

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

The meeting was called to order at 7:17 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, LaBarbera, Laufer, and Kinsella

Absent: Schiavetti, Lehder

Also Present: Mr. Irene, Board Attorney; and Susan Gruel, Borough Planner

Mr. Neczesny introduced the first agenda item:

Nick – 33 Cedar Avenue, Block 31 Lot 9, Zone B-2

Applicant seeks to renovate the existing two-bedroom house into a four-bedroom dwelling with covered porch, attached two-car garage, two-story rear addition of approximately 162 square feet, and a new basement. A request for variance relief includes lot depth, front yard setback, minimum rear yard setback, maximum building height, maximum habitable floor area ratio, maximum habitable floor area, together with any other variances and design waivers.

Mr. Irene explained that the application was introduced at the February 3, 2022 meeting. The attorney requested the matter be carried to the May 5, 2022 meeting without the necessity to re-notice due to not having a full board.

MOTION by Mr. Neczesny and second by Dr. Laufer to carry the Nick application to the May 5, 2022 meeting without the necessity to re-notice and subject to the applicant provided a stipulation of the extension of time for the board to act.

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

Opposed: none

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

Mr. Neczesny 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. Neczesny recused himself from the Porter application. Mr. Neczesny stated that Dr. Laufer will Chair this portion of the meeting.

MOTION by Ms. Quigley and second by Mr. LaBarbera for Dr. Laufer chair the meeting in the absence of Mr. Lehder (absent), Chairman and Mr. Neczesny, Vice Chairman (recused).

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

Opposed: none

Mr. Irene confirmed that all Board members are eligible to vote on the application.

Dr. Laufer stated that the Porter application was carried from the March 3, 2022 meeting.

The applicant's attorney, Rick Brodsky, was contacted earlier in the day by Mr. Irene regarding having six Board members voting on the Porter application.

Mr. Brodsky introduced himself as the Porter's attorney, and confirmed that he wished to proceed with the hearing.

Mr. Irene swore in the Board's Planner, Susan Gruel of Heyer Gruel & Associates.

Dr. Laufer asked Ms. Gruel to review the variances requested in the Porter application. Ms. Gruel reviewed the memo from Heyer Gruel & Associates from April 5, 2022 and summarized the variances as follows:

1. Required Minimum Lot Area is 30,000 sq ft, where 21,539 sq ft is existing and proposed (existing non-conformity).
2. Required Minimum lot depth is 200 ft where 161.83 feet is existing and proposed (existing non-conformity).
3. Required Maximum Habitable Floor area ratio is .15, existing is .162 and proposed is .183
4. Required Minimum Side Yard Setback is 20 feet; 20.5 feet is existing, and 19 feet is proposed
5. Required Minimum Combined Side Yard Setback is 40 feet, 45.7 feet is existing and 39.5 feet is proposed

Dr. Laufer asked Mr. Brodsky to review what was proposed initially and what changes were made to the plans. Mr. Brodsky stated that:

1. The original proposal was for the expansion of the garage and addition above the garage. The garage has been reduced in size from the side yard by 3 feet. Because of the property and placement of the garage, there are areas that will meet the 20 feet required side yard setback.
2. The Habitable Floor Area Ratio has been reduced. He reminded that the lot is undersized, and noted that the square footage of the proposed addition is well below the cap for the Zone.
3. The second story addition over the garage is set back beyond the 20 feet of the setback requirement.
4. The existing shed will be relocated to a conforming location on the property.

Mr. Irene then swore in the architect for the Porter application, Anthony Condouris, AIA.

Mr. Irene marked the architectural plans prepared by Anthony Condouris for the Porter residence, 3 sheets, dated May 27, 2021 last reviewed March 25, 2022 marked as **Exhibit A-5**.

Mr. Condouris reviewed the changes to the plans including potential placement of the shed in the rear corner of the property, and reconfiguration of the space for the mudroom allowing movement of the garage inward 3 feet. The Board asked questions regarding the changes.

Mr. Ryan suggested bringing in the garage doors by a foot to bring the setbacks in compliance. Mr. Condouris said that wasn't possible for the garage to be functional.

Mr. Ridgeway noted the addition of closets on the second floor next to the office above the garage.

Mr. Condouris stated that the total addition enlarges the home by 496 square feet – 78 square feet for the first floor and 418 square feet for the second floor. The total square footage proposed is 3,943 square feet.

Ms. Gruel questioned window placement and asked about exterior blank walls. The right and rear side elevations were discussed. Mr. Condouris spoke of adding a window on the left side and the rear.

Mr. Ridgeway questioned the use of an addition versus the use of the basement as an office.

Mr. Condouris shared a copy of the survey and reviewed the shape of the lot in relation to the proposed garage addition. (Exhibit A-1).

Ms. Gruel confirmed the concept of basement versus cellar. Mr. Condouris confirmed that the Porter home has a cellar.

The meeting was opened to the public for questions for Mr. Condouris. There were no questions.

Mr. Brodsky asked that Ms. Porter be brought into the meeting. Lauren Porter of 87 Lewis Lane was sworn in. She commented on the windows on the right elevation. There are built-in bookcases on that side that won't allow for windows without the elimination of the built-in bookcases. Ms. Porter also confirmed a lack of usable space in the cellar.

Dr. Laufer opened the meeting to the public. There were no comments.

Mr. Brodsky summarized the application and changes from the previous submission.

Mr. Irene reviewed the deed restrictions previously discussed that would ensure the home remains a single-family home. He mentioned restricting home occupation and a second dwelling within the home.

Ms. Gruel reviewed the rules for home occupation.

The board deliberated regarding the application. Mr. Irene reviewed the variances, and negative and positive criteria as presented.

MOTION by Ms. Quigley with second by Mr. Ridgeway to approve the Porter application with deed restriction.

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

Opposed: none

Recused: Neczesny

The Board took a five-minute break at 8:40 pm and returned at 8:45 pm.

Roll call: Neczesny, Quigley, Ridgeway, Ryan, LaBarbera, Laufer, and Kinsella

Mr. Neczesny asked if there were any updates regarding email addresses for the Board. There were no updates.

Mr. Neczesny requested that the discussion regarding the Board Planner be carried to the next meeting. There was no objection from the Board.

MOTION by Dr. Laufer and second by Ms. Quigley to approve the March 3, 2022 meeting minutes.

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

Opposed: none

MOTION by Mr. Neczesny and second by Ms. Quigley to approve the minutes from the Executive Session on February 3, 2022

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

Opposed: none

Mr. Neczesny requested that discussion regarding in-person meetings be tabled to the May Board meeting. There was no objection by the Board.

Mr. Irene reviewed a letter from Mr. Feminello of 2 Holly Lane regarding an extension of time for approved variance relief.

MOTION by Mr. Neczesny and second by Mr. LaBarbera to approve the Feminello's request for an extension of their approval for variance relief.

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

Opposed: none

MOTION by Mr. Neczesny and second by Ms. Quigley to adopt the resolution of the Feminello's request for an extension of their approval for variance relief until May 2023.

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

Opposed: none

Mr. Neczesny introduced the next 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. Ryan recused himself from the Pimpinella application and left the meeting.

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

Mr. Aikins introduced himself as the attorney for the Pimpinella application.

Mr. Irene confirmed that the notice materials were adequate. Mr. Irene asked if anyone from the public had issues with the notice. There were no comments from the public.

Mr. Aikins reviewed the application.

Mr. Irene asked Ms. Gruel to address the completeness items. The following application waivers were requested:

- Monmouth County Planning Board
- Freehold Soil Conservation District
- Monmouth County Department of Health

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

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

Opposed: none

Recused: Ryan

Mr. Aikins introduced Jeremiah J. Regen, AIA, 147 Brighton Avenue, Long Branch. Mr. Regen was sworn in by Mr. Irene and his credentials were accepted by the Board.

Mr. Regen reviewed the architectural plans, included interior renovations and an addition to the rear of the home. The house will be sided with new board and batten siding in white, and new black windows. All plumbing and electric will be changed. Architectural Plans submitted by Mr. Regen, AIA titled *Addition and Alterations Plans*, 3 sheets with revision date of 4/6/22. Mr. Irene marked the plans as **Exhibit A-2**.

The original architectural plans, submitted by Mr. Regen, AIA titled *Addition and Alterations Plans*, 3 sheets dated 12/15/21 Mr. Irene marked as **Exhibit A-1**.

Mr. Irene marked the front elevation rendering as **Exhibit A-3**.

Mr. Irene marked the rear elevation rendering as **Exhibit A-4**.

Mr. Regen stated that the attic is not included in the habitable floor area as there is a winding staircase not built to code, and ceiling height lower than 7 feet. The attic is proposed to remain unfinished and be used for storage and mechanicals. There is no area in the attic over 6 feet 11 inches.

Mr. Regen reviewed the floor plan of the home and measurement of the height of the house at 31 feet 6 inches.

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

Mr. Aikins introduced a planner/engineer to provide expert testimony for the applicant, Jason Fichter, Insite Engineering, 1955 Route 35, Wall, NJ. Mr. Fichter was sworn in by Mr. Irene.

Mr. Fichter brought up an ariel view of the home that Mr. Irene marked as **Exhibit A-5** dated 4/7/22 that marks all lots around the neighborhood within 200 feet of the property. Mr. Fichter detailed the building requirements for the R-15 Zone. The house has a cellar not a basement, and does not have habitable space in the attic.

Mr. Fichter reviewed the variances requested:

- Habitable Floor Area Ratio
- Building Coverage
- Lot coverage

Mr. Fichter summarized the application and reasons to move forward based on the Master Plan. He also reviewed the negative and positive criteria associated with the application.

Mr. Neczesny asked if there were any questions from the public for Mr. Fichter. There were none.

There was discussion regarding the air conditioning units and screening on the side yard.

Michael Pimpinella of 435 River Road was sworn in by Mr. Irene. Mr. Pimpinella said he will be replacing the fence and providing landscaping for the side yard.

Ms. Gruel clarified that under the ordinance lot coverage includes impervious and pervious coverage. Mr. Fichter stated that the lot area in the middle of the grids on the driveway is not included in the lot coverage calculation.

There was discussion regarding the driveway and lot coverage calculation.

The meeting was open to the public.

Mr. Scott Ryan of 431 River Road, Fair Haven was sworn in by Mr. Irene. Mr. Ryan is the next-door neighbor and is in favor of the application. He provided clarification regarding the fence which is a split rail fence and a hedge.

The Board deliberated regarding the application.

MOTION by Mr. Neczesny and second by Dr. Laufer to approve the Pimpinella application's requested variances with additional conditions relating to placement of the air conditioning units, parking, and maintaining the current structure as per the plans.

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

Opposed: none

Recused: Ryan

Mr. Neczesny opened the meeting for public comment. There were no comments from the public.

Mr. Neczesny made a motion to close the meeting that was carried by voice vote at 10:26 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.