

**FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – March 3, 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. Lehder, Board Chairman, with the reading of the Open Public Meetings Act Statement (below), and salute to the flag.

Roll Call:

Present: Quigley, Ridgeway, Ryan, LaBarbera, Laufer, Kinsella, Schiavetti, and Lehder

Absent: Neczesny

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

Mr. Irene noted that Mr. LaBarbera had been sworn as a Zoning Board member and welcomed him to the Board.

Mr. Lehder reviewed the role and authority of the Fair Haven Zoning Board of Adjustment.

Mr. Lehder introduced the first application:

Pimpinella – 435 River Road – Block 22 Lot 8, Zone R-15

Applicant requests permission to construct a two-story addition at the rear of the house along with a covered rear porch. Variances: interior lot where the *minimum lot area* is 15,000 square feet and the existing and proposed lot area is 10,198 square feet, (pre-existing non-conforming condition); *interior lot width* and *lot frontage* where the minimum lot width and lot frontage is 100 feet, whereas 50.43 feet exists (pre-existing non-conforming condition); *side yard setback* where the minimum single and combined side yard setback for principal structure structures is 12 feet for one side and 30 feet combined side yards, whereas the existing side yard set backs are 3.4 feet for one side and 12.5 feet combined (pre-existing non-conforming condition exacerbated by the rear addition); *maximum lot coverage* is 35%, whereas the existing lot coverage is 44.41% (pre-existing non-conforming condition), the proposed lot coverage is 51.62% and 46.99% if driveway grass strips and grass paver pads; and the *maximum habitable floor area ratio* is .2, whereas the existing habitable floor area ratio is .17, and the proposed habitable floor area ratio is .27.

Mr. Irene stated that the notice materials for the Pimpinella application were inadequate.

MOTION by Mr. Lehder and second by Dr. Laufer to carry the Pimpinella application to the April 7, 2022 meeting.

In favor: Quigley, Ridgeway, LaBarbera, Laufer, Kinsella, and Lehder

Opposed: none

Abstain: Ryan

Mr. Lehder introduced the next agenda item:

Porter – 87 Lewis Lane – Block 79 Lot 14, Zone R-30

Applicant requests to extend the garage with a second story addition and to construct a one-story addition in the rear of the existing single-family home. Variances: *minimum required lot area* for an interior lot is

30,000 square feet, where 21,539 square feet is existing and proposed; *minimum required single side yard setback* for principal structure is 20 feet, where 20.5 feet is existing and 17.2 is proposed; *minimum required combined side yard setback* for principal structure is 40 feet, where 43.6 feet is existing and 37.74 feet is proposed; and *maximum floor area ratio* is .15 percent, where .162 is existing and .185 percent is proposed (“D” variance required).

Mr. Irene reviewed the notice materials for the Porter application and stated that all materials appear to be in order. Mr. Irene asked if the public had issue with the notice, and no response was given by the public.

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

Mr. Brodsky introduced himself as the attorney for the Porter application.

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

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

MOTION by Ms. Quigley and second by Mr. Lehder to approve the waivers requested for completeness purposes subject to evidence requested by the Planner.

In favor: Quigley, Ridgeway, Ryan, LaBarbera, Laufer, Kinsella, and Lehder

Opposed: none

Mr. Irene marked the following exhibits:

A-1 – Survey prepared by Jonathon A. Stuhl, PLS, Brunswick Surveying Incorporated, dated March 23, 2021

A-2 – 3-sheet set of architectural plans prepared by Anthony M. Condouris Architect dated May 27, 2021 revised February 16, 2022

Mr. Brodsky summarized the application. The applicant seeks approval to expand their existing two-story garage with a second story addition, and a first-story addition to the kitchen. Mr. Brodsky reviewed the variances sought by the applicant:

1. Maximum habitable floor area ratio (D variance)
2. Side yard setback
3. Combined side yard setback

Mr. Brodsky introduced the architect, Anthony Condouris, and the applicant, Samuel and Lauren Porter.

Mr. Irene swore in Mr. Condouris of 20 Bingham Avenue, Rumson, NJ 07760, as the applicant's architect.

Mr. Lehder accepted Mr. Condouris' credentials.

Mr. Condouris confirmed he has been licensed in the State of NJ since 1996.

Ms. Gable stated the need for additional variances associated with the existing shed on the property.

Mr. Brodsky said that the shed will either be removed or re-located to a compliant location.

Mr. Irene reminded that a D4 variance will require 5 affirmative votes from the Board.

Mr. Condouris shared his screen with the architectural plans. He presented the plans and variance relief sought. He showed the movement of the garage doors, with the addition of a mudroom, and an addition to the rear for the kitchen. He also reviewed the second floor over the garage. The proposed ridge height for the garage addition was confirmed at 21 feet.

Mr. Lehder asked about the additional square footage proposed. Mr. Condouris confirmed the proposed additional square footage as follows:

Kitchen	22 square feet
Mudroom	138 square feet
2nd story over the garage	476 square feet
TOTAL	636 square feet

Mr. Lehder asked if other layouts were considered. Mr. Condouris stated that other options had been considered.

Mr. Brodsky asked about trees being removed. Mr. Condouris stated that no significant trees are being removed.

Mr. LaBarbera asked if additional work is being done on the interior of the home. Mr. Condouris confirmed that interior renovations are part of the project.

Mr. Condouris stated that a kitchen is not proposed for the space above the garage and there no plan for the applicant to use the office to conduct business with visitors.

Mr. Condouris confirmed that the floor area ratio being requested is .191 .

Ms. Gable reviewed the building requirements for the R-20 and R-30 Zones.

Mr. Brodsky asked Mr. Condouris about the irregularly shaped lot.

Mr. Condouris stated that the addition does not create significant volume on the existing structure.

Mr. Brodsky referenced the photos in Ms. Gable's planning report. Mr. Condouris shared a photo from Google Earth dated July 2013. Mr. Irene marked the document as Exhibit A-3.

Mr. Samuel Porter and Mrs. Lauren Porte, both of 87 Lewis Lane, Fair Haven, NJ 07704, were sworn in by Mr. Irene.

Mr. Brodsky asked about landscaping. The Porters confirmed they are willing to provide additional landscaping as required by the Board.

Additional photos were marked by Mr. Irene as Exhibit A-4. The twelve photos were taken by Mrs. Porter of the property and surrounding property in October of 2021.

Mr. Brodsky asked Mr. Porter about visitors coming in off the street. Mr. Porter stated that he will not be conducting business in the office with the public.

Mr. Lehder asked if additional space was considered.

Mr. Porter stated that the basement was considered and was not workable due to the ceiling height.

Ms. Gable asked if there was consideration in reducing the space of the second story addition. Mr. Condouris stated they lowered walls in the room and created dormers.

Mr. Lehder asked about noise with the two contiguous bedrooms and privacy. Mr. Condouris said soundproofing will be done.

Mr. Brodsky asked Mr. Condouris about designing towards the rear. Mr. Condouris stated they were trying to use the existing structure.

The meeting was opened to the public.

Mark Landers of 102 Lewis Lane, Fair Haven, NJ 07704, was sworn in by Mr. Irene. Mr. Landers expressed support for the application.

Nicole Laub of 97 Lewis Lane, Fair Haven, NJ 07704, was sworn in by Mr. Irene. Ms. Laub supports the application, lives next door, and feels it will enhance the neighborhood.

Susan O'Brien of 875 River Road, Fair Haven, NJ 07704, was sworn in by Mr. Irene. Ms. O'Brien feels that if the application is approved, the room above the garage should be deed restricted.

Allison Beggans of 81 Battin Road, Fair Haven, NJ 07704, was sworn in by Mr. Irene. Ms. Beggans lives behind the Porters and supports the application.

Joseph Albertelli of 94 Lewis Lane, Fair Haven, NJ 07704, was sworn in by Mr. Irene. Mr. Albertelli fully supports the Porter application.

Mr. Brodsky said the applicant followed a thoughtful process to create their plans based on the irregular shaped lot and desire to stay on the basic existing footprint of their home. He reminded of the support of their neighbors.

Mr. Lehder asked the Board to discuss the application.

Ms. Quigley stated that the home was functionally designed without impinging on the neighborhood and is in favor of the application.

Dr. Laufer feels the overage in floor area ratio is not significant.

Mr. Kinsella doesn't see a hardship.

Mr. Irene reviewed the positive and negative criteria needed for a 'D' and 'C' variance.

Ms. Quigley referenced the shape of the property as being irregular.

Mr. Ridgeway is concerned about the size of the office.

Mr. Ryan stated that the stair access is driving the design.

Mr. Lehder asked the Board to recognize the reasonableness of the application. He struggles with exceeding the Zone R-20 limitations.

Mr. Brodsky asked for permission to take the feedback from the Board and work with the architect to adjust the plans.

MOTION by Mr. Kinsella and second by Mr. Lehder to carry the application to the April 7, 2022 meeting without the necessity to re-notice.

In favor: Quigley, Ridgeway, Ryan, LaBarbera, Laufer, Kinsella and Lehder

Opposed: none

Mr. Lehder reviewed the administrative items.

Mr. Lehder stated that the Board has requested email addresses from the Borough and asked that the Board secretary follow up with the Business Administrator.

Discussion of the RFP for the Borough Planner will be postponed until the next meeting.

MOTION by Ms. Quigley and second by Mr. Ryan to approve the resolution for Sullivan, 27 McCarter Avenue, Block 77 Lot 19.

In favor: Quigley, Ridgeway, Ryan, and Kinsella

Opposed: none

Stormwater management training requirements were reviewed. Mr. Irene confirmed that the training must be done for each term appointed.

MOTION by Ms. Quigley and second by Mr. Ryan to approve the minutes from the February 3, 2022 meeting.

In favor: Quigley, Ridgeway, Ryan, Laufer, Kinsella and Lehder

Opposed: none

MOTION by Dr. Laufer and second by Mr. Kinsella to approve the minutes from the February 10, 2022 meeting.

In favor: Quigley, Ridgeway, Ryan, Laufer, and Kinsella

Opposed: none

MOTION by Mr. Lehder and second by Mr. Kinsella to approve CME as the Board engineer.

In favor: Ridgeway, LaBarbera, Laufer, Kinsella and Lehder

Opposed: none

Abstain: Quigley, Ryan

The meeting was opened to the public. There were no comments from the public.

Mr. Lehder confirmed the March 10, 2022 meeting will be cancelled due to lack of an agenda.

Mr. Lehder made a motion to close the meeting that was carried by voice vote at 9:20 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 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.**