

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes

March 23, 2017

1. The meeting was called to order at 7:30 by Mr. Rue, Chair, with a reading of the Open Public Meetings Act statement, followed by the pledge to the flag.

2. ROLL CALL

Present: Mr. Banahan, Mrs. Dale, Mr. Ingle, Mr. Lehder, Mr. Marchese, Mr. Rice, Mrs. Flanagan, Mr. Rue

Absent: Mr. Hoffman, Mr. Folker, Mr. Lucas

Also Present: Mr. Kovats, Board Attorney, Mr. Gardella, Board Engineer, Mr. Sullivan, Board Planner

3. OLD BUSINESS

Wiehl – Request for extension of 190 days previously granted. Robert Curley, Esq. appearing on behalf of Mr. Wiehl noted that they currently have approvals from all of the required agencies. Delays have occurred due to changes in the mortgage and the need for HUD approval. The Wiehl's are requesting an extension to August 24, 2017 which is a year from the previous date of approval.

There were no questions or comments from the Board or the public.

MOTION made by Mr. Rice, second by Mrs. Flanagan, to grant an extension to August 24, 2017.

Mr. Marchese recused himself.

In Favor: Banahan, Dale, Ingle, Rice, Flanagan, Rue

Opposed: None

Abstained: Lehder

4. ADMINISTRATIVE ITEMS

Alana's Salon – Robert Swain, Esq. appearing on behalf of Alana Larson, stated they are requesting the correction of a Planning Board resolution from 2006.

Ex. A-1 – Letter from Mr. Swain, to Jim Moody, PB Attorney.

Mrs. Larson was sworn in. She said the services her salon provides include nail, pedicures, waxing, facial and hair. It was noted that she had described the services she intended to provide when applying for her change of use and while the minutes of the hearing mentioned that she discussed the services they were not specified. The resolution allows for a nail salon. Mr. Kovats noted that no appeal was filed at the time of the resolution. If the Board chose to treat this as a clerical error there can be a motion to amend the resolution.

MOTION made by Mrs. Dale, second by Mr. Rice to amend the resolution to allow for the services described by Mrs. Larson

In Favor: Banahan, Dale, Ingle, Marchese, Rice, Flanagan, Rue

Opposed: None

Abstained: Lehder

Proposed ordinance 2017-02 – changing definition of attic, habitable

Mr. Marchese stated that the change comes at the request of the construction department, bringing the two towns into conformity. Mr. Kovats stated that the Board needs to determine if the change is consistent with the Borough ordinances and Master Plan. Mr. Lehder asked Mr. Gardella if the change would eliminate some of the “wobble room”, and whether the change to 7’ eliminate concerns regarding ability to convert an attic to habitable space. Mr. Banahan stated that it would not eliminate the concern. The change is minimal, the language will match. Mr. Kovats was asked to notify the Council that the Board had no objection to the change.

MOTION made by Mr. Banahan, second by Mr. Rice, to approve the minutes of the February 7 meeting as presented.

In Favor: Mr. Banahan, Mrs. Dale, Mr. Rice, Mrs. Flanagan, Mr. Rue

Opposed: None

5. NEW BUSINESS

Fair Haven Retail, LLC. – 560 River Rd., Block 32, Lot 2, B-1 zone – Request for preliminary and final site plan approval – variances required for lot coverage, signage

The following were entered into evidence:

Ex. A-1 – application form

Ex. A-2 – site plan application to Monmouth County, dated 12/13/16, 6 pages

Ex. A-3 – application to Freehold Soil Comm.- 3 pages and copy of check

Ex. A-4 – photos from Dynamic Engineering – 4 pages

Ex. A-5 – Amended site plan with revision date 2/7/17 – 15 pages

Ex. A-6 – architectural plans prepared by MAI, dated 12/1/16 – 10 pages

Ex. PB 1 – photos and calculations prepared by Rutgers

Ex. PB 2 – CCH review letter dated 3/16/17

Ex. PB 3 – Gardella review letter dated 3/17/17

Ex. PB 4 – Gardella review letter dated 2/28/17

Ex. A-7 – Fair Haven Center handout – 4 pages

The Board has jurisdiction to hear the application.

MOTION made by Mr. Marchese, second by Mr. Rice to deem the application complete

In Favor: Mr. Banahan, Mrs. Dale, Mr. Ingle, Mr. Lehder, Mr. Marchese, Mr. Rice, Mrs. Flanagan, Mr. Rue

Opposed: None

Michael Bruno, Esq. appearing on behalf of the applicants stated that they are not asking for an expansion of stores but rather approval for signage, aesthetic improvements, and improvements in parking and drainage. Existing technical variances are not being expanded. Planning variances are sought for improvement.

Dan Hughes, Principal of Metro Commercial and Manager of Fair Haven Retail was sworn prior to the start of the meeting. He stated that the company acquired the center from the party that had owned it for 30 years. There are design flaws. They view the center as the focal point of the

commercial portion of town, as a neighborhood shopping center servicing the daily needs of the residents. They have negotiated a long term lease with the ownership of Acme, which was crucial. The next thing to address is deferred maintenance. The front parking lot is too small. The vision is to create a pathway and the plan is to cut the former Laird's in half, creating a pathway from rear to front lot, doubling the front car parking. Mr. Hughes noted that the center is not ADA compliant. Lairds is multilevel, Acme has not ADA bathrooms, needs new ceiling lighting. Mr. Hughes added that they are not trying to get people from 8 miles away. They are looking at businesses such as a bank, liquor store, salon, pharmacy, etc.

Robert Freud, 1904 Main St, Lake Como, previously sworn, described his experience and his credentials as a licensed Professional Engineer and Planner were accepted by the Board.

Ex. A-8- Aerial exhibit consisting of a colorized version of page 2 of the plans with zoning lines overlaid – dated 3/23/17. Mr. Freud described the site as approximately 4.36 acres, all permitted use. The lot is uniquely shaped with frontage on 4 roads but not rectangular. The site has 3 buildings and is broken into three areas, which makes parking difficult. There is some deficiency with stall depth in the front parking (69 spaces), building 3 (75 spaces), the largest problem is the 48 spaces behind the Acme. The parking facing Forman St has no landscaping for transition. Building 1 has 39 spaces. There is run-off into Forman St. The roof leaders are to grade.

When asked to address the challenges Mr. Freud stated it was having the building in the middle of the property and the Acme loading zone.

Ex. A-9 – Site plan rendering dated 3/23/17 – a color version of the Dynamic Engineering site plan with landscaping superimposed. An attempt was made to make parking and circulation as user friendly as possible. The area between the rear of Acme and Forman St. is the focal point of changes. The pavement is to be removed and the trees will remain, with ornamental greens added. A waiver is need for stacking of the bank drive-thru – 7 with the ability to bypass. In all, about 10 spaces will be gained. The amount of impervious coverage is reduced. The Smith St. roof leaders will go underground and the roof leader from Acme will be taken underground. The lighting will be non-glare and downward focused.

James McGillen, previously sworn, presented his credentials as a licensed Architect and was accepted by the Board.

Ex. A-10 – an undated overall plan of the buildings. Mr. McGillen noted that the original building was a mid-century modern shopping center. The plan is to take the metal siding off and paint the original brick white. Building 1 is a bad site for retail in terms of visibility. **Ex. A-11** – 6 photos of reclad structure. The pedestrian section is over 10' wide. **Ex. A-12** = Building 1 mansards removed, created series of facades.

In regard to signage the applicant wants the tenants to have back lit letters, to exceed the 30 sq. ft. limit for some of the larger stores. The plan would be to go up to 60 but staying within the 10% of the façade. They also want internally lit signs. The monument would be back lit or have the letters lit.

Mr. Lehder asked about the setback of the monument sign from River Rd and was told it was 10' from the sidewalk and 4' or 5' outside the sight triangle.

Mr. Sullivan questioned the distance from the driveway of the adjacent property. Mr. McGillen stated he did not have the figures but it wouldn't interfere. Mr. Sullivan noted it would be helpful to show the Board the difference between what is permitted and what is proposed.

Mrs. Dale stated that the monument sign identifies the business on the other side of the site. She questioned whether this was the appropriate spot or would it be better on the west side.

Mr. Freud responded to the recommendations in Mr. Gardella's review letter. Under design standards and Guidelines point #1 – not practical at this time. #3 – to be addressed with Acme. Under Improvement standards – Point #1 – variance requested – dedication or easement depends on lender. Point #2 – agree. Point #3- the proposed lighting is more compatible with the building, Point #4 – prefer to keep as is, needed for aisle width. Point #5 – minor deficiencies, looked at alternatives, would lose parking in front, design improvement balance with circulation and safety. Mr. Gardella stated he would like to see alternatives. He had originally wanted parallel parking at the River Rd. side of the lot. 90' parking would eliminate 5 spots facing River Rd. Point #6 – Can't say yes. Bruno stated they had already received County approval. Changes in parking could have consequences. Under general comments Point #1 – calculations will be provided. Point #2 – The Rutgers report will be reviewed. There will be improvements. Point #3 – will be enforced. Point #4 – Mr. Bruno stated this was a liability concern. It is a public area. His advice is not to agree.

Mr. Rue asked for clarification that the plan is amenable to Acme and was told that the current site plan is. Mr. Rue expressed concern that the passageway might become a hangout. Mr. Lehder noted the problems with the passageway at the Little Silver Acme.

Public Comments

Ruth Blaser, River Rd, asked if things could be simplified by putting rear doors on the stores. The response was that this could present security problems as well as problems with the layout of stores or restaurants. She asked if the lights would be on all night and were told that they would not.

Bonnie Moore, 96 Forman, asked where the 18 wheelers will enter. The response was they will enter the rear from Forman St and exit Forman or Cedar. She stated there is a safety issue with kids along the sidewalks. She likes the landscaping.

Brad Moore, 96 Forman, questioned the lighting, noting that lights installed by JCPL lit up his home. Will the lighting be overhead? They will point straight down. The illumination should be zero by the middle of Forman St.

There were no further comments from the public.

The Board decided that in view of the hour they would not begin hearing the applicant's response to the CCH review letter until the next meeting. This was agreed to by the applicant.

MOTION made by Mr. Rice, second by Mr. Marchese, to carry the application to the April 18 meeting with no need to renotece.

In Favor: Mr. Banahan, Mrs. Dale, Mr. Ingle, Mr. Lehder, Mr. Marchese, Mr. Rice, Mrs. Flanagan, Mr. Rue

Opposed: None

The applicant said they will take the Board's comments into consideration in modifying some minor design aspects and will return with the requested visual representation of the proposed signage.

MOTION to adjourn made and seconded and approved unanimously by voice vote.

Meeting adjourned at 10:10 PM.

Respectfully submitted,

Judy Fuller, Secretary