

**FAIR HAVEN ZONING BOARD OF ADJUSTMENT Special Meeting Minutes – March 5, 2024**  
**7:15 pm**

The meeting was called to order at 7:25 pm by Dr. Laufer, with the reading of the Open Public Meetings Act Statement (below) and salute to the flag.

Roll Call:

Present: D'Angelo, Ryan, Forte, Laufer, Kinsella, Schiavetti

Absent: Ridgeway, Lehder, Neczesny

Also Present: Michael A. Irene, Jr., Esq., Special Conflicts Board Attorney; Jordan Rizzo, P.E., of CME, Board Engineer; Jennifer Krimko, Esq., Applicant's Attorney; Jason Fichter, P.E., of InSite Engineering LLC., Applicant's Engineer and Planner; Ronald S. Gasiorowski, Esq., Plaintiff's (Santos') Attorney. Also in attendance was Councilwoman Cole.

Mr. Irene stated for the record that the meeting was to begin at 7:15 pm but that to give all interested parties additional arrival time, the meeting began at 7:25 pm. He also noted that a quorum was present and that any members that were not present at the prior hearings regarding this matter have certified that they have reviewed the record of the prior proceedings.

Dr. Laufer introduced the following item under *Old Business*:

Whispering Woods Hearing – Santos vs. the Fair Haven Zoning Board and Paolo/Personette – 78 Pine Cove Road, Block 78 Lot 13.07, Zone R-30

Ms. Krimko addressed the Board on behalf of the applicant.

She stated that the original application was bifurcated, and approval was given for additions to the house. The applicant then came back for approval on the pool. The Santos's were present as objectors at both meetings, with Mr. Gasiorowski present at the second meeting. Approval for the pool was granted as originally proposed along with the variance related to it. The Santos's appealed through their attorney to the Superior Court of NJ challenging both approvals. During the process of that litigation, the attorney's present came together to work on a settlement. The signed consent order was submitted as part of the application. The application provides for the pool being moved to the other side of the property. She noted that through the Whispering Woods Hearing the Board will now formally review and vote on the settlement/ revised plan.

Mr. Irene confirmed that this would be a public hearing on notice. There were no comments or concerns with the notice.

Mr. Irene swore in Mr. Rizzo, the Board Engineer.

Mr. Gasiorowski introduced himself to the Board as counsel for Mr. and Mrs. Santos.

The following exhibits were marked:

**Exhibit A-1** – Color rendering of the previously approved plan (exhibit A-6 from the 9/8/22 hearing)

**Exhibit A-2** – Revised Plot Plan by In Site Engineering, revised 2/12/24 (4 sheets)

**Exhibit A-3** – Photo facing the subject’s property from the street, from Google Earth

**Exhibit A-4** – Color enhanced version of Plot Plan A2

Mr. Irene swore in Mr. Jason Fichter, In Site Engineering, LLC., 1955 Route 35, Wall, NJ

Mr. Fichter reviewed the plans that were previously approved by the Board and presented the revised plans. He explained that the original pool was in the front of the house and was a pre-existing non-conforming condition. The original application sought to move the pool to the southwestern corner of the property. The new application shows the pool moved to the eastern side property line. He reviewed the setbacks for the new pool and explained that there is a mature row of trees along the property line. He noted that the driveway would be revised and straightened out as a result of the new placement. The new pool will be slightly larger and connected to the house by a small walkway. Additionally, a new seating area will be added around the pool. The result of the changes will remain below what is permitted, and the lot coverage will remain essentially the same as the previously approved plan. He stated that his planning proofs from the original application stand for the new application.

Ms. Krimko confirmed that no new variances (beyond those granted in conjunction with the initial application) would be triggered by the new application.

Mr. Rizzo confirmed that there were no drainage issues associated with the new plan. He noted that as a condition of approval, he would like to see where the series of drainage inlets indicated on the plan ultimately lead, noting that the attempt to drain and collect the water was made.

The Board members discussed the grading on the property.

Ms. Krimko stated that they worked with the neighbors to the east (Block 78 Lot 13.08) and came to an agreement on the details of the plan being presented.

Mr. Schiavetti asked Mr. Fichter if he felt that the new plan was a better option than the originally approved plan.

Mr. Fichter stated that it was a comparable plan. He noted that the DEP would protect the riparian zone as it relates to the placement of the pool.

Mr. Kinsella expressed concern about the water collection and its movement into the river. Mr. Fichter answered his concerns noting that stabilizing the property with landscape and grass would address the situation. While construction is ongoing, a silt fence will be installed.

Mr. Irene opened to comments from the public or any interested parties. There were none.

The Board took a few moments to deliberate. Mr. Schiavetti expressed again his concerns about the new proposed location of the pool and its proximity to the river. The balance of the members agreed that the new plan was a good and well-thought-out proposal.

Ms. Krimko stated that the testimony of the engineer was to make clear to the Board that the new proposal, although not the first choice, was an appropriate and acceptable location for the pool. She also noted that the parties involved were all in agreement on the new location.

MOTION by Dr. Laufer and second by Mr. Forte to accept the application as submitted moving the pool to the new location as indicated on Exhibit A-2.

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

Dr. Laufer made a MOTION to close the meeting that was carried by voice vote at 8:03 pm.

Respectfully submitted,  
Sheilah Olson  
Board Secretary

### **Public Announcement of Compliance**

**This is the March 5, 2024, Special Meeting of the Fair Haven Zoning Board of Adjustment. Adequate notice of this Special Meeting has been given pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was transmitted to the Asbury Park Press and the Two River Times on February 20, 2024. Notice was also posted on the bulletin board in Borough Hall on said date 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.**