

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
September 8, 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 8:00PM 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

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

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

Also Present:	Mr. Henry, Board Attorney
	Ms. Kaye, Board Secretary

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MINUTES

Councilman Sharkey made a motion to approve the minutes of the regular meeting of June 9, 2014, which was seconded by Mr. Cascais. On a voice vote, all eligible voters were in favor 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. There being none, the public comment session was closed.

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OTHER BUSINESS

Outdoor Dining Subcommittee Update

Mr. Cascais reviewed the methodology used to draft a Borough ordinance that permits outdoor dining as a conditional use in the Historic Business and East Business zones. Mr. Henry identified a number of factors surrounding the issue:

1. Outdoor dining would be a conditional use, not a permitted use
2. Conditions should be set forth in the ordinance to control any potential negative impact
3. Outdoor dining shall not be considered an accessory use (expressly stated in ordinance)
4. If conditions are not 100% satisfied, Applicant goes before the Board of Adjustment for a 'd' variance
5. There may be different conditions depending on the zone

The Board discussed possible conditions such as hours of operation, adjacent residential areas, increased capacity of seating, music and definition of 'the premises'. Further discussion revealed possible conditions for consideration at the subcommittee's next meeting:

- Whether seating area will be set off by a physical barrier
- Umbrellas, if permitted – allowable height, clearance, patterns
- Outdoor food preparation
- Music
- Table service and/or carry out dining area
- Disposable or reusable tableware
- ABC requirements or BYOB ordinance
- Lighting – number of units, location, design, intensity, height, glare
- Parking
- Occupancy/capacity
- Delicatessens – currently no approval for sit-down dining
- Proximity to residential areas
- Hours of operation
- Outdoor dining subject to suspension due to Borough needs/events

Mr. Kraft opened the floor to questions/comments from the public. Mr. Charles Topping of Aberdeen Drive echoed the Mendham Borough Historical Society's position against outdoor dining as set forth in the MBHS's correspondence to the Planning Board dated August 12, 2014. Mr. Bob Jephson of Dean Road reiterated same.

Application Forms Review

Mr. Kraft asked the Board for comments regarding the revised application forms included in the meeting packet. There being none, the revised forms are available for applicants going forward.

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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 Mr. Sprandel. On a voice vote, all were in favor.

Mr. Kraft adjourned the meeting at 8:54PM.

The next regular scheduled meeting of the Planning Board will be held on **Tuesday, October 14, 2014 at 8:00PM** at the Garabrant Center, 4 Wilson St., Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, Secretary
Mendham Borough Planning Board