

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
December 13, 2010
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER

The regular meeting of the Mendham Borough Planning Board was called to order by Chair Kraft at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

CHAIR'S OPENING STATEMENT

Notice of this meeting was published in the Observer Tribune and the Daily Record on January 14, 2010 and was posted on the bulletin board in the Phoenix House in accordance with the Open Public Meetings Act, and furnished to all those who have requested individual notice and have paid the required fee. Notice of the time change was published in the Observer Tribune and Daily Record on February 18, 2010 and posted on the bulletin board in the Phoenix House.

ATTENDANCE:

Mayor Henry – Absent
Mr. Bradley – Present
Mr. Cascais – Present
Mr. Gertler – Absent

Mr. Kraft - Present
Mrs. Kopcsik – Present
Mrs. Lichtenberger - Present
Ms. Sandman – Present
Councilman Sharkey - Present

Alternates:

Ms. Gemberling, Alternate I - Present
Mr. Cavanaugh, Alternate II – Present (8:10 p.m.)

Also Present:

Mr. Henry, Attorney
Mr. Humbert, Planner
Mr. Bertland, Historic Preservation Consultant
Mr. Zedalis, Chair HPC
Ms. Callahan, Secretary

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MINUTES

On motion made by Mr. Cascais, seconded by Mr. Bradley and carried, the minutes of the regular meeting of November 8, 2010 were approved as written.

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PUBLIC COMMENT

Chair opened the meeting to questions and comments on items not included in the agenda. There being none, the public comment session was closed.

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APPLICATIONS

#905 – Black Horse Tavern – Amended Site Plan: **Resolution
Block 301, Lots 1 & 2, One West Main St.**

Mr. Henry, Esq. had provided the Board with a draft copy of the resolution in their pre-meeting packages. He advised that he would like to make one change on page 4 to address the color of the fabric identification portion of the canopy as “(the dark stripe or black)” as recommended by the Historic Preservation Commission.

Mr. Cascais made a motion to approve the resolution with the amendment. Ms. Gemberling seconded.

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

In Favor: Bradley, Cascais, Sharkey, Gemberling, Kraft
Opposed: None
Abstentions: None

The motion carried. The following revised resolution was approved:

**RESOLUTION
AMENDMENT TO SITE PLAN APPROVAL
FOR ONE WEST MAIN STREET, LLC
1 WEST MAIN STREET
BLOCK 301, LOTS 1 AND 2**

WHEREAS, One West Main Street, LLC (the "Applicant") has applied to the Planning Board of the Borough of Mendham (the "Board") for an amendment to its site plan approval to permit the installation of a canopy over the entrance stairs to the Black Horse Tavern on property located at 1 West Main Street, designated Block 301, Lots 1 and 2 on the Tax Map of the Borough of Mendham (the "Subject Property"); and

WHEREAS, the site plan for the Subject Property has been amended from time to time to reflect modifications of the buildings and businesses conducted therein, as well as various site elements, the result of which plan and amendments has been graphically set forth on a survey map prepared by Richard F. Smith, Jr., PLS, dated May 15, 2007 and revised June 11, 2007; and

WHEREAS, Applicant proposes to install a canopy above the entrance stairs leading to the covered porch on the Black Horse Tavern building, and proposes no other changes to the existing site plan, structures, or site elements; and

WHEREAS, a public hearing was held on November 8, 2010, during which hearing Applicant's representative offered testimony, the application materials submitted and exhibits offered at the hearing were reviewed by the Board, the Board heard argument in support of the approval from Applicant's attorney, and the Board's consultants and members of the public were given an opportunity to be heard; and

WHEREAS, the Board has considered the application and supporting materials filed by Applicant, the testimony of Applicant's representative, the exhibits introduced into evidence in the course of the hearing, the argument of Applicant's counsel, the reports received from various municipal officers and agencies, the comments of the Board's consultants, and there being no comments from members of the public;

NOW THEREFORE BE IT RESOLVED that based upon the foregoing, the Board makes the following findings of fact and conclusions of law:

1. Applicant is the owner of the Subject Property located at the corner of West Main Street and Mountain Avenue, designated Block 301, Lots 1 and 2 on the Tax Map of the Borough of Mendham. The Subject Property is located in the Historic Business Zone.

2. Applicant proposes to install a canopy to cover the entrance stairs to the Black Horse Tavern. The proposal includes a striped canvas canopy installed over a metal framework, having low voltage lamps affixed under the canopy to the frame to provide lighting along the stairway, and including a sign on the end panel at the bottom of the stairway identifying "The Black Horse Tavern".

3. Other than the low voltage lights attached to the framework under the canopy, no illumination of the canopy or its sign panel is proposed.

4. Applicant has processed the application through the Historic Preservation Commission, which has, in turn, issued a report and recommendation to the Board regarding the Commission's review of the proposed installation. Following review of several alternatives, the Historic Preservation Commission recommended that the plan reviewed at the July 19 meeting was acceptable from the Commission's point of view. This design included locating the upper end of the canopy (referred to by the Commission as an "awning") below the railing on the second floor of the covered porch, the removal of scroll work from the supporting frame structures, the stripes on the canopy being consistent with the size and colors of the stripes on the awnings presently along the front of the building, and the removal of the present wall sign identifying "The Tavern". The Commission recommended approval of this design and installation with specific conditions:

(a) the font on the front panel of the canopy should match as closely as possible to the lettering on the freestanding sign in the front of the Subject Property;

(b) the stripe widths and colors on the canopy would match the stripe widths and colors on the existing awnings;

(c) the front panel of the canopy (the sign) will be of the same fabric as the rest of the awning (though it may be a solid color); and

(d) the scroll work in the "arbor" (framework supporting the canopy) will be removed.

5. Applicant's representative and counsel agreed that the proposal as now presented to the Board would be consistent with, and would satisfy, all of the conditions set forth in the recommendation of the Historic Preservation Commission.

6. Based upon the area of the proposed sign panel at the end of the canopy, the proposed sign is in compliance with ordinance standards for building mounted signs.

7. The proposed canopy does not increase any impervious surface on the property, nor does it result in any intensification of existing non-conforming setbacks.

8. No variance relief is required with respect to the proposed canopy.

9. There were no comments from members of the public.

10. Based upon all of the foregoing, the Board determined that this amendment of the site plan for property known as 1 West Main Street (Tax Lots 1 and 2 in Block 301) was, with conditions, appropriate and should be granted and approved.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Mendham that, based upon all of the foregoing, the amendment of Applicant's site plan for property known as 1 West Main Street (Block 301, Lots 1 and 2 on the Mendham Borough Tax Map) to permit the installation of a canopy over the entrance stairs to the Black Horse Tavern, in accordance with the plans submitted to the Board, the exhibits marked at the hearing on November 8, 2010, and the recommendations of the Borough's Historic Preservation Commission, be and hereby is approved and granted subject to the following conditions:

1. Plan revisions shall be made and/or notes added to the extent deemed necessary by the Borough Engineer to reflect testimony and exhibits presented at the public hearing on November 8, 2010 and the findings and conclusions of this Board.

2. The striped canopy material shall be of the same colors and stripe widths as the present awnings on the front of the Black Horse Tavern. The end panel of the canopy, which is designed as an identification sign, shall be of the same fabric as the rest of the canopy, but of a single color (the dark stripe or black), with gold lettering in a font matching, as closely as practical, the lettering on the freestanding sign at the front of the building.

3. Any scroll work in the metal frame ("arbor") support for the canopy shall be removed.

4. The sign presently attached to the westerly wall of the Black Horse Tavern identifying the building as "The Tavern" shall be removed.

5. Although low voltage lights may be attached to the underside of the canopy frame (as depicted in a sketch presented to the Board by Applicant), there shall be no other lighting or illumination on or of the canopy or its end ("sign") panel.

6. All taxes and other municipal charges shall be paid and current through fourth quarter, 2010. Applicant shall also pay all application and escrow fees and any other fees required in connection with the completion of this application or this project.

7. Applicant shall obtain all other permits and approvals which may be required from any board, body, officer or agency, whether federal, state, county or municipal, relating to completion of this application or the installation of the canopy on the Subject Property.

BE IT FURTHER RESOLVED that this Resolution, adopted this 13th day of December, 2010, memorializes the action of the Board, set forth above, taken at its regular meeting on November 8, 2010.

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OTHER BUSINESS

Historic District Proposed Expansion:

Mr. Humbert, Planner, presented the revised amendment to the Board. He had provided copies with their pre-meeting packages. He referenced the Map Exhibit that would be attached that would outline the Historic District and the Main Street Corridor boundaries. He explained that procedurally the Board would now need to hold a public hearing to change the Master Plan. That action would conclude the action for the expansion of the Historic District as defined in the Master Plan.

Mr. Henry, Esq. added that the amendment would be to expand the Historic District which will modify the Main Street Corridor. He referred to the maps and questioned whether a portion of the red line showing the new district boundary on West Main Street should extend to the southern side of Route 24. Mr. Bertland explained that it is the register policy that the boundary be located on one side of the street or the other. He recommended that it be moved to the south side of the street on the map to be used for the amendment as that is where it is located on the map for the National Registry application. He thought the difference was a drafting error.

There was also Board discussion on the whether the Sheep Farm was already included in the District as it was shown in the District on the Map dated May 2010. Ms. Callahan acknowledged that the map would need to be changed to reflect the boundary on the southern side of West Main

Street. She also advised the Board that the detailed map dated January 4, 2010 was the map developed by Mr. Bertland for the Historic District Study which showed recommendations, but no adjustments had yet been made. The map dated May 2010 was used at the public information meeting in June and reflected the Phase I expansion that had already been approved by the Borough Council. The Sheep Farm was included in Phase I.

Board agreed that Mr. Bertland would contact Mr. Price to assure that the map for the National Registry application and the Master Plan Amendment would be made consistent.

Ms. Gemberling confirmed with Mr. Bertland that a part of Hilltop cemetery was being included in the District.

Mr. Bertland explained that the National Registry application has been completed and is under review by various organizations in the Borough. After the Borough is satisfied and it is submitted, the State will hold a public meeting in town. If more than 50% of the residents to be included complain, the District will not be listed. The State chairs the meeting, and a Borough representative is present. After the public meeting, the application goes to the State Review Board. They meet 3 times per year. If it is approved by the State Review Board it is then sent to the National Park Service for the National Registry listing.

Board discussed some of the concerns that several of the residents had expressed. Chair Kraft noted that a District offers some level of protection from government projects such as road widening or bridge replacement. Of concern at the present time, is the disposition of COAH and the Highlands as they had originally had a focus on growth in the core.

Ms. Callahan advised the Board that the Mayor's follow-up meeting with the residents would be held on January 19th.

Mr. Henry, Esq. advised Mr. Bertland of several editorial changes that would need to be made in the text of the National Register Application.

OTHER BUSINESS

Chair Kraft raised the issue of the proliferation of neon signs at the Shopping Center. There are several new open signs, a Verizon sign and a Blue Moon sign at MacKensies. Internally lit signs are not permitted under our ordinance. Ms. Sandman advised that she is working the issue with the Zoning Officer.

Chair Kraft advised the Board that several towns have now moved to one Board for Board of Adjustment and Planning Board matters. It is a function of the ability to find volunteers. At first this was limited to very small towns, but the size requirement has become more liberal. He asked the Board to keep this in mind for the future.

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TRC UPDATES (For information only)

Mrs. Kopcsik reviewed the approved TRC applications and advised that there are no new applications. The TRC meeting for Monday, December 20 is cancelled.

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ADJOURNMENT

There being no additional business to come before the Board, on motion made, seconded and carried, Chair Kraft adjourned the meeting at 9:00 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Monday, January 10, 2011 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham. This will be the regular and reorganization meeting of the Board.

Respectfully submitted,

Diana Callahan
Recording Secretary

