

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

The meeting was called to order at 7:15 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, Ridgeway, Ryan, Forte, Laufer, Kinsella, Schiavetti, Lehder  
Absent: None  
Also Present: Mr. Kovats, Board Attorney; Mr. Jordan Rizzo, Board Engineer; Ms. Donna Miller, Board Planner; Councilman LaBarbera

Mr. Lehder led the Salute to the Flag and introduced the first agenda item: *Ryan – 917 River Road, Block 51 Lot 8, Zone R-20 (carried from 10/5 meeting)*

The following witnesses were sworn in by Mr. Kovats:  
Anthony Condouris, Architect, 20 Bingham Avenue, Rumson, NJ  
Denis Ryan, 917 River Road, Fair Haven, NJ  
Andrew Janiw, Planner, 315 Rt 34, Suite 129, Colts Neck, NJ

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

Mr. Kovats asked the secretary if the Board had jurisdiction over the matter. It was confirmed.

The following exhibits were marked by Mr. Kovats:

Exhibit A1 – 3/16/23 attorney cover letter  
Exhibit A2 - Application  
Exhibit A3 – Zoning Officer denial letter 3/1/23  
Exhibit A4 – Completed Land Development Checklist 3/9/23  
Exhibit A5 – Notice materials received 3/16/23  
Exhibit A6 – Survey updated 9/20/23  
Exhibit A7 - Signed and sealed architectural plans updated 8/25/23  
Exhibit A8 - 8 images of site inclusive of 2 aerial photos  
Exhibit ZB1 – 4/21/23 CME Engineering Review Letter  
Exhibit ZB2 – 8/21/23 CMR Engineering Review Letter  
Exhibit ZB3 – 9/23/23 CME Engineering Review Letter

Mr. Kovats stated that the matter was scheduled on the Zoning Board's agenda on October 5, 2023, but could not be heard at that time. The matter was deemed complete by advising the applicant that they did not need to submit an application to the Monmouth County Planning Board, Freehold Soil Conservation District or the Monmouth County Board of Health.

Mr. Rick Brodsky, Esq., on behalf of the Applicants Denis and Stella Ryan, addressed the Board. The property is a single-family waterfront home in the R-20 zone. The intention is to do a renovation predominantly in the rear and side addition maintaining the look of the front of the home. He discussed the challenge of the undersized lot which perpetuated the need for variance relief.

Mr. Lehder asked that the discussion start with a list of the variances being requested and about the lot itself. He wanted to clarify whether the lot size was calculated according to the waterline or the bulkhead.

Mr. Brodsky said that the calculations were based off the river side of the bulkhead.

Mr. Rizzo, Engineer, confirmed that the true lot area is reduced from 6,606 sf to 5,132 sf. This measurement includes consideration of the tideland's parcels on the property.

Mr. Brodsky stated that there are existing non-conformities regarding lot area, lot frontage, lot width and lot depth based on the size of the lot.

He listed the variance requests:

*Minimum front yard setback is 50 feet required; whereas 14.1 feet exists, and 14.1 foot overhang is proposed.*

*Minimum rear yard setback is 30 feet required; whereas +/- 37 feet exists, and 30.5 feet is proposed.*

*Minimum side yard setback (accessory) is 10 feet required; whereas +/- 7.5 feet (AC unit) exists, and 7.5 feet is proposed.*

*Maximum lot coverage is 35% required; whereas 78.5% exists, and 70.7% is proposed.*

*Maximum floor area ratio is 0.18 required; whereas 0.519 exists, and 0.665 is proposed.*

*Maximum building coverage is 25% required; whereas 26.3% exists, and 27.5% is proposed.*

*Maximum principal building height is 2.5 stories required; whereas 2.5 stories exist, and 3 stories are proposed (Basement and attic each count as ½ story).*

Mr. Rizzo added the following waiver/variance requests:

*Minimum side yard setback is 14 feet required; whereas 5.6 feet exists, and 9.6 feet is proposed on the east side.*

*All required residential parking shall be located behind the front yard setback line; whereas it appears the two existing parking spaces in front of the house are to remain.*

*Side yard setback for the addition is 9.6 feet where 14 feet is required.*

*Minimum combined yard setback is 35 feet; whereas 21.3 feet exists, and 21.0 feet is proposed.*

*The finished floor elevation can not exceed 30 inches (2.5 feet) above the average existing grade; whereas the finished floor elevation exceeds the average existing grade by 4.75 feet.*

*The minimum set back from a river shall be the greater of 502 feet or the average of the existing setback of structures on the abutting riverfront property. In this case, we are 7 feet from the bulkhead to the second stair on the deck.*

Mr. Condouris, Architect, proceeded to review the drawings as the home currently exists. He explained that they took a conservative approach to lot area using the bulkhead for the measurement. He pointed out the shared driveway leading to the garage.

Mr. Lehder asked how much land is behind the bulkhead. He then withdrew the question due to the ambiguity of the waterline relative to the bulkhead due to changing tides and tidelands plains.

Mr. Condouris reviewed the history of the project explaining that the original intent was to knock down and rebuild the home. He encouraged the homeowner to change course and proceed with a renovation that would keep the home in line with the style of the neighborhood. The bulk of the additions are happening at the rear of the home for a total of 745 sf. Mr. Condouris then reviewed the floor plan stating that the footprint of the basement would remain the same with no habitable space on that level and no change of use. The original building will be squared off. The attic will not be habitable and will be considered a half story. They will maintain all existing utilities, existing grading of the building, and existing parking.

The board then discussed the amount of parking associated with the property. There is a single car garage in back as well as two parking spaces in the front of the home with a curb cut along River Road.

Mr. Rizzo, asked how many cars can fit in the garage and on the property. Mr. Condouris responded that the two spots in the front would remain along with the single car garage and one space in front of the driveway.

Mr. Schiavetti noted that the front two spaces present a pre-existing condition where the coverage is more than 25%.

Mr. Condouris discussed the elements of the plans from a design perspective. It will remain classic in styling with updated elements.

Mr. Rizzo asked if the plans have considered stormwater and drainage as it relates to the new plan.

Mr. Condouris said that it would continue to function as it does at present.

The board discussed the issue of runoff from the new addition and the lot in general. They discussed the addition of a drywell. Mr. Condouris agreed that there was room for a drywell and they would consider adding it to the plan.

Mr. Rizzo brought up the issue of the flood plain line and asked to have it shown on the plan. He also asked about any outside agencies that have been contacted. It was noted that would occur after zoning approval from the board.

Dr. Laufer asked about the distance from the top of the bulkhead on the river side to the ground. It was noted that it is a gradual slope.

Mr. Ryan confirmed that flooding has never been an issue on the property, including during Superstorm Sandy.

The board discussed the distance between the house and the neighbors to the left and the right noting that they were not too close. They confirmed that there are no plans to finish the basement. They also discussed the size of the expansion on the first floor as well as the second floor and how it would look if it were in a different residential zone. They reviewed the total size of the home as it relates to the R-5

and the R-7.5 zoning requirements and discussed the ridge height. They also discussed if any new Borough ordinances had an impact on the development of plans.

Mr. Brodsky asked the board if there were any additional questions for Mr. Condouris. There were none.

Mr. Lehder asked if anyone in the public had questions for Mr. Condouris specifically as he had to leave for another meeting. There were none.

Mr. Janiw, Planner, reviewed the plans, the property, and the Borough ordinances and noted the pre-existing non-conforming conditions.

The following additional exhibits were marked by Mr. Kovats:

A9 – Aerial, dated 2022

A10A – 4 photos (side A)

A10B – 2 photos (side B) plus a tax map (6/24/1960) and 1957 aerial

Mr. Janiw reviewed the aerial view of the property depicting the configuration of the lot and described it for the board. The building was originally constructed in 1957 and remains the same at present. He reviewed the new plans comparing the existing to the proposed new additions. The proposal is to maintain the character of the home. They discussed the addition of a second AC condenser and that although non-conforming is right placed and farther from the property line than the existing one. Regarding the mature vegetation in the front, all of that will remain. The board also discussed the small size of the lot.

Mr. Janiw reviewed the variances and their relation to the master plan. He stated that he believes the house to be consistent with the standards. He stated that they are scaling the home appropriately to the lot size and most of the work will not be visible from the street.

Mr. Lehder expressed concern about lot coverage and asked if a drywell could be added to the plan. The homeowner agreed and approved that it could be added to the plans.

Mr. Janiw concluded that the bulk variances could be granted without substantial detriment to any of the neighbors, the community, or the Master Plan.

No additional questions were asked of the board or the professionals of the Ryan application.

Mr. Schiavetti, Mr. Neczesny, Mr. Ridgeway, Dr. Laufer, Mr. Forte, Mr. Ryan, and Mr. Lehder shared thoughts on some of the details of the discussion but agreed to approve the application.

Mr. Kovats asked that the additional exhibits be resubmitted with accurate numbers.

MOTION by Mr. Lehder and second by Mr. Neczesny to approve the application with conditions including addition of a drywell, with special care be paid to preserving the existing vegetation, and the basement remain a garage and not living space.

In favor: Neczesny, D'Angelo, Ryan, Forte, Laufer, Kinsella, Lehder

Opposed: None

Recused: Ridgeway

Abstain: Schiavetti

Absent: none

Mr. Lehder introduced the next applicant, *MAD 550 River Road, B 33 L10, Zone R-5*.

The following witnesses were sworn in by Mr. Kovats:

Mark Aikins, Attorney, 3350 Route 138, Bldg. 1, Suite 113, Wall, NJ

Jason Fichter, Engineer and Planner, 1955 Route 34, Suite 1A, Wall, NJ

Mr. Kovats asked the secretary if the Board had jurisdiction over the matter. It was confirmed.

The following exhibits were marked by Mr. Kovats:

Exhibit A1 – Cover letter from the applicant’s attorney, dated 8/24/23

Exhibit A2 – List of variances, dated 9/6/23

Exhibit A3 Original +13 copies of the Development application

Exhibit A4 – 1 copy, 8 pictures of property, not dated

Exhibit A5 - 200’ list from the Tax Assessor, dated 7/20/23

Exhibit A6 – 13 copies of Boundary and Topographical Survey, dated 7/1/23

Exhibit A7 – 14 copies of Use Variance and Minor Site Plan, revised 11/10/23

Exhibit A8 – 15 copies of the Land Use and Development Regulations Checklist + list of variances and waivers

Exhibit A9 – 15 copies of architectural plans, revised 11/2/23

Exhibit A10 - Cover letter from applicant’s attorney, dated 11/17/23

Exhibit A11 – 3 copies of response letter, 11/15/23

Exhibit ZB1 – CME Engineering review letter, 10/10/23

Exhibit ZB2 - CME Engineering review letter, 12/5/23

Mr. Rizzo added items from the Land Development Application Checklist for which the applicant is seeking waivers including a completed Monmouth County Planning Board Application (provided but not received by CME), completed Freehold SCD Application, completed Monmouth County Health Department Application, Fresh Wetlands Letter of Interpretation, Stormwater Management Plans and Design, Profiles of Roadways and Utilities, and Soil Erosion and Sediment Control Plan.

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

MOTION by Mr. Lehder and second by Mr. Neczesny to accept the proposed waivers.

In favor: Neczesny, D’Angelo, Ridgeway, Forte, Laufer, Kinsella, Lehder

Opposed: None

Recused: Ryan

Abstain: Schiavetti

Absent: none

Mr. Aikins, on behalf of the Applicant MAD 550 River Road, LLC, addressed the Board. He provided the history of the site and presented the details of the proposed development and adapted re-use. The proposal is to permit a personal exercise studio on the first floor and other professional services upstairs. These uses require D variances because the property exists in the R-5 zone. There are also several existing non-conforming conditions. He noted that there are now two other partners, Melissa Mancuso and Mike Duffy, joining the original owner, Andrew Anderson, for a total of three owners.

Mr. Aikins introduced Jason Fichter, Professional Engineer and Planner.

Mr. Fichter gave an overview of the property and its relationship to the road within the R-5 zone and Mr. Aikins introduced additional exhibits:

A12 - Neighborhood Site Layout, dated December 7, 2023

A13 - Neighborhood Site Layout – zoom out, dated December 7, 2023

Mr. Fichter presented the proposed repurpose of the building and described the necessary minor improvements and renovations. He stated that all utility connections would remain the same, the stormwater disturbance would be minimal, overall lot coverage would be reduced, circulation would remain the same, and parking would remain the same with an improved layout. Regarding the tenants, he clarified that there would be separate tenants on each floor. The first floor is proposed to be a small group and individual fitness studio and the upstairs space is still being confirmed but will be a service-related business. He explained that due to the nature of these businesses the parking would be adequate. The details of the parking were discussed including spacing, total number (19), orientation and size of spaces, employee vs. patron parking, and employee parking signage.

Mr. Lehder asked about the parking layout in relation to the sidewalk and the curb.

Mr. Rizzo addressed those concerns and explained that the issues have been addressed in the plan and that consideration has been given to the safety of the sidewalk.

Mr. Fichter addressed the circulation issues explaining that it would remain as existing, and the entrance would be on Smith Street.

Mr. Schiavetti asked if thought had been given to changing circulation to increase pedestrian safety.

Mr. Aikins noted that the plan was to leave the circulation as it exists. Because it is on a county road, they would need to follow county policy and an application has been made to the County Planning Board.

Mr. Lehder asked about the grading and the drainage. It was presented that the current grading and drainage would remain as existing.

Mr. Fichter explained the issue of refuse and how that would be handled. He also presented the plan for lighting. At present, there are no additional lights on the property. The plan is to include 3 new parking lights to make the lot safer. All lights will be the same LED style, pointing downward, with a 0.5' candle.

Mr. Lehder asked about pole placement of lights. He pointed out that there needs to be a high degree of sensitivity to the neighbors in the residential zone.

Mr. Fichter moved forward with a discussion about the landscape buffer and improvements providing functional and visual separation between the property and the neighbors. He also introduced the plan for signage. They are proposing to replace the existing sign almost in kind following the B-1 standards. All sight lines will be clear and, it will be lowered 5.5" and externally lit. There will also be a window sign facing Smith Street.

Mr. Rizzo confirmed that the signage would be following the Borough ordinance.

Mr. Aikins introduced an additional exhibit:

A14 – Sign exhibit

Mr. Aikins stated that the second tenant would be listed on the bottom portion of the sign.

Mr. Lehder opened the floor for public comment on any of the items that had been discussed.

Arthur Arford, 14 Colonial Court, noted that there was nothing that he needed to add.

Alyse Steiner, 20 Colonial Court, asked about whether the fence would be replaced. That part of the plan had not yet been discussed so the question was tabled for the next meeting. She also expressed her concern for the brightness of the lights.

Ruth Blaser, 523 River Road, asked about the lights on the flagpole and if they would be on 24 hours. She also expressed concern about the increased number of words on the sign looking more commercial.

Mr. Lehder stated a specific review and consideration of light placement would be necessary at the next meeting and that the signage would be guided by Borough requirements.

Melissa Osofsky, 22 Colonial Court, expressed concerns with regards to the driveway. She stated that Smith Street gets very congested and that should be considered for the on-site parking and circulation planning.

Mr. Lehder made a MOTION to carry the matter to the February 1, 2024 Zoning Board meeting with no further notice required, second by Mr. Neczesny.

In favor: Neczesny, D'Angelo, Ridgeway, Forte, Laufer, Kinsella, Lehder

Opposed: None

Recused: Ryan

Abstain: Schiavetti

Absent: none

### **Administrative Items**

Mr. Lehder introduced an administrative item: *Approval of Minutes from November 2, 2023.*

MOTION by Mr. Lehder and second by Mr. Kinsella to approve the minutes from the November 2, 2023 meeting.

In favor: Ridgeway, Forte, Kinsella, Schiavetti, Lehder

Opposed: None

Abstain: Neczesny, D'Angelo, Laufer

Absent: Ryan

Mr. Lehder introduced the subject of attendance and reiterated the need for prioritizing the meeting dates and a timely response to attendance emails.

Mr. Lehder opened the floor for comments from the public.

Drew LaBarbera, Councilman, congratulated the board on the work that had been done in 2023.

There being no other public comments, Mr. Lehder made a MOTION to close the meeting, which was carried by voice vote at 10:30 pm.

Respectfully submitted,

Sheilah Olson  
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.