

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Regular Meeting Minutes February 06, 2020

The meeting was called to order at 7:18pm by Mr. Neczesny, Vice-Chair, with a reading of the Open Public Meetings Act Statement (below), followed by the pledge to the flag.

1. ROLL CALL

Present: Mr. Neczesny, Mr. Ridgeway, Mr. Ryan, Mr. Ludman, Dr. Laufer, Mr. Kinsella, Mrs. Neff

Absent: Mrs. Quigley and Mr. Lehder

Also, Present: Mr. Irene, Board Attorney; Ms. Gable, Board Planner

2. OLD BUSINESS

Gilbertson – 96 Battin Road, Block 27, Lots 25 and 70, R-10A zone – Application for an addition. Request to carry to the March 5, 2020 meeting without the necessity to re-notice and granting an extension of time. No one attended the meeting in connection to the Gilbertson application.

There were no comments or questions from the public.

MOTION by Neczesny, second Laufer to carry the Gilbertson matter to the March meeting with no need for further notice and granting an extension of time.

In Favor: Ridgeway, Ryan, Ludman, Kinsella, Neff

Opposed: None

3. ADMINISTRATIVE ITEMS

Cady – 137 Grange Avenue, Block 22, Lot 53, R-30 Zone – Application for in-ground pool, patio and driveway modifications. Variances needed for lot coverage and front yard driveway coverage. Request to carry to the March 5, 2020 meeting without the necessity to re-notice and granting an extension of time. No one attended the meeting in connection to the Cady application.

There were no comments or questions from the public.

MOTION by Neczesny, second Ludman to carry the Cady matter to the March meeting with no need for further notice and granting an extension of time.

In Favor: Ridgeway, Ryan, Laufer, Kinsella, Neff

Opposed: None

DelTin – 4 Hendrickson Place, Block 46 Lot 14, R-10 Zone – Administrative review of side yard setback.

Mr. Irene gave a review of the applications approval in 2019 in which variance relief was granted for a number of items including total combined yard setback. The plans that were submitted with

the application had a mudroom with landing. The applicant and his professionals never called out the landing at the hearing and it was not clearly delineated on the plans with a distance to the side yard. The landing has caused the total combined side yard setback to be 17.4 feet verses the 18.6 feet that the Board granted relief for in 2019. The mudroom landing setback was pick-up by the Zoning Officer when the applicant submitted their foundation location for approval. The Zoning Office asked this to be sent back to the Board for review and direction as the foundation location does not depict what's in the Resolution. Mr. Irene went on to explain the Board could approve the change administrability or have the applicant come back to the Board on notice for what appears to be additional variance relief. It is relief beyond the scope that was originally granted.

Mr. Neczesny stated that given it is a side yard setback variance that needs relief, to make an administrative change without noticing neighbors would be too presumptive and he would feel more comfortable having the applicant send out notice to the neighbors.

Mr. Ridgeway stated that he didn't recall any of the neighbors at the original hearing.

Mrs. Neff asked what side of the house was in question.

Mr. Ryan stated it was the West side of the house and noted that the bump out was not apparent on the plans that were submitted by the applicant.

Mr. Neczesny agreed with Mr. Ryan and stated the bump out was obscured on the original plans with other things.

Mrs. Neff asked if the bump out was a step up to the mudroom. Then stated that she didn't feel as though she had enough information to make a decision.

Dr. Laufer agreed with Mrs. Neff and stated that the neighbor may think the new setback is okay, but he believes the neighbor deserves to be notified to review what's proposed.

Mr. Ridgeway asked if they would have to remove the landing if the Board did not approve it administratively at tonight's meeting?

Mr. Irene stated that variance relief was granted for one thing and now they are requesting something different, so it is not just a change, it is variance deviation greater than one the Board originally approved. Even though not substantial, it's beyond what was granted.

Mr. Ludman wanted to make it clear that the difference isn't just the setback, but it looks completely different then what was originally submitted to them with the original application.

Mr. Ridgeway and Mr. Neczesny agreed.

Mr. Neczesny would rather have the notice take place and have the applicant come before the Board and explain what they are requesting.

MOTION by Neczesny, second Ridgeway to decline to address the situation administratively and have the applicant come to the Board on a formal basis, submitting a new application, noticing to neighbors and the official newspaper for the additional variance or removing the landing from the plans.

In Favor: Ryan, Ludman, Laufer, Kinsella, Neff

Opposed: None

Fair Haven Retail, LLC – 588 River Road, Block 32, Lot 02, B-1 Zone – Appeal for Over Easy Restaurant.

Mr. Irene noted that this appeal was not listed on the February agenda but was told that the applicant gave notice for tonight's meeting due to a miscommunication. As they have already noticed the applicant has asked if they could be carried to the March meeting without the necessity to re-notice.

There were no comments or questions from the public.

MOTION by Neczesny, second Ludman to carry the Fair Haven Retail appeal to the March meeting without the necessity to re-notice.

In Favor: Ridgeway, Ryan, Laufer, Kinsella, Neff

Opposed: None

4. NEW BUSINESS

Monterio-Schober – 230 Fair Haven Road, Block 42, Lot 12, R-5 Zone – Application for residential addition and renovations. Variances needed for side yard setback, driveway, and habitable floor area.

Mr. Irene stated that the notice material was reviewed and appeared to comply and then asked if anyone in attendance had any issues or questions regarding the notice materials.

There were no comments or questions from the public regarding the notice materials.

Professional Planner Elena Gable from Heyer, Gruel and Associates was sworn in.

Ms. Gable noted that the date on her Planning report should read the year 2020 not 2019 and on page 3 of the report the minimum required setback for both side yards is an existing nonconformity and should read variance.

Mr. Irene moved onto the completeness waivers that were requested by the applicants.

Ms. Gable stated the waivers included the County Planning Board application, Soil Conservation District, Health Department application which Ms. Gable doesn't believe they need, and finally the easements, covenants and deed restrictions.

MOTION by Neczesny, second Ryan to grant relief of requested completeness waivers for the purposes of the variances but cannot waive another agencies jurisdiction.

In Favor: Ridgeway, Ludman, Laufer, Kinsella, Neff

Opposed: None

Paul Schober and Melissa Monterio of 230 Fair Haven Road and Anthony Condouris of 20 Bingham Ave F2, Rumson, NJ 07760 were sworn in and Mr. Condouris provided his credentials for architecture.

Mr. Irene reviewed exhibits

Exhibit A-1 – Survey of property prepared by David J. Von Steenburg of Morgan Engineering and Surveying dated 08/28/19.

Exhibit A-2 – Architectural plans prepared by Anthony M. Condouris dated 12/18/19 and no revision date, three sheets.

Ms. Monterio gave testimony for her request of variance relief. She believes the hardship of her property comes from the size of the lot the location of where the house was built on the property. They are looking to exasperate some existing nonconformities such as the Habitable Floor Area. She believes a positive with their lot is that the lot is oversized for the R-5 zone at almost 10,000 square feet where 5,000 square feet is required and therefore, they will be well below the maximum Floor Area Ratio for the R-5 zone.

Mr. Condouris proceeded to review the variances and proposed work. North side yard setback at 4.5 feet but maintaining the South side setback. Adding a garage to the front of the house, a mudroom, new front entryway, new circular driveway which would need variance relief. They are proposing the circular driveway because the house is located on Fair Haven Road and can be difficult to back out of their current driveway causing a safety issue. Habitable Floor area which they are also seeking variance relief. They would like to expand the second floor to accommodate their expanding family by adding a master suite with bathroom and second floor laundry room.

Mrs. Neff left Council Chambers and therefor Mr. Irene asked Mr. Condouris to pause testimony until she returned. After Mrs. Neff returned less than a minute later, Mr. Condouris proceeded with testimony.

Mr. Condouris stated they are proposing to add a 11x20 garage, refer to page Z-2 of exhibit A-2. The second floor would go over part of the new garage but not over the entire garage as to not require too much additional square footage. The remainder of the roof of the garage they are proposing an outdoor balcony space. The new driveway would allow parking for three cars behind the front yard setback, one car being inside of the garage.

Mr. Neczesny stated that it appeared as though what the applicant was requesting was well behind the front yard setback.

Mr. Condouris stated yes, required is 25 feet proposing 28.7 feet. 47.8 feet is existing.

Mr. Condouris asked to mark an aerial view of property taken from Google Earth. There was no printout date.

Exhibit A-3 – aerial view of property taken from Google Earth, no date.

Ms. Monterio stated the three adjacent homes to the subject property are all on similar lot sizes and all houses have over 2,800 square feet in habitable floor space, so she did not feel what they were requesting was out of character for their neighborhood. She acquired this information from County Tax Records which Mr. Neczesny stated he's not disputing the information, but the County Tax Records are not always an accurate resource and a property survey would be the most accurate source.

Mr. Schober stated they are requesting the circular driveway for safety issues as they are directly across the street from the McCarter Pond parking lot. The second curb cut already exists from a previous owner of the property, although not in use at this time so they would not have to cut into the curb if approved.

Mr. Neczesny asked if Mr. Irene could review the Ordinance language on curb cuts.

Mr. Irene stated that you cannot have two curb cuts on frontage less than 150-feet.

Dr. Laufer asked if the applicant had the ability to do a k-turn in their driveway.

Mr. Schober stated they could do a tight k-turn in the current driveway if there were no other cars in the driveway.

Ms. Monterio stated they could do the k-turn, but their issue is more of the high traffic concern and safety issue with backing out onto Fair Haven Road with the pond parking and school traffic.

Mr. Neczesny is concerned with the amount of driveway that would be in the front yard if approved.

Dr. Laufer believes that a circular driveway is out of character with the other properties on Fair Haven Road and that is of concern. He believes it would look like a parking lot with the cars parked directly in front of the house instead of the side of the house as the other properties do.

Mr. Neczesny agrees with Dr. Laufer especially as it is a lot with 50 feet of frontage.

Ms. Monterio stated that the property at 314 Fair Haven Road has a circular driveway.

Mr. Ludman stated it may have predated the Ordinance. He also states the he believes the Ordinance is pretty clear on circular driveways and he believes there is a reason for it and does not think it would set a good precedence to start approving circular driveways.

Mr. Ridgeway agreed with Mr. Ludman and then asked how it would be possible to get a car into the proposed driveway as the angle looks tight on the plans.

Mr. Condouris states there is 25 feet of backup space behind the garage they could use.

Mr. Neczesny asked if Mr. Condouris could talk more about the house improvements.

Mr. Condouris stated they are proposing 4 bedrooms.

Mr. Ryan asked if there was any thought of putting the addition on the left side of the house as to not exacerbate the existing nonconformity.

Mr. Condouris stated that if they were to flip the addition, they would have to move the front door and driveway to the other side of the house, and it would block all existing windows.

Mr. Ryan noted that most of the house is in front of the property and most of the open land is in the back of the property.

Mr. Neczesny then asked if the applicant considered putting the addition towards the back of the house over the sunroom.

Ms. Monterio stated they did not want to put the addition in the back of the house as it would impact their neighbors too much. The neighbors living room and kitchen face the subject properties backyard and they didn't want to encroach on their neighbor's view.

Mr. Condouris stated that there was a question in the Planners review letter about the basement and he wanted to clarify that the basement is more than 50% below grade and would not count toward floor area.

Mr. Ryan wanted to confirm that there would be windows added to the proposed powder room and master suite as they were not depicted on the plans.

Mr. Condouris stated that the windows were missing on the elevation plans, but they are depicted on the floor plans except the extra window in the master suite which would be added.

Mr. Neczesny asked if the circular driveway was not approved would it remove the need for variance relief for driveway coverage.

Mr. Condouris said it would reduce the coverage but did not think it would remove the need for variance relief.

Ms. Gable agreed and stated it would still be an existing nonconformity.

Mrs. Neff asked what the driveway would look like if the circular driveway was removed but still large enough to allow for a k-turn.

Mr. Condouris sketched on exhibit A-2 and would submit the revised plans when completed to include the sketch if approved.

Mr. Kinsella asked if the garage would be used for parking.

Mr. Condouris stated yes, it would be used for parking one car as it is a single car garage. Also, there would be a paved area in front of the garage so the applicants could do a k-turn.

Mrs. Neff stated that even if you remove the circular part of the driveway, it still leaves a lot of driveway in front of the house just a little further back from the street.

Mr. Neczesny also has concerns with the paved area in front of the garage and states that if you have a car parked there you could not do a k-turn anyway.

Mr. Condouris stated they could add landscape screening to hide some of the driveway.

Mr. Ludman asked how functional the driveway would be without the extension of the driveway in front of the garage.

Ms. Monterio stated it would be a driveway that could hold only a single lane of cars.

Mr. Neczesny opened the meeting to the public for comment.

Ruth Blaser of 523 River Road was sworn in and stated that there is already a circular driveway on Battin Road and on River Road and she believes they are both under the 150-foot frontage requirement.

Mr. Irene asked if they received variance relief.

Ms. Blaser was not aware if variance relief was received for those driveways. She also believes that every main road in Fair Haven, such as Fair Haven Road, Hance Road, River Road, and Ridge Road should be exempt from the 150-foot frontage requirement for the two curb cuts because of health and safety issues.

Mr. Irene stated that would be something she could take to the Governing Body for consideration in changing the Ordinance. The Zoning Board does not have that jurisdiction.

There were no further comments or questions from the public.

Ms. Gable reviewed the questions she had in her Planning review. She asked if the applicant planned on using the existing siding on the addition.

Ms. Monteiro stated yes.

Ms. Gable asked if any landscaping would be added.

Ms. Monterio stated yes, small shrubs.

Ms. Gable asked if any trees would be removed

Ms. Monterio stated no.

Mr. Irene asked if there was any more testimony from the applicant.

Mr. Condouris stated no.

Dr. Laufer felt comfortable with approving the requested variances except the circular driveway.

Mr. Ryan agreed with Dr. Laufer and believes the house design makes sense. He understands the concern with backing out onto Fair Haven Road but does not agree with circular driveway.

Mr. Neczesny is not pleased with the sketch of the driveway for the k-turn.

Mr. Ludman agrees with the Board's comments especially the concerns over the driveway.

Mrs. Neff stated that she also lives on Fair Haven Road and understands the concern of backing out onto the road.

Mr. Irene asked Mrs. Neff to confirm that her house is not within 200 feet of the subject property.

Mrs. Neff confirmed her house is not within 200 feet of the subject property and did not receive any notice. She continued to state that she has the same concern with the safety.

Mr. Kinsella stated his concerns were with adding to the hardscape and circular driveway and did not want to start a trend of allowing circular driveways. His main concern with the additional hardscape directly across the street from McCarter pond would be adding additional run off into the pond.

Mr. Ridgeway agrees with driveway concerns.

MOTION by Neczesny, second Ryan to approve the plan for the habitable floor area, extension of side yard setback, extension of total combined side yards as depicted on the plans but to deny the number of driveways and limiting the front yard driveway coverage to only allow access to the garage.

In Favor: Ludman, Laufer, Kinsella, Neff

Opposed: Ridgeway

5. ADMINISTRATIVE ITEMS

Resolution awarding contract to Michael A. Irene, Esq. – Board Attorney

MOTION by Neczesny, second Ludman, to approve the Board Attorney Resolution.

In Favor: Ridgeway, Ryan, Laufer, Kinsella, Neff

Opposed: None

Resolution awarding contract to Kennedy Consulting Engineers – Board Engineer

MOTION by Ridgeway, second Kinsella, to approve the Board Engineer Resolution.

In Favor: Neczesny, Ryan, Ludman, Laufer, Neff

Opposed: None

Resolution appointing Heyer, Gruel & Associates – Board Planner

MOTION by Laufer, second Kinsella, to approve the Board Planner Resolution.

In Favor: Neczesny, Ridgeway, Ryan, Ludman, Neff

Opposed: None

Resolution appointing Jennifer Johnson – Board Secretary

MOTION by Ludman, second Ryan, to approve the Board Secretary Resolution.

In Favor: Neczesny, Ridgeway, Laufer, Kinsella, Neff

Opposed: None

MOTION by Ludman, second Neczesny, to adopt the minutes of the January 2020 meeting.

In Favor: Ridgeway, Ryan, Laufer, Kinsella, Neff

Opposed: None

Mr. Irene stated he did not feel it was necessary to go into Executive Session unless any member of the Board requested to do so.

There were no comments or questions from the public.

MOTION to adjourn approved unanimously by voice vote.

Meeting adjourned at 8:48 PM.

Respectfully submitted,

Jennifer Johnson, Board Secretary

Public Announcement of Compliance

This is a regular meeting of the Fair Haven Zoning Board of Adjustment. Adequate notice of this meeting has been given pursuant to the provisions of the Open Public Meetings Act. At the time of the Board reorganization in January of this year, the Board adopted its regular meeting schedule for the year. Notice of the schedule of the Board's regular meetings was sent to and published in the Asbury Park Press, and was also sent to the Two River Times and the Star Ledger. Tonight's meeting was listed in the Notice of the schedule of regular meetings. That Notice was also posted on the bulletin board in Borough Hall, and has remained continuously posted there as required by the Statute. In addition, a copy of the Notice is and has been available to the public and is on file in the Office of the Borough Clerk. A copy of the Notice has also been sent to such members of the public as have requested such information in accordance with the statute. Adequate notice having been given, the Board Secretary is directed to include this statement in the minutes of this meeting.