

BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2019-12

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF
MONMOUTH AMENDING THE FAIR HAVE BOROUGH CODE, CHAPTER 30, LAND USE
DEVELOPMENT REGULATIONS, SECTION 30-3.15, FOR THE CREATION OF THE TECHNICAL
AND DESIGN REVIEW COMMITTEE

BE IT ORDAINED by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey, as follows:

I.

The purpose of this Ordinance is to amend Chapter 30, Section 30-3.15, for the creation of the Technical and Design Review Committee.

NOTE: The section of Chapter 30 that is to be amended by the Ordinance creates a new section. All additions are shown in *bold italics with underlines*. The deletions are shown as ~~*strikeovers in bold italics*~~.

II.

30-3.15.1 Establishment and Purpose.

The Technical and Design Review Committee is established for the purpose of reviewing applications for development on any municipally owned property or with respect to any other proposed development on commercially zoned property in or about the Borough's downtown, and to provide recommendations and technical assistance to the Mayor and Council and the Planning Board regarding the architectural and engineering design of the proposed development, and to ensure to the largest extent practicable that said designs are consistent with the intent, purpose, meaning and spirit of the master plan, and any reexamination report thereof.

30-3.15.2 Permanent Members.

The Technical and Design Review Committee shall consist of four (4) members, who shall have the following qualifications:

- a. A Council member serving on the Planning Board;*
- b. The Chairperson of the Planning Board or his designee;*
- c. The Planning Board engineer or his designee; and*
- d. The Borough's Director of Code Enforcement.*

30-3.15.3 Technical Element Subcommittee.

The Technical and Design Review Committee shall be assisted on each application by a Technical Element Subcommittee, who shall review each detailed concept plan and site plan application and shall provide their comments in writing to the full Technical Design and Review Committee. The members of the Technical Element Subcommittee shall consist of the following:

- a. The Borough's Fire Department Administrator, who shall provide comments and recommendations regarding the prevention code issues and accessibility by the fire equipment.*

- b. Representatives of the Borough's Public Works Department, who shall provide comments and recommendations regarding public spaces, landscaping, sanitation, drainage, and water/sewer utility access.
- c. Such additional members as the Mayor and Council may designate from time to time by resolution; and
- d. The Borough's Director of Code Enforcement shall serve as the Chairman of the Technical Element Subcommittee, but shall be entitled to vote on the comments and recommendations of the Technical Element Subcommittee only in the event of a tie.

30-3.15.4 Appointments.

Members of the Technical Design and Review Committee and Subcommittees who are not designated by virtue of their position or title, shall be appointed by the Mayor with the advice and consent of the Borough Council and shall serve for a term of one (1) year. Prior to commencing service, all members of the Technical Design and Review Committee and its Subcommittees shall certify that they have read and are familiar with the Borough's Master Plan, and the subsequent reexamination report thereof.

30-3.15.5 Scope of Review.

The Technical and Design Review Committee shall serve in an advisory and screening capacity and shall review and make comments and recommendations with respect to all detailed concept plans submitted to the Mayor and Council and all site plans submitted to the Planning Board relating to proposed redevelopments on municipally owned property, or on any other commercially zoned property in the Borough's downtown. The Technical and Design Review Committee shall not impose standards or technical or design requirements that will infringe upon the marketability or economic feasibility of a project, except in compliance with such design guidelines as may be adopted from time to time by the Mayor and Council. The scope and extent of the review engaged in by the Technical Design and Review Committee and its subcommittees, if any, shall be proportionate to the nature and extent of the proposed development, it being understood that smaller projects will be subjected to less extensive technical review and comments than larger projects involving greater bulk and potential impact on the Borough and its infrastructure.

30-3.15.6 Procedure for Review and Comment.

The Technical and Design Review Committee and the Technical Element Subcommittee shall establish uniform procedures for the sharing of information and plans, relating to proposed developments subject to this subsection, and the reporting of the Committee's comments and recommendations relating to the proposed development to the Mayor and Council in the case of detailed concept plans and to the Planning Board in the case of site plans. Nothing contained herein shall preclude the Mayor and Council from conducting its review of a detailed concept plan simultaneously or in conjunction with the review of the plan by the Technical and Design Review Committee. The Technical and Design Review Committee shall complete its review of proposed site plans prior to the submission of the site plan to the members of the Planning Board and its written comments and recommendations shall be submitted to the Planning Board members at least ten (10) days prior to the Planning Board's hearing with respect to the proposed redevelopment.

30-3.15.7 Meetings.

The Technical and Design Review Committee, and the Design Element Subcommittee and Technical Element Subcommittee shall meet as often as necessary so as not to delay any application or project. A quorum based upon physical attendance of members shall not be required for the conduct of meetings or votes by the Technical and Design Review Committee or its Subcommittees. While physical meetings are preferred, the Technical and Design Review Committee and the Subcommittees are authorized to rely upon non-contemporaneous written, telephonic or other electronic communications of the respective members in reaching a consensus and voting upon the recommendations and comments to be submitted to the Mayor and Council and/or the Planning Board pursuant to this subsection. Nothing contained herein shall be construed to prevent one (1) or more members from submitting a minority report expressing why he, she or they disagree with the consensus recommendations and/or comments reached by the majority. The Borough Administrator or his or her designee, shall act as the liaison between the Borough Council and the Technical and Design Review Committee and its Subcommittees.

30-3.15.8 Escrow.

The escrow fee provisions applicable to applications for development in the Borough shall be applicable to all projects required to be reviewed by the Technical and Design Review Committee and the Borough shall be entitled to deduct from the said escrow the amount of reasonable fees and expenses charged by the Planning Board's engineer in conducting the review.

STATEMENT OF PURPOSE

The amendments proposed are to create a Technical and Design Review Committee established for the purpose of reviewing applications for the development on any municipally owned property or with respect to any other proposed development on commercially zoned property in and about the Borough's Downtown, and to provide recommendations and technical assistance to Mayor and Council and the Planning Board regarding the architectural engineering design of the proposed development.


Introduced: 10/28/2019

Adopted: 12/16/2019

ATTEST:


ALLYSON M. CINQUEGRANA, RMC/CMR
BOROUGH CLERK

APPROVE:


BENJAMIN J. LUCARELLI
MAYOR