

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

Regular Meeting Minutes - February 4, 2021 - Virtual meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic

The meeting was called to order at 7:17 by Mr. Lehder, Board Chair, with a reading of the Open Public Meetings Act Statement (below) and the salute to the flag.

### **1. Roll Call**

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

Absent: Mr. Kinsella

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

### **2. Old Business**

**Cramsie - 77 Will St., Block 53, Lot 11** - Application for a second story addition and covered porch Elena Gable was sworn. John Brower, 678 Leoni St, Woodbridge, was sworn and his credentials as a Licensed Architect were accepted by the Board. Ms. Gable addressed the completeness items, noted they are the standard waiver items and recommended the waivers be granted.

**MOTION** to grant the waivers made by Ms. Quigley, second by Dr. Laufer

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

Opposed: None

**Ex. E-1** - Survey by Brian T. Yuro dated 6/12/20. **Ex. A-2** - Plans prepared by John Brower of Dugas and Brower with revision date 1/29/21. **Ex. A-3** - 2 photos of existing home taken last week by Mr. Brower. Mr. Brower reviewed the variances and noted that the pre-existing non-conformities for lot area, accessory structure, lot width and frontage and rear yard have not been changed. The new, exacerbated variances are for front yard setback (8.7 exists, 9.5' proposed), rear yard (29.5' exists, 21.5' proposed). Mr. Brower said that current work is going on, mainly in the house, with a small expansion to the 2nd floor bathroom and addition to the kitchen. Phase 2 of the work includes a 2nd floor master bedroom and bath above the existing addition.

Blake Cramsie, 77 Willow St. was sworn and reviewed the survey. It was noted that the rear deck was in the rear yard. All of the issues that arose are on the Oak St. side. In answer to questions from the Board he stated the siding on the garage will match the house. There is no change in the footprint. The lot and deck do not pose coverage issues. Mr. Cramsie said the fence would be replaced by a low picket fence, with low plantings of flowering perennials.

Mr. Brower stated that the undersized lot meets the C-1 hardship criteria. The positive C-2 criteria are met because the changes work with the existing home and the character of the neighborhood. He noted that the home was in disrepair and the overall character of the home is enhanced by the addition. The porch is wrapped around the Oak St. side for aesthetic reasons, working with the original element.

Referring to the second story, Mr. Lehder questioned whether the look on Oak could be softened. Mr. Brower stated he was working with existing conditions. Filling space was more appealing than cutting. There followed discussion regarding what could be cut back. Mr. Brower said that shifting walls will impact the roof lines. The proposed roof line matches and aligns, there is no break in the roof and ridge line. There was further discussion regarding ways to move the bulk.

Ms Quigley asked about looking at ways to move the bulk. Mr. Schiavetti asked if the 2nd story wall could be set back. Mr. Lehder noted that a roof skirt would be an additional encroachment. Mr. Ridgeway said

he didn't see a way to soften the look with landscaping. Mr. Ludman referring to the two fronts said that the Oak Place side was critical. There was too much bulk in the back. Dr. Laufer said he would be more concerned if the bulk was in the front. Noting the expense involved in some of the suggestions, he would prefer to see cosmetic changes. Mr. Ryan asked if thought had been given to the placement of the patio. Mr. Neczesny said he didn't think there was enough space to make a significant impact on Oak. Could a twin gable break up the roof?

The meeting was open for public comment.

Josh Gray, 79 Willow, was sworn and stated he was excited about the project.

Marguerite Sheehan, 16 Oak Place, was sworn. She stated she thought they were doing a good job, the flat roof looks horrible and a 2nd story would be an improvement. She agrees with the Board members who say little can be done to change it. The wraparound porch would be beautiful and she doesn't see bulk as an issue. The work will help the area.

Jill Butler-Everts was sworn. She stated that she grew up in that house and was thrilled to see that it will be improved and not torn down.

Jo Heath, 62 Pate Dr, Atl. Highlands, was sworn. She noted she had lived in the house and was glad to see it isn't being torn down. It will be a vast improvement. She hopes the Board can come to a compromise so the family can live there.

There were no further comments from the public.

Mr. Lehder said the two main issues were the deck in the rear and the bulk. He asked if the applicant wanted to wait or to have the Board vote. Ms. Gable stated that a roof skirt could be added as a condition of approval. Mr. Irene noted it would have to indicate a minimum setback. Following discussion regarding whether or not the Board could approve with the skirt, with conditions, or whether to return next month. The applicant requested a recess to confer with his architect.

### **3. Administrative Items**

The Attorneys for the Zimmerer and Sullivan applications, waiting on Zoom, were consulted. Mr. Brodsky said he was ready to continue. Ms. Krimko requested that the Sullivan application be carried to the March meeting, granting the Board an extension of time.

**MOTION** Lehder, second Ludman, to carry the Sullivan application to the March meeting with no renote required.

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

Opposed: None

**MOTION** Neczesny, second Laufer, to approve resolution awarding contract to Michael A. Irene, Esq. for service as Board Attorney

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

Opposed: None

**MOTION** Neczesny, second Lehder to approve resolution awarding contract to James A. Kennedy/ KCE LLC. for service as Board Engineer

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

Opposed: None

**MOTION** Neczesny, second Quigley, to approve resolution granting variance relief to Gaiero- B46-L12

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

Opposed: None

MOTION Neczesny, second Lehder to approve resolution granting variance relief to Anderson - B62-L7  
In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Lehder  
Opposed: None

MOTION Neczesny, second Lehder, to approve resolution appointing Heyer Gruel & Associates for service as Zoning Board Planners.  
In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Lehder  
Opposed: None

MOTION Neczesny, second Lehder, to approve resolution appointing Judy Fuller for service as Acting Secretary  
In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Lehder  
Opposed: None

In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Lehder  
Opposed: None

MOTION Neczesny, second Lehder to accept the minutes of the January 4, 2021 meeting as amended.  
In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Lehder  
Opposed: None

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Mr. Cramsie returned and discussion of his application continued.

Mr. Cramsie requested feedback from the Board, stating that he was struggling to come up with something less invasive.

Mr. Ludman stated that showing how different options considered may or may not help.

Mr. Cramsie requested that the application be carried to the March meeting and stipulated an extension of time.

MOTION Lehder, second Neczesny to carry the application to the March meeting with no need to re-notice and the stipulation of an extension of time.

In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Lehder  
Opposed: None

#### **4. New Business**

Roll call - Present: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Schiavetti, Lehder  
Absent: Kinsella

**Zimmerer - 139 Park Rd., Block 7, Lot 15, R-10 zone** - Application for a new dwelling - variances required for front and side yard setbacks, habitable floor area ratio, rear and side yard setbacks for accessory structure (swimming pool)

Mr. Lehder recused himself and left the zoom session. Ms. Gable was sworn.

Rick Brodsky, Esq. appearing on behalf of the applicant stated that this was an application to demolish an existing home. The completeness waivers were reviewed by Ms. Gable who recommended the waivers be granted. String dimensions on the existing home are not needed since the home will be demolished.

**MOTION** Neczesny, second Quigley, to accept the waivers for completeness purposes

In Favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Schiavetti  
Opposed: None

**Ex. A-1** - Survey by Charles V. Bell, Jr. dated 7/13/17.

**Ex. A-2** - Plans prepared by Anthony M. Condouris with a revised date of 10/20/20

Anthony Condouris, 20 Bingham, Rumson, was sworn. He stated that Mr. Zimmerer grew up in Fair Haven and wants to live in a new home, on the current site. The site is a corner lot that is undersized and has an irregular shape. The proposed house will improve the setback from Park Road. The proposed house would front on Park Ave. Mr. Condouris addressed the existing conditions regarding lot size, lot width on one side and lot frontage. Variances are needed for front setback on Park Rd. -25' to porch, 31' to facade, 15' to porch on Park Ave. The HFAR is .30 where .28 is the maximum allowed. The garage is in the front yard and the setbacks are not conforming. A small pool is proposed. (8').

Referring to the elevations, Mr. Condouris described the design as classic, typical colonial with front door in the center. The front is on Park Ave but he also tried to give Park Rd a front appearance. There is a covered walkway from the garage to the house that provides privacy for the pool. The home has 4 bedrooms, laundry room, master suite, one private bath and one shared bath.

**Ex. A-3** - Google Earth aerial view - shows large buffer of evergreens as good screen for the garage. Mr. Schiavetti questioned the two steps to the porch and Mr. Condouris stated the first step will recess and will comply on both sides. Dr. Laufer questioned the fronting of the house stating it was put on the more exposed side of the corner. Mr. Neczesny was concerned about the porch on the front side.

**Ex. A-4** - three dimensional computerized rendering of the proposed site and structures. The garage is 22x22 with 2 bays, the height is 15', set back 10.8' to the property line. There is 4' pool fencing starting at the walkway and crossing the driveway.

The FAR was discussed. Mr. Neczesny stated that pulling in would help with the setback issues as well as the FAR. A 1 ½ car garage would eliminate a variance. Ms. Gable stated it would have to be set back from the line of the principal building to avoid being in the front yard. In response to a question regarding whether the fence would be in the front yard it was noted that would be hard to move. It would conform because it is parallel to the house facade, not encroaching. The railing of the porch serves as the pool fence. No decision was made on the size of the garage. As is, it does not conform to the setbacks. Several members noted that in view of this being new construction and the number of variances, the garage could be made to conform.

Mr. Ryan stated he could see the rationale for some of the setbacks, but the FAR is more of an issue. Mr. Laufer and Mr. Ludman both questioned the inclusion of the pool, given the size of the lot. The garage could be moved.

MOTION Neczesny, second Schiavetti, to carry the application to the March meeting with a stipulation of an extension of time and no need to renotice.

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

Opposed: None

Mr. Lehder returned to the Zoom meeting. He told the Board members about tutorial Mr. Kovats was preparing for the next PB meeting and invited them to participate in the discussion.

MOTION to adjourn made, seconded and approved unanimously by voice vote.

Meeting adjourned at 10:46 PM.

Respectfully submitted,

Judy Fuller, Acting 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.