

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes – January 18, 2022 - Virtual Meeting via Zoom Platform due to the COVID-19/Coronavirus Pandemic

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: Mrs. Busch, Mrs. Koch, Mr. Newell, Mr. Paolo, Mr. Rolff, Mr. Nitka, Mr. Olson, Mrs. D'Angelo, Mr. Burkhardt, Mr. Lehder

Absent: Mr. Bordelon

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

Oaths of Office

Newly appointed Board member Mr. Olson was sworn in earlier by the Borough Clerk. Re-appointed Board members Mr. Burkhardt and Mrs. D'Angelo were sworn in by Mr. Kovats.

Reorganization

Chairman

MOTION by Mr. Paolo with second by Mrs. Koch to nominate Mr. Lehder as the Chairman.
The motion was carried unanimously by voice vote.

Vice Chairman

MOTION by Mr. Lehder with second by Mr. Paolo to nominate Mr. Rolff as Vice Chairman.
The motion was carried unanimously by voice vote.

Secretary

MOTION by Mrs. Koch with second by Mrs. D'Angelo to nominate Sandi Papa as Secretary.
The motion was carried unanimously by voice vote.

Meeting Dates for 2022

MOTION by Mrs. Koch and second by Mr. Paolo to approve the following meeting dates for 2022:

February 22, 2022

March 15, 2022

April 26, 2022

May 17, 2022

June 21, 2022

July 19, 2022

August 16, 2022

September 20, 2022

October 18, 2022

November 15, 2022

December 13, 2022

January 17, 2023 (Reorganization meeting)

In Favor: Mrs. Busch, Mrs. Koch, Mr. Newell, Mr. Paolo, Mr. Rolff, Mr. Nitka, Mr. Olson, Mrs. D'Angelo, Mr. Lehder

Opposed: none

MOTION by Mrs. Koch with second by Mrs. Busch to designate the Two River Times, Asbury Park Press and Star Ledger as the official newspapers.

In Favor: Mrs. Busch, Mrs. Koch, Mr. Newell, Mr. Paolo, Mr. Rolff, Mr. Nitka, Mr. Olson, Mrs. D'Angelo, Mr. Lehder

Opposed: none

Mr. Lehder stated that the RFP, for the Board professionals, is in review and additional information will be available at the next meeting.

Mr. Lehder then introduced the next agenda item:

M&M Realty Partners at Fair Haven, LLC – 626 River Road, B31 Lot 1 – Preliminary and Final Site Plan Approval for construction of three-story building containing 4,250 SF commercial space on ground floor, fourteen residential units on second and third floors, construction of ancillary parking, utilities, and other appurtenances within the Affordable Housing Zone.

Mr. Kovats certified the Board members that were absent from the December 21, 2021 meeting as having reviewed the entire record and eligible to vote: Mr. Burkhardt, Mr. Nitka and Mr. Olson. He marked their certifications as PB-7.

Mr. Lehder reminded the public that this is the second portion of the application that was begun at the December 21, 2021 Planning Board meeting.

Mr. Wolfson, the applicant's attorney, joined the meeting. Mr. Kovats reviewed the additional exhibits that were submitted since the December meeting:

PB7 - Certification of Board members absent from the December 21, 2021 meeting as having reviewed the record: Burkhardt, Nitka and Olson.

Exhibit A29 – *Proposed Site Plan and Geometry Plan* prepared by EP Design dated January 7, 2022

Exhibit A30 – *Proposed Signage and Striping Plan* prepared by EP Design dated January 7, 2022

Exhibit A31 – *Proposed Landscaping Plan* dated December 7, 2021

Exhibit A32 – *Proposed Landscaping and Lighting Plan* December 7, 2021

Exhibit A33 - Packet of proof of publication and mailing service

Exhibit PB8 – Review letter from Corp. John Waltz, Borough of Fair Haven, Traffic Officer dated January 12, 2022

Exhibit PB9 – Report from the Borough of Fair Haven’s Fire Marshal, Paul Murphy dated January 14, 2022

Exhibit PB10 – Monmouth County Planning Board review committee report January 10, 2021; misdated as submitted in December of 2021

Exhibit PB11 – Borough Planner’s memorandum of January 17, 2022, supplementing their earlier report

Mr. Kovats reviewed the open items from the previous meeting:

- Cedar Avenue façade
- Entry from River Road
- Redesign for deliveries
- Decorative gate for recycling enclosure
- Roofline on Cedar Avenue
- Sign
- Accessibility of parking
- Stormwater management
- Lighting
- Confirmation that all signage is conforming

Mr. Wolfson stated that the Landscape Plan was submitted by a licensed landscape architect and a waiver is no longer needed.

Mr. Wolfson called Mr. Aulenbach for testimony. Mr. Aulenbach is still under oath from the previous meeting. Mr. Aulenbach reviewed the changes to the Site Plan. Exhibit A29 was shown. Changes were made for access into the building with the addition of a third rear door. Mr. Aulenbach reviewed changes to the sign and lighting. The sign conforms with the ordinance.

Mr. Aulenbach reviewed the Heyer, Gruel & Associates memo of January 17, 2022 (Exhibit PB11). Mr. Aulenbach proposed a decorative fence in front of the walkway of the rear entrance.

Mr. Aulenbach reviewed Exhibit A30, *Proposed Signage and Striping Plan*. The proposed sign will be lowered by 15 inches to around seven feet.

The Board Secretary read the letter into the record from the Traffic Officer, marked Exhibit PB8.

Mr. Aulenbach reviewed Exhibit A19.

Mr. Aulenbach agreed to more decorative fence around the recycling area. He also reviewed the lighting.

Rich Gardella spoke of his December 2021 memo.

Mr. Newell asked about the generator enclosure. Mr. Aulenbach stated that it can be vented through the roof. The condensers will be on the roof and not be seen from the street.

Mr. Lehder asked about dropping the roof height.

Mrs. D'Angelo asked about the buffer to the neighbor on River Road. Mr. Aulenbach said plants will remain to provide a shield. She also asked how a resident will exit from the front of the building. Mr. Aulenbach stated that residents cannot exit from the front of the building. Residents and visitors would need to enter/exit from the Cedar Avenue side of the building. Mrs. D'Angelo asked about pedestrians on River Road and how that will work if there is outdoor seating. Mr. Aulenbach stated there is a retaining wall and a center entrance with potentially one step down in the center will be used. This will provide separation between the patio and River Road sidewalk.

Mr. Lehder asked about the sign placement and moving the sign back a few feet.

Mrs. Koch asked about the tandem parking in the rear of the building. She asked for clarification with the fence mentioned for the resident parking. Mr. Aulenbach stated there would be multiple breaks in the fence for residents to pass through to reach the rear door of the building.

Ms. Gable asked about glazing. Mr. Aulenbach confirmed that they will conform with the ordinance.

Mr. Gil Rampy, an architect with EP Design, was introduced by Mr. Wolfson.

Mr. Rampy experienced some technical difficulties with entering the meeting.

Mr. Wolfson introduced Mr. Paul Latham of EP Design.

Mr. Latham was sworn in. Mr. Latham's credentials were reviewed and accepted by the Chairman. He is a licensed engineer with a degree in civil engineering from NJIT and has been with his company for 7 years. Mr. Latham reviewed the plans and changes made per Rich Gardella's memo. He reviewed the plans as shown in Exhibit A17.

Mr. Gil Rampy, architect of EP Deisgn, was sworn in. His credentials were reviewed and accepted by the Chairman. The Chairman asked about lowering the height of the building. Mr. Rampy suggested that condensers may be visible from the roof by lowering the cornice. Mr. Rampy stated that it would be possible to lower the roof 8-12 inches and still hide the HVAC equipment.

Mr. Rampy reviewed the side elevation of the building. There was discussion regarding adding windows and additional decorative treatments to keep the appearance uniform from River Road.

Mr. Lehder granted Mr. Wolfson's request for a five minute break at 9:17.

Mr. Lehder called the meeting back to order at 9:24.

Roll Call:

Present: Mrs. Busch, Mrs. Koch, Mr. Newell, Mr. Paolo, Mr. Rolff, Mr. Nitka, Mr. Olson, Mrs. D'Angelo, Mr. Burkhardt, Mr. Lehder

Absent: Mr. Bordelon

Mr. Lehder asked how the building height was measured. Mr. Gardella stated that it is the average of the four corners.

Ms. Gable reviewed how measurement was taken for this application.

Mr. Lehder opened the meeting to the public.

Mr. Neil Tiratto, 632 River Road, Fair Haven, was brought into the meeting. Mr. Tiratto was sworn in by Mr. Kovats. His testimony includes photos shared during the meeting. Mr. Kovats marked the photos as NT/PB 1.

Mr. Tiratto is concerned about proximity of the placement of the M&M driveway next to his property. He thinks the driveways are too close together to safely enter and exit.

Several Board members questioned preservation of the trees between Mr. Tiratto's property and the M&M property.

Mr. Gardella explained that the driveway will be 10 feet from the property line. The applicant originally wanted this as an exit and the Borough had it changed to be an ingress.

Mr. Paola asked if a tree expert was consulted regarding the trees in between the properties.

Mrs. Koch asked that the property line be marked.

Mr. Lehder asked that the Site Plan be brought up by Mr. Aulenbach to show the flare of the driveway.

Mr. Tiratto shared the remainder of his photos. He also asked what the intention is for the landscape plan. He asked about the grading between the two properties.

Mr. Aulenbach said the property will be staked to protect and maintain any existing vegetation. Mr. Aulenbach also stated that a stormwater management system is included in the plans and said there should be less runoff to Mr. Tiratto's property.

There was consideration of eliminating a left turn into the M&M driveway.

There was also consideration of moving the driveway over a foot. Mr. Seckler, traffic plan engineer from EP Design, stated that it appears they can move the driveway over a foot.

Mr. Tiratto re-iterated his concern about the proximity of his driveway to the M&M property. He asked that landscape buffer be added.

Bonnie Torcivia, 115 Battin Road, was brought into the meeting and was sworn in by Mr. Kovats. She asked whether the property was considered a brown field site. Mr. Aulenbach said the site is not and has been cleaned up. The property will continue to be monitored by the DEP. Sunoco is the responsible party.

Mr. Lawrence Finnell, 11 Country Lane, was brought into the meeting and sworn in by Mr. Kovats. Mr. Wolfson objected to sharing pictures of other sites in other locations. Mr. Wolfson explained there are no variances and no waivers. Mr. Finnell dropped off the call due to technical difficulties in sharing his photos.

Mr. Christopher Hempstead, 53 Willow Street, was brought in and sworn in by Mr. Kovats. Mr. Hempstead asked about builder's remedy. Mr. Wolfson confirmed that in builder's remedy, 15% of the property is designated for affordable housing rental, and the rest of the property would be market rental. Mr. Hempstead brought up an image to show the existed buffer to Mr. Tiratto's property, Exhibit CH/PB1.

Mr. Hempstead also shared his screen with the site plan to show the significance of how much would be lost from the buffer between Mr. Tiratto's property and the M&M property.

Mr. Finnell was brought back into the meeting. He shared photos marked as Exhibit LF/PB1 and made comparison to the applicant's renderings in Exhibit A19. Mr. Finnell noted the difference between the buildings shown relating to design, roof height, and signage, as compared to the M&M building proposed for 626 River Road.

Mr. Aulenbach stated that the design shown for 626 River Road is compliant with the ordinance. He will look at the concerns expressed by the Board and see if he can make any adjustments.

Mrs. Koch asked if a sign on River Road is necessary. Mr. Aulenbach stated that he doesn't know who his tenants will be and from a leasing standpoint the sign is important. Mrs. Koch asked if advertising would take place on the sign. Mr. Aulenbach said the sign will state in some way that the space is available.

There was continued discussion regarding the sign on River Road.

Mr. Wolfson summarized that the application is fully conforming, and they made the accommodations requested by the Board.

Mr. Lehder then asked for deliberation by the Board. Mr. Paolo questioned about 2025 and what happens with Affordable Housing. Mr. Lehder explained the history of Affordable Housing and how the M&M property became involved. In 2025, there will be an assessment by the State of how Fair Haven has performed in satisfying their obligation.

Mrs. Koch stated she is not comfortable making a decision regarding this property without the information from the Monmouth County Planning Board.

Mr. Kovats explained that the application in front of the Monmouth County Planning Board involves a waiver for the ingress on River Road. If the waiver is not granted by the Monmouth County Planning Board, the application will need to come back to the Fair Haven Planning Board.

Mr. Wolfson interjected, and Mr. Lehder asked politely that Mr. Wolfson not engage until the Board's deliberation is complete or he is asked to contribute.

Mr. Lehder thanked the applicant.

MOTION by Mr. Lehder with second by Mrs. Busch to approve the M&M application for Preliminary and Final Site Plan approval for 626 River Road to include the following conditions:

- Applicant will lower the sign to a two by two structure that is longer and shorter, if they can get similar visibility from the road to the proposed sign.
- To the extent the applicant can, they will soften the buffer on the East and introduce plantings to accommodate the significant change in separation of the property located at 632 River Road.
- The generator will be vented to the roof.
- Protection of the existing trees will be taken to the greatest extent possible.
- Four trees that are four inches in diameter will be provided by the applicant.
- Other conditions previously mentioned regarding the hearing.

In Favor: Mrs. Busch, Mrs. Koch, Mr. Newell, Mr. Paolo, Mr. Rolff, Mr. Nitka, Mr. Olson, Mrs. D'Angelo, Mr. Lehder

Opposed: none

Mr. Rolf then addressed the administrative items:

MOTION by Mr. Rolff with second by Mrs. D'Angelo to approve the December 21, 2021 meeting minutes.

In Favor: Mrs. Busch, Mrs. Koch, Mr. Newell, Mr. Paolo, Mr. Rolff, Mrs. D'Angelo, Mr. Lehder

Opposed: none

The meeting was opened to the public.

Mr. Finnell was brought back into the meeting. He thanked the Planning Board for their great work.

A motion was made to adjourn by Mr. Lehder that was carried by voice vote. The meeting was adjourned at 11:36 pm.

Respectfully submitted,
Sandi Papa
Board Secretary

Public Announcement of Compliance

This is a regular meeting of the Fair Haven Planning Board. Both adequate and electronic notice of the meeting has been provided to change the January 18, 2021 meeting, from in person to the Zoom platform, and notice of the change was published in the Asbury Park Press on December 30, 2021, Two River Times in the January 6, 2022 issue, and Star Ledger on January 3, 2022, pursuant to the provisions of the Open Public Meetings Act. That Notice is also posted on the bulletin board in Borough Hall, on the entrance doors to Borough Hall, and has remained continuously posted there as required by the Statute. A copy of the Notice is and has been available to the public and is on file in the Office of the Borough Clerk and posted on the Borough's website as of January 3, 2022. 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 on December 28, 2021.

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 was sent to and published in the Asbury Park Press, and was also sent to the Two River Times and the Star Ledger. That Notice was also posted on the bulletin board in Borough Hall, and has remained continuously posted there as required by the Statute. A copy of the Notice is and has been available to the public and is on file in the Office of the Borough Clerk and posted on the Borough's website. 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.

EXHIBITS LIST

M&M Realty Partners at Fair Haven, LLC – 626 River Road, B31 Lot 1 – Preliminary and Final Site Plan Approval for construction of three-story building containing 4,250 SF commercial space on ground floor, fourteen residential units on second and third floors, construction of ancillary parking, utilities, and other appurtenances within the Affordable Housing Zone.

December 21, 2021:

Exhibit A1 - Standard Development Application form, including Land Development Application Checklist

Exhibit A2 - Rider #1 Variances & Submission Waivers, dated July 20, 2021

Exhibit A3 - Rider #2 List of Required Approvals, dated July 14, 2021

Exhibit A4 - Rider #3 Deed Restrictions, Covenants & Restrictions, dated July 15, 2021

Exhibit A5 - Letter from Sean Martin, Development Coordinator of M&M Realty Partners at Fair Haven, LLC, dated July 20, 2021

Exhibit A6 - Draft notice prepared by The Weingarten Law Firm

Exhibit A7 - Fair Haven Escrow Agreement, dated July 12, 2021

Exhibit A8 - Ownership Disclosure, dated July 9, 2021

Exhibit A9 - Certification of Taxes Paid, dated July 15, 2021

Exhibit A10 - Borough of Fair Haven 200-foot List, dated May 27, 2021

Exhibit A11 - Monmouth County Planning Board Site Plan Application Form, dated July 20, 2021

Exhibit A12 - Soil Erosion and Sediment Control Plan Recertification, dated November 1, 2019

Exhibit A13 - Letters from utilities, including New Jersey Natural Gas (November 30, 2015), New Jersey American Water (October 7, 2015), Jersey Central Power and Light (December 29, 2015), Two Rivers Water Reclamation Authority (October 23, 2015)

Exhibit A14 - Environmental Impact Assessment for Preliminary and Final Major Site Plan Approval, prepared by ACT Engineers, dated July, 2021

Exhibit A15 - Traffic Impact Study Proposed Mixed-Use Development, prepared by Stonefield Engineering & Design, dated June 18, 2021

Exhibit A16 - Existing Site Photo Locations map and photographs, prepared by EP Design Services, dated November 18, 2015

Exhibit A17 - Stormwater Management Report, prepared by EP Design Services, LLC, dated July 16, 2021/Revised to December 7, 2021

Exhibit A18 - 5-sheet set of architectural plans entitled, "Proposed Mixed Use Building at Fair Haven," prepared by EP Design Services, dated July 15, 2021/Revised December 9, 2021

Exhibit A19 - 3-pages of color renderings of building elevations, no preparer, no date to include "gooseneck" lighting and Architectural details

Exhibit A20 - 1-sheet copy of Boundary and Topographic Survey, prepared by Solstice Surveying, dated July 21, 2021

Exhibit A21 - 17-sheet of Site Plans entitled, "Preliminary and Final Major Site Plan M&M Realty at Fair Haven, Block 31 Lot 1," prepared by EP Design Services, dated July 15, 2021/revised to December 7, 2021

Exhibit A22 - Settlement Agreement between the Borough of Fair Haven and M&M Realty Partners, executed by M&M Properties, LLC on January 24, 2020 and the Borough of Fair Haven on February 12, 2020

Exhibit A23 - First Amendment to the Settlement Agreement between the Borough of Fair Haven and M&M Realty Partners, executed M&M Realty Partners on April 20, 2021 and the Borough of Fair Haven on April 14, 2021

Exhibit A24 - 6-page response memorandum to Borough Engineering Review & HGA Planning Review, prepared by Paul Latham, PE of EP Design Services, LLC, dated December 9, 2021

Exhibit A25 - Memorandum from David Schmetterer, PP, AICP, on behalf of the Monmouth County Planning Board Development Review Committee, dated August 9, 2021

Exhibit A26 - Letter from Stephen Grosch of Freehold Soil Conservation District, dated September 1, 2021

Exhibit A27 - Memorandum from David Schmetterer, PP, AICP, on behalf of the Monmouth County Planning Board Development Review Committee, dated December 13, 2021

Exhibit A28 – New rendering, not dated, 3 pages.

Exhibit PB1 - Email correspondence between Rich Gardella, Borough Engineer and John Taikina, M&M Realty Partners, dated June 29-30, 2021

Exhibit PB2 - October 27, 2021 writing of HGA over the signature of Elena Gable P.P. AICP, CFM/Susan Gruel, P.P Consistency with Settlement Agreement & AH Zone

Exhibit PB3 - November 12, 2021 writing of HGA over the signature of Elena Gable

Exhibit PB 4 - November 15, 2021 writing of Rich Gardella, Borough Engineer

Exhibit PB5 - December 20, 2021 writing of HGA over the signature of Elena Gable P.P. AICP, CFM/Susan Gruel, P.P, Preliminary and Final Site Plan-Revised Materials

Exhibit PB6 – December 21, 2021 writing of Rich Gardella, Borough Engineer

From January 18, 2022 meeting:

Exhibit PB7 - Certification of Board members absent from the December 21, 2021 meeting as having reviewed the record: Burkhardt, Nitka and Olson.

Exhibit A29 – *Proposed Site Plan and Geometry Plan* prepared by EP Design dated January 7, 2022

Exhibit A30 – *Proposed Signage and Striping Plan* prepared by EP Design dated January 7, 2022

Exhibit A31 – *Proposed Landscaping Plan* prepared by EP Design dated December 7, 2021

Exhibit A32 – *Proposed Landscaping and Lighting Details* prepared by EP Design December 7, 2021

Exhibit A33 - Packet of proof of publication and mailing service

Exhibit PB8 – Review letter from Corp. John Waltz, Borough of Fair Haven, Traffic Officer dated January 12, 2022

Exhibit PB9 – Report from the Borough of Fair Haven’s Fire Marshal, Paul Murphy dated January 14, 2022

Exhibit PB10 – Monmouth County Planning Board review committee report January 10, 2021; misdated as submitted in December of 2021

Exhibit PB11 – Borough Planner’s memorandum of January 17, 2022, supplementing their earlier report

Exhibit NT/PB 1 – Photos by Neil Tirrato, 632 River Road, taken in December of 2021

Exhibit CH/PB 1 – Chris Hempstead, 53 Willow Street, no date on ariel photo

Exhibit LF/PB 1 – Photos by Lawrence Finnell, 11 Country Lane, no date