

**FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – June 2, 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. Mr. Lehder reviewed the role and authority of the Zoning Board.

Roll Call:

Present: Neczesny, Quigley, Ryan, LaBarbera, Laufer, Schiavetti, and Lehder

Absent: Ridgeway, Kinsella

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

Mr. Lehder introduced the first agenda item, the continuation of the Geres and Vitale matter from the May 5, 2022 Zoning Board meeting:

Geres and Vitale – 946 River Road, Block 62 Lot 2, Zone R-10A

Request to construct addition and internal renovations to the existing residential dwelling. Applicant seeks a variance for the maximum allowable lot coverage where 40% is the maximum, 46.2% exists, a pre-existing non-conforming condition, and being increased to 47.5%. The proposed addition above the garage increases the Habitable Floor Area (HFA) from the existing 1,831 SF, increasing 489 SF, to a new HFA of 2,320 SF, and HFA ratio of 28.32%, where 28% is allowed.

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

Mr. Ryan recused himself with regards to the Geres and Vitale matter.

Mr. Irene confirmed that the Board has jurisdiction on the matter as was confirmed at the May 5, 2022 meeting.

Mr. Aikins, the applicant's attorney, introduced the application and variances requested. The HFA ratio standard is no longer being requested by the applicant. The only variance sought is the maximum allowable lot coverage where 40% is the maximum, 46.2% exists, a pre-existing non-conforming condition, and being increased to 47.3%.

Mr. Irene asked Ms. Gable to address the completeness items. Ms. Gable stated that 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, LaBarbera, Laufer, Schiavetti, Lehder

Opposed: none

Recused: Ryan

Mr. Irene marked the following exhibits:

**Exhibit A-1:** Proposed Site Plan/Plot Plan/Floor Plans and Elevations titled *Vitale-Geres Residence Addition* prepared by H.B. Thompson, 5 sheets, December 24, 2021 with latest revision date April 15, 2022.

**Exhibit A-2:** Survey, prepared by Peter E. Bennett, III of WJH Engineering, 1 sheet, September 20, 2017.

Mr. Henry Thompson, the applicant's architect, was sworn in by Mr. Irene. Mr. Thompson stated his address as 2 Pandora Terrace, Freehold, NJ 07728.

Mr. Aikins reviewed Mr. Thompson's license with the State of NJ. Mr. Thompson has been licensed architect for over 20 years.

Mr. Lehder asked Mr. Thompson if he had been qualified as an expert in architecture in Fair Haven. Mr. Thompson was not sure. Mr. Lehder asked if Mr. Thompson had reviewed Fair Haven's ordinances. Mr. Thompson confirmed that he had. Mr. Lehder accepted Mr. Thompson's credentials.

Mr. Thompson reviewed Exhibit A-1 with the Board.

Mr. Aikins confirmed that the addition is behind the existing home.

There was discussion by the Board regarding the second-floor cantilevers and position of the air conditioning units.

Mr. Thompson confirmed that the house will be sided with fiber-cement, hardy board. All windows, trim and siding will be replaced.

Additionally, the Woodland Drive side of the home was discussed.

Mr. Aikins confirmed that the applicant is requesting a variance of 91 square feet. He also stated that the applicant will submit a new survey.

There was discussion by the Board regarding the roof line, height of the home and placement of windows.

Ms. Gable asked about landscaping and trees. Mr. Aikins confirmed there is no plan to remove trees.

Mr. Lehder opened the meeting to the public.

There were no comments from the public.

Mr. Aikins requested that the Geres and Vitale application be carried to July 7, 2022 meeting.

MOTION by Mr. Lehder and second by Mr. Neczesny to carry the Geres and Vitale matter to the July 7, 2022 meeting which will be in person at Borough Hall, without the necessity to re-notice.

In favor: Neczesny, Quigley, LaBarbera, Laufer, Schiavetti, Lehder

Opposed: none

Recuse: Ryan

Mr. Lehder introduced the second agenda item:

Roberts-Rocon/Powell – 41 Heights Terrace, Block 68 Lot 5, Zone R-10B

Request to construct a covered stoop with a proposed new front yard set back of 18.5 feet where the zone requires 25 feet.

Ms. Karen Powell introduced the application. Ms. Powell and Mr. Adam Powell are the owners of the home. Mr. Roberts of Rocon Builders is the contractor.

Mr. Irene stated that the notice information was in order. The meeting was opened to the public regarding the notice materials.

Grace Greenburg , 34 Heights Terrace, asked to speak. She stated that she did not have issue with the notice.

Mr. Ryan rejoined the Board for the Roberts-Rocon/Powell application.

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

- Monmouth County Planning Board
- Freehold Soil Conservation District
- Monmouth County Department of Health
- Copies of easements
- Location and type of attic access, with testimony at the hearing

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

In favor: Neczesny, Quigley, Ryan, LaBarbera, Laufer, Schiavetti, Lehder

Opposed: none

**Exhibit A-1:** Boundary and Topographic Survey, prepared by Justin Hedges, PLS, of InSite Surveying LLC, 1 sheet, dated December 21, 2021.

**Exhibit A-2:** Architectural plans titled *Additions and Alterations Plans for the Powell Residence* prepared by A. Vincent Minkler, RA, 4 sheets, dated April 22, 2022.

Mr. Irene swore in Mr. Adam Powell and Ms. Karen Powell of 41 Heights Terrace. Mr. Irene also swore in Mr. Dennis Roberts, 705 Route 71, Brielle, of Rocon Builders.

Ms. Powell gave an overview of the plans. She stated they seek relief for the covered front entryway.

Mr. Roberts stated that the construction plans have not been submitted.

Mr. Schiavetti asked for clarification regarding the existing condition of the front entry.

Mr. Roberts confirmed they are not encroaching further into the front yard setback; the distance to the first step as 18 feet 6 inches, as it exists today.

The plans were reviewed, and elevations shown on Exhibit A-2. Mr. Roberts stated that they are following the ridgeline of the existing home.

Ms. Powell said that the stoop will be aesthetically better, while providing protection and safety from the elements.

Mr. Roberts stated that the landing will be smaller and will only have entrance from the front of the stoop.

Mr. Lehder brought up a Google Earth document to show the existing porch. Mr. Irene marked the **Exhibit B-1**.

Mr. Roberts confirmed that the projection of the porch is 5 feet from the principal structure, and the roof height is 12-15 feet maximum. Ms. Gable said she measured 13.5 feet in height from the plans.

There was discussion regarding the height of the gable by the front door.

The meeting was opened to the public.

Ms. Greenburg was brought forward. Mr. Irene swore in Ms. Greenburg. Ms. Greenburg asked about the discrepancy in the plans regarding the setbacks. Mr. Roberts confirmed that they will be using the existing stoop.

Ms. Quigley explained that a roof will be put on the existing stoop.

Mr. Roberts confirmed Ms. Quigley's summary.

There were no other comments from the public.

Ms. Gable asked about attic access. Mr. Powell said there is no access to the attic. Ms. Gable also asked about the walkway and landscaping. Mr. Powell stated the walkway will go to the street. Ms. Gable also asked about the materials being used and colors.

Dr. Laufer was originally concerned regarding the front setback, but thinks it is not out of scale with the rest of the neighborhood.

MOTION by Mr. LaBarbera and second by Mr. Neczesny to approve the Roberts-Rocon/Powell application subject to the applicant submitting a plan with stipulations regarding the ridgeline, and size of the porch floor.

In favor: Neczesny, Quigley, Ryan, LaBarbera, Laufer, Schiavetti, Lehder

Opposed: none

Mr. Neczesny reviewed the administrative items.

MOTION by Mr. Neczesny and second by Dr. Laufer to approve the April 7, 2022 meeting minutes.

In Favor: Neczesny, Quigley, Ryan, LaBarbera, Laufer

Opposed: none

MOTION by Mr. Neczesny and second by Mr. LaBarbera to approve the May 5, 2022 meeting minutes.

In Favor: Neczesny, Ryan, LaBarbera, Laufer, Schiavetti, Lehder

Opposed: none

MOTION by Mr. Neczesny and second by Dr. Laufer to approve the resolution for Nick of 33 Cedar Avenue, Block 31 Lot 12.

In Favor: Neczesny, Ryan, Laufer, Schiavetti, Lehder

Opposed: none

There was a brief discussion regarding the move to in-person meetings on July 7, 2022.

A reminder was given to create new email addresses through Gmail. Mr. LaBarbera suggested to use it for the Zoning Board only.

MOTION by Mr. Lehder and second by Mr. Neczesny to grant an extension of time until June 2, 2023 for previously granted variance relief for Gaiero of 8 Hendrickson Place, Block 46 Lot 12 and approval of the resolution for the same.

In Favor: Neczesny, Quigley, Ryan, LaBarbera, Laufer, Schiavetti, Lehder

Opposed: none

Mr. Lehder reminded there is a Land Use subcommittee that is addressing specific issues relating to particular ordinances as explained in the March 7, 2022 Land Use memo.

Ms. Quigley recused herself from the meeting at 9:45 pm.

MOTION by M. Lehder and second by Mr. Neczesny to move to Executive Session to discuss personnel matters.

In Favor: Neczesny, Ryan, LaBarbera, Laufer, Schiavetti, Lehder

Opposed: none

The Board returned to the regular meeting at 10:00 pm.

Roll call:

Present: Neczesny, Ryan, LaBarbera, Laufer, Schiavetti, Lehder

Absent: Quigley, Kinsella

MOTION by Mr. Neczesny and second by Mr. Lehder to appoint Clarke Caton Hintz as the Board planner for the 2022 year as needed and anticipated to be for commercial projects only with a flat fee for meeting attendance.

In Favor: Neczesny, Ryan, LaBarbera, Laufer, Schiavetti, Lehder

Opposed: none

Mr. Neczesny thanked Ms. Gable for her service to the Zoning Board and reminded that Heyer Gruel & Associates has been appointed by the Borough for Affordable Housing.

Ms. Gable thanked the Board.

The meeting was open to the public.

There were no comments from the public.

Mr. Lehder made a MOTION to close the meeting that was carried by voice vote at 10:02 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.**