

**MINUTES OF THE TOWNSHIP OF MENDHAM PLANNING BOARD
REGULAR MEETING HELD AUGUST 18, 2021
VIA ZOOM**

The remote meeting via zoom was called to order by Chairman Giordano at 7:38 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. Perri, Mr. Mayer, Mr. Maglione, Chairman Giordano

ABSENT:

Others present: Mr. Edward Buzak, Mr. Ryan Conklin, Mr. Dennis Keenan, 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.

APPLICATION – PB- 21-01 – cont’d

Pinnacle Ventures, LLC
22 Saint John’s Drive
Block 100, Lot 17.03

Mr. Thomas Malman, attorney on behalf of the applicant, stated that their case was concluded at the last meeting on July 21, 2021 and that the public portion of the meeting was also concluded at that meeting and is closed. He began his summation of the application and stated that the hearing began in March, 2021, whereby the first issue addressed was the demolition of the existing building on the site. The Board determined that the building should be demolished, and he went on to say that this is an important application to the Township since the site is very unique and that there is nothing comparable to what is being proposed in this application in Mendham Township. Mr. Malman stated that this site was re-zoned some time ago to allow for townhouse development and that the age restriction requirement was removed a while ago.

Mr. Malman went on to say that the site is consistent with the zoning requirements, which allows for townhouses as a permitted use on the site. The number of units is also permitted, and the application is consistent with lot coverage and building height. All of the significant bulk features found in the zoning ordinance are in compliance. He went on to discuss the setback variances being requested, which involves two utility features – one for water and one for sewer. These involve two small structures located within the setbacks and limited to their proposed locations because of the nature of their use and that there is no negative impact or detriment to neighboring property owners at these proposed locations. He stated that sufficient testimony was given to

warrant the granting of these two variances. Mr. Malman went on to say that there are a few waivers requested, most of which are very technical in nature – roof drains, parking space location, catch basin angle etc. Mr. Moschello testified at length with regards to the need for the waivers being requested and that the Board professionals also reviewed these waivers and had no negative comments about granting them. He stated that the waiver that received the most attention was the steep slope disturbance and that the disturbance is basically around existing improvements whether they be buildings, roads, retaining walls etc. and is part of the developed site today. The steep slope disturbance will be part of this construction project and that in order to develop this project the slopes need to be disturbed. These were originally man-made slopes, and it was noted as such when the Board granted a waiver some years ago in a prior application before the Board for the site. Mr. Malman stated that there is no slope disturbance in the conservation area and that proper soil erosion and control measures will be implemented to avoid any negative impact while disturbing these man-made slopes. He opined that adequate testimony and proofs has been presented for the Board's consideration of the waivers being requested as well as an approval of the application.

Mr. Malman went on to discuss St. John's Drive and stated that the road is in Peapack/Gladstone. He continued to say that it is well known that the road is not in good condition with many issues involved and that the applicant has made many concessions with regards to the road's improvement. The applicant also agreed, as a significant concession, to perform the road work first before demolition commences on the site should the Board approve the application. Mr. Malman stated that the applicant has been cooperative and intends to make the road a much better road than it is today.

Mr. Malman stated that the applicant has agreed to all the revisions requested by the Board's professionals that were cited in their reports and have addressed all of their comments. A recent report from Mr. Jeff Betz, an officer from the fire department, outlined the agreement made with the fire department relative to fire hydrants, sprinklers etc.

In summation, Mr. Malman stated that the applicant has listened to all of the issues and concerns put forth by the Board and the public and has tried to be responsive. He opined that the application is ripe for an approval this evening in order to enable a more productive use for this site.

Chairman Giordano brought up the issue of the steep slopes and that he is aware that it has been the applicant's position from the beginning that the slopes are man-made slopes even though they have been there for a hundred years. He stated that the amount of steep slope disturbance as compared to what the ordinance allows is quite high, and he inquired about the amount of disturbance that could possibly be reduced if four of the units located in the south-most corner of the lot and located in the steepest grading area were removed so that area remains undisturbed. Mr. Moschello responded that the area in question is over by the gym and that it is only a concentrated area of slope and that even if the units were removed that the road still needs to be built. He went on to say that percentage-wise it would be about 10-15% of the total steep slope disturbance in that area for the four units. Chairman Giordano then inquired about which of the units on the plan would allow for the greatest reduction in the waiver requested from steep slope disturbance. Mr. Moschello responded that because of the way the slopes are spread out across the property that there really is not one particular area since there would still be grading around them for roads and other types of improvements. Chairman Giordano asked Mr. Moschello whether it is his testimony that there would be no way to reduce the amount of steep slope disturbance within this plan, which means that if the Board does not grant the variance from steep slopes, then the plan is void. He opined that there must be some way in order to reduce the amount of disturbance. Mr. Moschello responded that whatever units are removed that it would

be the same percentage of 10-15% of the total steep slope disturbance because of the way they are spread out across the property.

Mr. Mayer inquired about the removal of the large trees that shield the neighboring properties from the new development and whether there would be a way to re-orient the layout of some of the units. This would perhaps allow for less removal of the heritage trees that shields the development from the neighboring properties in Peapack and lessen steep slope disturbance as well. Mr. Moschello responded that the sewer service on the property limits the relocation of the units and continued to say that his earlier testimony indicated that there is a sewer service district that is defined on the site. He went on to explain that as a result, the units cannot be relocated because they would be outside of the sewer service district. Also, the perimeter of the site has been maintained in terms of the wooded vegetation, especially on the border of the Peapack municipal boundary and on the northern side outside of the ring road and that the large existing trees in these areas will not be removed and will provide a good visual buffer to the site itself.

Mr. Baio inquired as to the amount of the heritage trees being removed. Mr. Moschello indicated that there are 12 heritage trees (36 inches+) being removed, Mr. Conklin clarified that the definition of a heritage tree is 24 inches+, and Mr. Moschello clarified that there are 44 trees above 24 inches being removed. Mr. Baio inquired as to the date of the most recent wildlife study. Mr. Moschello responded that he does recall the exact date, and Mr. Baio stated that he thought he heard testimony in the last meeting that it was conducted in the Spring, 2021. Mr. Szczepanski stated that the EIS indicates that the wildlife study was conducted in June, 2020, and Mr. Baio opined that he would characterize that as a recent study.

Ms. DeMeo stated that there really has not been an appropriate inventory conducted by professionals using the equipment and technology necessary to identify what is present on the site, and she stated that she is not satisfied with the study that was submitted. There was some further discussion with regards to this study. Mr. Malman stated that the applicant has addressed this issue in the past testimony to the best of their ability and that the Board should deliberate and make a decision based on the evidence presented. He went on to say that the notion to reduce the number of units is not something that the applicant will agree to. Chairman Giordano clarified that the project is hinged upon the Board approving the steep slope waivers being requested, which is why he inquired as to whether a reduction in units would reduce significantly the percentage of steep slopes being affected since the steep slope disturbance is quite high. Mr. Malman responded that he would like to see a vote on the plan as submitted, which requires a steep slope waiver along with the other waivers and variances requested. He went on to say that there is less disturbance with this application than there was with the prior application and that the Board sought fit to grant the waiver at that time. The steep slopes have not changed in this six-year period in terms of impact. Mr. Buzak asked that this discussion cease, and he clarified that this Board is not bound by the prior application or the prior action taken on the prior application no matter how similar or dissimilar it may be. This would be inappropriate. He stated that this a new application to be determined on the evidence that has been presented at these hearings. Mr. Buzak stated that the record must be clear on this point.

Mr. Mayer stated that should the application be approved then he would ask that a contingency be added that the roadway improvements should be completed first with the demolition totally completed before any site re-grading or tree clearing is done since there have been past projects approved whereby the trees were cleared and the project was abandoned. Mr. Baio stated that the road is a critical element to the project and would like confirmation from the applicant that this can be done this year since the road-paving season will end in a few months. Mr. Malman stated that the applicant is committed to having the initial road work done as discussed in prior testimony and that if the Board sees fit to approve the application at this hearing that there is a chance to

be able to complete the road work this year. Mr. Malman went on to say that Mr. Mayer's comment regarding the clearing of trees after the road work and demolition of the building is complete presents a problem. The applicant is limited with the timeframe of tree removal because of the Indiana bat restrictions and that there is a very small window when this can be accomplished. Mr. Baio agreed with Mr. Mayer's comment with regards to other projects where trees were cleared and subsequently the project was abandoned. However, he would like to see the road work done quickly and that the preponderance of the testimony heard over the last five months has been focused on St. John's Drive. There was some further discussion regarding the tree clearing issue and the need to do this earlier than later.

Mr. Maglione brought up the sequencing of the work that the project requires. He opined that in terms of fire safety issues that the demolition of the structures should be the priority. These buildings have no salvage value and that they are a nuisance and that if there was ever a fire, the local fire departments would be put in peril in order to fight the fire. He opined that the buildings should be razed first before any other work is done so that they are no longer a hazard but that some small improvements to the road should be done as well in order to move the demolition equipment to the site. Mr. Malman clarified that the crushed stone from the structures will be used for the new roads on the site.

Mr. D'Emidio stated that Mr. Maglione's point should be considered regarding the mansion and school wings, which is a hazard and a nuisance. Mr. Malman stated that this is a fair point but that the applicant has made commitments to do the road work first and would like to stand by that commitment. Mr. D'Emidio went on to say that a resolution should be reviewed first by the Board members before any final approval because of the number of conditions involved and that the Board should authorize Mr. Buzak to prepare a resolution for the Board's consideration. There was some discussion regarding Mr. Jeffrey Betz's position with the fire department since the recent report to the Board was submitted by Mr. Betz. Mr. Monaghan stated that Mr. Betz is a longtime volunteer with both fire companies in Brookside and Ralston and that he is currently an officer at the Ralston Fire Department though he is not the Fire Chief. Mr. D'Emidio pointed out that he was a Fire Chief for many years in the past, and it was agreed that Mr. Betz is very knowledgeable and professional in the field of fire protection. Mr. Malman confirmed that the applicant has no objection to complying with all of the fire department's requests in the recent letter.

Mr. Monaghan brought up some of the environmental studies that were submitted and discussed at the last meeting in July. He requested that the Board professionals comment on these studies that were submitted to the Board along with their position on what was submitted in the EIS. Mr. Szczepanski responded that he reviewed what was submitted to him in the EIS along with the revised submission. He went on to say that he conducted a site walk with one of the representatives of the Environmental Commission and that the EIS did not seem deficient to him. He noticed that the applicant went beyond what is normally done in that four field visits were conducted – July, 2014, August, 2014, April, 2015, June, 2020. From a scientist point of view, the more data the better, and he opined that the report was quite thorough; however, he stated that he did not hear the testimony regarding the deficiencies in the studies. Mr. Szczepanski went on to say that he was happy to see that a bat study was conducted, which is unusual and beyond what most applicants submit. He stated that the bats were determined to be of a relatively large size and probably big, brown bats; however, it is difficult to identify a bat until it is actually caught in a net. The timing restrictions on removal of trees and knowing the habitat that the endangered species tend to choose (which are not buildings), Mr. Szczepanski opined that he would not necessarily be inclined to think that tearing down the buildings would impact the bat population. It would have more to do with the trees, time of year etc. and that again the applicant performed their due diligence with regards to conducting a separate bat study. Ms. DeMeo stated that Mr.

Martin Slayne, Chair of the Environmental Commission and Mr. Chris Neff of the Audubon Society visited the site and reported that certain species they observed on the site were not reported as having been identified. She added that what was seen in 2014 and 2015 is of little matter and that what is presently on the site is of more importance and how the project will affect the current wildlife environment. Mr. Szczepanski stated that this is a fair point but reiterated that it is the level of due diligence of the study conducted by the applicant that he does not normally see. Ms. DeMeo reiterated that she would have liked to have seen more current due diligence of the site. Mr. Szczepanski also stated that he did not see any significant difference in the results between the studies performed in 2014-2015 and the studies performed in 2020. He also confirmed that the applicant is taking the most conservative approach in terms of assuming that there are Indiana bats on the site short of actually capturing the bats in a net to identify the species, which could cause stress to the bats. Mr. Szczepanski confirmed that the tree removal restriction is from April 1st to November 15th.

Mr. D'Emidio made a motion authorizing Mr. Buzak to prepare an affirmative resolution for Pinnacle Ventures, LLC granting the two setback variances and five design waivers. Mr. Monaghan seconded the motion. There was some discussion regarding the timing of the resolution, and Mr. Baio stated that his vote is conditional upon the paving of the road this year. He further stated that the applicant needs the resolution approved in order to begin the paving process since the paving season ends soon after October. Chairman Giordano agreed with Mr. D'Emidio's approach to the approval of the application by having Mr. Buzak prepare an affirmative resolution first for review by the Board and its professionals with a subsequent vote on the resolution at the next meeting. He opined that everything should be done correctly in terms of repaving the road. Chairman Giordano asked Mr. Buzak if the resolution could be prepared in time for the September 15, 2021 meeting, which was planned to be previously cancelled because of the religious holiday. Mr. Buzak confirmed that he could have the resolution prepared by that time and distributed to the Board members a few days prior for their review. Mr. Malman stated that his client would want the resolution approved as soon as possible and suggested that while the resolution is being drafted that the applicant begin discussions with Mr. Keenan with regards to the road so that if the resolution is approved on September 15th, plans are in place to begin the repaving process immediately thereafter. Chairman Giordano added that since it is only the subsurface being paved that it is not as critical should the weather become a hindrance as opposed to paving the top surface, which requires more favorable conditions. It was decided that the Board would meet at 5:30 pm on September 15, 2021 before sundown in observance of the religious holiday in order to vote on the resolution. There are no other agenda items for that meeting at this time.

Mr. Buzak referred to the discussion with regards to the sequencing of construction in terms of the roadwork, demolition, tree clearing etc. He stated that if the Board wishes to include a sequencing of construction activity in the resolution that he has several options for the Board to consider.

Mr. D'Emidio modified his motion to allow for the tree clearing between November 15, 2021 to April 1, 2022, regardless of whether the first phase of the road is complete or not. He also confirmed that the roadwork must be completed before any demolition occurs. He opined that Mr. Keenan and Mr. Moschello should begin discussions and design plans with regards to the roadwork so that should the applicant wish to proceed on September 16th (if the resolution is approved) that they would be prepared to do so. Mr. Mayer opined that the site should not be cleared unnecessarily too soon. Chairman Giordano opined that if an applicant constructs a road and starts removing trees that the applicant is too heavily invested in the project to walk away though he realizes that there are no guarantees. The level of investment in the hearing alone indicates a certain amount of good faith on behalf of the applicant in moving forward with the

project. Mr. Monaghan maintained his second on the modified motion. Ms. Foley confirmed that all seven regular members are present and can vote on the motion.

Mr. Buzak clarified for Mr. D'Emidio that he is being directed to draft an affirmative resolution granting the application, including the variances and waivers with certain conditions and that the vote this evening is to simply direct Mr. Buzak to prepare the affirmative resolution. The members are not bound at the September 15th meeting by the same vote they are making this evening (including abstentions). They can vote differently if they wish to do so at that meeting. The Board would then vote to adopt or not adopt the resolution at the September 15, 2021 meeting.

Mr. D'Emidio also requested that the resolution be available on the Friday before the next meeting in order to allow the members to review it properly for any comments before being submitted to the applicant's attorney for review. Chairman Giordano added that he would be inclined to send the resolution simultaneously to the Board and Mr. Malman for the sake of expediency at this time with the warning that what he would be reviewing has not yet been reviewed by the Board.

Upon roll call:

AYES: Mr. Baio, Mr. Monaghan, Mr. D'Emidio, Ms. DeMeo, Mr. Johnson, Mr. Perri, Chairman Giordano

Mr. Malman noticed verbally that the application is carried to September 15, 2021 at 5:30 pm.

Mr. Monaghan left the meeting but stated that he will listen to the recording with regards to the Mendham Golf & Tennis application.

APPLICATION – PB- 21-03

Mendham Golf & Tennis
2 Golf Lane
B144, L24
Preliminary and Final Site Plan

Mr. Malman, attorney for the applicant, made an appearance on behalf of Mendham Golf & Tennis Club. He stated that this is an application for a Preliminary and Final Major Site Plan approval in order to expand the club house and that there are no variances requested with this application.

Mr. Buzak swore in the applicant's witnesses – Mr. Gregory Yannaccone, Mr. Paul Lewthwaite, and Mr. Kevin Settembrino.

Mr. Gregory Yannaccone made an appearance as the engineering consultant on behalf of the applicant. As a voir dire, Mr. Yannaccone stated that he is a licensed professional engineer in the State of New Jersey, Connecticut, and Massachusetts and that he is a managing partner in his firm, Yannaccone, Villa, Aldridge located in Chester, New Jersey. Mr. Yannaccone went on to say that he has testified at many Land Use board meetings in his career and that he also has served on the Peapack/Gladstone's Land Use Board for 21 years. He stated that his license is in good standing. There were no questions from any of the Board members or public regarding Mr. Yannaccone's qualifications, and he was accepted by the Board as an expert witness for the applicant.

Mr. Yannaccone presented his first Exhibit marked A-1, which is an arial photo of the site. He stated that the subject property is located in the Golf District zone (G-Zone), Block 144, Lot 24

with the frontage and an entrance on Golf Lane as well as frontage on Kennaday Road and Corey Lane to the east. On the opposite side of Corey Lane, the Club contains 39 acres (Block 144, Lot 56) with no proposed development on this area of the site. He went on to say that the principal structures on the property are the club house, cart storage shed, a small residence, maintenance building, paddle huts, tennis field house and the parking lots. The club itself is strictly a club/member only facility and their guests and that there is no public participation for the use of the club facilities permitted. He pointed out on the Exhibit the location of the proposed addition along with the new walkway that will be constructed to replace an existing walkway from the parking lot to the back of the patio.

Mr. Yannaccone presented his next Exhibit marked A-2 (Sheet 3 from the drawing set that was submitted to the Board), which shows the different features in the subject area of the club. He stated that the project involves the construction of a building addition adjacent and attached to the existing club house. There will be regrading around the subject area, and the addition itself will be constructed on top of the existing patio and existing walkway area. He also pointed out the other aforementioned structures and parking areas as well as the underground stormwater system, which is a bank of dry wells that collects runoff from the club house, and he indicated that there is also another stormwater recharge system east of the club house. He stated that this project requires additional stormwater recharge that will capture the roof runoff from the new building addition, and he pointed out the location of this system as well as the two existing septic systems for the club house and the existing underground 30,000-gallon storage tank for fire-fighting. Mr. Yannaccone confirmed that there is no proposal to add any additional parking areas.

Mr. Yannaccone went to say that there will be no steep slope disturbance involved with the project and that with the removal of the patio and walk-way area, the current project proposes a net increase in lot coverage of 3,936 square feet. He clarified that in terms of soil disturbance and the new DEP rules that projects must be considered cumulatively on a particular site with attention to all projects completed since 2004 in order to quantify the total amount of soil disturbance and lot coverage. He explained that the stormwater design is affected if the threshold is exceeded and triggers major development and that with the system being proposed with this project that it must be designed for a recharge of a 100-year storm event. He clarified again that this proposed system will supplement the existing system, which will not be eliminated or modified in any way.

Mr. Yannaccone went on to discuss the zoning requirements and that the required building setback distance for the club is 250 feet from all lot lines and that this project is within the building envelope. The proposed building addition setback is 362 feet from the shortest distance, which is to Golf Lane and that the closest addition distance from the proposed addition to the side yard is 349.6 feet. He reiterated that this is a project that is inside the building envelope with no zoning variances required.

Mr. Yannaccone next addressed the parking analysis that was discussed between he and the other Board professionals in order to ensure that the current parking is sufficient in light of the project. The analysis indicated that the club requires 129 spaces for the entire site and that this includes sufficient parking for the other structures on the site, which includes the maintenance building, the paddle hut and the tennis field house area. He went on to say that this was compared against the number of parking stalls that are actually on the campus, which are 211 parking spaces and that of the 211 spaces, there are 188 spaces in the immediate area of the club house itself. This analysis indicates a yield well over the required number of spaces that the club must provide. Mr. Yannaccone went on to discuss the recommendation by H2M of paving the parking surfaces with a project such as this and stated that 74 of the 188 spaces are already paved and that 75 spaces are gravel with 39 stalls being grass. He went on to say that in order to rely on the gravel and grass areas for parking that there must be no evidence of erosion and that he has

been to the area many times and has seen no indication of any such erosion. The club would prefer, therefore, not to have to convert grass or gravel into pavement, if it is not necessary, and that technically a waiver would be requested from such a requirement to do so in order to continue using the existing gravel and grass areas for its parking needs should the Board act favorably on the application.

Mr. Yannaccone went on to discuss some of the environmental features on the site, and he indicated that there are fresh water wetlands on the property. He stated that an LOI from DEP was required with the last application that came before the Planning Board for the maintenance building and that this was received in 2014. The LOI expired, however, in 2019 (good for five years) and that fresh water wetlands require a 150-foot buffer. Mr. Yannaccone indicated the 150-foot wetland buffer adjacent to the stream, which is well removed from any of the proposed development and that the site also has a Category 1 water, which requires a 300-foot riparian buffer. He stated that the project is 700 feet at the closest point from the stream up to the development where 300 feet is required and approximately 375 feet from the nearest wetland to any of the proposed development whereby 150 feet is required. Therefore, the project is well removed from any of the NJDEP regulated freshwater wetlands and wetland transition areas for riparian stream buffers.

Mr. Yannaccone next addressed the landscape exhibit, which was marked as A-3. He stated that the plan was prepared by Jim Mazzucco (of B.W. Bosenberg), the landscape architect. The exhibit indicates a walkway, which is replacing the existing walkway and comes off of the existing parking lot. The walkway runs from the parking lot and back around to the existing portion of the patio that will remain. Mr. Yannaccone indicated the plantings (deer tolerant) that will frame the new walkway and the eight low level (39 ½ inches tall) light bollards that run along one side of the walkway for safety purposes when walking along the sidewalk at night. There is no light spillage with these lights along the walkway.

Mr. Yannaccone went to say that the applicant has no issue in satisfying any of the comments in the reports from the Board professionals, and he went on to discuss the Environmental Commission's comments that were submitted. He stated that the club house has two separate septic systems and that there are also separate septic systems for the maintenance building, the tennis field house and the paddle hut with another system on the other side of Corey Lane for a rain/bathroom shelter. He explained that both septic systems for the club house were inspected and that there was no indication that the septic systems were malfunctioning. This inspection was conducted on August 2, 2021. Mr. Yannaccone stated that the club did receive Board of Health approval for the continuing use of the septic system with regards to the project, and he emphasized that it is important to realize that the intended use of the club remains unchanged with no plans to expand the membership. It is designed to accommodate the existing membership and any guests that the members may bring and that therefore there would then be no increase in overall sewage flow being proposed at this time.

Mr. Yannaccone addressed the report from the Fire Chief, Fire Official and Mr. Jeff Betz and that the applicant would willingly work with Mr. Betz and the other fire officials to reach a solution for their fire-fighting needs for the project. The applicant would comply with whatever is recommended by these fire officials, which would become part of the conditions of approval.

Chairman Giordano inquired as to whether the club will allow for large banquets, weddings etc., and Mr. Malman confirmed that the club does not allow this type of activity. It was also confirmed that 188 parking spaces is sufficient for the number of people that would be on club property at an active period of time. Mr. Yannaccone reiterated that the Club cannot increase its membership because of other issues. Currently, the club has adequate outdoor space but inadequate indoor

space for its current membership, and he discussed this further. Mr. Yannaccone referred to Exhibit A-3 and indicated the outside seating area and the section that is being removed and converted into a larger indoor dining area. He also pointed out the remaining outdoor patio area for seating.

Ms. DeMeo thanked Mr. Yannaccone for addressing the concerns of the Environmental Commission; however, she asked for clarification regarding the septic systems for the maintenance building, tennis field house, and paddle hut and whether each of these structures have their own septic systems separate from the two septic systems designated for the club house. Mr. Yannaccone confirmed that this is correct and explained that all three of these buildings are tied into one septic field and that the maintenance building and paddle hut have separate septic tanks and a pump pit. The waste is pumped up between the tennis field house and the maintenance building and that the tennis field house runs by gravity to the septic field. Mr. Yannaccone indicated these septic systems on the arial exhibit and explained how these systems operate.

Mr. Maglione inquired as to whether there were any members of the Board who are members of the Mendham Golf & Tennis Club. It was disclosed that there are no Planning Board members who are members of the Club. Mr. Mayer stated for transparency purposes that Mr. Greg Villa's daughter is married to Mr. Mayer's son; however, Mr. Villa has retired from the firm Yannaccone, Villa and Aldridge about three years ago. There was no objection from the public or Board.

Mr. Maglione inquired whether there will be the required ADA spaces in the parking lot, and Mr. Yannaccone replied that there are currently two ADA spaces, which will remain. He added though that additional ADA spaces should be added but that there are also some others by the cart barn. Mr. Maglione clarified that they should be adjacent to the nearest entrance, and Mr. Yannaccone ensured that the Club will be in conformance with the ADA requirements. He also confirmed for Mr. Maglione that with the increased size of the dining facility that there is adequate parking in the immediate vicinity of the club house. Mr. Yannaccone stated that Mr. Keenan would be supervising the site work, including the parking areas, to ensure that everything is done correctly. Mr. Keenan pointed out that some of the parking stalls may be lost with the possible addition of loading and unloading zones along with the addition of some ADA stalls.

Mr. Kevin Settembrino, made an appearance as architect on behalf of the applicant. As a voir dire, Mr. Settembrino stated that he is a licensed architect in New Jersey, New York, and Pennsylvania with a Bachelor of Architecture's degree from Carnegie Mellon University. He went on to say that he has testified in front of many Planning Boards in the State of New Jersey and has served on a Planning Board in Bergen County and currently serving on a Planning Board in Monmouth County. He also confirmed that he prepared the plans on file with the Board and that he is familiar with this application. Mr. Settembrino stated his license is currently in good standing. There were no questions from any of the Board members or public regarding Mr. Settembrino's qualifications, and he was accepted by the Board as an expert witness for the applicant.

Mr. Settembrino presented his next exhibit, which was marked as Exhibit A-4 (Sheet A201 of the submission set submitted to the Board). He began by referring to the front elevation of the existing club house with the addition on the extreme left of the plan and went on to say that it was important that the elevation and height of the addition was in conformance with the existing building. Similarly, the maximum ridge line height is 22 feet above finished grade and that the cupola itself is slightly less than 26 feet above finished grade. It is a single-story addition to match the existing club house building and that the architecture is similar as well. There is an asphalt shingle roof on the main roof of the addition with a metal cupola roof higher up as an accent roof, and he stated that none of the roof elements exceed any of the highest elements of the existing club

house building. He went on to say that the siding will conform with the existing building and that there is a colonnade around the front of the proposed addition and around the rear and side to match the architecture of the existing building. The intent was to make the addition appear as if it was part of the original club house with a small link from the addition to the main building to separate the architecture of the two structures. Mr. Settembrino indicated on the plan the rear elevation and side elevation and that the new addition is at or lower than the existing building in terms of side and front elevation.

Mr. Settembrino presented his next exhibit, which was marked as Exhibit A-5 and is a photo of the existing Great Room with the existing bar to the left and the terrace in the far ground. His next exhibit was marked as Exhibit A-6, which was a photo of the rear of the Club House taken from the back putting green. He indicated the area marked "West Patio," which is the approximate location of the proposed addition and currently has a roof with an outdoor bar underneath the roof. Mr. Settembrino presented his next exhibit, marked Exhibit A-7, which is the Terrace Room located off of the Great Room. He confirmed that currently there is one large room to accommodate the bar and the dining area.

Mr. Settembrino went on to present his next exhibit, Exhibit A-8 (Sheet A101, Interior Floor Plans). He pointed out the vertical dot/dash line bifurcating the proposed addition from the existing club house. The existing club house is a one-story, 9,000-square foot slab on grade structure. The proposed addition is a one-story 3,500 square foot addition and is approximately 65 feet by 65 feet. This proposed structure would have a full basement unlike the main building. He went on to say that the portion of the addition colorized in blue contains the dining area with two new additional toilet rooms. The portion of the new addition colorized in yellow is referred to as the link area and where the main entrance is located. To the left of this main entrance is an interior stair that goes to the basement and to the right of the main entrance is an elevator to the basement only. There is also a coat room in front of the elevator on the right side of the main entrance. The vestibule at the main entrance then leads to a transition area between the bar and dining areas with a new bar that has a window overlooking the greens. Mr. Settembrino went on to say that the section of the existing club house colorized in pink is the area that will be renovated. The current bar is perpendicular to the rear of the building, and the proposed bar is parallel to the rear of the building. He stated that what is important about the addition is that the club can bifurcate the dining area from the bar area in order to offer the members a better experience inside and to separate these two spaces. The areas in the renovation scope of the existing club house include the dining area, kitchen area and the locker room. The stair on the upper left corner of the proposed addition is from the basement level to an at-grade egress so the stair only goes down.

Mr. Settembrino stated that the old kitchen is being slightly expanded and replacing part of the existing dining room with a staff bathroom being added as well. Mr. Malman stated that the idea behind the proposed addition and renovations is to make the club more functional for the club members in terms of separating the functions, providing a larger kitchen, and providing more accommodation for bathroom facilities, which was the overall design goal that Mr. Settembrino was asked to achieve. Mr. Settembrino pointed out the egress door that the staff will use to leave the kitchen and traverse to the proposed dining area.

Mr. Settembrino went on to state that in the existing interior building there are approximately 120 total seats and that there will be approximately 179 total seats with the renovated dining room and proposed addition. This offers a net variance range between 50 – 60 (some seats being soft seats and bar seats) net new seats between the existing and proposed buildings. He stated that the seating was considered without social distance requirements.

Ms. DeMeo inquired as to the bar, which appears as if it also opens to the outside. Mr. Settembrino confirmed that the new bar area (in the colorized yellow structure) has windows that look like doors and that these windows do open up to the outside so that the bar can serve patrons on the exterior of the building as well. Also, the proposed addition will tie into the existing sanitary system onsite.

Mr. Settembrino presented his next exhibit, Exhibit A-9, the basement area in the proposed addition. This allows for more storage since the existing club house has no basement. He went on to say that the size of the basement is the same size of the footprint of the addition – approximately 65 x 65 square feet and pointed out some designated storage areas mainly for the bar support. He also pointed out the stair that leads from the entrance vestibule area to the basement as well as the elevator. In the upper left corner is the egress stair from the basement to the exterior finished grade. He stated that the basement will not be used for dining but that there is a potential conference room located in the basement as well. Mr. Settembrino clarified that the service access is from the exterior to the kitchen and whereby the kitchen has access to the elevator, which has doors on both sides. He stated that there are no windows proposed for the basement.

Mr. Buzak inquired about how deliveries are made to the kitchen, and Mr. Settembrino pointed out an egress door in the lower left corner of the proposed kitchen area that will be used for service deliveries from the exterior.

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

Ms. Edna Antonian of Golf Lane stated that she has been a resident of Mendham for over 20 years. She inquired about the air conditioning units and generator that appear on the plans and face Golf Lane. Mr. Yannaccone referred to Exhibit A-2 and indicated that the relocated utilities are very close to an existing utility pad, which is approximately 365 feet from the right-of way of Golf Lane. Ms. Antonian expressed her concerns regarding the noise from these utilities and asked if the utilities could possibly be moved to a different location. Mr. Yannaccone referred to Exhibit A-3, the landscape plan, and Mr. Settembrino stated that the transformer on the property at this location is an existing transformer and that the four condensers serve the addition and part of the renovation as well. The condensers are multi-step condensers and much quieter than the older models and that the noise would be screened by plantings, including evergreen trees. He clarified that the size of the generator has not yet been determined but that the plan only indicates the proposed location for a generator. Mr. Yannaccone confirmed that there is currently no generator present for the existing building. There was some further discussion regarding the installation of a generator and the noise it could potentially produce. Ms. Antonian inquired about the conference room in the basement, and Mr. Settembrino stated that there is an ancillary meeting room on the basement plan but that the basement will be used primarily for storage. Ms. Antonian expressed her concerns regarding large major banquet-type events at the club such as weddings, bah-mitzvahs etc. Mr. Paul Lewthwaite, President of the Club, confirmed that there have never been large banquet-type events at the club in the past and nor will there be in the future and that the club members are against these types of events. Chairman Giordano asked Mr. Buzak to note this for the resolution.

Ms. Antonian also expressed her concerns regarding trash she has seen in the area when the club opens for the season and that when the club is closed for the season that there is none of this trash around. She is also concerned about the increase in traffic with the proposed addition along with an increase in noise levels. Mr. Malman stated that the maximum golf membership is 320 families, and Mr. Yannaccone stated that he will obtain the full membership allowance for the

record. Ms. Antonian commented about the timing of this meeting with respect to other residents who cannot participate in this hearing since they are away. Chairman Giordano responded that since this is a zoom meeting anybody from the public is able to participate from any location.

Mr. Malman clarified for Mr. Buzak that the ordinance ties the parking to the number of seats (1 space for every 3 seats) at the club. Therefore, this indicates more spaces than the ordinance requires. There was some further discussion regarding the number of parking spaces to the number of seats at the club, and Mr. Yannaccone confirmed that the club is well above the number of parking spaces required.

Mr. William Moran of 19 Kennaday Road expressed his concern regarding traffic generated by the proposed addition and that he would like to see incorporated into the resolution that major banquet-type events would not be allowed. Chairman Giordano stated that the intention was to do so, and Mr. Malman stated that there are annual club holiday parties that will continue.

Mr. Robert Van Rensselaer of 16 Kennaday Road stated that his property is contiguous to the club. Mr. Rensselaer inquired about the increased number of seating as a result of the proposed addition. Mr. Settembrino responded that the proposed total indoor seating is 179 and that the existing indoor seating is 120 with a variance of 50-60 net new seats since there are some existing exterior seats that are lost and not currently placed at this time. Mr. Yannaccone stated that the current outdoor, grassy area that can be utilized by the club will have no additional seating and that there are at a minimum of 15 seats that would be removed under the outdoor bar area with a variance of 50-60 new seats proposed. Therefore, there is a net of approximately 45 added indoor seats. Mr. Van Rensselaer went on to say that his concerns with the proposed addition stems from an intensification of the club's use and that Mendham Golf and Tennis has a number of residential homes surrounding it. He drew some comparisons between other clubs in the area and questioned the need for a larger facility with additional seating when there are only 320 members. Mr. Settembrino explained that over the years the golf membership decreased significantly and that the club sought ideas for recruiting and attracting new members. It was determined that members wished for a better dining experience and that a separate pub and grill room from the bar area would allow for this and therefore attract new members. Mr. Van Rensselaer also raised some other issues such as the club's use of a loud speaker. It was clarified that only a mega horn is used for a golf tournament. Chairman Giordano clarified for Mr. Van Rensselaer also that the Board will work with Mr. Buzak with regards to the resolution that will speak to not allowing large third-party banquets and that this is not something that is of interest to the club.

Ms. Alana Van Rensselaer expressed her concerns regarding the enforcement of the terms that are stated in the resolution. Chairman Giordano responded that any concerns should be directed to the Zoning Officer and/or the Police Department. She continued to express some other concerns with regards to loud speakers, outside TV sets etc. and wished to have it stated in the resolution that these are not allowed to be used. Chairman Giordano stated that Ms. Van Rensselaer's concerns are not part of this application and that again any of these types of concerns should be addressed by the Zoning Officer and/or Police Department. Mr. Baio opined that golf courses require a certain amount of latitude in terms of running functions that the club may have, which is inherent to any golf club.

Ms. Antonian inquired whether there would be access to the golf course from any other street (such as Corey Lane or Yardley Road) in order to reduce the amount of traffic on Golf Lane. Mr. Yannaccone responded that unfortunately there are significant environmental constraints from those two street areas along with the fact that those areas would also disrupt the golf course geometry. He stated that Golf Lane is the only access to the main club house. Ms. Antonian

inquired about the time frame for the construction of the proposed addition since there will be an increase in trucks and traffic coming up and down Golf Lane, which can become an issue. She also expressed her concerns with people speeding on Golf Lane, and Chairman Giordano responded that again this would be a police matter to enforce the speed limits for that road. Mr. Settembrino stated that the timing for construction is expected to be towards the end of this year and that it is anywhere from a 6 – 8-month construction period. Mr. Yannaccone stated that the club would favor keeping on site any soil removal with regards to the proposed addition similar to what was done with the prior maintenance building project. The movement of the soil to another location on the site would be monitored by the Board professionals.

Ms. Valerie Zoller of 20 St. John's Drive inquired about Mr. Baio's disposition towards development in Mendham Township. Chairman Giordano stated that this question does not reference the current application and that this is something that should be addressed at a Township Committee meeting. Mr. Buzak stated that the public has no ability to question any member of the Planning Board in terms of any aspect of their thought process and that this a hearing on an application whereby questions by the public must be directed to the witnesses and not the Planning Board members. He went on to say that comments can be made by the public as well as on the application for consideration by the Planning Board members. These are the areas permitted as a member of the public in a Planning Board hearing on an application for development.

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

Mr. Buzak stated that the applicant is seeking preliminary and final site plan approval for an addition to the Mendham Golf & Tennis Club House with no requested variances. There is one waiver requested with regards to paved parking with the testimony that it was calculated that there is a need for 129 parking spaces. The Club has 211 parking spaces; however, only 74 spaces are paved and that the ordinance requires that all parking be paved. The waiver being sought would allow for the continuance of only the 74 paved parking spaces. Mr. Buzak listed a number of conditions in addition to the regular conditions that will be put forth into the resolution:

- Compliance with the requirements of the Fire Department in reference to Mr. Betz' letter dated August 18, 2021. Mr. Betz requested that the final resolution for this project not be approved until detailed fire protection actions for this project are submitted to the MTFD for review and acceptance. Mr. Buzak stated that it can be put in the resolution that the applicant must comply with the MTFD requirements.
- Cannot expand the membership.
- Adequate ADA parking consistent with what is required.
- Not allowing banquet-type activities open to non-members.
- Additional screening around the condenser units and generator. This should be further discussed by the Board for clarification.

Mr. Baio discussed the type of generator proposed by the club and that the club should consider using the battery pad instead of a gas-fired generator. There is a technology allowing battery pads in the basement that can power the club for key operations for an extended period of time. He also referred to the testimony with regards to a multi-staged HVAC system, which are quieter.

Mr. Baio opined that the resolution should be conditioned to reflect the use of a multi-staged HVAC. He also stated that he did not see any type of acoustic screening whether it be in the form of a fence or other types of screening for the generator or HVAC and that in consideration of the neighbors' concerns that the applicant be required to install a fence as an acoustic barrier for the purposes of the neighboring residents and overall betterment of the project in general. Mr. Yannaccone and Mr. Malman noted these comments. Mr. Malman also stated that the applicant is amendable to the Fire Department's comments and that the applicant will work with Mr. Betz on this issue. He stated that the applicant will accept this condition as part of the resolution.

Chairman Giordano entertained a motion to grant Preliminary and Final Site Plan approval for Application PB-21-03, Block 144, Lot 24 subject to all of the conditions as outlined by Mr. Buzak and enhanced by Mr. Baio's comments as to the screening for the generator and condensers with the requirement that the applicant comply with any and all of the fire department's comments. He stated that the Board will instruct Mr. Buzak to prepare the resolution for the Board's approval. Mr. Buzak clarified that the resolution can be prepared in the same manner as the Pinnacle resolution, whereby the Board members will direct Mr. Buzak to prepare a resolution and then have a vote on this resolution and waiver with the conditions. He went on to say that an alternate way to address the approval is to actually take action this evening, which is to grant the approval of the application as outlined so that applicant can commence construction. In this case, those members tonight who vote in favor of the action can vote on the resolution when presented. He explained that those who vote against the action are not allowed to vote on the resolution. Chairman Giordano proffered that direction be given to Mr. Buzak to prepare an affirmative resolution since the Fire Department issues are still outstanding and that this would allow more time for these issues to be resolved between the applicant and the Fire Department. This would offer the Board stricter delineation with regards to the Fire Department's requests concerning their issues. It was decided that the resolution would be presented at the Special Meeting on Wednesday, September 29, 2021 at 7:00 pm for adoption.

Mr. D'Emidio raised the issue of the waiver for the parking spaces whereby he opined that there is no need to pave the additional parking spaces. Mr. Keenan confirmed this, and it was decided that the parking spaces will remain as gravel and/or grass. Ms. DeMeo agreed and that she was pleased that there would be no increase in impervious coverage.

Mr. D'Emidio made a motion to prepare an affirmative resolution approving the Preliminary and Final Site Plan for Mendham Golf & Tennis with the conditions as discussed. Mr. Johnson seconded the motion.

Upon roll call:

AYES: Mr. Baio, Mr. D'Emidio, Ms. DeMeo, Mr. Johnson, Mr. Perri, Chairman Giordano
ABSTAIN: Mr. Mayer

Mr. Malman noticed verbally that the application will be carried to the next Special Meeting on September 29, 2021 at 7:00 pm via zoom without further notice by the applicant.

DISCUSSION ITEM

Ordinance – 12-2021 – Rezoning of Municipal Site
Consistency Review

Mr. Conklin stated that this is a consistency review for a new zoning designation, M-1 zone, in connection to the Township Municipal Complex, which includes the new police station. He stated that the ordinance is not inconsistent with the Master Plan and that the zoning map would need

to be amended in order to reflect this. Mr. Baio commented that the Township attorney recognized the fact that there was no municipal zone in order to have the capability to approve the police station and municipal building improvements. Therefore, this new M-1 zone would reflect the fact that the Municipal Complex is within its own district.

Mayor Neibart stated that after some debate the Township Committee agreed that it would be appropriate to create a new M-1 zone for the Municipal Complex that has always been zoned as Residential and consistent with the surrounding neighborhood. She went on to say that the deadline for the Board's opinion and revised maps is September 13, 2021 because of the bid awarded conditionally based upon the Planning Boards findings.

Mr. Buzak clarified that resolutions are not adopted for consistency determinations by the Planning Board. The Board will make a motion at the end of the discussion as to whether in their view the new M-1 zone is not inconsistent with the Master Plan along with any recommendations they may offer. The roll call vote is taken with the Secretary then preparing a memorandum that is sent to the Township Clerk and Township Committee, which represents the Board's determination.

Mr. D'Emidio referred to the first page, third paragraph from the bottom of the proposed ordinance and stated that the following statement is unclear:

"Multiple principal uses are specifically permitted on any one site."

This statement as read would need to be clarified and changed.

Mr. D'Emidio also asked whether there should be consideration with regards to expanding the Ordinance to incorporate the house (Buzzy Thomas' house) next to the proposed police station. Mayor Neibart responded that this is not being considered at this time.

Mr. D'Emidio made a motion to approve Ordinance 12-2021, and it was seconded by Ms. DeMeo.

Upon roll call:

AYES: Mr. Baio, Mr. D'Emidio, Ms. DeMeo, Mr. Perri, Mr. Mayer, Chairman Giordano
ABSTAIN: Mr. Johnson

Chairman Giordano directed Ms. Foley to draft a memorandum to the Township Committee citing the Planning Board's recommendation.

Chairman Giordano stated that the August 31, 2021 Special Meeting is cancelled since the Mendham Golf & Tennis application was heard at this meeting with the September 15, 2021 meeting beginning at 5:30 pm for the vote on the Pinnacle Ventures, LLC resolution only. The Backer Farm application will be heard at the September 29, 2021 Special Meeting.

Mr. Buzak discussed with the Board the Backer Farm application with regards to the corrupted recording and that anything that the members heard who were present at the first hearing needs to be disregarded. Effectively, that meeting never happened.

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

Ms. Valerie Zoller of 20 St. John's Drive inquired about an agreement with Peapack/Gladstone as to the sequence of events with regards to the project. It was her understanding that there was a letter from Mr. Roger Thomas, the attorney representing Peapack/Gladstone, stating that he was satisfied with the agreement between Peapack/Gladstone and the applicant and that the road work would be done first. Mr. D'Emidio stated that it was requested that Mr. Buzak put this in the resolution to be considered at the September 15, 2015 Planning Board meeting. The resolution would also state that if the time for taking the trees down arises, then the applicant has the ability to remove the trees in the window that is allowed by DEP. Ms. Zoller also stated that there is not full, sufficient information with regards to the bats, and Mr. Buzak responded that the application is over and that the application can no longer be discussed. Ms. Zoller further expressed her concerns regarding the most recent EIS, and Mr. Keenan clarified that the most recent EIS was July 9, 2021. It was also clarified that the Emergency Access road was discussed during the application process as well. She further expressed her other concerns with the project, and Chairman Giordano and Mr. D'Emidio reiterated that the road work will be done first as part of the resolution.

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

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

The meeting adjourned at 11:34 pm.

Respectively Submitted,

Beth Foley
Planning Board Secretary