

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD
REGULAR MEETING HELD JULY 19, 2023**

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

ROLL CALL

PRESENT: Mr. D'Emidio, Mr. Mayer, Ms. Moreen, Ms. Neibart, Chairman Giordano
ABSENT: Mr. Perri, Ms. DeMeo, Mr. Johnson, Mr. Maglione
Others present: Mr. Andrew Brewer, Mr. Dennis Keenan, Mr. Michael Rehman

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.

MINUTES

A motion was made to approve the minutes to the May 24 2023 meeting, and it was seconded. All agreed. A motion was made to approve the minutes of the June 21, 2023 meeting, and it was seconded after Mr. D'Emidio sited a correction on Page 1 with regards to the size of the conservation easement on the steep slopes. All agreed as amended.

DISCUSSION ITEM

Mosle Lighting – Capital Expenditures

Chairman Giordano asked Mr. Brewer to explain the role of the Board with regards to a discussion of the Mosle Lighting – Capital Expenditure project.

Mr. Brewer explained that this is a capital expenditure review and pursuant to Mr. Cancilla's (H2M) memo of July 12, 2023 to the Planning Board under N.J.S. 40:55D-31 he further clarified that the Board, under the M.L.U.L, does not have the power to approve or deny the capital project but does have the power to submit recommendations in conjunction with the Master Plan, if any, to the governing body regarding this capital project. The Municipal Land Use Law allows for a hearing by the Planning Board to review the project and to act on an advisory role only with any recommendations. The Planning Board has no authority to overrule the Township Committee on any decision they make.

Mr. Michael Rehman of Princeton Hydro made an appearance and stated that Princeton Hydro was brought into this project to prepare an abbreviated EIS (Environmental Impact Statement) on behalf of the Mendham Township Parks and Recreation Committee to analyze the proposed lighting at Mosle field. From an environmental standpoint, the findings indicated that it would not change the character of the existing Mosle field and would actually remove the currently utilized diesel-powered lights and replace them with dark-sky compliant downward-facing lights that will

be far more efficient and far less polluting. It would provide additional safety measures with the addition of lighting within the existing parking lot for the public, who would be entering and exiting in the evening hours. The findings indicated no causes of concern from an environmental impact standpoint and that there would be no changes in character of the existing environment – no vegetation or trees proposed to be removed with no ecological communities being altered in any way by the proposed project. Mr. Rehman went on to say that from an environmental standpoint, Princeton Hydro's professional opinion is that this project does not propose any sort of negative impact related to any existing or future conditions at Mosle field. He stated there is no additional use of the lights being proposed and that the lights would be used between late August and mid-November, five days a week in the evening hours.

Mr. Rehman confirmed for Mr. Mayer that this is an improvement since the noise and fumes from the current diesel-powered engines would be eliminated. Additionally, the diesel-powered engines are very, very hot and can create a safety issue. He also went on to say that the lights would be permanent and no longer rented (Twin Boro Bears pay the cost of the rental).

Ms. Neibart clarified for the Board that this project is currently in the hands of the Township Committee and was initiated at the Recreation Committee level, who actually approved the proposal to have Princeton Hydro conduct the abbreviated environmental impact assessment.

Mr. David Guida, the Recreation Director for Mendham Township, made an appearance for the record. Mr. D'Emidio inquired about the lighting – 4 lights on the football field and six 30-foot-tall lights in the parking lot – and asked about lighting on the walkway between these two points. Mr. Guida responded that the two lights that are adjacent to the hill, which is the pathway leading up to the parking lot, will have a back light built into the 60-foot light tower on the football field. He went on to say that the proposed Musko lights are being considered but nothing has been bid out as of yet. The lights are on a timer where anybody with access, usually the Recreation Director, can control the account. This can be done through a phone with Musko's technology. Mr. D'Emidio discussed other towns with lighting and opined that the lighting should not be on at all times, and Mr. Guida confirmed that the timer will not be on for Saturdays and Sundays and based on the proposed ordinance changes, it would not be legal to have them on outside of the period between August and November. The proposed lights are not light sensitive, meaning that they do not come on when it's dark; however, the light timers are set based on the timing of sun down (which would be the start time) and then ending around 8:30 pm or 8:45 pm depending upon when the practices for the Twin Boro Bears would fall. Mr. Guida confirmed that there would be a back-up individual or two controlling the lights as well. He also confirmed that the lights would all be projecting downward. Mr. D'Emidio inquired whether any study has been conducted with regards to light pollution, and Mr. Guida responded that this was part of the study that Princeton Hydro conducted. Mr. Rehmann added that these lights are dark-sky compliant, which means that the light pollution is concentrated down within the cone of the light and will provide all the necessary safety measures and light that is needed to conduct their football practices in a much more efficient manner than what is currently there. Mr. D'Emidio opined that the only people who are going to see the lights are the people who occupy Hillandale development. Mr. Rehman responded that the Hillandale development may see the lights; however, they won't be glaring and at best minimal from that vantage point. Mr. Guida stated that there is one home outside of the Hillandale development that during the winter is able to see the Mosle field through the trees and that a majority of the other homes are blocked by the trees even during the winter with the exception of the one home. However, there will be no lights on in the winter anyway.

Mr. D'Emidio expressed his dismay over the poor condition of the baseball field, and Mr. Guida stated that the Township has a contract with Father/Daughter Landscaping that maintains the infield, which the Township subsidizes along with the LTI contract for the grass. It was also

clarified that the football field is only a practice field and not a game field and that no artificial turf is allowed to be considered at the Mosle site for 20 years.

Chairman Giordano inquired about an off-topic question regarding the field on Mt. Pleasant Road next to the DPW, and there was a discussion regarding this field and the reasons why it is no longer used as a much-needed recreational field.

Mr. D'Emidio inquired about the cost of lighting for the Mosle field, and Ms. Neibart responded that the cost is being shared 50% by the Township and 50% by the Twin Boro Bears. Mr. Guida added that there may also be an opportunity to apply for a couple of grants in January, 2024 to offset the taxpayers' 50% share. He clarified that the Twin Boro Bears will not be sharing the maintenance costs of the field since there is a contract with LTI; however, they will be fully responsible for the hourly fee to pay for the lights when they are being used. Mr. Guida went on to say that he believed that there is a 25-30-year warranty on all of the Musco products and that Musco will do all of the maintenance work for this period of time. He also confirmed that the lights are fully stationary.

Ms. Moreen stated that the EIS study was done on current use versus future use as opposed to not having any lights at all and that the prior Township Committee that originally approved the temporary lights did so with the condition that they would remain temporary. As a result, this Township Committee must address the permanency of the lights. Mr. Guida confirmed that the New Jersey American Water Company has no concerns regarding the project but that he must follow-up with them for a meeting with regards to the maintenance of the entire preserve, which is outside of this scope. Ms. Moreen explained that the project has been moving forward through multiple town meetings and discussions and that the use has been defined to remain the same as it is currently along with no turf, extended use etc. Many of the comments and studies that have been conducted are based upon those assumptions and agreements and that future Township Committees must be very careful to respect these agreements. This is very much a compromise set of proposals even though there are still some residents who are opposed to having permanent lights in the preserve. Chairman Giordano inquired as to how many foot candles are being proposed, and Mr. Keenan responded that there are approximately 50 footcandles. Mr. Guida opined that if the project was approved that the Township is doing its due diligence in its consideration of the permanent lighting and to memorialize it as such that it becomes part of the ordinance. The Twin Boro Bears is the only organization that uses the field and the lights and that currently soccer and lacrosse leagues do not use the fields at all. Because of the agreements being considered, those organizations could not use the fields anyway since no increased usage would be guaranteed.

Chairman Giordano entertained a motion to open the meeting to the public for any questions for the witness. A motion was made, and it was seconded. All agreed.

Mr. Ed Coury of 87 Mosle Road approached the microphone and expressed his dismay of the installation of the lighting towers for the football fields, which would also light the pathway that leads from the upper parking lot down to the fields and that Princeton Hydro's abbreviated desk survey that was conducted without actually visiting the site is very short sighted. He went on to say that his house is greatly impacted by the proposed 60-foot lighting. Mr. Coury inquired as to whether there are any other 60-foot structures in Mendham Township, and Mr. Mayer responded that there is a microwave tower above 60 feet tall. Mr. Coury opined that the Board should seriously consider the impact on the surrounding neighbors of the lighting project with the proposed number of lights being installed. Chairman Giordano stated for the record that the Board only has the ability to say whether the project negatively impacts the Master Plan and can only act in an advisory capacity. Chairman Giordano inquired as to whether there was any thought

to putting less invasive lighting on the walkway. Mr. Guida stated that he has reiterated many times that there are many lighting options that can be considered. There was further discussion regarding some other options. Ms. Neibart stated that all of the feedback from the Planning Board this evening will be reviewed by the Township Committee and that Mr. Guida has already relayed many similar comments previously. She went on to say that this is what Musko has recommended as the least invasive lighting.

Ms. Jamie Goodrich of 4 Carriage Hill Drive approached the microphone and wished for clarification regarding the number of hours the lights will be utilized. Mr. Guida responded that the lights will only be on when there is a practice.

Chairman Giordano asked for any comments from the public.

Mr. John Kaplan, attorney at Harold Law in Warren Township, New Jersey, approached the microphone and stated that his firm represents neighboring residents of Mosle field. He opined that this is not a capital review project since besides being funded by Mendham Township is also being funded by the Twin Boro Bears, on behalf of the Twin Boro Bears and just for the Twin Boro Bears. The Twin Boro Bears is a private recreational league. Mr. Brewer confirmed to the Board that the Planning Board is doing the right review and that this has been referred for capital review to the Board in a passive manner. The Board can only do what is presented to the Board and what is asked of the Board under Section 31.

Mr. Kaplan opined that since there was no adequate notice of this meeting with an adequate agenda that the Board cannot rightfully have the hearing. Mr. Brewer responded by citing a case study and whereby the Appellate Division upheld that open public regular meetings that are noticed at the beginning of every calendar year is adequate notice and that any agenda provided on a monthly basis can be fluid.

Mr. Kaplan stated that this hearing is done in conjunction with the Master Plan and inquired as to the availability and completeness of the Master Plan on the website. For the record, he stated that he did not see a Circulation or Recreation Plan in the Master Plan but said that it could be an oversight. He opined that the abbreviated Environmental Impact Study was inadequate and that there was no reference to the Master Plan, whereby it states that this is permitted.

Mr. Kaplan stated that it is his firm's position that this Planning Board does not even have jurisdiction since this is not even a permitted use. He discussed this further with regards to the Township ordinance (21-8) requirements.

Mr. Ed Coury of 87 Mosle Road approached the microphone. He stated that the discussion centers around Mosle preserve – a place to protect wildlife etc, and that this project contradicts this. He stated that the Environmental Committee in Mendham Township does not support this project and discussed the negative impacts of installing the lights at Mosle field along with his strong dismay of the project. He opined that a precedent would be set that would structurally change the character of this town. Mr. Coury also expressed his concerns at the cost (half a million dollars) of the project of taxpayer dollars as well as the fact that it is only a practice field. He opined that the Planning Board has the jurisdiction (since it goes against the Master Plan) to require a full site plan review and variance consideration and that changing an ordinance is something that should be done with great care since it can then be done with any other park in the Township as well. Mr. Coury went on to say that Musko Lighting Company should not be the only company to be considered, who is making decisions on what types of lights should be used. He discussed the number of hours that the lights are actually on, which he calculated to be 19

hours a season. Mr. Coury stated that the objection is not the use of the field by children or football practices but to the 60-foot lights.

Ms. Moreen left the meeting at 8:03 pm.

Mr. Brewer wished to explain to the Board that in a section of the MLUL where it states the Planning Board reviews ordinances it is the job of the Board to see if it is consistent with the Master Plan. This is not the language that the legislature used in this case. The legislature indicates that the Board's responsibility here is to review what is being proposed and provide any recommendations in conjunction with the Master Plan. This is a very specific role in this case.

Mr. D'Emidio inquired about Mr. Coury's statement regarding the number of hours – 19 hours – that the lights would actually be on, and Mr. Guida responded that this is not accurate since the practices are from sundown to 8:30 pm through mid-November. He opined that Mr. Coury's number of hours was based off of schedules that were found online and were incomplete. It appears that one or two team schedules were found and this was not capturing the entire league's schedule. Mr. Guida stated that he could to an analysis of the actual number of hours that the lights would be utilized, and he also stated that the Twin Boro Bears would be billed hourly at \$10/hour. Ms. Neibart stated that the Township Administrator can produce the number of hours that the lights would be utilized but added that 19 hours is vastly underestimated. Chairman Giordano opined that a half a million dollars for lighting even for approximately 100 hours is a great deal of money. Ms. Neibart reiterated that this is a public/private partnership between the Twin Boro Bears and Mendham Township; however, she stated that Chairman Giordano's comment is a point noted. Mr. D'Emidio stated that if the field was used five nights a week from August 15th to November 15th, he calculated that the number of hours is approximately 115 hours.

Mr. Mayer added that he visited the site and stated that the first thing he looked for was what impact lighting would have on the surrounding neighbors since the quality of life for the residents in Mendham Township is one of great importance to him as a member of the Planning Board. He opined that any project being proposed should not impact residents negatively in any way and that there should be a formal plan for the Mosle lighting project clearly showing the scope of the work than what has been currently presented. A more in-depth study should be conducted to ensure that the project is done properly for the site.

Mr. Keenan discussed the height of the lights and that the 60-foot height for the proposed lighting is a very standard height. He knows that there was a discussion regarding perhaps lowering the lights, and Mr. Keenan went on to say that the problem with lowering the lights is that the lights that are pointing downward will start pointing out, which will create spillage onto all sides of the field. This creates more problems with the neighbors. Mr. Keenan added that these are LED lights, which is a benefit of the technology available today, since LED lights are very sharp. Also, the reason that the lights are kept at 60 feet is to keep a consistent light across the field. He discussed further the difference between the sharper LED lighting as opposed to the older technology of lighting. Ms. Neibart stated that the height of the lights has been thoroughly examined by the Township Committee in many past meetings and that this has been an evolving process. The Township Committee feels comfortable with the final proposal in order to move forward with the project.

Ms. Jamie Goodrich from 4 Carriage Hill Road approached the microphone. Ms. Goodrich stated that she and her husband were the ones who reviewed the reports and that all of the data was sent to the Township Committee. She discussed the Twin Boro Bears schedule and the number of days that the field is actually in use by the league. She claims that the number of hours that the field is used is significantly less than what has been portrayed. There was some further

discussion regarding the number of hours and days the field is actually used by the Twin Boro Bears. She also raised the surveillance of the police monitoring the traffic for speeders and what this entails as an added issue to the project.

Ms. Mary Millea of 1 Carriage Hill Drive approached the microphone. She stated that she has attended all of the Township Committee meetings and that this is the first time she has heard that the lights on the field would also illuminate the walkway. She opined that this subject needs more discussion since it is unclear as to how this can work.

Ms. Millea also brought up the subject of the Hillandale development and that Chairman Giordano at the time of the hearings wanted to ensure that the future residents of Hillandale would not access the development through Hunters Glen and onto the Green Acres (Mosle Preserve). She stated that access from Hunters Glen to Hillandale is currently being used by the Hillandale developer and that a gate is supposed to be installed as part of the Planning Board development agreement at the access point to the Green Acres property from Hillandale. She also stated that the other gate at the top of the parking lot is never closed. Ms. Millea opined that these gates are very important to protect the Green Acres and that this issue should be on the radar since it is and will continue to be a growing problem.

Mr. Mayer suggested perhaps foot lights would be an easy change to the overall plan that would also ensure safety for the public using the walkway. Mr. Guida clarified that that the document regarding the lighting of the pathway has been available since May, which shows the light poles with a back-to-back mounting configuration. He added that this was also discussed but that other possibilities can always be considered.

Mr. D'Emidio asked Mr. Keenan to contact the developer with regards to the gate. Mr. Keenan added that he has had conversations about this before with the developer and that there have been a few instances that equipment could not get up St. John's Drive, and therefore, the access from Hunters Glen had to be used. However, it seems that other lesser vehicles have taken advantage of this access as well. Mr. Keenan stated that he will discuss this issue with the Hillandale developer.

Chairman Giordano entertained a motion to close the meeting to the public, A motion was made, and it was seconded. All agreed.

Mr. D'Emidio proposed that the Planning Board send a letter to the Township Committee with the following recommendations that Chairman Giordano has noted throughout the evening's discussion:

In accordance with the requirements of Land Use statutes, the Planning Board reviewed the proposed capital expenditures for lighting on Mosle Field at it hearing on Wednesday, July 19, 2023. The proposed recommendations are as follows:

1. There is a question regarding the ability to light the path to and from the field. At present, it appears that one of the field lights has the ability to shine (from a height of 60 feet) onto the path. The potential invasiveness of lighting of the path should be analyzed. If it is deemed invasive (has light spillover), a less invasive lighting structure for the walking path, e.g., footpath lights, should be considered.
2. Consider and implement the comments from Chief Ross Johnson's letter, dated April 10, 2023, with the recommendations made therein.

3. The fact that this was done as a desk review by Princeton Hydro and appears to be taken as a short cut that can miss items of importance, it is suggested that a more comprehensive review be conducted prior to implementation (construction) of the project.
4. The gate from the parking lot to the field appears to be unlocked on a regular basis and in accordance with the Planning Board resolution on acquiring the property, should be secured for utilization only by emergency vehicles.
5. Obtain a schedule from the Twin Boro Bears as to the projected utilization of the lights to be reviewed in consideration of the expense.
6. Consider screening for 87 Mosle Road to block some of the impact of the lighting structures.
7. Provide formalized plans as to the electrical schematic and formatted in a way which will show actually lightings. This can be done when the bid is prepared, which will be available to the public.

Pursuant to law, our obligation is to determine consistency with the Master Plan. After a review of the material and the discussion at a public meeting, the Planning Board finds that the proposed ordinance is not inconsistent with the Land Use Element of the Master Plan.

Mr. Mayer inquired about the long-term use for the park, and Ms. Neibart responded that the long-term use is the current use that is for both active and passive recreation. She added that from her perspective there is no consideration of extending this use by making the field regulation size for league games. Chairman Giordano added that when the Township acquired the property that there were limitations put in place by Green Acres. Ms. Neibart stated that the deed allows for active and passive recreational use of the property. She also clarified that the lights will not be installed this fall.

Mr. D'Emidio made a motion to approve the letter as written, and it was seconded by Mr. Mayer. Upon roll call:

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

Chairman Giordano stated that he is resigning as Chairman of the Mendham Township Planning Board and that this would be his last meeting. He will also submit a letter to the Township Committee indicating as such.

Chairman Giordano entertained a made a motion to adjourn the meeting. A motion was made, and it was seconded. All agreed.

The meeting adjourned at 8:58 pm.

Respectively Submitted,

Beth Foley
Planning Board Secretary