

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
July 19, 2023

CALL TO ORDER

Chairman Rochat called the meeting to order at 7:03 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, Mayor Kevin Welsh, Councilwoman Sheila Tweedie, John Lawlor, Marilyn Layton, John Koury, Suzanne Humbert, Andrea Harvey, Alt. #1

Also Present: Frank Linnus, Board Attorney; David Banisch, Planner; and Marina Yoler, Deputy Borough Clerk

Absent: Vice Chairman Robert Lewis and Thomas Swon, Alt. #2

There were approximately four (4) audience members present.

BILL LIST

- July 19, 2023

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

Roll Call Vote

Those in Favor: Chairman Rochat, Mayor Welsh, Councilwoman Tweedie, Mr. Lawlor, Ms. Layton, Mr. Koury and Ms. Humbert

Those Opposed: None

MINUTES

- June 5, 2023, Regular Meeting

Councilwoman Tweedie made a motion to approve the minutes of the June 5, 2023 Regular meeting for content and release. Ms. Layton seconded the motion. All were in favor.

PUBLIC COMMENT

Mr. Don Hewitt, 23 Dumont Road questioned the 6-month review requirement for the chiropractic practice approved last month. Councilwoman Tweedie explained that it was related to parking because the applicant was unclear about the number of clients expected at any particular time; rather than delay the applicant by making him return the following month the Board allowed him to open his business and return in 6 months with a more accurate accounting of the number of clients. Mr. Hewitt then questioned why Mr. Melillo is required to attend the meeting to read the applications that

he submits and signs. He expressed concern about the application process not being 'business friendly'. Mayor Welsh noted that he is in the process of applying to the Board and opined that ordinances put in place by the prior administration could be cleaned up. Chairman Rochat explained that the Change of Use and Occupancy ordinance was put in place due to the lack of oversight at the administrative level. Finally, Mr. Hewitt expressed dissatisfaction with the process for receiving permission to install a sign. Mr. Banisch explained that a property owner needs a Zoning permit for a conforming sign or a variance for a sign that is not permitted by ordinance.

There being no additional public comment, Chairman Rochat closed the public comment portion of the meeting.

RESOLUTIONS

- **Resolution No. 2023-19** – Transition to Wellness, LLC, Block 15, Lot 5
Those eligible: Vice Chairman Lewis, Councilwoman Tweedie, Mr. Lawlor, Ms. Layton, Ms. Humbert, Mr. Swon and Chairman Rochat

Councilwoman Tweedie 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: Councilwoman Tweedie, Mr. Lawlor, Ms. Layton, Ms. Humbert and Chairman Rochat

Those Opposed: None

- **Resolution No. 2023-20** – Recharge Chiropractic and Sports Rehab, Block 15, Lot 8
Those eligible: Vice Chairman Lewis, Councilwoman Tweedie, Mr. Lawlor, Mr. Swon and Chairman Rochat

Councilwoman Tweedie made a motion to approve the resolution as written. Mr. Lawlor seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Councilwoman Tweedie, Mr. Lawlor and Chairman Rochat

Those Opposed: None

EXTENSION REQUEST

- App. No. 2020-13
20 Lake Road, LLC
Block 4, Lot 9
20 Lake Road

David Brady, Attorney was present on behalf of the applicant. Mr. Brady provided a brief history of the approvals and indicated that there was some difficulty on the hand off of the easements between

his office and the Borough professionals; the easements did not get signed off on which delayed the process. When asked, Mr. Brady confirmed that all other outstanding conditions had been satisfied including plan revisions. Mr. Brady reported that as of that afternoon there was agreement amongst the Borough professionals that the final form of easements was acceptable; the easements will be presented to Borough Council for approval at its next meeting. On behalf of his client, Mr. Brady requested an additional three (3) month extension through October 31, 2023. When asked by Councilwoman Tweedie if there are any other outstanding conditions, Mr. Paul Fox, Professional Engineer was sworn in by Mr. Linnus and testified that there were no other outstanding conditions; all conditions were satisfied last fall with the exception of the easements. He noted that with past applications, easements were required prior to the Certificate of Occupancy and not required prior to construction permits. When asked by Councilwoman Tweedie how long before the project is completed, Mr. Fox responded four (4) to six (6) months.

There being no additional questions or comments from the Board, Mayor Welsh made a motion to approve the extension for three (3) months. Mr. Koury seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Chairman Rochat, Mr. Lawlor, Ms. Layton, Mr. Koury and Ms. Humbert

Those Opposed: None

BOARD DISCUSSION

- Reexamination of the Master Plan and Development Regulations (N.J.S.A. 40:55D-89)

Mr. Banisch referenced his first draft of the Re-examination of the Master Plan and Development Regulations dated 7/18/23 and outlined the reexamination process noting that it is an opportunity for the Board to look at the Master Plan and Zoning Ordinances and make recommendations for changes



or request that certain things be addressed. Mr. Banisch noted that the draft document contains recommendations from 2015 when a reexamination started but the work was tabled. Rather than lose those recommendations, they have been incorporated in the current document; in 2015, the Borough was very busy with the Third Round Affordable Housing obligation. A lengthy discussion ensued related to redevelopment of the village area (as depicted on the adjacent map). Mr. Banisch explained that the Borough

Council would request, via a resolution, that the Planning Board perform a preliminary investigation to determine whether or not a redevelopment area should be considered. The Planning Board would authorize his office to prepare a report documenting the physical conditions that exist within the shaded area. Once the report is prepared, the Planning Board would conduct a public hearing and property owners within the redevelopment area would receive notice (twice consecutively, at least ten

(10) days prior to the hearing). The point of the process is to determine if the area meets the following statutory criteria to be designated as a redevelopment area:

*a. **The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.***

*b. **The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.***

*c. **Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.***

*d. **Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.***

*e. **A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.***

*f. **Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.***

*g. **In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) ...***

If the Planning Board recommends that the area be designated as an area in need of redevelopment and the Borough Council agrees with the Planning Board's findings, the next step is to prepare a Redevelopment Plan. The Borough Council can prepare the Redevelopment Plan or the Borough Council can request that the Planning Board prepare the plan. Mr. Banisch opined that properties that come to mind within the area is the firehouse and 49 Route 202 (Ludelow Square) which contains substantially large structures on the site that aren't fully productive and are vestiges of a use that ceased to exist more than 40 years ago. When asked by Chairman Rochat if the Board could choose to tweak

the Village Commercial zone versus a full redevelopment approach, Mr. Banisch responded in the positive. Mr. Linnus explained that under the Municipal Land Use Law (MLUL) the Planning Board is required to reexamine the Master Plan. When asked by Ms. Humbert to speak to the fairgrounds site and if anything needs to be done to preserve Moorland Farm, Mr. Banisch explained that the Borough Council has a liaison that supervises the fairgrounds. As for Moorland Farms, the expectation is that it would be a costly preservation effort but he opined that there are creative ways to permit some development in order to preserve the majority of the site. Mr. Banisch went on to list several funding mechanisms such as the County Open Space Trust Fund and Green Acres. Mayor Welsh shared Ms. Humbert's concern about Moorland Farm and opined that it is a high priority site. Mayor Welsh asked the Board to carefully read through the document and be prepared to discuss ideas as a team, with input from the public. When asked by Mr. Koury about the timeframe, Mr. Banisch noted that the statute calls for the reexamination to be prepared every ten (10) years.

In conclusion, Mr. Banisch asked the Board to also give some thought to the projects that have required variances and if members of the Board believe that the ordinances should be relaxed or are acceptable as written.

CORRESPONDENCE

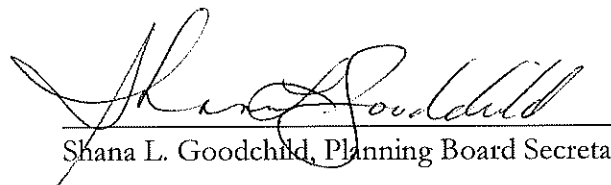
1. A letter dated June 28, 2023 from EcolSciences, Inc. re: Application for Freshwater Wetlands General Permit No's 6 & 10A, Block 23, Lot 1.
2. A letter dated July 5, 2023 from County of Somerset Planning Board re: Gulbrandsen Lot Line Adjustment, Block 6, Lots 6 & 7.
3. A letter dated July 14, 2023 from David Brady re: 20 Lake Road, LLC, Block 4, Lot 9.
4. A letter dated July 17, 2023 from David Brady re: 20 Lake Road, LLC, Block 4, Lot 9.

ZONING UPDATE

- Zoning memo dated July 11, 2023 – Kimberly Coward

ADJOURNMENT

Motion by Councilwoman Tweedie, seconded by Ms. Layton and unanimously carried to adjourn the meeting at 7:47 p.m. All were in favor.



Shana L. Goodchild, Planning Board Secretary

APPROVED 8/7/23