

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD  
REGULAR MEETING HELD JUNE 21, 2023**

The meeting was called to order by Vice Chairman D'Emidio at 7:08 p.m., who asked for a roll call. Upon roll call:

**ROLL CALL**

PRESENT: Ms. Neibart, Mr. D'Emidio, Mr. Johnson (telephonic), Mr. Perri, Mr. Mayer, Chairman Giordano (telephonic),  
ABSENT: Ms. DeMeo, Ms. Moreen, Mr. Maglione  
Others present: Mr. Andrew Brewer, Mr. Dennis Keenan. Mr. Sean Walsh

**SALUTE TO THE FLAG**

**ADEQUATE NOTICE** of this meeting of the Mendham Township Planning Board was given as follows: Notice was sent to the Daily Record and the Observer Tribune on January 6, 2023 and Notice was filed with the Township Clerk on January 6, 2023.

This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision with decorum and civility appropriate to a quasi-judicial hearing being maintained at all times.

**RESOLUTION – PB-22-04**

**APPLICATION – PB 22-02**

Optimum Development, LLC

Block 116, L47

Preliminary and Final Major Subdivision Approval

Mr. Brewer sited three revisions in the resolution, which corrected three dates. In Paragraph 12, the date was stated as May 28<sup>th</sup> but should have been May 24<sup>th</sup>. This was also the case in Paragraph 13. Also, the very final paragraph of the resolution stated February 15<sup>th</sup> and should have been May 24<sup>th</sup>. He asked the Board to consider the resolution with those amendments.

Mr. Brewer explained that this is a resolution memorializing a subdivision. It was presented as a Minor Subdivision; however, when it came to the attention of the applicant that the private driveway and Homan Lane actually qualified as streets under the definition of the ordinance, these were re-classified as corner lots, which changed the Lot Geometry Circle requirements along with the necessity of some variances. As a result, this became a Major subdivision since there were variances involved – two bulk variances for the lot geometry circles, one bulk variance for the building envelope, and one bulk variance on the driveway width of 107 feet instead of 125 feet but no less than 100 feet from the Homan Lane center line to the driveway of the adjacent lot. Mr. Brewer also listed the conditions that were also imposed:

- Conservation easement on the steep slopes to be reviewed and approved by the Board engineer, which is approximately 150 feet by 400 feet.
- There will be no tree removal between April 1<sup>st</sup> and November 15<sup>th</sup>.
- The lighting on the driveway will be removed from the plans.

- The barn will be removed prior to submitting for a Lot Grading Permit.

It was clarified by Mr. Brewer that the dedicated conservation easement is still owned by the applicant and subject to taxes and that the easement (for the steep slope area of the property) can never be disturbed. Also, any restriction that impacts the ability to use the property to its fullest extent could potentially impact the value of the property and taxes.

Vice Chairman D'Emidio stated that a letter was received today and dated June 21, 2023 from the applicant regarding the water lines. Mr. Keenan clarified that the letter indicates that the applicant was in contact with NJ American Water and that it was confirmed that there is no service or easement on the site and that the existing water line is on the adjacent property. However, there is a stipulation by ordinance that the applicant must continue to accommodate any water lines that do exist. The only water that services the site is service connection from Mountainside Road with a ½ inch line, which was abandoned many years ago. Mr. Keenan confirmed that he does not see any issue with regards to a water line.

Vice Chairman D'Emidio entertained a motion to approve Resolution 22-04 as amended. A motion was made by Chairman Giordano, and it was seconded by Mr. Johnson.

Upon roll call:

AYES: Ms. Neibart, Mr. D'Emidio, Mr. Johnson, Mr. Perri, Mr. Mayer, Chairman Giordano

NAYES: None

Vice Chairman D'Emidio entertained a motion to open the meeting to the public. A motion was made, and it was seconded. All agreed.

Seeing no one, Vice Chairman D'Emidio entertained a motion to close the meeting to the public. A motion was made, and it was seconded. All agree.

Vice Chairman D'Emidio stated that the Township Committee has asked the Planning Board to conduct a courtesy review of the Mosle field lighting matter. Vice Chairman D'Emidio, Mr. Mayer and Ms. Neibart stated that they would be available for the discussion at the July 19, 2023 Planning Board meeting. Mr. Brewer clarified that it is his position that it is not a conflict that two of the Township Committee members are hearing this discussion since the Legislature has set this up through the Municipal Land Use Law, whereby some members of the Governing Body will be on the Planning Board and can participate in reviews handed down by the Township Committee. The Municipal Land Use Law also directs the Planning Board to review certain matters that are considered by the Governing Body.

Mr. Johnson inquired as to whether he can submit comments as a Planning Board member with regards to the Mosle lighting discussion for the record, and Mr. Brewer responded that he cannot do this since he will not be present and can only comment if he is present on the subject being discussed at that time. Mr. Brewer clarified, however, that it would be appropriate to obtain comments from Mr. Johnson in the capacity of Police Chief. Mr. Johnson confirmed this.

Ms. Neibart explained that the scope of the project is to introduce lighting on the Mosle field and parking lot for safety reasons. Currently, there are diesel generated removable lights and that 4 LED lights on the field and 6 lights in the parking lot would be installed. Ms. Neibart went on to say that the material regarding this matter will be circulated before the Planning Board discussion and that there is also an EIS report from Princeton Hydro that will be presented at a Township Committee public hearing regarding this matter on July 5, 2023 via zoom.

Vice Chairman D'Emidio made a motion to adjourn the meeting. A motion was made, and it was seconded. All agreed.

The meeting adjourned at 7:21 pm.

Respectively Submitted,

Beth Foley  
Planning Board Secretary