

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
SPECIAL MEETING AGENDA
TUESDAY, MARCH 24, 2026 7:30 PM
MENDHAM BOROUGH FIRE DEPARTMENT, 24 EAST MAIN ST., MENDHAM, NJ**

CALL TO ORDER/FLAG SALUTE

The Special meeting of the Mendham Borough Joint Land Use Board was called to order at 7:30 p.m., and the open public meeting statement was read into the record.

ROLL CALL

Council Member Neff – Present	Mr. Kay – Present
Ms. Bushman – Absent	Ms. Garbacz – Absent
Council Member Traut – Present	Mr. Molnar –Present
Mr. Pace – Absent	Mr. Heller – Alternate 1 -Present
Mr. Sprandel – Absent	VACANT- Alternate 2
Mr. D’Urso– Present	Mr. Benigno– Alternate 3- Present
	Mr. Chambers– Alternate 4 – Present

Also Present: Mr. Germinario – Board Attorney
Mr. Ferriero – Board Engineer
Ms. Caldwell – Board Planner

EXECUTIVE SESSION- RESOLUTION

- a. “Litigation, Negotiations and Attorney-Client Privilege

Motion by Council Member Traut and seconded by Mr. Heller to enter executive session.

Roll Call:

In Favor: Council Member Neff, Council Member Traut, Mr. D’Urso, Mr. Kay, Mr. Molnar, Mr. Heller, Mr. Benigno, and Mr. Chambers

Opposed:

Abstain:

Motion Carried

Mr. D’Urso and Council Member Neff recused themselves.

The Board entered executive session at 7:33 pm

Motion by Mr. Molnar and seconded by Council Member Traut to return to the regular meeting at 7:52 pm.

Roll Call:

In Favor: Council Member Neff, Council Member Traut, Mr. D’Urso, Mr. Kay, Mr. Molnar, Mr. Heller, Mr. Benigno, and Mr. Chambers

Opposed:

Abstain:

Motion Carried

PUBLIC COMMENT

Chairman D'Urso opened the meeting to the public for questions and comments on items not included on the agenda.

There being none, public comment was closed.

COMPLETENESS**23-22 V-Fee Mendham Apartments – TREE REMOVAL PERMIT****84-86-88 East Main Street****Blk 801 Lot 20**

Present: Mr. Orth - Attorney

Ms. Savitz – Engineer

Mr. Ferriero explained that all items have been submitted and can be deemed complete.

Motion by Mr. Kay, seconded by Mr. Heller, and unanimously carried to deem the application complete.

Roll Call:**In Favor:** : Council Member Traut, Mr. Kay, Mr. Molnar, Mr. Heller, Mr. Benigno, and Mr. Chambers**Opposed:****Abstain:****HEARINGS****23-22 V-Fee Mendham Apartments – TREE REMOVAL PERMIT****84-86-88 East Main Street****Blk 801 Lot 20**

Present: Mr. Orth - Attorney

Ms. Savitz – Civil Engineer

Ms. Rosa – Owners Representative/Construction Manager

The Tree Removal Permit Hearing addressed the premature removal of 18 trees by a contractor before the permit was issued. The applicant, represented by Derek Orth and Ashley Rosa, proposed a one-for-one replacement in the Arboretum, with additional trees if necessary. The board approved the application, noting the need for pre-construction meetings and on-site inspections. The applicant agreed to extend the letter of credit for the replacement trees. The public expressed concerns about transparency, trust, and the impact on the environment, suggesting a five-to-one ratio for specimen tree replacements. The board's decision will be effective upon adoption. Tracy Gordon from Raritan Headwaters Association addressed the Mendham Borough Joint Land Use Board, emphasizing the ecological sensitivity of a site adjacent to a spring-fed wetland complex, a critical trout production stream. She highlighted the importance of trees as natural infrastructure and criticized the unauthorized removal of 18 trees before obtaining a permit, stressing the need for accountability. Gordon urged the board to exercise diligence in their review due to the site's broader environmental impact. The board then proceeded to vote on a motion to approve the removal of the remaining trees.

Action Items

- Provide contact information (phone and email) for the owner representative and the general contractor to the Borough Engineer via Derek Orth
- Ensure daily on-site pre-work meetings be present (or ensure the general contractor is present) on-site each morning before any work begins to review allowed work for the day and prevent

- unauthorized activity
- Discuss vendor retention with ownership and report back on whether the same tree removal vendor will be used going forward
- Coordinate and schedule a pre-construction meeting with the borough engineer's office and relevant officials (including the owner's rep, general contractor, and other site stakeholders) before any on-site construction
- Arrange a separate letter of credit (bond) covering the 18 mitigation trees that will be planted off-site (Arboretum) and work with the bank to amend/issue the LOC as requested by the borough
- Coordinate off-site replacement plantings in the Mendham Arboretum (identify locations, species and schedule) with the borough landscape architect/planner and provide proposed planting plan for borough review
- Provide a copy of the March 12 letter (MAPC letter) to the board secretary and enter the letter into the hearing record as an exhibit
- Issue summonses/notice of violation in municipal court for unauthorized tree removals and proceed with enforcement as appropriate
- Revise planting specifications (species, caliper/height equivalencies, and deer-resistant selections such as Green Giant arborvitae) and coordinate final landscaping selections with the borough engineer and landscape architect to meet ordinance replacement requirements

Outline

Apology and Introduction to the Meeting

- Mr. Orth apologizes for the delay and introduces himself as the representative of V-Fee Mendham Apartments.
- Mr. Orth explains the purpose of the meeting: to seek a tree removal permit, which was previously adjourned due to the unauthorized removal of 18 trees.
- Mr. Orth mentions that they are prepared to present proofs, including the trees removed, those planned for removal, and mitigation measures.
- Mr. Orth introduces his civil engineer, Ms. Savitz from Stonefield Engineering, and operations director, Ms. Rosa, who will testify about the circumstances of the tree removal.

Ms. Rosa's Testimony

- Ms. Rosa, the operations director, is sworn in and explains her role in handling construction for V- Fee Realty.
- Ms. Rosa confirms that she procured the services of a tree removal contractor and gave specific instructions to commence work after receiving the permit.
- Ms. Rosa admits that the contractor started work on the 17th, contrary to her instructions, and explains the steps taken to correct the issue moving forward.
- Ms. Rosa assures that no work will start without a meeting on-site prior to the same day, either by herself or the general contractor.

Board's Questions and Clarifications

- The board questions Ashley about the completeness of the documentation submitted for the tree removal permit.
- Mr. Molnar clarifies that the documentation, including the tree removal plan and landscaping plan, is sufficient for the application.
- The board votes to approve the completeness of the application, with a motion made by Mr. Kay and seconded by Mr. Heller.
- The board questions Ms. Rosa further about the mitigation measures and the steps taken to prevent such errors in the future.

Public Comments and Concerns

- Public comments are opened, with several individuals expressing concerns about the premature tree removal and the need for accountability.
- Mr. Chambers emphasizes the importance of taking ownership and ensuring proper oversight to prevent future mistakes.
- Ms. Traut questions Ms. Rosa about the process for disposal and the steps taken to ensure compliance with regulations.
- Mr. Ferriero requests contact information for Ms. Rosa and the general contractor to ensure

proper communication and oversight.

Engineer's Testimony and Mitigation Plan

- Mr. Orth introduces the civil engineer, Ms. Savitz, who will testify on the tree removal plan and the prematurely removed trees.
- Ms. Savitz provides an overview of the tree removal plan, including the 18 trees that were removed and the 57 trees proposed for removal.
- Ms. Savitz explains the mitigation plan, which includes planting 68 replacement trees on-site and additional trees off-site if necessary.
- The board discusses the possibility of planting trees in the Arboretum and the need for a separate letter of credit for the mitigation trees.

Public Comments and Final Considerations

- Public comments continue, with individuals expressing concerns about the impact on the environment and the need for transparency and trust.
- Mr. Ferriero discusses the specifics of the replacement trees, including the caliper and species, and the need for coordination with the borough's landscape architect.
- The board considers the conditions for approval, including on-site meetings, mitigation on a one-to-one basis, and the possibility of additional plantings off-site.
- The board discusses the potential fines and penalties for the premature tree removal and the need for proper oversight and communication.
- Ms. Gordon, Advocacy and Outreach Coordinator for Raritan Headwaters Association.
- Ms. Gordon explains the purpose of the meeting, focusing on the proposed development behind the King Shopping Plaza and that the site is adjacent to a large spring-fed wetland complex, a category one trout production stream, with ecologically sensitive habitats.
- Ms. Gordon emphasizes the importance of past use decisions and their impact on current environmental protections and the waters are part of a drinking water supply for approximately 1.8 million New Jersey residents.
- The role of trees as natural infrastructure is highlighted, noting their importance in filtering pollutants, reducing flooding, and sustaining aquatic life.
- Unauthorized tree removal is discussed, with Ms. Gordon expressing concern over the disregard for municipal ordinances and environmental protections.

Call for Accountability and Diligence

- Ms. Gordon urges the board to ensure accountability moving forward, given the ecological sensitivity of the site and the broader importance of the water resources and the need for the board to exercise the highest level of diligence and caution in their review is emphasized.

Mr. Heller made a motion to approve the application with conditions as outlined in the resolution and was seconded by Mr. Kay.

Roll Call:

In Favor: Council Member Traut, Mr. Kay, Mr. Molnar, Mr. Heller, Mr. Benigno, and Mr. Chambers

Opposed:

Abstain:

Motion Carried

ADJOURNMENT

There being no additional business to come before the Board, a Motion was made by Council Member Traut and seconded by Mr. Pace. On a voice vote, all were in favor. Mr. Molnar adjourned the meeting at 9:35 pm.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator