

BOROUGH OF FAIR HAVEN PLANNING BOARD

Re-organization and Regular Meeting Minutes

January 15, 2019

1. The meeting was called to order at 7:30 by the Mr. Ingle, Acting Chair, with a reading of the Open Public Meetings Act statement.

2. ROLL CALL

Present: Mr. Lehder, Mr. Borneo, Mr. Rice, Mr. Rolff, Mr. Bordelon, Mr. Ingle, Mrs. Koch, Mr. Newell, Mr. Criscola, Mr. Sobel

Absent: Mr. Folker

Also Present: Mr. Kovats, Board Attorney, Mr. Gardella, Board Engineer, Ms. Gable, Board Planner

The Oath of Office was administered to Mr. Bordelon, Mr. Criscola, Mrs. Koch, Mr. Sobel, and Mr. Newell

Mr. Kovats announced that the hearing on the Dunkin Donuts was being carried to the February meeting

Tracy Cole, 123 Grange Ave, addressed the Board and spoke of a need for the town to publicize the meeting date, rather than restricting notice to those within the 200' limit.

3. RE-ORGANIZATION MEETING

Chair – Mr. Rice nominated Mr. Lehder for the position of Chair. There were no further nominations and nominations were closed by voice vote.

MOTION Rice, second Sobel, to elect Mr. Lehder Chair

In Favor: Bordelon, Borneo, Criscola, Ingle, Koch, Newell, Rice, Rolff Sobel

Opposed: None

Abstained; Lehder

Mr. Ingle turned over the gavel to Mr. Lehder.

Vice Chair – Mr. Rice nominated Mr. Sobel and there being no further nominations

MOTION Rice, second Borneo to elect Mr. Sobel Vice-Chair

In Favor: Bordelon, Borneo, Criscola, Ingle, Koch, Lehder, Newell, Rice, Rolff

Opposed: None

Abstained: Sobel

Attorney- Mr. Kovats stated he had agreed to change his fee from hourly to per meeting

MOTION Lehder, second Ingle to award contract to Mr. Kovats Board Attorney

In Favor: Bordelon, Borneo, Ingle, Koch, Lehder, Newell, Rice, Rolff

Opposed: None

Engineer – MOTION Lehder, second, Rice, to appoint Richard Gardella Board Engineer

In Favor: Bordelon, Borneo, Ingle, Koch, Lehder, Newell, Rice, Rolff

Opposed: None

Planner: MOTION Lehder, second Rice, to appoint Heyer Gruell Board Planner

In Favor: Bordelon, Borneo, Ingle, Koch, Lehder, Newell, Rice, Rolff

Opposed: None

Secretary – MOTION Lehder, second Rice, to appoint Judith Fuller Board Secretary

In Favor: Bordelon, Borneo, Ingle, Koch, Lehder, Newell, Rice, Rolff

Opposed: None

MOTION Rice, second Lehder, to carry the Dunkin Donuts application to the February meeting with no need to renote and the granting of an extension of time.

In Favor: Bordelon, Borneo, Ingle, Koch, Lehder, Newell, Rice, Rolff

Opposed: None

Tracy Cole, 123 Grange Ave, asked the Board how the public at large would be noticed. It was suggested that she speak with the Borough Administrator regarding ways to get the word out.

4. OLD BUSINESS

76 Forman, LLC – Porter – Application for Change of Use and Waiver of Site Plan

The following were entered into exhibit: Ex. A-1 – application dated 8/9/18, A-2 – Checklist, A-3 – Escrow agreement, A-4 – Photos (4) of house, A-5 – letter to Mr. Gardella dated 9/20/18, A-6 – Hand drawn plan of 2nd floor, A-7 – survey prepared by Thomas Santry dated 5/24/18, A-8 – location survey prepared by John Gallagher dated 2/6/1999, A-9 – tax map, A-10 – photo, A-11 – letter from applicant with Mr. Santry's calculations, PB -1 – letter from Mr. Gardella dated September 17, 2018, PB -2 follow-up letter, PB – 3 – HGA review

Mr. Kovats explained conditional use and the waiver of the site plan and noted that the applicant is claiming the building is a pre-existing structure. The Borough states that a use should fit in the zone if it meets the criteria.

Brooks Von Arx announced his appearance on behalf of the applicant. Susan Portera, 36 Lake Ave , was sworn. She stated she purchased the property in August, 2015. Her intention was to semi-retire, have her business on the first floor and live on the second floor. She noted that in the 1990's the building was used for dual purposes when the Whistle Stop was there and the owner lived above in a one bedroom apartment. Mrs. Portera said customers occasionally come to the premises but most of her work is in the client's home. She has one part time employee.

Mrs. Portera said she had spoken with the Zoning Officer regarding the parking as well as with Mr. Santry. Ex. A-13 –plan with 6 parking spaces drawn in. This does not represent the current condition. She believes the minimum standards are met. There is existing gravel on the side of the house. The plan establishes there is room for cars – there is no plan to designate spots. There are no plans to change the exterior of the building. There are 3 entrances – in the front, side and rear. The entrance to the second floor is in the front.

Mr. Von Arx reviewed the conditional use terms. 1) The building pre-dates the ordinance, 2) the apartment is separated from the first floor, 3) There is just one bedroom, and, 4) the apartment is 600 sq. ft. Mr. Von Arx said the apartment will be repaired and restored to habitable condition. Mr. Gardella stated he had field measured the building today and came up with the same measurements as Mr. Santry. Mr. Von Arx stated that both the residential and commercial comply. Mrs. Portera stated there are no plans for signage beyond what already exists.

The parking meets the minimum requirements. Ms. Gable, Board Planner, noted the ordinance calls for 4 spots for the commercial portion and 1 ½ for the residential.

Mr. Sobel asked Mrs. Portera if it was her intention to live there and she stated it was. It is not a rental unit.

Mr. Bordelon asked about a CO and it was noted that the Board does not get involved in that. Asked about the attic, Mrs. Portera stated there is an attic with pull down stairs that will be used for storage. There is also a basement to be used for storage.

In regard to the site plan waiver, Mr. Gardella noted that no improvements are planned. He referred to the bullet items in his letter. It was noted that since that letter, the applicant provided proof of a permit for the AC condenser, an agreement has been provided with the neighboring property regarding the neighbor's use of the driveway to access his garage. Ex. A-14 - license agreement regarding encroachment and fence encroachment. The downspout has since been re-routed.

Mr. Gardella reviewed his technical review and stated he had no objections to a site plan waiver. He was not aware of any drainage issues.

Ms. Gable stated she had no issues with the waiver.

Mrs. Portera stated that there is no commercial garbage pickup and there are no commercial deliveries.

Discussion followed regarding the need for site plans with future change of use.

Mr. Sobel noted some mistakes in the encroachment agreement and Mr. Von Arx stated the corrections would be made.

There were no questions or comments from the public.

Mr. Lehder stated he felt the conditional use was satisfied. The site plan waiver is very specific to the use and there is some concern about future slide in.

Mr. Borneo stated he thought Mr. Gardella had addressed the concerns.

Mr. Rice agreed and added he had some concern about use going forward.

Mr. Sobel stated things were properly articulated by the attorney and the applicant.

Mr. Newell agreed.

Mr. Bordelon noted the preexisting condition, Mr. Gardella's check of the square footage and the specific user.

Mr. Ingle stated the conditions were satisfied.

Mrs. Koch stated the conditions of use were satisfied. She would like to see the resolution specify that future users return if the use is more intensive.

Mr. Criscola noted the fact that no changes are planned to the pre-existing conditions.

MOTION Rice, second Sobel, to approve the application establishing mixed use and site specific approval.

In Favor: Bordelon, Borneo, Ingle, Koch, Lehder, Newell, Rice, Rolff, Sobel

Opposed: None

Calendar – It was noted that the proposed October 15 meeting conflicted with a Council meeting. The PB date will be changed to October 22.

MOTION Newell, second Rice to approve the calendar with the October date corrected.

In Favor: Bordelon, Borneo, Ingle, Koch, Lehder, Newell, Rice, Rolff, Sobel

Opposed: None

Mr. Lehder noted that there could be more PB work this year and there may be a need to have extra meetings or establish sub-committees.

MOTION Rice, second Borneo to approve the Asbury Park Press, The Two River Times and the Star Ledger as the official newspapers for 2019.

In Favor: Bordelon, Borneo, Ingle, Koch, Lehder, Newell, Rice, Rolff, Sobel

Opposed: None

MOTION Sobel, second Rice, to approve the minutes of the 11/20/18 meeting.

In Favor: Borneo, Lehder, Rice, Sobel

Opposed: None

Public Comment

Rachel Stellar, 345 River Rd, asked about the role the PB plays in determining what businesses can come in to town. Mr. Lehder talked about the Master Plan and the Board's ability to respond to ordinances. Mr. Kovats stated that zones are developed by ordinances and districts define uses which are generic, not specific.

Susan O'Brien, 875 River Rd, requested that the sound system be fixed.

There were no additional comments from the public.

MOTION to adjourn made by Rice, second Borneo and approved by voice vote.

Meeting adjourned at 9:24 PM.

