

## **BOROUGH OF FAIR HAVEN PLANNING BOARD**

### **Regular Meeting Minutes – June 15, 2021 - Virtual Meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic**

The meeting was called to order at 7:30 pm by the Chair, Mr. Lehder, with a reading of the Open Public Meetings Act statement (see attached) and salute to the flag.

#### **Roll Call**

Present: Mr. Bordelon, Mrs. Busch, Mrs. Koch, Mr. Nitka (arrived at 7:54 pm), Mr. Paolo, Mr. Rolff, Ms. Murray, Mrs. D'Angelo, Mr. Burkhardt, Mr. Lehder

Absent: Mr. Newell

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

Mr. Lehder introduced the agenda item, Ordinance 2021-08, Amending Affordable Housing Development Fee Ordinance.

Ms. Gable, Borough Planner, summarized that the ordinance. She reviewed information regarding the calculation and collection of development fees, and when the collection occurs. The original ordinance was adopted in 2020. Ms. Gable stated that the ordinance is consistent with the Master Plan and keeps the Borough compliant with their Fair Share Housing obligation.

Mr. Kovats reaffirmed that the ordinance speaks to how the fees are collected and maintenance of the fees. The fees are 1.5% of the value of the land and improvements for residential development, and 2.5% of the value of the land and improvements for non-residential development. The fees are held in an affordable housing trust fund, for a period of time, and then would be released to the state. Mr. Kovats confirmed the ordinance is consistent with the Master Plan.

Mr. Lehder asked if the fee was applicable to renovation. Mr. Kovats stated that renovations increasing density will be assessed the development fee. New construction will also require the development fee.

Mr. Lehder asked if land and improvement would be assessed. Mr. Kovats said it would be the equalized assessed value.

Mr. Lehder stated that this measure may be inappropriate. He explained the assessment process and went into detail regarding equalization.

Mr. Kovats explained that the ordinance presented is the 'model' ordinance and is in synch with the State of NJ statute, and the NJ Department of Community Affairs housing regulations.

Mr. Lehder therefore does not think the ordinance is out of line and does not object to it.

Mrs. Koch stated that you only pay the development fees on residential renovations when a CO is required.

Mr. Gardella referenced the language in the ordinance specific to Mrs. Koch's comment. Mr. Gardella suggested that if during construction the resident needs to vacate the house, a CO will probably be required.

Mr. Bordelon asked about adding an addition. Mr. Gardella suggested the key term as reconstruction. Total reconstruction would require a CO and the fees would be collected. Mr. Gardella re-iterated that the fees would be triggered when you need to vacate the house.

Mr. Lehder summarized that the development fees for residential would be the delta of the improved value calculated at 1.5%.

Mr. Paolo asked if other municipalities are adopting the ordinance as it is. Mr. Kovats affirmed.

Mr. Kovats will prepare a writing to be shared with the governing body that the ordinance is consistent with the Master Plan and defer to the form they are being asked to follow.

Mr. Nitka joined the meeting, (7:54 pm).

Mr. Lehder presented the next agenda item, an application for:

Capital Home Builders of 32 Fisk Street, Block 30 Lot 15, Zone R-5 – Minor Subdivision

Mr. McKenna, attorney representing Capital Home Builders, introduced the application.

Mr. McKenna introduced the professionals for the application:

Mr. Geier, builder  
Mr. Doug Clelland, engineer  
Mike Monroe, architect

Mr. Kovats stated it is a minor subdivision and notice is not required. Mr. Kovats confirmed the notice documentation was received by the Board Secretary.

The professionals were then sworn in.

The following exhibits were marked by Mr. Kovats:

A-1 Application dated April 7, 2021  
A-2 Survey dated January 12, 2021 by In Site Surveying  
A-3 Subdivision Platt dated February 19, 2021 by In Site Surveying  
A-4 Architectural drawings prepared by Michael Monroe dated November 20, 2020, 9 sheets  
A-5 Amended architectural plans dated June 3, 2021  
A-6 Amended architectural plans dated June 3, 2021  
PB-1 Memorandum from Ms. Gable, Borough Planner  
PB-2 Technical Review from Mr. Gardella, Borough Engineer

Mr. McKenna called his first witness, Michael Monroe, architect. Mr. McKenna suggested that Mr. Monroe has appeared before and has been accepted by the Board previously as an expert in

architecture. Mr. Monroe stated he has been a licensed architect for over 30 years and serves on many boards. Mr. Lehder accepted Mr. Monroe as an expert.

Mr. Monroe reviewed the floor plans and elevations. He suggested the two new homes will be under the 2200 square foot requirement. He reviewed the floor plans for each home and showed the elevations including the garage located at the rear of each home.

Mr. Lehder asked if there is a commitment to build the homes shown.

Exhibit A-7, dated June 5, 2021, shows the homes side by side.

Mr. Monroe confirmed that the houses presented would be the ones built.

Mr. Monroe stated that the lot is overgrown and that the lot is set down. There will be new landscaping and street scape. Attention will be paid to the storm water management.

Mr. Lehder observed that the houses look very similar.

Mr. Monroe replied that he thinks color and materials will make the design look different. He suggested different front doors, windows and changes to the roofing.

Mr. Monroe said the homes have a 27 foot ridge height.

Mr. Lehder asked about the height since it sits in a depression.

Mr. Monroe said it is a two-foot drop when you walk onto the property. There will be no more than two feet of foundation showing.

Mr. Lehder asked about the driveways.

Mr. Monroe showed a drawing of the properties with driveways on the outside of the houses, with the houses running side by side. The diagram is marked as Exhibit A-8

Mr. Gardella was asked to speak to the grade. Mr. Gardella stated that from a layout perspective, it is better for the driveways to be separated and not side by side. He questioned the property to the east. He stated that the new driveway will be pulled away towards the street. Mr. Gardella referenced his technical review letter. Mr. McKenna affirmed compliance with all the conditions of Mr. Gardella's letter, except for the condition to repave the street.

Mr. Gardella said the sidewalk and curb stay in the current location.

Mr. Lehder asked about setbacks. He asked about alignment to the porches on the current houses.

Mr. Monroe stated that the setback would be based on the average of the current houses. It would be the intent to make the new houses harmonious with the current neighborhood. Mr. Monroe brought up google maps to confirm placement of the homes.

Mr. Lehder expressed concern about grading.

Mr. Monroe stated that there will not be any new fill and the grading will be consistent with what is in place.

Mr. Lehder asked if there are any issues that Mr. Gardella is aware of in that area.

Mr. Gardella suggested that he is not aware of any issues.

Mr. Lehder asked if there were any trees that were worth preserving.

Mr. Monroe thought there was not anything worth preserving, but there will be vegetation put in place for privacy. They will keep anything worth preserving.

Mr. Paolo asked about the trees in the front of the property. He asked that Mr. Monroe engage the borough arborist. Mr. Monroe confirmed he is familiar with the process and will engage the arborist.

Mr. Kovats asked for clarification on the new exhibits specific to the garage.

Ms. Gable asked about the landscaping. Mr. McKenna suggested the engineer testimony will address this.

Mr. McKenna introduced Mr. Clelland for testimony. Mr. Clelland is a licensed professional engineer in New Jersey and is a project engineer for In Site Engineering. Mr. Lehder accepted Mr. Clelland's credentials for the Board.

Mr. Clelland presented the survey and the subdivision plan. He spoke to the Borough Engineer's letter and repaving. Additionally, Mr. Clelland discussed the stormwater management plan and grading design. He does not want to adversely impact neighboring properties. Mr. Clelland also agreed with Mr. Monroe's setback commitments. He also confirmed agreement to the conditions outlined in Mr. Gardella's letter. Mr. Clelland also agreed to comply with any tree ordinances and to consult with the town arborist.

Mr. Lehder asked for confirmation that there will be not be pitch change except for runoff to the driveway.

Mr. Clelland said the runoff will not be increased in any way from what exists today. Mr. Clelland suggested that fill from the basement will be taken to the front yard to change the pitch.

Mr. Monroe said he anticipates two feet of fill in the front of the home.

Mr. Lehder confirmed with Mr. Monroe that measurement will be from the existing grade.

Mr. Bordelon asked if the existing grade is before the fill was added or after. Mr. Monroe confirmed existing grade is before fill is added.

Mrs. Koch asked about materials and the driveway.

Mr. Monroe confirmed the driveway will probably be asphalt.

Ms. Gables asked about street tree requirements. Mr. McKenna confirmed they will comply with town requirements.

Ms. Gable asked about the basement calculations. Mr. Monroe confirmed a typo is on the plans. The basement will be no more than 900 square feet.

Mr. Lehder asked about materials.

Mr. Monroe likes the standing seam roof and will use hardy or a cedar impression. The materials will be maintenance free. There will be accent pieces and stained doors.

Mr. Lehder asked about replacement of vegetation.

Mrs. Koch asked about basement height and the bathroom in the basement.

Mr. Monroe said the height of the basement will be between 8 and 9 feet and the bathroom will be roughed in.

Mr. Bordelon asked about lowering the roof of one of the houses.

Mr. Monroe confirmed he will use all the tools to make sure the houses look unique.

Mrs. Koch asked about the timing of the construction.

Mr. Monroe confirmed construction is planned for September. The project is intended to be completed in eight months.

Mrs. Koch expressed concern for the construction of these homes with the planned borough construction at the police department.

Mr. Lehder asked about utilities being coordinated for both homes.

Mr. Monroe confirmed it will be done at the same time.

Mr. Lehder opened the meeting for public comment.

Ruth Blaser is pleased with the project.

Open comment was closed by Mr. Lehder.

Mr. McKenna thanked the Board for their time and attention.

Mr. Lehder asked for comments from the Board. Mrs. Koch asked how the professionals will be held accountable to the assurances provided. Mr. Lehder stated that there will be conditions placed within the resolution.

Ms. Terry Simboli of 30 Fisk Street has concerns about drainage. She already has runoff from storm and snow. She is also concerned about the construction of the police station. Mr. Gardella said that the sites will be developed according to the DEP storm water management rules and the water will be captured onsite.

Mr. Lehder reviewed the parameters for a drainage plan and suggested that the new plan should be better than the present drainage.

Ms. Simboli spoke to the water main being on her driveway for 32 Fisk Street. Mr. Gardella suggested that this will be addressed by the engineers.

Ms. Simboli expressed a preference for the driveway not being next to her home.

Mr. Monroe thought each driveway could hug the right-hand boundary. Mr. Monroe has no objection to moving the driveway. Mr. Clelland suggested there might be a utility pole that could prevent this. Mr. Monroe thinks it will work.

Mr. McKenna is concerned that moving the driveway is a condition of the subdivision.

MOTION by Mr. Lehder, second by Mrs. Koch to approve the application for a minor subdivision by Capital Home Builders of 32 Fisk Street, Block 30 Lot 15, based on the plans, testimony and conditions defined during the meeting including:

1. Preferred layout of the driveway would be for the driveways to be placed on the East side of each home subject to any later identified issues or Mr. Gardella waiving the condition.
2. Materials.
3. Drainage.
4. Height of structure subject to measurement from the existing grade.
5. Front exposure elevation will be two feet; with a maximum front floor elevation from existing grade at three and a half feet.
6. Homes will be designed to align with the neighbors' homes
7. Design of the two homes to make them dissimilar, including mullions in the windows with different sizing and proportions, different roofing, front doors, and reversing features on the homes.
8. Tree restoration – replacement screening put in place where appropriate, with Mr. Gardella's advisement.

In favor: Bordelon, Busch, Koch, Paolo, Rolff, Nitka, Murray, D'Angelo, Lehder

Mr. Rolff addressed the administrative item on the agenda.

MOTION by Mr. Rolff, second by Mrs. Busch to approve the May 2021 minutes.

In Favor: Busch, Koch, Paolo, Rolff, Nitka, Murray, D'Angelo, Lehder

Abstain: Bordelon

Opposed: none

Mr. Lehder opened the meeting to the public.

Mrs. Ruth Blaser addressed the Board. She expressed a desire for an additional curb cut on her property. Mr. Lehder stated that she did not comply for an additional curb cut. Mr. Gardella confirmed a variance would be needed and she would also need to go before the County because she is on a County road.

Mr. Lehder closed the public session.

Mr. Lehder spoke to meeting in public with input from the Board.

MOTION by Mrs. Busch to adjourn, carried unanimously by voice vote.

The meeting adjourned at 10:05 pm.

Respectfully submitted,  
Sandi Papa  
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.**