

## **BOROUGH OF FAIR HAVEN PLANNING BOARD**

### **Regular Meeting Minutes**

**July 10, 2018**

1. The meeting was called to order at 7:35 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. Banahan, Mr. Folker, Mr. Ingle, Mr. Lehder, Mr. Borneo, Mr. Marchese, Mr. Rice, Mr. Sobel, Mr. Rue

Absent: Mr. Hoffman, Mrs. Dale

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

### **3. ADMINISTRATIVE ITEMS**

Board members were reminded about the need to complete the Stormwater Management Training

MOTION made by Mr. Marchese, second by Mr. Folker, to approve the resolution granting subdivision approval to Murphy Builders – 27 Williams St, Block 45, Lots 23 & 22, R-5 zone

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

Opposed: None

MOTION by Folker, second Borneo, to approve the June 12, 2018 minutes as corrected

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

Opposed: None

### **4. OLD BUSINESS**

#### **810-812 River Road – Block 52, Lot 11.01 - Application for Amendment to Approval of Major Site Plan**

The following were entered into exhibit:

**A-8** – letter from Mr. Von Arx dated 6/28/18, **A-9** – planting detail prepared by Nicholas Cavaliere dated 6/29/18, **A-10** - series of photos provided by Elizabeth Hempstead, PB-4 – Revised review letter from HGA dated 7/10/18.

Mr. Von Arx began the presentation by noting that the fence taken down on the Hempstead property had been replaced. He then stated that the portion of testimony at the previous hearing related to 804 River Rd. be totally withdrawn. The application for an amendment is withdrawn with the exception of the revision of the drainage and landscape plans.

Michele Berger, Buttonwood Drive, was sworn and provided background information. He stated the project started in 2013 with informal discussions with the Planning Board. The plan was presented to the Board in 2016 and approved.

Marissa Adamo was sworn. She stated she is the project manager and has been involved with the work since 2015. She stated they have heard the Board's concerns and have returned to the originally approved design, with the exceptions of the drainage and landscaping. In regard to 804 River, they will go to a phased in approach with the guidance of Mr. Gardella.

Mr. Gardella stated that the applicants have a zoning permit and met the conditions of an exempt development but then the trees were removed and parking issues emerged. He stated that his concerns are related to the drainage and landscaping. The objective tonight is to deal with the change from a cistern and the trees. He added that the removal of the trees impacted drainage and the site plan or 804 will take that into account.

Mr. Lehder asked if work on 804 was going to stop and Mr. Berger responded that work never started beyond removal of the garage and the trees and no work is planned for now.

Patrick Ward, Insite Engineering, was sworn. He noted that at the last meeting he reviewed replacing the cistern with a dry well. They can take advantage of Fair Haven's good sand, with a high level of filtration. They went back to the original grading scheme.

A stormwater analysis was done for situations from a 2 year storm up to a 100 year storm with the latter showing a storm reduction of 3%. He did not see any pitfalls. They are above the high water table and the infiltration rate is good for all seasons.

Mr. Kovats asked if there would be any changes when work began on 804 and was told there would not.

Mr. Lehder asked if only roof run-off was captured. Mr. Ward said they started with residential, the county standard is the only one, the Borough doesn't have one. A net positive can be obtained due to a slight change made in lot coverage and the removal of the low spot. Run off of site is over 20% for three storms. The cistern wasn't a storm management tool.

**Ex. A-11** – 2 page document chart showing before and after tree removal prepared on 7/17/18 and illustration of a hornbeam hedge line. Mr. Berger stated that on lot 11 6 trees under 10" diameter and one Norway maple were removed. A silver maple on the corner of the lot was removed at the neighbor's request.

Nicholas Cavaliere, Environmental Landscape Design, was sworn and his credentials as a licensed Landscape Architect were accepted by the Board. Mr. Cavaliere stated he reviewed the site and the original landscape plan. He was recommending 7 trees of one variety along the southern property. The trees would be 4" caliper, about 16' when installed, eventually reaching a height of 30'. He proposed placing 4 green giant arbor vitae around the refuse area.

Ms. Gable asked about a buffer for headlights and was told there would be a fence, with the trees above the fence.

Mr. Lehder asked about the use of evergreens and was told that most get too large and break in storms. Mr. Borneo asked about the gap between the trees and was told the gap would initially be about 7' but the trees will grow together and form a hedge effect. Mr. Lehder asked if they had considered planting outside their property and was told they had not. Mr. Borneo asked about the possibility of staggering the trees and was told there was not enough space. Mr. Von Arx stated that there would be no less than 7 trees.

Referring to the Planner's comments Ms. Adamo stated the lighting design will not change but lights now can be directed away from the neighbor's property. The curb around the refuse area is back to the original plans. Mr. Gardella stated a manhole has been added to handle runoff that drains into the River Road catch basin.

#### Public Comment

Elizabeth Hempstead, Willow St, stated that the fence has been replaced to her satisfaction. Her concern is having the site in her backyard.

Chris Hempstead, Willow St, asked if each property required its own drainage plan. Mr. Ward explained the grading again and noted that 810 is unchanged. The drainage from the parking lot goes to the north. Mr. Hempstead stated that while the front of the structure may be historic but not the rear. He said checking google maps shows the trees that exist. He liked the idea of hybrids but wants a bigger buffer. He then questioned the impact of LED lights at that height and level, noting they may be too bright. Ms. Adamo said the lights were motion detected and would not be on all night.

Annette Thermon, Willow St., stated she agreed with Mr. Hempstead. She is concerned about the trees and wants something that grows as quickly as possible.

There were no further comments from the public.

Mr. Folker asked how lighting and drainage issues would be dealt with down the road and Mr. Gardella said he can work with their professionals.

Mr. Rice remarked to the public that if they get notices they should be coming to meetings and speaking up.

Ms. Gable asked about easements and Mr. Von Arx said the County requires an easement for potential road work. They were given the right of way but there was no conveyance of title.

Mr. Gardella said the JCPL poles will be replaced in accordance with ADA regulations.

Mr. Lehder said overall he appreciates the effort to put the property to good use. He doesn't understand sending all the water on to River Road. He doesn't like the landscape plan because it won't fit in with the residential area, why not develop some restoration, perhaps on neighbors' deep property.

Mr. Hempstead said the buffer was overgrown and wasn't pretty but it served a purpose. He wants a significant buffer and would be happy with trees at 16'.

Mr. Berger said he was willing to increase the number of trees.

The Board recessed at 9:20 PM and returned at 9:35 with all members previously on the dais returning.

Mr. Von Arx stated his client will substitute 15 arbor vitae of 6'-7' for the hornbeam. Hearing comments from the neighbors he stated he thought they had a deal, but apparently not. Mr. Lehder suggested they settle the drainage issue and work with the neighbors and deal with the trees at a later date.

The applicants left the room to discuss the matter.

#### Public Comment

Lynn Moore, 131 Hance Rd, told the Board that she was concerned about the subdivision at 129 Hance Rd and was dismayed that notice was not required, adding it appears the town cares more about builders than the residents. She expressed several concerns about the project including the width of the property, creating an additional driveway, having the new house abutting her property whereas currently the existing driveway abuts her property, the effect of two "cookie cutter" houses on the neighborhood, the loss of healthy shade bearing trees and the front yard setbacks.

Mr. Kovats noted that asking applicants to notice on a fully conforming property would not withstand a legal challenge. He added that posting a sign on the property was a possibility. There were no further comment from the public.

Mr. Von Arx stated that an agreement had been reached to place between 15-18 green giant arbor vitae on the southern property line of approximately 8'-10'. Ms. Adamo said instead of board on board, stockade fencing will be used but this must go before the HPC. In regard to the lighting Mr. Berger said the office hours are 9-6 and they have neutron lighting that only goes on when the building is occupied.

There were no further witnesses.

Mr. Kovats framed the issues for the resolution – meeting the spirit of the design criteria, landscaping, use of a dry well system instead of a cistern, the refuse area, lighting and fencing.

Mr. Von Arx asked if they could proceed prior to a resolution and they were told that they would be proceeding at their own risk.

Mr. Marchese stated it was time for a resolution.

Mr. Rice doesn't think the drainage is sufficient and there is a need to address the run-off on River Rd.

Mr. Lehder said this is better than what was approved, according to testimony.

MOTION Marchese, second Borneo, to approve the amended site plan.

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

Opposed: None

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

Meeting adjourned at 10:20 PM.

Respectfully submitted,

Judy Fuller,  
Board Secretary