

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
September 10, 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 8:05 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 - Present
Mr. Cascais – Present	Ms. Sandman, Administrator – Absent
Mr. Gertler – Absent	Councilman Sharkey - Present
Mayor Henry – Present	
Mrs. Kopcsik - Absent	
Mr. Kraft - Present	

Alternates:	Mr. Cavanaugh, Alternate I – Absent
	Ms. Isaacson, Alternate II - Present

Also Present:	Mr. Henry, Attorney
	Mr. Ferriero, Engineer
	Mr. McGroarty, Planner
	Ms. Callahan, Secretary

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MINUTES

On motion made by Mayor Henry, seconded by Mr. Cascais and carried, the minutes of the regular meeting of July 9, 2012 were approved as written. The August 13 regular meeting of the Board had been cancelled.

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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

Tree Ordinance Consideration: At the request of the Board, the Land Use Coordinator had compiled tree ordinances from other towns and provided them to the members for review before the meeting.

Chair Kraft initiated the discussion by asking the Board members to express their opinions on whether an ordinance should be considered. He questioned whether they felt an ordinance would be intrusive or un-intrusive on private properties. Mr. McGroarty clarified that the Borough does have an ordinance related to development outside single/multi-family homes, and this consideration would be for those properties.

During the statement of opinions, Board members expressed that while people do not like to be told what they can and cannot do on their properties, the issue had not been looked at in depth in years, and that the Board should study it again. Members did express concern with the management of the ordinance indicating that it could require a large amount of administrative oversight and additional cost due to inspections. Mr. Cascais specifically stated his personal experience in working with another town, and the fact that the \$25 application fee does not cover the reviews by the Forrester who has oversight.

Board discussed whether there appeared to be a problem at the moment, and whether they want to be proactive or reactive. There have been a significant number of trees taken down since the hurricane and ice storm last year. People do not like to have them near their homes. Some have gone overboard in tree removal. There could also be an argument that removing trees changes the character of the town landscape. Each town may view that differently depending on their topography.

Councilman Sharkey agreed that people do not like to be told what to do on their properties, but from a horticultural point of view, the trees should be kept. It is important to know what is being taken down and what is being planted. Trees are assets. They need maintenance, and they need to be managed. Mayor Henry added that as with any ordinance, balance should be considered.

Mr. Ferriero, Board Engineer, stated that he has seen several ordinances, and they are all difficult to implement. People always have reasons for wanting to take down their trees. The reasons range from squirrels on the roof to heaving sidewalks to just not wanting to rake leaves. He needs to decipher the reasons, and implement the ordinance. From an environmental perspective, trees do need to be taken down over time. People do not just cut down trees as it is expensive; there is usually a reason. The overall character of a town changes over time as what were once smaller trees are now larger. They can block out sun which then also blocks out grass. Areas can remain wetter.

Mr. Ferriero distributed a list of 20 questions based on his experience in implementing tree ordinances for other towns. He recommended that the Board begin by determining what it is that they really want to accomplish and establish the goal. They also need to think about exemptions, and what is permitted. They need to determine if they want the ordinance to change from zone to zone. Mr. McGroarty explained that in Mt. Olive trees for single and multifamily homes can be removed without permits on lots up to 1 acre. Mendham would need to decide what it wants to do.

Mr. Henry, Esq. advised that the ordinances are difficult to make work. There is also significant administrative cost that occurs. The Board would also need to determine what the appeal process would be.

Mr. Cascais explained that Summit residents had concerns about the impact of the ordinance on additions to their homes. The Summit ordinance exempts permits for trees being taken down within the building footprint. There is an administrative issue as there are inspections and replant requirements. This results in several visits to the property. They need to assure that not only is a tree planted, but that it lives. It is a lot to track. The ordinance cannot be too complex. There is a controversy between developers and homeowners and those that do not want the character of the community changed.

Board had a short discussion on whether a higher permit fee would encourage residents to cut down trees without getting the permits.

Chair requested that the Board members review the list of questions provided by Mr. Ferriero, and that the discussion continue at the October 9 meeting of the Board.

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TRC UPDATES (For information only)

Mr. Bradley provided an overview of the applications that would come before the Technical Review Committee on August 20. As there are no new applications, the Technical Review Committee meeting of Monday, September 17 is cancelled.

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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 9:00 p.m. The next regularly scheduled meeting of the Board will be held on Tuesday, October 9, 2012 at 8:00 p.m. at the Garabrant Center, 4 Wilson St.

Respectfully submitted,

Diana Callahan
Recording Secretary

