

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
February 5, 2024

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, Councilman Peter Coccoziello, Suzanne Humbert, Sheila Tweedie and Thomas Swon, Alt. #2

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

Absent: John Lawlor, Jack Koury and Andrea Harvey, Alt. #1

There were approximately ten (10) audience members present.

APPOINTMENTS/OATHS OF OFFICE

Board Attorney Frank Linnus administered the Oaths of Office individually for the following appointed Board members:

- Peter Coccoziello (Class III) (Council Member) 1 year term expiring 12/31/24
- Robert Lewis (Class IV) 4 year term expiring 12/31/27

BILL LIST

- February 5, 2024

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

Roll Call Vote

Those in Favor: Vice Chairman Lewis, Councilman Coccoziello, Mrs. Tweedie, Mrs. Humbert, Mr. Swon and Chairman Rochat

Those Opposed: None

Abstentions: Mayor Welsh

MINUTES

- January 2, 2024 Re-organization Meeting

Mayor Welsh made a motion to approve the minutes of the January 2, 2024 Re-organization meeting for content and release. Mrs. Tweedie seconded the motion. All were in favor.

- January 2, 2024 Regular Meeting

Mayor Welsh made a motion to approve the minutes of the January 2, 2024 Regular meeting for content and release. Mr. Swon seconded the motion. All were in favor.

- January 2, 2024 Executive Session (for content only)

Mrs. Tweedie made a motion to approve the minutes of the January 2, 2024 Executive Session meeting for content only. Mayor Welsh seconded the motion. All were in favor.

PUBLIC COMMENT

There was no public comment.

RESOLUTIONS

- **Resolution No. 2024-08** – Appointment of Planning Board Planner

Chairman Rochat noted that the resolution authorizes a two (2) month extension to March 31, 2024 and he opined that it would not be in the Borough's interest to change Planners. He recommended to the Borough Council that they consider extending it through the end of the year given the major projects being worked on including but not limited to the Master Plan Re-examination Report.

Mrs. Tweedie made a motion to approve the resolution as written. 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, Councilman Coccoziello, Mrs. Tweedie, Mrs. Humbert, Mr. Swon and Chairman Rochat

Those Opposed: None

- **Resolution No. 2024-09** – Appointment of Planning Board Engineer

Chairman Rochat noted that the appointment is through the end of the year.

Mrs. Tweedie made a motion to approve the resolution as written. 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, Councilman Coccoziello, Mrs. Tweedie, Mrs. Humbert, 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, referencing his memo dated February 3, 2024 spoke to the Board regarding the Re-examination report with a very narrow focus on the following three (3) items:

1. Permitted Nonresidential Uses: VC - Village Commercial Zone
2. Managing Village Commercial Character - "Formula Retail" Ordinances
3. Redevelopment Recommendations (N.J.S.A. 40:55D-89.e.)

Addressing Item 1) above, Mr. Banisch noted that the Board began reviewing the permitted uses in the VC District in January and Attachment A lists existing uses to help navigate the discussion. Also provided was Attachment 2, the North American Industrial Classification System Codes for a variety of retail trade and restaurant places to provide guidance for a variety of eating establishments. Mr. Banisch went on to note that the VC District singles out fast food and drive-throughs as not being permitted, however some establishments in town could be interpreted as fast food. He pointed out that the Board will soon see an application involving another eating establishment offering limited seating with primarily 'take-away' foods. With respect to offices, the memo contains a comment that not all of the office uses in the VC District strictly conform to the Professional Use category which is currently permitted (doctors, dentists, lawyers, architects); many of the current uses the Board has interpreted by the nature of those uses and the way it is being conducted (they are akin or similar in nature to the Professional Office use) and also based on the language 'or similar professional uses'. He opined that it may be a use that the Board should flesh out with either a maximum size limitation or maximum number of employees. A brief discussion ensued regarding managing use by size; Mr. Banisch noted that 2,000 to 3,000 sq. ft. is consistent with the existing uses in the village. Mr. Banisch opined that the Board needed to view it in the context of maintaining village character and decide what it wants to recommend to the Governing Body regarding the implementation of certain types of controls as outlined in the 2003 Master Plan and reinforced by the 2009 Re-examination Report. One such control outlined in the memo is Formula Retail (National Chain uses). Mr. Banisch outlined the series of policy and regulatory tools which included limitation on size, historic districts, zoning regulations and redevelopment. Mr. Banisch, referencing the draft resolution included with his memo, noted that the Board could recommend to the Borough Council that they consider directing the Planning Board to prepare a preliminary investigation report as to an Area in Need of Redevelopment (non-condemnation). If the Borough Council authorizes that redevelopment the Borough can authorize broad powers in controlling what happens within that redevelopment area. He noted that there are also tax revenue advantages to the Borough by designating a redevelopment area for increases in equalized assessed valuation of properties that are included under a redevelopment plan. Mr. Banisch also reminded the Board that they need to start planning for the next round of affordable housing. He added that the legislators are considering legislation (A-4/S-50) that could dramatically change the landscape and accelerate the schedule by which the Borough must address its fourth-round affordable housing obligation. He explained that it codifies a methodology in the law and sets forth a very aggressive schedule by which municipalities have to conform to their obligations; Mr. Banisch identified the milestones within that schedule. When asked by Chairman Roachat about the mechanics of the obligation, Mr. Banisch noted that the automatic 25% rental bonus is gone which means the Borough needs to provide real units not bonus credits. The Borough constructed eight (8) bedrooms of group homes to satisfy part of its third-round obligation that earned the Borough bonus credits

and will likely earn bonus credits moving forward. When asked by Councilman Coccoziello to define 'realistic opportunity', Mr. Banisch explained that the Borough's plan has to be viable. When asked to discuss redevelopment techniques vs. zoning for opportunities, Mr. Banisch noted that the plans he has prepared include a mix of techniques (inclusionary zoning, direct contracting with a private developer and agreements to provide land for group homes). When asked what drives the numbers, Mr. Banisch opined that the Borough has vacant land which heavily factors into the formula for calculating the Borough's obligation. He went on to explain that a Statewide need is calculated and it is broken down over various regions throughout the State; the legislation pending before the legislature will create three (3) regions where there used to be six (6). The need is then distributed throughout the region based on a number of factors including, open land and municipalities that have created non-residential development and employment opportunities. When asked if the availability of water and sewer impacts numbers, Mr. Banisch explained that acquiring sewer service is very costly in the Borough however it will slow development but it will not stop development. When asked if environmental constraints are taken into account when calculating vacant land, Mr. Banisch responded in the positive. Mr. Linnus noted that the land has to be developable and available. When asked by Vice Chairman Lewis if land that is preserved is included, Mr. Banisch opined that preserved land is factored into one of the procedures that is in the proposed legislation.

Returning to the issue of updating the list of uses in the VC District, Mr. Banisch opined that the Board may want to control the uses through other controls such as size (2,000 to 3,000 sq. ft.). He referenced Bristol, RI as a town that used size to effectively control character of growth near its waterfront area. Chairman Rochat expressed concern implementing historic or architectural controls and Mr. Banisch noted that historic district review would be conducted at a local level and not be as intrusive as some suspect. Mrs. Tweedie noted that it has always been the residents that have expressed concern with historic control. Vice Chairman Lewis asked Mr. Banisch to return to the Board with examples of other towns that have historic districts that have been successful. Councilman Coccoziello also noted that lenders and insurance companies associate historic controls with delays which may result in higher rates/premiums for property or business owners.

Mr. Linnus explained that the redevelopment plan is a site-specific ordinance where the Borough can regulate and control directly with the developer through contractual relationships. Mayor Welsh noted that the Borough is quiet at night and on Sundays and opined that it is important to maintain that either through the redevelopment plan or the specific agreements with developers to maintain that quality of life.

In conclusion, it was the general consensus of the Board that the list of permitted uses in the VC District does not need to be updated but some tweaking could be done to the Professional Office (or Business Office variant) to address the uses that Board has historically seen by way of applications. When discussing limiting size, Councilman Coccoziello cautioned against creating limiting and business unfriendly initiatives. He also agreed with Chairman Rochat about protecting the residential boundary from commercial creep; not every space should be treated equally. Mr. Banisch agreed to return next month with additional information that reflects the sentiment of the Board.

Mr. Banisch again discussed the redevelopment process and Mr. Linnus explained that the first step in a redevelopment plan is declaring an area in need of redevelopment which is initiated by the Borough Council in the form of a resolution directing the Planning Board to conduct an investigation to determine whether certain areas are eligible under the law to be a redevelopment area. It was the

consensus of the Board to initiate the process noting that it has been discussed for many years and it is the only way to control the vision. Mrs. Humbert was in favor of 'layering in' as many controls as possible to guide development in a way that maintains the character of the village.

Addressing the next round of affordable housing, Mr. Linnus recommended that the Board appoint a sub-committee to work with a sub-committee of the Borough Council and professionals to best prepare for the fourth round.

Vice Chairman Lewis made a motion to recommend to the Borough Council that they consider directing the Planning Board, by way of resolution, to prepare a preliminary investigation report as to an Area in Need of Redevelopment (non-condemnation). The proposed area, as outlined in the Mr. Banisch's memo dated February 4, 2024, is within the Village Commercial District. Mrs. Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Vice Chairman Lewis, Councilman Coccoziello, Mrs. Tweedie, Mrs. Humbert, Mr. Swon and Chairman Rochat

Those Opposed: None

Abstained: Mayor Welsh

Mr. Linnus offered to speak with the Borough Attorney to coordinate the effort.

Councilman Coccoziello stepped out of the meeting at this time.

ESCROW CLOSINGS

1. Fusion Solar Energy - **\$1,257.50**

Mayor Welsh made a motion to approve the closing of the above referenced escrow account. Mrs. Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Vice Chairman Lewis, Mayor Welsh, Mrs. Tweedie, Mrs. Humbert, Mr. Swon and Chairman Rochat

Those Opposed: None

2. Albrecht & Dill USA – **\$761.56**

Mrs. Tweedie made a motion to approve the closing of the above referenced escrow account. 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, Mrs. Tweedie, Mrs. Humbert, Mr. Swon and Chairman Rochat

Those Opposed: None

CORRESPONDENCE

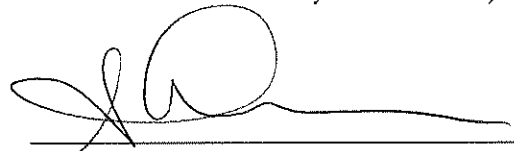
1. A letter dated February 1, 2024 from Boswell Engineering re: Brady, Block 23, Lot 8, 350 Douglas Road.
2. The NJ Planner, November/December, Vol. 84, No. 6.

ZONING UPDATE

- Zoning memo dated January 30, 2024 – Kimberly Coward

ADJOURNMENT

Motion by Mrs. Tweedie, seconded by Vice Chairman Lewis and unanimously carried to adjourn the meeting at 8:47 p.m. All were in favor.



Shana L. Goodchild, Planning Board Secretary

APPROVED 3/4/24