

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
January 3, 2023

CALL TO ORDER

Chairman Rochat called the meeting to order at 7:22 p.m. at the Far Hills Municipal Building and read the Open Public Meetings statement in accordance with the law. Those present stood for the pledge of allegiance.

ROLL CALL:

Present: Chairman Tom Rochat, Vice Chairman Robert Lewis, Mayor Kevin Welsh, Councilwoman Sheila Tweedie, Marilyn Layton, Jack Koury, Andrea Harvey, Alt. #1 and Thomas Swon, Alt. #2

Also Present: Frank Linnus, Board Attorney; Steve Bolio, Borough Engineer; David Banisch, Planner and Shana L. Goodchild, Secretary

Absent: John Lawlor and Suzanne Humbert

There were approximately fifteen (15) audience members present.

BILL LIST

- January 3, 2022

Councilwoman Tweedie noted that while reviewing the Bill List there appeared to be a few outstanding projects due to ongoing resolution compliance issues, at least one (1) of those properties having changed hands twice. She discussed a possible mechanism to prevent the projects from lingering and overburdening new owners. Ms. Linnus suggested a condition in the resolution requiring the recording of the resolution while Mr. Banisch suggested the Borough consider adopting an ordinance requiring the sale of all property to be registered with the Borough Clerk at which time there would be a procedure to check for any open conditions or issues. In conclusion, Councilwoman Tweedie requested that the Board professionals and Ms. Goodchild give it some thought for discussion at a future meeting. She offered to bring it up at the next Borough Council meeting for discussion.

Councilwoman Tweedie made a motion to approve the Bill List. Vice Chairman Lewis seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Vice Chairman Robert Lewis, Mayor Kevin Welsh, Councilwoman Sheila Tweedie, Marilyn Layton, Jack Koury, Andrea Harvey, Alt. #1, Thomas Swon, Alt. #2 and Chairman Tom Rochat

Those Opposed: None

MINUTES

- December 5, 2022 Regular Meeting

Councilwoman Tweedie made a motion to approve the minutes of the December 5, 2022 Regular Meeting for content and release. Ms. Layton seconded the motion. All were in favor. Mayor Welsh abstained.

- December 10, 2022 Special Meeting- Site Walk

Councilwoman Tweedie made a motion to approve the minutes of the December 10, 2022 Special meeting for content and release. Mr. Koury seconded the motion. All were in favor. Mayor Welsh abstained.

PUBLIC COMMENT

There was no public comment.

RESOLUTION

- **Resolution No. 2023-07** – Paul Abend, Block 15, Lot 1.01

Those eligible: Vice Chairman Lewis, Councilwoman Tweedie, Mr. Lawlor, Mr. Koury, Ms. Harvey and Chairman Rochat

After a brief explanation of the resolution by Mr. Linnus, Councilwoman Tweedie made a motion to approve the resolution as written. Mr. Koury seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Lewis, Councilwoman Tweedie, Mr. Koury, Ms. Harvey and Chairman Rochat

Those Opposed: None

APPLICATION/PUBLIC HEARING (Con't. from 12/5/22)

- Appl. No. PB2022-14

Renard

Block 6, Lot 33

20 Spring Hollow Road

Bulk Variances

Action Deadline – 04/04/23

Those eligible: Vice Chairman Lewis, Mayor Welsh, Councilwoman Tweedie, Mr. Lawlor, Mr. Koury, Ms. Layton, Ms. Humbert, Ms. Harvey and Chairman Rochat

By way of background, Mr. Linnus noted that the Board heard the application at the last meeting and then conducted a site visit on December 10, 2022. Since that time there was an exchange of correspondence between Attorney Susan Rubright, representing the adjoining neighbor and Attorney Robert Simon representing the applicant.

Ms. Susan Rubright, Attorney was present on behalf of Jon and Elizabeth Sobel/Peace and Quiet Farm and requested a one (1) month adjournment as outlined in her letter dated December 27, 2022. Chairman Rochat indicated that the Board would be proceeding with the hearing however Ms. Rubright requested to put some comments on the record.

Robert Simon, Attorney was present on behalf of the applicants and cautioned the Board that some of the information provided in Ms. Rubright's letter touched upon factual assertions that were not part of the Board's record. He requested that the statement by Ms. Rubright be limited to a legal argument and she not be permitted to delve into factual contentions. Ms. Rubright noted that she listened to the recording of the first hearing, attended the site walk and contended that the applicant had over a year to plan the location of the improvements, but her client had only a month to react to the applicant's septic fields and drywells requiring setback variances. She acknowledged that the applicant did submit revised plans in consideration of the comments at the last hearing and the site walk. She again requested the adjournment to provide her client time to mobilize professionals to review the proposed project. Ms. Rubright asserted that to deny the adjournment would be extremely prejudicial to her clients. She also suggested that the Board would benefit from an adjournment because additional information could be submitted on which their decision could be based. Ms. Rubright noted that numerous questions and issues were raised regarding her clients well and any flooding impact from the subject project. She outlined for the Board some points raised at the December hearing along with the bulleted points of her letter. She summed up by indicating that if the Board voted without providing her clients with the opportunity to present findings, her client would likely not participate in the municipal process and take their objection to another venue.

Mr. Simon noted that adequate notice in accordance with the MLUL was provided to Ms. Rubright's client in November and he suggested that they were aware of the application well in advance of the notice provided. The neighbor had an opportunity to retain experts to prepare for the December 5, 2022 hearing and the December 10, 2022 site walk. Mr. Simon cited case law from 2000 that speaks to the fact that the MLUL does not regulate septic systems. He noted that the septic system is regulated by the Board of Health; the Board confirms proper construction and soil testing performed in conformance with State Law. In conclusion, Mr. Simon noted that his client did not believe variances were necessary but was prepared to continue to present the proofs as to why variance relief is warranted should it be deemed to be required.

Mr. Simon reminded the Board of the location of the site and existing improvements on the property. He outlined the proposed improvements which included the following new features: driveway, septic system, dwelling, stormwater management system and various other improvements. It was noted that the new home location eliminated the existing homes current front yard setback deviation and the location within a required wetlands transition area buffer. Approximately 4/5 of the lot is encumbered by environmental constraints on the northeast side of the lot which includes a brook, a riparian zone, wetlands, wetlands transition area, stream corridor and a scenic corridor. He went on to explain that the Borough has taken the position that the underground septic system and drywells will require relief in addition to the proposed walkway. Revised plans were provided in accordance with discussions that took place at the December hearing; the septic location has been adjusted eliminating the side yard setback variance. The drywells have also been moved further away from Mr. Sobel's property. If it is determined that setback relief is required, the following is necessary:

1. 43.1 foot front setback variance for the septic system (200 feet required).
2. 189 foot front setback variance for the sidewalk (200 feet required).
3. 91 foot side setback variance for the sidewalk (100 feet required).
4. 79.3 foot rear setback for the drywell (100 feet required).

Mr. Simon noted that the applicant was flipping the primary and reserve disposal fields so that the primary disposal field would be located further away from Mr. Sobel's property (in an easterly direction). In addition, the applicant agreed to perform additional soil testing to the east of the primary field to potentially site the reserve field.

Paul Fox, Engineer was present and previously sworn. Using sheet two (2) of the revised plans submitted dated last revised December 19, 2022, Mr. Fox described the following changes as compared to the prior plan:

1. The primary and reserve septic system locations were reversed.
2. A pump pit was added due to the location being too high for a gravity system.
3. The primary septic system location is 188 feet from the well on Mr. Sobel's property (State code requires 100 feet).
4. The disposal bed was moved further from the public roadway (approx. 50 feet).
5. The fence that was previously shown on the landscape plan has been located on the variance plan and the proposed fence height is shown.
6. The proposed drywells have been moved further away from the rear property line (approx. 79 feet); closer to the proposed pool.

When asked to identify the distance of various proposed improvements to Mr. Sobel's well, Mr. Fox provided the following statistics:

1. 188.4 feet to the primary disposal area. The applicant has agreed to test a location further east of that to relocate the reserve disposal area.
2. 162 feet to the septic tank.
3. 213 feet to the drywells.

Mr. Fox noted that the distance from the southwest corner of the building setback line to the existing well is 157 feet which represents the closest the applicant could put the septic system and still comply with the setbacks established for side and front yard requirements; the applicant is proposing 188 feet. When asked the distance from the primary disposal area and the side lot line, Mr. Fox responded 114.6 feet. When asked if the proposed fencing had been relocated outside the wetlands transition area, Mr. Fox responded in the positive; the fencing will have a maximum height of six (6) feet and will be fully conforming. When asked by Mr. Simon if any of his sworn testimony from the December 5, 2022 hearing changed by virtue of the revisions to the plan, Mr. Fox responded in the negative. Mr. Simon's letter dated January 3, 2023 was marked as **Exhibit A-2**. Ms. Rubright's letter dated December 22, 2022 was marked as **Exhibit O-2**. When asked about the references to State regulations relative to the location of septic systems as outlined in Exhibit A-2, Mr. Fox agreed with the jurisdictional conclusions. Mr. Simon briefly went over the points raised in the letter from Ferriero Engineering dated December 21, 2022 and Mr. Fox confirmed that the applicant would comply a condition of approval.

When asked by Vice Chairman Lewis the effective change on the lot given the proposed stormwater features, Mr. Fox explained that the net amount leaving the property was either the same or reduced. Mr. Bolio described the Borough requirements for stormwater and noted that the applicant's project would comply. Vice Chairman Lewis noted that the site seemed wet during the site walk and Mr. Fox opined that surface water was trapped in the clay deposits on site due to the cold temperatures.

Mr. Banisch disagreed with Mr. Simon's opinion that variance relief was not required. He referenced the definition for accessory building, structure or use; the definition suggests that it is anything that is attached to the principal building, will be considered part of the principal building and he opined that the septic system and drywell required relief but that the sidewalk did not. Mr. Linnus referenced Ordinance No. 2004-11 (98-11) which was an amendment to the definition of accessory use, building or structure. Mr. Banisch also read into the record the MLUL definition of structure. Mr. Simon pointed out that the same definition that Mr. Banisch read into the record from the Borough Ordinance speaks about all 'roofed' structures and it was the applicant's position that the definition was not meant to apply to any underground structures attached to the principal structure. Mr. Simon also referenced Article 9, Section 901 which specifically states that accessory buildings are part of the principal building (Section 901.C) with building being defined as a roofed structure. Mr. Banisch opined that there was additional verbiage in the definition that lead him to believe that variance relief was still necessary.

When asked by Councilwoman Tweedie what relief would be necessary if the septic system was treated as a structure, Mr. Banisch responded a front yard setback variance (50 feet proposed where 200 feet is required).

There being no additional questions from the Board, Chairman Rochat opened the meeting up to the public at 8:23 p.m.

Susan Rubright, Attorney representing Mr. and Mrs. Sobel, asked for clarification on the new soil testing offered. Mr. Fox pointed out the note on the December 19, 2022 plans that reads 'the applicant shall complete soil testing in determining if the reserve disposal area can be relocated to the east of the primary disposal area'. When asked if he would consider moving the primary disposal area even further away from her client, Mr. Fox indicated that he would need to discuss that with his client before agreeing to the request. When asked if there is room further east, Mr. Fox indicated that the applicant had not done any further evaluations. When asked what would be involved with that evaluation, Mr. Fox explained that they would need to perform additional soil tests and also consider tree disturbance; the proposed locations were based on the fact that trees would not need to be removed. When asked about the locations that soil testing was performed, Mr. Fox indicated that the locations are demonstrated on the septic system plans submitted as part of the Board of Health application. When asked about the pump pit, Mr. Fox described the pump pit operation required as a result of moving the septic field. When asked if it is electrically controlled, Mr. Fox responded in the positive. When asked if there is any regulation requiring a back-up mechanism for electricity, Mr. Fox responded in the negative but noted that the applicant was proposing a whole house generator as part of the project. When asked if the setback distance of the proposed drywells to her client's property changed, Mr. Fox responded in the negative. When asked by Ms. Rubright about soil testing, Mr. Simon objected to questions about soil testing that were asked and answered by the Board of Health and he suggested that the line of questioning was irrelevant. Ms. Rubright disagreed given that the applicant was requesting variances for septic fields. Mr. Fox noted that soil testing would be a condition of approval and would therefore be done prior to construction. Mr. Simon again noted his objection to the line of questioning. Chairman Rochat reminded Ms. Rubright that the septic system design and approval fell under the purview of the Board of Health.

When asked by Ms. Rubright about the reference to the stormwater management system and if that is considered to be the drywells, Mr. Fox responded in the positive. When asked about required

maintenance, Mr. Fox explained that the system designed was for a minor development and didn't require maintenance; the system only receives runoff from the roof and patio area so it does not carry sediment requiring maintenance. When asked if there is a high ridge that flows to her client's property, Mr. Fox explained that there is a higher point in the topography where water runs off to the northeast and the southwest. When asked if there would be an increase in runoff, Mr. Fox responded in the negative.

There being no additional questions from the audience, Mr. Simon called his next witness.

John Peel, Professional Planner and Environmental Consultant was present and was previously sworn. Mr. Peel confirmed that he had an opportunity to review the revised plans, the previous plans, Exhibit A-2 and the introductory statement made by Mr. Simon. Mr. Peel outlined the variance relief required as revised and repeated the positive and negative criteria support previously testified to at the December hearing under both 40:55D-70c1 as well as c2. Mr. Peel opined that the proposed improvements were a drastic improvement to the existing conditions on the lot, including stormwater management, elimination of the front setback variance for the principal structure that existed as well as the present encroachment into the wetlands transition area as well as a new septic system to replace a system that is akin to a cesspool. Addressing the issue of substantial detriment, Mr. Peel pointed out that the subject of the variances are septic systems and drywells that are not visible; both have been moved further away from the lot lines. For all of the reasons put on the record at both hearings, Mr. Peel concluded that the benefits of any alleged deviation substantially outweigh any detriment. He also noted that the proposed dwelling will complement the character of the neighborhood and will be in scale for the lot. When asked if there will be any adverse impact on any neighboring property, Mr. Peel responded in the negative and opined that the project will be an improvement of the property.

There being no questions from the Board, Chairman Rochat opened the meeting up to the public at 8:56 p.m.

Susan Rubright, Attorney representing Mr. and Mrs. Sobel, asked Mr. Peel about environmental lines on the plan prepared by Mr. Fox. Mr. Simon objected to the line of questioning and noted that Mr. Peel's testimony was relative to planning. A brief discussion ensued regarding clarity of Ms. Rubright's question and ultimately Mr. Peel pointed out the environmental line. When asked if the benefits he testified to are benefits to the community, Mr. Peel responded in the positive.

There being no additional questions, Chairman Rochat closed the public questioning. Prior to a closing statement by the applicant, Chairman Rochat opened the meeting up to the public.

Susan Rubright, Attorney representing Mr. and Mrs. Sobel noted that they had retained experts to address some of the issues raised by the Board and again requested that the Board allow her to present at least two (2) witnesses at the next meeting noting that it was difficult to contact and schedule experts so close to the holidays.

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

Mr. Simon pointed out that both the positive and negative criteria had been met and the application proposed an improvement for the property.

Mr. Linnus summed up the hearing by noting that Mr. Simon had taken the position that jurisdiction was not with the Board but did cover the variances, if deemed necessary. He added that the Borough Planner feels that variances are required for the septic system and drywell but not for the sidewalk. He advised the Board that they needed to either approve the application as presented with all of the conditions or deny the application.

When asked by Vice Chairman Lewis if the application would return to the Planning Board for any discovery made by the neighbor's professionals, Mr. Banisch opined that the only reason the applicant would return to the Planning Board would be on remand from Superior Court, if it advanced to that point. If there is any question related to soil logs, that jurisdiction lies with the Board of Health and any Planning Board approval granted would be conditioned on Board of Health approval. Mr. Banisch suggested that an approval contain a condition that any additional soil testing be conducted as far to the east as possible without encroachment into the NJDEP regulated areas. When asked by Mayor Welsh if the applicant will be required to return if the system is moved further to the east, Mr. Banisch suggested that the Board not require them to return if they can maintain at least the 50 foot setback to which the Board agreed. Mr. Simon reminded the Board that another consideration should be to avoid tree disturbance. Mr. Banisch suggested the following language for the reserve septic system: as easterly on the lot as practicable without encroachment into the NJDEP regulated areas and unreasonable harm or removal of trees.

A motion was made by Councilwoman Tweedie to approve the variances for the septic system and stormwater system with the conditions enumerated, the standard Board conditions, approval of all outside agencies, conformance with the letters from the Board professionals and the condition discussed above relative to the additional soil testing. Mr. Koury seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Lewis, Mayor Welsh, Councilwoman Tweedie, Mr. Koury, Ms. Layton, Ms. Harvey and Chairman Rochat

Those Opposed: None

The Board took a brief recess from 9:44 p.m. to 9:52 p.m.

AMENDED APPLICATION/PUBLIC HEARING

- Appl. No. PB2022-05
Cilento 30 Peapack, LLC
Block 9, Lot 2
30 Peapack Road
Amended Bulk Variances, Minor Subdivision and Prel./Final Major Site Plan

Councilwoman Tweedie and Mayor Welsh recused themselves from the hearing due to the application involving a D variance.

Jason Tuvel, Attorney on behalf of the applicant was present and explained that the applicant was seeking an amended approval for both minor subdivision approval as well as bulk variances. He noted that the applicant appeared before the Board over the summer and received approval for a two (2)

family house on Lot B and a single-family home on Lot A. After the Board approval the applicant proceeded to the Somerset County Planning Board who required a deed of easement along the frontage for County right of way purposes. Under the Borough ordinances that area cannot be counted as part of lot area and therefore the lot area decreased and changed the nature of the variance granted by the Board. The County Planning Board also required a small turnaround area on Lot A for better circulation when entering and exiting the County road. Finally, the Borough Engineer required a survey which necessitated some dimensional changes.

James Henry, Professional Planner and Engineer was present and sworn in by Mr. Linnus. Mr. Henry provided his qualifications and was accepted by the Board. The revised survey dated revised January 2, 2023 was presented and marked as **Exhibit A-1**. Mr. Henry described the dedication required by the County which necessitated the shift in the property line bisecting Lot A and Lot B. Mr. Henry outlined the details for each lot as follows:

Lot A (single family):	Lot width -	46.64 feet provided, 50 feet required
	Lot Frontage -	48.75 feet provided, 50 feet required
	Lot Depth -	106.44 feet (compliant)
	Front Yard Setback -	10.8 feet provided, 13.3 feet existing condition
	Rear Yard Setback -	2.5 feet provided (existing condition).
	Side Yard Setback -	3.9 feet provided, 10 feet required
	Side Yard Setback -	2.8 feet provided, proposed 2.8 feet (accessory bldg.)
	Building Coverage -	27.6%, provided, 20% permitted
	Impervious Coverage -	56.19% proposed
Lot B (2 family):	Lot Area -	5,277.9 sq.ft. (variance required)
	Lot Width -	51.94 feet provided, 75 required
	Lot Frontage -	compliant (variance not required)
	Lot Depth -	compliant
	Front Yard Setback -	17.2 feet existing, 14.6 proposed
	Side Yard Setback -	3.6 feet existing, 10 feet required
	Building Coverage -	compliant
	Impervious Coverage -	compliant

With regard to Lot A, all of the variances previously granted either stayed the same or the relief was reduced.

With regard to Lot B, some of the variances were exacerbated as a result of the County dedication but are de minimis in nature and not readily detectible. Mr. Banisch opined that the rear yard setback variance for the existing detached garage may have been missed with the first approval and needed to be addressed.

Mr. Henry testified to the purposes of the MLUL that are advanced those being goal a., i, m., and h and he reiterated the testimony provided at the July 2022 public hearing. When asked by Mr. Tuvel to address the D1 variance as a result of the 2-family unit being located on an undersized lot, Mr. Henry continued to believe that the lot was particularly suitable despite the minimal decrease in lot area and frontage. Mr. Henry continued to believe that the benefits for granting the variances still outweigh any detriments.

With respect to maximum impervious coverage, Mr. Bolio pointed out that there may be an error for Lot A, based on his calculation the coverage would result in 57.3% (2,900 sq. ft.), the additional 120 sq. ft. for the turnaround area would bring the coverage to approximately 60%. When asked if they would agree to comply with the conditions outlined in both the Engineer and Planner's reports, Mr. Tuvel responded in the positive. It was noted that the conditions from the prior approval that still apply would be required.

A brief discussion ensued regarding the existing detached garage and the turnaround area. Chairman Rochat expressed concern with the condition of the garage and opined that the existing garage could be removed and a smaller storage shed erected in its place. Mr. Tuvel noted that the existing garage was usable as a garage and the applicant desired to retain the structure. Mr. Henry offered to construct the turnaround area with permeable pavers (not pavement) subject to Mr. Bolio's approval to which the Board agreed would be helpful. Mr. Bolio suggested shifting the landscape plantings on Lot B approx. 5 feet and Mr. Banisch agreed. The applicant agreed to provide the permeable pavers along with adjusting the landscape plantings in accordance with Mr. Bolio's suggestion of shifting the bushes from the property line to the proposed driveway on Lot B. A 5 foot wide easement would be provided for a turnaround area in favor of Lot A across Lot B subject to Mr. Bolio's review and approval. Mr. Tuvel offered to work with Ferriero Engineering to reduce coverage where possible.

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

Pat Riedel, 9 Jonah Court, Peapack-Gladstone was present on behalf of St. Elizabeth Parish and asked if the removal of garage would impact the church to which the response was negative.

There being no additional questions, Chairman Rochat closed the public portion of the hearing.

Mr. Linnus noted that the request was tantamount to an amended approval so the vote by the Board would be to amend the approval to incorporate the changes that were dictated by the County based on the presentation by the applicant subject to the conditions that were enumerated (impervious coverage not to exceed 62.2%).

A motion was made by Vice Chairman Lewis to grant amended approval with the conditions enumerated, the standard Board conditions, approval of all outside agencies, conformance with the letters from the Board professionals and the prior conditions that remain applicable. Mr. Koury seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Lewis, Mr. Koury, Ms. Layton, Ms. Harvey, Mr. Swon and Chairman Rochat

Those Opposed: None

APPLICATION/COMPLETENESS DETERMINATION/PUBLIC HEARING

Councilwoman Tweedie returned to the meeting at this time.

Ms. Goodchild noted for the record that Mayor Welsh and Mr. Swon recused themselves from the hearing as noticed property owners.

Due to the late hour, Mr. Banisch noted that the Board would likely want to hear a brief explanation of the project and then conduct a site walk.

- Appl. No. PB2022-14
11 De Mun, LLC
Block 13, Lot 5
11 De Mun
Minor Subdivision w/Variance
Action Deadline – 05/03/23

Mr. Bolio reviewed for the Board the letter from Ferriero Engineering dated December 23, 2022 as it related to completeness and waivers required and recommended (#'s 4, 18, 23 and 29). It was noted that an updated tax certification should be provided.

Vice Chairman Lewis made a motion to deem the application complete and grant the waivers recommended above. Mr. Koury seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Lewis, Councilwoman Tweedie, Mr. Koury, Ms. Layton, Ms. Harvey and Chairman Rochat

Those Opposed: None

Frederick Zelley, Attorney on behalf of the Applicant was present and explained that the applicant was seeking a minor subdivision with several variances. Originally the application proposed a shared driveway and an oddly shaped line to avoid excessive variance relief. After receiving some guidance from the Borough professionals, the plan was revised to propose a straight line and seek the variances dictated by that line. Mr. Zelley noted that an additional variance may be needed for the proposed drywell in the front yard setback and the notice contained the 'catch all' language necessary to put the public on notice for the additional variance.

Paul Fox, Engineer for the Applicant was present and sworn in by Mr. Linnus. Mr. Fox displayed for the Board sheet #3 of the plans titled 'alternate subdivision' dated December 20, 2022. The alternate subdivision plan provided for full compliance with the existing and proposed buildings and side yard setback requirements. Subsequent to that submission, there were design discussions with the Borough professionals and the result was the design shown on sheet #2 of the plans. Mr. Fox read into the record the bulk variances for setbacks and lot coverage as outlined on sheet #2 dated last revised December 20, 2022. Mr. Fox opined having a shared driveway and placing the garages in the rear was in keeping with the rest of the properties on the street; the garage doors do not face the front of the lot. The proposed structure and garage on the new lot will be fully conforming to the required setbacks. Mr. Fox noted that the new lot will have an underground drywell that will be placed in the front setback and require a variance. Mr. Banisch asked Mr. Fox to provide the setback to that feature

to which he agreed. Addressing Mr. Bolio's comment regarding street trees, Mr. Fox explained that as the trees grow Jersey Central aggressively prunes those trees and therefore he recommended plantings elsewhere in the Borough. When asked to confirm if wetlands exist on the property, Mr. Fox responded in the negative. He went on to explain that the proposed lot coverage is slightly less than the existing coverage and together with the proposed drywell there will be less stormwater leaving the site.

When asked about the use of the buildings, Mr. Fox explained that in approx. 1968 the existing structure was converted from a single family home to a beauty parlor on the first floor and an apartment on the second floor. The existing home will be converted back to a single-family residence and the proposed structure will be used as a single-family residence. When asked if they will be sold, Mr. Fox responded in the positive. When asked if the common driveway will be covered by a driveway maintenance agreement, Mr. Fox explained that there would be an easement and maintenance agreement. When asked the width of the driveway, Mr. Fox responded 11.5 feet. When asked about sensitive areas on the property, Mr. Fox noted the existing stormwater drain that runs along the back of the property. The stormwater features proposed will reduce the load on that feature significantly. Mr. Bolio noted that his office requested a five (5) foot easement across the frontage to provide a 25-foot half width along De Mun. When asked by Chairman Rochat about the condition of the drainage pipe in the rear of the lot, Mr. Fox confirmed that it was in poor shape and ranged in size from 8 to 12 inch clay pipe. In conclusion, Mr. Fox agreed to address the comments raised in the Ferriero letter.

There being no additional questions from the Board, Chairman Rochat opened the meeting up to questions from the public. There being none, Chairman Rochat closed the public questioning.

The Board agreed that an informal site walk was necessary and requested that the applicant stake out the building corners and the driveway. It was noted that less than a quorum of the Board would be permitted to visit the site at one time; the applicant was asked to advise Ms. Goodchild when the property was staked and ready to be viewed.

Mr. Zelley noted that the homes will have three (3) bedrooms, all located on the second floor.

John Peel, Professional Planner was present on behalf of Applicant and sworn in by Mr. Linnus. Mr. Peel reviewed for the Board both the positive and negative criteria. He specifically noted that the newly created variances would be under the C2 criteria and the existing variances would be under the C1 criteria. He then read into the record the purpose of the NO Zoning District and opined that the application before the Board satisfied those purposes. He also cited the following purposes of the MLUL as being advanced: a, b, d, g and i.

There being no additional questions from the Board, Chairman Rochat opened the meeting up to questions from the public. There being none, Chairman Rochat closed the public questioning.

It was announced that the public hearing would continue, without further notice, on February 6, 2023 at 7 p.m. at Borough Hall.

CORRESPONDENCE

1. A letter dated December 27, 2022 from Susan Rubright re: Laurent and Marie-France Renard, 20 Spring Hollow Rd., Block 6, Lot 33.

2. A letter dated December 29, 2022 from David Banisch re: Cilento 30 Peapack, LLC, Block 9, Lot 2 Amended Subdivision and Variance Application.
3. A letter dated December 23, 2022 from Paul Ferriero re: 11 De Mun LLC, Block 13, Lot 5 Minor Subdivision with Variance.
4. A letter dated December 21, 2022 from Paul Ferriero re: Renard Variance, Block 6, Lot 33, 20 Spring Hollow Road.
5. A letter dated December 23, 2022 from Paul Ferriero re: Cilento 30 Peapack, LLC, Block 9, Lot 2 Amended Subdivision and Variance Application.
6. A letter dated December 20, 2022 from Paul Fox re: Variance Application, Renard, Block 6, Lot 33.
7. Borough Resolution No. 22-150 authorizing and approved the proposed street names Residences at Overleigh Development.

ZONING UPDATE

- Zoning memo dated December 27, 2022 – Kimberly Coward

ADJOURNMENT

Motion by Councilwoman Tweedie, seconded by Vice Chairman Lewis and unanimously carried to adjourn the meeting at 11:01 p.m. All were in favor.


Shana L. Goodchild, Planning Board Secretary

APPROVED 2/6/23