

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD  
REGULAR MEETING HELD AUGUST 17, 2022  
VIA ZOOM**

The remote meeting via zoom was called to order by Vice Chairman D'Emidio at 7:01 p.m. who asked for a roll call. Upon roll call:

**ROLL CALL**

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

**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 7, 2022 and Notice was filed with the Township Clerk on January 7, 2022.

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**

The minutes to the September 15, 2021 Regular Meeting, September 29, 2021 Special Meeting, January 6, 2022 Reorganization Meeting and July 20, 2022 Regular Meeting were approved with some minor corrections to the September 15, 2021 and July 20, 2022 meetings.

**RESOLUTION – PB 22-03**

**APPLICATION – PB- 22-01**

Nickolas and Tiffany Mitilenes  
2 Lone Spruce Trail  
Block 117, Lot 13  
Lot Line Adjustment – Minor Subdivision

Mr. Brewer stated that this is an application for a subdivision (lot line adjustment) with two conforming lots that would be creating another two conforming lots (same Lot numbers) with well over 3 acres in an R-3 zone. One of the conditions discussed was that the applicant should locate and determine whether there was the presence of any conservation easements on the area of the lot to be added to Lot 13 along with existing Lot 13 through a title search of Lot 11 and Lot 13. If such conservation easements existed, then this would need to be reflected on the subdivision plans with a notation to the title report. Mr. Brewer went on to say that the lot line adjustment entails moving slightly more than one acre from Lot 11 to Lot 13 and confirmed that the title search has been provided by the applicant for Lot 11.

Mr. Robert McBriar, attorney for the applicant, clarified that following the last meeting of July 20, 2022, the applicant provided his title policy, which was issued to him in conjunction with the

purchase of Lot 13 and dated December 4, 2017. In addition to this, the title search report that was prepared by Reliance Search for the purchase of the neighboring property, Lot 11, was also forwarded to the Board. He went on to say that on behalf of the applicant he is requesting confirmation that the submissions presented satisfy Paragraphs 12 and 13 of the Findings section as set forth in the resolution in addition to Paragraph C & D of the Conditions section of the resolution. Mr. McBriar also requested that the resolution should reflect that the plans be updated to reflect the titles that were provided since the applicant is now being required to make the plans current as of today (Paragraph 13 and Paragraph C). Mr. Keenan agreed to this as did the Board members.

Mr. Mayer inquired about the title insurance provided for Lot 13 with regards to sight easements and right of entry. Mr. Simmons explained that the sight easements are for where Lone Spruce Trail joins Horizon Drive and is shown on the survey and that the deed discusses right of entry as far as ownership and maintenance and how the drive would be regulated since it is a private drive. There was some discussion regarding this title insurance document provided, and Mr. Simmons stated that it refers to both Lots 11 & 13 since that is the access from the public road called Horizon Drive. He clarified that Lone Spruce Trail is owned by the owners of Lot 11 and Lot 13 and that the Right of Entry is for both owners. Mr. Simmons stated that this is indicated on the file map and in the deed. Mr. Mayer stated that his preoccupation was with the trail on the other side of the property and whether the public has a right of entry through this trail; however, he does not see anything indicating this in the title insurance documents specific to this. Mr. Simmons opined that the trail was perhaps used before the property was subdivided for farm use.

Vice Chairman D'Emidio entertained a motion to approve memorializing Resolution PB 22-03. A motion was made by Mr. Mayer and seconded by Ms. Neibart.

Upon roll call:

YAY: Mr. Orlins, Ms. Neibart, Mr. D'Emidio, Ms. DeMeo, Mr. Mayer,

NAY: None

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

Ms. Foley stated that she saw no one from the public present at the meeting.

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

Ms. Neibart stated that a resident, Mr. Frank Zammataro, attended the recent Township Committee meeting to discuss a new non-profit of the Mendham's, which was created to specifically focus on conservation of land. Mr. Zammataro has requested an audience with the Planning Board. After some discussion, it was decided that Mr. Zammataro should petition Chairman Giordano with his request and that Chairman Giordano will recommend when the non-profit alliance may be heard.

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 8:06 pm.

Respectively Submitted,

Beth Foley  
Planning Board Secretary