

**FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – April 8, 2021, 7:15 pm – Virtual meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic**

The meeting was called to order at 7:20 pm 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. Schiavetti, and Mr. Lehder

Absent: Mr. Kinsella

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

Mr. Lehder suggested that the administrative issue of adding additional meetings be discussed first and a resolution be considered. An additional monthly meeting would be put on the calendar through the end of 2021. These special meetings would be held the third Thursday of each month.

Mrs. Quigley asked if the meetings are needed. Mr. Lehder suggested that the board will try to balance the needs the applicants and the public to keep applications moving forward.

Mrs. Quigley asked if there was an intention to carry the application to the next meeting if the applicant is unable to complete their presentation. Mr. Lehder answered that applications will most likely run a 30-day cycle to allow for revisions to plans and notice for new applicants.

Mr. Irene said that the benefit is that those that are on the agenda, but are not heard, can be carried to the next meeting.

Dr. Laufer asked for consideration for not having the special meeting on September 16, 2021 because of the date being a religious holiday. Mr. Irene suggested deleting the September 16 date.

The special meeting dates under consideration were read into the record by Mrs. Papa, Board Secretary, as follows:

April 15, 2021

May 20, 2021

June 17, 2021

July 15, 2021

August 19, 2021

October 21, 2021

November 18, 2021

December 16, 2021

A MOTION by Lehder, Second by Quigley to adopt the special meeting dates. A vote was taken.

In favor: Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Lehder.

Opposed: none

For new business, the first application was discussed:

Bunge – 7 Hillside Place, Block 66, Lot 9, Zone R-10A

Application for front covered porch. Variance needed for the front yard setback.

Mr. Irene discussed the notice requirements with the Board Secretary. The clerk of the municipality of the neighboring town, Rumson, did not receive notice. Mr. Irene suggested the Board carry the matter to the next meeting and that the applicant perfect the notice by noticing the Clerk of Rumson.

MOTION by Lehder, Second by Quigley, to carry the Bunge matter to May 6, 2021 with the necessity that the applicant perfect the notice by serving the adjoining municipality.

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

Opposed: none

For new business, the second application was discussed:

Keefe - 25 Beechwood Place, B74, Lot 27, Zone R-10B:

Addition and renovation to existing residence. Variance needed for habitable floor area.

Mr. Lehder recused himself from the Keefe application.

Ms. Papa confirmed with Mr. Irene that the notice materials are in order.

Ms. Gable was sworn in.

Mr. John Sarto of Giordano, Halleran and Ciesla, identified himself as Mr. Keefe's attorney.

Mr. Irene marked the exhibits as follows:

The March 30, 2013 survey from Mr. Charles Surmont was marked as Exhibit A-1. The Keefe Resident Plan from architect Alex Shissias dated 11/25/20 was marked as Exhibit A-2.

Mr. Sarto said additional plans were emailed to the Board Secretary labeled in the same plan set. Z3 is labeled 'Floor Plans' with a revision date of 4/7/21; Mr. Irene suggested these plans be marked as Exhibit A-3. Z4 is labeled 'Exterior Elevations' with revision dated of 4/7/21; Mr. Irene suggested this drawing be marked as Exhibit A-4.

Ms. Gable recommended that waivers be granted for completeness purposes only for: the Monmouth County Planning Board Application, the Freehold Soil Conservation, and the County Health Department Application.

MOTION by Neczesny, Second by Quigley to grant the completeness waivers as delineated by Ms. Gable.

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

Opposed: none

Mr. Neczesny asked if the April 7, 2021 plan is the final revision, and the other sheets were no longer relevant. Mr. Sarto stated that they were replacements from the previously submitted materials.

The first witness called by Mr. Sarto was Mr. Alec Shissias, 27 First Street, Rumson NJ. Mr. Irene confirmed the credentials for Mr. Shissias as a registered architect for 8 years and landscape architect for 7 years. The Board accepted the credentials of Mr. Shissias. Mr. Shissias was sworn in.

Mr. Sarto confirmed that Mr. Shissias has visited the site, was familiar with the ordinances and the Master Plan, and the standards that apply to the property. Additionally, Mr. Shissias has reviewed the planner letter for comments relative to the property.

Mr. Shissias then began his presentation of the plans for the project. The renovation is specific to a 1960s center hall colonial. Currently, it is a 4-bedroom house with 2.5 baths on a cul-de-sac. Several architects and an interior designer were involved in the project.

Mr. Shissias shared the proposed floor plans. Part of the presentation included changing the location of the garage to the front of the home and a new covered front porch. For the second floor, 5 bedrooms and 3 bathrooms are proposed, with a small office. For the cellar, a large percentage is unfinished and used as a utility room. The remainder of the cellar space is designed as a rec room with a walk out to the back yard.

From an exterior perspective, the front will have a center gable over a center door and front porch. From the rear, there will be a one-story addition with a family room. Side elevations shown include a side entry. A fireplace is included with a chimney.

Mr. Sarto asked Mr. Shissias to explain how the update will fit into the neighborhood. Mr. Shissias said the project will be an improvement while maintaining most of the existing home.

Mr. Neczesny asked where the old house ends, and the new addition begins. Mr. Shissias brought up the plans to review the changes. The second floor is the most significant renovation and is mostly within the footprint of the first floor.

Mr. Shissias reviewed the variances needed to complete the project:

1. A pre-existing condition, lot frontage – 100 feet required and 90 ft is the existing measurement.
2. Floor Area Ratio cap – 3220 sq ft permitted, existing 2371 sq ft, and 3542 is proposed, 10% over the cap.

The plans conform with all other ordinance requirements.

From the planner's review, Mr. Shissias stated the required combined side yard setback is 25' and with the addition the combined set back will be an improved 35.'

For storm water management, the applicant will comply with anything needed for Borough engineering review. There will be no changes for utility connection. No trees will need to be removed.

Discussion took place regarding the attic and habitable space. Dormers in the attic will be used as skylights to the second-floor office and hall bathroom.

Dr. Laufer asked why they needed to exceed the floor area ratio by 10%, and was an effort made to stay below the requirement, and why not. Mr. Shissias stated that an effort was made, but the space was needed to make it suitable for their needs. For the size of the family, the home would not function in a smaller size.

Mr. Neczesny questioned the cathedral/vaulted ceiling on the rear addition. Ms. Gable was asked to weigh in. There was a concern about habitable space. Mr. Gable suggested the 7' ceiling height should be considered. Mr. Shissias suggested that the peak height be limited to 14' or 15' in pitch.

Mr. Shiavetti questioned why the coverage is exactly 10% over the cap.

Mrs. Quigley asked about the walk out from the cellar. Mr. Ryan asked about a draining system for the walk out basement and potential water issues.

Mr. Ludman asked why the variance is requested. Mr. Sarto suggested it is hardship to use the existing structure. He explained the positives and negatives. He suggested that it is deviation from the ordinance, with no other variances triggered.

Dr. Laufer suggested that the lot is 30% larger than what is required in the zone. He is not concerned about the size of the house based on the size of the property.

Mrs. Quigley thinks it is an improvement and can be considered under the flexible C2 standard.

Mr. Ryan feels the lot is oversized for the zone.

The public was invited to comment. There was no public comment.

Discussion from the Board included positive comments from Mr. Ridgeway, Mr. Neczesny, and Mr. Ryan.

A MOTION by Quigley, second by Neczesny was made to approve the application.

In favor - Neczesny, Quigley, Ridgeway, Ryan, Ludman, and Laufer

Opposed: Schiavetti

For old business, the application for Zimmerer was continued:

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

Application for new dwelling carried from March 4, 2021 meeting. 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 from this application.

Mr. Brodsky spoke on behalf of Mr. Zimmerer. Plans shown were changed by Mr. Condouris (architect) to reduce the size of the home to come in compliance with the floor area ratio. There is an irregular shaped, corner lot that has caused design challenges. Mr. Brodsky stated that the applicants have gone to great lengths to comply with the board's suggestions.

Mr. Anthony Condouris was sworn in. The revised plans dated June 10, 2020 through March 24, 2021 were marked as Exhibit A-9.

Mr. Condouris walked the Board through the revisions.

Mrs. Quigley asked for Mr. Brodsky to restate the variances. He reviewed that the Zimmerers are requesting variances for front yard setbacks on Park Road and Park Avenue, and the side yard setbacks, as well as setbacks for the garage. Lastly, the front facade is moving to face Park Avenue.

The public was invited to comment. There were no public comments.

Mr. Neczesny summarized the positive aspects of the project. Mrs. Quigley described the case as classic hardship. Dr. Laufer agreed and acknowledged that the Zimmerers had worked with the board to respond and answer questions posed. Mr. Ludman thanked the applicants for a workable plan. Mr. Ryan echoed the other board members sentiments.

A MOTION by Neczesny, second by Ludman to approve the application.

In Favor - Neczesny, Quigley, Ridgeway, Ryan, Ludman, Laufer, Schiavetti.

Opposed: none

Dr. Laufer suggested a five-minute break.

Mr. Lehder rejoined the meeting and restarted the meeting with a roll call.

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

Absent – Mr. Kinsella

The next application heard was:

Feminello - 2 Holly Lane, Block 79 Lot 32, Zone R-30

Addition and renovation to existing residence. Variances needed for lot area, lot depth, front yard setback, single side yard setback, combined side yard setback, floor area ratio, lot coverage, and parking.

Mrs. Papa confirmed the notice was in order.

Ms. Gable was sworn in.

Ms. Gable recommended granting the waivers that were requested by the applicant. Specifically, the Monmouth County Planning Board waiver, Freehold Soil Conservation District waiver, County Health Department Application waiver, and waiver for copy of easements, covenants and deed restrictions.

There were no objections by the board to the waivers requested.

Mr. Robert W. Adler Jr. of 1049 Broadway, West Long Branch, NJ 07764 was sworn in and his credentials as an architect for 31 years in NJ were accepted.

Scott Feminello of 2 Holly Lane Fair Haven NJ 07704 and Caroline Lobo of 2 Holly Lane Fair Haven NJ 07704 were sworn in. Scott gave introductory remarks regarding their home and neighborhood. They are feeling constraints based on their growing family and COVID issues.

A survey was provided from Greg A. Gaffney PLS on Control Layouts Inc marked November 20, 2015 as Exhibit A-1.

Mr. Adler's architectural plans created April 20, 2020, last revised Dec 15, 2020, were marked as Exhibit A-2.

Mr. Adler reviewed the architectural plans. He reviewed the first-floor plans which includes a kitchen extension, and outdoor covered space, including patio, fireplace and pool. On the second floor, a new master suite is planned over the outdoor dining area.

Mr. Adler suggested that the plans are for a modern farmhouse feel.

Mr. Adler reviewed the variances requested for lot area, lot depth, front yard setback, single side yard setback, combined yard setback, floor area ratio, lot coverage, and parking.

Mr. Adler stated that the building coverage is within the requirements of the Fair Haven ordinances. With regards to the variances requested there was discussion of R-10A zone (smaller lots) versus the R-30 zone (larger lots). Mr. Adler gave a comparison of the homes in the two zones. Mr. Adler stated that the lot coverage and floor area ratio is being triggered because of the smaller lot size in the zone.

Mr. Adler discussed the side yard setbacks and showed diagrams with specific information related to the side yard setbacks. He then discussed the front yard. He reviewed correcting the curb cuts, and how they are unable to make three spaces that comply with the zone requirements for parking. They will be removing the circular drive. Lot coverage will increase 8%, because although they will be eliminating front yard coverage, they will be adding a pool and patio area in the back.

Mr. Lehder asked if the Feminellos had made any inquiries to their neighbors for acquiring the neighboring lot. Mr. Adler was not sure if they had made that inquiry. Mr. Feminello said they had not made that overture to their neighbor. Mr. Irene stated that the Board would need to determine if there was a reasonable opportunity to mitigate the lot area deviations that are causing so many problems.

Mrs. Quigley wanted to know if the neighbor would need to subdivide.

Mr. Lehder wanted to know if there was a problem in that they cannot report back on the issue.

Mr. Irene explained that they would need to determine if they could cure the hardship. There seems to be land available to mitigate the lot size deviation.

Mr. Feminello said the neighbor is on the call and will to comment on selling their property.

Mr. Thomas J. Demcsak, 28 Holly Lane joined the call and was sworn in. Mr. Demcsak is the adjacent property to the West side. He is not interested in selling any of his property. He spoke of Holly Lane, and mentioned his property is in the R-10 zone. Holly Lane is a private road that leads to two houses on the river.

Mr. Adler then spoke of the expansion and improvements to be made. He spoke of updating the home rather than removing it. He spoke to conforming to R-10A but staying in character with the neighborhood. The impact of the changes will be on the rear of the property.

Mr. Lehder asked Mr. Adler to explain the addition first and second floor, and the 3600 square feet.

Mr. Adler reviewed the current and proposed square footage for the plans for the first and second floors of the home.

Ms. Gable asked if it was a basement or cellar. Mr. Adler confirmed it was a cellar.

Mr. Lehder asked if the board had questions.

Mr. Schiavetti asked about the 300' riparian buffer line, and if that has any effect on the variances. Mr. Adler does not have anything noted on the surveys, but believes they are well past that.

Mr. Irene suggested that a the 300' buffer is in the ordinances.

Mr. Adler stated that storm water has not been engineered at this time.

Mr. Schiavetti does not know what the repercussions are of it being in the area other than the storm water management.

Mr. Adler stated they will comply with whatever is required by the ordinance. Mr. Irene mentioned town ordinance 30-13. Any disturbance is defined as "shall be protected from avoidable disturbance... removing vegetation." The ordinance defines disturbance as the "placement of impervious surface...." and continues with additional information.

Mr. Adler was thinking of DEP coverage and Mr. Irene wanted Mr. Adler to understand it was something different.

Mr. Neczesny suggested showing Ms. Gable's diagram.

Mr. Lehder said any decisions will be subject to making sure we are not going against any ordinance.



Dr. Laufer agreed it was an important point. Dr. Laufer asked about the addition on the second floor. He asked if anyone would close in the space below the master bedroom that is open on the first floor. Mr. Adler suggested that was not the intent.

Dr. Laufer asked about the dimensions of the pool and asked about a reduction in lot coverage. Mr. Adler suggested they could pull 150 square feet from the patio. They also could reduce the patio piece in the front of the house.

Mr. Adler stated they are open to adjustments to the plan.

Ms. Gable asked about the patio and the different ground. Mr. Adler showed the garden beds.

Dr. Laufer feels the question regarding the distance to the river is important and would like to see that answered. Dr. Laufer is not happy with lot coverage.

Mr. Neczesny would like the lot coverage reduced considering the clients desire to keep the pool.

Mr. Lehder asked for a better representation of the patio.

Mr. Adler explained exactly where the impervious lot coverage is in the yard. He showed where the outdoor living space is and coverage. Current lot coverage is over by 8%.

Mr. Lehder asked for public comment.

Mr. Thomas Demcsak came back to comment. Holly Lane is a very private street. He paved the street with another neighbor. The other houses are not close to the Feminello's house. He stated that he does not understand why they are in the R-30. He stated that it will be an improvement to the neighborhood.

Mrs. Quigley asked if he was concerned about the use the Feminello was added to their rear yard abutting the Demcsak property.

Mr. Demcsak state he was not concerned.

Nancy Gravina of 111 Battin Road joined the call and was sworn in. She supports the Feminello's improvement to their property. She feels it will be an improvement to their property and the neighborhood.

Mrs. Quigley asked if Mrs. Gravino is concerned about the intensification of the use of their patio and pool.

Mrs. Gravino said she is not concerned.

Mr. Adler stated that he thinks the home is in character of the neighborhood. Stated that the Feminello's are open to suggestions if needed to grant an approval.

Mrs. Quigley was concerned about the use in the back yard. She was swayed by the neighbors who are in support of the use.

Dr. Laufer is concerned 26% over the recommended lot coverage, and also concerned about the 300' riparian zone. Dr. Laufer likes what is proposed and thinks it fits in the neighborhood.

Mr. Neczesny stated that the house doesn't look imposing, has strong front yard setback, and feels the renovation is good. He is pleased they are not tearing down the existing home.

Mr. Ludman likes the plan overall and likes that are getting rid of circular driveway. He described it as a unique area of town and thinks it is a smaller lot in an R-30 zone. He feels they can address the 300' riparian zone in the resolution.

Mr. Irene suggest that the 300' riparian zone should put in the resolution.

Mr. Ryan likes the application.

Mr. Schiavetti is concerned about the 300' riparian zone. If the application is approved, he is concerned that there will be an oversight of the ordinance.

Mr. Ridgeway likes the work in the front, and reduction of the driveway. For the backyard, feels that the testimony of the neighbors was helpful.

Mr. Lehder stated that you must look at R-10A. It may be borderline too big. If this were new construction, this house could be built tomorrow with a permit, and without a variance. He doesn't feel the home is out of scale to what we are used to. They are working around an existing structure, and long vacant spaces around them in a high-end area.

Mr. Ludman asked about parking. Mr. Irene said the ordinance requires three parking spaces behind the structure. They created 3 spaces and only two can be behind the house.

Mr. Adler asked if it is better to carry the application and find out answers, or is it better to bring whole project back if there is determination that another variance is needed.

Mr. Lehder asked advisement from Mr. Irene. Mr. Irene went over the idea of carrying the case versus having the board vote tonight. Mr. Adler asked the Board to vote on the application.

Mr. Feminello and Ms. Lobo went offline with Mr. Adler.

The Board then went through the administrative items on the agenda:

MOTION by Neczesny, second by Quigley to approval of Resolution for Cramsie of 77 Willow Street, Block 53, Lot 11, R-5 Zone .

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

Opposed: None

MOTION by Neczesny, second by Rideway to approve the minutes from the March 4, 2021 meeting.

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

Opposed: None

Mr. Adler and the Feminellos re-entered the meeting. Mr. Adler requested the Board consider the application for a vote.

MOTION by Lehder, second by Neczesny to approve the Feminello application with conditions including directing the question to the zoning official and borough engineer for applicant compliance with 300' riparian buffer, drainage plan to mitigate any issues with lot coverage, attic storage only, Freehold Soil and DEP letters of no interest exemption.

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

Opposed: None

Mr. Lehder thanked the Board for putting in the extra effort. Motion to adjourn, carried by voice vote.

Meeting adjourned at 11:20 pm.

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 was sent to and published in the Asbury Park Press, and was also sent to the Two River Times and the Star Ledger. That Notice was also posted on the bulletin board in Borough Hall, and has remained continuously posted there as required by the Statute. 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.