

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
REGULAR MEETING
Monday, October 15, 2019
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER/FLAG SALUTE

The regular meeting of the Mendham Borough Planning Board was called to order by Chairman Kraft, at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Star Ledger* and the *Daily Record* on in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House.

ROLL CALL

Chairman Kraft – Present Mr. Cascais – Absent
Mr. Bradley - Present Ms. Bushman - Present
Mayor Glassner – Present Ms. Lichtenberger – Present
Councilman Reilly – Present Mr. Kay – Absent
Ms. Masse – Absent

Alternate: Mr. Corona, Alternate I- Present
 Ms. Dunn, Alternate II - Absent

Also present: Mr. Henry, Esq.
 Mr. Denisiuk, Engineer
 Ms. Caldwell, Borough Planner

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MINUTES

Chairman Kraft asked for comments on the minutes of the regular meeting of September 9, 2019. There being no corrections, Mr. Bradley made a motion to approve the minutes as written and Mr. Corona seconded.

ROLL CALL

In Favor: Chairman Kraft, Mr. Bradley, Mayor Glassner, Mr. Corona, and Ms. Bushman.

Opposed:

Abstain:

Motion Carried

EXECUTIVE SESSION MINUTES

Tabled until November meeting

PUBLIC COMMENT

Chairman Kraft opened the meeting to the public for questions and comments on items not included on the agenda. There being none, the public session was closed.

COMPLETENESS

PB# 1-19 MLT Realty Holdings, LLC

16 East Main St. (Block 601 Lot 7)

Preliminary & Final Site Plan Approval with Variances

Present: Lawrence Fox, Esq.

Dr. Robert Bello, Applicant

Candice Davis, PE

Mr. Fox introduced the application stating the address of the property is 16 East Main St. and said that the property is vacant. He also stated that Dr. Bello was proposing to make improvements to the building and use the first floor for his business and the upstairs as an apartment. The intent is to add an addition to the rear of the building and to construct a two-car garage in the rear of the property. One of the variances requested is for an ADA required access ramp. The proposed addition and changes to the structure will enhance the property and Dr. Bello has appeared before the Historic Preservation Commission and had received approval for the plans.

Mr. Henry noted that the TRC had made recommendations to the Board to grant checklist waivers that need to be addressed. Mr. Henry listed the recommendations as follows:

1. The TRC recommends a waiver for the letter from the County Planning Board regarding non-jurisdiction. Ms. Davis stated that it is under review from the County
2. The TRC recommends applicant submit photos of sign/lighting location (post location) showing location of the proposed sign. Ms. Davis stated that photos were submitted and that would be explained further in her testimony.
3. The TRC recommends a waiver regarding letter of LOI from NJDEP.

4. The TRC recommends a waiver for service letters from the utility companies. Mr. Henry stated that 2 of the 3 have responded and the request from the 3rd is in the packet.

Mr. Kraft asked for a motion to deem the application complete. Mr. Corona made a motion and was seconded by Mr. Bradley.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In Favor: Mr. Bradley, Mr. Corona, Mayor Glassner, Ms. Lichtenberger, Mr. Reilly,
Ms. Bushman, Chairman Kraft

Opposed: None

Abstentions: None

The Motion Carried

HEARING

PB# 1-19 MLT Realty Holdings, LLC

16 East Main St. (Block 601 Lot 7)

Preliminary & Final Site Plan Approval with Variances

Present: Lawrence Fox, Esq.

Dr. Robert Bello, Applicant

Candice Davis, PE

Also Present: Mr. Simon, Esq.

Dr. Bello was sworn in. Mr. Fox questioned Dr. Bello regarding his educational background and his intentions regarding the property. Dr. Bello gave his credentials and his intention is to move his practice from the Kings Shopping Center to the property at 16 East Main St. Dr. Bello described that parking should be in the rear and a ramp will be installed. Mr. Fox stated that Dr. Bello will be discussing the floor plan that was submitted to the Board. Dr. Bello went on to describe the aspects of the floor plan. Mr. Fox asked if there was an area for retail and Dr. Bello stated that there will be a small area for retail. Mr. Fox asked the what anticipated use of the upstairs was and Dr. Bello stated that he intends on living there. Mr. Fox asked the anticipated the use of the proposed garage and Dr. Bello stated that the garage would be for personal use. Mr. Fox questioned the nature of his practice and Dr. Bello stated that patients make appointments and there is very little walk in patients. Mr. Fox asked about Dr. Bello's application to Historical Preservation Commission and was there anything they requested regarding the building. Dr. Bello stated that the Commission only asked that the exterior remain the same and it is his intention to do so.

Mr. Kraft asked Mr. Simon if he had any questions. Mr. Simon stated that he was the attorney there on behalf of Mr. Kerby, owner of 14 East Main St. Mr. Simon asked Dr. Bello questions regarding parking with regards to patients and employees. Dr. Bello stated that he has one patient per hour and the employees are only himself and one other. Mr. Simon asked what the hours would

me and Dr. Bello stated 9am-8pm and Saturday 10am-3pm. Mr. Simon asked about the paver patio and what the purpose was, and Dr. Bello said that it would be used for personal use.

Mr. Kraft asked if the Board or Professionals had any questions for the witness. There being none Mr. Kraft asked Mr. Fox to proceed.

Mr. Fox called Ms. Davis to testify.

Ms. Davis was sworn in.

Ms. Davis gave her credentials. Mr. Fox asked that based on her credentials would the Board accept Ms. Davis qualifications as a licensed Professional Engineer and the Board agreed.

Ms. Davis summarized the plans provided to the Board and stated that the applicant is seeking site plan approval and variances. Also, a waiver for the additional parking spaces is being requested. Mr. Fox asked Ms. Davis if there are garages on the adjacent properties and Ms. Davis confirmed there were and that the setbacks are similar to the proposed garage. Mr. Fox asked about the access from Rt.24 and Ms. Davis stated that they are proposing one-way access and would be signed. The Site Plan has been submitted to the County for their review. Mr. Fox asked if there were any improvements proposed to the side of the property that is contiguous of Mr. Simon's client. Ms. Davis said that there was nothing proposed for that side of the property. Mr. Simon asked Ms. Davis questions regarding parking. Ms. Davis stated that there was an existing office and apartment use. Mr. Simon asked if there were any intentions to reserve parking and Ms. Davis said that there were none. Mr. Simon asked if the proposed driveway was being moved closer to the Kerby property. Ms. Davis stated that the driveway has been shifted to be closer to the Kerby property. Mr. Simon asked about snow removal and Ms. Davis said that there are areas along side the driveway to deposit the snow and it would not infringe on the Kerby property. Mr. Simon asked if the private parking would be used for patients and Mr. Fox said that that is not the intention of that parking area. Mr. Simon asked if the shrubs along the property line will be disturbed and Ms. Davis said that the shrubs along the common property line will not be disturbed.

Mr. Kraft asked if there are any questions from the Professionals. Mr. Denisiuk asked if there is anything that can not be addressed on the letter prepared by Paul Ferriero's office. Ms. Davis said that with regards to page 2, Section D., Line 4. *The plan shows a post mounted "Business Entrance" sign near the accessible parking stall. It is recommended that a building mounted plaque be used for this purpose since the sign would need to be mounted with the bottom 7' above the ground and would be unsightly.* she stated that with the landscaping plan they respectfully ask to leave the business sign along the isle. Mr. Denisiuk asked if there was a detail for the sign and Ms. Davis said that it could be found on sheet 8. Mr. Denisiuk said that the comment was made so that the sign didn't look like a street sign. Mr. Denisiuk asked for a wooden sign with wood posts. Ms. Davis is aware that they must go in front of the Council for the parking. Mr. Denisiuk as discussion wanted to point out that as you are exiting to the municipal lot there are 2 parking spots there and that there should be restriping, and no spaces should be lost. Mr. Denisiuk needs additional details on the lighting, that they should be recessed. Mr. Denisiuk said that the applicant has agreed to all the other comments and if there is an approval, recommends they all be conditions and revised plans be submitted.

Ms. Caldwell summarized the report she submitted. Ms. Caldwell had a question as to where the trash will be placed. Ms. Davis stated that the trash area is in the rear of the property and make it not visible. Ms. Caldwell noted that with regards to the lighting there is a maximum of 14' in height on the Main St. corridor. A waiver would be needed if going to the 16' proposed. Ms. Davis will try to get the lighting to 0.1 at the property line. Mr. Bradley suggests a more residential than commercial lighting plan. Ms. Caldwell suggested that deer resistant arborvitae be used and made as a condition.

Mr. Reilly noted that ECOSST did a review of the application and they recommend the environmental impact study was waived.

Mr. Kraft asked if there was any other public comment. Mr. Simon thanked the board and Mr. Fox. Mr. Simon summarized the concerns that his client had with regards to the plan.

Mr. Henry asked regarding the lighting and Ms. Davis' intention is to comply with what was stated regarding the lighting and is not asking for a waiver with regards to the maximum lighting requirements and if it can't be done, they will come back but would request the waiver for the height of the light up to 16'.

Mr. Henry asked for the Board members to share their ideas and concerns regarding the application.

Mr. Kraft asked for a motion to have Mr. Henry draft a resolution for approval with conditions. Ms. Bushman made a motion and was seconded by Mayor Glassner.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In Favor: Mr. Bradley, Mr. Corona, Mayor Glassner, Ms. Lichtenberger, Mr. Reilly,
Ms. Bushman, Chairman Kraft

Opposed: None

Abstentions: None

The Motion Carried

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DISCUSSIONS

PB# 1-18 Aryan at Mendham -Extension of Approval
25 East Main St. (Block 1501 Lot 11)
Preliminary/Final Site Plan

Mr. Kraft asked if there any concerns about the letter from Aryan regarding the extension. Mr. Henry suggested a one-year extension and a determination that Notice was not required for this extension application.

Mr. Kraft asked for a motion that no Notice was necessary and to approve the extension of the approval for one year to December 10, 2020. Mr. Reilly made a motion and was seconded by Mr. Bradley.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In Favor: Mr. Bradley, Mr. Corona, Mayor Glassner, Ms. Lichtenberger, Mr. Reilly, Ms. Bushman, Chairman Kraft

Opposed: None

Abstentions: None

The Motion Carried for the one-year extension.

EXECUTIVE SESSION

A RESOLUTION PROVIDING FOR AN EXECUTIVE SESSION NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b

The Planning Board of the Borough of Mendham will adjourn into closed session to discuss the following subject matter without the presence of the public in accordance with the Open Public Meetings Act exemptions, N.J.S.A.10:4-12b:

1. "Litigation, Negotiations and Attorney-Client Privilege

Motion to Approve: Mayor Glassner

Second: Mr. Reilly

In Favor: Mr. Bradley, Mr. Corona, Mayor Glassner, Ms. Lichtenberger, Mr. Reilly, Ms. Bushman, Chairman Kraft

Opposed:

Abstain:

Resolution passed. Chairman Kraft closed the Public Meeting at 10:15 p.m. to convene into Executive Session.

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Chairman Kraft reconvened the Public Meeting at 10:25 p.m.

ADJOURNMENT

There being no additional business to come before the Board, **Motion** was made by Mayor Glassner, seconded by Councilman Reilly. On a voice vote, all were in favor. Chairman Kraft adjourned the meeting at 10:25PM.

The next meeting of the Planning Board will be held on **November 12, 2019 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Lisa Smith

Lisa Smith
Land Use Coordinator