

## FAIR HAVEN ZONING BOARD OF ADJUSTMENT

### Regular Meeting Minutes August 2, 2018

The meeting was called to order at 7:15 by Mr. Lehder, Chair, with a reading of the Open Public Meetings Act Statement (attached), followed by the pledge to the flag.

It was noted that there was a sound problem with the recording of the introductory portion of the meeting, lasting about 2 minutes.

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

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

Absent: Mr. McGurl

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

#### **2. OLD BUSINESS**

##### **Kolarsick Builders – 173 Hunting Lane – Appeal Withdrawn**

MOTION to dismiss matter made by Mr. Lehder, second by Mr. Neczesny

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

Opposed: None

##### **Greenblatt – 1 Hance Rd, Block 78, Lot 11.01 – Application withdrawn**

MOTION to dismiss without prejudice made by Mr. Lehder, second by Mrs. Quigley

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

Opposed: None

#### **3. NEW BUSINESS**

##### **Gordon – 24 Forrest – Block 20, Lot 20, R-10 zone – Application for covered porch and uncovered patio** – variances required for front yard and combined side yard setbacks

Christine Gordon was sworn and the following items were entered into evidence:

Ex. A-1 – survey prepared by Steven R. Lupo, dated 8/25/16

Ex. A-2 – plans prepared by Keith Mazurek dated 4/25/18, 1 sheet

Ex. A-3 – Sheet of photos of site, undated

Ex. A-4 – Photos of neighboring properties, taken by applicant on 7/31/18

It was noted that there was a ZB resolution from 2011 granting the previous homeowner D variance relief and noting several pre-existing conditions. Mrs. Gordon stated there were no plans to renovate the interior of the home so the FAR doesn't come into play with the current application. She stated they are seeking a C variance for an uncovered patio in the front of the house to increase functionality, and to add a covered portico over the front door. Referring to the photo she provided, she stated this is the only property in the 200' radius with no covering over the door. She believes the character of the street will be enhanced by the additions

proposed. Mr. Lehder noted that the issue of the porch was not that of good or bad, but of the setback. Mrs. Gordon stated she believes the setback would be consistent with the neighborhood.

The Board reviewed the numbers with Mrs. Gordon. The covered roof area would be the same width as the existing porch – 8'2", which currently protrudes approximately 4'. The area to the left is the location of the proposed elevated patio. No new steps are proposed. The patio would be 14' wide and 9' deep, with plantings in the front. The 28" height is below the requirement for railings. No roof over the patio is anticipated.

Mr. Lehder asked if the combined side yard setback in the knockdown letter was incorrect. The architect's plan shows a 8' setback in the southwest corner; if it is 10' on the other side, the setback would be exacerbated.

Mrs. Gordon indicated that there would not be a problem with a condition that the patio not be covered.

Mr. Ludman asked about the lighting and Mrs. Gordon stated they planned to replace the post light and not put a light under the structure.

Mrs. Quigley asked about the roofing and was told it would be a small, simple portico.

Mr. Necsesny stated that many properties aren't closer to the street, to the south, they are.

Mr. Schiavetti stated the driveway was 7 ½' wide. Mrs. Gordon stated they had a shared driveway. He also noted that the measurement to the front doesn't include the stoop or steps. A proper calculation would be needed in the resolution.

Ms. Gabel asked if the materials used would be the same as the existing house and was told they would, with stone on the top.

There were no questions or comments from the public.

Mrs. Quigley stated she was not too concerned about the setback.

Mr. Necsesny stated he liked the covering to be added. It won't add much to the bulk and the impact will be di minimus.

Mr. Lehder stated that on balance it is not a significant encroachment. The value outweighs the detriment. The fact that the patio is not a covered porch is significant.

Mr. Ridgeway stated the plan was in keeping with the neighborhood and enhanced the property.

MOTION by Necsesny, second Quigley, to approve the plans submitted with the stipulation that the patio is to remain uncovered and the front yard setback is corrected in conformity with the ordinance. There will be no lattice work, pergola or awning over the patio.

In Favor: Necsesny, Ridgeway, Schiavetti, Quigley, Ryan, Ludman, Lehder

Opposed: None

**Baker – 15 McCarter – Block 77, Lot 12, R-10 zone – Application for second story addition and covered front porch** – variances needed for FAR, HFA and single and total side yard setbacks

**Ex. A-1** – survey prepared by Robert S. Yuro, dated August, 7, 2002

**Ex. A-2** – Plans prepared by Robert W. Adler dated April 20, 2018, 7 sheets

Evelyn Baker was sworn in. Robert Adler, 1049 Broadway, West Long Branch, was sworn in and his credentials as a licensed architect were accepted by the Board.

Mrs. Baker stated she has lived in Fair Haven for 11 years. Her family has outgrown the house and the love the neighborhood.

Mr. Adler described the house as a one story residence, fully compliant except for the setbacks, which are 8'58" and 19' combined. The open side of the porch would align with the side of the house, exacerbating the setback. The proposal is to add 3 bedrooms on the second floor and rearrange the first floor. The house currently has 1,984 sq. ft.. The bedrooms are not "enormous". The second floor has been brought in, not reaching the setbacks.

Mr. Lehder had a question about the stairs in the front. The steps in the walkway follow grade, the three steps at the house are conforming. The existing conditions won't change.

Mr. Adler stated that rather than build a two story home a Cape type home was designed, using dormers that mitigate the square footage with aesthetics. **Ex. A-3** – 2 sheets 4 photos taken by Mr. Adler. One bedroom will remain on the first floor. The current family room with a cathedral ceiling will exist within an attic being created and will become the dining room. The ceiling will be left intact and there will not be enough room to ever add a story.

In response to remarks in the HGA review letter, Mr. Adler stated the materials will depend on the costs coming in, the intent is cedar. There will be no change to the driveway, they will have parking spaces.

The front yard coverage is not being exacerbated. The roof line is for aesthetics only, the attic space is unusable. Due to the nature of existing conditions there was no simple way to reduce the square footage. Wider halls were needed to get around the enclosed cathedral ceiling. Mr. Ryan questioned the door being off center and Mr. Adler responded that it was actually balanced; it was centered on the deeper portion of the porch. He is open to changing that.

Referring to page 2 and page 3 of Ex. A-2, the interior was renovated to create stairs to the second floor. Two downstairs bedrooms were converted into a family room with the windows reconfigured.

The roof line described as 32' over the master bedroom, 25 ½' on the right side elevation and 31' over the main roof. The space between the gable and roof line creates an attic, the result of pulling the 2<sup>nd</sup> story in. There was extensive discussion regarding the roof line with Mr. Schiavetti expressing concern about the size of the attic. The roof line could be lowered in which case the windows would be removed. Mr. Neczesny stated he liked the roof and wouldn't want to lose the windows. Mr. Adler said the space could be designed as uninhabitable. The roof is pitched 2/3 way back, it has a smaller volume feel and less mass.

Mr. Adler showed the Board a sketch of changes in the roof line which was marked as Ex. A-4 – sheet 5 of Ex. A-2 with the sketch on it.

Ms. Gabel asked about trees to be removed. There is one large tree in front that is too close to the house and will be removed.

There were no questions or comments from the public.

Mrs. Ylagan noted the work that went into the design and thought it would look nice.

Mr. Neczesny noted they were constrained by adding on to the first floor. It is unique. He prefers going up to a tear down that would look bigger. Perception from the street is important.

Mrs. Quigley noted the challenge of putting a 2<sup>nd</sup> story on a ranch with a cathedral ceiling.

Mr. Ryan also cited the challenge and liked that they were trying to use what is there.

Mr. Ludman said he liked the design, it improved the neighborhood and thought the roof problem looked better in 3D than on paper.

Mr. Ridgeway agreed with the others and thought the plan was in keeping with the neighborhood.

Mr. Schiavetti stated they were overshooting the cap on lot more than required.

Mr. Lehder stated it could be tweaked. The house is a reasonable balance on paper but not sure of the actual appearance. On balance, need to be comfortable with the design.

Mrs. Quigley said as a matter of principle it is important to make the attic not habitable space.

MOTION Neczesny, second Ridgeway, to approve the plans as submitted with the roof line left to the architect according to A-4.

**Ex. A-5** – marked up sheet 6 of A-2 to show new roof line.

There were no comments from the public regarding the alternative roof line.

MOTION amended to approve plans as revised according to Ex. A-5.

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

Opposed: Schiavetti

Abstained: Lehder

#### **4. ADMINISTRATIVE MATTERS**

MOTION by Neczesny, second by Quigley, to approve the Garfinkle resolution

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

Opposed: None

MOTION by Neczesny, second by Lehder, to approve the minutes of the 7/2/18 meeting.

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

Opposed: None

Abstained: Ludman

MOTION by Lehder, second by Neczesny, to pass resolution authorizing the Board to go into Executive Session

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

Opposed: None

The Board went into Executive Session at 10:00 PM and returned at 10:20 with all Board members previously in attendance returning to the dais.

MOTION to adjourn made by Mr. Neczesny, second by Mr. Ludman and approved 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.