

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes - August 18, 2020 – Virtual Meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic.

The meeting was called to order at 7:32pm by the Chair, Mr. Lehder, with a reading of the Open Public Meetings Act statement followed by the Pledge to the Flag.

1. ROLL CALL

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

Absent: Mr. Criscola

Also, Present: Mr. Doug Kovats, Board Attorney; Mr. Richard Gardella, Board Engineer; and Ms. McKinley Mertz, Board Planner.

Mr. Lehder confirmed with Mr. Kovats that sufficient notice of the meeting via the Zoom Platform has been posted and is adequate for notice purposes.

2. NEW BUSINESS

556 River Road LLC / China Closet, Block 52, Lot 01, B-1 Zone - Application for Site Plan approval. Mr. Rick Brodsky, Esq. and Mr. Walter Hopkin were promoted to panelists and announced themselves on behalf of the applicant. Mr. Brodsky requested that the applicant Mr. Frank Caccavo also be promoted to panelist.

Mr. Kovats confirmed with the Board Secretary that the Planning Board had jurisdiction over the matter and then proceeded to mark application exhibits.

Exhibit A-1 - Completeness letter from the Fair Haven's Board Engineer, Richard Gardella, dated September 25, 2018 deeming the application incomplete.

Exhibit A-2 - Cover letter from Zager Fuchs, PC, Counselors At Law, dated 08-30-2018 signed by Kevin I. Asadi, Esq.

Exhibit A-3 - Property Survey prepared by Morgan Engineering and Surveying, signed by David J. Von Steenburg, dated 05-15-2017.

Exhibit A-4 - Packet of photographs of the subject property consisting of 4 photos.

Exhibit A-5 - Application and application checklist date filed 09-13-2018.

Exhibit A-6 - Resolution granting minor site plan approval for Block 52, Lot 01, together with variances and sign permit adopted 01-11-2000.

Exhibit A-7 - Fair Haven Historic Preservation Commission Memorandum of Action for 756 River Road for Laurie Caccavo for meeting date of 07-25-2017 and signed 07-28-2017, 3 pages.

Exhibit A-8 - Zoning Permit Application # 17-207 dated 08-02-2017 for 756 River Road, applicant Meg Tracy, approval date of 12-18-2017, 19 pages.

Exhibit A-9 - Zoning Officer's Incomplete letter dated 01-09-2018, 3 pages.

Exhibit A-10 - Zager Fuchs, PC, Counselors At Law letter dated 01-11-2018, signed by Kevin I. Asadi, Esq., 2 pages.

Exhibit A-11 - Revised Zoning Permit Application # 17-207 dated 01-11-2018 for 756 River Road, applicant Laurie Caccavo, approval date of 01-22-2018, 24 pages.

Exhibit A-12 - Completeness letter from Fair Haven's Board Engineer, Richard Gardella, dated July 23, 2019 deeming the application incomplete.

Exhibit A-13 - Email from applicant, Laurie Caccavo, dated 04-25-2019.

Exhibit A-14 - Completeness letter from Fair Haven's Board Engineer, Richard Gardella, dated April 24, 2020 deeming the application incomplete.

Exhibit A-15 - Letter from WJH Engineering, dated 03-06-2020 signed by Walter Joseph Hopkin, PE, PP, CME, 2 pages.

Exhibit A-16 - Letter from WJH Engineering, dated 03-06-2020 with a revision date of 03-11-2020 signed by Walter Joseph Hopkin, PE, PP, CME, 2 pages.

Exhibit A-17 - Letter from WJH Engineering, dated 05-18-2020 signed by Walter Joseph Hopkin, PE, PP, CME, 3 pages.

Exhibit A-18 - Completeness letter from Fair Haven's Board Engineer, Richard Gardella, dated June 18, 2020 deeming the application complete.

Exhibit A-19 - Monmouth County Planning Board Final Approval notice dated 05-14-2020, one page.

Exhibit A-20 - Heyer, Gruel & Associates Technical Review letter dated 07-31-2020, 10 pages.

Exhibit A-21 - Amended minor site plans entitled, "Amended Minor Site Plan of Block 52 Lot 1, Borough of Fair Haven, Monmouth County, NJ", prepared by WJH Engineering, signed by Walter Joseph Hopkin, dated 08-31-18 with a revision date of 03-05-2020.

Exhibit A-22 - Technical review letter from the Fair Haven Board Engineer, Richard Gardella, dated 08-17-2020.

Witness Mr. Walter Hopkin of WJH Engineering, 257 Monmouth Road, Oakhurst, NJ, professional Engineer and Planner was sworn. Mr. Hopkin presented his credentials and he was accepted by the Board.

Mr. Brodsky began by stating that the application before the Board is for the property located at 756 River Road in Fair Haven. The last tenant was for the retail business called China Closet and that business has since vacated so there is no tenant at this time. There are no current leases signed with respect to the property. Prior to the China Closet the space was used for a number of businesses such as Real Estate Brokerage firms, banks and office space. The applicant is marketing the space for a permitted use in the B-1 Zone. In the past there were questions raised regarding outstanding site issues stemming back to the last granted approval, an amended minor site plan in January 2000. The purpose of this current application is an Amended Site Plan approval to reconcile the current conditions at the site with the approval that was granted in 2000. There is no Use proposed with this application because there is no tenant, and the applicant understands the relief for this proposed application is only for Amended Site Plan approval. There is a single variance associated with this application request with respect to the fence height for the refuse and HVAC enclosure. The fence is proposed at 48 inches where 42 inches is permitted in a front yard. The applicant has been working with the Borough Engineer and Construction office to come into compliance with the 2000 approved site plan. Most conditions have already been brought into compliance and have been noted in the Board Engineer's letters, exhibits A-18 and A-22. Proposed striping that is depicted on the plans will also be addressed pending approval from the Board.

Mr. Hopkin began his testimony by sharing his screen presenting Exhibit A-21. The site has 8,973 square feet and is at the corner of River Road and Fair Haven Road. The building is 1,376 square feet, two stories and was last occupied by the China Closet as a retail Use. There are 14 parking spots that exist on the site, one of which is handicap accessible and has a ramp that leads to the sidewalk on River Road up to the entrance of the building. There are no proposed changes to the handicap accessible parking spot or ramp. The site is currently proposed to circulate in a one-way manner, with the entrance on River Road and the exit to Fair Haven Road. Mr. Hopkin believes the outdoor lighting on site is adequate. The Resolution of approval from 2000, Exhibit A-6, had nine conditions that Mr. Hopkin reviewed with the Board noting the status of each, confirming that most conditions have been recorded or met. As far as what is proposed for the site, the applicant is planning on adding some striping and arrows for directional purposes and to enhance the one-way nature of this property. There is also a 48 inch, PVC, picket style, fence proposed to shield the concrete slab where the HVAC units and refuse bins are stored. They are requesting a variance for the proposed fence as Borough Ordinance limits fencing in that location to 42 inches in height and that height would not conceal the HVAC units and refuse bins. There would be no tree removal necessary, the fence would be installed at the edge of the already existing concrete slab. The applicant will comply with the Engineer's request to keep all landscaping low for sight distance purposes as the property is on a corner.

Mr. Gardella noted the additional request to install signage in regard to ingress and egress of the parking lot that was noted in his letter date August 17, 2020, Exhibit A-22.

Mr. Brodsky confirmed that the application would comply with this requirement.

Mr. Hopkin stated signage would be added to the final proposed plans, adding a 'Do not Enter' sign and a 'Stop' sign on the subject property.

Mr. Lehder asked that the sight triangle be added to the final site plan as well and he asked Mr. Gardella to ensure that the applicant is in compliance with all landscaping and that there are no improvements within the sight triangle.

Mr. Gardella stated he would ensure compliance with this request.

Mrs. Koch wanted to confirm that the applicant would continue to comply with the parking agreement and keep their parking lot open after hours for patrons of Nauvoo Restaurant.

Mr. Brodsky stated that the applicant would continue to comply with the parking agreement with Nauvoo Restaurant that is of record.

Mr. Hopkin noted that the proposed fence around the HVAC units have already been approved by the Borough's Historic Commission.

Mr. Lehder asked if the applicant would be willing to install a privacy fence instead of a 50% open picket style fence.

Mr. Brodsky stated the applicant would be willing to install a privacy fence if the Board sees fit.

Mr. Newell agreed with Mr. Lehder stating if the purpose was to hide what is behind the fence, a privacy fence should be installed.

Mr. Sobel believes the fence ordinance should be complied with and the applicant should install a 50% open, picket style fence.

Mr. Lehder stated the Board has the opportunity to grant a variance for a board on board fence along with the height.

Mr. Sobel asked if the refuse bins could be moved to another location on the property.

Mr. Caccavo stated that the refuse bins have historically always been kept in that location, there is already a concrete, and he would like to keep them in that location if the Board allows.

Ms. Mertz, the Board Planner, stated that from a Planner's perspective she believes it would be appropriate to install a privacy fence to screen the refuse bins especially in this location as it is in a front yard, per Borough Ordinance, and on a corner. The objective would be to provide an attractive way to screen refuse bins and the HVAC system, so it is less visible from the street. She thinks it makes more sense for the site to include both variances for approval of the height of the fence and a privacy fence.

Mr. Brodsky is fully agreeable to requesting both variances.

Mr. Bordelon agrees with Ms. Mertz that requesting both variances would make sense to do a better job of screening the area.

Mr. Borneo agrees that if the purpose is to conceal the A/C units and garbage cans, a privacy fence would do a better job than a 50% open picket style fence.

Mr. Ingle asked if the privacy fence would be far enough from the A/C units to allow for enough air flow.

Mr. Caccavo stated that yes, the fence would allow for sufficient air flow.

In summary, Mr. Brodsky stated that in addition to the two variances for the fencing, the applicant is requesting amended minor site plan approval and to reconcile the existing conditions with the prior approvals so that there are no outstanding site issues for a new tenant to open in the space.

Mr. Sobel asked Mr. Caccavo if he had any new proposed tenants.

Mr. Caccavo stated that he has had individuals look at the building but there is currently no one that is planning on signing a lease at this time.

Mr. Paolo asked what the current condition of the sidewalk on Fair Haven Road is. He believes there may be some tree roots that have lifted the bricks and there may be some tripping hazards.

Mr. Gardella stated that he noted this sidewalk in his review letter dated 08-17-2020 stating that it is not of proper width in the area around the utility pole. He's not familiar with the history of the sidewalk or who installed the bricks, but the Borough has no intent to do any sidewalk improvements on Fair Haven Road. The Borough is however going to be doing a streetscape project on River Road and this project includes sidewalk work on River Road in front of the subject property and in the downtown district.

Mr. Caccavo does not believe it should be his responsibility to replace the entire sidewalk that is in the Borough's right-of-way. He does agree the utility pole is a choke point on the sidewalk, but it was there before he purchased the property. He has no issue with the Borough making

adjustments to the sidewalk if they decide to do so but asked them to keep the tree in mind because if the roots are damaged and the tree has to come down, he wants that to be at the Borough's expense.

It was agreed that the Borough would finish the sidewalk on River Road and the corner of Fair Haven Road during the River Road Streetscape project. A request would be sent to the water company to remove the tripping hazard around the water meter. The applicant has agreed to contribute \$1,000 to the Borough's Sidewalk Contribution Fund for the installation of sidewalk around the utility pole about a 4-foot radius. The Borough would complete the work during the River Road Streetscape project.

The approval would also be conditioned on \$1,000 to the sidewalk contribution fund so the Borough can administer the improvements around the utility pole on Fair Haven Road during the River Road Streetscape project. The applicant will regrade the mulched area to the South of the curb cut on Fair Haven Road to permit a level area in the Borough right-of-way. The applicant will also include the mentioned parking lot stripping and signage.

No further comments.

No comments from the public.

MOTION by Lehder, second Koch to approve the amended site plan inclusive of the two variances, one to permit the fence to be 48 inches in height and for the fence to be a solid privacy fence as well as the mentioned improvements to the sidewalk on Fair Haven Road.

In Favor: Bordelon, Borneo, Folker, Ingle, Koch, Newell, Sobel, Rolff, Paolo and Lehder

Opposed: None

3. ADMINISTRATIVE ITEMS

MOTION by Sobel, second Koch to approve the minutes from the 07/21/2020 Zoom meeting.

In Favor: Bordelon, Borneo, Folker, Ingle, Koch, Sobel, Rolff, Paolo and Lehder

Opposed: None

4. PUBLIC COMMENT

No comments from the public.

MOTION to adjourn made by Sobel, second Koch and approved by voice vote.

Meeting adjourned at 9:35 PM.

Respectfully Submitted,
Jennifer Johnson, Board Secretary

Public Announcement of Compliance

This is a regular meeting of the Fair Haven Planning Board. Adequate notice of this meeting has been given pursuant to the provisions of the Open Public Meetings Act. At the time of the Board reorganization in January of this year, the Board adopted its regular meeting schedule for the year. Notice of the schedule of the Board's regular meetings was sent to and published in the Asbury Park Press, and was also sent to the Two River Times and the Star Ledger. Tonight's meeting was listed in the Notice of the schedule of regular meetings. That Notice was also posted on the bulletin board in Borough Hall, and has remained continuously posted there as required by the Statute. In addition, a copy of the Notice is and has been available to the public and is on file in the Office of the Borough Clerk. A copy of the Notice has also been sent to such members of the public as have requested such information in accordance with the statute. Adequate notice having been given, the Board Secretary is directed to include this statement in the minutes of this meeting.