

**BOROUGH OF FAR HILLS**  
Planning Board Regular Meeting  
**MINUTES**  
September 8, 2020  
VIA ZOOM VIRTUAL MEETING

**CALL TO ORDER**

Chairman Lewis called the virtual meeting to order at 7:07 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, Councilwoman Sheila Tweedie, Kevin Welsh, Richard Rinzler and Marilyn Layton

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

Absent: Vice Chairman Tom Rochat, Mayor Paul Vallone and John Lawlor, Alt. #1

There were approximately six (6) audience members present.

**BILL LIST**

- September 8, 2020

There being no questions or comments, a motion was made by Mr. Rinzler, seconded by Councilwoman Tweedie to approve the September 8, 2020 Bill List as presented. The motion carried by the following roll call vote:

**Roll Call:**

Aye: Councilwoman Tweedie, Mr. Rinzler, Mr. Welsh, Ms. Layton and Chairman Lewis

Nay: None

Abstain: None

**MINUTES**

- August 3, 2020 Regular Meeting

Mr. Rinzler made a motion to approve the minutes of August 3, 2020 for content and release with a minor correction to the number of audience members. Councilwoman Tweedie seconded the motion. All were in favor.

#### **MATHENY SCHOOL AND HOSPITAL UPDATE**

- Joseph V. Sordillo, Borough Attorney

Attorney Sordillo was present at the request of Mayor Vallone to update the Planning Board. He noted that the County conditioned their approval on road widening or, in lieu of widening a monetary deposit; the monetary amount was substantial and not in the Matheny School budget. A letter was forwarded to the County requesting a resolution and the County agreed to revise their requirements/conditions of approval however, revisions to the layout of the driveway on Lot 1.03 was required.

Luciano Bruno, representative from the Matheny School was present and outlined the requests from the County by way of plan revisions which included: 1) adjusting the driveway to relocate it 15 feet from the property line, 2) changing the stormwater pipe to reinforced concrete, 3) providing the proper sight distance for the driveway, and 4) filing of a bond. Mr. Bruno noted that all of the items had been satisfied and a revised plan submitted. Mr. Bruno requested that the Borough expedite the approval process due to the deadlines in place for funding.

When asked by Attorney Rubright about the funding deadlines with the State, Mr. Bruno explained that the State provided a year; closing with the financing should be done in October. Attorney Rubright opined that if, and when, the County approves the application she would want to consult with the Borough Planner and Borough Engineer to determine if there are any approvals required on the Borough level or if it is at a site adjustment level. Engineer Steve Bolio was present and indicated that he and Borough Engineer Paul Ferriero reviewed both the County letter and the revised plans and were comfortable with the changes and opined that they were not substantial in nature.

When asked by Mr. Bruno the timing for the permit process, Attorney Rubright encouraged the applicant to put the permit package together. Attorney Sordillo suggested that the compliance review be done simultaneously with the permit review. Engineer Bolio noted that a resolution compliance package had not been submitted and encouraged Mr. Bruno to submit that promptly.

Mr. Bruno expressed his appreciation and thanked the Board and professionals for their cooperation.

#### **RESOLUTION**

- **Resolution No. 2020-20** – Appl. No. PB2020-07, Block 15, Lot 1.01 – M.E. Far Hills Proper, LLC  
*Those eligible: Vice Chairman Rochat, Mr. Rinzler, Mr. Lawlor, Mrs. Layton and Chairman Lewis*

Attorney Rubright noted that Vice Chairman Rochat was unable to return in time for the meeting and Mr. Welsh was recused from the application. While only one (1) member needs to be present to vote, a quorum is necessary to bring the resolution to the Board. As a result, Attorney Rubright announced that the resolution would be tabled due to lack of a quorum.

#### **APPLICATION**

- Appl. No. PB2020-08  
27 Route 202 FH, LLC  
Block 14, Lot 3  
Suite 8 & 9 – VisionCare, Inc.  
Site Plan Waiver/Change of Occupancy

It was noted by Attorney Rubright that Mr. Welsh would need to abstain from voting but could sit for the application, which is not a variance application, so long as the applicant found it to be acceptable. When asked if it was acceptable, Mr. Melillo responded in the positive.

Anthony Melillo, was present and explained that he was present on behalf of the applicant, VisionCare, Inc., a privately held medical device company originally headquartered out of California; they wish to relocate to Far Hills as the CEO resides in Gladstone. In reviewing Planner David Banisch's letter dated September 4, 2020 Mr. Melillo explained that the purpose of the space is general administrative, similar to a corporate office. Hours of operation would be 8 a.m. to 6 p.m., Monday through Friday with two (2) employees with a plan to increase to four (4) employees with one (1) administrative assistant; he expressed a desire for a total of six (6) employees as a buffer. The space has an allocation of ten (10) so the proposal was significantly less than the space can accommodate. Mr. Melillo noted that there will be no exterior signage; one (1) permitted sign adjacent to their Suite door is proposed. In conclusion, Mr. Melillo noted that the emergency information for the applicant was provided in the escrow agreement (phone number, e-mail and address).

When asked by Chairman Lewis the type of business, Mr. Melillo explained that it is a medical device business (no manufacturing will take place in the Far Hills space). The company created the technology that positions a microscopic telescope behind the retina to allow individuals with severe vision impairment to gain vision. When asked by Attorney Rubright where manufacturing takes place, Mr. Melillo responded California.

When asked by Mr. Welsh if there will be shipments from Far Hills, Mr. Melillo responded in the negative.

When asked by Attorney Rubright to clarify the proposed sign, Mr. Melillo explained that the 1 sq. ft. sign would be interior and adjacent to the Suite door. He went on to explain that there will be two (2) one (1) square foot signs however, he did not believe the ordinance regulated interior signs (exterior of the Suite but not exterior of the building).

*The Zoom meeting recording was interrupted at this time (7:45 p.m.) due to the loss of internet by the Zoom host (Planning Board Secretary) – the remainder of the meeting was conducted via telephone.*

There being no additional questions, Councilwoman Tweedie made a motion to approve the application based on the testimony provided. The motion was seconded by Ms. Layton. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mr. Rinzler, Ms. Layton, Councilwoman Tweedie and Chairman Lewis

Those Opposed: None

Abstained: Mr. Welsh

**AUTHORIZATION TO CLOSE ESCROWS**

- |   |            |
|---|------------|
| 1. Far Hills Café                                     | \$35.22    |
| 2. Grohowski , Block 18, Lot 4 (“c” Variance)         | \$409.52   |
| 3. Grohowski , Block 18, Lot 4 (Inspection Escrow)    | \$1,337.55 |
| 4. Malik, Block 15, Lot 6.07                          | \$133.50   |
| 5. Niederauer Block 16, Lot 24 (Garage/Barn Variance) | \$442.50   |
| 6. Team Capital Bank, 49 Route 202 (“c” Variance)     | \$72.00    |
| 7. Torgovnik Interpretation, Block 5, Lot 3.01        | \$1,531.23 |

Ms. Goodchild noted that the Borough professionals confirmed that there were no outstanding invoices and all billing complete for the above referenced escrows.

A motion was made by Councilwoman Tweedie to close the above referenced escrows and return the balance to the applicants. Ms. Layton seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Councilwoman Tweedie, Mr. Welsh, Mr. Rinzler, Ms. Layton and Chairman Lewis

Those Opposed: None

**CORRESPONDENCE**

1. A letter dated August 13, 2020 from Borough Attorney Joseph Sordillo to the Somerset County Planning Board re: The Matheny School and Hospital, Affordable Housing Group Home, Block 8, Lots 1.02 & 1.03.
2. A letter dated August 31, 2020 from the Somerset County Planning Board to Joseph Sordillo, Borough Attorney re: The Matheny School and Hospital, Affordable Housing Group Home, Block 8, Lots 1.02 and 1.03.

## **ZONING UPDATE**

- Zoning memo dated August , 2020 – Kimberly Coward

Zoning Officer Kimberly Coward was present and explained that recent work involved responding to zoning classification inquiries as well as the recent approval for the drive-in movie event.

When asked by Mr. Rinzler if she had recently witnessed merchandise being placed on the lawns of stores (not part of the approval process), Ms. Coward responded in the negative but agreed to look into the issue.

A discussion ensued regarding temporary signage in the Borough and extending the display time. Attorney Rubright agreed to follow up with the Borough Clerk, Borough Attorney Sordillo and Planner Banisch to determine if it should be a discussion item at the next Borough Council meeting.

## **PUBLIC COMMENT**

Chairman Lewis opened the meeting to the public at approximately 8:05 p.m.

Dr. George Mellendick, 260 Lake Road was present and asked if Peapack Road would be widened as a result of the Matheny School project to which the response was negative. When asked if a decision about the siding and roofing material had been made, Councilwoman Tweedie explained that the Borough Council delegated the final decision to Planner Banisch and that the selection would be complimentary to the area. Dr. Mellendick questioned whether the Borough Council or Planning Board were involved in the color selection for the Melillo building. Chairman Lewis pointed out that the ordinance does not regulate color or style and the Planning Board was not involved in review of color choices, however the Board was involved in the lighting choices to balance safety while not becoming a nuisance. Councilwoman Tweedie suspected that the project architect chose the exterior colors. When Dr. Mellendick questioned the colors for the Matheny School project, Attorney Rubright noted that the objective is to have it blend in with the adjacent residential neighborhood.

Referencing the 20 Lake Road, LLC project, Dr. Mellendick expressed concern that the attorney for the applicant testified that the home would be used for the family however the property was already on the market for sale; Dr. Mellendick opined that the testimony under oath was misrepresented. He went on to say that the work was not in-keeping with the neighborhood, the

addition was stepped out from the original house and that as much buffering along the road should be retained. Attorney Rubright noted that situations change which could be the reason the home is on the market. She pointed out that if the building footprint is not consistent with the approval granted it will become apparent when the as-built is submitted. After a lengthy discussion about the work at 20 Lake Road, Zoning Officer Coward and Engineer Bolio agreed to look into the construction that took place without resolution compliance. Councilwoman Tweedie encouraged Dr. Mellendick to attend the next Borough Council meeting with his concerns.

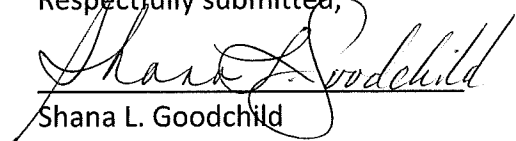
Dr. Mellendick expressed concern about the internet access issues and asked if it could be remedied through an upgrade by Comcast. Councilwoman Tweedie noted that the Borough Council cannot require the service provider to upgrade or improve. Chairman Lewis recommended he address his concerns with the Borough Council at their next meeting.

There being no additional comments, Mr. Lewis closed the public comment portion of the meeting.

**ADJOURNMENT**

A motion was made by Councilwoman Tweedie, seconded by Ms. Layton and unanimously carried to adjourn the meeting at 8:17 p.m.

Respectfully submitted,



Shana L. Goodchild  
Planning Board Secretary

**Approved 10/5/20**