in the ordinance on the existing house, is the homeowner allowed to do an additional 4 percent.

Mr. Slazyk asked what's this zoned again.

Mr. Savarese replied the zone is R-2.

Mr. Palmieri said the only reason I asked about the additional homeowner, what they can build over the existing...assuming that it is 4 percent, so you could go up to 26.5 percent without requiring a variance.

Mr. Slazyk stated I think it's different.

Mr. Palmieri said the book says maximum lot coverage 18 percent at initial construction, subsequent owners + 4 percent.

Mr. Slazyk stated so total lot coverage is 22 percent...and we're at already 22.5.

Mr. Hirsch said I'm looking at one of the attachments here with the application. Am I correct that the existing side setbacks...it shows if I'm looking at the house to the right you have 25.9 and then on the other side, they vary from 30.6 in the front to 37.2 in the rear. Is that the existing side yard setbacks.

Mr. Savarese stated that's correct.

Mr. Hirsch said that's the closest so where you're 30.6 and in the back 37.2...you're proposing what on that side.

Mr. Savarese replied 23.2

Mr. Hirsch repeated 23.2 left side setback. And on the right, you're proposing...

Mr. Savarese answered 23.4.

Mr. Hirsch repeated 23.4 on the right side. Okay.

Mr. Savarese asked that another exhibit be marked.

A-3 Survey with proposed improvements-existing and proposed

A-4 Computer color rendering of the front elevation

Mr. Savarese said the whole addition and existing is within the setbacks other than the little section of the front porch to the right and the cantilevers of the two dormers to the left side. The house is 20 some odd feet further back than the required front yard setback and everything we're doing, even though we're over in bulk and coverage is within our buildable triangle, other than that one cantilever on the side and the porch. It's also to note is that 400 square feet of this driveway...if this house was in fact pushed up to the front yard setback...there'd be 400 less square feet of driveway and therefore 400 less square feet of coverage. That's something the Kissanes inherited when they bought the house...the place the way it was.

Mr. Hirsch stated wait a second. You lost me there. You're saying...it's very hard to see these exhibits...they're very small. You're saying that the building was within the triangle of your building envelope.

Mr. Savarese replied the existing building is within the setback...

Mr. Hirsch said I understand the existing building is within your setback requirements.

Mr. Savarese stated the new proposed building is within the setback requirements other than a one foot section to the left side for an open porch and a cantilever to the right side for the family room. What I'm trying to say here is that because this building is setback some 60 some odd feet from the road, 62.3 to be exact, there's 20 extra feet of driveway to get to this house...so 20 X 20 is about 400 square feet of coverage...

Mr. Palmieri said if the house had been built to the front yard setback.

Mr. Slazyk asked how many square feet again.

Mr. Savarese replied 400 square feet.

Mr. Slazyk asked what percentage would that be.

Mr. Savarese said that's somewhere about one percent.

Mr. Hirsch stated so the front setback now is 62.5. Right.

Mr. Savarese replied correct.

Mr. Hirsch asked and the ordinance requires what.

Mr. Palmieri replied 45. Just so I'm clear about the clarification of the lot coverage, the proposed pool with the fence surrounding it to the rear left of the property...it doesn't say it on this drawing, maybe another drawing...on your lot coverage calculation...the apron of the pool is included in the lot coverage calculation and I guess any new structures...okay, I didn't see that. The only reason I'm bringing this up, we've had an application in front of us before where we've gotten drawings and stuff and then they end up coming back because they forgot stuff. They didn't think pavers were impervious and we ran into a lot of issues. So I just want to make sure that everything we're looking at on the proposed drawings is covered in the calculation for lot coverage.

Mr. Savarese said I will go through that if you like.

Mr. Palmieri replied yeah, that would be very helpful.

Mr. Savarese said if you look at the bottom of the list on the 2nd page that you have, I'll go through all the calculations for building lot coverage. The existing first floor is 1304. The proposed first floor for the family and great room and expanded kitchen is 1383 which gives the first floor 2687. The existing garage, which will remain, is 431. If you look at the proposed coverages in the second column...so the total main house is going to be 3288. The rear terrace is going to be 581. The entry porch is 77. The side porch is 25. The pool patio is 791 and the paved drive, what we were talking about before, is 2000 and change. So it's 6,846 square feet.

Mr. Palmieri said just because we have the restriction of the lot size and we trying to put a lot of stuff on a restricted lot here...

Mr. Hirsch asked what is the square footage that's going to be added.

Mr. Lomangino said 2,352. It's on the map.

Mr. Hirsch asked can we get it from the expert.

Mr. Savarese replied the actual addition that's being added is 2,352 on first and second floor.

Mr. Savarese then introduced more exhibits.

A-5 Architectural floor plan of the first floor

A-6 Architectural floor plan of the second floor
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Mr. Palmieri said also since we're still under lot coverage. You know we talked about the additional square footage for the house, the lot coverage increase from the existing current lot coverage based on Page 2 of the submitted plans is going to go from 4,562 to 6,846. Is that correct.

Mr. Savarese replied that's correct.

Mr. Palmieri stated and that total increase is going to be 2,284 square feet.

Mr. Savarese replied yes.

Mr. Palmieri said and that's where we're getting that additional lot coverage increase...from 22 to almost 33. That's 10 percent...just over 10 percent.

Mr. Savarese stated this plan shows the first floor and basically the addition to the house is new family room in the back, the enlarged kitchen and a kids' playroom.

Mr. Hirsch asked can you give us an idea, because I think it's important to your case, how many square feet of the house actually is encroaching into the setback violation. On each side. Don't combine it. I mean on the left side how many and on the right side how many.

Mr. Savarese said on the left side approximately 5 square feet.

Mr. Hirsch said so of the entire home, only 5 square feet requires a variance on the left side.

Mr. Savarese replied correct. On the right side, it's in the vicinity of 12 square feet.

Mr. Hirsch stated and that's the windows.

Mr. Savarese said it's the window overhang which don't go down to the ground and I don't know how your ordinance works but normally with a large dormer, it does count towards your setback. There's no foundation on those windows so that actually so that actually could be negated if you were to so choose.

Mr. Hirsch asked and what is it, the 5 square feet is what.

Mr. Savarese answered the 5 square feet is the porch, just to make it wide enough to be able to get in. We made it as narrow as possible.

Mr. Slazyk said let me ask you a question. I have a problem with lot coverage.

Mr. Palmieri stated I agree.

Mr. Slazyk said you're putting a lot on a lot. Okay. I mean during the original construction, it's supposed to be 18 percent. You loosened it up to 22.5. Now we're going to 33.7. It's over 10 percent of increase. It's a great house. To me, the architecture...I looked through this...everything looks very, very nice but there's a lot of house and a lot of other things going on in the yard that really push this lot coverage to the extremes in my mind. Okay. Have you looked at other things.

Mr. Savarese replied if you just give me a few more minutes, I can explain why we got to where we're at.

Mr. Palmieri said well, I know what John was saying with a 10 percent increase. Actually it's a lot more than 10 percent. The lot coverage is more like a 40 percent increase...from 22...to go to 33. It's just a lot.

Mr. Savarese stated I might be able to give you a few more minutes of testimony...then we can talk about lot coverage. Again, Mrs. Kissane testified before and they're trying to do is on the first floor to have a family, a large kitchen for a large family of 6, 4 children and 2 adults, and a playroom for the kids. The second floor's addition is basically a bumpout in the front corner here on the right side and a bumpout in the left corner and a small addition in the back to have a new master bedroom. What they're looking for on the second floor is a 5 bedroom house to house their family. Can upstairs be made smaller. I don't know but the bedrooms are not overly large. They're 16 X 12, 16 X 12 again, there's another 12 X 15 and there's 17 X 12 and the master is 19 X 17. There's something to consider here when you look at the size of this house and the problem with bulk and coverage is they do have a large church behind the lot. They have greenery areas and this house doesn't feel as tight as it might feel if there was housing behind it. From the pictures that I showed you before that are circulating. They have 200 and some odd linear feet to the church. The neighbors are 20 some odd feet away on each side so there's 50 feet between the two houses and due to the setback being 60 feet from the street, I don't think this house overpowers the neighborhood. From the front of this house as you can see by the rendering, we're trying to make this two story house with a stone bottom and siding and a shake top with ins and outs and undulations...so it has a small scale...not a large massive scale. So from the street, we've added this section to the right side over an existing dining room with a cathedral ceiling. Now it's becoming a bedroom. And we've added a section over the garage with another bedroom. That gives us our 5 bedrooms upstairs and then the entertaining part of the house is set back another 30 feet from the street. So you're talking about 90 feet before you see the back of this addition. There's only two neighbors that are affected on either side and the house doesn't jut out much further because they have an open porch in the back and the rear neighbor is the church which 200 some odd feet to the lot line.

Mr. Battista asked in the neighborhood are there any other houses that are this size in that neighborhood. Would this be the biggest house in that neighborhood.

Mr. Savarese answered this would be one of the biggest houses. I wouldn't know if it's the biggest. What I do know is that it's all two story houses and there are a few additions in the neighborhood.

Mr. Palmieri said there's actually a cul-de-sac further down and there's some larger houses up in the cul-de-sac to the right. There happens to be a very large house up there.

Mrs. Kissane stated well the Saccos live in the corner lot. They have two beautiful homes up there and then also on Lisa Drive, they're going to be putting in two more homes and I'm sure those will be very nice sized homes on those two lots.

Mr. Slazyk said it's a gorgeous home. The problem is the lot coverage.

Mrs. Kissane stated I understand.

Mr. Slazyk said let me give you a little example, okay. I built a home in town...and I had to meet the requirements of what it was. I cut back on my driveway. I cut back on my square footage.

Mrs. Kissane asked you built it new.

Mr. Slazyk replied yeah.

Mrs. Kissane said see, we can't build. We can't put the driveway away.

Mr. Slazyk replied I understand that. There are other things that can be done. The back of the pool...you could shave the concrete off the back of the pool. There's other things that can be done in here that you kind of...to me...you have to cut back. The house is gorgeous. If the lot was bigger, it would meet all the things but to have the percentage that you guys are looking for, for lot coverage, it's overwhelming...and if we sit here and we go to your guys...you know what...we'll have other people coming in and try and do something like that. I mean...in my view...and I'm telling you my own personal view of it...the house is gorgeous. I wish the lot was bigger. You're trying to put a lot on the lot to really make things happen. Again, I think it's gorgeous but I think it's too big for the lot. There's too much...in my mind...between your terrace, the pool. You have all the concrete around this pool. I mean...maybe there's a way to try and pair this in with the pool so you have your space. You want a lot. I'm willing to give you a little in my mind. I mean you have 7 other people here on the Board but I just think you have a lot going.

Mr. Savarese said one of the things that Ron, the Chairman, spoke about is the fact that we have everything included here – the pool, the driveway, the sidewalk...

Mr. Slazyk stated I agree.

Mr. Savarese said you got to realize that pool is 1,000 square feet of this coverage alone.

Mr. Slazyk asked are you counting the water.

Mr. Savarese replied no.

Mr. Slazyk said you're talking about the concrete around the pool. I've been in that boat, okay, and I got myself to the percentage that I need to be. I had to do what I had to

do. I didn't want to do it but I did it. Okay and I met my lot coverage. I was at 22 percent or 21 percent. I had to build at 19. So, I was there.

Mr. Savarese stated an interesting fact here is if this lot was a normal 30,000 square foot lot, the coverage would be 22 percent.

Mr. Slazyk answered it is what it is though.

Mr. Savarese said I understand.

Mr. Hirsch asked what is the zoning requirement for this.

Mr. Palmieri replied R-2 is 30,000 square foot.

Mr. Hirsch asked are all these lots undersized.

Mr. Savarese answered yes, all 25 of them.

Mr. Hirsch said so the zoning was bumped up after this development.

Mr. Palmieri stated no, I think this was the original zoning from that time.

Mr. Hirsch asked they granted a subdivision with 25 undersized lots.

Mr. Savarese said I can show it to you. You can mark that as an exhibit if you would like.

Mr. Hirsch stated no, I don't doubt what the sizes are. I doubt what the zoning was at the time the subdivision was created.

Mr. Palmieri asked that was back in '94.

Mr. Hirsch said it had to be 20,000 square feet or maybe 25,000. It couldn't have been 30,000 square foot to allow 25 undersized lots.

Mr. Palmieri stated I'm not sure. I don't want to accuse anybody. It doesn't make any sense, I agree. And that's why I asked the question if it was cluster or something...or R-2 cluster but it doesn't say it is.

Mr. Savarese said okay, again, from our perspective is we're adding to structures to this house...a rear addition and a side addition and an open stone terrace. I believe Mr. Kissane wants to have a covered terrace because of sun and shade and rain and weather and being outside. So I don't think that's something they want to give up is the covered terrace. I'm sure possibly they could give up some of the paving around the pool. We could just have a 3 foot apron around the pool like you said. We could move the shape of the pool but but what we don't want to do is have an approval on the building and then

you tell the Kissanes two years from now they can't put the pool in. So, in my opinion, they want to put a pool in of some nature at some time. If not today, they don't want to come back here again for another variance for a pool. I think we can, if I speak for the Kissanes, we can take off 900 of the square feet around the pool.

Mr. Palmieri asked do any of the Board members have any question of the testimony given so far.

Mr. Lomangino said I feel like John a little bit. There's a lot they can give up in the back between the terrace and the deck and the pool. There's a lot there they could play with if they want. They have 3 decks and a patio. It's supposed to be a hardship thing and I understand a hardship and I feel for them. I really do. I live in town. There's a lot though they can work with. They're supposed to come in front of us and prove a hardship and that's not a hardship. Three decks and a pool patio is not a hardship. The housing is. I've got four kids and I understand. I'm from a family of 8 myself. The house and the living quarters and stuff like that. Those are hardship cases. You need bedroom space and bathroom space and family space but two decks and a patio around the whole pool. I think there's some things you can do to work with that.

Mr. Savarese stated there's basically one deck behind the house.

Mr. Lomangino asked isn't that a wooden deck on the right behind the back.

Mr. Savarese replied the addition is going on top of that.

Mr. Lomangino said yeah but this is a deck out here right. So you have this deck, the stone terrace and then you have the whole patio.

Mr. Savarese stated behind the addition of the existing deck is a hatched line in gray. The addition is over the existing deck and we're moving the terrace to the side. This house is only the gray and the dark brown.

Mr. Lomangino asked so this here is a new stone terrace. Then you have planters behind that. Then you have grass and then you have the whole patio around the pool, right.

Mr. Savarese replied right.

Mr. Slazyk asked so your stone planters are part of your lot coverage.

Mr. Savarese replied yes.

Mr. Slazyk asked why don't you eliminate the planters and just put trees.

Mr. Savarese replied I can do that.

Mr. Slazyk stated there's a lot of stuff you can do to make this thing but I'm just telling you...the thing is, okay, when you come in front of the Zoning Board, normally you have to have like Option #1, Option #2, Option #3...so you have a couple of options that you're looking at. There's a lot here I think you can trim back on. Okay. Maybe stay with the house and do some other things but you've got a stone front, a walkway, in the front. That's eating up lot coverage. I mean I'm sure it's a two car driveway going all the way down. I had to cut mine down to a one car driveway because I had to do it. I had to drive down to get my cars down there and have my "open up" area but those are the hardships that I had to do when I was building my house. Some of these things...you know what I'm saying...there's ways and I've dealt with architects and I deal with architects today. When I sat there with my architect, these were things that I was designing and as I'm doing the design, I'm saying well I have to meet these coverages. I've got to do what I've got to do to make sure I get within this area. I mean we're just blowing this right out, hoping for the sky. Do you follow what I'm saying. I'm sure you hear me.

Mr. Savarese replied I hear you.

Mr. Palmieri said what I want to do right now is obviously I want to hear a little bit from the applicant. Obviously you're hearing some of the concerns of what the Board is talking about. Obviously we're talking to your professional about it. It's probably better to hear from the homeowner to get their feeling of what direction the Board is looking at and what we're seeing and the concept that you have that you want to see...to make sure if there's something that can be worked out or some direction that you can put the Board in to say "Yeah, I understand what your feelings are." "I see what your concerns are." Help us move in that direction.

Mr. Kissane asked sure. Could I just get an understanding the reason why the town has lot coverage. When you zone a 30,000 square foot lot, you come up with 20 or 18 percent. I'm new to this and I just want to understand what are the primary reasons. I can imagine I wouldn't want a 28,000 square foot house next to me in a 30,000 square foot lot. I'm just trying to understand when you define that law, what's driving that.

Mr. Hirsch replied well, the bulk requirements in any zoning ordinance will vary based on a master plan that's developed for a town. There's a master plan that will develop different types of uses for different areas of the town...manufacturing, industrial, commercial, residential. And then it will break residential down into different sized residential to try to give a multiplicity of different types of housing. Some areas may allow multi-family housing, apartments. Other areas single homes. But you're going to then break that into zones...60, 000 square foot lots...10, 000 square foot lots. This is how a master plan is designed to try and give chance of housing and multiplicity, as I said, of types of housing. So then within there you're going to create standards for the housing...setbacks...so you want to make sure there's enough pervious coverage, not just impervious...so there's places for grass and trees and light and air...between homes. It also affects drainage, water runoff. The more buildings and impervious surface you have, that water has to go somewhere. It's not going back into the ground now. So, all of those

things are taken into account to come up with plans for zones. So coverages may vary depending on lot size, and so on and so forth. So, this is what we have planners and engineers and professionals to come up with these ideas in a master plan and then in a zoning ordinance. And so once you have these standards, the law says that the applicant has to come in and demonstrate some type of hardship to get a variance. What's unique or exceptional about your property. Why it's unfair for the zoning ordinance to be enforced as written. You need relief and you provide the reasons for that relief or else what's the point of the ordinance. If everybody comes in and just says I'd like a bigger house, we might as well not have ordinances. So there has to be reasons in each case. Each case is different. Each piece of property is different. That's what the Board is looking for...some reason, some way that they could justify granting the variances. You know, your side yard variances look like a lot if you just read it on a piece of paper but when you analyze it and you only have 5 square feet violating the side yard on one side. See that's the kind of thing you can look at...well, alright, fine...the Board probably...I can't speak for them. I don't vote...but probably has no problem with those kinds of variances because there's an explanation. Okay. But the lot coverage is very, very substantial so that's what they're having trouble with.

Mr. Palmieri said the side yard setbacks are de minimus. It's not impeding upon the zone ordinance in a great deal where with lot coverage, you say you're going from 22 percent to 33.7 percent. That's like a 40 percent increase on lot coverage. We've had people in front of us where they've gone one percent over, one and a half, two. It's not that major of a deal but when we start getting...and we had the last application that's kind of similar to you...it happened in Willowbrook where the applicant built a pool and when she went to do her building permit, she forgot to put in she had pavers and that's impervious coverage and she went pavers from her house to the other side of the pool and all of a sudden she was at 35 percent. The town had made a miscalculation when they gave her her permit and it was at 26 percent and my feeling was that the town had given her that permission by error or rote or however it happened. I had no problem with that but going to the extent that the applicant wanted it, it didn't make sense and it didn't fit in with the whole Master Plan or the zoning ordinance that was in the Willowbrook area there. So at that point she ended up removing all those pavers, all that stuff. She made the driveway twice the size. All that stuff had to go.

Mr. Slazyk corrected Mr. Palmieri by stating she reduced her driveway.

Mr. Palmieri said I was sad to say that we were going to deny the application and she had to pull it to a percentage that was originally permitted on her permit. But obviously you're in front of us today and you have your reasons for what you're looking for, the reasons why you want to expand it and we're looking for a good reason but it's very difficult when you're increasing it by that large an amount and there's nothing in here that looks like there's a hardship involved as to why the increase has to be so large.

Mr. Kissane stated from our perspective when we were designing this, we said if we're going to do it, let's do it right. The assumption I had was that one of the reasons for these zoning ideas is to keep the town looking good so you don't drive down and see it...so I

thought one of the advantages we had was the setback and the fact that behind us was all woods...you know the pervious pavement, the water issues, were we live with the sand soil...I'd be confident that we could show that that wouldn't be an issue...just with the grass, the slopes and things that we have. So I think that was the approach. As we pointed out earlier, when we did buy the house, the driveway was a two car wide driveway so I guess you start getting into "do we want to rip up the driveway in half and make a half a driveway and grow the lawn. I don't know the value to the neighbors or anybody would have with that if it did. If I thought that the neighbors came to me and said "John, you're doing this. The driveway is killing me. I probably would have done it but I guess we're...

Mr. Palmieri interrupted by saying I guess you've made notice to your neighbors already in the form of certified mail to say we're making an application in front of the Zoning Board and if anybody was really concerned about what you were doing, that they didn't like it, they probably show up here tonight and voice their opinion. I'm not saying they didn't although he's probably the next applicant...

Mr. Slazyk stated the only problem is it's not because you guys are living in the house today. Okay. It's what going to happen 5 years from now or 10 years from now if you guys move out of the house and then we have everybody from Alpine and say "we want to increase our lot coverages to 33 percent".

Mr. Savarese said a defense could be if you look at the houses, not many of them have this situation we have behind us where it's all woods and church, even a house one over from us is big but behind them is another house through some woods. Most of the other houses border other properties so if I had that situation, I don't think we would have ever ventured down this path.

Mr. Slazyk stated what Mr. Slazyk is correct. You're doing it the right way. We've had people come in front of us and have already built stuff and we've denied it and they've had to take it down...so it's better to do it the correct way and come in front of the Board and see where you're at with the Board and hopefully get to some kind of middle ground with the Board to get something that you really want that you know is going to be approved.

Mrs. Kissane said well, we definitely want to work together. I would take off the planter boxes.

Mr. Palmieri stated well, see, something like that I think you would sit down with the architect and look for the re-design. I mean we can give suggestions but it's not our job to say "take this out and add that" even though we did say things like that but it's the idea we want to get down to a reasonable percentage of lot coverage. The only problem we have with these particular lots, you're already at 22 percent. To go much higher, I don't know how much higher we could go. That's why the architect...he's the professional. He'll come up with that "yeah, we can move this. We could put this a different way. We

could move the living room over here and the kids' room over there" and that kind of stuff.

Mrs. Kissane said we've been doing this since July over and over.

Mr. Slazyk stated I've gone through it for like 3 years.

Mrs. Kissane said we've been contemplating the thing for 3 years...whether to stay or move.

Mr. Slazyk stated I did the same thing. I live in town. I was going to do that onto an existing house. I was going to do all these modifications and I spent a lot of money with an architect and designed it and went through all these zoning requirements. What am I going to do here...there. That all went out the window. I didn't do anything. I ended up buying a lot and building another house which took another 2 ½ years to come up with. I was in the same boat like you with the kids and your kids wanting more room. Now I've got this huge house and my daughter's in her first year of college and my son is looking at colleges next year and they're all moving out. They all wanted to stay in town and I wanted to stay in town. I love this town.

Mrs. Kissane said yeah, we do too.

Mr. Palmieri stated we have a spot open on the Zoning Board actually.

Mr. Slazyk said that's how I got on the Zoning Board.

Mr. Palmieri stated he got shot down actually and he got mad at the Zoning Board. What we could suggest is that we carry your application to a point where you can sit down with your professional...and you've got the feeling where the Board's at. He can go back and re-address...

Mrs. Kissane said I'm thinking the family room, we could downsize that. I'm just saying I worked on this for months and months. I did. I worked on it to the point where the kitchen could be workable, where the room could be workable where we have some space and the kids' rooms are small anyway and we just putting another one upstairs so I don't know how much...if we went smaller, then it's not worth the money to even add on...for just a little bit more.

Mr. Palmieri stated well, see, that's something you would just sit down and talk with your architect and professionals...because my feeling, based on the application if you were to go forward and just say "this is what I want"...I don't see a positive result from it. You need to sit down with your professional and figure out how you want to address it and like I said, we can carry the application to a future date. We're not asking you to make a decision tonight about anything and if you decide to go forward, we'll have the next date available. If you decide not to go forward with it, just notify Doug here and we'll take it off the agenda. That's totally up to you.

Mr. Slazyk said you can ask for a vote tonight the way it is and go with it that way, if you want to go that way.

Mr. Savarese asked can we have five minutes.

The Board agreed to take a five minute break.

Mr. Savarese stated I spoke to the Kissanes outside and they're willing to have a continuation to the next meeting or the second option was if we could throw a number out of 1200 square feet that we would reduce the permanent paving by, subject to approval as part of the application, we would be willing to deal with that too if that's a possible alternative.

Mr. Palmieri said it more or less comes down to percentages, the numbers. I know you're saying 1200 square feet.

Mr. Savarese stated yeah, 1200 square feet is somewhere in the vicinity of 5 percent.

Mr. Palmieri said 5 percent. So instead of...

Mr. Slazyk stated why don't you do this. What I would do is...

Mr. Savarese said I think would they would like to do is not possibly wait until June 5th so they can start doing their final plans.

Mr. Slazyk stated why don't you come up with options. Okay, because I don't think you're going to poll us and try to get 5 percent or whatever the case is. I mean normally we don't do that.

Mr. Moafi said it's got to be like the whole package we have to look at.

Mr. Slazyk stated what I would do is what I told you before...Option #1, Option #2...so at least you have some kind of...

Mr. Savarese said they're actually drawing already so we can look at this. Okay, so then we'll ask for a continuation.

Mr. Hirsch stated you understand that if you come back in with changes, that doesn't mean the Board is going to grant it. They're at least trying to keep the door open to consider other options.

Mr. Savarese said I understand. There's no other notification. Everything will be carried.

Mr. Palmieri announced the Board is carrying the Kissane application until June 5th with no other notice required.

JEFF AND GINA TODD
65 ROSLYN DRIVE

BA 2008 – 09
BLOCK 124.40 LOT 16

FRONT YARD SETBACK VARIANCE

Jeff Todd, the applicant, came forward.

Mr. Hirsch advised he had reviewed the proof of service and affidavit of publication and found them to be in order as to form.

A motion to accept service in the Todd matter was offered by Mr. Moafi and seconded by Mr. Battista. A voice vote in favor was unanimous.

Mr. Todd advised the Board I am proposing to extend my one car garage out 8 feet 9 inches and then run an open front porch along the front of my house actually just past my front door. The reason why is I have a one car garage. When you start putting shelving in there and a work area in there...I have two kids...all their stuff...and just stuff that you accumulate over the years, I just don't have much room...it's very difficult to even put a vehicle in the garage. If I was able to extend it, it would provide me more room to have an area to work for myself, to put a car in and just to organize it a lot better. It's also, I feel, a good selling point in the future. Most people don't really like a one car garage. If it was extended, that might be a plus down the road. As far as my open front porch, it just provides a nice facelift for my house. It kind of gives it more like a country look. It also provides an area for me and my family to sit out and have time together...and like I stated, I have two young children to play a lot out in the front. Also that would provide an area for me to be able to sit, along with my wife, and watch our children and the other children in the neighborhood. And again, I think the front porch gives it a much warmer appearance and again, in the future, when I do sell my house, I think that's a good selling point also.

Mr. Palmieri asked isn't there currently a porch in the front of your house already.

Mr. Todd replied it's just like a step up to my front door. It's like a stoop.

Mr. Palmieri asked is that stoop currently at that 22.8 from your property line.

Mr. Todd replied actually the 22.8 would be where the front porch would come out to.

Mr. Palmieri stated okay. The already existing little porch area in front of the door. Is that about the same distance from where the house is...where you're going to be putting this proposed.

Mr. Todd answered actually it's going to go right to the end of that stoop...and then my front concrete walkway then begins.

Mr. Palmieri stated looking at your house from Roslyn Drive, over on Lot 15 which would be to the right of you, how far is that house from your common property line. Is it about the same distance...21 feet or so.

Mr. Todd answered it would be 26 feet from common property line.

Mr. Palmieri asked and going in the other direction, Lot 17, which would be to the south, how far is that house from your common property line.

Mr. Todd replied again that's 26 feet.

Mr. Palmieri asked the closest point of your proposed porch...because I see that arrow in the middle...is that 22 feet 8 inches.

Mr. Todd replied that's where the garage and the patio comes out from the house...from the roadway to where...

Mr. Hirsch interrupted stating this is what we're trying to find out. The Board wants to be clear...because sometimes the exhibits aren't accurate...so the Board wants to be clear what your proposed front yard setback is. That means the setback to your front property line. Not the street or anywhere else...your front property line, if you get the approval...how close will your porch be and how close will your garage be...maybe it's all the same.

Mr. Todd replied it's all the same. It would be 22 feet 8 inches.

Mr. Hirsch said in your application, the Zoning Officer's letter, for some reason, has the proposed front yard 22.4 and 22.8. Why were there two different setbacks. Is that just a mistake...so we can forget about that 22.4. So it's 22 feet 8 inches is proposed.

Mr. Battista stated if you look at the drawing, it looks like it's flat and my guess is that 22.4 might be where his garage is...that's assuming that it's a perfect measurement across. So I'm assuming if go over right where the garage is extended out 8 feet 9 inches and you go from tip of the garage to the street...it might be the variance of a couple of inches.

Mr. Palmieri said because you're saying the property line is curved in a little bit.

Mr. Battista stated at the end of the day it's only 4 inches but that's probably where that's coming from.

Mr. Palmieri said well, when they get out there with the tape measure...

Mr. Lomangino stated that's what I'm saying...by eye you wouldn't be able to tell.

Mr. Palmieri said Mr. Todd, do you understand what we're talking about.

Mr. Todd replied yes.

Mr. Palmieri said on your survey here...over by the garage extension that you want to add...that particular corner, that south end corner...it looks like it's closer...if this is correct...22 feet 8 inches...where you're measuring from the porch to the common property line. Is it possible that the closest possible measurement to your front property line from the proposed structure at that south corner by the garage might be 22.4 inches. The only reason we ask that question is if the Board were so inclined to approve it, when they measure and you're measuring from the center of the structure as opposed to the closest corner.

Mr. Todd replied I measured it to the center.

Mr. Palmieri asked you didn't measure from the corners.

Mr. Todd replied no, I measured from the middle up to...

Mr. Battista stated sorry. If you look at the measure 31 feet 3 inches that goes right to the right of it and you subtract 8 feet 9 inches, that looks to be 22.4. So that's how they got that.

Mr. Palmieri said that would be the closest point to that property line...that would be that southern corner by the garage of 22.4.

Mr. Todd replied yes, sir.

Mr. Hirsch stated and 25 is required. The Chairman asked you the side setbacks of the houses on Lots 15 and 17 on either side of you...but starting with Lot 15, where is that house in relationship to...if it fronts on Roslyn Drive...is it set back the same as your house now. Does it have a porch. Is it closer. What's the front yard setback of that house.

Mr. Todd replied I would say it's approximately the same. I've never measured it. All those houses there...

Mr. Hirsch asked if you look out from the front of your house and you look down, they're pretty much lined up with your house.

Mr. Todd replied they're actually to the side of me. Lot 15 is actually on Troon.

Mr. Hirsch said okay, Lot 15 faces Troon Road.

Mr. Todd replied yes, sir.

Mr. Hirsch said alright, it faces that so that's the back of that house. The back of the house is actually facing your sideline.

Mr. Todd replied yes, sir.

Mr. Hirsch said but if you looked at, where the house is pretty much lined up with the front of your house...the edge of that house.

Mr. Todd replied yes.

Mr. Hirsch asked alright and what about Lot 17.

Mr. Todd answered again, they face Roslyn Drive. Yeah, if I look out to my right, it's in line with my house.

Mr. Hirsch said okay, so your garage addition and front porch will be forward of their house towards Roslyn.

Mr. Todd replied yes, sir.

Mr. Palmieri asked is their garage entrance also on the same side as your garage.

Mr. Todd answered yes.

Mr. Palmieri asked this proposed porch...it's only going to be for the first floor.

Mr. Todd replied yes, it is.

Mr. Palmieri asked this is a two story house though, isn't it.

Mr. Todd replied yes, sir.

Mr. Palmieri said because I'm looking at the drawing over the garage is only one story.

Mr. Todd answered no, there's also...I built an addition on there a couple of years ago.

Mr. Palmieri stated okay so the whole house is two story right now. So you have to make that correction on your drawing that there's a whole two story structure. I guess it originally was a ranch style house.

Mr. Todd replied it was like a colonial. Just over my garage was a peak and I then put a master bedroom.

Mr. Palmieri said okay.

Mr. Hirsch asked do you have the measurements of the front porch.

Mr. Todd said I have a diagram. I don't know if this helps.

Mr. Hirsch asked does it have the dimensions. In other words is the front porch going to be 3 ft by 20 feet. Do you have a dimension.

Mr. Todd replied I have a drawing the contractor did.

Mr. Palmieri said it would be like you were marking it into evidence. I'm sure the contractor's got another copy.

Mr. Hirsch stated it doesn't tell us too much.

Mr. Palmieri asked the porch is not going to be enclosed at all. It's going to be an all open porch...like a traditional front porch on a house.

Mr. Todd replied yes, it's going to be open.

Mr. Palmieri asked you don't any intentions in the future of closing this in.

Mr. Todd replied no.

Mr. Palmieri said if the Board were to consider approval, then they would put the condition on that it could never be enclosed. Would that be okay with you.

Mr. Todd replied that's fine. I have no intentions of doing that.

Mr. Palmieri asked have any other houses in the neighborhood had any other front porches or anything like that added on that you know of...or do the pre-existing have porches on them.

Mr. Todd answered a couple of ranches have front porches. As far as my design house in my development...no, I think I'd be the first.

Mr. Palmieri asked Charlie, don't you live close over there.

Mr. Lomangino replied yeah, right around the corner.

Mr. Hirsch asked is the front porch...I'm not quite clear...that's going from the north corner of the house to where heading south. Where is your actual front porch going to end.

Mr. Todd replied my front porch is going to end at the extension of the garage.

Mr. Hirsch asked at the northerly portion of the garage extension.

Mr. Palmieri asked does it go the entire length of the front of the...

Mr. Todd answered when I first proposed to do it, I was going to do that but I'm actually just going to go beyond my front door.

Mr. Hirsch said if you look at your survey where it says "second floor overhang"...that's all front porch. The corner right up to where it says "garage 8 feet 9 inches. That's what you're telling me.

Mr. Todd replied yes, sir.

Mr. Hirsch stated alright, it goes the whole way, not just in front of your house.

Mr. Todd said when I did the original proposal, I wanted to go across the whole entire front of my house with an open front porch...from the extension of the garage and then go towards Troon with open front porch...but I want to just go beyond my front door and just stop now. I don't want to go...

Mr. Hirsch stated I'll tell you what. Why don't you come up here and just color in with this pen on this exhibit where your front porch is proposed.

Mr. Todd said instead of continuing here.

Mr. Hirsch stated so it's going from your proposed garage to right there.

Mr. Palmieri said you want to keep the windows in the living room area open so sunshine comes in, I would imagine.

Mr. Todd replied yes.

Mr. Hirsch stated now where it says second floor overhang, in other words, all this area back here will be porch or is there something else in here.

Mr. Todd replied that's going to be all...like open porch.

Mr. Hirsch said all this into here. Okay. All right. I understand.

Mr. Lomangino asked how long have you lived there.

Mr. Todd answered 9 years.

Mr. Palmieri asked do any other Board members have any questions.

Mr. Palmieri stated I would open it up to the public but there is no public. We just have the applicant left.

Mr. Hirsch asked we're okay with coverage on this one, right.

Mr. Palmieri replied yeah, the lot coverage is fine. You're allowed 40 percent lot coverage and he's well within that.

Mr. Lomangino asked are you going to do the garage the same siding as the rest of the house.

Mr. Todd replied I'm actually going to re-side it.

Mr. Palmieri asked Mr. Todd if he had anything else to add.

Mr. Todd replied I think I said pretty much what I wanted to say in the beginning...my reasons.

A motion to close the public portion of the Todd hearing was offered by the Chairman, Mr. Palmieri, and seconded by Mr. Battista. A voice vote in favor was unanimous.

A motion to approve the Todd application was offered by Mr. Porzio and seconded by Mr. Lomangino.

ROLL CALL

Yes: Messrs. Porzio, Lomangino, Palmieri, Slazyk, Moafi, Battista, & Roche

No: None

Abstain: None

A motion to accept the March 6, 2008 meeting minutes was offered by Mr. Lomangino and a voice vote in favor was unanimous.

A motion to accept the March 20, 2008 meeting minutes was offered by Mr. Lomangino and a voice vote in favor was unanimous.

A motion to adjourn the meeting was offered by Mr. Battista and seconded unanimously.

Respectfully submitted,

Doug Gotfredsen
Board Secretary