

**MINUTES OF THE  
MENDHAM BOROUGH PLANNING BOARD  
July 9, 2012  
Garabrant Center, 4 Wilson Street, Mendham, NJ**

**CALL TO ORDER**

The regular meeting of the Mendham Borough Planning Board was called to order by Chair Kraft at 8:00 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 12, 2012 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:**

Mr. Bradley – Present	Mrs. Lichtenberger – Absent
Mr. Cascais – Present	Ms. Sandman, Administrator – Present
Mr. Gertler – Absent	Councilman Sharkey - Present
Mayor Henry – Present	
Mrs. Kopcsik - Present	
Mr. Kraft - Present	

Alternates:	Mr. Cavanaugh, Alternate I – Present (8:05 p.m.)
	Ms. Isaacson, Alternate II – Absent

Also Present:	Mr. Henry, Attorney
	Mr. Ferriero, Engineer
	Mr. McGroarty, Planner
	Ms. Delane, Land Use Assistant

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**MINUTES**

On motion made by Mr. Cascais, seconded by Mr. Sharkey and carried, the minutes of the regular meeting of June 11, 2012 were approved as written including a revised draft page 3 handed out at the meeting.

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**PUBLIC COMMENT**

Chair 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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**DISCUSSION**

**Solar Panel Ordinance:** Mr. McGroarty, Planner, had provided the Board with an updated draft of the Solar Panel Ordinance based on discussion at the June 11 regular meeting. He reviewed the revisions made.

Mr. Henry commented that under Section 215.15 item B, the last sentence should reference a solar panel “system”. Mr. Henry noted Section 215.31 and he questioned Mr. Ferriero on whether the wording presented to explain horizontal projection of panels for determination of lot coverage was reflective of the intent previously discussed.

Mr. Ferriero stated that additional language should be added to the ordinance for clarification. He suggested wording such as: “Any horizontal projection of each panel shall be calculated and included for the purposes of establishing lot coverage area for ground mounted solar panel systems.” Mr. Ferriero and Mr. McGroarty will work together to establish the proper wording to revise the ordinance draft.

Chair opened the meeting to the public.

Laurie Felber (Chair, Environmental Commission) stated her concern that the opportunity for residents to install solar power may prompt them to clear or cut trees. As there is no tree ordinance in the Borough, there is nothing in place to prohibit or deter residents from tree removal. This will directly impact our environment and the look and feel of the Borough. Ms. Felber requested that the Board consider a tree ordinance or a method for public education on tree clearing.

Chair responded that he understands her concern. The issue has been discussed and previous Boards have considered, but not moved forward with a tree ordinance. The Board is trying to balance the needs of the Borough with property owner’s rights. The Chair addressed Ms. Felber’s tree clearing concerns by explaining that in actuality few properties will be able to meet the standards set. He suggested that the Board brainstorm whether an ordinance should be created or a waiting period created for residents prior to any clearing.

Mr. Henry made a suggestion to add tree removal as a question on the solar application. Mr. Ferriero offered to work with the Zoning Officer to update the Zoning Application and have this handled as an administrative detail, rather than creating an ordinance.

Mr. Cavanaugh suggested that a definition be added to explain clear cutting and public notice requirements. Mr. Henry added that the Borough is not moving towards regulating this action by creating an ordinance at this point, but rather creating an administrative process to monitor any actions. Chair asked that the Land Use Coordinator gather information on tree ordinances from other towns as this will generate ideas for further discussion.

Mr. Cavanaugh requested an informational resource on the pros vs. cons of a natural shady home versus the use of solar power energy. This will provide additional information to residents to consider when completing a solar application.

Mr. Sharkey noted that the Borough had a public tree ordinance, but not a private tree ordinance to address residential properties.

Chair asked for a motion to send the Solar Ordinance Draft with revisions discussed to the Council for consideration. Mr. Cavanaugh made the motion. Mr. Cascais seconded.

ROLL CALL: The result of the roll call was 8 to 0 as follows:

In Favor:	Henry, Bradley, Cascais, Kopcsik, Sandman, Sharkey, Cavanaugh, Kraft
Opposed:	None
Abstentions:	None

#### **TRC UPDATES (For information only)**

Mrs. Kopcsik provided an overview of the TRC applications that had been approved. No new TRC applications have been received for the July 16 meeting.

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#### **ADJOURNMENT**

There being no additional business to come before the Board, on motion made, seconded and carried, Chair Kraft adjourned the meeting at 8:26 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Monday, August 13, 2012 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham, NJ.

Respectfully submitted,

Cynthia Delane  
Land Use Assistant