

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes

May 8, 2018

1. The meeting was called to order at 7:32 by the Chair, Mr. Rue, with a reading of the Open Public Meetings Act statement.

2. ROLL CALL

Present: Mr. Banahan, Mrs. Dale, Mr. Folker, Mr. Lehder, Mr. Borneo, Mr. Marchese, Mr. Rice, Mr. Sobel, Mr. Rue

Absent: Mr. Ingle, Mr. Hoffman

Also Present: Mr. Kovats, Board Attorney

3. ADMINISTRATIVE ITEMS

Shaw subdivision resolution

M. Sobel and Mr. Rue left the dais.

Mr. Kovats stated that there were some questions regarding the resolution as prepared. The issue of the filing of the subdivision can be handled with a grammatical change to indicate filing by map or deed. The more significant problem arose around the height of the basement and the question of how much of the foundation could be above grade. After some discussion the Board agreed that the finding of fact that "the finished 1st floor elevation to grade in the front yard shall be developed at a height not to exceed 36 inches" was sufficient and the statement regarding the ceiling height of the cellar was not needed.

MOTION by Mr. Lehder, second by Mr. Folker, to approve the resolution as amended.

In Favor: Banahan, Dale, Folker, Lehder, Borneo, Marchese, Rice

Opposed: None

MOTION Rice, second Borneo, to accept the minutes of the March 13, 2018 meeting.

In Favor: Banahan, Dale, Folker, Lehder, Borneo, Marchese, Rice, Sobel, Rue

Opposed: None

Ordinance 2018-07 – Prohibited uses – marijuana

Mr. Marchese noted that the proposed ordinance does not include medical use but in addition to the sale of marijuana for recreational use would include items such as the sale of paraphernalia. Questions were raised regarding what might be considered paraphernalia, recognizing that some items are regularly sold in stores now. Mr. Lehder questioned whether, politics aside, there was potential for bad publicity. Could the ordinance be challenged if the State legalizes marijuana? Mr. Marchese stated that the Council did not give this any weight because of the federal law.

Ordinance 2018-08 – Guarantees and inspections

The purpose of this ordinance is to make changes needed to be in compliance with state law. In regard to performance guarantees, it uses language related to stormwater management. There

are language changes such as referring to Fair Haven as a borough not a municipality and street trees instead of shade trees. A new section was added regarding when temporary COs can be granted, and streamlining the process going from performance guarantees to maintenance guarantees. In reference to the statement that the amount is determined by the Borough Engineer Mr. Banahan noted that this is often done by independent professionals. Discussion followed regarding letters of credit and language regarding cautionary notes in the event of the expiration of a letter of credit.

There was no public comment.

4. CORRESPONDANCE

Notification of DEP application for bulkhead work on a Battin Rd. property.

MOTION to adjourn made by Mr. Rice, second by Mr. Sobel and approved unanimously by voice vote.

Meeting adjourned at 8:15

Respectfully submitted,

Judy Fuller, Secretary