

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Regular Meeting Minutes June 7, 2018

The meeting was called to order at 7:17 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: Mr. McGurl, Mr. Neczesny, Mr. Ridgeway, Mr. Schiavetti, Mrs. Quigley, Mr. Ryan, Mrs. Ylagan, Mr. Lehder

Absent: None

Also Present: Mr. Irene, Board Attorney, Ms. Gabel, Planner, Mr. Kennedy, Board Engineer

2. NEW BUSINESS

Garfunkle – 9 Williams St., Block 45, Lot 27, R-5 zone, Application for second story addition – variances required for front, side, and rear yard setbacks, FAR, and building coverage

It was noted that the Board had jurisdiction.

Stacey Garfunkle was sworn. Matthew T. Cronin was sworn and his credentials as a licensed architect were accepted by the Board. The following were entered in evidence: **Ex. A-1** – survey prepared by Robert W. Smith, Jr. of Seneca Survey Co. dated 8/22/17. **Ex. A-2** – plot plan prepared by Matthew Cronin dated 1/31/18, revised 2/20/18, - 2 sheets. **Ex. A-3** – Supplemental plan prepared by Matthew Cronin dated 4/12/18 – sheet # supp. 1.

Mr. Cronin described the property shown on Ex. A-3 and the photos on sheet 2 of Ex. A-2. The property is a lot of 1,500 s. ft. where 5,000 is required. Referring to the Planner's review letter he reviewed the variances. The proposed FAR is .79% where 3.6 % currently exists and .4% is allowed. The HFA is 1189 sq, ft, complies. The setbacks of the two side yards and the front yard are not being expanded but will be exacerbated by addition of the second story. The house is to be constructed on the existing foundation. The stairs will be smaller, relocated, with compliant treads. The proposed building coverage is 41%.

Board members expressed concern about the bare side and Mr. Cronin stated that a "faux" window could be placed on the bare side if necessary. The attic is about 4 ½' to the collar, 6' to the ridge, with pull-down stairs. The roof pitch is 12 on 12 but could be brought down.

Mr. Cronin was asked what efforts were made, in view of the small lot. Dormers were considered to break the mass of the building but there is a cleaner elevation. The building height is 29.4", the basement height is 7'. There is an extra 16" in the back to permit a cantilever on the second floor. The bedrooms would not have worked without the expansion. There is no driveway; a gravel pad in the front yard has historically been used for parking. Asked if a car could be parked on the side Mr. Cronin stated it would be very tight and wouldn't comply.

Mr. Lehder stated that the interior was efficient but he was concerned about the blank exterior wall. Mr. McGurl stated there could be a solid pane, inoperable window. It was further noted that in view of the setback, an agreement with the neighbor regarding maintenance would be needed.

Mr. Cronin stated that in order to soften the appearance he could drop the plates or use the closed shutter detail.

It was recognized that the lot size presents a hardship.

Mr. McGurl stated that 3 bedrooms and 2 baths may not be practical.

Public Comment

Ken Massie, 107 Church St, sworn. He stated that the current house is an eyesore, the area needs preservation, and the neighbor next door is unable to sell his house. An upgrade is needed and there is a need to be more flexible.

Jillian Hoagland, 89 Hendrickson, sworn. She stated that Stacey is a person that we want to keep in town. We can't all be people who can afford big houses. What Fair Haven is all about – should be more inclusive.

Christina Sanchez, sworn, stated she is familiar with the eyesore. The plan is an improvement. She said the applicant will do anything to comply, noting that she can't keep her children in the in September if the project is not started.

Jennifer Bennet, Hance Rd, sworn. She noted that there are two tiny house, trying to make it better.

Kalpesh Patel, Fair Haven Rd, sworn. He stated that while personal reasons can't be considered, in the end there will be a personal impact. This is important for Fair Haven.

There were no further public comments.

The applicants left the room for a discussion and the following **Administrative Items** were covered:

MOTION Neczesny, second McGurl, to approve the Bonello resolution.

In Favor: McGurl, Neczesny, Ridgeway, Schiavetti

Opposed: None

MOTION Neczesny, second, McGurl, to approve the Kolarsick resolution

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

Opposed: None

When the applicants returned to the room Mr. Cronin requested that the application be carried to the July 12 meeting with the stipulation of an extension of time and no need to re-notice.

MOTION Lehder, second Neczesny, to carry the Garfunkle application to the July 12 meeting.

In Favor: Mr. McGurl, Mr. Neczesny, Mr. Ridgeway, Mr. Schiavetti, Mrs. Quigley, Mr. Ryan, Mr. Lehder

Opposed: None

Greenblatt – 1 Hance Rd, Block 78, Lot 11.01 – R-30 zone – Application for demolition of all existing improvements, construction of new dwelling, garage, pool, cabana – variances needed for front yard setback, garage height, cabana height and habitable floor area.

Mr. Schiavetti recused himself and left the dais. It was noted that the Board has jurisdiction. Mark Aikins, Esq. noted his appearance on behalf of the applicant. Ms. Gabel and Mr. Kennedy were sworn.

Steven R. Krog was sworn and his credentials as a licensed Landscape Architect were accepted by the Board. The following were entered into evidence: **Ex. A-1** – Grading plan prepared by Steven R. Krog, dated July 24, 2017, revised 2/19/18, 6 sheets. **Ex. A-2** – color enhanced version sheet L-1 of Ex. A-1. Referring to sheet G4 of Ex. A-1, existing conditions, Mr. Krog stated they are proposing a primary residence with an attached garage, detached garage, cabana and pool, the driveway moved to Cooney Terrace, and a motor court. The issues before the Board are the fence height the pillars for security, the pool fence (4') starting at the bulkhead, cabana height (27.5'), detached garage (22' proposed where one story allowed). Referring to sheet G-1, the westerly wing from the property line (less than existing) where 50' is required and the floor area of 6,900 sq. ft. He stated that if this was not the front yard the applicant could upzone for HFA.

Mr. Kennedy asked why the applicant didn't consider the river as the front yard and the response was they were opting out. There followed discussion regarding whether or not the application meets the requirements for upzoning. They would need to conform to the R40 lot area, width and depth.

The applicant asked for a recess. The Board recessed at 9:15 PM and no further Board business was discussed. The applicant returned at 9:20 and roll call indicated that all Board members previously present returned to the dais.

Mr. Aikins stated that the applicant would like to look at the plan to re-consider using the river as the front yard. He requested the application be carried.

MOTION Neczesny, second Quigley to carry to the July meeting with a stipulation of extended time and no need to re-notice.

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

Opposed: None

Mr. Schiavetti returned to the dais.

MOTION Neczesny, second, McGurl, to approve the minutes of the May meeting.

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

Opposed: None

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

Meeting adjourned at 9:27 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.