

**BOROUGH OF FAR HILLS**  
Planning Board Regular Meeting  
**MINUTES**  
April 1, 2019

**CALL TO ORDER & FLAG SALUTE**

Chair Robert Lewis called the meeting to order at 7:00 p.m. in the Far Hills Municipal Building. Mr. Lewis read the Open Public Meetings statement in accordance with the law.

**Roll Call:**

***Present: Chairman Robert Lewis, Kevin Welsh, Councilwoman Sheila Tweedie, Tom Rochat, Debra Ross, Marilyn Layton, and Cheryl Devine***

***Also Present: Susan Rubright, Board Attorney, Planner David Banisch and Dorothy Hicks, Acting Board Secretary***

***Absent: Gerrie McManus, Mayor Vallone and John Lawlor***

Chairman Rob Lewis and Board Attorney Susan Rubright made a brief announcement that the Housing Element and Fair Share Plan was being carried to the May 6, 2019 meeting. Notice would be properly advertised, and the Planning Board agenda will be posted on the Borough website.

**MINUTES**

**February 4, 2019**

**February 23, 2019 - Site Visit Ryan property**

Minutes were tabled for the May 6, 2019 meeting.

**BILL LIST**

**April 2019**

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

**RESOLUTION**

**Resolution# 2019-08, Simplicity Design Services**

On a motion by Councilwoman Tweedie, seconded by Debra Ross, and a majority roll call vote, the resolution was adopted.

**Resolution# 2019-07, Appointment of Engineer – Ferriero Engineering, Inc.**

On a motion by Councilwoman Tom Rochat, seconded by Debra Ross and a majority roll call vote, the resolution was adopted.

**APPLICATION(S)**

**Ryan residence**

Block 3, Lot 20

211 Pennbrook Rd

Interpretation

Chairman Lewis recused from the Ryan application. Vice Chair Tom Rochat sat as Chair for this application.

Amanda Curley of Wilentz Law Firm was present representing the applicant. Ms. Curley gave a brief overview of what was previously stated at the prior meeting; stating that the applicants purchased the home in 2010, renovating the main house at that time and now wish to renovate the carriage house. Ms. Curley called Mr. Ryan to testify.

Walter Rodman Ryan stepped forward stating that he wishes to renovate the carriage house which was built in 1903. Mr. Ryan stated that his plan is to renovate the carriage house almost back to its original condition in 1903. Mr. Ryan stated that the first floor of the carriage house will be used for horses, and the residence on the second floor will be used for family members, guests or hired help to care for the horses, it will not be rented out. Mr. Ryan stated that his family currently owns one horse, and that his granddaughter, wife and daughter love to ride horses.

As there were no questions or comments from the board members, professionals or public, Mr. Ryan was excused and Ronald Kennedy was called to testify.

Ronald Kennedy, Engineer of Gladstone Design was called to testify. Mr. Kennedy presented and reviewed:

A1 – Neighborhood aerial exhibit

A2 – Architectural plan comparison exhibit

A3 – Carriage house/stables photo exhibit

A4 – Carriage house/stables photo exhibit

Mr. Kennedy reviewed for the board and audience the variances that were being sought with this application stating that the applicant has to prove that the carriage house is a pre-existing non-conforming use; if the board agrees with that then the second part is expanding the pre-existing non-conforming use which requires a D2 variance. Mr. Kennedy stated that there will be no changes to the outside of the structure, no impact to the zone plan, the applicant will not be intensifying the use, and the property sits on 36 acres. Mr. Kennedy stated that the applicant could have subdivided the lots and not had to seek board approval, but the applicant did not want to do that.

Board Planner David Banisch asked if there would be any night lighting for night riding. Mr. Kennedy replied no, there is no intent to have outdoor recreational activities. The lighting that will be used is for the residence, area lighting only.

Board Attorney stated discussed that if the applicant is seeking approval for a D2 variance, then Councilwoman Tweedie will not be permitted to vote.

With no further questions from the board or professionals, questioning was opened to the public.

Robert Lewis of Lake Road stepped forward stating although he has seen a Yannacconne conceptual subdivision map of the Pennbrook estate, in his opinion, the location of the buildings and topography is such that a subdivision is not possible without destroying the character of the lot. Mr. Lewis stated that he is in favor of what Mr. Ryan is proposing to do.

Cindy Campbell stepped forward and asked where the driveway goes from the property and if there is any intent for garage space.

Ron Kennedy responded stating that there is a driveway that goes to the stables, and another driveway that goes to Pennbrook Road that has a gate and is used to walk or ride four wheelers on. Mr. Kennedy stated that there is no garage space proposed.

With no further questions or comments Vice Chair Rochat accepted a motion to agree that the carriage house/stable is a pre-existing non-conforming use.

On a motion by Kevin Welsh, seconded by Debra Ross and a majority roll call vote, the board agrees that the carriage house/stable is a pre-existing non-conforming use.

Vice Chair Rochat accepted a motion to approve the expansion of the pre-existing non-conforming use, D2 variance with any conditions discussed that evening.

On a motion by Cheryl Devine, seconded by Marilyn Layton and a majority roll call vote, the application was approved.

27 Route 202  
Block 14, Lot 3  
Minor Site Plan

Attorney James Mullen was present representing the applicant. Mr. Mullen stated that this application is for a minor site application for proposed building renovations to building number one (1) on the property. Mr. Mullen called Ronald Kennedy, Engineer, of Gladstone Design to testify.

Ron Kennedy proposed and reviewed:

A1 – Aerial exhibit  
A2 Colorized site plan

Mr. Kennedy reviewed the proposed renovation plans for building number one (1) on the property stating that the building is a 21,776 sq. ft. building currently and will be reduced to

14,206 sq. ft. The proposal includes extensive renovations to the interior part of the building as well as removing two one-story wings facing DeMun Place. Mr. Kennedy also reviewed the proposal for a bluestone paver courtyard. Mr. Kennedy stated that there aren't any parking lot pavement renovations proposed as of yet and that will come at a later time.

Mr. Kennedy presented and reviewed:

A3 – Signage exhibit

Cheryl Devine questioned if the application is a minor site plan and also discussed the parking being inadequate.

Board Planner David Banisch stated that he and Board Attorney Susan Rubright do not agree that the application is a minor site plan. Mr. Banisch discussed getting the applicant's to the point of an approval to obtain permits which will allow them to renovate and then having them come back before the Planning Board prior to a CO being issued. Mr. Banisch stated that the applicant is aware that the parking is inadequate and will address that in the application for building two.

Susan Rubright, stated that this is a large property that is empty, and that the board members can look at the application as phasing the project.

Board Engineer, Steve Bolio stated that the applicant may lose some parking spaces when the parking is addressed at a later time.

With no further questions at that time from the board or the professionals, Chairman Lewis opened questioning to the public.

Charles Schwester stepped forward asking if the property was in foreclosure to which Ronald Kennedy replied that he did not know the answer to that question. Mr. Schwester also asked why the project is being rushed.

Board Attorney Susan Rubright advised Mr. Schwester to direct his questions to Mr. Kennedy's testimony.

Mr. Khan of Fox Hunt Ct. stepped forward stating that the project is being rushed, parking is a major issue, and that this is not leaving a good impression on the residents of the Borough. Mr. Khan also questioned why the board scheduled the application so quickly.

Board Planner David Banisch commented that it is not unusual for an application to be submitted by an applicant and the applicant's professionals and for the application to be scheduled immediately. Mr. Banisch also reviewed the process for proper notice.

Board Attorney Susan Rubright also discussed noticing for a public hearing, and stated that the applicant has extensively noticed for the relief in which they are requesting. Ms. Rubright discussed that this application is not the typical application that the board sees, this is a large

property and a large building.

Bob Jebara stepped forward questioning the parking spaces stating that the requirement is 88 spaces, but there are currently only 53. Ronald Kennedy stated that he could not testify to the final number of parking spaces at that time.

Mr. Jebara also asked about the intent to have commercial, retail and housing. Mr. Kennedy advised that Mr. Anthony Melillo would testify to that.

Anthony Melillo stepped forward and was sworn in to testify. Mr. Melillo stated that the permitted uses on the property are office, local retail, and local service uses which they are proposing to continue those permitted uses with a substantial reduction in floor area ratio (FAR).

Anthony Melillo discussed the aesthetics of the proposed building, and the common vestibule area which is being proposed.

Chairman Lewis asked how many sq. ft. of signage will be coming down. Ron Kennedy stated that there is a reduction in 90 sq. ft. of signage.

Debra Ross asked what would happen if the board approves the preliminary plan tonight and then doesn't approve the parking variance at a later time. Susan Rubright explained the process of an applicant seeking preliminary approval when at that time they are uncertain as to who the tenants of the building will be.

Cheryl Devine stated that she doesn't understand why this application is any different than the Welsh application who the board made have his ducks in a row prior to coming before the board. Ms. Devine stated that parking was also an issue with the Welsh application.

Councilwoman Tweedie commented that the difference is the Welsh family knew exactly what business would be on that property, this applicant does not have tenants yet.

Questioning was opened to the public again for Anthony Melillo.

Dr. George Mellendick stepped forward asking if all of building one would be gutted. Mr. Melillo responded stating yes.

Dr. Mellendick stated that he feels the board should wait to see the entire plan and not phase the project.

Board Attorney Susan Rubright reviewed for the board and the public the process in applying for construction permits and complying with zoning. Anthony Melillo stated that this was a zoning issue which requires board approval for the pre-existing non-conforming uses.

Mr. Khan stepped forward again asking how long the building has been empty. Mr. Melillo responded two months. Mr. Khan commented that the board needs to wait to see the

complete plan.

Board Attorney Susan Rubright reviewed for the board and public non-conforming uses and the legal rights of a property owner.

Mr. Khan stated that he feels it is a safety issues and also stated that he feels Ms. Rubright is speaking for the applicant.

Chairman Lewis stated that Ms. Rubright is simply stating the law and giving explanations for the benefit of the board and the public.

Patricia Parisi stepped forward stating that she doesn't feel the board should approve the application when parking will be a big issue.

Mr. Charles Schwester stepped forward again stating asking if there is a tenancy review board. Chairman Lewis responded yes, change of occupancy applications are reviewed by the Planning Board.

Mr. Schwester asked Mr. Melillo what kind of business he operates. Mr. Melillo responded stating Melillo Equities is a real estate investment firm.

A resident by the name of MaryEllen stepped forward asking about tenants with a medical or restaurant use and asked if there are any tenants already interested in the property. Anthony Melillo responded that there are no tenants lined up currently.

Ed Cory stepped forward to speak about the procedure of the board stating that public comment should have taken place prior to the testimony of the applicant. Mr. Cory stated that the public depends on the board to defend the nature of Far Hills Borough. Mr. Cory also spoke regarding the Affordable Housing plans, and taxes.

Upon discussion of the board and professionals; Chairman Lewis accepted a motion to approve the application with conditions discussed that evening, and referencing number nine in David Banisch's report.

On a motion by Councilwoman Tweedie, seconded by Tom Rochat and a majority roll call vote, the application was approved.

Aye: Rochat, Welsh, Tweedie, Lewis, Layton

Nay: Ross, Devine

### **PUBLIC HEARING**

Public hearing – Housing Element and Fair Share Plan

Carried to May 6, 2019

**ZONING UPDATE**

The board reviewed and briefly discussed the zoning report provided by Zoning Officer, Kim Coward.

**PUBLIC COMMENT**

None

**ADJOURNMENT:**

The regular meeting was adjourned by a motion of Councilwoman Tweedie, seconded by Marilyn Layton at 10:30pm

Respectfully submitted,



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Trina Lindsey  
Planning Board Secretary

**APPROVED: 05/06/19**