

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes

April 16, 2019

1. The meeting was called to order at 7:33 by Mr. Lehder, Chair, with a reading of the Open Public Meetings Act statement and pledge to the flag.

2. ROLL CALL

Present: Mr. Borneo, Mr. Rice, Mr. Rolff, Mr. Bordelon, Mr. Ingle, Mrs. Koch, Mr. Newell, Mr. Sobel, Mr. Lehder

Absent: Mr. Folker, Mr. Criscola (Arrived at 7:36)

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

3. NEW BUSINESS

68 Forman, LLC. – 68 Forman, Block 35, Lot 1, B2 zone – Application for change in use
Mr. Rice recused himself and left the dais.

The following were entered into evidence by Mr. Kovats: **A-1** – letter from Brooks Von Arx, Esq. to Zoning Officer dated 2/6/19; **A-2** – zoning permit application dated 2/7/19; **A-3** – Zoning Officer's letter of denial dated 2/13/19; **A-4** –Architectural drawings prepared by Shissias Design & Development, dated 2/20/19, consisting of 5 sheets; **A-5** – Application to the Planning Board dated 2/27/19; **A-6** – letter from Mr. Von Arx to Mr. Gardella and Mr. Poruchynsky, ZO. Dated 3/8/19; **A-7** – Undated note from Mr. Von Arx, undated; **PB1**- Completeness report prepared by Mr. Gardella, dated 4/9/19, **PB-2** – Review letter prepared by Mr. Gardella, dated 4/16/19; and **PB-3** – Review letter prepared by Elena Gable, HGA dated 4/11/19.

Mr. Criscola arrived at 7:36 and joined the dais.

Brooks Von Arx announced his appearance on behalf of Sean Furman for 68 Forman LLC. He described the building which has been purchased recently. Renovations have begun. The application is to change the use from psychotherapy offices to an IT consulting business. He described the business as involving in house applications with few visitations. They are proposing 5 parking spaces, plus two overflow spots. Work on a new roof began but because of a proposed change in shape a portion remains under a tarp, pending approval. Sean Furman was sworn. He stated he is the sole member of the LLC.

Alec Shiassias, Shissias Design, was sworn in. His credentials as a licensed landscape architect and licensed architect were accepted by the Board. He stated he was hired to renovate the property. The interior was dated and they wanted the exterior to be more aesthetically pleasing, more pseudo-residential. **Ex. A-8** – is a color rendering of sheet 102 of Ex. A-4 with markings illustrating the roof line. He stated the footprint and overhang are not being increased but mass is added. The ridge is continuing to the front of the building. Mr. Lehder asked if the

existing height of the building was a pre-existing nonconformity since exacerbating it would require a variance. Mr. Shissias stated the height would not be increase, it is just being filled in. He said it is being extended for better architecture. No new porches are planned.

Mr. Borderlon questioned whether there was anything in the previous approval regarding a reason for the gap and was told there was not. Over the door is a matching 20" overhang, which is being changed but not increased. The final ridge height stays the same. The current lot coverage is 68%. This will be reduced to about 63%.

Mr. Shissias went on to the HGA review letter. A 5' buffer of arbor vitae of 6' height would provide a good screen. The 5 spaces for parking would conform and an additional 2 could be added with a variance. There was no delineation of parking places when the building was purchased. There is no provision for an ADA space. The funds required by federal law for accessibility were used for indoor space, such as doorways and bathrooms. Mr. Gardella recommended removal of the apron which would open up spaces on Smith St. and eliminate need for 2 spots on the property. The applicant agreed to this. Parking is primarily for employees, there are few client visits. Some barrier walls will be reconfigured. There is no plan for bumpers and striping, just gravel. The applicant will comply with the ordinance regarding street trees but has no specific plans. Ms. Gabel reviewed the ordinance. Mr. Von Arx said the trees could be put on Forman St. but Mr. Gardella noted the sight triangle. There will be 3 trees. The Planner is not recommending a specific type. Mr. Gardella recommended specifying the caliper of 2 ½" to 3" rather than height, maple or an equivalent. The positions for placement were marked on ex. A-8. Ms. Gable stated that since the buffer is expanded beyond the recommendations of the architect that instead of arbor vitae for screening there should be more decorative shrubs.

Question was raised regarding who the parking would work. Could the buffer be reduced to allow for more room to turn cars? The architect reviewed the existing site plan and the measurements along Smith and Forman St. and there was discussion about various possibilities. Mr. Borneo asked about usage and was told that most of the parking was for full day, not coming and going.

Mr. Sobel left the dais at 8:35

Returning to the HGA review, there will be no monument sign; signage will be on the building only. The chain link fence will remain and will be blocked by arbor vitae. The cellar will remain unfinished.

Mr. Gardella's review identified 3 variances and waivers. Item 2 - The applicant agreed to remove the secondary driveway access. There will be handrails on the steps into the building.

Mr. Sobel returned to the dais at 8:40.

3 – applicant agrees to remove and replace apron. 4 - addressed

5 – plan to maintain gutters and downspouts, applicant agrees to install small drywell

6 – refuse/recycling to be placed by the neighbor's fence – Mr. Gardella thinks this is adequate.
7 – The rear entrance will be the main entrance. 8 – There is no plan for an ADA parking spot.
Mr. Bordelon noted that ADA refers to free open employment opportunities, but given the existing site, what is reasonable? 9 – addressed 10 – lighting will be wall pack with cut off.
11- Board is seeking approval 12- electric service has already been done.

A C variance is required for the front yard setback. Waivers are needed for the site plan, the residential buffer (25'), 10' parking buffer and ADA parking. Mr. Von Arx reviewed the agreements made 1- the applicant is willing to give up 2 parking spaces on Smith Street
2 - would move the parking 5' if the Board wanted it 3 - will install a drywell, 4 – plant three trees, 5 – remove the curb, 6- renovate the sidewalk and apron, 7 – remove the bush from the sight triangle, sight triangle easement, 8 – no monument sign, 9 – relocate the refuse area. Mr. Von Arx asked the Board if they could address the need to close off the roof and was told he would need to discuss this with the Zoning Officer.

Mr. Newell said he was ok with the site, the roof plan and the waiver for the ADA parking spot. He thinks the extra two parking spaces should be eliminated.

Mr. Sobel doesn't think the Board can waive the ADA requirements. He is ok with the federal requirements for internal changes but thinks the applicant needs a variance, not a waiver, for the parking.

Mr. Criscola stated the improvements are even. The additional 5' buffer is not needed.

Mr. Gardella said if the 2 parking spots were gone the parking can be pushed 10' with something between the gravel and the sidewalk. Adding too much can create problems and adding something just takes away from parking room.

Mr. Kovats addressed the proofs for the C2 –hardship variance.

Mr. Criscola stated he thought the plans represented an improvement.

Mr. Bordelon stated he liked the trade-off of the gravel lot and the drywell.

MOTION by Mr. Sobel, second by Mr. Newell to approve the application with the conditions specified.

In Favor: Bordelon, Borneo, Koch, Newell, Sobel, Rolff, Criscola, Lehder

Opposed: None

There were no public comments.

MOTION Sobel, second Koch, to approve the minutes of the March meeting

In Favor: Bordelon, Borneo, Koch, Newell, Sobel, Rolff, Lehder

Opposed: None

Mr. Lehder stated that there are occasions calling for the Board to have informal meetings. Mr. Kovats explained the nature of informal reviews – they are technical, advisory only and not binding. They can be standing or ad hoc committees. Mr. Gardella stated that in the past they have encouraged meetings with the applicant's professionals.

The subcommittee formed will consist of Mr. Criscola, Mr. Sobel, Mr. Newell and Mr. Rolff.

Mr. Kovats suggested the Board have a brief workshop meeting at the start of Board meetings, giving a brief summary of the applications to be heard. There was discussion regarding the procedure. Applications will continue to go to the Board Secretary first. In discussion with Mr. Gardella a determination will be made whether the sub-committee is needed.

Mr. Lehder noted that there are several matters that will be coming to the Board and the Board will need to consider whether two meetings/month are needed.

Motion to adjourn made, seconded and approved unanimously by voice vote.

Meeting adjourned at 10:40 PM.

Respectfully submitted,
Judy Fuller,
Board Secretary