

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD  
REGULAR MEETING HELD MARCH 17, 2021  
VIA ZOOM**

The remote meeting via zoom was called to order by Chairman Giordano at 7:30 p.m. who asked for a roll call. Upon roll call:

**ROLL CALL**

**PRESENT:** Mr. Baio, Mr. Monaghan, Mr. D’Emidio, Ms. DeMeo, Mr. Johnson, Mr. Mayer, Mr. Maglione, Chairman Giordano  
**ABSENT:** Mr. Perri  
**Others present:** Mr. Dennis Keenan, Ms. Edward Buzak, Mr. Ryan Conklin, Mr. Jack Szczepanski

**SALUTE 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, 2021 and Notice was filed with the Township Clerk on January 6, 2021.

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 and decorum and civility appropriate to a quasi-judicial hearing will be maintained at all time.

**MINUTES**

A motion was made to approve the February 17, 2021 regular meeting minutes, and it was seconded. All agreed.

**ABSTAIN:** None

Mr. Buzak began by swearing in the Board’s professionals.

**APPLICATION – PB- 21-01**

Pinnacle Ventures, LLC  
22 Saint John’s Drive  
Block 100, Lot 17.03  
Major Preliminary and Final Site Plan

Mr. Thomas Malman, attorney on behalf of the applicant, made an appearance for the record. He stated that the applicant’s plan is to discuss the first component of the application, which is the requirement by ordinance to prove that the existing structures onsite can be demolished.

Mr. Buzak swore in Mr. Fedderly and Mr. Moschello as witnesses for the applicant.

Mr. D’Emidio and Mr. Meyer arrived at 7:35 pm

Mr. Malman reviewed the history of the project and stated that the property is located on St. John’s Drive, Block 100, Lot 17.03 with a land coverage of approximately 18 acres. This is an application

before the Board for a Preliminary and Final Site Plan approval with bulk variances (related to some accessory structures) and that the property is in the R-10 Overlay Zone. The property currently has approximately 135,000 square feet over a total of five different buildings and that the premise was last used as a school and has been vacant since 2010. It was owned by the Sisters of St. John the Baptist Church for many years, and the current owner of the property acquired title about a year ago as Hospitality Resources, Hillendale, LLC. He went on to say that the structure of the property is largely in decay and that the applicant for the application is called Pinnacle Ventures, LLC and that company is the contract purchaser who will ultimately develop this site should the Board see fit to approve the project. Mr. Malman stated that the application proposes 44 luxury townhouse units and proposes to demolish all the structures presently on the site.

Mr. Malman continued with a history of the project and said that there was an application before the Board in 2015 and that the Board at that time approved a plan that was submitted by an applicant called Auber Resources (Mr. Jeff Toia was the applicant). The plan provided for the retention of the large buildings on the site, the mansion as well as the old school buildings, the demolition of some accessory buildings and the construction of 53 age-restricted units of which many would have been contained in the old mansion along with others around the site. Access to the approved project was from St. John Drive. At the time the application was approved as submitted, the ordinance required that the existing main buildings be retained, though it allowed for the accessory buildings to be demolished. That project at that time again was approved but not constructed, and the site looks today as it did in 2015.

Mr. Malman went on to say that since 2015, there have been a couple of significant events relative to amendments in the Township ordinance - the first of which was that the age restriction requirement was removed. The other requirement in the amended ordinance as a significant event was that the existing main structures may be demolished provided that it is demonstrated to the Board that certain criteria are met. If the Board finds that these structures can be demolished because the criteria does exist, then the applicant can proceed with the site plan in this case.

Mr. Malman went on to say that it is important to site that the Historic Preservation Committee has already submitted their comments with regards to the project. In 2018, Mr. Robert Scialla on behalf of the Historic Committee issued a letter about the condition of the buildings. A current letter dated March 4, 2021 was submitted by the Historic Preservation Committee and signed by the current Chairperson, Vanessa Brown. Mr. Malman read the March 4, 2021 Historic Preservation Committee letter into the record.

Mr. Malman called Mr. Fedderly as his first witness. Mr. John Fedderly stated that he resides at 67 Green Avenue, Madison, NJ and that he is the managing member of Hospitality Resources, Hillendale, LLC (HRH). HRH acquired the property in January, 2020 and was aware that this was a challenging site with a long history and was effectively saddled with an abandoned building. However, it was concluded that the land itself was exceptional due to its location, physical setting, and the surrounding community. The progressive changes to the overlay zoning ordinance provided an opportunity to potentially demolish all the buildings on the property and proceed with development. Covid briefly put the project on pause in 2020 but that it became apparent that with the ongoing suburban migration in the residential community that there was a real opportunity that needed to be seized in order to unlock the potential of this particular property. HRH partnered with Pinnacle Ventures, and the project is now moving forward. He clarified that HRH is the owner of the property with Pinnacle Ventures being the applicant and he, Mr. Fedderly, is the managing member of HRH.

Mr. Fedderly stated that his testimony is focused on the issue of the demolition criteria that are stated in the overlay zone ordinance, and Mr. Malman read into the record for the Board Ordinance 21-5b-2, which outlined the criteria for allowing the structure to be demolished. Mr. Fedderly continued his discussion with the buildings themselves and stated that they have been idle for over ten years during which time they have significantly deteriorated. While present on the property, he encountered much water infiltration, mold and damage throughout the buildings along with asbestos, which will need to be mitigated and noted that the buildings have also been vandalized over a period of time as well. Mr. Fedderly went on to illustrate a series of photographs showing the physical condition of the building, and Mr. Malman stated that these photographs were submitted to the Board in advance of the hearing this evening. Mr. Buzak stated that the photographs need to first be authenticated and were marked as AHRH1 – AHRH16. Mr. Fedderly stated that he took all the photographs personally two Saturday's ago and that they accurately depict the condition of the property and what he actually saw when he was there. Each photograph was shown to the Board.

Mr. Malman again referred to the letter from Ms. Vanessa Brown of the Historic Preservation Committee, which summarized that the building should be demolished, and Mr. Fedderly agreed that his photographs demonstrate this conclusion as well. He stated that the applicant and HRH attended the most recent HPC meeting and discussed these various items, which really remain unchanged from 2018 other than the fact that the condition of the building has furthered deteriorated since then. Importantly, the applicant reviewed a 2018 HPC letter and that there were site visits made by HPC members at that time, who also concluded that the existing building should be removed thereby providing the best opportunity for a successful development project in Mendham Township. Additionally, the tax assessor in Mendham Township has also recognized that the buildings are in a state of disrepair and that the assessed value for all the improvements on this property was reduced to a total of \$200,000, which equates to about \$1.48 per square foot given all the buildings together are about 135,000 square feet. As result of what the HPC concluded with regards to the physical condition of the property, along with the tax assessor's acknowledgment that property has no value at this point, it was concluded that the buildings could be demolished and meet the criteria for demolition as follows:

- Structures are obsolete per the tax assessor and HPC findings.
- The structures present no economic value per the tax assessor's finding.
- The cost to repurpose/reuse the existing buildings far exceeds the return on investment.
- The structures do not lend themselves to the approved project since it became a non-viable project. Mr. Fedderly went on to say that the history of the development efforts supports this as well. There was an approval in 2015, with 53 units but the project became non-viable since many of the units had to be built within the main structure.
- Any other reason acceptable to this Planning Board.

Mr. Fedderly stated that this is a very challenging site with extraordinarily expensive site development activities that need to be undertaken that the applicant's professionals will address, particularly with St. John's Drive, the wastewater treatment plant, and the water supply. The property has been a long idle, unproductive piece of property with a boarded up, deteriorating building and is inconsistent with the character of the neighborhood and community of the Township. Mr. Fedderly continued to say that the proposed new townhouses are a less intensive re-use than the quasi-commercial uses that are allowed in the overlay ordinance, such as schools, assistant living, non-profit etc.

Chairman Giordano opened the discussion to the Board members. Mr. Mayer inquired as to the amount of time it would take to demolish all the buildings on the site and when, if approved, the demolition would commence. Mr. Malman responded that the ordinance has specific guidelines

as to when construction/demolition activities can occur. If the application is approved, there would be a Developer's Agreement that would chronicle the time line. In terms of when the project would commence, this is a function of when and if the project is approved. However, his client will most likely testify at some point that they are anxious to move ahead and start demolition as soon as possible. Mr. Malman clarified that the current issue is whether demolition should be allowed or not allowed.

Mr. D'Emidio inquired about asbestos or lead remediation. Mr. Fedderly stated that there has been a complete survey for both lead and asbestos conducted on the property. The lead survey indicated very little lead at all but that any lead issues would be ameliorated before demolition. He stated that there is definitely asbestos in the building, which would also be removed prior to demolition.

Mr. D'Emidio inquired as to how many truck loads would be removed from the site during the demolition process as far as debris is concerned. Mr. Fedderly stated that there will be testimony given by the applicant's engineering staff that will discuss the cuts and fills on the property; however, his understanding is that the objective would be to crush the material and utilize it onsite to the maximum extent possible in order to minimize the number of trucks traveling up and down St. John's Drive. A note was made by Mr. Malman to address at a subsequent hearing Mr. D'Emidio's concerns regarding materials other than the concrete and brick that can be crushed onsite that must be trucked off the site.

Mr. Monaghan inquired about the relationship between the applicant and the owner and who would ultimately own the property. Mr. Fedderly responded that his entity, HRH, is the current owner of the property and that HRH is under contract to sell the property to Pinnacle Ventures, who would proceed with the development of the property subsequent to a site plan approval. He stated that the transfer title may take place before any demolition occurs.

Mr. Monaghan inquired about the noise factor involved with the demolition process since this is located in a residential area and how this could be mitigated. Mr. Fedderly stated that he would defer to the engineers, who will testify later and discuss the particulars of the demolition process with time lines etc. There will be noise generated; however, there are ways to position the crushers away from the residents' homes and that there would be a commitment to do this in a way that is the least impactful method of reusing the materials onsite.

Mr. Monaghan went on to say that the discussion has led to questions about the actual demolition process since the demolition needs to be approved first; however, it seems that the actual process itself will be discussed after a possible approval. Mr. Malman responded that the ordinance dictates that these demolition issues must be raised during a site plan review. The demolition ordinance sites whether the building is obsolete etc. and does not speak to the impacts, which is discussed again during a site plan review with other issues and impacts such as traffic, lighting etc. The threshold question currently is simply whether the buildings should or should not be demolished. Mr. Buzak stated that Mr. Malman's point is well made and that if the Board makes an affirmative decision to allow for the demolition of the buildings based upon the criteria set forth in the ordinance, any decision would then be subject to conditions that the Board would impose at the end of the application. When all the testimony is provided, the Board can reasonably regulate that demolition.

Ms. DeMeo stated that it has been well demonstrated that the buildings need to be demolished; however, she raised a question with regards to a portion of the Environmental Impact Statement by Eco Sciences Inc. She referred to Page 16 where it states that a request for information regarding threatened and endangered species were sent to the National Heritage program and

that their response is pending. Ms. DeMeo inquired whether there has been a response from them. Mr. Malman responded that he may have seen something regarding this just recently; however, during the site plan presentation there will be testimony regarding all these types of issues regarding endangered species, adverse impacts etc. Ms. DeMeo went on to say that her concern is that unless these results are shared with the Board, a demolition might be approved when there could potentially be threatened species that are at risk because of the demolition.

Mr. Buzak stated that he is not in disagreement of Ms. DeMeo's assessment except that the current decision at hand is whether the building should be demolished. He went on to say that when the information regarding endangered species is provided, then this will be the basis amongst other issues raised for imposition of conditions. Mr. Buzak opined that these decisions can be made later on with adjustments made and confirmed; however, the information Ms. DeMeo spoke about must certainly be provided. Mr. Malman confirmed that this would be provided.

Mr. Maglione stated that it is his understanding that the Board would be approving the premise that the buildings can be demolished. This would not be an approval for any sort of demolition or site work to commence until final approval and that essentially it is the Board acknowledging that the buildings are in such disrepair that demolition is feasible. He went on to say that the applicant is looking for some assurance that the plans presented to the Board, which do not include the buildings, can proceed since without the removal of the buildings the site plan is mute. He agreed that the details will come later with the final approval and that within that final approval will be the ability to demolish the buildings. Mr. Malman agreed with Mr. Maglione's assessment.

Chairman Giordano inquired as to any materials that would be worth salvaging in the mansion such as stain glass windows etc. Mr. Fedderly responded that as part of the acquisition from the Sisters, these types of materials were offered to the Sisters, in particular, some of the artifacts in the chapel. He went on to say that there is a sensitivity in ensuring that these items are preserved. If the Sisters decide that they do not want the artifacts, they could still be salvaged. Mr. Fedderly states that he is not sure if the items are historic in nature but that there will be an ongoing dialogue with the HPC with regards to the preservation of any salvageable artifacts.

Mr. Buzak inquired if there has been any economic analysis or study conducted regarding the cost to readapt, repurpose or reuse the structures. Mr. Fedderly responded that the assessment of the current approval and the idea of reusing the buildings was accomplished through an internal calculation and not relying on outside sources. However, it was quickly concluded that post Covid, the idea of having these oddly configured small condominiums in a building that had to have common elements was not favorable to the current market. This eliminated the concept of the original approval and that this was driven more by what the marketability of the product in the building would be. The prior approval relied on a subgrade parking garage, which would have required extensive renovation of the building and that this grand concept did not have much basis in what the market would allow. Mr. Fedderly went on to say that even with the current project of 44 townhouses, it is still an expensive site from a site development cost standpoint because of St. John's Drive, an onsite wastewater treatment plant, water supply issues, and the necessity to enhance the power that is being delivered to the property. The site costs associated with the property are very excessive and to add a renovation of a building that is in complete disrepair to yield units that may not be marketable does not make sense.

Chairman Giordano asked for a motion to open the meeting to the public for the purpose of cross-examining Mr. Fedderly on his testimony and restricted solely to this testimony as to the obsolescence of the building. A motion was made, and it was seconded. All agreed.

Mr. Daniel Kline stated that he is with the law firm Herold Law, Warren Township and appearing on behalf of the objectors, Norman and Michelle Menz of 81 Mosley Road in Far Hills. Mr. Kline brought up the issue of the appropriateness for the demolition of the building and inquired about the internal analysis performed by HRH as to the actual cost of the reuse of the building. Mr. Fedderly confirmed that this analysis was not given to the Board as part of the application and that it was an informal assessment based on perceived market value of 29 condominium units in the building. Mr. Kline asked that Mr. Fedderly provide the statistics and the formula used for the market value for the total cost. Mr. Malman stated that this is irrelevant and does not need to be submitted and objected to the request. Mr. Fedderly stated that the HPC made this conclusion in 2018, and it was reiterated again in 2020. Mr. Kline stated that when the HPC conducted their site visit in 2018 that they received their information from the previous property owner and that the information given was only verbal representation that the building was in a state of deterioration and that the cost would exceed its use. Mr. Fedderly responded that he was not involved in those communications and does not know what was discussed. Mr. Kline went on to say that in all the HPC's evaluation and determinations that there is no mathematical formula or cost analysis. Mr. Fedderly stated that there is some testimony of record in 2018 by the developer at that time indicating that he assessed all of the site costs and made representations to the Township Committee and perhaps had some analysis with it, which came in at a site cost well in excess of 20 million dollars.

Mr. Kline asked Mr. Fedderly that during his 2020-2021 analysis whether there is a chance of any endangered or threatened species currently in this building. Mr. Fedderly responded that the experts from EIS would conduct a survey to determine whether there are endangered species habituating in the building prior to demolition.

Mr. Kline referred to the resolution that was approved in 2015 whereby the property was to be developed, which included the mansion. He inquired as to who was responsible for the maintenance and upkeep of the mansion in 2015. Chairman Giordano interjected that Mr. Kline is beyond the scope of questions he can ask since Mr. Fedderly was not involved with the project in 2015. Mr. Kline clarified that this property was in fact approved and then left to fall into a state of disrepair. Chairman Giordano questioned Mr. Kline's thought process that he is perhaps trying to proffer for the Board that it was a grand scheme between Mr. Toia and Mr. Fedderly (who was not involved with the project in 2015) to ensure that nobody did anything on the property for six years in order that it fall into disrepair. He added that in 2015, the original plan was to utilize the mansion, and since one of the criteria is that it does not lend itself to the current project, Mr. Fedderly has made this quite clear. Mr. Malman clarified that the property was owned by the Sisters in 2015 up until last year. Mr. Kline stated that there was no allegation intended and apologized if it came across that way. He is seeking clarification on what changed between when it was originally approved versus the consideration by the Board currently to demolish the building. He said that Mr. Fedderly previously testified that he believed there was something in the record from 2015 that the cost would greatly exceed the possibility of reusing the mansion yet it was still approved in 2015 to repurpose the mansion. Mr. Fedderly clarified that he corrected himself previously that it was 2018 when the developer at the time made representations that the site costs would well exceed the possibility of repurposing the mansion.

Mr. Kline asked for confirmation that the public has not had a chance to perform an inspection – either the public at large or somebody who is not the current owner of the property or member of the HPC or some appointed municipal Board member. Mr. Malman responded that the HPC has conducted a visit but that he is unaware if anyone else has been there. Mr. Kline inquired if there would be an opportunity for any inspection by an expert beyond either Mendham Township or the property owner in order to perform their own assessments. Mr. Malman responded that this is not being proposed but that the Board can consider this if they see fit. The applicant believes that

the evidence stands on itself and that the building should be demolished. Mr. Kline stated that this decision is by evidence based on the one reference in 2018 and the internal data, which the Board has not received. Mr. Malman responded that it is the evidence of the HPC report, the tax assessor's determination, and Mr. Fedderly's testimony that the building cannot be reused. Any one of these can support the demolition; however, there is more than one piece of evidence.

Mr. Kline referred to the HPC report itself and inquired whether there was any mathematical formula or economic data used in its analysis. Mr. Malman stated that the letter speaks for itself and that this is not required.

Mr. Carlos Laboy of 85 Mosle Road inquired as to whether there is an updated and detailed return on invested capital exercise for this project with its underlying assumptions and the basis for those assumptions. Mr. Fedderly responded that there are five criteria that support the demolition of the building and that the testimony was outlined addressing each of those five criteria; however, for a finding by the Planning Board there only needs to be one criterion. There is physical evidence of disrepair of the property making it unsuitable for rehabilitation.

Mr. Laboy inquired whether there has been any environmental study that would be available in order to see the impact of the demolition that could be detrimental to the residents in the area, particularly any toxic materials finding its way into the water wells or ponds. Mr. Malman stated that this is a question that can be raised during the course of the proceedings should the application move forward. Mr. Laboy reiterated his question as to whether the demolition has detrimental environmental impacts or not, and Mr. Malman responded that there will be conditions imposed upon the demolition to ensure that it is performed efficiently and safely as possible. Chairman Giordano inquired whether the EIS has been filed with the application, and Mr. Malman stated it was submitted as part of the application and that it will offer additional testimony if the application proceeds. Chairman Giordano suggested that Mr. Laboy reach out to Ms. Foley to obtain a copy for review. Also, this application is being conducted in stages only because if the applicant cannot satisfy the criteria for demolition, then the rest of the application would not move forward, which is why it is being handled in this way at this time.

Mr. Mayer added that Mr. Laboy mentioned that this hearing would allow for a permit to be granted for demolition; however, this is not what is being done. There are no permits being issued in order to allow the demolition to take place but that basically it is to consider allowing the building to be demolished as part of the site plan approval.

Mr. William Barry Thompson stated that he was born in Peapack-Gladstone but currently lives in New York and is a trustee of the Schiff Natural Lands Trust. He is not, however, speaking on behalf of Schiff this evening. He inquired as to whether the physical condition of the deterioration of the mansion itself is as bad as the school wings of the building and whether perhaps any thought has been given to retaining the mansion for rehabilitation as opposed to demolishing the entire structure. Mr. Fedderly responded that the physical condition of the former Mosle mansion has pervasive water damage as well and referred to the slides he presented earlier showing the damage in the mansion. Mr. Thompson asked whether there has been any consideration in rehabilitating just the mansion portion and tearing down the school wings. Mr. Fedderly responded that there has not been any consideration in doing so.

Mr. Caminiti stated that he resides at 93 Mosle Road. He referenced the testimony given specifically in regards to the EIS and what it contains along with some of the other structures on the property. He inquired about the environmental assessment, not limited to lead and asbestos, but also anything that might be contained in the ground due to unsatisfactory practices in the past, which may represent an environmental impact to the properties that are downstream. Mr. Malman

responded that this will be addressed during the presentation of the site plan application in terms of environmental impact by an environmental consultant for the applicant. Mr. Caminiti respectively disagreed since in the absence of comprehensive information regarding what is actually on this site, he opined that it is a risk to disturb the site without knowing what is being disturbed and what is being done to prevent unwanted consequences. Chairman Giordano reiterated that the EIS can be accessed through the Mendham Township Planning Board materials presently online.

Mr. Anthony Reitano stated that he lives at 3 Carriage Hill Drive. He inquired whether Mr. Fedderly has an independent property condition report that was commissioned through a third party for any of the buildings on the property. Mr. Fedderly responded that he does not. Mr. Reitano inquired about the tax assessment, which is not available as part of the application on the website. Chairman Giordano clarified that this information would not be part of the application since this is independent to the tax assessor office. He went on to say that Mr. Malman stated that the tax assessment amount was reduced to \$200,000 on the structures. Mr. Reitano stated that though Mr. Fedderly did state that the assessment amount is \$200,000 that no one from the public has been able to see the basis for the \$200,000 and that the basis for removing the mansion is only the tax assessment and the two letters entered into the record from the HPC.

Mr. Amalia Duarte stated that she resides at 22 Brockden Drive in Mendham. She inquired about the historic artifacts that were mentioned earlier and whether these items have been cataloged. She said that she knows that the Sisters will have the opportunity to take whatever artifacts they wish; however, she inquired whether the Township will have an opportunity to secure the remaining items, if there is any interest in them. Mr. Fedderly responded that there has not been a cataloging of these items to date; however, once it has been determined with the Sisters what items they would like to retain, then there can perhaps be conversations about what becomes of the remaining items. Ms. Duarte emphasized that she would really like to see that whatever can be retained that is of value somehow ends up in the ownership of either the Sisters or Mendham Township.

Ms. Nicole Brown stated that she resides at 103 Mosle Road. She inquired about where on the proposed plan is housing density considered in relationship to the surrounding area. Mr. Malman responded that the question does not pertain to the demolition but that the ordinance specifies what density is available and that the applicant complies with the ordinance. This will part of the testimony when the site plan application is presented.

Mr. Alex Widrick stated that he resides at 7 Hunters Glen in Mendham Township. He inquired about both near-term rite of passage during demolition and long-term rite of passage through the park and how the park will be preserved as well. Mr. Malman responded that the question does not pertain to demolition and that the question refers to site access, which will be presented at the site plan presentation. Mr. Widrick clarified whether there will be site access for demolition or truck traffic through Mosle Park. Mr. Malman stated that the primary access is down St. John's Drive with only emergency access through the park, which currently exists. However, a traffic consultant will testify on this subject of truck traffic during demolition. Chairman Giordano reiterated that any traffic through Mosle Park is limited to emergency vehicles only and not primary access. Mr. Malman confirmed this.

Mr. Arjan Roganchi stated that he resides at 10 Brockden Drive in Mendham Township. He requested clarification on the scope of the demolition conversation since it is unclear to him. Mr. Malman responded that the ordinance essentially says that the applicant has the right to demolish the buildings on the site if some or all of the criteria can be met, which is stated in the ordinance. In the event that the Board concludes that buildings may be demolished, then the applicant has



the right to pursue the site plan application for a new project. He stated that this Board is not issuing a demolition permit but that this is a threshold issue whereby the site plan application may proceed beyond this meeting. Mr. Malman explained that a host of experts will be testifying if the site plan commences. Mr. Buzak added that this is an application before the Board who makes a unilateral decision and that if the applicant does not agree with the Board's decision of imposing a set of conditions, then there are remedies to challenge those conditions that the Board is imposing in court or walk away.

Mr. Buzak referenced 2018-3, which was the last amendment to this overlay zone and read the portion of the ordinance that states that the Planning Board may allow for demolition of existing buildings and structures upon the demonstration of "some or all" of the factors listed in the ordinance. The word "one or more" was deleted and substituted for "some or all." He went on to say that the applicant's testimony has attempted to address all five of the criteria that are set forth in the ordinance.

Mr. Monaghan asked whether the demolition only includes the main building with the two attached wings. Mr. Malman clarified that the application is for the demolition of all the buildings on the site. He explained that the original ordinance in 2015 allowed for the accessory buildings to be demolished but that the main building and school wings would be protected. The ordinance was amended to allow for the entire site to be demolished, if the criteria is met, which is being proposed.

After seeing no further hands, Chairman Giordano entertained a motion to close the meeting to the public. A motion was made, and it was seconded. All agreed.

Mr. Malman asked the Board to rule on this issue this evening. In summary, he opined that the applicant has met the burden set forth in the Ordinance and has met several of the criteria set forth in the Ordinance. The HPC supports the demolition as stated in their letter.

Chairman Giordano addressed the members of the Board in order to clarify to them that the concept is such that without the ability to take down the buildings, the rest of the project cannot move forward.

Mr. Keenan had no additional comments. Mr. Conklin opined that the buildings are in a state of deterioration after a visit to the site, and Mr. Szczepanski had no comment regarding this matter in particular.

Chairman Giordano entertained a motion that the applicant has met some or all of the criteria in order to allow the buildings to be removed or has not met some or all of the criteria. Mr. Buzak suggested that if the Board finds the former (that the applicant has met the criteria) that the motion also contain a condition that it is subject to conditions that the Board may impose when the balance of the application is heard and is contingent upon the approval of the balance of the application. This is all tied together.

Mr. Baio made a motion along with some comments. He stated that the building by virtue of a number of HPC visits and letters submitted has been determined to have no historic value to the town. Mr. Baio commended the developer for agreeing to allow the HPC and any interested party to conduct a walk-thru prior to the demolition to salvage any artifacts. He went on to say that the mansion can easily catch fire and that he has had conversations with the fire department, who are very concerned about this building and opined that the sooner this building can be demolished, the better. If any endangered species are discovered, they will certainly be treated with respect. This motion would include Mr. Buzak's prior suggestions regarding the entire plan being approved

and any further conditions that the Planning Board was to impose upon the demolition during the remainder of the application that is being put forward by Pinnacle. Mr. Johnson, Mendham Township's Chief of Police and who also sits on the Board, seconded the motion and also added a comment. He stated that he would like to echo Mr. Baio's comments. He stated that there are significant public safety concerns regarding the site with significant failure in the roof system. Also, people had to be removed from the structure filming a music video inside the structure and that it has become a destination, which is very risky and in furtherance of Mr. Baio's point. There is also evidence of homeless people seeking out the site as well.

Mr. Mayer added that the mansion is a fire safety hazard if it is allowed to remain with Peapack/Gladstone most likely serving the property should this occur.

Upon roll: Mr. Baio, Mr. Monaghan, Mr. D'Emidio, Ms. DeMeo, Mr. Johnson, Mr. Mayer, Chairman Giordano

Motion carried.

Chairman Giordano stated that the application as a site plan will continue on April 21, 2021.

Mr. Robert Moschello, engineer for the applicant, made an appearance on behalf of the applicant. He stated that he is employed by Gladstone Design, 265 Main Street, Gladstone, NJ. To allow for a voir dire by the Board and persons in attendance, Mr. Moschello stated that he is a civil engineer and that he has worked on this property since 2015 when it was under Auber Resources. The current applicant has retained Mr. Moschello and his firm again for the current site plan application. He went on to say that he is a licensed professional in the State of New Jersey and has appeared before numerous Boards throughout the State where he was accepted as an expert in civil engineering. Mr. Moschello also stated that his licenses are up-to-date and in effect. There were no questions from any of the Board members regarding Mr. Moschello's qualifications, and he was accepted by the Board as an expert for the applicant.

Mr. Moschello began by displaying an arial that shows the existing site plan and was marked as A-17. He stated that A-17 for the record is entitled "Project Arial Exhibit" dated March 17, 2021. The arial display is from the 2015 New Jersey State aerals. He pointed out the outline, which is in yellow, of Block 100, L17.03 and stated that the property is 18.139 acres. It is on the border of the Mendham Township, Peapack/Gladstone Borough municipal boundary line, which is the orange line shown on the plan. This also represents the County boundary line between Morris County and Somerset County and that the display shows the existing conditions on the property, generally as they are today. Mr. Moschello described the various buildings throughout the site with the Mosle mansion in the middle of the display and said that it is a big U-shaped building that was constructed with two wings built off of the mansion. The access road to the site is from St. John's Drive, and he described the looping road around the entire site, which exits back out to St. John's Drive. Mr. Moschello went on to say that there are no wetlands, open waters, or flood plains on the property since it is on top of a hill and that everything drains off in 360 degrees around the site.

Mr. Moschello displayed his next exhibit, which was marked as A18 and entitled "Proposed Site Development Rendering" dated August 19, 2015 and prepared by his firm for the prior application. He went on to describe the original plan, which was to retain the mansion and wings of the school and represented a 53-unit project that was approved at the time.

Mr. Moschello displayed his next exhibit, which was marked as A19 and entitled "Site Plan Rendering" dated March 17, 2021 by his firm. He stated that it is a Site Dimension and Landscape

Plan for the project. Mr. Moschello went on to say that the proposal is for 44 townhouse units situated off of St. John 's Drive and described the location of the units on the site. There is visitor parking, and the townhouse units are approximately 3,400 square feet in size with two-car garages and parking in a driveway for two cars as well. He pointed out the location of the sewer treatment building for a sewer treatment system and that the previously designed NJDEP approved water recharge beds for this system are being carried forward to this project. The emergency access will be maintained out to the park, along with maintaining some of the old St. John's Drive for emergency access for the fire trucks. He indicated some of the landscaping but stated that he will detail this further when he continues with the site plan application.

It was stated that the applicant does not need an extension granted at this time.

Mr. Buzak announced that for the purpose of the public that the hearing will be carried to April 21, 2021 at 7:30 pm via zoom. The website will contain the access information, and there will be no further notice of this meeting and no further publication or notice for this hearing on this application.

### **DISCUSSION ITEM**

#### **Master Plan – Land Use Plan & Housing Plan**

Mr. Ryan Conklin of H2M began by clarifying that this is not the public hearing of the Master Plan adoption but simply a discussion during an open public segment of this meeting and that the intent is to introduce some of the higher-level concepts to the Planning Board. The formal public hearing will be at the next available Planning Board meeting, whereby the Board will hear the public comments with regards to the adoption of the Master Plan.

Mr. Conklin stated that he does have a short presentation and that he has submitted the final draft version of the Master Plan for the Board's review. He began by sharing his screen of his presentation and gave a brief history of the background of the Master Plan Land Use Plan and Housing Plan study by the Master Plan subcommittee. Mr. Conklin stated that his firm, H2M, was authorized by the Township Committee in May, 2020 to commence the preparation of an amended Land Use Plan and Housing Plan. He went on to say that there were multiple meetings throughout the summer of 2020 with the Master Plan subcommittee, and he thanked the subcommittee members for volunteering their time and all of their efforts with the study. Mr. Conklin stated that he came into the project rather late (February, 2021) and has worked closely since with all involved and feels very confident that this is an accurate representation of the existing conditions along with the potential recommendations and findings that the Master Plan subcommittee worked through with his firm.

Mr. Conklin began his presentation, which will be part of the record and attached to the minutes. He discussed the following categories from his presentation:

- **Intent of the Process**
  - Explore opportunities for changes to current zoning regulations that would provide for development at sustainable densities while maintaining the existing community character.
- **Purpose of Master Plan**
  - Identify current planning issues and changes.
  - Update recommendations based on changes and new issues.
  - Base land use changes on updated Nitrate Dilution Model done in 2020.

- **Significant Changes**
  - Demographic changes, Housing Market Changes, Updated Nitrate Dilution Model.
  
- **Demographic Changes**
  - Mendham's estimated population has seen a slight decrease and population is much older compared to County and State population.
  
- **Existing Land Use**
  - Predominantly low-density residential, large areas of forests, significant areas of farmland, some wetlands.
  
- **Preserved & Institutional Lands**
  - Open Space and Preserved Farmland
  
- **Land Use Changes**
  - The Land Use Plan goes into extensive detail starting on Page 12 of the specific development patterns for certain sections in the Township.
  - Recent developments – Pitney Farm, Shores Road and Irene Springtree Farm.
  - There has actually been over the last six years a net decrease in C/O's issued in residential development.
  
- **Development Trends**
  - Shows building permits from 2005 – 2020 with a steady decline since 2014 to 2019 with an uptick in 2020 in part due to the mass exodus to the suburbs from the urban areas.
  - Board of Adjustment yearly report articulates the number and type of variances granted.
  - Drop off in net development since 2009 and more demolitions than COs in the past decade. The 2002 Master Plan put zoning in place for this to happen in order to preserve the rural historic nature of the Township. Now the intent of the update is to massage zoning and make recommendations that mildly respond to the changes since 2002 with no significant and traumatic departures from the existing zoning based on the analysis of the report.
  
- **Nitrate Dilution Model**
  - Study that assessed the maximum amount of development that can occur based on the current Nitrate Dilution standards. It is the maximum amount of septic infiltration and nitrate dilution that the land has the capability to handle under the current standards. That modeling was conducted Township-wide and does not factor in certain specific property issues but based on soil data that is available and by applying these standards to that soil data availability.
  
- **Further Breakdown of Nitrate Dilution Model**
  - Break down by zone and adjustments based on existing lots and environmental constraints.
  - Potential for approximately 281 new lots under current zoning. In reality this will not happen under the current conditions because of other additional limiting factors. However, there is limited potential and limited development within the municipality.
  
- **Resiliency and Environmental Sustainability**
  - Involves Flooding Concerns, Energy Supply Concerns, and Updated Stormwater Management Ordinance.

- **Land Use Recommendations**

- Intent of the recommendations is to help guide future zoning changes. This can be found in more detail in the Master Plan – Land Use Plan document on Page 28.
- Opportunities for clustering, which allows for significant conservation on a larger piece of property, while also allowing for a condensed development pattern. This allows property owners to maintain the value and property ownership rights while facilitating the conservation of environmental sensitive areas on properties.

- **Housing Plan Recommendations**

- Have also identified some additional properties for public preservation, which goes into more detail on Page 31 of the Master Plan – Housing Plan.
- Meet the change in housing preferences due to Covid-19 pandemic
- Adopt aging-in-place policies to allow for older residents to continue living in the community.
- Amend the current accessory apartment ordinance to expand housing options in the Township.

Mr. Conklin requested that the Planning Board provide him with any comments they may have so he can address those comments prior to the public hearing.

Mr. Buzak explained that in order to consider adopting this Land Use Element as part of the Master Plan a public hearing would need to be advertised by the Planning Board. The Municipal Land Use Law sets forth a protocol for published notice and individual notice to municipal clerks in adjacent municipalities at least ten days prior to the date of the hearing. The plan would be available to the public on the website and heard at the public hearing, which would include public comment. The Board would then consider adopting the Land Use Plan and Housing Plan at that time or carrying it to another meeting should there be substantial amendments that could not be made at the public hearing. Once it is adopted, then it is filed with the Planning Board, Clerk, and County Planning Board and becomes effective.

Mr. Buzak went on to say that the Master Plan is a vision for Mendham Township and that it is an important document because the Land Use Ordinances are to be consistent with this Master Plan. He went on to say that although the Township Committee can adopt ordinances that are not consistent with this Land Use Plan element and Master Plan, it would be a more difficult procedure to accomplish this since an explanation for why an ordinance is being adopted that is not consistent with the Master Plan would need to be explained and justified. He stated that this is a very important role for the Planning Board in the future development of the Township.

Mr. Baio stated that as a member of the Master Plan Subcommittee he commends Mr. Conklin for taking over the duties of the study under extremely adverse conditions. He went on to explain the background of the study performed by H2M with its many challenges along the way. Mr. Baio went on to say that this Master Plan is a generational shift in attitude and that the conclusion of some potential growth is very different from the past intent. He stated that he supports this conclusion and opined that reinvestment in one's property with regards to improvements is a sign of a healthy town and that the Master Plan amendments are appropriate and timely. When there is no new home construction, there is a decline in property values and that this has been sighted as such in Mendham Township. He opined that this Master Plan will allow the tax rates to decline with escalation of property values and that it is a positive step.

Mr. Maglione questioned the building permit data since it seems very low, and Mr. Conklin clarified that that the building permits reference CO's only, not C/A's, which are for minor home renovations.

Mr. D'Emidio sighted some technical errors and verbiage in the Master Plan Land Use Plan and Housing Plan document that should be corrected. Mr. Conklin noted Mr. D'Emidio's comments for correction.

Mr. Monaghan inquired about the public hearing for the Master Plan and that it most likely would not be heard at the next Planning Board public hearing since the current Hillendale application is still being heard at that time. His concern is that this adoption of the Master Plan will be pushed further out to some future Planning Board meeting in the coming months and that perhaps an interim meeting can be considered. Mr. Buzak clarified that a Special Meeting can be considered with a Special Meeting notice and that this Master Plan has been very thorough and is a solid plan. He stated that the adoption process for the Master Plan at a public hearing could be as much as two hours depending upon the number of public comments. Mr. Conklin stated that he would not anticipate his presentation to be more than an hour. There was some discussion regarding the consideration of a Special Meeting in order to hear the Master Plan, and it was decided ultimately that the Planning Board would like to consider a date in April for a Special meeting. Ms. Foley will reach out to the Professionals to see what date best fits with their schedules in order to communicate to the Planning Board members a Special Meeting date.

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

Mr. Z. Ross stated that he lives at 20 St. John's Drive in Gladstone. He requested that Chairman Giordano provide the public with the documents that he was referring to by way of his comment to Mr. Malman, attorney for the applicant, before the meeting began with regards to the amended stormwater management regulations. He also requested that Chairman Giordano state his relationship with HRH and the developer. Chairman Giordano stated that he has no relationship with HRH and/or the developer and that he has been Chairman for 26 years. He went on to state that the Township did not accomplish in time what needed to be done for the new Stormwater Management regulations that came into place. This is all a matter of public record, and as a result, the new regulations are not required for this application and that the applicant did not have to revise their application. He wanted to let Mr. Malman know that he is not expected to comply with the new stormwater regulations and what it involves.

Ms. Nicole Brown of Mosle Road requested if the Housing Plan refers to the housing density in the area. Mr. Conklin responded that there was not a density analysis conducted. Mr. Cancilla stated that the only other information would be pointing out the underlying zoning for minimum lot sizes but that this is not the same thing as what Ms. Brown is referring to. Mr. Conklin stated that his reference to cluster ordinances was that the Township already has cluster ordinances in place and that H2M is recommending that the Township consider cluster ordinances elsewhere within the municipality.

After Ms. Foley stated that she sees no other hands, Chairman Giordano asked for motion to close the meeting to the public. A motion was made and seconded.

Chairman Giordano entertained a motion to adjourn the meeting at 11:13 pm. A motion was made, and it was seconded. All agreed.

Respectively Submitted,

Beth Foley  
Planning Board Secretary