

BOROUGH OF FAIR HAVEN PLANNING BOARD
Regular Meeting Minutes – March 19, 2024

The meeting was called to order at 7:30 pm by Mr. Newell, acting Chairman, with a reading of the Open Public Meetings Act Statement (see attached) and salute to the flag.

Roll Call

Present: Bordelon, Busch, Koch, Newell, Anttonen, Bailey, Blecher
Absent: Paolo, Rolff, Anderson, Nitka

Also present, Mr. Doug Kovats, Esq., Board Attorney; Mr. Rich Gardella, Board Engineer; Mr. Michael Sullivan, CCH, Board Planner, Mr. Josh Halpern, Mayor.

Mr. Newell introduced the first agenda item under New Business: *Coar–65 Parker Avenue, Block 35 Lot 31, Zone R-5*

Minor subdivision of an existing residential lot to two lots with the existing home to remain.

Mr. Kovats swore in the following witnesses:

Mr. Michael Sullivan, CCH, Board Planner
Mr. Rich Gardella, Board Engineer
Mr. Scott Coar, Applicant
Mr. Brad Batcha, Esq., Applicant's Attorney

Mr. Kovats confirmed jurisdiction with the board secretary.

The Following exhibits were marked:

Exhibit A1 – Application, dated February 27, 2024
Exhibit A2 – Minor Subdivision Plan A, prepared by InSite Engineering, dated February 27, 2024
Exhibit A3 – Minor Subdivision Plan B, prepared by InSite Engineering, dated February 27, 2024
Exhibit PB 1 – Engineer's report, prepared by Rich Gardella, dated March 14, 2024
Exhibit PB 2 – Planner's report, prepared by Michael Sullivan, CCH, dated March 15, 2024
Exhibit A4 – InSite letter, dated March 18, 2024
Exhibit A5 – InSite Survey, dated January 22, 2024
Exhibit A6 – Arial photograph, dated March 19, 2024
Exhibit A7 - 4 photographs taken by the applicant

Mr. Kovats mentioned a letter that was sent to the Borough from a neighbor, Lila Vitale, dated March 19, 2024, stating her views on the application. She was unable to attend the meeting.

Mr. Kovats explained to the Board that the applicant was seeking a Minor Subdivision, and all aspects of the application were confirming. One issue being raised was the FAR relief. If that was necessary, the application would need to go before the Zoning Board. If the relief being sought was Maximum Floor Area Ratio, it would be a C variance and then could stay with the Planning Board.

Mr. Batcha reviewed the details of the application with the Board. He clarified that they would be seeking Plan A.

Mr. Coar addressed the Board and explained he had been able to buy the home from the original owner's estate and would like to keep the original home and build a second new home on the property.

Mr. Coar distributed and described Exhibit A7 – four photographs he had taken of the house. He explained that he wanted to make one modification to the house involving an adjustment to the porch. He proposed removing 1.3' of the side porch and adding a front door. By changing the front of the house to Smith Street they would be conforming to the front yard setback regulations.

Mr. Gardella confirmed that the plan being addressed is Plan A.

Mr. Hudak addressed the Board as the applicant's planner. He walked through the engineer's report for the Board stating that the intent was to change the front of the house to Smith Street, changing the address. He stated that new curbs and sidewalks would be installed, and all utilities would be underground. He added that the applicant would comply with all tree permits going forward.

Mr. Gardella asked Mr. Coar to explain about the tree and brush removal that had already occurred on the property without a permit.

Mr. Coar explained that it was done quickly in conjunction with the neighbor's brush clean up and removal of a fence along the property line and that the brush and trees were covered with large amounts of poison ivy. He said that the work was done last year and agreed that he would seek permits before any additional tree work is done.

Mr. Hudak addressed the old survey depicting an existing septic and drywell and stated that new drywells would be provided for each lot subject to the engineer's review. He also addressed the incorrect street address and the ownership of the various fences around the property as well as the remaining conditions listed in the engineer's letter and agreed to comply as indicated.

Mr. Coar asked about the upcoming milling and paving on Smith Street.

Mr. Gardella advised that if the subdivision gets approved, the applicant would need to comply with the street opening ordinance. He agreed to try to coordinate the schedule with the applicant. He stated that the water/sewer and gas for the new lot needs to be done before the milling and paving if possible.

Mr. Hudak addressed his letter dated March 18, 2024 (Exhibit A4) and addressed the FAR stating that the application would be conforming.

Mr. Sullivan asked the applicant to explain the proposal to change the primary entrance of the house to Smith Street to avoid needing a variance.

Mr. Coar explained that although the address would change, the front of the home on Parker would remain as original. He said he was considering changing the roof line on Smith Street to match the rest of the house but is open to keeping the house exactly as original.

The Board and the applicant's professionals discussed where the front of the house would remain, on Smith or Parker. If it changes to Smith, it will be encroaching on the front yard setback and require a variance.

Mr. Hudak proceeded with his testimony stating that two variances are being sought: floor area "cap" and rear yard setback. He noted that there would be two conforming lots with the original house to remain. The east side of the original lot will become the rear lot line. He then argued the reasoning for both the C1 and the C2 variances.

Mr. Sullivan asked about the size of the existing lot in relation to the other lots in the neighborhood.

Mr. Hudak confirmed that it was about twice the size and that the new home would be in keeping with the neighborhood. He also noted that the applicant would be willing to add trees to the property if required.

The board and the professionals discussed the removal and replacement of trees on the property. The two trees of concern were a 16" sycamore and a 42" oak tree. Mr. Sullivan recommended that the sycamore be kept as a condition of approval.

Mrs. Koch expressed her concern about the trees that were removed and explained that the Planning Board does not have jurisdiction to grant approval for removing trees. The applicant agreed that he would proceed with the proper tree permitting.

Mr. Bordelon expressed his concern about the need for drywells on both properties.

The board members discussed the ownership of the fences on the property. They also discussed the placement of the side yard property line. Some members felt that there should be more room between the original home and the proposed new home.

Mrs. Koch stated that she would like to see the maximum side yard maintained on the corner lot.

Mr. Newell asked if there were any comments from the public.

Mr. Brad Moore, 102 Parker Avenue, expressed concern about the proposed lot width of the interior lot.

Mr. Josh Halpern, Mayor, expressed concern about the trees that had already been cut down and those that are proposed to be removed. He made clear that the Borough ordinance regarding tree removal and replacement will need to be adhered to by the applicant moving forward with development of the interior lot.

The Board and professionals had additional conversation about the importance of proper tree removal and replacement.

Mr. Kovats reviewed additional omitted questions by way of proofs with the applicant's attorney including public utilities, grading plans, site drainage, etc. and then highlight the variances being sought.

Mrs. Koch raised the issue of the placement of the lot line between the corner and the interior lot. The Board and professionals discussed at length the pros and cons of the placement of the lot line, the streetscape on Smith Street, and the tree concerns.

Mrs. Anttonen stated her concerns about the replanting of trees on both properties.

Mr. Coar described his experience of building a house on a small lot with 50' frontage and it being difficult. He stated that he would prefer to keep a balance between the two lots but would be willing to do 56' lot frontage on the interior lot.

Mr. Kovats reviewed the application modifications that would be put forth in the resolution including changing the lot frontage to 79' on the corner lot and 56' on the interior lot. He stated that the resolution would still include variance relief on the front yard setback and the floor area "cap" for the corner lot as originally requested.

MOTION by Mr. Newell and second by Mrs. Koch to *approve the application for Minor Subdivision - Coar 65 Parker Ave., Block 35 Lot 31.*

In favor:	Bordelon, Busch, Newell, Bailey, Bletcher
Opposed:	Koch, Anttonen
Abstain:	none
Absent:	Rolf, Paolo, Anderson, Nitka

Administrative Items

Mr. Newell introduced *the first agenda item – approval of minutes from January 16, 2024.*

MOTION by Mrs. Koch and second by Mr. Newell to approve the January 16, 2024, meeting minutes.

In favor:	Busch, Koch, Newell, Anttonen, Bailey, Bletcher
Opposed:	None
Abstain:	Bordelon
Absent:	Rolf, Paolo, Anderson, Nitka

Mr. Newell introduced *the next agenda item – approval of executive minutes from January 16, 2024.*

MOTION by Mrs. Koch and second by Mrs. Anttonen to approve the January 16, 2024, meeting minutes.

In favor: Busch, Koch, Newell, Anttonen, Bailey, Bletcher
Opposed: None
Abstain: Bordelon
Absent: Rolf, Paolo, Anderson, Nitka

Mr. Newell introduced *the next agenda item – Resolution authorizing a contract for the Board Attorney and Board Planner for 2024.*

MOTION by Mrs. Koch and second by Mr. Newell to approve the resolution authorizing a contract for the Board Attorney and Board Planner.

In favor: Bordelon, Busch, Koch, Newell, Anttonen, Bailey, Bletcher
Opposed: None
Abstain: None
Absent: Rolf, Paolo, Anderson, Nitka

Mr. Newell asked if there were any comments from the public. There were none.

MOTION to adjourn was made by Mr. Newell that was carried by voice at 9:53 PM.

Respectfully submitted,

Sheilah Olson
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 past 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 the Two River Times on February 9, 2023. 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.