

FAIR HAVEN ZONING BOARD OF ADJUSTMENT

Regular Meeting Minutes - January 7, 2021 - Virtual meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic

The meeting was called to order at 7:16 by Mr. Lehder, Chair, with a reading of the Open Public Meetings Act statement (below). Mr. Irene, Board Attorney, noted that as a result of the pandemic, supplemental OPMA notice was issued regarding Zoom use, along with instructions for participation.

Mr. Ryan, Mr. Neczesny and Mr. Schiavetti were sworn in to begin new terms.

1. Roll Call and Salute to the Flag

Present: Mr. Neczesny, Ms. Quigley, Mr. Ridgeway, Mr. Ryan, Mr. Ludman, Dr. Laufer, Mr. Kinsella, Mr. Schiavetti, Mr. Lehder

Absent: None

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

2. Board Reorganization

Board Chair- Motion by Mr. Neczesny, second by Ms. Quigley to appoint Mr. Lehder Board Chair.

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

Opposed: None

Abstained: Mr. Lehder

Vice-Chair - Motion by Ms. Quigley, second by Dr. Laufer to appoint Mr. Neczesny Vice-Chair

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

Opposed: None

Board Attorney - Motion by Mr. Lehder, second by Ms. Quigley to Appoint Michael Irene, Esq. to the position of Board Attorney

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

Opposed: None

Board Engineer - Motion by Mr. Lehder, second by Mr. Neczesny to appoint James Kennedy of KCE Consulting to the position of Board Engineer

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

Opposed: None

Board Planner - Motion by Mr. Lehder, second by Mr. Neczesny , to Appoint Elena Gable, PP/Heyer Gruel & Associates to the position of Board Planner

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

Opposed: None

Board Secretary - Motion by Mr. Lehder, second by Mr. Neczesny to appoint Judy Fuller to the position of Acting Board Secretary

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

Opposed: None

Calendar - It was noted that the April 1 date originally planned for the April, 2021 Zoning Board meeting falls during the school district's spring vacation and in the past the Board has avoided this conflict. Motion by Mr. Neczesny, second by Dr. Laufer to adopt the calendar as amended to change the April meeting date to April 8.

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

Opposed: None

Newspapers - Motion by Mr. Lehder, second by Mr. Neczesny to adopt as the official publications the same as those adopted by the Borough Council.

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

Opposed: None

3. Old Business

Gaiero - 8 Hendrickson Pl, Block 46, Lot 12 vR-10 zone - Application for renovation of existing half story Cape Cod into a two story colonial style house. Variances needed for side yard setbacks and HFAR.

Mr. Schiavetti certified that he sat in on the entire hearing at the December meeting and it was determined that he was able to participate in the meeting. Mr. Gaiero stated he has no concern with his participation. Ms. Gable was sworn, Sean Gaiero and Lara Robby, both of 8 Hendrickson, were sworn.

Ron Grammer, Architect, 241 Maple Ave, Red Bank, was sworn and was asked to address the issues related to the variances requested. Revised plans dated 12/17/20 were marked **Ex. A-3** were marked. Mr. Grammar stated that the porch was integrated into the house and the mud room was altered slightly. The big change is on the second floor which has been stepped in 9'8" with the master bedroom reduced to 17 x 15. The dashed line on the plans is the area over the kitchen. The front, rear and side yard setbacks remain the same, the lot coverage has been reduced. The FAR is slightly reduced but remains over. The master bedroom is stepped back in the area where the side yard was a problem. Some architectural elements were added to the front including the roof lines and steps.

Dr. Laufer asked if Mr. Gaiero had inquired about the possibility of purchasing the neighboring lot and was told that the owner was unwilling to sell and had no plans to sell in the future.

The bedrooms have been reduced in size but they have kept the family spaces as they were.

Reviewing the zoning table Mr. Grammar stated that variances were needed for one side, total side yard and maximum HFAR. Mr. Lehder noted that the steps exacerbated the front yard setback. Ms. Gable noted that although the 2nd story was set back it also exacerbated the setback.

Mr. Gaiero stated that he tried to be responsive to the Board's concerns. The walk-in closets were eliminated in order to gain more space. Ms. Gable asked about the concrete pad in the backyard. He stated that he is applying for a permit to keep the existing shed on the pad and noted it conforms to the setbacks. Mr. Kinsella expressed concern about the shed only taking up a portion of the pad but he did not think there was a lot coverage issue.

The meeting was open for public comments. There were no comments.

Mr. Neczesny noted that FAR is a problem for many lots on Hendrickson. He felt that the side yard shortage was not as big an issue in view of the lot next door and he thought they did a nice job with the second floor.

Dr. Laufer stated the applicant did a nice job of addressing the issues, the size was not out of character for the neighborhood, and this was a positive addition.

Ms. Quigley stated the inability to buy the neighboring lot was a hardship and they did a good job pulling back the bedroom.

Mr. Ridgeway stated this was a good example of collaboration of effort. He likes the design improvements.

Mr. Ryan stated they did a great job. It adds to the character of the neighborhood

Mr. Lehder agreed with the previous comments and said the applicant did an excellent job of addressing the Board's comments. He noted the hardship involved in dealing with an existing structure.

Mr. Neczesny congratulated the applicant on maintaining rather than tearing down.

MOTION by Mr. Neczesny, second by Mr. Lehder to approve the application based on the revised plan as submitted.

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

Opposed: None

4. New Business

Anderson - 81 Riverlawn Drive, Block 26, Lot 7 - Application for addition and renovations - variances needed for HFA, side yard and combined side yard setbacks, lot coverage.

Ms. Gable was sworn. Mark Aikins, Esq. announced his appearance on behalf of the applicant. He stated that the application is for renovations to an existing house that dates to the 1920's. It is riverfront property. James Anderson, AIA, 120 E. River Rd, Rumson was sworn.

Steven Krog, LA, 19 Harris Park, Red Bank, was sworn.

Jason Fichter, PE & PP, Insite Eng., 1955 Route 35 Wall, was sworn.

Andrew Anderson and Christy Anderson, both of 104 Linden, were sworn. They are property owners.

Ms. Gable stated she reviewed the waivers being requested and recommended addressing any easement issues.

MOTION Lehder, second Neczesny, to grant the waivers requested.

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

Opposed: None

Mr. Aikins stated that the revised plans indicate 9.5' on the easterly side of the property and 9.6' on the westerly side with a combined side yard setback of 20.2' which is the only new variance. The plans have been adjusted to show the lot size at 24, 035 sq. ft. reflecting measurement from the bulkhead line rather than the mean high water mark. The HFA was reduced from 4152 to 4124. The FAR is slightly reduced but still exceeds the maximum. Mr. Aikins stated that the FAR was a preexisting condition and therefore does not need a variance.

James Anderson was sworn and his credentials as a Licensed Architect were accepted by the Board.

Exhibits A-1, A-2, A-3 - Three undated photos of the original east side of the property and the front of the house with details stripped. These photos were taken when the house was purchased two years ago and do not represent current day conditions. The house is undergoing renovation and this application represents the second and final phase of renovations. He said the original simplicity is long gone. The photo of the water side shows the porch enclosed and details stripped. They are proposing to bring back the integrity - primarily to the center portion, while bringing in the sides. **Exhibits A-4, A-5, A-6 and A-7** - elevations of the proposed house, dated 8/14/20. The enclosed porch has been opened up. Mr. Anderson stated the house is currently undergoing renovations. The plans were approved. They are appearing before the Zoning Board because they wanted to make some tweaks that involve variances. Mr. Anderson noted that this is not a tear down and build new project. Rather, the applicants seek to

preserve and restore the character of this house that was built in the 1920s, while addressing the piecemeal expansion of the structure that has occurred over time. The two sides of the house have been aligned, a porch has been added on the water side, the breakfast bump was reconfigured. **Ex. A-8-** plans prepared by Anderson/Campanella, last revised 11/18/20, consisting of 2 plans and 4 elevations. Mr. Aikins stated that the plans were revised due to concerns expressed by a neighbor and reflect agreement with their attorney, Ronald Gasiorowski, Esq. The 2nd floor porch is extended, space is added over the garage. There is no habitable space on the second floor. Referring to page 203 of the plans he noted that the two wings were aligned. Mr. Anderson confirmed that no changes are proposed to the detached garage.

Looking at **Ex. A-9**, plans prepared by Steven Krog, dated 5/14/20, last revised 11/18/20, on page Sp1 -the porch is opened, a pergola has been added. There is a permitted patio on the NW corner. A portion extends into the side yard but does not exacerbate the front yard setback. The purple areas on the diagram denote proposed space that requires relief.

The change in plans since 11/18/20 reflect the compromise with the neighbor. A portion of the porch was shaved off.

Ms. Gable confirmed the calculation of building height and HFA in accordance with the Borough's definitions. There is no change to the detached garage.

Looking at ex. **A-9** Mr. Krog (credentials as Licensed Landscape Architect previously accepted) described the property, identifying the pool which is to remain and a detached garage. That garage has 4 bays - two used by the applicant and two by the neighbor. There are easements for each party. **Exhibit A10** - Landscape plan (L-1) prepared by Steven Krog revised 11/18/20. He stated that they are proposing a continuous row of evergreen hollies on the westerly line, a privet hedge extending northward to the river. Foundation plantings around the house will be done at a later date. In response to a question, he said that the only construction is for the proposed patio. Mr. Lehder questioned how they would be protecting the existing plantings during the construction. Mr. Krog stated there is no vegetation on the eastern side yet. Mr. Lehder noted the narrow side yards and expressed concern that the larger older trees could be at risk and questioned whether heavy machinery could be re-routed. Mr. Krog stated he didn't foresee problems and stated that a substantial amount of wood chips and other vegetation would be placed under the drip lines to be used as cushioning.

There was discussion regarding the pool fencing. It is compliant. The bulkhead is not fenced and there was question about that. Mr. Krog said there were no fences along bulkheads although some residences have their pool fences along the bulkhead. Mr. Aikins stated they would stipulate doing whatever the building code requires.

Jason Fichter indicated that he was testifying tonight in his capacity as Licensed Planner, not Engineer. His credentials have been accepted. He described the applicant's property as an existing single family developed property. The house occupies a small portion of the pie shaped property in the R-30 zone. The square footage of the house is to be reduced. The building coverage is slightly increased but well below what is permitted. He stated the site can support the additional FAR. He reviewed the figures regarding the side yard variances. He stated that the front porch was a hardship due to the geometry of the lot. It is hard to modify the home at all without triggering variances. He noted that a small portion of the pergola encroaches on the side yard but he considers it a net benefit since a portion of the home is to be removed. He said the decorative pergola above the garage does not exacerbate horizontally. He reviewed the preexisting conditions. He stated the proposed plans are a dramatic improvement. In terms of light,

air and open space putting the home anywhere else on the lot would be problematic for the neighbors. He stated the plan is conserving and improving property values. Re-use of an existing home as opposed to tearing it down and keeping the house area and building coverage well under maximum follow the spirit of the master plan and acknowledges the current emphasis on recycling. He noted that the porch has no impact on the view from the river. The architecture and plan are in keeping with objectives of the Master Plan.

Mr. Schiavetti stated the applicant was moving the mass from the wider end of the property to the narrower end. The response was that the open front porch was consistent with the neighborhood. They want to maximize the view of the river and use the existing footprint.

Ms. Gable asked for confirmation of the attic being a half or full story. Mr. Anderson said the plate goes down to the attic floor. She asked if they had considered reducing the driveway coverage. Mr. Krog said the driveway goes down to a very narrow street and serves the function of allowing off street parking as well as use of both garages. She asked if there were any permits required from outside agencies such as CAFRA DEP, Freehold soil and was told none were required.

Comments from the Public

Jonathan Kengery, 66 Riverlawn, was sworn. He stated he is comfortable with the plan.

Chris Pizzola, 60 Riverlawn, was sworn and stated he supported the plan.

John Hanson, 33 Riverlawn was sworn and stated he supported the plan.

Newton Rice, 30 Fairwaters Lane, was sworn. He stated he is supportive of the plans and thinks it is a great improvement. Mr. Lehder asked him if he had any concerns about construction access and he said he did not.

There were no further comments from the public.

Mr. Aikins closed by thanking the Board for their consideration.

Mr. Neczesny noted improvements in functionality and form, with insignificant encroachment.

Dr. Laufer noted the challenge presented by old houses and said he had no problems with the porch if it is ok with the neighbors. He mentioned the need to be careful not to compact the soil when doing the work in the area to the east of the house.

Ms. Quigley supports the application and said it restores architectural integrity.

Mr. Ludman agreed and mentioned that it was not a demolition, there were lot of pre-existing non-conformities, was not too much exacerbation and was an improvement.

Mr. Ryan noted the benefits to the neighborhoods.

Mr. Lehder stated it was a great plan, well done. He appreciated the neighbors support.

Mr. Ridgeway agreed with his colleagues.

MOTION by Lehder, second Neczesny, to approve the application with the conditions that Mr. Kennedy have access to the site for the purpose of determining best practice, and for a construction official to sign off on the fencing.

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

Opposed: None

Cramsie - 77 Willow St, Block 53, Lot 11 - application for porch and second story addition -
variances required for front and side yard setbacks

Mr. Cramsie was told that in lieu of the time his application was to be carried to the February 4 meeting. It was noted that the applicant's notices were in order and he consented to an extension of time.
MOTION by Lehder, second by Neczesny, to carry the application to the February 4 meeting with no need for renote.

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

Opposed: None

5. Administrative Items

MOTION by Neczesny, second by Quigley, to approve the resolution for Bruiser Woods, LLC./Kick Dance Studio - 611 River Rd, Block 25, Lot 12

In Favor: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Kinsella

Opposed: None

MOTION by Neczesny, second by Laufer, to approve the minutes of the December 3, 2020 meeting as amended

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

Opposed: None

MOTION by Lehder, second by Neczesny, to approve resolution thanking Jennifer M. Johnson for her dedication, commitment and professional service as the Zoning Board Secretary

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

Opposed: None

There were no comments from the Public

MOTION to adjourn made by Mr. Neczesny and approved unanimously.

Meeting adjourned at 10:41 PM

Respectfully submitted,
Judy Fuller,
Acting Board Secretary