

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
March 1, 2021
VIA REMOTE MEETING ACCESS ONLY

CALL TO ORDER

Chairman Rochat called the virtual meeting to order at 7:03 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, Robert Lewis, Marilyn Layton, John Lawlor, Alt. #1 and Suzanne Humbert, Alt. #2

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

Absent: None

There were approximately nine (9) audience members present.

Attorney Henry was unable to administer the Oath of Office for John Lawlor as he was unable to sign on with video.

BILL LIST

- March 1, 2021

Vice Chairman Rinzler made a motion to approve the Bill List. Mayor Vallone 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, Vice Chairman Richard Rinzler, John Lawlor, Atl. #1, Suzanne Humbert, Alt. #2 and Chairman Tom Rochat

Those Opposed: None

MINUTES

- February 1, 2021 Regular Meeting

Mayor Vallone made a motion to approve the minutes of the February 1, 2021 Regular Meeting for content and release. Councilwoman Tweedie seconded the motion. All were in favor.

- February 20, 2021 Special Meeting – Site Walk

After a brief discussion, the February 20, 2021 Special Meeting minutes were tabled in order to provide the Board Secretary an opportunity to listen to the recording to verify if the applicant stated that the proposed solar panels would only serve the main house as opposed to the house and detached barn/garage as noted in the application material.

There was a brief exchange between Attorney Henry and public member Charles Schwester about the site walk and the minutes resulting in Mr. Schwester being muted.

RESOLUTION

- **Resolution No. 2021-12** – Appl. No. PB2021-01, Block 15, Lot 8 – T & Friends, LLC

A motion was made by Vice Chairman Rinzler and seconded by Mr. Lewis 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, Suzanne Humbert, Alt. #2 and Chairman Tom Rochat

Those Opposed: None

- **Resolution No. 2021-13** – Appl. No. PB2020-13, Block 4, Lot 9 – 20 Lake Road, LLC

Mr. Henry pointed out that after speaking with the applicant's attorney the word "significantly" should be inserted on page 3, paragraph 2. Mr. David Brady, Attorney for the applicant was present and agreed with Mr. Henry's summary of their conversation.

With that minor edit, a motion was made by Councilwoman Tweedie and seconded by Mayor Vallone to adopt the above referenced resolution as corrected. 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, Suzanne Humbert, Alt. #2 and Chairman Tom Rochat

Those Opposed: None

APPLICATIONS/PUBLIC HEARINGS

- Appl. No. PB2021-02
Branch Home, LLC
Block 14, Lot 2
21 Route 202
Change of Use/Occupancy/Site Plan Waiver

John and Jill Turpin, Applicants, were present and sworn in by Attorney Henry. Mrs. Turpin requested to open a home decor and gift shop in the pre-existing retail space within the building.

Planner Banisch pointed out that the property received site plan approval from the Planning Board in 1987; the subject space is 500 sq. ft. in a 1,745 sq. ft. building. At the time, 5,400 sq. ft. of office and retail space was approved and built in several phases. The site plan shows that there were 27 parking spaces approved by the Planning Board and the application provided for review tonight shows only 24 spaces existing on site. Mr. Banisch opined that the decrease of three (3) spaces may have been the result of restriping.

Mr. Banisch noted that there will be no more than two (2) people working at the shop at a time to which Mrs. Turpin confirmed and added that for a majority of the time it will be one (1) person. When asked if the existing sign will be re-messaged to identify the name of the new business, Mrs. Turpin responded in the positive. When asked if the existing trash and disposal facilities are adequate, Mr. Turpin responded in the positive noting that four (4) 90-gallon totes exist in the rear of the building along with the recycling bin. With weekly trash service, there is generally one (1) or two (2) totes that are full. The proposed use will not generate much trash and the store plans to be a low waste entity. When asked if there is room for another tote should the need arise, Mr. Turpin responded in the positive.

Mr. Banisch, referencing No. 8i of his report dated March 1, 2021, noted that either a parking variance would be necessary or, the parking lot would need to be restriped within a fixed period of time, such as 90 days. This would permit the applicant to open the store on a temporary Certificate of Occupancy which would expire within 90 days of the adoption of the resolution. Mr. Turpin clarified that No. 2b (page 2) of the 1987 resolution called for 26 parking spaces to which Mr. Banisch agreed and noted that the deficiency was two (2) parking spaces.

Mr. Turpin committed to restriping the parking lot for 26 parking spaces and accepted the 90 day condition on the temporary Certificate of Occupancy.

When asked by Mayor Vallone to describe the business, Mrs. Turpin explained that the store would be a small home decor business (no furniture) selling candles, pottery, etc. with an emphasis on mostly local and sustainable items. The hours of operation proposed are 10 a.m. to 6 p.m., closed on Sunday and Monday with a focus on on-line and curbside pick-up.

Mr. Bolio requested that the applicant provide a sketch of the striping before the work commences.

Chairman Rochat opened the meeting up to the public for questions.

Charles Schwester, 410 Lake Road suggested that those logging onto the meeting include their name and title for the benefit of the public.

There being no additional questions, Chairman Rochat closed the meeting to the public.

Mr. Banisch noted that the applicant may be ready to open the store before the resolution is adopted to which the Board had no objection to the applicant proceeding.

When asked how the condition related to striping would be confirmed, it was noted that Mr. Bolio would perform a post striping inspection and issue a letter to the Zoning Officer so that the permanent Certificate of Occupancy could be issued.

There being no additional questions from the Board, Mr. Lewis made a motion to approve the Change of Occupancy, site plan waiver and change of messaging on the existing sign with the following conditions: 1) a temporary Certificate of Occupancy for 90 days until the parking lot is restriped to the approval of the Borough Engineer, 2) any other permits, and 3) payment of all fees and escrows. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Mayor Paul Vellone, Councilwoman Sheila Tweedie, Robert Lewis, Vice Chairman Richard Rinzler, Marilyn Layton, John Lawlor, Alt. #1, Suzanne Humbert, Alt. #2 and Chairman Tom Rochat

Those Opposed: None

- Appl. No. PB2020-04
Lakehaus, LLC
Block 4, Lot 5
100 Lake Road
Use and Bulk Variances for Ground Mounted Solar

Mayor Vellone and Councilwoman Tweedie recused themselves from the meeting due to the fact that the application is for a D variance.

Frederick Zelley, Attorney for the applicant was present on behalf of the applicant.

Peter Henry noted that he spoke to Mr. Zelley earlier in the evening with regard to the adequacy of the public notice. He pointed out that there was a typo in the notice with respect to the setback from Pennbrook Road; the notice reads 100 feet is required where it should have indicated that 200 feet is required. Mr. Henry provided a brief legal opinion and was inclined to allow the applicant to proceed but noted that it was up to Mr. Zelley and his client. In a related issue, he added that in the course of reviewing the application it had become apparent that there are numerous setback violations of existing structures that could not be managed within the confines of the current application. He noted that Mr. Zelley included language in the notice for any or all other variances however, he opined that the language was intended to cover things that were not apparent at the time of the application. Mr. Henry reported that the small variances required involved structures and/or improvements that were installed by the previous owner along with the tree house that was erected by the current owner.

Mr. Zelley did not disagree with Mr. Henry's analysis and opined that it made sense for all of the variances to be heard together. He expressed concern that there were only six (6) members able to

vote. Ms. Goodchild noted that the number of voting members may not change by the next meeting unless a new member was appointed to the Planning Board by the Borough Council. Mayor Vallone returned to the meeting and noted that it was unlikely that a seventh member would be appointed to the Board by the April meeting. He explained that several people were under consideration for appointment which may take several months. At 8:10 p.m. Mr. Zelley asked for a break to confer with his client.

Mr. Henry suggested that the Board members who attended the site walk write down their observations so that they could be put on the record at the beginning of the public hearing.

When asked by George Mellendick, 260 Lake Road to clarify what was happening, Mr. Henry explained that Mr. Zelley was taking time to speak to his client about whether to proceed with the public hearing or whether to carry the matter to next month's meeting. For Dr. Mellendick's benefit, Mr. Henry briefly described the violations that were discovered when the application for the ground mounted solar was filed. He also explained the current make-up of the Board, why an applicant prefers having seven (7) eligible members to vote and noted that the Mayor and Councilwoman must recuse themselves for any D variance.

Mr. Schwester, 410 Lake Road again recommended that Board members and professionals have their names and titles displayed. Vice Chairman Rinzler pointed out that the Mayor's bulletin and the Borough webpage both contain the Planning Board roster.

Mr. Zelley returned to the meeting at 8:26 p.m. and asked for the public hearing to be continued to April 5, 2021, 7 p.m. with new notice to be provided by the applicant. He noted that there was a possibility that the applicant may request a further adjournment if the number of Board members has not increased to seven (7) members.

CORRESPONDENCE

- None

ZONING UPDATE

- Zoning memo dated February 25, 2021 – Kimberly Coward

There were no comments on the zoning update.

PUBLIC COMMENT

George Mellendick, 260 Lake Road, asked about the Zoning Update. Chairman Rochat and Councilwoman Tweedie read over each item referenced in Ms. Coward's memo.

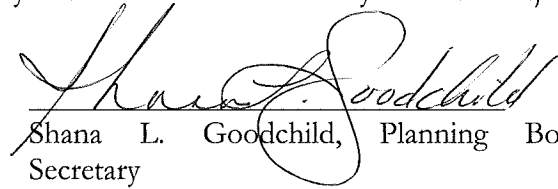
When asked by Dr. Mellendick if the draft minutes could be released prior to the meeting, Mr. Henry explained that until the minutes are adopted by the Board they are not the Board's minutes and should not be public documents. Mayor Vallone added that draft minutes should not be released to the public as they are not official until adopted.

Charles Schwester, 410 Lake Road, expressed his disappointment that he was muted earlier when trying to ask a question.

There being no additional comments, Chairman Rochat closed the meeting to public comment.

ADJOURNMENT

Motion by Councilwoman Tweedie, seconded by Mayor Vallone and unanimously carried to adjourn the meeting at 8:36 p.m.


Shana L. Goodchild, Planning Board
Secretary