

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Regular Meeting Minutes September 7, 2017

The meeting was called to order at 7:17 by the Chair with a reading of the Open Public Meetings Act Statement (attached below), followed by a statement regarding the Board's responsibilities and authority and the pledge to the flag.

1. ROLL CALL

Present: Mr. Schiavetti, Mrs. Koch, Mr. Ryan, Mrs. Quigley, Mr. Lehder

Absent: Mr. Mulé, Mr. Neczesny, Mr. McGurl, Mr. Ridgeway

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

2. NEW BUSINESS

Weiss – 19 Highland Ave, block 67, Lot 19, R-10A zone - Application for a roofed front porch – variance needed for front yard setback

The Board has jurisdiction to hear the application. Daniel Hauben, Planner, was sworn.

Gregory George Weiss, 19 Highland Ave, and George Frank Weiss, Michael Dr., Red Bank were sworn.

The applicant was asked about the difference in the two surveys presented. George Weiss explained that Mr. Hauben had noticed an error in the first survey so a second one was sent. There was a question about a blue line in the survey and Mr. Hauben requested that if it didn't mean anything it should be eliminated. The Board determined that they would not consider the survey with the blue line. The corrected survey, prepared by Gerald J. Scarlato, dated 7-11-13, was marked **Ex. A-1**. **Ex. A-2** consists of A-1 with the proposed changes written in. **Ex. A-3** – architectural plans prepared by C. Zuckerman with a revision date 7/26/17, consisting of two pages. George Weiss explained the difference between the zoning with his corrections (in yellow) and the zoning table prepared by the architect. His table, dated 8/11/17, was marked **Ex. A-4**. Mr. Hauben stated that neither table was correct. There was question about how lot width was measured. In his review letter, Mr. Hauben asked for corrections in lot depth, lot width and side yard setbacks. The setback on the north side is 7.5', the 33.1' figure is correct. The math appears to be correct for the total side yard setback.

Mr. Weiss stated they're proposing a front yard porch. He referred to the denial letter from the Zoning Officer which cited the need for a variance for the front yard setback and noted that the minimum side yard deficiency was a pre-existing non-conformity that is not being changed. No additional habitable square footage is planned. The 7' setback for the garage granted by the Zoning Board in 1998. In response to a question from the Board, Mr. Hauben stated the proposed porch did not violate the side yard back or total side yard backs.

There was discussion regarding where the 30' front yard setback meets the house. The house is built on the curve of the road. The minimum distance is 30', with a deviation of 4 or 4 ½ '. The

existing landing steps are to be removed. The porch is 6 ½' deep, with the projecting steps consisting of 2 risers and a step onto the porch. The total is 7' 2 ½". The front yard deviation at the worst point is 22'6".

Mr. Weiss stated the house was built in 1957. It has old windows and siding and lots of character. He wants it to be consistent with the neighborhood but maintain the spirit of the Master Plan and he thinks his plan is the minimal size for use. He went on to say that the house is on the border between 10A and 10B and more space is perceived than across the street. It was not obtrusive. The road meanders so it will look similar to the other homes. There is no plan to build across the whole house.

Mr. Irene questioned the presence of lot 19.01 on the survey. It should be noted that the Board is using the outer line (lot 19.01) for its measurements. The lot is part of the same property and is not capable of being sold.

Mr. Weiss stated that the existing stoop is uncovered and due to weather exposure over the years has become hazardous.

There were no questions or comments from the public.

Mr. Ryan stated he thought this would be an improvement on the streetscape which is encouraged by the Borough. The curb presents problems that had to be dealt with.

Mrs. Koch agreed, said she saw no problems and porch would approve the appearance.

Mrs. Quigley noted that it would be an improvement.

Mr. Lehder agreed about the appearance and direction in town in regard to porches. He doesn't see a problem with public space. The porch seems more open. No detriment seen.

Mr. Schiavetti stated he was torn, putting more weight on the accuracy of documents and noted the applicant's efforts to provide better information.

Mr. Lehder did not see the need to require a new survey but the resolution will specify the numbers agreed upon.

MOTION to approve the application made by Mrs. Quigley and withdrawn.

MOTION by Lehder, second by Quigley, to approve the application stipulating using the numbers agreed upon and the new porch not violating the side yard setback, with calculations based on the combined lots 19 and 19.01.

In Favor: Schiavetti, Koch, Ryan, Quigley, Lehder

Opposed: None

3. ADMINISTRATIVE ITEMS

Mr. Lehder reported on a meeting that was held to discuss the HFAR. He said the FAR is seen as complicated and unnecessarily frustrating for the applicants. Mr. Sullivan, of CCH, prepared information. There was general agreement that we did not want to increase house size. The FAR was brought in originally to contain size. Mr. Lehder believes it is important to maintain the

D variance. The definition could be changed. Mr. Sullivan's calculations did not include non-habitable areas. There is a need to understand where gross floor area comes from. Incentives could be added to encourage some features. Bulk is a concern and there are lot coverage issues.

Councilman Peters was present and he joined the discussion. He stated that Council was listening carefully. There are lots of different opinions and they haven't touched any of the issues the Board is discussing.

Mr. Lehder stated there is more pressure on size; the style is to look big. Mr. Peters is concerned about the 3rd floor attics being converted to habitable use and the height of the first floor.

MOTION by Quigley, second by Koch, to approve the minutes of the August meeting as amended.

In Favor: Schiavetti, Koch, Ryan, Quigley, Lehder

Opposed: None

MOTION to adjourn made by Schiavetti and unanimously approved.

Meeting adjourned at 9:25 PM.

Respectfully submitted,

Judy Fuller,

Zoning Board Secretary

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

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.

