

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
July 12, 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 – Present (8:05)
Mr. Bradley – Present
Mr. Cascais – Present
Mr. Gertler – Present (8:05 p.m.)

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

Alternates:

Ms. Gemberling, Alternate I - Absent
Mr. Cavanaugh, Alternate II – Present (8:05 p.m.)

Also Present:

Mr. Henry, Attorney
Mr. Ferriero, Board Engineer
Ms. Callahan, Secretary

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MINUTES

On motion made by Mr. Bradley, seconded by Mr. Gertler and carried, the minutes of the regular meeting of June 14, 2010 were approved with two minor editorial changes.

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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

#902 – 106 Mendham, LLC – Site Plan Amendment
Block 801, Lot 12, 106 East Main Street

Present: Anthony Sposaro, Esq., Attorney for Applicant
Robert Berlant, 106 Mendham, LLC
Joseph Jaworski, Engineer for Applicant
Robert Romeo, Owner- Men of Mendham, LLC

Exhibits: A-1: Photo – Existing Free Standing Sign (Dynamic Engineering)
A-2: Photo – Simulation Proposed Single or Dual Signs (Dynamic Engineering)
A-3: Garden Oaks Shed Options: Garden A-Frame Noted
A-4: Floor Plan dated 7-6-10 prepared by Janet Lynn Ford, Architect

Mr. Henry, Esq. had previously reviewed the public notices and determined that the Board has jurisdiction to proceed.

Mr. Sposaro, Esq. reviewed the history of the site stating that the Planning Board had granted a site plan and variances for construction of the building in which Coldwell Banker was to occupy 5,000 sq. ft. Coldwell Banker now does not need 1136 sq. ft. of the space, and it is proposed to be leased to a barbershop by the name of "Men of Mendham". The Board of Adjustment granted the use variance on July 7, 2010. The Board of Adjustment could have exercised jurisdiction over the entire application, but they thought it more appropriate to return to the Planning Board for the site issues since the Board had spent considerable time on the first application. The site issues deal with the (1) shed, to store Coldwell Banker signs; (2) barbershop pole; (3) additional bank signage required by the bank to lease the space; and (4) parking. There are also "c" variances that are generated as a result of the barbershop pole. They have received the reports from Paul Ferriero, Engineer and Adrian Humbert, Planner.

Mr. Henry, Esq. noted that the applicant was requesting waivers related to the previously approved site plan for items already in place. The Board did not have any issues. Mr. Sposaro, Esq. noted that they also have a letter dated April 7, 2008 from the Morris County Planning Board indicating that the initial application was exempt from County approval. They did not solicit County input this time, but believe the same situation exists.

Mr. Jaworski referred to the amended site plan dated May 18, 2010 that had been provided to the Board. They have taken the original plan approved by the Board and added 1136 sq. ft. for the barbershop. It has been taken from the office portion of the building. He described the structure as 8,250 sq. ft. The bank will be using 3,250 sq. ft. Of the remaining office space of 5,000 sq. ft, the barbershop proposes to use 1,136 sq. ft. with Coldwell Banker already using the remainder. The barbershop would be located in the northern corner of the building. The main entrance will be located on the side of the building facing Cold Hill Road.

Describing the variances required, Mr. Jaworski stated that the first is for parking. They used the retail component of the ordinance to calculate the need for 36 spaces. There is no specific standard for barbershops. As the site currently has 33 spaces, a variance for 3 spaces is needed.

Continuing Mr. Jaworski testified that the next variance is for signage as relates to the barber pole and the signage on East Main Street. They are proposing a barber pole that is 32 inches high and 9 inches wide. It projects 11 inches from the mounted base on the column. It is internally lit and turns. The ordinance does not allow for projection greater than 8 inches and does not permit internally lit, moving signs or lighting other than white. The pole is multicolored and moves in a circular fashion.

Mr. Sposaro, Esq. noted that the HPC, in their report of May 26, 2010, recommended Model 77 and requested that the light be turned off with a timer one hour after closing. The pole would be repositioned to face east. Mr. Henry, Esq. clarified that originally the applicant proposed that the pole would face north, and the HPC recommended that it be changed to face east. He also clarified that there would be two lights with the pole one on top and one within the turning pole.

Mr. Sposaro, Esq. also referenced additional variances that Mr. Humbert raised in his report. Mr. Jaworski reviewed the report outlining the variances as (1) moving sign; (2) reflective material; (3) sign lighting other than white. The pole is red, white and blue; (4) light to shine on adjacent properties. The property directly to the north may have a glimpse in the winter; (5) projection of 11 inches.

Mr. Jaworski continued that a second variance for signage is needed as relates to the freestanding sign. He introduced Exhibits A-1 and A-2, photos of the existing and proposed signs. There are currently two freestanding signs, and they are proposing a third, the same size and design as the existing corner sign, but placed on the other side of the front walk. Each sign would be 24.4 sq. ft. The right hand sign would be for Coldwell Banker and Men of Mendham and the left hand sign would be for the new bank. He explained that they do have another option of creating one larger sign of 48 sq. ft. (Later clarified as 43.5 sq. ft.). The 6 ft. 11 ft. height would remain the same, and the width would increase.

Mr. Sposaro, Esq. stated that they did take the one larger sign to the HPC, but they recommended two. The Planning Board has the final decision.

Addressing items in the Ferriero report dated July 8, 2010, Mr. Jaworski explained that they are proposing a garden shed to store Coldwell Banker signs. The shed will be 10 ft. x 10 ft. (clarified post-meeting as 8 ft. x 10 ft.) and placed in the northwest corner of the site. It is a decorative shed. The HPC has recommended the Garden A-Frame shed with windows to match the building. He introduced Exhibit A-3 with pictures of the shed options and the Garden A-Frame shed noted. They do not have any issues with coverage as the site is currently at 56.7% and the allowable is 65%. The plan will be updated to include the coverage and the storage shed details.

Mr. Jaworski further explained the parking indicating that in addition to using the retail factor, Mr. Ferriero suggested that they use a barber shop standard from another town just to check the calculations. The other standard, not in the Borough Code, called for 2.5 spaces per chair. With 4 barber chairs that would be 10 spaces. The retail standard from the Borough Code requires 7.

Explaining his comment about approving a third use in the building so that the applicant would not have to come back to the Board if there was a change in occupancy, Mr. Ferriero stated that this is an unusual circumstance with the BOA approving the use variance and the PB the site issues. If a third use is approved, the TRC could act on a new application if it is an approved use. In response, Mr. Henry, Esq. advised that he believes that would be case with approval of this application, if no new variance is required.

Mr. Jaworski continued that Mr. Ferriero and the Borough Council had approved the sewer application. Only one sink is required under health code. Responding to Mrs. Kopcsik's inquiry on the her observation of two sinks, Mr. Ferriero advised that only the hair washing sink counts toward the sewer flow.

The Board discussed the pros and cons of two signs versus one. While the HPC had noted that a larger sign could dwarf the "Welcome to Mendham" sign and the balance would be better with two smaller signs, several Board members preferred one sign based on their review of Exhibits A-1 and A-2 submitted by the applicant. The HPC had not seen the Exhibits portraying the photo renderings at the time of their review. Several members suggested that they use one sign, but it be made smaller. Mr. Jaworski advised that the need for three businesses and the distance from the road drove the size of the sign. If it is cut back, the impact is compromised.

In terms of the barber pole, Mrs. Kopcsik was not supportive as it was against everything allowed in ordinance and would set a precedent for all coming to the TRC. Mr. Gertler disagreed stating that it was very "Norman Rockwell". We do not want lighted signs, but a barber pole should be lit. Mr. Kraft added that the pole is less intrusive than another street sign. Mr. Bradley noted that they need signs as there is no identity for the merchants. Mr. Jaworski advised the Board that the barber pole would be 50 ft. back from the street.

Chair opened the meeting to questions and comments by the public. There being none, the public session was closed.

Mr. Romeo testified that he has been a barber for 34 years. He has had a barbershop in Chester for three years and before that he had two shops in Morristown on Washington St. and Main St. He is proposing a barbershop for men and boys. There will not be any hair coloring. There will not be service for women. The hours of operation are Monday, Tuesday, Wednesday 9-7; Thursday/Friday 9-8; Saturday 8-5 and Sunday 10-4.

In response to Chair Kraft's question on the State regulations dealing with barbershops, Mr. Romeo stated that one cannot just be a barber since the State took over the licensing. To obtain a license one must have completed all the qualifications of salon service.

Utilizing Exhibit A-4, Mr. Romeo described the floor plan beginning with the entrance facing east. There would be a waiting area, reception area and behind the waiting area, a men's area for TV. There will be four barber stations. He will personally work at the shop. They will take appointments and walk-ins. There will be a maximum of 7-8 customers waiting. If there are more customers waiting, they will usually look in and leave. He will have one sink for hair washing, but his customers do not usually request the service. There is also a closet room and a wash sink. He will have a receptionist. The average hair cut takes 15-20 minutes.

Given the number of barber chairs and the testimony on customers waiting, Mr. Henry, Esq. questioned the parking. Mr. Jaworski expressed his opinion that it would be self-enforcing. Not many people would be willing to wait 1.5 hrs. for a haircut. The seating capacity in the waiting area would be 8 – 10. Addressing Mr. Cascais on the peak hours, Mr. Romeo stated that they were Saturday/Sunday and 11-2 and after 4 on weekdays.

Mr. Berlant addressed the Board when they brought up the subject of "reserved" parking spaces particularly for the COAH resident. He explained that they had looked at various uses. An attorney or an architect would have peak hours from 9-5. They were approached by a karate business, which could be off-peak, but parents would bring 3-4 children at a time to drop off. If they were late picking up the children, they would gather. The barbershop has off-peak hours. The bank will close at 3 and there is a drive through with minimal staff. Coldwell Banker has 48-50 desks that it assigns, but may have 20-30 agents. They do have a meeting on Wednesday mornings, but he has an agreement with them that when the building is fully occupied, they will hold those meetings off-site. If the four stations were occupied it would be after 3 on Friday, and Saturday

and Sunday. Mr. Berlant did acknowledge that 9-12 Saturday a.m. would be a collision time with the bank.

Continuing with addressing the resident, Mr. Berlant stated that the resident has been asked via lease to park as far away from the building as possible to free up space. Even if the space were reserved, someone would take it. Towing would make an unhappy client for someone. It becomes difficult to manage. He stated that if he thought there was a parking problem, he would not be in front of the Board. He suggested that he could add two spots near the air conditioning unit should a problem arise.

Board agreed that Mr. Ferriero should monitor the situation at peak hours to see if there is a problem.

Chair opened the meeting to questions and comments by the public. There being none, the public session was closed.

Chair Kraft summarized the position of the majority of the Board:

- The Board prefers a single sign
- The Barbershop pole would be acceptable
- Mr. Ferriero will monitor the parking and determine whether or not reserved parking is required for the tenant. If there is a problem, the applicant would need to put up a reserved sign or come back to the Board.

Mr. Henry, Esq. added that conditions 2, 3, and 5 in the Ferriero letter need to be met. The shed design would be in accordance with the recommendation of the Historic Preservation Commission. After the building is fully occupied, the Board Engineer will review the parking needs as relates to the resident. The barber pole would need to be turned off one hour after closing. A cut sheet should be submitted to the Engineer for review of wattage. He noted the Fire Inspector's report. The Board Engineer will also work with the applicant on the location of the sign. Should there be a requirement, an affirmative housing obligation will be a condition.

Discussion on whether the sign could be made smaller was again initiated. Mr. Berlant advised that it could be made smaller, but would become unreadable. Mrs. Lichtenberger raised the issue of whether there would be conflict with the "Welcome to Mendham" sign. Mrs. Kopsik advised that she stood across the street from the sign and did not see any conflict. Mr. Sposaro, Esq. advised that the HPC was more concerned with the size. Mr. Cavanaugh suggested that the "LLC" after "Men of Mendham" be removed so the sign could be made smaller. Mr. Sposaro, Esq. stated that the size of the sign is being driven by the bank. They are very demanding in this environment.

After discussion, Chair summarized that the size of the one larger sign would stay as is at 43.5 sq. feet and the barber pole remains the size as presented.

Mr. Gertler made a motion to approve the application based on the summarization by Messrs. Henry and Kraft. Mr. Cascais seconded.

ROLL CALL: The result of the roll call was 7 to 1 with 1 abstention as follows:

In Favor: Henry, Bradley, Cascais, Gertler, Lichtenberger, Sandman, Kraft
 Opposed: Kopsik
 Abstention: Cavanaugh

The motion carried. Mr. Henry, Esq. will prepare a resolution memorializing the action for the Monday, August 9, 2010 regular meeting of the Board.

DISCUSSION

Feedback on Proposed Historic District Expansion Public Informational Meeting: Mayor Henry, Chair Kraft, Ms. Sandman, Mrs. Kopsik, Mr. Henry, Esq. and Ms. Callahan had been present at the meeting and updated the Board on comments made by residents.

Several residents living on the Prospect Street private road were concerned about being in the district as their homes were not visible from the public road. We have subsequently received a letter from one of the residents asking not to be included. There is also a home off Talmage that cannot be seen from the public road, and the owner was concerned. When the HPC reviews a home, they are more concerned about the view from the streetscape, but the Historic District includes the homes from the period of significance as a group.

Some other residents on the “edge” of the proposed district also had concerns. Some were uncomfortable being part of a district when their homes were not within the period of significance. On the other hand, there were also some positive comments about the existing district and the operation of the Historic Preservation Commission.

The Committee members will meet prior to the next Planning Board meeting to determine the next steps.

TRC UPDATES (For information only)

Mrs. Kopcsik summarized the TRC reviews. As no new applications have been received, there will not be a TRC meeting on Monday, July 19, 2010.

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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 9:55 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Monday, August 9, 2010 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

Diana Callahan
Recording Secretary

