

BOROUGH OF MENDHAM
HISTORIC PRESERVATION COMMISSION

MINUTES OF THE REORGANIZATION & REGULAR MEETING
January 27, 2014 at 7:30PM

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 7:31PM 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 10, 2013 in accordance with the Open Public Meetings Act and posted on the bulletin board of the Phoenix House on the same date.

ATTENDANCE

Ms. C. Jones Curl – Present	Mr. M. Zedalis – Present
Mr. N. Cusano – Present	Mr. J. Dannenbaum – Present
Mr. C. Nicholson – Present	Ms. S. Carpenter, Alternate II – Absent
Also Present: Mr. P. Henry, Esq.	
Ms. M. Kaye, Secretary	

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OATHS OF OFFICE

Mr. Henry, Esq. administered the following Oaths of Office:

Mr. Dannenbaum – Regular Member: 12-31-15
Ms. Jones Curl – Regular Member: 12-31-17

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2014 REORGANIZATION

Election of Chair: Mr. Nicholson nominated Mr. Zedalis as Chair, which was seconded by Mr. Cusano. There being no additional nominations, the nominations were closed. On a voice vote, all were in favor. Mr. Zedalis was elected Chair and assumed leadership of the Commission.

Election of Vice-Chair: Mr. Dannenbaum nominated Mr. Nicholson as Vice Chair, which was seconded by Mr. Mr. Cusano. There being no additional nominations, the nominations were closed. On a voice vote, all were in favor. Mr. Nicholson was elected Vice Chair.

Appointment of Board Secretary: Mr. Zedalis made a motion to nominate Ms. Kaye as Commission Secretary, which was seconded by Ms. Jones Curl. There being no additional nominations, the nominations were closed.

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 and Ms. Kaye was appointed Commission Secretary.

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RESOLUTIONS

Historic Preservation Commission Meeting Dates: Mr. Zedalis presented the following resolution that was included in the pre-meeting packet:

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION**

RESOLUTION

BE IT RESOLVED that the Historic Preservation Commission of the Borough of Mendham will meet to discuss or act upon public business at 7:30PM prevailing time on each of the dates in 2014 set forth below, at the Phoenix House, 2 West Main Street, Mendham, NJ.

- February 24, 2014
- March 17
- April 21
- May 19
- June 16
- July 21
- August 18
- September 15
- October 20
- November 17
- December 15
- January 26, 2015

The regular and reorganization meeting of the Commission will be held on January 26, 2015.

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, which was seconded by Mr. Nicholson.

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. Kaye will make the appropriate public notification.

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Official Newspapers: Mr. Zedalis presented the following resolution that was included in the pre-meeting packet:

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION**

RESOLUTION

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

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, which was seconded by Mr. Nicholson.

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. Kaye will make the appropriate public notification.

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Appointment of Attorney: Mr. Zedalis presented the following resolution that was included in the pre-meeting packet:

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION
RESOLUTION**

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 may provide legal services for 2014 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 2014, 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 2014; 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. Zedalis made a motion to approve the resolution, which was seconded by Mr. Cusano.

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 and the resolution was approved. Mr. Henry, Esq. was appointed Board Attorney. Ms. Kaye will make the appropriate public notification.

MINUTES

Mr. Cusano made a motion to approve the minutes of the regular meeting of December 16, 2013. Mr. Nicholson seconded. All members being in favor, the minutes were approved, as written.

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DISCUSSION

Daytop Village – Mr. Zedalis introduced correspondence dated December 17, 2013 from the State of New Jersey to Tim Tansey, Morris County Department of Human Services, regarding replacement windows at Daytop Village. The State posited that replacement windows must be identical in order to preserve the historic aspects of the building. The letter also suggested that Mr. Tansey consult with the Mendham Borough Historic Preservation Commission for a recommendation. It was discussed whether the HPC should be proactive in considering the issue in order to be prepared should Daytop file an application. Mr. Nicholson stated that the HPC should keep consistent with its mandate, i.e., since the windows are not visible to the public, the HPC has no jurisdiction. Mr. Henry, Esq. confirmed that the HPC does have jurisdiction but has elected not to address issues that are not seen by the public in a public space. After a brief discussion, it was agreed the HPC will take no action and will wait for an application to be submitted.

Mr. Nicholson inquired as to the interpretation of same should an applicant request a contemporary design in the Historic District. Mr. Henry, Esq. responded that the Commission can modify its mandate to recognize that a contributing structure, although not visible from the street, is still under the auspices of the HPC in terms of preserving its historic appearance. The goal is to strike a balance with the residents so that the HPC is not overly restrictive while, at the same time, it ensures structural changes are in keeping with the historic style of the district.

HPC Vacancy – Mr. Zedalis stated that he would like to fill the available Alternate slot and asked that the Commissioners take an active role in identifying and recruiting possible candidates. There was a consensus that the candidate reside in the Borough, if possible. Mr. Henry, Esq. agreed to confirm the number of resident Commissioners required under the ordinance.

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PUBLIC COMMENT

Mr. Zedalis 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

HPC #01-14: DeAngelo, George – Addition
59 West Main Street
Block 302, Lot 4

Mr. Zedalis opened the discussion by reiterating that although the HPC will render an opinion regarding his application, Mr. DeAngelo is still required to appear before the Board of Adjustment to seek variance relief for current non-conforming conditions on the property.

Mr. DeAngelo distributed photographs of his house as well as a letter from his immediate neighbor. He reviewed the revisions to the latest set of plans based on comments from the last meeting, e.g., he reduced the size of the addition by 25% (20’ to 15’), removed the gables and removed the leaded side lights in the door.

Mr. Cusano stated that there was a miscommunication as a number of changes reflected on the drawings dated November 29, 2013 were not what the HPC had requested. For example, the HPC had asked that the leaded glass side lights be removed from the front door, not that the style of the front door be changed.

Mr. DeAngelo indicated that all windows will be SDL; however, it was pointed out that the proposed style will have the grill placed between the two panes of glass. The HPC prefers that the grill be glued back to back on both the interior and exterior window panes. Mr. Cusano further pointed out that the

building section does not reflect what the drawing denotes and should be disregarded except for the materials list.

Mr. Henry, Esq. strongly recommended that Mr. DeAngelo file an application with the Board of Adjustment prior to the next HPC meeting. He further explained that it would be in Mr. DeAngelo's best interest to request variance relief for the current application simultaneous with relief required for existing violations. The Applicant was informed that he may have to return to the HPC for further review should the BOA request any substantive changes.

It was agreed that the HPC be very specific about the requirements of the drawings. Mr. Cusano recommended that he draft a record drawing that will include elements of both sets of drawings and clearly reflect the changes the HPC requires. After a lengthy discussion, Mr. Cusano notated two (2) copies to reflect the HPC's requirements and gave one (1) copy to Mr. DeAngelo to use as a guide to make the necessary revisions. There was a consensus among the Commission that the final drawings must be an exact replica of Mr. Cusano's hand-drawn plan and must coincide with the agreed-upon specifications before the HPC is able to consider approval. Furthermore, the HPC strongly recommended that the Applicant use wood cedar clapboard or hardy plank siding rather than the proposed vinyl. While this request was not mandatory, it is the HPC's position that wood cedar or hardy plank would be more in keeping with the homes in the Historic District, particularly on Main Street.

Mr. DeAngelo was invited to return to the Commission with the drawings and photographs once the revisions have been made. He was further instructed to contact Ms. Kaye should he have any questions in the interim.

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ADJOURNMENT

There being no additional business to come before the Commission, Mr. Zedalis made a motion for adjournment which was seconded by Mr. Cusano. On a voice vote, all were in favor the meeting was adjourned at 8:41PM. The next regular meeting of the Historic Preservation Commission will be held on Monday, February 24, 2014 at 7:30PM at the Phoenix House, 2 West Main St., Mendham, NJ.

Respectfully Submitted,



Margot G. Kaye
Commission Secretary