

FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – July 7, 2022, 7:15 pm

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), with note by Mr. Irene, Board attorney, of supplemental notice that was filed and distributed that indicates that all meetings will now be held in person at Borough Hall.

Roll Call:

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

Absent: Ridgeway, Kinsella, Lehder

Also Present: Mr. Irene, Board Attorney; and Mr. Rizzo of CME, Borough Engineer

A salute to the flag took place.

Mr. Neczesny introduced the first agenda item, the continuation of the Geres and Vitale matter from the June 2, 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 stated a letter dated July 6, 2022 was received from Mr. Aikins, the applicant's attorney, requesting the matter be carried to the August 4, 2022 meeting with a stipulation extending time.

The meeting was opened to the public regarding the Geres/Vitale matter. There were no comments from the public.

MOTION by Mr. Neczesny and second by Dr. Laufer to carry the Geres/Vitale matter to the August 4, 2022 meeting without the necessity to re-notice.

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

Opposed: none

Recused: Ryan

Mr. Neczesny introduced the next agenda item:

Peralta – 88 Buena Vista Avenue, Block 64 Lot 6.01, Zone R-10A

Request to finish existing room above garage. Applicant seeks variance relief for Habitable Floor Area (HFA) where existing is 3216 square feet, proposed is 3664 square feet, and maximum allowed is 3220 square feet.

Mr. Irene stated there was an issue with the notice materials submitted for the Peralta application and that the notice needed to be amplified and reissued. Mr. Irene also stated that notice would need to be published 10 days prior to the meeting and that the Borough Clerk in Rumson also required notice.

MOTION by Mr. Neczesny and second by Ms. Quigley to carry the Peralta matter to the August 4, 2022 meeting.

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

Opposed: none

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

The next agenda item was introduced by Mr. Neczesny:

Mehl/McDevitt – 226 Fair Haven Road, Block 42 Lot 10, Zone R-5

Request to construct a second-story addition over the existing garage. Applicant seeks variance relief for Habitable Floor Area (HFA) where 2,200 square feet is allowed, 2,598 square feet is existing, and 3,259 is proposed.

Mr. Irene stated that he had reviewed the notice materials. The meeting was opened to the public regarding the notice materials. There were no comments from the public.

The Borough engineer, Jordan Rizzo, was sworn in by Mr. Irene.

Mr. Brodsky, the applicant's attorney, introduced the application.

Mr. Irene marked the exhibits:

Exhibit A-1 – architectural plans prepared by Anthony M Condouris AIA dated 2/4/22 with revision date 6/24/22; 4 sheets

Exhibit A-2 – location survey prepared by Thomas J. Murphy of DW Smith Associates LLC dated 4/10/13; 1 sheet

Mr. Irene stated that there would be need for testimony on the continued accuracy of the survey.

Anthony Condouris, AIA, was introduced as the applicant's witness. Mr. Condouris stated his address, 20 Bingham Avenue, Rumson, NJ. He stated he has been a licensed architect since 1996 and has testified before this Board many times. Mr. Condouris was accepted as an expert by the Board.

Mr. Brodsky explained that the project is a second-story addition over the garage on an oversized lot. The variance requested is for HFA. He stated that the lot is an irregular lot. The homeowner is looking for work-at-home space.

Mr. Neczesny asked if prior relief was granted for the property. Mr. Rizzo confirmed that the home is already over HFA and the height also exceeds what is allowed for the zone.

Mr. Brodsky confirmed no improvements have been made since the property was purchased.

Mr. Irene introduced the November 9, 1988 Planning Board resolution for the subdivision of the property and marked the resolution as **Exhibit A-3**.

Mr. Condouris reviewed Exhibit A-1. He mentioned that the maximum HFA is 2200 square feet, the current habitable floor area is 2298 square feet, and the proposed habitable floor area is 3259 square feet. He then reviewed the plans which are strictly on the second floor.

Ms. Quigley asked if the addition will face Fair Haven Road. Mr. Condouris confirmed.

Mr. Condouris stated the height of the addition is 26 feet.

Ms. Quigley asked about the subdivision. Mr. Condouris confirmed that the Mehl/McDevitt house is in the rear of the subdivision.

Mr. Irene stated it is a flag lot.

Mr. Condouris said that 661 square feet will be added to the home.

Dr. Laufer asked about the set back on the left side of the home. Mr. Condouris confirmed there will be a twelve-foot setback on the side where the addition is added.

Mr. Neczesny asked about the existing ridge height of the garage. Mr. Condouris stated it is 20 feet.

There was discussion regarding the surrounding Zones to the property.

Dr. Laufer asked about the chimney and the roofline related to the chimney.

Mr. Rizzo asked about the materials. Mr. Condouris confirmed materials will match existing materials of the home.

Mr. Rizzo asked for confirmation that the current survey is what exists today.

Mr. Irene swore in Ann Mehl of 226 Fair Haven Road. Mr. Brodsky asked Ms. Mehl about the accuracy of the property as it exists today. Ms. Mehl confirmed the survey is accurate.

Mr. Schiavetti asked about the bay window in the rear.

Mr. LaBarbera asked if the AC unit will remain in the same location. Ms. Mehl confirmed it will.

Mr. Rizzo asked if any outside agency review was going to occur. Mr. Condouris stated that they will apply for Freehold Soil Conservation District.

Ms. Quigley asked about the use of the addition. Ms. Mehl stated that it will be used for an office and storage.

Mr. Schiavetti asked about the easements on the property. He also asked about going one zone up and staying under the Zone R-7.5 for HFA of 3020 square feet.

There was discussion regarding the dimensions of the rooms in the addition:

Office – 22' x 13'

Bedroom – 15' x 11'

Bathroom - 50 square feet

Corridor - 32 square feet

Mr. LaBarbera asked how the plans will fit in with the neighborhood. Mr. Condouris confirmed the styles are similar in the neighborhood. Mr. Condouris also mentioned neighboring homes that have

similar square footage. Mr. Condouris stated that according to the tax records, the square footage of the house to the South is 3451 square feet and the house to the North is 2715 square feet.

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

Mr. Brodsky summarized the application and requested approval from the Board.

Ms. Quigley asked for a review of the Zoning numbers. Mr. Brodsky reviewed them. Dr. Laufer asked about landscaping and Mr. Condouris confirmed there would be no change to the landscaping.

The Board discussed the application.

MOTION by Mr. LaBarbera and second by Mr. Neczesny to approve the Mehl/McDevitt application based on the conditions stipulated by the Board engineer.

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

Opposed: Schiavetti

Mr. Neczesny reviewed the administrative items on the agenda.

Weimer, 152 Oxford, Block 9 Lot 21, Zone R-7.5

Request to amend variance approval to move and reduce size of garage

Mr. Irene said the Weimer request was sent to the Board on an administrative basis. A letter of June 27, 2022 from Elena Gable, Heyer Gruel and Associates, details the change requested. The resolution from 2019 for 152 Oxford Avenue was shared with the Board regarding the variance relief granted of building a new home with a detached garage. Mr. Irene reviewed the measurements associated with the garage. The new request is to reduce the garage to 16' X 24.'

Mr. Weimer explained the change and the reason for the change. Mr. Irene suggested a resolution to document change to the garage because variance relief for the garage height is no longer needed.

MOTION by Mr. Neczesny and second by Ms. Quigley for administrative approval to amend the variance relief granted to include the reduction in size of the garage and elimination of the variance for garage height.

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

Opposed: none

Mr. Neczesny then presented other administrative items that resulted in the following:

MOTION by Mr. Neczesny and second by Mr. Schiavetti to approve the June 2, 2022 meeting minutes.

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

Opposed: none

MOTION by Mr. Neczesny and second by Mr. LaBarbera to approve the Executive Session minutes from the June 2, 2022 meeting.

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

Opposed: none

Recused: Quigley

The Planner resolution was tabled to the August 4, 2022 meeting.

The next agenda item was presented: Discussion of March 7, 2022 Land Use Committee Memo.

A Land Use Subcommittee update was provided by Mr. Neczesny. Mr. Neczesny encouraged the Zoning Board to participate in the Planning Board meeting on July 19, 2022.

The next agenda item was presented: Approval of resolution for Powell, 41 Heights Terrace, Block 68 Lot 5, Zone R-10B.

MOTION by Mr. Neczesny and second by Dr. Laufer to approve the Resolution for Powell, 41 Heights Terrace, Block 68 Lot 5, Zone R-10B.

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

Opposed: none

There was a brief discussion regarding the 2021 Annual Report. Mr. LaBarbera and Mr. Ryan volunteered to prepare the 2021 Annual Report for review by the Board.

The meeting was open to the public.

There were no comments from the public.

Mr. Neczesny made a MOTION to close the meeting that was carried by voice vote at 8:40 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.