

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes - September 15, 2020 – Virtual Meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic.

The meeting was called to order at 7:34pm by the Chair, Mr. Lehder, with a reading of the Open Public Meetings Act statement followed by the Pledge to the Flag.

1. ROLL CALL

Present: Mr. Bordelon, Mr. Borneo, Mr. Folker, Mr. Ingle, Mrs. Koch, Mr. Newell, Mr. Sobel, Mr. Rolff, Mr. Criscola, Mr. Paolo, and Mr. Lehder

Absent: None

Also, Present: Mr. Doug Kovats, Board Attorney; Mr. Richard Gardella, Board Engineer; and Ms. Susan Gruel of Heyer, Gruel and Associates, Borough Planner.

Mr. Lehder confirmed with Mr. Kovats that sufficient notice of the meeting via the Zoom Platform had been posted and is adequate for notice purposes. It was also noted for the record that in addition to the initial Open Public Meetings Act notice issued at the beginning of the year, the Board also issued a supplemental revised Open Public Meetings Act notice advising that Planning Board meetings would be broadcast virtually due to the Covid-19 pandemic. This information is on the Borough website with instructions on how to gain access to the meeting.

2. NEW BUSINESS

Heyer, Gruel & Associates presentation and discussion of Housing Element and Fair Share Plan

Mr. Lehder began with a summary of the sequence of events regarding the HEFSP stating that the Planning Board adopted the HEFSP in March of 2019. Subsequent to the adoption of the HEFSP, the Borough has been in discussion with the owner of the M&M Realty site also known as the Sunoco site with regard to a settlement of the Fair Share obligations. There have been ongoing discussions with how to develop the Ordinances and compliance structure surrounding the housing element. As a result of the discussions the plan that was adopted in 2019 needs to be amended.

Mr. Kovats stated that the Board members have an Ordinance for review tonight. The Board should look for consistency with the Master Plan and consistency with Ordinances and regulations that are currently in place in Fair Haven. The Board should raise or express any concerns regarding the Ordinance and those concerns should be raised and submitted to Mayor and Council.

Ms. Gruel started the presentation by stating that the Planning Board adopted the original Housing Plan in March of 2019. At that point there were no settlement agreements with Fair Share or M&M Realty who has become an interested party. The amended plan tracks what the provisions are within the settlement agreements. When the Planning Board adopted the Plan in

2019, M&M Realty was not a participant and the area of consideration was the Fair Haven DPW site. The DPW site was a key element with how Fair Haven was going to comply with the required obligations. Subsequent to that, the DPW site is no longer an option for development. In its place is now the M&M site which is on the corner of Cedar Avenue and River Road in Fair Haven's business district. In addition to the M&M site there is also a Habitat for Humanity site which was also not part of the original consideration. Habitat for Humanity is a nonprofit that constructs affordable housing and they are proposing to construct two affordable units in a two-family structure, one of which would be a low-income unit. The proposed Habitat for Humanity location is at the corner of Hendrickson Avenue and Allen Street. A portion of that site would be subdivided and transferred over to Habitat to construct the two-family structure. This site is in the R-5 Zone and the new structure would have to comply with the R-5 Zone building requirements and setbacks. The structure would be approximately 2,800 square feet between the two units. Because the Borough is essentially developed, there is little opportunity to construction affordable housing within the Borough unless it's through redevelopment efforts. The first part of the housing plan is called the 'Housing Element', in that are the demographic and data considerations that are statutorily required in a housing element. These requirements have been updated since 2019 to contain the most recent information. There are many goals and objectives being met in this amended Housing Plan. The number of development units required in Fair Haven is four units. The remaining obligation of 367 units is considered an unmet need, and is addressed through proposed overlay zones. Overlay zones were in the old plan but they have been refined and expanded. Overlays are designed to maintain the existing zoning but create different options for development. There are 4 overlay zones in the business district, and all are described in the Housing Plan. The overlay at the United Methodists Church site is the fifth overlay and is proposed to be developed with an age restriction requirement, with 20% set aside for affordable housing. There is a two-year window to create this age restricted development and after the two years the site can be developed with family townhouses. There is a mandatory set aside Ordinance which states that if the Borough chooses to approve a multifamily development with five units or more it must provide 20% of affordable housing units. The other Ordinance relates to accessory apartments that allows for up to ten units within one of the overlay sites, it would be deed restricted for ten years. The last aspect would be the Ordinance for the Housing Element development fees where funds can be collected from new developers. The funds would be added to a housing trust fund account and it can be used to implement the Housing Plan.

Board discussion commenced.

The Chairman opened the meeting up to the Public for questions or comments regarding the amendment to the affordable housing plan.

No comments from the public.

Consistency of Fair Haven Ordinance No. 2020-04, M&M Ordinance

Ms. Gruel began the discussion of the M&M Ordinance by stating that there were settlement agreements that have been executed with M&M and Fair Share Housing center. There were

certain provisions in the settlements related to the M&M site. This site is proposed to be rezoned with a new zone delineated as an affordable housing district. A key element was to provide a purpose and to provide affordable housing in the form of a mixed-use inclusionary development. There is a total of 14 family rental units, 2 units will be deed restricted as affordable units. The building will be 3 stories. The ground floor will be required to contain commercial units, the second and third stories will consist of residential units. The main concern expressed during discussions was the need to mitigate any bulk that would be created through the development of a three-story structure at the M&M site. The front yard setbacks are 15 feet along River Road and 13 feet along Cedar Avenue. It was important to ensure the proposed third floor be set back from the first and second floors to lessen the bulk prospective. The overall objective was to remain consistent with the Master Plan, the 2016 reexamination, the Housing Plan and Active Transportation Plan. The 2016 reexamination report offered recommendations related directly to opportunities in the business district for affordable housing and age restrictive housing as well as improvements to the business district. This Ordinance, which is a component of the larger Housing Plan; is consistent with the settlement agreements, fairness hearing and also the many recommendations, goals and objectives of the adopted Borough Planning documents. There are a number of different standards in the Ordinance detailing how the building will be constructed and how it will look in context with the downtown area and River Road. There are specific sections detailing circulation, parking, signage, lighting, design standards, Stormwater management, landscaping and buffering which are all important from a Planning Board perspective. The Ordinance also meets the requirements of the MLUL in terms of a consistency review and in her opinion is consistent.

Mr. Lehder stated that the committee tried very hard to push the building back from River Road and Cedar Avenue. The recess of the third floor will help with the bulk on the streetscape keeping the area hospitable for walking and bike riding in the downtown area.

Board discussion commenced.

Mr. Kovats included that the law asserts this Ordinance as a requirement. The Borough now has a strategy that is recognized by the courts and the plan is taking care of past needs, current needs and project needs based upon the standards. This plan is in place so when a developer proposes building affordable housing units in Fair Haven, the Borough can respond by stating it has locations approved by the court where these developments can be built. The developer does not become an objector; they buy into the development and Fair Haven has a strategy that ensures the Borough's involvement in where affordable housing is placed.

The Chairman opened the meeting up to the Public for questions or comments regarding the M&M Ordinance.

No comments from the public.

3. ADMINISTRATIVE ITEMS

Mr. Kovats added for the record the following modifications to the original resolution requested by the applicant.

5. I would suggest "The fence would be installed on or near the edge of the ..."

6. I would suggest "...to screen HVAC units and refuse and recycling bins..."

7. I would suggest "...permit a level area in the Borough Right of way for the Borough to install a sidewalk expansion."

MOTION by Sobel, second Newell to approve the amended site plan Resolution for River Road 756, LLC / China Closet – 756 River Road, Block 52, Lot 01, B-1 Zone as modified.

In Favor: Bordelon, Borneo, Folker, Ingle, Koch, Newell, Sobel, Rolff, Paolo, and Lehder

Opposed: None

MOTION by Sobel, second Koch to approve the minutes from the 08/18/2020 meeting.

In Favor: Bordelon, Borneo, Folker, Ingle, Koch, Newell, Sobel, Rolff, Paolo and Lehder

Opposed: None

4. PUBLIC COMMENT

No comments from the public.

MOTION to adjourn made by Sobel, second Lehder and approved by voice vote.

Meeting adjourned at 8:56 PM.

Respectfully Submitted,
Jennifer Johnson, Board Secretary

Public Announcement of Compliance

This is a regular meeting of the Fair Haven Planning Board. 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 of the Board's regular meetings was sent to and published in the Asbury Park Press, and was also sent to the Two River Times and the Star Ledger. Tonight's meeting was listed in the Notice of the schedule of regular meetings. That Notice was also posted on the bulletin board in Borough Hall, and has remained continuously posted there as required by the Statute. In addition, 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.