

**BOROUGH OF FAR HILLS**  
Planning Board Regular Meeting  
**MINUTES**  
June 3, 2019

**CALL TO ORDER**

Chairman Lewis the meeting to order at 7:00 p.m. at the Far Hills Municipal Building and read the open public meetings statement in accordance with the law.

**PLEDGE OF ALLEGIANCE**

Chairman Lewis led the Pledge of Allegiance.

**ROLL CALL**

Present: Cheryl Devine, Marilyn Layton, Vice Chairman Tom Rochat, Councilwoman Sheila Tweedie, Mayor Paul J. Vallone, MD, Kevin Welsh, Chairman Robert Lewis  
Absent, as Excused: John Lawlor, Gerrie McManus, Debra Ross  
Absent:  
Also Present: Board Attorney Susan Rubright, Borough Planner David Banisch, Borough Engineer Steve Bolio and Borough Clerk Dorothy Hicks

**APPROVAL OF MINUTES**

5/6/19 – Regular Meeting

Ms. Devine noted that on the top of page 2 her name was misspelled.

Motion by Ms. Layton, seconded by Councilwoman Tweedie, was unanimously carried that these minutes be approved, as amended, for content and release.

**BILL LIST**

Chairman Lewis inquired as to the status of the outstanding escrows and a timeline for a closure of these accounts.

Councilwoman Tweedie commented that efforts had been made to refund the remaining balances and inquired of Ms. Rubright if the older accounts could be referred to the State as unclaimed funds. Ms. Rubright responded that the State process was complex and other municipalities have similar difficulties with older escrow accounts.

Motion by Councilwoman Tweedie, seconded by Mr. Welsh that the June 3, 2019 Bill List be approved.

Roll Call:

Aye: Ms. Devine, Ms. Layton, Mr. Rochat, Councilwoman Tweedie, Mayor Vallone, Mr. Welsh,  
Chairman Lewis

Nay:

Abstain:

Motion Carried.

## RESOLUTIONS

### **Resolution 2019-11 – June Buchanon, LLC – Change of Use and Occupancy – B13 L3 – 8 Peapack Road**

Ms. Rubright provided a brief overview of the resolution and noted that the existing sign was being utilized and should there be any changes to the signage it must comply with the ordinance or a variance application must be submitted.

Motion by Councilwoman Tweedie, seconded by Mayor Vallone, that Resolution 2019-11 be approved.

Roll Call:

Aye: Ms. Devine, Ms. Layton, Mr. Rochat, Councilwoman Tweedie, Mayor Vallone, Chairman Lewis

Nay:

Abstain:

Recused: Mr. Welsh

Motion Carried.

## APPLICATION

### **KEVIN WELSH – 19 DeMUN PLACE – B13 L8 – VARIANCE**

Ms. Rubright swore in Mr. Kevin Welsh, 19 DeMun Place, Far Hills.

Mr. Welsh provided a brief history of the ownership of the property and indicated he was seeking a side and rear yard variance for the installation of a garage on the property. He indicated that he had retained professional engineer, Mr. Paul Fox of Apgar Associates, Inc. who was also in attendance.

Mr. Banisch inquired as to the side and rear yard setback relief and asked Mr. Welsh to identify the existing shed on the plan. Mr. Welsh indicated that he would be removing the shed and replacing it with the garage. Mr. Banisch inquired if the dimension of the two car garage was typical in size, to which Mr. Welsh responded that the garage was slightly over-sized due to the need for additional storage.

Mr. Banisch indicated that the dwelling on the site was a legally conforming structure and due to its placement on the property, a 2' side yard and 5' rear yard variance relief was necessary in order to construct the garage.

Mr. Banisch inquired if there was enough room behind the garage for maintenance. Mr. Welsh responded affirmatively.

Mr. Banisch noted that the application indicated gas and electric utilities would be extended to the garage. Mr. Welsh responded affirmatively indicating that the utilities were to heat the garage and to provide power for tools in the garage.

Mr. Banisch noted that the plans detailed a truss roof which would indicate that there would be no potential for occupancy. Mr. Welsh confirmed that there would not be any occupancy and added that no water service was extended to the garage.

Mr. Welsh also stated that the exterior of the garage would mirror the existing dwelling khaki color vinyl siding exterior.

Mr. Banisch inquired if there would be any exterior lighting and the duration that they would be on. Mr. Welsh responded that there would be two lantern style lights on either side of the garage and one overhead

light by the door and would not be on all night. He indicated that no flood light style lights were being installed.

Mr. Bolio indicated that the application was reviewed for completeness and noted that the Borough Ordinance does not provide a checklist for a variance application, therefore it was recommended that the checklist for an Informal Plat for Minor Subdivision/Site Plan be utilized.

Mr. Bolio outlined three additional comments in the May 23, 2019 report that would need to be addressed as a condition of approval. Mr. Welsh confirmed that he would be able to meet those conditions.

Mr. Bolio recommended that the application be deemed complete.

Mayor Vallone inquired of Mr. Welsh if the neighbors had been notified. Mr. Welsh responded affirmatively.

Ms. Rubright inquired if it was possible to purchase additional land in order to make this condition more conforming. Mr. Welsh responded that that was not possible.

Mr. Banisch inquired as to a drainage condition along the common rear property line for the properties located on DeMun Place.

Chairman Lewis inquired if there was a way to locate the drainage pipes. Mr. Banisch indicated that the survey references only items on the surface and nothing below the surface of the ground was detailed. A brief discussion ensued with Mr. Welsh being informed that any damage to the clay drainage pipes during the construction of his garage would be his responsibility to repair.

Ms. Rubright swore in Mr. Paul Fox, PP, PE, of Apgar Associates, 13 DeMun Place, Far Hills and noted that he has been previously qualified as an expert witness.

Mr. Fox provided additional details regarding the drainage pipes stating that they were part of the original sewer system but were later converted to storm drains. He noted that there is no easement of record shown on the Borough maps. He indicated that were the proposed garage would be placed it would be clear of the pipes.

There being no additional questions from the Board, Chairman Lewis opened the meeting for public comment.

There being none, Chairman Lewis closed the public portion of the meeting.

Motion by Councilwoman Tweedie, seconded by Ms. Devine that the application, with the noted conditions and waivers, be approved.

Roll Call:

Aye: Ms. Devine, Ms. Layton, Mr. Rochat, Councilwoman Tweedie, Mayor Vallone, Chairman Lewis

Nay:

Abstain:

Recused: Mr. Welsh

Motion Carried.

## **ZONING UPDATE**

Chairman Lewis reviewed the June 3, 2019 Zoning Update Memo.

## **PUBLIC HEARING**

Chairman Lewis announced that the Public Hearing for the Amended Housing Plan Element and Fair Share Plan (HPE/FSP) would be carried to the July 1, 2019 Planning Board meeting.

## **PUBLIC COMMENT**

Cindy DeCorges, 21/23 Railroad Avenue, Far Hills inquired as to the status of the self-funding proposal for the affordable housing units.

Johanna McCarten, 38 Peapack Road, Far Hills requested additional information regarding the options for affordable housing.

Jon Sobel, 44 Springhollow Road, Far Hills inquired if the Planning Board members received a copy of his letter submitted at the May 6, 2019 meeting and again expressed his concerns regarding transparency and meeting notification to residents. He requested that the July 1, 2019 Public Hearing for the Housing Element and Fair Share Plan be rescheduled due to the holiday.

Norman Scott, 93 Liberty Corner Road, Far Hills, suggested that due to the holiday, the upcoming Planning Board meeting be videotaped and broadcasted.

Janine Silberberg, 97 Liberty Corner Road, Far Hills inquired as to the official process for a resident's comments to be recognized should they not be able to attend the hearing for the Amended Housing Plan Element and Fair Share Plan.

Ms. Rubright responded that a resident may submit a written statement, however, without being present there would be no means to ask questions of the resident for clarification of the comments presented.

Ms. Devine requested clarification as to the process and authority of the Planning Board with respect to public hearing for the Housing Plan Element and Fair Share Plan.

Mr. Banisch provided a brief outline of the process and indicated that the affordable housing component of the Master Plan requires coordination with the Borough Council in order to reflect the Housing Plan Element and Fair Share Plan (HPE/FSP). He further explained that the public hearing would be noticed as required by statute and the HPE/FSP would be available to the public in the Clerk's office as well as posted on the Borough website.

Ms. Rubright added that the Borough Council would need to take official action at their next meeting in order to hold the public hearing on the HPE/FSP at the July 1, 2019 Planning Board meeting.

A general discussion ensued regarding the Municipal Land Use Law and the authority of the Planning Board and Borough Council with regard to amendments to the Master Plan and adoption of the HPE/FSP.

Johanna McCarten, 38 Peapack Road, Far Hills inquired if the Borough Fairground's property was being considered for affordable housing development and commented that she believed the property was donated to the Borough with the understanding that it would only be utilized for recreational and agricultural use. She also noted that this property was prone to flooding.

Cindy DeCorges, 21/23 Railroad Avenue, Far Hills sought clarification as to the specific area of the Fairgrounds under consideration for an affordable housing development.

Susan Scott, 93 Liberty Corner Road, Far Hills inquired as to the origination and authority of the zoning ordinances with respect to affordable housing.

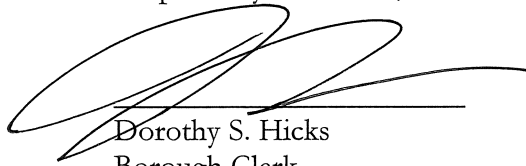
Mr. Banisch responded that zoning ordinances are introduced and adopted by the Borough Council and briefly outlined the notification and public hearing process required by statute.

There were no further comments from the public.

**ADJOURNMENT**

Motion by Councilwoman Tweedie, seconded by Mayor Vallone and unanimously carried to adjourn the meeting at 7:53 p.m.

Respectfully submitted,



Dorothy S. Hicks  
Borough Clerk

**APPROVED – 9/3/19**