

BOROUGH OF FAR HILLS
Planning Board Meeting
MINUTES
May 6, 2019

CALL TO ORDER & FLAG SALUTE

Chairman Lewis 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: ***Chairman Robert Lewis, Kevin Welsh, Vice Chairman Tom Rochat, Mayor Paul Vallone, Debra Ross, Cheryl Devine, and Marilyn Layton***
Councilwoman Sheila Tweedie was present via telephone conference
Also Present: ***Susan Rubright, Board Attorney, Planner David Banisch and Trina Lindsey, Board Secretary***
Absent: ***John Lawlor and Gerrie McManus***

MINUTES

February 4, 2019

On a motion by Debra Ross, seconded by Cheryl Devine and a majority voice vote, the minutes were approved.

February 23, 2019 – Site Visit Ryan Property

On a motion by Vice Chairman Tom Rochat, seconded by Debra Ross and a majority voice vote, the minutes were approved. Cheryl Devine and Chairman Lewis abstained.

April 1, 2019

On a motion by Vice Chairman Tom Rochat, seconded by Debra Ross and a majority voice vote, the minutes were approved. Mayor Vallone abstained.

BILL LIST

May 2019

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

On a motion by Debra Ross, seconded by Kevin Welsh and a majority roll call vote, the bill list was approved.

RESOLUTIONS

Ryan Residence, Resolution# 2019-09

Board Attorney Susan Rubright reviewed the resolution briefly. On a motion by Debra Ross, seconded by Kevin Welsh, the resolution was adopted.

27 Route 202, LLC, Resolution# 2019-10

Attorney Susan Rubright and the board members discussed the resolution. Upon the request of Cheryl Devine, Ms. Rubright reviewed what was approved as well as any conditions of the approval. The board members and professionals also discussed parking with David Banisch, Planner who stated that the applicant is aware that they will need to reconfigure the parking lot substantially and will need to return to the board for amended and preliminary site plan, final site plan and variance approvals. Mr. Banisch stated that at this time the existing parking condition is what is being recognized in the approval.

On a motion by Vice Chairman Tom Rochat, seconded by Chairman Lewis and a majority roll call vote, the resolution was adopted. The vote excluded Kevin Welsh who was recused, and Debra Ross and Cheryl Devine who voted no on the approval.

COAH UPDATE

Mayor Paul Vallone addressed the board and the public regarding Affordable Housing. Mayor Vallone's statement is below.

This evening, I want to address two COAH related issues. One being very good news relating to the Borough's Court plan.

But before that I want to address the Preserve Far Hills.org group and website run by Amy Pressler, George Mellendick and Frank Semcer and the great amount of misinformation, fabrication of fact and inaccuracies that have been disseminated to the residents of Far Hills.

The attorney representing Preserve Far Hills filed a complaint and summons with the Superior Court of New Jersey on April 29, 2019 and as such the Borough is now in litigation with this group which may result in protracted and costly expense to our residents.

While some of the residents associated with the Preserve Far Hills Facebook page profess to want to work together, a posting which has called for the recall of myself as Mayor and the entire Borough Council; which by the way is the best group of Council members any municipality could ask for, is hardly a harmonious moment in Far Hills.

The Preserve Far Hills Facebook page has many postings which are misrepresented much information pertaining to affordable housing in the Borough of Far Hills.

A post dated April 22 at 3:22 p.m. indicated that Mr. Joe Petrilli (actually Portelli), President of RPM (actually Vice President of Development for the RPM Development Corporation) stated that RPM has "a plan that calls for 50 affordable housing units which they will build, manage, own and maintain on land that the town already owns... and has reviewed the approximately 4 acres of land owned by the town adjacent to the Far Hills Fairgrounds...RPM believes this land is very suitable for the 50 unit development, BUT the town is not cooperating or discussing these options with RPM.". This is blatantly false.

We have also heard from Mr. Charles Schwester, 410 Lake Road, Far Hills who stated that he knew

Mr. Portelli or “Joseph” as he has said on the record and purportedly never said that he represented Far Hills when asking RPM Development to offer their services to Far Hills.

During a recent phone conversation with Mr. Portelli to discuss the statements posted on the Preserve Far Hills Facebook page and various statements made by residents at Borough Council and Planning Board meetings, he categorically denied ever saying the quote attributed to him on the April 22, 2019 Facebook post. He also denied knowing Mr. Schwester and only took his call because “he called me incessantly” and gave the impression that he (Mr. Schwester) was authorized to speak on behalf of Far Hills. As requested by residents, our Borough Attorney, Mr. Joseph Sordillo and Planner, Mr. David Banisch met with Mr. Portelli of RPM Development on April 11, 2019 and during that meeting Mr. Portelli also related this sentiment.

During my conversation with Mr. Portelli, I also expressed that he should be prepared to discuss these issues should the Borough need to depose him regarding the gross misstatements made on the Preserve Far Hills Facebook page. This misinformation will become even more evident and immediately relayed to the public and if necessary, to the appropriate authorities.

I would also like to address the flyer sent to residents over the May 4, 2019 weekend and also posted on the Preserve Far Hills Facebook page illustrating a cost estimate comparison between the Borough’s Court approved plan on the Route 202 site and RPM Development Group 50 apartment unit plan.

To date, RPM Development has not provided our Borough professionals the final projected costs following the April 11, 2019 meeting. So, I ask you, where did Preserve Far Hills obtain the grossly understated numbers as detailed in the mailer, which appear to be understated by many millions of dollars based on what we know so far from RPM Development? Again, another misrepresentation of the facts.

The flyer also misrepresents the cost estimate for the Borough’s plan. The cost estimate to the Borough of 2.5 million dollars for land acquisition is totally inaccurate and false. The Borough of Far Hills is not purchasing this property; it is being purchased by a third party and there will be NO cost to Borough for this land acquisition. The numbers projecting tax revenues are again misrepresented and are dramatically underestimated and self-serving to the “Did You Know” group, who apparently, do NOT know!

But now for some very good news. After much discussion with Pulte Homes that has taken place over the past several months, they have agreed to market the entire market rate development as AGE RESTRICTED. This makes a very good Borough plan an excellent one. This essentially reduces the child count to less than 10 and based upon the actual cost estimates, not the inaccurate estimates posted by Preserve Far Hills. The projected tax revenue to the Borough for this project is a positive 45+% and the Borough will not incur any additional debt for this development all while maintaining one of the lowest municipal tax rates in the state. The Pulte Home development addresses the Borough’s affordable housing obligation via an elegant well-constructed town home development similar in nature and size to the Polo Club. The Polo Club, which has been, and continues to be a wonderful addition to our community, and is in keeping with the image of Far Hills.

Let me remind you that the massive development referred to by Preserve Far Hills, is an approximate 2500 total unit development in the Hills and was a direct result of a builder's remedy lawsuit which the Township of Bedminster lost.

Later this week, I will be addressing all of the misinformation and inaccurate statements posted on the Preserve Far Hills Facebook page and if determined necessary by the Borough Council, this misinformation will be forwarded to our attorneys, the courts and appropriate third parties. Through the Borough newsletter and website our residents will be provided with the most accurate and factual information as possible.

In short, the proposal submitted by Pulte Homes and their agreement to market the units as AGE RESTRICTED addresses the concerns with cost, education and traffic and makes an already great plan an excellent one for Far Hills.

In addition, reference was made to an article in the May 9, 2019 issue of the Bernardsville News titled "Game Changer" highlighting that the Borough's Court approved COAH plan for the Pulte Development on Errico Acres will be deeded Age Restricted for the Market Rate Units.

APPLICATION

June Buchanan, LLC

Block 13, Lot 3

Change of occupancy

William Hotz was present on behalf of the applicant. Mr. Hotz explained to the board that this change of occupancy is located in a building he owns at 8 Peapack Rd. Mr. Hotz explained that the space was previously used as a hair salon which was co-occupied with JR Photography. Mr. Hotz explained that the owner of JR Photography passed away, and at that time the hair salon occupied the entire space. Mr. Hotz stated that he is seeking approval for a change of occupancy to have June Buchanan, LLC occupy the space entirely. Mr. Hotz explained that Ms. Buchanan has a very nice clientele and operates basically as a sole proprietor. She may have one or two part time employees.

Mr. Hotz discussed parking stating that the building has an abundance of street parking, and there has never been a parking issue at this location.

With brief discussion amongst the board and professionals, and with no questions for comments from the public; Chairman Lewis accepted a motion to approve the change of occupancy application.

On a motion by Debra Ross, seconded by Mayor Paul Vallone and a majority roll call vote, the application was approved.

Mr. Hotz asked if the tenant can occupy the space prior to the memorializing resolution.

On a motion by Cheryl Devine, seconded by Marilyn Layton and a majority roll call vote, that permission was granted.

PUBLIC HEARING

Planner David Banisch announced that the hearing will be re-noticed to the newspaper and the county. Mr. Banisch also stated that notice will be provided on the Borough website as well.

ZONING UPDATE

The board reviewed the Zoning memo from the Zoning Officer, Kim Coward. The board discussed skeet shooting and target practice, the board discussed checking the ordinance.

PUBLIC COMMENT

Mr. Khan stepped forward stating that the minutes are not in line with what was stated at the April 1st meeting for 27 Route 202. Mr. Khan stated that it seems as though there is favoritism, and doesn't understand why this matter is being pushed.

Janine Silverberg stepped forward asking if the age restriction would affect the number of units, will the number of units still be 134. Mayor Vallone responded yes.

Ms. Silverberg express to the board that residents have been looking for answers since January. Ms. Silverberg stated that she appreciates that the website is now being used and the Mayor is trying to correct the issues.

Mayor Vallone stated that the information has always been available and accessible via the Clerk's office.

John Sobel enter a letter into the record and summarized it for the board. Mr. Sobel stated that the letter is seeking an extension of the settlement agreement. Mr. Sobel stated that he would like the members of the public and the board and council to work together. Mr. Sobel also discussed that residents were not given written notice of the Borough's intentions.

Borough Attorney, Joseph Sordillo, was present and stated that notice was provided within what was required by the court. Everything was done to the letter of the law.

Mr. Khan stepped forward again stating that he lives within 250 ft of one of the properties that will be developed for affordable housing. Mr. Khan stated that the board needs to stop hiding behind legal terms, and asked the planning board members to put themselves in his shoes. Mr. Khan stated that it seems as though the board and professionals are taking sides with the developers.

Board Attorney Susan Rubright addressed the board and public stating that the professionals and the secretary to the board are not on any sides and that her job is to represent the board.

Board Planner, David Banisch, stated that there is voluntary compliance and involuntary requirements. Mr. Banisch stated that The Hills development in Bedminster was a builder's remedy lawsuit as the Mayor spoke about earlier. Mr. Banisch stated that the Borough of Far Hills has bitten the bullet and taken the road of voluntary compliance.

Charles Schwester stepped forward inquiring about a piece of property across from the Matheny property that the Borough claims is municipal owned. David Banisch responded stating that property was donated to the Borough 20 to 30 years ago and has deed restrictions that it must be used for municipal purposes.

Ed Cory stepped forward to discuss and inquire about a developer who Mr. Cory claims made a proposal to build 21 market rate units to fund the 29 affordable housing units. David Banisch commented that no proposal of any sort has been made to the Borough.


Daniel Hewitt, attorney for the Preserve Far Hills group stepped forward stating that he understands last minute agenda changes happen and has requested that counsel be notified of any changes.

Susan Rubright stated that she spoke with the attorney's office prior to this meeting and informed them of the changes, and will make.

ADJOURNMENT

Motion by Vice Chair Tom Rochat, seconded by Debra Ross and a majority voice vote, the meeting adjourned at 8:55pm.

Respectfully submitted,



Trina Lindsey
Planning Board Secretary

APPROVED: 6/3/19