

## **FAIR HAVEN ZONING BOARD OF ADJUSTMENT**

### **Re-Organization and Regular Meeting Minutes January 09, 2020**

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

New and re-appointed members were sworn in previously.

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

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

Absent: None

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

#### **2. RE-ORGANIZATION MEETING**

Mr. Irene stated that the Oaths of Office for new and re-appointed member were done prior to the start of the meeting and all necessary notices of training documents were presented and signed.

MOTION by Neczesny, second Laufer, to appoint Todd Lehder Chair

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

Opposed: None

Abstained: Lehder

MOTION by Quigley, second Ludman, to appoint Peter Neczesny Vice- Chair

In Favor: Neczesny, Ridgeway, Ryan, Laufer, Neff, Lehder

Opposed: None

MOTION by Laufer, second Neczesny, to appoint Michael A. Irene, Esq. Board Attorney

In Favor: Quigley, Ridgeway, Ryan, Ludman, Neff, Lehder

Opposed: None

MOTION by Lehder, second Neczesny, to appoint Kennedy Consulting Engineers Board Engineer

In Favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Neff

Opposed: None

MOTION by Lehder, second Neczesny, to appoint Heyer, Gruel & Associates Board Planner

In Favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Neff

Opposed: None

MOTION by Laufer, second Neczesny, to appoint Jennifer Johnson Board Secretary

In Favor: Quigley, Ridgeway, Ryan, Ludman, Neff, Lehder

Opposed: None

MOTION by Lehder, second Neczesny, to adopt the Zoning Board Meeting dates for 2020  
In Favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Neff  
Opposed: None

MOTION by Lehder, second Neczesny, to adopt Official Newspapers, Asbury Park Press, Two River Times and Star Ledger  
In Favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Neff  
Opposed: None

### **3. APPRECIATION**

Resolution adopted recognizing Mr. Alfred Schiavetti, III for his dedicated service as a Member of both the Fair Haven Zoning Board and Planning Board. The Board offered their best wishes for success in all of his future endeavors.

MOTION by Lehder, second Neczesny, to adopt Resolution for Mr. Alfred Schiavetti, III  
In Favor: Quigley, Ridgeway, Ryan, Ludman, Laufer, Neff  
Opposed: None

### **4. OLD BUSINESS**

#### **Gilbertson – 96 Battin Road, Block 27, Lots 25 and 70, R-10A zone – Application for an addition.**

Mr. Aikins the applicant's attorney asked that the matter for the Gilbertson application be carried to the February 6<sup>th</sup>, 2020 Zoning Board meeting as he received a letter of objection from the Mitola family's attorney, Mr. Kevin Asadi, indicating that he would be appearing at tonight's meeting to object the Gilbertson application. Mr. Aikins was uncertain why they were objecting as the applicant submitted revised plans for tonight's meeting based on Ms. Mitola's requests and comments received from the Board. The revised plans show them moving the entire building on the North side to meet the 10' side yard set-back to eliminate that variance and in doing that they reduce the floor area cap variance. Mr. Aikins hopes to continue this matter in a neighborly manner to try to resolve things. He invited Mr. Asadi to meet within the next month to discuss the matter and prepare for the February 6<sup>th</sup> meeting in hopes of coming to a neighborly resolution.

Mr. Irene stated that he also received the letter from Mr. Asadi, Esq. dated January 9<sup>th</sup>, 2020 stating that he is representing Mr. and Mrs. Mitola.

Mr. Asadi acknowledged his presence at the meeting.

Mr. Irene made copies of the letter from Mr. Asadi and distributed them to the Board Members and noted that none of the Board Members had viewed the letter prior to tonight's meeting with no advanced notice of receipt.

Mr. Lehder asked Mr. Aikins if he was prepared for tonight's meeting.

Mr. Aikins stated that he was prepared earlier in the week but as he only received the letter from Mr. Asadi today, he was not prepared to respond tonight.

Mr. Lehder mentioned that this was the third occasion this application had been before the Board and would like to proceed tonight as there were no other applications on the agenda.

Mr. Aikins stated that if they proceeded without revisions and the application was approved by the Board tonight, Mr. Asadi stated he was prepared for litigation. Mr. Aikins asked that in light of that, the application be carried.

MOTION by Lehder, second Neczesny, to carry the Gilbertson matter to the February meeting with no need for further notice and granting an extension of time.

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

Opposed: None

Mr. Lehder informed Mr. Kinsella that he would have to listen to the two previous meeting recordings of the Gilbertson matter if he would like to participate or vote at the next meeting with regard to the application.

There were no comments or questions from the public.

#### **4. ADMINISTRATIVE ITEMS**

MOTION by Neczesny, second Lehder, to adopt the minutes of the December 2019 meeting.

In Favor: Quigley, Ryan, Laufer, Neff

Opposed: None

Mr. Irene stated he did not feel it was necessary to go into Executive Session unless any member of the Board requested to do so as the Board was already aware of the successful conclusion of the Bonello matter. There were also no updates with regard to the Reger/Dunkin Donuts litigation.

There were no comments or questions from the public.

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

Meeting adjourned at 7:38 PM.

Respectfully submitted,

Jennifer Johnson,  
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.