

**FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes - March 4, 2021, 7:15 pm – 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.

Roll Call 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.

Old Business Sullivan - 47 Lake St, Block 20. Lot 15, R-5 Zone - Mr. Irene noted a request from the applicant's attorney that the application be carried to the May 6 meeting. The attorney stipulated an extension of time through May 30.

MOTION Lehder, Second Neczesny, to carry the Sullivan application to the May 6, 2021 meeting with no necessity to re-notice and with the stipulation of the extension of time.

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

Opposed: None

There was no response from the public. Mr. Lehder recused himself and was removed from the zoom panel.

Cramsie - 77 Willow St., Block 53, Lot 11, R-5 Zone –

Application for second story addition and covered porch. Variances needed for front and rear yard setbacks.

John Brower, 678 Leona St, Woodbridge, was sworn. Blake and Amelia Cramsie, both of 77 Willow St, Fair Haven, were sworn. Elena Gable, Board Planner, was sworn.

Mr. Brower addressed the changes to the plan, noting that he came up with a list of three options plus the original plan. Ex. A-4 - plans prepared by Mr. Brower with a revision date, consisting of 7 sheets.

*Option 1* is the original design. *Option 2* shows a 2nd story balcony inserted to break up the mass of the wider roof profile. The balcony is 11 1/2' x less than 4'. Four feet was taken off the bedroom, bringing the HFA to 1,818 sq. ft. *Option 3* has an uncovered balcony but with the roof stepped in, breaking the roof plane. The HFA would be 1,818. *Option 4* has the roof set in, breaking the plane. The HFA would be 1942. This was described as the least desirable. Both option 3 and 4 would reduce the size of the attic.

Mr. Neczesny stated the architect did a good job with the options. He prefers option 2 because it keeps the roof line and softens the look. In response to a question from Ms. Quigley, Mr. Brower said that the Cramsies preferred option 2. The stairway to the attic is to be a fixed stair although it is not fixed at this time. Mr. Neczesny noted that the footage should be included in the HFA calculation. Ms. Gable said

that she had discussed the portion that is habitable - the area with 7' ceilings and at 13.3% (77 sq. ft) is well under habitable floor area. Ex. A-5 - an attic sketch drawn the previous day.

Mr. Neczesny asked if any thought was given to mitigating the side yard setback. Mr. Brower stated that the BBQ grill was eliminated. The patio will exacerbate the front and rear yard setback (Oak St). Ms. Quigley stated she thought option 2 addressed the Board's concerns. Mr. Irene reviewed the changes in setbacks and it was noted that there were no changes to the garage. Mr. Neczesny suggested memorializing that the balcony remain open, unwallled. Dr. Laufer stated he likes the look and the way things are broken up. Mr. Neczesny questioned the landing in the back and Mr. Brower explained the configuration. Mr. Ridgeway thought that the options were a good example of working together. He noted the street is heavily trafficked and they came up with a great solution. Ex. A-6 - a copy of the original survey and the application for a building permit for the rear one story addition, dated 1973.

Public Comment Christine Malecki and Andrew Malecki, both of 15 Oak Place, were both sworn and stated they loved option #2 and had no problem with the application. Marguerite Sheehan, 16 Oak Place, was sworn. She reiterated the Maleckis comments and said the balcony solution looks good. Ken Rainey, 67 Willow St, was sworn. He said the house needed updating, they had done a good job and he wanted to see this family in Fair Haven. Barbara Shebben, Oak Pl, was sworn. She concurred with Mr. Rainey, and agrees with the plan. There were no further comments from the public.

Mr. Ryan expressed appreciation of the applicant's efforts. Mr. Ludman agreed. Mr. Kinsella said this was an important house and he appreciates that it was not a tear-down. It retains the feel of the neighborhood.

MOTION Quigley, second Laufer, to approve the application with option 2, HFA 1918+77 sq. ft. with the stipulation that the 2nd floor balcony remain unenclosed.

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

Opposed: None

Mr. Kinsella stated that he had viewed the video of the previous meeting and reviewed the materials.

Zimmerer - 139 Park Road, Block 7, Lot 15, R-10 Zone -

Application for new dwelling - variances required for front and side yard setbacks habitable FAR, rear and side yard setbacks for accessory structure (swimming pool) It was noted that this hearing began at the previous meeting and was carried without need for notice.

Ex. A-5 - floor plans and elevations prepared by Anthony Condouris with a revision date 2/17/21 Anthony Condouris and Elena Gable were previously sworn. Mr. Condouris stated that the plans were revised to address concerns and questions of the Board. He has reduced the size of the proposed garage and the pool has been reduced and reconfigured, no longer requiring a variance. The HFAR has been reduced from .30 to .29 by taking off 146 sq. ft. He stated that the undersized lot is irregular shaped. He took 5 1/2' off all around the building. As a result the building ended up 1' shorter, improving the setback. The garage is now off the front line of the house, the fence is pushed back beyond the line of the house. The pool is now 10' off the property line and no longer needs a variance. The covered colonnade ends at the front line of the patio. Ex. A-7 - screen drawing, Ex. A-7 - revised 3D elevation. Ms. Gable asked about the shrubs and was told they would be boxwoods or skip laurels. In response to a

question, Mr. Condouris said the patio was raised 24" and no railing was required. Mr. Neczesny noted that the setback is still tight and this is a concern considering it is new construction. Was any thought given to mitigating those setbacks? The response was that the constraints of the lot meant the house would be very narrow. Was any thought given to lowering the patio? It could be made to conform. Ex. A-8 - diagram of building envelope. Mr. Ridgeway asked if all the French doors opened to the patio? Yes. Could it be at grade? Mr. Neczesny said he was still concerned about the FAR- the house is too big for the lot. Dr. Laufer said the 16' off the road was a concern. Did they consider fronting the house on Park Rd.? The mass of the house is fronting Park Ave. Mr. Condouris said the longer part on Park Ave was more attractive. Mr. Brodsky addressed the hardship criteria, discussing the trapezoidal shape and undersized lot. Mr. Ryan questioned the hardship in relation to the FAR.

Mr. Brodsky responded that the Zimmerers lived there and want to stay there. They want more space. Ms. Quigley stated that with corner lots there is a need to balance looming on two streets with tighter back yards. Mr. Brodsky was asked if there was any feeling for how the house could be reduced to a .28 FAR. It is possible - cutting 120 sq. ft would not be noticeable. He doesn't think building a conforming house would be aesthetically possible. Mr. Schiavetti stated he appreciated the work done to improve the garage. Good changes were made to reduce variances but he is still struggling with the FAR. Mr. Condouris said he could re-do the plans to get to .28. Mr. Brodsky asked if the Board could act tonight subject to new plans being presented next month. They would stipulate .28 and no further setback issues. The Board discussed how they could act tonight and whether they could act without seeing the final plans. Dr. Laufer said he was uncomfortable approving a plan, even with the stipulations. Mr. Ridgeway stated he didn't know how that could be done.

Frans Zimmerer was sworn. He affirmed that Mr. Condouris could reduce the FAR down to .28. He was concerned about the size of the bedrooms. There were no questions or comments from the public. Applicant requested to carry and there was discussion regarding which month it could be heard.

MOTION Neczesny, second Kinsella, to carry the matter to the April 8 meeting with no necessity to re-notice and no guarantee that it will be heard. Applicant stipulated an extension of time through May. Revised plans are to be submitted at least 10 days in advance.

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

Opposed: None

Mr. Lehder rejoined the Board on Zoom. He noted that the schedule is a concern and suggested holding one or possibly two special meetings to clear the backlog. The Board could schedule Open Public Meetings Act notice for all alternate dates going forward. The Board Secretary will check on availability of date and will notice.

MOTION Neczesny, second Laufer, to accept the minutes of the February meeting as amended.

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

Opposed: None MOTION to adjourn made, second and passed unanimously by voice vote.

Meeting adjourned at 9:43.

Respectfully submitted,

Sandi Papa, 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