

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

### **Regular Meeting Minutes - October 1<sup>st</sup>, 2020 – Virtual Meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic.**

The meeting was called to order at 7:20pm by Mr. Lehder, Chair, with a reading of the Open Public Meetings Act Statement (below), followed by the pledge to the flag.

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

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

Absent: Mr. Kinsella

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

Mr. Irene, Board Attorney, noted for the record that in addition to the initial Open Public Meetings Act notice issued at the beginning of the year, the Board also issued a supplemental revised Open Public Meetings Act notice that was sent to two newspapers (The Asbury Park Press and Star Ledger) for publication, posted on the Borough website, posted on the front and rear entrances of Borough Hall and sent to the Borough Clerk advising that the Zoning Board meetings would now be broadcast virtually due to the Covid-19 pandemic. This information is on the Borough website with instructions on how to gain access to the meeting. Mr. Irene confirmed with the Board Secretary that there were no members of the public that contacted the Borough with any issues connecting to the meeting.

Mr. Lehder noted for the record that all materials for applications were collected electronically prior to the hearing in preparation for their Zoom presentations. The applicants were also provided instructional Zoom training sessions by Borough staff, if requested.

#### **2. NEW BUSINESS**

**Bruiser Woods, LLC / Kick Dance Studio – 611 River Road, Block 25, Lot 12, B-1 Zone –** Application for second floor addition to a single-story commercial structure.

Mr. Irene stated that communication was received from the applicant's Council, Mr. Rick Brodsky, Esq. requesting that this matter be carried to the November meeting of the Board without the necessity of re-notice.

MOTION by Mr. Neczesny, second Ms. Quigley, to carry the application to the November 12<sup>th</sup>, 2020 meeting without the necessity to re-notice and with a stipulation from Mr. Brodsky confirming an extension of time in which the Board has to act.

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

Recused: Ludman

Opposed: None

Mr. Irene noted for any interested parties that the Bruiser Woods LLC application has been carried to the November 12<sup>th</sup>, 2020 meeting of the Board without the necessity to re-notice.

**Flanagan – 8 Hagers Lane, Block 27, Lot 13, R-10A Zone –** Application for additions and internal renovations.

Mr. Matthew Flanagan and his professional Mr. Ron Grammer were promoted to panelists to begin their testimony.

Mr. Irene confirmed with the Board Secretary that the notice material was in order and asked if any members of the Public had any issues with regard to the notice materials for the Flanagan application.

No response from the Public regarding the notice material.

Ms. Gable, the Board Planner was sworn. Mr. Flanagan and Mr. Ron Grammer were also sworn. Mr. Grammer, 241 Maple Avenue, Red Bank, presented his professional credentials to the Board. The Board excepted his credentials with no objections.

Mr. Flanagan started his testimony by stating that he was seeking relief for three variances for the renovation of his home at 8 Haggars Lane. The first variance is for front yard setback where 30 feet is required, the existing setback is at 14.1 feet and they are proposing 9.3 feet. The second variance is for the side yard setback where 10 feet is required, existing setback is at 9.2 feet and are proposing 6.7 feet. The third variance is a 'D' variance for maximum habitable floor ratio where 0.28 is required, existing is 0.23 and they are proposing 0.36.

**Exhibit A-1** – Photo of Mr. Flanagan and his family.

Mr. Flanagan continued stating they are proposing four different renovations items. One is to remove an existing screened porch or sunroom on the West side of the house and to add a new one-story addition in the same location but add additional square footage. Second, they are proposing a second story addition to the rear of the house. Third, they are proposing to expand the existing covered front porch and lastly, they are proposing to build over the existing one-story structure on the East side of the home. The renovations will provide four bedrooms including a master bedroom, master bathroom and a second bathroom on the second floor. He continued with the 'D' variance request for Floor Area Ratio. Mr. Flanagan believes that his hardship is due largely to the irregular shape of the lot. The lot is shaped oddly, and the house sits on an angle on the lot. They believe the proposed renovations will improve the look of the home and the overall neighborhood and will not cause substantial detriment to the public good.

**Exhibit A-2** – SK-1.0 of the Plot Plan, dated 03-31-2020, one sheet.

**Exhibit A-3** – Proposed plans with demolition prepared by Ron Grammer A.I.A., Grammer Designs LLC, two sheets, dated 03-02-2020.

**Exhibit A-4** – Property Survey prepared by Thomas P. Santry, dated 12-18-2019.

Mr. Grammer began with reviewing Exhibit A-2 stating that the plans include existing conditions, what is being removed to help with lot coverage and the proposed improvements. Part of the driveway, walkways, and patio will be removed to help reduce lot coverage and stay within what is permitted for lot coverage. The covered front porch is proposed to be aligned with the current front stoop that leads to the front door. The new proposed porch is a continuation of the covered front stoop that will move to the East of the home and square off the right side of the home. The proposed front porch addition is 9.3 feet from the front property line. The existing side yard setback is existing at 9.2 feet to the sunroom and the proposed side yard setback with the

expansion of the sunroom is 6.7 feet. The proposal is to demolish the current sunroom and build a new sunroom with a side yard setback at 6.7 feet. The 6.7 feet is only at the Southwest corner of the house because the property line tapers away from the house as you move back from the front of the house.

Mr. Lehder asked why the applicant would want to expand on an existing nonconformity, the side yard setback at 9.2 feet.

Mr. Flanagan stated that they took a lot of measurements of their existing furniture and realized that by keeping the room the same size it becomes a very tight area and unable to add additional furniture and make the space fully habitable for the size of their family. He also stated that due to the nature of the shape of the lot and where the house is located on the lot makes it harder to expand on that side of the structure. The visibility of that area to any of the adjacent homes is covered by landscaping.

Ms. Quigley asked for the width of the existing sunroom.

Mr. Grammer stated that the current width of the sunroom is 9 feet and they are proposing 11.5 feet.

Mrs. Neff asked the applicant to explain the need for expanding the front porch.

Mr. Flanagan stated that most houses on Haggars Lane have front covered porches and they would like their house to look similar to their neighbors. They would also like to have room on the porch so they can sit and watch their children play outside.

Dr. Laufer stated that expanding the front porch would bring additional mass of the house into the front yard setback and had concerns with how close it would be to the road.

Mr. Grammer stated that from an architectural standpoint, adding the porch will actually bring the massing of the front of the house down by adding an additional roofline as opposed to just having what would essentially look like a big box as it looks now. Their goal was to try and balance the front yard setback requirement with having enough room to add a pair of chairs to sit on and add some curb appeal to the home.

**Exhibit A-5** – Photo taken by the applicant of the front of South view of the house, 8 Haggars Lane.

Mr. Lehder asked if the proposed second story addition would be added to the right side of the current structure and asked if Mr. Grammer could confirm the ridge height.

Mr. Grammer stated that the proposed second story addition is proposed to be added to the right side of the house and the ridge height is proposed to be added to the existing ridge height at 20 feet and will not be increased. The addition would be 3.3 feet back from the face of the existing house frontage. 17 feet where 30 is required for the front yard setback.

Mr. Irene stated that the proposed second story addition would also affect the existing front yard setback deficiency by exacerbating it vertically.

Mr. Lehder stated that the expansion of the proposed sunroom would also affect the existing front yard setback deficiency.

Mr. Grammer stated that the sunroom would be at 24 feet where 30 is required for the front yard setback. The proposed porch behind the sunroom, would be screened and covered and

would not encroach into the side yard setback. He included the square footage of the sunroom and screened porch into habitable floor area.

Mr. Lehder stated the screened in porch should not have been included in the habitable floor area and confirmed that the porch would not be heated, nor will there be windows installed, just screens.

Mr. Grammer continued stating that the Northeast corner is the proposed new kitchen, mudroom, and bathroom all of which would not affect side yard or rear yard setbacks. The space above is part of the proposed addition and will be bedroom space.

Mr. Neczesny asked how close the neighboring houses are to the subject property's house.

Mr. Flanagan shared the following exhibits displaying photos of the neighboring properties.

**Exhibit A-6** – Photos depicting the view towards 19 Riverlawn Drive and 16 Riverlawn Drive. One sheet, photo taken by the applicant.

**Exhibit A-7** – Photo depicting the West view of 8 Hagers Lane, the sunroom. One sheet, photo taken by the applicant today.

Mr. Flanagan provided responses to the Board Planners review letter. He then stated that they considered moving to accommodate their family of five, but decided that they would like to stay on Hagers Lane. The house was built in 1865 and they do not want to demolish the house. These are some of the hardships they are dealing with to try to make it work for a family of five.

Mr. Grammer stated that they have discussed many renditions of the design. His objective with older homes is to make any additions look like it was part of the original home. Another goal was trying to work within the limitations of the property. The ceilings are extremely low in the house, adding the front porch will help make the master bedroom work and allow the placement of the windows to work. He tried to provide functional space within reason and tried to work within the parameters of the Ordinances.

The Board took a break at 9:08 pm and all present members returned at 9:13 pm.

Mr. Lehder asked Ms. Gable if all of the questions in her review report were answered.

Ms. Gable stated that yes, all questions were answered.

Mr. Lehder opened the meeting up to public comment on the Flanagan application.

No comments from the public on the Flanagan matter.

The Board discussed the application and testimony presented.

Ms. Quigley does not think the additional footage to the sunroom and the proposed porch expansion is unreasonable. She believes the work they are proposing will not negatively affect the neighbors and will make the home look more appealing and fit better in the neighborhood.

Mr. Neczesny agrees with Ms. Quigley and thinks the front porch is a great design. He thinks the vegetation on the left side of the house will conceal the proposed additional footage to the sunroom.

Mr. Ludman struggles with the additional two feet on the sunroom and thinks the Board has an opportunity to try and get closer to the permitted Floor Area Ratio.

Dr. Laufer thinks the maximum building coverage does not exceed the size of the lot and believes that to be a positive. The neighbors are far enough away from the subject property house so the proposed work will not negatively affect them. He does not see an issue with the proposed sunroom as the landscaping will shield the additional footage. His issue is with the front porch, he only saw one house on the street with a similar porch and thinks it looks out of place and too close to the road.

Mr. Ridgeway has concerns with the front porch as well. Haggars Lane is very narrow and adding more bulk to the area is not ideal.

Mr. Ludman stated that some of the neighboring properties do have porches. As the proposed porch does not have a railing, he believes it will take away from some of the bulk and therefore does not have an issue with the proposed front porch.

Mrs. Neff does not believe there will be an issue with the expansion to the side of the house because of the distance between the houses and the landscaping. She has more of a concern with the front porch and how close it will be to the road.

Mr. Ryan believes the front porch will improve the home aesthetically. He's a bit troubled with allowing the applicant to remove the sunroom and reconstruct it larger.

Mr. Lehder stated that the responsibility of the Board is to require conformance where possible. The porch proposed in the rear of the house can be moved to a different location and does not need to be in the side yard setback. He is comfortable with the proposed front porch and believes it will make the house look nicer with the proposed addition.

MOTION by Mr. Lehder, second Mr. Ludman, to deny the setback relief for the proposed sunroom.

In Favor: Ridgeway, Ryan, Ludman, and Lehder

Abstain: None

Opposed: Neczesny, Quigley, Laufer

MOTION by Mr. Lehder, second Mr. Neczesny, to grant a variance for the reconstruction of the sunroom in the existing location/footprint with regard to the side yard setback.

In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer and Lehder

Abstain: None

Opposed: None

MOTION by Mr. Lehder, second Mr. Neczesny, to approve the variance to construct the front porch as set forth on the design drawings.

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

Abstain: None

Opposed: Laufer

MOTION by Mr. Lehder, second Mr. Neczesny, to approve the Floor Area Ratio variance with two deductions; one for the rear porch and the other for the expansion of the sunroom where they can reconstruct the sunroom in the same footprint as it exists today.

In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, and Lehder

Abstain: None

Opposed: None

MOTION by Mr. Lehder, second Mr. Neczesny, to grant relief for the front yard setback for the sunroom, master bedroom and front porch; the front porch should be constructed with no railings, entire house will be resided with Hardie board siding or similar, and the applicant will comply with conditions in the Board Planner's report.

In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, and Lehder

Abstain: None

Opposed: None

### **3. ADMINISTRATIVE ITEMS**

MOTION by Mr. Neczesny, second Ms. Quigley, to approve the minutes from the September 10<sup>th</sup>, 2020 meeting.

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

Opposed: None

The 2019 Zoning Board Annual report is in production and will be discussed in more detail at the next meeting.

### **4. PUBLIC COMMENT**

Ms. Blaser, 523 River Road, Fair Haven – was sworn and will be back at the next meeting to discuss the Bruiser Woods application. She also stated that she like Mr. Ridgeway's Zoom background.

MOTION to adjourn unanimously by voice vote.

Meeting adjourned at 10:20 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.