

BOROUGH OF FAIR HAVEN PLANNING BOARD
Regular Meeting Minutes May 21, 2019

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

2. ROLL CALL

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

Absent: Mr. Newell, Mr. Criscola

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

3. OLD BUSINESS

804 River Rd – Preliminary and Final Site Plan

Mr. Kovats swore in Matthew Cronin, Patrick Ward, and Michel Berger who will be testifying, and entered the following into evidence: **Ex. A-1** – Application, dated 3/26/19, **A-2** – Architectural plans prepared by Matthew T. Cronin, dated 11/5/18, revised 2/1/19, 2 sheets. **A-3** – Site plan prepared by Patrick Ward, Insite Engineering, dated 3/15/19, 11 sheets, **A-4** – Stormwater Report prepared by Insite Engineering dated 3/15/19, **PB-1** – Review letter from Richard Gardella dated 3/27/19, **A-5** - Historic **A-6** – PB resolution dated 8/14/18, **PB2** – Review letter from Richard Gardella dated 4/13/19, **PB-3** – Review letter from Elena Gable, HGA, dated 5/17/19.

Mark Aikins noted his appearance on behalf of the applicant. He stated this is an application for a variance for an addition to the property. The structure will be improved as will be the parking and a buffer.

It was determined that the Board has jurisdiction to hear the application.

Mr. Berger, previously sworn, identified himself as the President of Forefront and the owner of the property being discussed. He stated 804 is part of the project, adding that a work-life balance makes Forefront a good place to work. 804 will be a hangout for the staff. It will not be physically connected to 810.

Matthew Cronin, previously sworn. His credentials as a Licensed Architect were accepted by the Board. **Ex. A-7**- sheet 1 of 2 of Ex. A-2, and **A-8** – sheet 2 of 2 of A-2. He described the structure as an old wood frame building with additions. The intent is to elevate the building to allow proper site drainage. **Ex. A-9** – color photo of southwest corner of building showing existing conditions. Elevating the building about 2' allows diversion of drainage. An addition of 425 sq. ft. to the rear, squaring it off. The structure will contain quiet rooms, improved bathrooms, a conference room and lounge. The second floor will be removed, leaving the floor

beams above the conference room. Roof will be redone, the siding will be patched and repaired. The chimney will be rebuilt. The color will be blue to make it visually different from the other buildings. In response to a questions from the Board Mr. Cronin said the structure will be extend south 12' but the side yard setbacks will be maintained. He said the structure is more sound than 810 was and there is no reason to believe it is not capable of elevating. They would have to return to the Board if there was a need to tear it down. Although the plans indicate the picket fence is to be removed, it will be staying. The roofs will be aligned. The height of the basement is 9' and will be used for storage and the mechanicals. It was pointed out that it is a cellar, not a basement. A question was raised as to whether or not the structure should be made to conform since there is a new foundation.

Mr. Cronin stated this is to be treated as an independent building, not an accessory building.

Patrick Ward, previously sworn. His credentials as a licensed Planner were accepted by the Board. **Ex. A-10** – color rendering of site with aerial view. Referring to the current survey he stated the front yard setback is 26' not counting the porch and steps. The plan is to remove all on site except the sign and picket fence. The front walkway will be similar to 810, side access and handicapped ramp, proposing 13 new parking spaces in rear and on side. Access from 810, accessible routes from ramp and parking area.

The goal is to reduce run-off from River Rd. Runoff will be directed to dry wells. The plan is in compliance with County requirements. There will be a 30% reduction of run-off onto River Rd. Trash disposal will be handled by shared agreement with the neighboring property.

No lighting is proposed for the front of the property. There is a street light.

Landscaping will be the same as the neighboring property – arbor vitae of 10'.

The retaining wall is 1' at its highest. There will not be a rear fence – maintenance would be an issue because of the rear neighbor's fence. A fence would be built if that fence came down.

There will be a maintenance manual for the drywells. Mr. Gardella stated that the Borough reviews the manual and the Borough Engineer must certify the system. Mr. Ward described the subterranean system and noted that there is access for maintenance.

Emergencies would be serviced from River rd. If emergency vehicles had to be in the rear access would be from the neighboring driveway.

Mr. Ward was asked if drainage could be designed so there would be no additional flow to 810. He stated it could but it would be a large trench grade. Need to calculate net zero for a 25 year storm. A rain garden could be placed in the front.

Design waivers are needed 1- for street trees. None are proposed, a large tree on the property is to be maintained and will be replaced if damaged during construction with a shade tree with a mature height of 30'. 2- setback for parking – continuous bank of parking 3- parking lot buffer – 10' where 25' is required. This is the same as the neighboring property, maximizes shared parking. A larger buffer was considered but by eliminating the driveway they are meeting the intent of the Master Plan for shared parking. Mr. Berger spoke about the current parking situation. He stated that the lot at 810 is filled and they are short parking. Waivers are also needed for landscaping. They do not have the ability to put islands in the middle of the lot and will add more shrubs to meet the intent of the requirement.

In response to the Board's question regarding why 804 is not being treated with 800 it was noted that the Board had asked 804 to be treated separately during their previous application. Mr. Ward stated that treating each property separately was more stringent and that they are complying with impervious coverage requirements.

In regard to the variance for front yard setback, this is a hardship because of site drainage. Mr. Ward stated the structure appears consistent with the existing streetscape. The side yard and rear parking are appropriate. There is 10' beyond the patio, a common outdoor space for tenants.

The County is asking for an 8' dedication. This would impact impervious coverage and the setback and the sign would have to be moved. It was decided the existing sign will remain, unchanged, fully compliant.

The picket fence is to be maintained and replaced if damaged during construction. There is an understanding that if the building can't be saved the applicant must return to the Board. Mr. Cronin described the current condition. He stated it seems better maintained than 810. The southwest corner is in the ground and that framing will have to be replaced. The rest seems sound. The rooms are in good condition in terms of framing, walls and floors.

Mr. Gardella noted the easements for the driveway. He questioned whether there had been a response from the governing body regarding their application and was told it had been tabled and it needs to be addressed. The intent to continue the buffer doesn't satisfy the intent of the ordinance. Mr. Berger said the trees were dead and under 4 inches. Only one large tree was damaged. The mitigation plan was a buffer. The ordinance doesn't specify replacement location. **Ex. PB- 4** letter from the Borough Clerk dated 6/2018 noting the request was tabled. The applicant would stipulate 2-3 trees per property. Mr. Gardella's letter was reviewed. He stated the technical comments had been addressed. No report has been received from the fire officials.

Mrs. Gable's letter was reviewed. Many of the items have been addressed. She questioned if the site plan for 810 had been amended to incorporate the drainage plans for 804. She addressed removal of the depressed curb, the retaining wall and pavers. The reciprocal agreement is to be recorded – drawing attached as exhibit, and bonded. Lighting should be shielded in the rear to reduce the lighting level.

The meeting was open for comments from the public.

Elizabeth Hempstead, 53 Willow, was sworn. She stated the neighbors were not happy with 810. She read a statement that included items such as the buffers not being sufficient, lighting still a problem, she distrusts the plans for the new building.

Annette Thermos, 51 Willow, was sworn. She said the lights from 810 are on all night. She has no privacy. She is looking for anything that can help the neighbors. It was mentioned that there

is a difference between seeing lights and light spillage. Mr. Berger stated that the lights have a shield and there is motion detection.

Susan O'Brien, River Rd, was sworn. She asked the Board to consider the neighbors. There should be a buffer.

Ruth Blaser, 523 River Rd was sworn. She said drapes should be used to inside lights.

There were no further comments from the public.

Mr. Aikins stated that the depth of the buffer is a major issue. If it is a light issue, that can be adjusted. He asked for a recess to speak with his team.

The following items were addressed during the recess:

Administrative Items

MOTION Sobel, second Rice, to approve the resolution for 68 Forman St.

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

Opposed: None

MOTION Sobel, Rice to approve the minutes of the April meeting

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

Opposed: None

Mr. Sobel reported that the PB technical review subcommittee met with Mr. McNeill and Mr. Joye from the Board of Education as well as the architect from Spiezle. Plans for additions to Knollwood School and Sickles School were submitted to the Board to get their concerns, noting that approval comes from the State, not the Board. Reading from the summary of the meeting, he noted that the plan for Sickles was a 2 story addition with a net positive of 5 or 6 classrooms that would accommodate a full day kindergarten program. One main issue is traffic and lack of parking. The construction would take 18 months and there is concern about the equipment. There is no negative impact off-site.

The Plans for Knollwood include a large music room and tech storage room and the work would take approximately 12 months. The work on parking at Sportsmans Field is not part of the referendum. A letter to Spiezle expressing the committee's concerns was drafted and read by Mr. Kovats.

MOTION Lehder, second Rice, to send letter to Spietzle.

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

Opposed: Folker

Mr. Aikins returned. He proposed a change in the light fixtures and stated this would solve the problem without buffers. If the Board or neighbors are not comfortable he asked that the applicant be given a chance to work with the neighbors rather than reach a decision tonight.

The stipulations were clarified. The neighbors were offered 2-3 trees, the large tree would be preserved or re-planted, rain garden, picket fence, sign as is, enhanced trench grate, return to Board if new structure needed, replace neighbors fence if it comes down, to be replaced by fence on applicants property – in perpetuity, reciprocal agreement with 810 driveway, refuse, access and parking.

MOTION Rice, second Koch, to approve the application with conditions stipulated

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

Opposed: None

Motion to adjourn made, seconded and approved unanimously by voice vote.

Meeting adjourned at 11:15 PM.

Respectfully submitted,
Judy Fuller,
Board Secretary