

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
February 6, 2023

CALL TO ORDER

Chairman Rochat called the meeting to order at 7:04 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, John Lawlor, Suzanne Humbert and Andrea Harvey, Alt. #1

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

Absent: Jack Koury and Thomas Swon, Alt. #2

There were approximately eight (8) audience members present.

BILL LIST

- February 6, 2022

Councilwoman Tweedie reported that at the last Borough Council meeting she spoke about the leftover escrow accounts of six (6) plus years. Borough Attorney Joe Sordillo will be reaching out to Mr. Linnus to discuss the issue. She also noted that she met with Ms. Goodchild to review the list in order to provide her with a history of some of the applications noting that the point is to try to prevent the escrows and projects from lingering from owner to owner if there are unfulfilled conditions.

Mayor Welsh 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: Vice Chairman Robert Lewis, Mayor Kevin Welsh, Councilwoman Sheila Tweedie, Marilyn Layton, John Lawlor, Ms. Humbert, Andrea Harvey, Alt. #1 and Chairman Tom Rochat

Those Opposed: None

MINUTES

- January 3, 2023 Re-organization Meeting

Councilwoman Tweedie made a motion to approve the minutes of the January 3, 2023 Re-organization meeting for content and release. Ms. Layton seconded the motion. All were in favor.

- January 3, 2023 Regular Meeting

Councilwoman Tweedie made a motion to approve the minutes of the January 3, 2023 Regular meeting for content and release. Ms. Layton seconded the motion. All were in favor.

PUBLIC COMMENT

There was no public comment.

RESOLUTIONS

- **Resolution No. 2023-08** – Renard, Block 6, Lot 33
Those eligible: Vice Chairman Lewis, Mayor Welsh, Councilwoman Tweedie, Mr. Koury, Ms. Layton, Ms. Harvey and Chairman Rochat

Mr. Linnus provided a brief explanation of the application and resolution and noted that he received comments from both the applicant's attorney as well as the objector's attorney.

Ms. Susan Rubright, Attorney on behalf of Jon and Elizabeth Sobel/Peace and Quiet Farm noted that the Board did not permit an adjournment of the hearing and her client was unable to engage professionals to provide testimony therefore, she asked that the fourth Whereas be amended to contain the following language: to the extent permitted by the Board. She also commented on the edit from Mr. Simon on page three (3) item No. 4.b.; her recollection of the discussion at the hearing was that the ordinance was not in effect at the time for the other applications. She asked that that language be added to the resolution.

John Kaplan, Attorney on behalf of the Applicant asked that the resolution not be delayed and noted that any testimony provided would come out in an appeal.

Mr. Linnus explained that the resolution was presented for approval with both attorneys requesting amendments. If the approval is challenged, the appeal would be based on the record and whoever appeals would have the burden of transcribing the hearings. When asked by Chairman Rochat if he objected to the amendments being requested, Mr. Linnus responded in the negative. When asked if he objected to the amendments requested, Mr. Banisch had no objections.

Councilwoman Tweedie made a motion to approve the resolution with the amendments as provided to Mr. Linnus by Mr. Simon and Ms. Rubright. Mayor Welsh 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, Ms. Layton, Ms. Harvey and Chairman Rochat

Those Opposed: None

- **Resolution No. 2023-09** – Cilento 30 Peapack, LLC, Block 9, Lot 2
Those eligible: Vice Chairman Lewis, Mr. Koury, Ms. Layton, Ms. Harvey, Mr. Swon and Chairman Rochat

PLANNING BOARD MINUTES

2/6/23

Page 2 of 8

After a brief explanation of the resolution by Mr. Linnus, Vice Chairman Lewis made a motion to approve the resolution as written. Ms. Layton seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

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

Those Opposed: None

APPLICATION

- Appl. No. PB2022-20
Reynolds Law Group, LLC
Block 15, Lot 4
43 Route 202, Suite 201
Change of Use/Occupancy/Site Plan Waiver

Mayor Welsh recused himself from the application.

Anthony Melillo was present and sworn in by Mr. Linnus. Mr. Melillo explained that the occupant, Reynolds Law Group, LLC, will have a maximum of two (2) people on site consisting of the sole practitioner and a client; two (2) parking spaces have been allocated. Hours of operation will be from 8 a.m. to 6 p.m., Monday through Friday; no site modifications or monument signage are proposed (re-decaling of the existing sign was proposed). When asked by Chairman Rochat if the space is located on the second floor, Mr. Melillo responded in the positive. When asked by Mr. Banisch if there is a need for administrative support in the office, Mr. Melillo responded in the negative and noted that the proposed occupant would function the same as the prior tenant. When asked if he is aware if there are additional parking spaces available during the proposed hours of operation, Mr. Melillo responded in the positive.

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

Roll Call Vote:

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

Those Opposed: None

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

- Appl. No. PB2022-14
11 De Mun, LLC
Block 13, Lot 5
11 De Mun
Minor Subdivision w/Variance

Mayor Welsh recused himself from the hearing.

Greg D' Alessandro, Attorney on behalf of the Applicant was present and explained that he was stepping in for Attorney Fred Zelle who previously handled the application but had a conflict in another town. Mr. D'Alessandro noted that the hearing was substantially completed at the January hearing but the Board requested that the applicant stake the proposed improvements to allow the Board to view those improvements prior to taking action.

Mr. Linnus noted for the record that the facts as outlined by Mr. D'Alessandro were correct and clarified that the Board members were invited to view the proposed improvements individually (not a quorum of the Board) and that it was not a formal site walk.

Paul Fox, Engineer was present and he was reminded that he remained under oath. He noted that revised plans were submitted in advance of the meeting and the revisions address Mr. Bolio's previous comments; the plans were dated revised January 23, 2023. The revisions include improving the drainage behind the proposed garage, clarifying some of the information on the plans and provided additional engineering details with respect to curbing and sidewalks. Since the revised plans, Mr. Bolio generated an additional comment letter dated January 31, 2023, with respect to those comments the only items requiring a response are No. 5 (page 2) with regard to shifting the drywell location which can be achieved. When asked by Mr. Bolio if he objected to the other comments, Mr. Fox had no objections. When asked by Chairman Roach where the overflow discharge from the drywells would go, Mr. Fox explained that the drainage feature would be constructed with a grate at the top and overflow would come out of the grate to the surface. When asked by Vice Chairman Lewis about the square footage of the driveway, Mr. Fox responded 4,000 sq. ft. noting that overall lot coverage was being reduced on the site because of the removal of the large commercial parking lot. When asked if a maintenance agreement was submitted, Mr. Fox noted that it would be provided as a condition of approval (to the approval of the Borough and Board Attorneys). When asked by Ms. Layton the width of the driveway, Mr. Fox responded 11.5 feet wide. When asked by Chairman Roach about the swale in the rear of the property, Mr. Fox explained that the objective is to make sure that the project is not negatively impacting the adjacent property. When asked to confirm if the existing retaining wall will be removed, Mr. Fox responded in the positive. When asked about the existing drainage ditch, Mr. Fox explained that they are reducing the lot coverage and the stormwater runoff from the new roof areas will also be collected; the stormwater on the property will be improved. When asked if the electric to the new home will be underground, Mr. Fox explained that the electrical supply to the existing home is overhead but he opined service could be placed underground. When asked about a landscaping plan, Mr. Fox agreed to provide a landscaping plan for both houses as a condition of approval. When asked by Vice Chairman Lewis about an outdoor lighting plan, Mr. Fox indicated that other than safety and security lighting there would not be any other lighting proposed. Mr. Fox agreed, as a condition of approval, that all lights would be downward directed and subject to the approval of the Planner. To clarify, Mr. Banisch noted that downward directed lighting is requested by the Board so as not to cause any offsite glare to adjoining neighbors (2,700/3,000 Kelvin or less).

There being no additional questions from the Board, Chairman Roach opened the meeting up to the public for questions. There being none, Chairman Roach closed public comment.

In order to respond to a question regarding completion timeline, Applicant Gordon Gutjahr was sworn in by Mr. Linnus. Mr. Gutjahr opined 6 to 8 months to complete the project noting that they would begin renovating the existing house and then move on to the new construction. When asked if the existing dwelling would be occupied during construction of the new dwelling, Mr. Gutjahr responded in the positive. He noted that there is limited exterior renovation planned for the existing home. When asked by Mr. Banisch about the dumpster that will be necessary for demolition, Mr. Gutjahr explained that once the renovation of the existing home is complete the dumpster would be removed. When asked by Mr. Banisch if he would agree, as a condition of approval, to engineering oversight involving corrective measures (silt fence, etc.), Mr. Gutjahr had no objection. When asked by Mr. Lawlor how confident he was about the timeline, Mr. Gutjahr opined that it was a doable timeline given the size of the proposed home.

Mr. Banisch requested that the landscape plan address the following: 1) placement of shade trees in the front yard (not street trees due to the overhead wires) to improve the street scape, 2) a hedgerow on the left side of the project site to separate the two (2) properties and 3) foundation plantings. Mr. Banisch asked Mr. Fox to reiterate the relief necessary as he opined that the Board would likely see this kind of variance relief again in the village. He opined that valid reasons for granting coverage and setback relief should be clear in the Board members' minds.

Mr. Fox briefly reiterated his testimony from the January hearing and reminded the Board that an alternative subdivision plan was prepared which demonstrated that the property could be subdivided with the only variance being proximity of the driveway to the property line. The Borough professionals reviewed the plan and felt that a better planning solution would be to divide the lot perfectly in half, recognizing that the resulting relief necessary was there to further the goal of having better planning and a straight lot line. When asked if the relief was a benefits vs. detriments argument, Mr. D'Alessandro believed that the benefits substantially outweigh the detriments (C2 flexible variance), particularly with the shared driveway reducing the impervious coverage.

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

Mr. Linnus reminded the Board that the applicant was seeking minor subdivision and C variances, including a shared driveway. Based on the testimony from the January hearing there are four (4) variances requested and three (3) non-conforming conditions continued. When asked by Vice Chairman Lewis what would be recorded with Somerset County, Mr. Linnus noted that the subdivision, the maintenance agreement and easements and the resolution of approval would be recorded with the County Clerk.

A motion was made by Vice Chairman Lewis to approve the application with the conditions enumerated during both hearings, the standard Board conditions, approval of all outside agencies, and conformance with the letters from the Board professionals. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

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

Those Opposed: None

APPLICATION/COMPLETENESS DETERMINATION/PUBLIC HEARING

- Appl. No. PB2022-18
Hasan
Block 19, Lot 13
307 Liberty Corner Road
Use Variance

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

Greg D'Alessandro, Attorney on behalf of the Applicant and explained that the applicant was seeking approval to finish a basement in the existing dwelling for single family use as a family leisure area. The applicant applied for a zoning permit and was denied and told that they required a use variance. He opined that the application was more of an interpretation request as the applicant's proposal is consistent with a single-family dwelling and otherwise permissible. Mr. Linnus opined that whether a use variance was required would be determined by the testimony. He also noted that the zoning permit denial was not appealed but the Board had jurisdiction to hear the testimony and make a determination as to whether a use variance is required.

Mr. Bolio reviewed for the Board the letter from Ferriero Engineering dated December 19, 2022 as it related to completeness and waivers required (items #'s 10, 12, 15, 20, 21, 23, 29 and 30); he recommended the Board deem the application complete and grant the waivers.

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

Roll Call Vote:

Those in Favor: Vice Chairman Lewis, Mr. Lawlor, Ms. Layton, Ms. Humbert, Ms. Harvey and
Chairman Rochat

Those Opposed: None

Syed Hasan, Applicant was sworn in by Mr. Linnus and explained that he, his wife and three (3) children resided in the home for approximately two (2) years. Mr. Hasan, using architectural plans titled A-01 prepared by Design Architects, LLC dated February 14, 2022 described the following improvements: home theatre, office, gym area, tv room, family room, living room, entertainment area, dining area, foyer, wet bar, kitchen, bath, reading room and mechanical room. When asked about the entrance areas to the basement, Mr. Hasan explained that there is a staircase from the main level of the house and a walk out area to the exterior. When asked if there would be a lock from the main living area of the house to the basement, Mr. Hasan responded in the negative. When asked if he is making any exterior changes to the home, Mr. Hasan responded in the negative. When asked who will utilize the finished space in the basement, Mr. Hasan responded his family. When asked about his current septic system configuration, Mr. Hasan explained that the house is served by the existing septic and agreed to make any upgrades deemed necessary. When asked if the home will remain as a

single-family structure, Mr. Hasan responded in the positive. When asked if there is an existing pool, Mr. Hasan responded in the negative. Referencing a survey prepared by Morgan Engineering and Surveying dated March 10, 2021, Mr. Hasan identified his existing septic system which was installed in 2003. When asked if there have been any problems with the septic system, Mr. Hasan responded in the negative.

When asked by Ms. Layton the number of bedrooms, Mr. Hasan confirmed that there are five (5) bedrooms (no change in the number of bedrooms as a result of the project).

When asked by Mr. Lawlor if there will be a kitchen and laundry room upstairs and downstairs, Mr. Hasan responded in the positive.

When asked by Vice Chairman Lewis if the basement improvements include two (2) bathrooms with showers, Mr. Hasan responded in the positive. When asked if the basement is a walk-out basement, Mr. Hasan responded in the positive noting that there are some pavers outside of the double doors.

When asked by Chairman Rochat if the proposed egress window constitutes a change to the dwelling, Mr. Bolio opined that it was a minor modification. Mr. Banish noted that egress windows are usually proposed when there is going to be occupancy and the architect may have proposed it as a 'belt and suspenders' approach.

When asked by Mr. Banisch if he would agree to a deed restriction that there would be no apartment in the basement, Mr. Hasan responded in the positive.

Mr. Banisch opined that something on the plans submitted to the Zoning Officer in 2021 prompted a concern that a use variance was required. Based on the testimony provided by the applicant, Mr. Banisch opined that a use variance would not be necessary. He added that a bigger septic system would not be required since no additional bedrooms are proposed.

Mr. Linnus opined that the Board could make a determination that a use variance is not required and authorize him to draft a resolution which would grant the application with the following conditions: 1) a deed restriction that the structure remain a single family dwelling and 2) the resolution of approval be recorded. Mr. Banisch recommended adding a reference to 40:55D: 70b of the Municipal Land Use Law. When asked if he was comfortable with the Board interpreting the ordinance, Mr. D'Alessandro responded in the positive.

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

Mr. Lawlor made a motion to interpret the application as not needing a use variance based on the testimony and authorizing an interpretation that the proposal is not a two (2) family dwelling with the conditions as outlined above. Vice Chairman Lewis seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Lewis, Mr. Lawlor, Ms. Layton, Ms. Humbert, Ms. Harvey and
Chairman Rochat
Those Opposed: None

Mayor Welsh and Councilwoman Tweedie returned to the meeting at this time.

CORRESPONDENCE

1. A letter dated December 19, 2022 from Ferriero Engineering re: Hasan Variance, 307 Liberty Corner Road, Block 19, Lot 13.
2. A letter dated January 25, 2023 from Paul Fox, Apgar Assoc. re: 11 De Mun, LLC, Block 13, Lot 5.
3. NJ Planner, November/December 2022.
4. A letter dated January 31, 2023 from Ferriero Engineering re: 11 De Mun, LLC, Block 13, Lot 5.

ZONING UPDATE

- Zoning memo dated January 31, 2023 – Kimberly Coward

ADJOURNMENT

Motion by Councilwoman Tweedie, seconded by Vice Chairman Lewis and unanimously carried to adjourn the meeting at 8:17 p.m. All were in favor.


Shana L. Goodchild, Planning Board Secretary

APPROVED 3/6/23