

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD
REGULAR MEETING HELD JANUARY 18, 2023**

The meeting was called to order by Chairman Giordano at 7:01 p.m., who asked for a roll call.
Upon roll call:

ROLL CALL

PRESENT: Ms. Moreen, Ms. Neibart, Mr. D'Emidio, Ms. DeMeo, Mr. Johnson, Mr. Mayer, Mr. Maglione, Mr. Perri, Chairman Giordano
ABSENT: None
Others present: Mr. Andrew M. Brewer, Mr. Dennis Keenan, Mr. Paul Cancilla, Mr. Roy Messaro

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.

Mr. Brewer swore in the following members who were not present at the January 5, 2023 Reorganization:

Mr. Ross Johnson – Class II member
Mr. Kevin Giordano – Chairman
Mr. Mayer – Alternate #1

A motion was made to approve the minutes to the November 29, 2022 Regular meeting, and it was seconded. All agreed. A motion was made to approve the minutes to the January 5, 2023 Reorganization meeting with a correction that would add the appointment of Mr. Sante D'Emidio to the Planning Board for 2023. It was seconded. All agreed.

Mr. Maglione and Mr. Perri abstained from the November 29, 2022 approval of the minutes.

Chairman Giordano, Mr. Perri, Mr. Johnson, Mr. Mayer, and Mr. Maglione all abstained from the approval of the January 5, 2023 Reorganization meeting

Mr. Brewer stated that Ms. Tracy Moreen has recused herself from any involvement with regards to this application.

APPLICATION – PB 22-04 – cont'd

LAWRENCE FARMLAND, LLC
Block 147, LOTS 42.06, 42.07, 42.08, 42.12, 42.13, 42.16
PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL

Mr. Malman of Day Pitney, LLC made an appearance on behalf of the applicant. He stated that this is the fourth meeting of the hearing for the application and that he will present his summation when the Board allows him to do so.

Mr. John Inglesino of Inglesino & Webster located in Parsippany made an appearance on behalf of the Mendham Alliance for Preservation and Conservation, who is an objector to this application. He went on to say that he has no further witnesses and will also present his summation when the Board allows him to do so.

Mr. Malman suggested that the meeting be opened to the public first, and it was decided that Chairman Giordano would entertain a motion to open the meeting to the public. Chairman Giordano entertained a motion to open the meeting to the public. A motion was made, and it was seconded. All agreed.

Mr. George Koenig of 13 North Gate Road approached the microphone and thanked the Board members for their volunteer service to the Township. He encouraged the Board to consider the current application with an approach that is as conservative as possible to ensure that it minimally impacts the community at large, the immediate neighbors and the environment. He opined that this is what has kept Mendham Township exceptional today and what he would like to continue to see for the future.

See or hearing no further comments from the public, Chairman Giordano closed the meeting to the public. A motion was made, and it was seconded. All agreed.

Mr. Inglesino began with his summation of a letter he drafted to the Board dated January 16, 2023, which he asked the Board Secretary to distribute to the Board members. Mr. Brewer stated he had asked that any submissions be made by Mr. Inglesino ten days prior to this meeting in case there was any argument or case law that he may want to present with regards to the ability the objector has to impose certain conditions. The letter arrived one day before the meeting, and he opined that the Board should not be hearing opinions from another party without the context of what he may have wished to delineate. Mr. Brewer asked Ms. Foley not to distribute the letter until the meeting when he is present in order to offer context to the Board's consideration of these conditions.

Mr. Inglesino stated that the conditions that the MAPC wish to impose are described in detail in his letter dated January 16, 2023. He stated that Mr. Zammataro testified that he raised concerns to the Township Committee in November, 2021 with regards to permitting a zoning change from an R-10 zone to an R-5 zone at the Lawrence Farmland site. The Governing Body deferred environmental stewardship of this environmentally sensitive property to the Planning Board and that Mr. Brewer requested that MAPC prepare an opinion letter regarding the Board's legal authority to impose conditions that the Board may be inclined to grant. In providing their analysis, the following issues were addressed:

1. The Board's power to deny conforming applications.
2. The Board's authority to impose conditions of approval.
3. Address the Township's ordinances regarding environmental protection and conservation.
4. Discuss the ordinance in particular with regard to the Township's encouragement toward lot size averaging plans – clustering development that could occur over a large piece of property in order to preserve environmentally sensitive parts of the larger tract.

5. The legal propriety of his clients' requested conditions, which are set forth in detail in the letter.

Mr. Inglesino stated he requested a copy of the tape of the December 21, 2022 Planning Board meeting, which was received and transcribed.

Mr. Inglesino referred to the Dunkin Donut case that the Board's attorney, Mr. Brewer, raised at the last meeting and discussed this case in relation to this application, whereby if there is a conforming application, then it cannot be denied since the Governing Body has made policy determination that the development being proposed is suitable and appropriate for the area. Mr. Inglesino went on to say though that there are many other cases whereby Boards do, under certain conditions, have the ability to deny applications that are conforming and do not require variances. He opined that the Board is not without power to deny or impose conditions on a conforming application and referred to the Township's ordinance Chapter XVI, which emphasizes that the Planning Board can impose reasonable conditions that limit adverse environmental impact. The Township's codes are not invaded regarding the Board's authority to regulate steep slopes and that it specifically empowers the Board to impose conservation easements as a condition of approval of a subdivision in order to protect natural resources in environmentally sensitive areas.

Mr. Inglesino referred to the Township's environmental code – Chapter 14-7, which also addresses the Board's authority to ensure conservation protection and proper use of land when deciding upon an application. The Board must make several mandatory findings to approve an application, including whether the proposed development will have an unreasonable impact. Mr. Inglesino went on to discuss other provisions in the ordinance, which references Best Management practices, and he cites this as well in his letter. He stated that Mr. Strano, who testified previously and is recognized as an expert in habitat assessment, also referred to these Best Management practices in his testimony. He opined that the Board is not only authorized but required to limit environmental harm in considering any subdivision application regardless of the conforming nature.

Mr. Inglesino continued his summation and referred to lot averaging, which refers to clustering development over a large tract onto a smaller section of the tract. The number of homes would not be reduced but would be the same number of homes that are yielded over the larger tract. However, lot averaging would allow for the preservation of environmentally sensitive areas. He went on to say that the ordinance recognizes this and is specifically encouraged in Chapter 21-10 of this ordinance.

Mr. Inglesino went on to clarify the position of MAPC, which is that the Board has the ability to deny this application based on his discussion. If the Board does not want to deny the application, then the property should be and could be developed in accordance with a lot averaging plan and that the applicant should be encouraged to come back to the Board with a new subdivision for the same number of homes as is in this current application but with their applied development concept consistent with the Township's ordinances. He opined that the Board has the authority to require the applicant to do so. If the applicant rejects this plan, he then opined that the Board has an absolute basis to deny the application. However, MAPC would like to provide the Board with alternatives to consider (should the Board not want to deny the application) and have specified conditions that are listed on Page 6 of his letter dated January 16, 2023, which he read into the record (and part of the minutes).

Mr. Inglesino summarized (and as written in his letter) that the conditions outlined in his letter are expressly authorized by Chapter 16 in the ordinance, which directly reflects the statutory goals

and priorities of the Township. He went on to say that his client objects to this application because of its needless impacts on the environment, which include the adverse impacts on trees, habitat, and the headwaters of the Passaic River basin. Mr. Inglesino continued to say that many of the residents interested in this application feel that the Township Committee has not really been forthright regarding the zone change. The residents were also told that environmental issues would be addressed by the Planning Board, which was not the case. As a result, these residents feel that the process is not serving them the way it should, which is an important sub text to the proceedings. He went on to say that the Board has absolute power to approve the proposed conditions and opined that the conditions sighted are not arbitrary, capricious, or unreasonable. In conclusion, Mr. Inglesino opined that there would be two consequences for not denying or conditioning this application as requested:

1. This would create unfortunate environmental degradation of this property.
2. This would promote a deepening distrust of this local government.

Mr. Inglesino asked the Board to do the right thing” consistent with the past practice of distinguished people in public service in this municipality.

Ms. Neibart wished for clarification with regards to testimony by an objector’s witness, whereby future homeowners would be unable to seek variances on their property should they need to do so, and Mr. Inglesino responded that the consequence of imposing conditions would preclude variance relief for the purpose of environmental protections as discussed. The Board has the power to impose these conditions.

Mr. Malman began his summation by saying that what was just heard by Mr. Inglesino distorts the application entirely. He went on to say that this a conforming application in terms of bulk requirements and that the catalyst that ignited the opposition originated from the fact that the site was re-zoned from R-10 to R-5 zone. He stated that he was at those meetings and opined that the decision by the Township Committee was not rushed through and that there were sufficient studies conducted by the Board’s professionals to support the zone change with good reason. It was a process that took place over a period of many months. Mr. Malman went on to say that the property around the site is 5-acre zoning so the re-zoning was perfectly reasonable with a justifiable basis from the Township Committee’s perspective.

Mr. Malman stated that the subdivision was approved more than approximately 20 years ago with the infrastructure put in place. Most of the lots are undeveloped lots as of today and that the applicant is subdividing six of the existing lots into nine proposed lots with a gain of three lots. With regards to disturbance, the difference is not terribly significant in terms of overall acreage. He reviewed some of the facts, which are as follows:

- The application complies with the ordinance.
- No disturbance in the tree preservation area – the lots can be developed without disturbing those portions of the lots.
- No disturbance at all to the wetlands, transition areas or floodplains.
- The ordinance allows reasonable steep slope disturbance, and the plan submitted indicates that the proposed lots can be developed without disturbing beyond the confines of the ordinance and done properly.
- There are no septic system issues and the proposed lots have received Board of Health approval for septic.
- The Morris County Planning Board has approved the application, and the DEP has confirmed the flood line. The applicant is still waiting on the LOI but no significant change is expected.

Mr. Malman went on to address Mr. Inglesino's summation and letter dated January 16, 2023 (which was received one day before the meeting). He opined that Mr. Inglesino's notion that the Board can deny this application is somewhat of a stretch and that his sense is that the Board would not wish to expose itself to a lawsuit by denying an application that is conforming on the allegations that there is environmental degradation, which is not the case here. Mr. Malman continued to say that the main issue is the objector's conditions and whether they are unreasonable, arbitrary and capricious. He continued to address Mr. Inglesino's letter:

- Mr. Inglesino's letter indicates that these lots are not properly designed with appropriate improvements so, therefore, in the future, there could be potentially a host of variances requested. Mr. Malman refuted this and stated that this is not the case. He opined that the lots are properly sized for a 10,000 square-foot house with areas for stormwater improvements and that most of the lots are more than five acres in size. He opined that Mr. Inglesino's contention that there would be a dramatic increase in variance requests is arguable and that even if this was the case, there is nothing wrong with future homeowners requesting variance relief since there are often good reasons to seek a variance. This is for the Board of Adjustment to decide. Mr. Malman stated that these lots can support reasonable development that will fit in well with the community.
- Mr. Inglesino suggested a condition based on lot averaging. Mr. Malman stated that the ordinance does not require lot averaging and that this would not make any sense with the six lots that are before the Board. Some of these lots are located on the south side of the site and the others on the north side of the site and to consider lot averaging on these lots does not make any sense in the context of this application. Also, Mr. Malman opined that there is no guarantee that a lot averaging plan would preserve more trees or have less disturbance. He stated that lot averaging would not be a consideration with this application and that there is no reason to do so.

Mr. Malman continued by addressing the conditions that Mr. Inglesino addressed in his letter on Page 6.

- Establish conservation easements on the subject property. Mr. Malman stated that conservation easements basically prohibit all activity in a specified area and the suggestion that a conservation easement be put on all of the steep slopes on the property is onerous and burdensome. Steep slopes can be disturbed, and the plans before the Board are only conceptual plans, which will change. As long as it is within the confines of the ordinance then it is not unreasonable. If a conservation easement was imposed on all the steep slopes, then what is indicated on the plan before the Board would need to be adhered to since the restriction of a conservation easement would prevent any changes to the conceptual development on the lot in order to avoid disturbing any steep slopes. Also, lot lines can change, which affects the steep slope calculation. He opined that to impose a conservation easement is totally improper and unreasonable.
- Establish tree cutting limitation on the boundaries of lots such that no tree cutting may occur within 25 feet of a side yard or 50 feet from a front yard. Mr. Malman stated that this is unreasonable and arbitrary and capricious. Again, lot lines can change, and if these limitations were imposed this would prevent in the future any movement of lot lines or changes. The ordinance already addresses these limitations and that Mendham Township has a reputation for enforcing their ordinances.

- Mr. Malman addressed tree removal and referred to Exhibit A-14 dated November 29, 2022. He stated that the exhibit indicates the comparison of disturbance and limits in the existing lot in blue and in the proposed lot, which is in black. He explained that because the lots have gotten smaller, the steep slopes square footage becomes smaller per lot and that this forces the houses to come closer to the road, whereby in the current lots, the houses would be situated further back, which is closer to the wetland and riparian limits. Mr. Malman stated that this proposed plan has no negative impact on the wetland areas and that in terms of the limits of disturbance the overall change is less than one half an acre and not terribly significant. He stated that again the ordinance addresses the Tree Removal Permitting process and that adding this as a condition is not necessary. The ordinance speaks for itself.

Mr. Malman went on to say that the applicant did agree to abide by the restriction period for tree removal from April 1st – November 15 because of the Indiana bats. He explained that this is a condition imposed by DEP when DEP permits are obtained. However, in this case there is no DEP permit required; however, the applicant is willing to oblige to this condition.

- Mr. Malman addressed a requirement that a Habitat and Tree Survey be submitted to the U.S. Fish & Wildlife Service for assessment, where any recommendations made are binding upon the applicant. He stated that there is no requirement to do this and that this is a capricious and unreasonable request. It would make these lots unmarketable since the process for this assessment is expensive and time consuming and a condition such as this is essentially denying the application. It would make it very difficult to develop these properties.

Mr. Malman concluded by stating that he totally disagrees with the assessment that Mr. Inglesino has presented with this application. The application complies with the ordinance and is environmentally sensitive to the site without disturbing wetlands and stays within the confines of the steep slope ordinance. He is opposed to the unreasonable conditions that are set forth in Mr. Inglesino's letter; however, as stated, he will accept the condition prohibiting tree removal between April 1st and November 15, which is the peak roosting season for Indiana bats.

Mr. Brewer commented about some of the misrepresentations of Mr. Inglesino's summary and the context of why these issues were raised. He discussed the proposed conditions and whether they are reasonable, and he particularly addressed the establishment of conservation easements to prevent development on steep slopes. If the manner in which this is being asked to be done would prevent all development, then this would be arbitrary and capricious. This is why he asked that these issues be presented in detail beforehand. He emphasized the importance of knowing beforehand the context in which these conditions are being requested, which is why he requested that Mr. Inglesino submit his comments ten days prior to this hearing so that these issues could be studied and addressed by understanding their context.

Ms. Neibart inquired about Mr. Malman's comment regarding lot averaging in its entirety and whether the applicant has any further plans to develop the property. Mr. Malman responded that he is not aware of any plans that the applicant may have regarding lot averaging. Ms. Neibart inquired whether the Board can approve only a part of this application – more specifically the southern lots and perhaps not the northern lots. Mr. Brewer responded that this cannot be done since the applicant is allowed to seek an approval based on what they are requesting and that the Board's responsibility is to judge what is presented in the application. The application cannot be altered.

Mr. Keenan explained for the record the process that a future homeowner would need to follow for steep slope disturbance and/or tree removal. He stated that if a purchaser bought a lot, they would need to enlist an engineer in order to prepare a site plan for their individual property. Assuming it is fully conforming, the homeowner would then need to submit a Lot Grading Permit to the Township, which is then sent to the Township engineer for review of stormwater management etc. and approval. Mendham Township has a very detailed Lot Grading ordinance, which is used as a guide to ensure that all the ordinance standards are satisfied and in compliance, including a steep slope analysis. This process is used for all Lot Grading applications that are submitted to Mendham Township. If the application does not comply, then the process is discontinued. The application would then either need to be revised in order to comply with the ordinance, or it would go before the Zoning Board for review. They would have the authority to approve any steep slopes impacts. Also, the Lot Grading process identifies any trees that need to be removed and that a tree removal permit would need to be obtained. Board of Health approval for septic is also a requirement as part of the process. Mr. Keenan stated that once all the required approvals have been obtained, then the Building Department can issue a building permit for construction.

Ms. DeMeo inquired as to whether the tree removal permit must be obtained before a Lot Grading Permit is submitted. Mr. Keenan responded that this is a concurrent process with regards to the Lot Grading application and tree removal permit. The Tree Preservation Committee reviews this portion of the application as engineering is reviewing the Lot Grading application. Mr. Keenan clarified that there would be no building permit issued until a Tree Preservation Committee approval is obtained. If any tree removal is done without approval, then a violation would be issued, whereby certain actions can be taken by the town; however, it depends on what has occurred. The town would perhaps require some corrective measures or impose fines. Mr. Brewer added that to remove trees without an approval would be a violation of one portion of the ordinance. This could be enforced by imposing fines. As part of a resolution, the resolution and conditions become the zoning so it becomes a violation of the zoning code, which has its own penalties. Ms. Neibart opined that there have been questionable practices on the lots by the owner of Lawrence Farmland, LLC so it would be prudent to put it in a resolution. Mr. Keenan clarified that as part of the Lot Grading process, inspectors are regularly inspecting the subject site.

Mr. Keenan raised his concerns about the contingency requested for the establishment of conservation easements on the subject property in order to prevent development on steep slopes with regards to the back four lots on the northern side. He stated that there are steep slopes in this area and that if these were restricted, it really doesn't leave any contiguous area to develop and that there may not even be the ability to put homes in that area. The reasonable way that those lots would be developed and which is shown on the plans is that there would be the need to disturb some steep slopes in accordance with meeting the limitations of the ordinance on the number of steep slopes that can be disturbed. Mr. Keenan clarified that the standards within the steep slope ordinance is sufficient in addressing steep slope disturbance. Mr. Brewer stated that the request by the MAPC to codify what is required is already sufficiently addressed in the Township ordinance. He explained that if the ordinance should change, then the applicant is immune from changes to the code for a certain period of time. They would have the security of the regulations at the time of approval and that existed at that time.

Mr. Maglione inquired if there is COAH (affordable housing) requirement, and Mr. Malman responded that part of the building fees go to COAH. This is part of the Township's ordinance as part of the process. He explained this further.

Ms. Neibart inquired about the updated stormwater regulations and how these regulations will impact this development. Mr. Keenan responded that there are currently updated stormwater management regulations with respect to the Township's MS4 permitting, which is the Township's permitted right to discharge stormwater into streams and waterways within the municipality. Every town has this and that there are further imminent updated regulations; however, there are no changes to any land development projects as there was two years ago. He stated that this project will need to be designed according to the updated regulations of two years ago.

Mr. Keenan confirmed for Ms. DeMeo that should the application be approved that each of these lots would be required to install a stormwater basin. Each lot would be considered a major development from a stormwater management standpoint and that all the requirements would need to be followed – the quantity reduction requirements, ground water recharge requirements and water quality requirements. Mr. Keenan explained that as each lot is developed, the homeowner will have to compile their own Operations and Maintenance Manual, which will be filed with the deed for that property once it's established and approved. There would then be certain inspection requirements for that property, and it would be the homeowner's responsibility to perform an inspection on whatever their stormwater management facility may be and then turn this over to the Township engineer on an annual basis. This is not uncommon with Lot Grading applications in Mendham Township. Mr. Keenan discussed further the various stormwater facilities with regards to the advantages of having one basin for an entire subdivision (one entity to maintain it properly) as opposed to an individual stormwater facility for each property. Ms. Neibart raised her concerns of vehicle access in and out of the property in order to service the stormwater facility, and Mr. Keenan responded that this would need to be considered when there is an ultimate design since the current design is very conceptual.

Ms. DeMeo inquired about the tree conservation area becoming a conservation easement. She opined that Mr. Malman made a very good point regarding an easement being unreasonable along the side of the property because the lot lines could potentially change in the future. She inquired as to whether a conservation easement could be imposed for the 50-foot area in the front yard to allow for just a driveway and whereby nothing else would be allowed to be removed. Chairman Giordano explained that imposing such an easement would be very restrictive with any change that may occur in the future. Mr. Maglione agreed that there are too many factors involved to impose such a condition with such a conceptual plan. Ms. Neibart stated that she would support Ms. DeMeo's suggestion of a 50-foot easement in the front yard and that the Board should be sensitive to the environmental factors on the northern portion of the site. She inquired about the difference between lot averaging and cluster zoning, and Mr. Brewer stated that he was not prepared to give a complete analysis about the difference between the two. Ms. Neibart went on to say that that this information would be useful in order to make an informed decision on the conditions requested in Mr. Inglesino's letter. Chairman Giordano explained that one cannot just change or re-write an application that has been submitted to accommodate requested conditions by an objector. The Board's statutory duty is to approve with conditions on the plan or deny with an explanation but not to re-write an application or plan. There are other mechanisms, whereby if there is an issue with respect to steep slopes etc., then there would be a requirement to go before the Board of Adjustment for a variance. If there was tree removal that had not been approved, then there are mechanisms in the ordinance for penalties and restoration. Chairman Giordano reiterated that this is a statutory body requiring to follow the statutes, which has been handed down by the Governing Body and that there is nothing in the statutes that allows for the Board to re-write an application or plan. Ms. Neibart discussed her support for considering lot averaging on the northern lots in support of environmental protection and wished to understand how the notion of lot averaging or cluster zoning had been considered by the Board in the past on applications. This subject was discussed further between the Board members.

Mr. D'Emidio opined that the site is being protected and that there is very little disturbance with three or four lots added to the plan. He went on to say that there also is not that much steep slope disturbance in the 25% category and that the application is not written for cluster zoning or lot averaging. The Board cannot alter this.

Chairman Giordano suggested that there be a motion to instruct Mr. Brewer to prepare a resolution and include in the motion any of the conditions that are not already imposed based on current law. Ms. DeMeo inquired about whether the Board will discuss the conditions that Mr. Brewer will include in the resolution.

Chairman Giordano reviewed and addressed the conditions requested by MAPC and listed in Mr. Inglesino's letter dated January 16, 2023. After much discussion and argument by the Board members and attorneys regarding the proposed conditions the following was decided:

1. Conservation easements on the subject property – **covered by Township ordinances.**
2. Tree cutting limitations on the boundaries of lots within the subject property, such that no tree cutting may occur within 25 feet of a side yard or 50 feet from a front, except to permit a driveway. There was some discussion regarding this and whether a 50-foot conservation easement should be imposed perhaps in the front yards. Chairman Giordano stated that he has a philosophical issue with putting restrictions on a piece of property where there is already a function in place in the Township. **It was decided that the tree cutting limitations is covered by the Township ordinance.**
3. Require applicant to apply for and obtain Tree Removal Permits from the Township Tree Preservation Committee – **allow for this contingency.**
4. Require applicant to prepare a Habitat and Tree Survey to the U.S Fish & Wildlife Service for assessment – **not in favor of this.**
5. Prohibit any tree removal or cutting between the period of April 1st to November 15th because of the Indiana bats – **allow for this contingency.**

There was also some discussion regarding restrictive parking on the road, and it was decided that this was not necessary.

Mr. Inglesino maintained his argument that the reason for the conditions he outlined in his letter is to create a sense of permanency with regard to the current conditions in the ordinance so that if the ordinance changes at some subsequent date that the properties are still bound by these conditions. Chairman Giordano objected to this reasoning since there will always be necessary relief and that by allowing these current conditions any future modifications in the ordinances that may occur by the Township Committee would be too restrictive by taking the power out of the hands of the Governing Body.

Mr. D'Emidio made a motion to authorize Mr. Brewer to draw up a resolution in favor of Application PB 22-04, Block 147, Lots 42.06, 42.07, 42.08, 42.12, 42.13, 42.16 for a Preliminary and Final Major Subdivision approval subject to the following conditions, and Mr. Maglione seconded the motion:

- Require applicant to apply for and obtain Tree Removal Permits from the Township Tree Preservation Committee (#3 contingency in Mr. Inglesino's letter).
- Prohibit any tree removal or cutting between the period of April 1 to November 15th, which is the peak roosting season for the Indiana bats (#5 contingency in Mr. Inglesino's letter).

- Redefine the wetlands based on the LOI when it is received from DEP. The ordinance mandates this as well.

Upon roll call:

AYES: Mr. D'Emidio, Ms. DeMeo, Mr. Johnson, Mr. Mayer, Mr. Maglione, Chairman Giordano
NAYES: Ms. Neibart

Chairman Giordano announced that the application will be carried with no further notice to the next scheduled Planning Board meeting on February 15, 2023 at 7:00 pm at the Mendham Township Middle School, All Purpose Room.

DISCUSSION ITEM

Standing Committee

It was determined that Mr. D'Emidio and Ms. DeMeo will remain on the TRC and that Mr. Mayer will no longer serve on the TRC. Ms. Tracy Moreen will now serve on the TRC.

Master Plan Committee

It was determined that Mr. Mark Trokan will be added to the Master Plan Committee. Ms. Foley will inform Mr. Sam Tolley, the Chair of the Master Plan Committee, that Mr. Trokan is now a member of the committee.

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

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

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

The meeting adjourned at 9:49 pm.

Respectively Submitted,

Beth Foley
Planning Board Secretary