

**FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – September 7, 2023**  
**7:15 pm**

The meeting was called to order at 7:17 pm by Mr. Lehder, Chairman, with the reading of the Open Public Meetings Act Statement (below) and review of the Zoning Board's role.

Roll Call:

Present: Neczesny, D'Angelo, Ryan, Forte, Laufer, Kinsella, Lehder

Absent: Ridgeway, Schiavetti

Also Present: Mr. Kovats, Board Attorney; Mr. John J. Hess of CME, Board Engineer

Mr. Lehder led a salute to the flag and introduced the first agenda item: *Whispering Woods Hearing - Santos versus the Fair Haven Zoning Board and Paolo/Personette – 78 Pine Cove Road, Block 78 Lot 13.07, Zone R-30.*

Mr. Kovats explained that a letter was received from the Paolo/Personette's attorney requesting an adjournment of the matter without the necessity to re-notice. The matter was carried to the October 5, 2023 meeting without the necessity to re-notice.

Mr. Lehder introduced the next agenda item:

Hoffmann/Kane – 149 Lincoln Avenue, Block 15 Lot 10, Zone R-5

Request to construct a covered porch. Variance relief requested: minimum front yard setback of twenty-five feet required, currently 25.5 feet, with proposed is 17.5; minimum single side yard setback is 7 feet with combined yard setback of 16 feet, with the existing is 4.6 feet for the side yard setback and 12.9 feet for the combined side yard setback, a pre-existing non-conforming condition.

Mr. Forte recused himself from the application and stepped down from the dais.

The following witnesses were sworn in by Mr. Kovats:

Jacqueline Hoffmann, applicant, 149 Lincoln Avenue, Fair Haven NJ

Jason Kane, applicant, 149 Lincoln Avenue, Fair Haven NJ

Ron Grammer, architect, 241 Maple Avenue, Red Bank, NJ

The following exhibits were marked by Mr. Kovats:

- Exhibit A-1 - Application and Checklist
- Exhibit A2 - Zoning Officer denial letter 3/13/23
- Exhibit A3A - 5/5/23 attorney cover letter
- Exhibit A3B - 5/5/23 attorney letter with request for waivers
- Exhibit A3C - 5/5/23 attorney letter with variance list
- Exhibit A4 - 9 images
- Exhibit A5 - Survey dated 4/23/20
- Exhibit A6 - Architectural Plans dated 2/24/23

Exhibit A7 - Ariel Plot Plan, Arch Plans page AS-1.0, dated 6/8/23  
Exhibit A8 – 6/13/23 attorney letter with additional request for waivers  
Exhibit PB1 - 6/8/23 review memo from the Planning Board Engineer

The applicant's attorney, Robert Marchese, introduced himself and stated his address as 27 West Street, Red Bank, NJ.

Mr. Marchese confirmed with Ms. Hoffmann that no changes would be made to the interior of the home and to the attic. Also, Ms. Hoffmann stated that she had not received previous variance relief for the property. Ms. Hoffmann confirmed an architect was retained, and many other houses on the street have porches. Mr. Marchese stated that the plans for the new porch are to be aligned with the front porches of the adjacent properties. Ms. Hoffmann stated that no trees would be removed from her property and landscaping will be completed with the construction of the porch.

Mr. Marchese reviewed the variances requested. There was discussion regarding the side yard setback.

Mr. Marchese introduced the applicant's architect, Ron Grammer. Mr. Lehder accepted Mr. Grammer's credentials.

Mr. Grammer reviewed plans and there was a focus on the setbacks associated with the addition of the front porch. The dimensions of the porch and height were also reviewed.

There was discussion regarding the other porches on the street, the height of the other porches and the front yard setback of the other porches.

Mr. Grammer mentioned the homes at 155 Lincoln Avenue, built in 1922, and 145 Lincoln Avenue, built in 1905. The front yard setbacks of these porches are original to the houses.

Mr. Lehder requested an exact measurement for the front yard setback of the new porch. Mr. Grammer's comparison of the porches at 155 Lincoln Avenue and 145 Lincoln Avenue was based on a Google Earth photo.

Ms. Hoffmann reviewed the photos submitted to the Board.

There was discussion regarding the dimensions, railings, and columns of the proposed porch for 149 Lincoln Avenue.

Mr. Joseph Rafferty, 145 Lincoln Avenue, Fair Haven NJ testified in support of the project and the uniformity it will bring to the homes on the block.

Michel Passalaqua, 155 Lincoln Avenue, Fair Haven NJ testified of her support of the application and the charm it will add to the neighborhood.

Mr. Marchese gave his closing remarks. He referenced the Borough's new Land Use ordinance specific to prevailing front yard setback. He also referred to the Master Plan and the conformity that will be established with the new porch. He stated that there will be no substantial detriment because of the construction of the new front porch. He asked that the application waivers he is seeking be granted. Additionally, he stated that no changes will be made to the interior of the home and hardship exists

because of the location of the home on its lot.

Mr. Hess, the Board Engineer, had no comment on the application.

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

The Board deliberated regarding the application.

MOTION by Mr. Neczesny and second by Dr. Laufer to approve the application as presented with the stipulation of a condition to verify the numbers in the Zoning Table to show an eight-foot projection of the porch with four risers, measuring 16 feet to the 2<sup>nd</sup> riser and 17.5 feet to the face of the new porch to the front property line.

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| In favor: | Neczesny, D'Angelo, Ryan, Laufer, Kinsella |
| Opposed:  | none                                       |
| Abstain:  | Lehder                                     |
| Recused:  | Forte                                      |

Mr. Forte returned to the dais at 8:25 pm.

Mr. Lehder then began a discussion on extensions of time for previously granted variance approvals.

Mr. Kovats explained why this may be needed, including changes in Zoning and other factors like costs and lead times for materials and labor.

Mr. Lehder explained the process that will be followed going forward for this type of request:

1. Standard questions will be asked of the applicant requesting the extension.
2. Escrow funds will need to be available. (approximately \$300)
3. Assumes the plans have not changed for the project.

There was discussion on how many times you can request an extension and how long variance approval is valid. Mr. Lehder suggested adding these items to a list for the next time Land Use ordinance changes are considered.

The next agenda item was introduced: *Rice, 45 Maple Avenue, Block 40 Lot 15, Zone R-5 - request for extension of time for previously granted variance relief.*

Jacquie and Brian Rice, 45 Maple Avenue were introduced. Ms. Rice explained the reason for their request was specific to financing issues.

MOTION by Mr. Neczesny and second by Mr. Kinsella to grant Jacquie and Brian Rice, 45 Maple Avenue, Block 40 Lot 15, Zone R-5, an extension of time for previously granted variance relief.

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| In favor: | Neczesny, D'Angelo, Ryan, Forte, Laufer, Kinsella |
| Opposed:  | none  |
| Abstain:  | Lehder  |

The next agenda item was introduced: *Sullivan, 47 Lake Avenue, Block 20 Lot 15, Zone R-5 – request for extension of time for previously granted variance relief.*

Mr. Forte read the letter from Ms. Sullivan regarding their request for an extension of time for their variance relief. There was discussion regarding the applicant's letter requesting the extension.

Mr. Lehder stated that the application was originally approved in June of 2021.

MOTION by Mr. Neczesny and second by Mr. Kinsella to grant Sullivan, 47 Lake Avenue, Block 20 Lot 15, Zone R-5, an extension of time for previously granted variance relief.

In favor: Neczesny, D'Angelo, Ryan, Forte, Laufer, Kinsella, Lehder  
Opposed: none

Councilman LaBarbera, liaison to the Zoning Board, mentioned consideration of the intent behind a request for extension of previously granted variance relief.

Mr. Neczesny introduced the next administrative item: *Approval of Minutes from May 4, 2023 meeting.*

MOTION by Mr. Neczesny and second by Mr. Forte to approve the minutes from the May 4, 2023 meeting.

In favor: Neczesny, D'Angelo, Ryan, Forte, Laufer, Kinsella, Lehder  
Opposed: none

The next agenda item was discussed: *Pending Annual Report 2022.*

Mr. Ryan and Mr. Neczesny will continue to work on the report and deliver it to the Board.

The Memo from Theresa Casagrande, Borough Administrator, dated 8/1/23, 2021 Zoning Board Report Response was acknowledged.

Councilman LaBarbera discussed building partnership regarding ordinance changes.

The Board discussed the resolutions associated with the award of contracts for the Board professionals.

Mr. Lehder explained the billing for CME as the Board Engineer.

There was a discussion with Mr. Kovats regarding billing. Mr. Kovats stated that he and his partners are not interested in billing a flat fee for general counsel billing between meetings.

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

In favor: Neczesny, D'Angelo, Ryan, Forte, Laufer, Kinsella, Lehder  
Opposed: none

Mr. Kovats and Mr. Hess left the meeting as Board professionals were to be discussed.

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

At 9:11 pm the Board moved into Executive Session. The Board returned to the meeting at 9:51 pm.

Roll call

Present: Neczesny, D'Angelo, Ryan, Forte, Laufer, Kinsella, Lehder

Absent: Ridgeway, Schiavetti

Mr. Lehder made a MOTION to close the meeting that was carried by voice vote at 9:52 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 and the Star Ledger on January 20, 2023. 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.