

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
August 7, 2023

CALL TO ORDER

Chairman Rochat called the meeting to order at 7:01 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, John Lawlor, Marilyn Layton, Jack Koury and Thomas Swon, Alt. #2

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

Absent: Suzanne Humbert and Andrea Harvey, Alt. #1

There were approximately fifteen (15) audience members present.

BILL LIST

- August 7, 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, Vice Chairman Lewis, Mayor Welsh, Councilwoman Tweedie, Mr. Lawlor, Ms. Layton, Mr. Koury and Mr. Swon

Those Opposed: None

MINUTES

- July 19, 2023, Regular Meeting

Councilwoman Tweedie made a motion to approve the minutes of the July 19, 2023 Regular meeting for content and release. Ms. Layton seconded the motion. All were in favor.

- May 1, 2023 Executive Session Minutes

Mayor Welsh made a motion to approve the minutes of the May 1, 2023 Executive Session for content only. Ms. Layton seconded the motion. All were in favor. Councilwoman Tweedie abstained.

PUBLIC COMMENT

There was no public comment.

RESOLUTION

- **Resolution No. 2023-21** – 20 Lake Road, LLC, Extension Request Block 4, Lot 9
Those eligible: Chairman Rochat, Mr. Lawlor, Ms. Layton, Mr. Koury and Ms. Humbert

Mr. Lawlor 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: Mr. Lawlor, Ms. Layton, Mr. Koury and Chairman Rochat

Those Opposed: None

CHANGE OF USE/OCCUPANCY/SITE PLAN WAIVER APPLICATIONS

- Appl. No. PB2023-08
Albrecht & Dill USA, Inc.
Block 15, Lot 1.01
49 Route 202, Suite #13A (Office #6)
Change of Use/Occupancy/Site Plan Waiver

Mayor Welsh and Ms. Layton recused themselves from the application.

Anthony Melillo was present and sworn in by Mr. Linnus. Mr. Melillo explained that the occupant, Albrecht & Dill USA, Inc., is a commodity trader specializing in cocoa products. Hours of operation will be from 6 a.m. to 6 p.m., Monday through Saturday with no visitors or patrons. There will be one (1) person (the owner) on site requiring one (1) parking space. No site modifications are proposed, and the existing signage will be re-decaled on the monument sign and within the common areas.

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

Roll Call Vote:

Those in Favor: Vice Chairman Lewis, Councilwoman Tweedie, Mr. Lawlor, Mr. Koury, Mr. Swon and Chairman Rochat

Those Opposed: None

Mayor Welsh and Ms. Layton returned to the meeting at this time.

- Appl. No. PB2023-09
Far Hills Corner, LLC
Block 14, Lot 1

John Turpin, Applicant was present and sworn in by Mr. Linnus. Mr. Turpin explained that the proposed tenant is a Pilates/physical therapy group that has been operating out of Summit for the past seven (7) years. Business hours would 9 a.m. to 5 p.m., Monday through Saturday. When asked if they would be occupying the whole building, Mr. Turpin responded in the positive (first and second floors). When asked if there is a second entrance to the second floor, Mr. Turpin responded in the negative. When asked if the parking lot was expanded when it was recently re-paved, Mr. Turpin responded in the negative noting that it was milled and repaved within the existing footprint.

Mr. Banisch pointed out a few issues in terms of granting a site plan waiver noting that it is unclear if the work done on site is consistent with the existing conditions prior to the improvements; there was a hedge removed that separated the parking along Peapack Road from the parking lot. He opined that the configuration of the parking lot does not permit a vehicle to maneuver out of a parking spot if the other spots are occupied. He also pointed out that there are building mounted flood lights, over the front door and at the corners of the building that may be inconsistent with the goal of reducing glare in the village. He recommended that the Board take a closer look at the site related to both parking and lighting. When asked by Mayor Welsh if he intended to replace the hedgerow, Mr. Turpin was unaware that it was an issue but agreed to comply, if necessary. He also agreed to address the lighting issue if required. When asked by Vice Chairman Lewis to speak to the parking issue, Mr. Banisch explained that the parking requirement (based on the size of the building - 1,920 sq. ft.) requires ten (10) parking spaces; 14 parking spaces are shown but ½ of one (1) of the spaces is in the driveway curb cut and conflicts with the access drive (space #4). The reverse back-up movement of vehicles in front of the building and adjacent to Peapack Road may be problematic (space #'s 12, 13 & 14). Mr. Banisch reminded the Board that the purpose of the Change of Use/Occupancy and Site Plan waiver application is to provide the Board with an opportunity to look at existing conditions of sites and have applicants improve conditions where practicable.

Mr. Bolio noted that changes to parking, lighting and landscaping have been recommended and he questioned whether a site plan application should be filed. Mayor Welsh opined that the simple solution would be to consolidate spaces 4 & 5 and reinstall the hedges. Mr. Banisch noted that Belgium block curbing was recently installed which reduced the planting area. Mr. Bolio recommended that the applicant provide any existing surveys or site plans available so that he and Mr. Banisch can compare existing vs proposed conditions. Mr. Turpin explained that there are no surveys or site plans available. Vice Chairman Lewis recommended granting conditional approval with the condition that Mr. Turpin work through the issues related to parking, landscaping and lighting with the Board professionals. It was the consensus of the Board to grant conditional approval and if the standards of the ordinance can't be met, the applicant would need to return for a formal site plan application and any necessary relief. When asked what he needs in order to review the site, Mr. Bolio requested a plan prepared by a surveyor showing existing conditions and detail regarding lighting and landscaping; Mr. Turpin agreed to provide the requested information. Mayor Welsh commended Mr. Turpin for the improvements to the property thus far but noted that the site is the 'gateway' to Far Hills and the Borough needs to ensure that the site is improved properly. When asked about the sign, Mr. Turpin noted that there is a conforming sign that will be replaced (same size and location).

There being no additional questions or comments, Councilwoman Tweedie made a motion to grant condition approval with the following conditions: 1) submit a survey showing existing conditions, 2) provide a landscaping plan, 3) provide a parking plan and 4) provide a lighting plan. All are subject to the approval of the Board professionals and if there is a dispute, the applicant will return to the Board. Vice Chairman Lewis 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. Lawlor, Ms. Layton, Mr. Koury, Mr. Swon and Chairman Rochat

Those Opposed: None

COMPLETENESS DETERMINATION/PUBLIC HEARING

- Appl. No. PB2023-07
Welsh's Motor Sales, Inc.
Block 13, Lot 12
26 Dumont Road
Preliminary and Final Major Site Plan and Use Variance

Mayor Welsh and Councilwoman Tweedie recused themselves from the hearing.

Robert Simon, Attorney on behalf of the applicant was present and proved a brief overview of the application which contemplates a relocation of certain vehicle storage operations currently taking place in the old firehouse across from the Welsh Auto dealership. The former Peapack Gladstone bank building would be converted to a garage for indoor storage for up to four (4) new vehicles and to utilize the exterior of the premises for parking of service and loaner vehicles in connection with the Welsh Auto dealership. As part of the application, the applicant is, as a condition of approval, abandoning five (5) on street parking spaces that are currently used by Welsh Auto on Dumont Road. Mr. Simon noted that the application involves a use variance, design waivers and a number of bulk variances related to pre-existing conditions.

Mr. Bolio reviewed for the Board his letter dated July 24, 2023 outlining any completeness items and waiver recommendations for the application. There being no questions or comments, Vice Chairman Lewis made a motion to deem the application complete. Mr. Koury 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, Mr. Koury, Mr. Swon and Chairman Rochat

Those Opposed: None

Ronald Kennedy, Engineer and Planner was present and sworn in by Mr. Linnus. Mr. Kennedy provided his qualifications as both a Professional Engineer and Planner and was accepted by the Board. Mr. Kennedy presented the following three (3) exhibits:

- **Exhibit A-1** – aerial image of the neighborhood with zoning and other site features dated August 7, 2023
- **Exhibit A-2** – color rendered version of the site plan submitted as part of the application dated August 7, 2023
- **Exhibit A-3** – architectural plans prepared by Walnut Design dated January 1, 2023

Using Exhibit A-1, Mr. Kennedy provided an overview of the site, specifically noting that the property consists of 13,000 square feet and the floor area of the building consists of 1,272 square feet; the parking lot surrounds the building on two (2) sides. Surrounding uses include Hewitt Home Heating, the Ludelow properties including the affordable housing project, a series of residential houses in the R-5 zone, directly to the south is a two (2) story building that is a law office and a 2/3 family residence. Mr. Kennedy opined that the building was constructed in approximately 1968/1969 in the footprint that exists; 19 parking spaces exist, and circulation comes in on the north side of Dumont. He went on to provide additional testimony about the existing conditions including the 6-foot-high stockade fence and planting strip. There are no steep slopes, open waters, floodplains or any other environmental constraints. He outlined the following three uses noting that the sum of the operation that currently exists at the firehouse will be moved to the subject site: 1) prep of new cars (storage of new cars will not be moved to the subject property), 2) up to six (6) loaner cars will be stored and, 3) after a car is serviced, it would be moved to the subject lot rather than being parked on the street. If the application is approved, operations at the firehouse will cease.

Mr. Kennedy went on to describe the building conversion, noting that there is a minimal amount of change to the structure. Using Exhibit A-2, he explained that the existing interior walls of the building would be removed, no changes to the North, East and West sides of the building. The only change proposed is to the South side, the porte cochere would be removed and replaced with two (2) residential scale garage doors. The ATM that was previously removed will be filled in with a window so that it is architecturally consistent with the opposite side. There are no drains in the building for washing and the bathrooms in the building will be removed; a slop sink will remain. There will be two (2) EV charging stations on the interior of the building. There will be no generator or garbage on site.

Mr. Kennedy explained that the use is to stage cars before they are brought to the showroom for delivery to a customer; there will be no full-time employees or customers in the building. He clarified that customers will go to the site to pick up their car after they have been serviced. Mr. Kennedy explained that the dealership sells approximately 30 new cars per month and services approximately 25 cars per day.

Referring to Exhibit A-2, Mr. Kennedy explained the following enhancements to the site: 1) the handicapped parking space will be removed so that the parking lot can be restriped and landscaping installed at the intersection near the ingress point, 2) removal of the parking space on the East side of Dumont Road that is 1/2 in the road right of way and landscaping will be added, 3) along the southern property line a fence will be installed similar to the fence that exists along the Western property line, and 4) a new concrete apron will be added near the proposed garage doors.

Mr. Kennedy testified to the following facts:

1. No car carriers come to the Borough; cars are delivered to the Team Welsh property in Bernardsville and shuttled to the Borough.

2. No new trips or capacity is being added to the business as a result of the application, not an expansion of the business.
3. No grade change is proposed; some pavement will be removed and replaced with landscaping.
4. The roof leaders on three (3) corners of the building (approx. 1,000 sq. ft.) will be tied into an existing drain on Dumont Road to improve some of the drainage to the rear of the property.
5. The existing flood lighting mounted to the building will be removed; two (2) gable mounted lights and sconces will remain.
6. Three (3) dusk to dawn JCP&L lights exist. After a brief discussion, the applicant agreed to a condition to endeavor to remove the light on the Western side of the property.
7. Lights that are under the control of Welsh Motor Sales would turn off at 11 p.m.
8. Landscaping improvements are proposed at both entrances; impervious coverage is reduced, the look at both ingress and egress points will be softened. The applicant agreed to address the landscape points raised in David Banisch's letter.
9. One (1) sign exists and will be replaced with a fully conforming sign (3-foot-high x 4 foot wide, 4-foot above grade) with lights on either side of the sign to illuminate the sign.
10. A front setback variance is required on the Eastern side of the property for a pre-existing condition; 15 feet is required and 11 exists.
11. An impervious coverage variance is required; 50% is permitted and 73.52% exists and 72.5% is proposed.

In an effort to clarify the earlier comment regarding parking spaces, Mr. Kennedy explained that there are a total of 13 parking spaces along the East side of Dumont Road between Route 202 and the corner. A prior approval involving the showroom and service building permitted the applicant to utilize up to ten (10) of those on-street parking spaces during the daytime. As a condition of approval, the applicant would agree to eliminate five (5) of those spaces so the applicant would only have five (5) daytime on street parking spaces.

In conclusion, Mr. Kennedy explained that the genesis of the application is to move existing uses from the firehouse building to the subject site; there is no increase in business. Conversely, the use at the subject site will be lessened with the proposed use vs the bank use; typical bank traffic is 200 trips per day, noise from the drive-thru and the 24/7 usage of the ATM.

When asked by Vice Chairman Lewis to outline all of the properties controlled by Welsh Auto Sales, Mr. Kennedy responded as follows: 1) the showroom lot, 2) the service center, 3) the radiator shop and 4) some parking at the Hewitt lot. Two (2) of the three (3) uses at the firehouse lot would transfer to the subject site; no new cars will be displayed at the subject site.

Mr. Kennedy provided the following Planning criteria for the use variance:

1. The site is particularly suited for the proposed use; replacing a pre-existing non-conforming use with a less intense use.
2. General welfare is protected by re-using the existing site and re-locating an existing use; no expansion of the use within the neighborhood.
3. The applicant is willing to relinquish five (5) on-street parking spaces.
4. The use is still unique in a small village neighborhood zone; it's not inconsistent with the historic uses.
5. The proposal is a creative/adaptive re-use of the site.

6. The site adjoins other small scale non-residential uses.
7. The use promotes the special criteria outlined in Mr. Banisch's planning report, specifically a, c, e, and i.
8. There is no substantial detriment to the public good and no substantial impairment to the zone plan and ordinance.
9. The proposed use meets the needs of the community.

Mr. Kennedy outlined the following bulk variances and design exceptions:

1. All bulk variances are pre-existing elements; the principal building setback is 11 feet where 15 feet is required. The building is screened and landscaped well.
2. An impervious coverage variance is required; 50% is permitted and 73.52% exists and 72.5% is proposed.
3. Parking within 20 feet of the street line; six (6) feet exists on the East side and five (5) feet on the West side.
4. Parking setback to a property line; six (6) feet is required and 2.7 feet is proposed on the western side and 5.6 feet on the northern side and 1.2 feet on the southern side. Landscaping and a fence are proposed to help mitigate any impact.
5. Design waiver exceptions include buffer to residential zones, landscape planting (1 equivalent space for every 10 parking spaces) and curbing in the parking lot.

In conclusion, based on the testimony provided, Mr. Kennedy opined that the applicant meets the burden of proof for the positive and negative criteria for all of the variances and the design exceptions required.

When asked to address the drive aisle width, maneuverability on the site and reduction of pavement along the property lines, Mr. Kennedy opined that removing a small amount of pavement would not make enough of a difference or increase any quality of life and would result in the loss of parking spaces.

When discussing the existing and proposed stockade fence, Mr. Banisch suggested a condition of approval that Mr. Bolio inspect the condition of the existing fence and that it be upgraded, maintained or replaced. Mr. Kennedy explained that when the homes were approved on the adjacent lot, the bank installed the fence. Chairman Rochat noted that the wood retaining wall is a problem and should be inspected. A discussion ensued regarding the color of the proposed fence with Mr. Kennedy recommending it remain natural.

When asked by Mr. Bolio if a handicapped space is required, Mr. Kennedy noted that there are broad exemptions based on uses and because there is no public entering the building the site is exempt from the requirement. Mr. Bolio pointed out that the Board is not waiving the requirement. Addressing Mr. Bolio's concern regarding a handicapped customer picking up their vehicle, Mr. Kennedy explained that the lot is flat and there is an opportunity on the lot to accommodate a wheelchair accessible van. There is also a handicapped parking space at the main business site that could accommodate a handicapped client.

When asked by Mr. Banisch if he had a sense for the amount of after-hours pick-up, Mr. Kennedy opined five (5) customer cars at any given time. When asked if there is a key drop, Mr. Kennedy

responded in the negative. When asked about the lighting, Mr. Kennedy agreed to an in-service lighting inspection as a condition of approval.

Mr. Kennedy agreed to comply with the comments raised in both Mr. Banisch and Mr. Bolio's reports except as otherwise testified to during the hearing.

A brief discussion ensued regarding the designated on-street parking and Mr. Kennedy noted that it was a general discussion with the Borough, the public and the applicant during the site plan approval; ultimately it was determined that the spots would not be delineated.

There being no additional questions from the Board or professionals, the hearing was opened to the public for questions of the witness.

Kristen Wartella, 19 Dumont Road, was present and sworn in by Mr. Linnus. She explained that she lives across from the site and expressed concern regarding lighting, signage and weekend and nighttime usage. She pointed out that the bank did not have anywhere near the daily trips testified to by Mr. Kennedy. She noted that the bank was not active on the weekend or at night. When asked by Chairman Rochat if she witnesses a lot of activity at night, Ms. Wartella explained that they see a lot of test drives at the end of the street. She noted that she and a number of neighbors are concerned with the proposal and only received the certified letter last Monday (July 31, 2023) and therefore would like additional time to digest the testimony. When asked if she had specific questions, Ms. Wartella asked for the following: 1) anticipated car counts, 2) if the applicant would reduce the hours of access to the site by the public, and 3) entrance on Dumont Road be sealed so that there is only one (1) driveway for ingress and egress.

Mr. Kennedy explained that the service element is on Saturday and the entire business is closed on Sunday, generally the only business that occurs on a Saturday is at the showroom; there is random pick-ups during the weekend hours. Similar to the bank when customers visit the site on Saturday's and weekends (for the ATM). Addressing the comment related to closing off the Dumont Road access, Mr. Banisch and Mr. Kennedy opined that the site did not lend itself to one-way circulation.

When asked by Ms. Wartella how conditions of approval will be enforced, Mr. Kennedy explained that the Borough will enforce any conditions of approval through its Zoning Officer. Mr. Banisch noted that it will be explicitly spelled out in the resolution of approval that there will be no outdoor display of any new vehicle on the lot. Mr. Kennedy noted that the 2016 approval documented the extent of the service (number of lifts, etc.). Based on the business model, Mr. Kennedy noted that the lot will rarely be full of cars. Mr. Linnus explained that any resolution of approval would outline the conditions of approval; any violation of approval would result in a notice of violation.

Mr. Simon explained that the subject site works in conjunction with the applicant's main service operation, if there is a severance of that relationship then the representations made at this hearing would not be accurate and any new operator would need to return to the Board for additional relief. Mr. Linnus agreed that the use variance runs with the land however, if there is a change in circumstances a new application would need to be filed with the Board.

Nathaniel Konline, 18 Dumont Road asked if the site circulation is one way to which Mr. Kennedy responded in the positive. When asked the average number of loaner cars on site, Mr. Kennedy opined

an average of three (3). When asked about the motivation behind moving to the subject site, Mr. Kennedy explained that Welsh Auto Sales is losing the ability to use the firehouse property and added that the pressures of the on-street parking coupled with the opportunity to develop the former bank property prompted the application.

There being no further questions or comments from the public, Chairman Rochat closed the public comment portion of the hearing at 9:55 p.m.

The following were outlined as potential conditions of approval:

1. In service lighting inspection to the approval of Mr. Bolio and Mr. Banisch.
2. Parking Agreement from the 2016 approval; Mr. Simon noted that the applicant recorded an Acknowledgement of Conditions with the County Clerks Office. He went on to indicate that the applicant would agree to record an Acknowledgement of Conditions to encumber the existing site and the other lots used as part of the Welsh Auto Sales business.
3. Inspection of the retaining wall by Mr. Bolio.

Mr. Lawlor asked when the notices were mailed to property owners to which Ms. Goodchild noted that the notices were postmarked July 27, 2023. Mr. Simon reminded the Board that notice was issued in accordance with the Municipal Land Use Law and the public had an opportunity to raise their concerns.

A brief discussion ensued regarding the Board's desire to vote on the application or authorize the Board Attorney to draft an approving resolution for consideration at the September meeting.

All those eligible Board members authorized Mr. Linnus to draft a resolution in the affirmative, there was no opposition. All members present indicated that they would be present at the next hearing.

It was announced that the hearing would continue to the September 5, 2023 at 7 p.m. at the same location with no new notice required.

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

ESCROW CLOSINGS

Mr. Linnus confirmed that the Board should authorize the closing of Planning Board escrows.

A motion was made by Vice Chairman Lewis and seconded by Councilwoman Tweedie to close the following escrow accounts and recommend to the Borough Council that the balances be returned to the applicants. The motion carried by the following roll call vote:

Roll Call Vote:

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

Those Opposed: None

1. The Nucleus Group Holdings, Inc. – **\$554.52**
2. Anne Culin – **\$706.43**
3. Smile for Smile, LLC (2022)– **\$830.59**
4. Databook Labs, Inc. – **\$679.74**
5. Hans Clothier, LLC – **\$699.42**
6. Steven & Berger, LLC – **\$611.92**
7. ECM Partners, dba Advisors + Consultants (Office #9) – **\$742.39**
8. John Thomas – **\$834.87**
9. Spacious Skies Campground, LLC – **\$747.99**
10. Law Offices of DeFilippo and DeFilippo – **\$604.60**
11. Law Offices of Karen Spano, LLC – **\$595.07**
12. Living the Life of our Dreams, LLC – **\$177.74**
13. Mountaintop Advisory Group – **\$507.02**
14. Back to Basics Ministries (Office #14) – **\$396.68**
15. Back to Basics Ministries (Office #13A) – **\$396.25**
16. ECM Partners, dba Advisors + Consultants (Office #8) – **\$333.25**
17. Ashley Ella Studio Fine Art Restoration – **\$702.54**
18. Solskinn Therapeutic Massage, LLC – **\$547.88**
19. Chadwick Brokerage, LLC (2022)– **\$403.63**
20. Brainworks – **\$250.63**
21. JFS Fitness, LLC – **\$396.61**
22. Laura Clare Design – **\$392.21**
23. Excel Physical Therapy – **\$96.08**
24. Poe Yoga, LLC (2022)– **\$145.76**

BOARD DISCUSSION

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

Due to the late hour, the discussion related the Master Plan Re-examination was tabled.

CORRESPONDENCE

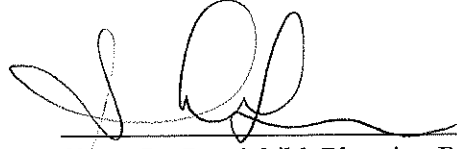
1. The New Jersey Planner – May/June 2023, Vol. 84, No. 3.
2. A letter dated July 24, 2023 from Ferriero Engineering, Inc. re: Welsh's Motor Sales, Inc. Block 13, Lot 12, 26 Dumont Road.
3. A letter dated July 18, 2023 from County of Somerset Planning Board re: Cilento 30 Peapack, LLC, Block 9, Lot 2, 30 Peapack Road.

ZONING UPDATE

- Zoning memo dated July 27, 2023 – Kimberly Coward

ADJOURNMENT

Motion by Councilwoman Tweedie, seconded by Ms. Layton and unanimously carried to adjourn the meeting at 10:18 p.m. All were in favor.

A handwritten signature in black ink, appearing to read 'Shana L. Goodchild', written over a horizontal line.

Shana L. Goodchild, Planning Board Secretary

APPROVED 9/5/23

