

# MOSLE PRESERVE



Township Committee  
Township of Mendham  
2 Cherry Lane  
Brookside, NJ 07926

September 2011

Updated March 2015

Dear Committee Members,

Submitted herewith is the Mosle Preserve Report, the first in a series of reports describing and evaluating all facilities owned by Mendham Township.

Information for this report was gathered primarily from visits to the property, interviews with the current caretaker, Keith Hill, and documents found in Township files. If a document is missing from the files, it will not be reflected in the report. Furthermore, no one on the Facilities Committee has background or training in the law and, therefore, all matters involving legal questions should be referred to Township counsel. In the interest of brevity, certain technical matters and most records having to do with funding, have been left out of the report. These can be found in Township files. The Mosle Preserve Report is intended as an overview that should answer most questions posed by Township boards and committees, as well as the general public.

While doing the study, the committee identified certain problems with the property that should, in the opinion of the Facilities Committee, receive special or immediate attention. These are described in the section entitled "Observations" which follows this cover letter.

The members of the Facilities Committee have enjoyed studying Mosle Preserve. It was chosen for our first report because we were told it was the most complicated of Township purchases and it contains, in one site, most of the elements that we will find in other properties. The Mosle report is the template we will be using in preparing other reports. If there are matters the Township Committee feels deserve further in-depth study or ones we have overlooked, please let us know. Our committee does not suffer from pride of authorship. We just want to get it right.

Thank you for appointing us to the Facilities Committee. Thus far, it has been a very interesting project and a great learning experience. We proceed to the next reports, India Brook Park and Meadowood Park, with greater confidence and a good deal of enthusiasm.

Finally, the committee thanks our liaison, Steve Mountain, for assisting us with this first report and guiding us through the legal maze known as the Mosle Preserve.

Respectfully,

FACILITIES COMMITTEE

Thomas Endahl

Norman Preston

Patricia Zimmerman, Chairman

Gerald Marcus

Mark Ungar

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Although the report is an abbreviated version of the Mosle file, it is a rather lengthy document. What you have in hand are pages the Facilities Committee thought would be of greatest interest. The complete report is in the Administrator's office.

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*Deleted  
from his  
copy*

## MOSLE PRESERVE REPORT ADDENDUM

### Chapel

The basic structure of the chapel is good and the building will be useful some day, however, the roof is old and the cupola is in very bad condition. Our recommendation is that these be replaced as soon as possible to prevent damage to the interior of the building.

The front door of the Chapel is broken. The caretaker offered to make repairs sufficient to keep vandals out, but these doors should be repaired to protect the building and also to give the appearance that the property is being cared for.

Originally it was thought this building might be appropriate as an Eagle Scout project. However, because of the possibility of lead in the old paint, it is unlikely a young person would want to take it on. The paint could be tested.

### Storage/Workshop Building

The exterior of the storage/workshop building is of concern because of possible danger to children who might stray from their families. There is heavy equipment stored in the open and a tangle of brush to the rear of the building, all of which should be removed. In order to ensure safety, we suggest that the building be surrounded with a fence.

According to the caretaker, the adjoining shed (western side of the building) has a septic system and water supply servicing existing men's and women's toilet facilities. According to him, all are in good working order but the water was turned off a year or two ago to protect from freezing. In the long run, consideration should be given to the possibility of replacing the rented portable toilet with this facility and, if this is feasible, the facility should be protected from deterioration.

The large main part of the building was formerly a gymnasium with a canteen (kitchen) to the rear. However, this part of the building is in very poor condition and would involve costly repair/renovation to make it safe and appropriate for public use.

### Emergency Access

According to the Map Note #6 on the Boundary Survey (C. T. Male Associates, March 7, 2008), apparently The Sisters of St. John the Baptist Corporation and their successors are responsible for maintaining St. John Drive, the private road running from Mosle Road to the convent/school buildings. Question: Does the Township have the right to use this private road and will the existing driveway(s) connecting that road to Mosle Preserve remain open and unobstructed? These roadways are important because they provide a secondary access to the Preserve in case of an emergency.

## MOSLE PRESERVE REPORT ADDENDUM

### Parking

Recently the Recreation Commission Chairman pointed out that a significant problem exists with parking at Mosle Preserve, even when only one of the three playing fields is in use. (Refer to a copy of the October 9<sup>th</sup> email which follows this Addendum.) The Facilities Committee appreciates Recreation's comments and agrees that the problem needs to be addressed as soon as possible. However, we suggest that efforts be made to retain the Chapel. Widening the lot may not increase the number of parking spaces and, in the long run, this little building could turn out to be a very useful for storage or as an office/staging area for events.

### Four-Towns Recreation Plan

The Facilities Committee endorses the finding of the Four-Towns Recreation Plan in suggesting that there be appointed one person to manage scheduling for league playing fields in all four communities. This would ensure that fields are used and rested equally. If permitted by Green Acres, perhaps during off-seasons, playing fields in Mendham Township could be leased to professional summer camp programs or private clubs in order to offset the cost of management. (According to a rental agreement between the Sisters and Keith Hill, dated June 2000, the Stronghold Soccer Club paid \$2,500 per year for use of the fields.)

## Main Identity

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**From:** "Amalia Duarte" <amalia8862@yahoo.com>  
**To:** "Patricia Zimmerman" <patzim1@verizon.net>  
**Sent:** Sunday, October 09, 2011 10:02 AM  
**Subject:** Re: MOSLE REPORT  
 Hi, Pat - It's a pretty simple problem and solution.

The 62-car upper parking lot (and I think that's over-estimating capacity, given that most people with children drive SUVs) isn't adequate for the facility and needs to be expanded. If the chapel is removed, there is room for additional parking. Also, the lot should be paved and striped to maximize spaces.

When you have a soccer game, for example, the lot fills to capacity by participants for the first game (32 players, coaches, at least one referee and additional spectators, i.e., grandparents). The next teams begin arriving before the first game is over — and that's where problems begin, as that set of 60 cars tries to park. The same problem occurs with practices that run concurrently, with several teams at once, and back-to-back, over-lapping with pick-ups and drop-offs.

In addition, parking needs to be allowed down by the baseball field. Nowadays, players come to games lugging their own bags of personal equipment, including heavy bats and helmets. It's unreasonable to have young players walk nearly a half-mile from the upper lot to the field below, especially the little 8 and 9 year olds.

Finally, the Recreation Commission is looking to create a cross-country trail for Mendham Magic to practice and run track meets. This trail would start near the upper lot. If this is accomplished by next fall, as targeted, there will be even more teams using the Mosle facilities at the same time.

I hope this is helpful in outlining the challenges of utilizing Mosle Park and ensuring everyone's safety.

Thank you for allowing my input! I'm also happy to help with the Seeing Eye property report, if you want two-cents from a recreation perspective.

Best,

Amalia

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**From:** Patricia Zimmerman <patzim1@verizon.net>  
**To:** amalia8862@yahoo.com  
**Sent:** Saturday, October 8, 2011 8:39 AM  
**Subject:** MOSLE REPORT

Hi Amalia,

The brief conversation we had yesterday is haunting me. I think your comments about the traffic flow at Mosle should definitely be included in the report. This is certainly very important and potentially dangerous. Would you kindly send me an email describing the problem and, if you would like, any solution that might occur to you. Yesterday I discouraged your doing this because I am tired of doing revisions, however I can include your email in the folder without taking the whole thing apart again. An additional advantage to this approach is that the TC will know who is the source of the information and who to go to with questions.

Thanks very much. I really appreciate your help.

Pat

10/9/2011



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**CAUTION:** References and Exhibits have been pulled from various sources, mainly from the Mosle Preserve files. Often, these are merely excerpts, not the complete document. Furthermore, there could be other documents that have been overlooked and that might shed a different light on a particular subject.

Facilities Committee

#### ACKNOWLEDGEMENTS

The Facilities Committee would like to thank the following for their interest and support as we began this project: Mayor Cioppettini, Anthony Giuriceo, Diana Orban-Brown, Jonathan Wagar and Keith Hill. And special thanks to Steve Mountain who never failed to answer an email nor refused a meeting. Thank you all.

# MOSLE PRESERVE - PROPERTY EVALUATION REPORT

August 2011

**Property:** Mosle Preserve and Recreation Area  
Block 100, Lot 17.02  
Hunters Glen Road  
Contact Person: Mendham Township Administrator

**Location:** Located on the western side of Mendham Township, Morris County, bordering Peapack-Gladstone Borough, Somerset County, and within the NJ Highlands Planning Area. Primary access is from the top of Hunters Glen Road, a residential street off Roxiticus Road.

**Description:** Acreage: 111.678 acres  
The property includes vast expanses of wooded land, dense forest and open fields. "Located in the Upper Raritan watershed, the land contains the headwaters of Gladstone Brook, a Category 1, FW-2 [trout production] stream. Furthermore, the property is home to a variety of wildlife, including the eastern box turtle, a species of special concern."<sup>3</sup>

On the cleared land there are two soccer fields, a baseball diamond, access drive and parking lot. A residence, swimming pool and storage/workshop building are located near the recreation area. A small chapel is situated along the parking lot.

To the east of the playing fields there is a square area with more recent growth, known as the "Victory Garden". This has been suggested as a location for some future recreational facility. (See map #1)

References: Map #1 Maser Consulting, "Preliminary Lot Layout" 1/18/06  
Map #2 "Sisters of St. John the Baptist Property" (undated)  
Map #3 C.T. Male Associates, "Boundary Survey" 3/7/05  
Map #4 Mosle Preserve & Recreation Area July 2011

**Owners:** Mosle Preserve is owned by tenants-in-common:

Township of Mendham	64% interest
New Jersey Water Supply Authority	20% interest
Schiff Natural Lands Trust, Inc.	16% interest <sup>4</sup>

Parties that contributed to the funding but do not share in ownership are: New Jersey Green Acres, Morris County Open Space Preservation Trust Fund, New Jersey Environmental Infrastructure Financing Program, The Trust for Public Land, Victoria Foundation and Doris Duke Charitable Foundation. (Exhibit D)

## MOSLE PRESERVE - FUNDING

### FUNDING PARTY CONTRIBUTIONS \*

Township of Mendham:		\$6,575,000
Derived from: Green Acres Program / PIG	1,575,000	
(Planning Incentive Grant)		
Mendham Twp. Open Space Trust	1,000,000	
Morris County Open Space	4,000,000	
New Jersey Water Supply Authority:		800,000
Derived from: Environmental Infrastructure Financing Program		
Schiff Natural Lands Trust, Inc		400,000
Trust for Public Land (TPL):		625,000
Derived from: Trust for Public Land/NJGA	275,000	
Victoria Foundation	250,000	
Doris Duke Charitable Foundation	100,000	
		<u>\$8,400,000</u>

\* Exhibit I, as amended June 27, 2008 – “Amendment to Agreement with respect to Funding and Assignment of Interests”

**History:**

The Mosle mansion was build in 1906 by sugar baron George Mosle.<sup>5</sup> Purchased in 1926 by the Roman Catholic Sisters of St. John the Baptist, the property was used over the years as a convent, orphanage, school, summer camp, and retreat center.

In 2008, the portion known as Mosle Preserve and Recreation Area (totaling 111.678 acres) was purchased for open space preservation and to provide Mendham Township much-needed recreational ball fields. As a result of purchase agreements, deeds of conservation restriction are now in place to the benefit of N.J. Green Acres Program and the Morris County Open Space Preservation Trust (each encumbering the same 79.89 acres), and additional land (11.168 acres) to the benefit of the N.J. Environmental Infrastructure Financing Program<sup>6</sup>. The balance of the land fell under Green Acres protection as a result of being included in the Township Recreation and Open Space Inventory, known as the ROSI.

According to J. Wagar, Victoria Foundation concerns regarding deed restriction were satisfied by the above.

**Management and Maintenance Agreements:**

It was agreed by the owners that Mendham Township is responsible for management of the property providing that both the Water Authority and Schiff “shall have been provided the opportunity to review and approve” any license or contract<sup>7</sup>. The management obligations are described in two documents: “Property Management Plan”, dated June 18, 2008 and “Maintenance and Management Agreement”, signed shortly thereafter. (Exhibits II & III)

## Assets: Buildings & Structures

### Chapel

Located along the north side of the new parking lot, the Chapel was at one time used in connection with the Sisters of St. John's cemetery. As part of the sales agreement, the graves were removed but the Chapel with altar remains.

The basic structure of the building is good and it will be useful Monday – definitely worth saving. However the cupola appears to be in very bad condition and should be replaced, as soon as possible, in order to prevent water from leaking into the building. At the same time the roof will also need to be replaced.

Some interior ceiling tiles have fallen on the floor, but it is believed that this is a result of moisture in the building from water from the roof.

One of the exterior doors is broken. The caretaker has agreed to do a temporary fix to prevent vandals from entering the building. However, it would be prudent to have the entry doors replaced for security and to show the property is being cared for.

Comment: It would be thoughtful to ask the Sisters if they would like the altar. If they have no interest in saving it, and the Township has no appropriate use, a suitable home should be found.

(See: STRUCTURES for photos & details – Page 15)

### Storage/Workshop Building

Originally the Storage Building was a gymnasium with a canteen (kitchen) to the rear and a toilet/shower room in an attached shed on the western side of the building. Several years ago the large part of the building was condemned for use as a gym by the Township fire inspector. He agreed that the building could continue to be used for storage as long as the supporting roof beams were reinforced. The caretaker did the reinforcing.

The only visible sign that the back room was a kitchen are appliances which have been disconnected and moved about – or moved in from elsewhere.

The rear part of the shed was used as a shower room. Currently it houses work-out equipment and fire wood. The front of the shed is partitioned-off into areas marked "Men" and "Women", each with two toilets and two sinks. According to

the caretaker, the toilet facilities were in use until recently when the water was shut off to prevent freezing. He assured us the water system and the septic are in fine working order. This should be verified.

Currently, heat is provided by a wood stove. According to the caretaker, the building is electrified.

Condition: The building is generally in poor condition and would require considerable investment to bring it up to standard for public use. Since this building is located close to the three athletic fields, the Township might investigate the possibility of upgrading the toilet facilities and doing away with the portable toilet currently in use.

(See: STRUCTURES for photos & details – Page 19)

### Residence & Pool

Located behind the swimming pool, this building was originally the bathhouse. At some point it was converted to a residence for the caretaker.

Described as a single-family raised ranch, the lower level has basement-like characteristics, being constructed of concrete block, with stone veneer across the front. The second level exterior is vinyl siding. The lower level includes a one-car garage, furnace/utility rooms, and a finished family room with bath. The second level has a kitchen, small living room, three bedrooms, one bath, and a heated sleeping porch. The house is small but livable.

Chain link fence encloses the back yard.

Condition: The interior is in fair condition and the structure appears sound. A cursory inspection found no major problems that would require immediate attention.

Comment: Although vines growing on the side of a building are considered attractive landscape features, over time they tend to undermine the exterior surface and should be monitored.

(See: STRUCTURES for photos & details – Page 24)

## **Assets: Recreational Facilities – Active Recreation & Playing Fields**

### Soccer Fields

There are two regulation size soccer fields with a small practice area to one side. One of the regulation fields is often divided in half for practice in order to “rest” the other.

Usage: Scheduling of the soccer fields is coordinated between the Stronghold Soccer Club (SSC), and the West Morris Soccer Club. The fields are in use during the spring, summer and fall.  
(K. Hill Agreement<sup>2</sup>)

### Baseball Diamond

The fully-fenced, regulation-size Little League baseball diamond was designed and built by Mendham Little League. It is in use during baseball season and occasionally during the summer for practice. (It may also be used in the fall.)

### Maintenance

According to the letter of agreement<sup>2</sup>, the caretaker is responsible for maintaining all playing fields.

Amenities: Kiosk for notices (constructed as an Eagle Scout project).  
Rented portable toilet.

### Parking

The parking lot can accommodate approximately 62 cars. The following is a proposed ordinance:

*Athletes and their families will be required to park in the lot. A limited number of parking spaces close to the fields will be made available for coaches and handicapped only. There will be a drop-off area near the fields for children whose parent cannot stay for the practice/game. This ordinance will be enforced because of the need to keep access roads open for emergency vehicles.*

### Dogs

Dogs will be required to remain on leashes so they will not interfere with games and so the athletic fields will remain clean and sanitary.

### Swimming Pool

See Summary, Page 11 and STRUCTURES, Page 25

### Comment

The size of the parking lot may limit activity on the athletic fields. It may be difficult to have both soccer fields and the baseball diamond in use at the same time without having an overflow of cars spill on to the roads in the adjacent neighborhood.

## **Assets: Other Recreational Opportunities:**

### Hiking

There is a newly constructed and marked hiking trail loop that begins and ends at the northeastern corner of the parking lot. Estimated walking time is one-half hour. A second trail has recently been completed, part of an Eagle Scout badge, which links the first trail to the athletic fields. The caretaker assumes responsibility for mowing the trails.

### Hunting

Based upon recommendations from the Township Wildlife Management Committee, each summer the Township passes a Resolution determining when and where deer hunting will be allowed in the upcoming season. Mosle Preserve is one of the permitted parks for both bow and shotgun hunting. Bow hunting season runs from mid-September through to the end of November. Shotguns are permitted on various specified days during the months of December, January, until mid-February. During days and times allotted for shotgun hunting, the Mosle Preserve will be closed to the public.<sup>11</sup>

### Horseback Riding

A bridle trail association has maps showing trails through the Township, primarily on the western side of town. The association maintains the trails and carries insurance. It is not yet determined whether Mosle Preserve lands are included. We are awaiting this information.

### Hiking - Update

A new trail was recently installed for the Mendham Magic cross-country team - as well as for the general public. A map at the beginning of this report depicts the enhanced Mosle trail system.



### Historic Preservation Limitations

Since the buildings of historic value are not located on the Mosle Preserve property, and since the graves have been removed, it appears there are no sites of historic significance on the Preserve except, perhaps, the small chapel next to the parking lot.

### Neighborhood Concerns /Limitations

When it was made known that a portion of the property would be used for sports and recreation and that the entrance would be through Hunters Glen Road, where it intersects with Carriage Hill Drive, neighbors threatened legal action against the Township. Eventually, an understanding was worked out and the neighbors appear to have accepted the increase in traffic. However, any proposed increase in the intensity of use should be carefully considered in light of the impact it might have on these residents.

Undeveloped, heavily wooded sections of the property currently serve as a buffer between the actively used portions of the Preserve and adjacent neighbors.

The adjoining estate/school property (Lot 17.3) currently is for sale. There is uncertainty regarding the ultimate use of this property and if such use will have a negative impact on the Mosle Preserve, as well as residents living along the access driveway from Mosle Road. However, the Township has set certain usage restrictions on development of this property which should mitigate risks to some degree.<sup>8</sup>

Tenants In Common: New Jersey Water Supply Authority and Schiff Nature Preserve, as part-owners of Mosle Preserve, must be notified under certain circumstances.

Parking Lot Limitations: The parking lot provides approximately 62 spaces and only a very limited number of special purpose cars will be allowed beyond this point, therefore the size of the lot may limit uses on the property.

### **Current Revenues - none**

### **Current Expenses**

Portable toilet rental April through October - \$54/month, total \$378.00.

Annual field maintenance expense carried by the caretaker.\*

### **Future Capital Expenditures:**

The Chapel is in need of a new cupola and roof. (See Observations)

The storage/workshop building presents a dangerous situation (See Observations)

Eventually, the pool should be repaired or demolished. (See Summary, p.11)

*\*As of June 2011, Dave Read, Jr. (DPW) estimated the annual cost of supplies to maintain sports fields, not including irrigation or labor, to be approximately:*

*\$1,000 to \$2,000 per soccer field*

*\$4,000 to \$5,000 per baseball field*

## SUMMARY

Comment: It is interesting to note that Schiff has reserved the right to transfer to Mendham Township its 16% interest “in return for the transfer from Mendham Township of an interest of similar value in a separate property located in the Township of Mendham in which each of these two parties expects to acquire a fee simple interest, as tenants in common”<sup>9</sup>

Recommendation: Whenever actions are considered affecting the use of Mosle Preserve, neighboring residents should be consulted in order to discuss any possible impact on the surrounding area.

Recommendation: The Facilities Committee endorses the finding of the Four Towns Recreation Plan in suggesting that there be appointed one person to manage scheduling for league playing fields in all four communities. This would insure that fields are used and rested equally.

### Convent & School Buildings – Lot 17.3:

Considering the Sisters are actively seeking a buyer for their remaining portion of the property, we offer the following comments and recommendation:

Comment: Originally, the residence and the storage/workshop buildings were rented, free of charge, to the Sisters for use by their caretaker in exchange for his maintaining the existing field network and associated grounds. (Exhibit IV) This agreement has been expanded to include purchasing all necessary supplies. (Letter of Agreement, dated November 9, 2010<sup>2</sup>) When the Sisters move from the property, it is not known how this will affect our relationship with the current caretaker. It is our understanding that the Township could rent the buildings, without the diversionary process, as long as the tenant has some working connection with Green Acres permitted uses. In this case, rent charged for the residence would be somewhat reduced, reflecting the tenant’s work. The long term question is: 1) Would it be to our advantage to have greater control over maintenance of the property through the DPW, or 2) should we seek a caretaker relationship similar to the one currently in place, or 3) should we contract out for maintenance, or 4) some combination of these?

Recommendation: It might be wise to delay further development of the site until the future use of the estate/convent/school property is determined. For example, a school might be eager to partner with the preserve in the use of the playing fields, while a hospice might require complete separation and a buffer. In the meantime, the Township should make certain access to the private road, St. John’s Drive, and the driveway connecting to the Preserve are kept open and unobstructed, insuring a secondary, emergency access to the Preserve.<sup>10</sup> At the present time, there is a chain across the driveway, placed there to prevent drivers from using the connecting roadways as a shortcut between Mosle and Roxiticus roads. A senior member of the Ralston Fire Department has assured us the chain can be cut in an emergency.

Comment: Wells on the Preserve provide water to the estate/school/convent buildings.

## SUMMARY

Comment: Although the estate/school buildings are not a part of the Mosle Preserve property, this separate lot is within Mendham Township borders and when the Sisters find a buyer, the Historic Preservation Committee might express an interest in proposals for the historic Mosle Mansion.

### Property Maintenance

Recommendation: The exterior of the storage/workshop building is of concern because of possible danger to children who might stray from their families. Often there is heavy equipment stored in the open and there is a tangle of brush to the rear of the building - all should be removed. Finally, in order to insure safety, we suggest that the building be surrounded with a fence.

Recommendation: Replace the cupola and roof on the Chapel as soon as possible. The basic structure of the building is good and it could be useful some day. The Sisters might be interested in having the altar returned but, if there is no interest, it should be determined what would be an appropriate use or disposition.

Comment: It is assumed that all underground fuel storage tanks have been property cleaned or removed.

Comment: The swimming pool was not included in Recreation Assets because it has yet to be determined whether it is an asset or a liability. What we know about the pool was told to us by the caretaker. Originally it was Olympic size, but in year 2000, in memory of a Sister, the Johnson Foundation paid to have the pool reduced to residential size (20' x 40'). Currently it is not in use because of leaks. The pool area is surrounded by an aluminum 4' fence. The pool cover has deteriorated and is no longer used. Steps are being taken by the caretaker to prevent mosquitoes from breeding in standing water. Eventually the decision will have to be made whether to repair the residential pool, investigate the possibility of returning to the Olympic pool, or demolish and seed over. (Despite the fence, if water collects in the bottom of the pool, it could present a hazard to young children.)

Comment: The following information provided by R. Rhodes, Co-Chairman of the Environment Commission, "numerous articles of trash (kitchen appliances, auto parts, etc.) scattered through the woodland – particularly in the vicinity of the caretaker house but elsewhere as well – and construction debris (in the Northeast portion). All of it should be removed eventually." <sup>13</sup>

### In Conclusion:

It appears that any addition to the present recreation facilities or hosting of any community-wide event, such as a concert, will be limited by the number of parking spaces.

**Address**

Morris County Preservation Trust P.O. Box 900 Morristown, NJ 07963-0900 Physical address: 30 Schuyler Place, Morristown, NJ	973- 829-8120
Mendham Township 2 West Main St., P.O. Box 520 Brookside, NJ 07926	973-543-4555
New Jersey Water Supply Authority Clinton Administration Building 1851 State Route 31 P.O. Box 5196 Clinton, NJ 08809	908- 638-6121
Upper Raritan Watershed Association P.O. Box 273, Gladstone, NJ 07934 Physical Address: 2121 Larger Cross Rd Bedminster, NJ 07921	908-234-1852
Schiff Natural Lands Trust, Inc. 339 Pleasant Valley Road Mendham, NJ 07945	908-879-7942
The Trust for Public Land New Jersey Field Office 20 Community Place, 2 <sup>nd</sup> Floor Morristown, NJ 07960	973-292-1100

**PARTIAL LISTING  
REFERENCE MATERIALS IN MUNICIPAL FILES**

**Maps and Metes & Bounds, including:**

**Boundary Survey – Revised 4/18/08**

**Legal Description – Revised 4/28/08**

**EIFP Easement Description – Received 5/12/08**

**Rental Contract between the Sisters and Keith Hill, dated 6/30/00**

**Agreement – Sisters & TPL (Including information about the school & buildings) 6/26/06**

**Integra Realty Resources – appraisal 6/29/06**

**Certification of Market Value – Green Acres 2/8/07**

**Application to Morris County Open Space & Preservation Trust Fund**

**Agreement with respect to Funding and Assignment of Interests, June 18, 2008, including:**

**Exhibit A – Property Management Plan**

**Exhibit B-1 – Covenants and Restrictions for Benefit of Morris County**

**Exhibit B-2 – Maintenance and Management Agreement**

**Exhibit B-3 – Deed of Conservation Restrictions to NJ Green Acres Program**

**Exhibit B-4 – Deed of Conservation Restriction to NJ Environmental**

**Infrastructure Financing Program**

**Amendment to Agreement with respect to Funding and Assignment of Interests, June 27, 2008**

**Mendham Twp. Ordinance No. 4-2008 Creating “Reuse of Existing Buildings Overlay District”**

**Use and Occupancy Agreement, June 30, 2008**

**Amendment to the Green Acres Project Agreement, dated 5/20/09**

**Certification, Traffic, Parking, Signage, etc. Lemanowicz 9/29/09**

**Four-Towns Recreation Report (winter 2009-2010)**

**Letter of Agreement to Mr. Keith Hill, dated November 9, 2010**

**Also, not listed above, are various letters, memos, funding and insurance information, etc.**

FOOTNOTES:

- |  |                       |
|--|-----------------------|
| 1. Keith Hill Conversation   | Reference p. 1        |
| 2. Keith Hill Agreement – November 2010  | Reference p. 3        |
| 3. Application: Morris County Open Space Preservation Trust Fund – “Project Narrative” | Reference pp. 10-11   |
| 4. Deed of Conservation Restriction – Green Acres                                      | Exhibit VI, p. 2      |
| 5. Sunday Star-Ledger Article – February 20, 2011                                      | Reference p. 4        |
| 6. Deed of Conservation Restriction – Green Acres                                      | Exhibit VI, pp. 2 & 3 |
| 7. Management & Maintenance Agreement (2008)   | Exhibit III, p. 7     |
| 8. Township of Mendham Ordinance 4-2008<br>“Reuse of Existing Buildings ...”           | Reference pp. 6-9     |
| 9. Agreement & Assignment of Interests   | Exhibit I, p. 3       |
| 10. Boundary Survey, “Map Notes #6”<br>C.T. Male Associates March 7, 2008              | Reference p. 12       |
| 11. Township of Mendham Resolution 2011-140 (Hunting)                                  | Reference p. 13       |
| 12. Partial List of Reference Material in Municipal Files                              | Reference p. 14       |
| 13. Email: September 19, 2011 – R. Rhodes  | Report p. 15          |



Print

Subject **Fwd: Mosle Report**

From: **Sarahdeanl** <sarahdeanl@aol.com>

Sent: **Sep 19, 2011 02:01:31 PM**

To: **patzim1@verizon.net**

---

Pat - here are some good comments from Ralph. We both think the report quite good.

-----Original Message-----

From: Rrhodes22 <Rrhodes22@aol.com>

To: SarahDeanL <SarahDeanL@aol.com>

Sent: Mon, Sep 19, 2011 5:47 am

Subject: Mosle Report

Sarah Dean,

The Mosle Report is well done and addresses most of the issues that I am aware of. Some comments follow:

1. The report does not mention the numerous articles of trash (kitchen appliances, auto parts etc.) scattered through the woodland -- particularly in the vicinity of the caretakers house but elsewhere as well -- and construction debris (in the Northeast portion). All of it should be removed eventually -- a big job!
2. I reported the damaged chapel door to Steve over a month ago. He said that he would ask Dave to board it up.
3. A boy scout considered repainting the chapel, but since the original paint would have been lead based, he changed his mind.

Ralph

## Assets: Buildings & Structures

### Chapel

Located along the north side of the new parking lot, the Chapel was at one time used in connection with the Sisters of St. John's cemetery. As part of an agreement, the graves were removed but the Chapel with altar remained.

The basic structure of the building is good and it will be useful someday – definitely worth saving. However the cupola appears to be in very bad condition and should be replaced, as soon as possible, in order to prevent water from leaking into the building. At the same time the roof will also need to be replaced.

Some interior ceiling tiles have fallen on the floor, but it is believed that this is a result of moisture in the air, not water from the roof.

One of the entry doors is broken. The caretaker has agreed to do a temporary fix to prevent vandals from entering the building. However, it would be prudent to have the entry doors replaced for security and to show the property is being cared for.

Comment: It would be thoughtful to ask the Sisters if they would like the altar. If they have no interest in saving it, and the Township has no appropriate use, a suitable home should be found.

Question: Would this structure be appropriate for an Eagle Scout project?





# CHAPEL



WEST SIDE

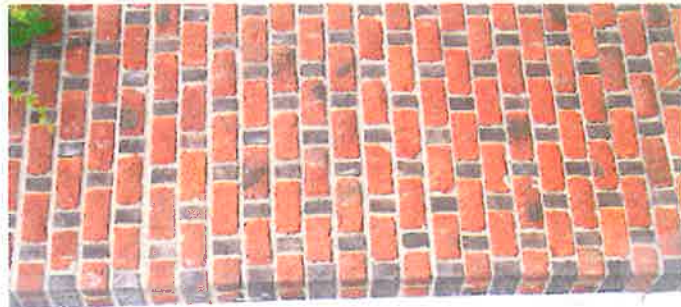


EAST SIDE

CUPOLA



CHAPEL CEILING



ENTRY DOOR



CHAPEL ALTAR



### Storage/Workshop Building

Originally the Storage Building was a gymnasium with a canteen (kitchen) to the rear and a toilet/shower room in an attached shed on the western side of the building. Several years ago the large part of the building was condemned for use as a gym by the Township fire inspector. He agreed that the building could continue to be used for storage as long as the supporting roof beams were reinforced. The caretaker did the reinforcing.

The only visible sign that the back room was a kitchen are appliances which have been disconnected and moved about – or moved in from elsewhere.

The rear part of the shed was used as a shower room. Currently it houses work-out equipment and fire wood. The front of the shed is partitioned-off into areas marked “Men” and “Women”, each with two toilets and two sinks. According to the caretaker, the toilet facilities were in use until recently when the water was shut off to prevent freezing. He assured us the water system and the septic are in fine working order. This should be verified.

Currently, heat is provided by a wood stove. According to the caretaker, the building is electrified.

Condition: The building is generally in poor condition and would require considerable investment to bring it up to standard for public use. Since this building is located close to the three athletic fields, the Township might investigate the possibility of upgrading the toilet facilities and doing away with the portable toilet currently in use.



Mosley Rd.

## STRUCTURES, IMPROVEMENTS

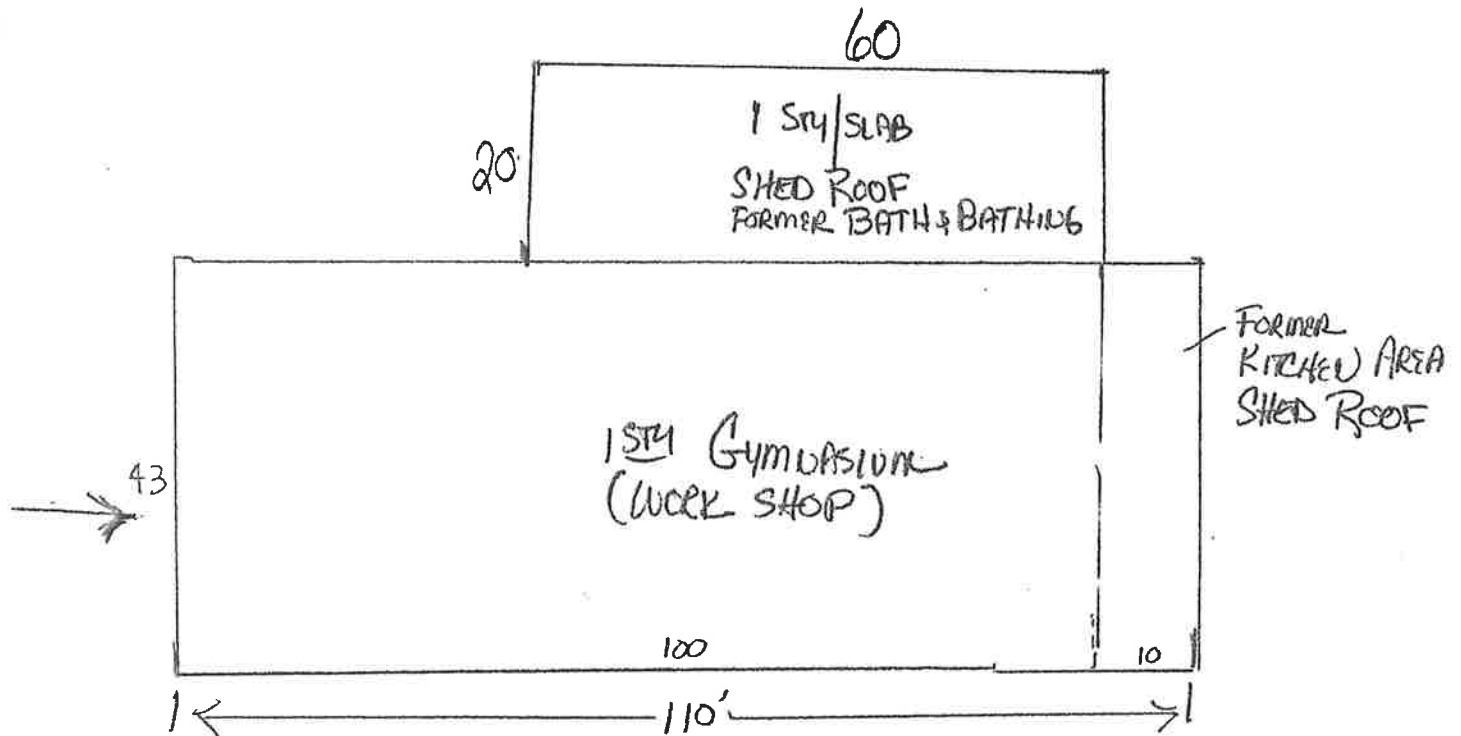
1" = 20'

### WORK SHOP

Former Gymnasium  
with Former Kitchen Space  
to Rear - Had 2-4 Fix Baths  
and Shower Stalls to Side  
C.C. Blk Const. (Poor Shape)  
Old Windows (Some Broken)  
Asp. Shingle Roof with Sags  
Does Not Leak.

Side Structure has Slightly  
Pitched Roof, All on CC Slab

Work Shop is used  
by caretaker,  
Keith Hill -  
Equip. & Car Storage  
Wood Heat, Elec & Water  
Available - Working  
Septic.









ORIGINALLY, GYMNASIUM - CURRENTLY, STORAGE / WORK SHOP



MEN'S ROOM & WOMEN'S ROOM (to the right)



ORIGINALLY, SHOWER ROOM - NOW WORKOUT ROOM & STORAGE



### Residence & Pool

Located behind the swimming pool, this building was originally the bathhouse. At some point it was converted to a residence for the caretaker.

Described as a single-family raised ranch, the lower level has basement-like characteristics, being constructed of concrete block, with stone veneer across the front. The second level exterior is vinyl siding. The lower level includes a one-car garage, furnace/utility rooms, and a finished family room with bath. The second level has a kitchen, small living room, three bedrooms, one bath, and a heated sleeping porch. The house is small but livable.

Chain link fence encloses the back yard.

Condition: The interior is in fair condition and the structure appears sound. A cursory inspection found no major problems that would require immediate attention.

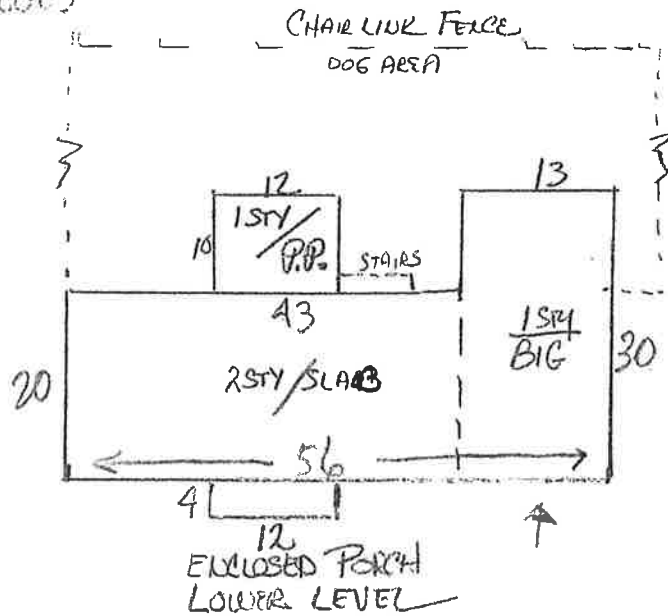
Comment: Although vines growing on the side of a building are considered attractive landscape features, over time they tend to undermine the exterior surface and should be monitored.





# Moss Preserve 1 Family Home Pool

RAISED RANCH  
SINGLE FAMILY HOME  
C.C. BLK & PARTIAL STONE  
FACE LOWER LEVEL  
VINY. SIDING & WINDOWS  
UPPER LEVEL



FORMER BATH HOUSE  
CONVERTED TO 1 FAM

1ST FL GARAGE, UTILITY RM  
FURNACE, BATH,  
FAMILY ROOM/OFFICE

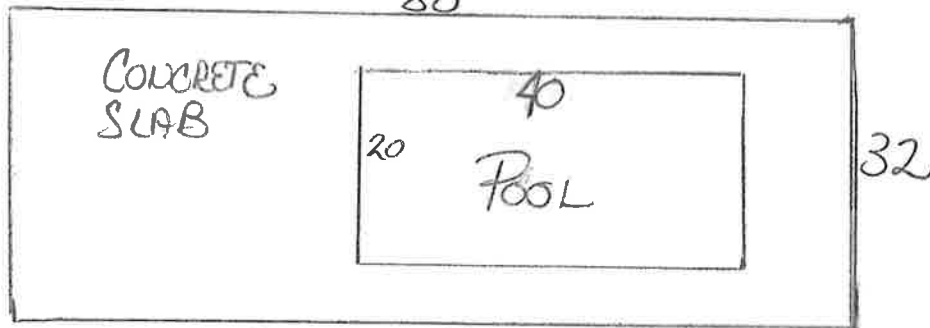
2ND FL - L.R. KIT.

3 BR, 1 BATH -

10x12 HEATED  
SLEEPING PORCH/P.P.

POOL  
88

ALUM.  
4' FENCE  
SURROUNDS  
POOL AREA



Pool  
(Photos p.28)

FORMER OLYMPIC SIZE POOL  
REBUILT BY JOHNSON FOUNDATION 2000  
HAS HEATER AND FILTER





ORIGINALLY THE BATH HOUSE - CONVERTED TO A RESIDENCE





## SWIMMING POOL



BACK SIDE - VIEW OF SYSTEMS



TOTAL AREA 131.60± AC.  
 OUTPARCEL AREA 32.20± AC.  
 AREA TO BE RETAINED BY TOWNSHIP 99.40± AC.  
 APPROXIMATE EXISTING FLOOR AREA 90,000 SF  
 ESTIMATED PARKING #/ACREAGE 360 STALLS/3.6 AC.  
 ESTIMATED SEPTIC AREA 1 AC.  
 ESTIMATED STORM FACILITIES AREA 1 AC.

MTT-119 JANUARY 18, 2006  
**PRELIMINARY LOT LAYOUT**  
 OF  
**SISTER OF ST. JOHN'S PROPERTY**  
 TOWNSHIP OF MENDHAM MORRIS COUNTY NEW JERSEY

**HACKETTSTOWN OFFICE**  
 43A Newburgh Road  
 Suite 100  
 Hackettstown, NJ 07840  
 Phone (908) 684-5500  
 Fax (908) 684-5580  
 E-mail - solutions@maserconsulting.com

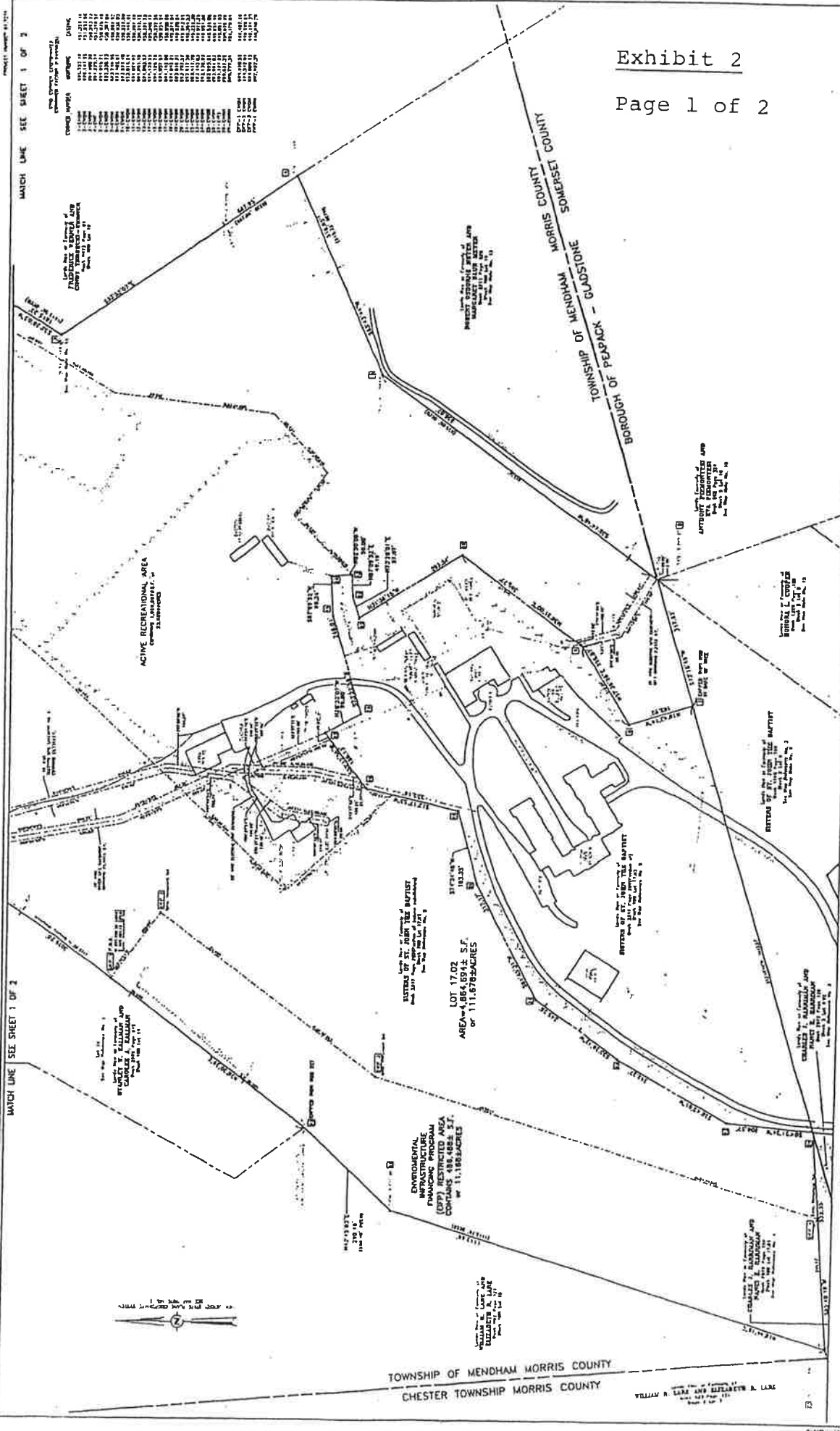
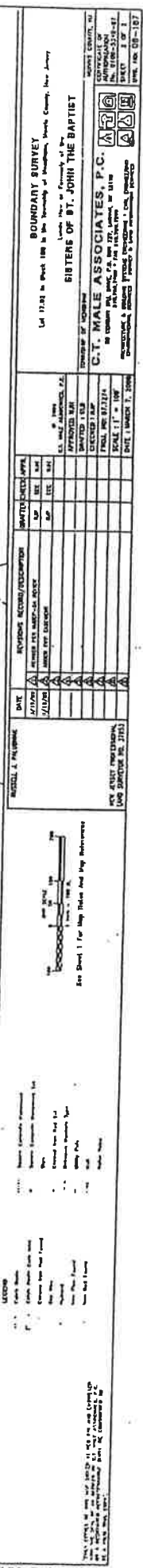
**MASER CONSULTING P.A.**  
 Consulting, Municipal & Environmental Engineers  
 Planners - Surveyors - Landscape Architects  
 State of N.J. Certificate of Authorization: 24GA27986500

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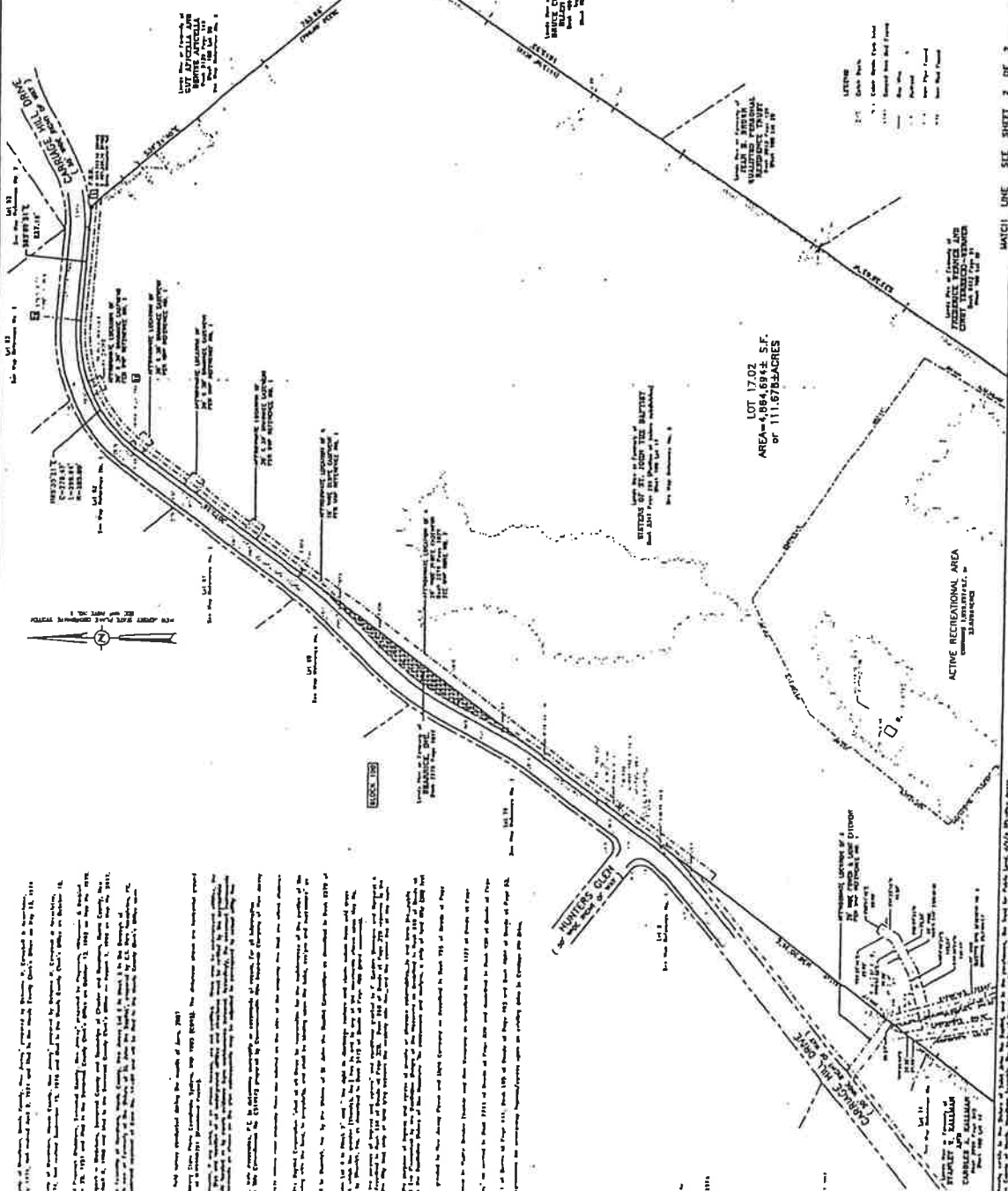
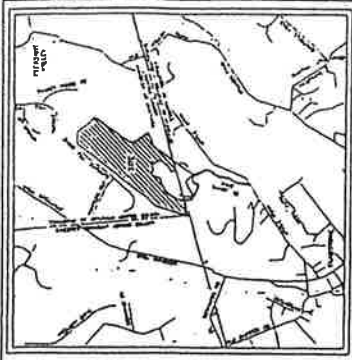


# Sisters of St. John the Baptist Property









Year	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	

[illegible][illegible][illegible]

## Mosle Preserve and Recreation Area

Page 1



Caption: Mosle Preserve fields

Description: New soccer and multi-purpose fields established October, 2009

Date Taken: 2011-06-24T13:36:00

## Property Listing

Municipality	Block	Lot	Qualification Code	Sub Code	Acres
Mendham Twp	100	17.02		SUB1	77.278
Mendham Twp	100	17.02		SUB2	23.620
Mendham Twp	100	17.02		SUB3	11.248

Total Park/Facility Acres: 112.146

## Land Use Information

SUB_PAMS_PIN	Land Uses
1419_100_17.02_SUB1	Educational Center
1419_100_17.02_SUB1	Library
1419_100_17.02_SUB1	Museum

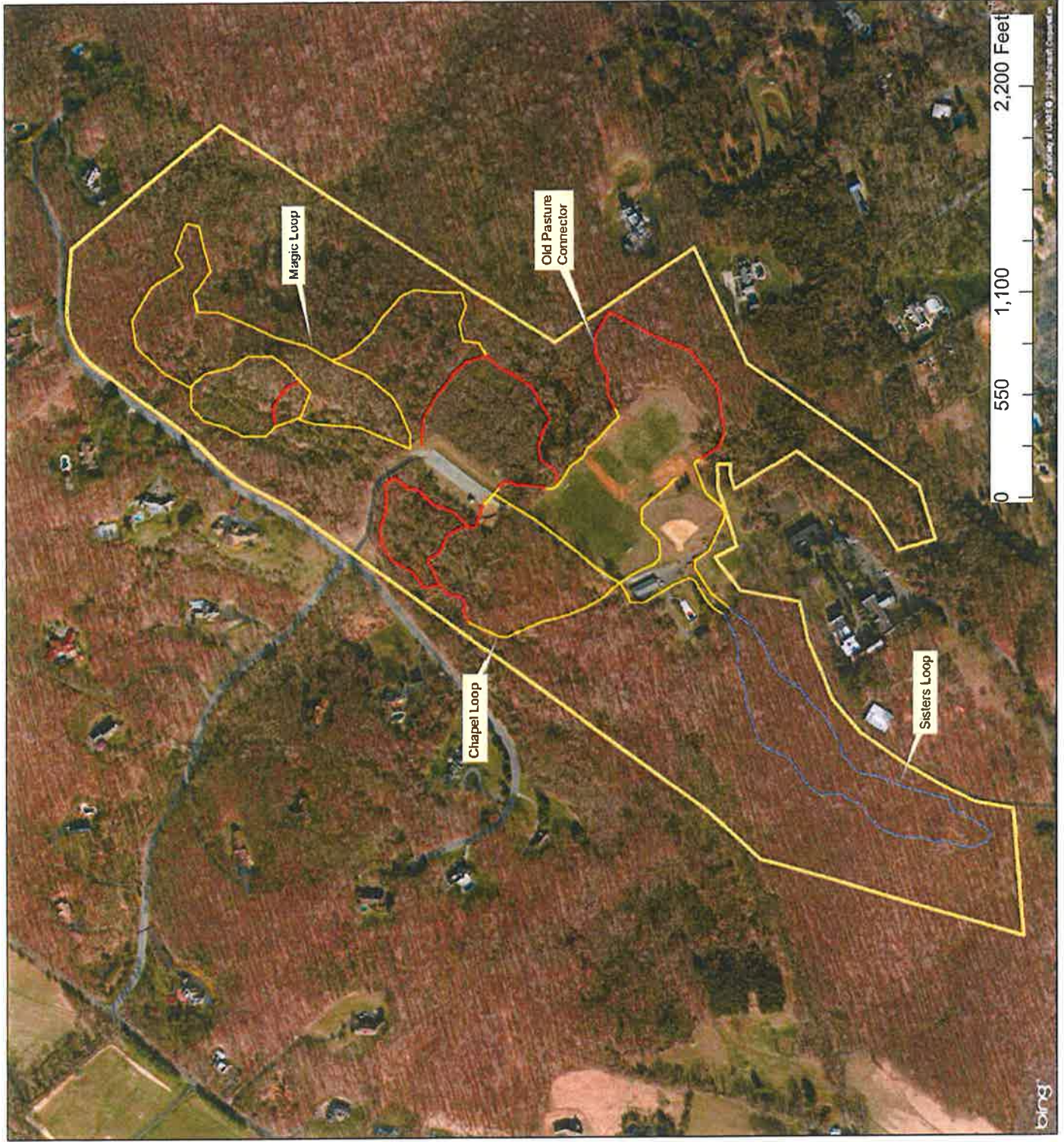
## Ownership Information

SUB_PAMS_PIN	Owner	% Owned	Acres	Acquisition	Acquisition Method	Closing Date	Deed Book	Deed Page	Deed Date
1419_100_17.02_SUB1	Mendham Twp.	64	49.46	Fee Simple	Transfer		21134	0511	2008-06-30
1419_100_17.02_SUB3	Mendham Twp.	0	11.25	Easement - Conservation	Transfer		21159	1865	2008-06-30
1419_100_17.02_SUB1	NJ Water Supply Authority	20	15.46	Fee Simple	Transfer		21134	0511	2008-06-30
1419_100_17.02_SUB1	Schiff Natural Lands Trust	16	12.36	Fee Simple	Transfer		21134	0511	2008-06-30
1419_100_17.02_SUB1	Schiff Natural Lands Trust	100	77.28	Easement - Conservation	Transfer	2008-06-30	21134	0511	2008-06-30



# Mosle Preserve and Recreation Area Running Trails

- New Trails
- Pre-Existing Woods Road, Existing Trails, and Fields
- Sisters Loop (Proposed)
- Boundary



## INDEX OF REFERENCE MATERIALS

Conversations with K. Hill, Caretaker – June 2011	Page 1
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Sunday Star-Ledger Article – February 20, 2011	Page 4
Amendment to the Land Use Plan Element – Kimball & Kimball	Page 5
Township of Mendham – Ordinance No. 4-2008	Page 6
Morris County Trust Fund – pages from application – 2006	Page 10
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Mendham Township Resolution 2011-149 (Hunting)	Page 13
Listing of Reference Materials in Municipal Files – partial	Page 14

## EXHIBITS

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Agreement with respect to Funding & Assignments of Interests 2008	Page 1
Amendment to Agreement: Funding & Assignments of Interest (undated)	Page 11
Exhibits II & III – Management & Maintenance	
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Maintenance Schedule of Fields – John Maines	Page 14
Agreement K. Hill – November 2010	Page 15
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Exhibit VI – N.J. Green Acres	
Deed of Conservation Restriction	Page 1
Exhibit VII – Morris County	
Preservation Trust Fund - Grant Agreement	Page 1
Covenants & Restrictions for Benefit of Morris County	Page 12
Exhibit VIII – NJ Environmental Infrastructure Financing Program	
Deed of Conservation Restriction	Page 2

**CAUTION:** The references and Exhibits that follow have been pulled from various sources, mainly from the Mosle Preserve files. Often, these are merely excerpts, not the complete document. Furthermore, there could be other documents that may have been overlooked and that might shed a different light on a particular subject.

## NOTES: CONVERATIONS WITH MOSLE CARETAKER – KEITH HILL

June 2011

Mr. Hill told us the girls school closed in 1992. He said he has been caretaker for the Sisters since 1986 – 25 years. According to him, the entire Mosle Preserve is now in his care, including all the buildings, the athletic fields, all grass areas and the new trail at the northeastern corner of the parking lot.

### Buildings:

Keith reminded us that the little chapel was located near the Sisters' cemetery. He pointed out the section of door that is broken and said he will make a repair sufficient to keep vandals out.

The storage/workshop building was originally a gymnasium. Toward the rear of the building is a kitchen-type area which Keith referred to as the "canteen". The flat-topped lean-to on the western side of the building housed bathroom facilities (separately marked "men" and "women") and a large room with stall showers (currently being used as an exercise room). He said all plumbing is in fine working order but a year or two ago, the pipes were drained for the winter and the water has been shut off since. Keith said there is a septic system for the building that is in good working order. The current heat source is a wood-burning stove that Keith installed. A while ago, the Fire Inspector (J. Betts) condemned the building for use as a gym but said it could be used for a storage/workshop if the roof beams were reinforced. Keith did the reinforcing. According to Keith, all of the equipment in the building belongs to him except the snow plow (Sister's) and a machine to drag the baseball field surface (Township's).

The swimming pool was built Olympic size but later reduced to residential size. Keith said that the pool and the pipes were drained three years ago and, to prevent mosquitoes, chlorine tablets are now put in the bottom of the pool. He said the pool leaks, but the source of the leaks is unknown.

The caretaker's house, according to Keith, was originally the pool house which was converted to a residence.

### Recreational Fields:

Both soccer fields are regulation size, which means between 60 to 70 yards wide, and 110 to 120 yards long. For practice, one of the fields is often divided in half which allows the other field to be rested. Keith expressed concern about keeping the fields in good condition. He said the soccer fields are used spring, summer and fall. He explained that his own soccer club, SSC, is for boys between the ages of 10 and 18 and it has been in existence for a long time and is well known.

The baseball field was designed and built by Little League. Keith said it is used during baseball season and also in the summer for practice. (It may also be used in the fall.)

There is a new trail which begins at the northeast side of the new parking lot. It forms a loop which exits next to the entrance. Keith said it is marked and takes about one-half hour to walk. He said he keeps it mowed.

#### Parking Lot:

Despite posted signs to the contrary, Keith said parents of athletes prefer to park down the hill closer to the playing fields. At times, during games or practice, the parking lot is practically unused.

August 2011

Keith confirmed that there is currently a chain across the drive connecting Mosle Preserve to St. John Drive. This was installed to prevent people from using the roadway as a shortcut between Roxiticus Road and Mosle Road. He said the Fire Department has been consulted and they said that in an emergency, they could cut through the chain.

Furthermore, he said the Hunter's Glen Road entrance to the Preserve is closed and locked each evening, but the Fire Department has a key to the lock.



# Township of Mendham

INCORPORATED MARCH 29, 1749

P.O. BOX 520  
BROOKSIDE, NEW JERSEY 07926  
(973) 543-4555 / FAX (973) 543-6630

November 9, 2010

Mr. Keith Hill  
Post Office Box 454  
Gladstone, NJ 07934

Dear Keith:

This letter is to memorialize the renewal of our agreement on the maintenance/use of the fields formerly owned by the Sister's of St. John the Baptist and now owned by the Township.


To summarize, the terms of our agreement are as follows:

- The Township will allow for use of the fields by the SSC soccer club (presently projected: 2 teams in the fall/6 teams in the spring) on a schedule to be mutually agreed upon each season by the Township and yourself.
- You will provide for the maintenance and upkeep of the existing field network and associated grounds utilizing the manpower and equipment available to you under the terms of your working relationship with the Sisters of St. John the Baptist (up to and including the mowing of grass, field irrigation, fertilization/aeration, overseeding, field lining and any other activity necessary to prepare the fields for play).
- You will provide the Township with a current proof of insurance covering your club's use of the soccer fields as well as your maintenance activities to be conducted on the property during the course of the agreement.
- The term of the agreement is one year (January 1, 2011-December 31, 2012, and is renewable annually on the mutual approval of both parties. A decision by either party to cancel the agreement must be done in writing with a minimum of 60 days notice prior to the end of the calendar year.

Please acknowledge your agreement with the terms outlined above in the area designated below for your signature and return to me along with the required proof of insurance. Thank you.

Sincerely yours,

  
Stephen Mountain  
Township Administrator

  
Keith J. Hill



# Sunday Star-Ledger

## MORRIS COUNTY

PAGE 21 | FEBRUARY 20, 2011 | NJ.COM

(Page 21 of 24)

### Move puts special-ed academy in a new era

By Eugene Paik  
STAR-LEDGER STAFF

Life at Montgomery Academy in Mendham Township has always felt a little off-kilter, with nuns strolling the campus grounds, trees isolating the property and classes being held inside an imposing former mansion, school Principal Tony Gebbia said.

An upcoming relocation could make that life a little more mundane.

Montgomery Academy, a nonsectarian school that serves 90 special-education students, will move in July from its rented space at the Mount Saint John Convent to an unassuming two-story office building in Basking Ridge, which will be leased for 11 years.

"Students joke that the new place looks like a parking garage," Gebbia said.

But it's a building, on Mount Airy Road, that will supply Montgomery Academy with everything its current location cannot: elevators, tech-friendly walls, air-conditioning and other modern amenities.

Since 1992, Gebbia said, classes have been held in the secluded Mosle mansion, a 66,000-square-foot Craftsman-style structure accessible by a thin, winding road on the border of Morris and Somerset counties. A convent occupies the main house, and Montgomery Academy rents space in the two wings that spread from it.

The special-education school draws students from 55 school districts in Passaic, Warren, Union, Somerset, Morris, Middlesex, Hunterdon, Essex and Sussex counties. Many students at Montgomery Academy, which has been in about five locations over its 40-year existence, have been diagnosed with autism or Asperger syndrome, or have attention disorders.

The deteriorating mansion has caused some problems with instruction, Gebbia said. Electricity in the building can be inconsistent, he said, and it takes the special-education students time to bounce back from any disruption.

Built in 1906 by sugar baron George Mosle, the building was purchased by the Sisters of St. John the Baptist in 1926. Since then, the building has

been home to an orphanage and a Catholic school, which was replaced in 1992 by Montgomery Academy.

Gebbia said it isn't uncommon to see nuns strolling around the property, though the students and nuns rarely interact.

The number of nuns have dwindled over the years from 30 to three, and, in 2008, they completed a deal to preserve nearly all of the 143-acre property as a Mendham Township park.

An official with the convent could not be reached for comment.

Hearing that the building could be sold, Montgomery Academy officials made plans to leave about six years ago. The school has signed one-year leases since 2004, school spokeswoman Lisa Delventhal Marelli said, and it can finally leave now that a new building is ready.

The Basking Ridge structure is being outfitted to suit the school's needs and will include an "independent living apartment" that teaches students how to thrive on their own. In addition, the new building has easier access — it can be reached easily from Interstate 287.

Eugene Paik: (973) 392-1767  
or epaik@starledger.com

# KIMBALL & KIMBALL

Professional Planners

Duggan A. Kimball, PP  
Susan C. Kimball, PP

---

~~DRAFT~~ AMENDMENT to the  
LAND USE PLAN ELEMENT of the  
MENDHAM TOWNSHIP MASTER PLAN  
2-6-08

RECOMMENDATIONS FOR  
BLOCK 100, LOT 17  
SISTERS OF ST JOHN THE BAPTIST

This 131.60-acre tract was originally developed as the Mosle family estate but has contained the Sisters of St. John the Baptist convent for many decades, and it also contains a school. The current improvements total approximately 125,000 square feet of building floor space in multiple buildings. At the time of this amendment, the Sisters are in the process of closing the convent and the associated convent school. These uses have proven to be compatible with the otherwise predominantly low density residential character of the surrounding area. It is in the best interest of the Township and surrounding neighborhoods that any reuse of these substantial buildings and associated improvements remain compatible with the Township's planning goals for the R-10 Zone. However, it is also true that the substantial improvements should find some reasonable reuse.

The continuation of the current religious use of the property may not be feasible, at least in its current configuration, and some variety of non-religious uses may be necessary to avoid abandonment and blight. The current R-10 zoning continues to be consistent with the Township's overall planning goals and to the general character of the area. However, zoning should also permit the reasonable reuse of the existing buildings provided the uses are not incompatible with the low density residential character of the area. The permitted intensity of reuse should balance a viable reuse of the buildings with the Township's planning goals for the area and the limits of on-site potable water and wastewater infrastructure. Any future redevelopment should be limited to essentially the existing floor area. The zoning should also require that any affordable housing *growth share* that may result from the reuse, in accordance with COAH rules, be accommodated on site.

The balance of the tract, almost 100-acres, contains recreational improvements including multiple general purpose ball fields and walking trail. Additional recreational improvements could be accommodated. A portion of this area is also environmentally sensitive containing steep slopes and the headwaters of a high water quality stream. Important objectives of the Township's Master Plan are to preserve open space and environmental quality, and the established rural residential pattern of development throughout the Township. When the tract is vacated by the Sisters, these objectives can be advanced through the purchase of the largely undeveloped portion of the tract for public open space and recreation. The only current access to this area is through the convent and school. Improved access to this area will be needed but in any case the current access should be maintained if only for emergency, secondary access.

---

Maine  
PO Box 600  
Bath ME 04530-0600

Telephone: 207-442-9176  
E-mail: kimball@hughes.net  
Facsimile: 207-442-9177

New Jersey  
PO Box 275  
Mendham NJ 07945-0275

EXHIBIT A

TOWNSHIP OF MENDHAM  
ORDINANCE NO. 4 – 2008

AN ORDINANCE CREATING A NEW "REUSE OF EXISTING BUILDINGS OVERLAY DISTRICT" IN A PORTION OF THE R-10 ZONE, PERMITTING THE REUSE OF EXISTING BUILDINGS FOR MULTIPLE USES AS A CONDITIONAL USE, AMENDING CHAPTER XXI "ZONING REGULATIONS" OF THE LAND USE ORDINANCE OF THE TOWNSHIP OF MENDHAM

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, as follows:

SECTION 1. Chapter XII, Definitions, is hereby amended to add the following new definitions:

"Age-restricted residences. Dwellings restricted to occupancy by residents 55 years of age or older consistent with the Federal Fair Housing Act."

"Assisted Living Facility. Residences for the frail elderly and/or physically impaired that provide rooms, meals, personal care, supervision and other services, such as recreational activities and transportation."

"Day Care Facility. A facility that provides for the day care, supervision, and protection of children or the elderly but provide no overnight care."

"Hospice. An institutional use providing medical care and other services to the terminally ill."

"Intermediate Care Facility. A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides."

"Long-term Care Facility. An institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients."

"Non-Profit Office. A room or group of rooms used for conducting the affairs of a governmental agency, or a non-profit organization qualified under the 501 (c) (3) rules, and generally furnished with desks, tables, files, and communications equipment."

SECTION 2. Chapter XXI, Section 21-2.1, Zone Districts, of the Land Use Ordinance is hereby amended to insert a new overlay zone district as follows:

"Reuse of Existing Buildings Overlay Zone within the R-10 Zone district retaining the underlying R-10 zone plan and requirements"

SECTION 3. Section 21-2.2, Zoning Map and Schedule of Requirements, of the Land Use Ordinance of the Township of Mendham is hereby amended to read as follows:

"21-2.2 Zoning Map and Schedule of Requirements. A portion of the property designated on the official tax map of the Township of Mendham as Block 100, Lot 17.03, which portion is delineated and designated on the map



entitled "Township of Mendham, Morris County, New Jersey, Zoning Map,) including the Schedule of Requirements appearing thereon, is hereby designated as an overlay zone district within the R-10 Zone entitled the "Reuse of Existing Buildings Overlay Zone."

**SECTION 4.** A new section, section 21-5B is hereby created to read as follows:

**"21-5B REUSE OF EXISTING BUILDINGS OVERLAY ZONE**

**21-5B.1 Alternate reuse of existing buildings.** In addition to the uses permitted in the underlying R-10 Zone, any combination of the following uses are permitted as a conditional use provided that the standards of section 21-4.6.g., Reuse of Existing Buildings, are met:

a. **Principal permitted uses:**

- (1) Governmental uses.
- (2) Churches, houses of worship, and related religious uses.
- (3) Elementary, intermediate and high schools teaching academic subjects.
- (4) Public assembly hall or theater ancillary to (1), (2), or (3) above.
- (5) Non-profit office uses.
- (6) Assisted living facility.
- (7) Hospice.
- (8) Intermediate Care Facility
- (9) Long-term Care Facility
- (10) Age restricted residences.
- (11) Day care facility.
- (12) Gymnasium use in the existing gymnasium building.
- (13) Residences for onsite employees of the uses located in the Reuse of Existing Buildings Overlay district.
- (14) Administrative offices for building owners.
- (15) On-site affordable housing to accommodate any growth share in accordance with subsection c. below.

b. **Permitted accessory uses:** Any use normally accessory and incidental to the principal permitted use.

c. **Affordable housing required for change of use triggering growth share.** Any redevelopment of existing buildings that involves a change of use of existing structures and generates a growth share requirement or other affordable housing requirement under Council on Affordable Housing (COAH) rules (N.J.A.C. 5:94-1 et seq. as amended and supplemented) shall accommodate the required number of affordable units, including any rental requirement, on site. In this regard, the applicant shall furnish the Board with an analysis indicating the number of existing and proposed dwellings if any, as well as the amount of square footage devoted to existing nonresidential uses as compared to the square footage to be devoted to proposed nonresidential uses in accordance with COAH rules, as amended and supplemented."

**SECTION 5.** Section 21-4.6, CONDITIONAL USES, is hereby amended to add a new subsection to read as follows:

"21-4.6.g., REUSE OF EXISTING BUILDINGS. Existing buildings in the Reuse of Existing Buildings Overlay Zone district may be reused for any of the uses listed in section 21-5B.1 provided the following regulations and standards are met:

1. Any reuse of existing buildings involving a change of use shall require conditional use approval in accordance with this section.
2. The lot area must be at least 18 acres in Mendham Township.
3. No new building floor area shall be created except for minor alterations that may be needed for code compliance, handicapped access or other improvements that do not significantly alter the building area.
4. The total impervious surface coverage shall be no more than 218,000 square feet.
5. Any use providing medical care shall provide its own ambulance service for its patients.
6. The amount of existing building floor area devoted to the uses permitted in the Reuse of Existing Buildings Overlay Zone shall be shown on the site plan together with a calculation of the total floor area proposed to be devoted to each use. The following parking standards shall be utilized as a gauge for determining the maximum intensity of use. For the purpose of this section, higher intensity uses are those that generate more need for parking. Accessory uses shall be counted as the principal use. The total intensity of reuse of buildings for any combination of permitted uses shall not exceed a total of 200 parking spaces theoretically needed as calculated utilizing the following standards:

BUILDING FLOOR AREA DEVOTED TO:	PARKING SPACES
Church services and other worship	One for each three seats or one for each 72 inches of bench seating; however, there shall be no theoretical parking need generated if services are limited to weekends and/or evenings after 5:00 PM.
Public assembly hall, theater	One for each three seats or one for each 75 sq. ft. of assembly area; however, there shall be no theoretical parking need generated if such uses are limited to weekends and/or evenings after 5:00 PM.
Non-profit office and governmental uses	One for each 200 sq. ft.
Hospice, Intermediate and long-term care facilities	One per unit
Gymnasium use	One for each 200 sq. ft.
Assisted living facility	0.5 per unit
On-site employee residences	One per unit
Age restricted residences	Two per unit
Day care facility	One per every 600 sq. ft.
Elementary school	Two per classroom
Intermediate school	1.5 per classroom
High school	2 per classroom

The above parking standards are solely intended for calculating the maximum intensity of use. The ability to physically provide more than 200 parking spaces on site shall not constitute a valid reason to reuse building space with a higher percentage of higher intensity uses.


**SECTION 6 .** This ordinance shall take effect after final passage and publication pursuant to law.

Introduced: February 26, 2008  
Adopted: March 25, 2008  
Effective March 28, 2008

Attest:

  
Ann Carlson, Township Clerk

TOWNSHIP OF MENDHAM,  
IN THE COUNTY OF MORRIS

By   
Phyllis Florek, Mayor

This site contains the following natural resource characteristics:

(Check all appropriate boxes)

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Flood plains                    | Percentage of Site: _____ %      |
| <input checked="" type="checkbox"/> Wetlands             | Percentage of Site: <u>±7</u> %  |
| <input checked="" type="checkbox"/> Steep Slopes         | Percentage of Site: <u>±25</u> % |
| <input checked="" type="checkbox"/> Bluffs & Ridge Lines | Percentage of Site: <u>±5</u> %  |

- ☒ Aquifer Recharge Area/Aquifer
- ☐ Headwaters of FW1 Streams
- ☒ Headwaters of FW2 Streams (specify)
- ☐ Stream Corridors for FW1 Streams
- ☒ Stream Corridors for FW2 Streams
- ☐ Lake Shores

- ☒ Historic & Archaeologic Features (*specify and cite sources*)

Historic features located on the property are not included in the acquisition area.

- ☒ Specimen Trees/Mature Forests (*specify and cite sources*)

Palustrine; Forested; broad leaved; deciduous upland hardwood forest.

- ☒ Endangered/Threatened Wildlife Habitat (*specify and cite sources*)

Confirmed sighting of the Eastern Box Turtle (*Terrapene c. carolina*, a species of special concern.

- ☐ Endangered/Threatened Vegetation (*specify and cite sources*)

- ☒ Unique or Exceptional Ecosystems (*specify and cite sources*)

The property contains the headwaters of the Gladstone Brook, a Category 1, FW-2 trout production stream with associated wetlands and upland ecosystem supporting a range of wildlife.

2006

### Project Narrative:

Using this page ONLY, please explain why this project is a high priority for your town. This is an opportunity for you to make a case for your project and to convey special features/factors of the site which may not be adequately conveyed elsewhere in the application.

The Mosle Preserve and Recreation Area is Mendham Township's priority open space project for 2006. The project is the fee simple acquisition of 120 acres of property owned by the Sisters of Saint John the Baptist on Mosle Road.

The Township and its partner, the Trust for Public Land, have negotiated an agreement under which the Township will acquire 120 acres of the 145 acre tract owned by the Sisters for public open space. The remaining 25 acres of the property (including the Mosle Mansion and several other outbuildings) will be rezoned, subdivided and sold. The land to be subdivided off is in both Somerset and Morris Counties, the 120 acre open space acquisition area falls solely in Morris County. The sale of the subdivision will offset the total purchase price of the property, as the funds from the sale will be used to support the open space portion of the acquisition.

The acquisition of the Mosle Preserve is of the highest priority to Mendham Township for the following reasons:

- The Sister's property complements the Township's open space preservation goals; the tract is large in size, and contains vast expanses of wooded land, dense forest and open fields, as well as several, already developed athletic fields. The property is considered to be the largest, most attractive parcel of remaining open space within Mendham borders.
- The Mosle Preserve is subdividable and located in an area of prime real estate. The property could be developed in such a manner that would be detrimental to both the Township and the region. A conforming subdivision concept plan developed by the Sisters proposes an 11 lot (10-acre zoning) development plan for the property.
- The property, in addition to being visually beautiful, incorporates numerous environmental features worth preserving. Located in the Upper Raritan watershed, the land contains the headwaters of Gladstone Brook, a Category One, FW-2 stream. Furthermore, the property is home to a variety of wildlife, including the eastern box turtle, a species of special concern.
- The Township has a growing need for active recreation facilities. The Mosle property contains existing facilities that would offer an immediate remedy to this need. An entrance way to the athletic fields would be possible from the Carriage Hill side of the property, allowing for convenient public access from all population centers within the community.
- The property includes several structures, including the 100 year old Mosle Mansion and several other outbuildings. The structures are located on the section of the property demarcated for subdivision and will not be part of the acquisition area proposed for grant funding.
- The Sisters of Saint John the Baptist have received offers from other developers, but have signed an option agreement with the Trust for Public Land. In addition to the anticipated proceeds from the subdivision, the Township has approximately \$1.5 million available in its open space trust to contribute towards this project. Additional funding sources include the NJDEP Green Acres Program and several regional organizations, including TPL, the NJ Water Supply Authority, Schiff Natural Lands Trust and the Upper Raritan Watershed Association. A \$4 million grant from the Morris County Open Space Trust would provide the remaining funding necessary to complete the purchase. Under the terms of the agreement, TPL would transfer ownership of the open space area to the Township at closing.

The acquisition of the Mosle Preserve and Recreation Area provides a unique opportunity for Mendham Township to preserve one of the few remaining land tracts of this size (within both the Township and the region at large) and it deserves priority consideration for Morris County Open Space funding. Preserving the Mosle property is consistent with the State, County and Township Master Plans, in addition to the Township Open Space Plan and program goals. We appeal for favorable review of this application and support for the funding of this important and sizeable project.

1. Information shown hereon was compiled from an actual field survey conducted during the month of June, 2007.

2. North orientation and bearings are based on the New Jersey State Plane Coordinate System, NAD 1983 (CORS). The distances shown are horizontal ground distances, Grid lengths may be obtained by a multiplier of 0.99988351 (Combined Factor).

3. The location of underground improvements or encroachments, if any exist, or as shown hereon, are not certified. There may be underground utilities, the existence of which are not known to the undersigned. Size and location of all underground utilities and structures must be verified by the appropriate authorities. Existing water line as shown hereon was field located or by parole evidence from maintenance personnel. Accordingly, the easement instruments will provide that the location of the proposed utility easements as shown on the plan subsequently may be adjusted to correspond to actual utility line locations.

4. This survey does not constitute a record search by C.T. Male Associates, P.C. to determine ownership or easements of record. For all information regarding easements of record the Surveyor relied upon Title Commitment No. C514972 prepared by Commonwealth Title Insurance Company of New Jersey dated March 15, 2007.

5. Offset distances shown hereon that are referencing objects shown near property lines are labeled on the side of the property line that the offset distance is written.

6. Together with a covenant that the Sisters of St. John the Baptist Corporation "shall at all times be responsible for the maintenance of the portion of the private road known as St. John's Drive...a covenant running with the land, in perpetuity, and shall be binding upon the heirs, assigns and successors" as described in Book 1796 of Deeds at Page 766.

7. Subject to a 20 foot wide slope right easement granted to Sharrick, Inc. by the Sisters of St. John the Baptist Corporation as described in Book 2276 of Deeds at Page 1077.

8. Subject to "drainage easements for the cross drains upon Lot 4 in Block 2" and "the right to discharge surface and storm waters from said cross drains upon Lot 4 in Block 2" and "any and all interest which the grantor (Sharrick, Inc.) has in and to any of the easements shown upon Map No. 3347" and rights granted to the Township of Mendham by Sharrick, Inc. as described in Book 2412 of Deeds at Page 406 (third easement).

9. Subject to "a perpetual easement, or right of way...for the purpose of ingress and egress" and conditions granted to F. Gordon Simmons and Margaret A. Simmons by the Baptistine Sisters of the Nazarene as described in Book 668 of Deeds at Page 320. Book 668 of Deeds at Page 320 reserves to the Baptistine Sisters of the Nazarene "for road purposes, the fifty foot strip of land lying between the westerly side line...and the center line of the main drive leading to the school."

10. Subject to "a perpetual right of way or easement...for the purpose of ingress and egress of private or pleasure automobiles...to and from the...public road" and conditions granted to Anthony Piemontesi and Eva Piemontesi by the Baptistine Sisters of the Nazarene as described in Book 668 of Deeds at Page 324. Book 668 of Deeds at Page 324 reserves to the Baptistine Sisters of the Nazarene "its successors and assigns, a strip of land fifty (50) feet in width...abutting the private road".

11. Subject to an unprotractable utility easement and rights granted to New Jersey Power and Light Company as described in Book 726 of Deeds at Page 392.

13. Subject to a utility easement, rights and conditions granted to Public Service Electric and Gas Company as described in Book 1727 of Deeds at Page 328.

14. May be subject to a "certain easement and right-of-way" as recited in Book 2211 of Deeds at Page 828 and described in Book 959 of Deeds at Page 393.

15. Monument was recited as a property corner in Book H31 of Deeds at Page 411, Book L65 of Deeds at Page 493 and Book 4864 of Deeds at Page 52.

Lots 17.02 and 17.03 may be subject to a reciprocal agreement for emergency ingress/egress upon an existing drive to Carriage Hill Drive.

12  
Field Survey C.T. Male Associates 3/7/08

50.44

## RESOLUTION 2011-140

### ESTABLISHING DATES FOR HUNTING FROM TREE STANDS ON TOWNSHIP OWNED NATURAL AREAS

**WHEREAS**, the Township Committee appointed a Wildlife Management Committee to advise the Governing Body on matters involving non-domestic animals; and

**WHEREAS**, the Wildlife Management Committee has recommended that deer hunting, from tree stands only, be allowed according to the following calendar schedule in the natural areas:

#### ***Shotgun deer hunting from tree stands:***

- Buttermilk Falls  
India Brook  
Burnett Brook  
Meadowood Preserve  
Mosle Preserve  
Dos Posos

December 5 – 10, 2011  
December 14, 2011  
January 11, 14, 18 & 25, 2012  
February 1 & 8, 2012

- Clyde Potts Reservoir  
December 6, 8, 9 & 14, 2011  
January 11, 14, 18, 25 & 28, 2012  
February 4, 2012

These areas will be closed to the public on the dates listed above.

#### ***Bow and Arrow deer hunting from tree stands over bait:***

- India Brook
- Buttermilk Falls  
Meadowood Preserve  
Dismal Harmony  
Dos Posos  
Mosle Preserve  
Burnett Brook  
Bartenstein

September 10 – November 26, 2011  
(excluding Sundays)  
Dawn to Dusk

- Cold Hill Preserve  
Tempe Wick

September 10, 2011 – February 11, 2012  
(excluding Sundays)  
Dawn to Dusk

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, to approve the schedule noted above and to authorize that appropriate measures be taken to post the Natural Areas to note the dates and hours of closure to the public.

**BE IT FURTHER RESOLVED** that the Mendham Township Wildlife Management Committee is responsible for scheduling hunters with valid permits in the parks.

Adopted: July 26, 2011

Attest:

TOWNSHIP OF MENDHAM  
COUNTY OF MORRIS

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Ann L. Carlson, RMC  
Township Clerk

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Frank V. Cioppettini, Jr.  
Mayor



## PARTIAL LIST

### REFERENCE MATERIALS IN MUNICIPAL FILES

Maps and Metes & Bounds, including:

Boundary Survey – Revised 4/18/08

Legal Description – Revised 4/28/08

EIFP Easement Description – Received 5/12/08

Rental Contract between the Sisters and Keith Hill, dated 6/30/00

Agreement – Sisters & TPL (Including information about the school & buildings) 6/26/06

Integra Realty Resources – appraisal 6/29/06

Certification of Market Value – Green Acres 2/8/07

Application to Morris County Open Space & Preservation Trust Fund

Agreement with respect to Funding and Assignment of Interests, June 18, 2008, including:

Exhibit A – Property Management Plan

Exhibit B-1 – Covenants and Restrictions for Benefit of Morris County

Exhibit B-2 – Maintenance and Management Agreement

Exhibit B-3 – Deed of Conservation Restrictions to NJ Green Acres Program

Exhibit B-4 – Deed of Conservation Restriction to NJ Environmental

Infrastructure Financing Program

Amendment to Agreement with respect to Funding and Assignment of Interests, June 27, 2008

Mendham Twp. Ordinance No. 4-2008 Creating “Reuse of Existing Buildings Overlay District”

Use and Occupancy Agreement, June 30, 2008

Amendment to the Green Acres Project Agreement, dated 5/20/09

Certification, Traffic, Parking, Signage, etc. Lemanowicz 9/29/09

Four-Towns Recreation Report (winter 2009-2010)

Letter of Agreement to Mr. Keith Hill, dated November 9, 2010

Also, not listed above, various letters, memos, funding and insurance information, etc.