

**MINUTES OF THE  
MENDHAM BOROUGH  
HISTORIC PRESERVATION COMMISSION  
January 23, 2012  
Phoenix House, 2 West Main Street, Mendham, NJ**

**CALL TO ORDER**

The regular and reorganization meeting of the Historic Preservation Commission was called to order by Vice Chair Nicholson 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 27, 2011 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**

Mr. Cusano and Mr. Dannenbaum had taken their Oaths of Office with the Borough Clerk prior to the meeting.

**ATTENDANCE**

Ms. C. Jones-Curl – Present  
Mr. N. Cusano – Present  
Mr. M. Furgueson – Absent  
Mr. C. Nicholson - Present

Mr. M. Zedalis – Absent  
Mr. J. Dannenbaum, Alternate I – Present  
Ms. Susan Carpenter, Alternate II- Present

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**MINUTES**

Mr. Nicholson made a motion to approve the minutes of the regular meeting of December 19, 2011 as written. Mr. Dannenbaum seconded. All members being in favor, the minutes were approved.

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**2012 REORGANIZATION**

**Election of Chair:** Mr. Nicholson nominated Mr. Zedalis as Chair. Mr. Cusano seconded. There being no additional nominations, nominations were closed. All members being in favor, Mr. Zedalis was elected Chair.

**Election of Vice Chair:** Mr. Dannenbaum nominated Mr. Nicholson as Vice Chair. Mr. Cusano seconded. There being no additional nominations, nominations were closed. All members being in favor, Mr. Nicholson was elected Vice Chair

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

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

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

The motion carried. Ms. Callahan was appointed Secretary

**Approval of Meeting Dates:** The following resolution was provided to the Commission with their pre-meeting packages:

**RESOLUTION  
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 27, 2012  
March 19  
April 16  
May 21  
June 18  
July 16  
August 20  
September 17  
October 15  
November 19  
December 17  
January 28, 2013

The regular and reorganization meeting of the Commission will be held on January 28, 2013.

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

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

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

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

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

**RESOLUTION  
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 be 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. Ms. Jones-Curl seconded.

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

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

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

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

**RESOLUTION  
 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 2012 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 2012, 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 2012; 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. Dannenbaum questioned the difference in the \$17,500 and the \$2,000. Ms. Callahan explained that the \$17,500 was the threshold for pay to play documentation that the Borough requests from all professionals. The \$2,000 represents the amount that has been proposed for the 2012 budget should the attorney be required for Commission support.

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

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

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

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

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## **PUBLIC COMMENT**

Vice Chair Nicholson opened the meeting to comments by the public on anything that was not on the agenda. There being none, the public session was closed.

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## **APPLICATIONS**

**HC 01-12:**     **Ingersoll, Deborah** – Renovation to home/build garage (Recommendation to BOA)  
Block 305, Lot 11, 63 W. Main St.

**Present:**       Brent Ingersoll  
                  Deborah Ingersoll

Mr. & Mrs. Ingersoll had provided the Commission with plans, materials lists and photographs with their application received January 16, 2012.

Mr. Ingersoll explained to the Commission that they were on the third phase of the renovation to their home. They had received a variance for an in-law suite as Phase I and put on an addition as a second renovation. That addition did not require a variance. Their current intent is to build a barn in the rear as a garage and to house their office, and to redo the front of their home. They are contractors.

The applicants explained that they tried to figure out ways to maintain the existing front of the home, but it is collapsing. The previous owners cut the roof, put on dormers and cut through the plates in the rear. There is a rock foundation. The left portion of the home is new representing the in-law suite. The mechanicals were placed in the portion of the home to the right that was built in 1910/1920. That portion of the home fills with water. The doors and windows are only 15 years old. The floor boards are probably the only actual original part of the house that remains. Commission noted that the center portion of the home was built in 1852.

Mr. Ingersoll stated that they are proposing to demolish the front portion of the home. If they deem anything salvageable, they will incorporate it into the home internally. They will require a new foundation as they cannot post down to the rock foundation that exists. The situation with the water in the mechanical room is very dangerous and the water has previously risen to two feet under the electrical. Mr. Cusano confirmed with the applicant that there would not be any other demolition. They advised there would not as the barn would be built on a raw piece of land.

Mrs. Ingersoll explained that they would be going to the Board of Adjustment for four variances (1) to construct the barn with an office, (2) lot coverage (3) building coverage, and (4) front yard setback. Mr. Cusano advised the Ingersoll's that the Commission would not comment on the variances. That would be for the Board of Adjustment. The Commission's concern is how the project treats the historic structure and how it integrates into the Historic District.

Responding to Mr. Cusano on how the setback would affect the streetscape, the applicants explained that most of the homes have front yard setbacks that are at or near theirs. There is a fairly consistent distance from the street. When the front is built, it will be the current setback plus one additional foot front. They would be keeping the street wall.

Mr. Cusano explained that as he reviews a teardown, he considers the character of the home. It may have been a wonderful old home at one time, but given the changes that took place over time, it would not be exemplary architecture today. Secondly, he looks at the condition of the home and whether or not it has been maintained over time. He questioned why the applicant did not propose a front entrance. If other homes in the area do not have a front entrance they usually have a front porch. The fireplace signifies the side of the home. Overall it would be a good project, but a porch would slightly mitigate not having a front entrance. He did not have a problem with the barn.

The Ingersoll's reviewed the architecture of the existing home and explained that the style of front door that exists would not have been used. They revised their elevations 10-15 times and obtained the input of several architects. They are trying to create a courtyard. The infrastructure is not sound, and they are trying to save the flooring.

Mr. Nicholson expressed concern that the house would need to come down. He understood that it completed the project, but it is historical. Years ago St. Joseph's had church services there. He understood that only the original floors are left and questioned whether there was any way to turn it. Mr. Cusano noted that the architecture is very far from where it was years ago. The property is larger and it is more of an estate, campus like environment. The streetscape was compromised 15-20 years ago.

Mr. Dannenbaum reminded the Commission of their review of the Marques' property and how concerned they were that the front remain as it is. They wanted the design to incorporate as much of the original building as possible. Mr. Cusano responded that if Phases 1, 2 and 3 of this home renovation had been part of the Historic District review, it would be easier to send the applicant back to the drawing board. The home is now 2/3rds built. What they are attempting to do is really nice. The Commission goal is not historic restoration, but maintaining the character and the streetscape. The barn will tie in. Ms. Carpenter added that it is 2012, and people also need to live in their homes. Mr. Dannenbaum agreed that if the total project had been brought to them in the beginning, it would have been different.

Mr. Ingersoll commented that he had gotten several opinions for the renovation, and that the porch does wrap around on the side. He needs to keep up the value of his property and that of neighborhood is also a consideration. They do have a landscape plan.

After final discussion and determination that the home was already compromised, Mr. Cusano made a motion to recommend to the Board of Adjustment that the elevations dated January 28, 2011 as prepared by Rosen Architecture Group Design are in keeping with the historical character of the Historic District. Mr. Nicholson seconded.

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

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

The motion carried. Ms. Callahan will prepare a report for the Board of Adjustment.

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**HC 02-12:** **Reilly, Mr. & Mrs. Brennen** – Changes to roof height  
 Block 1902, Lot 8, 14 New Street

**Present:** Mr. & Mrs. Reilly  
 Dan Encin, Architect

Mr. & Mrs. Reilly had provided drawings and material list with their application dated January 16, 2012.

Mr. Encin explained to the Commission that they were not planning on increasing the footprint of the home, but are planning on expanding the height of the top floor to provide livable space. The home is a 2.5 story home and the top floor is currently 4 feet 9 inches high. It is a fully finished floor, but is unusable by anyone other than small children. They want to use the space and not change the floor plan. The plan is to pop the roof up to 8 ft. in height, and maintain the character of the home.

Explaining the architecture of the home, Mr. Encin stated that one can only see the cornice from the street. They are planning to take the plate height to 6 ft. 4 inches with a slightly higher roof which will give full height half way into the room. As before, only the cornice will be seen from the street. The gutter will be run all around the structure to property move water. The half story windows will remain.

In response to Ms. Jones-Curl's question relating to the chimneys, Mr. Encin explained that there are four false chimneys that decorate the house. There are two additional chimneys in the center of the home that are real. The chimneys will remain, but will be covered over a little more when the roof is raised up. Nothing is changing below the cornice and only the gutter will be added to the cornice.

The Commission complemented Mr. Encin on the creative design and thanked the applicant for working to maintain the historic integrity of the home.

Mr. Nicholson made a motion to approve the application and the elevations dated 1-16-12 as designed by Mendham Design Architects. Mr. Cusano seconded.

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

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

The motion carried. Ms. Callahan will prepare a letter of approval with copies to the Zoning Officer and the Construction Official.

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#### **OTHER BUSINESS**

**National Registry:** The Commission had been provided with a copy of the proposed National Registry document as completed by Mr. Bertland, Consultant. Mr. Zedalis had previously reviewed the document and submitted a series of questions to which Mr. Bertland had responded. Ms. Callahan advised the Commission that it is Mr. Bertland's recommendation that if in agreement, the Historic Preservation Commission request that the Council authorize them to submit the document to the State. The document could be presented to the Council on February 6 and Messrs. Bertland and Zedalis are available to attend the meeting. Commission commented on the quality of the document and agreed with the approach.

Mr. Nicholson made a motion to authorize the Secretary to send the National Register document to the Council for review and request that after review and approval they authorize the Historic Preservation Commission to submit it to the State. Ms. Jones-Curl seconded.

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

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

The motion carried. Ms. Callahan will forward the document to the Borough Council.

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**Main Street Corridor Review:** Mr. Nicholson summarized the Main Street Corridor review held for review of radon type abatement equipment at the Mendham Village Shopping Center. Two vents 5 ft. above the shopping center roof will be installed and they will be placed far back from the road. Piping from individual stores will be concentrated and connect with the vents.

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**Signs:** Mr. Cusano requested that the Commission consider placing design criteria for signs in the ordinance so that the businesses would not need to keep coming before the Commission. For example, given their experience with signs, they prefer wood, painted, non-backlit, etc. He would be willing to make a draft list of criteria for the next meeting. Commission requested that Ms. Callahan contact the attorney and determine how that could be worked and where the criteria might appear in the ordinance. They will continue the discussion at the February 27, 2012 meeting.

Commission also requested that Ms. Callahan contact the Zoning Officer in reference to the signage at the corner of East Main St. and Hilltop. The picture signs in the window were not approved by them.

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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 9:10 p.m. The next meeting of the Historic Preservation Commission will be held on Monday, February 27, 2012 at 7:30 p.m. at the Phoenix House, 2 West Main St., Mendham, NJ.

Respectfully Submitted,

Diana Callahan  
 Recording Secretary

