

**MINUTES OF THE  
MENDHAM BOROUGH PLANNING BOARD  
December 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 8:00 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 - Present
Mr. Cascais – Present	Ms. Sandman, Administrator – Present
Mr. Gertler – Present	Councilman Sharkey - Present
Mayor Henry – Present	
Mrs. Kopcsik - Absent	
Mr. Kraft - Present	

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

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

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**MINUTES**

Ms. Callahan reported the comments had been provided to her. Board agreed to the changes. Mayor Henry made a motion to approve the revised minutes. Councilman Sharkey seconded. All members being in favor, the minutes of the October 9, 2012 regular meeting were approved. The November meeting of the Board had been cancelled.

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**DISCUSSION**

**Tree Ordinance Consideration:**

Councilman Sharkey stated that while it is important to protect a town’s assets, in this case trees, he has had conversations with some Council and Planning Board members, and he recommends holding off on creating an ordinance at this time. He knows that the Environmental Commission is in favor of an ordinance, but there are other ways to advocate for trees. There are educational programs and perhaps even photo contests. Chair Kraft added that after Hurricane Sandy, he questions whether it would be appropriate to stop residents from taking down trees.

Each member of the Board provided his/her opinion. Mr. Cascais, Mrs. Lichtenberger and Mr. Cavanaugh stated that excessive clear cutting should be the focus. Mr. Gertler noted that taking down trees is expensive, and most residents who take them down have a definitive reason. Ms. Isaacson and Mr. Cascais referred to the enforcement impact on the Borough budget. Mr. Bradley and Mr. Cavanaugh expressed that some trees should be preserved as part of the character of the community.

Members were also concerned about liability should the Borough restrict the removal of a tree and it later falls hitting a home or hurting a person. Mr. Henry, Esq. advised that he could not definitively say “yes” or “no”, but that there could always be a claim filed.

Mr. Ferriero advised that he has worked with tree ordinances in other towns and the enforcement becomes a headache. Education is the way to go. Mayor Henry requested that the Shade Tree Commission be involved and that they and the Environmental Commission engage in joint education. The Shade Tree Commission should be utilized more as an advisory group.

Ms. Sandman reported that when the dead tree at the Mud Hole had been taken down, the Borough had to do a lot of education and communication. The tree was significant for many residents. An Arbor Day activity including the Boy Scouts was conducted that included planting another tree.

Mr. McGroarty noted that the Borough is not unlike other towns in questioning whether the ordinance is needed. Controls vary. Some towns exempt homestead lots, and others may restrict based on acreage. There is also “tree banking” for new development. Regulation on residential lots is difficult.

In discussion on how to address the issue, the Board was supportive of proactive programs and education. In terms of discouraging tree removal, Mr. Ferriero recommended identifying any special or historic trees that may exist in the Borough. Chair Kraft suggested that the Arbor Day program be funded annually and that education be conducted through the schools with programs developed by the Environmental Commission and the Shade Tree Commission. Mr. Cascais noted that education is important and it is not expensive to provide seedlings to students and help them learn the value of trees.

Councilman Sharkey described the current tree replacement program. In the Spring/Fall about 10 to 15 trees are replanted where vacancies exist. He has completed a tree inventory to identify possible locations. The Borough has been named a Tree City USA. Chair Kraft recommended getting additional funding for replacement trees. Mr. Gertler added that the timing may be right to encourage planting trees. Encouraging a focus on replenishment is a positive approach. Mr. Cascais noted that as a Tree City USA there are grants available to obtain trees.

The Board explored ways to encourage the planting of trees including the possibility of working with residents to plant on their properties where the streetscape did not permit it. Given the concern that the next homeowner could cut down the tree, Mr. Henry, Esq. recommended planting in exchange for an easement. Chair Kraft suggested that the Borough find ways to help homeowners obtain trees at reasonable costs or perhaps get the Borough to help with the planting of them. Any details of such a program would need to be worked out with the Borough Administration.

Mr. Cavanaugh provided an approach whereby a resident would be required to post on the website that they were taking down a tree 30 to 60 days before it was removed. Others could comment. Board members were not comfortable with this approach, but did believe that the Borough website should be used as part of the process and postings for education, and help could be offered to residents through the Shade Tree Commission via that vehicle. Mr. Bradley also recommended using the Mendham Messenger.

After discussion, it was agreed that the Board would prepare a resolution or a letter to the Borough Council advising them that they would not recommend a tree ordinance, but instead they would enumerate the positive approach they had outlined. Chair Kraft and Ms. Callahan will work on a draft letter to present to the Board at the January meeting.

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

Ms. Callahan advised the Board of the application pending review at the December 17, 2012 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 9:08 p.m. The next regularly scheduled meeting of the Board will be held on Monday, January 14, 2013 at 8:00 p.m. at the Garabrant Center, 4 Wilson St. This will be the regular and reorganization meeting of the Board.

Respectfully submitted,

Diana Callahan  
Recording Secretary





