

**MINUTES OF THE  
MENDHAM BOROUGH PLANNING BOARD  
June 11, 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  
Mr. Cascais – Present  
Mr. Gertler – Absent  
Mayor Henry – Present  
Mrs. Kopcsik - Present  
Mr. Kraft - Present

Mrs. Lichtenberger - Present  
Ms. Sandman, Administrator – Present  
Councilman Sharkey - Present

Alternates:

Mr. Cavanaugh, Alternate I – Present (8:05 p.m.)  
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 Mr. Cascais, seconded by Mr. Bradley and carried, the minutes of the regular meeting of May 14, 2012 were approved as written.

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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 a memo outlining the proposed ordinance modifications based on the discussion at the May 14 regular meeting. He explained that based on the discussion, the ordinance would allow solar panels, roof and ground mounted, as accessory structures in residential and non-residential zones. The question is whether they would be allowed, or to what degree they would be allowed in the Historic Overlay Zone. They could be (1) completely prohibited, (2) allowed, but not on historic buildings, or (3) allowed, but not visible from the public right of way.

Michael Zedalis, Chairman of the Historic Preservation Commission, and Nick Cusano, Architect for the Commission, joined the Planning Board for a discussion on the impact of panels in the Historic District. Mr. Zedalis presented a short history of the evolution of the Historic District, and

explained that the Commission utilizes visual compatibility factors within their standards. That is critical when dealing with solar panels.

He continued that, at the request of the Planning Board, the Commission discussed ground mounted, roof mounted and utility pole mounted panels within the Historic District. They agreed that none should be visible from any public way. The streetscape should be preserved. As the Commission focuses on what can be seen from the street, if the panels are located in the yard, they still could be seen from the street. Mr. Henry, Esq. advised that given the Commission's focus on streetscape, the Main Street Corridor should also be considered.

Responding to Mr. Cavanaugh on what determines a vantage point, Mr. Cusano explained that he considers it an unaided vantage point from which a person walking or driving can see the structure. The Commission gives a little more flexibility in the private area of the home. He explained that the current technology for solar panels is not pretty. He requested that the Planning Board leave flexibility in any ordinance so that new technologies such as clear applications and roofing material could be used, and variances would not be needed. He also asked whether the Board was considering solar heating and solar water heating. He has seen solar panels with tubing used to heat water for pools. They are not always photovoltaic. He also noted that it is difficult to get solar to financially work for residences. In Mendham there are large trees and many properties are narrower rather than wider. It is more feasible in commercial applications where there are flat roofs and parking lots.

Board discussed whether the ordinance could state that no solar panels would be visible from the street unless approved by the Historic Preservation Commission. Mr. Henry, Esq. advised that consideration would need to be given to the wording as they could not delegate a variance to the HPC. They also discussed how to handle the Main Street Corridor. In the case of residences, the Design Committee only makes a recommendation, and it does not have the same control as the Historic District.

Mr. Cusano noted that within the accessory use ordinance there is a provision that does not permit accessory structures in front of the primary structures. Mr. Henry, Esq. suggested that the Board could prohibit solar panels in side yards. They could also add language to the Main Street Corridor ordinance requiring a solar panel review by the Commission for residences. Mayor Henry suggested eliminating them in the front and side yards in all zones. Mr. Cascais supported this for the Historic District. Mr. Sharkey did not want them visible all along the Main Street Corridor and Historic District.

Mrs. Kopscik expressed that the Historic Commission was generous in their recommendations as she would not like to see them on any contributing building. Mayor Henry appreciated Mrs. Kopscik's consideration, but cited that at the public hearings for the Historic District Expansion, there was concern by the residents over how much would be regulated. He supported the position that those visible from the streetscape should be of concern. Mr. Cavanaugh added that the Borough should not create rules that make the economics of owning an older home unreasonable such that people do not want to buy and preserve them.

Chair confirmed with the Board that the consensus was that the panels would not be able to be seen from the public right of way in the Historic District and in the Main Street Corridor. In all zones they would be accessory structures subject to the standards in the ordinance. Mr. Henry, Esq. confirmed with the Board that they would include multifamily as well as single family homes in the ordinance.

Board discussed shielding and visibility issues associated with the panels. If allowed on a roof, they could be seen from the street in zones other than the Historic District and Main Street Corridor. It was agreed that they would not be allowed to extend above the peak or beyond any edge of the roof. They would not extend more than 4 ft. above the roof line of a flat roof. The aesthetics could not be regulated. Any fencing used for screening of ground mounted panels would need to be in adherence with the fence ordinance. It was agreed that the solar panels would be reasonably screened from view.

The Board decided not to address tree removal. They also agreed that the scale will be addressed as the horizontal projection of the panel. The issue associated with the panels on the utility poles is being addressed by the Mayor and the Borough Attorney.

Mr. McGroarty will draft the ordinance and discussion will continue at the July 9 Planning Board meeting.

**TRC UPDATES (For information only)**

Mrs. Kopcsik provided an overview of the applications that would come before the Technical Review Committee on June 18.

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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 9:25 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Monday, July 9, 2012 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

Diana Callahan  
Recording Secretary







