

**BOROUGH OF FAIR HAVEN PLANNING BOARD**  
**Regular Meeting Minutes      November 19, 2019**

1. The meeting was called to order at 7:30 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. Borneo, Mr. Ingle, Mr. Newell, Mr. Lehder

Absent: Mr. Folker (arrived 7:35), Mrs. Koch, Mr. Rice, Mr. Sobel, Mr. Rolff, Mr. Criscola

Also Present: Mr. Kovats, Board Attorney, Mr. Gardella, Board Engineer

**3. ADMINISTRATIVE MATTERS**

**Flinn** – Minor subdivision, Block 62, Lot 15.02

MOTION Lehder, second Borneo, to withdraw the application without prejudice.

In Favor: Bordelon, Borneo, Folker, Ingle, Newell, Lehder

Opposed: None

**Proposed Ordinance 2019-12** – Create a Technical and Design Review Committee

The Committee would be composed of four members – a Council member, PB Chair (or designee), Engineer (or designee), and Borough Code Enforcement. A Technical Element subcommittee would include representatives from the Fire Department and Public Works.

The committee is concerned with applications involving Borough property and development on commercially zoned property. The committees does not approve applications which must still go before the Planning Board and the Public.

Concern was expressed that PB inclusion was limited to one member plus the Council Rep to the PB. It was originally thought 2 PB members would be represented. It was suggested that if the Council member who serves on the PB is not able to attend another representative from Council should participate.

Susan O'Brien, River Rd, asked if the school plan had been discussed by the PB. It was noted that there was a subcommittee report submitted to the Board which was accepted. Mr. Kovats explained the procedure that schools follow, determined by the State, and how it differs from Borough projects.

**Proposed Ordinance 2019-15** – Basement/Cellars

Mr. Gardella stated this ordinance is related to sump pumps and floor slabs. Builders would be required to do testing – soil boring to determine the high water table. Regulations would be set forcing the basement floor slab to be at least 2' above the high water table. He added that there is a new ordinance regarding the need for permits for pre-existing conditions. This would provide an enforcement component.

The Board discussed the additional costs involved. The question was raised regarding whether the water table is known and it was noted that there is a great deal of variation.

Mr. Lehder expressed concern regarding the number of homes that would have to come before the Zoning Board. Homes without basements can't be built and yet we don't want houses raised. There would be unintended consequences. Could the Borough consider adding that homes be held to 36' above existing grade? Mr. Kovats was asked to include in his report the belief that it is critically important to consider the 36". Mr. Gardella was asked to find out if there were ways to minimize the expense related to getting the required data.

Ruth Blaser, River Road, noted that in the area Board members referred to as having high water levels there is a stream running under the houses.

MOTION Newell, second Borneo, to approve the Fisk St. subdivision resolution

In Favor: Bordelon, Borneo, Folker, Ingle, Newell, Lehder

Opposed: None

MOTION Borneo, second Newell, to approve the minutes of the October 22 meeting

In Favor: Bordelon, Borneo, Folker, Ingle, Newell, Lehder

Opposed: None

MOTION Lehder, second Borneo, to go into Executive Session to discuss pending litigation

In Favor: Bordelon, Borneo, Folker, Ingle, Newell, Lehder

Opposed: None

The Board went into Executive Session at 8:50 PM.

The Board returned from Executive Session at 9:30 PM. Roll call indicated all members returned.

Mr. Lehder told the Board that the Restaurant Committee has met.

MOTION to adjourn approved unanimously by voice vote.

Meeting adjourned at 9:32 PM.

Respectfully submitted,

Judy Fuller, Board Secretary