

**FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – February 10, 2022 7:15 pm  
– Virtual meeting via Zoom Platform due to the COVID19/Coronavirus Pandemic**

The meeting was called to order at 7:15 pm by Mr. Neczesny, Board Vice Chairman, with the reading of the Open Public Meetings Act Statement (below), and salute to the flag.

Roll Call:

Present: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Kinsella, Schiavetti

Absent: Lehder

Also Present: Mr. Irene, Board Attorney; and Elena Gable, Borough Planner

Mr. Neczesny introduced the first agenda item:

Sullivan – 27 McCarter Avenue, Block 77 Lot 19, Zone R-10

Applicant requests to construct an addition and deck to existing residential dwelling. Applicant seeks variance relief for combined side yard setback for principal structure where 24 feet is required, 17.6 exists and 17.6 proposed, exacerbating pre-existing non-conforming condition; single side yard setback where 10 feet is required, 8.1 exists and 8.1 proposed, exacerbating pre-existing non-conforming condition.

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

Ms. Gable reviewed the waivers requested by the applicant for completeness:

- Waivers for ownership disclosure
- Monmouth County Planning Board
- Freehold Soil Conservation District (FSCD), (request by Planner for testimony)
- Monmouth County Health Department
- Copies of deeds and covenant restrictions (request by Planner for testimony)

MOTION by Mr. Neczesny and second by Dr. Laufer to approve the waivers requested for completeness purposes.

In favor: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Kinsella, Schiavetti,

Opposed: none

The applicant, Ms. Caitlyn Sullivan and her architect, Anthony Condouris were brought into the meeting.

Ms. Caitlyn Sullivan, 27 McCarter Avenue, Fair Haven, was sworn in by Mr. Irene. Anthony Condouris, AI, 27 Bingham Avenue, Rumson, was sworn in by Mr. Irene.

Mr. Condouris was accepted by the Board as an expert in the field of architecture. He has been registered in NJ as an architect since 1996.

Mr. Irene marked Exhibit A-1, a survey prepared by Charles V Bell, Jr., PLS and dated July 19, 2019.

Mr. Irene marked Exhibit A-2, architectural plans prepared by Anthony M Condouris, AIA dated September 2, 2021 last revised November 18, 2021, 3 pages.

Ms. Sullivan reviewed that their home was purchased in 2019. They developed the proposed plans with first floor to have an office and master bath upstairs.

Mr. Condouris reviewed the variances. The existing non-conforming side yard setback and combined side yard setback will be exacerbated.

Mr. Condouris shared Exhibit A-2 on his screen. He explained the side yard setback.

There was discussion by the Board regarding the neighbor's lot to the left, and the proximity to the applicant's addition. There was conversation about why the addition was not moved in a foot and a half to avoid the variance.

Ms. Gable referenced page 8 of her report as having an ariel view, Exhibit ZB-1.

Ms. Sullivan spoke of a sliding glass door and not wanting to replace the door.

Dr. Laufer is concerned about the closeness to the neighbor, and open air and light between the properties. He asked about putting a sliding glass door off the family room.

Mr. Neczesny suggested a French door versus a slider to not cause encroachment on the neighbor.

Mr. Ridgeway commented that applicant's house and neighbor to the left, as they exist today, end at the same plane. The addition will extend off the applicant's property where the neighbor's grassy yard exists. Ms. Quigley confirmed that the addition will be next to yard space.

Dr. Laufer stated that the addition is very close to the property line.

Mr. Kinsella agrees with Mr. Ridgeway. He also mentioned the window on the second floor.

Mr. Ryan doesn't think 1.5 feet will be a material difference to what is being proposed.

Mr. Neczesny asked about the patio.

Mr. Condouris explained that the setback improves on the right side of the home as you move to the rear of the yard.

Ms. Gable said that if the patio is at grade, the patio complies with the side yard setback requirement.

Mr. Condouris confirmed the patio is not at grade. The patio is 16 inches above grade and will need to comply with the principal structure. Mr. Condouris confirmed the back corner of the patio has a side yard setback of 10 feet and the back corner is 10.5 feet.

Mr. Schiavetti asked about the driveway and if a variance is needed. The driveway currently goes back to the garage.

Mr. Irene asked if the width of the driveway is sufficient. Mr. Condouris confirmed that cars will be able to pass through to get to the garage.

Mr. Schiavetti said the driveway is 8.1 feet wide. He said the driveway standards in the Borough ordinance called 'improvement standards,' in Section 30-9.2, 6.b page 30:145, (section confirmed by Mr. Irene), require the driveway to be a minimum of 10 feet wide.

Mr. Irene said that the driveway would require a variance as designed and would need to be included in the resolution if applicable to the plans.

Mr. Ryan asked about the air conditioning units. Mr. Condouris stated that the placement of the units will be behind the addition.

Ms. Gable asked about materials. Ms. Sullivan said they will use vinyl siding in the same color as the existing siding. Ms. Gable asked Mr. Condouris to confirm his calculations and access to the attic.

Mr. Condouris confirmed that the driveway is included in the lot coverage.

There was conversation regarding the garage. Ms. Sullivan confirmed that trees will not be removed, except for a small bush.

Ms. Quigley confirmed the depth of the lot is 150 feet. Mr. Condouris confirmed the required lot depth is 100 feet. Ms. Quigley stated there is ample air and light with the additional depth of the lot. The garage was confirmed as a one-car garage.

Ms. Gable asked if FSCD is required. Mr. Condouris confirmed they will not be disturbing more than 5000 square feet of soil.

Additional conversation took place regarding moving the existing sliding door on the first floor.

Mr. Ridgeway asked about the patio and clarification of the side yard setback.

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

The Board deliberated regarding the application.

There was discussion regarding the renovation work in 2019. Ms. Sullivan stated that the original plan was not to put an addition on the house at this time but changed due to the pandemic.

Mr. Kinsella referred to open air and light. He referred to Ms. Gable's report on page 8, Exhibit ZB-1.

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

MOTION by Ms. Quigley and second by Mr. Neczesny to approve the Sullivan application as submitted with the additional variances sought including the driveway, single side yard setback, and condition of the proposed deck.

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

Opposed: Laufer, Schiavetti

Mr. Schiavetti read the resolution for Adam Ludman who recently resigned from the Zoning Board in recognition of his service to the Board.

MOTION by Mr. Neczesny and second by Ms. Quigley to approve the resolution for Adam Ludman in recognition of his service to the Zoning Board.

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

Opposed: none

MOTION by Mr. Neczesny and second by Ms. Quigley to approve the resolution to dismiss the Burke application, B55 L7 and 7.01, 104 Willow Street, without prejudice.

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

Opposed: none

MOTION by Mr. Neczesny and second by Dr. Laufer approving the resolution authorizing the award of the contract for Board attorney for 2022.

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

Opposed: none

MOTION by Mr. Neczesny and second by Ms. Quigley for approval of the resolution for the appointment of the Board secretary for 2022.

In favor: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Kinsella, Schiavetti

Opposed: none

Mr. Neczesny questioned the email addresses associated with Board. He referenced an email from the business administrator. Mr. Irene suggested reaching out to another Zoning Board secretary to get an idea of how other Boards are handling the cost.

Mr. Neczesny tabled the discussion for choosing a planner.

There was discussion regarding the 2020 Annual Report. Mr. Neczesny and Dr. Laufer thanked Mr. Ryan and Ms. Quigley for putting together the report.

MOTION by Dr. Laufer and second by Mr. Neczesny to approve the 2020 Annual Report and adopt the resolution to send to the Governing Body and Planning Board.

In favor: Neczesny, Quigley, Ridgeway, Ryan, Laufer, Kinsella, Schiavetti

Opposed: none

Ms. Quigley asked about how the Zoning Board can be made more aware of the changes that are happening to land use ordinances. Mr. Irene suggested that land use ordinances, when introduced to the Planning Board, should be copied to the Zoning Board.

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

Mr. Irene asked about moving back to live meetings. There was discussion by the Board regarding notice of applications scheduled for April. Mr. Irene said that a month lead time is needed to let the public know the change in venue. He suggested that the May timeframe makes sense for moving to in-person meetings.

Dr. Laufer stated that he thinks the soonest to move back to in-person meetings should be May. He stated that exposure over time is his concern. He referred to cramped quarters at Borough Hall and he is unsure of the ventilation system.

Ms. Quigley asked about the ventilation systems in Borough Hall. Dr. Laufer asked about vaccine requirements and mask recommendations.

Mr. Neczesny made a motion to close the meeting that was carried by voice vote at 8:47 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 on January 19, 2022, and the Two River Times on January 20, 2022. 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.**