

BOROUGH OF FAIR HAVEN PLANNING BOARD
Regular Meeting Minutes – September 21, 2021

The meeting was called to order at 7:30 pm by the Chairman, 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. Newell, Mr. Paolo, Mr. Rolff, Mr. Nitka, Mrs. D'Angelo, Mr. Burkhardt, Mr. Lehder

Absent: none

Also Present: Mr. Kovats, Board Attorney; Ms. Gable, Heyer Gruel & Associates, Board Planner; Mr. Gardella, Borough Engineer

Mr. Lehder introduced the first agenda item:

Ilvento Builders, LLC – 37 Third Street, B38 L02 – Minor Subdivision

Mr. Brodsky was introduced as the attorney of record for the application.

Mr. Kovats marked the exhibits as follows:

A1 – Application (7 pages)
A2 – Checklist (11 pages)
A3 – Photos (5 photos of the area)
A4 – Will-serve letters from the utility companies including American Water, JCP&L, Two Rivers, Verizon.
A5 – Minor Subdivision by Charles Surmont, PE &PLS, dated 7/25/21
A6 – Architectural plans by Matthew Cronin, AIA, dated 7/15/21
PB1 – Engineering report dated 9/3/21
PB2 – Planner's report dated 9/17/21
PB3 – Updated Engineering report dated 9/17/21

Mr. Brodsky introduced the following Exhibits:

A7 - Modified site plan
A8 – Tax map
A9 – Color rendering of architectural plan dated 9/21/21
A10 – Site photographs on board at hearing

The following witnesses were sworn in by Mr. Kovats:

Mr. Charles Surmont
Ms. Christine Navarro-Cofone
Mr. Matthew Cronin

Mr. Brodsky introduced the property of 37 Third Street in the R-10A zone. He stated that the property is an oversized lot where the applicant is seeking subdivision into two residential lots. The variance needed is for lot width: 77.5 feet is the proposed lot width, where 100 feet in lot width is required.

Mr. Brodsky explained that the property is overgrown, in disrepair and vacant. The property is next to Sportsman Field. He suggested that any trees that can be saved will be. Mr. Brodsky stated that Mr. Ilvento has been building homes for 25 years.

Mr. Kovats asked the Board Secretary to confirm that the notice mailing to the 200' list was received by the Board office. The Board Secretary confirmed receipt.

The following professionals were introduced by Mr. Brodsky:

Project Engineer, Charles Surmont
Project Architect, Matthew Cronin
Project Planner, Christine Cofone

Mr. Brodsky asked that Mr. Surmont testify. Mr. Charles Surmont of 301 Main Street, Allenhurst, has 30 years of experience as a licensed professional engineer and surveyor. The Board Chair accepted Mr. Surmont's credentials.

Mr. Surmont indicated the location of the property and reviewed the existing lot dimensions, and dimensions for the lots associated with the subdivision, indicating the driveways are to be placed to the left of each property. Each property will have greater than 12,000 square feet. No issues were found with the water table.

Mr. Lehder asked for clarification regarding the water table and when testing was done. Mr. Surmont said that the basement would be 5.5 feet above the boring, (boring was at 12 feet), where no evidence of water was found.

Mr. Surmont suggested that curbing would be continued from the park in front of the new subdivided properties. The applicant would either replace the curb or contribute towards the creation of the curbs.

Mr. Surmont suggested the property has a nice slope that should not impact the neighboring properties with stormwater.

Mr. Brodsky asked that Mr. Surmont discuss the landscaping. Mr. Surmont said that three street trees will be placed on each property. Landscaping will also be placed around the foundation and mechanical units.

Mr. Surmont mentioned that it appears many trees will not be saved and will need replacement.

Mr. Surmont was asked by Mr. Brodsky to address the sidewalks as mentioned in the Borough Engineer's report. A neighbor's fence was also mentioned that encroaches on the property that is proposed to be replaced by Ilvento Builders, LLC.

Mr. Gardella, Borough Engineer, suggested going through his technical review letter. Waivers requested by the applicant include:

1. Utilities are requested to remain overhead. The utilities are on the opposite side of the street. Typically, it is requested that utilities go underground. The existing service is overhead on the South side of Third Street. Mr. Gardella referred to the waiver as a design waiver and believes the waiver is justified.
2. The ordinance requires that a landscaping plan be prepared by a Certified Landscape Architect. Mr. Gardella does not have an issue with the engineer developing the landscaping plan.

Mr. Gardella discussed that Gentry Drive is adjacent to the proposal. He is interested in hearing the impact of Gentry Drive with the driveways.

Mr. Surmont reviewed the driveways and their relation to Gentry Drive. The proposed driveways are designed to be able to turn around in the rear of the driveway.

Mr. Lehder asked if there were alternatives if a conflict is found with the current driveway design. He asked Mr. Gardella's opinion of the driveway's placement with Gentry Drive. Mr. Gardella is comfortable with the proposed placement.

Mr. Gardella spoke to tree removal and asked that all trees that remain are protected appropriately per ordinance.

Mr. Nitka spoke of the natural buffer of the park along the property and asked how that will be maintained. Mr. Surmont said that the existing buffer is not proposed to be removed. The buffer is owned by the Fair Haven Board of Education.

Mr. Bordelon spoke to the existing trees and buffer. He would like to ensure the tree line is maintained.

Mr. Lehder asked for clarification between the field and the proposed subdivision.

On page eight of the Heyer Gruel and Associates memo, clarification is given to the existing buffer.

Mr. Lehder suggested that buffering is going to be needed. Mr. Surmont stated that he is not looking to remove the existing buffer.

Mr. Lehder confirmed with Mr. Surmont that there is no fence on the property border between the field and proposed subdivision.

Mr. Bordelon asked for assurance of maintaining the tree line along Sportsman field. He asked to move the driveway to the East to maintain the tree line. He asked to follow the path of the existing driveway. It was confirmed by Mr. Surmont that it is a gravel driveway.

Mrs. Koch asked about the root system and the intent to protect them. Mr. Surmont confirmed the distance is 3-4 feet from the property line to the trees.

Mr. Lehder asked about new planting for long term coverage for an increased vegetative screen of the field.

Additionally, Mr. Gardella reviewed that the applicant is aware that there is a grant for the improvement of Third Street. He reviewed the curb plan based on the grant and project in the next 6-12 months.

Mr. Gardella thinks it will be easier for the applicant to put the curbs in.

Mr. Lehder asked for clarification on the timing of the curbs and coordination. Mr. Gardella said there will not be sidewalks on that side of the street.

The fence encroachment by the neighboring property was discussed. Mr. Gardella also discussed other requirements needed if the subdivision is approved.

Mr. Lehder asked about the front yard setback on the side of the street associated with the property and the neighbors.

Mr. Surmont reviewed the front yard setbacks. He is proposing the front setback to the road for the porches of the new properties to be 30 feet. He reviewed the front yard setbacks of the neighboring properties.

Mr. Gable asked for confirmation that landscaping does not have plants that are on invasive species list. Mr. Surmont said he will conform to whatever Fair Haven prefers.

Ms. Gable asked about irrigation. Mr. Surmont confirmed that an irrigation system will be provided.

Mr. Surmont reviewed the coloring on the documents:

Brown – homes

Mustard – rear covered patios

Gray – open back patio, and driveways

There was discussion of the maintenance of the property and maintenance of the trees.

Mr. Brodsky suggested that the property will be cleared based on the property being choked out with vines. Landscaping will be based on the plan. Mr. Surmont confirmed that he has not included supplemental landscaping on the buffer.

Mr. Gardella said that the ordinance requires a replacement plan.

Mr. Bordelon said he shares the Chairman's concern regarding the treescape. He'd like something written into the resolution regarding the replacement plan.

Mr. Newell requested a specific and documented plan to show what will be done regarding landscape.

Mr. Brodsky introduced Mr. Cronin, architect for the project. Mr. Cronin has been a licensed architect in the State of NJ since 1993. He has appeared in front of many boards in Ocean and Monmouth counties.

Mr. Lehder accepted Mr. Cronin's credentials.

Mr. Cronin walked the Board through the architectural plans. He reviewed the floor plans and detached garage placement. Specifically, Mr. Cronin reviewed Exhibit A9 and the dimensions. The attics are accessible with a pull-down staircase. Each house has a cellar.

Mr. Lehder asked about the first-floor elevation compared to existing grade to the finished floor. Mr. Surmont answered the question. Both houses are 2.5 feet to 3.5 feet to the finished floor.

Mr. Lehder asked if they can make the measurement 36 inches or less. Mr. Surmont feels it would be difficult to make it less than 42 inches. Mr. Surmont said the house would probably need to be moved back a foot to adhere to the 36 inch above grade stipulation Mr. Lehder is requesting.

Mr. Cronin suggested a few options to keep the 36-inch suggestion.

Mr. Cronin spoke of the window placement and architectural design features of lot 2.01 (house of the left when looking at the houses from the street). He also reviewed the patio and porch features. Mr. Lehder asked for review of the West elevation next to Sportsman Field. Mr. Lehder asked that the side of the house next to the field be treated as a front and asked for additional design features. Mr. Newell asked if you would see this part of the house with the tree buffer. Mr. Cronin said he will add some windows to the side and make it a more pleasing elevation facing the park.

Mrs. Koch agreed that the side of the house facing the park should be considered as it will be viewable from the field.

Mr. Cronin then continued his review of his plans including the garage.

Mr. Lehder asked if there are any living spaces in the garage. Mr. Cronin confirmed there were no living spaces. Mr. Lehder asked about the grade and requested confirmation that the grade shown is from existing grade. Mr. Cronin and Mr. Surmont said the height will be no greater than 15 feet above grade.

Mr. Koch asked about the storage above the garage and the platform in the drawings. Mr. Cronin confirmed it will be storage.

Mr. Cronin reviewed the plans for the second home. The East side facing the neighbor will have windows set higher for privacy. He reviewed the patio placement.

Mr. Lehder expressed interest in the front elevations and the intent to build the houses shown.

Mr. Brodsky confirmed that minor changes would be honored by the buyers. The intent is to build what is shown without any major changes.

Mr. Lehder wants to confirm the intent to build what is shown and asked that the Board include in the resolution if they feel it is important to the subdivision.

Mr. Paolo asked about how important it is to the public that the houses are similar. Mr. Lehder suggested that because there is a variance involved, the Board has a way to tether conditions to the resolution.

Mr. Bordelon said he can see the difference in design between the two houses. He thinks the buildings look like mirror images. He'd like to mix things up, so they do not seem as similar.

Mr. Cronin reviewed the current window placement in the front of the home and possible changes to make the houses look different from the front.

Mr. Lehder asked for clarification regarding the front width and how the smaller width is impacting the design of the homes presented.

Mr. Cronin stated that the size of the lot did not dictate the design he presented.

Mr. Lehder asked for confirmation that the design doesn't have any irregularities that need to be considered based on the width of the lot.

Mr. Kovats asked about whether the variance is a C2, and that the homes can be built without additional variances. Mr. Brodsky confirmed.

Christine Navarro-Cofone was introduced as the Planner for the project and has testified before many Boards. She also teaches for Rutgers and Monmouth University.

Mr. Lehder accepted Ms. Cofone's credentials.

Ms. Cofone spoke of the property and the structure that sits on the property. She reviewed the zoning and the required variance. Ms. Cofone then reviewed the zoning in the Gentry across the street. Ms. Cofone also confirmed that a C2 variance or flexible C is needed. She reviewed the positive criteria.

Ms. Cofone introduced a new Exhibit:

A11 – Excerpt of the Zoning map, last page in a series of photos handed out.

Ms. Cofone explained Exhibit A11.

Ms. Cofone stated there is no negative criteria and no substantial detriment to the public good or the Zone plan.

Mr. Lehder asked about the R-10A Zone being in the middle of the R-10 Zone and R-5 Zone.

Ms. Cofone introduced the idea of a transitional zone and does not feel they are undoing the Master Plan by obtaining the variance.

Ms. Cofone reviewed the setbacks in the three zones.

Mr. Lehder asked about the South side of Third Street and the lot frontage. Ms. Cofone reviewed the lot frontage.

Mr. Bordelon asked about the lot frontage on Third Street towards Hance. These lots range from 90-100 feet. He feels this is a substantial decrease in lot frontage which potentially breaks the rhythm of the street.

Ms. Cofone disagrees as she feels it is consistent with the pattern of the Gentry and the other area homes.

Mr. Lehder stated there is a variety of homes around the proposed subdivision and lot sizes because of where the lot sits in the zone.

Mr. Brodsky stated he doesn't have additional testimony.

Mrs. Koch asked about the covered patios and asked about enclosing the space. Mr. Cronin stated that the patios are at grade, and it is unlikely they would be enclosed.

Mrs. Koch asked about the measurement of the basement.

Mr. Lehder asked for any comment from the public.

John Ostrander of 49 Third Street was sworn in. He reviewed the history of the subdivision property and asked about the underground utilities to his house.

Mr. Surmont is not familiar with the utilities in question.

Mr. Ostrander said there is an encroachment with sewer and water. He also asked about the fence in question.

Mr. Surmont said the back fence encroaches on Mr. Ostrander's property at the corner.

Mr. Ostrander asked whether the property will be cut down from the hill that exists.

Mr. Surmont confirmed he will need to cut the driveway into the hill and will need to re-establish the slope for the curb.

Mr. Lehder asked for clarification on the grading of the front of the home. Mr. Surmont said he will reestablish the rise in a more gradual manner. The home will sit at existing grade.

Mr. Ostrander said he is at street level. He is concerned about the drainage.

Mr. Gardella stated that there is a swale that will interrupt the sheet flow.

Mrs. Koch asked about drainage if the property is clear cut.

Mr. Gardella said that the houses are being built at existing grade, and the majority of the area's stormwater will be captured into the drywell.

Mr. Ostrander asked about two trees adjacent to his property. He asked if these trees will be taken down.

Mr. Paola asked about Mr. Ostrander's opinion of the project. Mr. Ostrander believes it will be an improvement to the neighborhood. Mr. Ostrander asked what will happen with the demolition of the property and any rodents. Mrs. Koch asked about an ordinance regarding extermination prior to demolition.

Mr. Christopher Ilvento was sworn in by Mr. Kovats. Mr. Ilvento confirmed that there is a process that will be filed regarding rodent and pest removal.

Mr. Ostrander asked about the proposed set back to his home. The setback is between 10 (at the back corner) and 16.6 feet. Mr. Ostrander is comfortable with the proposed location of the driveway.

Mr. Brodsky summarized the testimony, reviewed the positive and negative criteria, and asked for the variance requested.

Mr. Lehder asked for discussion regarding the application by the Board. Mr. Bordelon does not agree that the application is consistent with the Master Plan. Mr. Newell feels that the application makes sense and sees no issue with the application. Mrs. Koch thinks that the application is a great improvement to the neighborhood. Mr. Lehder is concerned about the overall height of the home because the home sits higher from the street and the home that faces Sportsman Field. He'd like to see a sketch of the side elevation of the home facing the field. He's also concerned about the uniformity of the homes.

Mr. Nitka likes the symmetry of the homes but would like them not to be identical. He would like to review the final landscaping and architectural plans.

Mrs. Busch referenced houses down the street and within the Gentry as being similar. She'd like them to look different.

Mr. Burkhardt agrees with Mr. Newell that the subdivision should be approved. He is concerned about two large houses up on a hill. He asked for guidance from Mr. Kovats. Mr. Kovats stated that with a C2 variance is not just on the characteristics of the land, but on approved zoning to benefit the land. As the planner stated, anything proposed is going to be an improvement to the property. Mr. Kovats also stated that the Planner focused on lot size and density, sufficient space, and protecting and enhancing the residential character of the area. He guided Mr. Burkhardt that the visual effect of the property goes to enhancing the residential character of the area.

Mrs. Koch said that the applicant is extremely well prepared, but her concern is that the grade is three feet above the road and first floor will be at 42 inches above grade. She thinks it is a lot of bulk and density on two small pieces of property.

Mrs. D'Angelo agrees with Mrs. Koch.

Mr. Burkhardt asked about building a single-family home.

Mr. Lehder agrees with Mr. Newell that this will be an improvement. He feels the neighborhood can sustain it. He mentioned maintaining a vegetative buffer and asked about enhancing the elevation on the side of the house facing Sportsman Field.

Mr. Brodsky asked Mr. Surmont to provide numbers for the elevation. Mr. Surmont stated that the house on the right will be 5 feet 9 inches from finished floor to above the crown of road. The house next door will be 6 feet from finished floor to the crown of the road. The 42 inches mentioned only occurs at the one corner of the porch.

Mr. Lehder asked if there is a way to not make it look as tall. He asked if there is a way with engineering solutions to make the houses not look perched on the hill.

Mr. Surmont is trying to hold the grade to the right side of the house. The grade will then be lower than the right side of the property. Mr. Surmont stated that he had put a great deal of thought into the current grading of the property.

Mr. Bordelon asked if moving the house back would make it appear smaller.

Mr. Newell wondered if that would ruin the streetscape.

Mr. Lehder stated that he thinks landscaping should be included in the resolution to replace what is being removed, administrative approval of the final plans for the West side elevation should be included as a condition of the resolution, and a condition should be included regarding the appearance of the two homes being different.

Mr. Lehder asked Mr. Brodsky if he would like to share any additional information. Mr. Brodsky spoke to the trees and working with the engineer. His client is amenable to submitting a revised rendering of the West side of the side versus Sportsman Field and front façade.

Mr. Lehder suggested that if there is a major deviation to the plans, the applicant can go back before the Board with the changes.

MOTION by Mr. Lehder and second by Mr. Nitka to approve the minor subdivision of 37 Third Street with variance relief for lot width and waivers mentioned with the following conditions:

- a landscape agreement relating to replacement of vegetation on the lot following development
- administrative approval of the front elevations of both homes on Third Street to make them look different
- administrative approval of the West side elevation facing Sportsman Field
- collection of additional information for options relating to the grading

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

Opposed: none

Abstain: none

Mr. Lehder then asked Mr. Rolff to review the administrative items on the agenda. Mr. Rolff asked for comments on the minutes. There were none.

MOTION by Mr. Rolff, with second by Mr. Newell, to approve the July 20, 2021 minutes.

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

Opposed: none

Abstain: Busch, Nitka

There was a review of potential date for meetings in 2022. February and April dates were adjusted. The meeting dates will be approved at the re-organization meeting in January.

The Board discussed in-person versus Zoom meetings. There was discussion regarding the hybrid model of Zoom and in-person being utilized by the Governing Body. Mrs. Koch reviewed the different things that the Governing Body has used and are being trialed, including the Owl. Based on the discussion, Mr. Lehder stated the Board will be in-person for October.

Mr. Gardella spoke to pending applications.

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

The meeting adjourned at 10:50 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.