

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes – July 20, 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. Koch, Mr. Newell, Mr. Paolo, Mr. Rolff, Mr. Burkhardt, Mr. Lehder

Absent: Mrs. Busch, Ms. Murray, Mrs. D'Angelo, Mr. Nitka

Also Present: Mr. Kovats, Board Attorney; Mr. Barree, Heyer Gruel & Associates, Board Planner

Mr. Lehder introduced Ordinance 2021-09 – Create Chapter 8, Cannabis, and Amend Chapter 30, Section 5.3 (B)(24) “Permitted and Prohibited Uses.” He suggested the Planning Board review the ordinance for consistency to the Master Plan. Mr. Kovats stated the same.

John Barree reviewed the ordinance and discussed what is happening locally, as well as around the state of NJ. The ordinance sets forth prohibition of cannabis in the Borough. The NJ state legislation established a 180-day timeframe for municipalities to act to permit cannabis licenses in their town. Failure to act will result in default permission for some of the classes of cannabis licenses. Mr. Barree stated that the ordinance allows the Borough to maintain the status quo with the Master Plan.

Mr. Paolo asked about cannabis delivery from other towns into Fair Haven. Mr. Barree suggested that possession charges only apply to those underage. Possession and consumption are permitted for adults.

Mr. Kovats reviewed the decision to prohibit cannabis versus not acting. A decision to prohibit cannabis must be made by August 21. He suggested that the NJ League of Municipalities and NJ Institute of Local Government Attorneys are counseling prohibition since you can revisit the ordinance at a later date.

Mr. Burkhardt asked about the neighboring towns.

Mrs. Koch suggested the other towns are prohibiting cannabis.

Mr. Barree stated that Red Bank has an ordinance scheduled to be introduced by council that permits some classes of use for cannabis. He advised that the Cannabis Regulatory Commission is tasked with coming out with rules that will come out in the same 180-day timeframe as the decision to participate by the municipalities. Licenses will be limited at first, issued at the State level, but municipalities can regulate the number of licenses within their borders.

Mr. Lehder summarized the Board's discussion to conclude that the ordinance is consistent with the Master Plan and asked that Mr. Kovats draft a letter to Council stating the same. Mr. Bordelon suggested that he would like the letter to council to mention how the Master Plan talks about being a family centric town. Mr. Lehder asked that Mr. Barree's comments be included about maintaining the status quo; specifically, Mr. Barree stated that the Master Plan doesn't mention cannabis and a previous borough ordinance prohibited cannabis.

Mr. Rolff reviewed the administrative items on the agenda.

Mr. Rolff asked if there were any comments on the June 2021 meeting minutes. There were none.

MOTION by Mr. Rolff, with second by Mr. Bordelon, to approve the June 15, 2021 minutes.

In Favor: Bordelon, Koch, Paolo, Rolff, Burkhardt, Lehder

Opposed: none

Abstain: Newell

Mr. Rolff introduced the next agenda item. Mr. Bordelon commended the work of Mr. Kovats on the resolutions for the Board.

MOTION by Mr. Rolff, second by Mrs. Koch, for the approval of resolution of granting preliminary and final minor subdivision approval to Capital Home Builders of 32 Fisk Street, Block 30, Lot 15.

In favor: Bordelon, Koch, Rolff, Paolo, Burkhardt, Lehder

Opposed: none

Abstain: Newell

Mr. Lehder referred to the last few subdivision applications that have come before the Board. The rules are favorable for subdividing a fully conforming lot. In the last few, the builders have been asked to comply with specific conditions. He would like some these conditions to be codified and asked the Board for comments.

Mr. Bordelon stated a concern about lot size.

Mr. Lehder reviewed suggestions about front yard and side yard setbacks, as well as height. Mrs. Koch suggested that homes being built are larger than the home they are replacing. Mr. Lehder said that habitable floor area needs to be revisited. He also said that rights of private property owners need to be protected. Mr. Lehder additionally mentioned investigating first floor elevation parameters. Mrs. Koch asked why codifying how height is measured is significant. Mr. Lehder said that if first floor elevations were more carefully measured, height could be more consistently measured.

Mr. Bordelon asked about creating hard requirements for plantings. Mr. Paolo agreed and stated that the tree ordinance should be considered more closely for new construction. He suggested that financial penalties be more stringent for removing trees inappropriately.

Mr. Lehder suggested prioritizing the issues mentioned.

Mr. Bordelon asked about driveway materials and codifying the alternatives. Mr. Lehder suggested the Zoning Board may be looking at this issue and the Planning Board should participate in these discussions.

Mr. Lehder introduced the topic of in-person meetings. After careful discussion, the Board decided to move to in-person meetings in August. Mr. Kovats will work with the Board secretary for notice to the public.

Mr. Lehder stated the Board will be in-person for August.

Mr. Lehder opened the meeting to the public.

Mrs. Ruth Blaser addressed the Board. She asked whether 32 Fisk Street was approved.

Mr. Lehder confirmed 32 Fisk Street was approved and the resolution was adopted.

Mr. Lehder closed the public session.

Mr. Lehder thanked Mr. Barree for his guidance with cannabis

MOTION by Mr. Newell, second by Mrs. Koch, to adjourn, was carried unanimously by voice vote.

The meeting adjourned at 8:24 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.