

FAIR HAVEN ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes December 6, 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.

**1. ROLL CALL**

Present: Mr. Schiavetti, Mrs. Quigley, Mr. Ryan, Mrs. Ylagan, Mr. Lehder  
Absent: Mr. Neczesny, Mr. McGurl, Mr. Ridgeway, Mr. Ludman  
Also Present: Mr. Irene, Board Attorney, Ms. Gable, Board Planner

**2. NEW BUSINESS**

**Applegate – Block 50, Lot 7.01, 42 Clay St, R-5 zone – Application for covered porch and garage** – Variances required for front and side yard setbacks.

Mr. Lehder recused himself and left the dais.

MOTION by Ryan, second by Quigley, to appoint Mr. Schiavetti acting Chair. In Favor: Quigley, Ryan, Ylagan Opposed: None Abstained: Schiavetti

Notices were in order and the Board has jurisdiction.

Mr. Irene noted that a letter was received by Jason Bilanin regarding the application. Since it is technically hearsay, it has been placed in the file but not shared with the Board members.

Ms. Gable was sworn.

Scott Applegate and Jennifer Applegate were both sworn. James Daley was sworn and his credentials as a Licensed Architect were accepted by the Board.

Ex. A-1 – Architectural plans prepared by James T. Daley, last revised 8/20/2018.

Ex. A-2 – Memo from the F.H. Historic Commission dated 6/15/17

Mr. Daley stated the applicant is requesting two variances; rear yard setback of 5' where 10' is required, and front yard setback of 19' from the front step, where 20' is required. The distance from the proposed garage to the nearest principal structure is unknown, therefore they are not looking for an exemption. Mr. Daley noted that all of the house renovations had been approved by the Zoning Officer without need for any variances. The garage was added to the plans after the initial application. When asked why the garage could not have been placed within 10' he stated that the rear yard is small and they are looking to maximize the space.

In response to a question from the Board Mr. Applegate stated that he originally submitted plans that were approved. A neighbor subsequently produced a survey that showed an error. The dimension line lines up with the side of the house, the survey is illegible. He thought the additional 2 ½' was going to line up. He went on to say that most of the houses on the street have porches. The roof of the porch was already extended when work was stopped.

The house is 2,200 sq. ft. There is no storage in the basement so the garage was wanted for storage. They are probably not going to use the garage for parking and they are not extending the driveway. The garage is replacing an 8 x 12 shed. There is grass between the driveway and the porch. Off street parking is alongside the porch.

Ex. A-3 – photo of existing front steps, Ex. A-4 – photo of front porch prior to renovation, Ex. A-5 – Photo of house prior to renovation, Ex. A-6 – Photo of porch roof as it exists, deck removed. All photos taken by Mr. Applegate.

Addressing the criteria for a variance Mr. Daley stated that the 6' porch was not functional and the proposed expansion is proportional with the rear expansion. The porch would go from 6' to 8.5' in depth. This is a historic neighborhood and the porches are used. The houses across the street are the same, pre-existing. The houses on the same side of the street are a bit further from the street. Ex. A-7 – photo of house across the street. Mr. Daley stated that the house is lower in elevation than the houses around it and there is no issue with light and open space.

Mr. Ryan asked about the plantings. The plantings in the rear abut the back yard and shed. Ms. Gable asked if the Historic Commission had reviewed the design of the garage and was told that it had. She asked about the walkway and Mr. Daley stated stones were needed from the stoop to the driveway.

It was noted that the application did not include a signed sealed survey. Mr. Applegate stated he has one in his possession dated 2014. It does not include the garage. He has been attempting to get a sealed survey from the company that has subsequently been purchased by another company.

#### Comments from the Public

Bobby Clark, 47 Clay St. was sworn. He stated he moved here a year ago due to the influence of the Applegates. They are good neighbors. The work is being done for the right reasons and maintains the integrity. Other porches on the street are as deep.

John Sarto, 49 Gillespie, was sworn. He stated the neighboring house has more mass and a similar setback. The porch is consistent with the neighborhood. Mrs. Quigley asked him about the parking and he stated that most houses have cars in the driveway and front yard setback. There were no further public comments.

Mrs. Applegate spoke of their efforts to maintain the charm and character of the house. Mr. Daley said the historic district needs to have different setbacks than the typical R-5.

Mrs. Quigley said the plan was in keeping with proportion and she didn't see any negative effects. There were no negatives expressed about the effects of the garage on the neighbor's property at the meeting. She is unsure about the setback but notes there is a fence behind it.

Mr. Ryan stated the plan was reasonable. The porch is an important feature in the historic district street scape. He wishes he had a better picture of the impact of the garage but there is the benefit of the fence. He thinks this is a fair request.

Mrs. Ylagan is ok with the design of the porch. She noted a garage in the aerial photo.

Mr. Schiavetti stated that the Zoning Officer may not have addressed the issue of the garage. The driveway is not an issue. Extending the porch is safer than the previous porch. Need to make sure the front yard setback is corrected on the plan.

The parking in the front yard setback is a pre-existing non-conformity.

MOTION by Ryan, second by Quigley to approve the application subject to a signed, sealed survey, corrected setback numbers, and conformance to the Historic Commission memo.

In Favor: Schiavetti, Quigley, Ryan, Ylagan

Opposed: None

Mr. Lehder returned to the dais at 8:22.

### **3. ADMINISTRATIVE ITEMS**

MOTION by Schiavetti, second by Quigley, to dismiss the Factor application without prejudice

In Favor: Schiavetti, Quigley, Ryan, Lehder

Opposed: None

MOTION by Schiavetti, second by Quigley, to approve the minutes of the October meeting, date corrected.

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

Opposed: None

The Board reviewed the proposed 2019 calendar. No conflicts were noted. To be approved at the January meeting.

Mr. Lehder noted that there has been a problem with members making the meetings. He expressed appreciation for those who came tonight and stressed the importance of making a commitment.

MOTION to adjourn made by Mr. Schiavetti, second and approved by all.

Meeting adjourned at 8:35 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.**