

BOROUGH OF FAIR HAVEN PLANNING BOARD

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

The meeting was called to order at 7:32 pm by the Chairman, Mr. Lehder, with a reading of the Open Public Meetings Act statement (see attached) and salute to the flag.

The Board attorney, Mr. Kovats, included following additional notice:

The Fair Haven Zoning Board of Adjustment has been invited to join the Fair Haven Planning Board at their regularly scheduled meeting of Tuesday, July 19, 2022 beginning at 7:30 p.m. to hold a discussion regarding Development and Land Use Ordinances and any other business that may come before the Boards. The meeting will take place via Zoom platform on the following date and time: Tuesday, July 19, 2022 at 7:30 pm. Formal action may be taken.

Roll Call

Present: Bordelon, Busch, Paolo, Rolff, Nitka, Olson, D'Angelo, Lehder

Absent: Koch, Newell, Burkhardt

Also present, Mr. Kovats, Esq., Board attorney; Mr. Gardella, Board engineer; Mr. Irene, Zoning Board attorney; Councilwoman Cole; Councilwoman Chrisner-Keefe; and Zoning Board members: Mr. Neczesny, Mr. Ridgeway, Mr. Ryan, Dr. Laufer, Mr. Kinsella and Mr. Schiavetti.

Mr. Lehder introduced the following agenda item:

Monmouth County Development Review Committee 6/13/22 action taken regarding M&M Realty Partners at Fair Haven LLC, 626 River Road

Mr. Gardella, Board engineer, reviewed the memo from the Monmouth County Planning Board. Mr. Gardella spoke about the widening of River Road and the need for clarification of an easement mentioned versus a dedication on River Road. A dedication could impact the calculations as presented by the applicant. Also mentioned were performance guarantees for the road work. The last item discussed was a change to the storm water management system with a revised bioretention basin on Cedar Avenue to a new depth of 3.5 feet in depth. Mr. Gardella suggested having a call with the M&M design team to discuss the matter further.

Mr. Lehder introduced the next agenda item:

Discussion of March 7, 2022 Land Use Committee Memo with participation from the Zoning Board

Mr. Lehder acknowledged participation of six Zoning Board members and the Zoning Board attorney, Mr. Irene. He also recognized that Councilwoman Cole and Councilwoman Chrisner-Keefe were in attendance.

An additional memo of July 6, 2022 (attached) was reviewed with the March 7, 2022 memo included as Exhibit A.

Mr. Lehder reviewed the history of the revision of the Land Use Ordinances, and the various Borough Land Use committees and their roles. The memo of July 6, 2022, sent to the Planning Board by the Planning Board Land Use Subcommittee for review, addresses proposed land use ordinance modifications based on the March 7, 2022 memo to the Planning Board from the Fair Haven Land Use Committee.

Mr. Lehder reviewed the proposed definitions to the Land Use Ordinance. Definitions are changed for attic, habitable attic, fully habitable attic, basement, building height, cellar/crawl space, first floor elevation, floor, floor area ratio, floor area, alteration of existing grade, prevailing front yard setback, story, and half story. Discussion took place regarding measurement of first floor elevation and the crown of the road. Mr. Schiavetti expressed concern regarding calculations of floor area and attic.

Councilwoman Chrisner-Keefe asked for clarification of story, half story, and partially habitable attic.

Mr. Paolo asked if the twenty-four inches defined for a cellar is an industry standard.

Councilwoman Cole asked about average grade and the measurement. She thanked Mr. Lehder for keeping things moving.

Mr. Ryan asked about vaulted ceilings.

Mr. Lehder reviewed the floor area definition and the impact on a garage being detached or attached to the home. He also spoke about the definition of grading.

Mr. Lehder defined the next steps. Mr. Kovats will prepare a brief memo to send to Council for consideration and adoption.

MOTION by Mr. Lehder and second by Mr. Bordelon to send a general memo from the Board attorney with the proposed changes to the land use ordinances to Council for consideration explaining their origination and what was discussed at the meeting including the July and March Land Use memos.

In Favor: Bordelon, Busch, Rolff, Nitka, Olson, D'Angelo, Lehder

Opposed: none

Abstain: Paolo

Councilwoman Cole asked if there was administrative review by the Zoning Officer. Mr. Lehder confirmed that Zoning will be included in the review of the ordinance changes suggested. Councilwoman Cole expressed concern regarding the landscape plan for 626 River Road and bioretention basin.

Mr. Lehder introduced the next agenda item: Remote Board meeting participation. Mr. Kovats reviewed the May 5, 2022 memo circulated to the Board regarding setting policy for remote board participation. Mr. Lehder stated that he prefers for the Board to move to in-person meetings but hopes the Board members can participate remotely if needed. There was discussion of the positive and negative aspects of remote versus in-person meetings. Mr. Lehder proposed that the Board moves to live meetings. Mr. Olson agreed to contact the Borough regarding remote access options for participation in the Planning Board meetings.

MOTION by Ms. D'Angelo and second by Mr. Paolo to move to in-person meetings for the August 16, 2022 meeting, with the exception of Mr. Olson participating remotely.

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

Opposed: none

Mr. Rolff addressed the next agenda item: Approval of minutes from April 26, 2022 meeting. He requested comments from Board members. There were no comments.

MOTION by Mr. Rolff and second by Mr. Bordelon to approve the minutes from the April 26, 2022 meeting and Executive Session during the meeting on April 26, 2022.

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

Opposed: none

Mr. Kovats said that approval of the Board engineer contract would need to be tabled to the next meeting as the contract is not completed.

MOTION by Mr. Lehder and second by Mr. Bordelon to approve the resolution for award of contract of the Planner to Clarke, Caton and Hintz PC.

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

Opposed: none

The meeting was opened to the public. There were no comments from the public.

A motion was made to adjourn by Mr. Lehder that was carried by voice vote. The meeting was adjourned at 10:06 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 was sent to and published in the Asbury Park Press on February 2, 2022 and the Two River Times on February 3, 2022. 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. 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.

The Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) provides for the giving of notice by public bodies of the time, date and location of the meetings of such public bodies to be held during the year; and The Fair Haven Zoning Board of Adjustment has been invited to join the Fair Haven Planning Board at their regularly scheduled meeting of Tuesday, July 19, 2022 beginning at 7:30 p.m. to hold a discussion regarding Development and Land Use Ordinances and any other business that may come before the Boards. The meeting will take place via Zoom platform on the following date and time: TUESDAY, JULY 19, 2022 at 7:30 pm Formal action may be taken.