

BOROUGH OF FAR HILLS
Planning Board Regular Meeting
MINUTES
February 3, 2020

CALL TO ORDER

Chairman Lewis called 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.

ROLL CALL:

Present: Chairman Robert Lewis, Vice Chairman Tom Rochat, Mayor Paul Vallone, Councilwoman Sheila Tweedie, Kevin Welsh, Richard Rinzler and Marilyn Layton

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

Absent: John Lawlor, Alt. #1 and Gerrie McManus, Alt. #2

There were approximately five (5) audience members present.

BILL LIST

- February 3, 2020

There being no questions or comments, a motion was made by Vice Chairman Rochat, seconded by Councilwoman Tweedie to approve the February 3, 2020 Bill List as presented. The motion carried by the following roll call vote:

Roll Call:

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

Nay: None

Abstain: None

MINUTES

- January 6, 2020 Re-organization Meeting

Attorney Rubright noted a correction to the Alternate on page one (1), it should read "Alternate No. 2", rather than "Alternate No. 12". With that correction, Mayor Vallone made a motion to

approve the Re-organization minutes of January 6, 2020 for content and release. Vice Chairman Rochat seconded the motion. All were in favor.

- January 6, 2020 Regular Meeting

Councilwoman Tweedie made a motion to approve the minutes of January 6, 2020 for content and release. Mr. Welsh seconded the motion. All were in favor.

CORRESPONDENCE

The Board reviewed the following items of correspondence.

- 1) NJ Planner – November/December 2019, Vol 80, No. 6.
- 2) A letter dated January 27, 2020 from Matt Draheim, Chief, Far Hills – Bedminster Fire Department re: Site Plan Review, Appl. No. 2019-FHA-02, Block 6, Lot 25, 97 Spring Hollow Road

Referencing item No. 2 above, Ms. Goodchild noted that Chief Draheim requested that the Planning Board forward all future site plans to the fire department for review. Mr. Banisch noted that fire department review can be helpful to the Board, to which Attorney Rubright agreed. It was the consensus of the Board to forward future site plans to the fire department for their review and comment.

APPLICATIONS

- Appl. No. PB 2020-01
Tom Geraghty/Paladin Insurance Agency, LLC
Block 15, Lot 1.01
49 Route 202, Suite #10
Change of Occupancy

Board Member Kevin Welsh recused himself from the hearing as he owns property within 200 feet.

Mr. Mark Melillo, owner of property and principal of M.E. Far Hills Proper, LLC was present and sworn in by Attorney Rubright.

Mr. Melillo explained that the proposal was for a change of use from the current occupant, Mountaintop Advisory group to Paladin Insurance Agency, a 15 year commercial insurance company currently located in Parsippany, NJ. The staff will consist of a total of six (6), five (5) employees and Mr. Geraghty's wife; there will be no visitors in the office as most work is done on the road visiting clients. When asked if the proposed use has fewer employees than the current use, Mr. Melillo responded that the number of employees would likely remain the same.

The hours are generally 8 a.m. to 5 p.m. Addressing signage, Mr. Melillo noted that the same sign will be used with the existing tenants name stripped off and replaced with Paladin Insurance Agency along with a small placard outside of the suite. When asked by Mr. Banisch if there will be designated parking on site, deliveries or a loading space, Mr. Melillo responded in the negative. Mr. Melillo noted that no exterior changes will occur other than re-labeling the existing signs.

When asked by Mayor Vallone if the Far Hills location will be the primary office, Mr. Melillo responded in the positive. When asked if there will be any satellite offices, Mr. Melillo noted that Mr. Geraghty may retain a small office to retain a presence in Parsippany.

There being no additional questions by the Board, Mr. Banisch explained that the applicant requested a change of use and occupancy and had demonstrated that there will be no changes to the exterior negating the need for a site plan. In conclusion, Mr. Banisch recommended that the Board grant the request for a change of use and occupancy and site plan waiver.

Councilwoman Tweedie made a motion to approve the change of use and occupancy and site plan waiver. The motion was seconded by Vice Chairman Rochat. The motion carried by the following roll call vote:

Roll Call Vote:

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

Those Opposed: None

Board Member Kevin Welsh returned to the meeting at this time (7:15 p.m.)

- Appl. No. 2019 - FHA – 02
Fuentes/Solar Me
Block 6, Lot 25
97 Spring Hollow Road
Use and Setback Variances

Engineer Steve Bolio noted that he issued a letter dated August 25, 2019 with the recommendation that the application be deemed complete pending three (3) items; proper application fees, a key map, and the zoning district designation. He recommended that a waiver be granted for completeness for the key map and zoning district designation. Ms. Goodchild confirmed that the proper application and escrow fees were provided. Attorney Rubright confirmed that the applicant had re-noticed properly.

Vice Chairman Rochat questioned the date of the plan and Mr. Bolio explained that an as-built plan was submitted as a supplement; the construction plan and the as-built plan were consistent.

Based on the scope of the application, Mr. Bolio opined that it was adequate. Mr. Banisch noted that the Board may, as a condition of approval, require an as-built prior to the owner activating the array.

Mr. Banisch confirmed that the application involved a use variance and that the applicant was required to garner five (5) affirmative votes from the Board for an approval. Attorney Rubright noted that the two (2) alternates were not present and Mayor Vallone and Councilwoman Tweedie needed to step down. For the benefit of the applicant, Attorney Rubright noted that the applicant could request that the absent members listen to the recording of the meeting to be eligible to vote.

Mayor Vallone and Councilwoman Tweedie recused themselves from the hearing at this time.

Mr. Welsh made a motion to deem the application complete and move into the public hearing. Ms. Layton seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Roachat, Mr. Welsh, Mr. Rinzler, Ms. Layton and Chairman Lewis

Those Opposed: None

Andrew DeCarlo, Operations Manager and Designer with Solar Me was present representing the applicant and sworn in by Attorney Rubright.

Mr. DeCarlo provided his professional background which included design and engineering of solar installations for approximately four (4) years. When asked if he would be the consultant and installer of the solar array if it was approved, Mr. DeCarlo responded in the positive. When asked by Chairman Lewis if he was an engineer, Mr. DeCarlo responded in the negative but noted that he had two (2) years of architectural engineering from high school and two (2) semesters at Brookdale for Civil Engineering.

When asked by Attorney Rubright if he had ever presented applications to Planning Boards, Mr. DeCarlo responded in the positive noting presentations in Bernardsville and Freehold. The Board recognized and accepted Mr. DeCarlo as a professional installer.

Mr. DeCarlo explained that the proposal was for 192 panels in two (2) separate arrays for residential usage; the power will run directly to the meters at the street. He opined that the array was proposed in the best location, facing south towards the trees and buffered from the neighbors by existing and proposed landscaping. He explained that the existing underground drainage systems dictated the proposed location. When asked by Attorney Rubright if there were other impediments, Mr. DeCarlo listed an underground detention pond, a septic system and tank

and two (2) drainage easements that run along the sides of the existing home. The proposed location allows for a straight, unobstructed run to the electricity meter.

When asked by Mr. Welsh if the system powers only the house, Mr. DeCarlo responded in the positive. He noted that the electric company only allows the system to offset 100% of the applicant's usage which is based off of 13 months of usage.

When asked by Chairman Lewis if the system proposed is 63 kW, Mr. DeCarlo responded in the positive. When asked to provide the items that consume electricity, Mr. DeCarlo listed a/c, lights, a large pool, sprinkler systems, etc. When asked if the arrays can be reconfigured, Mr. DeCarlo responded in the positive but noted that smaller arrays are harder to keep grounded during heavy winds. When asked if a roof mounted system could be considered, Mr. DeCarlo noted that the roofline contains dormers and was not in an optimal direction; the roof could not accommodate all of the panels necessary to offset 100% of the usage.

When asked by Mr. Welsh what equipment was necessary, Mr. DeCarlo itemized the following: 1) inverters mounted to the poles under the arrays, 2) two (2) transformers, and 3) utility meters by the road and by the array. When asked by Attorney Rubright the size of the transformer, Mr. DeCarlo responded 4 feet x 4 feet (22 kva).

When asked by Vice Chairman Rochat if he received a copy of the letter from the fire department, Mr. DeCarlo responded in the positive and agreed to comply with the requests within the letter. When asked about a landscaping plan, Mr. DeCarlo noted that the applicant owns a landscaping company and would work with the Board professionals.

Discussion ensued regarding locating the arrays in the area of the reserve septic and Attorney Rubright opined that the reserve septic area could not be imposed upon as it is required by law. Mr. DeCarlo expressed concern with running cables from other areas on the lot which would require over 1,000 feet of cable whereas the proposed location requires approximately 600 feet; other locations double the wire and pipe size and cost. When asked by Attorney Rubright if the distance impacts the effectiveness of the system, Mr. DeCarlo explained that it can decline if the wires aren't sized properly.

When asked by Mr. Banisch the number of transformers, Mr. DeCarlo explained that there would be a step up transformer and a step down transformer. Mr. Banisch pointed out that the required setbacks were not depicted on the plan and urged the applicant to consider where the arrays could be placed without violating the setbacks. Mr. Banisch opined that the reserve septic area could be considered however Attorney Rubright recommended further investigation before approving an array in the area of the reserve. Mr. Banisch noted that another location on the site could support the reserve septic area if passable perc tests were achieved. He noted that historically a high priority for the Borough has been to maintain the setbacks. The cost to the applicant to locate the arrays further away doesn't rise to a justification for relief from the setbacks. He suggested that the applicant exhaust all of the other alternatives on site, including

dividing the arrays between a ground mounted system and a roof mounted system. When asked if the existing vegetation was located on the applicant's property, Mr. DeCarlo was unsure. When asked if he conducted assessments off site to obtain the view of the proposed installation from adjoining properties, Mr. DeCarlo responded in the negative. When asked the impact on cost to move the array to another location, Mr. DeCarlo was unsure but opined that it could be an extra \$15,000 for additional wiring and piping.

Discussion ensued regarding the solar reading on various areas of the property. Mr. Banisch recommended scheduling a site walk to evaluate issues like feasibility and off site visibility.

When asked by Mr. Banisch to confirm the number of helical piles proposed, Mr. DeCarlo responded 24 for the smaller array and 40 for the larger array. When asked the height of the array, Mr. DeCarlo responded 10 feet, 2 inches.

When asked by Mr. Bolio what the surface treatment will be under the arrays, Mr. DeCarlo explained that the existing grass will remain. He noted that netting will be applied to the backside of the array to protect children and animals. When asked by Mr. Banisch if the array could be lowered, Mr. DeCarlo offered to look at the plans to determine if he could accommodate a lower array without losing solar production; the solar requires 34 degrees for optimal range and the proposal measures 20 degrees. Mr. DeCarlo offered to reduce the array by 8 inches or more.

When asked by Chairman Lewis why the electric was proposed to run to the street, Mr. DeCarlo explained that they are running the electric to the meter on the street as entering the home would be challenging and to avoid damaging the decorative stone near the house. A brief discussion ensued regarding moving the meter however Mr. DeCarlo noted that the applicant was under time constraints for tax credits and State renewable credits.

Mr. Bolio recommended a gravel base under the arrays for maintenance and stormwater purposes.

Mr. Welsh questioned the setbacks shown and opined that the proper setbacks should be provided in order for the Board to make an informed decision. Mr. DeCarlo agreed to provide a new set of plans showing the required 100 foot side and 200 foot front setbacks along with alternative locations for the array.

Mr. Banisch provided a 2015 Google image aerial photograph, marked as **Exhibit PB-1** which demonstrated the applicant's property as it relates to neighboring properties and dwellings.

Chairman Lewis suggested asking the applicant to stake out the setbacks, proposed location and any alternate locations.

Barbara Ehlen, the applicant's Planner read into the record the definition of Front Yard while pointing out that the parcel is landlocked. She questioned how the Board considers the front

yard of the lot. Mr. Banisch asked Ms. Ehlen if she had the subdivision plan for the lot to which she responded in the negative. He suggested researching the approved subdivision plan to determine if the front yard was designated at the time of the subdivision. Attorney Rubright agreed and noted that the access easement serves as the street and a reasonable assumption would be that the area of the lot nearest the access easement would be designated as the front yard. Ms. Ehlen agreed to reach out to the Borough for the subdivision plan.

There being no further questions from the Board, Chairman Lewis opened the meeting up to the public at 8:12 p.m.

Mr. Durnan (Devco Meadows), 144 Sunnybranch Road was present and noted that he was an impacted neighbor but did not have any questions.

There being no further questions of the witness, Chairman Lewis closed the public questioning.

Maria A. Fuentes, owner and applicant, was sworn in by Attorney Rubright. Ms. Fuentes explained that she chose the southeast location based on the density of the tree line and the ability to buffer the view from the neighbors. She noted that she was in the construction industry and could screen the array with very mature vegetation. She opined that the neighbor to her south would see a roof mounted array. She reported that she was told that she owns 15 feet into the private road adjacent to her lot. Mr. Bolio recommended basing all future plan revisions off of the as-built to ensure that proper setbacks are represented.

Discussion ensued regarding locating the arrays in other areas on the lot and the view from surrounding properties. Mr. Rochat noted that a neighbor's lot that is vacant now may not be undeveloped in the future. Mr. Banisch recommended the Board schedule a site walk to which the applicant agreed to allow.

Chairman Lewis opened the meeting to the public at 8:27 p.m. for questions of Ms. Fuentes. There being no questions, the meeting was closed to the public.

The applicant's Planner requested a break at 8:28 p.m.

The Board reconvened at 8:32 p.m.

The applicant's Planner asked that the hearing be carried to the March 2, 2020 meeting to allow the applicant to address the Board's concerns and allow the Board the opportunity to walk the site.

The Board announced that the hearing would be carried to March 2, 2020, 7 p.m. with no new notice required. The Board scheduled a special meeting for the purposes of a site walk for Saturday, February 15, 2020 at 8:30 a.m. with proper notice to be provided by the Board Secretary.

Councilwoman Tweedie and Mayor Vallone returned to the meeting at 8:38 p.m.

ZONING UPDATE

- Zoning memo dated January 28, 2020 – Kimberly Coward

Discussion ensued regarding video displays/moving signs in windows of commercial locations within the Borough. Attorney Rubright suggested having the Zoning Officer canvass businesses for any video displays/moving signs in violation of the sign regulations.

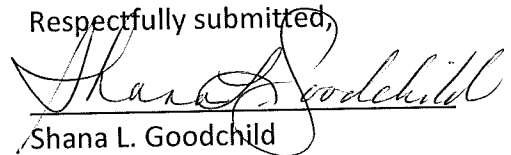
PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

A motion was made by Councilwoman Tweedie and seconded by Mayor Vallone and unanimously carried to adjourn the meeting at 8:41 p.m.

Respectfully submitted,



Shana L. Goodchild
Planning Board Secretary

APPROVED 03/02/20