

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
July 11, 2011
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER

The regular meeting of the Mendham Borough Planning Board was called to order by Vice Chair Gertler at 8:10 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

CHAIR'S OPENING STATEMENT

Notice of this meeting was published in the Observer Tribune and the Daily Record on January 13, 2011 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 – Absent
Mr. Bradley – Present
Mr. Cascais – Present
Mr. Gertler – Present

Mr. Kraft - Absent
Mrs. Kopcsik – Present
Mrs. Lichtenberger - Absent
Ms. Sandman – Present
Councilman Sharkey - Absent

Alternates:

Ms. Gemberling, Alternate I - Absent
Mr. Cavanaugh, Alternate II – Present

Also Present:

Mr. Henry, Attorney
Ms. Callahan, Secretary

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MINUTES

On motion made by Mr. Cascais, seconded by Mrs. Kopcsik and carried, the minutes of the regular meeting of June 13, 2011 were approved with minor editorial changes and an adjustment to the reference for the road frontage variance to read: "If they had requested the cul-du-sac, there would have been the creation of two lots".

On motion by Mr. Cascais and second by Mrs. Kopcsik, the minutes of the Site Visit Special Meeting of June 13, 2011 were approved as written. Mr. Gertler abstained from both sets of minutes.

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PUBLIC COMMENT

Vice Chair Gertler 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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APPOINTMENT OF PLANNER

Ms. Sandman, Borough Administrator, provided the Board with an overview of the process that had been used to select the new Borough Planner. The following resolution had been provided to the Board with their pre-meeting packages:

**RESOLUTION
BOROUGH OF MENDHAM
PLANNING BOARD**

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; and

WHEREAS, Banisch Associates, Inc. has submitted a proposal indicating that they will provide planning services for the period of July 2011 through December 2011 in an amount projected to exceed \$17,500 (including escrows); and

WHEREAS, the anticipated term of this contract is 6 months; 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 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 Banisch 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 the period July 2011 through December 2011, at a total cost not to exceed \$20,500 such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2011 (PB & HPC); 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 Entity Disclosure 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.

Board engaged in a short discussion on the meaning of the \$17,500 threshold as identified in the resolution versus the amount contained in the Borough budget. They clarified that funds in support of applications would come from escrow fees and that the planner would only get paid for work performed, but not to exceed the amount in the budget.

Mr. Cavanaugh made a motion to approve the resolution. Mr. Bradley seconded.

ROLL CALL: The result of the roll call was 6 to 0 as follows:

In Favor: Bradley, Cascais, Gertler, Kopcsik, Sandman, Cavanaugh
Opposed: None
Abstentions: None

The motion carried. The planner was appointed. Ms. Callahan will make the appropriate public notifications.

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HEARING OF CASES**#914 – Daytop – Site Plan Waiver: Resolution**
Block 1801, Lot 5 & 5.01

Mr. Henry, Esq. presented the following resolution that had been provided to the Board with their pre-meeting packages:

**RESOLUTION
GRANTING SITE PLAN WAIVER APPROVAL
FOR DAYTOP/NEW JERSEY
BLOCK 1801, LOTS 5 AND 5.01
APPLICATION NO. 914**

WHEREAS, Daytop/New Jersey ("Applicant") has applied to the Planning Board of the Borough of Mendham (the "Board") for a Site Plan Waiver with respect to the installation of ground-mounted lights to illuminate two existing identification signs at the entrance of property located at 80 West Main Street and designated Block 1801, Lots 5 and 5.01 on the Tax Map of the Borough of Mendham (the "Subject Property"); and

WHEREAS, a hearing was held by the Board on June 13, 2011, at its regular public meeting, at which time the Board reviewed the documents and materials filed by Applicant, heard testimony on behalf of Applicant, reviewed comment letters and comments from the Board's professionals, and gave members of the public an opportunity to comment on the Application; and

WHEREAS, the Board has considered Applicant's submissions for the requested waiver of site plan, including testimony presented on behalf of Applicant, comments of Applicant's counsel, and comments from the Board's consultants, and there being no comments from members of the public;

NOW THEREFORE BE IT RESOLVED that, based upon the foregoing, the Board makes the following findings of fact and conclusions of law:

1. Applicant occupies and utilizes facilities for the conduct of its treatment, rehabilitation, and education program in a portion of property located at 80 West Main Street (Tax Map Block 1801, Lots 5 and 5.01) in the Borough of Mendham. The Subject Property is located in the R-3 Residential Zone District.

2. The Subject Property is owned by St. John Baptist School. The owner has consented to the prosecution of this Application.

3. Applicant seeks a waiver of site plan for purposes of permitting the installation of ground-mounted lights to illuminate the two existing identification signs located at the driveway entrance to the Subject Property.

4. Applicant's engineer testified that the lights would be ground-mounted, 35-watt high pressure sodium lamps. Each lamp would be directed toward one sign, there being a sign on either side of the driveway entrance off West Main Street. The proposed lighting fixture and arrangement for installation, etc., was presented to the Board by Applicant's engineer by reference to plans prepared by PS&S, LLC (3 sheets) dated March 30, 2011, entitled "Daytop Village Site Plan Waiver."

5. Applicant proposes power for the lights from utility poles proximate to each of the fixtures. This will eliminate any need for trenching from the facilities internal to the property, and will minimize soil disturbance.

6. Applicant proposes to mount a timing control on the signs, such that the lights will be illuminated from dusk until 11 p.m. and from 5 a.m. until dawn. This will assist people unfamiliar with the facility to be alerted by the signs and to safely locate the driveway during hours of darkness, without having to leave the lights on between 11 p.m. and 5 a.m. (when arriving traffic is not anticipated to occur).

7. The Board discussed with Applicant's engineer the design of the lights, the nature of the installation, shielding to assure prevention of glare (particularly with respect to traffic on West Main Street), and the need for lighting on the existing signs.

8. It was agreed by Applicant that there would be a post-installation inspection during nighttime hours by the Borough Engineer, to assure that the direction of the fixtures and the necessary shielding was properly accomplished to avoid any problems with vehicular traffic.

9. The Board noted that the Morris County Planning Board had granted waiver to the site plan Application.

10. It was noted that the proposed lighting fixtures and method of lighting the existing signs was consistent with the requirements of the Mendham Borough Ordinances.

11. The Board concluded that under the circumstances and facts presented in this Application and during the hearing, a site plan waiver permitting applicant to proceed without any further formal engineering or site plan application could, with appropriate conditions, be granted.

BE IT FURTHER RESOLVED that, based upon the foregoing, the Board concludes that Applicant's request for Site Plan Waiver is appropriate in this instance relative to the installation of lights to illuminate the existing entrance signs at 80 West Main Street, and does hereby approve the waiver of any further formal site plan application, subject to the following conditions:

1. Installation of the lighting fixtures and their operation shall be in accordance with the plans presented, testimony at the public hearing, the findings and conclusions of the Board set forth in this Resolution, and the conditions of approval detailed herein.

2. All taxes and other municipal charges, together with all fees for application, permits, inspections, or other municipal requirements, shall be paid currently and timely by Applicant.

3. Applicant shall obtain all other permits or approvals which may be required from any board, body, or agency, whether federal, state, county or municipal, relating to the proposed installation of light fixtures.

4. The lighting fixtures shall be subject to a post-installation inspection and approval of the installation by the Borough Engineer.

5. Lighting shall be controlled by a timing mechanism, limiting the hours of illumination to those between dusk and 11 p.m. and between 5 a.m. and dawn, on a daily basis, which shall be the maximum hours of permitted operation of the lighting fixtures relating to these signs.

BE IT FURTHER RESOLVED that this Resolution, adopted this 11th day of July, 2011, memorializes the action of the Board, as set forth above, taken at its meeting of June 13, 2011.

Mr. Cascais made a motion to approve the application. Mr. Cavanaugh seconded.

ROLL CALL: The result of the roll call of eligible voters was 3 to 0 as follows:

In Favor: Cascais, Kopcsik, Cavanaugh

Opposed: None

Abstentions: None

The motion carried. The resolution was approved.

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#910 – Krostek and Veale – Minor Subdivision and C Variance
Block 604, Lot 7, 7 Halstead Rd.

Present: Richard Krostek, Applicant

Mr. Henry, Esq. presented the draft resolution to the Board. He reported that Mr. Ferriero, Board Engineer, requested one change to the final page indicating that the conditions must be met prior to the signing of the subdivision deeds and plans.

Ms. Sandman made a motion to approve the resolution with the amendment. Mrs. Kopcsik seconded.

ROLL CALL: The result of the roll call of eligible voters was 4 to 0 as follows:

In Favor: Cascais, Kopcsik, Sandman, Cavanaugh

Opposed: None

Abstentions: None

The motion carried. Following is the approved amended resolution:

**RESOLUTION
GRANTING MINOR SUBDIVISION
AND VARIANCE APPROVAL
FOR RICHARD & VIRGINIA KROSTEK
AND JAMES & KAREN VEALE
BLOCK 604, LOT 7
APPLICATION NO. 910**

WHEREAS, Richard & Virginia Krostek and James & Karen Veale (“Applicants”) have applied to the Planning Board of the Borough of Mendham (the “Board”) for Minor Subdivision

Approval and variance relief to create one new lot and a remainder lot from property located at 7 Halstead Road and designated Block 604, Lot 7 on the Tax Map of the Borough of Mendham (the "Subject Property"); and

WHEREAS, a public hearing was commenced on March 14, 2011 and concluded with a site visit and the balance of the public hearing on June 13, 2011, at which time testimony was offered by Applicant Richard Krostek and by other witnesses on behalf of Applicants, the Board reviewed the documents and materials filed by Applicants, the Board heard legal argument from Applicants' attorney, the Board visited the Subject Property to make a physical inspection, the Board reviewed reports from and comments from its professional consultants, and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the Board has considered and deliberated upon the testimony and materials submitted by and on behalf of Applicants, the reports and recommendations of the Board's consultants and professional staff, the information gained from a physical inspection of the property, and hearing comments from members of the public;

NOW THEREFORE BE IT RESOLVED that, based upon the foregoing, the Board makes the following findings of fact and conclusions of law:

1. Applicants are the owners of the Subject Property, which property is located at 7 Halstead Road and is designated Block 604, Lot 7 on the Mendham Borough Tax Map. The Subject Property is located in the R-1 (1 Acre Residential Zone).

2. The Subject Property is a single tract with an area of approximately 6.929 acres. It is an "L" shaped lot with 257 feet of frontage on Halstead Road and a corner of the parcel being essentially a point touching the presently-improved Forest Drive right-of-way.

3. Applicants propose to create 1 new lot (proposed Lot 7.01) with a lot area of approximately 2.849 acres. Proposed Lot 7.01 would be designed to "front" on Forest Drive. The lot would be roughly square and would be divided off in such a manner as to leave a rectangular remainder Lot 7 (lot area of approximately 4.080 acres) with its existing frontage of 257 feet on Halstead Road. Minimum lot area in the R-1 zone district is 1 acre.

4. The proposed lots, both proposed Lot 7.01 and the remainder Lot 7, would be conforming with all district regulations in all respects, except for frontage of proposed Lot 7.01 on Forest Drive.

5. An existing paper right-of-way dedicated to the Borough at the time Forest Drive was created incorporates the corner of proposed Lot 7.01 which extends into the paper right-of-way down to its point of intersection with the presently-developed right-of-way.

6. The geometry and layout of the proposed lots, as well as the detail of the relationship between proposed Lot 7.01 and the present Forest Drive right-of-way, are depicted on plans, which have been submitted to the Board, entitled "Minor Subdivision for Krostek and Veale Subdivision, Block 604, Lot 7, Tax Map Sheet # 6, Borough of Mendham, Morris County, New Jersey", dated December 30, 2010, with additional pages and latest revisions dated May 27, 2011, (a total of 10 sheets), prepared by Suburban Consulting Engineers, Inc. (hereinafter the "Plans").

7. Applicants also submitted for discussion at the continued public hearing on June 13, 2011, preliminary drawings for a "New Single Family Home" for Block 604, Lot 7.01 (2 sheets), prepared by Holling Architecture, LLC, dated March 19, 2011 (hereinafter the "Architectural Plans").

8. The Subject Property is of unusual shape - an overlarge "L" shaped parcel with full frontage on Halstead Road and a separate frontage extending into a dedicated public right-of-way off Forest Drive. The orientation to Forest Drive of the northerly several acres inserts a square corner of the lot into a paper right-of-way dedicated at the time of the subdivision which created Forest Drive. It was designed to permit a road to be constructed into the Subject Property for further subdivision purposes. With accumulated time, knowledge and regulatory controls, however, it has become clear that further development of the Subject Property is probably limited to a maximum of two (2) new lots. The larger portion of the tract (approximately 4 acres) would still have to remain intact to support its existing dwelling. Further developable subdivision would be prevented by the environmentally constrained and regulated areas.

9. Applicants could create a conforming cul-de-sac frontage by extending the existing paper right-of-way and building out the cul-de-sac, which plan would permit the creation of two new totally conforming lots. Without creating the actual cul-de-sac, however, the Forest Drive frontage for proposed Lot 7.01 would be only 85 feet. A "c" variance is required since even with the reduction in frontage permitted by ordinance for a lot fronting on a curved road, a minimum of 120 feet is required.

10. The potential plan for two conforming lots on a newly-constructed cul-de-sac would result in additional paved road, additional municipal maintenance of the public road, and more intense development on environmentally sensitive land.

11. Applicants propose, instead, the creation of only one new lot for construction of a single family dwelling - shown in the Architectural Plans to have 3,966 square feet of living space in a two story traditional design. This development of the Subject Property would result in less land disturbance, less pavement, less density of development, and a residential site more visually compatible with the neighborhood.

12. Access to and from Forest Drive is proposed to be by direct connection of the driveway serving the residence to the existing public road. There would be no new paved public roadway; the driveway would be located within the paper right-of-way.

13. The majority of remainder Lot 7 is impacted by wetlands, transition area, and a riparian buffer. No new improvements, however, are proposed for remainder Lot 7. All proposed development relates to proposed Lot 7.01.

14. There are no wetlands on proposed Lot 7.01. Only approximately 100 square feet of the easterly rear corner of proposed Lot 7.01 (with a lot area in excess of 124,000 square feet) is impacted by transition area and approximately 5,000 square feet of that same rear corner by riparian buffer.

15. The Subject Property, and surrounding properties, is affected by undesirable drainage patterns and relatively high ground water table, as well as surface water flow and accumulation. Though Applicants will not be curing all of these problems relative to other properties, their engineer testified that the grading, drainage control, and surface water management to be employed in development of the proposed new lot will not result in any increased surface water flow from this property to others. In fact, he stated, the conditions post-site development and post-construction will reduce surface water problems for adjacent down-grade properties.

16. Storm water management was initially designed to involve collection of all water from roof areas of the new dwelling for underground recharge. Soils studies on the Subject Property, however, indicated high water tables and inadequate permeability. The plan for storm water management was thereafter modified to provide for the collection of all surface water, with flow controlled by swales, into underground piping from storm drains on site and through a rain garden to piping under the sidewalk into the existing storm sewer line in Forest Drive. Applicants propose to extend the existing storm drain system in Forest Drive to the Subject Property for acceptance of this discharge. Applicants also agreed that any sump pumps installed in the residence would be tied into the rain garden. These matters were discussed by the Board at the continued public hearing on June 13, following the Board's site visit. With the specific actual dwelling now being shown (rather than a generic box), and with Applicants having learned that subsurface recharge would not be effective on the site, the rain garden and underground drainage piping systems offered a variety of features which, if properly maintained, seemed the best option for storm water management on the Subject Property.

17. Applicants proposes a 2 foot \pm berm along the easterly side of the Subject Property with a swale created interior to the berm for control of surface water. Evergreen buffering is to be maintained along both sides of the Subject Property. A rain garden (hydro pool or water garden) is proposed for the front yard. Surface water collected in the rain garden and ground drains will be piped underground to the Forest Drive storm drain system (which will be extended to the Subject Property). A maintenance obligation shall be established by covenant in the recorded subdivision deed and a maintenance and operation manual shall be prepared by Applicants and submitted for review and approval by the Borough Engineer. A maintenance easement shall be granted to the Borough giving it the right, but not the obligation, to maintain and, if so, to assess the property owner. Plantings shall be selected to address both deer-resistance and wet-tolerance needs.

18. The proposed driveway (15 feet wide within the 50 foot paper right-of-way throat) will result in reduced surface water flow toward Lot 13 on Forest Drive and the swales to be created will carry surface water to the Forest Drive storm water system.

19. Relative to the development which could be undertaken in conformity to all zoning requirements, this plan - with a single new dwelling on only one new lot, without any road extension - minimizes impacts on proximate properties, but requires variance relief for the resulting lack of conforming frontage on the public road.

20. The Board was also concerned about tree removal and protection. No new development is proposed on remainder Lot 7. One dwelling will be constructed on the front portion of proposed Lot 7.01, for which 31 trees will have to be removed, an area of approximately 39,000 square feet being cleared, with several trees being retained. This will result in thinning some of the overgrown canopy and will allow understory development and grass or other ground covers to be maintained. Wooded areas along the sides and rear of the Subject Property will be retained in their present states. Clearance limits will be established and fenced prior to any site work or construction being commenced. Applicants agreed to the establishment of a special rear setback line and tree protection by deed restriction.

21. The Morris County Planning Board determined that this minor subdivision application was exempt from any requirement for County Planning Board approval.

22. Based upon all of the foregoing, the Board determined that the requirements for Minor Subdivision Approval, taking into account the need for "c" variance relief for frontage on proposed Lot 7.01, had been satisfied by Applicants and that, with appropriate conditions, the minor subdivision could be approved and the variance relief could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

BE IT FURTHER RESOLVED that, based upon the foregoing, the application for Minor Subdivision Approval, together with "c" variance relief to permit the creation of proposed Lot 7.01

with less than the required road frontage on Forest Drive, be and hereby is granted and approved, subject to the following conditions:

1. Subdivision and development of the Subject Property shall be in accordance with the plans presented, (including plan revisions to satisfy approval conditions), testimony given at the public hearing, the findings and conclusions of the Board, and the conditions of approval set forth herein.

2. Prior to issuance of a construction permit, a lot development plan shall be submitted to the Borough Engineer for review and approval.

3. A "Letter of Interpretation - Line Verification" shall be obtained from NJDEP consistent with the wetlands, transition area and riparian buffer depicted on the Plans submitted to the Board. The Letter of Interpretation shall be noted by number on the final Plans prior to Board signing of the subdivision deeds.

4. Applicants shall obtain all other permits and approvals required from any board, body or agency, whether municipal, county, state or federal, relating to the Subject Property, its subdivision, or its development.

5. All taxes, fees, escrows and municipal charges shall be paid and current, and in sufficient amount for completion of the Application and activities required to satisfy the conditions of approval.

6. Applicant shall confirm the correct lot designations with the Borough Tax Assessor.

7. Subdivision Deeds - separate deeds for each of the two (2) lots - shall be prepared by Applicants and submitted to the Planning Board Attorney and the Borough Engineer for review and approval as to form and content. Deed description(s) and lot closure calculations shall be submitted to the Borough Engineer. Each deed shall contain standard language and information sufficient for a grant from the owner(s) to him/her/their/itself, chain of title deed references to facilitate subsequent searches, appropriate subdivision recitals, a metes and bounds description consistent with the final revised Plans as approved by the Borough Engineer, and shall set forth covenants and restrictions, as follows:

[Proposed Lot 7.01 - which shall be identified in its deed as "New Lot ____" (per Tax Assessor)]

a. Ref. to storm water management regulations and limits of additional impervious or soil disturbance which would trigger regulatory requirements.

b. Reduced building envelope - rear yard setback increased by easterly to westerly diagonal.

c. Tree protection provision (behind relocated rear setback line).

d. Maintenance covenant for rain garden and ground drain system.

e. Drainage and Maintenance easement to Borough to have the right, but not the obligation, to maintain the system if the property owner fails to do so, and to assess the owner for costs of such actions.

f. Ref. to creation by this approved subdivision and subject to all conditions of approval set forth in the memorializing Resolution.

[Remainder Lot 7 - which shall be identified in its deed as "Remainder Lot 7" or "New Lot ____" (per Tax Assessor)]

a. Conservation easement with metes and bounds description imposed on approximately one-half of the lot (by extending the southeasterly line of Proposed Lot 7.01 across the remainder lot to encompass wetlands, transition area and riparian buffer). Markers in accordance with the Borough ordinance shall be installed to the satisfaction of the Borough Engineer.

b. Ref. to creation by this approved subdivision and subject to all conditions of approval set forth in the memorializing Resolution.

After approval of the form and content of the deeds, they shall be recorded by Applicants in the office of the Morris County Clerk, and Applicants shall thereafter furnish copies of the documents with recording information to the Mendham Borough Planning Board.

8. Cost estimates for work required to be done in the public right-of-way shall be submitted for review and approval by the Borough Engineer. After approval, and prior to undertaking any site or construction work, Applicants shall furnish a performance guarantee in the amount of 120% of the approval estimate (with 10% to be in cash) in a form satisfactory to the Borough Attorney and the Borough Engineer.

9. Applicants shall comply with the conditions of sewer connection approval granted by the governing body.

10. No Certificate of Occupancy shall be issued until all of the site improvements have been completed.

11. Tree removal permit is required - Applicants shall also be required to supplement the Landscape Plan with 3-5 additional trees, if in the opinion of the Borough Engineer additional plantings are required once the clearing and grading have been completed along the northeasterly side line area.

12. Limit of Disturbance & Tree Protection Plan is to be approved by the Borough Engineer, depicted on final Plans, and protective measures put in place prior to any site work or construction being commenced.

13. Deed restrictions and covenants shall be created and an operations and maintenance manual for the rain garden and ground drain system on Lot 7.01 shall be submitted to the Borough Engineer for approval.

14. A construction schedule addressing site clearance, erosion control, and construction of swale and berm along Lot 13 prior to commencement of other construction must be submitted to the Borough Engineer for approval and it shall then be followed unless the Borough Engineer approves revision(s).

15. Applicants shall furnish a two-year maintenance bond for all plantings.

16. Applicants shall comply with comments and make Plan revisions per the Borough Engineer's June 9, 2011 letter.

17. Clearance limits are to be depicted on the final Plan (the approximate 39,000 square foot area circling the house location), established on site, marked and fenced to the satisfaction of the Borough Engineer prior to commencement of any clearing, site work or construction.

18. Applicants shall construct and install the necessary extension of the Forest Drive storm drain system to serve the underground piped discharge of drainage from the Subject Property. (See Condition #8 regarding performance security). Applicant shall enter into a Developers Agreement with the Borough for this improvement, and for any other work in or affecting the public right-of-way.

19. Applicants shall comply with any applicable Affordable Housing requirements and/or Scarce Resource Protection Restrictions to the satisfaction of the Borough Attorney.

20. Applicants shall make corrections, as necessary, to the table reflecting storm water calculations and shall submit same to the Borough Engineer for review and approval.

21. Conditions 3, 4 (as necessary for subdivision), 5, 6, 7 (as to approval of deeds), 8, 13, 16, 17 (as to plan revisions), 18 (as to Developers Agreement), 19 (as applicable to subdivision), and 20 must be satisfied prior to the Board's signing of the subdivision plan or the subdivision deeds.

BE IT FURTHER RESOLVED that this Resolution, adopted this 11th day of July, 2011, memorializes the action of the Board, as set forth above, taken at its meeting of June 13, 2011.

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TRC UPDATES (For information only)

Mrs. Kopschik reported that there are no new applications. The meeting of Monday, July 18, 2011 is cancelled.

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ADJOURNMENT

There being no additional business to come before the Board, on motion made, seconded and carried, Vice Chair Gertler adjourned the meeting at 8:25 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Monday, August 8, 2011 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

Diana Callahan
Recording Secretary

