

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
July 6, 2020
VIA ZOOM VIRTUAL MEETING

CALL TO ORDER

Chairman Lewis called the virtual meeting to order at 7:00 p.m. and read the open public meetings statement in accordance with the law. Those present stood for the pledge of allegiance.

ROLL CALL:

Present: Chairman Robert Lewis, Vice Chairman Tom RoCHAT arrived at 7:09 p.m., Mayor Paul Vallone, Councilwoman Sheila Tweedie, Kevin Welsh, Richard Rinzler and John Lawlor, Alt. #1

Also Present: Susan Rubright, Board Attorney, David Banisch, Planner and Shana L. Goodchild, Secretary

Absent: Marilyn Layton and Gerrie McManus, Alt. #2

There were approximately two (2) audience members present.

BILL LIST

- July 6, 2020

There being no questions or comments, a motion was made by Councilwoman Tweedie, seconded by Mayor Vallone to approve the July 6, 2020 Bill List as presented. The motion carried by the following roll call vote:

Roll Call:

Aye: Mayor Vallone, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Nay: None

Abstain: None

MINUTES

- June 1, 2020 Regular Meeting

Mr. Rinzler made a motion to approve the minutes of June 1, 2020 for content and release. Mr. Welsh seconded the motion. All were in favor.

ORDINANCES

- Ordinance No. 2020-12 – Master Plan Consistency Review

Planner David Banisch, referencing his July 6, 2020 memo, explained that the above referenced ordinance was referred to the Planning Board for consistency with the Master Plan. He explained that the ordinance deals with the general use restriction section of the Land Management Ordinance. Currently, the ordinance reads that any use not specifically permitted is prohibited. The Governing Body has elected to amend that section by adding an explicit prohibition against marijuana related businesses (growing, processing, sales, etc.) in all zoning districts. He reminded members that it is within the Planning Board's authority to comment on any proposed development regulations and to identify if the regulation is inconsistent with the Master Plan. In conclusion, he noted that the Master Plan was silent to prohibited uses, particularly with respect to marijuana. However, he noted several policy statements within the Master Plan that speak generally to horticultural and agricultural uses that are compatible with the predominantly residential character. Of specific notation was that typical growing facilities in New Jersey are large, indoor operations that are more in keeping with an industrial type use and incompatible with the Boroughs residential zoning districts.

In conclusion, Planner Banisch recommended that the Planning Board find the proposed ordinance not inconsistent with the Master Plan.

Mr. Rinzler noted that at the Borough Council meeting last year a resident posed the question with regard to banning marijuana if it is legalized. He opined that alcohol is legalized but is banned in Far Hills; banning marijuana would be consistent with the current laws.

Mayor Vallone opined that marijuana use/sales would be in contrast with the character of Far Hills and agreed with Mr. Rinzler that it would be inconsistent to be a dry town but allow sales of marijuana. He noted that Far Hills falls within proximity of two (2) major hospitals that provide the service. He pointed out that the use would potentially put additional strain on the police department.

There were no further questions or comments.

RESOLUTIONS

- **Resolution No. 2020-13** – Finding proposed ordinance No. 2020-12 not inconsistent with the Master Plan and should be adopted by the Borough Council

Councilwoman Tweedie made a motion to find Ordinance No. 2020-12 not inconsistent with the Master Plan and to adopt Resolution No. 2020-13. Mr. Welsh seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Those Opposed: None

- **Resolution No. 2020-14** – Appl. No. PB2020-05, Block 14, Lot 3, Suite 4 – BTWN the Ears
Those eligible: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Mr. Rinzler made a motion to adopt Resolution No. 2020-14. Vice Chairman Rochat seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Those Opposed: None

- **Resolution No. 2020-15** – Appl. No. PB2020-05, Block 14, Lot 3, Suite 6 & 7 – Melillo Equities, LLC
Those eligible: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Planner Banisch noted that after the last meeting he spoke with Mr. Melillo about revising the parking tables for all of the Change of Use applications; in the future there will be an accurate identification of the tenant in each of the units for both of Mr. Melillo's projects (27 Route 202 FH, LLC and M.E. Far Hills Proper, LLC). Within the table is the approved parking for the site and the number of parking spaces identified by the Board for each change of use and occupancy applied for and presented. Planner Banisch noted that Mr. Melillo provided the revised information for both sites along with floor plans.

Vice Chairman Rochat made a motion to adopt Resolution No. 2020-15. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Those Opposed: None

- **Resolution No. 2020-16** – Appl. No. PB2020-03, Block 8, Lots 1.02 & 1.03 – The Matheny School and Hospital, Inc.

Those eligible: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Vice Chairman Rochat questioned County setbacks and rights of way to which Planner Banisch noted that the County required either an improvement to the right of way width or the payment of fees in lieu of widening the roadway. He assumed that the applicant would pay the fees as he was not aware of any interest or need to widen the roadway. He agreed to follow up with the applicant as it would impact the lawn area if the roadway is widened. Planner Banisch also noted a request for shared driveways that would need to be addressed with the applicant.

Discussion ensued regarding the letter from the County, mandatory paving in 2021 and potential road widening. In conclusion, the Board asked Attorney Rubright to include a condition that the applicant must return for amended site plan approval if there are any alterations to the site plan in order to gain compliance with Somerset County Planning Board requirements.

Mr. Welsh made a motion to adopt Resolution No. 2020-16. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Those Opposed: None

Mr. Kevin Welsh recused himself from the proceedings at this time (7:36 p.m.).

APPLICATIONS

- Appl. No. PB2020-05
27 Route 202 FH, LLC
Block 14, Lot 3
Suite 1 – Juice Bar (*BATI/Juice Bar*) (*tabled from June 1, 2020*)
Suite 8 – Blackwater Trust/Far Hills Café, LLC
Suite 11 – POE Yoga, LLC
Site Plan Waivers/Change of Occupancy
Click link to view application material:
<https://www.dropbox.com/sh/og8j1k8s5o3tb3y/AAAcnO7nwQFc8LjezInK708Ma?dl=0>

Anthony Melillo, managing partner, Melillo Equities, 350 Main Street, Suite 8, Bedminster, NJ was present and sworn in by Attorney Rubright. Mr. Melillo provided testimony with regard to the following Change of Use applications/tenants:

Suite 1 – Juice Bar (*BATI/Juice Bar*) (*tabled from June 1, 2020*)

Mr. Melillo outlined the changes which included the hours of operation and days open. The applicant agreed to six (6) days a week, Monday through Saturday with the hours of 6 a.m. to 6 p.m., consistent with other tenants that have been approved.

Planner Banisch noted that the applicant provided the requested parking schedule and floor plans. When asked to explain the long bar and table depicted on the floor plans, Mr. Melillo noted that the concept for the bar does not apply to the business model. He explained that Fresh Press in Bernardsville has a similar setup for an order and go type of business. When asked if it is exclusively a “takeout” type service, Mr. Melillo responded in the negative but noted that the “fit-out” discourages people from sitting down for service. When asked about the table depicted on the plan, Mr. Melillo clarified that it was a refrigerated display counter. Planner Banisch noted that the applicant identified eight (8) parking spaces for the use, under the ordinance that is a maximum of 24 seats for a restaurant. He suggested that the Board include a condition of approval identifying that 24 seats is the maximum based on the parking standard of three (3) seats per parking space. If the business model fails, a record should be established to track the use with a limitation at the onset. In conclusion, Planner Banisch opined that the applicant addressed the concerns raised at the last meeting. Attorney Rubright noted that the site plan approval permits one (1) square foot sign near/above the door and Mr. Melillo assured her that the applicant would submit for a sign permit. He noted that since the windows are not conducive to decals, the applicant would not likely apply for any other signage.

There being no additional questions, a motion was made by Councilwoman Tweedie to approve the application as submitted with the condition as outlined above. Mr. Rinzler seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Those Opposed: None

Suite 8 – Blackwater Trust/Far Hills Café, LLC

Mr. Melillo outlined the use for the second floor suite noting that Blackwater Trust will be the official entity for the suite however, Far Hills Café will also, on occasion, use the space for their administrative back office which is a one (1) employee operation. The hours of operation proposed are 8 a.m. to 5 p.m., Monday through Friday. Total employees, including the owner will be three (3). The company specializes in purchasing illiquid stocks/shares; no walk in traffic is anticipated so only three (3) parking spaces are being requested. When asked by Chairman Lewis if the three (3) employees include the employee for the administrative back office, Mr.

Melillo responded in the positive. Planner Banisch noted that the proposed use is administrative in nature and permitted by zoning and the parking falls within the parking variance granted by the Board previously.

There being no additional questions, a motion was made by Vice Chairman Rochat made a motion to approve the application as submitted. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Those Opposed: None

Suite 11 – POE Yoga, LLC

Mr. Melillo explained that POE Yoga is currently located in Suite 8, at 49 Route 202 and have been a legacy tenant since 2015. Due to the pandemic, the business was hit hard and the owner is looking to pivot and focus more on on-line sales with a smaller presence on-site. Previously the class size was 20 to 25 people in the morning and afternoon. Hours of operation would be from 6 a.m. to 6 p.m., however the morning and afternoon classes are tailored to the specific clientele looking for classes before and after work. Days of operation would be Monday through Saturday and one (1) employee (either the owner or staff member) would be on site. Four (4) parking spaces are requested due to the staggered hours of peak usage based on the previous pattern; the tenant's peak hours are the off hours for other tenants. When asked how many parking spaces are required during peak usage, Mr. Melillo opined a maximum of nine (9) people and one (1) employee for a total of ten (10) early and late in the day. When asked how he arrived at the need for four (4) spaces, Mr. Melillo explained that the owner may be present with the cleaning service which would require two (2) spaces; four (4) was an allocation based on the 904 sq. ft. suite. When asked by Mr. Rinzler if there was any issue with conducting classes outside during the pandemic, Planner Banisch responded that during extraordinary circumstances, such as the pandemic, the Borough would prefer to keep people in business however, it's not implicit in the approval during a normal situation. Attorney Rubright added that one of the recent Executive Orders issued by the Governor allows fitness users outside instruction, similar to outdoor dining during the pandemic.

There being no additional questions, a motion was made by Councilwoman Tweedie made a motion to approve the application as submitted. Mr. Rinzler seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Those Opposed: None

- Appl. No. PB2020-06
M.E. Far Hills Proper, LLC
49 Route 202
Block 15, Lot 1.01
Suite 8 – Physical fitness training (*PhyZeke Fitness, LLC*) (*tabled from June 1, 2020*)
Site Plan Waivers/Change of Occupancy
Click link to view application material:

Suite 8 – Physical fitness training (*PhyZeke Fitness, LLC*) (*tabled from June 1, 2020*)

Mr. Melillo explained that PhyZeke Fitness was planning to occupy Suite 14 however with the recent shuffle with POE Yoga, Suite 8 was more conducive to the personal training business. Based on the concerns expressed at the last meeting the tenant adjusted the hours of operation and proposes 6 a.m. to 6 p.m., Monday through Saturday with two (2) employees (the owner or his wife). Three (3) parking spaces are requested to accommodate the trainer and the client.

Mayor Vallone again recommended keeping direct contact information for the owners given the influx of new tenants. He opined that keeping the information in a spreadsheet for easy access by police, EMS and fire was important. Mr. Melillo was asked to provide Ms. Goodchild with the current contact information for his tenants. Attorney Rubright offered to make it a condition of approval for all Change of Use/Occupancy applications.

There being no additional questions, a motion was made by Vice Chairman Rochat to approve the application as submitted with the condition as outlined above. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rochat, Mayor Vallone, Councilwoman Tweedie, Mr. Rinzler, Mr. Lawlor and Chairman Lewis

Those Opposed: None

Mr. Welsh returned to the meeting at this time.

CORRESPONDENCE

1. A letter dated July 1, 2020 from James Ruggieri and Kelly Mager, County of Somerset Planning Board re: Peapack Road Subdivision, Block 8, Lot 1.
2. A letter dated July 1, 2020 from James Ruggieri and Kelly Mager, County of Somerset Planning Board re: Peapack Road Supportive Housing, Block 8, Lots 1.02 and 1.03.

ZONING UPDATE

- Zoning memo dated June 2020 – Kimberly Coward

There was no comment on the Zoning memo.

PUBLIC COMMENT

Chairman Lewis opened the meeting to the public at 8:06 p.m.

Dr. George Mellendick, Lake Road was present and expressed his support of the Planning Board's decision regarding the marijuana ordinance.

He went on to question the road widening in the area of the Matheny project. Planner Banisch explained that the County has a standard set of development regulations for their roadways when an applicant applies for approval for projects that impact a County roadway. When asked if it is unlikely that the road will be widened, Planner Banisch responded in the positive. When asked about the front yard improvements and paving, Planner Banisch explained that each home has an approved driveway including a macadam turnaround area between the front of the dwellings and the roadway; a landscape requirement to conceal the view of the macadam pad from view was imposed by the Planning Board.

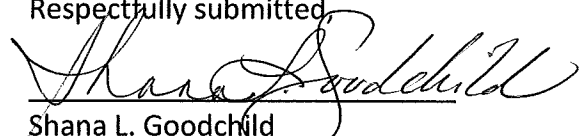
When asked if patrons of the Melillo project are permitted to park in the Post Office parking lot, Planner Banisch opined that sufficient parking existed on-site to accommodate the uses approved.

There being no additional comments or questions from the public, Chairman Lewis closed the public comment portion of the meeting.

ADJOURNMENT

A motion was made by Councilwoman Tweedie, seconded by Vice Chairman Rochat and unanimously carried to adjourn the meeting at 8:11 p.m.

Respectfully submitted,


Shana L. Goodchild
Planning Board Secretary

Approved 8/3/20