

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
April 14, 2014**

Garabrant Center, 4 Wilson Street, Mendham, NJ

CALL TO ORDER

The regular meeting of the Mendham Borough Planning Board was called to order by Mr. Kraft, Chair, at 8:03PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Observer Tribune* on January 23, 2014 and the *Daily Record* on January 16, 2014 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.

ATTENDANCE

Mayor Henry – Present	Ms. Isaacson – Present
Councilman Sharkey – Absent	Ms. Lichtenberger - Present
Administrator Sandman – Present	Mr. Cascais - Present
Mr. Bradley – Present	Mr. Kraft – Present

Alternates:	Mr. Sprandel, Alternate I – Absent
	Mr. Kay, Alternate II - Present

Also Present:	Mr. Henry, Attorney
	Mr. McGroarty, Planner
	Ms. Kaye, Secretary

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MINUTES

Mr. Cascais made a motion to approve the minutes of the regular meeting of February 10, 2014, which was seconded by Mr. Bradley. On a voice vote, Mr. Bradley, Mayor Henry, Ms. Isaacson, Ms. Lichtenberger and Mr. Cascais were in favor. Mr. Kay, Administrator Sandman and Mr. Kraft abstained. The motion carried and the minutes were approved, as written.

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PUBLIC COMMENT

Mr. Kraft opened the meeting to questions and comments on items not included on the agenda. Ms. Lorraine Felber, 9 Townsend Road, Environmental Commission Chair, informed the Board that she attended a Rutgers/ANJEC presentation regarding stormwater management at Frelinghuysen and that there is another upcoming presentation in Bordentown. Ms. Felber distributed a handout from the presentation that sets forth guidelines for stormwater management as well as appropriate questions geared toward the assessment of stormwater needs and remedies. She also announced an upcoming regional planning meeting on April 16, 2014 from 8-9:30PM at the Geraldine Dodge Foundation office. Mayor Henry stated that he plans to attend the April 16th meeting.

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OTHER BUSINESS

Board Membership

Keith Kay was sworn as Alternate II and welcomed by the Board.

Planning Board Rules & Regulations

Mr. Kraft requested comments on the draft Rules & Regulations and a minor change clarifying the language regarding Hearing Procedures was made at the bottom of page six (6). Ms. Isaacson made a motion to adopt the Rules & Regulations which was seconded by Mr. Cascais.

ROLL CALL: The result of the roll call was 8 to 0 as follows:

In favor: Bradley, Henry, Isaacson, Kay, Lichtenberger, Sandman, Cascais, Kraft
 Opposed: None
 Abstentions: None

The motion carried and the Rules & Regulations were adopted, as amended.

2014 Projects/Goals & Initiatives

Mr. Kraft opened the floor for discussion regarding proposed areas of focus that include outdoor dining, mother-daughter housing, tree regulation and home offices.

Mayor Henry pointed out that outdoor dining at Borough restaurants has been proposed repeatedly to the Board of Adjustment, with an application for same as recent as 2013, and recommended that the ordinance be reviewed. Mayor Henry further suggested that the Board focus on one ordinance rather than on several.

A discussion followed regarding the differences between various types of housing, e.g. mother-daughter, multi-generational, elder cottage, etc. Administrator Sandman indicated that there are approximately 200 rental units registered with the Borough, but that despite the occupancy review process, there is currently no process to determine whether any are mother-daughter or multi-generational units. Mr. Henry, Esq. added that regulation of the different types of housing can be extremely difficult.

The use of homes as offices was also discussed and factors such as amount of space used for business, parking and visibility of business transactions emerged as primary concerns. The current ordinance allows for craft-type activities in the home, but makes any type of business conduct a violation whether it's a home business with employees and customers going in and out or a sole practitioner with no visible signs of business being conducted. Mr. Henry, Esq. suggested that the Board revise the language to allow for business conducted by "licensed professionals" without defining each permitted occupation, i.e., exclude specific professions, as applicable, with the remaining being permitted.

There was Board consensus that outdoor dining be designated as the priority initiative for review in 2014, followed by the home office/business ordinance and mother-daughter/multi-generational housing enforcement. Tree regulation was deleted from the list.

Charles Topping, Bob Jephson and Ursula Duffy, Historical Society Secretary, attended the meeting as members of the public and were afforded the opportunity to comment regarding revisions to the current outdoor dining ordinance. Mr. Topping of 13 Aberdeen Drive, Mendham, posited that the ambience and quality of Mendham would be "challenged" by outdoor dining. He specifically requested that outdoor dining remain unpermitted and that the Board of Adjustment continue to manage requests on a case by case basis. Mayor Henry reminded Mr. Topping that the Governing Body has a responsibility to strike a balance between "keeping Mendham 'Mendham'" and serving the merchants in town by being more business-friendly. Mr. Topping agreed to seek the Historical Society's approval to submit to the Board outdoor dining guidelines that have been adopted by another municipality.

To look more effectively at the potential issues surrounding outdoor dining, Mr. Kraft proposed the formation of a subcommittee and appointed Mr. Cascais, Mr. Bradley and Ms. Isaacson. The subcommittee was charged with reviewing outdoor dining/sidewalk café ordinances from surrounding towns to identify the common elements that contribute to the structure of each ordinance. The subcommittee will also use the comparison to highlight potential conditions that would allow the Board to determine the feasibility of outdoor dining and whether it benefits the Borough to consider revising the current ordinance. The subcommittee was asked to report back to the full Board within 60 days. Mr. McGroarty and Mr. Henry, Esq. will also be involved with the subcommittee on an as-needed basis to provide their expertise.

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TRC UPDATES (For Information Only)

Mr. Bradley reviewed the applications heard by the TRC. He indicated that James Bucci's hair salon (PB #01-14) was approved and an early summer opening is anticipated. Mr. Bradley further stated that David Sprandel's application for a minor subdivision (PB #945) was deemed complete, subject to waivers, and is scheduled to go before the full Board on May 12, 2014.

Pending applicants include PetValu (PB #02-14) who is seeking approval to move into available retail space in Mendham Village and Katanya (PB #03-14) who is seeking to open an upscale women's apparel office/showroom at 27 East Main Street.

The next TRC meeting is scheduled for April 21, 2014 at 9AM.

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ADJOURNMENT

There being no additional business to come before the Board, Mr. Cascais made a motion to adjourn which was seconded by Ms. Lichtenberger. On a voice vote, all were in favor.

Mr. Kraft adjourned the meeting at 9:07PM.

The next regular scheduled meeting of the Planning Board will be held on **Monday, May 12, 2014 at 8:00PM p.m.** at the Garabrant Center, 4 Wilson St., Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

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Recording Secretary