



Brian Cavanaugh <brian@cavanaughpartners.com>

Zoning application

46 messages

Rob Rosendale <rrosendale@mendhamnj.org>
To: "brian@cavanaughpartners.com" <brian@cavanaughpartners.com>
Cc: Lisa Smith <planning@mendhamnj.org>

Tue, Oct 17, 2023 at 12:11 PM

Brian,

Please see attached application denial.

Rob Rosendale

Construction Official

Building Subcode Official


Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Mendham Borough Scanner <scans@mendhamnj.org>
Sent: Tuesday, October 17, 2023 12:51 PM
To: Rob Rosendale <rrosendale@mendhamnj.org>
Subject: Attached Image

 **2479_001.pdf**
148K

Brian Cavanaugh <brian@cavanaughpartners.com>
To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>

Tue, Oct 17, 2023 at 12:14 PM

Rob, please send me the EXACT method of calculation of the "height of the fence or wall" in the Code. I could not find it. As you know, I can make the topography of my property whatever I want to and my property has a very different topography at different points along the fence's length.

Thank you.

-- Brian

[Quoted text hidden]

Rob Rosendale <rrosendale@mendhamnj.org>
To: Brian Cavanaugh <brian@cavanaughpartners.com>
Cc: Lisa Smith <planning@mendhamnj.org>

Tue, Oct 17, 2023 at 12:20 PM

Hi Brian,

Please see the following in relevant part

Fences.

(1)

A solid, or a partially open, fence under 2 1/2 feet in height may be erected in any portion of a lot.

(2)

Except as provided in § **215-14I(3)**, a fence equal to or in excess of 2 1/2 feet in height, but not to exceed four feet in height, may be constructed in any front yard or any yard that abuts either a public or private street, provided that it is not solid and that at least 20% of the overall area of the entire fence, uniformly distributed, both horizontally and vertically throughout the fence area, is open. For purposes of this Subsection **B**, "front yard" shall be defined as the area extending across the full width of a lot and lying between the front lot line of the property and the nearest point of the foundation of the principal structure on the lot, regardless of how "front yard" may be elsewhere defined in this chapter.

(3)

Except as provided in § **215-14I(3)**, within all residence zones, no fence more than six feet in height shall be erected within any rear or side yard setback, as set forth in § **215-28**, provided that neither the side nor the rear yard abuts a public or private street.

(4)

Fences up to eight feet in height are permitted where the purpose of the fence is to screen electrical substations from neighboring properties.

(5)

The height of a fence shall be measured from the grade at the base of the fence at any given location to the highest point of the fence structure.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 17, 2023 12:15 PM

To: Rob Rosendale <rrosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Tue, Oct 17, 2023 at 3:22 PM

To: Rob Rosendale <rrosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Thanks, Rob, but I'm not sure this answers my question. All but the 1st and 5th bullets do not seem to even partially address my question.

Does #5 mean that, at every single unique spot along the entire 400' linear feet of the fence, the ground level at the base of any face (side) of the fence must be no more than 30" below the top of that face? I So, were that the case, it would be true that if in only one isolated spot along the entire fence it is calculated to be more than 30", on either side of the fence, then the fence is non-conforming? Or, does it utilize some sort of averaging calculation of heights on either side of the fence at various standard distance intervals along the fence, for example?

I'm sure the code is specific and it would not leave it up to myriad interpretations. Please cite the specific language for me.

Thank you, Rob.

-- Brian

[Quoted text hidden]

Rob Rosendale <rrosendale@mendhamnj.org>

Wed, Oct 18, 2023 at 8:13 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>

Cc: Lisa Smith <planning@mendhamnj.org>

Brian,

This text was copied directly from the borough code. It means that at no point along either side should the measurement be more than 30 inches. There is no averaging involved.

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>
To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>

Wed, Oct 18, 2023 at 3:25 PM

Ok. Thanks, Rob.

— Brian

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>
To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>

Mon, Oct 23, 2023 at 9:30 AM

Rob, so what are the next steps I need to take in this process of trying to simply replace my fence? To whom do I need to pay what fees and before which arms of local government do I need to submit what types of applications?

Thank you.

-- Brian

[Quoted text hidden]

Rob Rosendale <rrosendale@mendhamnj.org>
To: Brian Cavanaugh <brian@cavanaughpartners.com>
Cc: Lisa Smith <planning@mendhamnj.org>

Mon, Oct 23, 2023 at 9:44 AM

Brian,

The Variance applied for through Lisa Smith (copied on this email). You may contact her for instruction for same.

Best Regards,

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>
To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>

Mon, Oct 23, 2023 at 2:45 PM

Thanks Rob. Lisa, please advise on what I need to do in order to get this variance.

Thank you.

-- Brian

[Quoted text hidden]

Lisa Smith <planning@mendhamnj.org>
To: Brian Cavanaugh <brian@cavanaughpartners.com>, Rob Rosendale <rrosendale@mendhamnj.org>

Tue, Oct 24, 2023 at 9:14 AM

Brian

Other than these emails, do you have a zoning denial? That is what you will need to start with. Once you have that, here are the links for the application.

Joint Land Use Board

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Tue, Oct 24, 2023 at 9:24 AM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Please see Rob for whatever paperwork you require m.

Thanks, Lisa.

— Brian

[Quoted text hidden]

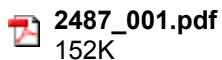
Rob Rosendale <rrosendale@mendhamnj.org>

Tue, Oct 24, 2023 at 9:31 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>, Lisa Smith <planning@mendhamnj.org>

Please see attached

[Quoted text hidden]



Lisa Smith <planning@mendhamnj.org>

Tue, Oct 24, 2023 at 9:32 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>

Cc: Rob Rosendale <rrosendale@mendhamnj.org>

You will have to see Rob for the paperwork that I am speaking about. You will need to include it with your application.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

2 West Main Street, Mendham NJ 07945

973-543-7152 x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 9:24 AM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Subject: Re: Zoning application

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Tue, Oct 24, 2023 at 9:34 AM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Do I need to fill another application out? Where do I get this application?

— Brian

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Tue, Oct 24, 2023 at 1:07 PM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Lisa and Rob, do I need to fill out some other application at this point? If so, what is it and from whom do I get it?

Please advise.

-- Brian

[Quoted text hidden]

Lisa Smith <planning@mendhamnj.org>
To: Brian Cavanaugh <brian@cavanaughpartners.com>
Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Tue, Oct 24, 2023 at 1:18 PM

Brian

I sent the links to the application in a previous email. Here they are again.

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Tue, Oct 24, 2023 at 1:37 PM

Lisa, this "Joint Land Use" permit is what is required to be filed to replace my fence? I had previously been told I might need a "road opening" permit or something crazy (because I'm not, in fact, opening any road) like that. Are you sure that this is the application I now need to provide, just to replace my fence?

-- Brian

[Quoted text hidden]

Lisa Smith <planning@mendhamnj.org>
To: Brian Cavanaugh <brian@cavanaughpartners.com>
Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Tue, Oct 24, 2023 at 1:42 PM

Brian

If you were denied by zoning because your project does not comply with the Borough Code, you will need to file an application with the JLUB in order to receive a variance. I believe you are looking for a C variance.

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Tue, Oct 24, 2023 at 2:16 PM

Lisa, there may be some confusion here. I have been told that my stone fence will be conforming to the code. I understand that my problem is only that my fence is within the road right of way.

Rob, please clarify.

Thanks.

— Brian.

[Quoted text hidden]

Rob Rosendale <rrosendale@mendhamnj.org>
To: Brian Cavanaugh <brian@cavanaughpartners.com>, Lisa Smith <planning@mendhamnj.org>

Tue, Oct 24, 2023 at 3:22 PM

I don't have a plan for the wall. I'm told it's 30" high which would be allowed but not in the right of way

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Tue, Oct 24, 2023 at 3:26 PM

To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>

Rob, the stone fence is shown on the survey I provided to you. What type of “plan” is required for a stone fence? Are you suggesting that I need to hire an architect to develop “plans” for a 30” stone fence?

— Brian
[Quoted text hidden]

Lisa Smith <planning@mendhamnj.org>

Wed, Oct 25, 2023 at 6:38 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>, Rob Rosendale <rrosendale@mendhamnj.org>

Brian
Since you had spoken to Paul prior to all of these emails I asked him for clarification.
His response is below. I hope this helps.

The plan needs to show the location of the wall/fence. It also needs to include a detail of the wall/fence. Simply saying “It is already there, just go look at it” is not sufficient. We need a plan that can be filed with the application for the fence permit. That needs to show what is being constructed – even if it was already constructed without the appropriate approvals. This plan will be what is ever approved or denied. If it is in the right of way, it is the plan that will go to Mayor and Council for their action. The plan is used to memorialize whatever action is taken by the Zoning Officer and the Mayor and Council. I have also been told that the wall will have flashing red LED lights in it. These need to be included with the plan and the appropriate details provided.

Lisa Smith, Land Use Coordinator
Borough of Mendham
2 West Main St.
Mendham, NJ 07945

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 3:26:07 PM

[Quoted text hidden]

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Wed, Oct 25, 2023 at 7:05 AM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Thanks, Lisa.

So, a few questions:

- can this plan be hand drawn?
- should it show layout (which is already in the survey I provided), an “elevation” (cross section) showing ground level on each side and included pictures of what the fence will look like?
- for the section at the bottom of Hardscrabble Toad, when’re people keep driving onto my property (through my stone fence, wood fence and hedges), it will have reflectors (and, if I can find suitable LED lights, those as well) embedded into the fence), should it simple mark the height and lateral spacing of those reflectors?

Is there anything I’m missing?

— Brian
[Quoted text hidden]

Rob Rosendale <rosendale@mendhamnj.org>

Wed, Oct 25, 2023 at 9:19 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>, Lisa Smith <planning@mendhamnj.org>

Cc: Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Brian,

Hand drawn indicating all the items you mentioned would be ok for Me but Engineering may need something more comprehensive.

Best,

[Quoted text hidden]

Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Wed, Oct 25, 2023 at 9:47 AM

To: Rob Rosendale <rosendale@mendhamnj.org>, Brian Cavanaugh <brian@cavanaughpartners.com>, Lisa Smith

<planning@mendhamnj.org>

Brian,

You can submit that information. If we have any additional questions, we will ask. Thanks.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

[180 Main Street](#)

PO Box 571

Chester, NJ 07930

908-879-6209

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Wed, Oct 25, 2023 at 7:26 PM

To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Cc: Rob Rosendale <rosendale@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>

Thank you all for your responses.

I will work to develop such drawings.

-- Brian

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Tue, Nov 28, 2023 at 10:56 AM

To: Lisa Smith <planning@mendhamnj.org>

Lisa, I wanted to check in and get an update from you on my applications progress. Please advise.

Thank you.

— Brian

[Quoted text hidden]

Lisa Smith <planning@mendhamnj.org>

Tue, Nov 28, 2023 at 1:53 PM

To: Brian Cavanaugh <brian@cavanaughpartners.com>

Cc: Borough Clerk <clerk@mendhamnj.org>, Paul Ferriero <paul.ferriero@ferrieroengineering.com>, Joyce Bushman <jbushman@mendhamnj.org>

Mr. Cavanaugh

Your request was made to the Mayor and Council. Lauren the Borough Clerk would be able to answer any questions you may have regarding your road opening permit.

Thank you.

Lisa Smith, Land Use Coordinator

Borough of Mendham

2 West Main St.

Mendham, NJ 07945

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, November 28, 2023 10:56:07 AM

To: Lisa Smith <planning@mendhamnj.org>

Subject: Fwd: Zoning application

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Tue, Nov 28, 2023 at 2:11 PM

To: Lisa Smith <planning@mendhamnj.org>

Thanks, Lisa. How do I reach Lauren to ask her for the update? Does Lauren also keep track of the request made to the mayor and borough clerk, or just the "road opening permit?"

Thank you.

— Brian

[Quoted text hidden]

Borough Clerk <clerk@mendhamnj.org>

Tue, Nov 28, 2023 at 3:33 PM

To: Lisa Smith <planning@mendhamnj.org>, Brian Cavanaugh <brian@cavanaughpartners.com>

Cc: Borough Clerk <clerk@mendhamnj.org>, Paul Ferriero <paul.ferriero@ferrieroengineering.com>, Joyce Bushman <jbushman@mendhamnj.org>

Good afternoon,

Your application is on the Council Agenda for 11/29/2023. Please let me know if you have any questions.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Tue, Nov 28, 2023 at 3:38 PM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Borough Clerk <clerk@mendhamnj.org>, Joyce Bushman <jbushman@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>, Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Thank you, Lauren. I'm appreciate the update.

Please let me know if there is anything else needed for their consideration, either prior to or as a result of, their meeting.

Thank you.

— Brian

[Quoted text hidden]

Lisa Smith <planning@mendhamnj.org>

Wed, Nov 29, 2023 at 8:53 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>

Cc: Borough Clerk <clerk@mendhamnj.org>

Brian

Lauren handles any correspondence for the Council. Because this permit has to do with being in the ROW she will handle the request. I handle the ones that so not need Council approval. Your application is on the Council Agenda for 11/29/2023

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Wed, Nov 29, 2023 at 9:09 AM

To: Lisa Smith <planning@mendhamnj.org>
Cc: Borough Clerk <clerk@mendhamnj.org>

Thank you, Lisa.

— Brian
[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Mon, Dec 4, 2023 at 10:05 AM

To: Borough Clerk <clerk@mendhamnj.org>
Cc: Borough Clerk <clerk@mendhamnj.org>, Joyce Bushman <jbushman@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>, Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Lauren, any status update from the meeting last Wednesday?

— Brian

On Tue, Nov 28, 2023 at 3:33 PM Borough Clerk <clerk@mendhamnj.org> wrote:
[Quoted text hidden]

Borough Clerk <clerk@mendhamnj.org>

Tue, Dec 5, 2023 at 10:37 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>, Borough Clerk <clerk@mendhamnj.org>
Cc: Joyce Bushman <jbushman@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>, Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Hi Brian,

Your application was discussed at Wednesday's meeting. No action was taken. The Council is waiting on a report from the Chief of Police. The next meeting is Friday, December 15th.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>

Tue, Dec 5, 2023 at 11:39 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <jbushman@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>, Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Thank you for the update.

The chief of police needs to submit a report regarding my fence replacement project? Do you mind my asking what issues the council has asked him/her to report on?

— Brian

[Quoted text hidden]

Borough Clerk <clerk@mendhamnj.org>

Wed, Dec 6, 2023 at 9:59 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>

Hi Brian,

Due to the fence being in the right of way and close to the roadway there may be a potential traffic hazard. The Chief is going to investigate this and report back to Council.

Regards,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, December 5, 2023 11:40 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

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Thank you for the update.

The chief of police needs to submit a report regarding my fence replacement project? Do you mind my asking what issues the council has asked him/her to report on?

— Brian

On Tue, Dec 5, 2023 at 10:37 AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

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Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, December 4, 2023 10:06 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

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— Brian

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Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Lisa Smith <planning@mendhamnj.org>
Sent: Tuesday, November 28, 2023 1:53 PM
To: Brian Cavanaugh <brian@cavanaughpartners.com>
Cc: Borough Clerk <clerk@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>; Joyce Bushman <jbushman@mendhamnj.org>
Subject: Re: Zoning application

Mr. Cavanaugh

Your request was made to the Mayor and Council. Lauren the Borough Clerk would be able to answer any questions you may have regarding your road opening permit.

Thank you.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, November 28, 2023 10:56:07 AM
To: Lisa Smith <planning@mendhamnj.org>
Subject: Fwd: Zoning application

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Lisa, I wanted to check in and get an update from you on my applications progress. Please advise.

Thank you.

— Brian

----- Forwarded message -----

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Date: Wed, Oct 25, 2023 at 7:26 PM
Subject: Re: Zoning application

To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>

CC: Rob Rosendale <rosendale@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>

Thank you all for your responses.

I will work to develop such drawings.

-- Brian

On Wed, Oct 25, 2023 at 9:47 AM Paul Ferriero <paul.ferriero@ferrieroengineering.com> wrote:

Brian,

You can submit that information. If we have any additional questions, we will ask. Thanks.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

[180 Main Street](#)

PO Box 571

Chester, NJ 07930

908-879-6209

From: Rob Rosendale <rosendale@mendhamnj.org>

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To: Brian Cavanaugh <brian@cavanaughpartners.com>; Lisa Smith <planning@mendhamnj.org>

Cc: Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: RE: Zoning application

Brian,

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Best,

Rob Rosendale

Construction Official

Building Subcode Official**Zoning Official**

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Wednesday, October 25, 2023 7:05 AM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rosendale@mendhamnj.org>

Subject: Re: Zoning application

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— can this plan be hand drawn?

— should it show layout (which is already in the survey I provided), an “elevation” (cross section) showing ground level on each side and included pictures of what the fence will look like?

— for the section at the bottom of Hardscrabble Toad, when're people keep driving onto my property (through my stone fence, wood fence and hedges), it will have reflectors (and, if I can find suitable LED lights, those as well) embedded into the fence), should it simple mark the height and lateral spacing of those reflectors?

Is there anything I'm missing?

— Brian

On Wed, Oct 25, 2023 at 6:38 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Since you had spoken to Paul prior to all of these emails I asked him for clarification.

His response is below. I hope this helps.

The plan needs to show the location of the wall/fence. It also needs to include a detail of the wall/fence. Simply saying “It is already there, just go look at it” is not sufficient. We need a plan that can be filed with the application for the fence permit. That needs to show what is being constructed – even if it was already constructed without the appropriate approvals. This plan will be what is ever approved or denied. If it is in the right of way, it is the plan that will go to Mayor and Council for their action. The plan is used to memorialize whatever action is taken by the Zoning Officer and the Mayor and Council. I have also been told that the wall will have flashing red LED lights in it. These need to be included with the plan and the appropriate details provided.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 3:26:07 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, the stone fence is shown on the survey I provided to you. What type of “plan” is required for a stone fence? Are you suggesting that I need to hire an architect to develop “plans” for a 30” stone fence?

— Brian

On Tue, Oct 24, 2023 at 3:22 PM Rob Rosendale <rosendale@mendhamnj.org> wrote:

I don’t have a plan for the wall. I’m told its 30” high which would be allowed but not in the right of way

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 2:17 PM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa, there may be some confusion here. I have been told that my stone fence will be conforming to the code. I understand that my problem is only that my fence is within the road right of way.

Rob, please clarify.

Thanks.

— Brian.

On Tue, Oct 24, 2023 at 1:43 PM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

If you were denied by zoning because your project does not comply with the Borough Code, you will need to file an application with the JLUB in order to receive a variance. I believe you are looking for a C variance.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

2 West Main Street, Mendham NJ 07945

973-543-7152 x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 1:37 PM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa, this "Joint Land Use" permit is what is required to be filed to replace my fence? I had previously been told I might need a "road opening" permit or something crazy (because I'm not, in fact, opening any road) like that. Are you sure that this is the application I now need to provide, just to replace my fence?

-- Brian

On Tue, Oct 24, 2023 at 1:18 PM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

I sent the links to the application in a previous email. Here they are again.

- **Joint Land Use Board**

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



nixle



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 1:07 PM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa and Rob, do I need to fill out some other application at this point? If so, what is it and from whom do I get it?

Please advise.

-- Brian

On Tue, Oct 24, 2023 at 9:34AM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Do I need to fill another application out? Where do you get this application?

— Brian

On Tue, Oct 24, 2023 at 9:32 AM Lisa Smith <planning@mendhamnj.org> wrote:

You will have to see Rob for the paperwork that I am speaking about. You will need to include it with your application.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 9:24 AM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Please see Rob for whatever paperwork you require m.

Thanks, Lisa.

— Brian

On Tue, Oct 24, 2023 at 9:14 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Other than these emails, do you have a zoning denial? That is what you will need to start with. Once you have that, here are the links for the application.

Joint Land Use Board

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, October 23, 2023 2:46 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thanks Rob. Lisa, please advise on what I need to do in order to get this variance.

Thank you.

-- Brian

On Mon, Oct 23, 2023 at 9:44AM Rob Rosendale <rosendale@mendhamnj.org> wrote:

Brian,

The Variance applied for through Lisa Smith (copied on this email). You may contact her for instruction for same.

Best Regards,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, October 23, 2023 9:30 AM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, so what are the next steps I need to take in this process of trying to simply replace my fence? To whom do I need to pay what fees and before which arms of local government do I need to submit what types of applications?

Thank you.

-- Brian

On Wed, Oct 18, 2023 at 3:25PM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Ok. Thanks, Rob.

— Brian

On Wed, Oct 18, 2023 at 8:14 AM Rob Rosendale <rrosendale@mendhamnj.org> wrote:

Brian,

This text was copied directly from the borough code. It means that at no point along either side should the measurement be more than 30 inches. There is no averaging involved.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 17, 2023 3:23 PM

To: Rob Rosendale <rrosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thanks, Rob, but I'm not sure this answers my question. All but the 1st and 5th bullets do not seem to even partially address my question.

Does #5 mean that, at every single unique spot along the entire 400' linear feet of the fence, the ground level at the base of any face (side) of the fence must be no more than 30" below the top of that face? I So, were that the case, it would be true that if in only one isolated spot along the entire fence it is calculated to be more than 30", on either side of the fence, then the fence is non-conforming? Or, does it utilize some sort

of averaging calculation of heights on either side of the fence at various standard distance intervals along the fence, for example?

I'm sure the code is specific and it would not leave it up to myriad interpretations. Please cite the specific language for me.

Thank you, Rob.

-- Brian

On Tue, Oct 17, 2023 at 12:20 PM Rob Rosendale <rosendale@mendhamnj.org> wrote:

Hi Brian,

Please see the following in relevant part

Fences.

(1)

A solid, or a partially open, fence under 2 1/2 feet in height may be erected in any portion of a lot.

(2)

Except as provided in § **215-14I(3)**, a fence equal to or in excess of 2 1/2 feet in height, but not to exceed four feet in height, may be constructed in any front yard or any yard that abuts either a public or private street, provided that it is not solid and that at least 20% of the overall area of the entire fence, uniformly distributed, both horizontally and vertically throughout the fence area, is open. For purposes of this Subsection **B**, "front yard" shall be defined as the area extending across the full width of a lot and lying between the front lot line of the property and the nearest point of the foundation of the principal structure on the lot, regardless of how "front yard" may be elsewhere defined in this chapter.

(3)

Except as provided in § **215-14I(3)**, within all residence zones, no fence more than six feet in height shall be erected within any rear or side yard setback, as set forth in § **215-28**,

provided that neither the side nor the rear yard abuts a public or private street.

(4)

Fences up to eight feet in height are permitted where the purpose of the fence is to screen electrical substations from neighboring properties.

(5)

The height of a fence shall be measured from the grade at the base of the fence at any given location to the highest point of the fence structure.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 17, 2023 12:15 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, please send me the EXACT method of calculation of the "height of the fence or wall" in the Code. I could not find it. As you know, I can make the topography of my property whatever I want to and my property has a very different topography at different points along the fence's length.

Thank you.

-- Brian

On Tue, Oct 17, 2023 at 12:11 PM Rob Rosendale <rrosendale@mendhamnj.org> wrote:

Brian,

Please see attached application denial.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Mendham Borough Scanner <scans@mendhamnj.org>

Sent: Tuesday, October 17, 2023 12:51 PM

To: Rob Rosendale <rrosendale@mendhamnj.org>

Subject: Attached Image

Brian Cavanaugh <brian@cavanaughpartners.com>

Wed, Dec 6, 2023 at 11:57 PM

To: Borough Clerk <clerk@mendhamnj.org>

Really?

Do you mind me asking how it might be a traffic hazard if my fence is not actually in the road? Is it a "line of sight" concern, perhaps? If so, I would just note that my proposed fence is both *further back from the road than my current fence and hedge* and is *not as high as either my current fence or current hedge*. I'm just trying to understand how what I am proposing might be *more* of a traffic hazard than what I already had/have.

In fact, the only motorists that would have anything on my property *potentially* interrupting the view of oncoming traffic are those turning from Talmage onto Cherry. I would also note that the Stop sign at that end of Talmage is sufficiently far up (beyond where even my existing fence is located) that even my current fence (which is higher and closer to the road than my proposed fence) does not obstruct, in my opinion, in any way the visibility regarding traffic for those stopped at that Stop sign. I use that intersection all the time, as you might imagine, with both a car and a bike.

In any case, please let me know what the Chief observes. Any idea when he plans on investigating this issue raised by the Council?

Thank you, Lauren.

-- Brian

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Ok. Thanks, Rob.

— Brian

[Quoted text hidden]

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[Quoted text hidden]

(4)

Fences up to eight feet in height are permitted where the purpose of the fence is to screen electrical substations from neighboring properties.

(5)

The height of a fence shall be measured from the grade at the base of the fence at any given location to the highest point of the fence structure.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 17, 2023 12:15 PM
To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, please send me the EXACT method of calculation of the "height of the fence or wall" in the Code. I could not find it. As you know, I can make the topography of my property whatever I want to and my property has a very different topography at different points along the fence's length.

Thank you.

-- Brian

On Tue, Oct 17, 2023 at 12:11 PM Rob Rosendale <rrosendale@mendhamnj.org> wrote:

Brian,

Please see attached application denial.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Mendham Borough Scanner <scans@mendhamnj.org>
Sent: Tuesday, October 17, 2023 12:51 PM
To: Rob Rosendale <rrosendale@mendhamnj.org>
Subject: Attached Image

Brian Cavanaugh <brian@cavanaughpartners.com>

Wed, Dec 20, 2023 at 9:19 AM

To: Borough Clerk <clerk@mendhamnj.org>

Any bios are regarding the police chiefs findings?

— Brian

On Wed, Dec 6, 2023 at 11:57 PM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Really?

Do you mind me asking how it might be a traffic hazard if my fence is not actually in the road? Is it a "line of sight" concern, perhaps? If so, I would just note that my proposed fence is both *further back from the road than my current fence and hedge* and is *not as high as either my current fence or current hedge*. I'm just trying to understand how what I am proposing might be *more* of a traffic hazard than what I already had/have.

In fact, the only motorists that would have anything on my property *potentially* interrupting the view of oncoming traffic are those turning from Talmage onto Cherry. I would also note that the Stop sign at that end of Talmage is sufficiently far up (beyond where even my existing fence is located) that even my current fence (which is higher and closer to the road than my proposed fence) does not obstruct, in my opinion, in any way the visibility regarding traffic for those stopped at that Stop sign. I use that intersection all the time, as you might imagine, with both a car and a bike.

In any case, please let me know what the Chief observes. Any idea when he plans on investigating this issue raised by the Council?

Thank you, Lauren.

-- Brian

On Wed, Dec 6, 2023 at 10:00AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Due to the fence being in the right of way and close to the roadway there may be a potential traffic hazard. The Chief is going to investigate this and report back to Council.

Regards,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, December 5, 2023 11:40 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thank you for the update.

The chief of police needs to submit a report regarding my fence replacement project? Do you mind my asking what issues the council has asked him/her to report on?

— Brian

On Tue, Dec 5, 2023 at 10:37 AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Your application was discussed at Wednesday's meeting. No action was taken. The Council is waiting on a report from the Chief of Police. The next meeting is Friday, December 15th.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

[2 W. Main](#) Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, December 4, 2023 10:06 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lauren, any status update from the meeting last Wednesday?

— Brian

On Tue, Nov 28, 2023 at 3:33 PM Borough Clerk <clerk@mendhamnj.org> wrote:

Good afternoon,

Your application is on the Council Agenda for 11/29/2023. Please let me know if you have any questions.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Lisa Smith <planning@mendhamnj.org>
Sent: Tuesday, November 28, 2023 1:53 PM
To: Brian Cavanaugh <brian@cavanaughpartners.com>
Cc: Borough Clerk <clerk@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>; Joyce Bushman <jbushman@mendhamnj.org>
Subject: Re: Zoning application

Mr. Cavanaugh

Your request was made to the Mayor and Council. Lauren the Borough Clerk would be able to answer any questions you may have regarding your road opening permit.

Thank you.

Lisa Smith, Land Use Coordinator
Borough of Mendham
[2 West Main St.](#)
[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, November 28, 2023 10:56:07 AM
To: Lisa Smith <planning@mendhamnj.org>
Subject: Fwd: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa, I wanted to check in and get an update from you on my applications progress. Please advise.

Thank you.

— Brian

----- Forwarded message -----

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Date: Wed, Oct 25, 2023 at 7:26 PM
Subject: Re: Zoning application
To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>
CC: Rob Rosendale <rrosendale@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>

Thank you all for your responses.

I will work to develop such drawings.

-- Brian

On Wed, Oct 25, 2023 at 9:47 AM Paul Ferriero <paul.ferriero@ferrieroengineering.com> wrote:

Brian,

You can submit that information. If we have any additional questions, we will ask. Thanks.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

[180 Main Street](#)

PO Box 571

Chester, NJ 07930

908-879-6209

From: Rob Rosendale <rosendale@mendhamnj.org>

Sent: Wednesday, October 25, 2023 9:19 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>; Lisa Smith <planning@mendhamnj.org>

Cc: Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: RE: Zoning application

Brian,

Hand drawn indicating all the items you mentioned would be ok for Me but Engineering may need something more comprehensive.

Best,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Wednesday, October 25, 2023 7:05 AM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rosendale@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thanks, Lisa.

So, a few questions:

— can this plan be hand drawn?

— should it show layout (which is already in the survey I provided), an “elevation” (cross section) showing ground level on each side and included pictures of what the fence will look like?

— for the section at the bottom of Hardscrabble Toad, when’re people keep driving onto my property (through my stone fence, wood fence and hedges), it will have reflectors (and, if I can find suitable LED lights, those as well) embedded into the fence), should it simple mark the height and lateral spacing of those reflectors?

Is there anything I’m missing?

— Brian

On Wed, Oct 25, 2023 at 6:38 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Since you had spoken to Paul prior to all of these emails I asked him for clarification.

His response is below. I hope this helps.

The plan needs to show the location of the wall/fence. It also needs to include a detail of the wall/fence. Simply saying "It is already there, just go look at it" is not sufficient. We need a plan that can be filed with the application for the fence permit. That needs to show what is being constructed – even if it was already constructed without the appropriate approvals. This plan will be what is ever approved or denied. If it is in the right of way, it is the plan that will go to Mayor and Council for their action. The plan is used to memorialize whatever action is taken by the Zoning Officer and the Mayor and Council. I have also been told that the wall will have flashing red LED lights in it. These need to be included with the plan and the appropriate details provided.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 3:26:07 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, the stone fence is shown on the survey I provided to you. What type of "plan" is required for a stone fence? Are you suggesting that I need to hire an architect to develop "plans" for a 30" stone fence?

— Brian

On Tue, Oct 24, 2023 at 3:22 PM Rob Rosendale <rosendale@mendhamnj.org> wrote:

I don't have a plan for the wall. I'm told its 30" high which would be allowed but not in the right of way

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 2:17 PM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rosendale@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa, there may be some confusion here. I have been told that my stone fence will be conforming to the code. I understand that my problem is only that my fence is within the road right of way.

Rob, please clarify.

Thanks.

— Brian.

On Tue, Oct 24, 2023 at 1:43 PM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

If you were denied by zoning because your project does not comply with the Borough Code, you will need to file an application with the JLUB in order to receive a variance. I believe you are looking for a C variance.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

2 West Main Street, Mendham NJ 07945

973-543-7152 x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 1:37 PM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Subject: Re: Zoning application

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Lisa, this "Joint Land Use" permit is what is required to be filed to replace my fence? I had previously been told I might need a "road opening" permit or something crazy (because I'm not, in fact, opening any road) like that. Are you sure that this is the application I now need to provide, just to replace my fence?

-- Brian

On Tue, Oct 24, 2023 at 1:18 PM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

I sent the links to the application in a previous email. Here they are again.

- **Joint Land Use Board**
 - [Joint Land Use Board Application](#)
 - [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 1:07 PM
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Lisa and Rob, do I need to fill out some other application at this point? If so, what is it and from whom do I get it?

Please advise.

-- Brian

On Tue, Oct 24, 2023 at 9:34 AM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Do I need to fill another application out? Where doing get this application?

— Brian

On Tue, Oct 24, 2023 at 9:32 AM Lisa Smith <planning@mendhamnj.org> wrote:

You will have to see Rob for the paperwork that I am speaking about. You will need to include it with your application.

Regards,

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Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 9:24 AM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

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Please see Rob for whatever paperwork you require m.

Thanks, Lisa.

— Brian

On Tue, Oct 24, 2023 at 9:14 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Other than these emails, do you have a zoning denial? That is what you will need to start with. Once you have that, here are the links for the application.

Joint Land Use Board

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

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Administrative Assistant to the Tax Assessor

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Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Monday, October 23, 2023 2:46 PM
To: Rob Rosendale <rosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

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Thanks Rob. Lisa, please advise on what I need to do in order to get this variance.

Thank you.

-- Brian

On Mon, Oct 23, 2023 at 9:44 AM Rob Rosendale <rrosendale@mendhamnj.org> wrote:

Brian,

The Variance applied for through Lisa Smith (copied on this email). You may contact her for instruction for same.

Best Regards,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, October 23, 2023 9:30 AM

To: Rob Rosendale <rrosendale@mendhamnj.org>

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Rob, so what are the next steps I need to take in this process of trying to simply replace my fence? To whom do I need to pay what fees and before which arms of local government do I need to submit what types of applications?

Thank you.

-- Brian

On Wed, Oct 18, 2023 at 3:25 PM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Ok. Thanks, Rob.

— Brian

On Wed, Oct 18, 2023 at 8:14 AM Rob Rosendale <rosendale@mendhamnj.org> wrote:

Brian,

This text was copied directly from the borough code. It means that at no point along either side should the measurement be more than 30 inches. There is no averaging involved.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 17, 2023 3:23 PM
To: Rob Rosendale <rosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

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Thanks, Rob, but I'm not sure this answers my question. All but the 1st and 5th bullets do not seem to even partially address my question.

Does #5 mean that, at every single unique spot along the entire 400' linear feet of the fence, the ground level at the base of any face (side) of the fence must be no more than 30" below the top of that face? ISO, were that the case, it would be true that if in only one isolated spot along the entire fence it is calculated to be more than 30", on either side of the fence, then the fence is non-conforming? Or, does it utilize some sort of averaging calculation of heights on either side of the fence at various standard distance intervals along the fence, for example?

I'm sure the code is specific and it would not leave it up to myriad interpretations. Please cite the specific language for me.

Thank you, Rob.

-- Brian

On Tue, Oct 17, 2023 at 12:20 PM Rob Rosendale <rosendale@mendhamnj.org> wrote:

Hi Brian,

Please see the following in relevant part

Fences.

(1)

A solid, or a partially open, fence under 2 1/2 feet in height may be erected in any portion of a lot.

(2)

Except as provided in § **215-141(3)**, a fence equal to or in excess of 2 1/2 feet in height, but not to exceed four feet in height, may be constructed in any front yard or any yard that abuts either a public or private street, provided that it is not solid and that at least 20% of the overall area of the entire fence, uniformly distributed, both horizontally and vertically throughout the fence area, is open. For purposes of this Subsection **B**, "front yard" shall be defined as the area extending across the full width of a lot and lying between the front lot line of the property and the nearest point of the foundation of the principal structure

on the lot, regardless of how "front yard" may be elsewhere defined in this chapter.

(3)

Except as provided in § **215-14I(3)**, within all residence zones, no fence more than six feet in height shall be erected within any rear or side yard setback, as set forth in § **215-28**, provided that neither the side nor the rear yard abuts a public or private street.

(4)

Fences up to eight feet in height are permitted where the purpose of the fence is to screen electrical substations from neighboring properties.

(5)

The height of a fence shall be measured from the grade at the base of the fence at any given location to the highest point of the fence structure.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 17, 2023 12:15 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know

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Rob, please send me the EXACT method of calculation of the "height of the fence or wall" in the Code. I could not find it. As you know, I can make the topography of my property whatever I want to and my property has a very different topography at different points along the fence's length.

Thank you.

-- Brian

On Tue, Oct 17, 2023 at 12:11 PM Rob Rosendale
<rrosendale@mendhamnj.org> wrote:

Brian,

Please see attached application denial.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Mendham Borough Scanner <scans@mendhamnj.org>
Sent: Tuesday, October 17, 2023 12:51 PM
To: Rob Rosendale <rrosendale@mendhamnj.org>
Subject: Attached Image

Borough Clerk <clerk@mendhamnj.org>
To: Brian Cavanaugh <brian@cavanaughpartners.com>

Wed, Dec 20, 2023 at 12:19 PM

Hi Brian,

The Council voted to deny your application. The Borough Engineer, Chief of Police, and Borough Attorney all recommended to the Council to not approve the application due to the construction in the right of way. I would reach out to the Borough Engineer Paul Ferriero for recommendations on what changes you will need to make to get your application approved.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

[2 W. Main Street](#)

[Mendham, NJ 07945](#)

973-543-7152 Ext. 15

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Wednesday, December 20, 2023 9:19 AM
To: Borough Clerk <clerk@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Any bios are regarding the police chiefs findings?

— Brian

On Wed, Dec 6, 2023 at 11:57 PM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Really?

Do you mind me asking how it might be a traffic hazard if my fence is not actually in the road? Is it a "line of sight" concern, perhaps? If so, I would just note that my proposed fence is both *further back from the road than my current fence and hedge* and is *not as high as either my current fence or current hedge*. I'm just trying to understand how what I am proposing might be *more* of a traffic hazard than what I already had/have.

In fact, the only motorists that would have anything on my property *potentially* interrupting the view of oncoming traffic are those turning from Talmage onto Cherry. I would also note that the Stop sign at that end of Talmage is sufficiently far up (beyond where even my existing fence is located) that even my current fence (which is higher and closer to the road than my proposed fence) does not obstruct, in my opinion, in any way the visibility regarding traffic for those stopped at that Stop sign. I use that intersection all the time, as you might imagine, with both a car and a bike.

In any case, please let me know what the Chief observes. Any idea when he plans on investigating this issue raised by the Council?

Thank you, Lauren.

-- Brian

On Wed, Dec 6, 2023 at 10:00AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Due to the fence being in the right of way and close to the roadway there may be a potential traffic hazard. The Chief is going to investigate this and report back to Council.

Regards,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

[2 W. Main Street](#)

[Mendham, NJ 07945](#)

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, December 5, 2023 11:40 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

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Thank you for the update.

The chief of police needs to submit a report regarding my fence replacement project? Do you mind my asking what issues the council has asked him/her to report on?

— Brian

On Tue, Dec 5, 2023 at 10:37 AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Your application was discussed at Wednesday's meeting. No action was taken. The Council is waiting on a report from the Chief of Police. The next meeting is Friday, December 15th.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Monday, December 4, 2023 10:06 AM
To: Borough Clerk <clerk@mendhamnj.org>
Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>
Subject: Re: Zoning application

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Lauren, any status update from the meeting last Wednesday?

— Brian

On Tue, Nov 28, 2023 at 3:33 PM Borough Clerk <clerk@mendhamnj.org> wrote:

Good afternoon,

Your application is on the Council Agenda for 11/29/2023. Please let me know if you have any questions.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Lisa Smith <planning@mendhamnj.org>
Sent: Tuesday, November 28, 2023 1:53 PM
To: Brian Cavanaugh <brian@cavanaughpartners.com>
Cc: Borough Clerk <clerk@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>; Joyce Bushman <jbushman@mendhamnj.org>
Subject: Re: Zoning application

Mr. Cavanaugh

Your request was made to the Mayor and Council. Lauren the Borough Clerk would be able to answer any questions you may have regarding your road opening permit.

Thank you.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, November 28, 2023 10:56:07 AM
To: Lisa Smith <planning@mendhamnj.org>
Subject: Fwd: Zoning application

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Lisa, I wanted to check in and get an update from you on my applications progress. Please advise.

Thank you.

— Brian

----- Forwarded message -----

From: **Brian Cavanaugh** <brian@cavanaughpartners.com>

Date: Wed, Oct 25, 2023 at 7:26 PM

Subject: Re: Zoning application

To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>

CC: Rob Rosendale <rosendale@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>

Thank you all for your responses.

I will work to develop such drawings.

-- Brian

On Wed, Oct 25, 2023 at 9:47AM Paul Ferriero <paul.ferriero@ferrieroengineering.com> wrote:

Brian,

You can submit that information. If we have any additional questions, we will ask. Thanks.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

[180 Main Street](#)

PO Box 571

Chester, NJ 07930

908-879-6209

From: Rob Rosendale <rosendale@mendhamnj.org>

Sent: Wednesday, October 25, 2023 9:19 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>; Lisa Smith <planning@mendhamnj.org>

Cc: Paul Ferriero <paul.ferriero@ferrieroengineering.com>
Subject: RE: Zoning application

Brian,

Hand drawn indicating all the items you mentioned would be ok for Me but Engineering may need something more comprehensive.

Best,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Wednesday, October 25, 2023 7:05 AM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

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Thanks, Lisa.

So, a few questions:

— can this plan be hand drawn?

— should it show layout (which is already in the survey I provided), an “elevation” (cross section) showing ground level on each side and included pictures of what the fence will look like?

— for the section at the bottom of Hardscrabble Toad, when’re people keep driving onto my property (through my stone fence, wood fence and hedges), it will have reflectors (and, if I can find suitable LED lights, those as well) embedded into the fence), should it simple mark the height and lateral spacing of those reflectors?

Is there anything I'm missing?

— Brian

On Wed, Oct 25, 2023 at 6:38 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Since you had spoken to Paul prior to all of these emails I asked him for clarification.

His response is below. I hope this helps.

The plan needs to show the location of the wall/fence. It also needs to include a detail of the wall/fence. Simply saying “It is already there, just go look at it” is not sufficient. We need a plan that can be filed with the application for the fence permit. That needs to show what is being constructed – even if it was already constructed without the appropriate approvals. This plan will be what is ever approved or denied. If it is in the right of way, it is the plan that will go to Mayor and Council for their action. The plan is used to memorialize whatever action is taken by the Zoning Officer and the Mayor and Council. I have also been told that the wall will have flashing red LED lights in it. These need to be included with the plan and the appropriate details provided.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 3:26:07 PM

To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

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Rob, the stone fence is shown on the survey I provided to you. What type of "plan" is required for a stone fence? Are you suggesting that I need to hire an architect to develop "plans" for a 30" stone fence?

— Brian

On Tue, Oct 24, 2023 at 3:22 PM Rob Rosendale <rrosendale@mendhamnj.org> wrote:

I don't have a plan for the wall. I'm told its 30" high which would be allowed but not in the right of way

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 2:17 PM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rrosendale@mendhamnj.org>

Subject: Re: Zoning application

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Lisa, there may be some confusion here. I have been told that my stone fence will be conforming to the code. I understand that my problem is only that my fence is within the road right of way.

Rob, please clarify.

Thanks.

— Brian.

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Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



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-- Brian

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Brian

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- **Joint Land Use Board**

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



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Please advise.

-- Brian

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— Brian

On Tue, Oct 24, 2023 at 9:32 AM Lisa Smith <planning@mendhamnj.org> wrote:

You will have to see Rob for the paperwork that I am speaking about. You will need to include it with your application.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



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Joint Land Use Board

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



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Sent: Monday, October 23, 2023 2:46 PM
To: Rob Rosendale <rosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

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Thanks Rob. Lisa, please advise on what I need to do in order to get this variance.

Thank you.

-- Brian

On Mon, Oct 23, 2023 at 9:44 AM Rob Rosendale <rosendale@mendhamnj.org> wrote:

Brian,

The Variance applied for through Lisa Smith (copied on this email). You may contact her for instruction for same.

Best Regards,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, October 23, 2023 9:30 AM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

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Thank you.

-- Brian

On Wed, Oct 18, 2023 at 3:25 PM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Ok. Thanks, Rob.

— Brian

On Wed, Oct 18, 2023 at 8:14 AM Rob Rosendale <rosendale@mendhamnj.org> wrote:

Brian,

This text was copied directly from the borough code. It means that at no point along either side should the measurement be more than 30 inches. There is no averaging involved.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 17, 2023 3:23 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thanks, Rob, but I'm not sure this answers my question. All but the 1st and 5th bullets do not seem to even partially address my question.

Does #5 mean that, at every single unique spot along the entire 400' linear feet of the fence, the ground level at the base of any face (side) of the fence must be no more than 30" below the top of that face? If so, were that the case, it would be true that if in only one isolated spot along the entire fence it is calculated to be more than 30", on either side of the fence, then the fence is non-conforming? Or, does it utilize some sort of averaging calculation of heights on either side of the fence at various standard distance intervals along the fence, for example?

I'm sure the code is specific and it would not leave it up to myriad interpretations. Please cite the specific language for me.

Thank you, Rob.

-- Brian

On Tue, Oct 17, 2023 at 12:20 PM Rob Rosendale
<rosendale@mendhamnj.org> wrote:

Hi Brian,

Please see the following in relevant part

Fences.

(1)

A solid, or a partially open, fence under 2 1/2 feet in height may be erected in any portion of a lot.

(2)

Except as provided in § **215-14I(3)**, a fence equal to or in excess of 2 1/2 feet in height, but not to exceed four feet in height, may be constructed in any front yard or any yard that abuts either a public or private street, provided that it is not solid and that at least 20% of the overall area of the entire fence, uniformly distributed, both horizontally and vertically throughout the fence area, is open. For purposes of this Subsection **B**, "front yard" shall be defined as the area extending across the full width of a lot and lying between the front lot line of the property and the nearest point of the foundation of the

principal structure on the lot, regardless of how "front yard" may be elsewhere defined in this chapter.

(3)

Except as provided in § **215-14I(3)**, within all residence zones, no fence more than six feet in height shall be erected within any rear or side yard setback, as set forth in § **215-28**, provided that neither the side nor the rear yard abuts a public or private street.

(4)

Fences up to eight feet in height are permitted where the purpose of the fence is to screen electrical substations from neighboring properties.

(5)

The height of a fence shall be measured from the grade at the base of the fence at any given location to the highest point of the fence structure.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 17, 2023 12:15 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

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Rob, please send me the EXACT method of calculation of the "height of the fence or wall" in the Code. I could not find it. As you know, I can make the topography of my property whatever I want to and my property has a very different topography at different points along the fence's length.

Thank you.

-- Brian

On Tue, Oct 17, 2023 at 12:11 PM Rob Rosendale
<rosendale@mendhamnj.org> wrote:

Brian,

Please see attached application denial.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Mendham Borough Scanner <scans@mendhamnj.org>

Sent: Tuesday, October 17, 2023 12:51 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Subject: Attached Image

Brian Cavanaugh <brian@cavanaughpartners.com>

Wed, Dec 20, 2023 at 10:09 PM

To: Borough Clerk <clerk@mendhamnj.org>, Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Thank you for letting me know.

Paul, please let me know in which way my application did not conform to the municipal requirements.

Thank you.

-- Brian

On Wed, Dec 20, 2023 at 12:20 PM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

The Council voted to deny your application. The Borough Engineer, Chief of Police, and Borough Attorney all recommended to the Council to not approve the application due to the construction in the right of way. I would reach out to the Borough Engineer Paul Ferriero for recommendations on what changes you will need to make to get your application approved.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 15

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Wednesday, December 20, 2023 9:19 AM
To: Borough Clerk <clerk@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Any bios are regarding the police chiefs findings?

— Brian

On Wed, Dec 6, 2023 at 11:57 PM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Really?

Do you mind me asking how it might be a traffic hazard if my fence is not actually in the road? Is it a "line of sight" concern, perhaps? If so, I would just note that my proposed fence is both *further back from the road than my current fence and hedge* and is *not as high as either my current fence or current hedge*. I'm just trying to understand how what I am proposing might be *more* of a traffic hazard than what I already had/have.

In fact, the only motorists that would have anything on my property *potentially* interrupting the view of oncoming traffic are those turning from Talmage onto Cherry. I would also note that the Stop sign at that end of Talmage is sufficiently far up (beyond where even my existing fence is located) that even my current fence (which is higher and closer to the road than my proposed fence) does not obstruct, in my opinion, in any way the visibility regarding traffic for those stopped at that Stop sign. I use that intersection all the time, as you might imagine, with both a car and a bike.

In any case, please let me know what the Chief observes. Any idea when he plans on investigating this issue raised by the Council?

Thank you, Lauren.

-- Brian

On Wed, Dec 6, 2023 at 10:00AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Due to the fence being in the right of way and close to the roadway there may be a potential traffic hazard. The Chief is going to investigate this and report back to Council.

Regards,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, December 5, 2023 11:40 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thank you for the update.

The chief of police needs to submit a report regarding my fence replacement project? Do you mind my asking what issues the council has asked him/her to report on?

— Brian

On Tue, Dec 5, 2023 at 10:37 AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Your application was discussed at Wednesday's meeting. No action was taken. The Council is waiting on a report from the Chief of Police. The next meeting is Friday, December 15th.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Monday, December 4, 2023 10:06 AM
To: Borough Clerk <clerk@mendhamnj.org>
Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lauren, any status update from the meeting last Wednesday?

— Brian

On Tue, Nov 28, 2023 at 3:33 PM Borough Clerk <clerk@mendhamnj.org> wrote:

Good afternoon,

Your application is on the Council Agenda for 11/29/2023. Please let me know if you have any questions.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Lisa Smith <planning@mendhamnj.org>

Sent: Tuesday, November 28, 2023 1:53 PM

To: Brian Cavanaugh <brian@cavanaughpartners.com>

Cc: Borough Clerk <clerk@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>; Joyce Bushman <jbushman@mendhamnj.org>

Subject: Re: Zoning application

Mr. Cavanaugh

Your request was made to the Mayor and Council. Lauren the Borough Clerk would be able to answer any questions you may have regarding your road opening permit.

Thank you.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, November 28, 2023 10:56:07 AM
To: Lisa Smith <planning@mendhamnj.org>
Subject: Fwd: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa, I wanted to check in and get an update from you on my applications progress. Please advise.

Thank you.

— Brian

----- Forwarded message -----

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Date: Wed, Oct 25, 2023 at 7:26 PM
Subject: Re: Zoning application
To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>
CC: Rob Rosendale <rosendale@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>

Thank you all for your responses.

I will work to develop such drawings.

-- Brian

On Wed, Oct 25, 2023 at 9:47 AM Paul Ferriero <paul.ferriero@ferrieroengineering.com> wrote:

Brian,

You can submit that information. If we have any additional questions, we will ask. Thanks.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

[180 Main Street](#)

PO Box 571

Chester, NJ 07930

908-879-6209

From: Rob Rosendale <rosendale@mendhamnj.org>
Sent: Wednesday, October 25, 2023 9:19 AM
To: Brian Cavanaugh <brian@cavanaughpartners.com>; Lisa Smith <planning@mendhamnj.org>
Cc: Paul Ferriero <paul.ferriero@ferrieroengineering.com>
Subject: RE: Zoning application

Brian,

Hand drawn indicating all the items you mentioned would be ok for Me but Engineering may need something more comprehensive.

Best,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Wednesday, October 25, 2023 7:05 AM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thanks, Lisa.

So, a few questions:

— can this plan be hand drawn?

— should it show layout (which is already in the survey I provided), an “elevation” (cross section) showing ground level on each side and included pictures of what the fence will look like?

— for the section at the bottom of Hardscrabble Toad, when’re people keep driving onto my property (through my stone fence, wood fence and hedges), it will have reflectors (and, if I can find suitable LED lights, those as well) embedded into the fence), should it simple mark the height and lateral spacing of those reflectors?

Is there anything I’m missing?

— Brian

On Wed, Oct 25, 2023 at 6:38 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Since you had spoken to Paul prior to all of these emails I asked him for clarification.

His response is below. I hope this helps.

The plan needs to show the location of the wall/fence. It also needs to include a detail of the wall/fence. Simply saying “It is already there, just go look at it” is not sufficient. We need a plan that can be filed with the application for the fence permit. That needs to show what is being constructed – even if it was already constructed without the appropriate approvals. This plan will be what is ever approved or denied. If it is in the right of way, it is the plan that will go to Mayor and Council for their action. The plan is used to memorialize whatever action is taken by the Zoning Officer and the Mayor and Council. I have also been told that the wall will have flashing red LED lights in it. These need to be included with the plan and the appropriate details provided.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 3:26:07 PM

To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, the stone fence is shown on the survey I provided to you. What type of "plan" is required for a stone fence? Are you suggesting that I need to hire an architect to develop "plans" for a 30" stone fence?

— Brian

On Tue, Oct 24, 2023 at 3:22 PM Rob Rosendale <rrosendale@mendhamnj.org> wrote:

I don't have a plan for the wall. I'm told its 30" high which would be allowed but not in the right of way

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 2:17 PM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rrosendale@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not

reply to this email and call the sender directly.

Lisa, there may be some confusion here. I have been told that my stone fence will be conforming to the code. I understand that my problem is only that my fence is within the road right of way.

Rob, please clarify.

Thanks.

— Brian.

On Tue, Oct 24, 2023 at 1:43 PM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

If you were denied by zoning because your project does not comply with the Borough Code, you will need to file an application with the JLUB in order to receive a variance. I believe you are looking for a C variance.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 1:37 PM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

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Lisa, this "Joint Land Use" permit is what is required to be filed to replace my fence? I had previously been told I might need a "road opening" permit or something crazy (because I'm not, in fact, opening any road) like that. Are you sure that this is the application I now need to provide, just to replace my fence?

-- Brian

On Tue, Oct 24, 2023 at 1:18 PM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

I sent the links to the application in a previous email. Here they are again.

- **Joint Land Use Board**

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 1:07 PM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

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Lisa and Rob, do I need to fill out some other application at this point? If so, what is it and from whom do I get it?

Please advise.

-- Brian

On Tue, Oct 24, 2023 at 9:34 AM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Do I need to fill another application out? Where do I get this application?

— Brian

On Tue, Oct 24, 2023 at 9:32 AM Lisa Smith <planning@mendhamnj.org> wrote:

You will have to see Rob for the paperwork that I am speaking about. You will need to include it with your application.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 9:24 AM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rrosendale@mendhamnj.org>
Subject: Re: Zoning application

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Please see Rob for whatever paperwork you require m.

Thanks, Lisa.

— Brian

On Tue, Oct 24, 2023 at 9:14 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Other than these emails, do you have a zoning denial? That is what you will need to start with. Once you have that, here are the links for the application.

Joint Land Use Board

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Monday, October 23, 2023 2:46 PM
To: Rob Rosendale <rosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thanks Rob. Lisa, please advise on what I need to do in order to get this variance.

Thank you.

-- Brian

On Mon, Oct 23, 2023 at 9:44AM Rob Rosendale <rosendale@mendhamnj.org> wrote:

Brian,

The Variance applied for through Lisa Smith (copied on this email). You may contact her for instruction for same.

Best Regards,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, October 23, 2023 9:30 AM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

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Rob, so what are the next steps I need to take in this process of trying to simply replace my fence? To whom do I need to pay what fees and before which arms of local government do I need to submit what types of applications?

Thank you.

-- Brian

On Wed, Oct 18, 2023 at 3:25 PM Brian Cavanaugh
<brian@cavanaughpartners.com> wrote:

Ok. Thanks, Rob.

— Brian

On Wed, Oct 18, 2023 at 8:14 AM Rob Rosendale <rrosendale@mendhamnj.org>
wrote:

Brian,

This text was copied directly from the borough code. It means that at no point along either side should the measurement be more than 30 inches. There is no averaging involved.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 17, 2023 3:23 PM
To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

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Thanks, Rob, but I'm not sure this answers my question. All but the 1st and 5th bullets do not seem to even partially address my question.

Does #5 mean that, at every single unique spot along the entire 400' linear feet of the fence, the ground level at the base of any face (side) of the fence must be no more than 30" below the top of that face? I So, were that the case, it would be true that if in only one isolated spot along the entire fence it is calculated to be more than 30", on either side of the fence, then the fence is non-conforming? Or, does it utilize some sort of averaging calculation of heights on either side of the fence at various standard distance intervals along the fence, for example?

I'm sure the code is specific and it would not leave it up to myriad interpretations. Please cite the specific language for me.

Thank you, Rob.

-- Brian

On Tue, Oct 17, 2023 at 12:20 PM Rob Rosendale
<rrosendale@mendhamnj.org> wrote:

Hi Brian,

Please see the following in relevant part

Fences.

(1)

A solid, or a partially open, fence under 2 1/2 feet in height may be erected in any portion of a lot.

(2)

Except as provided in § **215-14I(3)**, a fence equal to or in excess of 2 1/2 feet in height, but not to exceed four feet in height, may be constructed in any front yard or any yard that abuts either a public or private street, provided that it is not solid and that at least 20% of the overall area of the entire fence, uniformly distributed, both horizontally and vertically throughout the fence area, is open. For purposes of this Subsection **B**, "front yard" shall be defined as the area

extending across the full width of a lot and lying between the front lot line of the property and the nearest point of the foundation of the principal structure on the lot, regardless of how "front yard" may be elsewhere defined in this chapter.

(3)

Except as provided in § **215-14I(3)**, within all residence zones, no fence more than six feet in height shall be erected within any rear or side yard setback, as set forth in § **215-28**, provided that neither the side nor the rear yard abuts a public or private street.

(4)

Fences up to eight feet in height are permitted where the purpose of the fence is to screen electrical substations from neighboring properties.

(5)

The height of a fence shall be measured from the grade at the base of the fence at any given location to the highest point of the fence structure.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 17, 2023 12:15 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, please send me the EXACT method of calculation of the "height of the fence or wall" in the Code. I could not find it. As you know, I can make the topography of my property whatever I want to and my property has a very different topography at different points along the fence's length.

Thank you.

-- Brian

On Tue, Oct 17, 2023 at 12:11 PM Rob Rosendale
<rrosendale@mendhamnj.org> wrote:

Brian,

Please see attached application denial.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Mendham Borough Scanner <scans@mendhamnj.org>
Sent: Tuesday, October 17, 2023 12:51 PM
To: Rob Rosendale <rrosendale@mendhamnj.org>
Subject: Attached Image

The wall was proposed in the right of way. In order to comply, it needs to be moved out of the right of way.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

180 Main Street

PO Box 571

Chester, NJ 07930

908-879-6209

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Wednesday, December 20, 2023 10:10 PM

To: Borough Clerk <clerk@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

Thank you for letting me know.

Paul, please let me know in which way my application did not conform to the municipal requirements.

Thank you.

-- Brian

On Wed, Dec 20, 2023 at 12:20 PM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

The Council voted to deny your application. The Borough Engineer, Chief of Police, and Borough Attorney all recommended to the Council to not approve the application due to the construction in the right of way. I would reach out to the Borough Engineer Paul Ferriero for recommendations on what changes you will need to make to get your application approved.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

[2 W. Main Street](#)

[Mendham, NJ 07945](#)

973-543-7152 Ext. 15

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Wednesday, December 20, 2023 9:19 AM

To: Borough Clerk <clerk@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Any bios are regarding the police chiefs findings?

— Brian

On Wed, Dec 6, 2023 at 11:57 PM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Really?

Do you mind me asking how it might be a traffic hazard if my fence is not actually in the road? Is it a "line of sight" concern, perhaps? If so, I would just note that my proposed fence is both *further back from the road than my current fence and hedge* and is *not as high as either my current fence or current hedge*. I'm just trying to understand how what I am proposing might be *more* of a traffic hazard than what I already had/have.

In fact, the only motorists that would have anything on my property *potentially* interrupting the view of oncoming traffic are those turning from Talmage onto Cherry. I would also note that the Stop sign at that end of Talmage is sufficiently far up (beyond where even my existing fence is located) that even my current fence (which is higher and closer to the road than my proposed fence) does not obstruct, in my opinion, in any way the visibility regarding traffic for those stopped at that Stop sign. I use that intersection all the time, as you might imagine, with both a car and a bike.

In any case, please let me know what the Chief observes. Any idea when he plans on investigating this issue raised by the Council?

Thank you, Lauren.

-- Brian

On Wed, Dec 6, 2023 at 10:00AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Due to the fence being in the right of way and close to the roadway there may be a potential traffic hazard. The Chief is going to investigate this and report back to Council.

Regards,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

[2 W. Main Street](#)

[Mendham, NJ 07945](#)

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, December 5, 2023 11:40 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thank you for the update.

The chief of police needs to submit a report regarding my fence replacement project? Do you mind my asking what issues the council has asked him/her to report on?

— Brian

On Tue, Dec 5, 2023 at 10:37 AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Your application was discussed at Wednesday's meeting. No action was taken. The Council is waiting on a report from the Chief of Police. The next meeting is Friday, December 15th.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

[2 W. Main](#) Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, December 4, 2023 10:06 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <bushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lauren, any status update from the meeting last Wednesday?

— Brian

On Tue, Nov 28, 2023 at 3:33 PM Borough Clerk <clerk@mendhamnj.org> wrote:

Good afternoon,

Your application is on the Council Agenda for 11/29/2023. Please let me know if you have any questions.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Lisa Smith <planning@mendhamnj.org>
Sent: Tuesday, November 28, 2023 1:53 PM
To: Brian Cavanaugh <brian@cavanaughpartners.com>
Cc: Borough Clerk <clerk@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>; Joyce Bushman <jbushman@mendhamnj.org>
Subject: Re: Zoning application

Mr. Cavanaugh

Your request was made to the Mayor and Council. Lauren the Borough Clerk would be able to answer any questions you may have regarding your road opening permit.

Thank you.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, November 28, 2023 10:56:07 AM
To: Lisa Smith <planning@mendhamnj.org>
Subject: Fwd: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa, I wanted to check in and get an update from you on my applications progress. Please advise.

Thank you.

— Brian

----- Forwarded message -----

From: **Brian Cavanaugh** <brian@cavanaughpartners.com>

Date: Wed, Oct 25, 2023 at 7:26 PM

Subject: Re: Zoning application

To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>

CC: Rob Rosendale <rosendale@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>

Thank you all for your responses.

I will work to develop such drawings.

-- Brian

On Wed, Oct 25, 2023 at 9:47 AM Paul Ferriero <paul.ferriero@ferrieroengineering.com> wrote:

Brian,

You can submit that information. If we have any additional questions, we will ask. Thanks.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

[180 Main Street](#)

PO Box 571

Chester, NJ 07930

908-879-6209

From: Rob Rosendale <rosendale@mendhamnj.org>

Sent: Wednesday, October 25, 2023 9:19 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>; Lisa Smith <planning@mendhamnj.org>

Cc: Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: RE: Zoning application

Brian,

Hand drawn indicating all the items you mentioned would be ok for Me but Engineering may need something more comprehensive.

Best,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Wednesday, October 25, 2023 7:05 AM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thanks, Lisa.

So, a few questions:

— can this plan be hand drawn?

— should it show layout (which is already in the survey I provided), an “elevation” (cross section) showing ground level on each side and included pictures of what the fence will look like?

— for the section at the bottom of Hardscrabble Toad, when’re people keep driving onto my property (through my stone fence, wood fence and hedges), it will have reflectors (and, if I can find suitable LED lights, those as well) embedded into the fence), should it simple mark the height and lateral spacing of those reflectors?

Is there anything I'm missing?

— Brian

On Wed, Oct 25, 2023 at 6:38 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Since you had spoken to Paul prior to all of these emails I asked him for clarification.

His response is below. I hope this helps.

The plan needs to show the location of the wall/fence. It also needs to include a detail of the wall/fence. Simply saying “It is already there, just go look at it” is not sufficient. We need a plan that can be filed with the application for the fence permit. That needs to show what is being constructed – even if it was already constructed without the appropriate approvals. This plan will be what is ever approved or denied. If it is in the right of way, it is the plan that will go to Mayor and Council for their action. The plan is used to memorialize whatever action is taken by the Zoning Officer and the Mayor and Council. I have also been told that the wall will have flashing red LED lights in it. These need to be included with the plan and the appropriate details provided.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 3:26:07 PM

To: Rob Rosendale <rrosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply

to this email and call the sender directly.

Rob, the stone fence is shown on the survey I provided to you. What type of "plan" is required for a stone fence? Are you suggesting that I need to hire an architect to develop "plans" for a 30" stone fence?

— Brian

On Tue, Oct 24, 2023 at 3:22 PM Rob Rosendale <rosendale@mendhamnj.org> wrote:

I don't have a plan for the wall. I'm told its 30" high which would be allowed but not in the right of way

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 2:17 PM

To: Lisa Smith <planning@mendhamnj.org>

Cc: Rob Rosendale <rosendale@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa, there may be some confusion here. I have been told that my stone fence will be conforming to the code. I understand that my problem is only that my fence is within the road right of way.

Rob, please clarify.

Thanks.

— Brian.

On Tue, Oct 24, 2023 at 1:43 PM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

If you were denied by zoning because your project does not comply with the Borough Code, you will need to file an application with the JLUB in order to receive a variance. I believe you are looking for a C variance.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 1:37 PM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rrosendale@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa, this "Joint Land Use" permit is what is required to be filed to replace my fence? I had previously been told I might need a "road opening" permit or something crazy (because I'm not, in fact, opening any road) like that. Are you sure that this is the application I now need to provide, just to replace my fence?

-- Brian

On Tue, Oct 24, 2023 at 1:18 PM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

I sent the links to the application in a previous email. Here they are again.

- **Joint Land Use Board**

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



nixle

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 1:07 PM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lisa and Rob, do I need to fill out some other application at this point? If so, what is it and from whom do I get it?

Please advise.

-- Brian

On Tue, Oct 24, 2023 at 9:34AM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Do I need to fill another application out? Where do I get this application?

— Brian

On Tue, Oct 24, 2023 at 9:32 AM Lisa Smith <planning@mendhamnj.org> wrote:

You will have to see Rob for the paperwork that I am speaking about. You will need to include it with your application.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 9:24 AM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Please see Rob for whatever paperwork you require m.

Thanks, Lisa.

— Brian

On Tue, Oct 24, 2023 at 9:14 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Other than these emails, do you have a zoning denial? That is what you will need to start with. Once you have that, here are the links for the application.

Joint Land Use Board

- [Joint Land Use Board Application](#)
- [Fee Schedule](#)

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Monday, October 23, 2023 2:46 PM
To: Rob Rosendale <rosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thanks Rob. Lisa, please advise on what I need to do in order to get this variance.

Thank you.

-- Brian

On Mon, Oct 23, 2023 at 9:44 AM Rob Rosendale <rosendale@mendhamnj.org> wrote:

Brian,

The Variance applied for through Lisa Smith (copied on this email). You may contact her for instruction for same.

Best Regards,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, October 23, 2023 9:30 AM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, so what are the next steps I need to take in this process of trying to simply replace my fence? To whom do I need to pay what fees and before which arms of local government do I need to submit what types of applications?

Thank you.

-- Brian

On Wed, Oct 18, 2023 at 3:25 PM Brian Cavanaugh
<brian@cavanaughpartners.com> wrote:

Ok. Thanks, Rob.

— Brian

On Wed, Oct 18, 2023 at 8:14 AM Rob Rosendale
<rrosendale@mendhamnj.org> wrote:

Brian,

This text was copied directly from the borough code. It means that at no point along either side should the measurement be more than 30 inches. There is no averaging involved.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 17, 2023 3:23 PM
To: Rob Rosendale <rrosendale@mendhamnj.org>
Cc: Lisa Smith <planning@mendhamnj.org>
Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Thanks, Rob, but I'm not sure this answers my question. All but the 1st and 5th bullets do not seem to even partially address my question.

Does #5 mean that, at every single unique spot along the entire 400' linear feet of the fence, the ground level at the base of any face (side) of the fence must be no more than 30" below the top of that face? I So, were that the case, it would be true that if in only one isolated spot along the entire fence it is calculated to be more than 30", on either side of the fence, then the fence is non-conforming? Or, does it utilize some sort of averaging calculation of heights on either side of the fence at various standard distance intervals along the fence, for example?

I'm sure the code is specific and it would not leave it up to myriad interpretations. Please cite the specific language for me.

Thank you, Rob.

-- Brian

On Tue, Oct 17, 2023 at 12:20 PM Rob Rosendale
<rosendale@mendhamnj.org> wrote:

Hi Brian,

Please see the following in relevant part

Fences.

(1)

A solid, or a partially open, fence under 2 1/2 feet in height may be erected in any portion of a lot.

(2)

Except as provided in § **215-14I(3)**, a fence equal to or in excess of 2 1/2 feet in height, but not to exceed four feet in height, may be constructed in any front yard or any yard that abuts either a public or private street, provided that it is not solid and that at least 20% of the overall area of the entire fence, uniformly distributed, both horizontally and vertically throughout the fence area, is open. For purposes of this Subsection **B**, "front yard" shall be defined as the area

extending across the full width of a lot and lying between the front lot line of the property and the nearest point of the foundation of the principal structure on the lot, regardless of how "front yard" may be elsewhere defined in this chapter.

(3)

Except as provided in § **215-14I(3)**, within all residence zones, no fence more than six feet in height shall be erected within any rear or side yard setback, as set forth in § **215-28**, provided that neither the side nor the rear yard abuts a public or private street.

(4)

Fences up to eight feet in height are permitted where the purpose of the fence is to screen electrical substations from neighboring properties.

(5)

The height of a fence shall be measured from the grade at the base of the fence at any given location to the highest point of the fence structure.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 17, 2023 12:15 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, please send me the EXACT method of calculation of the "height of the fence or wall" in the Code. I could not find it. As you know, I can make the topography of my property whatever I want to and my property has a very different topography at different points along the fence's length.

Thank you.

-- Brian

On Tue, Oct 17, 2023 at 12:11 PM Rob Rosendale
<rosendale@mendhamnj.org> wrote:

Brian,

Please see attached application denial.

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Mendham Borough Scanner <scans@mendhamnj.org>
Sent: Tuesday, October 17, 2023 12:51 PM
To: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Attached Image



Brian Cavanaugh <brian@cavanaughpartners.com>
To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>
Cc: Borough Clerk <clerk@mendhamnj.org>

Thu, Dec 21, 2023 at 7:51 AM

Paul, is there a reason that it needs to be “moved” outbid the fighting way?

When we met back in September, I noted the location of my existing wood fence, which pre-existed when I first purchased the property 30+ years ago. I noted that I was replacing this wood fence with a stone fence and that I was making it shorter (30”, down from 36”) in height and further from the existing road (4’, up from 3’) than my existing fence, in border to formally comply with the municipal fence ordinance and in order, I presumed, to “avoid having the Borough administrative staff find it objectionable relative to my existing fence.

I note that a major reason that I was replacing my existing property perimeter “protection” along the municipal roadways was that I have, over the years, had multiple motorists — some apparently drunk, others not — drive through my hedges and wood fence (even through a smaller stone fence) on many occasions over the years, including three times within the past two years. Our historic (235 years old) home sits only 30’ behind this fence in some areas and we have, so far, had such crashing cars come to rest only 20’ from the walls of our 235-year old wood frame home. With the increased traffic over the years, this has become more of a safety issue. Eventually, this house will be, once again, home to a family, and I seek to protect anyone’s ability to allow safe use of the front yard.

When we met, you noted that the replacement fence that I intended to install appeared to be in conformity with the municipal code, but that there may be a right of way on my property. I asked if there was and you answered that you did not know. You said that I, not the Borough, needed to determine that and that I must provide the Borough with a survey indicating the existing of any right of way. I realized that this was going to cost me thousands of dollars to obtain, so I asked you if you believed that the Borough would have any use for this right of way, should it be found to exist. I asked about a possible road widening, about a possible sidewalk, about possible underground utility installation. You indicated that you could not imagine any such future activity “in that location.” You made this whole exercise sound like it was a purely administrative process that I just needed to go through.

I then asked if any of the roughly ten other homes along the same street, Talmage Road, where there existed stone fences at the same distance or closer from the road — the street addresses for each of which I provided you at that time — had received permits to install these fences. You indicated that you did not know the answer to that question. I then asked if they would have been required to file permits in order to install such fences. You indicated that you didn’t know the answer to that question. You simply said that I needed to go through the process, including filing for a “road opening” permit” if it was found that by fence was within the right of way.

So, I proceeded to procure a survey in order to determine existence, or lack thereof, of the right of way, at a cost of thousands of dollars.

So, now that my permit request has been rejected without explanation, except for the fact that my proposed fence replacement would be located, just like those other ten stone fences I note above, will be in the Talmage Road right of way (which appears to be a roughly 15’ distance from the roads current border), a fact I had already determined as a result of procuring the survey.

Please provide the practical explanation of what you learned since we had those conversations that caused my application to be rejected and what specifically needs to be done to have the fence comply.

I certainly hope that this entire process was simply the Boroughs attempt to waste the time and money of one of its taxpayers. Please help me understand the merits of this determination and what needs to be done to make this acceptable to the Borough.

Thank you

— Brian

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[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

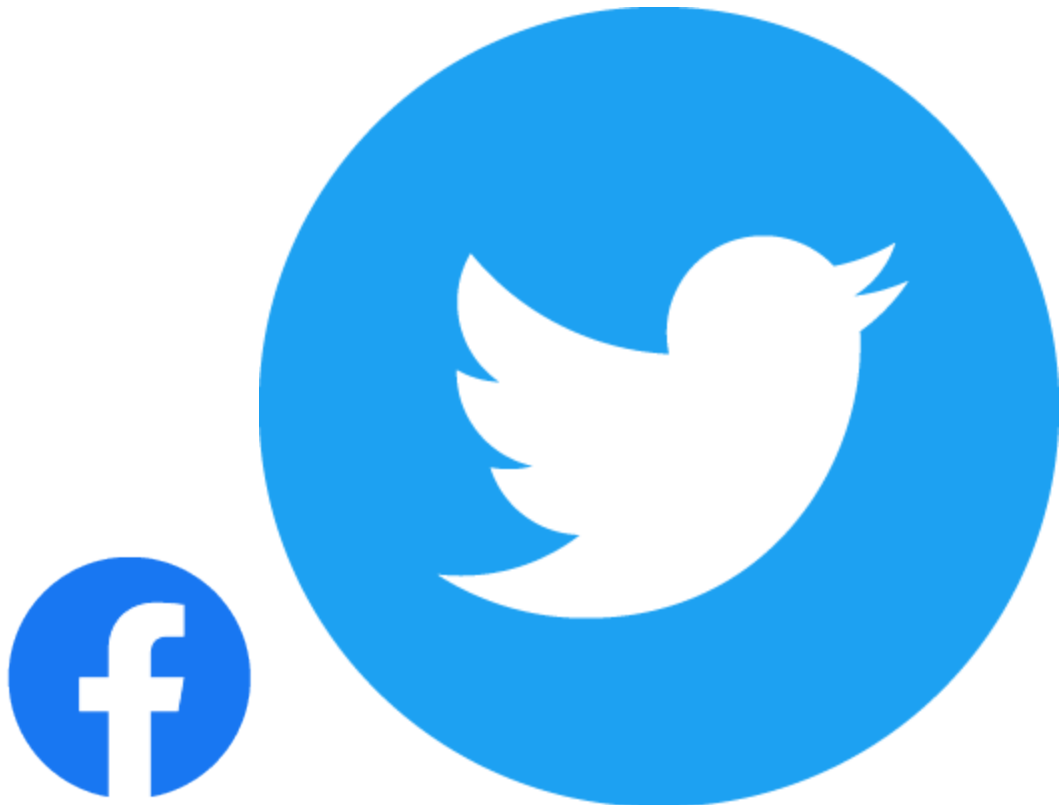
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[Quoted text hidden]



[Quoted text hidden]

Paul Ferriero <paul.ferriero@ferrieroengineering.com>
To: Brian Cavanaugh <brian@cavanaughpartners.com>
Cc: Borough Clerk <clerk@mendhamnj.org>

Thu, Dec 21, 2023 at 8:29 AM

Brian,

This will be my last email on the subject. I simply will not keep rehashing the same comments regardless of how many times you want to try to change the discussion or reopen the same issues.

The wall needs to be outside of the right of way because the Mayor and Council did not authorize it to be in the right of way. It is as simple as that. I have told you from the very beginning that the only way the wall could be installed in the right of way is if the Mayor and Council approved it. They did not. It must be outside of the right of way.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

180 Main Street

PO Box 571

Chester, NJ 07930

908-879-6209

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Thursday, December 21, 2023 7:51 AM
To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>
Cc: Borough Clerk <clerk@mendhamnj.org>
Subject: Re: Zoning application

Paul, is there a reason that it needs to be “moved” outbid the fighting way?

When we met back in September, I noted the location of my existing wood fence, which pre-existed when I first purchased the property 30+ years ago. I noted that I was replacing this wood fence with a stone fence and that I was making it shorter (30”, down from 36”) in height and further from the existing road (4’, up from 3’) than my existing fence, in border to formally comply with the municipal fence ordinance and in order, I presumed, to “avoid having the Borough administrative staff find it objectionable relative to my existing fence.

I note that a major reason that I was replacing my existing property perimeter “protection” along the municipal roadways was that I have, over the years, had multiple motorists — some apparently drunk, others not — drive through my hedges and wood fence (even through a smaller stone fence) on many occasions over the years, including three times within the past two years. Our historic (235 years old) home sits only 30’ behind this fence in some areas and we have, so far, had such crashing cars come to rest only 20’ from the walls of our 235-year old wood frame home. With the increased traffic over the years, this has become more of a safety issue. Eventually, this house will be, once again, home to a family, and I seek to protect anyone’s ability to allow safe use of the front yard.

When we met, you noted that the replacement fence that I intended to install appeared to be in conformity with the municipal code, but that there may be a right of way on my property. I asked if there was and you answered that you did

not know. You said that I, not the Borough, needed to determine that and that I must provide the Borough with a survey indicating the existing of any right of way. I realized that this was going to cost me thousands of dollars to obtain, so I asked you if you believed that the Borough would have any use for this right of way, should it be found to exist. I asked about a possible road widening, about a possible sidewalk, about possible underground utility installation. You indicated that you could not imagine any such future activity "in that location." You made this whole exercise sound like it was a purely administrative process that I just needed to go through.

I then asked if any of the roughly ten other homes along the same street, Talmage Road, where there existed stone fences at the same distance or closer from the road — the street addresses for each of which I provided you at that time — had received permits to install these fences. You indicated that you did not know the answer to that question. I then asked if they would have been required to file permits in order to install such fences. You indicated that you didn't know the answer to that question. You simply said that I needed to go through the process, including filing for a "road opening" permit if it was found that by fence was within the right of way.

So, I proceeded to procure a survey in order to determine existence, or lack thereof, of the right of way, at a cost of thousands of dollars.

So, now that my permit request has been rejected without explanation, except for the fact that my proposed fence replacement would be located, just like those other ten stone fences I note above, will be in the Talmage Road right of way (which appears to be a roughly 15' distance from the roads current border), a fact I had already determined as a result of procuring the survey.

Please provide the practical explanation of what you learned since we had those conversations that caused my application to be rejected and what specifically needs to be done to have the fence comply.

I certainly hope that this entire process was simply the Boroughs attempt to waste the time and money of one of its taxpayers. Please help me understand the merits of this determination and what needs to be done to make this acceptable to the Borough.

Thank you

— Brian

On Thu, Dec 21, 2023 at 6:37 AM Paul Ferriero <paul.ferriero@ferrieroengineering.com> wrote:

The wall was proposed in the right of way. In order to comply, it needs to be moved out of the right of way.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

180 Main Street

PO Box 571

Chester, NJ 07930

908-879-6209

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Wednesday, December 20, 2023 10:10 PM
To: Borough Clerk <clerk@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>
Subject: Re: Zoning application

Thank you for letting me know.

Paul, please let me know in which way my application did not conform to the municipal requirements.

Thank you.

-- Brian

On Wed, Dec 20, 2023 at 12:20 PM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

The Council voted to deny your application. The Borough Engineer, Chief of Police, and Borough Attorney all recommended to the Council to not approve the application due to the construction in the right of way. I would reach out to the Borough Engineer Paul Ferriero for recommendations on what changes you will need to make to get your application approved.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

[2 W. Main Street](#)

[Mendham, NJ 07945](#)

973-543-7152 Ext. 15

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Wednesday, December 20, 2023 9:19 AM

To: Borough Clerk <clerk@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Any bios are regarding the police chiefs findings?

— Brian

On Wed, Dec 6, 2023 at 11:57 PM Brian Cavanaugh <brian@cavanaughpartners.com> wrote:

Really?

Do you mind me asking how it might be a traffic hazard if my fence is not actually in the road? Is it a "line of sight" concern, perhaps? If so, I would just note that my proposed fence is both *further back from the road than my current fence and hedge* and is *not as high as either my current fence or current hedge*. I'm just trying to understand how what I am proposing might be *more* of a traffic hazard than what I already had/have.

In fact, the only motorists that would have anything on my property *potentially* interrupting the view of oncoming traffic are those turning from Talmage onto Cherry. I would also note that the Stop sign at that end of Talmage is sufficiently far up (beyond where even my existing fence is located) that even my current fence (which is higher and closer to the road than my proposed fence) does not obstruct, in my opinion, in any way the visibility regarding traffic for those stopped at that Stop sign. I use that intersection all the time, as you might imagine, with both a car and a bike.

In any case, please let me know what the Chief observes. Any idea when he plans on investigating this issue raised by the Council?

Thank you, Lauren.

-- Brian

On Wed, Dec 6, 2023 at 10:00AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Due to the fence being in the right of way and close to the roadway there may be a potential traffic hazard. The Chief is going to investigate this and report back to Council.

Regards,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, December 5, 2023 11:40 AM
To: Borough Clerk <clerk@mendhamnj.org>
Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>
Subject: Re: Zoning application

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Thank you for the update.

The chief of police needs to submit a report regarding my fence replacement project? Do you mind my asking what issues the council has asked him/her to report on?

— Brian

On Tue, Dec 5, 2023 at 10:37 AM Borough Clerk <clerk@mendhamnj.org> wrote:

Hi Brian,

Your application was discussed at Wednesday's meeting. No action was taken. The Council is waiting on a report from the Chief of Police. The next meeting is Friday, December 15th.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

[2 W. Main](#) Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Monday, December 4, 2023 10:06 AM

To: Borough Clerk <clerk@mendhamnj.org>

Cc: Joyce Bushman <jbushman@mendhamnj.org>; Lisa Smith <planning@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Lauren, any status update from the meeting last Wednesday?

— Brian

On Tue, Nov 28, 2023 at 3:33 PM Borough Clerk <clerk@mendhamnj.org> wrote:

Good afternoon,

Your application is on the Council Agenda for 11/29/2023. Please let me know if you have any questions.

Thank you,

Lauren McBride, CMR

Acting Borough Clerk and Registrar

Finance and Payroll Clerk

Board of Health, Secretary

Mendham Borough

2 W. Main Street

Mendham, NJ 07945

973-543-7152 Ext. 10

973-543-7202 Fax

www.mendhamnj.org

lmcbride@mendhamnj.org



From: Lisa Smith <planning@mendhamnj.org>

Sent: Tuesday, November 28, 2023 1:53 PM

To: Brian Cavanaugh <brian@cavanaughpartners.com>

Cc: Borough Clerk <clerk@mendhamnj.org>; Paul Ferriero <paul.ferriero@ferrieroengineering.com>;

Joyce Bushman <jbushman@mendhamnj.org>
Subject: Re: Zoning application

Mr. Cavanaugh

Your request was made to the Mayor and Council. Lauren the Borough Clerk would be able to answer any questions you may have regarding your road opening permit.

Thank you.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, November 28, 2023 10:56:07 AM
To: Lisa Smith <planning@mendhamnj.org>
Subject: Fwd: Zoning application

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Lisa, I wanted to check in and get an update from you on my applications progress. Please advise.

Thank you.

— Brian

----- Forwarded message -----

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Date: Wed, Oct 25, 2023 at 7:26 PM
Subject: Re: Zoning application
To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>
CC: Rob Rosendale <rosendale@mendhamnj.org>, Lisa Smith <planning@mendhamnj.org>

Thank you all for your responses.

I will work to develop such drawings.

-- Brian

On Wed, Oct 25, 2023 at 9:47 AM Paul Ferriero <paul.ferriero@ferrieroengineering.com> wrote:

Brian,

You can submit that information. If we have any additional questions, we will ask. Thanks.

Paul Ferriero, PE, PP, CME, CFM, LEED AP

Ferriero Engineering, Inc.

[180 Main Street](#)

PO Box 571

Chester, NJ 07930

908-879-6209

From: Rob Rosendale <rosendale@mendhamnj.org>

Sent: Wednesday, October 25, 2023 9:19 AM

To: Brian Cavanaugh <brian@cavanaughpartners.com>; Lisa Smith <planning@mendhamnj.org>

Cc: Paul Ferriero <paul.ferriero@ferrieroengineering.com>

Subject: RE: Zoning application

Brian,

Hand drawn indicating all the items you mentioned would be ok for Me but Engineering may need something more comprehensive.

Best,

Rob Rosendale

Construction Official

Building Subcode Official

Zoning Official

[6 West Main Street](#)

[Mendham, NJ 07945](#)

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Wednesday, October 25, 2023 7:05 AM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

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Thanks, Lisa.

So, a few questions:

- can this plan be hand drawn?
- should it show layout (which is already in the survey I provided), an “elevation” (cross section) showing ground level on each side and included pictures of what the fence will look like?
- for the section at the bottom of Hardscrabble Toad, when’re people keep driving onto my property (through my stone fence, wood fence and hedges), it will have reflectors (and, if I can find suitable LED lights, those as well) embedded into the fence), should it simple mark the height and lateral spacing of those reflectors?

Is there anything I’m missing?

— Brian

On Wed, Oct 25, 2023 at 6:38 AM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

Since you had spoken to Paul prior to all of these emails I asked him for clarification.

His response is below. I hope this helps.

The plan needs to show the location of the wall/fence. It also needs to include a detail of the wall/fence. Simply saying “It is already there, just go look at it” is not sufficient. We need a plan that can be filed with the application for the fence permit. That

needs to show what is being constructed – even if it was already constructed without the appropriate approvals. This plan will be what is ever approved or denied. If it is in the right of way, it is the plan that will go to Mayor and Council for their action. The plan is used to memorialize whatever action is taken by the Zoning Officer and the Mayor and Council. I have also been told that the wall will have flashing red LED lights in it. These need to be included with the plan and the appropriate details provided.

Lisa Smith, Land Use Coordinator

Borough of Mendham

[2 West Main St.](#)

[Mendham, NJ 07945](#)

From: Brian Cavanaugh <brian@cavanaughpartners.com>

Sent: Tuesday, October 24, 2023 3:26:07 PM

To: Rob Rosendale <rosendale@mendhamnj.org>

Cc: Lisa Smith <planning@mendhamnj.org>

Subject: Re: Zoning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Rob, the stone fence is shown on the survey I provided to you. What type of “plan” is required for a stone fence? Are you suggesting that I need to hire an architect to develop “plans” for a 30” stone fence?

— Brian

On Tue, Oct 24, 2023 at 3:22 PM Rob Rosendale <rosendale@mendhamnj.org> wrote:

I don't have a plan for the wall. I'm told its 30" high which would be allowed but not in the right of way

Rob Rosendale

Construction Official

Building Subcode Official**Zoning Official**

6 West Main Street

Mendham, NJ 07945

973-543-7152 ext 21

From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 2:17 PM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <rosendale@mendhamnj.org>
Subject: Re: Zoning application

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Lisa, there may be some confusion here. I have been told that my stone fence will be conforming to the code. I understand that my problem is only that my fence is within the road right of way.

Rob, please clarify.

Thanks.

— Brian.

On Tue, Oct 24, 2023 at 1:43 PM Lisa Smith <planning@mendhamnj.org> wrote:

Brian

If you were denied by zoning because your project does not comply with the Borough Code, you will need to file an application with the JLUB in order to receive a variance. I believe you are looking for a C variance.

Regards,

Lisa Smith

Lisa Smith, Planning and Land Use Coordinator

Administrative Assistant to the Tax Assessor

Administrative Assistant to the Borough Engineer

Website Coordinator

[2 West Main Street, Mendham NJ 07945](#)

[973-543-7152](#) x*20



From: Brian Cavanaugh <brian@cavanaughpartners.com>
Sent: Tuesday, October 24, 2023 1:37 PM
To: Lisa Smith <planning@mendhamnj.org>
Cc: Rob Rosendale <

4 attachments



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Brian Cavanaugh <brian@cavanaughpartners.com>
To: Paul Ferriero <paul.ferriero@ferrieroengineering.com>
Cc: Borough Clerk <clerk@mendhamnj.org>

Thu, Dec 21, 2023 at 8:37 AM

Thank you for clarifying, Paul.

— Brian

[Quoted text hidden]

Brian Cavanaugh <brian@cavanaughpartners.com>
To: Brian Cavanaugh <brian@cavanaughpartners.com>

Sun, Jun 2, 2024 at 6:00 PM

FOR RECORDS...

[Quoted text hidden]