

**MINUTES OF THE  
MENDHAM BOROUGH PLANNING BOARD  
January 12, 2015**

**Garabrant Center, 4 Wilson Street, Mendham, NJ**

**CALL TO ORDER**

The regular and reorganization meeting of the Mendham Borough Planning Board was called to order by Mr. Henry, Board Attorney, at 8:00PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

**OPENING STATEMENT**

Notice of this meeting was published in the *Observer Tribune* on January 23, 2014 and the *Daily Record* on January 16, 2014 and was posted on the bulletin board in the Phoenix House in accordance with the Open Public Meetings Act, and furnished to all those who have requested individual notice and have paid the required fee.

**OATHS OF OFFICE**

Mr. Henry, Esq. administered the Oaths of Office to Mayor Henry, Councilman Andrews, Administrator Merkt, Mr. Kay and Mr. McDevitt prior to the meeting being called to order.

**ATTENDANCE**

Mayor Henry – Present  
Mr. Bradley – Present  
Ms. Lichtenberger – Present  
Administrator Merkt – Present  
Mr. Sprandel - Absent

Mr. Kraft - Present  
Mr. Cascais – Present  
Ms. Isaacson – Absent  
Councilman Andrews – Present

Alternates:

Mr. Kay, Alternate I – Present  
Mr. McDevitt, Alternate II - Present

Also Present:

Mr. Henry, Attorney  
Mr. Ferriero, Engineer  
Ms. Kaye, Secretary

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**2014 REORGANIZATION**

**Slate of Officers/Technical Review Committee**

**Election of Chair:** A nomination was made for Mr. Kraft as Chair. There being no additional nominations, on motion made and seconded, a single ballot was cast for Mr. Kraft as Chair.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Andrews, Bradley, Henry, Kay, Lichtenberger, McDevitt, Merkt, Cascais, Kraft  
Opposed: None  
Abstentions: None

The motion carried and Mr. Kraft was elected Chair.

**Election of Vice-Chair:** A nomination was made for Mr. Cascais as Vice Chair. There being no other nominations, on motion made and seconded, a single ballot was cast for Mr. Cascais as Vice Chair.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Andrews, Bradley, Henry, Kay, Lichtenberger, McDevitt, Merkt, Cascais, Kraft  
Opposed: None  
Abstentions: None

The motion carried and Mr. Cascais was elected Vice Chair.

**Appointment of Board Secretary:** A nomination was made for Ms. Kaye as Board Secretary. On motion made, seconded and passed on voice vote, Ms. Kaye was appointed Board Secretary.

**Technical Review Committee (TRC):** Mr. Kraft named Mr. Bradley as Chair of the Technical Review Committee. Mr. Cascais, Ms. Lichtenberger and Mr. Sprandel agreed to serve as regular members. Administrator Merkt will serve as first alternate and Mr. Kraft as second alternate.

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## RESOLUTIONS

**TRC Meeting Dates:** In the meeting packet, Board Members received a copy of a resolution listing proposed meeting dates for 2015.

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY  
MENDHAM BOROUGH PLANNING BOARD**

**BE IT RESOLVED** that the Technical Review Committee of Planning Board of the Borough of Mendham will meet to discuss or act upon public business at 9:00AM prevailing time on each of the dates set forth below, at the Phoenix House, 2 West Main Street, Mendham, NJ:

Monday, January 19, 2015  
**Tuesday**, February 17  
Monday, March 16  
Monday, April 20  
Monday, May 18  
Monday, June 15  
Monday, July 20  
Monday, August 17  
Monday, September 21  
Monday, October 19  
Monday, November 16  
Monday, December 21

**BE IT FURTHER RESOLVED** that notice of any additions to the above schedule or change in the time, date or place of any scheduled meeting will be posted on the bulletin board in the Phoenix House and delivered to the official newspapers in advance as required by law.

With respect to matters presented to this Board by applicants, the public shall be heard during the hearing on the application in accordance with the procedure as established by the Municipal Land Use Law.

Mr. Cascais made a motion to approve the TRC meeting dates which was seconded by Mr. Bradley.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor:            Andrews, Bradley, Henry, Kay, Lichtenberger, McDevitt, Merkt, Cascais, Kraft  
Opposed:           None  
Abstentions:       None

The motion carried. Ms. Kaye will make the appropriate public notification.

**Planning Board Meeting Dates:** In the meeting packet, Board Members received a copy of a resolution listing proposed meeting dates for 2015.

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY  
PLANNING BOARD RESOLUTION  
2014 MEETING DATES**

**BE IT RESOLVED** that the Planning Board of the Borough of Mendham will meet to discuss or act upon public business at 8:00PM prevailing time on each of the dates set forth below, at the Garabrant Center, 4 Wilson Street, Mendham, NJ:

Monday, February 9, 2015  
Monday, March 9  
Monday, April 13  
Monday, May 11  
Monday, June 8  
**Tuesday**, July 14  
Monday, August 10  
Monday, September 14  
**Tuesday**, October 13  
Monday, November 9  
Monday, December 14

Monday, January 11, 2016

**BE IT FURTHER RESOLVED** that notice of any additions to the above schedule or change in the time, date or place of any scheduled meeting will be posted on the bulletin board in the Phoenix House and delivered to the official newspapers in advance as required by law.

With respect to matters presented to this Board by applicants, the public shall be heard during the hearing on the application in accordance with the procedure as established by the Municipal Land Use Law.

Mr. Cascais made a motion to approve the Planning Board meeting dates which was seconded by Mayor Henry.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Andrews, Bradley, Henry, Kay, Lichtenberger, McDevitt, Merkt, Cascais, Kraft  
Opposed: None  
Abstentions: None

The motion carried. Ms. Kaye will make the appropriate public notification.

**Official Newspapers:** In the meeting packet, Board Members received a copy of a resolution listing the official newspapers for 2015.

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY  
PLANNING BOARD RESOLUTION  
OFFICIAL NEWSPAPERS**

**BE IT RESOLVED** by the Planning Board of the Borough of Mendham, Morris County, New Jersey as follows:

**WHEREAS**, Chapter 231 of the Public Laws of the State of New Jersey for 1975, known as and hereinafter designated as the "Open Public Meetings Act" aforesaid, the Planning Board of the Borough of Mendham hereby makes the following designations:

1. The *Observer Tribune* and the *Daily Record* having been designated by the Governing Body as the two official newspapers to receive notice of meetings required by any and all sections of the Open Public Meetings Act, it appearing that said newspapers are most likely to inform the local public of such meetings. Notices required by the New Jersey Municipal Land Use Law or the Borough's Land Use Regulations may be placed, as required by law, in either of the designated newspapers.
2. The location for posting of notices of meetings shall be the bulletin board in the Phoenix House, 2 West Main Street, Mendham, NJ, where notices of this kind are normally posted.
3. The sum of \$12.00 per year is hereby fixed as the amount to be paid by any person requesting individual notice of meetings as provided in Section 13 of the Open Public Meetings Act.

Councilman Andrews made a motion to approve the official newspapers which was seconded by Mr. Cascais.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Andrews, Bradley, Henry, Kay, Lichtenberger, McDevitt, Merkt, Cascais, Kraft  
Opposed: None  
Abstentions: None

The motion carried. Ms. Kaye will make the appropriate public notification.

**Appointment of Attorney:** The following resolution, distributed in the meeting packet, was introduced:

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY  
PLANNING BOARD RESOLUTION  
APPOINTMENT OF BOARD ATTORNEY**

**WHEREAS**, the Planning Board of the Borough of Mendham has a need to acquire professional Board Attorney services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the business administrator has determined and certified in writing that the value of the services will exceed \$17,500 (including escrows); and

**WHEREAS**, Peter E. Henry, Esq., of the firm Dillon, Bitar & Luther, LLC, has submitted a proposal indicating that he may provide legal services for 2015 in an amount projected to exceed \$17,500 (including escrows); and

**WHEREAS**, the anticipated term of this contract is one (1) year;  
and

**WHEREAS**, Peter E. Henry, Esq., of the firm Dillon, Bitar & Luther, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee of the Borough Council in the Borough of Mendham in the previous one (1) year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

**WHEREAS**, this resolution is subject to the Chief Financial Officer certifying to the availability of funds; and

**WHEREAS**, the Planning Board of the Borough of Mendham wishes to retain Peter E. Henry, Esq. of the firm Dillon, Bitar & Luther, LLC; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Mendham as follows:

1. That the Planning Board of the Borough of Mendham retain Peter E. Henry, Esq. of the firm Dillon, Bitar & Luther, LLC to serve as Board Attorney for the year 2015 at a total annual cost not to exceed \$15,000, such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2015: and escrows as required for 2015; and

2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

4. That a notice of this action shall be published once in the official newspapers of the Planning Board of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).

5. This Resolution shall take effect as provided herein.

Mr. Cascais made a motion to approve the resolution which was seconded by Mr. Bradley.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor:	Andrews, Bradley, Henry, Kay, Lichtenberger, McDevitt, Merkt, Cascais, Kraft
Opposed:	None
Abstentions:	None

The motion carried and Mr. Henry, Esq. was appointed Board Attorney. Ms. Kaye will make the appropriate public notification.

**Appointment of Planner:** The following resolution, distributed in the meeting packet, was introduced:

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY  
PLANNING BOARD RESOLUTION  
APPOINTMENT OF BOARD PLANNER**

**WHEREAS**, the Planning Board of the Borough of Mendham has a need to acquire professional Planning Consultant services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and

**WHEREAS**, the business administrator has determined and certified in writing that the value of the services will exceed \$17,500 (including escrows); and

**WHEREAS**, Banisch Associates, Inc has submitted a proposal indicating that they may provide planning services for 2015 in an amount projected to exceed \$17,500 (including escrows); and

**WHEREAS**, the anticipated term of this contract is one (1) year; and

**WHEREAS**, Banisch Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee of the Borough Council in the Borough of Mendham in the previous one (1) year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

**WHEREAS**, this resolution is subject to the Chief Financial Officer certifying to the availability of funds; and

**WHEREAS**, the Planning Board of the Borough of Mendham wishes to retain Banish Associates, Inc.; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Mendham as follows:

1. That the Planning Board of the Borough of Mendham retain Charles T. McGroarty, PP/AICP of the firm Banisch Associates, Inc. to serve as Planning Consultant for 2015, at a total cost not to exceed \$10,000 such sums may be duly appropriated for the purposes in the duly adopted municipal budget for 2015; and escrows as required, and

2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

4. That a notice of this action shall be published once in the official newspapers of the Planning Board of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).

5. This Resolution shall take effect as provided herein.

Mr. Cascais made a motion to approve the resolution which was seconded by Mayor Henry.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor:	Andrews, Bradley, Henry, Kay, Lichtenberger, McDevitt, Merkt, Cascais, Kraft
Opposed:	None
Abstentions:	None

The motion carried and Mr. McGroarty was appointed Board Planner. Ms. Kaye will make the appropriate public notification.

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**Appointment of Engineer:** The following resolution, distributed in the meeting packet, was introduced:

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY  
PLANNING BOARD RESOLUTION  
APPOINTMENT OF BOARD ENGINEER**

**WHEREAS**, the Planning Board of the Borough of Mendham has a need to acquire professional Consulting Engineer services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and

**WHEREAS**, the business administrator has determined and certified in writing that the value of the services will exceed \$17,500 (including escrows); and

**WHEREAS**, Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated has submitted a proposal indicating that they may provide engineering services for 2015 in an amount projected to exceed \$17,500 (including escrows); and

**WHEREAS**, the anticipated term of this contract is one (1) year; and

**WHEREAS**, Paul W. Ferriero has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee of the Borough Council in the Borough of Mendham in the previous one (1) year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

**WHEREAS**, this resolution is subject to the Chief Financial Officer certifying to the availability of funds; and

**WHEREAS**, the Planning Board of the Borough of Mendham wishes to retain Paul W. Ferriero; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Mendham as follows:

1. That the Planning Board of the Borough of Mendham retain Paul W. Ferriero PE & PP of the firm Ferriero Engineering Incorporated to serve as Consulting Engineer for 2015, at a total annual cost not to exceed \$5,000 such sum as duly appropriated for the purposes in the duly adopted municipal budget for 2015; and escrows as required for 2015; and

2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

4. That a notice of this action shall be published once in the official newspapers of the Planning Board of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).

5. This Resolution shall take effect as provided herein.

Mayor Henry made a motion to approve the resolution which was seconded by Mr. Cascais.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Andrews, Bradley, Henry, Kay, Lichtenberger, McDevitt, Merkt, Cascais, Kraft  
Opposed: None  
Abstentions: None

The motion carried and Mr. Ferriero was appointed Board Engineer. Ms. Kaye will make the appropriate public notification.

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## MINUTES

Mr. Kay made a motion to approve the minutes of the regular meeting of November 10, 2014, which was seconded by Mr. Bradley. On a voice vote, all eligible voters were in favor and the minutes were approved, as written.

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## PUBLIC COMMENT

Mr. Kraft opened the meeting to questions and comments on items not included in the agenda. There being none, the public comment session was closed.

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## HEARINGS

**PB #07-14 – Roxiticus Golf Club**, 179 Bliss Road, Block 2601, Lot 3 –  
Installation of temporary back-up generator: **Site Plan Waiver**

Present: Michael J. Doyle, Club Board Member  
Joseph A. Lacerenza, Electrical Contractor  
Tiena Cofoni, Attorney for Applicant

Ms. Cofoni introduced herself and provided an overview of the application. Mr. Ferriero reviewed the requested waivers for checklist item nos. 9 (tax map), 11 (survey) and 27 (zoning data) and confirmed that both he and the TRC recommend granting the waivers and proceeding with the hearing.

Mr. Doyle and Mr. Lacerenza were sworn.

Mr. Doyle stated that he is on the Club Board of Governors and Chairman of the House Committee as well as a member in good standing. He testified that the existing generator is more than 25 years old and not able to provide enough power to run the club in the event of a power outage.

Mr. Lacerenza indicated that he was a licensed electrician and a member of Roxiticus as well. He stated that a rental unit had been under consideration but ultimately it was decided that it would be more cost-effective to purchase a generator for temporary use (approx. two years) while possible expansion of the clubhouse is planned. He added that after the completion of any renovation, the temporary generator will be removed and a permanent one installed. Mr. Lacerenza described the position of the unit as elevated on a flat trailer bed to be installed in a secluded courtyard area that is surrounded by a 10' (approx.) masonry wall. Ms. Cofoni distributed an additional photograph of the wall where the generator will be positioned in an isolated location. Mr. Lacerenza testified that the nearest residence is at least 1,000 feet away.

Mr. Lacerenza further stated that although the TRC had been told that testing would occur once per week, the manufacturer recommends testing only once per month. Applicant agreed that all testing of the unit will occur only on weekdays (Monday – Friday) between the hours of 9AM and 5PM. It is expected to take approximately 15-20 minutes.

Discussion followed regarding potential noise issues and Mr. Doyle confirmed that should there be any in the future, the club will address them. Mr. Doyle further confirmed that there will be no changes in lighting or any impact on traffic patterns, parking and clubhouse operations.

Mr. Lacerenza explained that the proposed temporary generator would start up in the event of a power failure and that the existing emergency backup generator would only kick on should the temporary one power off. The existing generator is sufficient for refrigeration equipment only.

Mr. Cascais made a motion to approve the application as described, subject to conditions, for memorialization at the next meeting. The motion was seconded by Ms. Lichtenberger.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Andrews, Bradley, Henry, Kay, Lichtenberger, McDevitt, Merkt, Cascais, Kraft  
Opposed: None  
Abstentions: None

The motion carried. Ms. Kaye will make the appropriate public notification.

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#### **DISCUSSION**

Outdoor Dining Subcommittee – Mr. Cascais stated that the subcommittee is scheduled to meet on January 15, 2015 and will have an update for the February 9, 2015 Planning Board meeting.

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#### **ADJOURNMENT**

There being no additional business to come before the Board, Mr. Cascais made a motion to adjourn which was seconded by Ms. Lichtenberger. On a voice vote, all were in favor.

Chair Kraft adjourned the meeting at 8:31PM.

The next regular scheduled meeting of the Planning Board will be held on **Monday, February 9, 2015 at 8:00PM** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

*Margot G. Kaye*

Margot G. Kaye  
Board Secretary