

**BOROUGH OF FAR HILLS**  
Planning Board Regular Meeting  
**MINUTES**  
January 2, 2024

**CALL TO ORDER**

Chairman Rochat called the meeting to order at 7:35 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, Jack Koury, Sheila Tweedie and Thomas Swon, Alt. #2

Also Present: Frank Linnus, Board Attorney, David Banisch, Planner, Paul Ferriero, Engineer and Shana L. Goodchild, Secretary

Absent: Councilman Peter Cocozziello, Vice Chairman Robert Lewis, Suzanne Humbert, John Lawlor and Andrea Harvey, Alt. #1

There were approximately four (4) audience members present.

**BILL LIST**

- January 2, 2024

Mrs. Tweedie made a motion to approve the Bill List. Mr. Koury seconded the motion. The motion carried by the following roll call vote:

**Roll Call Vote**

Those in Favor: Mrs. Tweedie, Mr. Koury, Mr. Swon and Chairman Rochat

Those Opposed: None

Abstentions: Mayor Welsh

**MINUTES**

- December 4, 2023 Regular Meeting

Mayor Welsh made a motion to approve the minutes of the December 4, 2023 Regular meeting for content and release. Mr. Swon seconded the motion. All were in favor. Mrs. Tweedie and Mr. Koury abstained.

- December 4, 2023, Executive Session

Mayor Welsh made a motion to approve the minutes of the December 4, 2023 Executive Session meeting for content only. Mr. Swon seconded the motion. All were in favor. Mrs. Tweedie and Mr. Koury abstained.

## PUBLIC COMMENT

There was no public comment.

## APPLICATION UPDATE – ADEQUACY OF PARKING/SIGNAGE

- Appl. No. PB2023-06  
Recharge Chiropractic and Sports Rehab  
Block 15, Lot 8  
55 Route 202  
Change of Use/Occupancy/Site Plan Waiver

Michael Dispenziere and Slade Eigenmann, applicants were sworn in by Mr. Linnus. Messrs. Dispenziere and Eigenmann returned to the Board in accordance with Condition No. 7 of Resolution No. 2023-20 to address the adequacy of parking for the intended use as well as seek approval for the exterior sign. Mr. Dispenziere explained that they were unable to commence operations so definitive/real time parking stats were not available; the last six (6) months have been spent renovating the office space. He reported that while working on the renovations they monitored the use of the facility, and it appears to have ample parking in the existing lot. He reminded the Board that they only anticipate using one (1) to two (2) parking spaces at a time with the use of four (4) being a rare occurrence; employees of the practice will park in the train station. Mr. Banisch spoke to the parking requirements in the ordinance and the parking calculation provided by the applicant which identified 9 spots being required; 3.75 spots for the barber shop and five (5) for the intended use by the applicant for a total parking requirement of nine (9) spaces (a total of 15 spaces provided on site). Mr. Banisch noted that at times they may have six (6) spaces occupied by employees and clients putting them over the five (5) needed for their use but with the surplus, it appears that parking will not be an issue. Mr. Banisch pointed out that parking at the train station is only available if the conditions at that site don't change. He opined that the Board could either accept the parking calculation or require the applicant to return after six (6) months of occupancy. It was the consensus of the Board to accept the applicant's parking calculation.

Speaking about the proposed sign, Mr. Banisch noted that they are permitted to have an eight (8) sq. ft. affixed or free-standing sign and the sketch submitted demonstrates that they meet the ordinance (7 sq. ft. proposed).

Mr. Koury made a motion to approve the satisfaction of Condition No.'s 6 and 7 of Resolution No. 2023-20. Mrs. Tweedie seconded the motion. The motion carried by the following roll call vote:

### Roll Call Vote:

Those in Favor: Mayor Welsh, Mr. Koury, Mrs. Tweedie, Mr. Swon and Chairman Rochat

Those Opposed: None

## BOARD DISCUSSION

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

Mr. Banisch spoke to the Board regarding the uses in the Village Commercial (VC) and the Neighborhood Office (NO) Districts. He read into the record portions of his Memorandum dated January 1, 2024 which included the purposes of those districts as outlined in the Land Management

Ordinance and the permitted principal and accessory uses. While Mr. Banisch sympathized with Board members that want to ease the burden on businesses trying to establish themselves in Far Hills, he opined that as things change, the Board needs to be cautious; a use at the firehouse property will likely generate traffic. He added that the permitted uses should reflect the purpose of the district.

Mr. Banisch referenced Perrotti's, noting that the use falls under delicatessen or meat market but most of the traffic generated by the site is take out; people stopping to take out meals. When the ordinance was written in the 80's take-out or drive-throughs were prohibited because, at the time, Wendy's or McDonald's (fast food) was the definition of 'take out'. Mr. Banisch suggested adding language 'such as, but not limited to' to provide the Zoning Officer enough flexibility that he or she can work within the ordinance. Mayor Welsh discussed boutique style local services being permitted and Mr. Banisch spoke about managing them through a maximum floor area to keep them in the village scale. Mr. Ferriero agreed that the only way to control the scale is to regulate maximum floor area; it will deter non-local operators.

Addressing uses such as doctors, lawyers and professional offices, Mr. Banisch suggested massaging the language so it's not strictly limited to those uses (adding 'such as but not limited to'). Mr. Koury questioned the prohibition regarding cannabis to which the Board professionals noted that the Borough Council prohibited cannabis production and sales, except deliveries. Ms. Goodchild was asked to provide the Board with the ordinance.

Without a full complement of the Board, Mayor Welsh recommended that the discussion continue regarding the permitted uses. When asked by Mr. Banich if the Board would prefer to see more uses called out, the consensus was to update the uses. Chairman Rochat expressed concern with No. 7 in the VC Zone and opined the language 'any other use' was vague. Mr. Swon questioned whether the ordinance should list those uses that are prohibited to which Mr. Banisch replied that what is not specifically permitted is prohibited.

## **EXECUTIVE SESSION**

- **Resolution No. 2024-07** – Attorney-Client Privilege/Anticipated Litigation – Kimbolton Development

Mrs. Tweedie made a motion to approve the above referenced resolution to enter into executive session at 8:20 p.m. for matters related to litigation. Mr. Koury seconded the motion. The motion was carried unanimously.

## **RETURN TO OPEN SESSION**

At 8:52 p.m. the Board returned to open session.

## **CORRESPONDENCE**

1. None

## **ZONING UPDATE**

- Zoning memo dated December 26, 2023 – Kimberly Coward

## **ADJOURNMENT**

Motion by Mr. Koury, seconded by Mrs. Tweedie and unanimously carried to adjourn the meeting at 8:52 p.m. All were in favor.

  
Shana L. Goodchild, Planning Board Secretary

**APPROVED 2/5/24**