

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
January 4, 2021
VIA REMOTE MEETING ACCESS ONLY

CALL TO ORDER

Chairman Rochat called the virtual meeting to order at 7:17 p.m. and read the Open Public Meetings statement in accordance with the law.

ROLL CALL:

Present: Chairman Tom Rochat, Vice Chairman Richard Rinzler, Mayor Paul Vallone, Councilwoman Sheila Tweedie, Kevin Welsh, Robert Lewis, Marilyn Layton and Suzanne Humbert, Alt. #2

Also Present: Peter Henry, Board Attorney, David Banisch, Planner, Steve Bolio, Engineer and Shana L. Goodchild, Secretary

Absent: John Lawlor, Alt. #1

There were approximately six (6) audience members present.

BILL LIST

- January 4, 2021

With one correction to an invoice number noted by Ms. Goodchild, Councilwoman Tweedie made a motion to approve the Bill List. Ms. Layton seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Mayor Paul Vallone, Councilwoman Sheila Tweedie, Robert Lewis, Kevin Welsh, Vice Chairman Richard Rinzler, Marilyn Layton, Suzanne Humbert, Alt. #2 and Chairman Tom Rochat

Those Opposed: None

MINUTES

- December 7, 2020 Regular Meeting

Mayor Vallone made a motion to approve the minutes of December 7, 2020 for content and release. Councilwoman Tweedie seconded the motion. All were in favor.

RESOLUTION

- **Resolution No. 2021-07** – Appl. No. PB2020-15, Block 15, Lot 1.01 – A&D Kitchen Interiors, LLC, Suite 13A (Office #1)

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

Planner Banisch noted that the resolution was prepared by Attorney Rubright and was presented in its final form. A motion was made by Councilwoman Tweedie and seconded by Ms. Layton to adopt the above referenced resolution as presented. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Mayor Paul Vallone, Councilwoman Sheila Tweedie, Robert Lewis, Vice Chairman Richard Rinzler, Marilyn Layton, Suzanne Humbert, Alt. #2 and Chairman Tom Rochat

Those Opposed: None

Abstentions: Kevin Welsh

APPLICATIONS/PUBLIC HEARINGS

- Appl. No. PB2020-16
BrainWorks Neuropsychology Consultants, LLC
Block 15, Lot 4
43 Route 202, Suite 100A
Use/Occupancy Change/Site Plan Waiver

Attorney Craig Gianetti, Esq. was present on behalf of Anthony Melillo and M.E. Far Hills Proper, LLC who was unable to attend. He explained that the use is a specialization in neuropsychology with individuals with traumatic brain injuries, dementia and memory loss. A brief discussion ensued regarding the Attorney testifying about facts and the Board felt it was necessary to have the applicant provide testimony and facts about the use. Mayor Vallone had questions as to any medical treatments that may be administered, situations that may warrant emergency services and suggested tabling the application until such testimony could be provided. Mr. Welsh recused himself from the application as the applicant is his sister-in-law.

The Board agreed to table the application and hear the matter later in the meeting if the applicant/occupant could join the meeting via Zoom.

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

Lawrence Cohen, Esq., was present on behalf of Raritan Valley Development Corporation and noted that all testimony was provided by the applicant and questions were heard by the public. The Board Attorney was authorized to draft a resolution of approval for consideration by the Board.

Mr. Lewis questioned the condition related to parking on DeMun Place and noted that over the past several weeks he noticed that the cars parked there were not a hindrance to the intersection. He noted

that the condition of approval requires the spots to be lined but wasn't aware of any spots in Far Hills that were lined and opined that it should be left up to the Borough Council. It was the consensus of the Board to strike "...and the three (3) spaces will be lined" and the references to it elsewhere in the resolution would be removed.

It was noted that the Developer's Agreement left the architectural design to the discretion of the Mayor and Council. Chairman Rochat opined that the structure is a prominent building in town and should have a permanent architectural detail. Mr. Hotz agreed and noted that he will be making a formal presentation to the Borough Council specifically addressing the front of the building.

Mr. Bolio had a minor comment on page eight (8) and asked that "100 year" be stricken from flood hazard area.

Mr. Cohen outlined the comments he had on the resolution that he addressed with Planner Banisch prior to the meeting – those comments were as follows:

1. Page 4, paragraph 11 (second bullet) the square footage of the building should read 2,722 sq. ft., not 3,560 sq. ft.
2. Page 11, paragraph 3 ix. should be amended to read that that conduit for charging stations would be installed, stations are not being put in unless and until there is a need for them.

A brief discussion ensued with regard to Mr. Cohen's objection to the condition requiring that the resolution be recorded with the Somerset County Clerk's office. Planner Banisch outlined the reasons the Board implemented the practice of requiring the recording and Mr. Cohen and Mr. Hotz accepted the condition.

There being no additional questions from the Board, Chairman Rochat opened the meeting up to the public at 7:56 p.m.

George Mellendick, Lake Road, was present and expressed concern with the height of the building. It was confirmed that the height would conform to the 35-foot maximum height requirement. Dr. Mellendick also expressed concern with shielding the building and parking lot area. He opined that if parking space number six (6) were removed it would provide an opportunity to buffer the area from Peapack Road. He asked that the Board give more consideration to the landscaping. When asked about the uses within the building, Mr. Hotz explained that the existing hair salon and office space will remain with affordable housing also proposed.

Discussion ensued amongst Attorney Henry and Attorney Cohen about the ongoing public comment. Attorney Cohen opined that public comment had been received and the continuation of the hearing was for Board deliberation and a vote. Dr. Mellendick opined that the issues he raised at the last hearing were not addressed. In conclusion, Mayor Vallone thanked Dr. Mellendick for his comments but noted that the aesthetics and landscaping were adequately addressed at the last meeting and the applicant agreed to address those issues.

There being no additional comments from the public, Chairman Rochat closed the public comment period at 8:07 p.m.

RESOLUTION

- **Resolution No. 2021-08** – Appl. No. PB2020-11, Block 13, Lots 2 & 3 – Raritan Valley Development Corp., 8-10 Peapack Road

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

Based on the discussion above, Mr. Lewis made a motion to approve the resolution as revised. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Mayor Paul Vallone, Councilwoman Sheila Tweedie, Kevin Welsh, Richard Rinzler, Marilyn Layton, Suzanne Humbert, Robert Lewis and Chairman Rochat

Those Opposed: None

- Appl. No. PB2020-16
BrainWorks Neuropsychology Consultants, LLC
Block 15, Lot 4
43 Route 202, Suite 100A
Use/Occupancy Change/Site Plan Waiver
Continuing with the application from earlier in the meeting, Attorney Craig Gianetti returned with Dr. Antionette Welsh, occupant.

Dr. Antionette Welsh was present and sworn in by Attorney Henry. Dr. Welsh provided her professional background noting that she has a specialty in neuropsychology which is the field of brain/behavior relationships. She does not prescribe medication and does not provide emergency services and or render any treatment in the office. Her activity would include diagnostic testing which involves question and answer type tasks with patients who are suspected to have cognitive functioning issues such as brain injuries, stroke patients or learning disabilities. The evaluation can take several hours and one (1) patient is seen per day (two (2) evaluations per week). When asked by Mayor Vallone to address the hours of operation and the possibility of ambulance service, Dr. Welsh explained that she arrives at 8 a.m., schedules patients for 9 a.m. and the last patient departs around 2:30 p.m. In her 7 years, she has never had to call an ambulance; all patients are well enough to come to the office without major medical issues. Two (2) to three (3) evaluations per week are expected with the rest of the work done from home.

When asked by Vice Chairman Rinzler if the parking spaces available will accommodate a handicap van, Dr. Welsh noted that the parking lot is large and could accommodate a van if necessary. Planner Banisch pointed out that the application included a chart with parking requirements. When asked by Planner Banisch to clarify the information on the application related to the number of parking spaces required (one (1) was noted), Dr. Welsh agreed that the number of parking spaces should read two (2); one for herself and one for the patient.

Attorney Gianetti confirmed that the Board would not place a condition on the approval limiting the number of patients to 2-3 to which Planner Banisch and Attorney Henry agreed that it would be a finding of fact only however the occupant would be limited by the hours of operation requested.

Attorney Gianetti requested that the applicant be permitted to occupy the space prior the adoption of the memorializing resolution. Planner Banisch noted that the Board cannot grant approval to occupy

the office but it can include in its approval no objection to tenancy prior to the adoption of the resolution. Planner Banisch also requested revisions to the application related to the change of parking to which the applicant agreed.

There being no additional questions or comments, Councilwoman Tweedie made a motion to approve the application. Ms. Layton seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Mayor Paul Vallone, Councilwoman Sheila Tweedie, Kevin Welsh, Richard Rinzler, Marilyn Layton, Suzanne Humbert, Robert Lewis and Chairman Rochat

Those Opposed: None

APPLICATIONS/PUBLIC HEARINGS

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

David Brady, Esq. was present on behalf of the applicant. He noted that the applicant was before the Board in March 2020 for approvals that were memorialized in a resolution dated May 4, 2020. At the time of the application the property consisted of ten (10) acres and had an existing older house, a driveway, detached garage, pool and associated other improvements including a septic field that straddled the property line to the north. The original application proposed an addition to the existing house, expansion to the garage and a covered porch. Variances were granted for: front yard setback (200 feet required and 152.99 feet provided), minimum lot size (10 acres required and 9.75 due to the required road dedication to the Borough) and a variance for the amount of construction in the stream corridor (33% maximum) however, based on a closer calculation, a variance is no longer needed. Mr. Brady went on to explain that when construction began there was an issue with the excavator and the building was constructed closer to the street than approved. Stop work orders were issued for the new construction however work was permitted to continue inside the existing house. The new application is seeking the following relief: front yard setback variance of 149.15 feet, same minimum lot size variance and the applicant's Engineer will provide the calculation for the construction within the stream corridor. The applicant is also seeking approval to reconstruct the pool and pool patio within the stream corridor and relocation of the septic beds on the property. Revised plans were submitted along with a cover letter dated December 23, 2020 addressing Engineer Ferriero and Planner Banisch's reports. In conclusion, Mr. Brady outlined two (2) completeness waivers being sought for the Environmental Impact Statement and information regarding properties within 200 feet of the subject property. Mr. Bolio noted that the waivers were granted at a previous meeting. Mr. Brady outlined the professionals present, those being the applicant Jerry Chiusolo, Jerry Chiusolo, Jr., Paul Fox, Engineer and John Peel, Professional Planner.

Chairman Rochat noted that at the last meeting there was discussion about a site walk to understand the prior approval, the work completed to date and the pending application. Attorney Brady suggested that the applicant's Engineer provide a brief description of the project prior to the Board scheduling the site walk.

Paul Fox, Engineer from Apgar Associates was present and sworn in by Attorney Henry. Mr. Fox provided his educational and professional background and was accepted by the Board.

Mr. Fox explained that he prepared the plans for the original application which proposed eliminating the original garage portion of the home and replacing it with a new addition that included a covered porch to the rear and a two (2) car garage in the front of the addition. Since that approval, the applicant started work on the approved features however, unfortunately the excavation for the foundation of the addition was completed approximately four (4) feet closer to the street than what was approved. Additionally, the applicant was concerned with the existing pool and its proximity to the home and decided to demolish the pool in anticipation of reconstructing it at a slightly greater distance from the home. Finally, the new plan shows the front driveway relocation away from the home to allow for landscaping and distance from the front steps. Mr. Fox noted that the original application called for a new septic system or approval from the neighbor to allow the existing septic system to remain. The applicant was not able to work out an arrangement with the adjoining property owner, therefore a fully conforming septic system is proposed.

Using the Share Screen feature of Zoom, Mr. Fox walked the Board through the revised plans, specifically pages one (1), two (2) and five (5). He explained that the existing development occupies approximately $\frac{1}{4}$ of the property and the remainder is somewhat heavily forested. Mr. Fox outlined the locations of the previous driveway, proposed driveway and the previous location of the pool and associated patio. Using Sheet five (5) Mr. Fox demonstrated the proposed pool with the hatched area representing the area of the patio to be removed and the small area of the addition located within the Borough stream corridor; the project has a net reduction within the Borough stream corridor. He also noted that none of the proposed features will be any closer to the stream other than a small corner of the proposed pool; all work is being done within previously developed lawn and landscape area. Referencing sheet six (6), Mr. Fox described the three (3) tiered screening of the proposed septic system and plantings within the stream corridor buffer to address Planner Banisch's comments.

Mr. Fox displayed the following photographs which were marked as follows:

Exhibit A-1 – photograph from the edge of Lake Road at the front corner of the property looking toward the subject home (labeled as 20 Lake Road - photo 5).

Exhibit A-2 – photograph taken 100 feet further down Lake Road (labeled as 20 Lake Road – photo 1).

Exhibit A-3 - photograph taken from Lake Road at the entrance to the site depicting existing screening (labeled as 20 Lake Road – photo 2).

Exhibit A-4 – photograph taken from Lake Road approximately 100 going toward Route 202 looking back at the site (labeled as 20 Lake Road – photo 3).

Mr. Fox explained that the existing landscape theme will be expanded upon to provide the screening that was requested.

When asked by Mr. Welsh the reason for the elevated septic system, Mr. Fox explained that the system is elevated due to the seasonal high ground water elevation; it is required by Code.

When asked by Mr. Rinzler how the old system will be abandoned, Mr. Fox explained that it will be abandoned in place which is permitted by the Code and permitted under the agreement with the neighbor.

When asked by Chairman Rochat if they have appeared before the Board of Health, Mr. Fox explained that the original plan was approved. He noted that since it was considered a repair it is approved administratively rather than by the full Board. Mr. Rinzler and Mayor Vallone expressed concern that the septic system was not reviewed by the full Board and opined that the elevated system will be visible from the roadway. Mayor Vallone suggested extending the proposed landscaping further up the driveway to which Mr. Fox agreed.

When asked by Mr. Lewis if the septic system is seven (7) feet at the southwest corner, Mr. Fox agreed. Mr. Lewis expressed concern with a proposed drywell if the seasonal high water table is high. Mr. Fox noted that when the drywells are installed they will provide soil logs and an inspection by the Borough Engineer. If a high ground water table is encountered, two (2) shorter tanks will be installed to address the situation. When asked if there is a basement, Mr. Fox responded in the positive. It was confirmed by Engineering Bolio that the Borough Engineer would inspect and approve the stormwater plan and require modifications, if necessary. When asked if the front courtyard requires a setback variance, Planner Banisch opined that it may and read into the record the definition of Structure. When asked by Attorney Henry if there is a prohibition of an accessory structure in the front yard, Planner Banisch responded in the negative. Attorney Brady asked if a driveway is considered an accessory structure to which Planner Banisch opined that driveways were treated differently since it is understood that a house must have a driveway that extends from the road to the structure however, the courtyard would be considered an accessory structure that must comply with setbacks.

Mr. Banisch noted that his office will issue a supplementary report on the revised plans following a site walk.

There was a brief discussion about the comments appearing on the Screen Share and Mayor Vallone and Councilwoman Tweedie expressed their disappointment with the display. Mr. Fox apologized for the exchange displayed on his screen.

Mr. Rinzler noted that some of the correspondence from Mr. Fox incorrectly references Bedminster Township. Mayor Vallone expressed concern with the number typos, incomplete information with the application and encouraged the applicant to pay closer attention to detail.

The site inspection was scheduled for Saturday, January 9, 2021 at 9 a.m. without formal notice other than Sunshine Notice; no formal action to be taken at the site walk. The Board asked that the following items to be staked in advance:

1. Pool to be staked – both previous location and proposed.
2. Septic system to be staked, height of the top of the septic system to be specifically marked.
3. Edge of stream corridor to be staked.
4. Changes in the front parking area and courtyard to be staked (old vs new).

There being no additional comments from the Board, Chairman Rochat opened the meeting up to the public for questions of the witness.

Dr. George Mellendick, Lake Road questioned the proposed roof mounted solar panels shown on the plan. Chairman Rochat noted that if solar panels are proposed they will need to return for a variance.

There being no additional questions from the public, it was announced that the public hearing would continue on February 1, 2021 at 7:00 p.m. at a virtual meeting of the Planning Board with no new notice required.

AUTHORIZATION TO CLOSE ESCROWS

- | | |
|--|------------|
| 1. 27 Route 202 Far Hills, LLC | \$115.90 |
| 2. 27 Route 202 FH, LLC – Amended Pre. & Final Site Plan | \$3,031.89 |

Ms. Goodchild noted that the applicant requested that the escrow balances be returned. The Borough professionals have confirmed that all of the billing is complete and the Borough CFO has certified that the balances are correct.

Councilwoman Tweedie made a motion to authorize closing the escrows listed above. Mr. Lewis seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Mayor Paul Vallone, Councilwoman Sheila Tweedie, Kevin Welsh, Vice Chairman Richard Rinzler, Marilyn Layton, Suzanne Humbert, Robert Lewis and Chairman Tom Rochat

Those Opposed: None

CORRESPONDENCE

1. Notice dated December 14, 2020 from PSE&G re: application for an extension of a freshwater wetlands permit number 1 for right of way maintenance.

ZONING UPDATE

- Zoning memo dated December 29, 2020 – Kimberly Coward

Ms. Kimberly Coward was present and reviewed her memo with the Board noting that most of the recent permits have been for generators.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Motion by Councilwoman Tweedie, seconded by Mayor Vallone and unanimously carried to adjourn the meeting at 9:36 p.m.


Shana L. Goodchild, Planning Board Secretary

APPROVED 2/1/21

