

**FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – May 20, 2021, 7:15 pm – Virtual meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic**

The meeting was called to order at 7:15 pm by Mr. Lehder, Board Chair, with a reading of the Open Public Meetings Act Statement (below) and the salute to the flag. Mr. Irene indicated that in addition to the notice read by Mr. Lehder, that indicates the regular monthly meeting dates, a supplemental meetings notice was published and posted for special meetings and provided to the Borough Clerk. Tonight's meeting is one of the special meetings.

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.

Mr. Lehder introduced the McCue application.

McCue – 11 William Street, Block 45, Lot 26, Zone R-5.

Mr. Lehder stated that there was a notice issue. Mr. Irene confirmed that the applicant did not include the remote access information in their notice. Mr. Lehder suggested the matter be carried to the June 3, 2021 meeting.

MOTION by Mr. Lehder, second by Mr. Neczesny to carry the McCue matter to the June 3, 2021 meeting with the requirement that the applicant issue timely statutory notice.

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

Opposed: None

Mr. Irene confirmed that the McCue matter will be heard June 3, 2021

Mr. Lehder asked that the McElduff matter be heard next.

McElduff – 31 Heights Terrace, Block 68, Lot 6, Zone R-10B

Renovate and construct an addition to the existing residential dwelling. The applicant seeks a variance for combined side yard setback for principal structures where 58 feet is required, and 43.9 feet exists (a pre-existing non-conforming condition); and 38.06 is proposed. Applicant also seeks a variance for maximum permitted habitable floor area – 3,220 square feet is permitted, and 2,068 square feet exists; and 3,780.8 square feet is proposed.

Mr. Irene reminded that the McElduff matter was carried from the May 6, 2021 meeting without the necessity to re-notice.

Ms. Gable, the Borough Planner, was sworn in by Mr. Irene.

Mr. Aikens, the McElduff attorney, introduced the applicants Melanie and Ryan McElduff; the architect, Paul Lawrence; and Planner/Engineer, Jason Fichter.

Mr. Aikens reviewed the variances that are sought.

Mr. Irene suggested addressing the completeness items in Ms. Gable's report.

Ms. Gable reviewed the completeness waivers sought and suggested granting waivers for:

1. Monmouth County Planning Board Application
2. Monmouth County Health Department Application
3. Freehold Soil Conservation District Application, with testimony to confirm if required
4. Copies of all easements, covenants, and deed restrictions, with testimony to address this issue

MOTION by Mr. Neczesny, second by Mrs. Quigley to grant the waivers for the purposes of completeness as defined by Ms. Gable.

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

Opposed: none

Mr. Irene marked the following exhibits:

Exhibit A- 1 – Topographical survey by Paul K. Lynch, PLS, dated 9/1/20.

Exhibit A-2 – Architectural drawings prepared by Paul Lawrence, RA of I House Architecture dated 2/12/21, 8 pages.

Mr. Irene swore in architect, Paul Lawrence 1600 Highway 71, Belmar NJ.

Mr. Aikens confirmed Mr. Lawrence has been a licensed architect for 28 years and has appeared before many boards in the state of NJ.

Mr. Lehder asked if he had appeared in Fair Haven. Mr. Lawrence confirmed.

Mr. Irene asked if Mr. Lawrence had ever had his credentials rejected by a board or in court. Mr. Lawrence said he had not.

Mr. Lawrence reviewed the drawings in Exhibit A-2. He started with a review of the existing floor plan. The current plan has two bedrooms and full bath on the first floor, living room, dining room, breakfast nook, and small garage attached with a breeze way. Upstairs there are two additional bedrooms and hall bath. He noted a lack of storage.

Next, Mr. Lawrence explained the proposed plans. The front of the house will remain. The new floor plan will include an open floor plan at the rear of the house, movement of bedrooms to the upstairs, and expansion of the garage with attachment to the house with a mudroom. For the second floor, there will be four bedrooms, including a master suite, and laundry. The front of the house will be kept in scale with the neighborhood. There is a staircase shown to access the attic.

Mr. Aikens asked that Mr. Lawrence confirm whether the house has a basement or cellar. Mr. Lawrence confirmed it is a cellar.

Mr. Lehder asked about the attic. Mr. Lawrence confirmed the attic will be below the 7' ceiling height. Mr. Lawrence said will be using the space for mechanicals.

Mr. Lawrence confirmed the habitable floor area by floor:

- First floor – 1891.3 square feet
- Second floor -1889.5 square feet

Mr. Lawrence asked to address the habitable floor area, specifically the proposed design is 560.8 square feet over what is permitted. The house size 2000 square feet under for building coverage, and just under the floor area ratio.

Mr. Lawrence suggested that laundry should not be included in the habitable floor area calculation because it is a utility room. He said this is 65 square feet. Also, there 45 square feet in the bedroom over the garage that is less than 7 feet.

Mr. Aikens confirmed that the laundry and bedroom space are in the calculations.

Mr. Lehder asked how the measurements are taken. Mr. Lawrence said from the outside wall.

Mr. Lehder asked if any walls would remain from the existing house.

Mr. Lawrence reviewed which walls would remain, which includes the front wall, entire right wall, the interior load bearing wall, stairs to cellar, and garage wall that is common with existing breezeway.

Mr. Lehder asked what the first-floor ceiling height will be. Mr. Lawrence said that it will be 8 or 9 feet. Mr. Lehder asked if they would need to rebuild the walls if 9 foot walls were chosen for the plans. Mr. Lawrence said they would build on existing structure to create the 9 foot walls.

Mr. Lehder reviewed the side yard setback variance requested and spoke of the frontage on the house.

Mr. Aikens said that because they are salvaging the front of the house, the movement is towards the rear and the house is skewed on the lot. He suggested Mr. Fichter will provide testimony regarding this.

Mr. Aikens said the typical side yard setback is 10 feet and the combined side yard setback is 25 feet. The side yards are significant, and have to do with the frontage.

Mr. Lehder stated that the lot is on a curve. Mr. Aikens suggested that Mr. Lawrence made effort to reduce massing of the house.

Mr. Lehder asked for clarification on why they exceeded the square footage. Mr. Lawrence stated that because they are working with the existing structure, it is hard to reduce to make the rooms smaller.

Mr. Schiavetti suggested that there are 200 square feet of walk-in closets.

Mr. Lawrence said that was needed based on the size of the McElduff family.

Mr. Schiavetti asked for the measurement of the new structure from the existing back structure.

Mr. Lawrence stated the depth is 9 feet 8 inches.

Mrs. Quigley asked for the dimensions of the family room.

Mr. Lawrence said the room is 19 feet 6 inches by 24 feet 6 inches.

Mr. Aikens and Mr. Lawrence continued to review dimensions on the first floor.

Mr. Schiavetti asked for additional dimensions on the back of the house and constraints of the current structure.

Mr. Necsesny asked about reducing the upstairs and the four bathrooms.

Mr. Lawrence said that is in line with common requests he receives.

Mr. Lehder suggested that they are going past limits on the second floor and do not have constraints because it is new construction.

Mr. Lawrence suggested that he does not think the rooms are oversized. He thinks the only way to reduce the square footage would be to reduce the number of bedrooms.

Mr. Irene marked Exhibit A-3 as marked up of sheet A-8 of Exhibit A-2.

Mr. Lawrence reviewed Exhibit A-3.

There was discussion about habitable floor area and utility rooms.

Mr. Lawrence confirmed with the owner will have the first-floor height at 8 feet.

Mrs. Quigley thinks the house might be too big.

Ms. Gable asked about the materials for the exterior.

Mr. Lawrence suggested they will be using lime washed brick and white hardy board.

Ms. Gable asked if the shed and patio would be removed.

Mr. Lawrence answered yes.

Ms. Gable asked about landscaping and tree removal.

Mr. Lawrence stated that one tree will be removed.

Mr. Gable asked about underground utility connection.

Mr. Lawrence said that might be difficult.

Mrs. Quigley asked if there is a way to tighten up the plans.

Mr. Lawrence said he will try and is not sure there will be a huge difference.

Mr. Aikens asked to carry the matter and defer the planner/engineer.

Mr. Lehder asked if there were any additional questions from the board.

Dr. Laufer asked if the house will be closer to the adjacent neighbor on the South side. Mr. Aikens responded that the corner will be three feet closer to the property line.

Mr. Neczesny concurs that he does not have a problem with the side yard setback.

Mr. Lehder opened the meeting to the public.

Mr. Gregory Weiss of 19 Highland Avenue, Fair Haven, was sworn in. He believes the house is stunning and will add character to the neighborhood.

Mr. Chris Hayden of 142 Linden Drive, Fair Haven, was sworn in. He supports the plans as presented.

Mr. Michael Walsh and Mrs. Kathleen Walsh of 22 Heights Terrace, Fair Haven, were sworn in. Mr. Walsh testified that he lives across the street and recognizes the importance of staying within the town ordinances. He thinks the plans are thoughtful and will fit well in the neighborhood. Mrs. Walsh also supports the McElduff's plans and said they are not bothered by additional the square footage requested.

Mr. Patrick Lachanski of 42 Heights Terrace, Fair Haven, was sworn in. He supports the plans.

Mrs. Beth Weiss of 19 Highland Avenue, Fair Haven was sworn in. She is in support of the plans reviewed.

Mr. Lehder reviewed the rules set through MLUL to be considered with matters before the board.

Mr. Aikens suggested that the neighbors were all in support of the plans as submitted.

MOTION by Mr. Lehder second by Mrs. Quigley to carry the McElduff matter to July 8, 2021 without the need to re-notice.

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

Opposed: none

Mr. Lehder then requested the Shaw matter be heard.

Shaw – 15 Buttonwood Drive, Block 72, Lot 15, Zone R-10B

Building addition and internal renovation. The applicant seeks variances for single side yard setback, rear yard setback, and side/rear yard setbacks for a shed.

Mr. Irene said the notice matters are in order.

Mr. Irene swore in the Borough Planner, Elena Gable.

Mr. Edward McKenna will be representing the applicant, Mr. Christopher Shaw.

Ms. Gable reviewed the completeness waivers sought and suggested granting the following waivers:

1. Monmouth County Planning Board Application
2. Monmouth County Health Department Application
3. Freehold Soil Conservation District Application, with testimony to confirm if required
4. Attic access, should be added to plans for compliance purposes

MOTION by Mrs. Quigley and second by Mr. Neczesny to grant the completeness waivers requested.

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

Opposed: none

Mr. McKenna reviewed that the applicant is requesting two variances:

1. Side yard setback – 9 feet, where 10 feet is required
2. Rear yard setback – 26 feet, where 30 feet is required.

Both are pre-existing conditions that are being extended vertically because of the addition.

Mr. Irene asked to mark the Exhibits:

1. Exhibit A-1 – Survey prepared by Thomas M. Earnst, PLS, dated 1/21/20, last revised 12/21/20
2. Exhibit A-2 - Floor Plans and Elevations, created by Grasso Design Group, 1 sheet, dated 3/29/21
3. Exhibit A-3 – Zoning Table prepared by Grasso Design Group, dated 5/10/21

Mr. McKenna called on the architect from the Grasso Design Group, Brian Berzinskis.

Mr. Brian Berzinskis, architect and owner of Grasso Design Group, 231 Highway 71, Manasquan was sworn in. Mr. McKenna confirmed he has been an architect for the past 8 years and has appeared before 15-20 boards. He has also appeared before this board.

Mr. Lehder confirmed that Mr. Berzinskis is familiar with the calculations used in Fair Haven. He had appeared before the board approximately six years ago.

Mr. Irene asked if his credentials had ever been rejected by a board or court in NJ. Mr. Berzinskis confirmed that they had not.

Mr. McKenna asked Mr. Berzinskis to take the board through the plans.

Mr. Berzinskis reviewed how the first floor was reconfigured with a small porch. He mentioned the front yard setback associated with the porch. He then reviewed the second-floor addition which includes a master bedroom suite above the existing garage. He also described the dormers that were created to stay within the existing roof line and building height.

Mr. Bersinskis then went to the Floor Plan and Elevation sheet and reviewed the front and side yard setbacks requested. He mentioned the shape of the property and house as the reason asking for the rear yard setback.

Mr. Lehder asked if the architect had considered making the house taller.

Mr. Bersinskis said he would speak to the client regarding this.

Mr. McKenna said he would contact his client.

Mr. Lehder suggested over-framing at about 50%.

Mr. Bersinskis said he understood the idea and that the aesthetic would be better with a higher roof.

Mr. Neczesny agreed that raising the roof line would be an improvement. He also questioned the lack of windows by the kitchen.

Mr. McKenna said his client agrees with the change of the roof height.

Mr. Schiavetti asked about the riparian buffer. He also asked about the setbacks for the shed. Mr. McKenna said the shed variance has been eliminated from the application.

Mr. Schiavetti asked if it is a C1 body of water.

Mr. Irene asked about the patio coverage.

Mr. Berisinskis said that the porch is 50 feet from the pond.

Mr. Lehder asked if any drainage improvements are proposed.

Mr. McKenna said there is no disturbance that will cause additional runoff.

Mr. Schiavetti is concerned about the Fair Haven ordinance and the bodies of water referenced.

Mr. Kinsella offered comments regarding the pond.

Mr. Neczesny said it was a man-made pond.

Mr. Lehder said that this ordinance should be considered. Mr. Irene concurred.

Ms. Gable asked about the exterior materials.

Mr. McKenna said they will use cedar shingles, reusing existing materials where they are in good shape.

Mr. Lehder brought to the applicant's attention that they may need to raise the chimney.

The meeting was opened to the public. There was no public comment.

Dr. Laufer thinks raising the roofline would be an improvement. He agrees with granting the variance.

Mrs. Quigley agrees with the proposal.

Mr. Ridgeway agrees with the proposal. Mr. Ryan and Mr. Ludman also agree with the comments.

MOTION by Mr. Lehder and second by Mr. Neczesny to grant the relief for the vertical exacerbation of the side yard setback to the extent that it extends with the dormer, to grant relief for the vertical exacerbation of the rear yard setback as a result of the extension of the second floor, and grant the ridge height to no greater than 26.5 feet, and grant any vertical exacerbation than comes from that, subject to review of the plan. If there are issues, the applicant will come back to the board. Also, the board will grant relief for the riparian buffer as it relates to the front porch.

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

Opposed: none

MOTION by Mr. Neczesny and second by Mrs. Quigley to approve the May 6, 2021 meeting minutes as amended.

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

Opposed: none

The board discussed the ordinance associated with the riparian zone and having the town engineer come to discuss the ordinance with the Board. Mrs. Koch will coordinate the engineer attending the meeting.

The meeting was opened to public comment. There was no public comment.

Mr. Lehder suggested there is a scheduling conflict with the June 17 meeting with the RFH graduation. No one disagreed with cancelling the meeting.

Mr. Schiavetti suggested that he was concerned regarding 2 Holly Lane and the riparian zone. Ms. Gable will follow up on the application.

MOTION by Mr. Lehder to adjourn that was carried by voice vote. The meeting was adjourned at 9:54 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 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.