

BOROUGH OF FAIR HAVEN PLANNING BOARD
Regular Meeting Minutes September 17, 2019

1. The meeting was called to order at 7:34 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. Folker, Mr. Borneo, Mrs. Koch, Mr. Rice, Mr. Sobel, Mr. Lehder

Absent: Mr. Ingle, Mr. Newell, Mr. Rolff, Mr. Criscola

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

3. ADMINISTRATIVE ITEMS

MOTION Sobel, second Borneo, to change the date of the regular Planning Board meeting to October 22, 2019.

In Favor: Mr. Bordelon, Mr. Folker, Mr. Borneo, Mrs. Koch, Mr. Rice, Mr. Sobel, Mr. Lehder

Opposed: None

MOTION Sobel, second Borneo to approve the Resolution approving Amended Final Site Plan and Change of Use for Block 32, Lot 2 – Fair Haven Retail - Dunkin

In Favor: Borneo, Folker, Sobel

Opposed: None

MOTION Sobel, second Borneo to approve the minutes of the July, 2019 meeting

In Favor: Bordelon, Borneo, Folker, Koch, Sobel, Lehder

Opposed: None

MOTION Sobel, second Folker to approve the minutes of the August, 2019 meeting

In Favor: Borneo, Folker, Koch, Sobel, Lehder

Discussion regarding Restaurant Definition

Mr. Lehder stated that a committee was being formed to work on the wording for restaurant definitions. He said that public discussion and input was important and thanked the Mayor and Council for their willingness to allow this to happen. He said the question is whether the ordinances properly reflect the will of the public. It is necessary to look forward, not backward. Mr. Folker said it was easier to define what we don't want than what we do. Mr. Sobel concurred and said we want to be forward looking. Mrs. Koch agreed and said she hoped the ordinances don't deal with the immediate situation.

He noted that he had asked members of the Zoning Board and those already appointed to the committee to join in the discussion.

Mrs. Quigley, member of the Zoning Board, said the new ordinance should represent the community and reflect the values of the community. It is necessary to be inclusive, and open to compromise. The ordinances should be clear, the legality of the wording considered and this is a big challenge.

Dan Bush, committee member, said it is necessary to focus on both the Acme center and the stand alone sites.

Mike Nitka, committee member, said he want to focus on communication of the process, how people can interact. He suggested use of a survey.

Mr. Lehder addressed the purpose and mission of the committee. He noted that during the hearings regarding Dunkin he was given a petition with several hundred signatures. What are people opposed to? What are we really talking about? Can we confirm that vocal residents speak for the rest of the residents? Are there legal ways to change ordinances that reflect objections? Is the public's vision consistent with that of the business community? Are there substantive revisions that can be adopted that work for business and residents? Mr. Lehder went on to suggest that public input be solicited at a kickoff meeting or second meeting and the committee would then hold workshop sessions, do research, collect information, and then re-open the meeting to the public. The committee's recommendations at sent to Council. The Council's wording then goes to the Planning Board for their consideration.

Mr. Kovats stated that while the current ordinance is being challenged this does not mean that it isn't clear. He noted that mixed use has unintended consequences. In regard to how to define fast food, these restaurants have characteristics consistent with a highway. Characteristics for Fair Haven can be identified. Fast food is not just a matter of the product.

There was discussion about how people could communicate – Facebook, Q and A sessions, constant contact, etc. Borough Hall will get the information out. Lack of attendance at Borough meetings and other factors were mentioned and it was stated that at some point people need to take responsibility to find out what is going on.

Mr. Bordelon noted the wording in the Master Plan regarding the "character" of the town. In talking about businesses that reflect the character of the town how do you reconcile that with the right of a business that fits in with the ordinances?

Tracy Cole asked about the role of the Master Plan. Mr. Lehder stated the Master Plan was very subjective. We need objective standards that can be enforced. Ms. Cole said the pedestrian environment is her interest and it is a big dimension of the Master Plan. She would like to see applicants routed to the Board that are consistent with the Master Plan.

Mr. Bordelon asked how you would codify small town values.

The Board discussed intensity of use. It was again noted that there is a need to keep it objective and to respect private property rights.

Mr. Kovats stated that the committee needs to be establish in means consistent with the open public meetings protocol.

Ruth Blaser stated that the town has become less diverse and self-sufficient. She doesn't want to see Fair haven become a town of all restaurants. She would like to see more businesses we can use.

MOTION to adjourn made by Mr. Sobel and approved unanimously by voice vote.

Meeting adjourned at 9:43 PM.

Respectfully submitted,
Judy Fuller, Board Secretary