

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
November 8, 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
Mr. Bradley – Present
Mr. Cascais – Present
Mr. Gertler – Present

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

Alternates:

Ms. Gemberling, Alternate I - Present
Mr. Cavanaugh, Alternate II – Absent

Also Present:

Mr. Henry, Attorney
Mr. Price, Zoning Officer
Mr. Humbert, Planner
Mr. Ferriero, Engineer (9:00 p.m.)
Ms. Callahan, Secretary

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MINUTES

On motion made by Mrs. Gemberling, seconded by Mr. Cascais and carried, the minutes of the regular meeting of August 9, 2010 were approved as written. Mr. Gertler abstained. The September and October meetings had been cancelled.

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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
Block 301, Lots 1 & 2, One West Main St.

Present: Ben Danzi, Villa Enterprises for Applicant
Roy Kurnos, Esq., Attorney for Applicant

Exhibits: A-1: Orange Canopy with Signage
A-2: Stripped Canopy
A-3: Fabric Sample
A-4: Computer Generated Depiction of Proposed Awning

Mr. Henry, Esq. had reviewed the public notices before the meeting and previously advised that the Board had jurisdiction.

Mr. Kurnos, Esq. explained that the application was for a site plan amendment to permit a canopy to protect the customers from rain. Responding to Mr. Kurnos', Esq. line of questioning, Mr. Danzi testified that they had found photos of past awnings, one in a solid color and one striped version. They introduced Exhibits A-1 and A-2, the photos, Exhibit A-3, the fabric sample and A-4, a computer generated depiction of the proposed awning. The awning would be black and white striped which is the pattern and the color approved by the Historic Preservation Commission. The stripes will be the same size as the stripes on the awning in the front of the building. Originally, the signage on the canopy was a white background with red lettering, but based on discussions with the Historic Preservation Commission, it will be black with gold lettering. In terms of the low voltage lighting they are proposing, it is to provide a minimal amount of illumination. It will be attached to the structure of the awning under the fabric.

Mr. Kurnos, Esq. referred to Mr. Ferriero's letter dated November 5, 2010. Based on the letter, the Engineer was recommending the waivers to the checklist items that they were requesting.

Mr. Henry, Esq. summarized indicating that a condition of approval would need to be the payment of 4th Quarter Taxes as the form was now outdated. He also confirmed with the applicant that the font, colors and striping width would be the same as agreed to with the Historic Preservation Commission. The existing Tavern sign would also need to be removed as well as the scroll work on the arbor.

Responding to questions, by Ms. Gemberling, Mr. Danzi explained that they did not put the lighting along the stairs as it caused blinding as people were going up the stairs. In terms of the stripes in the picture being different on the window awning and canopy, he reiterated that they would be the same. The representation is not accurate.

Mr. Cascais made a motion to approve the application based on the summarization by Mr. Henry, Esq. Ms. Gemberling seconded.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

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

The motion carried. The application was approved. Mr. Henry, Esq. will prepare a resolution summarizing the action for the December 13, 2010 regular meeting. Responding to Mr. Kurnos, Esq. on whether the applicant could proceed, Mr. Henry, Esq. indicated that they could, but they would need permits, and it would be at their own risk until the resolution and review period was completed.

OTHER BUSINESS

Historic District Proposed Expansion: Mr. Humbert had provided the Board with a memo dated October 21, 2010 with proposed language for the Master Plan Amendment as relates to Phase II of the Historic District Expansion. He explained that Phase I was now complete and that the Historic Register and the Historic District now coincide. Phase II would complete the work as identified in the 2006 Master Plan. In terms of Phase II, there would be a larger number of properties involved than in the first phase.

Addressing Mr. Humbert's request for a review of the history of the Phase II work, Ms. Callahan summarized that the initial study completed by Mr. Bertrand had been brought to the Planning Board after review by the Historic Preservation Commission. The Planning Board had requested that Mr. Bertrand inquire of SHPO (State Historic Preservation Office) on whether additional properties going east and west beyond the identified study recommendations could be included. The map presented dated January 2010 is the result of the preliminary discussions with SHPO. After that meeting, the Mayor held a public meeting including the Historic Preservation Commission Chair, the Planning Board Chair, the Planning Board Attorney and the Administrator to review the plans and give the public an opportunity to express their opposition or support. The minutes are on the website if the Board wishes to review them.

In discussion that followed, Mayor Henry explained that there were a few residents on the private road on Prospect Street and one on Talmage that were concerned about being part of the District as their homes were not visible from the public way. There was also some concern voiced by two

Main Street residents. Mr. Henry, Esq. continued that there were also some people at the meeting who came out in support of the way the Historic Preservation Commission has handled their requests.

Mr. Humbert also recommended that there be an update to Exhibit 6 of the Master Plan that would indicate the newly expanded boundaries of the Historic District and would also show the change in the Main Street Corridor. He will include further wording in the proposed amendment to reflect the Exhibit change.

Ms. Callahan advised the Board that Mr. Bertland had also forwarded the draft of the National Register Nomination. After some discussion, the Board requested that they be provided a copy, and that it be placed on the agenda for discussion at the December 13 meeting. They will take a vote at that time. In terms of the Master Plan Amendment, a public hearing and potential action will be held until January 2011.

TRC UPDATES (For information only)

Mr. Henry, Esq. summarized the TRC reviews. He advised that two of the new applications, one for cellular antennae at the Sisters of Christian Charity and one for re-development of the PNC site would most likely be transferred to the jurisdiction of the Board of Adjustment. He had completed discussions with Mr. MacDonald, Esq. and would be finalizing the matter with the representing attorneys.

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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 9:10 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Monday, December 13, 2010 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

Diana Callahan
Recording Secretary

