

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Regular Meeting Minutes February 1, 2018

The meeting was called to order at 7:158 Chair with a reading of the Open Public Meetings Act Statement (attached), followed by the pledge to the flag. Three re-appointed members of the Board were sworn in.

1. ROLL CALL

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

Absent: Mr. McGurl, Mr. Lanni

Also Present: Mr. Irene, Board Attorney, Mr. Hauben, Board Planner

2. REORGANIZATION MEETING

Chair – MOTION by Mr. Ryan, second by Mr. Neczesny, to appoint Mr. Lehder, Chair. There were no additional nominations.

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

Opposed: None

Abstained: Lehder

Vice-Chair – MOTION by Mr. (?), second by Mr. Ridgeway, to appoint Mr. Neczesny. There were no additional nominations.

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

Opposed: None

Attorney – MOTION by Mr. Neczesny, second by Mr. Schiavetti, to appoint Michael Irene. There were no additional nominations.

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

Opposed: None

Planner – MOTION by Mr. Neczesny, second by Mr. Schiavetti to appoint Heyer Gruel. It was noted that Heyer Gruel was appointed by the Council and the Board is following protocol to provide continuity. An individual contract is not being executed. There were no other nominations

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

Opposed: None

Following discussion, MOTION by Mr. Quigley, second by Mr. Neczesny, to re-appoint CCH Planner for the purpose of completion of projects already in progress.

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

Opposed: None

Engineer – MOTION by Mr. Neczesny, second by Mr. Schiavetti, to appoint Jim Kennedy Board Engineer. There were no additional nominations.

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

Opposed: None

Secretary – MOTION by Mr. Ridgeway, second by Mr. Schiavetti to appoint Judy Fuller Board Secretary. There were no additional nominations.

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

Opposed: None

Calendar – MOTION by Mr. Ridgeway, second by Mr. Neczesny to adopt the meeting calendar for 2018– Thursdays – Feb. 1, March 1, April 12, May 3, June 7, July 12, August 2, Sept. 6, Oct. 4, Nov. 1, Dec.6, January 10, 2019 – Reorganization meeting

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

Opposed: None

MOTION by Mr. Lehder, second by Mr. Schiavetti, to adopt the Asbury Park Press, The Star Ledger and the Two River Times as official newspapers for the Board.

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

Opposed: None

3. ADMINISTRATIVE ITEMS

Sarto – Mr. Sarto notified the Board that as per a condition of his ZB approval, he has submitted a request to the Borough Council regarding the placement of his fence. He has not yet received a response and is requesting that a condition of his approval be altered so he may start construction.

MOTION by Mr. Lehder, second by Mrs. Quigley to adjust the timing to the issuance of a CO.

In Favor: Quigley, Ryan, Lehder

Opposed: None

4. NEW BUSINESS

Mr. Lehder recused himself and left the dais at 7:37.

Scott Eskwitt, Esq. announced his appearance on behalf of Petcon Builders and requested that the Board hear the application for 1 Hendrickson Pl. before hearing the application for 882 River Rd.

Petcon Builders – 1 Hendrickson Pl, Block 42, Lot 16, R-10 zone – Application for new construction – variances needed for side yard and total side yard setback

Mr. Irene noted that the Board had jurisdiction. Dan Hauben, Planner, and Jim Kennedy, Engineer, were sworn. Mr. Irene stated there appeared to be an error in scale on the plan and this had been discussed. The ratio is 1:15, not 1:20.

David Cranmer, 750 Broad St., Shrewsbury, was sworn in and his credentials as a licensed Planner and Engineer were accepted by the Board. He stated he had been to the site and reviewed the plans prepared by Mr. Bell. He noted that the property is in the R10 zone, with 50' frontage, 250' depth and an area of 12,473 sq. ft. The following were entered in exhibit:

Ex. A-1 – plot plan and soil erosion plan prepared by Charles V. Bell, Jr. dated 11/4/17– 4 sheets

Ex. A-2 – Revised sheet 2 of 4, rev. 12/12/17

Referring to sheet 4 of Ex. A-1, Mr. Cranmer stated the property is unique in its exceptional narrowness. In addition, there is a 15' easement for the sanitary sewer. The deed described the easement as 15' x 150'. Mr. Cranmer believes this figure is a combination of the north and east boundary line. **Ex. A-3** – easement. He described his method of determining the area of the easement which was not a straight line. If his figures are not accurate the impact would be serious. The Sewer Authority has not been contacted. If they were unable to have access from River Road they could have access from the driveway on Hendrickson. The house was set in a way for the driveway to provide the easement.

Mr. Neczesny expressed concern about moving forward without knowing the accuracy of the plan. Mr. Cranmer stated the easement doesn't meet the location of the proposed house, there is less risk of impact of the easement. The 10.9' setback, which is the driveway, is narrow. The applicant agreed that the plan be submitted to TRWRA for approval.

Mr. Cranmer stated that the property is in the R10 zone but fits the size and character of the R-5 zone. The size and shape are like those in the R5 zone, which borders the property. A two story home is proposed. **Ex. A-4** – color rendering of the proposed home. The home would have 4 bedrooms. A variance is needed for side yard setback. The requirements in the R10 are 10' and total 24', the applicant is proposing 7'. Mr. Cranmer stated the application meets the c-1 criteria for hardship due to the exceptional narrowness. There would be a detached garage in the rear, on the opposite side of the house from the easement. He stated there is no substantial impairment, the house is smaller than what is permitted in the R10 and it is a transition between the two zones. The house is 32' wide, to comply with the ordinance it would have to be 26'. It was noted that the garage is less than 50' from the neighboring dwelling. The setback is 5' where 8' is required. The required frontage is 75'. The lot currently has a gravel area in the front yard for parking, thus the new plan would be an improvement. One of the 2 curb cuts would be closed.

Ex. A-5 – Plans prepared by Anthony M. Condouris, dated 10/20/17 consisting of 2 sheets.

Mr. Neczesny asked if consideration was given to modify the impact by narrowing the house. It was noted that Mr. Condouris was not present to answer.

There were no questions or comments from the public.

Mr. Neczesny asked if consideration was given to moving the garage back in order to conform. Mr. Cranmer stated it would be less functional, it is already going into the back yard. The applicant stated he will make the garage conform, moving it 8' from the property line.

Mr. Ryan stated he was sorry the Board was not able to question why the house couldn't be made to conform to the setbacks.

Mr. Neczesny stated he was torn. It is a nice design but the driveway is tight.

Mrs. Quigley stated it was somewhat persuasive that it is a transitional area.

MOTION made by Mr. Neczesny, second by Mrs. Quigley, to approve the application conditioned on the Planner's recommendations, approval of the Sewer Authority, the closing of one of the curb cuts and the garage conforming.

In Favor: Neczesny, Quigley, Schiavetti

Opposed: Ridgeway, Ryan

Petcon Builders - 882 River Rd, Block 62, Lot 30, R-10A zone – Application for new

construction – variances needed for habitable floor area, front yard setback, driveway width

Mr. Irene noted that the Board had jurisdiction. Dan Hauben and Jim Kennedy were sworn in.

David Cranmer was sworn in and his credentials as a licensed Planner and Engineer were again accepted by the Board. It was stated that the applicant is withdrawing the variance regarding the driveway. Mr. Cranmer stated that his plans were completely different from the plans that were submitted. The new plans were not submitted in sufficient times for the various professionals or Board members to review them.

MOTION Quigley, second Schiavetti to carry the application to the March 1 meeting with no need to re-notice. An extension of time was granted by the applicant.

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

Opposed: None

Mr. Lehder returned to the dais at 8:55.

Leone – 81 Chestnut St, Block 13, Lot 22, R-5 – Application for an addition to existing home -

Variances needed for rear yard setback, habitable floor area, front yard setback (corner) and front yard parking (corner).

It was determined that the Board has jurisdiction

MOTION Lehder, second Quigley, to carry the application to the March 1 meeting, with no need to renotice and with stipulation of extension of time.

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

Opposed: None

5. ADMINISTRATIVE ITEMS

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

In Favor: Ridgeway, Quigley, Ryan, Lehder

Opposed: None

Mr. Lehder referred to an email sent by an applicant and noted that these emails should not be sent to the Board members.

The Board discussed the way materials are to be distributed. It was decided that all materials go through the Board Secretary. Revisions to original material can be sent directly from the applicant to the various professionals, with the Secretary being notified and receiving copies.

It was decided that after the new Planner is familiar with the Board's process he be invited to a Board meeting to discuss his expectations and the process in general.

Mr. Lehder acknowledged the loss of Betsy Koch and Joe Mulé to the Board. He added that in his new job Mr. Mulé will continue to have a positive influence on the town.

The annual report should be ready for adoption at the March meeting.

MOTION to adjourn made and approved unanimously by voice vote.

Meeting adjourned at 9:27 PM.

Respectfully submitted,

Judy Fuller

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.