

BOROUGH OF FAIR HAVEN

748 River Road



New Jersey 07704

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June 18, 2020

Borough of Fair Haven
748 River Road
Fair Haven, NJ 07704

Attn.: Jennifer Johnson, Planning Board Secretary

**Re: Completeness Review #4
Amended Minor Site Plan
River Road 756 LLC (China Closet)
756 River Road
Block: 52, Lot (s): 1**

Dear Ms. Johnson:

As you are aware, a review of the Planning Board application and associated documents was completed by my office on 09/25/2018, 07/23/2019, and 04/24/2020 for the above referenced matter that was filed with the Borough. Based on review of the site plan, last revised 03/05/2020 and re-review of the documents, I offer the following:

1. Item 5 (Property Information) of the application is regarding restrictions, easements, association by-laws, existing or proposed on the property. The Applicant stated "No, none shown on survey". However, there is an existing utility pole and overhead wires within the property. Clarification shall be provided. ***The plans have been updated to depict the overhead wires and utility pole. It does not appear there is an easement with the utility company.***
2. As per Item 11 (Application represents a request for the following) of the application, the Applicant is requesting "Amendment or Revisions to an Approved Site Plan" and specified "Area to be disturbed is 0 square feet". The Applicant shall provide a copy of the prior approved site plan. My understanding is that Elizabeth Waterbury was the design engineer. The Borough has a copy of the Resolution that was adopted by the Planning Board on 01/11/2000. ***The Borough met with the applicant and his attorney. They provided a site plan, that the County had on file.***
3. Item 12 (Section(s) of ordinance from which a variance if requested) of the application states "N/A". The site plan indicates a 5' high PVC board on board fence, to be located in the front yard. This proposed fence will require a variance. ***The revised site plan indicates a proposed 4' high fence. This height exceeds Borough ordinance. Therefore, a variance is required.***
4. Item 13 (Waivers Requested) of the application states "N/A". This is inconsistent with the checklist, which outlines several waivers requested. The Applicant shall provide a written explanation for all waivers requested. ***Complete.***

5. Item 24 (Certification from Tax Collector) of the application is not addressed. The Applicant's Attorney sent a letter to the Borough on 08/30/2018 requesting certification for the status of payment of property taxes and other municipal charges. Provide clarification if this document has been received. **Received.**

6. The following comments pertain to review of the application checklist:
 - a. The Applicant shall outline all waivers requested, including a statement outlining each waiver request. If an item is considered to be "not applicable" by the Applicant, a waiver request should be made. **Complete.**
 - b. Provide a copy of the completed Escrow Agreement. **Received.**
 - c. A form letter dated 08/30/2018 from the Applicant's Attorney was sent to the tax collector requesting a certified list of property owners within 200'. The site plan indicates "To Be Obtained" and the checklist states "complies". The Applicant shall update status as appropriate. **Complete.**
 - d. Since the subject property is located on River Road (County Route 10), the Applicant shall make application to the Monmouth County Planning Board. It is recommended a waiver not be granted for this requirement. **Complete.**
 - e. A signed/sealed copy of the property survey prepared by Morgan Engineering & Surveying, dated 08/15/2017 shall be submitted by the Applicant. **The applicant's engineer provided a plan entitled "Existing Conditions Plan".**
 - f. The Applicant needs to provide a status (complies or waiver) for all items in the checklist pertaining to a minor site plan. **Complete.**

7. The following comments are based on review of the property file, site plan, and site visit:
 - a. The Zoning Table indicates the existing and proposed building is 1 story, but it is a 2-story building. The Applicant's Engineer shall revise the plan and include the actual height of the existing structure. **The site plan has been revised.**
 - b. The Applicant's Engineer shall revise the plan to include the 200' adjacent owners. It currently states "To Be Obtained". **The plan has been updated.**
 - c. The Applicant's Engineer shall revise the title of the plan to state "Amended Minor Site Plan". **The site plan has been revised.**
 - d. General Note #11 on the plan states "Adjacent property lines and right of way lines are shown graphically, are taken from available tax map data, and are for informational purposes only". However, General Note #3 indicates the outbound and existing conditions depicted are taken from the Survey of Property. The Applicant's Engineer shall provide clarification. **The site plan has been revised.**
 - e. General Note #13 on the plan states "Driveway locations are subject to change...". The Applicant's Engineer shall provide clarification. **The site plan has been revised.**
 - f. General Note #16 on the plan states "This plan is for change of use and building improvement purposes only. No other improvements are proposed at this time". This differs from prior correspondence and meetings with the Applicant, Applicant's Attorney, and the Borough regarding this application. **The site plan has been revised.**
 - g. The "Existing Conditions Plan", sheet 2 of 3 does not depict as-built conditions. At a minimum, the following shall be addressed by the Applicant's Engineer:
 - 1) Driveway widths.
 - 2) Circulation.
 - 3) Landscaping.
 - 4) Building dimensions.

- 5) Refuse area.
- 6) Encroachments.
- 7) ADA parking.
- 8) Signage.
- 9) Site lighting.
- 10) Easements.

The plan has been revised.

8. The following items need to be addressed by the Applicant and/or their Licensed Professionals:
- a. The plans indicate “Light Pole (typ.)”, but do not exist. Site lighting appears to be deficient. ***The applicant shall rely on their engineer to review and provide testimony.***
 - b. The “Proposed Improvement Plan” does not address the items outlined in the Zoning Officer’s letter of 01/09/2018 (see attached). ***Complete.***
 - c. It was noted during a site visit that signs were installed without prior approval that indicate “Parking for China Closet & Home Furnishings Only – Others will be Towed Quickly” and “Parking for the China Closet & Home Furnishings”. ***The signs have been removed.***
 - d. The brick walk on the east side of the building is not ADA compliant. ***The applicant shall request their engineer to review and provide testimony.***
 - e. The brick sidewalk on Fair Haven Road does is not of proper width, especially at the utility pole south of the site driveway. ***The applicant shall request their engineer to review and provide testimony.***
 - f. There are two (2) trash and two (2) recycling containers stored near the AC condensers. ***The revised site plan indicates a proposed 4’ high fence. This height exceeds Borough ordinance. Therefore, a variance is required.***
 - g. The AC condensers are located in the front yard. The existing fencing has been removed. ***The revised site plan indicates a proposed 4’ high fence. This height exceeds Borough ordinance. Therefore, a variance is required.***
 - h. The landscaping in the front yard has been removed and replaced without prior approval. It appears the applicant removed the landscape ties at the back of sidewalk that was installed as part of the River Road Streetscape project. ***Landscaping has since been installed.***
 - i. The trees within the site need to be trimmed and elevated to allow for vehicular and pedestrian clearances. ***A note has been added to the site plan.***

Based on review of all the documents, I recommend this application be deemed **COMPLETE** and scheduled for the next available Planning Board Meeting.

Very truly yours,



Richard Gardella, PE, PP, CME, CPWM
Director of Engineering and Public Works

cc: Douglas Kovats, Esq., Planning Board Attorney
Todd Lehder, Planning Board Chair
Rick Brodsky, Esq., Applicant’s Attorney