

## FAIR HAVEN ZONING BOARD OF ADJUSTMENT

### Regular Meeting Minutes January 17, 2019

The meeting was called to order at 7:20 by Mr. Lehder, Chair, with a reading of the Open Public Meetings Act Statement (attached), followed by the pledge to the flag.

New and re-appointed members were sworn previously.

#### **1. ROLL CALL**

Present: Mr. Schiavetti, Mrs. Quigley, Mr. Ryan, Mrs. Ylagan, Mr. Lehder, Mr. Neczesny, Mr. Ridgeway, Mr. Ludman

Absent: None

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

#### **2. RE-ORGANIZATION MEETING**

The Board agreed there was no concern about Mr. Lehder serving as Chair to both Boards. There were no additional nominations.

MOTION by Neczesny, second Ridgeway, to appoint Todd Lehder Chair.

In Favor: Ridgeway, Quigley, Ryan, Schiavetti, Ylagan, Neczesny

Opposed: None

Abstained: Lehder

MOTION Lehder, second Quigley, to appoint Peter Neczesny Vice- Chair

In Favor: Ridgeway, Quigley, Ryan, Schiavetti, Ylagan, Neczesny, Lehder

Opposed: None

MOTION Lehder, second Quigley, to appoint Michael A. Irene, Esq. Board Attorney and award contract for the year 2019.

In Favor: Ridgeway, Quigley, Ryan, Schiavetti, Ylagan, Neczesny, Lehder

Opposed: None

MOTION Lehder, second Neczesny, to appoint Heyer Gruel & Assoc. Board Planner

In Favor: Ridgeway, Quigley, Ryan, Schiavetti, Ylagan, Neczesny, Lehder

Opposed: None

MOTION Lehder, second Neczesny, to appoint Kennedy Consulting Engineers Board Engineer

In Favor: Ridgeway, Quigley, Ryan, Schiavetti, Ylagan, Neczesny, Lehder

Opposed: None

MOTION Lehder, second Neczesny, to appoint Judith Fuller Board Secretary

In Favor: Ridgeway, Quigley, Ryan, Schiavetti, Ylagan, Neczesny, Lehder

Opposed: None

### 3. NEW BUSINESS

**Donohue – 151 Linden, Block 62, Lot 76, R-10A zone – Application to build covered front portico – variance needed for front yard setback**

Ms. Gable was sworn and the following were entered into evidence: **Ex. A-1** – Survey prepared by Thomas Craig Finnegan dated 7/5/18, **Ex. A-2** – plot plans prepared by Paul A. Damiano, dated 9/26/18 consisting of 3 sheets

Ed Donohue and Cindy Donohue, 151 Linden, were sworn. Paul Damiano, Spring Lake Heights, was sworn and his credentials as a Licensed Architect were accepted by the Board.

Mr. Donohue stated they have lived in Fair Haven for 20 years and want to remain here.

Renovations to the rear of the house were approved but they are in need of a variance for the front portico. The house currently has no covering over the entry. **Ex. A-2** – aerial view of the house (sheet 3 of A-2). The existing distance to the street from the cantilever is 26.8', it is 27.9 from the first floor at grade, and from the stoop it is 25.1'. The proposed portico would be 21.5'. The plan involves a portico and closet prior to entering the house- 3' of open porch and a 2' closed vestibule. The porch roof would match the roof of the house and would be 15' to the ridge. The house is on a curved road and the perceived setback would be a minimal difference. It was noted that the house is the first house in the R10A zone, next to the R10B zone which allows a 25' setback. **Ex. A-3** – color enhanced photo of A-2, **Ex. A-4** – interior photo of front door, **A-5** photos and **A-6** – photos taken of porticos in the neighborhood, **A-7** – photo of existing entrance. There are no photos that illustrate the frontage but Mr. Damiano stated that based on the Google photo it appears consistent. Ms. Gable noted the photos of neighboring houses in her review. Mr. Damiano stated they did not want to change the character of the neighborhood.

There were no comments or questions from the public.

Mr. Neczesny stated the door made sense, the foyer was needed and the portico was not critical but not imposing. It fit the character of the street.

Mrs. Quigley stated there was something to be said for people trying to stay in town and update without being exorbitant. It was a reasonable request.

Mr. Ryan stated it fit the character of the neighborhood and had no problem with it.

Mr. Lehder stated it was aesthetically pleasing and a modest request but he had no sense of what the portico would look like from the side. Mr. Ryan said he would have more concern if it was to be a full porch.

Mr. Ridgeway stated it was a modest proposal and was comfortable with it.

Mr. Ludman stated he agrees with the previous comments and finds it consistent with the neighborhood.

MOTION Neczesny, second Quigley, to approve the application with plans as submitted.

In Favor: Ridgeway, Quigley, Ryan, Schiavetti, Ylagan, Neczesny

Opposed: None

Abstained: Lehder

**Neff – 300 Fair Haven Rd, Block 77, Lot 5.01, R-10 zone – Application for addition – variances required for HFA, front yard setback (corner lot)**

Mr. Lehder recused himself and left the dais at 8:12 PM.

Mark Aikins, Esq. announced his appearance on behalf of the applicants. He referred to a Planning Board resolution dated 1997 that referred to the home as a landmark.

Ms. Gable was sworn. She reviewed her completeness letter and recommended that the requested be granted.

MOTION Quigley, second Neczesny to deem the application complete with waivers

In Favor: Ridgeway, Quigley, Ryan, Schiavetti, Ylagan, Ludman, Neczesny

Opposed: None

The following exhibits were entered into evidence: Ex. A-1 – survey prepared by David J. Von Steenburg, dated 11/4/18, Ex. A-2 – Architectural plans prepared by James Anderson, dated 9/20/18, revised 10/19/18, 3 sheets, unsigned and unsealed.

It was noted that there was a previous application to the Board to allow for the construction of an art studio behind the house. There was question as to whether or not relief was granted for a change of use, or whether a D variance might be needed. Mr. Aikins stated that the focus had been on the dwelling and he requested a break.

The Board recessed at 8:27 and returned to order at 8:31. All Board members previously present on the dais returned.

Mr. Aikins stated the family has agreed to abandon use of the structure as an art studio, limit it for their use only, as an accessory structure and not a separate dwelling.

Carl Neff and Laline Neff were sworn. They indicated their awareness of the resolution regarding the art studio and their agreement to abandon. Mrs. Neff said the main house was built in 1950. The Neff's bought it 4 years ago. She described it as a large house that needs work. They have 3 children. The second floor has an odd configuration with small, cramped bedrooms and one bathroom. The kitchen is also cramped. She went on to say that the house is well known and admired. They want to preserve the appearance of the front of the house, which she described as farm house, and the changes requested will have minimal impact. They want to bring light into the house and bring it up to current standards. They plan to bring in solar which will not be very visible and see the plans as a model for modernizing while preserving the look.

James Anderson, 120 E. River Rd, Rumson, was sworn and his credentials as a Licensed Architect were accepted by the Board. He stated the proposed renovations and addition will address significant shortcomings. The house had been configured in a way not conducive to a family. Ex. A-3 – photo of front of house, Ex. A-4 photo of front, from north, Ex. A-5 – picture from Brookside Farm Rd. Mr. Anderson stated the plan is more functional and enables preservation. The roof lines are low and the house is not overscaled. There is a nice transition to the Fair Haven Natural Area.

The plan calls for an additional 127 sq. ft. There is a push out between the living and dining areas, done to create usable bedrooms. The master bedroom has a small closet and no bath. The other bedrooms are no more than 10' wide. There will be no change in appearance on Fair Haven Road. On the side, the 2<sup>nd</sup> story will exacerbate the setback, 22' compared to the current 23'. Mr. Anderson referred to the 1998 Board resolution regarding the setbacks of the proposed homes in the sub-division. Variances were granted to allow for more backyards. The master bedroom dormer won't be obtrusive. The setback on Brookside Farm Rd will be 16.1'.

Referring to the HGA review letter, **Ex. A-6** is a series of 4 section drawings, a cross section of space above the existing 2<sup>nd</sup> floor. The highest interior point is 4'. There is a hatch to the attic. On p.6, item #5, Mr. Anderson referred to sheet Z2 of the plans and noted there are 2 spaces. One is the chimney and the other is a void by the rear bedroom needed to align with the room below. Item #6- the access panel (door) to the attic, leads to another attic. **Ex. A-7** – photo of 23 x 57 hinged hatchway in the bedroom. **A-8** – photo of void, **A-9** and **A-10** – successive pace furthest to the north, volume to floor below. In response to a question from the Board Mr. Anderson stated that the void was counted in the HFA. Ms. Gable stated the unfinished attic space was included. Item #9, no comment. #10 – solar panels on glass, no new wires proposed, #11 – no removal of landscaping. The dormer will be below the ridge line. The solar panels will not be visible from Fair Haven Rd.

Jason Fichter, 1913 Atlantic Ave, Wall, was sworn and his credentials as a Licensed Engineer and Planner were accepted by the Board and he is appearing as a Planner. He addressed the variances. The property is 2 ½ times the size required for a corner lot. The 3' addition overhang on the second story is the only building addition. The 1997 subdivision referred to maintaining the home. Lot coverage will be well under what is required and no stormwater management is required. The home was originally built on 3 acres and precedes the FA cap. Hardship comes from renovating the home without increasing the HFA. Mr. Fichter stated that Fair Haven has 4 redundant controls- lot area, HFA, FAR and building coverage. They are well under several of those factors.

There are 3 C1 hardship variances – setback on Brookside Farm, ground floor area of accessory building (existing) and accessory building height (also existing). Mr. Fichter stated the development was appropriate, improvements make the home more relevant and are an asset to the neighborhood. The large lot provides light, air and open space. Property values are conserved. Addressing the negative criteria, he stated there is no expansion of the footprint. The master plan calls for protecting and enhancing the character of a neighborhood. The 1997 resolution refers to the home as a landmark. The changes don't warrant concern about it being out of character. There is no substantial detriment and benefits outweigh detriments.

Mr. Irene stated that the abandonment of a previous use various could be considered under C2. The applicant stipulated a deed restriction abandoning the use variance.

Public Comment

Larry Trombino, 10 Brookside Farm Road, was sworn and stated he wanted to speak in favor of the application. He believed the applicant should be applauded. The house is not currently functional for a family. He stated the large lot is a good buffer and he is not concerned about his view.

There were no further comments from the public.

Mr. Ludman stated the proposed change was de minimis and based on explanations from Mr. Anderson and Mr. Fichter, was comfortable the solar panels won't be visible from Fair Haven Road.

Mrs. Ylagan agreed. She thought the plan was in keeping with the Master Plan.

Mr. Ryan stated that the Architect's testimony revealed constraints. He didn't see a detriment.

Mrs. Quigley stated it was a beautiful plan.

Mr. Ridgeway agreed. He appreciated the Planner's presentation.

MOTION Quigley, second Neczesny, to approve the application with the deed restriction and the delivery of sealed plans.

In Favor: Ridgeway, Quigley, Ryan, Schiavetti, Ylagan, Ludman, Neczesny

Opposed: None

#### **4. ADMINISTRATIVE ITEMS**

Mr. Lehder returned to the dais at 9:55 PM.

MOTION Lehder, second Schiavetti, to approve the 2019 calendar

In Favor: Lehder, Ridgeway, Quigley, Ryan, Schiavetti, Ylagan Neczesny

Opposed: None

MOTION Lehder, second Schiavetti, to approve the Asbury Park Press, Two River Times and Star Ledger as newspapers of record.

In Favor: Lehder, Ridgeway, Quigley, Ryan, Schiavetti, Ylagan Neczesny

Opposed: None

MOTION Quigley, second Ryan, to accept the minutes of the December meeting.

In Favor: Quigley, Ryan, Schiavetti, Ylagan,

Opposed: None

MOTION Quigley, second Ryan, to approve the Applegate Resolution

In Favor: Quigley, Ryan, Schiavetti, Ylagan,

Opposed: None

MOTION to adjourn made by Mrs. Ylagan and passed unanimously by voice vote.

Meeting adjourned at 10:05 PM.

Respectfully submitted,

Judy Fuller,  
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.