

**BOROUGH OF FAR HILLS**  
Planning Board Meeting  
**MINUTES**  
September 4, 2018

**CALL TO ORDER & FLAG SALUTE**

Chairman Rochat called the meeting to order at 7:00 p.m. in the Far Hills Municipal Building. The Chairman read the Open Public Meetings statement in accordance with the law.

**Roll Call:**

***Present: Vice Chairman Robert Lewis, Kevin Welsh, Councilwoman Sheila Tweedie, Chairman Tom Rochat, Mayor Paul Vallone, Cheryl Devine, Marilyn Layton and John Lawlor***

***Also Present: Susan Rubright, Board Attorney, Engineer, Steve Bolio, Zoning Officer, Kim Coward and Trina Lindsey, Board Secretary***

***Absent: Debra Ross and Gerrie McManus***

**MINUTES**

**August 6, 2018**

On a motion by Councilwoman Sheila Tweedie, seconded by Marilyn Layton and a majority voice vote, the minutes were approved.

**August 6, 2018 – Executive Session**

On a motion by Councilwoman Sheila Tweedie, seconded by Cheryl Devine, and a majority voice vote, the minutes were approved.

**BILL LIST**

**September 2018**

Board Secretary Lindsey briefly reviewed the bill list and escrow accounts with the board.

On a motion by Councilwoman Sheila Tweedie, seconded by Cheryl Devine and a majority roll call vote, the bill list was approved.

**CORRESPONDENCE**

Correspondence received from Mr. Daniel Neu requesting a two year extension to the variance previously granted.

Board Attorney Susan Rubright stated that Mr. Neu should give testimony as to why no work has been completed to date, and why he is requesting a two year extension.

Daniel Neu of 210 Lake Rd was sworn in. Mr. Neu testified that due to personal reasons no work has started and no permits have been taken out.

Engineer Steve Bolio commented that there are still resolution compliance issues that need to be satisfied and no permits will be issued until those conditions are satisfied.

Chairman Rochat asked Mr. Neu when the outstanding conditions would be satisfied. Mr. Neu responded that as of right now there is no timeline to start.

The board discussed amongst themselves allowing a one year extension versus the requested two year extension. The board also noted that the escrow account must be brought current.

On a motion by Vice Chair Robert Lewis, seconded by Kevin Welsh and a majority roll call vote, a one year extension of the previously granted variances was approved.

**OLD BUSINESS:**

Far Hills Mall – Annie Forgione

Resolution compliance/Dumpster enclosure

Kevin Welsh recused and stepped down from the dais.

Attorney Brian Fahey was present representing the applicant. Mr. Fahey had Paul Fox of Apgar Associates present to testify as well as Owner, Annie Forgione.

Paul Fox of Apgar Associates was sworn in to testify and accepted as a Professional Engineer. Mr. Fox presented two options to the board for screening the existing dumpsters. Option 1. provides a fully fenced in enclosure; Option 2 provides a partially fenced enclosure with shrubs.

Board Engineer Steve Bolio asked what time the dumpsters are picked up by the garbage company. Paul Fox stated it is typically around 8:00am.

Mayor Paul Vallone asked why the applicant couldn't have the fully fenced enclosure and also have shrubs to soften the look.

Councilwoman Sheila Tweedie commented that having shrubs and not much fencing will not hold up with the elements, vehicles coming and going, plowing, etc. Ms. Tweedie stated that she is more inclined to go with the fully fenced enclosure.

Chairman Rochat and Marilyn Layton discussed it being a tight fit. Mr. Fox stated that he has room to add more ft.

Steve Bolio suggested adding bollards so that the dumpsters don't get pushed back into the fencing and ruin it. Mr. Fox agreed to this condition.

Steve Bolio also stated that the gate dimensions on the detail don't match Option 1 and should be consistent.

After brief discussion amongst the board and professionals and with no questions from the public; Chairman Rochat accepted a motion to approve what was presented as Option 1 in the applicant's application for a dumpster enclosure, with conditions discussed that evening for additional landscaping which will be approved by the Board Engineer and Board Planner and with any additional input from the Zoning Officer, amend the plans with the gate dimensions,

add bollards to the enclosure, and any standard conditions of Steve Bolio and David Banisch. The timeframe for completion will be November 1, 2018, and the board discussed granting immediate approval so the applicant can proceed prior to the memorializing resolution.

On a motion by Councilwoman Sheila Tweedie, seconded by Mayor Paul Vallone and a majority roll call vote, the application was approved.

Draft Solar Ordinance discussion – David Banisch

This discussion was tabled until the October Planning Board meeting.

**APPLICATION**

**Far Hills Bedminster Fire Department**

Block 15, Lot 3

Preliminary and Final Site Development Plan Approval

Correspondence received from Ferriero Engineering dated December 27, 2017

Carried to September 4, 2018 Notice Required

Board Attorney Susan Rubright stated that correspondence was received from the applicant's attorney requesting to be carried to the November Planning Board meeting.

Mayor Vallone stated that he believes the request to adjourn the hearing so many times goes along with what is happening with the COAH situation, and that a final decision should hopefully be made by the end of the month.

**Marky, Peter**

Block 10, Lot 6

9 Prospect St.

Bulk Variances

Kevin Welsh recused.

Mr. Marky was present representing himself and was sworn in to testify. Mr. Marky stated that he is applying for a front and side yard variances to do a second story addition on his existing home. Mr. Marky stated that the existing dwelling is pre-existing non-conforming. Mr. Marky stated that the intention is to bring the home in line with other homes in the village; most are two story homes, and his existing dwelling is a one story home. Mr. Marky stated that the existing house now sits back further than the homes surrounding it and the proposed plans will bring the home forward 4 ft. The plans propose to add a gas fireplace, a stoop and to bring the front door to the front of the house. Mr. Marky stated that he expects to have the work done in a six month timeframe, but will ask the board for a year and a half variance approval just in case of any setbacks in the project.

Board Attorney Susan Rubright stated that the requirement is that work has begun so Mr. Marky won't need to worry about the variance expiring as long as construction has begun.

Mayor Vallone asked if this is the Marky's primary residence. Mr. Marky responded yes that he has been in the home for a little over eight years and intends to stay in the home.

Steve Morris of 5 Dumont Rd was sworn in from the public stating that he is fully in support of the project, and that the Marky family is the kind of family that we want to keep in the Borough of Far Hills. Mr. Morris stated that there are physical constraints to the lot and it needs some flexibility.

Michael Nicosia of 7 Prospect St stepped forward to testify from the public and was sworn in. Mr. Nicosia stated that he is also in support of the project and that his home at 7 Prospect St. is the original Koenig house and that lot was split, and the current Marky house was built for Mr. Koenig's mother. Mr. Nicosia stated that he is probably the most impacted by the variance and has no problem with it.

Cheryl Devine asked if there is room on the property to store materials. Mr. Marky stated that there is room in the driveway and the concrete pad in the back of the house.

Steve Bolio, the board and the applicant discussed the number of bedrooms in the existing house is two bedrooms and the number being proposed is four bedrooms which requires the process of applying and calculating the sewage increase. An application to Adam Stern will need to be completed and reviewed.

Steve Bolio also mentioned that the signature block must be added to the architectural plans and an as built must be submitted.

Mayor Vallone stated that it was very nice that the neighbors came out in support of the application and the Marky family.

With no further questions or comments from the board and professionals and with no further questions or comments from the public; Chairman Rochat accepted a motion to approve the variances for setbacks, side yard and front yard with the conditions discussed that evening and any standard conditions of Steve Bolio and David Banisch.

On a motion by Councilwoman Sheila Tweedie, seconded by Marilyn Layton and a majority roll call vote, the application was approved.

### **ZONING UPDATE**

Kim Coward was present and reviewed her memo with the board. The board and Zoning Officer discussed several items including:

Solar Ordinance – Ms. Coward stated that she is receiving requests for solar panels. The board discussed that the screening needs to be discussed with Mr. Banisch next month.

Far Hills Race Meeting – Chairman Rochat discussed the sign that is put on the corner of Liberty Corner Rd and Route 202 every year for the race. Mr. Rochat stated that the sign is too close to the road and needs to be pushed back. The board also discussed the day of the event, the

busses, the police presence, contracting with Uber and Lyft. Mayor Vallone commented that the Far Hills Race Association will appear before the Borough Council and he and Ms. Tweedie will relay all concerns back to them.

Mayor Vallone commented that Far Hills will turn 100 in about a year and a half and the Borough is looking to have a big community event. Ideas are welcomed.

Mayor Vallone also announced that either the last Council meeting in September or the first meeting in October there will be a final COAH announcement with an overview of the plans. Mayor Vallone stated that he thinks the Planning Board Members should attend the meeting.

**PUBLIC COMMENT**

None

**BOARD MEMBER COMMENT**

None

**ADJOURNMENT**

ON a motion by Councilwoman Sheila Tweedie, seconded by Marilyn Layton and a majority voice vote, the meeting adjourned at 8:41pm.

Respectfully submitted,



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Trina Lindsey  
Planning Board Secretary

**APPROVED: 10/1/18**