

## FAIR HAVEN ZONING BOARD OF ADJUSTMENT

### Regular Meeting Minutes June 6, 2019

The meeting was called to order at 7:23 by Mr. Lehder, Chair, with a reading of the Open Public Meetings Act Statement (attached), followed by the pledge to the flag.

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

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

Absent: Mr. Neczesny, Mr. Ridgeway, Mrs. Neff

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

#### **2. NEW BUSINESS**

##### **Weimer – 152 Oxford, Block 9, Lot 21, R 7.5 Zone – Application to construct new dwelling**

Notice was in order and the Board has jurisdiction. McKinley Mertz, HGA was sworn. Mr. Weimer and Andrew Stockton were sworn.

MOTION by Mr. Ludman, second Lehder, to grant the completeness waivers recommended in the HGA review letter dated May 1, 2019.

In Favor: Quigley, Ryan, Schiavetti, Ylagan, Ludman, Lehder

Opposed: None

Andrew Stockton, Highlands, NJ described his credentials which were accepted by the Board.

**Ex. A-1** – Plot plan dated 1/28/19 prepared by Andrew R. Stockton

**Ex. A-2** – Building elevation plans dated 1/21/19, revised 3/5/19 – 6 sheets

Mr. Weimer noted that the lot is only 62'; it was subdivided prior to 1950 and thus presents a hardship. He said Oxford Ave. was not an issue, the house could be moved back and be conforming. He said there were several lots in the zone that are non-conforming. He said he is not creating problems and is actually mitigating a problem. He stated three variances were needed: 1 - lot size, pre-existing, 2 – Oxford frontage – pre-existing, and 3 – setback on Cambridge. His plan eliminates the pre-existing front setback.

It was noted that on the plans there is a note that they are subject to change. It was further noted that there was no zoning table and there is question about the numbers. According to the HGA review a variance was needed for HFA and FAR. Mr. Weimer stated that the sitting room above the garage was eliminated. He measured the area as 3002 sq. ft. using the outside perimeter, including the garage. Only the interior walls have been changed. Ms. Mertz said the 8' ceiling height triggers the HFA per Fair Haven definition. Mr. Weimer said the wall is sealed off with access only from the garage. Regarding the 2<sup>nd</sup> front yard, since the existing house is to be demolished conditions would no longer be pre-existing but He is not making it worse. The Cambridge side will still be deficient.

Mr. Weimer stated that meeting the setback would require a 20' wide house. The existing house is 32' and he is proposing 30'. He said it meets the positive criteria in terms of the character of the neighborhood and aesthetics of the town. He stated that every corner lot in the 7.5 zone is non-conforming. Mr. Lehder said the arguments regarding non-conformity are resolved in part. The issue is not whether he can build a house, but what house? Mr. Stockton said he could not speak to the architecture. The unique condition is that the lot is undersized. Mr. Lehder asked how to mitigate the appearance since it is closer to the street. Mr. Schiavetti noted that the deficiency is exacerbated by adding the second story and said that air, light and open space were not sufficiently added by pulling back 2'. Mr. Ryan asked why not build a conforming house, 20' wide? What can be done to break up the mass of the current plan? Referring to Ex. A-2, Mr. Weimer said 2 gables were added on the side. He could reduce the garage to one car and could reduce the height of the attic. Mr. Schiavetti noted setbacks are measured from the deck and steps, not the house. Mr. Stockton said the deck could be moved back. Mrs. Quigley said that the openness of the deck is good in terms of aesthetics. There is a need to clarify. There is no need for the applicant to move his house to benefit the neighbors.

Mr. Lehder stated he could not support the application. The plan does not work on the lot.

Mrs. Quigley stated it was very exposed.

Mr. Ludman agreed and said there were no mitigating factors.

Discussion followed regarding alternative designs. Mr. Stockton clarified that the Cambridge setback was 7'. Discussed how to soften the look and need to mitigate the look of coming closer. Mr. Lehder suggested carrying the application and Mr. Weimer said he would be able to make changes by August.

MOTION Lehder, second Quigley, to carry the application to August with no need to re-notice and a stipulation of extension of time.

In Favor: Quigley, Ryan, Schiavetti, Ylagan, Ludman, Lehder

Opposed: None

#### **Trudel, 90 Church St., Block 40, Lot 5.03 – Application for front porch and deck**

Mr. Ryan recused himself and left the dais.

Mr. Trudel was sworn. **Ex. A-1** – survey prepared by Leo A. Kalieta, dated 10/4/07, 9/9/14,

**Ex. A-2** – plans prepared by the applicant

Mr. Trudel stated the porch complies with the front line but needs a side yard variance, it is laterally exacerbating a pre-existing condition. **Ex. A-3** – Proposed front elevation of front porch

**Ex. A-4** – Photo showing porch to be an open structure

Mr. Lehder asked why the porch could not be notched. The applicant said that 30% of the porch would be the entrance to the house and it wouldn't be as functional. **Ex. A-5** – photos of adjacent properties, taken by the applicant in March.

The porch is to be on a concrete slab, 30" above grade with no railing. There is one step down from the house to the deck. There are 3 columns, 9' to the underside of the roof but Mr. Trudel

indicated he wants them to go to the ridge of the roof. There is no column on the side. **Ex. A-6** – photo of the house. Mrs. Quigley stated she was not uncomfortable with it and saw no problem with air and open space.

Referring to the HGA review, it was clarified that the bushes in front were to be removed. The roof would be shingle. There was discussion regarding the actual setback. The applicant is proposing 26.25' to the first step. A variance is also required for the combined side yard.

There were no comments from the public.

It was clarified that the driveway is on the property line

Mrs. Ylagan stated she didn't see a problem.

Mr. Ludman stated that they are lacking information but can put parameters in place. The change was di minimus.

Mrs. Quigley said she likes the look of the house and has concern about future enclosures.

Mr. Lehder stated approval would not grant closing in.

Mr. Schiavetti stated he did not have enough information.

MOTION Lehder, second Ludman, to approve the application based on the conditions agreed to, using the setback noted by HGA.

In Favor: Quigley, Ylagan, Ludman, Lehder

Opposed: None

Abstained: Schiavetti

Mr. Ryan rejoined the Board on the dais.

### **3. ADMINISTRATIVE ITEMS**

MOTION Quigley, second Schiavetti, to accept the minutes of the May meeting as amended.

In Favor: Quigley, Ryan, Schiavetti, Ylagan, Ludman, Lehder

Opposed: None

MOTION Ryan, second Schiavetti, to approve the Dunkin Donuts appeal resolution

In Favor: Ryan, Schiavetti

Opposed: None

Annual Report – Mr. Lehder thanked Mrs. Quigley and Mrs. Ylagan for their work. He noted it may need to be trimmed. He stated the report should not be politicized, with comments being process oriented and reference to ordinances that caused problems or confusion.

MOTION to adjourn made by Mr. Schiavetti, second by Mr. Lehder and approved unanimously by voice vote.

Meeting adjourned at 10:35 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.