

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
August 4, 2009
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER

The regular meeting of the Board of Adjustment was called to order by Chair Santo at 7:35 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

CHAIRMAN'S ADEQUATE NOTICE STATEMENT

Notice of this meeting was published in the Observer Tribune on February 5, 2009 and the Daily Record on January 29, 2009 in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House.

ATTENDANCE

Mr. Palestina – Present
Mr. Peck – Present
Mr. Peralta – Present
Mr. Schumacher – Present

Mr. Seavey - Present
Mr. Smith - Present
Mr. Santo - Present

Also Present:

Mr. MacDonald, Attorney
Mr. Hansen, Engineer
Dr. Eisenstein, Telecommunications Consultant

PUBLIC COMMENT

Chair Santo opened the meeting to public comment or questions on items that were not on the agenda. There being none, the public comment session was closed.

APPROVAL OF MINUTES

On motion by Mr. Seavey, second by Mr. Palestina and carried, the minutes of the regular meeting of July 7, 2009 were approved as written.

HEARINGS

Parmelli, Jean & Charles – Hardship Variance: Continuation

Block 401, Lot 28, 26 Mountain Avenue

Present: Charles Parmelli, Applicant
Jean Parmelli, Applicant
William Bryne, Architect

Mr. Bryne advised the Board that he had a conversation with Adrian Humbert, Borough Planner following the last hearing, and they have subsequently reduced the building footprint. The proposed addition has been reduced 12 and 18 inches in the area of the covered entranceway and the living room. The existing shed is also being removed resulting in 80 sq. ft. In terms of impervious coverage, the pool exceeds the requirement. They are now 8% or 173 sq. ft. over the coverage requirement.

In terms of impervious coverage, Mr. Bryne explained that in addition to the reduction in the building size, they removed a rear balcony from the master suite, and they narrowed down the driveway as much as possible, but to still allow for a reasonable turning radius. The impervious coverage is now 16% over allowable, a reduction from the last meeting. The in-ground pool accounts for 1,000 sq. ft. and puts the project over the requirement. Chair clarified that the coverage was reduced approximately 302 sq. ft. since the last submission.

Clarifying the exact location of the reductions for Mr. Peck, Mr. Bryne stated that they have made the garage narrow and smaller, 12 to 18 inches. They have removed the shed, and they have taken 18 inches off the front of the home, moving it back. The living room extension in the front of the home is reduced. The scale of the garage and the master bedroom have been reduced, and the home is now further from the street than previously proposed.

Mr. Santo commented that they were trying to have a home in the quarter acre zone meet requirements of homes in other areas of the Borough. He was concerned that the variance would set a precedent. He expressed concern that the jet skis should be kept in the garage. The garage is of sufficient size to utilize a racking system. Storage of the recreational equipment in the front yard is an intensification of use. Chair questioned whether they had considered other housing instead of adding on. The home they are proposing is beautiful, but if they grant a variance, they would be creating a precedent creating an increasing intensity of use that would eventually change the character.

Mr. Parmelli stated that they are one of the few one story homes from Main St. up Mountain Avenue. They are followed by a second story home. With the variety of homes, they do not feel that they are not “disharmonious”. There were financial considerations in maintaining this home and not moving. They purchased the home 10 years ago and it was in disrepair. The homes that would satisfy their needs, disregarding location, are far beyond the economics they could justify.

Mr. Bryne stated that after a conversation with Mr. Humbert, he did further investigation and determined that a precedent could be avoided as the property is 128 ft. wide at the street, about 20% wider than other homes within 200ft. The lot is suitable for a home with more presence. The scale of the garage is also designed at an angle to the home. The home to the left on the corner of Wilson Street is on the same angle as the garage. The home to the right will be in front of their home, screening a lot of the scale. The height of the homes to the right and the left will still be higher than the highest point of the proposed addition. Mr. Parmelli added that they currently have a relatively flat roof and could not consider dormers.

Addressing Mr. Peck’s concern on the trees, Mr. Parmelli stated that the tree to the right of the home belongs to his neighbors. The tree to the left of the home took a lightening strike and is not healthy. The three maples in the rear and the crabapple at the sidewalk will remain.

Board remained concerned about the overage of the impervious coverage. Mr. Peck questioned whether the patio and area around the pool could be converted from concrete to pavers. Mr. Parmelli explained the configuration of the area with the diving board. The current patio is paver.

While Mr. Seavey thought the design could fit well and have curb appeal, he expressed that the coverage was probably understated as some of the doorways and the basement did not have any area on which to step. He questioned whether the pool area could be consolidated or reconfigured. Mr. Peralta questioned whether they could consider a one car garage.

Mr. Seavey concluded that in order to satisfy issues with impervious coverage, substantial engineering would need to be done. The challenge is that water flow does not do well in Mendham. Chair Santo referred to Mr. Bryne’s suggestion to catch water and direct it to a drywell as a good one. Engineering approaches would be required.

Mr. Hansen explained that the project would be considered minor development for stormwater regulation purposes. They would need to work with their engineer to determine how containment would take place. Mr. Seavey noted that it should be better than the existing situation.

Chair opened the meeting to questions by the public. There being none, the public session was closed.

In deliberations Messrs. Peck, Seavey and Smith generally thought that the design was good, fit the character and didn’t overwhelm the neighborhood, but still had a concern on the impervious coverage and the water runoff. Mr. Hansen explained that if the Board acted favorably, a condition stating that the requirements would be the same as the existing coverage could be added. Mr. Bryne commented that the existing coverage is under 35 sq. ft. from the ordinance requirement, and any condition should be the ordinance requirement.

Mr. Seavey was still concerned that while the applicant had previously stated he wanted to help improve the water flow to his neighbor, that would not be accomplished by taking it to the existing situation. Mr. Hansen explained that with the minor development, he will need to take the roof and design for 3 inches of runoff. Any additional runoff from the driveway would need to be sized for a drywell.

After discussion on whether an engineering plan would be required before the Board considered approval, it was determined that a condition could be used to assure that the plan would be to the satisfaction of the Board Engineer. The applicant could not build until the condition was met.

Mr. Peralta expressed his concern on the building footprint, and voiced his opinion that the character of all the homes in the neighborhood needed to be considered. It is in the heart of Mendham Borough. While the design is good, he was concerned that there was a lot happening on the property with water skis, a pool and a two car garage. It would have a significant impact. Mr. Palestina acknowledged that the garage was at an angle, but was concerned that a wall of house would be seen from the street. He was concerned about impervious coverage and presentation. Mr. Schumacher agreed that the applicant wanted too many things on the property. He asked if the size of the garage could be reduced. Chair Santo was also concerned with the size and mass of the structure in the zone and the imposing improvement. It would set an impervious coverage precedent.

Mr. Seavey expressed that in terms of volume, the plan should be viewed as two dimensional. The design uses a lot of dimensions and that it could overall fit appropriately on the lot and in the neighborhood. In terms of impervious coverage, they would need to address the issue in terms of the stormwater regulations with the house and would need to increment with mitigation for the driveway. Mr. Peralta supported the design, but still thought the home would be imposing in the area. Mr. Palestina suggested that if they take out 178 sq., the building coverage is not a BOA issue. Chair expressed his opinion that the 178 sq. ft. was diminutive, but could change the nature of the project.

In response to Mr. Seavey on his reference to a potential deed restriction, Mr. MacDonald, Esq. advised that a deed restriction is a relatively significant to the chain of title of a home. He prefers not to use it as a fallback. Mr. Seavey was concerned that the design is critical to the approval and in the future changing it could be a detriment. Mr. Hansen noted that the approval is based on the plans submitted.

After final discussion, Mr. Seavey made a motion to approve the application in accordance with the design submitted. The design would stay permanently per the plans submitted. There is no permanent outdoor storage of recreational equipment in the driveway in accordance with the Borough Ordinance. The design for the impervious coverage runoff from the roof and the driveway would need to be to the satisfaction of the Borough Engineer. The situation should be better in the future than it is today. Mr. MacDonald, Esq. would work on the appropriate wording for the resolution. Mr. Smith seconded.

The result of the roll call was 6 to 1 to 0 as follows:

In Favor: Palestina, Peck, Schumacher, Seavey, Smith, Santo
 Opposed: Peralta
 Abstentions: None

The motion carried. The application was approved with conditions. Mr. MacDonald, Esq. will prepare a resolution for the September 1, 2009 regular meeting of the Board.

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Mr. Peralta recused from the Board.

Board took a 10 minute break.

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Omnipoint Communications, Inc. and New York SMSA Limited Partnership d/b/a Verizon Wireless – Use and Other required variances: **Continuation**

Block 801, Lot 20, Kings Shopping Center

Present: Richard Schneider, Esq., Attorney for the Applicant
 Mr. Pierson, RF Engineer

On Behalf of Mr. Isko:
 Robert Simon, Esq., Attorney

Exhibits: A-22: Exhibit DT-1A Omnipoint Existing Coverage and Baseline Data

Mr. Pierson was recalled for cross-examination by Mr. Simon, Esq. Questions were directed to correspondence dated May 6, 2009, June 25, 2009 and testimony of July 7, 2009.

Responding to Mr. Simon, Esq. on whether he had done any investigation to determine whether or not there was any coverage, significant or not, from the sites in Bernardsville in the areas of the

proposed cell tower at the shopping center, Mr. Pierson stated that he did not do any specific detailed studies. They were not required as it is a terrain issue. There is no significant coverage. The Bernardsville sites are located primarily along 287. Most of them are at lower elevations. Leaving Bernardsville one travels up hills and enters a valley at the shopping center.

Referring to Mr. Graiff's testimony of April 2009, Mr. Pierson stated that the Bernardsville sites were located about two and one half miles from the Borough boundary. He described the locations on A-1 and A-3 as below to the right or south. He did not have his data available on whether there was any coverage at all in the proposed area from the Bernardsville sites, but there is no significant gap.

Addressing his communications with Dr. Eisenstein for the purposes of determining what type of documentation would be required for the application, Mr. Pierson stated that they took place in May 2008 via either e-mail or telephone. He questioned the type of exhibits that Dr. Eisenstein would like to see. They were the exhibits and the coverage maps with required specifications. He did not go over any checklist items with Dr. Eisenstein.

In terms of his concern with the tuning of the propagation tools for Verizon and Omnipoint, Mr. Pierson explained that there were some concerns that they were not following the terrain and possibly not matching what would be expected for the area.. The coverage displayed for the carriers may have appeared slightly larger or smaller than what he would have expected it to be based on the terrain. As it did not pass expectations, as RF engineers, they looked into it further.

Explaining the tools that they used, Mr. Pierson stated that they used drive tests and terrain. They have tools that indicate where the hills and valleys are located. Based on experience they know what a radio wave will do based on what it sees from the hills or valleys. There may be trees or open spaces. The clutter, what really exists in the world, is compared to what the propagation is showing. In order to make corrections and adjust settings, the RF engineer takes into account drive tests, terrain, aerial photos showing clutter, propagation model outputs, settings in the models, and knowledge of the New Jersey area. The models are then tuned. In terms of documentation provided to the Board, he provided the drive test data and the propagation. They are within tolerance.

Addressing minus 84 dbm as a reasonable design standard for Omnipoint in the area, Mr. Pierson explained that it is measured in the street. The measurement and reference is normalized to 5 feet tall in the street and not in the vehicle. The in-building for Omnipoint is minus 76 dbm. Responding to a series of questions by Mr. Simon, Esq. on whether minus 85 would be reasonable, Mr. Pierson stated that he would go stronger toward minus 76 than weaker. He stated that in some areas minus 85 would be reasonable, but in some of the more populated and dense areas a stronger signal would be needed. Every time the dbm is reduced there is a little less fade margin and there is a little less reliability. He drew the line and would not go by a one by one reduction as questioned by Mr. Simon, Esq.

In terms of signals in a building, Mr. Pierson stated that there is not a standard. It depends on the structure. There could potentially be a 30 dbm difference in a metal structure. Examples of metal buildings would be the auto body shops or the tennis club. He has not done measurements for those buildings. The average difference in signal from outside to inside a vehicle is 6 to 7 dbm. It would depend on where you are in the car. Mr. Pierson stated that in the last five years, he had been involved in other applications where it was determined by a Board that the threshold would be negative 90 dbm or above.

Responding to questions dealing with the drive tests and the plotting of data based on bin size, Mr. Pierson testified that as there are a lot of data points represented by circles sometimes you do not see the circle and it looks like a straight line as they are very close to one another. With a larger scale one could see the straight lines. Mr. Pierson reviewed the scales on Exhibit A-1, A-3, and A-22. After analysis, Mr. Pierson stated that with A-22 he was within ten percent of A-1 and A-3 as he had previously stated.

Referring to his testimony that Verizon's design criteria is a little more stringent than Omnipoint's, with Omnipoint at negative 84 dbm and Verizon at negative 85 dbm, Mr. Pierson explained that Verizon is based on a DCMA system based on EC and the GSM system is not. In terms of the Verizon design standard it is for suburban areas and will get one in normal suburban structures, i.e. normal houses. Answering Mr. Simon's question on how the existing reliable coverage for Verizon would change if the design criteria for Verizon was a vehicle and not a structure, Mr. Pierson explained that it would not affect the reliable coverage as the reliable coverage is the design criteria. If Verizon's design standard was for vehicle coverage then the propagation shown would be larger than that on A-3. If a system were being designed for a

person in the street, then the reliable existing coverage would be larger than the in-vehicle, which is larger than the suburban coverage.

Addressing the letter that was sent to the town asking for town properties within 500 ft. of the proposed site for purposes of the search area, Mr. Pierson did not know whether there was any positive or negative response as relates to the police station. The police station is located approximately 500 ft. from Kings. While both of the carriers had looked at the JCP&L site during the search process and it worked from an RF perspective, one of the other applicant experts rejected the site.

Responding to Mr. Simon, Esq. on whether studies had been completed indicating where the population was calculated in the gap areas in terms of homes, congregation or drive through, Mr. Pierson stated that there were no official studies, but it was obvious that the Kings Shopping Center is one of the center areas. He did not conduct any capacity studies, but there is a coverage gap.

Answering Mr. Simon's question dealing with whether he agreed with Dr. Eisenstein's concern on drive test coverage being dependent on the day of the drive test, Mr. Pierson stated that there are certain variations depending on when the test takes place and what is going on at the time. In terms of plotting the data, Mr. Pierson explained that the plots were done in 5 db increments. If he looked at every increment the data would be too granular and one would not be able to distinguish between the colors. A 2 db swing could be significant depending on what is going on, what one is looking at, what the standard is, and how close one is to a particular threshold.

In terms of showing what towers the signals are coming from, Mr. Pierson stated that Exhibit A-21 does not discern the towers. The route was driven and the RF signal strength was sampled from Omnipoint's existing 1900 megahertz operating frequencies. The signal was provided regardless of where it came from. It is possible to discern where signals come from, but they did not. Regardless of where the signal is coming from, it is the best case.

Responding to Mr. Simon, Esq. on why Verizon Wireless drive tests were not performed on June 12, 2009 when the Omnipoint's measurements were taken, Mr. Pierson stated that he did not need them. When the first test was done, Verizon was on the air at both sites, Conifer Drive and St. Johns. There were no changes in parameters anticipated or expected. There were no reported changes in transmit power, antenna type or tilting.

Addressing Mr. Simon on the intent of Omnipoint and Verizon to fill the gaps that appear in white from Bernardsville into Mendham Township, Mr. Pierson stated that there are not any active projects to resolve the rest of the gaps. There could be projects in the future. Whether those projects could cover the gaps in Mendham Borough would depend on various factors as Mendham has low terrain and one would need to be in the bowl or on the edge of it to cover the gaps. Building towers in the bowl in Mendham Township would miss Tempewick Road. A location in Bernardsville would miss the whole thing. Mr. Pierson continued that his company did not perform any drive test measurements of the proposed site or alternate proposals.

Mr. Pierson addressed a series of questions as relates to the CDMA network of Verizon and how power was calculated for Exhibit A-2. He explained that it is a Lucent procedure to set the power on the site by the pilot power, not by the maximum transmitter. The design standard is 2.5 percent based on the manufacturer's recommendation. That is approximately 15% of the power. In terms of the A-2, colored dots may show a green next to a black as there may be some tree blockage.

Responding to Mr. Simon, Esq. on how the neg 85 dbm, EC industry standard for Verizon was developed, Mr. Pierson stated that it is a complex link budget analysis that includes consideration of the mobile phone, efficiency mobile phone antennas, reliability fade margin, fast fading, slow fading margins, CDMA processing gauge, antenna diversity gauge and path loss. Those are only some of the elements. The numbers are then run for the particular values needed for reliable signals and all the variations. Each carrier develops a link budget to determine reliability and the design criteria for a particular area.

Answering Mr. Simon on his professional opinion on questions dealing with "substantially better than mediocre", Mr. Pierson stated that it is the renewal requirement cited by the FCC. The definition of it depends on who one asks. He could not comment on what it would be from a dbm level standpoint. Reliability is a gray area. He goes by the latest more recent standards in the Home Land Security Act Amendment of 2003. In terms of whether a user in a gap area would be able to maintain a connection capable of supporting a reasonably uninterrupted communication at negative 90 dbm, Mr. Pierson answered "no", based on the design criteria. The answer is complex as it depends on whether a phone would work at minus 90 dbm. The location in a car or

on the street or in a building has an effect. The industry standard for reasonable uninterrupted communication is probably between one percent and two percent failure rate. There was no testing performed with regard to the gap areas to determine failure rates.

Chair opened discussion on the nature of the September agenda. He stated that he would like to have the Board in a position to enter deliberations in November.

Dr. Eisenstein questioned whether Mr. Simon, Esq. was going to refute the gaps as they exist. He wanted to understand where the testimony was leading. Mr. Simon, Esq. advised that they will indicate that the gaps are not accurate. The purpose of the their testimony is to demonstrate that the applicant has not met the burden of proof with regard to the proofs they need to present in order to get an approval on the application. One of the criteria is a significant gap. Mr. Schneider, Esq. stated that it is not the applicant's burden to establish a significant gap. He requested that if the applicant had new evidence on the gap that it be brought forth. Mr. Simon, Esq. stated that he understood the need to move the case forward and has been in communication with Messrs. Schneider and MacDonald to do so.

Mr. MacDonald, Esq. suggested that that the public, most particularly Ms. Kaplan, be given an opportunity to present materials, evidence or witnesses in September since Mr. Simon would not be present to continue with the RF and Planning testimony. In response to Ms. Kaplan's concern that she wanted to follow the planning testimony, Mr. Simon, Esq. offered to make their planner available to her before the meeting for preparation. Ms. Kaplan stated that she was not sure the September 1 meeting would work for her. She would contact Mr. MacDonald, Esq.

Mr. Schneider, Esq. summarized the applicant's position. As the Chairman had stated he would be leaving the Board at the end of the year, he would not consent to delaying the hearings based on order of presentation. The testimony would need to be completed by November. By November they should conclude the RF testimony, Mr. Ritter's testimony, and Ms. Kaplan's presentation. That would be fair to the Board, the applicant and the public. With the Chair leaving, he would be down to five votes instead of six and five are required for approval.

Chair announced that Mr. MacDonald, Esq. would coordinate the schedule.

Mr. Schneider, Esq. granted an extension of time. Application will be continued at the September 1, 2009 regular meeting.

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Horne, Cecilia – Hardship Variance: Resolution

Block 406, Lot 20, 12 Birch Street

Mr. MacDonald, Esq. presented the resolution to the Board. Mr. Hansen had requested that a fourth condition be added based on his engineering report.

Mr. Seavey made a motion to approve the resolution with the amendment. Mr. Santo seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor:	Palestina, Peck, Schumacher, Seavey, Santo
Opposed:	None
Abstentions:	None

The motion carried. Following is the approved resolution:

RESOLUTION OF FINDINGS AND CONCLUSIONS

**BOARD OF ADJUSTMENT
BOROUGH OF MENDHAM**

WHEREAS, CECILIA HORNE has applied to the Board of Adjustment of the Borough of Mendham for permission to retain a garden spa structure at the existing single family dwelling located at 12 Birch Street also known as Lot 20 in Block 406 on the Tax Map of the Borough of Mendham, which premises are in the 1/4 Acre Residence Zone; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and after providing the adjoining property owners and the general public with the opportunity to be heard at a Public Hearing on July 7, 2009, has made the following factual findings:

1. The applicant is the owner since September 1999 of the subject property, which is located on the westerly side of Birch Street, being a regularly shaped lot with 105 feet of frontage on the street and extending to a depth of approximately 100 feet from the edge of the right of way.
2. The property is currently improved with a two story single family dwelling and related accessory structures, including a driveway, a brick walkway, an attached two car garage, an attached deck and a garden spa enclosure. The applicants presented, and the Board reviewed, a copy of a Survey of the PQ dated 11/04/08 prepared by Yannaccone, Villa & Aldrich, LLC.
3. The applicant's existing improvements were shown on the 1 page Variance Plan dated 1/27/09 prepared by, and described at the Public Hearing by, William P. Byrne, Architect of Byrne Design Associates. The Impervious Coverage of the Existing Improvements as defined in Section 215-31.1 H. of the Mendham Code after the addition of a Family Room and the 2 Car Garage would appear to exceed the allowable limitation by 75 square feet according to the Zoning Officer Denial dated 3/2/09. Thus, a C-Variance is required and has been requested.
4. The existing structures also result in the need for a C- Variance related to Section 215-31.1 I of the Mendham Code which sets forth the limitations on the maximum principal and accessory Building Coverage. The applicant's existing coverage would appear to exceed the permitted maximum by 175 square feet according to the Zoning Officer Denial dated 7/13/07.
5. If the existing Spa Enclosure in the rear of the property were removed, the Variance conditions would be eliminated. The applicant seeks permission from the Board to allow the spa to remain.
6. The Board and the applicant discussed the applicant's current improvements on the lot and the drainage characteristics of the property. The applicant also explained the specific characteristics of the Spa and the lack of any significant visibility of the spa.
7. The Board received and reviewed the Borough Engineer's Report and in consultation with the Engineer, the Board deemed the application complete and waived certain completeness details based upon the Borough Engineer's comments.
8. The Board and the applicant discussed the Board's continuing concern that the Spa structure not be expanded or enlarged.
9. No members of the public participated in this application hearing in favor of or in objection to the applicants' plans.

WHEREAS, the Board has determined that the C-Variance relief for Total Impervious Coverage and Total Principal and Accessory Building Coverage requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Mendham for the following reasons:

1. The Board is satisfied from the evidence presented at the Public Hearing that the applicant has demonstrated that there is an unusual circumstance related to the discovery in the AS BUILT that the limitations had been minimally exceeded. Based upon the evidence presented, the Board is satisfied that the strict enforcement of the current Total Impervious Coverage and Total Building Coverage limitations would result in an unnecessary and undue hardship to the owner and it would unreasonably restrict the use of this parcel by precluding a modestly sized addition.
2. The Board is satisfied from the evidence presented at the Public Hearing that the proposed additions including the Spa will not result in any significant detrimental impact to the surrounding properties, nor to the public good. The Board is satisfied that the proposed building footprints and coverage will not have any adverse storm water management impact and there will be no unusual impact on any of the surrounding residences.
3. The Board is satisfied from the evidence presented at the Public Hearing that the proposed additions, including the Spa will not result in any significant detrimental impact to the Borough Zone Plan for this 1/4 Acre Residence Zone due to the fact that these additional improvements will not cause any storm water runoff to the neighbors' properties and the proposed home will be in keeping with the neighborhood characteristics.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Mendham on this 4th day of August, 2009, that the application of CECILIA HORNE which was approved on July 7, 2009, be memorialized herein, subject however, to the following conditions:

1. The Home Additions are considered herein to have been constructed in conformance with the testimony and in conformance with the Exhibits that were provided to the Board with the application materials and described during the Public Hearing.
2. The approvals herein are subject to all relevant Federal, State, County, and Municipal regulations including: payment of all relevant taxes, application fees, review fees and inspection fees; submittal of a Footing and Foundation "AS BUILT" Survey prior to

issuance of a Framing Permit. The Board notes that in this case the Improvements and the AS BUILT appear to be completed already.

3. The variance relief granted herein shall expire if not utilized within one year from the date of this Memorializing Resolution.
4. The approvals granted herein are specifically conditioned upon there being no enlargement or expansion of the garden Spa enclosure, either by additional floor area or by adding a second level without additional review and approvals, if granted; and, submittal of a Final Plan with the revisions set forth in Item III (2) of the Borough Engineer's Report dated April 9, 2009.

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ADJOURNMENT

There being no additional business to come before the Board, on motion duly made, seconded and carried, Chair Santo adjourned the meeting at 11:00 p.m. The next regular meeting of the Board of Adjustment is Tuesday, September 1, 2009 at 7:30 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Diana Callahan
Recording Secretary