

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes

October 11, 2017

1. The meeting was called to order at 7:31 by Mr. Rue, Chair, with a reading of the Open Public Meetings Act statement, followed by the pledge to the flag.

2. ROLL CALL

Present: Mr. Ingle, Mr. Lehder, Mr. Lucas, Mr. Marchese, Mr. Rice, Mr. Rue

Absent: Mrs. Dale, Mr. Hoffman, Mr. Banahan (arr. 7:35)

Also Present: Mr. Kovats, Board Attorney, Mrs. Casagrande, Borough Administrator

3. Discussion of compliance and enforcement issues related to PB and ZB resolutions.

Theresa Casagrande joined the group for the discussion in the absence of Mr. Gardella. She was asked to describe the resolution compliance procedure. Mrs. Casagrande stated that historically compliance was a problem. The Borough has been working on it, bringing in appropriate personnel, examining procedures. She added that one must acknowledge the building boom in town. She expressed confidence in the engineer and construction officials. Inspections are in place. She said the Borough officials aren't construction managers and there is no full time person looking for compliance.

Mr. Banahan arrived at 7:35.

In response to a question regarding how to deal with problems that arise, Mrs. Casagrande said it is easiest to start with her. The Borough Engineer is busy with several large borough projects and she will direct concerns to the appropriate source. She offered an example of a recent problem that arose with an application that did not meet the conditions of its resolution.

There was discussion regarding the problem with parking with Board members noting that when there is a change in occupancy from what was previously approved the parking situation might be altered. It was stated that parking is too much of a problem and the Board can't hold up an application because of parking issues.

Mr. Banahan stated that a problem arises with things that don't fit with code or fit but things get murky because they don't meet with standards. Mrs. Casagrande stated if things don't fit there is a need to change the ordinances. She added that it is not up to Mr. Poruchynsky, the Zoning Officer, to be asking for changes. Referring to the amount of work he currently has, she added that the Borough is in the process of hiring a compliance assistant. Mr. Rue said there is a need to convey there is a problem and that there is a need for additional resources.

Mr. Marchese noted that there have been two stop work orders issued this year.

Mr. Banahan said there seems to be a difference between the Planning Board and Borough personnel regarding the degree of the problem.

Mr. Kovats reviewed the procedures for non-compliance, noting that the Planning Board doesn't have powers of enforcement. If conditions of compliance are met, the applicant gets a permit. If not, the enforcement would be the issuance of a stop work order.

Mr. Lehder said there were two misconceptions. There has only been one application that did not go through the Zoning Officer prior to going to the Zoning Board. The Board relies on the ZO's letter and his interpretations. He then went on to say that there is a need to put thought into what goes into a resolution and what might evolve over time. There is a heightened sense of awareness now. It is clear that there is a sense of too much going on in the department and that is not going to change soon. There is a huge red flag – a break in communication between the Boards, the building department, builders. Are we working toward improving the system? He would like to see a quarterly update. There are hardworking people who need better direction from the top – the Council.

Mr. Marchese said he took note of Mr. Lehder's comments. He added that he sees improvement.

It was noted that the issue is whether or not we like what is happening in town, not what comes before the Board.

Mrs. Casagrande stated that meetings are held now between construction officials and other appropriate staff. The Planning Board can have an ordinance committee and give recommendations to the Council.

Mr. Banahan said there was a monetary impact as well as a design impact regarding fixing the FAR. He said the recommendations that came from CCH were not appropriate.

Mrs. Casagrande said there is a need to separate resolution compliance from compliance with code.

4. ADMINISTRATIVE ITEMS

Proposed Ordinance Amendment

Mr. Marchese stated that changes were made to the zoning schedule. The proposed change is to clarify the intent of that change. The Council was trying to avoid the issue involved with the three R10 zones.

After some discussion, Mr. Kovats stated that the Planning Board is not writing an ordinance. Its role is limited to up or down – does it comply with the Master Plan or development regulations? If not, how can it be brought into compliance?

Mr. Lehder stated that historically the Zoning Board has tried to look at compliance with the next zone up. Setting a house back further allows more opportunity to comply.

The Board discussed the ramifications of the change and looked at the criteria for the 3 R10 zones and the differences between them. The bump up from R10 to R15 was considered reasonable. It was noted that the design and lot needs to meet all criteria of the zone.

Mr. Ingle stated that he thought the proposed change was in keeping with the Master Plan. Mr. Kovats will respond to the Council on behalf of the Board.

MOTION by Mr. Banahan, second by Mr. Ingle, to approve the minutes of the August 8, 2017 Board meeting.

In Favor: Banahan, Ingle, Lehder, Lucas, Marchese, Rue

Opposed: None

MOTION by Mr. Marchese, second by Mr. Ingle, to approve the minutes of the August 8, 2017 Executive Session.

In Favor: Banahan, Ingle, Lehder, Lucas, Marchese, Rue

Opposed: None

Motion approved but minutes remain confidential until the end of litigation

5. CORRESPONDENCE

Mr. Rue made note of a letter from DEP regarding the application made by a resident for a letter of interpretation regarding wetlands. Mr. Lehder suggested that the Environmental Commission establish an interface between residents and the DEP. Mr. Rice stated that the Commission currently receives notifications about docks. There are looking at wetlands as well.

6. There were no comments from the public.

7. There was no new business

MOTION made by Mr. Rice, second by Mr. Lucas to go into Executive Session for the purpose of discussing professional contracts and litigation regarding the Fair Haven Retail application.

In Favor: Banahan, Ingle, Lehder, Lucas, Marchese, Rice, Rue

Opposed: None

The Board went into Executive Session at 9:13 PM and returned from Executive Session at 9:44 PM, with all members still present.

Mr. Rue announced there that the meeting scheduled for October 26 is cancelled due to lack of an agenda. The next meeting will be held on November 14, 2017.

MOTION to adjourn made, second and approved unanimously.

Meeting adjourned at 9:45 PM.

Respectfully submitted,

Judy Fuller, Secretary

