

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
October 7, 2019

CALL TO ORDER

Chairman Lewis called the meeting to order at 7:00 p.m. at the Far Hills Municipal Building and read the open public meetings statement in accordance with the law.

PLEDGE OF ALLEGIANCE

Chairman Lewis led the Pledge of Allegiance.

ROLL CALL

Present: Marilyn Layton, Vice Chairman Tom Rochat, Debra Ross, Councilwoman Sheila Tweedie, Mayor Paul J. Vallone, MD, Kevin Welsh, Chairman Robert Lewis

Absent, as Excused: John Lawlor, Gerrie McManus

Absent:

Also Present: Board Attorney Susan Rubright, Borough Planner David Banisch and Acting Planning Board Secretary/Borough Clerk Dorothy Hicks

ACCEPTANCE OF RESIGNATION

Mayor Vallone announced that due to family obligations, Ms. Cheryl Devine had submitted her resignation from the Planning Board effective immediately. On behalf of the Borough of Far Hills, Mayor Vallone acknowledged the dedication and service Ms. Devine has provided as a member of the Planning Board. Ms. Hicks was asked to prepare an official letter of appreciation.

BILL LIST

Motion by Ms. Ross, seconded by Councilwoman Tweedie that the October 7, 2019 Bill List be approved.

Roll Call:

Aye: Ms. Layton, Mr. Rochat, Ms. Ross, Councilwoman Tweedie, Mayor Vallone, Mr. Welsh, Chairman Lewis

Nay:

Abstain:

Motion Carried.

APPROVAL OF MINUTES

7/1/19 – Regular Meeting

Motion by Ms. Layton, seconded by Ms. Ross, was unanimously carried that these minutes be approved for content and release.

CORRESPONDENCE

Request for One-Year Extension of Variance Approval – 210 Lake Road, B3 L8
Letter dated September 9, 2019 – Amy and Daniel Neu

Chairman Lewis stated that a letter was received from Mr. Daniel Neu requesting an additional extension of variance approvals. Chairman Lewis noted that the variances were originally granted by the Planning Board per Resolution 2016-05 and an extension was granted per Resolution 2018-10.

Ms. Rubright swore in Mr. Daniel Neu, 210 Lake Road, Far Hills, NJ.

Mr. Neu provided an overview of the project and requested a second one (1) year extension of the variance approvals. He stated that he had submitted construction permit applications last week and has been in contact with the construction office since May 2019.

Councilwoman Tweedie inquired if the conditions as required by Resolution 2016-05 had been met. Mr. Neu responded that he recently received a letter from the Zoning Officer, Ms. Coward but had not yet submitted the requested documents.

Mr. Banisch concurred that the conditions of the resolution pertaining to construction would need to be met prior to the issuance of any construction permits. Additional conditions must be met prior to the issuance of a certificate of occupancy.

Ms. Rubright reviewed several of the conditions of Resolution 2016-05 and the additional documents that may need to be reviewed by the Borough Engineer. Ms. Rubright added that the resolution also requires the recording of easements and deed restrictions for the property and indicated that Mr. Neu's attorney should prepare those documents for the Boards review.

Ms. Rubright and Mr. Banisch inquired of Mr. Neu the timeline for construction.

Mr. Neu responded that he was planning to start construction this spring and anticipated completion within one year.

Ms. Rubright stated that only applying for a construction permit was not sufficient to perfect the variance approval, but construction must actually commence. She further explained that per Borough ordinances variance approvals do expire.

Councilwoman Tweedie inquired if there was a limit on the number of extensions that could be granted for variance approvals.

Mr. Welsh inquired if a provision could be added to the approval to indicate, without substantial cause for delay, that no additional extensions would be granted.

Mr. Banisch responded that he did not believe that there was a limit on the number of extensions that a Board could grant; however, indicated the Board has the authority to determine if an extension of a variance is warranted based upon the testimony from the applicant and review of the specific circumstances.

A brief discussion ensued regarding the expiration of variances and the circumstances at the time that the original variances were granted.

Chairman Lewis asked if there were any additional comments from the Board.

Mayor Vallone inquired, as suggested by Mr. Welsh, if it could be noted in the granting of this extension that appreciable progress must be made, otherwise any additional requests for an extension may be denied.

Ms. Rubright concurred and would incorporate a comment to indicate that significant justification for any additional delays would be required of the applicant for any requests for subsequent extensions.

There were no further comments or questions from the Board.

Motion by Vice Chairman Rochat, seconded by Mr. Welsh that a second, one (1) year extension of approval of variances be granted to Daniel and Amy Neu for the property located at 210 Lake Road, B3 L8 in the Borough of Far Hills.

Roll Call:

Aye: Ms. Layton, Mr. Rochat, Ms. Ross, Councilwoman Tweedie, Mayor Vallone, Mr. Welsh, Chairman Lewis

Nay:

Abstain:

Motion Carried.

RESOLUTIONS

Resolution 2019-17 – 27 Route 202, FH, LLC - B14 L3 – 27 Route 202

Memorializing Grant of Amended Major Preliminary and Final Major Site Plan Approval with Variances

Ms. Rubright commented that there were six (6) Change of Use applications which were approved by the Board at the September 3, 2019 meeting. The six applications were submitted as a component of the Site Plan application. The Change of Use application for Bedminster Massage Therapy Group was not approved because the applicant testified that in addition to massage services there would be chiropractic services performed at the office, thus being classified as a medical use. Ms. Rubright advised that as a medical use, the parking standard and parking variance granted could possibly be affected. She continued noting that although the applicant was making the non-conforming parking situation less non-conforming by increasing the number of spaces required and reducing the number of tenants, the applicant would still require a parking variance.

Ms. Rubright advised that separate testimony should be heard on the Change of Use application for Bedminster Massage Therapy Group due to the parking requirement for a medical use.

Mayor Vallone indicated that it was also requested that the individual should come before the Board to provide testimony as to their medical credentialing and hospital affiliations. Ms. Rubright responded that a copy of the individual's chiropractic medical license was provided to her by Mr. Anthony Melillo.

Mr. Banisch commented that the variance granted was based upon the retail parking standard and as Bedminster Massage Therapy Group would be classified as a medical use, the medical use parking standard would apply.

Mr. Banisch then inquired if additional notice would be required.

Ms. Rubright responded that legal notice would be required if there was a change to the variance, but no notice would be necessary for the Change of Use application to be heard before the Board.

Chairman Lewis sought verification as to the submission of the lighting plan for the parking lot as requested by the Borough Engineer.

Ms. Rubright responded that a lighting plan would need to be submitted to both the Borough Engineer and Planner and referenced Condition No. 5 and Item 19 in Resolution 2019-17.

A brief discussion ensued with recommendations to amend Condition No. 5 for clarification as to the lighting plan requirements. Mr. Banisch provided the following addition verbiage to Condition No. 5. "The Borough Engineer and Planner may authorize lighting reductions if light levels are found to be unacceptably bright for the neighborhood. The applicant shall provide lighting samples to illustrate the "color" of lights to be used."

Ms. Rubright agreed to incorporate those changes in the Resolution.

Motion by Councilwoman Tweedie, seconded by Ms. Layton, that Resolution 2019-17 be approved as amended.

Roll Call:

Aye: Ms. Layton, Mr. Rochat, Ms. Ross, Councilwoman Tweedie, Mayor Vallone, Chairman Lewis

Nay:

Abstain: Mr. Welsh

Motion Carried.

Chairman Lewis indicated that he attended a seminar hosted by the Highlands Council regarding storm water management, and indicated that the Borough may have to record and map all inlets and outfalls in the future. He recommended that future site plans applications be required to detail this information.

Mr. Banisch responded that the Borough may be amongst the smaller municipalities that were previously exempted from the state stormwater mapping requirements.

Ms. Rubright responded that an ordinance would need to be prepared for these additional stormwater mapping requirements and inclusion in an applicant checklist, and would coordinate with the Borough Engineer and Planner to develop a draft ordinance for the Boards consideration.

ZONING UPDATE

Chairman Lewis reviewed the September 2019 Zoning Update Memo.

PUBLIC COMMENT

Dr. George Mellendick, 260 Lake Road, Far Hills inquired as to the recent installation of pink demarcations along the roadway adjacent to the Errico Acres property and expressed his concern about the preservation of the existing scenic corridor buffer.

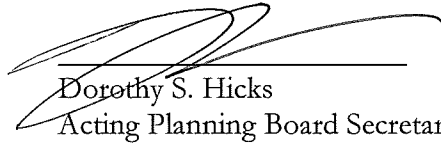
Mayor Vallone responded he had no knowledge of the demarcations along the roadway, but confirmed that discussions between the Borough and the developer included a 300' scenic corridor buffer requirement.

There were no further comments from the public.

ADJOURNMENT

Motion by Councilwoman Tweedie, seconded by Mayor Vallone and unanimously carried to adjourn the meeting at 7:49 p.m.

Respectfully submitted,



Dorothy S. Hicks
Acting Planning Board Secretary/Borough Clerk

APPROVED 11/4/19