

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
April 13, 2015**

Garabrant Center, 4 Wilson Street, Mendham, NJ

CALL TO ORDER

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

OPENING STATEMENT

Notice of this meeting was published in the *Observer Tribune* and in the *Daily Record* on January 15, 2015 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.

ATTENDANCE

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

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

Alternates:

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

Also Present:

Mr. Ferriero, Engineer
Mr. Henry, Attorney
Mr. McGroarty, Planner

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MINUTES

Mr. Bradley made a motion to approve the minutes of the regular meeting of March 9, 2015 which was seconded by Mr. Kay. 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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APPLICATIONS

PB #943 – Barber, Ronald, 78 Mountainside Road, Block 501, Lot 24
Minor Subdivision

Present: Kevin Weinman for John Mills, Attorney for Applicant
Christopher Nusser, Engineer for Applicant

Mr. Weinman stated that the Applicant is seeking minor subdivision approval for a 3.6 acre parcel. The Applicant is proposing two (2) lots, i.e., a new 1.25 acre lot and the remaining 2.41 acre lot with existing improvements. Mr. Henry, Esq. inquired about a number of inconsistencies that were identified in the Board Engineer's letter dated April 10, 2015. Mr. Weinman stated that they would be addressed during Mr. Nusser's testimony. Mr. Henry pointed out that a request for a design standard waiver requires appropriate notice.

Christopher Nusser was sworn and qualified and accepted as an expert by the Board.

Exhibit A-1 was entered into the record (Minor Subdivision plan dated 4-13-2015). Mr. Nusser detailed the topography of the existing lot and indicated that the proposed new lot is fully conforming. He further stated that there are several areas of wetlands present and that buffering and fencing have been added to the plan as required by NJDEP. He added that DEP approval is also contingent upon deer netting for shrubbery and guards for the trees contained within the proposed wooded area.

Mr. Nusser reviewed the items set forth in the Board Engineer's letter dated April 10, 2015 and agreed to comply with the terms therein.

During a lengthy discussion regarding stormwater, Mr. Nusser stated that the conversion of the lawn into woods will reduce runoff which in turn will balance the increase resulting from improvements on the new lot. He indicated that the design shown on the plan was proposed because the significant constraints on the lot make it impossible to create the additional lot and comply with the Borough stormwater design standards. He added that until the plantings reach full maturity, excess runoff will drain into the existing two (2) ponds on the remaining 2.41 acre lot. Mr. Ferriero stated that he anticipates runoff problems associated with increased peak flows in the future during the period of time it will take for the newly planted vegetation to create the wooded condition assumed in the stormwater report.

Mr. Ferriero expressed concern regarding the DEP forestry plan and discussion followed regarding the overall effectiveness of netting and tree guards versus deer fencing. There was consensus among the Board that the defenses recommended by the DEP may not be maintainable which would leave the plantings unprotected. Mr. Ferriero added that the proposed plan will require approval by the Morris County Soil Conservation District and Mr. Nusser agreed to apply for recertification. Mr. Ferriero further indicated that the subdivision may not be completed until the Board of Health confirms that a septic system on the new lot is feasible.

The Board discussed the marketability of the lot based on the amount of wetlands and the proposed buffering and Mr. McGroarty stated that it is not a realistic residential lot from a planning perspective.

Applicant requested and was granted a 5 minute break.

Applicant returned and agreed to provide notice for the design standard waiver as well as for the deer fencing variance should it be required.

The hearing was adjourned at 9:30PM and carried to the May 11, 2015 meeting.

TRC UPDATE

PB #03-14 – Castignetti, Albert & Nancy, 8 Forest Road, Block 604, Lot 7 – Amended Minor Subdivision

Mr. Bradley provided a brief overview of PB #03-15 which is scheduled to be heard at the Board's May 11, 2015 meeting.

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ADJOURNMENT

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

Chair Kraft adjourned the meeting at 9:35PM.

The next regular scheduled meeting of the Planning Board will be held on **Monday, May 11, 2015 at 8:00PM** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

Margot G. Kaye

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Board Secretary