

## FAIR HAVEN ZONING BOARD OF ADJUSTMENT

### Regular Meeting Minutes October 3, 2019

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. Prior to the start of the meeting Dr. Sam Laufer and Adam Ludman were sworn in for new terms on the Board.

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

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

Absent: None

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

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

##### **Gilbertson – Block 27, Lots 25 & 70 – 96 Battin Rd. – Application for an addition**

Mr. Irene stated that he received a letter from the Applicant's Attorney requesting that the matter be carried to the November meeting.

MOTION Lehder, second, Neczesny, that the application be carried to the November 14 meeting, stipulating an extension of time and the need to renotice.

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

Opposed: None

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

**Del Tin – Block 46, Lot 14 – 4 Hendrickson – R-10 zone – Application for demolition and construction of new home** – Variances needed for FAR, side yard and combined side yard setbacks.

The notices were in order and the Board has jurisdiction to hear the application. Elena Gable was sworn.

Rick Brodsky, Esq. announced his appearance on behalf of the applicant. He stated that the variances needed are primarily due to the undersized lot. There are existing non-conformities. The variances needed are for FAR, side setbacks and the side setbacks of the garage.

Jason Fichter was sworn. His credentials as a Licensed Planner and Engineer were previously accepted by the Board and he stated he would be testifying tonight as an Engineer.

Ex. A-1 – Plot plan prepared by Jason Fichter, InSite Engineering, rev. date 5/20/19, 4 sheets

Ex. A-2 – Color enhanced version of sheet A-1 of Ex. A-1.

Ex. A-3 – Aerial exhibit with tax map overlay

Mr. Fichter described the property at 50' wide and over 100' deep, with a small detached garage in the rear that sits on the property line. They are proposing to shift the driveway to maximize the space between the house and the neighbor's. The run-off from the house and garage will be directed to a dry well in the front. The proposed garage will require a variance to add more yard space and to allow a straight line from the driveway. He noted that this property

is the 1<sup>st</sup> lot in the R10 district and it abuts a R-5 district. In response to a question from the Board he stated that the season ground high water was tested. The soil has a lot of sand and no impact is anticipated on the property. Mr. Lehder stated there are ground water problems in the area and advised Mr. Fichter to check.

Anthony M. Condouris, Bingham Ave, Rumson, was sworn. He credentials as a licensed Architect were previously accepted by the Board.

Ex. A-4 – Plans prepared by Mr. Condouris, dated 7/24/19, consisting of 3 sheets

Ex. A-5 – Color rendering of the proposed front elevation

Ex. A-6 – Survey prepared by David J. Von Steenburg, Morgan Engineering, dated 2/15/19

Mr. Condouris described the plan as a two story house, 31' wide on the first floor. The second floor is 29', with 4 bedrooms; a master suite and 3 additional bedrooms and 2 additional baths. There is a gambrel roof and a porch across the entire front of the house. He stated that compliance with the setbacks would require a railroad style house. The cellar, at 2' above the season high water level, will be 7' high and finished. They are proposing building up to 32'. The existing grade is 24.7.

James W. Higgins, Ocean, NJ, was sworn and his credentials as a Licensed Planner were accepted by the Board. He stated he had reviewed the application, the Borough ordinances and the Master Plan. He referred to the size of the lot and said that many of the homes in the area are on 50' lots. He noted that in the R-5 zone the width is 50' and the area is 5,000 sq. ft. The front yard setback is measured from the 1<sup>st</sup> riser. The proposed side yard setback is 7', as it is in the R-5 zone, and the combined side yard setback is 18.8' as opposed to 16' in R-5. The accessory side yard setback of 5' is consistent with the R-5 standards. The proposed FAR is .344 (R-5 is .34) and is consistent with houses in the area. He stated this is an ideal size for the site, a transition between R-5 and R-10.

Mr. Higgins said the Master Plan talks about controlling mass in an area. For a D4 variance, can the site accommodate the use? This meets lot and building coverage. As far as the negative criteria and light air and open space, the size fits this. There is not substantial detriment and fits with the character of the neighborhood. He said the house is smaller than what is permitted. He noted that the width of the lot is a C1 hardship but also C2 based on aesthetics. There are no substantial negative impacts. Mr. Higgins was asked why the R-5 standard couldn't be used since they are starting with a clean lot. He stated it would not be consistent with the neighborhood.

Mr. Fichter further addressed concerns raised by Mr. Lehder regarding the water table.

Mr. Brodsky reviewed the testimony. He stated this is a relatively modest home in keeping with the homes in the area. The site can handle the proposed home which is designed to meet the minimal needs of a family.

Ms. Gable stated that if the house was over on building or lot coverage she would view it differently but the HFA in the R10 zone is not as significant. In regard to comments in her review, it was confirmed that the fenestration ratio would comply, the driveway is less than 25% of the front yard, and the connections are installed underground.

There were no questions or comments from the public.

Mrs. Neff noted that the property has lesser impact on the neighbors' yards. Impact is mitigated by the property abutting the rear yards of the three homes on Fair Haven Rd. Dr. Laufer said the moved driveway opened things up. He noted the presence of trees and stated the impact is not being changed.

Mr. Ludman asked if consideration of R7.5 was more significant than R5.

Mrs. Quigley stated that the testimony about the area being a hybrid was significant.

Mr. Lehder stated that he doesn't think the streetscape speaks to the issue of volume.

Mr. Ludman stated the numbers don't sound egregious.

Mr. Ridgeway appreciated the relation to the homes on the other lots.

Mr. Ryan stated that the plan blends in and keeping the home within the FAR would not be possible. He also referred to the area as being transitional.

Mr. Neczesny stated the numbers make sense.

Mr. Lehder said be mindful.

MOTION made by Mr. Ryan, second by Mr. Ridgeway, to approve the application subject to the stipulations made during testimony and the grading reviewed by the Borough Engineer.

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

Opposed: None

Abstained: Lehder

MOTION Neczesny, second Ludman, to approve the minutes of the September 5 meeting.

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

Opposed: None

MOTION Neczesny, second Quigley, to approve the minutes of the September 5 Exec. Session

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

Opposed: None

Mr. Lehder told the Board that HGA was coming close to a revision of FAR.

MOTION to adjourn passed unanimously by voice vote.

Meeting adjourned at 9:50 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.