

## FAIR HAVEN ZONING BOARD OF ADJUSTMENT

### Regular Meeting Minutes July 11, 2019

The meeting was called to order at 7:35 by Mr. Lehder, Chair, with a reading of the Open Public Meetings Act Statement (attached), followed by the pledge to the flag.

Mrs. Neff was sworn in and seated at the dais.

#### 1. ROLL CALL

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

Absent: Mr. Ludman

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

#### 2. NEW BUSINESS

##### **Gilbertson – 96 Battin Rd, Block 27, Lots 25 & 70, R10A Zone – Application for Addition –**

Variances required for side yard and combined side yard setbacks

Mr. Irene expressed concern that there may be a question about the notice. A variance relief may be required because of the second structure located on the property. There is a need to establish a lawful, preexisting condition. After discussion with the applicants there was a request to carry the application with the stipulation of an extension of time and need to re-notice. The motion to hear in August is tentative, with September being more realistic.

MOTION Lehder, second Neczesny, to carry with the above stipulations

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

Opposed: None

**Huber – 15 Haggars Lane, Block 27, Lot 58, R10A zone – Application for Addition-** variances required for front and rear yard setbacks, habitable floor area ratio and maximum lot coverage

Ms. Gable was sworn. Andrew Janiw, Beacon Planning, Alec Shissias and Andrea Huber were sworn. Mr. Janiw's credentials as a Planner were accepted by the Board as were Mr. Shissias' as an Architect.

**Ex. A-1** – Survey prepared by David J. Von Steenburg, dated 3/15/19

**Ex. A-2** – Plans prepared by Alec P. Shissias, dated 5/25/19, 3 sheets

Noting the wide driveway on the survey, Mr. Shissias stated that this was a flag lot with a shared driveway, with 50% on the property. The applicant stated there was an easement. That portion of the driveway was not used in the lot area calculation. A greenhouse was converted to a laundry room by the previous owner. No variance was needed. The applicant showed plans prepared by the previous architect. Mr. Shissias calculated 2349 sq. ft. including the new room.

The existing non-conformities were reviewed. **Ex. A-3** – signature block of proposed alterations for the Smith residence dated 5/14/18, revised 7/5/18. Variances are required for front yard

and rear yard setback, which are vertical exacerbations of pre-existing conditions. The side yard setback is changing but is conforming. There are no changes to the accessory building which is non-conforming. Variances are also needed for lot coverage and floor area ratio.

Ms. Huber moved back to Fair haven in April. She described functional inconveniences in the house, citing a very small child's bedroom with no closets or room for furniture. The plan is to reconfigure the 2<sup>nd</sup> floor with no changes planned for the 1<sup>st</sup> floor beyond a small bump-out for aesthetic purposes. The bump-out accounts for the change in lot coverage. R. Shissias stated the 2<sup>nd</sup> floor would be changed to conform to modern expectations. The current closet would be expanded and the bathroom would be re-configured. The addition would be for the master bedroom, master bath and a walk in closet. There would be 3 bedrooms and two bathrooms. The existing first floor is 1708 sq. ft. and the 2<sup>nd</sup> floor is 569 sq. ft. The proposed would be 1780 on the 1<sup>st</sup> floor and 1008 on the second floor.

**Ex. A-4** – Google aerial photo, **Ex. A-5** – Photo taken 7/2/19 of house on adjacent lot (67), fronting on Haggars Lane. Mr. Janiw stated there was good screening, there would be no visual impact on the neighboring lot and the addition would not be visible from the drive. **Ex. A-6** – 3 photos of Haggars Lane, with Mr. Janiw talking about the attempt to maintain the quaintness. **Ex. A-7** – photo of the deck. The side yard setback is 5'5" less than on the plan. There was discussion regarding how the lot would look turned 90 degrees, how it would measure if lot was in R5, R7.5 and R10.

The requirements of the D-4 variance was reviewed. There was discussion regarding the possibility of moving the addition back to mitigate the closeness to the neighbor. Mr. Janiw noted that sufficient space was provided and the plan is appropriate for a residential area. It maintains the character of the neighborhood efficiency. The C-1 variance based on hardship, grandfathered ordinances. The C-2 – benefits outweigh the detriments. The plan is specific to a lot and is a unique condition.

Ms. Gable asked about changes to the connections and was told that they didn't know yet. The utilities are underground.

There were no questions or comments from the public.

Mr. Ridgeway stated this was a unique property and street. He has concerns about the bulk and the impact on the side.

Mr. Ryan noted that the cathedral ceiling reduces the choices. He would like to see the impact on the neighbor softened.

Mr. Neczesny stated there had to be mitigation. He would like to see a two bedroom, two bath.

Mrs. Neff stated that the increase in the 2<sup>nd</sup> floor made sense but is concerned about the impact on the neighbor. She would not be satisfied with the suggested push back.

Mrs. Quigley said there were good reasons for the addition but questions the location.

Mr. Schiavetti stated that the visual impact was not a concern but air light and open space is. He said they should use "unusable" parts of the 1<sup>st</sup> floor.

Mr. Lehder stated that the numbers jump off the page and he understands it better now. He concludes that the architect made the most of the situation and hardship is related to the structure. The house is using space. Three bedrooms upstairs is reasonable. Appearance on the lane is important. Walls can be softened. The house is in the R10A zone where most houses in the area are bigger. Two bedrooms would not be reasonable.

There were no questions or comments from the public.

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

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

Opposed: None

### **3. ADMINISTRATIVE ITEMS**

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

In Favor: Quigley, Ryan, Schiavetti, Lehder

Opposed: None

MOTION Quigley, second Lehder to approval the Trudel resolution

In Favor: Quigley, Lehder

Opposed: None

Mr. Lehder announced that Mrs. Ylagan has resigned from the Board and the Annual Report has not yet been completed. He further announced that the Borough Council had bifurcated the process of fixing the ordinances. The Planning Board will be discussing changes to some of the definitions at their next meeting and he encouraged the ZB members to attend.

MOTION to adjourn made by Mr. Lehder and passed unanimously by voice vote.

Meeting adjourned at 10:20 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.