

BOROUGH OF FAIR HAVEN PLANNING BOARD

Regular Meeting Minutes

April 18, 2017

1. The meeting was called to order at 7:32 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: Mrs. Dale, Mr. Folker, Mr. Ingle, Mr. Lucas, Mr. Marchese, Mr. Rue

Absent: Mr. Banahan (arr. 8:12), Mr. Lehder (arr. 7:25), Mr. Rice, Mrs. Flanagan, Mr. Hoffman,

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

3. ADMINISTRATIVE ITEMS

MOTION Marchese, second Dale to approve the Larson resolution

In Favor: Dale, Ingle, Marchese, Rue

Opposed: None

MOTION Dale, second Ingle to pass the Wiehl resolution

In Favor: Dale, Ingle, Rue

Opposed: None

Abstained: Marchese

Mr. Lehder arrived at 7:25 and joined the dais.

MOTION Marchese, second Dale, to approve the minutes of the March 23, 2017 meeting as amended.

In Favor: Dale, Ingle, Lehder, Marchese, Rue

4. CORRESPONDANCE

Mr. Rue read a letter from Brooks Von Arx, attorney for the Laval subdivision application requesting an extension in time for the filing of Perfection of Deed because additional information was needed. Mr. Gardella requested that the information be submitted to him prior to the deadline.

5. OLD 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

Michael Bruno, attorney for the applicant noted that the previous meeting had ended before beginning the CCH review letter, with letter and signage also needing to be discussed tonight.

The following were entered into exhibit: **A-13** – letter from Mr. Freud dated 4/7/17, **A-5A** – amended site plan, rev. 4/6/17, **PB 2A** –review letter from CCH dated 4/17/17, **A-7A** – FH Center, with façade elevations, **A-14** – site plan rendering revised 4/18/17.

Mr. Freud, previously sworn, noted that they have met with the Planner and taken their comments into consideration. The sign has been moved back and attached to the building to eliminate sight line concerns. A bike rack has been added in the rear, landscaping added to the area near the fencing. To the east an island was added to provide guidance to trucks and will provide separation from loading and pedestrians. To the west, trees were added to the landscaped island. Screening along Forman Street will include evergreen shrubbery that will provide headlight screening. Mr. Freud noted the current lighting is floodlight driven. This will be removed, reducing the amount of illumination.

Mr. Bruno asked Mr. Freud to address the variances, stating that there were no new ones. Mr. Freud said the maximum lot coverage is to be reduced from 96% to 91.1%. The front yard setback has not been modified, variances are need for front yard setbacks to River Rd (Laird's portion), Cedar Ave, variances for combined side yard setback (no change), front yard setback to Forman St, no change but pavement to be removed. Waivers are requested for bank cueing, lighting in neighboring yards, front drive aisle width (existing, with no ability to improve), and barrier free parking (complies with national ADA standards but not Borough's).

A question was raised regarding sheet 15 on the plans. Mr. Freud stated he used conservative computer modeling which indicates a truck is able to maneuver and the islands won't impede the trucks. Mr. Kovats questions the construction detail for the islands and was told it would be standard 6" curbs.

Ms. Lelie noted other waivers are needed: for the existing side yard setback (zero) on River Rd. She questioned the design for the buffer. Mr. Freud stated they were proposing lower than the 8' recommended and requested a waiver. He stated there are adding 5% throughout the site. There are 3 existing shade trees and 7 new ones are proposed, a waiver is needed. A waiver is needed for the parking curbs facing Forman. Mr. Freud stated they are not full height to allow water to be absorbed by landscaping. Sidewalks are not proposed. Waiver needed for overall average illumination of the site. Mr. Freud stated that it would meet the average if the ATM lighting was not counted.

Mr. Banahan arrived at 8:12 PM. And joined the dais.

90% of the landscaping plan now conforms to the CCH recommendation. The new plant list is an improvement. The applicant has no problem with conforming.

There was discussion regarding access to the site from Forman St. It was said one can't assume pedestrians coming from Forman will enter Acme on Smith St; they do not want to extend the existing sidewalk. Mr. Rue mentioned Acme's right of refusal and Mr. Bruno stated that Acme has an agreement regarding the parking but not the landscaping.

Mr. McGillin, previously sworn, discussed his plans. He noted the uniqueness of the site due to the size and retail set-back from River Road. There are 8,000 sq. ft. of retail not visible from River Rd. He looked at locating the monument sign but there are already two other signs there as well as existing vegetation. The sign he is proposing is attached and more architecturally integrated. **Ex. A-15** – plan showing monument sign. Mr. McGillin stated the sign is the same size as the original proposal but it is moved back 10' and integrated. It would have back lit letters on a white background. (12.4' x 12' overall, 8'2" x 7'6" without the masonry). Ms. Lelie stated it doesn't fit with the definitions, need sign setback, would need a variance. Mr. McGillin stated the size is appropriate and is an effort to identify businesses in the rear.

Dan Hughes, previously sworn, spoke to the issue of the sign placement. He said the visibility was needed to attract tenants and to remind tenants of the existence of the retail in the rear. He views elevated signs as ugly and feels their design is more attractive. Mr. Lehder expressed concern, stated the issue was safety, not appearance. Mr. Banahan agreed. Mr. Freud stated he did not see the sight line as being a safety issue.

Mr. Bruno noted there are 4 areas of relief- the free standing sign, internally illuminated, the size of the signs. They are looking for a formula for signs so new tenants do not have to re-apply. **Ex. A-16** – façade renovation – shows 2 designs which would allow for more creativity. **Ex. A-17** – colorized version of façade renovation plan. There are no box signs, individual letters are used which can be internally lit or back lit. It was said that the signs enhance and reinforce the architecture and the overall impact is positive. The integrated sign was an attempt to meet concerns. Ms. Lelie said there was a need to understand where the 60% sits and suggested using measurements in addition to the percentage of space.

There was discussion regarding the signs. Mr. Kovats suggested that if the Board was comfortable with the concept they can make it a condition of their approval that the applicant will meet with the design group.

Returned to the CCH review letter, there was further discussion regarding the sidewalk on the corner of Smith and Forman. Mr. Freud stated that they believed the lighting was appropriate and safe but will try to improve.

Mr. Bruno mentioned the concept of logos and noted there was no consensus regarding the monument sign. He suggested the Board approve the application and allow them to return with an alternate design.

Public Comment

Ruth Blaser, River Rd, stated that she thought 30' was sufficient for a sign. She asked if Acme would be going dark at any hour and Mr. Hughes said that the lights are generally turned off about one hour after closing. She went on to say she thinks the sidewalk is a necessity. She asked about the status of the trees and brick wall in front of Acme and was told that is the property of the Borough. She added that shade trees block signs. There were no further comments from the public.

Mr. McGillin suggested raising the sign 6' from the lowest point of ground and use a black column as a post. It would be 4'6" wide.

There was discussion regarding whether or not to bifurcate the vote. **Ex. A-18** – a variance list was distributed. Mr. Kovats reviewed the contents and conditions of the resolution, including compliance with the Planner's letter.

MOTION Banahan, second Marchese, to approve the application of Fair Haven Retail with the conditions as outlined by Mr. Kovats.

In Favor: Banahan, Folker, Ingle, Lehder, Lucas, Marchese, Rue

Opposed: Dale

Mr. Rue announced that the Board would meet on April 27.

There were no comments from the Public.

MOTION to adjourn made by Mr. Lucas, and second by Mr. Lehder and approved unanimously by voice vote.

Meeting adjourned at 10:44 PM.

Respectfully submitted,

Judy Fuller, Secretary