

FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – October 7, 2021, 7:15 pm – Virtual meeting via Zoom Platform due to the COVID19/Coronavirus Pandemic

The meeting was called to order at 7:15 pm by Mr. Lehder, Board Chairman, with the reading of the Open Public Meetings Act Statement (below), and salute to the flag.

Mr. Lehder explained the roles and responsibilities of the Zoning Board.

Mr. Irene, Board attorney, noted that following the Board's 2021 Reorganization Meeting, the Board issued an Open Public Meetings Act notice which, among other things, set forth the Board's schedule of regular meetings for the coming year, and advised that such meetings would be conducted remotely via the Zoom web platform, until and unless advised to the contrary. Thereafter, the Board issued supplemental Open Public Meetings Act notices to add additional regular/special meetings, advise that certain remaining meetings would be conducted live and in-person, and thereafter further advise that remaining meetings were returning to remote Zoom proceedings as a result of COVID resurgence. These notices were given in the usual course by posting, publication/transmittal to newspapers, and delivery to the Clerk, as well as placement on the Borough website.

Roll Call

Present: Mrs. Quigley, Mr. Ridgeway, Mr. Ryan, Mr. Ludman, Dr. Laufer, Mr. Schiavetti, Mr. Lehder

Absent: Mr. Neczesny, Mr. Kinsella

Also Present: Mr. Irene, Board Attorney; Ms. Gable, Heyer Gruel and Associates, Board Planner

Mr. Lehder introduced the first application:

McElduff – 31 Heights Terrace, Block 68, Lot 6, Zone R-10B

Renovate and construct an addition to the existing residential dwelling. The applicant seeks a variance for combined side yard setback for principal structures where 58 feet is required, and 43.9 feet exists (a pre-existing non-conforming condition); and 38.06 is proposed. Applicant also seeks a variance for maximum permitted habitable floor area – 3,220 square feet is permitted, and 2,068 square feet exists; and 3,780.8 square feet is proposed.

Mr. Irene reported that a letter was received from Mr. Aikens, the McElduff's attorney, to withdraw their application without prejudice.

MOTION by Mr. Lehder and second by Mrs. Quigley to dismiss the McElduff application without prejudice.

In Favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Schiavetti, Lehder

Opposed: none

Mr. Lehder introduced the second application:

Burke – 104 Willow Street, Block 55 Lot 7, Zone R-10A

Applicant seeks to construct a single-family home and seeks variance relief for: total side yard setback, habitable floor area ratio, total lot square footage, and lot frontage.

Mr. Irene swore in Ms. Gable as the Borough Planner.

Mr. Sarto introduced himself as the attorney representing Mr. and Mrs. Burke of 104 Willow Street.

Ms. Gable introduced several completeness items associated with the application. The applicant requested waivers for the following:

- Application for Monmouth County Planning Board, (property does not face a County road)
- Application for Freehold Soil Conservation District, (applicant to provide testimony)
- Application for Monmouth County Health Department, (not applicable)
- Copies of easements, covenants, deed restrictions, (for completeness purposes only)
- Waiver from complete floor plan of existing home, (construction of new home, so not applicable)
- Detached garage, (waiver for submitting details, no changes proposed)
- Location and type of attic access – drop down ladder in upstairs hall, (provide testimony to confirm location)
- Statement of legal basis, (testimony during the hearing)
- String dimensions, (side elevations not shown)

Mr. Lehder questioned not providing string dimensions in the architectural drawings.

Mrs. Quigley asked for a survey showing the detached garage and two driveways from Kemp Avenue and Willow Street. Mr. Lehder referenced a survey from December 2020. He suggested the information was contained within the application package.

Mr. Lehder said conditions should be waived and address issues as the application is heard.

MOTION by Mr. Lehder and second by Ms. Quigley to grant the completion waivers.

In Favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Schiavetti, Lehder

Opposed: none

Mr. Irene confirmed the notice materials were complete at a previous meeting without the necessity to re-notice for this meeting.

Mr. Sarto introduced his first witness, Matthew DuBois of Nelson Engineering Associates of 444 Neptune Boulevard, Neptune NJ. Mr. DuBois has been employed as a licensed professional engineer for the past 10 years. Mr. Lehder accepted the witness' credentials. Mr. DuBois was sworn in by Mr. Irene.

Mr. Sarto asked that Mr. DuBois share the plot plan with the Board.

Mr. Irene marked the first exhibit:

Exhibit A-1 – Plot Plan prepared by Nelson Engineering Associates dated 1/14/21, with revision date of 4/30/21, 3 pages.

There was confusion regarding a revised version of the Plot Plan but Mr. DuBois then presented Exhibit A-1. Mr. DuBois stated that the property is in the R-10A Zone which is adjacent to the R-5 and R-10B Zones.

Mr. Lehder asked for a review of the variances needed.

Mr. Sarto stated that the applicant seeks variance relief for:

- Minimum front yard setback - 30 feet required and 27.5 feet proposed
- Single side yard setback – 10 feet required, 6.7 feet proposed
- Combined side yard setback - 25 feet required, 17.7 feet proposed
- HFA ratio - .28 required, .30 proposed
- Pre-existing condition - 50 feet wide lot, where 100 feet is required

Dr. Laufer asked if the existing foundation of the property would be re-used. Mr. Sarto confirmed that it would not be re-used.

Mr. Sarto asked that Mr. DuBois review where the existing structure is, and how the new structure will be placed on the property.

Mr. DuBois reviewed the existing home's placement and the placement of the new home. He also explained the driveway access to the property and the garage dimensions including the height of the garage, 15.5 feet.

Mrs. Quigley asked about the distance from the garage to the house next door on Lot 6.

Mr. DuBois introduced a Google map of the property.

Exhibit A-2 – Arial Google map; not dated

Mr. Irene marked another exhibit:

Exhibit A-3 - Survey prepared by Robert H. Morris PLS of Nelson Engineering Associates, 1 sheet, October 11, 2019 and revised December 20, 2020

Mr. Lehder asked about the fireplace within the garage.

Mr. Irene swore in John Burke of 104 Willow Street, Fair Haven. Mr. Burke stated that the chimney was once the functioning barn associated with River Oaks. Mr. Burke stated that the chimney has never been used.

Mr. Lehder expressed concern about the garage. Mr. Burke said that the garage is strictly used for storage. He stated that electricity runs to the garage. He confirmed there is no heat source or sewer system in the garage.

Dr. Laufer asked about access to the property and whether the garage is used for cars. Mr. Burke stated that the garage is not used for cars.

Mr. Lehder asked about the dimensions from the garage to the property boundary. Mr. DuBois reviewed the dimensions.

Mr. Sarto called the next witness, Hiland Hall Turner, 17 Mendham Road, Gladstone, NJ, licensed architect for 10 years in the state of NJ. Mr. Turner was sworn in by Mr. Irene. Mr. Turner's firm was established in 1990. His education includes Cornell University and Harvard University. Mr. Lehder asked for confirmation of familiarity with the Fair Haven ordinances. Mr. Turner confirmed his understanding of the ordinances.

Mr. Turner spoke to the history behind the project from 12 years ago. He felt the narrowness of the property made renovation of the existing house impossible. He also stated that they looked at re-use of the existing foundation and found the foundation to not be viable.

Mr. Irene marked the following exhibit:

Exhibit A4 – Floor Plans and Elevations, prepared by Hiland Hall Turner, dated 9/24/21, 3 pages

Mr. Turner expressed concern over the streetscape and mass on the street. His intent is to make the home look like a cottage. He specifically reviewed the side elevations which were designed linearly. It was conscientiously designed to fit in with the street. Mr. Turner said his focus was on the narrowness of the lot and the second floor. He reviewed the dimensions of the second-story rooms.

Mrs. Quigley asked about the dimensions of the master bedroom. Mr. Turner confirmed the dimensions to be 15.5 feet by 18 feet.

Mr. Sarto asked Mr. Tuner if the size of the house is too large for the lot and if the massing is consistent with the other homes on the street.

Mr. Turner confirmed that it is an improvement to the existing home.

Dr. Laufer asked if they can meet the front yard setback.

Mr. Sarto feels they can meet the setback by moving the home back or recessing the stairs to the porch.

Mr. Lehder asked about the fireplaces on both sides of the home and confirmed they will not be measured as part of the house, although the chimneys will protrude an additional four feet into the side yards.

Mr. Lehder asked what the proposed first floor elevation from existing grade will be. Mr. Turner answered that 1.8 feet from the existing grade will occur in the rear yard and 2.8 feet from the front yard.

Mr. Lehder asked about the R-5 Zone. When looking at the building requirements for the R-5 Zone, habitable floor area would comply, but total square footage would violate the cap. Also, the height for the R-5 Zone would be exceeded.

Mr. Turner suggested re-sloping the roof to meet the height requirement.

Mr. Ryan asked about removing square footage to meet the floor area requirements. Mr. Turner suggested bringing in the home a foot as an option.

Mrs. Quigley expressed concern for the size of the house on the width of the property of 50 feet with a large garage of 700 square feet in the rear.

Mr. Lehder looked at the map and stated that many lots in the R-5 zone have deep lots.

Ms. Gable looked up the garage area, and for the R-10A zone, the garage cannot exceed 40% coverage of the existing structure.

Mr. DuBois said that the garage exceeds the 40% by 1%.

Mr. Schiavetti asked about front yard coverage of 25% and whether the application is meeting this requirement.

Mr. Lehder said that the two front yards should be considered separately.

Ms. Gable asked if the Freehold Conservation District will be filed. The engineer stated they will file for the exemption.

Ms. Gable asked about the attic access. The architect confirmed it will be a pull-down staircase.

Ms. Gable asked about the setbacks of the surrounding properties.

Ms. Gable asked for testimony for the proposed colors and materials. Mr. Turner said they will use cedar shakes that will turn to gray, and also white trim. Mr. Sarto confirmed that there will be plantings. Mr. Sarto said they will be taking down a tree in the rear. Ms. Gable asked about the play structure. Mr. Sarto confirmed it will remain.

Mr. Sarto asked to poll the Board.

Mr. Lehder suggested opening the meeting to the public.

Adam Bogan of 119 Willow Street was sworn in by Mr. Irene. He testified that he supports the Burke application.

James Douglas Newsome of 21 Kemp Avenue was sworn in by Mr. Irene. He is in favor of the new home being built and feels it will be an improvement to the neighborhood. Mr. Newsome indicated he is not interested in selling any of his property. Mr. Newsome stated that his lot was expanded by combining two lots many years ago.

Mr. Sarto stated that the applicant owns lot 7 and lot 7.01 (feet x 51.9 feet at the rear

Mr. Sarto spoke to the positive and negative criteria for the C variance relief requested.

There was discussion regarding the volume of the home and the 600 square foot variance requested.

Mr. Sarto requested a moment to confer with their client.

Ms. Gable asked about the driveway coverage. It does not exceed 25% in the front of the home.

Mr. Sarto summarized their position regarding the application.

Mr. Lehder polled the Board regarding the application. Mr. Ridgeway struggled with the fact that the house is being demolished and justification for the size above the ordinance.

Dr. Laufer supports the project.

Mr. Ludman concurs with Dr. Laufer and supports the plan.

Mr. Ryan struggles with giving a D variance to a tear down.

Mrs. Quigley cannot support the application because she feels the negative criteria is not met. She also stated she is concerned with mass. Air and light is cut by the garage on Kemp Avenue.

Mr. Ludman struggled with removal of the garage.

Mr. Schiavetti stated that he doesn't think the house should comply with front yard setback in order to stay in character with the neighborhood. He doesn't agree with the hardship associated with the shape of the lot.

Mr. Lehder has trouble with the side yard setbacks and the square footage of the home.

Mr. Sarto asked if he can amend the application.

Mrs. Quigley stated that she doesn't want to carry the application. She thinks there would be a benefit to a new application.

Mr. Lehder asked if anyone else feels strongly about voting.

Mr. Ridgeway would like the application to be brought to a vote.

MOTION by Mr. Lehder with a second by Mr. Ludman to carry the application for two months to December 2, 2021.

In Favor: Ryan, Ludman, Laufer, Schiavetti, Lehder

Opposed: Quigley, Ridgeway

The Board took break at 9:50 pm and returned at 9:55 pm.

Mr. Lehder requested a roll call.

Roll Call

Present: Mrs. Quigley, Mr. Ridgeway, Mr. Ryan, Mr. Ludman, Dr. Laufer, Mr. Schiavetti, Mr. Lehder

Absent: Mr. Neczesny, Mr. Kinsella

Also Present: Mr. Irene, Board Attorney; Ms. Gable, Heyer Gruel and Associates, Board Planner

Mr. Sarto requested to be brought back into the meeting and confirmed an extension of time past the next regularly scheduled meeting.

Mr. Lehder introduced the third application:

Stevens – 108 Lewis Lane, Block 78 Lot 20, Zone R-30

Applicant seeks to construct covered entries to existing side and front doors, garage, and deck. Variance relief requested for front yard setback, and minimum side yard setback.

The notice materials were confirmed and there was no comment from the public regarding notice.

Mr. Doug Stevens and Mr. Robert Marchese were brought into the meeting.

Mr. Irene asked about the waivers requested.

Ms. Gable confirmed the waivers requested:

- Application for Monmouth County Planning Board, (property does not front on a Monmouth County road)
- Application for Freehold Soil Conservation District, (applicant to provide testimony)
- Application for Monmouth County Health Department, (not applicable)
- Location and type of attic access, (applicant to provide testimony to confirm location)
- 200' map - Key map, waiver granted as Heyer, Gruel and Associates as map was submitted

MOTION by Mr. Lehder second by Mrs. Quigley to grant the application completion waivers.

In Favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Schiavetti, Lehder

Opposed: none

Mr. Irene marked the first exhibit:

Exhibit 1A –Survey prepared by Michael L. Romans, PLS, dated 12/18/11

Exhibit 2A – Floor Plans and Elevations prepared Ron Grammer, AIA, 3 sheets, dated 3/1/21 with revision date 7/30/21

Mr. Marchese introduced the application and the variances requested for front yard setback and minimum side yard setback.

Mr. Irene swore in Mr. Douglas Charles Stevens of 108 Lewis Lane, Fair Haven.

Mr. Stevens confirmed there are no changes to the survey since July 2021. Mr. Stevens described the purpose of the project for safety and to improve the aesthetics of the home. The overhang will be added to shed ice and snow away from the home. There will be no change in the height of the home.

Mr. Irene marked the exhibits

Exhibit A3 – 5 photos, May 2021

Exhibit A4 – 2 photos of ice condition taken on February 8, 2021 and February 9, 2021 in front of home

Exhibit A5 – 2 Photos of materials and style of project

Mr. Marchese asked Mr. Stevens to describe the project.

Mr. Stevens described the project and the attic access on his property.

Mr. Irene swore in the next witness, Mr. Grammer, 241 Maple Avenue, Red Bank. Mr. Grammer is a licensed architect in the State of NJ and has testified before this Board and other Boards in Ocean and Monmouth County. Mr. Grammer was accepted as an expert. Mr. Grammer reviewed the plans for the project. The Zone was confirmed as R-30.

Mr. Grammer listed the materials to be used including stone and roofing. He also confirmed the overhang on the front and rear protrudes 30 inches. Mr. Grammer said that front and side yard setback variances would be required.

Mr. Lehder confirmed the variances required based on Exhibit A1.

Mr. Marchese stated there is no negative criteria that impact the application. The materials and design are consistent with the neighborhood.

Dr. Laufer asked if any material changes were being made to the house.

Mr. Stevens stated that new siding, roofing and trim would be replaced on the home with a standing seam roof.

Mr. Lehder opened the meeting to the public. There was no comment by the public.

Dr. Laufer, Mr. Ludman, Mr. Ridgeway, and Mr. Ryan support the application.

MOTION by Mrs. Quigley and second by Dr. Laufer to approve the Stevens application as presented.

In Favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Schiavetti, Lehder

Opposed: none

Mr. Lehder moved to the administrative items on the agenda.

MOTION By Mrs. Quigley and second by Mr. Ryan to approve the resolution for Cady of 137 Grange Avenue, Block 22 Lot 53, for variance relief to construct a u-shaped driveway and patio.

In Favor: Quigley, Ryan

Opposed: none

Absent: Neczesny, Kinsella

The next agenda item was presented.

MOTION by Mrs. Quigley and second by Mr. Ryan to approve the September 9, 2021 meeting minutes.

In favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Schiavetti

Opposed: none

The Board discussed meeting dates for the 2022. The dates will be voted on at the re-organization meeting in January 2022.

Mr. Lehder reviewed the agenda for the October 21, 2021 Zoning Board meeting. He stated that the meeting will be a joint meeting with the Council to discuss ordinances. It will be a public meeting.

Mr. Ryan and Mrs. Quigley agreed to work on the Annual Report.

There was a discussion of issues that are important to the Board.

MOTION by Mr. Lehder to adjourn that was carried by voice vote. The meeting was adjourned at 10:57 pm.

Respectfully submitted,
Sandi Papa
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.