

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes

June 12, 2018

1. The meeting was called to order at 7:3 by the Chair, Mr. Rue, with a reading of the Open Public Meetings Act statement, followed by a salute to the flag.

2. ROLL CALL

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

Absent: Mr. Ingle, Mr. Banahan, Mrs. Dale

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

3. NEW BUSINESS

Murphy Builders – 27 Williams St, Block 45, Lots 23 & 22, R-5 zone – Application for Minor Site Plan approval – No variances needed

Edward J. McKenna announced his appearance on behalf of the applicant. Arthur V. Murphy, 83 River St, Red Bank, was sworn in and the following were entered into exhibit:

A-1 – Application dated May 10, 2018, **A-2** – Survey prepared by Charles Surmonte, dated 5/25/16, **A-3** – Minor subdivision plan prepared by Charles Surmonte, dated 5/2/18, **PB-1** – Review letter from Richard Gardella, dated June 11, 2018.

Mr. McKenna stated this was a two lot minor subdivision that is totally conforming. The plan is to demolish the existing structure and build two totally conforming homes. Addressing #4 on the Engineer's review letter, he stated that placing utilities underground on the northerly property was no problem but not on the southerly property because it is too far from the pole and there was no access. He added that there were no other issues with the items in Mr. Gardella's letter or the HGA review letter. Ms. Gable asked about the subdivision line and Mr. McKenna stated that they have been taxed separately as two different properties.

Mr. Murphy responded to questions about the curbs and sidewalks. He said he was not sure if both driveways line up. The sidewalks will be replaced. Dry wells will be placed according to recommendations. They may be able to save the large tree on the southerly lot and they are willing to prove one street tree per lot. There was discussion regarding whether the utilities of both lots could go underground to the same pole. It would require going underground on the other lot's property which might involve an easement.

There were no questions or comments from the public.

MOTION by Rice, second by Folker, to approve the subdivision to build two conforming structures.

In Favor: Folker, Lehder, Borneo, Marchese, Rice, Hoffman, Sobel, Rue

Opposed: None

While the next applicant was setting up their displays the following **Administrative Item** was handled.

Discussion regarding amendment to Borough Ordinance regarding escrow fees -

Judy Fuller, Board secretary noted that while the fees may appear high they are more realistic than the current fee schedule. The new fees will alleviate some of the need to bill applicants for additional amounts throughout the process.

Mr. Kovats noted that the proposed change is consistent with the Master Plan.

810-812 River Road – Block 52, Lot 11.01 -

Application for Amendment to Approval of Major Site Plan

Mr. Hoffman recused himself and left the dais.

Brooks Von Arx announced his appearance on behalf of the applicant. Matthew Cronin, Architect, and Elizabeth Waterbury, Engineer and Planner, were sworn in. The following were entered into evidence: A-1 –application, A-2- letter from Mr. Von Arx dated 6/1/18, A-3 – detail of roof and drywall system prepared by Jason Fichter, InSite Engineering, with revised date 2/8/18, A-4- Architectural plans prepared by Matthew Cronin with revised date 2/5/18, PB 1 – Resolution of approval, PB-2- technical review letter from Mr. Gardella dated 6/8/18, PB- 3- Planning review letter from Ms. Gabel dated 6/6/18.

Mr. Kovats read the letter from Mr. Von Arx dated June 1, 2018 regarding an informal presentation related to 804 River rd. Question was raised about considering the two matters together and carrying it to the July meeting. Mr. Von Arx stated that no application has been made yet. They have appeared before the HPC already. He stated that the 810 matter is at a critical juncture and did not want to carry it to the July meeting.

The applicants left to confer at 8:12 and in their absence the following **Administrative Item** was discussed. Mr. Hoffman returned to the dais. Mr. Kovats reported that the lawsuit involving the shopping center sign had been resolved with the judge finding that the Boards action was proper. The judge did note that there was a problem with portions of the recording being non-discernable.

The applicants returned to the room at 8:17 and Mr. Hoffman again left the dais.

Mr. Von Arx discussed the incorporation of the 2 houses into the existing building. Mr. Cronin said they needed to demolish and replicate the core of the original 812 house. In regard to 810, the structure was sounder and the plan was to salvage by stripping additions, moving the house back, stored while a foundation was poured and then brought back. In moving the left siding and floors, lower portions of the exterior had severe water damage and was no longer structurally sound. Integral parts of the framing had to be replaced. The need is to amend the site plan regarding item #7 in the resolution as well as dealing with the drainage issues. Question was raised as to whether the building now required variances.

Elizabeth Waterbury, 17 Monmouth St, Red Bank, noted that she was the planner for the original application. **Ex. A-5** – Sheet #3 of the Amended site plan prepared by Elizabeth Waterbury, revision date 4/23/18, **A-6** – sheet #4, **A-7** – sheet #5. She stated that the building sits in a “bowl” so the buildings were lifted and shifted to allow for a two-way access isle. The front setbacks of 24.5’, a pre-existing non-conformity were retained. The side is conforming.

Changes have been proposed for the drainage system and other items. Less floor area was used than was approved, the curbing in the refuse area was removed to avoid containing water. At the time of the plan 804 was not available; the layout provided a connection with limited access to the street. She stated that 804 has a different owner. The dotted area in the plan shows where a walkway would connect the properties.

The applicant was asked what is the critical juncture referred to and the response was that they are trying to work on the site. Mr. Gardella stated he had allowed the work to continue but he objected to the removal of the cistern and noted that the trees were removed without approval. He has asked for clarification.

Mrs. Waterbury said the original plan had an inlet to pick off water. The only purposed was to alleviate ponding. The water goes out to River Rd, way from the neighbor. The County wanted calculation for a 25 year storm. The pre- and post- figures were the same but aware of the ponding, a cistern was proposed for watering. The present proposal still looks to take roof water, applicable to the combined lot. They are no longer looking to use water as an irrigation, but are proposing a recharge system to take a ten year storm which is more predictable.

The Board recessed at 9:15 and returned at 9:26, with all members previously in attendance returning to the dais.

Mr. Gardella was asked what issues were of concern to him and what were the changes? He stated the amended site plan and the tree removal which requires a new landscaping plan. The cistern concept was approved by the Board but not engineered. The grading has changed. There is a lot of clarification needed regarding notes in the plan.

The Board looked at ways to separate out issues to determine what could be approved tonight. There is some conflict about how to deal with drainage issues with or without considering 804. Mrs. Waterbury noted there were variances required for landscaping; the western side changed from a 5’ vegetative buffer to none, with an alternative buffer across the back consisting of a solid fence and 7 trees proposed. Parking will be added.

Elizabeth Hempstead, Willow St, stated that fencing was removed from her property without permission.

Mr. Lehder suggested bringing in the neighbors in the rear, more buffer is needed.

Mr. Gardella noted that the refuse area was changed, pitched forward, and is concerned that it appears as if it is in the parking lot.

Returning to the draining issue, Mrs. Waterbury stated that the southwest corner curb top was raised but the rest of the grade on site is unchanged. All water is going in the same direction as before. Mr. Rice expressed the need for more plantings. Mr. Gardella said the grading has been changed in the rear. Mrs. Waterbury said that the trees were right on the property line and her design was the result of the trees being removed. Mr. Gardella said that they could not put in the swale without considering the neighboring properties.

Patrick Ward, InSite Engineering, was sworn in and stated that they had been asked to propose an alternate drainage system. They analyzed the roof runoff for a 2 year and a 10 year storm. There was a diminimus overflow with the 10 year system proposed. The basement slab is more than 2' above groundwater. He believes the system is better than the cistern because it will have faster drainage and is more practical. The perforated pipe up stone is maintenance free. There is no issue with trapped water.

Comments from the Public

Elizabeth Hempstead, 53 Willow St, was sworn. She stated that work was done on their home they did it in a way that conformed. She is offended that a fence on her property was removed without permission. She noted that she has a pool in her rear yard and this has created a dangerous situation. She is also concerned about the drainage. Mrs. Hempstead added that the front of this project is lovely but the rear is terrible. There were no further comments from the public.

Mr. Von Arx asked if they could put the fence back and it was stated that there is a need to coordinate with the neighbors.

Ms. Gable noted that the Board had not yet dealt with the issues of lighting or the pillars.

MOTION by Mr. Lehder, second by Mr. Rice, to carry the application to the July meeting.

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

Opposed: None

MOTION Folker, second Rice, to approve the minutes of the May 8 meeting.

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

Opposed: None

There were no comments from the public.

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

Meeting adjourned at 10:50 pm

Respectfully submitted,
Judy Fuller,
Board Secretary

