

FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – August 4, 2022, 7:15 pm

The meeting was called to order at 7:15 pm by Ms. Quigley, acting Chairperson, with the reading of the Open Public Meetings Act Statement (below). Ms. Quigley reviewed the authority and responsibilities of the Zoning Board, followed by the pledge to the flag.

Roll Call:

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

Absent: Neczesny (Vice Chairman), Lehder (Chairman)

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

Ms. Quigley introduced the first 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. Irene stated a letter dated July 14, 2022 was received from Mr. Aikins, the attorney representing Geres/Vitale, requesting to withdraw their application without prejudice.

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

MOTION by Ms. Quigley and second by Mr. LaBarbera to withdraw the application without prejudice.

In favor: Quigley, LaBarbera, Laufer, Kinsella, Schiavetti

Opposed: none

Recused: Ryan, Ridgeway

Ms. Quigley 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 continued issue with the notice materials submitted for the Peralta application. Although the applicant re-noticed, the Borough Clerk of Rumson was not noticed.

MOTION by Ms. Quigley and second by Mr. LaBarbera to carry the Peralta matter to the October 6, 2022 meeting with the necessity to re-notice the Clerk in Rumson, certify the Rumson list, certify that Zambrano from the 200' list was notified, and grant an extension of time.

In favor: Quigley, Ridgeway, Ryan, LaBarbera, Laufer, Kinsella, 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 Ms. Quigley:

Rice – 45 Maple Avenue – Block 40 Lot 15, Zone R-5

Request to construct a second-story addition, front porch, and internal renovation. Applicant seeks variances to exacerbate existing non-conforming front yard setback on Hayes Place and Maple Avenue. On Hayes Place, the existing setback is 11 feet, where 25 feet is required. On Maple Avenue, the front porch proposes a 21.7 feet setback where 25 feet is required. Proposed addition increases habitable floor area of 1862 square feet by 662 square feet, where a maximum of 2200 square feet is allowed. The pre-existing non-conforming condition off street parking of three spaces will remain.

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.

Jordan Rizzo, the Board engineer, was sworn in by Mr. Irene.

Mr. Irene marked the following exhibits:

Exhibit A-1 – Survey prepared by Thomas P. Santry, Jr. dated 2/11/22

Exhibit A-2 – Architectural plans titled *Addition and Renovation Plans* dated 4/1/22 and revised 7/11/22 by Anthony M. Condouris, AIA

Ms. Quigley reviewed the specifics of the application.

Anthony Condouris, AIA, of 20 Bingham Avenue, Rumson was sworn in by Mr. Irene. Mr. Irene confirmed that Mr. Condouris is licensed as an architect in the state of NJ and has appeared before the Board many times. The Board accepted Mr. Condouris' credentials.

Mr. Condouris reviewed the variances sought by the applicant.

Ms. Jacquie Rice was sworn in by Mr. Irene. Mr. Brian Rice was sworn in by Mr. Irene.

Mr. Condouris testified regarding the existing non-conformities and the new variances sought.

There was discussion regarding the garage. Mr. Rice confirmed that the garage is used as a shed. There was discussion regarding parking. Three parking spaces are required per Mr. Rizzo by ordinance. Only one conforming space exists.

Mr. Condouris stated that a total of 662 square feet will be added to the home for a proposed total habitable floor area of 2524 square feet, and 2200 square feet is allowed.

Mr. Condouris stated that the cellar will be dug out to make it more usable.

Mr. Condouris reviewed the plans. The second floor will extend over a covered porch on the first floor. The the new second floor addition will not be visible from the street. Mr. Rice stated that the rear patio will be removed.

Mr. Condouris distributed a handout of the proposed elevations and Mr. Irene marked them as **Exhibit A-3 (A, B, C)**.

Mr. Condouris stated that the front setbacks are being intensified with the addition of the front porch. Ms. Rice provided testimony that the other homes on Maple Avenue have front porches.

Mr. LaBarbera asked to see the additional square footage on the first and second floor. Mr. Condouris reviewed the plans and showed where the addition will be added.

There was discussion regarding the placement of the current air conditioning unit and generator.

Ms. Quigley asked about materials. Mr. Rice said he plans to use hardy board and the whole house will be sided and new windows installed.

Ms. Rice spoke of a picture of the front porch of her neighbor versus the proposed front porch that she stated she would submit to the Board.

Ms. Rice reviewed her plan to save as much of the existing landscaping as possible.

Mr. Schiavetti said that the Hayes Place side needed to be considered as a front yard. Mr. Condouris said an additional window would be added to the laundry room on the first floor on the Hayes Place side. Also, another window will be added to the South side elevation in the kitchen. Mr. Schiavetti asked for confirmation that the 4% fenestration was met.

Mr. Condouris stated that the lot is oversized. Ms. Rice reviewed homes in the area within the R-5 zone with similar square footage to the proposed addition. She stated her information was from Zillow.

The meeting was opened for questions or comments from the public. There was no response from the public.

The Board deliberated about the application.

MOTION by Ms. Quigley and second by Mr. Kinsella to approve the Rice application with the variances requested with two additional windows as discussed on the Hayes Place side and all items requested within the Board engineer review letter.

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

Opposed: none

Ms. Quigley reviewed the administrative items on the agenda.

MOTION by Dr. Laufer and second by Mr. LaBarbera to approve the July 7, 2022 minutes.

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

Opposed: none

Ms. Quigley stated that the Planner's contract will be carried to next month's meeting.

MOTION by Mr. LaBarbera and second by Mr. Kinsella to approve the resolution for Mehl/McDevitt, 226 Fair Haven Road, Block 42 Lot 10, Zone R-5.

In favor: Quigley, Ryan, LaBarbera, Laufer

Opposed: none

MOTION by Mr. LaBarbera and second by Mr. Ryan to approve the resolution for Weimer, 152 Oxford, Block 9 Lot 21, Zone R-7.5

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

Opposed: none

Ms. Quigley introduced the next agenda item: Subcommittee for review of the application process. Mr. LaBarbera presented his ideas regarding revising the current application. Mr. LaBarbera asked for two volunteers to form a subcommittee. Mr. Ridgeway and Mr. Kinsella volunteered.

MOTION by Ms. Quigley and second by Dr. Laufer to approve the formation of a subcommittee for review of the application process.

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

Opposed: none

Dr. Laufer requested that Mr. Rizzo include the existing and proposed information for each variance requested within his review letter. Mr. Rizzo said he will include this information going forward. There was also a request regarding the inclusion of the type of variance requested within the review letter.

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

Ms. Quigley 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.