

FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – May 5, 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. Lehder, Board Chairman, with the reading of the Open Public Meetings Act Statement (below), and salute to the flag.

Roll Call:

Present: Neczesny, Ridgeway, Ryan, LaBarbera, Laufer, Kinsella, and Lehder

Absent: Quigley

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

Mr. Lehder reviewed the role and authority of the Zoning Board.

Mr. Lehder 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.

The Nick application was carried from the February 2022 meeting.

Mr. Irene stated that Mr. LaBarbera would be recusing himself from this application.

Mr. Irene swore in Mr. Kennedy, Borough engineer, and Ms. Gable, Borough planner.

Mr. Von Arx, attorney for the applicant, indicated that since meeting two months ago there have been substantial changes to the application including:

1. Reduction in the height of the building to conform with the ordinance.
2. The garage addition on the South side has been moved back to conform with a 30-foot set back and doors to garage switched to the side allowing for entrance on the South side of the property.
3. The driveway is reconfigured to allow a turnaround opposite to the garage doors.
4. An evergreen hedge is proposed on the North side of the property by Bicentennial Hall.

Mr. Von Arx listed the variances:

1. Lot depth: a pre-existing non-conformity, 91.5 feet existing where a minimum of 100 feet is required.
2. Front yard setback: 16.4 feet existing where a minimum 30 feet is required.

3. Number of stories: 3 stories existing, where a maximum of 2.5 is allowed.
4. Side yard setback to the North is 5.5 feet, where a minimum of 7 feet is required, a pre-existing non-conformity.
5. The Floor Area Ratio: where .38 is proposed and .35 is the maximum allowed.
6. Habitable floor area

Board members asked questions regarding the variances.

Gregory Domalewski of Midatlantic Engineering, 5 Commerce Way, Hamilton NJ was sworn in by Mr. Irene.

Mr. Irene marked the following exhibits:

Exhibit A-7: Plot Plan prepared by MidAtlantic Engineering (1 sheet) dated 7/26/21 with revision date of 3/11/22

Exhibit A-8: Architectural Plans prepared by Prestige Design Group (5 sheets) dated 10/4/21 with revision date of 3/11/22

Mr. Domalewski began his presentation with the architectural plans and shared Exhibit A-8. He addressed the height of the structure. The building height was previously submitted with a height of 31.9 feet. The new plans show a height of 29.54 feet from average grade to the peak elevation of the roof. He reviewed the layout of the first floor. He mentioned that the garage will be a single-car garage, standard height, versus the previously submitted two car garage. He also mentioned the addition of a mudroom. A change to the driveway was also made. There were questions from the Board regarding the porch and cellar.

Mr. Domalewski then reviewed the layout of the second floor. A bedroom was eliminated on the second floor from the previous plan.

There were additional questions regarding the porch. The plot plan, (Exhibit A-7), was displayed to review the side yard setback.

Mr. Domalewski went back to the architectural plans and reviewed the elevations for the front, rear, and sides. There was a question regarding access to the basement. Mr. Irene suggested a deed restriction for cooking facilities in the basement.

The Board asked about covering the foundation and any architectural methods including filling or putting stone over the foundation.

Additional questions were asked about the attic height and windows.

Mr. Irene swore in the applicant, Alan Nick.

Mr. Nick explained that the bathroom window on the second floor was moved from the side of the home to the rear of the home.

Mr. Domalewski reviewed the Plot Plan (Exhibit A-7). He went through the setbacks and specifically mentioned the change to the basement stairs that are a two-stair walkup with minimal change to the existing grade. Also, landscaping was proposed for the side of the home by Bicentennial Hall.

Mr. Domalewski introduced a new exhibit, **Exhibit A-9**, a draft version of a plot plan last revised April 7, 2022. This exhibit will be provided to the Board office. Mr. Domalewski spoke about the driveway and the ability to turn a car around. The design does not include retaining walls.

Ms. Gable asked for confirmation regarding the driveway ordinances. Mr. Domalewski confirmed he met the requirements.

Ms. Gable asked for testimony regarding the building height. Mr. Domalewski confirmed the building height is 28.14.

Ms. Christine Nazzaro-Cafone of 125 Half Mile Road, Suite 200 Red Bank, NJ, was sworn in as the applicant's planner by Mr. Irene. Ms. Cafone provided her credentials, and they were accepted by the Board.

Ms. Cafone explained that the applicant is requesting a "D" variance for exceeding the floor area ratio. She also reviewed the "C" or bulk variances being sought for lot depth, front yard setback, number of stories, and side yard setback for the North property line. She stated that the applicant is trying not to demolish the existing house and wishes to enhance what is already on the lot.

Ms. Cafone referenced the Master Plan and how the renovation and expansion of the home is consistent with the Master Plan. She stated that the negative criteria can be mitigated by additional landscaping, enhanced coverage of the foundation, and other items. She also suggested that a much larger structure could be built by demolishing the existing home. She feels the applicant's proposal will enhance the neighborhood.

There was discussion regarding the inclusion of the utility room in the square footage calculation. There was also conversation about the setbacks of the existing homes on the street.

Mr. Ryan asked about the floor area ratio, habitable floor area, and building coverage. He asked for clarification to why this application is an improvement of the previous application submitted. Ms. Cafone and Mr. Domalewski explained why the changes were made in the new plans, and how they improved the original proposal.

Mr. Domalewski shared the previous floor plans with revision date October 4, 2021 which were marked by Mr. Irene as **Exhibit A-10**. Mr. Domalewski compared these plans to the plans in Exhibit A-8.

Dr. Laufer expressed concern about adding bulk to the front of the house. There was also conversation about extending the porch across the front of the home and accessing the porch from the driveway.

Mr. Von Arx summarized the applicant's proposal and the benefits of the plan.

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

Mr. Von Arx then asked for the Board to approve the application.

Mr. Lehder asked for comments from Mr. Kennedy regarding the topography of the property. Mr. Kennedy said that the grade will be raised by three feet to meet the elevation of the road. He also commented on the parking and the overall grading plan. He explained that the Borough's anti-mounding ordinance provides challenges to the applicant with measuring against existing grade.

Mr. Neczesny asked about the Zone across the street.

Mr. Ryan asked about moving the porch and asked that Mr. Domalewski sketch a plan.

Mr. Lehder requested that the attorney for the Geres-Vitale application, Mr. Aikins, be brought forward. Mr. Aikins agreed to wait until the Nick application was completed. He wished that his application be put on the record at this meeting.

Mr. Domalewski continued by showing a sketch of a new porch into the plot plan. Mr. Irene marked **Exhibit A-11** as the sketch of the proposed front porch.

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

The Board deliberated on the application. There was discussion regarding including the utility room in the square footage, the landscape screening next to Bicentennial Hall, covering the exposed foundation of the home with stone, a deed restriction precluding a kitchen in the basement, the width of the garage door, materials for the exterior of the home to include board and batten siding, and foundation plantings.

MOTION by Mr. Neczesny and second by Mr. Kinsella to approve the Nick application including the following conditions:

1. Exchange of the porch to the new placement as shown in Exhibit A-11
2. Calculation of the square footage from exterior wall to exterior wall
3. Covering the foundation with stone veneer
4. Architectural element to the garage and driveway
5. Stipulation to no kitchen on the basement level
6. Landscape plan on the side of Bicentennial Hall with 10 proposed plants that will create screening
7. Usage of building materials per the testimony
8. Driveway per Exhibit A-9
9. Compliance to Mr. Kennedy's and Ms. Gable's report

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

Opposed: none

Abstain: Lehder

Recuse: LaBarbera

Mr. Lehder introduced the next agenda item:

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. Aikins, attorney for the applicant, asked that the matter be carried to the June 2, 2022 meeting.

Mr. Irene reviewed the notice materials, and the Board has jurisdiction to hear and consider the application. Mr. Irene announced the matter will be carried to the June 2, 2022 meeting without the necessity to re-notice.

Mr. Neczesny introduced the administrative agenda item of email addresses for the Zoning Board. Mr. LaBarbera and Mr. Kinsella volunteered to create naming conventions for Gmail accounts for the Board.

Mr. Neczesny stated that discussion of the Planner for the Zoning Board is tabled until the June meeting.

The next agenda item of the April 7, 2022 Land Use memo was discussed. The Land Use subcommittee has some specific suggestions regarding ordinance changes. The committee will bring these to the Planning Board for review at a public meeting.

Mr. Neczesny brought up the next agenda item of in-person meetings. Conversation ensued regarding hearings and the technical details of the current remote video system. Board members expressed their opinions. Mr. Irene stated that his preference would be to either be live or in person, not hybrid.

Councilwoman Koch was brought into the meeting to review what technology is in Council chambers. Mr. Irene confirmed with Ms. Koch that you can broadcast. She reminded that the Owl was used in a Planning Board meeting.

MOTION by Mr. Kinsella with second by Mr. Neczesny to return to in-person meetings in July 2022.

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

Opposed: Laufer

Abstain: Lehder

Mr. Irene stated that an Open Public Meetings Act Notice will need to be published announcing the change to in-person meetings beginning July 2022. The Board secretary will publish the notice.

Mr. Neczesny introduced the next agenda item, the resolution for Porter, 87 Lewis Lane, Block 79 Lot 14, Zone R-30.

MOTION by Dr. Laufer and second by Mr. Kinsella to approve the Porter resolution

In Favor: Ridgeway, Ryan, LaBarbera, Laufer, and Kinsella

Opposed: none

Recuse: Neczesny

Mr. Neczesny introduced the next agenda item, the resolution for Pimpinella, 435 River Road, Block 22 Lot 8, Zone R-15.

MOTION by Mr. Neczesny and second by Mr. Kinsella to approve the Pimpinella resolution.

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

Opposed: none

Recuse: Ryan

Mr. Lehder opened the meeting for public comment. Ms. O'Brien offered comments regarding Zoom and the Owl. She suggested that she had attended a legal hearing via Zoom.

Mr. Neczesny made a motion to close the meeting that was carried by voice vote at 11:16 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.