

FAIR HAVEN ZONING BOARD OF ADJUSTMENT Regular Meeting Minutes – November 2, 2023
7:15 pm

The meeting was called to order at 7:16 pm by Mr. Lehder, Chairman, with the reading of the Open Public Meetings Act Statement (below).

Roll Call:

Present: Forte, Ridgeway, Schiavetti and Lehder
Absent: Neczesny, Laufer, Ryan, Kinsella, D'Angelo
Also Present: Mr. Kovats, Board Attorney; Mr. Jordan Rizzo, Board Engineer,
Councilman LaBarbera

Mr. Lehder led the Salute to the Flag and introduced the first agenda item:

Old Business

There was no old business brought before the Board.

New Business

Mr. Lehder stated that the Board was ready to proceed with the discussion of the proposed Draft Storm Drainage Facilities.

Mr. LaBarbera introduced the Storm Drainage Facilities Ordinance Draft. He thanked the board for adding the matter to the agenda. He stated that he would like to maintain the momentum of the last couple months which included riparian discussions and subsequent adoption. There was discussion regarding the DEP regulations and that the new ordinance would replace the old and be in line with current standards.

Mr. Rizzo clarified that regarding the Riparian Ordinance the role of the Borough was not to enforce and that DEP standards would be followed.

Mr. LaBarbera introduced the discussion regarding storm drainage. Guidelines exist for new construction but not for renovations/additions. He has had discussions with Mr. Rizzo as well as Mr. Poruchynsky and Mr. Mule in the Engineering/Zoning Office and Mr. Lehder looking for their input on this matter. The consensus is that it is something that's needed. The intention of the document is to take all the feedback and discussion on the matter and give it to legal to create an ordinance. Mr. LaBarbera stated that his intent is to seek the input of the Zoning Board and be sure nothing is misrepresented on his end.

The board reviewed the draft. Mr. Lehder sent a marked up copy via email. Mr. Forte asked about renovations including roof replacement and would that be considered a renovation. The board discussed the issue of how to define a renovation. Mr. Forte stated that he does not think that roof replacement should be considered a renovation as it could affect impervious surfaces not being worked on.

Mr. LaBarbera explained that these types of ordinances evolve over time and that we should start small because we do not want residents to incur ridiculous costs or complicate the process. We should start with non-new construction projects and evolve from there.

Mr. Schiavetti questioned whether gutting a house without changing the footprint or any impervious surfaces would affect the storm water issue.

Mr. LaBarbera referred to #2 on the draft which addresses the attempt to standardize zones and if it creates friction. Pre-existing non-conforming may need to be addressed. Mr. Forte said it would be hard to get behind something that would involve astronomical costs to the resident.

Mr. LaBarbera suggested changing the language to renovations specific to where the impervious coverage increases and start with a percentage.

Mr. Lehder said that the Zoning Board has always been given the impression that when you do new construction there is a net zero concept with regards to water drainage. The board was surprised to learn that renovations are not subject to any of those regulations. The concept of saying that drywells are easy and should be used more often is the idea that an addition should also be at net zero.

Mr. Schiavetti said we need to look at lot coverage in addition to building coverage. The board discussed several examples of how this could be applicable to additions.

Mr. Lehder said that roof change should trigger the need for drywells if the structure is expanded and no new obligation if it does not affect the footprint. We need to include the opportunity for someone to request a variance if the property size does not adequately allow space for the installation or presence of drywells. We also need to consider the addition of impervious surfaces/increased volume like a patio or pool. He suggested that an incremental standard should be considered in these cases.

Mr. Forte brought up the idea of residents being incentivized to add drywells in certain circumstances. He also suggested that we add some standards with regards to filtration.

Mr. Rizzo added that there is DEP guidance concerning different types of runoffs, roof vs. impervious surfaces. Mr. LaBarbera will review these matters with the Engineering Department and refer to DEP guidelines.

The Borough Clerk shared Mr. Lehder's drainage work done on his property as an example of the drywell. The systems can be difficult to size. His was set up fairly easily and no engineering was involved. It would be good if we could provide some model standards to keep it simple for residents to understand and execute.

Mr. Kovats explained that he sees no reason why we would not be able to add a percent increase to a set standard if something else is achieved if while following the DEP standard.

The proposed ordinance was reviewed paragraph by paragraph. Items discussed included volume, lot coverage, recharge, and impervious coverage. Borough engineers would need to come up with a calculation to provide guidance with regards to the size of the drywells.

Mr. Schiavetti added that he would like to change the language from roof coverage to lot coverage. He shared an example of his lot and what he is limited to as far as lot coverage.

Mr. Lehder suggested that we should ask for net-zero on additions and that we separately discuss building coverage and lot coverage, area being the trigger instead of the zone. He then asked Mr. Rizzo about the homes in town that may have limitations on drywell requirements because they have high water tables.

Mr. Rizzo said that soil testing would be necessary to determine and that if the water table is too high it would not make sense to dig the drywell. He also recommends a setback requirement so that it is not too close to the property line or the street.

Mr. Lehder expressed his appreciation to Mr. LaBarbera for bringing the ordinance to the board in response to conversations that they had discussed previously. He also mentioned that rain gardens might also be considered as an alternative.

Mr. LaBarbera stated that he will create a second version of the ordinance and review it with Mr. Rizzo, Nick Poruchynsky, Joe Mule, the Environmental Commission and send it to legal for possible introduction by council on November 13th and provide to the Planning Board for their Nov. 15th.

Lastly, Mr. Rizzo recommended that we quantify the size of the system to avoid a resident having to come back at a later date for an additional drywell.

Administrative Items

Mr. Lehder introduced the first administrative item: *Approval of Minutes from October 5, 2023*. MOTION by Mr. Forte and second by Mr. Ridgeway to approve the minutes from the October 5, 2023 meeting.

In favor: Lehder, Forte, Ridgeway, Schiavetti

Opposed: None

Abstain: none

Absent: Neczesny, D'Angelo, Ryan, Laufer, Kinsella

Mr. Lehder introduced the next administrative item: *Pending Annual Report 2022*.

He thanked Mr. Ryan and Mr. Neczesny for their work on the report and the secretaries for tracking the data regarding the applications across the year. Mr. Forte asked about tracking individual votes across the year. Mr. Lehder stated that the data is available.

MOTION by Mr. Forte and second by Mr. Lehder to adopt the 2022 Annual Report.

In favor: Lehder, Forte, Ridgeway, Schiavetti

Opposed: none

Abstain: none

Absent: Neczesny, D'Angelo, Ryan, Laufer, Kinsella

There being no comments from the public, the meeting was closed at 8:19 p.m.

Mr. Lehder made a motion to close the meeting, which was carried by voice vote at 8:19 pm.

Respectfully submitted,

Sheilah Olson
Board Secretary

Public Announcement of Compliance

This is a regular meeting of the Fair Haven Zoning Board of Adjustment. 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 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 Star Ledger on January 20, 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.