

BOROUGH OF FAIR HAVEN PLANNING BOARD
Regular Meeting Minutes August 20, 2019

1. The meeting was called to order at 7:35 by Mr. Lehder, Chair, with a reading of the Open Public Meetings Act statement and pledge to the flag.

2. ROLL CALL

Present: Mr. Folker, Mr. Borneo, Mr. Rolff, Mr. Ingle, Mrs. Koch, Mr. Newell, Mr. Sobel, Mr. Criscola, Mr. Lehder

Absent: Mr. Bordelon, Mr. Rice

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

3. ADMINISTRATIVE ITEMS

Calendar change

4. OLD BUSINESS

Fair Haven Retail, LLC – 560 River Rd –Application for Amended Site Plan and Change of Use – Dunkin Donuts

Mr. Lehder described the order of the meeting. He noted that the purpose of the meeting is to discuss the amended site plan; the use is not an issue for discussion tonight. He went on to say that the PB required a traffic study and the administration selected Dolan & Dean. Their initial report was similar to that presented by Langan, the Applicant's traffic expert and it was therefore set aside. Based on Board discussions Mr. Lehder had additional concerns and asked Dolan to do an independent analysis regarding possible changes to the parking lot.

Ron Gasiorowski, representing an objector, expressed concerns about a possible conflict of interest but stated he believes Ms. Dolan is a competent professional, experienced in the field, and he has no objections to her testifying tonight.

Betsy Dolan was sworn and her credentials were accepted by the Board. The following were entered into evidence:

PB-8 Dolan letter dated July 12, 2019, **PB-9** Proposed plan prepared by R. Gardella, **PB-10** Dynamic Eng. pedestrian access plan dated 6/21/19, **PB-11** Dynamic Eng. Concept 3 dated 7/10/19, **PB-12** Dynamic Eng. Concept 4 dated 7/10/19

A-19 Langan letter dated 7/6/19, **A-20** Langan letter dated 8/6/19,

A-21 Plan prepared by Dynamic Engineering with revision date 8/5/19

Mr. Bruno, Attorney for the applicant objected to the plan involving perpendicular parking, stating this was rejected by the applicant in 2017/

Ms. Dolan said she had been asked to look at pedestrian activity as well as vehicular circulation, particularly relating to the eastern driveway. She looked at Mr. Gardella's proposal and the plan for pedestrian circulation. She described the current lot. Ex. PB-9 suggests eliminating parking against the wall, with perpendicular parking and 2 way circulation. She said this is preferred by shopping centers but not for restaurants such as Dunkin, where angled is used. PB-11 has a two way circulation aisle next to the building. This would eliminate parking and pedestrians would have to cross it. To maintain current conditions, PB 10 the Dynamic design with appropriate modifications was used as a starting point. She does not like the idea of closing the east driveway since this would cause more traffic circulation. A one way exit is appropriate with an increased island would discourage cars coming in. A right turn only could also be used, which would mean less chance of a queue developing. The concept plans show leaving the circulation as is, narrowing the pavement, providing a railing. Whether circulation is one or two way, she recommends converting the eastern driveway to exit only. Additional recommendations were a pedestrian crossing, a railing to channel pedestrians and serve as a drop-off barrier, and cross-hatch painting in front of the Dunkin site.

Mr. Bruno stated he looked at the Dolan suggestions. The Aug 6 submission reflects what they are willing to do, plus the fire lane. He introduced Karl Pehnke, previously sworn, to give his analysis. **Ex. A-22** is a color rendering of the plan (A-21) with a theme of pedestrian crossing and barrier directing pedestrians. 1) driveway – agreed exit only but differs about right turn only, modify driveway, straighten approach, 2) expand green area, provide a crossing area and safety area, 3) railing from crosswalk toward River Rd – doesn't want to extend it further, it will trap people, concern about access for emergency services, 4) agrees regarding adding fire-lane striping.

There followed discussion regarding the pros and cons of right turn only. Mr. Pehnke said there was no benefit, Ms. Dolan said there was the benefit of less queuing. Some Board members expressed concern that this would lead to more circulation in the lot itself. Mr. Pehnke said he was ok with the railing if emergency services okayed it.

Mr. Gardella stated that the purpose of his sketch was to illustrate ways to do things without losing parking. Two-way aisles are problematic with angle parking. Parking along the wall is on the county right of way. There is concern about the narrowness of the spaces along the wall. Should they be limited to compact only?

Mr. Bruno noted that the County approved the parking spaces in the right of way. He said the applicant agrees to move the crosswalk to 40', extending the railing if the Board says so, the fire striping and no-standing signage. They do not agree with the no left turn.

Mr. Gasiorowski asked Mr. Pehnke about the speed limit and whether he could estimate the speed of cars leaving the lot. He could not. Is the easterly driveway a T intersection? Yes. He questioned Mr. Pehnke's comments about the dangers of left hand turn. If there is no left hand turn does it impact the ability of cars using the west exit? He asked Ms. Dolan to re-affirm the right out only recommendations. She stated that it is easier and faster but it does cause more circulation on the lot.

The meeting was open to comments from the public.

Mike Nitka said the Board was missing the dialog of biking, how increased flow of traffic will effect biking on local streets. He asked Mr. Kovats to explain the Board's jurisdiction and the power they had regarding permitted uses. Mr. Kovats stated that case law limits dialog. They can't include discussion of the roadway.

Tracy Cole, 123 Grange, stated she wanted to present a witness. Mr. Bruno noted she had presented a witness at the last meeting. Mr. Kovats did not see a prohibition. Ms. Cole stated she was no here in direct opposition to Dunkin but they haven't talked about intensification and she is concerned about public safety. She introduced Michael M. Simpson of SOME Architects who was previously sworn. He stated that when the use was approved intensification was not considered. There is a need to think about the borderline beyond the actual space. He reviewed the comments made by Ms. Dolan, Mr. Gardella and Mr. Pehnke. They are not looking at the bigger picture of protecting pedestrians and bikers. Ex. PB-11 plan shows ways of improving. More talk about traffic issues, not enough of pedestrian. He is in favor of the two way traffic plan. It can provide for safer conditions. Ms. Dolan couldn't necessarily agree. Mr. Simpson said it loses parking but straight-in parking allows for more striping. Mr. Bruno objected, stating the Board should limit testimony to what is before the Board tonight. This is an attempt to delay. Mr. Simpson stated the Board needs more time to consider. The traffic pattern is going to change. The Board could condition approval on entering discussion with the County. Mr. Kovats stated that MLUL does not permit this. Mr. Lehder asked Mr. Simpson if there were any suggestions the Board hasn't discussed yet. He said no, just the entrance and the curb line, tactile things on the roadway, not just striping, no discussion of bike racks. Ms. Cole asked Mr. Simpson, then Ms. Dolan, if she thought there was intensification of known safety hazards. Ms. Dolan stated she was not aware of known safety hazards. Ms. Cole stated that Ms. Dolan and Mr. Pehnke had not read the Active Transportation Plan. She feels the ATP is not being considered.

Diane Mezorach, Navesink Ave, asked if intensity of business determines cars going out of the parking lot. She stated there was no problem before the wall and wants crosswalks in the center of the wall. She thinks the two way exit is better.

Leigh Riker, Doughty Lane, stated that the traffic will stack on River Rd. itself. You can't assume traffic is local, a large number of users come from Apps.

Mike Wiehl, Third St, stated that the traffic advisors all seem to have come to similar conclusions. He doesn't see the issue, the public is trying to force the Board to make a decision. Approved businesses should be allowed to come in.

Nancy Sutsko noted traffic on Battin Rd, all the buses stop there.

Terry Simboli, Fisk St, asked about the parking lot. She said cars are getting bigger and asked if there would be enough space to turn. Ms. Dolan said the wall would be a problem with sight distance.

Public Comments closed.

Mr. Bruno noted the amount of emotion expressed in the hearings, said the applicants have listened and made changes.

Mr. Lehder said his main concern was stacking and had no problem with right turn only.

Mr. Ingle stated he was ready to vote.

Mr. Borneo agreed about the right turn, is more concerned about circulation in the lot.

Mr. Sobel agreed with Mr. Borneo.

Mr. Rolff agreed about the right and left turn.

Mrs. Koch was concerned about pedestrian safety in the lot itself and feels there will be stacking either way.

Mr. Newell noted this is a permitted use. He doesn't agree that Apps will bring in excess traffic.

Mr. Criscola agreed with Mr. Newell. He recognizes that safety is paramount and likes the changes.

Mr. Folker said there were dramatic improvements over the original plans.

MOTION Sobel, second Criscola, to approve the application based on the plans shown in exhibits A20, A21 and A22, making the east driveway exit only.

In Favor: Borneo, Folker, Ingle, Newell, Sobel, Rolff, Criscola

Opposed: Koch, Lehder

MOTION to adjourn made and adopted unanimously by voice vote.

Meeting adjourned at 11:01 PM.