

FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – March 7, 2024
7:15 pm

The meeting was called to order at 7:15 pm by Mr. Lehder, with the reading of the Open Public Meetings Act Statement (below) and salute to the flag.

Roll Call:

Present: Neczesny, D'Angelo, Ridgeway, Ryan, Forte, Laufer, Schiavetti, Lehder

Absent: Kinsella

Also Present: Mr. Doug Kovats, Board Attorney; Mr. Jordan Rizzo of CME

Mr. Lehder stated that one of the board members would be recusing from the matter being reviewed and changed the order of the meeting beginning with Administrative Items.

Administrative Items:

Mr. Neczesny reviewed the first administrative item: *Approval of Minutes from the February 1, 2024 meeting.*

MOTION by Mr. Neczesny and second by Mrs. D'Angelo to approve the February 1, 2024 meeting minutes.

In Favor: Neczesny, D'Angelo, Ridgeway, Forte, Laufer, Schiavetti, Lehder
Opposed: None
Abstain: Ryan
Absent: Kinsella

Mr. Neczesny reviewed the next administrative item: *Approval of a Resolution for Gaiero/Robby – 8 Hendrickson Place, Block 46 Lot 12 – request to grant 18-month extension, beginning June 2023, for previously granted variance relief.*

MOTION by Mr. Neczesny and second by Dr. Laufer to approve the resolution for Gaiero/Robby – 8 Hendrickson Place, Block 46 Lot 12.

In Favor: Neczesny, D'Angelo, Ridgeway, Forte, Laufer, Schiavetti, Lehder
Opposed: None
Abstain: Ryan
Absent: Kinsella

Mr. Lehder addressed the next administrative item: *Approval of a Resolution for MAD 550 River Road, LLC, Block 33 Lot 10, Zone R-5.* He stated that some adjustments need to be made to the resolution and that they would not be approving it until that work was complete.

Mr. Lehder introduced the last administrative item: *Discussion of the Environmental Resource Inventory Update to 2017.* He explained that the Environmental Commission started a roundtable group within

the last two years to discuss environmental issues across the Borough committees. In conjunction with that there has been discussion about the Borough's Environmental Resource Inventory. An ERI document was distributed to the Board members, and they were asked for input/comments. The Board agreed that it was generally an informational resource and had no additional comments.

New Business:

Mr. Lehder introduced the following application: *Padraig and Noelle Dwyer – 23 Hance Road, Block 78 Lot 10, Zone R-30.*

Mrs. D'Angelo stated that she would be recusing herself from the application and left the dais at 7:23 PM.

Mr. Kovats swore in the following witnesses:

John A Sarto, Attorney, 125 Half Mile Road, Suite 300, Red Bank, NJ

James T. Daley, Architect, 273 First Street, Keyport, NJ

Joseph A. Sacco, Architect

Padraig Dwyer, 23 Hance Road, Fair Haven, NJ

Noelle Dwyer, 23 Hance Road, Fair Haven, NJ

The following exhibits were marked:

A-1 – Zoning Board Application Guidelines, Part III and Escrow Agreement (5 pages) dated October 4, 2023.

A-2 – Addendum: List of variances and waivers requested and legal justification (3 pages), dated September 2023.

A-3 – Zoning Officer's denial Letter, dated August 29, 2023.

A-4 – Completed Land Use Development Checklist (11 pages).

A-5 – Images updated (4 pages).

A-6 – Survey prepared by American Layout & Land Surveying, dated June 6, 2023.

A 7 – Architectural plans titled Dwyer – 23 Hance Road prepared by James T. Daley Architect & Associates, (3 pages). Plot plan/floor plan/elevation, dated December 6, 2023.

ZB-1 – CME Engineering Review Letter #1 by Jordan Rizzo, CME, dated November 21, 2023.

ZB-2 – CME Engineering Review Letter #2 by Jordan Rizzo, CME, dated January 9, 2023.

A8- Color photograph of the subject property and existing residence.

A9 – Color front elevation prepared by James T. Daley, Architect, March 7, 2023.

A10 – Enlarged Google Street View of 31 Hance Road (neighbor to the right).

Mr. Rizzo stated that the applicants were requesting three checklist waivers that he did not take exception to, including the Monmouth County Planning Board, Monmouth County Health Department and Freehold SCD. The Board took no exception.

Mr. Sarto described the lot, its location on Hance Road, and the proposed addition to the house. He then reviewed the variances being sought including minimum principal front yard setback and maximum lot coverage. He noted that the lot is undersized for the zone due to a subdivision that was created in 1964. He explained that the applicant is looking to add a covered front porch with a metal roof and various façade upgrades.

Mr. Kovats confirmed jurisdiction on the matter with the Board Secretary.

Mrs. Dwyer confirmed that the house and the pool area are in the same condition as when the home was purchased in 2020. She noted that the driveway has been replaced as original.

Mr. Daley presented the site plan to the Board. He pointed out an area of the driveway that has already been removed to improve the overall lot coverage. He stated that it is an undersized lot for its zone and that everything is pre-existing except for the proposed front porch.

Mr. Schiavetti clarified that the lot coverage number is a percentage of the existing lot.

Mr. Sarto pointed out the street drainage inlet that exists between the property boundary and Hance Road, noting that it is generously sized and gives the appearance of a greater setback from the street.

The Board discussed the dimensions of the driveway and the patio as it relates to the non-conforming lot coverage. The applicant was amenable to the possibility of removing a portion of the impervious surfaces on the property to comply with the allowable lot coverage number. They also discussed the addition of a drywell to offset the runoff from the roof.

Mr. Daley presented the plans for the porch to the Board. He also reviewed the proposed landscape design. He noted that the depth of the porch was planned at 8 feet to address the setback issue.

The Board members asked questions about the details of the porch design and construction.

Mr. Lehder reintroduced the lot coverage issue.

Mr. Sarto reviewed some of the ways the applicant was prepared to address the lot coverage issue coming into the meeting. He identified several places on the plans where they could consider removing parts of the driveway, walkway, or rear patio to comply.

Mrs. Dwyer addressed the Board and explained how the driveway is used by their family. She stated that they spend a lot of time in the front yard using the driveway for playing basketball, riding bikes, etc. and that she would be more amenable to removing impervious surfaces from the rear yard.

Mr. Lehder suggested the installation of a drywell on the northern side of the property running all roof leaders to the drywell. He felt that the benefits of a drywell would outweigh the detriment of being over the allowable lot coverage considering that the driveway had already been redone.

Mr. Rizzo stated that the applicant would need to commit to doing a soil test.

There was some discussion among the Board members about the water table and the proximity to the river.

Mr. Schiavetti stated that he would still like to see something done so that the pervious coverage is not increased. Specifically, he requested a reduction of 120 square feet.

Mrs. Dwyer said that they would prefer to remove pavers from the rear of the home instead of square footage from the driveway. However, her preference would be to install the drywell and not have to remove any pervious space from the rear yard.

Mr. Sarto summarized that the applicant would be willing to install a drywell. If that alone is not sufficient for the Board, she would be willing to install a drywell and remove 120' of pervious square footage from the rear yard.

Mr. Rizzo clarified that the drywell would be for the entire house, or the greatest amount efficiently moved to the front, not just the additional front porch.

Mr. Sarto referenced Exhibit A10 – the enlarged street photo of the neighbor to the right.

The Board reviewed and discussed that property and its driveway as it relates to the applicant's property, as well as, the rear neighbor's driveway and the right of way, all running alongside of the applicant's property. They further discussed the house in relation to the other houses in the surrounding neighborhood including the different zones and the different setbacks.

Mr. Lehder asked if the applicant's professionals had anything further to add. They did not.

Mr. Lehder asked if there were any comments from the public. There were none.

Mr. Lehder addressed the Board and suggested that an approval be conditioned upon the applicant's ability to install a drywell that would be subject to review by the engineer and that the replacement gutters be designed to put as much of the roof runoff into the drywell as is practical. If they are not able to sufficiently install the drywell then they would need to remove 120 square feet of pervious coverage.

Dr. Laufer made a comparison of the property to the R-20 zone stating that if it were in that zone it would conform. He did not feel that conditionally removing the additional 120 square feet from the rear should be required.

MOTION by Mr. Lehder and second by Mr. Neczesny to approve the application on the condition that the applicant provides the board engineer with the drywell design. If it is determined by the engineer that the drywell is not feasible, then the engineer may administratively remove the condition.

In Favor:	Neczesny, Ridgeway, Forte, Laufer, Lehder
Opposed	Schiavetti
Abstain:	None
Absent:	Kinsella
Recused:	D'Angelo

The board discussed the need to find a special meeting date to continue the application – MAD 550 River Road, Block 33 Lot 10. A meeting date of May 16, 2024, was proposed subject to the applicant and his professional's availability. They also discussed the meeting schedule for the next several months.

Mr. Lehder asked if there were any other comments from the public. There were none.

Mr. Lehder made a MOTION to close the meeting that was carried by voice vote at 8:45 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 on January 26, 2024, and the Two River Times on February 1, 2024. 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.