

**MINUTES OF THE
MENDHAM BOROUGH
HISTORIC PRESERVATION COMMISSION
January 25, 2010
Phoenix House, 2 West Main Street, Mendham, NJ**

CALL TO ORDER

The regular meeting of the Historic Preservation Commission was called to order by Chair Zedalis at 7:30 p.m. at the Phoenix House, 2 West Main Street, Mendham, NJ.

CHAIR'S OPENING STATEMENT

Notice of this meeting was published in the Observer Tribune and Daily Record on January 26, 2009 in accordance with the Open Public Meetings Act and posted on the bulletin board of the Phoenix House on the same date.

OATHS OF OFFICE

Oaths of Office were taken by Ms. Jones Curl and Mr. Dannebaum before the meeting.

ATTENDANCE

Ms. C. Jones-Curl – Present	Mr. M. Zedalis – Present
Mr. N. Cusano – Present	Mr. J. Dannebaum, Alternate I – Present
Mr. M. Furgueson – Absent	Ms. Susan Carpenter, Alternate II- Present
Mr. C. Nicholson - Present	

2010 REORGANIZATION

Election of Chair: Mr. Nicholson nominated Mr. Zedalis as Chair. Mr. Cusano seconded. There being no additional nominations, nominations were closed.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor:	Jones Curl, Cusano, Nicholson, Dannenbaum
Opposed:	None
Abstentions:	Zedalis

The motion carried. Mr. Zedalis was elected Chair.

Election of Vice Chair: Mr. Zedalis nominated Mr. Nicholson as Vice Chair. Mr. Cusano seconded. There being no additional nominations, nominations were closed.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor:	Jones Curl, Cusano, Dannenbaum, Zedalis
Opposed:	None
Abstentions:	Nicholson

The motion carried. Mr. Nicholson was elected Vice Chair.

Appointment of Secretary: Mr. Nicholson made a motion to appoint Ms. Callahan as Commission Secretary. Mr. Cusano seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor:	Jones Curl, Cusano, Dannenbaum, Nicholson, Zedalis
Opposed:	None
Abstentions:	None

The motion carried. Ms. Callahan was appointed Secretary.

Meeting Dates: The following resolution was provided to the Commission in their pre-meeting packages:

**BOROUGH OF MENDHAM
HISTORIC PRESERVATION COMMISSION
MEETING DATES**

BE IT RESOLVED that the Historic Preservation Commission of the Borough of Mendham will meet to discuss or act upon public business at 7:30 p.m. prevailing time on each of the dates set forth below, at the at the Phoenix House, 2 West Main Street, Mendham, NJ:

February 22, 2010
March 15
April 19
May 17
June 21
July 19
August 16
September 20
October 18
November 15
December 20
January 24, 2011

The regular and reorganization meeting of the Commission will be held on January 24, 2011.

BE IT FURTHER RESOLVED that notice of any additions to the above schedule or change in the time, date or place of any scheduled meeting will be posted on the bulletin board in the Phoenix House and delivered to the official newspapers in advance as required by law.

Mr. Cusano made a motion to approve the resolution. Mr. Nicholson seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor: Jones Curl, Cusano, Dannebaum, Nicholson, Zedalis
Opposed: None
Abstentions: None

The motion carried. The resolution was approved. Ms. Callahan will make the appropriate public notices.

Approval of Newspapers: The following resolution was provided to the Commission members with their pre-meeting packages:

**BOROUGH OF MENDHAM
HISTORIC PRESERVATION COMMISSION**

BE IT RESOLVED by the Historic Preservation Commission of the Borough of Mendham, Morris County, New Jersey as follows:

WHEREAS, Chapter 231 of the Public Laws of the State of New Jersey for 1975, known as and hereinafter designated as the "Open Public Meetings Act" aforesaid, the Historic Preservation Commission of the Borough of Mendham hereby makes the following designations:

1. The Observer Tribune and/or the Daily Record are hereby designated as the two newspapers to receive notice of meetings required by any and all sections of the Open Public Meetings Act, it appearing that said newspapers are most likely to inform the local public of such meetings. Notices required by the New Jersey Municipal Land Use Law or the Borough's Land Use Regulations may be placed, as required by law, in either of the designated newspapers.
2. The location for posting of notices of meetings shall be the bulletin board in the Phoenix House, 2 West Main Street, Mendham, NJ, where notices of this kind are normally posted.
3. The sum of \$12.00 per year is hereby fixed as the amount to paid by any person requesting individual notice of meetings as provided in Section 14 of the Open Public Meetings Act.

Mr. Cusano made a motion to approve the resolution. Mr. Nicholson seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor: Jones Curl, cusano, Dannebaum, Nicholson, Zedalis
 Opposed: None
 Abstentions: None

The motion carried. The resolution was approved. Ms. Callahan will make the appropriate public notifications.

Appointment of Attorney: The following resolution was provided to the Commission in their pre-meeting packages:

**BOROUGH OF MENDHAM
 HISTORIC PRESERVATION COMMISSION**

WHEREAS, the Historic Preservation Commission of the Borough of Mendham has a need to acquire professional legal services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and,

WHEREAS, the business administrator has determined and certified in writing that the value of the services will exceed \$17,500; and

WHEREAS, Peter E. Henry, Esq. of the firm Dillon, Bitar & Luther, L.L.C. has submitted a proposal indicating that they will provide legal services for 2010 in an amount projected to exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Peter E. Henry, Esq. of the firm Dillon, Bitar & Luther, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee of the Borough Council in the Borough of Mendham in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, this resolution is subject to the Chief Financial Officer certifying to the availability of funds; and

WHEREAS, the Historic Preservation Commission of the Borough of Mendham wishes to retain Peter E. Henry, Esq. of the firm Dillon, Bitar & Luther, L.L.C. and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection.

NOW THEREFORE, BE IT RESOLVED by the Historic Preservation Commission of the Borough of Mendham as follows:

1. That the Historic Preservation Commission of the Borough of Mendham retain Peter E. Henry, Esq. of the firm Dillon, Bitar & Luther, L.L.C. to serve as Commission Attorney for the year 2010, at a total cost not to exceed \$2,000, such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2010; and

2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. The Business Entity Disclosure Certification and the Determination of Value shall be placed on file with this resolution.

4. That a notice of this action shall be published once in the official newspapers of the Historic Preservation Commission of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).

5. This Resolution shall take effect as provided herein.

Mr. Nicholson made a motion to approve the resolution. Ms. Jones Curl seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor: Jones Curl, Cusano, Dannenbaum, Nicholson, Zedalis
 Opposed: None
 Abstentions: None

The motion carried. Mr. Henry, Esq. was appointed attorney. Ms. Callahan will make the appropriate public notifications.

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MINUTES

Mr. Cusano made a motion to approve the minutes of the November 16, 2009 regular meeting of the Commission as written. Mr. Nicholson seconded. All members being in favor, the minutes were approved.

APPLICATIONS

HC 21-09: **Richard Schlott** – Review of Sign
Block 1501, Lot 9, 21 East Main St.

Present: Richard Schlott, Applicant

Mr. Schlott had provided the Commission with sign design, size and fonts with his application dated December 14, 2009. He provided additional pictures showing the location of the sign on the sign post at the meeting.

Mr. Schlott explained that he is moving his own real estate business back into his building. The sign will be placed on the existing sign posts that are now empty. It will be wood with painted letters.

The Commission was supportive of the application.

Mr. Cusano made a motion to approve the application. Mr. Nicholson seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor: Jones Curl, Cusano, Dannenbaum, Nicholson, Zedalis
Opposed: None
Abstentions: None

The motion carried. The application was approved. Ms. Callahan will prepare a letter with copies to the Zoning Officer, Planning Board and Construction Official.

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HC 22-09: **Nettune, Dr. (Donnelly Construction)** – Review of Porch/Steps
Block 601, Lot 8, 18 East Main Street

Present: Mike McNamara, Project Manager-Donnelly Construction

Mr. Donnelly had provided the Commission an application dated October 12, 2009 with materials, specifications and pictures. This application was received on January 5, 2010 by the Commission Secretary.

Mr. Donnelly explained to the Commission that the renovations had already been completed. The steps were rotted and they began with a repair that continued through the renovation. They have replaced the stairs and added new railings and balusters. He is now at the Historic Commission as the Construction Department issued a stop work order and referred him to the Historic Preservation Commission. He has not done work in Mendham before.

Commission questioned Mr. Donnelly on whether he had also replaced the wall under the porch and about the various types of stone that were used in the renovation which are aesthetically inconsistent. They noted that the baluster was located off the concrete block and that the balusters in the original pictures are square in nature as opposed to the replacements.

Mr. Nicholson stated that the applicant has placed the Commission in a difficult position as the work is already completed without approval. The renovation is right on Main Street and the different materials can be seen. Mr. Cusano advised that the original porch would have been built as a wooden porch. It would not have had the stone masonry, and they would not have mixed the wood and the masonry. Lattice would have been used, and should stone have been used, it would have been limestone, but they would not have been mixed. The Commission would not have recommended stone.

Mr. Nicholson noted that the application is also incomplete as the reference to the porch enclosure is not explained and the materials are not detailed. They would need a drawing on the length and height of the change and the materials that have been used. Mr. Donnelly expressed that they could supplement the renovations with landscaping and could repair any footings.

In terms of the baluster, Mr. Donnelly stated that it is in the footing and that they left the existing concrete block. In terms of the Stone and the footings, some of the footing existing and there was a masonry storage area under the porch. He did not get footing inspections yet as the Construction Department has sent him to the Historic Commission. He showed a picture of another building with iron railings and concrete. The Commission commented that the building has been there and they have not come in for repairs.

Chair opened the meeting to discussion by the public. There being none, the public session was closed.

Mr. Zedalis made a motion that the application be denied for the following reasons:

- The summary of the proposed changes is incomplete as the block and stone wall under the porch is not included.
- A number of changes already done are not in keeping with the period or the historic content; i.e., block and stone wall under the porch; stone steps in the front matching up with the wooden floor; mix of 6 different stone finishes specifically the original flagstone, new flagstone, concrete piers, limestone trends, concrete landing and ledgestone.
- The left stair rail baluster needs to be located on the block
- The existing concrete slab is too narrow.

Mr. Nicholson seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor: Jones Curl, Cusano, Dannenbaum, Nicholson, Zedalis
 Opposed: None
 Abstentions: None

The motion carried. The application was denied. Ms. Callahan will prepare a letter to the Zoning Officer and the Construction Official.

At Mr. Donnelly's request, the Commission engaged in a discussion on what could be done. Mr. Nicholson reiterated that the Commission has taken an oath to assure the integrity of the District for the residents. The contractor has placed them in a difficult position and they cannot justify the changes to the residents. Mr. Cusano added that approving the application would have benefitted those who do the work first and apologize later. It would punish those who do it right. They cannot set the wrong precedent.

Mr. Cusano advised that the wood stair should be as wide as the rails. They need to think about how the wood stair blends with the walkway and how to marry it to make it look clean and neat. There is a possibility of living with the stone under the porch.

Each Commission member provided his/her opinion on what should be changed:

Mr. Nicholson expressed that landscaping around the porch enclosure could be considered, but it would need to be used on both sides. Also that would be dependent on whether the construction official indicated that the footings were to code. If they were not, then it should be removed and another approach presented. Ms. Carpenter supported the landscaping. While Mr. Dannebaum supported the landscaping, he requested that the stairs be replaced and that the balusters be replaced with the square shape previously on the porch. He expressed that the Commission had required matching balusters previously. Ms. Jones Curl agreed that what was under the porch could be hidden, but the steps were not compatible with the home. She supported changing the balusters. Mr. Zedalis took a firm stand that there was no previous HPC approval or building permits. The porch, stairs, lattice and balusters should be constructed to the same design as before the renovation.

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DISCUSSION

Violation Concerns: The Commission questioned why the Black Horse Tavern had not yet been required to remove the trellis/sign that they had placed out front. Ms. Callahan explained that the Zoning Officer had sent a letter requesting that they go to the Board of Adjustment, but the applicant

prefers to replace it with an awning. Commission reiterated that the structure is in violation should be removed. They also questioned the “neon” like pink lights that are attached to the building and requested that the Zoning Officer check out whether they are permitted under the site plan.

Commission also noted that satellite dishes were appearing on the front roofs of buildings along Main Street. They wanted to know if that is permissible.

Historic District Expansion – Phase II: Mr. Zedalis reported to the Commission that he had spoken with Dennis Bertland, Historic Preservation Consultant, and Bob Craig from the State Preservation Department had been to Mendham with Mr. Bertland to review the plan for the Phase II expansion. The drawing as agreed to by Mr. Craig as reasonable was provided to the Commission. After a short discussion, the Commission was in agreement with the properties to be recommended.

Mr. Bertland had also recommended to Mr. Zedalis that a public outreach program begin to advise the residents of the plans. It could include inviting residents from each area to a meeting, public education programs, walking tours or call on the properties individually. The paperwork for the National Register Nomination could be prepared simultaneously with the outreach program.

In response to a request from the Planning Board that a meeting of the Historic Preservation Commission Chair, the Planning Board Chair, Mayor, Administrator and Mr. Bertland be held to develop a plan for the outreach program and the next steps, the Commission requested that Mr. Zedalis attend the meeting and advise them of what is needed. Mr. Zedalis agreed and asked that Ms. Callahan proceed with setting up the meeting for the second half of February.

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ADJOURNMENT

There being no additional business to come before the Commission, on motion duly made, seconded and carried, the meeting was adjourned at 9:30 p.m. The next meeting of the Historic Preservation Commission will be held on Monday, February 22, 2010 at 7:30 p.m. at the Phoenix House, 2 West Main St., Mendham, NJ.

Respectfully Submitted,

Diana Callahan
Recording Secretary