

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes

May 9, 2017

1. The meeting was called to order at 7:00 by Mr. Rue, Chair, with a reading of the Open Public Meetings Act statement, followed by the pledge to the flag.

2. ROLL CALL

Present: Mrs. Dale, Mr. Ingle, Mr. Marchese, Mr. Hoffman, Mr. Rue

Absent: Mr. Banahan (arr. 7:47), Mr. Folker (arr. 7:31), Mr. Lehder, Mr. Lucas, Mr. Rice Mrs. Flanagan,

Also Present: Mr. Kovats, Board Attorney, Mr. Gardella, Board Engineer

3. ADMINISTRATIVE ITEMS

MOTION Dale, second Ingle, to approve the minutes of the April 27, 2017 meeting as presented.

In Favor: Dale, Folker, Ingle, Marchese

Opposed: None

4. OLD BUSINESS

Resolution - Fair Haven Retail, LLC. – 560 River Rd., Block 32, Lot 2, B-1 zone

MOTION Marchese, second Ingle, to adopt the resolution granting approval for the monument sign

In Favor: Ingle, Marchese

Opposed: None

Not voting: Dale, Folker, Hoffman, Rue

Absent: Banahan, Lehder, Lucas, Rice

5. ADMINISTRATIVE ITEMS

Laval Home Development – 134 Third Street – Request for extension

Mr. Marchese recused himself and left the dais. Mr. Hoffman offered to recuse himself but there were no objections to his participating on the part of the applicant or the Board.

Brooks Von Arx, Esq., appearing on behalf of the applicant. Elizabeth Waterbury was sworn and her credentials as a licensed Engineer were accepted by the Board. During the application period she had appeared before the Board as a licensed Planner for the applicant. At that time, approval for the subdivision was conditioned on plans being submitted before a permit could be issued. It was necessary to prepare engineering and grading plans to submit to Freehold Soil and the Two River Reclamation Authority. Ms. Waterbury worked with the architect to put footprints on the plans. Currently Freehold Soil wants drainage information. Deeds have been submitted. Mr. Gardella stated that he is still reviewing the technical aspects.

Mr. Banahan arrived at 7:47 PM and joined the dais.

Mr. Von Arx stated they are asking for a six month extension from 5/17/17. The conditions on the resolution were reviewed: #1 and 2 are on the plans, #3 –shown on the plans for Williams St, a contribution will be made on Third St., #4 – provided to the Borough – updated deeds, #5 – updated with the name of the Chair, # 6 and 7 were explained, #8 – no change to update letter, #9 – obtained tree removal permit, #10 – paid, #11 – performance guarantee-awaiting bonding, #12 – taxes paid.

Mr. Rue asked if the designs represented what was approved by the Board and was told they did.

Mr. Von Arx stated they are not looking to go beyond one extension.

Mr. Gardella noted that the plans are not architectural.

Mr. Banahan stated that the extension is contingent on plans that reflect the architectural details originally approved by the Board (windows, porches).

Ex. A-1 - Engineering plans prepared by Ms. Waterbury dated 4/17/17 consisting of 5 sheets.

Ms. Waterbury stated that her response letter dated 4/21/17 addressed the architectural issue and the plans will be provided.

MOTION Dale, second Hoffman, to grant a six month extension

In Favor: Banahan, Dale, Folker, Ingle, Hoffman, Rue

Opposed: None

Discussion of Proposed Ordinance 2017-05

The proposed change would remove the parking requirements specific to medical and dental offices, folding them into professional offices. Mr. Marchese stated the ordinance change was suggested by the Business Association. It would offer relief similar to what was granted to other businesses in 2013.

Mr. Kovats reviewed the ordinance and noted that it gives some flexibility. Mr. Gardella stated that they haven't done any specific analyses. The current changes appear to be working well.

Mr. Kovats stated that the standard conforms to regulations and appears consistent and he will prepare a letter for Council.

Mr. Banahan and Mr. Hoffman questioned whether the change was adequate. It was noted that this applies only to new applications. The burden is on an applicant to provide information if there is a change in use.

Mr. Rue asked why we aren't looking at the entire parking ordinance. Mr. Kovats stated the Board could suggest changes. If many variances are being issued, why not change instead of governing by variance. Mr. Rue wants to respond to other aspects but it is not appropriate at this time.

Mr. Banahan referred to the line of decision rule and said the Board needs to be careful and stick to the matter before them.

Mr. Ingle stated he had reservations, it was too great a step.

Public Comment

Ruth Blaser, River Rd, spoke about the parking configuration in front of her home which makes it impossible to see when getting out of her driveway. Fair Haven has a parking problem.

Mr. Folker said there was an enforcement issue and employees of businesses are parking on the street.

There were no further comments from the public.

Mr. Rue announced that the May 25 meeting will be cancelled due to lack of an agenda.

MOTION Banahan, second Marchese, to go into Executive Session to discuss possible litigation

In Favor: Banahan, Dale, Folker, Ingle, Marchese, Hoffman

Opposed: None

The Board went into Executive Session at 8:35 PM and returned at 9:00 PM.

MOTION to adjourn made by Mr. Folker, second by Mrs. Dale, and approved unanimously by voice vote.

Meeting adjourned at 9:01 PM.

Respectfully submitted,

Judy Fuller, Secretary