

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes

November 20, 2018

Fredrick Rolff was sworn in as a new Board member prior to the start of the meeting.

1. The meeting was called to order at 7:30 by the Mr. Lehder, Acting Chair, with a reading of the Open Public Meetings Act statement, followed by a salute to the flag.

2. ROLL CALL

Present: Mr. Lehder, Mr. Borneo, Mr. Marchese, Mr. Rice, Mr. Rolff

Absent: Mr. Folker (arrived 8:05), Mr. Banahan, Mrs. Dale, Mr. Ingle, Mr. Sobel

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

3. NEW BUSINESS

Portera – 76 Forman St, Block 35, Lot 2, B-2 zone – Application for conditional use

Mr. Lehder stated a letter was received from Mrs. Portera questing that the application be carried to the January meeting.

MOTION by Marchese, second by Rice, to carry the application to the January meeting without necessity of additional notice.

Flinn – 70 Browns Lane, Block 62, Lot 15.02, R10-A zone – Application for minor sub-division

The Board has jurisdiction and the following were marked as evidence:

Ex. A-1 Application, **A-2** – survey prepared by Frank R. DeSantis dated 8/16/17, revised 10/2/17, **A-3** Survey prepared by Frank R. DeSantis dated 8/16/17, revised 4/2/18, **A-4** – Letter from NJDEP dated 7/9/18 re: Wetlands LOI line verification, **A-5** – Subdivision plan prepared by Patrick Ward, InSite Engineering, rev. date 8/20/18, **A-6** – InSite letter dated 8/21/18, **A-7** – key map and associated photos, undated. **Ex. PB-1** – Gardella review 1 dated 3/8/18, **PB- 2** – Gardella review dated 7/3/18, **PB- 3** – Gardella review dated 7/30/18, **PB- 4** (dated 10/10/18), **PB – 5** – HGA memo dated 11/14/18, **PB-6** – Gardella review dated 11/16/18

Mark Aikins announced his appearance on behalf of the applicant. Patrick Ward was sworn in and his credentials as a licensed Engineer and Planner were accepted by the Board. Referring to his subdivision plan dated 8/20/18, Mr. Ward stated the applicant is proposing a subdivision of two conforming lots in which the 10' side yard setback would be maintained. He noted that there would be two oversized lots with both exceeding the required width. Frontage requirements are also met. In regard to the wetlands in the rear, the letter from DEP confirms the buffer distance and there would be a deed restriction to the line.

Ex. A-8 – 1992 Fair Haven tax map, showing end of Browns lane with lots 15 and 11 having frontage on Woodland Dr. **Ex. A-9** – 2012 tax map. They do not have a map illustrating the

change from lot 11.01 to 15.02. It was noted that the assessor erroneously noted a subdivision and a single lot was restored after corrective action was taken.

Ex. PB 7 – PB 2011 resolution – Mr. Lehder noted wording in the document stating that no further development was proposed for the lot.

Mr. Ward was asked how the front and side lines were determined and whether it they were determined by ordinance. Mr. Ward replied that the home was skewed for the front door to face Browns Lane. The front and rear are set by the frontage and width of the lot. Ms. Gable, HGA, previously sworn, reviewed the definition in the ordinance, noting it is tied to the lot not house orientation.

Mr. Gardella stated there is no answer as to whether the lane is public or private. The town has right of way. Mr. Ward stated the 1979 map shows a portion of the road dedicated for the purpose of widening.

The plan is to enlarge the area of the cul-de-sac for better access.

Mr. Ward reviewed the letter from HGA and provided **Ex. A- 10** – tax records.
Comment 4 – HFA – caps will govern, no variance needed, Comment 5 – will comply,
Comment 6 – fence and accessory structure to be removed on lot 15.03. Tree removal depends on tree expert at time of construction. The accessory structure is currently in the front yard of the existing structure. It is described by the tax map as a two bedroom, one bathroom ranch. The applicant does not want to tear it down until the property is sold, which could be 3 or 4 years away. Comment 7 – the State letter confirms the wetlands line and buffer.

Mr. Folker arrived at 8:05.

Mr. Ward reviewed the letter from Mr. Gardella.
Comment 1 – a tree permit will be obtained if need. None anticipated at this time.
Comment 2 – installed underground, Comment 3 –Agrees to improve the “bulb”,
Comment 4 – the existing cul-de-sac is not compliant. No changes are proposed to the size but pavement will be in lieu of gravel. It exceeds the RSIS standard for ½ width of a cul de sac. Mr. Gardella stated this would improve the situation. They could extend the pavement or widen out full 10’ into right of way. The applicant would stipulate a front yard easement for sewer line.
Comment 5 –applicant agrees. Will request a light. Comment 6 – will comply with conditions of DEP approval. Mr. Gardella stated he is ok with that, no markers. Comment 7 – agrees to payment into sidewalk fund. Comments 8-12 – agrees.

Mr. Lehder questioned the side yard setbacks in the subdivision maps. Mr. Ward thought the side yards are appropriate and properly sited – east to west, front to back. Ms. Gable noted they are getting a 5 sided lot. Asked the distance from the house on the south side, Mr. Ward stated they would comply, the separations will comply.

Public Comments

Steve McManus, lot 13, was sworn. Referring to PB minutes of 1996 dealing with lot 5 on Woodland, he noted Browns Lane was not a municipal lot. He stated that right of access is critical. **PB- 8** – PB resolution dated 5/16/1996

Matt Villa – 58 Browns Lane, sworn, stated Browns Lane was not a municipal street. The lane gets services but no upkeep. The residents must maintain it. If the Board approves this application there will be incremental wear and tear. He asked the Board to consider improving the entire lane. Mr. Aikin stated he can check title to determine if there are restrictions regarding the right to use Browns Lane.

Brian Gay, 40 Browns Lane, was sworn. He said he understood the lane was private when he bought his home. There is more traffic now – two houses were demolished and larger homes built. He would like to see the issue of public or private addressed.

There were no further comments or questions from the public.

Mr. Aikins stated that from a jurisdictional standpoint he didn't think it was appropriate for the Board to act. There are lots of questions regarding the history of Browns Lane and dedications. Mr. Lehder stated he was inclined to vote, with conditions. Mr. Kovats stated they can't go forward if they don't know the frontage. He suggested the matter be tabled with the consent of the applicant. Mr. Lehder withdrew his suggestion to vote.

The standing issues are the removal of the home on the second lot and the need for a building envelop.

Mr. Aikins requested that the Board carry the meeting, stipulating an extension of time. MOTION Lehder, second Rice, to carry the application to the December meeting with the stipulation of time and without need for further notice.

In Favor: Borneo, Lehder, Marchese, Rice, Rolff

Opposed: None

4. ADMINISTRATIVE ITEMS

The Board reviewed the suggested dates for the 2019 calendar.

MOTION Marchese, second Folker, to approve the minutes of the August 14, 2018 meeting

In Favor: Folker, Marchese

Opposed: None

There were no comments from the public

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

Meeting adjourned at 9:40 PM.

Respectfully submitted,

Judy Fuller, Board Secretary