

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
November 2, 2020
VIA ZOOM VIRTUAL MEETING

CALL TO ORDER

Chairman Lewis called the virtual meeting to order at 7:03 p.m. and read the open public meetings statement in accordance with the law. Those present stood for the pledge of allegiance.

ROLL CALL:

Present: Chairman Robert Lewis, Vice Chairman Tom Rochat, Mayor Paul Vallone, Councilwoman Sheila Tweedie, Kevin Welsh and Richard Rinzler

Also Present: Susan Rubright, Board Attorney, David Banisch, Borough Planner, Steve Bolio, Borough Engineer, Joseph Sordillo, Borough Attorney and Shana L. Goodchild, Secretary

Absent: Marilyn Layton (audio/video not working) and John Lawlor, Alt. #1

There were approximately thirteen (13) audience members present.

BILL LIST

- November 2, 2020

There being no questions or comments, a motion was made by Councilwoman Tweedie, seconded by Vice Chairman Rochat to approve the November 2, 2020 Bill List as presented. The motion carried by the following roll call vote:

Roll Call:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Welsh and Chairman Lewis

Those Opposed: None

MINUTES

- October 5, 2020 Regular Meeting

Vice Chairman Rochat made a motion to approve the minutes of October 5, 2020 for content and release. Councilwoman Tweedie seconded the motion. All were in favor.

RESOLUTIONS

- **Resolution No. 2020-22** – Appl. No. PB2020-09, Block 23, Lot 5 – Laurel Stone Farm, LLC/Kushner

Those eligible: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler, Ms. Layton and Chairman Lewis

Attorney Rubright provided a brief overview of the draft resolution. There being no questions, Councilwoman Tweedie made a motion to adopt Resolution No. 2020-22. Mr. Rinzler seconded the motion. The motion carried by the following roll call vote:

Roll Call:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Welsh and Chairman Lewis

Those Opposed: None

- **Resolution No. 2020-23** – Adopting Emergency Remote Meeting Protocols, Procedures And Requirements For Public Participation At Remote Meetings

Those eligible: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler, Ms. Layton and Chairman Lewis

Attorney Rubright explained that the proposed resolution sets forth standards for remote meetings and noted that the Governors orders have been cited in the resolutions of approval for applications since the start of the pandemic.

Borough Attorney Joseph Sordillo was present and recommended that the resolution be adopted in accordance with the recent enactment of the Local Finance notice which anticipates the adoption of the new regulations that impact the holding of public meetings during a State of Emergency.

Ms. Goodchild noted that Borough Clerk Dorothy Hicks suggested having the comments filed with the Planning Board Secretary by noon the day of the hearing. No one objected to the suggested changes.

There being no questions, Councilwoman Tweedie made a motion to adopt Resolution No. 2020-23. Mr. Rinzler seconded the motion. The motion carried by the following roll call vote:

Roll Call:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Welsh and Chairman Lewis

Those Opposed: None

APPLICATIONS

- Appl. No. PB2020-12
Precise Publication, LLC
Block 15, Lot 5
45 Route 202, Suite 200
Site Plan Waivers/Change of Occupancy

Anthony Melillo, Managing Partner with Melillo Equities and authorized representative was sworn in by Attorney Rubright. He explained that the applicant, Kathleen Ohleth, will be a single occupant for medical writing for medical products/devices; an editorial use. Hours of operation will be 9 a.m. to 5 p.m., Monday through Friday. No patrons are expected on site so only one (1) parking space is required. The applicant would apply to the Zoning Officer for one monument sign decal. Mr. Melillo confirmed that no site plan changes are requested as part of the application.

There being no questions from the Board, Planner Banisch noted that Mr. Melillo addressed all of the comments raised in his October 31, 2020 Memorandum. He noted that there was a small discrepancy in the square footage of the previous site plan waiver and the current application however Mr. Melillo clarified that information prior to the meeting. He went on to note that when suites 201 and 202 apply for change of use/occupancy the parking issue may require closer scrutiny and Mr. Melillo has been advised that he may have a variance situation. Planner Banisch opined that the proposed use should be interpreted and identified in the resolution of approval as an office use.

When asked by Attorney Rubright about the potential for more employees, Mr. Melillo noted that the applicant is only asking for one (1) parking space and the 180 sq. ft. would likely not comfortably accommodate additional occupants.

There being no additional questions from the Board or professionals, Councilwoman Tweedie made a motion to approve the application. Mayor Vallone seconded the motion. The motion carried by the following roll call vote:

Roll Call:

Those in Favor:	Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler and Chairman Lewis
Those Opposed:	None
Abstained:	Mr. Welsh

- Appl. No. PB2020-14
Excel Physical Therapy
Block 14, Lot 3
27 Route 202, Suite 5
Site Plan Waivers/Change of Occupancy

Anthony Melillo, Managing Partner with Melillo Equities and authorized representative was sworn in by Attorney Rubright. He explained that the applicant, Michael Sportini, owns several physical therapy locations throughout NJ with current headquarters in Hackensack, NJ. Proposed hours of operation are from 6 a.m. to 6 p.m. Monday through Saturday in space consisting of 1265 sq. ft. Parking requested consists of three (3) parking spaces for himself and the current client and next client scheduled. Mr. Melillo explained that the applicant is looking to target a different market, particularly the everyday aches and pains client to a client in need of full on recovery. He added that upon occupancy by this applicant there will be 12 remaining parking spaces on site and opined that sufficient parking was available. With regard to signage, all signage will be on the interior of the building.

When asked by Mr. Rinzler if the services will be by appointment only, Mr. Melillo responded in the positive.

When asked by Mayor Vallone if the person providing the service is a certified therapist, Mr. Melillo responded in the positive. When asked if there would be a doctor on sight or medicines dispensed, Mr. Melillo responded in the negative.

When asked by Chairman Lewis if there will be steady flow of clients during the day, Mr. Melillo opined that full demand would not require more than a three (3) parking spot allocation at any time.

When asked by Mayor Vallone if there will be ambulance drop off/pick up, Mr. Melillo responded in the negative and noted that the service only requires ADA accessibility (which the building offers).

When asked by Attorney Rubright if the scheduling is done at the main office, Mr. Melillo explained that the scheduling is done through the trainer on site as has been the case for the past 16 years. When asked about overlap of clients, Mr. Melillo noted that the three (3) parking spaces will accommodate the overlap; 2 clients and 1 for the trainer.

Planner Banisch noted that Mr. Melillo addressed most of the comments in his October 31, 2020 Memorandum. He opined that the use fits with Section 709.B.5 (local service activities) and suggested that the Board make that finding based on the testimony provided.

There being no additional questions from the Board or professionals, Vice Chairman Rochat made a motion to approve the application. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler and Chairman Lewis

Those Opposed: None

Abstained: Mr. Welsh

- Appl. No. PB2020-11
Raritan Valley Development Corp.
Block 13, Lots 2 & 3
8-10 Peapack Road
Preliminary and Final Site Plan

Lawrence Cohen, Attorney on behalf of the applicant was present and explained that the notice for the public hearing did not contain all of the variances required and therefore the applicant requested a completeness determination only.

Engineer Steve Bolio reviewed for the Board the report from Ferriero Engineering dated October 21, 2020. Mr. Cohen spoke to Item 6 and explained that the properties are privately owned but was unaware of the status of the tax certification but noted that the issues would resolved. Mr. William Hotz, owner, was present and confirmed that all taxes were current through November 1, 2020 for both properties. Mr. Cohen agreed to submit a Tax Certification prior to the public hearing. Attorney Rubright noted that the Board could grant a waiver for completeness only and the certificate should be provided prior to the public hearing. With regard to Items 20 and 21, the applicant agreed to provide the architectural plans and lighting plan at least 2 weeks prior to the public hearing. With regard to Item 26, Mr. Cohen noted that only one (1) tree is to be removed. Mr. Denis Keenan, applicant's Engineer confirmed and agreed to identify the tree on the plan. With regard to Item 32, Mr. Keenan and Mr. Cohen agreed to depict the utilities. With regard to Item 33, Mr. Hotz noted that the overhead lines are in the process of being relocated. With regard to Item 41, Mr. Cohen noted that the plans and applications would be revised to reflect the stream corridor variance.

In conclusion, Engineer Bolio recommended the application be deemed complete by the Board pending the submission of the items discussed above.

Councilwoman Tweedie made a motion to grant the waivers recommended and deem the application complete. Mayor Vallone seconded the motion. The motion carried by the following roll call vote:

Roll Call:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler and Chairman Lewis

Those Opposed: None

Chairman Lewis noted that all items discussed must be filed at least two (2) weeks prior to the hearing date. After a brief discussion, the hearing date was scheduled for December 7, 2020 and the applicant confirmed that the information would be provided in time for the hearing. Mr. Cohen noted that the applicant would re-notice for the additional variance.

- Appl. No. PB2020-13
20 Lake Road, LLC
Block 4, Lot 9
20 Lake Road
Front Setback Variance/Construction within a Stream Corridor Variance

Engineer Steve Bolio reviewed for the Board the report from Ferriero Engineering dated October 27, 2020. He provided a brief background by noting that the applicant received conditional approval for a front yard setback variance however the applicant changed architects and modifications were made to the plan so additional variances are now required.

In conclusion, Engineer Bolio opined that enough information was provided for the Board to schedule the application for a public hearing. When asked to clarify the partial waiver noted in Item 15, Engineer Bolio was confident that the information was not necessary.

Attorney David Brady was present on behalf of the applicant and asked that the application be deemed complete. He noted that they successfully noticed property owners within 200 feet however, despite meeting the Daily Record purported deadline the legal notice did not appear in the newspaper in time. He asked that the application be carried to a date certain to allow him to provide adequate legal notice in the newspaper. Attorney Rubright opined that Mr. Brady's suggestion of notice was adequate.

Mayor Vallone asked if it would be helpful to have the Construction Official or Zoning Officer attend the hearing to provide testimony to which the consensus was to rely on the Board professionals' opinion at the first hearing with the caveat that the Construction Official and Zoning Officer could attend at a future hearing, if necessary. Attorney Rubright opined that it would be appropriate for the Borough Planner and Engineer to consult with the Construction Official and Zoning Officer prior to the hearing, if necessary. Mayor Vallone asked Attorney Rubright to reach out to them prior to hearing.

Councilwoman Tweedie made a motion deem the application complete. Mr. Rinzler seconded the motion. The motion carried by the following roll call vote:

Roll Call:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler and Chairman Lewis

Those Opposed: None

Due to the upcoming winter months and holidays, Planner Banisch suggested that the applicant grant the Board an extension of time to act on the application to which Mr. Brady responded in the positive however noted that his client was concerned with winterizing the home before winter arrives. He agreed to address that concern with the Borough and Board Attorneys.

After a brief discussion, it was announced that the public hearing would be carried to Monday, December 7, 2020 at 7 p.m. without further notice to property owners within 200 feet and a proper notice will be advertised.

- Appl. No. PB2020-10
Raritan Valley Development Corp.
Block 8, Lot 1
46 Peapack Road
Preliminary and Final Site Plan

Attorney Lawrence Cohen was present on behalf of the applicant for a completeness determination and public hearing. Mr. Cohen noted for the record that they had no objection to a reasonable extension for the prior application (Appl. PB2020-11) in light of the winter and holiday season.

Engineer Steve Bolio reviewed for the Board the report from Ferriero Engineering dated October 15, 2020. With regard to Item 5 and the waiver request, Ms. Goodchild explained that the affordable housing agreement provides that the fees and escrow payments in connection with both applications be capped, beyond that set amount the overage is paid by the applicant. Engineer Bolio recommended the Board deem the application complete based on the waivers recommended and allow the applicant to proceed to public hearing.

Ms. Goodchild noted for the record that Mayor Vallone was a noticed property owner within 200 feet and Attorney Rubright advised that he could remain but could not participate in the discussion or vote.

Councilwoman Tweedie made a motion deem the application complete. Mr. Welsh seconded the motion. The motion carried by the following roll call vote:

Roll Call:

Those in Favor: Vice Chairman Rochat, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler and Chairman Lewis

Those Opposed: None

Chairman Lewis opened the public hearing and Attorney Lawrence Cohen was present on behalf of the applicant noting that Denis Keenan, P.E. was present as well as William Hotz, owner of Raritan Valley Development Corp.

Denis Keenan, P.E. was present and sworn in by Attorney Rubright. He provided his credentials and was accepted by the Board as a Professional Engineer.

Mr. Keenan, using the plans on file, described the property as containing a single family home, a parking area and a shared driveway with 44 Peapack Road. The application proposes to convert the single family home into a two (2) family dwelling affordable housing; the first floor containing a three (3) bedroom unit and the second floor containing a two (2) bedroom unit. When asked if the applicant had entered into an agreement with the Borough of Far Hills with reference to development of the property, Mr. Keenan responded in the positive. If approved, the applicant will obtain ownership of the property from the Borough and will construct the proposed improvements. When asked if the proposal is part of the Borough's affordable housing plan, Mr. Keenan responded in the positive.

Discussion ensued regarding the inability to share the plans on the screen and it was noted that the plans and all application material being discussed was received by all Board members and had been posted on the Borough website for at least ten (10) days. Attorney Rubright noted that the public could view and download all material from the Borough website during the meeting.

Mr. Keenan, referencing sheet 2 of 3 (Existing Conditions and surrounding Features Plan for Far Hills Affordable Housing) noted that the property consists of 0.27 acres with frontage on Peapack Road. The Fairgrounds are across the street, railroad tracks to the rear, an existing residential building to the right and a vacant lot to the left. The common driveway is located within an easement that provides access to both property owners; parking is on each individual lot. Using sheet 3 of 3 (Site Grading and Construction Plan for Far Hills Affordable Housing), Mr. Keenan explained that the existing gravel parking area will be paved to create a more uniform parking area for four (4) parking stalls. The existing building has a front door and rear door, the rear door will be used to access the first floor unit and the front door will be used to access the second floor unit. The first floor will be an ADA accessible unit with details of a ramp shown on the architectural plans. When asked about proposed landscaping, Mr. Keenan explained that no landscaping is shown however the intention is to provide foundation plantings. He also noted that a tree near the parking area will be removed (or has been removed). Mr. Keenan agreed to comply with the request made by Planner Banisch to plant an ornamental tree in the front. When asked if there is any lighting proposed in the parking lot and entrance, Mr. Keenan responded in the negative. When asked to confirm if existing sewer and water services the site, Mr. Keenan responded in the positive and noted that all existing utilizes will be utilized.

Beginning on page two (2), Mr. Keenan reviewed each item outlined in the Ferriero Engineering letter dated October 15, 2020 and testified as follows:

Item 2 – Based on review of NJDEP Geo website there is no indication of wetlands on the property or within 150 of the property.

Item 3 – Information requested will be shown on the plans.

Item 4 – A note will be added to the plans.

Item 5 – It was agreed that no additional survey stakeout will be required.

Item 7 – Information requested will be shown on the plans.

Item 8 – The applicant agreed to make the modification to the sidewalk.

Item 9 – Additional foundation plantings will be provided.

Item 10 – Existing utility services will be utilized with no change anticipated.

Item 11 – ADA accessibility will be provided.

Item 12 – Plans were submitted after the letter.

Item 13 – There will be no change to the building height and under the maximum 35 foot maximum.

Remaining Items 15 through 17 were agreed to by the applicant.

Addressing Item 14, Attorney Cohen noted that the Borough is obligated to ensure adequate sewer capacity. Borough Sordillo noted that the Borough entered into an agreement with the applicant to provide adequate sewer capacity for the project; capacity is currently available for the development.

Engineer Bolio was satisfied with the testimony provided and recommended the Board require the applicant to satisfy items of the Ferriero letter as a condition of approval.

Planner David Banisch reviewed his letter dated October 31, 2020. When asked to confirm if the driveway will remain gravel, Mr. Keenan responded in the positive. When asked where the water will flow from the paved parking lot, Mr. Keenan explained that it will drain into the gravel driveway and ultimately to Peapack Road. When asked if the gravel driveway is sufficiently stable so as to resist erosion, Mr. Keenan responded in the positive. When asked what remedy exists if a problem arises post development, Mr. Keenan offered to pave the driveway. When asked if the water could be intercepted and channeled to the County storm drainage system, Mr. Keenan was unsure as it had not been investigated. Planner Banisch recommend that the ADA ramp be added to the site plan to demonstrate that the ramp will be connected to the edge of the paving appropriately. Attorney Cohen agreed to amend the site plan to demonstrate the ADA ramp. Planner Banisch commented on lighting and meeting the code requirements at the

ingress/egress points as well as lighting along the sidewalk, being mindful of shielding it from the adjoining neighbor to the south (low profile/low to the ground). He recommended, as a condition of approval, that lighting details be added to the plan. Addressing landscaping, Planner Banisch recommend as a condition of approval that a hedge be planted along the parking area to shield car lights; this condition would only be required if directed by the Borough Planner and Engineer. In conclusion, the applicant agreed to comply with requests outlined in Planner Banisch's report.

William Hotz, owner/developer was sworn in by Attorney Rubright. He explained that the architecture will remain as it is today however dark blue awnings will be added to create a commonality with the building proposed at 8 and 10 Peapack Road. When asked if he had any comments about the drainage concerns, Mr. Hotz opined that the neighbor has a similar scenario and has not had any drainage issues. The driveway consists of a hard packed gravel that currently acts as blacktop. He agreed to properly maintain the driveway and address any erosion issues if necessary. When asked by Vice Chairman Rochat about snow removal, Mr. Hotz explained that the current agreement calls for the borough to pay 1/3 and the neighbor to pay 2/3 for the cost of removal, in the future the cost will be split 50/50 for removal and maintenance. When asked by Engineer Bolio of there is any issue with gravel eroding into Peapack Road, Mr. Hotz responded in the negative.

There being no additional questions from the Board, Chairman Lewis opened the meeting to the public at 9:02 p.m.

George Mellendick, 260 Lake Road, expressed concern about the overrun of water and asked if the project will contribute to the flooding concerns in the area. Mr. Keenan did not foresee any correlation between the subject application and stormwater impacts on the area referenced by Dr. Mellendick. Engineer Bolio, referencing Item 6 in his letter, noted that the project is an exempt development within the stormwater ordinance.

Jay Shapiro, 44 Peapack Road, was sworn in by Attorney Rubright. Mr. Shapiro, referencing the agreement, explained that through the Planning Board process the property owners were required to establish the joint reciprocal easement on the driveway. The maintenance agreement is a 50/50 shared responsibility for plowing and maintenance and has worked well. As it relates to drainage, Mr. Shapiro explained that the water flows down the driveway to catch basins within Peapack Road.

There being no additional questions from the public, Chairman Lewis closed the hearing to the public at 9:15 p.m.

Planner Banisch added that in addition to the conditions suggested in his report and testimony, a condition of approval would be compliance with the terms of the agreement with the Borough for the project.

Attorney Rubright outlined the conditions as follows:

1. Compliance with items outlined in the Ferriero Engineering letter dated October 15, 2020.
2. Compliance with Planner Banisch's letter dated October 31, 2020 specifically adding the ADA ramp to the site plan, lighting and landscaping (foundation plantings, tree replacement).
3. Affordable Housing Deed restrictions.
4. Compliance with the Borough's Developers Agreement with Mr. Hotz.

There being no additional questions or comments from the Board, Councilwoman Tweedie made a motion to approve the application with the conditions as outlined above. The motion was seconded by Mr. Rinzler. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rochat, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler and Chairman Lewis

Those Opposed: None

CORRESPONDENCE

1. A letter dated October 13, 2020 from the Somerset County Planning Board re: Peapack Road Subdivision, Block 8, Lots 1/Peapack Road (CR512).
2. A letter dated October 15, 2020 from Paul W. Ferriero, Borough Engineer re: Appl. No. 2020-10, Raritan Valley Development Corp, Block 8, Lot 1, 46 Peapack Road.
3. A letter dated October 21, 2020 from Paul W. Ferriero, Borough Engineer re: Appl. No. 2020-11, Raritan Valley Development Corp, Block 13, Lots 2 & 3, 8-10 Peapack Road.
4. A letter dated October 22, 2020 from Lawrence P. Cohen re: Appl. No.'s 2020-10 and 2020-11, Raritan Valley Development Corp. Block 8, Lot 1 and Block 13, Lots 2 & 3.
5. A letter dated October 26, 2020 from Paul Ferriero, Borough Engineer re: Appl. No. 2020-03, Block 8, Lots 1.02 and 1.03.
6. A letter dated October 26, 2020 from David Burton Brady re: 20 Lake Road, LLC, 20 Lake Road, Block 4, Lot 9.
7. A letter dated October 27, 2020 from Paul Ferriero, Borough Engineer re: Appl. No. 2020-13, 20 Lake Road, LLC Block 4, Lot 9.

ZONING UPDATE

- Zoning memo dated October 28, 2020 – Kimberly Coward

There were no comments or questions on the Zoning memo.

PUBLIC COMMENT

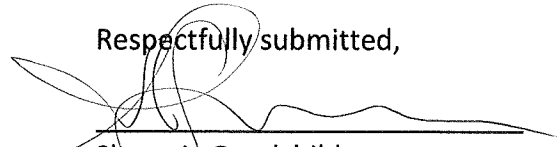
Chairman Lewis opened the meeting to the public at approximately 9:22 p.m.

George Mellendick, 260 Lake Road, noted that he was pleased that there was concern with tree removal during the prior application and expressed concern with the removal of trees and suggested that the Planning Board consider requiring replacement trees. Mayor Vallone agreed and noted that the Borough Council and Planning Board are attuned to the bucolic nature of Far Hills and that the soft-scape and trees are a significant part. There being no additional comments, Mr. Lewis closed the public comment portion of the meeting.

ADJOURNMENT

A motion was made by Councilwoman Tweedie, seconded by Mr. Rinzler and unanimously carried to adjourn the meeting at 9:25 p.m.

Respectfully submitted,



Shana L. Goodchild
Planning Board Secretary

Approved 12/7/20