

THOMAS J. MALMAN
Attorney at Law

One Jefferson Road
Parsippany, NJ 07054-2891
T: (973) 966-8179 F: (973) 206-6636
tmalman@daypitney.com

December 20, 2022

VIA HAND DELIVERY

Ms. Lisa Smith
Land Use Coordinator – Board of Adjustment
Borough of Mendham
Phoenix House
2 West Main Street
Mendham, NJ 07945

**Re: Accordia Realty Assets LLC (“Applicant”)
Application for Minor Subdivision, Use and Bulk Variances
Block 2301, Lot 13, 350 Bernardsville Road, Mendham, NJ (“Property”)**

Dear Ms. Smith:

This firm represents the Applicant in connection with the captioned application. In support of this application, enclosed please find seven (7) copies the following:

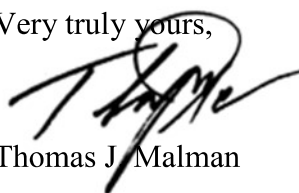
1. Application, including the owner consent and ownership disclosure statement;
2. Checklist;
3. Prior resolutions and recorded easements and associated documents;
4. Zoning table;
5. Zoning Denial Letter;
6. Planner’s Report and Photographic Documentation Report prepared by Heyer, Gruel and Associates;
7. Variance and Subdivisions Plans prepared by Gladstone Design, Inc.;
8. Survey prepared by Gladstone Design, Inc.;
9. Traffic Impact Assessment prepared by Dolan & Dean Consulting Engineers, LLC;

Ms. Lisa Smith
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Borough of Mendham
December 20, 2022
Page 2

10. Architectural Plans and Elevations prepared by HLW Architecture LLC;
11. Borough of Mendham Tax Assessor's certified 200 foot property owner list;
12. Borough of Mendham Tax Collector's tax certification;
13. Checks in the amount of **\$5,000.00** in payment of the application fee and **\$16,000.00** in payment of the escrow deposit, calculated as follows:
 - "D" Variance (non-residential): 1 Use Variance
 - Application Fee: **\$2,000**
 - Escrow: **\$5,000** (\$5,000 deposit + \$750 per additional variance)
 - Minor Subdivision (1 or more new lots): 2 lots total
 - Application Fee: **\$1,500** (\$500 application fee + \$500 (2 lots))
 - Escrow: **\$6,000** (\$3,000 deposit + \$1,500 per lot (2 lots))
 - "C" Variance (non-residential): 5 "C" Variances
 - Application Fee: **\$1,500**
 - Escrow: **\$5,000** (\$2,000 deposit + \$750 per additional variance (4 additional "C" variances))
14. Applicant's W-9 form.

If you have any questions or if you require any additional information concerning this application, please do not hesitate to contact me.

Very truly yours,



Thomas J. Malman

TJM/rdm
Enclosures



Accordia Realty Ventures, LLC
100 Passaic Avenue, Suite 150
Fairfield, NJ 07004
973-244-7800

Lakeland Bank
652 Wyckoff Avenue
Wyckoff, NJ 07481
55-537/212

4779

12/19/2022

PAY TO THE ORDER OF Borough of Mendham

\$**5,000.00

Five thousand and 00/100*****

DOLLARS

PROTECTED AGAINST FRAUD

Borough of Mendham



MEMO

BOA Application Fee

⑈004779⑈ ⑆021205376⑆ 616405711⑈

Accordia Realty Ventures, LLC
12/19/2022

Borough of Mendham

BOA Application Fee

4779

5,000.00

Accordia Checking

BOA Application Fee

5,000.00

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Intuit® CheckLock™ Secure Check Details on Back



Accordia Realty Ventures, LLC
100 Passaic Avenue, Suite 150
Fairfield, NJ 07004
973-244-7800

Lakeland Bank
652 Wyckoff Avenue
Wyckoff, NJ 07481
55-537/212

4780

12/19/2022

PAY TO THE ORDER OF Borough of Mendham

\$ **16,000.00

Sixteen thousand and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Borough of Mendham

MEMO

BOA Escrow Fee

[Signature] MP

⑈004780⑈ ⑆021205376⑆ 616405711⑈

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Details on Back Intuit® CheckLock™ Secure Check

Accordia Realty Ventures, LLC
12/19/2022

Borough of Mendham

BOA Escrow Fee

4780

16,000.00

Accordia Checking

BOA Escrow Fee

16,000.00

6. APPLICANT'S OTHER PROFESSIONALS (Architect, Planner, Surveyor, etc.)

Planner:	McKinley Mertz, PP, AICP, Leed Green Associate	Architect	Joseph Tampfl, HLW Architecture LLC								
Name:	Heyer, Gruel & Associates	Name:	122 Main Street								
Address:	236 Broad Street	Address:									
City:	Red Bank	State:	NJ	Zip:	07701	City:	Madison	State:	NJ	Zip:	07940
Phone:	(732) 741-2900	Fax:	()	Phone:	(917) 517-4128	Fax:	()				
Email:	mmertz@hgapa.com	Email:	jstampfl@hlw.com								

SEE NEXT PAGE FOR ADDITIONAL PROFESSIONAL

7. LOCATION OF PROPERTY

Street Address: 350 Bernardsville Road Block(s): 2301
Zone: 5-Acre Residence/Religious Campus Lot(s): 13
Type of Road Frontage: County (Bernardsville Road and Hilltop Road) (Highway, County Road, Local Road)

8. LAND USE

Existing Land Use: Please see Planner's Report, enclosed herewith.
Proposed Land Use: Please see Planner's Report, enclosed herewith.

9. PROPERTY DETAILS

of Existing Lots: 1 # of Proposed Lots: 2
Existing Form of Ownership: Fee Simple Rental Condominium Cooperative
Existing Deed Restrictions or Easements: No Yes (attach copies)
Proposed Deed Restrictions or Easements: No Yes (attach copies)

10. UTILITIES (check all that apply)

Existing:	<input checked="" type="checkbox"/> Public Water	<input type="checkbox"/> Private Well	<input type="checkbox"/> Public Sewer	<input checked="" type="checkbox"/> Private Septic System
	<input type="checkbox"/> Natural Gas	<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Propane	
Proposed:	<input checked="" type="checkbox"/> Public Water	<input type="checkbox"/> Private Well	<input type="checkbox"/> Public Sewer	<input checked="" type="checkbox"/> Private Septic System
	<input type="checkbox"/> Natural Gas	<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Propane	

6. Applicant's Other Professionals (continued)

Gary Dean, PE, PP, Dolan & Dean, Traffic Engineer
181 West High Street
Somerville, NJ 08876
(908) 927-0100
gary@dolandean.com

Please see separate zoning table, attached hereto.

11. ZONING SCHEDULE (complete all that apply)

	Required	Existing	Proposed		Required	Existing	Proposed
Minimum Lot Requirements				Maximum Building & Structure Height			
Area				Principle			
Width				Accessory			
Depth				Maximum Lot & Building Coverages			
Principal Buildings & Structures				Lot			
1 Side Yard				Building			
2 Side Yards							
Front Yard							
Rear Yard							
Accessory Building & Structures							
Side Yard							
Rear Yard							

12. PARKING & LOADING REQUIREMENTS

of Parking Space Required: 221 # of Parking Spaces Provided: 232
 # of Loading Space Required: 1 # of Loading Spaces Provided: 1 (provision within lower level of Mother House, to occur on North side where 2 garages are to remain - see slide 18 of architect's deck.)

13. OTHER APPROVALS REQUIRED

- N.J. Dept. of Environmental Protection No Yes
- N.J. Dept. of Transportation No Yes
- Morris County Planning Board Burlington No Yes
- Morris County Soil Conservation District No Yes
- Borough of Mendham Historic Commission No Yes
- State of New Jersey Sewer Extension No Yes
- State of New Jersey Flood Hazard Area No Yes
- Development State of New Jersey Wetlands No Yes
- Other: _____ No Yes
- Other: _____ No Yes

14. APPLICATION SUBMISSION MATERIALS (use additional sheets if necessary)

List all plans, reports, photos, etc. Please see submission letter submitted herewith.

15. PREVIOUS OR PENDING APPLICATIONS (use additional sheets if necessary)

List all previous or pending applications for this parcel. If current application is for the Amendment of a previously approved Subdivision or Site Plan, furnish a copy of the previously approved plan and describe the proposed amendments.

Please see copies of prior resolutions, enclosed herewith.

16. RELIEF REQUESTED (use additional sheets if necessary)

List arguments for Variances, Waivers of Development Standards and/or Submission Requirements.

Testimony from Applicant's professional planner will be provided at the hearing.

17. EXPERT WITNESSES FOR APPLICANT

Name:	<u>Robert C. Moschello</u>	Type of Testimony:	<u>Engineering</u>
Name:	<u>McKinley Mertz</u>	Type of Testimony:	<u>Planning</u>
Name:	<u>Joseph Stampfl</u>	Type of Testimony:	<u>Architectural</u>
Name:	<u>Gary Dean</u>	Type of Testimony:	<u>Traffic</u>

18. SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant, or that I am an Officer of the Corporate applicant or a General Partner of the Partnership applicant and am authorized to sign the application for the Corporation or Partnership.

SWORN & SUBSCRIBED before me this

19 day of December, 2022

Roy Mateus
NOTARY



SIGNATURE (applicant) Attorney for Applicant DATE

12/19/22

Thomas J. Malman, Esq.

PRINT NAME

ROY D. MATEUS
A Notary Public in the State of New Jersey
My Commission Expires February 21, 2023

Please see separate owner's consent, attached.

19. CONSENT OF OWNER

NOTE: If the property is owned by a corporation or an LLC this "consent of owner" must be signed by a corporate officer or managing member and a resolution must be attached authorizing that corporate officer/managing member to sign on behalf of the entity.

I certify that I am the Owner of the property which is the subject of this application. I hereby consent to the filing of this application and to the approval of the plans submitted therewith. I further consent to the inspection of the property in connection with this application as deemed necessary by the board and its professional staff.

I am aware that the Borough of Mendham will incur costs for professional review fees in the course of hearing and deciding this application. I am aware that the applicant has signed an escrow agreement that requires said applicant to be responsible to pay the Borough of Mendham for the costs incurred. By consenting to the filing of this application I agree that, in the event the applicant fails to pay all of those costs, I will be responsible to pay, and I will pay, any balance of those costs owed by the applicant to the Borough of Mendham. I further understand that if I fail to pay the amount owed the Borough of Mendham may seek and win a judgment against me for the amount owed plus counsel fees and costs and that that judgment may become a lien against my property.

SWORN & SUBSCRIBED before me this

_____ day of _____, 20_____

SIGNATURE (owner)

DATE

NOTARY

PRINT NAME

20. DISCLOSURE STATEMENT

If applicant is a corporation, partnership or LLC please answer the following questions pursuant to N.J.S.A. 40:55D-48.1 & 48.2:

Is this application to subdivide a parcel of land into six (6) or more lots? No Yes

Is this application for a variance to construct a multiple dwelling unit of 25 or more units? No Yes

Is this application for approval of a site (or sites) for non-residential purposes? No Yes

If you responded YES to any of the above questions, Ownership Disclosure Statement must be completed.

Please see attached owners disclosure form.

SIGNATURE (applicant)

DATE

21. SURVEY WAIVER CERTIFICATION

As of the date of this application, I hereby certify that the survey submitted with this application which is dated April 11, 2022 shows and discloses the premises in its entirety, described as Block 2301 Lot 13; and I further certify that no buildings, fences or other facilities have been constructed, installed or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED before me this

_____ day of _____, 20_____

SIGNATURE (applicant/owner)

DATE

NOTARY

PRINT NAME

CORPORATE OWNERSHIP DISCLOSURE STATEMENT

In accordance with N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in Accordia Realty Assets LLC are disclosed as set forth below. In accordance with N.J.S.A. 40:55D-48.2 this disclosure requirement applies to any corporation or partnership which owns more than 10% interest in Accordia Realty Assets LLC followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed.

Accordia Realty Ventures LLC, 100 Passaic Ave, Suite 150, Fairfield, NJ 07004, owns 100% of Accordia Realty Assets LLC.

The ownership of Accordia Realty Ventures LLC is as follows:

Jason Bogart, 286 Gregory Rd, Franklin Lakes NJ 07417, owns 50%.

Joseph Romano, 72 Cheyenne Way, Wayne NJ 07470, owns 50%.

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Accordia Realty Assets, LLC	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ P <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions. 100 Passaic Avenue Ste 150	Requester's name and address (optional)
6 City, state, and ZIP code Fairfield, NJ 07004	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number											
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or											
Employer identification number											
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8	4	-	3	7	0	8	7	3	6		

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶

Date ▶ **10/21/22**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



The Phoenix House *circa 1820*

The Borough of Mendham
2 West Main Street, Mendham, New Jersey 07945
Incorporated May 15, 1906

Telephone: (973) 543-7152 ext. 20
Fax: (973) 543-7202
www.mendhamnj.org

Office of the Assessor

September 14, 2022

Day Pitney LLP
One Jefferson Road
Parsippany, NJ 07054

Re: Block: 2301 - Lot: 13- 350 Bernardsville Rd.

Having examined the tax map and tax list of the Borough of Mendham, I certify that, to the best of my knowledge, the Mendham Borough properties indicated on the attached list are located within 200 feet of the above referenced property.

Also, please provide notice of the public hearing of an application for development to the following public utilities and CATV companies that own land or possess an easement within the municipality.

JCP&L, c/o FE Serv. Tax Dept.
P.O. Box 1911
Morristown, NJ 07962-1911

American Water SSC/General Tax Dept.
PO Box 5627
Cherry Hill, NJ 08034

Verizon, c/o Duff & Phelps
PO Box 2749
Addison, TX 75001

Mendham Borough Sewer Utility
35 Ironia Rd.
Mendham, NJ 07945

AT&T
900 Route 202/206 North
Bedminster, NJ 07921

Comcast
300 Rahway Ave.
Union, NJ 07083

Public Service Electric & Gas Co.
80 Park Plaza
Newark, NJ 07102

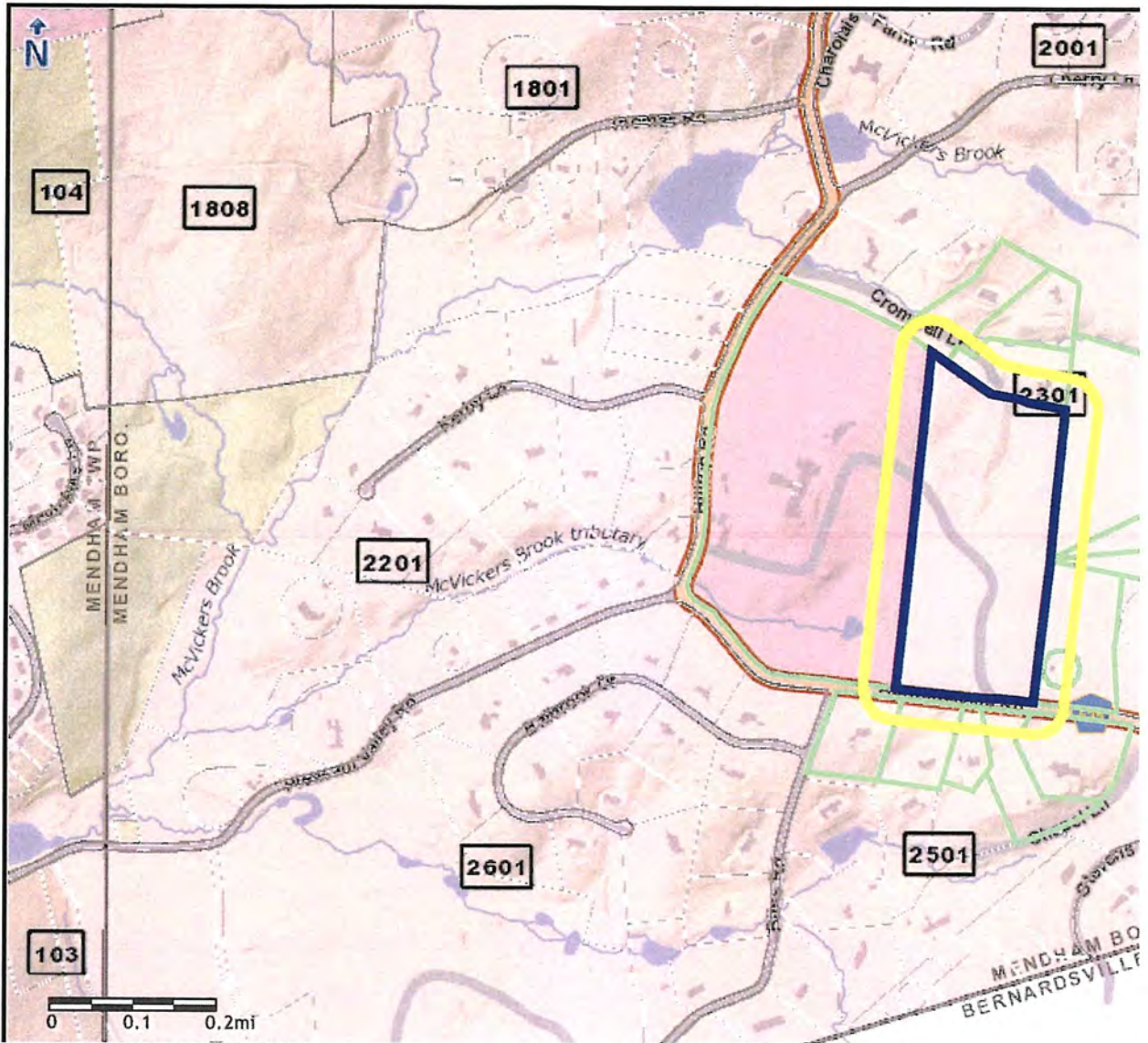
Cablevision, Attn: Kathy Baker
683 Route 10
Randolph, NJ 07869

Morris County Planning Board
PO Box 900
Morristown, NJ 07963-0900

Very truly yours,

Lisa Smith

Lisa Smith
Assessor Assistant



Morris County Board of Taxation
 COUNTY OF MORRIS, NEW JERSEY
 P.O. Box 900, Morristown NJ, 07963-0900
 *Maximum of 500 records available on report

Projection: State Plane (FIPS 2900)
 Datum: NAD83
 Units: Feet

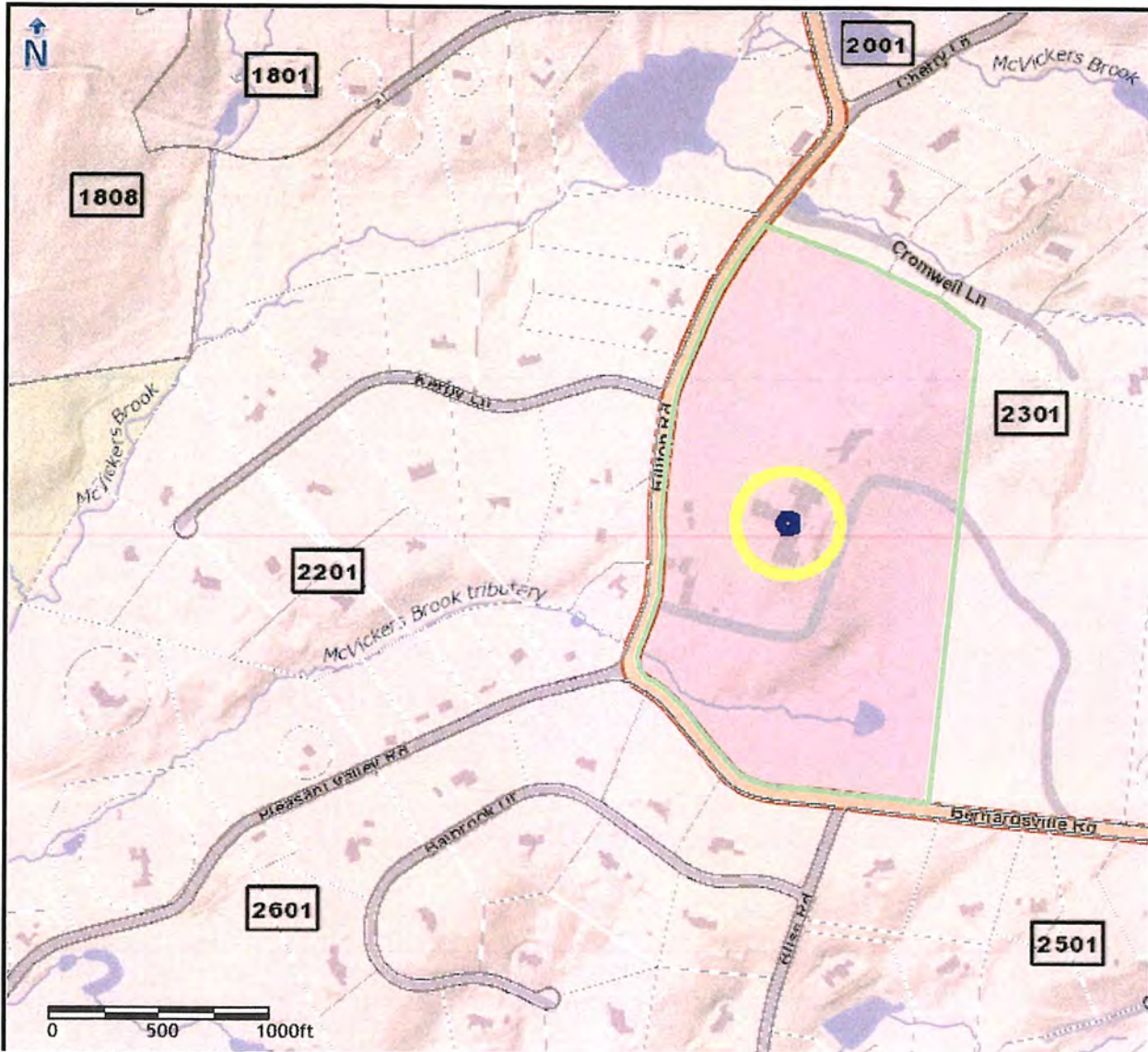


The maps and data available for access at this website is provided "as-is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for, or the appropriateness for use, rests solely on the user accessing this information. The County of Morris makes no warranties, express or implied, as to the use of the maps and the data available for access at this website. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction, and revision. The maps and associated data at this website do not represent a survey. In no event shall the County of Morris or its officers or employees assume any liability for the accuracy of the data delineated on any map. In no event shall the County of Morris or its officers or employees be liable for any damages arising in any way out of the use of this information.

TARGETED PROPERTIES:				
PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1418_2301_13_QFARM	33.0000	350 BERNARDSVILLE RD	SOC OF SISTERS OF CHRISTIAN CHARITY	BERNARDSVILLE RD MENDHAM, NJ 07945

PARCELS WITHIN RANGE OF TARGETED PROPERTIES:

PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1418_2301_1.04	6.1370	6 CROMWELL LN	PARR, ANDREW/ELISA	6 CROMWELL LN MENDHAM, NJ 07945
1418_2301_1.05	5.0880	8 CROMWELL LN	POTESTA, TIFFANI A	8 CROMWELL LN MENDHAM, NJ 07945
1418_2301_1.06	5.4850	10 CROMWELL LN	RISKIN, HARRY J & MAXINE	10 CROMWELL LN MENDHAM, NJ 07945
1418_2301_12	1.0000	440 BERNARDSVILLE RD	LMG 2018 TRUST	460 BERNARDSVILLE RD MENDHAM, NJ 07945
1418_2301_12_QFARM	8.9800	440 BERNARDSVILLE RD	LMG 2018 TRUST	460 BERNARDSVILLE RD MENDHAM, NJ 07945
1418_2301_13_QFARM	33.0000	350 BERNARDSVILLE RD	SOC OF SISTERS OF CHRISTIAN CHARITY	BERNARDSVILLE RD MENDHAM, NJ 07945
1418_2301_13_X	79.0000	350 BERNARDSVILLE RD	SOC OF SISTERS OF CHRISTIAN CHARITY	350 BERNARDSVILLE RD MENDHAM, NJ 07945
1418_2301_6_QFARM	31.5700	15 HORSESHOE BEND LN	SPRING TRAILS LLC	100 TOURNAMENT DR STE 250 HORSHAM, PA 19044
1418_2301_7_QFARM	5.6160	8 HORSESHOE BEND LN	ANSEDE, JOHN P & KARINE G	8 HORSESHOE BEND LN MENDHAM, NJ 07945
1418_2301_9	4.9000	4 HORSESHOE BEND LN	VITTITOE, MICHAEL/AMANDA	4 HORSESHOE BEND LN MENDHAM, NJ 07945
1418_2501_12	7.0800	475 BERNARDSVILLE RD	MAOLI, THOMAS	475 BERNARDSVILLE RD MENDHAM, NJ 07945
1418_2501_13	5.6500	3 CHAPEL LN	MAOLI, THOMAS	475 BERNARDSVILLE RD MENDHAM, NJ 07945
1418_2501_14	2.7200	435 BERNARDSVILLE RD	JU, WILLIAM D./DORIS K	435 BERNARDSVILLE RD MENDHAM, NJ 07945
1418_2501_5.01	5.0840	415 BERNARDSVILLE RD	GORMAN, GERALD J/JEAN	415 BERNARDSVILLE RD MENDHAM, NJ 07945
1418_2501_5.02	5.0010	425 BERNARDSVILLE RD	WRAGG, MICHAEL F & GAIL E	425 BERNARDSVILLE RD MENDHAM, NJ 07945



Morris County Board of Taxation
 COUNTY OF MORRIS, NEW JERSEY
 P.O. Box 900, Morristown NJ, 07963-0900
 *Maximum of 500 records available on report

Projection: State Plane (FIPS 2900)
 Datum: NAD83
 Units: Feet

 Morris County GIS Services, NJ, USA · © 2011-2016

The maps and data available for access at this website is provided "as-is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for, or the appropriateness for use, rests solely on the user accessing this information. The County of Morris makes no warranties, express or implied, as to the use of the maps and the data available for access at this website. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction, and revision. The maps and associated data at this website do not represent a survey. In no event shall the County of Morris or its officers or employees assume any liability for the accuracy of the data delineated on any map. In no event shall the County of Morris or its officers or employees be liable for any damages arising in any way out of the use of this information.

TARGETED PROPERTIES:				
PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1418_2301_13	0.0000	350 BERNARDSVILLE RD	SOC OF SISTERS OF CHRISTIAN CHARITY	350 BERNARDSVILLE RD MENDHAM, NJ 07945

PARCELS WITHIN RANGE OF TARGETED PROPERTIES:

PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1418_2301_13	0.0000	350 BERNARDSVILLE RD	SOC OF SISTERS OF CHRISTIAN CHARITY	350 BERNARDSVILLE RD MENDHAM, NJ 07945
1418_2301_13_X	79.0000	350 BERNARDSVILLE RD	SOC OF SISTERS OF CHRISTIAN CHARITY	350 BERNARDSVILLE RD MENDHAM, NJ 07945

**SUBJECT PROPERTY 2301-13
+QFARM**

BLOCK	LOT	OWNERS NAME	MAILING ADDRESS
2201	6	WADE FUND NEUFVILL,JOHN/DAVID	323 MAIN ST., 2ND FL. CHATHAM, NJ 07928
2201	5	WANG, XUMING/ZHU, BEI HUA	271 HILLTOP RD MENDHAM, NJ 07945
2201	7	BARNA & TSALIKIS, GREGORY & NIKI K	291 HILLTOP RD MENDHAM, NJ 07945
2201	8	SLAHETKA, RONALD J/SUSAN D	301 HILLTOP RD MENDHAM, NJ 07945
2201	9	GOMERINGER, MARY CLAIRE	307 HILLTOP RD MENDHAM, NJ 07945
2201	10	MUND, MITCHEL/BETH	1 KERBY LN MENDHAM, NJ 07945
2201	11	DIBBLE, PRESTON L. & MARY	337 HILLTOP RD MENDHAM, NJ 07945
2201	12	LAMPIETTI, PHILIPPE K/RENEE E	339 HILLTOP RD MENDHAM, NJ 07945
2201	13	QUIGLEY, JUDY CUNIO	351 HILLTOP RD MENDHAM, NJ 07945
2201	14	KOREC, SHERYL/KOPP, SCOTT	11 PLEASANT VALLEY RD MENDHAM, NJ 07945
2301	1.02	SCHERMERHORN, TODD TRUSTEE	2 CROMWELL LN MENDHAM, NJ 07945
2301	1.03	SCHWARTZ, BENNETT & DEBRA	4 CROMWELL LN MENDHAM, NJ 07945
2301	1.04	PARR, ANDREW/ELISA	6 CROMWELL LN MENDHAM, NJ 07945
2301	1.05	POTESTA, TIFFANI A	8 CROMWELL LN MENDHAM, NJ 07945
2301	1.06	RISKIN, HARRY J & MAXINE	10 CROMWELL LN MENDHAM, NJ 07945
2301	6	SPRING TRAILS LLC C/O P5ADMIN	100 TOURNAMENT DR STE 250 HORSHAM, PA 19044
2301	7	ANSEDE, JOHN P & KARINE G	8 HORSESHOE BEND LN MENDHAM, NJ 07945
2301	9	VITTITOE, MICHAEL/AMANDA	4 HORSESHOE BEND LN MENDHAM, NJ 07945
2301	12	LMG 2018 TRUST	460 BERNARDSVILLE RD MENDHAM, NJ 07945
2501	5.01	GORMAN, GERALD J/JEAN	415 BERNARDSVILLE RD MENDHAM, NJ 07945
2501	5.02	WRAGG, MICHAEL F & GAIL E	425 BERNARDSVILLE RD MENDHAM, NJ 07945

2501	12	MAOLI, THOMAS	475 BERNARDSVILLE RD MENDHAM, NJ 07945
2501	13	MAOLI, THOMAS	475 BERNARDSVILLE RD MENDHAM, NJ 07945
2501	14	JU, WILLIAM D./DORIS K	435 BERNARDSVILLE RD MENDHAM, NJ 07945
2601	2.01	BAILEY, JOHN E & KAREN C	1 BALBROOK DR MENDHAM, NJ 07945
2601	2.02	PIERONI, JOSEPH/TRUSTEE	5 BALBROOK DR MENDHAM, NJ 07945
2601	2.03	IDLE, DAVID S & KRISTIN	9 BALBROOK DR MENDHAM, NJ 07945

The Borough of Mendham
6 West Main Street, Mendham, New Jersey 07945
Incorporated May 15, 1906



The Phoenix House

circa 1820

Neil Schetelick, Zoning Officer
Telephone: (973) 543-7152 ext. 23
E-mail: nschetelick@mendhamnj.org

May 5, 2022

Accordia Realty Ventures
4100 Passiac Ave. Suite 150
Fairfield, NJ 07004

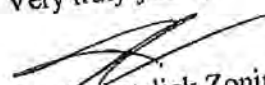
Re: Zoning Denial
350 Bernardsville Rd. Mendham, NJ
Block 2031 Lot 13

N. Magdziak,

This is the denial letter for Zoning Application ZA-22-055 received on May 5, 2021. The conversion of existing buildings to multifamily dwellings not currently allowed in the 5 Acre Zone is denied. Multiple variances are needed before the Zoning application would be approved. In addition to those variances that were listed, any additional variances might be needed after a detailed review.

If you have any questions or wish to discuss the matter further, please contact me at extension 23

Very truly yours,


Neil Schetelick Zoning Officer



Mendham Borough

Date Issued:
Application Number:
Application Date:
Project Number:
Permit Number:
Fee:

5/4/2022

ZA-22-055

5/4/2022

ZA-22-055

\$30.00 CHK
5206896

Zoning Permit

Worksite Location: **350 BERNARDSVILLE RD**
Mendham Borough, NJ

Owner: **SOC OF SISTERS OF CHRISTIAN CHARITY**
Address: **350 BERNARDSVILLE RD**
MENDHAM, NJ 07945

Applicant: **ACCORDIA REALTY VENTURES**
Address: **100 PASSAIC AVE**
SUITE 150
FAIRFIELD, NJ 07004
Zone: **5 ACRE**

Block: 2301 Lot: 13 Qualifier: _____

This Certifies that an application for the issuance of a Zoning Permit has been examined.

Present Use: (None)

Non Conforming Use

Non Conforming Structure

Proposed Use: (None) SUB DIVISION FROM STORAGE TO MULTIFAMILY DEVELOPMENT

Work Description:

Application Approved Date: _____

Upon review it was determined that the Zoning Permit:

Permitted by Ordinance

Permitted by Variance approved on: _____

Approved with Conditions

Valid Nonconforming Use/Structure is established by

Zoning Board of Adjustment

Zoning Officer

Additional Comments:

REQUIRES MULTIPLE VARIANCES

5/4/2022

Date

ZONING OFFICER

DENIED

Borough of Mendham
2 West Main Street
Mendham, NJ 07945
973-543-7152 ext. 23
Email: nschetelick@mendhamnj.org

Zoning Permit Number: ZA-22-055

**ZONING COMPLIANCE REVIEW
APPLICATION**
Joint Land Use Board Variance
PERMIT FEE - \$30.00

Date: 4/27/2022 Block: 2301 Lot: 13 Zone District: R-5

Historic Overlay District: No Main Street Corridor: No
Physical Location of Property for Permit: 350 Bernardsville Road

Name of Applicant: Accordia Realty Ventures Phone #: 973-966-8027

Applicant's Address: 100 Passaic Avenue, Suite 150, Fairfield, NJ 07004 Email: c/o attorney: nmagdziak@daypitney.com

Name & Address of Owner (if different from Applicant): Sisters of Christian Charity
350 Bernardsville Road, Mendham, NJ Phone #: 973-966-8027

Describe the variance request for the property:

Use variance for multifamily residential development (reuse and renovation of existing building)

Bulk variance for side yard setback (64.4 feet for Villa Pauline building where 200 feet is required)

Bulk variance for lot coverage (20.8% for Lot 13.01, where 10% is permitted)

Bulk variance for building coverage (5.78% for Lot 13.01 where 4% is permitted)

Has the property been the subject of any applications to the Joint Land Use Board? Yes No

If yes describe the purpose and date of resolution: OPRA request filed; pending

Zoning District R-5/Religious Campus Primary Structure _____ Accessory Structure _____

	Per Code	Existing	Proposed
Setbacks		Lot 13.01 / Lot 13	Lot 13.01 / Lot 13
Front Yard	75 (R-5) / 400 (RC)	831 / 408.3	408.3 / 839.1
Rear Yard	60 (R-5) / 200 (RC)	905 / 1539	347.1 / 261.8
Side Yard	40 (R-5) / 200 (RC)	262 / 1002	48.1 / 237.2
Side Yard Accessory Building	40 / 200	646.3	49.5 / 64.4
Lot Coverage	10% (R-5 and RC)	8.15%	20.8% / 5.79%
Building Coverage	4% (R-5) / 5% (RC)	3.15%	5.78% / 2.45%
"RC" = Religious Campus			

Please see full zoning table on the enclosed plans.

Type Variance(s) Required
 use variance (N.J.S.A. 40:55D-70d(1)) and bulk variances

Zoning Code Section Non-Compliance

- § 215-13.1.D(7)(b) side yard setback
- § 215-31.1.H(1) lot coverage (as to Lot 13.01)
- § 215-31.1.I building coverage (as to Lot 13.01)

215

USE In the R-5 Zone (as to Lot 13.01)

4/27/2022
Date

Nicole Magdziak
Applicant's Signature

Nicole M. Magdziak, Attorney
Print Applicant's Name

FOR OFFICIAL USE ONLY

THIS IS TO CERTIFY that the above-described premises, together with any buildings thereon, are used or proposed to be used for, or as _____ which is a

Use Permitted by Ordinance Use Permitted by Variance Approved on: _____

Approved

Conditions of approval

Denied

Requires Multiple Variances And Review
Reason for denial

Date 5/5/22

Neil Schetefick
Neil Schetefick, Mendham Borough Zoning Officer

ZONING REQUIREMENTS
5-ACRE RESIDENCE/RELIGIOUS CAMPUS

	<u>REQUIRED</u>		<u>EXISTING</u>	<u>PROPOSED</u>	
	<u>5-ACRE RESIDENCE</u>	<u>RELIGIOUS CAMPUS</u>		<u>PROP. LOT 13.01 (5-ACRE RES.)</u>	<u>REMAINING LOT 13 (REL. CAMPUS)</u>
MIN. LOT AREA	5 AC.	80 AC.	109.92 AC.	23.00 AC.	86.92 AC.
MAX. PEOPLE PER CAMPUS ¹	—	157	—	—	—
MAX. FAMILIES PER LOT	1	—	—	—	—
MIN. STREET FRONTAGE	—	1,000 FT.	±2,075 FT.	—	±2,308 FT.
MIN. LOT WIDTH ⁵	400 FT.	—	±2,075 FT.	±1,124 FT.	—
MAX. BUILDING HEIGHT	45 FT.	45 FT.	36.45 FT. ² (MOTHERHOUSE)	—	36.45 FT. ²
			±127 FT. ⁴ (RESIDENTIAL)	±127 FT. ⁴	—
MAX. LOT COVERAGE	10 %	10 %	8.15 %	19.9 % ⁶	5.79 %
MAX. BUILDING COVERAGE	4 %	5 %	3.15 %	5.78 % ⁶	2.45 %
<u>MAIN BUILDING (MOTHERHOUSE)</u>					
MIN. FRONT YARD SETBACK	—	400 FT.	831 FT. ²	—	839.1 FT.
MIN. REAR YARD SETBACK	—	200 FT.	905 FT. ²	—	261.8 FT.
MIN. SIDE YARD SETBACK ³	—	200 FT.	262 FT. ²	—	237.2 FT.
<u>MAIN BUILDING (RESIDENTIAL/MULTI-FAMILY)</u>					
MIN. FRONT YARD SETBACK	75 FT.	—	408.3 FT. ²	408.3 FT.	—
MIN. REAR YARD SETBACK	60 FT.	—	1,539 FT.	347.1 FT.	—
MIN. SIDE YARD SETBACK ³	40 FT.	—	1,002 FT.	48.1 FT.	—
<u>ACCESSORY BUILDING</u>					
MIN. FRONT YARD SETBACK	75 FT.	400 FT.	23.4 FT. ²	23.4 FT. ⁴	791.2 FT.
MIN. REAR YARD SETBACK	40 FT.	200 FT.	1,340 FT.	395.2 FT.	1,339.9 FT.
MIN. SIDE YARD SETBACK	40 FT.	200 FT.	646.3 FT.	26.3 FT. ⁶	62.1 FT. ⁶

¹ MAXIMUM DENSITY OF 1.75 PERSONS PER ACRE FOR RELIGIOUS CAMPUS ZONE.

² TAKEN FROM PLANS REFERENCED IN NOTE 2B.

³ NO PARKING OR DRIVEWAYS SHALL BE WITHIN THE SIDE YARD SETBACKS.

⁴ EXISTING NON-CONFORMING CONDITION- NO CHANGE.

⁵ FOR CORNER LOTS, THE LESSER FRONTAGE SHALL BE THE LOT WIDTH.

⁶ VARIANCE REQUESTED.

**BOROUGH OF MENDHAM
APPLICATION CHECKLIST**
SEE LAND DEVELOPMENT ORDINANCE CHAPTER 195

Note: All waivers requested are for items to be provided with future site plan application for this site.

ITEM NUMBER	MINOR		MAJOR				VARIANCE			APPLICANT MARK	STATUS	BOROUGH MARK	NOTES
	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	40:56D-70						
							PRELIM	FINAL	(a) & (b)				
1											● COMPLIES		
											N/A		
											WAIVER		
2											● COMPLIES		
											N/A		
											WAIVER		
3											● COMPLIES		
											N/A		
											WAIVER		
4											● COMPLIES		
											N/A		
											WAIVER		
5											● COMPLIES		
											N/A		
											WAIVER		
6											● COMPLIES		
											N/A		
											WAIVER		
7											● COMPLIES		
											N/A		
											WAIVER		
8											● COMPLIES		
											N/A		
											WAIVER		
9											● COMPLIES		
											N/A		
											WAIVER		
10											COMPLIES		
											N/A		
											● WAIVER		
11											● COMPLIES		
											N/A		
											WAIVER		
12											● COMPLIES		
											N/A		
											WAIVER		
13											● COMPLIES		
											N/A		
											WAIVER		

ITEM NUMBER	MINOR		MAJOR				VARIANCE			APPLICANT MARK	STATUS	BOROUGH MARK	NOTES
	SUBDIVISION	SITE PLAN	SITE PLAN WAIVER	PRELIM	FINAL	40:55D-70	(a) & (b)	(c)	(d)				
				SUBDIVISION	SITE PLAN								
14	•	•					•	•		When approval by another municipality is required, such approval shall be certified on the plat, or evidence shall be submitted that an application has been made for approval.	COMPLIES		
											•	N/A	
												WAIVER	
15			•							Copy of most recently approved site plan	COMPLIES		
											•	N/A	
												WAIVER	
16	•	•		•	•	•	•	•		Scale of not less than 1"=50' except 1"=100' on final subdivision plats. Site plans of one acre or less shall utilize a scale not less than 1"=20'.	COMPLIES		
											•	N/A	
												WAIVER	
17	•	•		•	•	•	•	•		Key Map showing the location of the tract with reference to the surrounding properties, existing streets and streams within 1000 feet of the site.	COMPLIES		
											•	N/A	
												WAIVER	
18	•	•		•	•	•	•	•		Name of subdivision or development, Borough of Mendham Morris County.	COMPLIES		
											•	N/A	
												WAIVER	
19	•	•		•	•	•	•	•		Name, title, address and telephone number or subdivider or developer.	COMPLIES		
											•	N/A	
												WAIVER	
20	•	•		•	•	•	•	•		Name, title, address and license number of the professionals who prepared the plot or plan.	COMPLIES		
											•	N/A	
												WAIVER	
21	•	•		•	•	•	•	•		Name, title and address of the owner or owners of record. If owner is a corporation, the name and address of the president and secretary shall be submitted.	COMPLIES		
											•	N/A	
												WAIVER	
22	•	•		•	•	•	•	•		North arrow with reference meridian. Scale (written and graphic).	COMPLIES		
											•	N/A	
												WAIVER	
23	•	•		•	•	•	•	•		Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.	COMPLIES		
											•	N/A	
												WAIVER	
24	•	•	•	•	•	•	•	•		Approval signature lines	COMPLIES		
											•	N/A	
												WAIVER	
25	•	•		•	•	•	•	•		Acreage to the nearest hundredth of an acre; distances in feet and decimals of a foot, bearings given to the nearest 10 seconds. Radii, arcs, central angles and chord bearings and distances of all curves.	COMPLIES		
											•	N/A	
												WAIVER	
26	•	•		•	•	•	•	•		Existing tax map sheet No. and existing block and lot No. of the lots to be subdivided or developed as they appear on the Twp. Tax map. Distance, measured along ROW lines of abutting streets, to the nearest intrsect. with other public streets.	COMPLIES		
											•	N/A	
												WAIVER	
27	•	•	•	•	•	•	•	•		Zoning districts affecting the tract and within 200 feet. District names and tabular schedule of requirements and proposed conditions as the Ordinance, including variance and waiver requests noted on the plat or plan.	COMPLIES		
											•	N/A	
												WAIVER	

ITEM NUMBER	MINOR		MAJOR				VARIANCE			APPLICANT MARK	STATUS	BOROUGH MARK	NOTES			
	SUBDIVISION	SITE PLAN	PRELIM		FINAL	40:55D-70										
			SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	(a) & (b)	(c)	(d)							
28	•	•	•	•	•	•	•	•	•	•	•	•	The locations and dimensions of all existing improvements. Indication of structures to remain and to be removed with spot elevations of such structures. Location of all existing structures within 100' of the property boundary.	• COMPLIES N/A WAIVER		
29	•	•	•	•	•	•	•	•	•	•	•	•	The location of all existing and proposed storm drainage structures and utility lines whether public or privately owned, with pipe sizes grades and direction of flow, location of inlets, manholes and other appurtenances.	• COMPLIES N/A • WAIVER		
30	•	•	•	•	•	•	•	•	•	•	•	•	The proposed location of all proposed screening and landscaping, and a planting plan indicating natural vegetation to remain and areas to be planted with a schedule providing a listing of the botanical and common names, quantity and size of plant material at the time of planting.	• COMPLIES N/A WAIVER		
31	•	•	•	•	•	•	•	•	•	•	•	•	The total acreage of the drainage basin of any watercourse running through or adjacent to the tract.	• COMPLIES N/A • WAIVER		
32	•	•	•	•	•	•	•	•	•	•	•	•	The location and extent of drainage and conservation easements and stream encroachment lines.	• COMPLIES N/A WAIVER		
33	•	•	•	•	•	•	•	•	•	•	•	•	The location, extent and water level elevation of all surface waters and wetlands within 200 feet of the tract.	• COMPLIES N/A WAIVER		
34	•	•	•	•	•	•	•	•	•	•	•	•	Existing and proposed contours, based on USGS datum with a contour interval of 1 ft. for slopes less than 3%, an interval of 2 ft. for slopes between 3 & 10%, and 5 ft. for slopes > 10%. Include slope delineation and tabulations per Section 215-12.4.	• COMPLIES N/A • WAIVER		
35	•	•	•	•	•	•	•	•	•	•	•	•	Road right-of-way dedication and improvement, as applicable.	• COMPLIES N/A WAIVER		
36	•	•	•	•	•	•	•	•	•	•	•	•	Deed descriptions, including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications.	• COMPLIES N/A WAIVER		
37	•	•	•	•	•	•	•	•	•	•	•	•	Soil types as per the County Soil Conservation District. Proposals for soil erosion and sediment control as required by N.J.S.A. 4:24-39 et seq.	• COMPLIES N/A • WAIVER		
38	•	•	•	•	•	•	•	•	•	•	•	•	Locations of existing rock outcrops, highpoints, water-courses, depressions, ponds and marsh areas as determined by survey.	• COMPLIES N/A WAIVER		

ITEM NUMBER	MINOR		MAJOR			VARIANCE		APPLICANT MARK	STATUS	BOROUGH MARK	NOTES	
	SUBDIVISION	SITE PLAN	PRELIM	FINAL	40:55D-70	(a) & (b)	(c)					(d)
39	•	•	•	•	•	•	•	•	•	•	Required front, side and rear setback lines.	• COMPLIES N/A WAIVER
40	•	•	•	•	•	•	•	•	•	•	Size, height and location and use of all proposed buildings including all proposed floor elevations.	• COMPLIES N/A WAIVER
41	•	•	•	•	•	•	•	•	•	•	Location and size of all proposed signage including design and lighting details. If no signage is proposed, a statement to that effect shall be added to the plan.	• COMPLIES N/A WAIVER
42		•									Copy of Building Floor Plan designating the location and floor area (in square feet) a) to be occupied by the applicant for its proposed use, and b) currently occupied by any other use in the building.	COMPLIES N/A WAIVER
43	•		•	•	•						The proposed location, direction of illumination, power and type of proposed outdoor lighting including details, intensity in footcandles and hours of operation.	COMPLIES N/A WAIVER
44	•		•	•	•						The location and design of any off-street parking and loading areas, showing size and location of bays, aisles and barriers.	COMPLIES N/A WAIVER
45	•	•	•	•	•	•	•	•	•	•	All means of vehicular access or egress to and from the site onto public streets, with the information required by Ordinance.	• COMPLIES N/A WAIVER
46	•	•	•	•	•	•	•	•	•	•	Plans showing all existing drainage within 200 ft. of any boundary. Stormwater management calculations depicting compliance with all state and local codes.	COMPLIES N/A WAIVER
47	•	•	•	•	•	•	•	•	•	•	The location of all existing and proposed waterlines, valves and hydrants and all sewer lines or alternative means of sewerage and and sewage disposal and treatment.	COMPLIES N/A WAIVER
48			•	•	•						All proposed streets with profiles, indicating grading; and cross sections showing width of roadway, location and width of sidewalks and location and size of any utility lines conforming to Borough standards and specifications.	COMPLIES N/A WAIVER
49	•	•	•	•	•	•	•	•	•	•	Depiction of any existing or proposed protective covenants or deed restrictions applying to the land being developed.	• COMPLIES N/A WAIVER
50	•	•	•	•	•						Existing and proposed permanent monuments.	COMPLIES N/A WAIVER
51			•	•							Lot Block and street numbers as approved by the Borough Engineer of the Borough of Mendham, including lot and block numbers and owners of the abutting properties.	COMPLIES N/A WAIVER
52	•	•	•	•	•	•	•	•	•	•	A Letter of Interpretation from the NJDEP	• COMPLIES N/A WAIVER

RESOLUTIONS

MENDHAM BOROUGH PLANNING BOARD

RESOLUTION

**GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH VARIANCE RELIEF AND DESIGN STANDARD EXCEPTIONS
FOR SISTERS OF CHRISTIAN CHARITY
BLOCK 2301, LOT 13
APPLICATION NUMBER #15-15**

WHEREAS, The Society of the Sisters of Christian Charity of New Jersey (“Applicant”) has applied to the Planning Board of the Borough of Mendham (the “Board”) for Preliminary and Final Site Plan approval with variance relief and design standard exceptions with respect to the construction of a new Motherhouse on the property located at 350 Bernardsville Road and designated Block 2301, Lot 13 on the Tax Map of the Borough of Mendham (the “Subject Property”); and

WHEREAS, the Application was found to be “complete” at a Board meeting on January 16, 2016, and then a public hearing was commenced on February 8, 2016, continued on March 14, 2016, and concluded on April 11, 2016, during which public hearing representatives of the Applicant testified as to the intent, design, purpose and proposed execution of the project; the Board reviewed the documents and materials filed by Applicant, Exhibits were presented by Applicant’s witnesses and neighbors’ witnesses, arguments were advanced by counsel, and members of the public and the Board’s professionals were given an opportunity to comment on the Application; and

WHEREAS, the Board has considered the Applicant’s submissions for the requested Site Plan approval, variance relief and design standard exceptions, including testimony and Exhibits presented on behalf of the Applicant, the comments of members of the public and testimony and

Exhibits presented on behalf of certain neighboring property owners, and the comments of the Board's consultants;

NOW THEREFORE BE IT RESOLVED that, based upon the foregoing, the Board makes the following findings of fact and conclusions of law:

1. Applicant is the owner of the Subject Property located at 350 Bernardsville Road (Tax Map Block 2301, Lot 13) in the Borough of Mendham.
2. Applicant proposes the construction of a new Motherhouse on the Subject Property, which construction would be accompanied by modifications to the existing on-site driveway network, parking facilities, landscaping, lighting, and other ancillary equipment, structures and facilities.
3. The Subject Property is located in the 5-Acre Residence and Religious Campus Zone District. It comprises a tract of approximately 112 acres, presently improved with the existing Motherhouse for the North American Eastern Province of the Sisters of Christian Charity (the residential hub of the Order), the Villa Pauline (principally a retreat facility) and several accessory structures providing for equipment, storage, garage facilities and a limited number of residential occupancies (which include a three bedroom cottage and four apartment units). The Sisters of Christian Charity have occupied the Subject Property for almost 90 years. The proposed construction of a new Motherhouse reflects the Order's need to consolidate its membership at one location and, in that connection, the need for a more modern and functional facility.
4. In the course of the hearing, various plans and revisions were presented to the Board. The latest revisions of the following plans and plan sets were submitted:
 - A. "Preliminary and Final Site Plans for Sisters of Christian Charity, Block 2301, Lot

13, Borough of Mendham, Morris County, New Jersey” (17 sheets), prepared by Omland Engineering Associates, Inc., dated October 22, 2015 and revised through March 16, 2016 (sheets C-04, -05, -12 and -13 being originally dated March 22, 2016), hereinafter the “Engineering Plans”.

B. Architectural plans (13 sheets) prepared by Perkins Eastman, as follows:

Sheet L-201 “Material Plan”, dated Nov. 13, 2015, revised 3/16/16

Sheet L-300 “Overall Planting Plan”, dated Nov. 13, 2015, revised 3/16/16

Sheet L-301 “Planting Enlargements”, dated Nov. 13, 2015

Sheet L-501 “Site Furnishings”, Nov. 13, 2015, revised 3/16/16

Sheet L-502 “Paving Details”, Nov. 13, 2015

Sheet L-503 “Planting Details”, Nov. 13, 2015

Sheet Z-100 “Lower Level Floor Plan”, dated Dec. 4, 2015, revised 3/16/16

Sheet Z-101 “First Floor Plan”, dated Dec. 4, 2015, revised 12/30/15

Sheet Z-102 “Second Floor Plan”, dated Dec. 4, 2015, revised 12/30/15

Sheet Z-103 “Roof Plan”, dated Dec. 4, 2015, revised 3/16/16

Sheet Z-200 “Overall Building Elevations”, dated Aug. 7, 2015, revised 3/16/16

Sheet Z-201 “Enlarged Exterior Elevations”, dated Aug. 7, 2015

Sheet Z-300 “Site Sections”, dated Dec. 4, 2015, revised 3/16/16

together, hereinafter the “Architectural Plans”.

5. The proposed construction and development of the new Motherhouse and related facilities is consistent with and compliant with the Borough’s Zoning Ordinance provision for a Religious Campus as a permitted use on a tract of at least 80 acres, located

in the 5-Acre Residential and Religious Campus Zone District and having continuous road frontage of at least 1,000 feet. The proposed new Motherhouse satisfies the applicable district regulations with regard to setbacks, building heights, building coverage, impervious coverage, and residential density.

6. In connection with the proposed construction of the new Motherhouse, Applicant acknowledged it would have to provide for new water supply and new sewage disposal system. This would entail commitments from the supplier of the public water service, as well as permits and a new Treatment Works Approval from NJDEP. Applicant advised that it was working out the necessary arrangements with the private supplier of water servicing the area where the Subject Property is located and was engaged in processing the necessary changes to the Waste Water Management Plan, the design and approval of a new sewage disposal system, the processing of required NJDEP permits, and the issuance of a new Treatment Works Approval. Completion of these processes to the satisfaction of the Borough of Mendham would be conditions of approval of the proposed construction and development of the Subject Property.
7. In addition to the Preliminary and Final Major Site Plan Approval sought by Applicant, certain variances would have to be granted to reflect a requirement of the Morris County Planning Board regarding road widening easements and/or title dedications along both Bernardsville Road, Hilltop Road, and at the intersection with Pleasant Valley Road. The result of the grants and/or dedications to the county would reduce the already-non-conforming setbacks of accessory buildings along the frontage of Hilltop Road and a pump house on the frontage of Bernardsville Road. Similarly, the buildings and structures would continue to be non-conforming as to their locations within designated

“front yard” areas. Neither the buildings nor structures are being relocated, but the effective setback is being decreased by approximately 8.25 feet. In addition, certain design standard exceptions are requested. Applicant proposes 9 foot by 18 foot parking stall sizes (relative to the 10 foot by 20 foot standard size required) and certain driveway widths in the on-site network below those normally required by the design standards applicable to Site Plan approval. Applicant also requests that the Board determine the appropriately required number of parking spaces for the new facility (there being no applicable standard for this use in the Ordinance), and determine that the proposed number of parking spaces is adequate. Finally, the Applicant requests that the Board find that the proposed tree removal, under the circumstances of this property and this project, does not constitute an “excessive” removal and, therefore, does not trigger the Tree Replacement Ordinance. Alternatively, should the Board determine that the proposed tree removal is “excessive”, Applicant requests a waiver of the Tree Replacement requirements regarding the absolute number of trees to be planted and the minimum caliper standard.

8. Applicant’s site engineer testified with respect to the proposed layout of the new building and its ancillary facilities. The Board accepts his uncontested testimony that the various accessory buildings and structures on the Subject Property (including the building known as the “Hermitage”, the “cottage”, and the related garages and barns, including their residential apartments) are all within the Ordinance-required 400 foot front yard setback relative to Hilltop Road. Similarly, the pump house located along the frontage on Bernardsville Road is within the required 400 foot front yard setback area. All of these buildings and structures are presently within designated “front yards” of the Subject

Property and will continue to be in their respective "front yards" under the proposed new site development plan. Their dimensional setbacks from the respective roads will be reduced by approximately 8.25 feet as a result of the dedication required by Morris County for future road-widening purposes. Further, Applicant's site engineer testified that although the two water courses on the Subject Property were both designated "Category 1" waterways, thus creating 300 foot deep Riparian Zones, they were unaffected by any of the proposed development or construction on the Subject Property. He testified that there were no activities impacting the Riparian Zones and that all activities are outside all regulated areas.

9. A "T-1" NJPDES Permit is presently in place with respect to the Subject Property. It permits the existing flow on the site from the Motherhouse, Villa Pauline and other structures. An amended NJPDES Permit is being sought and processed. It is anticipated to be issued with a sewage disposal gallonage maximum of not more than 16,000 gallons per day (exclusive of accessory residence and service structures) in the near future. This must be consistent with the already amended Waste Water Management Plan and a new Treatment Works Approval to be obtained.
10. The proposed new Motherhouse would serve, as has the existing Motherhouse, as the residential hub of the Order, but would be a larger and modernized facility to house the consolidated population from the Pennsylvania facility (being phased out) and the Mendham facilities. The structure is designed to provide for 120 residents' rooms, two visitor rooms, a chapel, multi-purpose room, parking garage, common sitting and eating areas, food preparation, administrative offices, and other incidental ancillary functions, all as shown on the Floor Plans and Architectural Plans presented to the Board.

11. In connection with the proposed new Motherhouse, Applicant proposes to provide 74 new 9 foot by 18 parking spaces (61 surface spaces and 13 within a garage area in the building), which includes four handicap accessible spaces (two surface spaces and two in the enclosed garage). Additional parking, already in place on the Subject Property, will continue to be available for use as necessary. The proposed space dimensions are consistent with New Jersey's Residential Site Improvement Standards. Though RSIS does not literally apply to this proposed development, the Motherhouse is essentially a "residential" facility. In addition, 9 foot by 18 foot spaces are consistent with those in the existing parking lot on the Subject Property which were installed approximately 15 years ago and have proved adequate for use on this site. Since there is no parking standard set forth in the Borough's Ordinances for this specific use, the applicable Ordinance provides that the Board shall make a determination regarding sufficiency of parking relative to the nature of the use involved.
12. The Board heard testimony concerning the number of vehicles which are routinely used by Applicant's personnel, the uses and events on the Subject Property which generate vehicular movements and activity onto the site, within the site, and departing the site, as well as historic actual use and anticipated use subsequent to completion of the new Motherhouse and the resulting cessation of active use of the existing Motherhouse. As a result of this testimony, together with the traffic report submitted by Applicant's engineers, the Board concluded that the proposed new parking spaces, together with the existing parking spaces which would remain on the Subject Property, constituted an adequate number of parking spaces. Furthermore, the Board concluded that 9 foot by 18 foot spaces were adequately sized for the nature of the use which would be anticipated

going forward following the conclusion of the construction and development of the Subject Property.

13. Aside from the variances relating to existing accessory buildings and structures, and the two design standard exceptions relating to parking stall size and driveway widths, the proposed new Motherhouse and related development comply with all zone district regulations and all design standards for site planning set forth in the respective Ordinances of the Borough of Mendham. The proposed new Motherhouse, in addition to satisfying the required rear/side setback minimums, would be located at a distance of at least 700 feet from the nearest residential structures on properties abutting the Subject Property.
14. The Board explored with Applicant's witnesses the question of applicability of the Borough's Tree Removal Ordinance. Applicant's witnesses estimated that the Subject Property presently has in excess of 1,000 trees and that there are as many as 235 trees of 8 inch diameter or greater in the area where the new Motherhouse would be constructed. Applicant proposes to establish a limit of disturbance, within which 98 trees would be removed. This is less than 10% of the trees on the site at the present time. In connection with the construction or subsequent to its completion, Applicant proposes to plant 197 trees, approximately 25% of which will be at a height of 20 to 25 feet at the time of planting. Applicant's witnesses urged the Board to determine that under the circumstances of this project and the affected property, as well as the expanse of remaining trees on the site, that the removal of 98 trees would not constitute an "excessive number of trees", such that the Tree Removal and Replacement Ordinance would be triggered. Applicant's witnesses also pointed out that their landscape plan

provided for the planting of almost as many trees as would be required for replacement, even if the Ordinance were to be applied.

15. As the hearing was continued, Applicant's site engineer advised the Board that the Waste Water Management Plan had now been amended to include all areas where buildings will be occupied, though excluding from the Subject Property any steep slope areas or other environmentally sensitive areas. Applicant is presently prosecuting an application with the NJDEP for a new NJPDES permit. Only the new Motherhouse and the Villa Pauline will be connected to the new disposal field (with pre-treatment) under the new Treatment Works Approval, which will be sought after the new NJPDES draft permit issues. Applicant's site engineer indicated that all of the materials submitted to NJDEP with respect to these permits and the treatment works approval process have been furnished to the Borough Engineer and as any further materials are submitted, they will be furnished at the same time to the Borough Engineer.
16. Applicant's site engineer also testified that the Applicant will be submitting revised materials to the Morris County Planning Board to satisfy that Board's requirements. All materials submitted to the Morris County Planning Board will be simultaneously furnished to the Borough Engineer.
17. Applicant's witnesses advise that their present plan for the future use of the existing Motherhouse is not at all defined. They are hopeful that at some point in the future they will be able to make a use which will allow them to preserve and conserve the building itself, but for the foreseeable future, they intend to put it to no active use. The cellular antennas in the cupola and the telecommunications equipment cabinets in the building will remain and continue to function. Beyond this, it is possible that portions of the

building will be used for storage. However, there will be no active occupancy of the existing Motherhouse unless and until a future Application is made and approval obtained. The building will continue to be maintained and is not being abandoned at this time.

18. Applicant's Site Engineer agreed with the Board that the Applicant would comply with all comments in the Borough Engineer's review letter of January 29, 2016. Prior to the continued hearing on April 11, 2016, revised Plans were submitted which addressed many of the Borough Engineer's January 29 comments. The Borough Engineer issued an updated review letter dated April 11, 2016 which reflected the modified scope of his comments as a result of the Plan revisions made by Applicant.
19. Applicant's architect described the concept, purpose, and design of the proposed new Motherhouse. This would serve as the new residential hub of the Order. It would be a more "livable" building than the existing Motherhouse with reduced corridor lengths, shorter walking distances between functional areas and a physical layout which would facilitate access to the chapel and other principal communal features. He went on to describe the earth tone matte (non-reflective) finish of the building's exterior siding. He also indicated that the residents' rooms would not have ceiling fixtures and that each room would have a window equipped with blinds or shades. Indoor garage parking at grade would be provided for approximately half the Order's on-site vehicle fleet, and all compactors, trash, recycling and similar containers would be inside the building. These various design features would not only benefit those residing in or using the building, but would reduce the impacts of occupancy and use of the building on its immediate surroundings and its neighboring properties.

20. At the March 14 continued hearing, Applicant's architect displayed a Sight Line Exhibit in response to a request made by the Board at the February hearing. The Exhibit indicated there was not a visibility issue regarding roof top mechanical units from off-site locations. Limited visibility of certain roof top units would exist internally on the site.
21. The Board was also informed, and the fact demonstrated by an Exhibit graphically depicting the location of points used around the proposed building location to determine "average height", as that term is used in the district standards. Based on the average grade determined by those points, the defined building height is approximately 36.5 feet, with no specific height point exceeding 40 feet (let alone approaching or exceeding the 45 foot permitted maximum).
22. On the subject of signs, Applicant's architect testified that, except for possible on-site directional signs, no new signs were being proposed at this time. Applicant acknowledged that any future signage which might be proposed would have to be submitted for required site plan approvals and permitting.
23. Applicant's architect addressed building mounted lighting. There will be no up lighting of the building facades; but individual down-facing light fixtures will be located at each exit door (typically at a height of approximately 6.5 feet) in accordance with applicable code requirements.
24. Applicant's architect also explained that the construction of the new Motherhouse would involve environmentally positive materials and systems. Although Applicant does not anticipate seeking or obtaining actual LEED certification, the design, materials, systems and construction will follow the LEED guidelines.

25. Operations and activities in the new Motherhouse, based on the testimony of Applicant's representatives, will include an on-going training program for those seeking to become Sisters (the Sisters hope to be training ten candidates at a time). In addition, the leadership for the North American Eastern Province will be residents of the Motherhouse and will have their offices located in the Motherhouse. From this location, they will manage not only the activities on the Subject Property, but also activities at other locations and off-site ministries. In addition, they will manage the operation of the Order's college (now physically located in Denville, New Jersey), the activities of those Sisters who work as teachers and administrators in schools, as well as those who work with parishes and dioceses. Finally, the senior Sisters, presently residing in Danville, Pennsylvania, will relocate to the Motherhouse in Mendham. The Order's Retreat Ministry, presently operated from the existing Motherhouse, will be relocated to the Villa Pauline. There will be four (or perhaps as many as six) Sisters residing at the Villa Pauline. It is anticipated that two of the Sisters will oversee and administer the Retreat Ministry, involving day programs during the week and weekend programs with an average of 9 to 12 persons for any of the day programs and an average of 24 persons for any of the 32 weekend programs per year. Generally, the numbers of people involved in the Retreat Ministry will be fewer than the potential of 44 retreat guest beds in the Villa Pauline. Even if the number rises to that maximum, however, and even if the retreat guests were to be counted for purposes of the maximum density calculation, these individuals together with the Sisters living in the Villa Pauline, the ten on-site staff members, the maximum of 120 residents in the Motherhouse, and the two Motherhouse guest rooms being occupied, would still be fewer than the potential maximum density of

195 persons (calculated based on the 112 acres being devoted presently to the Religious Campus use). Because there is no specific plan going forward with regard to use of the existing Motherhouse, it will be shuttered and simply maintained. Apart from the telecommunications equipment inside the building, it may be used for storage purposes.

26. Applicant's landscape architect reviewed the Landscape Plan and the Overall Planting Plan with respect to tree removal, as well as new trees and shrubs and landscape material to be planted/installed on the Subject Property in connection with the proposed new Motherhouse and development. His Exhibits also depicted the two retaining walls proposed to be installed in the area where the new sewage disposal field will be located. The two walls, each approximately four feet high, are now proposed to be faced with a stone veneer. This will be more attractive than the originally-proposed textured concrete blocks, and will be more in keeping with the stone wall surrounding the Subject Property along Hilltop Road (including in the vicinity where the retaining walls will be located). Based on the Landscape and Planting Plans, there will be 160 new trees planted around the proposed new building and 37 additional trees planted within the courtyards between the residential wings of that building. This will result in a total of 197 new trees being planted, 46 of which are depicted to be evergreens 20 to 25 feet in height at planting.
27. The Landscape and Planting Plans, including the Planting Notes set forth on the Overall Planting Plan, brought the Board to a discussion of the need for appropriate screening and buffer plantings, as well as issues relating to Borough enforcement of conditions of approval relating to such plantings. To a significant extent, the Planting Notes reflected specific provisions of a private agreement between the Applicant and neighboring property owners. Some of the neighboring property owners offered expert testimony

opining on the impact of the proposed project, the potential effect on the neighbors' property value, the need for extensive buffer plantings and screening to eliminate those impacts, and the reflection of those concerns in the private agreement.

28. A lengthy discussion took place between and among the Board members, their consultants, the neighbors' counsel, and others to flesh out the extent to which the Board thought that plantings and other screening devices could be appropriately required as Site Plan elements and conditions of approval, sufficient to reasonably mitigate any negative impacts on surrounding properties, while imposing conditions which could be rationally and reasonably evaluated and enforced by the various responsible Borough officials. The result of the Board's discussion and exploration of this subject was a conclusion that the plantings depicted on the Landscape Plan and the Planting Plan should be installed, as well as the solid fence depicted along the border of the proposed new parking to shield the neighboring properties from vehicular movements and headlight glare created by vehicles maneuvering in the parking lot at night. Two (2) additional trees should be planted to better screen the 8-foot post light at the rear corner of the building. The Board concluded, however, that a number of the Planting Notes should be revised, reflecting the Board's determination that the depicted plantings appeared to constitute reasonable and sufficient mitigation of any negative visual impact of the proposed development, but deleting the specific language of Planting Notes number 13 -17, inclusive (on the March 16, 2016 revision of the Overall Planting Plan, sheet L-300 of the Architectural Plans), and replacing those notes with language reflecting the Board's determination.
29. Applicant's landscape architect also described for the Board and the Board accepts as appropriate for this site development that the only building mounted lights will be those

at the doorways (required safety lighting per applicable codes), that there will be pole mounted lights, as depicted, at the new parking lot (16 feet in height), along the circular drive (12 feet in height), and at the rear of the building area along that portion of the Subject Property which would serve as an emergency egress route (8 feet in height). All fixtures are to be LED lights of a shoebox type (as to 16 foot lights) and as depicted in the fixture detail provided for the 12 foot and 8 foot height lights. The emergency access route lights along the rear of the building area will be tied into the facility's emergency lighting system, in order that they come on only when needed for emergency egress. The parking lot lights and front drive lights will generally be on in the evening (not later than 11:00 p.m.), though they may be specifically turned on at any time during the night when late night or early morning traffic (arrivals or departures) is anticipated. Finally, the low bollard lights depicted along the walkways will be on motion sensors and the uplighting of small trees and shrubs will be on timers to be extinguished no later than 11:00 p.m.

30. After discussion between and among the Applicant's site engineer, the Borough engineer, Applicant's counsel and Board members, water supply issues were clarified as follows:
 - (a) the new public water supply into the site will, at least initially, serve the proposed new Motherhouse and the Villa Pauline, and
 - (b) the existing well which presently serves the present Motherhouse will continue to supply water to that building.
31. Applicant's planner gave uncontested testimony in support of the variances, design standard exceptions, and related site plan element issues. He pointed out that the only variances required were those for existing structures in their present locations on the Subject Property. Each of the accessory structures involved is located in a designated front yard along Hilltop Road or Bernardsville Road. The technical variance relief

required, aside from “front yard” location, involves the increased front setback non-conformities (relative to the 400 foot Ordinance requirement) resulting from the requirement of the Morris County Planning Board that Applicant grant road widening easements along the length of both the Hilltop Road and Bernardsville Road frontages, inclusive of the corner intersection with Pleasant Valley Road. Morris County has agreed that, at least initially, it will accept an easement for possible future road widening, but that some or all of the road widening dedications may have to convert to fee title grants. The non-conforming setbacks resulting from the relocation of the edge of the defined county road right of way are as follows:

- (a) The Hermitage at 15 feet from Hilltop Road;
- (b) The garage/barn behind the Hermitage at 70 feet from Hilltop Road and 290 feet from the Pleasant Valley Road intersection;
- (c) The garage to the east of the garage/barn (including its residential unit) at 245 feet from Hilltop Road;
- (d) Cottage at 110 feet from Hilltop Road;
- (e) Garage next to cottage at 123 feet from Hilltop Road;
- (f) Pump house at 386 feet from Bernardsville Road.

32. Applicant’s planner continued that the described variance relief could be granted under either “c(1)” due to the exceptional and ordinary situation (the county taking) and the fact that the structures are not being built or relocated – they are all existing structures at existing locations. He also opined that they could be justified as “c(2)” variances based on the public benefits from the dedication of the potential road-widening area which facilitates the possibility of conforming road width at a future date. He also opined that the purposes of zoning and planning set forth in the Municipal Land Use Law were being

advanced in connection with the promotion of public health, safety and the general welfare, the provision for potential county right-of-way widening, and the provision of a variety of both public and private uses. In his opinion, under the "c(2)" analysis these planning benefits substantially outweigh the potential detriments, there being little impact on adjoining neighbors, no deprivation of light, air or open space, no adverse impact to the Master Plan or Zone Plan of the Borough, and result in development for a permitted use consistent with the Borough's Master Plan. These latter conclusions were also offered as proof that the negative criteria for variance relief are being satisfied in this instance.

33. The design standard exceptions relating to parking space dimensions were also supported by Applicant's planner in his uncontroverted testimony. He pointed out that the proposed 9 foot by 18 foot spaces are a basic state wide standard under the Residential Site Improvement Standards for residential uses. Though this proposed development is not technically governed by RSIS, it is essentially a residential building and, therefore, will generate the same sorts of traffic that one could say are deemed adequately served by 9 foot by 18 foot spaces. Further, Applicant's experience with 9 foot by 18 foot spaces on site is that they have worked perfectly well. The ability to be able to develop with less paved area will minimize site disturbance, minimize lot coverage, and provide adequate parking and circulation area for the relatively limited vehicular use and circulation anticipated with this use. Though it would clearly be possible to put 10 foot by 20 foot spaces in a parking area on this Subject Property, the benefits of reduced pavement are desirable and support the granting of design waivers. Similarly, he argued that the same rationale applies to the granting of the design standard exception for driveway widths,

citing the testimony offered that the existing driveway network has been functioning for years and is entirely adequate for the level of traffic associated with this site and its present uses.

34. Though Applicant's planner also testified concerning the justification for a design standard exception as to possible Tree Replacement Ordinance requirements, the Board's determination that the proposed tree removal did not constitute an "excessive" removal rendered that waiver issue moot.
35. Apart from the earlier-mentioned discussions involving neighbors, their representatives and expert witnesses, and their counsel regarding buffers and visual screening matters, other public comments were principally questions which seemed to be satisfactorily answered, or comments supportive of the Application.
36. Applicant agreed, with regard to the buffer plantings and visual screening, that subsequent to installation in accordance with the Landscape Planting Plan, an evaluation (with prior notice to the abutting owners) would be made by the Borough Engineer of the efficacy relative to the northerly properties adjoining the Subject Property. This evaluation will be conducted both in daylight (as to the structure itself), and after dark, as to the impact of various types of illumination in the new Motherhouse and/or serving its ancillary facilities. Applicant will plant additional trees and/or provide other forms of visual screening satisfactory to the Borough Engineer if it is determined by the Borough Engineer that potential impacts have not been reasonably mitigated, taking into account short term normal growth rates for plant material previously existing or installed on the Subject Property for this purpose.

37. Based upon all of the foregoing, the Board concluded that Applicant had satisfied the requirements relating to design and layout of the proposed Site Plan and, thus, that the Site Plan approval sought, together with setback and front yard location variances for existing structures, as well as design standard exceptions for parking stall dimensions and driveway widths as shown on the Engineering Plans and/or the Architectural Plans and as described above, could, with appropriate conditions, be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Mendham that, based upon the foregoing, the Application of the Society of the Sisters of Charity of New Jersey for preliminary and final major site plan approval, together with variances to permit the existing accessory structures to remain as located in the "front yard" areas along Hilltop Road and Bernardsville Road, and at non-conforming front yard setbacks as detailed in Finding No. 31, above, and to permit design standard exceptions for 9 foot by 18 foot parking stalls in the proposed new parking lot and retention of the existing driveway network, notwithstanding certain portions fail to meet the minimum width requirements set forth in the Borough's design standards, on property located at 350 Bernardsville Road and designated Block 2301, Lot 13 on the Tax Map of the Borough of Mendham, all as depicted on the Engineering Plans and/or Architectural Plans referenced above (as these Plans are to be revised to conform to the conditions of approval), be and hereby are approved and granted, subject to the following:

1. Applicant shall comply with all applicable regulations and obtain all licenses, permits, and other approvals which may be required for the project which is the subject matter of

this Application, whether from any municipal, county, state or federal board, body or agency having jurisdiction over the Subject Property or the project.

2. Any and all taxes and other municipal charges shall be paid and current through the second quarter 2016. Applicant shall also pay all application and escrow fees and any other fees required in connection with the completion of this Application or this project.

3. Construction and operations of the new Motherhouse and its related facilities, as well as operations of other buildings and facilities on the Subject Property, shall be in accordance with the testimony adduced at the public hearing on this Application, the findings and conclusions of the Board as set forth in this Resolution, and the conditions of approval set forth herein.

4. Applicant shall be responsible for any required Affordable Housing obligations or Affordable Housing fees or payments resulting from the construction approved herein. The Borough Attorney shall determine the applicable requirements, if any, to satisfy this condition.

5. Plan revisions to the satisfaction of the Borough Engineer shall be made in accordance with the April 11, 2016 comment letter from the Borough Engineer, as well as revisions to graphic depictions, text and Plan Notes relating to Landscape and Planting Plans, including deletion of "Planting Notes" 13 to 17, inclusive, from the Overall Planting Plan (Sheet L-300), and parallel revisions shall be made to any graphics or language on other Plan documents. Those plantings identified and designated as "buffer plantings" (on the "Overall Planting Plan" – Sheet L-300) and installed to provide screening between the proposed Motherhouse and Cromwell Lane shall be subject to a continuing obligation of Applicant and its successors in interest to maintain the buffer plantings shown on the Plan and to replace dead or

damaged trees as necessary in accordance with the planting schedule on the plans. A new Note 14 shall be added to the Planting Notes on Sheet L-300 stating this obligation.

6. With regard to the buffer plantings and visual screening, subsequent to installation in accordance with the Landscape Planting Plan, an evaluation (with prior notice to the abutting owners) will be made by the Borough Engineer as to the efficacy relative to the northerly properties adjoining the Subject Property. This evaluation will be conducted both in daylight (as to the structure itself), and after dark, as to the impact of various types of illumination in the new Motherhouse and/or serving its ancillary facilities. Applicant will plant additional trees and/or provide other forms of visual screening satisfactory to the Borough Engineer if it is determined by the Borough Engineer that potential impacts have not been reasonably mitigated, taking into account short term normal growth rates for plant material previously existing or installed on the Subject Property for this purpose.

7. Applicant shall comply with the Borough Planner's comments (1/29/16 memo) to the satisfaction of the Borough Planner.

8. Applicant shall comply with the Borough Engineer's comments (4/11/16 letter) to the satisfaction of the Borough Engineer, including but not limited to referenced conditions described therein.

9. Applicant shall comply with the Fire Official's comments (1/4/16 report) to the satisfaction of the Borough's Fire Official.

10. Applicant shall comply with the requirements of the Morris County Planning Board (1/19/16 letter, and as modified by 3/8/16 e-mail exchange) to the satisfaction of the Morris County Planning Board.

11. To the extent not modified expressly or by necessary implication, by this approval, the conditions of previously-granted approvals relating to this Property remain in full force and effect.

12. Applicant shall obtain completion and approvals/grants of amendments of the Waste Water Management Plan and a new NJPDES permit for maximum of 16,000 gallons per day total site volume (exclusive of accessory residence and service structures), and a new Treatment Works Approval.

13. Deliveries to the property are to be generally limited to Monday through Friday, 8:00 a.m. through 5:00 p.m.

14. Applicant shall comply with all NJDEP and Borough Ordinance requirements for Major Project Storm Water Management, including the provision of an Operations and Maintenance Manual. Compliance with the Storm Water Management Operations and Maintenance Manual shall be noted in a property deed or otherwise made a matter of record in the Office of the Morris County Clerk.

15. Applicant shall deliver to the Borough Engineer all applications, requests and materials submitted to NJDEP, Morris County, or any other county, regional or state agency or body at the time of any such submission.

16. As to the new Motherhouse:

- (a) the individual bedrooms will not have ceiling light fixtures, and all bedroom windows will have blinds or shades;
- (b) there shall be no external up-lighting on the building;
- (c) all trash, recycling, compactors and containers will be inside the building; and
- (d) the building façade siding materials shall be matte finish (non- reflective) earth tone colors.

17. Given that traffic and parking analyses assumed no active use of the Malinckrodt Convent, once occupancy of the new Motherhouse begins, the existing Malinckrodt Convent will not be used for any active use without further application and approval by the Planning Board or other appropriate Approving Authority. [It is understood that the building may be used for certain storage purposes, will be maintained, and is not being abandoned at this time].

18. Other than on-site directional signs, no new signs shall be installed without approvals and/or permits, as required.

19. The new public water supply into the site will, at least initially, serve the proposed new Motherhouse and the Villa Pauline, and the existing well which presently serves the present Motherhouse will continue to supply water to that building. Nothing in this approval shall preclude the running of public water to any structure currently being served by an on-site well.

20. Lighting shall be as described in Finding nos. 23 and 29.

21. For purposes of defining a condition of approval imposed by this Board, construction on the Subject Property, work on the improvements, and the use and operations of all facilities on the Subject Property shall be in accordance with the plans and materials furnished to the Board and receiving Board approval, the testimony presented at the hearing (not inclusive of those private agreement elements which have not been incorporated by the Board as conditions of approval), the findings and conclusions set forth in the Board's Resolution, and the conditions of approval set forth therein.

22. A recitation shall be placed on the Overall Planting Plan stating that: "A private written agreement has been entered into between the Applicant and certain neighbors on abutting property to the north (at the end of the Cromwell Lane cul-de-sac), the terms of which, notwithstanding any expression or suggestion to the contrary in the Planning Board's Resolution,

will not be subject to enforcement by the Borough of Mendham beyond those coincident conditions of approval expressly set forth by the Board in this May 9, 2016 "Memorializing Resolution."

23. Prior to any site work being commenced, the site plans must be signed by the Board, all required inspection fees and bonds must be posted, and a pre-construction meeting shall be held in accordance with the requirements of the Borough Engineer

24. Conditions numbers 1, 2 (to current), 4 (if applicable), 5, 7, 8, 9, 10, 12, 14 (the Manual), 20 (as to Plans), and 22 shall be satisfied prior to the signing of the Site Plan documents by the Board and the Borough Engineer.

25. Subject to concurrence and agreement by the governing body (the Borough Council), and subject to such additional conditions as may be imposed by the governing body, and only once the Applicant's application to the NJDEP for a Treatment Works Approval consistent with the sewage disposal system proposed for this project has been deemed "complete" by the NJDEP, the actual receipt of the said Treatment Works Approval from the NJDEP shall be excepted from the requirements of Conditions Nos. 1 and 12 relative to satisfaction prior to the signing of the Site Plan documents by the Board and the Borough Engineer (as listed in Condition No. 24), but only to permit the Applicant to proceed with site work (no building) and in compliance with a developer's agreement which provides, among other things, the following:

1. They post a site restoration bond to provide for the unlikely event that the project doesn't otherwise proceed as approved.
2. Applicant acknowledges in writing that they are proceeding in this fashion at their sole risk.
3. Applicant can do only site work (no building) once the TWA is deemed complete by the DEP (and all other approvals are in place).

4. If Applicant wants to start the building, there needs to be a conference call between their engineer, the DEP and the Borough Engineer to check on the status of the application review – no earlier than 4 weeks from the start of site work. If the DEP indicates to the satisfaction of the Borough Engineer that there is sufficient progress in the review and they do not see any impediments, Applicant may go back to the governing body to get a release on the footings and foundations only.



In the event the said Treatment Works Approval is not obtained by Applicant from the NJDEP, the Subject Property shall be restored to the extent practicable.

BE IT FURTHER RESOLVED that this Resolution adopted this 9th day of May, 2016, memorializes the action of the Board as set forth above, taken at its regular meeting on April 11, 2016.

Dated: May 9, 2016


The Vote:
In Favor: 6

MENDHAM BOROUGH
PLANNING BOARD


Richard Kraft, Chairman
Carolyn Mazzucco, Secretary

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Mendham Borough Planning Board at its regular meeting on May 9, 2016.


Carolyn Mazzucco, Recording Secretary

ENCUMBRANCES

1. JCP&L and NJ Bell Telephone Company Right of Way Agreement (Deed Book 2897, Page 89)
2. PSE&G Easement (Deed Book 3296, Page 239)
3. PSE&G Easement (Deed Book 23139, Page 1209)
4. JCP&L and Verizon of New Jersey, Inc. Easement (Deed Book 23232, Page 1771)
5. Comcast of Central New Jersey I, LLC Easement (Deed Book 23676, Page 1850)
6. Settlement Agreement Between The Society of the Sisters of Christian Charity and Harry and Maxine Riskin (Deed Book 23804, Page 1161)
7. New Cingular Wireless PCS, LLC Memorandum of Lease (Deed Book 21584, Page 1096)
8. Developer's Agreement (Deed Book 22912, Page 1092)
9. Morris County Right of Way Dedication (Deed Book 22948, Page 1162)
10. Morris County Right of Way Easement (Deed Book 22948, Page 1174)

Right of Way Agreement

300019
JS-249168

(OVERHEAD)

(UNDERGROUND)

116212

IN CONSIDERATION of One Dollar (\$1.00), paid by JERSEY CENTRAL POWER & LIGHT COMPANY, a New Jersey corporation, or NEW JERSEY BELL TELEPHONE COMPANY, the receipt of which is hereby acknowledged, the undersigned do (does) hereby grant and convey unto said Jersey Central Power & Light Company, its successors and assigns, and New Jersey Bell Telephone Company, its associated and allied Companies, their successors and assigns, the right to enter without notice upon premises of the undersigned in the

Borough of Mendham County of Morris and State of New Jersey, situate on the easterly side of Hilltop Road being known and designated as Lot 13 of Block 15 shown on the official tax map of the Borough of Mendham.

*Pole, and from time to time to install, maintain, renew, relocate, redesign, alter and remove transformer, transformer pads, crossarm switches, switch enclosures, switch enclosure pads, service pedestals, street light standards and underground wires, cables, conduits, ducts, manholes, handholes, fixtures and appurtenances in perpetuity for the transmission and distribution of electricity and the operation of communication and CATV systems, and in addition thereto to install and maintain such other wires, facilities and appurtenances as said Companies may deem necessary and proper, upon, under, across, along that 15 foot wide strip of land, the sidelines of which are parallel or concentric with and lie 7 1/2 feet on either side of that certain electric cable as the same is laid, extending from

this grant is to consist of the right and privilege to erect and maintain a distribution pole (ME-347) together with an anchor and guy within the above mentioned premises opposite present pole ME 243; thence to install from pole ME-347 underground electric wires extending easterly into said premises for a distance of 627' feet more or less to said hole #726; thence continuing said underground electric wires in a southeasterly and easterly direction for a distance of 193' feet more or less and to terminate at transformer and pad #727 together with its associated equipment.

Together with the right to extend underground service laterals to all buildings on said premises. No part of said lines except switches, switch enclosures, switch enclosure pads, transformers, transformer pads, service pedestals, street light standards, meters and risers shall extend substantially above the existing level of the ground.

It is agreed that the Companies may improve said facilities from time to time so that utility service may be supplied in a proper manner and shall have the right to trim or cut and remove such trees, tree branches, shrubs, roots, or obstructions as may be required to maintain service at all times or access thereto.

Date 9/9 1986

WITNESS:

RECEIVED

OCT 29 9 53 AM '86

Joseph J. ...

MORRIS COUNTY CLERK

COUNTY OF MORRIS
CONSIDERATION 1.00
REALTY TRANSFER FEE exempt
DATE OCT 29 1986 BY J.J.B.

(L.S.)

(L.S.)

(L.S.)

(Non-corporate)
(Transferee)

(Corporate)
(Grantor)



INSTRUMENT REC'D IN DEED

THE SOCIETY OF THE SISTERS
OF CHRISTIAN CHARITY OF NEW JERSEY
J.C.P. 20.00
CHA

By Sister Patricia Lyane President
Secretary

BOOK 2897 PAGE 89

SKA

FORM 321

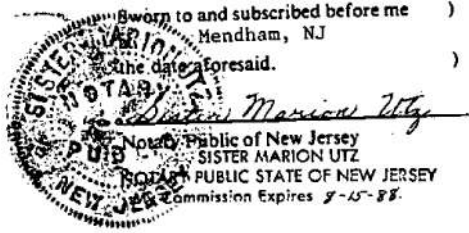
STATE OF NEW JERSEY)

COUNTY OF MORRIS)

BE IT REMEMBERED, that on this 9th day of September, 1986, before me, the subscriber, personally appeared S. Mary Frances Eiden who, being by me duly sworn on his oath, deposes and proves to my satisfaction, that she is the Secretary of The Society of the Sisters of Christian Charity of New Jersey the Grantor named in the within Instrument, that S. Patricia Lynch the President of said corporation; that the execution, as well as the making of this instrument, has been duly authorized by a proper resolution of the Board of Directors of said corporation; the deponent well knows the corporate seal of said corporation; and the seal affixed to said Instrument is such corporate seal and was thereto affixed, and said Instrument signed and delivered by said _____ President, as and for the voluntary act and deed of said corporation, in presence of deponent, who thereupon subscribed h name thereto as witness. The full and actual consideration paid for the transfer of title to realty evidenced by the within Deed, as such consideration is defined in P.L. 1968, c.49, Sec. 1(c), is \$1.00.

(Corporate)

Sister Mary Frances Eiden, S.C.C.
SECRETARY
SISTER MARY FRANCES EIDEN



Sworn to and subscribed before me)
Mendham, NJ)
the date aforesaid.)
Sister Marion Utz
Notary Public of New Jersey
SISTER MARION UTZ
PUBLIC STATE OF NEW JERSEY
Commission Expires 8-15-88

My Commission Expires 8-15-88

Parcel No. _____
Linc: MOBARS
County: _____

RIGHT OF WAY AGREEMENT
(UNDERGROUND)
11339 W.O.# 85-249168

*THE SOCIETY OF THE SISTERS
OF CHRISTIAN CHARITY OF
NEW JERSEY*

TO
JERSEY CENTRAL POWER
& LIGHT COMPANY

Dated September 9, 1986

RECEIVED in the Clerk's Office of the County
of New Jersey, on the
19_____ day of _____ at _____ o'clock in the
noon, and recorded in Book _____ of Deeds
for said County, on Page _____
Sister Mary Frances Eiden
This instrument prepared by:

RECORD AND RETURN TO
JERSEY CENTRAL POWER & LIGHT COMPANY
REAL ESTATE DEPARTMENT
MADISON AVE. AT PUNCH BOWL RD.
MORRISTOWN, N.J. 07960

STATE OF NEW JERSEY)

COUNTY OF _____)

BE IT REMEMBERED, That on this _____ day of _____, 19____, in the County and State aforesaid, personally appeared before me, the subscriber, a Notary Public of New Jersey, _____ who, I am satisfied, _____ the Grantor _____ mentioned in the within Instrument, to whom I first made known the contents thereof, and thereupon _____ acknowledged that _____ signed, sealed and delivered the same as _____ voluntary act and deed for the uses and purposes therein expressed. The full and actual consideration paid for the transfer of title to realty evidenced by the within Deed, as such consideration is defined in P.L. 1968, c.49, Sec. 1(c), is \$1.00.

(Direct Acknowledgment)

Notary Public of New Jersey _____

My Commission Expires _____

STATE OF NEW JERSEY)

COUNTY OF _____)

I, _____, hereby certify that on the _____ day of _____, 19____, in the County of _____ and State aforesaid, personally appeared before me _____, whom I personally know to be the subscribing witness to the execution of the foregoing Instrument and who, being duly sworn, deposed and said that _____ he subscribed h name to the said Instrument as a subscribing witness on the date contained therein, and that _____ he saw _____ sign, seal and deliver the said Instrument as _____ voluntary act and deed, and that _____ he subscribed h name thereto at the same time as an attesting witness. The full and actual consideration paid for the transfer of title to realty evidenced by the within Deed, as such consideration is defined in P.L. 1968, c.49, Sec. 1(c), is \$1.00.

(Subscribing Witness Act.)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year aforesaid.

Notary Public of New Jersey _____
BOOK 2897 PAGE 90

My Commission Expires _____

42979

THIS INDENTURE, made this 10th day of March, nineteen hundred and eighty-nine (1989), between THE SOCIETY OF THE SISTERS OF CHRISTIAN CHARITY OF NEW JERSEY, having its principal office at Bernardsville Road, Mendham, New Jersey hereinafter called "Grantor," and

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, a corporation having its office at 80 Park Plaza, Newark, New Jersey, hereinafter called "Grantee."

WHEREAS, Grantor is the owner in fee simple of a certain tract of real property situate in the Borough of Mendham County of Morris, New Jersey, commonly known as Block 15, Lot 13, and,

WHEREAS, Grantee is a public utility of the State of New Jersey, engaged in furnishing gas service to subscribers in the State of New Jersey, and,

WHEREAS, the Grantor does agree to convey an EASEMENT IN PERPETUITY to Grantee for its use, occupancy and enjoyment in connection with the provision of gas service thereto, and for the conduct of its business, upon the conditions, covenants, promises and terms set forth hereunder, for the mutual benefit of both Grantor and Grantee;

NOW, THEREFORE WITNESSETH: In consideration of these premises and the sum of One Dollar (\$1.00), paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, and in further consideration of the mutual conditions, covenants, promises and terms hereinafter contained, it is agreed that:

Grantor does hereby GRANT AND CONVEY unto Grantee an EASEMENT IN PERPETUITY, in, under, through, upon, over and across the hereinbefore described lands of Grantor, with full rights, privileges and authority for Grantee to enter upon same from time to time, WITHOUT NOTICE to Grantor, for the purpose of inspecting, locating, relocating, installing, altering, extending, constructing, repairing, replacing, rebuilding, removing and perpetually operating, maintaining and using mains, pipes, manholes, handholes, regulator vent poles and other fixtures, appurtenances and facilities which Grantee may, in their exclusive discretion and sole judgment, deem necessary or proper for the transmission and distribution of gas; together with such free and unlimited access to, egress and ingress in, from and over all points of said Easement Area, WITHOUT NOTICE to Grantor, as is reasonable or necessary for the full use, occupancy and enjoyment of said Easement. Said easement being more particularly as shown on drawing number PR 20-88C hereto attached, and hereby made a part hereof.

Grantor does further grant and convey to Grantee, the right, privilege and authority to trim, cut and remove, WITHOUT NOTICE to Grantor, such tree branches, roots, shrubs, plants, trees and vegetation which might, within the exclusive discretion and sole judgment of Grantee, interfere or threaten the safe, proper or convenient use, maintenance or operation of said gas facilities within the Easement Area.

Grantor shall have the right to use, occupy and enjoy the surface and air space above the Easement Area for any purpose which does not, within the exclusive discretion and sole judgment of Grantee, interfere or threaten the safe, proper or convenient use, occupancy or enjoyment of same by Grantee. Grantor agrees, however, that no buildings or structures shall be erected over said facilities of Grantee.

Grantee shall perform all work in connection with the rights, privileges and authority herein granted and conveyed in a workmanlike manner and with a minimum of inconvenience to the Grantor; and any damage done to the land or premises of Grantor shall be promptly repaired and restored to its condition immediately prior to damage, at the sole cost and expense of the Grantee.

If Grantor shall, at any time after the initial installation of said facilities, request Grantee to relocate said facilities to a different location or locations, it shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of Grantor, Grantee to have the same rights and privileges in the new location or locations as in the former location or locations.

Grantor covenants to warrant generally the rights above granted, will execute such further assurance of the same as may be requisite, and that Grantee shall have the quiet possession thereof free from all encumbrances.

By the acceptance of this instrument Grantee agrees to abide by the terms and conditions herein on its part to be performed and shall be deemed signatory hereto, and the provisions of this indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their heirs, executors, administrators, successors, and assigns.

PREPARED BY: Jeffrey E. Czarniecki

INSTRUMENT REC'D IN DEED

(TYPED NAME)

BOOK 3296 PAGE 0209

Jeffrey E. Zamb
SIGNATURE

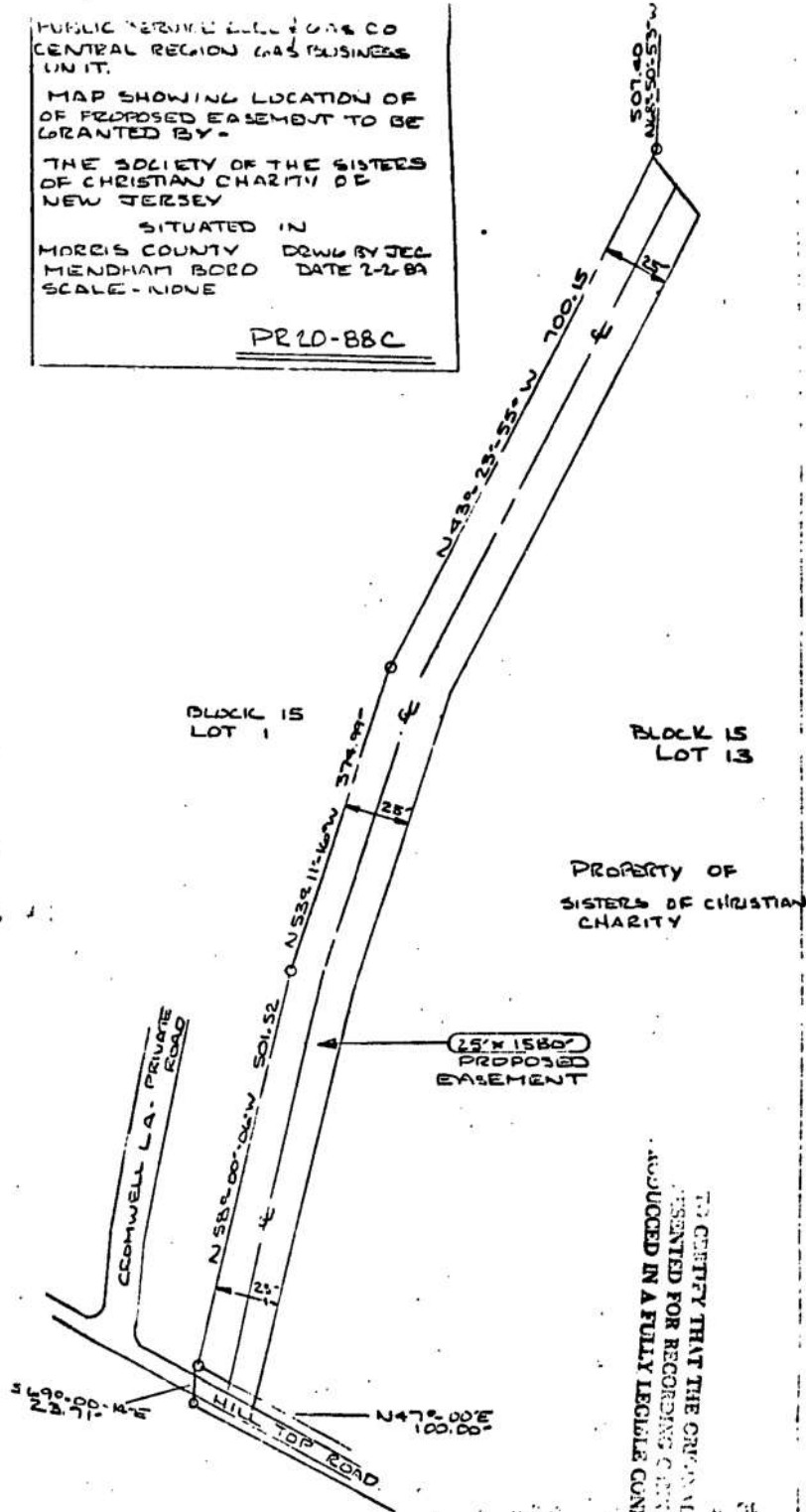
PUBLIC SERVICE ELECTRIC & CO
CENTRAL REGION GAS BUSINESS
UNIT.

MAP SHOWING LOCATION OF
OF PROPOSED EASEMENT TO BE
GRANTED BY -

THE SOCIETY OF THE SISTERS
OF CHRISTIAN CHARITY OF
NEW JERSEY

SITUATED IN
MORRIS COUNTY DRAWN BY JEC
MENDHAM BOED DATE 2-2-89
SCALE - NONE

PR 10-BBC



TO CERTIFY THAT THE ORIGINAL
PRESENTED FOR RECORDING CONFORMS
ADJUDGED IN A FULLY LEGIBLE CONDITION

Morris County Recording Cover Sheet



**Honorable Ann F. Grossi, Esq.
Morris County Clerk**

MORRIS COUNTY, NJ
Ann F. Grossi
EAS-OR BOOK 23139 PG 1209
RECORDED 06/12/2017 08:44:11
FILE NUMBER 2017033174
RCPT # 1265422; RECD BY: SKEEFE eRecord
RECORDING FEES 90.00
INDEX FEE

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:
2017-04-26

Type of Document:
EASEMENTS

First Party Name:
THE SOCIETY OF THE SISTERS CHRISTIAN
CHARITY OF NEW JERSEY

Second Party Name:
PUBLIC SERVICE ELECTRIC AND GAS
COMPANY

Additional Parties:

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:

Lot:

Municipality:
MENDHAM BORO

Consideration:

Mailing Address of Grantee:

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:

Original Page:

MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

Corporation Grant of Easement

Prepared by: _____
[PSE&G representative]

RECORD & RETURN TO:
CORPORATE PROPERTIES DEPT.
PSEG SERVICES CORP.
80 PARK PLAZA, T6B
NEWARK, NJ 07102-4194

GRANT OF EASEMENT

THIS INDENTURE, made this *26th* day of *April*, 2017, between [CORPORATION THAT OWNS LAND] THE SOCIETY OF THE SISTERS OF CHRISTIAN CHARITY OF NEW JERSEY, with an office at 350 Bernardsville Road, Mendham, New Jersey 07945, (hereinafter called "Grantor"), and **PUBLIC SERVICE ELECTRIC AND GAS COMPANY**, a corporation of the State of New Jersey, having its office at 80 Park Plaza, Newark, New Jersey 07102 (hereinafter called "Grantee").

WHEREAS, Grantor is the owner in fee simple of a certain tract of real property situate in the ~~Township~~ *Borough* of Mendham, County of Morris and State of New Jersey, commonly known as Block 2301, Lot s 13 and 13.01 (hereinafter the "Property"); and

WHEREAS, Grantee is a public utility of the State of New Jersey, engaged in furnishing utility service to subscribers in the State of New Jersey; and

WHEREAS, the Grantor does agree to convey an easement in perpetuity to Grantee for its use, occupancy and enjoyment and the use, occupancy and enjoyment of its licensees, successors in interest and assigns, in connection with the provision of utility service thereto and for the conduct of its business, all in accordance with and for the purposes set forth in this Grant of Easement, for the mutual benefit of both Grantor and Grantee;

NOW THEREFORE, WITNESSETH: In consideration of these premises and the sum of ONE (\$1.00) DOLLAR, paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, and in further consideration of the mutual conditions, covenants, promises and terms hereinafter contained, it is agreed that:

1. Grantor does hereby grant and convey unto Grantee an easement in perpetuity in, under, through, upon, over and across the hereinbefore described Property of Grantor, with full rights, privileges and authority for Grantee to enter upon same from time to time, for the purpose of inspecting, locating, relocating, installing, altering, extending, constructing, repairing, replacing, rebuilding, removing and perpetually operating, maintaining mains, pipes, manholes, handholes, regulator vent poles and other fixtures, appurtenances and facilities (hereinafter the "Facilities") which Grantee may, in its exclusive discretion and sole judgment, deem necessary or proper for the transmission and distribution of gas, together with such free and unlimited access to, egress and ingress in, from and over all points of said Property, as is reasonable or necessary for the full use, occupancy and enjoyment of said easement. Said easement area and the Facilities to be installed therein are more particularly shown on Drawing No. 080172-CO-001 attached hereto and made a part hereof.

2. Grantor does further grant and convey to Grantee the right, privilege and authority to trim, cut and remove such tree branches, roots, shrubs, plants, trees and vegetation which might, within the exclusive discretion and sole judgment of Grantee, interfere with or threaten the safe, proper or convenient use, maintenance or operation of said Facilities within the easement area. Grantee shall not be responsible for any damage to any trees or other vegetation due to the installation of the Facilities.

3. Grantor shall have the right to use, occupy and enjoy the surface and air space around the easement area for any purpose which does not interfere or threaten the safe, proper or convenient use, occupancy or enjoyment of same by Grantee. Grantor agrees, however, that no buildings or structures shall be erected over or within ten (10) feet of said Facilities of Grantee.

4. Grantor shall have the right to allow other utilities to use the said easement area for any purpose, which does not in any way interfere with the accessibility and safe operation of said Facilities of Grantee, and subject to the consent of Grantee. Grantor's right to allow other utilities to use the easement area does not include the right to allow other utilities to use the Facilities that Grantee has installed in the easement. Grantor's right to allow other utilities to use the easement area shall in no way limit the rights granted to Grantee in this Easement.

5. Grantee shall perform all work in connection with the rights, privileges and authority herein granted and conveyed in a workmanlike manner and with a minimum of inconvenience to the Grantor; and any damage done to the land or premises of Grantor shall be promptly repaired and restored to its condition immediately prior to damage, at the sole cost and expense of Grantee.

6. If Grantor shall, at any time after the initial installation of said Facilities, request Grantee to relocate said Facilities to a different location or locations, it shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of Grantor, Grantee to have the same rights and privileges in the new location or locations as in the former location or locations.

7. Grantor covenants to warrant generally the rights above granted, will execute such further assurance of the same as may be required, and that Grantee shall have the quiet possession thereof free from all encumbrances.

8. Grantee shall defend and indemnify Grantor against, and shall save Grantor harmless from, and shall reimburse Grantor with respect to, any and all claims, demands, actions, causes of action, injuries, orders, losses, liabilities (statutory or otherwise), obligations, damages, fines, penalties, costs and expenses (including without limitation, reasonable attorneys' fees and expenses) incurred by, imposed upon or asserted against Grantor by reason of any accident, injury (including death at any time resulting therefrom) or damage to any person or property arising out of or resulting from any acts or omissions of Grantee or by any employee, licensee, invitee or agent of Grantee.

9. This Grant of Easement shall be governed by and construed in accordance with the laws of the State of New Jersey and recorded on the title to the Property.

10. By the acceptance of this instrument, Grantee agrees to abide by the terms and conditions herein on its part to be performed and shall be deemed signatory hereto, and the provisions of this indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their successors and assigns.

IN WITNESS WHEREOF, Grantor has duly signed these presents the day and year first above written.

ATTEST:

GRANTOR (Corporation):

By: *Sister Donna Brady*
Name: *Sister Donna Brady*
Title: *Secretary*

By: *Sister Mary Edward Spolner*
Name: *SISTER MARY EDWARD SPOLNER*
Title: *Provincial Superior*

STATE OF NEW JERSEY)
: SS.)
COUNTY OF MORRIS)

BE IT REMEMBERED, that on this *26* day of *April*, 2017, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared [name of person who signed] *Sister Mary Edward Spolner* who, I am satisfied, is [Title] *Provincial Superior of [Corporation Name] The Society of the Sisters of Christian Charity of New Jersey*, the corporation named in and which executed the foregoing instrument and is the person who signed said instrument as such officer for and on behalf of said corporation and sealed with its corporate seal, as the voluntary act and deed of said corporation, by virtue of authority from its Board of Directors. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within easement, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c), is less than \$100.00.

Sister Maria Assumpta Shurer, SCC
Notary

PSE&G ASSOCIATE TO RECORD & RETURN TO: **SISTER MARIA ASSUMPTA SHURER SCC**
Corporate Properties
PSEG Services Corporation
80 Park Plaza
Newark, NJ 07102
ID # 2211726
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 2, 2018



March 28, 2017
Proj. 080172-C0-001
OEA: 121103

DESCRIPTION OF A 20 FOOT WIDE GAS EASEMENT SITUATED IN THE BOROUGH OF MENDHAM, MORRIS COUNTY, NEW JERSEY.

Being a portion of Lot 13, Block 2301 as shown on map entitled "Exhibit, Sisters of Christian Charity, Proposed Gas Easement, Borough of Mendham, Morris County New Jersey" prepared by Bowman Consulting, dated March 28, 2017.

BEGINNING at a point in the proposed southeasterly sideline of Hilltop Road, proposed width of 58 feet, said point being distant the following 3 courses from a point where same is intersected by the division line between said Lot 13 and Lot 1.02, Block 2301 division line;

- a) South 37°19'07" West, 104.52 feet to an angle point in same; Thence
- b) South 32°05'07" West, 292.77 feet to an angle point in same; Thence
- c) South 23°15'07" West, 316.20 feet to the true place of BEGINNING and running;

Thence, by a new line through said Lot 13 the following 5 courses

- 1) South 72°53'00" East, 914.66 feet to an angle point in same; Thence
- 2) South 41°21'03" East, 30.44 feet to an angle point in same; Thence
- 3) South 53°11'26" West, 20.06 feet to an angle point in same; Thence
- 4) North 41°21'03" West, 23.20 feet to an angle point in same; Thence
- 5) North 72°53'00" West, 911.16 feet to a point where same is intersected by the aforesaid proposed southeasterly sideline of Hilltop Road; Thence
- 6) Along said sideline, North 23°15'07" East, 20.12 feet to the aforesaid point of BEGINNING.

Containing 18,795 square feet or 0.4315 acres more or less. Subject to easements and restrictions of record.

This description was prepared by:


Kevin P. Bollinger, PLS Lic. 30744

BOWMAN CONSULTING GROUP, LTD.

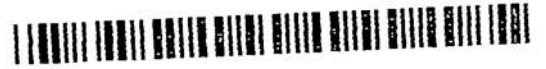
H:\Projects\Documents\OEA Projects\121103.C0 Sisters of Charity\DESCRIPTIONS\Description Gas Easement.docx

Bowman Consulting Group, Ltd.
54 Horsehill Road - Cedar Knolls, NJ 07927
Phone: 973.359.8400 - www.omland.com - www.bowmanconsulting.com

Morris County Recording Cover Sheet



Honorable Ann F. Grossi, Esq.
Morris County Clerk



MORRIS COUNTY, NEW JERSEY
ANN F. GROSSI, COUNTY CLERK
EAS-OR BOOK 23232 PG 1771
RECORDED 10/30/2017 09:24:52
FILE NUMBER 2017065656
RCPT #: 1304147; RECD BY: NJackson
RECORDING FEES \$70.00

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:

12.14.16

Type of Document:

Easement

First Party Name:

Society of the
Sisters of Christian Charity
of New Jersey

Second Party Name:

Jersey Central Power & Light Company and
Verizon of N.J., Inc

Additional Parties:

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:

2301

Lot:

13

Municipality:

Twp. of Mendham

Consideration:

Mailing Address of Grantee: 300 Madison Avenue
P.O. Box 1911
Morristown, New Jersey 07960
Attn: Brenda Beauford-Engineering Dept.-MORG-M1B

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:

Original Page:

MORRIS COUNTY RECORDING COVER SHEET

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WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

4

**Jersey Central
Power & Light**

A FirstEnergy Company

EASEMENT

The undersigned, Society of the Sisters of Christian Charity of New Jersey whose address is 350 Bernardsville Rd Mendham NJ 0794502-21-1933 (the "Grantor"), is the owner of certain lands located in the Township of Mendham, County of Morris State of NJ, known and designated as Tax Block 2301, Lot 13, and recorded in The Office of The Clerk of Morris County, on 2/21/1933, in Deed Book H-33, page 93, referred to as the property.

Grantor, hereby grants and conveys to Grantee Jersey Central Power & Light Company and Verizon of New Jersey, Inc., both New Jersey Corporations, (the "Grantee") for valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound, a permanent easement and uninterrupted right, from time to time, to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter, relocate, extend and remove overhead, underground and ground level facilities described below (the "Facilities") as may be deemed necessary or convenient by Grantee for electric, CATV and communication purposes for the use and benefit of the Land and/or adjacent lands on, over, under and across along and beyond the property, the course of said facilities to run as follows:

As per Omland map titled, Sisters of Christian Charity, County Dedication & Easement Plan, Block 2301 Lot 12, Borough of Mendham, Morris County, N.J. (Dated 05/02/16) A sixteen foot Right of way to be obtained, eight feet on both sides of all JCP&L facilities together with any and all equipment to support said lines.

The Facilities may include, without limitation, poles (with or without crossarms), guy wires, guy stubs, anchors, street lights and standards, transformers, transformer pads, switching compartments, conduits, conductors, ducts, wires, cables, fibers, pedestals, terminal boxes, manholes, hand-holes and other related equipment and apparatus from time to time deemed necessary or convenient by Grantee to accomplish the above purpose.

Grantor gives full authority and unqualified right to the Grantee to trim, remove, clear, keep clear, and otherwise control (by such methods as Grantee, in its sole judgment, may deem necessary or proper, including but not limited to the use of herbicides) any and all trees, underbrush, or other vegetation located within the right of way. Grantee shall also have the full authority and right, in its sole discretion, to trim, remove, clear, keep clear, and otherwise control any or all trees or vegetation adjacent to said right of way, that, in the opinion of Grantee, may interfere or threaten to interfere with the construction, operation, maintenance, or repair of Grantee's Facilities or ingress or egress to, from, or along said right of way.

Grantor covenants not to construct, place, maintain or use structures of any kind, or plant shrubs or trees within eight feet of either side of the center line of the underground Facilities, if any, as installed, raise or lower the ground elevation of the land above or beneath the Facilities; grow beneath overhead Facilities any vegetation or trees, except farm crops or other compatible species identified by Grantee; or obstruct access to, remove structural support from, divert or impound water to or on, or otherwise interfere with, the Facilities.

The rights and obligations hereunder shall be binding upon and inure to the benefit of the Grantor and Grantee and their heirs, executors, administrators, successors and assigns, Licensees and Lessees, as the case may be.

ATTEST:

**SISTERS OF
CHRISTIAN CHARITY**

Sister Donna Brady
Sister Donna Brady
Corporate Secretary

Sister Mary Edward Spohrer
Sister Mary Edward Spohrer
Provincial Superior

Corporation

STATE OF NEW JERSEY:

SS:

COUNTY OF MORRIS:

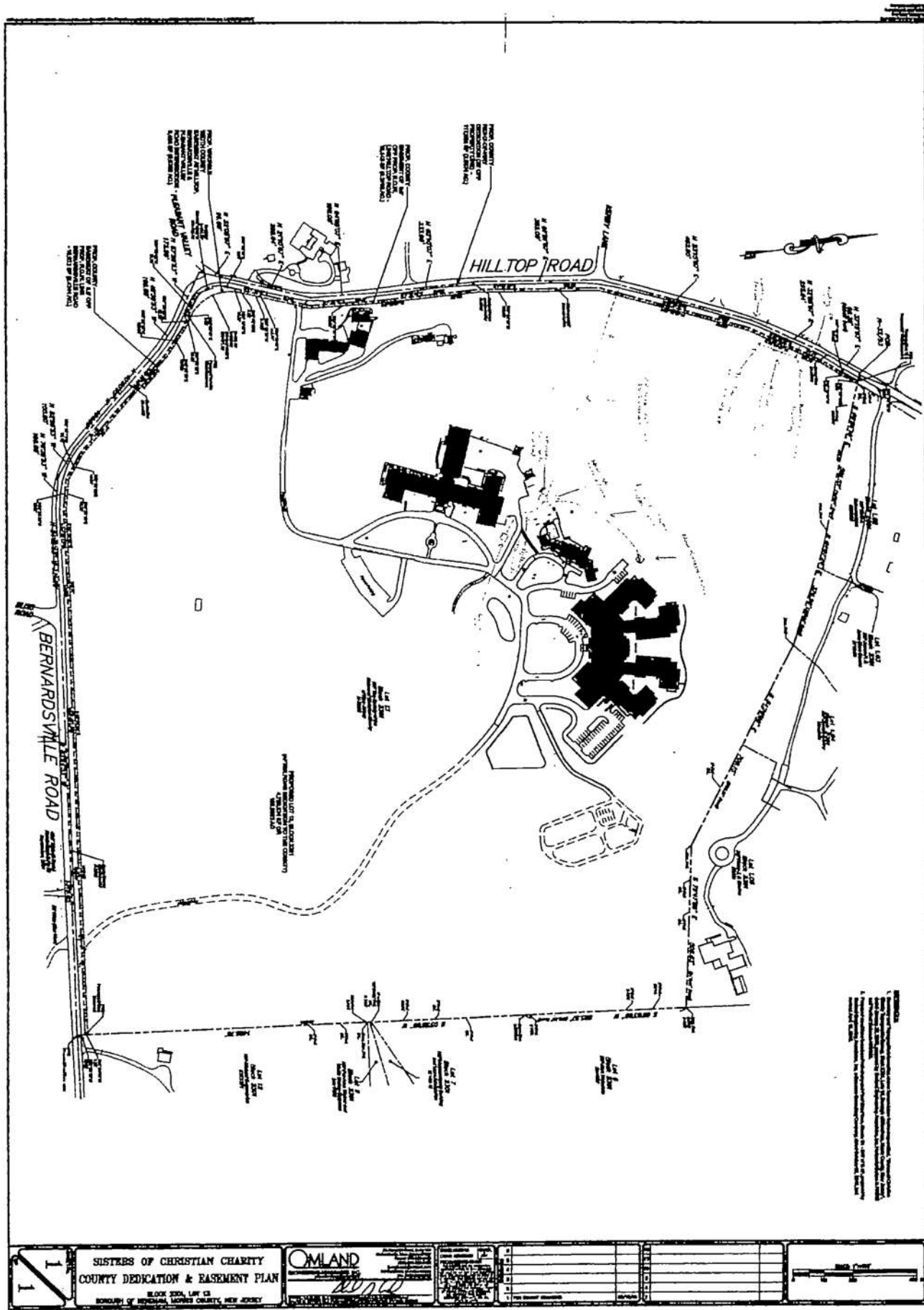
I CERTIFY that on the 14th day of December, 2016, **Sister Mary Edward Spohrer, Provincial Superior**, personally came before me and this person acknowledge under oath, to my satisfaction, that (a) this person signed, sealed and delivered the attached document; and (b) this document was signed and made by the corporation as its voluntary act and deed.

Sister Maria Assumpta Shurer SCC
(print notary name below & provide stamp if applicable)
(Notary)

SISTER MARIA ASSUMPTA SHURER SCC
ID # 2211726
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 2, 2018

**RECORD AND RETURN TO:
JERSEY CENTRAL POWER AND LIGHT COMPANY
RIGHT OF WAY DEPARTMENT
P.O. Box 1911
MORRISTOWN, N.J. 07962-1911**

14 997762



Morris County Recording Cover Sheet



**Honorable Ann F. Grossi, Esq.
Morris County Clerk**

MORRIS COUNTY, NJ
Ann F. Grossi
EAS-OR BOOK 23676 PG 1850
RECORDED 12/18/2019 09:13:49
FILE NUMBER 2019072546
RCPT # 1499293; RECD BY: JPASCARELLA eRecord
RECORDING FEES 100.00
INDEX FEE

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:
2018-02-01

Type of Document:
EASEMENTS

First Party Name:
Society of the Sisters of Christian Charity of
New Jersey, a New Jersey Non-Profit
Corporation

Second Party Name:
Comcast of Central New Jersey II, LLC

Additional Parties:

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:
15,

Lot:
1,

Municipality:
MENDHAM TWP,

Consideration:

Mailing Address of Grantee:

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:

Original Page:

MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

GRANT OF EASEMENT

This Grant of Easement (this "Easement") dated February 1, 2018, is made by and between Comcast of Central New Jersey II, LLC, with an address of 3800 Horizon Blvd., Trevoose PA 19053 its successors and assigns, hereinafter referred to as "Grantee" and The Society of the Sisters of Christian Charity of New Jersey, a New Jersey Non-Profit Corporation, with an address of 350 Bernardsville Rd _____, Mendham ,New Jersey 07945 hereinafter referred to as "Grantor."

The Grantor and the Grantee are parties to a(n) Installation and Services Agreement dated February 1, 2018, pursuant to which the Grantee provides certain broadband communications services to the Premises described below.

In consideration of One Dollar (\$1.00), the Grantor(s), owner(s) of the Premises described below, hereby grant(s) to the Grantee, its successors and assigns, a non-exclusive easement in gross and right-of-way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time a broadband communications system (hereinafter referred to as the "Company Wiring") consisting of wires, underground conduits, cables, pedestals, vaults, and including but not limited to above ground enclosures, markers and concrete pads or other appurtenant fixtures and equipment necessary or useful for distributing broadband services and other like communications, in, on, over, under, across and along that certain real property (the "Premises") located at 350 Bernardsville Road _____, Mendham, NJ 07945 in Morris County , New Jersey described as follows:

LEGAL DESCRIPTION: (See Attached)

The Grantor(s) agree(s) for itself and its heirs and assigns that the Company Wiring on the Premises shall be and remain the personal property of the Grantee and may not be altered, obstructed or removed without the express written consent of the Grantee. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut trees and/or roots which may endanger or interfere with said Company Wiring and shall have free access to said Company Wiring and every part thereof, at all times for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said Premises of the Grantor, the Grantee shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the area to as near the same condition as it was prior to such excavation as is practical. This Easement shall run with the land for so long as the Grantee, its successors or assigns provides broadband service to the Premises.

IN WITNESS WHEREOF, the parties hereto have caused this Easement to be executed by their duly authorized representatives as of the date first written above.

GRANTOR

WITNESS/ATTEST:

The Society of the Sisters of Christian Charity of New Jersey, a New Jersey Non-Profit Corporation

Sister Marlene Weitzel, SCC
Name: Sister Marlene Weitzel, SCC

By: Sister Mary Edward Spohrer, SCC
Name: Sister Mary Edward Spohrer, SCC
Title: Provincial Superior

GRANTEE

ATTEST:

Comcast of Central New Jersey II, LLC

Maria Taurino
Name: Maria Taurino

By: Carolyn Hannah
Name: Carolyn Hannah
Title: RVP Sales and Marketing

STATE OF New Jersey)
) ss.
COUNTY OF Morris)

The foregoing instrument was acknowledged before me this 26 day of January, 2018 by Sister Mary Edward Spahn, Provincial Superior of The Society of the Sisters of Christian Charity of New Jersey, a New Jersey Non-Profit Corporation, on behalf of said entity. He/she is personally known to me or has presented _____ (type of identification) as identification and did/did not take an oath.

Witness my hand and official seal.

Sister Maria Assumpta Shurer, SCC
Notary Public
(Print Name)

My commission expires: _____

SISTER MARIA ASSUMPTA SHURER SCC
ID # 2211726
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 2, 2018

STATE OF Pennsylvania)
) ss.
COUNTY OF Montgomery)

The foregoing instrument was acknowledged before me this 26th day of August, 2019 by Carolyn Hannan, the RVP Sales and Marketing of Comcast of Central New Jersey II, LLC, on behalf of said entity. He/She is personally known to me or has presented _____ (type of identification) as identification and did/did not take an oath.

Witness my hand and official seal.

Maria Taurino
Notary Public
(Print Name)

My Commission expires: March 3, 2020

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
MARIA TAURINO, Notary Public
Horsham Township, Montgomery County
My Commission Expires March 3, 2020

R+R

SIMPLIFILE
4844 North 300 West, Suite 202
PROVO, UT 84604

LEGAL DESCRIPTION

[see attached]

May 3, 2016
BCG Proj. 080172-C0-001
OEA Proj. 121103.C0

**DESCRIPTION OF A PARCEL OF LAND SITUATED IN THE BOROUGH OF MENDHAM,
MORRIS COUNTY, NEW JERSEY.**

BEING a portion of Lot 13, Block 2301 as described in Deed Book H-33 Page 93 and as shown on plans entitled "Preliminary and Final Site Plans for Sisters of Christian Charity, Block 2301, Lot 13, Borough of Mendham, Morris County, New Jersey" dated to March 16, 2016 and prepared by Omland Engineering Associates, Inc., a Bowman Consulting Company, more particularly described as follows:

BEGINNING at a point in the proposed southeasterly sideline of Hilltop Road, 50 feet wide, where same is intersected by the division line between said Lot 13 and lands as shown on map entitled "Final Plat of Tax Map Lot 1 in Block 15, Mendham Borough, Morris County, New Jersey" dated to January 24, 1986 and filed in the Morris County Clerk's Office on March 7, 1986 as Map No. 4455 extended 8.33 feet and running thence, along said division line the following 4 courses

- 1) South 68°56'19" East, 475.48 feet to an angle point in same; Thence
- 2) South 64°07'29" East, 374.99 feet to an angle point in same; Thence
- 3) South 54°20'08" East, 700.15 feet to an angle point in same; Thence
- 4) South 79°47'06" East, 506.63 feet to a point where same is intersected by the division line between said Lot 13 and Lot 6, Block 2301; Thence
- 5) Along said division line, South 06°03'09" West, 505.27 feet to an angle point in same; Thence
- 6) Along said division line and then the division line between said Lot 13 and Lots 7, 9, and 12, Block 2301, South 05°58'09" West, 1380.76 feet to a point where same is intersected by the proposed northeasterly sideline of Bernardsville Road, 50 feet wide per Tax Map and 49.5 feet wide (3 Rods) per Roads Book B Page 78, September, 1801, said point being set 25 feet northeasterly from the centerline of said Road; Thence, along said proposed sideline the following 7 courses

- 7) North 83°54'53" West, 1,319.08 feet to an angle point in same; Thence
- 8) North 84°16'53" West, 319.88 feet to an angle point in same; Thence
- 9) North 76°30'53" West, 92.97 feet to an angle point in same; Thence
- 10) North 52°26'53" West, 92.13 feet to an angle point in same; Thence
- 11) North 40°50'53" West, 403.94 feet to an angle point in same; Thence
- 12) North 48°30'53" West, 103.64 feet to an angle point in same; Thence
- 13) North 57°29'53" West, 87.41 feet to a point of curve leading into the aforesaid proposed southeasterly sideline of Hilltop Road, width varies; Thence
- 14) Along a curve to the right having a radius of 80.00 feet, an arc length of 111.12 feet, the chord of which bears North 17° 42' 23" West, 102.40 feet to a point of tangency in said sideline of Hilltop Road; Thence, along said proposed sideline the following 8 courses
- 15) North 22°05'07" East, 50.32 feet to an angle point in same; Thence
- 16) North 21°10'07" East, 222.41 feet to an angle point in same; Thence
- 17) North 04°09'07" East, 202.17 feet to an angle point in same; Thence
- 18) North 02°10'07" East, 332.19 feet to an angle point in same; Thence
- 19) North 07°51'07" East, 377.38 feet to an angle point in same; Thence
- 20) North 23°15'07" East, 486.69 feet to an angle point in same; Thence
- 21) North 32°05'07" East, 292.77 feet to an angle point in same; Thence
- 22) North 37°19'07" East, 104.52 feet to the aforesaid point of BEGINNING.

Containing 4,788,834 square feet or 109.9365 acres more or less. Subject to easements and restrictions of record.

This description was prepared by:



Kevin P. Bollinger, PLS Lic. 30744

BOWMAN CONSULTING GROUP, LTD.

H:\Projects\Documents\OEA Projects\121103.C0 Sisters of Charity\DESCRIPTIONS\Description-Sisters- 8 foot wide easement-Bernardsville Road.doc

5-4-20

SETTLEMENT AGREEMENT

Record / Return
Wiley Malhorn Sirota & Raynes
250 Madison Ave.
Morristown, N.J. 07960

This Agreement made this 6th day of May, 2020, by and

Between: **THE SOCIETY OF THE SISTERS OF CHRISTIAN CHARITY**

OF NEW JERSEY, a New Jersey non-profit corporation

with offices at 350 Bernardsville Road

Mendham, New Jersey 07945

(hereinafter "SCC")

and: **HARRY AND MAXINE RISKIN, h/w,**

residing at 10 Cromwell Lane

Mendham, New Jersey 07945

(hereinafter "Riskins")

WITNESSETH:

WHEREAS, SCC and the Riskins entered into an agreement, dated December 7, 2015 ("Prior Agreement"), regarding the installation of a Landscape Buffer Plan ("LBP") on the property of SCC, located at 350 Bernardsville Road, Mendham Borough, New Jersey, identified as Block 2301, Lot 13 on the Official Tax Map of the Borough of Mendham ("Property"), in conjunction with the construction of a New Mother House ("Project") on the Property; and

WHEREAS, SCC implemented the LBP in accordance with the terms and conditions of the Prior Agreement; and

WHEREAS, Paragraph 5 of the Prior Agreement reads:

In the event that, once constructed, the project is visible from the Riskins' [sic] property or the adjacent [Cromwell Lane] cul-de-sac, notwithstanding the precautions

set forth in the preceding paragraphs, the Sisters [SCC] will plant additional buffer trees so that the project is not visible from either of those locations; and

WHEREAS, despite the implementation and completion of the LBP by SCC, a portion of the New Mother House remains visible from the portions of the Riskins' property and the Cromwell Lane cul-de-sac set forth above during certain times when the deciduous trees have lost their leaves; and

WHEREAS, the parties have agreed on an Enhanced Buffer Plan ("EBP") to install an additional 23 trees on the Property as depicted by general location, species, and size on a Plan titled "Harry and Maxine Riskin, Borough of Mendham, Morris County, New Jersey Enhanced Buffer Plan", prepared by H2M Associates, Inc., Parsippany, N.J., dated February 26, 2018, consisting of one sheet attached hereto and made a part hereof as Exhibit A; and

WHEREAS, SCC agrees to install and implement the EBP, provided that SCC subsequently has no further obligations to the Riskins, except as set forth below, and is relieved from any further obligation to provide additional landscaping of any kind, regardless of whether the implementation of the EBP eliminates the visibility of the New Mother House from the Riskins' property or the adjacent Cromwell Lane cul-de-sac as set forth in Paragraph 5 of the Prior Agreement, **PROVIDED, HOWEVER**, that SCC shall retain the continuing obligation to maintain the LBP and the EBP in the future if said landscaping dies or is destroyed in accordance with the provisions in the resolution of approval for the Project adopted by the Mendham Borough Planning Board ("Board") on May 9, 2016 memorializing the action taken by the Board on April 11, 2016 ("Resolution of Approval").

NOW, THEREFORE, in consideration of the mutual promises, covenants and representations herein contained, the parties hereto, for themselves, their heirs, successors and assigns, hereby agree as follows:

1. All provisions of the Preamble of this Enhanced Buffer Agreement are incorporated as part of this Agreement and its terms and conditions.

2. SCC agrees to implement the EBP as described herein in Exhibit A attached hereto and made a part hereof by no later than June 30, 2021 subject to Force Majeure.

3. The Riskins shall have their Landscape Architect present during the planting of the 23 trees depicted on the EBP to ensure that the plantings are of a correct species, size and location consistent with the EBP attached hereto and made a part hereof as Exhibit A. Said Landscape Architect shall direct the precise location of each tree in the field consistent and in accordance with the EBP.

4. Except as set forth in Paragraph 5 below, upon the installation of the 23 trees set forth in the EBP, SCC shall have no further obligation to the Riskins with regard to providing, planting or furnishing any additional trees, or any additional landscaping of any kind, irrespective of whether the New Mother House on the Property is visible from the Riskins' property or the adjacent Cromwell Lane cul-de-sac, the cul-de-sac bulb, or from any other location. By execution of this Agreement, the Riskins release and hold harmless the SCC from any obligations in connection with said tree planting or landscaping and any claims or causes of action that they may make now or in the future about the visibility of the New Mother House on the Property, or its effect on the Riskin's property or the value of the Riskin property..

5. The SCC shall continue to have the obligation to maintain [and replace, when necessary] all landscaping installed as set forth in the LBP and in the EBP in accordance with the terms of the Resolution of Approval. The release and hold harmless of SCC set forth in the immediately preceding Paragraph 4 of this Agreement shall not act as a release to the SCC for their continuing maintenance obligation as set forth in the Resolution of Approval.

6. The within Enhanced Buffer Agreement supersedes, replaces and makes null and void the Prior Agreement except as set forth in Paragraph 5 of this Agreement.

7. This Settlement Agreement shall bind and inure to the benefit of the Riskin property (currently known as Block 2301 Lot 1.06 on the Official Tax Map of the Borough of Mendham) and

to the benefit of the signatories below and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year set forth herein.

ATTEST:

THE SOCIETY OF THE SISTERS OF
CHRISTIAN CHARITY OF NEW JERSEY

By: Sister Marlene Weitzel By: Sister Mary Edward Spohrer

Sister Marlene Weitzel, Secretary
Superior

Sister Mary Edward Spohrer, Provincial

(AFFIX CORPORATE SEAL)

WITNESS:

Harry Riskin

Harry Riskin

Maxine Riskin

Maxine Riskin

mtw

STATE OF NEW JERSEY)

: SS.:

COUNTY OF MORRIS)

BE IT REMEMBERED, that on this 8th day of May, 2020, the subscriber, a Notary Public of the State of New Jersey, personally appeared Sister Mary Edward Spohrer, who I am satisfied is the Provincial Superior of The Society of the Sisters of Christian Charity of New Jersey, the New Jersey Non-Profit Corporation named in and which executed the foregoing instrument and is the person who signed said instrument as such officer for and on behalf of said corporation and sealed with its corporate seal, as the voluntary act and deed of said corporation, by virtue of authority from its Board of Directors, on behalf of said entity.

Eileen Davis

Notary Public of New Jersey

My Commission Expires:

Eileen Davis
Notary Public
New Jersey
My Commission Expires 1-3-2023
No. 2428469

STATE OF NEW JERSEY)

: SS.:

COUNTY OF MORRIS)

BE IT REMEMBERED, that on this 6th day of May, 2020, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared Harry and Maxine Riskin, his wife, who, I am satisfied, are the persons who executed the foregoing instrument and are the persons who signed said instrument as their voluntary act and deed.

MARTIN OWENBELL

MARTIN OWENBELL

Notary Public of New Jersey

AN ATTORNEY AT LAW

My Commission Expires: 9/1/23

Page 1 of 1

Prepared by:


Atlantic Site Development
2728 Burlington Avenue
Delanco, New Jersey 08075

Black & Veatch

→ 45 Eisenhower Drive, Suite 240

Return to: Paramus, NJ 07652

New Cingular Wireless PCS, LLC
12555 Cingular Way, Suite 1300
Alpharetta, Georgia 30004
Attn: Network Real Estate Administration


MORRIS COUNTY, NEW JERSEY
JOAN BRAMHALL, COUNTY CLERK
MEML-DR BOOK 21584 PG 1096
RECORDED 07/22/2010 15:15:47
FILE NUMBER 2010047336
RCPT #: 540245; RECD BY: Jessica
RECORDING FEES 90.00
MARGINAL NOTATION CD 0.00 ST 0.00

Re: Cell Site # NYCWNJ1018; Cell Site Name: Sisters of Charity (NJ)
Fixed Asset Number: 10107490

State: New Jersey
County: Morris
Municipality: Mendham Borough
Block: 2301 Lot: 13

**MEMORANDUM
OF
LEASE**

This Memorandum of Lease is entered into on this 21st day of June, 2010, by and between Society of the Sisters of Christian Charity of New Jersey, a New Jersey non-profit corporation, having a mailing address of 350 Bernardsville Road, Mendham, NJ 07945 (hereinafter referred to as "**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004e (hereinafter referred to as "**Tenant**").

1. Landlord and Tenant entered into a certain Structure Lease Agreement ("**Agreement**") on the 21st day of June, 2010, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing are set forth in the Agreement.
2. The initial lease term will be five (5) years ("**Initial Term**") commencing on the Effective Date of the Agreement, with four (4) successive five (5) year options to renew.
3. The portion of the land being leased to Tenant (the "**Premises**") is described in **Exhibit 1** annexed hereto.
4. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The

Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year first above written.

WITNESSES:

"LANDLORD"

Edward J. Broderick Jr Esq
Print Name: Edward J. Broderick Jr

Society of the Sisters of Christian Charity
of New Jersey, a New Jersey non-profit corporation

Print Name: _____

By: Sr. Joan Daniel Healy, SCC
Print Name: Sr. Joan Daniel Healy, S.C.C.
Its: President and Provincial Superior
Date: June 16, 2010

By: Sr. Mary Dominic Kopitar, SCC
Print Name: Sr. Mary Dominic Kopitar, S.C.C.
Its: Secretary
Date: June 16, 2010

Christine Sammons
Print Name: Christine Sammons

"TENANT"
New Cingular Wireless PCS, LLC,
By: AT&T Mobility Corporation
Its: Manager

Print Name: _____

By: Tom L
Print Name: Tom Christou
Its: Director, C&E
Date: 6/21/10

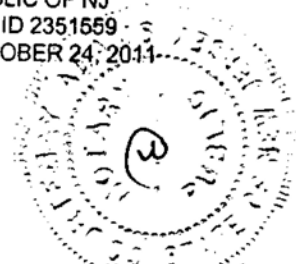
[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]

TENANT ACKNOWLEDGMENT

STATE OF NEW JERSEY)
) ss:
COUNTY OF Morris)

On the 21 day of June, 2010, before me personally appeared Tom Christou, and acknowledged under oath that he is the Director, C&E of New Cingular Wireless PCS, LLC, the Tenant named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Tenant.

Courtenay Adams
Notary Public: _____
My Commission Expires: COURTENAY ADAMS
NOTARY PUBLIC OF NJ
COMMISSION ID 2351559
EXPIRATION OCTOBER 24, 2011



LANDLORD ACKNOWLEDGMENT

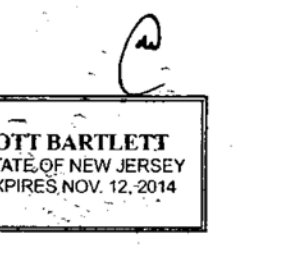
STATE OF NEW JERSEY)
) ss:
COUNTY OF MORRIS)

On the 16 day of June, in the year 2010, before me, the undersigned, personally appeared Sister Joan Daniel Healy, S.C.C., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Witness my hand and official seal.

Matthew Scott Bartlett
Name: _____
Notary Public
My Commission Expires: _____
MATTHEW SCOTT BARTLETT
NOTARY PUBLIC - STATE OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 12, 2014

[NOTARIAL SEAL]



STATE OF NEW JERSEY)
) ss:
COUNTY OF MORRIS)

On the 16 day of June, in the year 2010, before me, the undersigned, personally appeared Sister Mary Dominic Kopitar, S.C.C., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Witness my hand and official seal.

Matthew Scott Bartlett
Name: _____
Notary Public
My Commission Expires: _____
MATTHEW SCOTT BARTLETT
NOTARY PUBLIC - STATE OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 12, 2014

[NOTARIAL SEAL]

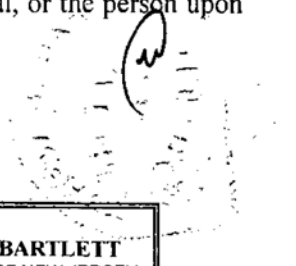


EXHIBIT 1

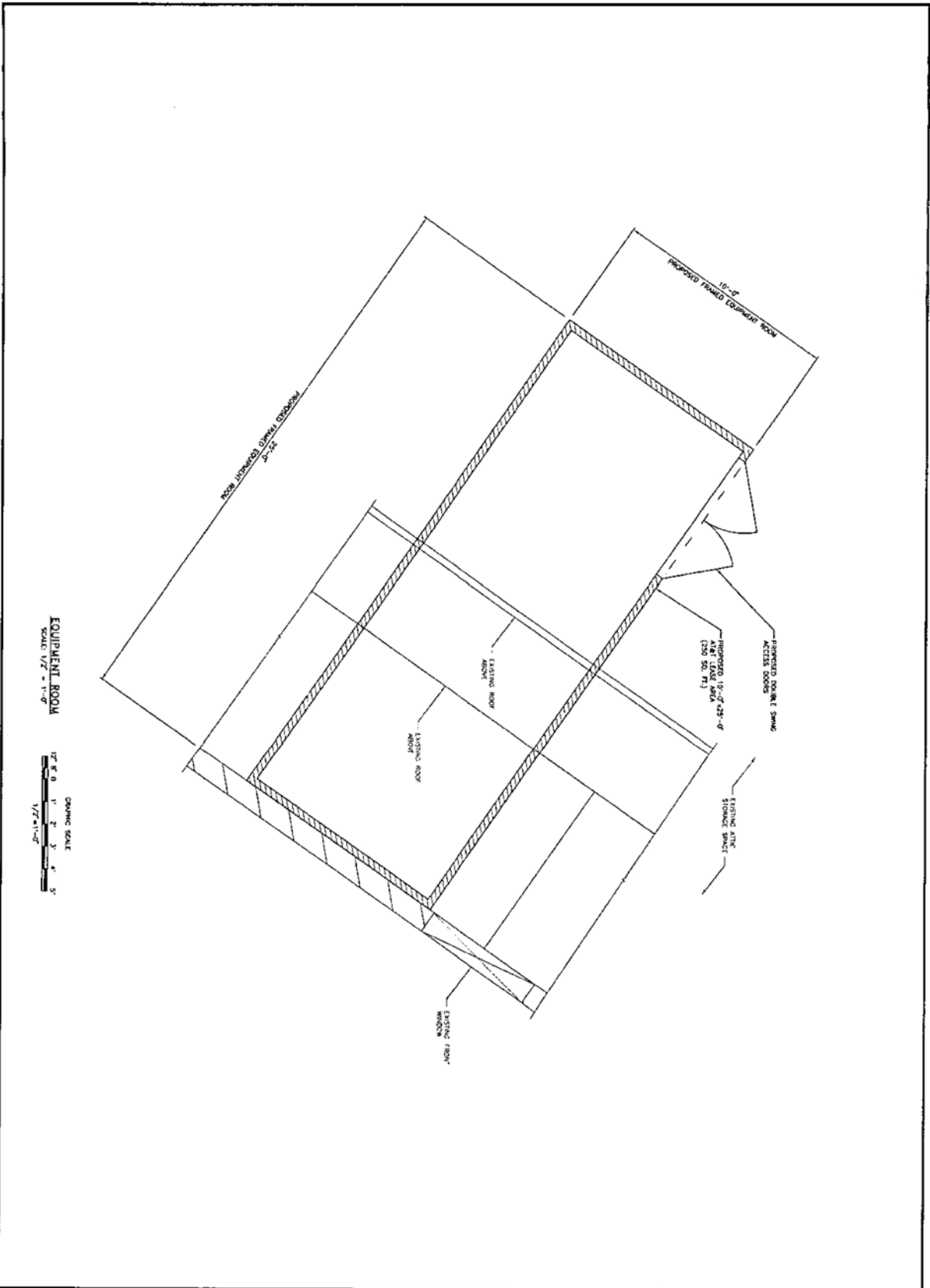
DESCRIPTION OF PREMISES

Page 1 of 4


to the Memorandum of Lease dated _____, 2010, by and between Society of the Sisters of Christian Charity of New Jersey, a New Jersey non-profit corporation, as Landlord, and New Cingular Wireless PCS, LLC, a Delaware corporation, as Tenant.

The Premises are described and/or depicted as follows:

SEE ATTACHED 3 PAGES PREPARED BY BLACK & VEATCH, WITH A LAST REVISION DATE OF 5/5/10



EQUIPMENT ROOM
 SCALE: 1/2" = 1'-0"
 DRAWING SCALE
 1/2" = 1'-0"

 NEW BRUNSWICK SERVICES, INC. LLC 340 W. KENNEL AVENUE JERSEY CITY, NJ 07310	 BLACK & VEATCH 10950 DEARBORN DRIVE OVERLAND PARK, KANSAS 66210 (913) 491-2000 FAX (913) 491-2000 COMD 27642781200	PROJECT NO: 18A310 DRAWN BY: SCS CHECKED BY: SMM	NOT TO BE USED FOR CONSTRUCTION	SHEET NO. 18A310 DRAWING NO. SCS CHECKED BY: SMM	W-1018 SISTERS OF CHRISTIAN CHARITY 350 BERNARDSVILLE ROAD MENDHAM, NJ 07945-2923 NSB	SHEET TITLE EQUIPMENT ROOM	SHEET NUMBER LE-2
--	---	--	---	--	---	-------------------------------	-----------------------------

Right of Way Agreement

300019
85-249168

(OVERHEAD)

(UNDERGROUND)

116212

IN CONSIDERATION of One Dollar (\$1.00), paid by JERSEY CENTRAL POWER & LIGHT COMPANY, a New Jersey corporation, or NEW JERSEY BELL TELEPHONE COMPANY, the receipt of which is hereby acknowledged, the undersigned do (does) hereby grant and convey unto said Jersey Central Power & Light Company, its successors and assigns, and New Jersey Bell Telephone Company, its associated and allied Companies, their successors and assigns, the right to enter without notice upon premises of the undersigned in the

Borough of Mendham County of Morris and State of New Jersey, situate on the easterly side of Hilltop Road being known and designated as Lot 13 of Block 15 shown on the official tax map of the Borough of Mendham.

*Pole, and from time to time to install,*maintain, renew, relocate, redesign, alter and remove transformer, transformer pads, crossarm switches, switch enclosures, switch enclosure pads, service pedestals, street light standards and underground wires, cables, conduits, ducts, manholes, handholes, fixtures and appurtenances in perpetuity for the transmission and distribution of electricity and the operation of communication and CATV systems, and in addition thereto to install and maintain such other wires, facilities and appurtenances as said Companies may deem necessary and proper, upon, under, across, along that 15 foot wide strip of land, the sidelines of which are parallel or concentric with and lie 7 1/2 feet on either side of that certain electric cable as the same is laid, extending from

this grant is to consist of the right and privilege to erect and maintain a distribution pole (ME-347) together with an anchor and guy within the above mentioned premises opposite present pole ME 243; thence to install from pole ME-347 underground electric wires extending easterly into said premises for a distance of 627' feet more or less to said hole #726; thence continuing said underground electric wires in a southeasterly and easterly direction for a distance of 193' feet more or less and to terminate at transformer and pad #727 together with its associated equipment.

Together with the right to extend underground service laterals to all buildings on said premises. No part of said lines except switches, switch enclosures, switch enclosure pads, transformers, transformer pads, service pedestals, street light standards, meters and risers shall extend substantially above the existing level of the ground.

It is agreed that the Companies may improve said facilities from time to time so that utility service may be supplied in a proper manner and shall have the right to trim or cut and remove such trees, tree branches, shrubs, roots, or obstructions as may be required to maintain service at all times or access thereto.

Date 9/9 1986

WITNESS:

COUNTY OF MORRIS
CONSIDERATION 1.00 (L.S.)
REALTY TRANSFER FEE exempt
DATE OCT 29 1986 BY J.J.B. (L.S.)

RECEIVED

OCT 29 9 53 AM '86

Joseph J. ...

MORRIS COUNTY CLERK

(Non-corporate)
(Grantor)

(Non-corporate)
(Grantor)



BY CHARLES V. MAHONEY
INSTRUMENT REC'D. IN DEED

THE SOCIETY OF THE SISTERS
OF CHRISTIAN CHARITY OF NEW JERSEY
J.C.P. & D.O.

By Sister Patricia Lynett J.C.C. 20.00
Secretary Sister Patricia Lynett President

BOOK 2897, PAGE 89

FORM 321

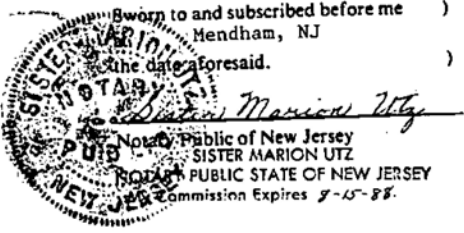
STATE OF NEW JERSEY)

COUNTY OF MORRIS)

BE IT REMEMBERED, that on this 9th day of September, 1986, before me, the subscriber, personally appeared S. Mary Frances Eiden who, being by me duly sworn on his oath, deposes and proves to my satisfaction, that she is the Secretary of The Society of the Sisters of Christian Charity of New Jersey the Grantor named in the within Instrument, that S. Patricia Lynch the President of said corporation; that the execution, as well as the making of this instrument, has been duly authorized by a proper resolution of the Board of Directors of said corporation; the deponent well knows the corporate seal of said corporation; and the seal affixed to said instrument is such corporate seal and was thereto affixed, and said instrument signed and delivered by said Patricia Lynch President, as and for the voluntary act and deed of said corporation, in presence of deponent, who thereupon subscribed her name thereto as witness. The full and actual consideration paid for the transfer of title to realty evidenced by the within Deed, as such consideration is defined in P.L. 1968, c.49, Sec. 1(c), is \$1.00.

(Corporate)

Sister Mary Frances Eiden, S.C.C.
Sister Mary Frances Eiden Secretary



My Commission Expires 8-15-88

Parcel No. _____
Line: MORRIS
County: _____

RIGHT OF WAY AGREEMENT
(UNDERGROUND)
11339 W.O.# 85-249768

THE SOCIETY OF THE SISTERS
OF CHRISTIAN CHARITY OF
NEW JERSEY

TO
JERSEY CENTRAL POWER
& LIGHT COMPANY

DATE SEPTEMBER 9, 1986

RECEIVED in the Clerk's Office of the County of New Jersey, on the 9th day of September, A.D. 1986, at 9 o'clock in the noon of Deeds for said County, on Page _____.
Sister Mary Frances Eiden
This instrument prepared by:

RECORD AND RETURN TO
JERSEY CENTRAL POWER & LIGHT COMPANY
REAL ESTATE DEPARTMENT
MADISON AVE. AT PUNCH BOWL RD.
MORRISTOWN, N.J. 07960

STATE OF NEW JERSEY)

COUNTY OF _____)

BE IT REMEMBERED, That on this _____ day of _____, 19____, in the County and State aforesaid, personally appeared before me, the subscriber, a Notary Public of New Jersey, _____ who, I am satisfied, _____ the Grantor _____ mentioned in the within Instrument, to whom I first made known the contents thereof, and thereupon _____ acknowledged that _____ signed, sealed and delivered the same as _____ voluntary act and deed for the uses and purposes therein expressed. The full and actual consideration paid for the transfer of title to realty evidenced by the within Deed, as such consideration is defined in P.L. 1968, c.49, Sec. 1(c), is \$1.00.

(Direct Acknowledgment)

Notary Public of New Jersey _____

My Commission Expires _____

STATE OF NEW JERSEY)

COUNTY OF _____)

I, _____, hereby certify that on the _____ day of _____, 19____, in the County of _____ and State aforesaid, personally appeared before me _____, whom I personally know to be the subscribing witness to the execution of the foregoing Instrument and who, being duly sworn, deposed and said that _____ he subscribed her name to the said Instrument as a subscribing witness on the date contained therein, and that _____ he saw _____ voluntary act and deed, and sign, seal and deliver the said Instrument as _____ voluntary act and deed, and that _____ he subscribed her name thereto at the same time as an attesting witness. The full and actual consideration paid for the transfer of title to realty evidenced by the within Deed, as such consideration is defined in P.L. 1968, c.49, Sec. 1(c), is \$1.00.

(Subscribing Witness Ack.)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year aforesaid.

Notary Public of New Jersey _____

BOOK 2897 PAGE 90

My Commission Expires _____

THIS INDENTURE, made this 10th day of March, nineteen hundred and eighty-nine (1989), between THE SOCIETY OF THE SISTERS OF CHRISTIAN CHARITY OF NEW JERSEY, having its principal office at Bernardsville Road, Mendham, New Jersey hereinafter called "Grantor," and

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, a corporation having its office at 80 Park Plaza, Newark, New Jersey, hereinafter called "Grantee."

WHEREAS, Grantor is the owner in fee simple of a certain tract of real property situate in the Bourough of Mendham County of Morris, New Jersey, commonly known as Block 15, Lot 13, and,

WHEREAS, Grantee is a public utility of the State of New Jersey, engaged in furnishing gas service to subscribers in the State of New Jersey, and,

WHEREAS, the Grantor does agree to convey an EASEMENT IN PERPETUITY to Grantee for its use, occupancy and enjoyment in connection with the provision of gas service thereto, and for the conduct of its business, upon the conditions, covenants, promises and terms set forth hereunder, for the mutual benefit of both Grantor and Grantee;

NOW, THEREFORE WITNESSETH: In consideration of these premises and the sum of One Dollar (\$1.00), paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, and in further consideration of the mutual conditions, covenants, promises and terms hereinafter contained, it is agreed that:

Grantor does hereby GRANT AND CONVEY unto Grantee an EASEMENT IN PERPETUITY, in, under, through, upon, over and across the hereinbefore described lands of Grantor, with full rights, privileges and authority for Grantee to enter upon same from time to time, WITHOUT NOTICE to Grantor, for the purpose of inspecting, locating, relocating, installing, altering, extending, constructing, repairing, replacing, rebuilding, removing and perpetually operating, maintaining and using mains, pipes, manholes, handholes, regulator vent poles and other fixtures, appurtenances and facilities which Grantee may, in their exclusive discretion and sole judgment, deem necessary or proper for the transmission and distribution of gas; together with such free and unlimited access to, egress and ingress in, from and over all points of said Easement Area, WITHOUT NOTICE to Grantor, as is reasonable or necessary for the full use, occupancy and enjoyment of said Easement. Said easement being more particularly as shown on drawing number PR 20-88C hereto attached, and hereby made a part hereof.

Grantor does further grant and convey to Grantee, the right, privilege and authority to trim, cut and remove, WITHOUT NOTICE to Grantor, such tree branches, roots, shrubs, plants, trees and vegetation which might, within the exclusive discretion and sole judgment of Grantee, interfere or threaten the safe, proper or convenient use, maintenance or operation of said gas facilities within the Easement Area.

Grantor shall have the right to use, occupy and enjoy the surface and air space above the Easement Area for any purpose which does not, within the exclusive discretion and sole judgment of Grantee, interfere or threaten the safe, proper or convenient use, occupancy or enjoyment of same by Grantee. Grantor agrees, however, that no buildings or structures shall be erected over said facilities of Grantee.

Grantee shall perform all work in connection with the rights, privileges and authority herein granted and conveyed in a workmanlike manner and with a minimum of inconvenience to the Grantor; and any damage done to the land or premises of Grantor shall be promptly repaired and restored to its condition immediately prior to damage, at the sole cost and expense of the Grantee.

If Grantor shall, at any time after the initial installation of said facilities, request Grantee to relocate said facilities to a different location or locations, it shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of Grantor, Grantee to have the same rights and privileges in the new location or locations as in the former location or locations.

Grantor covenants to warrant generally the rights above granted, will execute such further assurance of the same as may be requisite, and that Grantee shall have the quiet possession thereof free from all encumbrances.

By the acceptance of this instrument Grantee agrees to abide by the terms and conditions herein on its part to be performed and shall be deemed signatory hereto, and the provisions of this indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their heirs, executors, administrators, successors, and assigns.

PREPARED BY: Jeffrey E. Czarniecki

(TYPED NAME)

INSTRUMENT REC'D IN DEED

BOOK 3296 PAGE 0209

SIGNATURE

Jeffrey E. Czarniecki

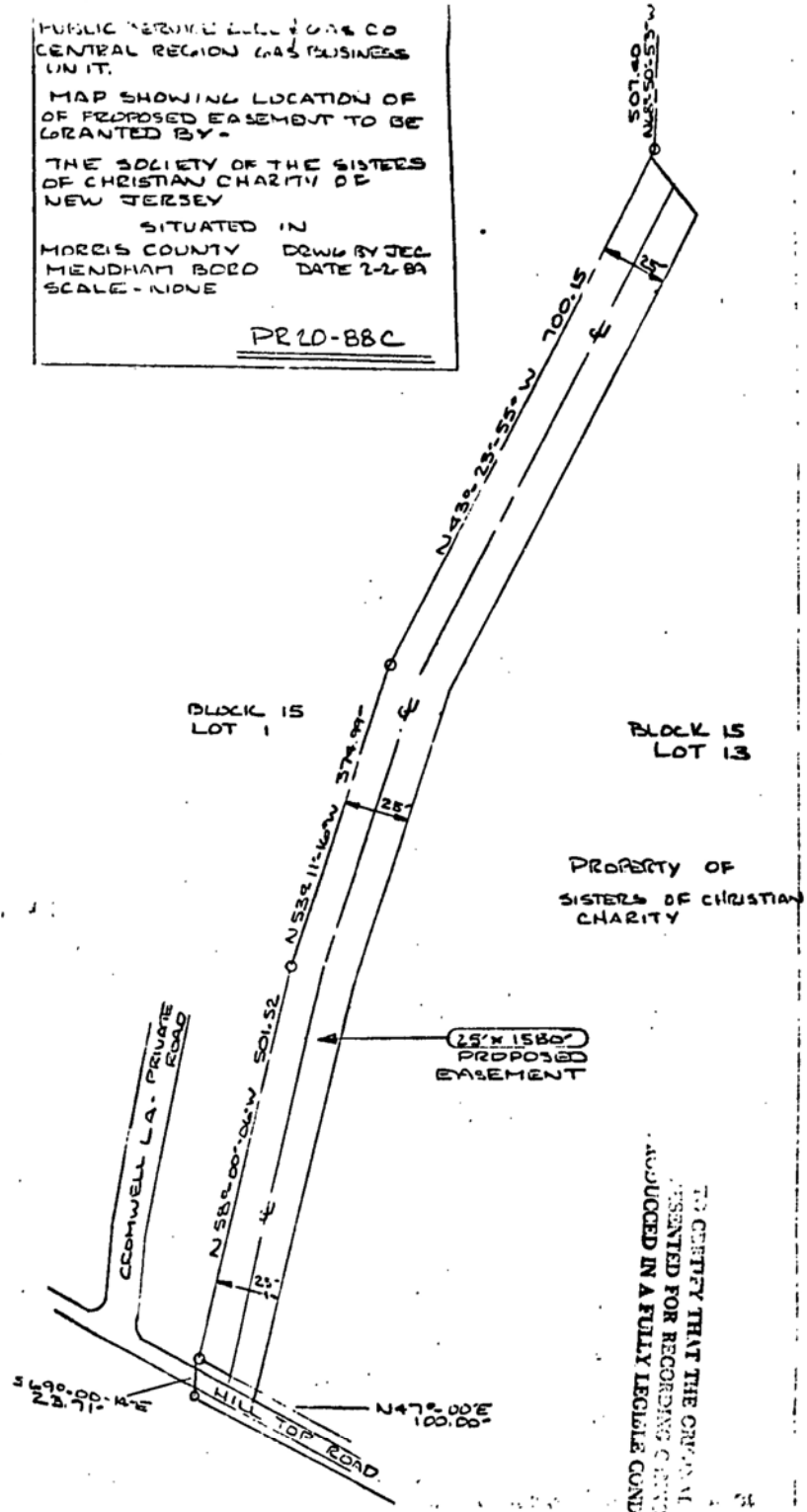
PUBLIC SERVICE ELECTRIC & GAS CO
CENTRAL REGION GAS BUSINESS
UNIT.

MAP SHOWING LOCATION OF
OF PROPOSED EASEMENT TO BE
GRANTED BY -

THE SOCIETY OF THE SISTERS
OF CHRISTIAN CHARITY OF
NEW JERSEY

SITUATED IN
MORRIS COUNTY DRAWN BY JEC
MENDHAM BOED DATE 2-2-89
SCALE - NONE

PR 20-88C



PROPERTY OF
SISTERS OF CHRISTIAN
CHARITY

TO CERTIFY THAT THE ORIGINAL
PRESENTED FOR RECORDING OF DEED BY
ADJUDGED IN A FULLY LEGIBLE CONDITION

IN WITNESS WHEREOF, Grantor has duly signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered

THE SOCIETY OF CHRISTIAN CHARITY OF NEW JERSEY

in the presence of

(Individual Signature)

COUNTY OF MORRIS	
Consideration	<u>1.00</u>
Base Tax	<u>—</u>
Additional Tax	<u>—</u>
REALTY TRANSFER FEE	<u>Exempt</u>
Date	<u>5/30/90</u> By <u>SM</u>
RECORDING FEE	<u>22 pd ch</u>

(L.S.)

(L.S.)

(Seal)

(Corporate Signature)

By Sister Patricia Lynch, SCC.
President

Attest:

Sister Mary Francis Epiney, B.C.C.
Secretary

RECEIVED

'90 MAY 30 AM 11:43

ALFONSE W. SCERBO
MORRIS COUNTY CLERK

(Individual Acknowledgment)

STATE OF New Jersey }
COUNTY OF Morris } SS.

BE IT REMEMBERED, that on this _____ day of
nineteen hundred and eighty-nine 1989 before me, the subscriber, a Notary Public of the
State of New Jersey personally appeared

who, I am satisfied, are the grantors mentioned in the within Indenture,
and she acknowledged that she signed, sealed, and delivered the same as her voluntary act
and deed, for the uses and purposes therein expressed. The full and actual consideration paid or to be paid for the
transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, C.49, Sec. 1 (C),
is less than \$100.00

RR
PUBLIC SERVICE ELECTRIC CO
48 MIDDLE
SUMMIT, NJ 07801

(Corporate Acknowledgment)

STATE OF NEW JERSEY }
COUNTY OF MORRIS } SS.

BE IT REMEMBERED, that on this 10th day of March
nineteen hundred and eighty-nine 1989, before me, the subscriber, a Notary Public of the
State of New Jersey personally appeared

Sister Patricia Lynch, SCC, who, I am satisfied, is President of
The Society of the Sisters of Christian Charity of New Jersey
, the Corporation named in and which executed the foregoing instrument and
is the person who signed said instrument as such officer for and on behalf of said corporation and he acknowledged
that said instrument was made by said corporation and sealed with its corporate seal, as the voluntary act and deed of
said corporation, by virtue of authority from its Board of Directors. The full and actual consideration paid or to be
paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, C.49,
Sec. 1 (C), is less than \$100.00.

Dr. Emma Marie Tamburri

SR. EMMA MARIE TAMBURRI
Notary Public of New Jersey
My Commission Expires Dec. 2, 1991

BOOK 3296 PAGE 0241

Morris County Recording Cover Sheet



**Honorable Ann F. Grossi, Esq.
Morris County Clerk**

MORRIS COUNTY, NJ
Ann F. Grossi
EAS-OR BOOK 23139 PG 1209
RECORDED 06/12/2017 08:44:11
FILE NUMBER 2017033174
RCPT # 1265422; RECD BY: SKEEFE eRecord
RECORDING FEES 90.00
INDEX FEE

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:
2017-04-26

Type of Document:
EASEMENTS

First Party Name:
THE SOCIETY OF THE SISTERS CHRISTIAN
CHARITY OF NEW JERSEY

Second Party Name:
PUBLIC SERVICE ELECTRIC AND GAS
COMPANY

Additional Parties:

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:

Lot:

Municipality:
MENDHAM BORO

Consideration:

Mailing Address of Grantee:

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:

Original Page:

MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

Corporation Grant of Easement

Prepared by: _____
[PSE&G representative]

RECORD & RETURN TO:
CORPORATE PROPERTIES DEPT.
PSEG SERVICES CORP.
80 PARK PLAZA, T6B
NEWARK, NJ 07102-4194

GRANT OF EASEMENT

THIS INDENTURE, made this *26th* day of *April* 2017, between [**CORPORATION THAT OWNS LAND**] THE SOCIETY OF THE SISTERS OF CHRISTIAN CHARITY OF NEW JERSEY, with an office at 350 Bernardsville Road, Mendham, New Jersey 07945, (hereinafter called "Grantor"), and **PUBLIC SERVICE ELECTRIC AND GAS COMPANY**, a corporation of the State of New Jersey, having its office at 80 Park Plaza, Newark, New Jersey 07102 (hereinafter called "Grantee").

WHEREAS, Grantor is the owner in fee simple of a certain tract of real property situate in the ~~Township~~ *Block 2301* of Mendham, County of Morris and State of New Jersey, commonly known as Block 2301, Lot s 13 and 13.01 (hereinafter the "Property"); and

WHEREAS, Grantee is a public utility of the State of New Jersey, engaged in furnishing utility service to subscribers in the State of New Jersey; and

WHEREAS, the Grantor does agree to convey an easement in perpetuity to Grantee for its use, occupancy and enjoyment and the use, occupancy and enjoyment of its licensees, successors in interest and assigns, in connection with the provision of utility service thereto and for the conduct of its business, all in accordance with and for the purposes set forth in this Grant of Easement, for the mutual benefit of both Grantor and Grantee;

NOW THEREFORE, WITNESSETH: In consideration of these premises and the sum of ONE (\$1.00) DOLLAR, paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, and in further consideration of the mutual conditions, covenants, promises and terms hereinafter contained, it is agreed that:

1. Grantor does hereby grant and convey unto Grantee an easement in perpetuity in, under, through, upon, over and across the hereinbefore described Property of Grantor, with full rights, privileges and authority for Grantee to enter upon same from time to time, for the purpose of inspecting, locating, relocating, installing, altering, extending, constructing, repairing, replacing, rebuilding, removing and perpetually operating, maintaining mains, pipes, manholes, handholes, regulator vent poles and other fixtures, appurtenances and facilities (hereinafter the "Facilities") which Grantee may, in its exclusive discretion and sole judgment, deem necessary or proper for the transmission and distribution of gas, together with such free and unlimited access to, egress and ingress in, from and over all points of said Property, as is reasonable or necessary for the full use, occupancy and enjoyment of said easement. Said easement area and the Facilities to be installed therein are more particularly shown on Drawing No. 080172-CO-001 attached hereto and made a part hereof.

2. Grantor does further grant and convey to Grantee the right, privilege and authority to trim, cut and remove such tree branches, roots, shrubs, plants, trees and vegetation which might, within the exclusive discretion and sole judgment of Grantee, interfere with or threaten the safe, proper or convenient use, maintenance or operation of said Facilities within the easement area. Grantee shall not be responsible for any damage to any trees or other vegetation due to the installation of the Facilities.

3. Grantor shall have the right to use, occupy and enjoy the surface and air space around the easement area for any purpose which does not interfere or threaten the safe, proper or convenient use, occupancy or enjoyment of same by Grantee. Grantor agrees, however, that that no buildings or structures shall be erected over or within ten (10) feet of said Facilities of Grantee.

4. Grantor shall have the right to allow other utilities to use the said easement area for any purpose, which does not in any way interfere with the accessibility and safe operation of said Facilities of Grantee, and subject to the consent of Grantee. Grantor's right to allow other utilities to use the easement area does not include the right to allow other utilities to use the Facilities that Grantee has installed in the easement. Grantor's right to allow other utilities to use the easement area shall in no way limit the rights granted to Grantee in this Easement.

5. Grantee shall perform all work in connection with the rights, privileges and authority herein granted and conveyed in a workmanlike manner and with a minimum of inconvenience to the Grantor; and any damage done to the land or premises of Grantor shall be promptly repaired and restored to its condition immediately prior to damage, at the sole cost and expense of Grantee.

6. If Grantor shall, at any time after the initial installation of said Facilities, request Grantee to relocate said Facilities to a different location or locations, it shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of Grantor, Grantee to have the same rights and privileges in the new location or locations as in the former location or locations.

7. Grantor covenants to warrant generally the rights above granted, will execute such further assurance of the same as may be required, and that Grantee shall have the quiet possession thereof free from all encumbrances.

8. Grantee shall defend and indemnify Grantor against, and shall save Grantor harmless from, and shall reimburse Grantor with respect to, any and all claims, demands, actions, causes of action, injuries, orders, losses, liabilities (statutory or otherwise), obligations, damages, fines, penalties, costs and expenses (including without limitation, reasonable attorneys' fees and expenses) incurred by, imposed upon or asserted against Grantor by reason of any accident, injury (including death at any time resulting therefrom) or damage to any person or property arising out of or resulting from any acts or omissions of Grantee or by any employee, licensee, invitee or agent of Grantee.

9. This Grant of Easement shall be governed by and construed in accordance with the laws of the State of New Jersey and recorded on the title to the Property.

10. By the acceptance of this instrument, Grantee agrees to abide by the terms and conditions herein on its part to be performed and shall be deemed signatory hereto, and the provisions of this indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their successors and assigns.

IN WITNESS WHEREOF, Grantor has duly signed these presents the day and year first above written.

ATTEST:

GRANTOR (Corporation):

By: *Sister Donna Brady*
Name: *Sister Donna Brady*
Title: *Secretary*

By: *Sister Mary Edward Spolner*
Name: *SISTER MARY EDWARD SPOLNER*
Title: *Provincial Superior*

STATE OF NEW JERSEY)
: SS.)
COUNTY OF MORRIS)

BE IT REMEMBERED, that on this *26* day of *April*, 2017, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared [name of person who signed] *Sister Mary Edward Spolner* who, I am satisfied, is [Title] *Provincial Superior of* [Corporation Name] *The Society of the Sisters of Christian Charity of New Jersey*, the corporation named in and which executed the foregoing instrument and is the person who signed said instrument as such officer for and on behalf of said corporation and sealed with its corporate seal, as the voluntary act and deed of said corporation, by virtue of authority from its Board of Directors. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within easement, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c), is less than \$100.00.

Sister Maria Assumpta Shurer, SCC
Notary

PSE&G ASSOCIATE TO RECORD & RETURN TO:
Corporate Properties
PSEG Services Corporation
80 Park Plaza
Newark, NJ 07102

SISTER MARIA ASSUMPTA SHURER SCC
ID # 2211726
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 2, 2018



March 28, 2017
Proj. 080172-C0-001
OEA: 121103

DESCRIPTION OF A 20 FOOT WIDE GAS EASEMENT SITUATED IN THE BOROUGH OF MENDHAM, MORRIS COUNTY, NEW JERSEY.

Being a portion of Lot 13, Block 2301 as shown on map entitled "Exhibit, Sisters of Christian Charity, Proposed Gas Easement, Borough of Mendham, Morris County New Jersey" prepared by Bowman Consulting, dated March 28, 2017.

BEGINNING at a point in the proposed southeasterly sideline of Hilltop Road, proposed width of 58 feet, said point being distant the following 3 courses from a point where same is intersected by the division line between said Lot 13 and Lot 1.02, Block 2301 division line;

- a) South 37°19'07" West, 104.52 feet to an angle point in same; Thence
- b) South 32°05'07" West, 292.77 feet to an angle point in same; Thence
- c) South 23°15'07" West, 316.20 feet to the true place of BEGINNING and running; Thence, by a new line through said Lot 13 the following 5 courses

- 1) South 72°53'00" East, 914.66 feet to an angle point in same; Thence
- 2) South 41°21'03" East, 30.44 feet to an angle point in same; Thence
- 3) South 53°11'26" West, 20.06 feet to an angle point in same; Thence
- 4) North 41°21'03" West, 23.20 feet to an angle point in same; Thence
- 5) North 72°53'00" West, 911.16 feet to a point where same is intersected by the aforesaid proposed southeasterly sideline of Hilltop Road; Thence
- 6) Along said sideline, North 23°15'07" East, 20.12 feet to the aforesaid point of BEGINNING.

Containing 18,795 square feet or 0.4315 acres more or less. Subject to easements and restrictions of record.

This description was prepared by:


Kevin P. Bollinger, P.L.S. Lic. 30744

BOWMAN CONSULTING GROUP, LTD.

H:\Projects\Documents\OEA Projects\121103.C0 Sisters of Charity\DESCRIPTIONS\Description Gas Easement.docx

Bowman Consulting Group, Ltd.
54 Horsehill Road · Cedar Knolls, NJ 07927
Phone: 973.359.8400 · www.omland.com · www.bowmanconsulting.com

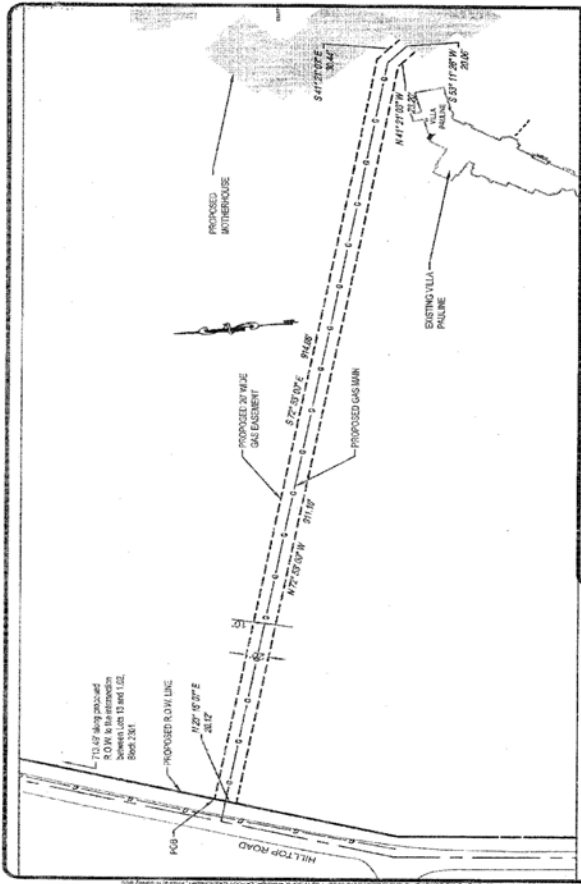


EXHIBIT
SISTERS OF CHRISTIAN CHARITY
PROPOSED GAS EASEMENT

BLOCK 2311 LOT 13
 BOROUGH OF MENDHAM, MORRIS COUNTY, NEW JERSEY

Bowman Consulting Group, Ltd.
 24 Haverhill Road, Suite 100
 Cedar Knolls, New Jersey 07927
 Phone: 973-259-5400
 Fax: 973-259-5401
 E-mail: JLB@BowmanConsulting.com
 NJ Contract License No. 14C-00222200

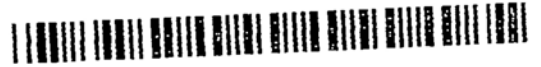
DATE: 08/07
 PROJ: DISTRICT 08
 SCALE: 1"=40'
 DWG: A

SCALE: 1"=40'
 0 80 160 320 ft

Morris County Recording Cover Sheet



Honorable Ann F. Grossi, Esq.
Morris County Clerk



MORRIS COUNTY, NEW JERSEY
ANN F. GROSSI, COUNTY CLERK
EAS-OR BOOK 23232 PG 1771
RECORDED 10/30/2017 09:24:52
FILE NUMBER 2017065656
RCPT #: 1304147; RECD BY: NJackson
RECORDING FEES \$70.00

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:

12.14.16

Type of Document:

Easement

First Party Name:

Society of the
Sisters of Christian Charity
of New Jersey

Second Party Name:

Jersey Central Power & Light Company and
Verizon of N.J., Inc

Additional Parties:

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:

2301

Lot:

13

Municipality:

Twp. of Mendham

Consideration:

Mailing Address of Grantee: 300 Madison Avenue
P.O. Box 1911
Morristown, New Jersey 07960
Attn: Brenda Beauford-Engineering Dept.-MORG-M1B

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:

Original Page:

MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

24

EASEMENT

The undersigned, Society of the Sisters of Christian Charity of New Jersey whose address is 350 Bernardsville Rd Mendham NJ 0794502-21-1933 (the "Grantor"), is the owner of certain lands located in the Township of Mendham, County of Morris State of NJ, known and designated as Tax Block 2301, Lot 13, and recorded in The Office of The Clerk of Morris County, on 2/21/1933, in Deed Book H-33, page 93, referred to as the property.

Grantor, hereby grants and conveys to Grantee Jersey Central Power & Light Company and Verizon of New Jersey, Inc., both New Jersey Corporations, (the "Grantee") for valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound, a permanent easement and uninterrupted right, from time to time, to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter, relocate, extend and remove overhead, underground and ground level facilities described below (the "Facilities") as may be deemed necessary or convenient by Grantee for electric, CATV and communication purposes for the use and benefit of the Land and/or adjacent lands on, over, under and across along and beyond the property, the course of said facilities to run as follows:

As per Omland map titled, Sisters of Christian Charity, County Dedication & Easement Plan, Block 2301 Lot 12, Borough of Mendham, Morris County, N.J. (Dated 05/02/16) A sixteen foot Right of way to be obtained, eight feet on both sides of all JCP&L facilities together with any and all equipment to support said lines.

The Facilities may include, without limitation, poles (with or without crossarms), guy wires, guy stubs, anchors, street lights and standards, transformers, transformer pads, switching compartments, conduits, conductors, ducts, wires, cables, fibers, pedestals, terminal boxes, manholes, hand-holes and other related equipment and apparatus from time to time deemed necessary or convenient by Grantee to accomplish the above purpose.

Grantor gives full authority and unqualified right to the Grantee to trim, remove, clear, keep clear, and otherwise control (by such methods as Grantee, in its sole judgment, may deem necessary or proper, including but not limited to the use of herbicides) any and all trees, underbrush, or other vegetation located within the right of way. Grantee shall also have the full authority and right, in its sole discretion, to trim, remove, clear, keep clear, and otherwise control any or all trees or vegetation adjacent to said right of way, that, in the opinion of Grantee, may interfere or threaten to interfere with the construction, operation, maintenance, or repair of Grantee's Facilities or ingress or egress to, from, or along said right of way.

Grantor covenants not to construct, place, maintain or use structures of any kind, or plant shrubs or trees within eight feet of either side of the center line of the underground Facilities, if any, as installed, raise or lower the ground elevation of the land above or beneath the Facilities; grow beneath overhead Facilities any vegetation or trees, except farm crops or other compatible species identified by Grantee; or obstruct access to, remove structural support from, divert or impound water to or on, or otherwise interfere with, the Facilities.

The rights and obligations hereunder shall be binding upon and inure to the benefit of the Grantor and Grantee and their heirs, executors, administrators, successors and assigns, Licensees and Lessees, as the case may be.

ATTEST:

**SISTERS OF
CHRISTIAN CHARITY**

Sister Donna Brady
Sister Donna Brady
Corporate Secretary

Sister Mary Edward Spohrer
Sister Mary Edward Spohrer
Provincial Superior

Corporation

STATE OF NEW JERSEY:

SS:

COUNTY OF MORRIS:

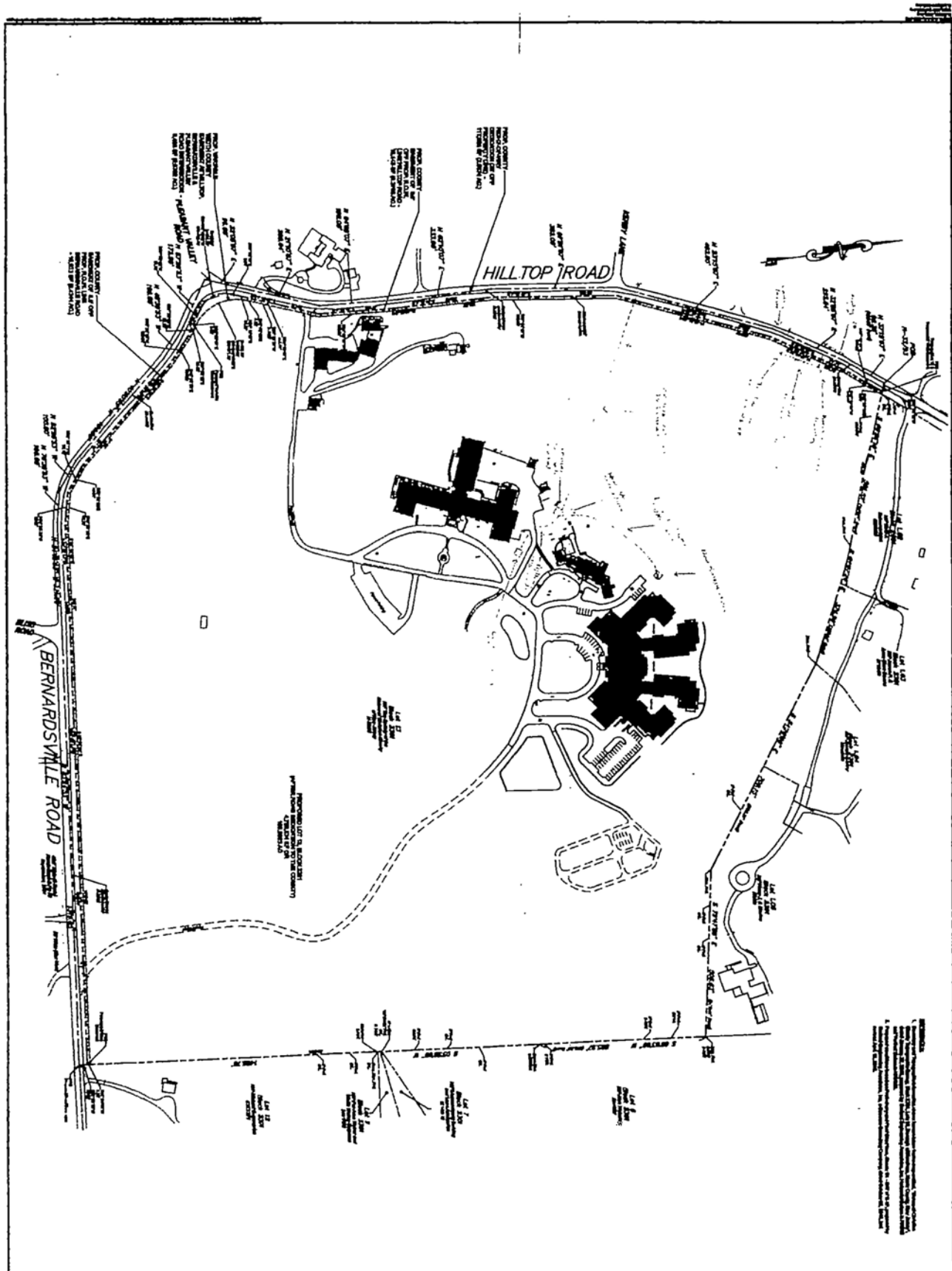
I CERTIFY that on the 14th day of December, 2016, Sister Mary Edward Spohrer, Provincial Superior, personally came before me and this person acknowledge under oath, to my satisfaction, that (a) this person signed, sealed and delivered the attached document; and (b) this document was signed and made by the corporation as its voluntary act and deed.

Sister Maria Assumpta Shurer SCC
(print notary name below & provide stamp if applicable)
(Notary)

SISTER MARIA ASSUMPTA SHURER SCC
ID # 2211726
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 2, 2018

**RECORD AND RETURN TO:
JERSEY CENTRAL POWER AND LIGHT COMPANY
RIGHT OF WAY DEPARTMENT
P.O. Box 1911
MORRISTOWN, N.J. 07962-1911**

14997762



	SISTERS OF CHRISTIAN CHARITY COUNTY DEDICATION & BASEMENT PLAN BLOCK 200, LOT 12 BOROUGHS OF NEWARK, NEW JERSEY	OMLAND ARCHITECTS 2000	SHEET NO. 1 OF 1	DATE: 10/1/80	SCALE: 1" = 100'	
	THIS PLAN IS THE PROPERTY OF OMLAND ARCHITECTS AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF OMLAND ARCHITECTS.					

Morris County Recording Cover Sheet



**Honorable Ann F. Grossi, Esq.
Morris County Clerk**

MORRIS COUNTY, NJ
Ann F. Grossi
EAS-OR BOOK 23676 PG 1850
RECORDED 12/18/2019 09:13:49
FILE NUMBER 2019072546
RCPT # 1499293; RECD BY: JPASCARELLA eRecord
RECORDING FEES 100.00
INDEX FEE

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:
2018-02-01

Type of Document:
EASEMENTS

First Party Name:
Society of the Sisters of Christian Charity of
New Jersey, a New Jersey Non-Profit
Corporation

Second Party Name:
Comcast of Central New Jersey II, LLC

Additional Parties:

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:
15,

Lot:
1,

Municipality:
MENDHAM TWP,

Consideration:

Mailing Address of Grantee:

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:

Original Page:

MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

GRANT OF EASEMENT

This Grant of Easement (this "Easement") dated February 1, 2018, is made by and between Comcast of Central New Jersey II, LLC, with an address of 3800 Horizon Blvd., Trevoose PA 19053 its successors and assigns, hereinafter referred to as "Grantee" and The Society of the Sisters of Christian Charity of New Jersey, a New Jersey Non-Profit Corporation, with an address of 350 Bernardsville Rd _____, Mendham ,New Jersey 07945 hereinafter referred to as "Grantor."

The Grantor and the Grantee are parties to a(n) Installation and Services Agreement dated February 1, 2018, pursuant to which the Grantee provides certain broadband communications services to the Premises described below.

In consideration of One Dollar (\$1.00), the Grantor(s), owner(s) of the Premises described below, hereby grant(s) to the Grantee, its successors and assigns, a non-exclusive easement in gross and right-of-way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time a broadband communications system (hereinafter referred to as the "Company Wiring") consisting of wires, underground conduits, cables, pedestals, vaults, and including but not limited to above ground enclosures, markers and concrete pads or other appurtenant fixtures and equipment necessary or useful for distributing broadband services and other like communications, in, on, over, under, across and along that certain real property (the "Premises") located at 350 Bernardsville Road _____, Mendham, NJ 07945 in Morris County , New Jersey described as follows:

LEGAL DESCRIPTION: (See Attached)

The Grantor(s) agree(s) for itself and its heirs and assigns that the Company Wiring on the Premises shall be and remain the personal property of the Grantee and may not be altered, obstructed or removed without the express written consent of the Grantee. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut trees and/or roots which may endanger or interfere with said Company Wiring and shall have free access to said Company Wiring and every part thereof, at all times for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said Premises of the Grantor, the Grantee shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the area to as near the same condition as it was prior to such excavation as is practical. This Easement shall run with the land for so long as the Grantee, its successors or assigns provides broadband service to the Premises.

IN WITNESS WHEREOF, the parties hereto have caused this Easement to be executed by their duly authorized representatives as of the date first written above.

GRANTOR

WITNESS/ATTEST:

The Society of the Sisters of Christian Charity of New Jersey, a New Jersey Non-Profit Corporation

Sister Marlene Weitzel, SCC
Name: Sister Marlene Weitzel, SCC

By: Sister Mary Edward Spehrer, SCC
Name: Sister Mary Edward Spehrer, SCC
Title: Provincial Superior

GRANTEE

ATTEST:

Comcast of Central New Jersey II, LLC

Maria Taurino
Name: Maria Taurino

By: Carolyn Hannah
Name: Carolyn Hannah
Title: RVP Sales and Marketing

STATE OF New Jersey)
) ss.
COUNTY OF Morris)

The foregoing instrument was acknowledged before me this 26 day of January, 2018 by Sister Mary Edward of the Providence Superior of The Society of the Sisters of Christian Charity of New Jersey, a New Jersey Non-Profit Corporation, on behalf of said entity. He/she is personally known to me or has presented _____ (type of identification) as identification and did/did not take an oath.

Witness my hand and official seal.

Sister Maria Assumpta Shurer, SCC
Notary Public
(Print Name)

My commission expires: _____

SISTER MARIA ASSUMPTA SHURER SCC
ID # 2211726
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 2, 2018

STATE OF Pennsylvania)
) ss.
COUNTY OF Montgomery)

The foregoing instrument was acknowledged before me this 26th day of August, 2019 by Carolyn Hannan, the RVP Sales and Marketing of Comcast of Central New Jersey II, LLC, on behalf of said entity. He/She is personally known to me or has presented _____ (type of identification) as identification and did/did not take an oath.

Witness my hand and official seal.

Maria Taurino
Maria Taurino Notary Public
(Print Name)

My Commission expires: March 3, 2020

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
MARIA TAURINO, Notary Public
Horsham Township, Montgomery County
My Commission Expires March 3, 2020

R+R

SIMPLIFILE
4844 North 300 West, Suite 202
PROVO, UT 84604

LEGAL DESCRIPTION

[see attached]

May 3, 2016
BCG Proj. 080172-C0-001
OEA Proj. 121103.C0

**DESCRIPTION OF A PARCEL OF LAND SITUATED IN THE BOROUGH OF MENDHAM,
MORRIS COUNTY, NEW JERSEY.**

BEING a portion of Lot 13, Block 2301 as described in Deed Book H-33 Page 93 and as shown on plans entitled "Preliminary and Final Site Plans for Sisters of Christian Charity, Block 2301, Lot 13, Borough of Mendham, Morris County, New Jersey" dated to March 16, 2016 and prepared by Omland Engineering Associates, Inc., a Bowman Consulting Company, more particularly described as follows:

BEGINNING at a point in the proposed southeasterly sideline of Hilltop Road, 50 feet wide, where same is intersected by the division line between said Lot 13 and lands as shown on map entitled "Final Plat of Tax Map Lot 1 in Block 15, Mendham Borough, Morris County, New Jersey" dated to January 24, 1986 and filed in the Morris County Clerk's Office on March 7, 1986 as Map No. 4455 extended 8.33 feet and running thence, along said division line the following 4 courses

- 1) South 68°56'19" East, 475.48 feet to an angle point in same; Thence
- 2) South 64°07'29" East, 374.99 feet to an angle point in same; Thence
- 3) South 54°20'08" East, 700.15 feet to an angle point in same; Thence
- 4) South 79°47'06" East, 506.63 feet to a point where same is intersected by the division line between said Lot 13 and Lot 6, Block 2301; Thence
- 5) Along said division line, South 06°03'09" West, 505.27 feet to an angle point in same; Thence
- 6) Along said division line and then the division line between said Lot 13 and Lots 7, 9, and 12, Block 2301, South 05°58'09" West, 1380.76 feet to a point where same is intersected by the proposed northeasterly sideline of Bernardsville Road, 50 feet wide per Tax Map and 49.5 feet wide (3 Rods) per Roads Book B Page 78, September, 1801, said point being set 25 feet northeasterly from the centerline of said Road; Thence, along said proposed sideline the following 7 courses

- 7) North 83°54'53" West, 1,319.08 feet to an angle point in same; Thence
- 8) North 84°16'53" West, 319.88 feet to an angle point in same; Thence
- 9) North 76°30'53" West, 92.97 feet to an angle point in same; Thence
- 10) North 52°26'53" West, 92.13 feet to an angle point in same; Thence
- 11) North 40°50'53" West, 403.94 feet to an angle point in same; Thence
- 12) North 48°30'53" West, 103.64 feet to an angle point in same; Thence
- 13) North 57°29'53" West, 87.41 feet to a point of curve leading into the aforesaid proposed southeasterly sideline of Hilltop Road, width varies; Thence
- 14) Along a curve to the right having a radius of 80.00 feet, an arc length of 111.12 feet, the chord of which bears North 17° 42' 23" West, 102.40 feet to a point of tangency in said sideline of Hilltop Road; Thence, along said proposed sideline the following 8 courses
- 15) North 22°05'07" East, 50.32 feet to an angle point in same; Thence
- 16) North 21°10'07" East, 222.41 feet to an angle point in same; Thence
- 17) North 04°09'07" East, 202.17 feet to an angle point in same; Thence
- 18) North 02°10'07" East, 332.19 feet to an angle point in same; Thence
- 19) North 07°51'07" East, 377.38 feet to an angle point in same; Thence
- 20) North 23°15'07" East, 486.69 feet to an angle point in same; Thence
- 21) North 32°05'07" East, 292.77 feet to an angle point in same; Thence
- 22) North 37°19'07" East, 104.52 feet to the aforesaid point of BEGINNING.

Containing 4,788,834 square feet or 109.9365 acres more or less. Subject to easements and restrictions of record.

This description was prepared by:



Kevin P. Bollinger, PLS Lic. 30744
BOWMAN CONSULTING GROUP, LTD.

H:\Projects\Documents\OEA Projects\121103.C0 Sisters of Charity\DESCRIPTIONS\Description-Sisters- 8 foot wide easement-Bernardsville Road.doc

DEVELOPER'S AGREEMENT

THIS AGREEMENT, made this 16th day of May, 2016 by and between:

BOROUGH OF MENDHAM

A Municipal Corporation of the State of New Jersey
with offices located at
2 West Main Street
Mendham, New Jersey 07945

(Hereinafter the "Borough")

SISTERS OF CHRISTIAN CHARITY

with offices located at
350 Bernardsville Road
Mendham, New Jersey 07945

(Hereinafter the "Developer")

WITNESSETH

WHEREAS, the Sisters of Christian Charity have applied for preliminary and final site plan approval with associated variances and waivers to construct a new Motherhouse along with associated improvements on property located at 350 Bernardsville Road, designated as Block 2301, Lot 13 on the Mendham Borough tax Map; and

WHEREAS, the application of the Sisters of Christian Charity was approved by the Mendham Planning Board on April 11, 2016 and a memorializing resolution was adopted by the Board on May 9, 2016; and

WHEREAS, the Developer is proceeding with such approval in accordance with the applicable ordinances and rules and regulations of the Borough and its agencies; and

WHEREAS, the Developer and the Borough desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the site plan.

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises and covenants herein contained, the parties hereto, for themselves, their heirs, successors, and assigns, hereby agree as follows:

MORRIS COUNTY, NJ; ANN F. GROSSI, COUNTY CLERK
DEVA-OR BOOK 22912 PG 1092 RECORDED 05/25/2016 09:15:20
FILE NUMBER 2016029802; RECORDING FEES \$140.00
RCPT #: 11582227; RECD BY: MStahr

1. The Developer agrees to comply with all the conditions and obligations of the Planning Board Resolution dated May 9, 2016 granting preliminary and final site plan with associated variances and waivers.

A. The hours of operation for site work shall be Mondays through Fridays, 7 a.m. to 5 p.m. and Saturdays 8 a.m. to 5 p.m. No site work is permitted on Sundays or Federal/State holidays.

2. The Developer agrees at its own cost and expense to complete and install all the improvements as set forth in the Resolution of the Mendham Borough Planning Board in connection with the site plan.

3. The Developer agrees to install all improvements in accordance with the terms and conditions of the Borough's Ordinances and all other applicable ordinances and rules and regulations of the Borough and its agencies. The Developer further agrees that all installations and improvements shall be subject to inspection and approval by the Borough Engineer, and shall comply with the requirements of the Borough Engineer, the Planning Consultant, and any other agency having jurisdiction hereover.

4. Where applicable and as required by the County of Morris, the Developer shall dedicate to the County of Morris for public use all streets and areas lying within the bed of each such street and the improvements therein and such other aforesaid areas, by deed or other acceptable method of conveyance.

5. Prior to the commencement of any construction, the Developer shall comply, among other things, with the following:

a) The Borough Clerk and Engineer shall receive written notice at least one (1) week prior to the commencement of construction;

b) At least seventy-two (72) hours before any construction, a pre-construction meeting shall be held with the municipal representatives, the Developer and its engineers and contractors. The meeting shall be held only after the estimated statement for computation of

engineering and inspection fees posted, the form of which is to be approved by the Borough Engineer. In the event of temporary suspension of construction, the Borough Engineer shall be notified of the renewed starting date. The Borough Engineer shall use his best efforts to complete inspections in a timely manner so as to permit the Developer to proceed with construction in an orderly, safe and expeditious way. No back-filling shall take place following the installation of any required improvements until inspection by the Borough Engineer or his designee;

c) The Developer shall pay an inspection fee deposit of \$113,971.39, in 25% deposits of \$28,492.85; and

6. To guarantee the performance of the terms and conditions of this Developers Agreement, and furthermore, to guarantee that the Developer conforms with all appropriate ordinances, rules and regulations of the Borough and its agencies regarding the installation of site improvements, **including drainage, landscaping and lighting, in accordance with estimate attached hereto**, the Developer as a condition of obtaining approval, shall post a performance guarantee pursuant to N.J.S.A. 40:55D-53 and in accordance with the requirements of the appropriate ordinances of the Borough of Mendham, in the total amount of \$1,032,432.00, \$103,243.20 to be in the form of cash and \$929,188.80 to be in the form of a surety bond or letter of credit, expressly conditioned upon the satisfactory performance of all the work herein set forth within the time as hereinafter stipulated or as hereafter agreed upon and upon the satisfactory performance of the Developer and the compliance with all Borough ordinances, and applicable rules and regulations of the Borough and its agencies. Reduction in any amount of the bond due to improvements already installed shall not be construed as acceptance or approval of said improvements.

Upon default by the Developer, the Borough shall be entitled to all the rights and remedies as provided in N.J.S.A. 40:55D-53, as well as the rights and remedies as provided by general law and case law. It is also agreed that at the option of the Borough, the Borough can

demand specific performance of the within Agreement, or, in the alternative, payments of cost, expenses, fees and damages in order to fulfill the terms of this Agreement and the requirements of all other applicable Borough ordinances, rules and regulations of the Borough and its agencies, without first doing the work at its own cost and expense.

The Developer shall also be responsible for all the attorneys' fees and costs of suit and any other additional municipal expenses incurred as a result of the enforcement of this Agreement or the enforcement of the Borough's rights in connection with this site plan, provided the Borough is the prevailing party in any such litigation.

7. The Borough Engineer shall not issue a Notice to Proceed until the Developer obtains all necessary permits and approvals, and provides a certification indicating it is in receipt of same, except as specifically set forth in this paragraph. All bonds and other pre-construction requirements must also be in place before a Notice to Proceed may be issued. As used, herein, the phrase "notice to proceed" means a written notice to proceed issued by the Borough Engineer following delivery by the Developer of all required final revisions of all documents and plats along with all permits and approvals from the appropriate agencies, along with construction plans approved by the Borough Engineer. At this time, the Developer has filed a Treatment Works Application which has been deemed complete by the NJDEP but has not yet been approved. After issuance of the Notice to Proceed, but prior to issuance of the TWA, the Developer may only engage in site work (excavation, grading, drainage, etc.). Upon verbal confirmation from the NJDEP to the satisfaction of the Borough Engineer (via a conference call between the Borough Engineer, NJDEP, and the Developer to occur no earlier than four weeks from the start of site work) that there is sufficient progress in the review of the TWA application and they do not see any impediments, the Developer may seek from the Construction Official building permits for footings and foundations only, provided the Governing Body has not directed the Construction Official to await the issuance of the TWA prior to issuance of building permits. Before issuance of a Notice to Proceed, the Developer must post a \$15,000 cash site

restoration bond, which shall be released to the Developer after approval of the TWA by the NJDEP.

8. In consideration of the execution of this Agreement and after complying with the terms and conditions of any resolution of approval adopted by the Mendham Borough Planning Board with respect to this site plan, the Developer shall have satisfied the conditions of approval of the site plan as set forth hereinbefore. The Developer shall be entitled to building permits after proper application has been made to the Building Inspector and subject to the terms and conditions of this Agreement, all State, Federal and local laws, rules and regulations.

9. Upon default by the Developer under this instant Agreement, the Borough shall provide the Developer with thirty (30) days' notice within which period of time the Developer shall be required to complete installation of the improvements as required as a condition of this Agreement and shall furthermore be required to comply with all appropriate and applicable ordinances and rules and regulations of the Borough and its agencies. At the expiration of the thirty (30) days period where the Developer has failed to perform in accordance with this Agreement and in accordance with all appropriate and applicable Borough ordinances and rules and regulations of the Borough and its agencies, the Borough, without further notice to the Developer, may utilize the deposited performance guarantee for the full and complete and adequate performance of this Agreement in compliance with all Borough ordinances and rules and regulations of the Borough and its agencies, and, in addition, may issue a stop work order and suspend all buildings permits.

10. The Developer's application, State law, Borough ordinances, Planning Board rules and regulations, the Morris County Planning Board, and final acts with respect to this site plan, including all the terms and conditions of approval are hereby incorporated by reference as if set forth herein at length. In addition, all the terms and conditions and official acts of the Planning Board of the Borough of Mendham with respect to approval of the site plan and any

subsequent approval of the site plan are hereby incorporated by reference as if set forth herein at length.

11. It is agreed that all the work to be performed pursuant hereto, including compliance with all applicable Borough ordinances and rules and regulations of the Borough and its agencies, shall be completed within three (3) years from the date on which the resolution of approval was adopted by the Planning Board or as may be extended pursuant to law. This time does not include any pre-conditions of approval. Work permitted to be deferred until after approval, and for which a performance guarantee has been posted in accordance with this Agreement, shall be excluded from the three (3) year period. The Developer agrees that should it not comply with the said rules and regulations or ordinance or requirements as set forth above, then the Borough shall have the right to suspend all building permits and to issue a stop work order to prevent all construction until such time as compliance may be made.

12. The approvals of the Mendham Borough Planning Board are subject to the review and approval of such other public bodies as may have jurisdiction and authority regarding all or part of the proposed site plan, including, but not limited to, compliance with such requirements as have been or may be imposed by the Morris County Planning Board, the Mendham Borough Board of Health, New Jersey Department of Environmental Protection, and any other governmental agency having jurisdiction thereover.

13. This Agreement and all the terms and conditions herein set forth shall be fully binding on any successor in title of the Developer. This Agreement shall be recorded in the Office of the Morris County Clerk by the Borough, at the expense of the Developer and shall run with the land. Any assignment of this Agreement may not be made without notice to and approval by the Borough, which said approval shall not be unreasonably withheld.

14. The Developer covenants and agrees to indemnify and hold harmless the Borough, its officers, agents and servants and each and every one of them against and from any and all liability, suits and cost of every name and description and from all damages to which

said Borough or any of its officers, agents or servants may be put with respect to any personal or other injury, loss or property damage the Borough may suffer as a result of the carelessness in the performance of said work or through negligence of said Developer or through any improper or defective machinery, implements or appliances used by the Developer or through any improper or defective machinery, implements or appliances used by the Developer in the aforesaid work or through any act of omission or commission on the part of the Developer, its agent or agents or as a result of any claim, demand, cost or judgment that may be made against it arising out of this Agreement for the performance of the obligations thereof, unless the said liability, loss or damage is caused by or arises out of the negligence of the Borough, its officers, agents, or employees.

The Developer shall take all precautions for the safety of all employees on the work site and shall comply with all the provisions of Federal, State and municipal regulations and building codes to prevent accidents or injuries to persons on or about or adjacent to the premises where the work is being performed.

15. The Developer shall procure insurance for public personal injury liability and property damage liability including contingent liability and contractual liability which might result from the performance of the work required under this Agreement and shall provide the Borough with a Certificate of Insurance designating the Borough as an additional insured under each said policy in which insurance coverage shall be in the following amounts:

One person in any occurrence	\$500,000.00
Two or more persons in any one occurrence	\$1,000,000.00
Property damage in any one occurrence	\$100,000.00
Aggregate property damage limit	\$500,000.00

The Developer further covenants and agrees that it will provide worker's compensation insurance coverage for employees and will require evidence of such coverage to be supplied by any subcontractor who may be employed to perform the work under this Agreement.

16. The posting of the performance guarantee shall be a condition of approval of this Agreement and the posting of the same shall not be required prior to the approval of this Agreement. The performance guarantee shall be in the amount of 120% of the cost of the improvements not installed prior to approval of this Agreement as estimated by the Borough Engineer. Subsequently, when all improvements within the project have been installed and certified by the Borough Engineer to be complete, the Developer shall be required to post a two-year maintenance guarantee as required under the applicable ordinances of the Borough of Mendham and the statutes of the State of New Jersey after which posting the Borough shall formally accept said improvements. Said maintenance guarantee shall run for a period of two years from the date of substantial completion.

17. The Developer herein represents that neither the Developer nor any person owning 5% or more of the stock of equity interest in the Developer's business has been convicted of an offense under N.J.S.A. 2C:27-2, 4 and 6, 2C:27-7, 2C:29-4, 2C:30-2 or 30-3 as all set forth in Chapter 356, P.L. 1981.

18. A Certificate of Substantial Completion shall be granted or denied by the Borough Engineer within forty-five (45) days of a written notice from the Developer declaring the substantial completion of the improvements described in the notice. Notice shall be transmitted to the Borough Engineer by certified mail or hand-delivered with a copy to the Secretary of the Planning Board. The Borough Engineer shall inspect all improvements contained within the request and file a written report with the Planning Board Secretary. In the event of rejection of all or a portion of the improvements, the report shall state the reasons.

19. In addition to the items already set forth, it shall be the Developer's responsibility to insure the following:

A. Developer shall install soil sedimentation control measure prior to any disturbance on site. Failure to do so shall result in a stop work order. Developer shall be required to continually maintain the soil erosion sediment control measures during construction.

Failure to do so shall result in a stop work order being issued which shall remain in full force and effect until the violation is corrected and any damage restored to its original state.

B. In the event blasting is required on site, developer shall, in addition to complying with State permits and N.J.A.C. 12:190-7.1 et seq., notify the Borough Construction Official prior to conducting any blasting operations and provide the specific location of the blasting and the intended time of blasting. Developer shall also provide the necessary notices to utility companies, railroads, when blasting within certain distances of those utility lines, etc. as delineated in N.J.A.C. 12:190-7.1.

C. Cut sheets shall be provided to the Borough Engineer's office directly and to the on-site inspector during construction.

D. No disturbance of wetlands shall take place except for improvements shown on the approved plans.

20. Developer agrees not to commit any public or private nuisance. Developer shall comply with municipal noise control ordinances and any applicable ordinances regulating construction. No provision of this Agreement shall be deemed to be a waiver of any right of the municipality or its agencies under any statute, ordinance or other law.

21. Developer shall correct and make safe any dangerous condition created by it or those acting for it adversely affecting the public safety or general welfare or affecting the safety or welfare of other occupants of the project as determined by the appropriate enforcement official of the municipality.

22. The municipality shall inspect all improvements that are completed by the Developer under this Agreement and the approval granted by the Planning Board.

23. All notices shall be served by Certified Mail, return receipt requested and regular mail upon the parties at the addresses shown below. Copies of all notices shall be delivered to the parties' attorneys via regular mail and fax:

As to Developer: Sisters of Christian Charity
Sister Mary Edward Spohrer, Provincial Superior
350 Bernardsville Road
Mendham, New Jersey 07945

Edward J. Buzak, Esq.
The Buzak Law Group, LLC
150 River Road, Suite N4
Montville, New Jersey 07045
Attorney for Developer

As to Borough: Borough Administrator
Borough of Mendham
2 West Main Street
Mendham, New Jersey 07945

Fred Semrau, Esq.
Dorsey & Semrau, LLC
714 Main Street
P.O. Box 228
Boonton, New Jersey 07005
Attorney for Borough

24. Upon request, the Borough will furnish reasonable certifications to Developer for use by its lender as to the existence of this Developer's Agreement.

25. The Developer shall comply with the Borough's Snow Removal Ordinance.

26. Each party shall cooperate with the other in implementing this Agreement and shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to any other party the full and complete enjoyment of its rights and privileges hereunder.

27. The parties agree that this Developer's Agreement is a voluntary Developer's Agreement entered into by the parties in a voluntary and knowing manner.

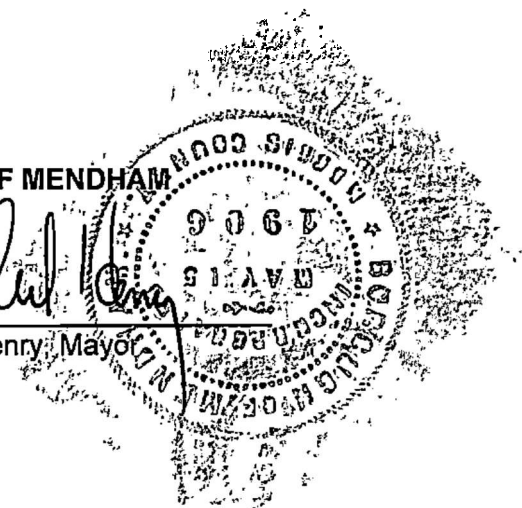
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals or caused their proper corporate officers and their proper corporate seals to be affixed hereto the day and year as indicated on the attached acknowledgments.

ATTEST:

Margot G. Kaye
Margot G. Kaye, Borough Clerk

BOROUGH OF MENDHAM

By: Neil Henry
Neil Henry, Mayor

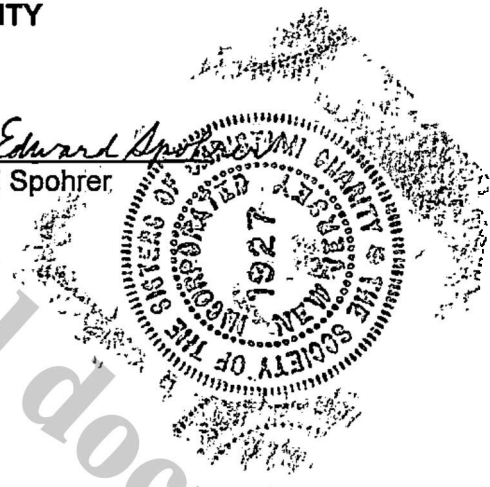


ATTEST:

Sister Mary Dominic Kopitar
Sister Mary Dominic Kopitar
Corporate Secretary

SISTERS OF
CHRISTIAN CHARITY

Sister Mary Edward Spohrer
Sister Mary Edward Spohrer
Provincial Superior



STATE OF NEW JERSEY:

SS:

COUNTY OF MORRIS:

I CERTIFY that on the 16th day of May, 2016, Neil Henry personally came before me and this person acknowledge under oath, to my satisfaction, that: (a) this person signed, sealed and delivered the attached document as Mayor of the **BOROUGH OF MENDHAM**, the municipal corporation named in this document; and (b) this document was signed and made by the municipal corporation as its voluntary act and deed by virtue of authority from the Municipal Council.

MARGOT GLOCKNER KAYE
Notary Public - State of New Jersey
My Commission Expires March 21, 2018

Margot Glockner Kaye
(Notary/Attorney)



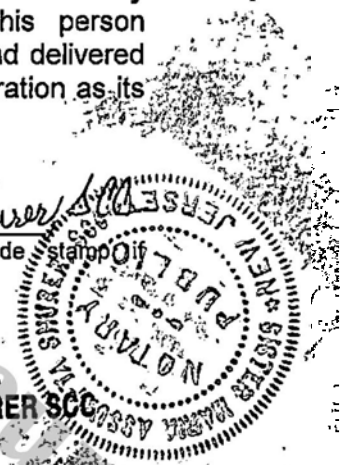
STATE OF NEW JERSEY:

SS:

COUNTY OF MORRIS:

I CERTIFY that on the 16th day of May, 2016, **Sister Mary Edward Spohrer, Provincial Superior**, personally came before me and this person acknowledge under oath, to my satisfaction, that: (a) this person signed, sealed and delivered the attached document; and (b) this document was signed and made by the corporation as its voluntary act and deed.

Sister Maria Assumpta Shurer SCC
(print notary name below & provide stamp if applicable)
(Notary)



RECORD AND RETURN
THE BUZAK LAW GROUP, LLC
150 River Road - Suite N4
Montville, New Jersey 07045

SISTER MARIA ASSUMPTA SHURER SCC
ID # 2211726
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 2, 2018

SCC Right of Way Easement (SCC-7)
051016
052616

Prepared By: Tiena M. Cofoni
Tiena M. Cofoni, Esq.

RIGHT OF WAY EASEMENT

THIS EASEMENT is made this 13th day of July, 2016, by and between:

SISTERS OF CHRISTIAN CHARITY
with offices located at
350 Bernardsville Road
Mendham, New Jersey 07945

("Grantor")

and:

COUNTY OF MORRIS
a county corporation of the State of New Jersey
Court Street, P.O. Box 900
Morristown, New Jersey 07963

("Grantee")

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Dedication of Right of Way Easement. The Grantor hereby grants, conveys, and dedicates to the Grantee an easement in the property described in Schedule A (measuring approximately 3,408 square feet), Schedule B (measuring approximately 18,923 square feet), and Schedule C (measuring approximately 16,145 square feet) and as shown on Schedule D, all attached hereto and made a part hereof through a portion of Block 2301, Lot 13 on the Official Tax Map of the Borough of Mendham. This easement is made for the sum of One Dollar (\$1.00). The Grantor acknowledges receipt of this money.

Tax Map Reference (N.J.S.A. 46:15-2.1). A portion of Block 2301, Lot 13 on the Official Tax Map of the Borough of Mendham.

Property. The property consists of a right-of-way easement through a portion of Block 2301, Lot 13, consisting of approximately 3,408 square feet (Schedule A), approximately 18,923 square feet (Schedule B), and approximately 16,145 square feet (Schedule C) located in the Borough of Mendham, County of Morris, State of New Jersey to be dedicated to the County of Morris for road purposes. The legal descriptions are as set forth in Schedules A, B, and C and as shown on Schedule D, all attached hereto and made a part hereof.

Purpose. This Right of Way Easement is intended to dedicate to the Grantee a right-of-way easement through a portion of Block 2301, Lot 13 on the Official Tax Map of the Borough of Mendham, as set forth in Schedules A, B, and C and as shown on Schedule D, all attached hereto and made a part hereof. Grantor and Grantee understand and agree that this easement does not constitute a conveyance of title to the property that is the subject of the easement but grants only an easement to access and use the property for roadway purposes. Further, Grantor and Grantee agree that upon the written request by Grantee to Grantor, title to any or all of the property described on Schedules A, B, and/or C shall be conveyed to Grantee by Grantor in fee.

Covenants as to Grantor's Act. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts." (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor.)

Recital. The Property dedicated herein is part of the premises conveyed to Grantor as described below.

Being a portion of the property conveyed to Sisters of Christian Charity of New Jersey by Deed from Society of the Sisters of Christian Charity of Wilmette, III., dated June 1, 1928, and recorded in the Office of the Morris County Clerk on February 21, 1933 in Book H-33, Page 93.

Signatures. The parties sign this Right of Way Easement as of the date as indicated on the acknowledgments attached hereto and made a part hereof.

WITNESS

GRANTOR
SISTERS OF CHRISTIAN CHARITY
OF NEW JERSEY

Sister Mary Dominic Kopitar
Sister Mary Dominic Kopitar
Corporate Secretary

Sister Marlene Weitzel
Sister Marlene Weitzel
First Councilor

WITNESS

GRANTEE
COUNTY OF MORRIS
STATE OF NEW JERSEY

Diane M. Ketchum
Diane M. Ketchum, Clerk
Morris County Board of Chosen Freeholders

Kathryn A. DeFillippo
Kathryn A. DeFillippo is the Director
Morris County Board of Chosen Freeholders

RECORD AND RETURN TO:

Office of Morris County Counsel
Administration and Records Building
Court Street, PO Box 900
Morristown, New Jersey 07963

ACKNOWLEDGMENTS

STATE OF NEW JERSEY

SS.:

COUNTY OF MORRIS

I CERTIFY that on June 2, 2016, Sister Marlene Weitzel personally came before me and stated to my satisfaction that she:

- (a) was the maker of the attached instrument; and
- (b) was authorized to and did execute this instrument as First Councilor of The Sisters of Christian Charity of New Jersey, the entity named in this instrument.

Sworn and subscribed to before me this 2 day of June, 2016

Sister Maria Assumpta Shurer SCC
Notary Public of New Jersey

SISTER MARIA ASSUMPTA SHURER SCC
ID # 2211726
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 2, 2018

STATE OF NEW JERSEY

SS.:

COUNTY OF MORRIS

I CERTIFY that on July 13, Diane M. Katchum personally came before me and this person acknowledged under oath to my satisfaction that:

- (a) this person is the **Clerk of the Board of Chosen Freeholders of the County of Morris;**
- (b) this person is the attesting witness to the signing of this document by **Kathryn A. DeFillippo** who is the **Director of the Board of Chosen Freeholders;**
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of the members of the Board;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

Diane M. Katchum
Diane M. Katchum, Clerk
Morris County Board of Chosen Freeholders

Sworn and subscribed to before me this 13th day of July, 2016

Janet M. Donaldson
Notary Public of New Jersey

JANET M. DONALDSON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sep. 12, 2019

May 3, 2016
Revised June 17, 2016
BCG Proj. 080172-C0-001
OEA Proj. 121103.C0

DESCRIPTION OF A PROPOSED VARIABLE WIDTH EASEMENT SITUATED IN THE
BOROUGH OF MENDHAM, MORRIS COUNTY, NEW JERSEY.

BEING a portion of Lot 13, Block 2301 as described in Deed Book H-33 Page 93 and as shown on plans entitled "Sisters of Christian Charity, County Dedication & Easement Plan, Block 2301, Lot 13, Borough of Mendham, Morris County, New Jersey" dated to June 17, 2016 and prepared by Omland Engineering Associates, Inc., a Bowman Consulting Company, more particularly described as follows:

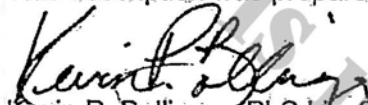
BEGINNING at a point in the proposed northerly sideline of Bernardsville Road as shown on said Plans, 50 feet wide, said point being distant along said sideline the following 7 courses from a point where same is intersected by the division line between said Lot 13 and Lot 12, Block 2301:

- a) North 83°54'53" West, 1,319.08 feet to an angle point in same; Thence
 - b) North 84°16'53" West, 319.88 feet to an angle point in same; Thence
 - c) North 76°30'53" West, 92.97 feet to an angle point in same; Thence
 - d) North 52°26'53" West, 92.13 feet to an angle point in same; Thence
 - e) North 40°50'53" West, 403.94 feet to an angle point in same; Thence
 - f) North 48°30'53" West, 103.64 feet to an angle point in same; Thence
 - g) North 57°29'53" West, 35.63 feet to the true Place of BEGINNING and running;
Thence
- 1) Along said sideline being a new line through said Lot 13, North 57°29'53" West, 51.78 feet to a point of curve leading into the easterly sideline of Hilltop Road, 50 feet wide;
Thence
 - 2) Along a curve to the right having a radius of 80.00 feet, an arc length of 111.12 feet, the chord of which bears North 17°42'23" West, 102.40 feet, to a point of tangency in same;
Thence
 - 3) North 21°19'41" East, 50.32 feet to an angle point in same; Thence, leaving said proposed sideline and continuing on a new line through said Lot 13 the following 3 courses
 - 4) South 68°49'53" East, 8.00 feet to an angle point in same; Thence

- 5) Along a non-tangent curve to the left having a radius of 135.00 feet, an arc length of 185.35, the chord of which bears South 18°09'53" East, 171.13 to a point of tangency in same; Thence
- 6) South 32°30'07" West, 8.00 feet to the aforesaid point of BEGINNING.

Containing 3,408 square feet or 0.0782 acres more or less. Subject to easements and restrictions of record.

This description was prepared by:


Kevin P. Bollinger, PLS Lic. 30744
BOWMAN CONSULTING GROUP, LTD.

H:\Projects\Documents\OEA Projects\121103.C0 Sisters of Charity\DESCRIPTIONS\Description-Sisters- easement-Hilltop-Pleasant Valley-Bernardsville Roads-REVISED.doc

May 3, 2016
Revised June 17, 2016
BCG Proj. 080172-C0-001
OEA Proj. 121103.C0

DESCRIPTION OF A PROPOSED 8 FOOT WIDE EASEMENT SITUATED IN THE
BOROUGH OF MENDHAM, MORRIS COUNTY, NEW JERSEY.

BEING a portion of Tax Lot 13, Block 2301 as described in Deed Book H-33 Page 93 and as shown on plans entitled "Sisters of Christian Charity, County Dedication & Easement Plan, Block 2301, Lot 13, Borough of Mendham, Morris County, New Jersey" dated to June 17, 2016 and prepared by Omland Engineering Associates, Inc., a Bowman Consulting Company, more particularly described as follows:

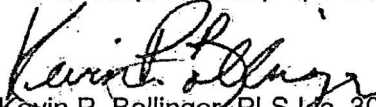
BEGINNING at a point in the proposed northeasterly sideline of Bernardsville Road as shown on said Plans, 50 feet wide, where same is intersected by the division line between said Lot 13 and Lot 12, Block 2301, and running; Thence, by a new line through said Lot 13, being the proposed northerly sideline of Bernardsville Road, all as shown on said Plans, the following 7 courses

- 1) North 83°54'53" West, 1,319.08 feet to an angle point in same; Thence
- 2) North 84°16'53" West, 319.88 feet to an angle point in same; Thence
- 3) North 76°30'53" West, 92.97 feet to an angle point in same; Thence
- 4) North 52°26'53" West, 92.13 feet to an angle point in same; Thence
- 5) North 40°50'53" West, 403.94 feet to an angle point in same; Thence
- 6) North 48°30'53" West, 103.64 feet to an angle point in same; Thence
- 7) North 57°29'53" West, 35.63 feet to an angle point in same; Thence, leaving said proposed sideline and continuing on a new line through said Lot 13 the following 8 courses
- 8) North 32°30'07" East, 8.00 feet to an angle point in same; Thence
- 9) South 57°29'53" East, 36.26 feet to an angle point in same; Thence
- 10) South 48°30'53" East, 104.80 feet to an angle point in same; Thence

- 11) South 40°50'53" East, 403.66 feet to an angle point in same; Thence
- 12) South 52°26'53" East, 89.61 feet to an angle point in same; Thence
- 13) South 76°30'53" East, 90.73 feet to an angle point in same; Thence
- 14) South 84°16'53" East, 319.37 feet to an angle point in same; Thence
- 15) South 83°54'53" East, 1,319.09 feet to a point where same is intersected by the aforesaid division line between Lots 12 and 13; Thence
- 16) Along said division line, South 05°58'07" West, 8.00 feet to the aforesaid point of BEGINNING.

Containing 18,923 square feet or 0.4344 acres more or less. Subject to easements and restrictions of record.

This description was prepared by:


Kevin P. Bollinger, PLS Lic. 30744
BOWMAN CONSULTING GROUP, LTD.

H:\Projects\Documents\OEA Projects\121103.C0 Sisters of Charity\DESCRIPTIONS\Description-Sisters- 8 foot wide easement-Bernardsville Road-REVISED.doc

May 3, 2016
Revised June 17, 2016
BCG Proj. 080172-C0-001
OEA Proj. 121103.C0

DESCRIPTION OF A PROPOSED 8 FOOT WIDE EASEMENT SITUATED IN THE BOROUGH OF MENDHAM, MORRIS COUNTY, NEW JERSEY.

BEING a portion of Lot 13, Block 2301 as described in Deed Book H-33 Page 93 and as shown on plans entitled "Sisters of Christian Charity, County Dedication & Easement Plan, Block 2301, Lot 13, Borough of Mendham, Morris County, New Jersey" dated to June 17, 2016 and prepared by Omland Engineering Associates, Inc., a Bowman Consulting Company, more particularly described as follows:


BEGINNING at a point in the proposed easterly sideline of Hilltop Road as shown on said Plans, 50 feet wide, where same is intersected by the division line between said Lot 13 and Lot 1.02, Block 2301, extended, and running; Thence

- 1) Along said division line, South 68°56'19" East, 8.33 feet to a point in same; Thence by a new line through said Lot 13, the following 8 courses
- 2) South 37°19'07" West, 106.49 feet to an angle point in same; Thence
- 3) South 32°05'07" West, 291.78 feet to an angle point in same; Thence
- 4) South 23°15'07" West, 484.99 feet to an angle point in same; Thence
- 5) South 07°51'07" West, 375.90 feet to an angle point in same; Thence
- 6) South 02°10'07" West, 331.93 feet to an angle point in same; Thence
- 7) South 04°09'07" West, 203.51 feet to an angle point in same; Thence
- 8) South 21°10'07" West, 223.60 feet to an angle point in same; Thence
- 9) North 68°49'53" West, 8.00 feet to a point where same is intersected by the aforesaid proposed easterly sideline of Hilltop Road; Thence, along said sideline the following 7 courses
- 10) North 21°10'07" East, 222.41 feet to an angle point in same; Thence
- 11) North 04°09'07" East, 202.17 feet to an angle point in same; Thence

- 12) North 02°10'07" East, 332.19 feet to an angle point in same; Thence
- 13) North 07°51'07" East, 377.38 feet to an angle point in same; Thence
- 14) North 23°15'07" East, 486.69 feet to an angle point in same; Thence
- 15) North 32°05'07" East, 292.77 feet to an angle point in same; Thence
- 16) North 37°19'07" East, 104.52 feet to the aforesaid point of BEGINNING.

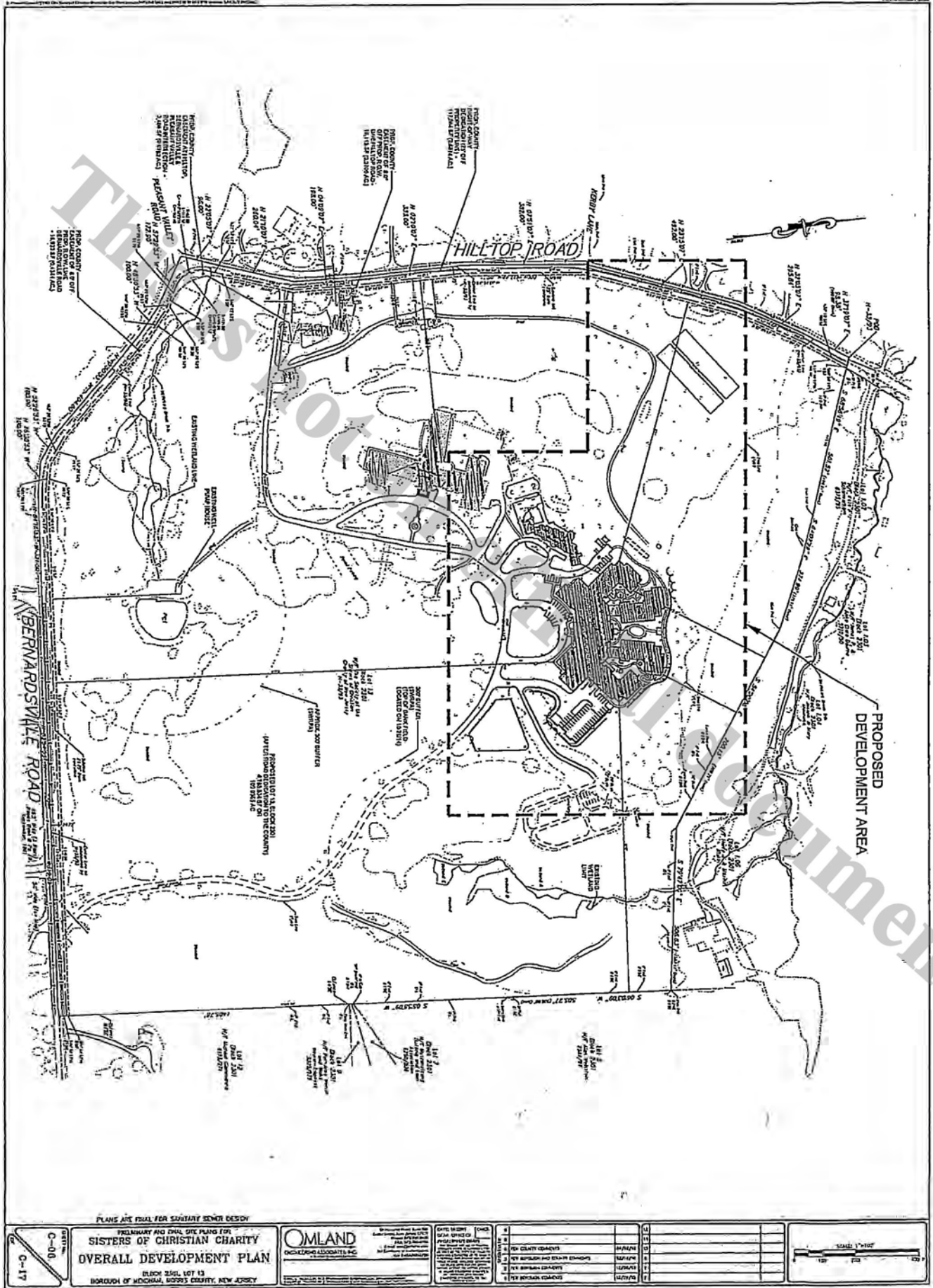
Containing 16,145 square feet or 0.3706 acres more or less. Subject to easements and restrictions of record.

This description was prepared by:


Kevin P. Bollinger, PLS Lic. 30744
BOWMAN CONSULTING GROUP, LTD.

H:\Projects\Documents\OEA Projects\121103.C0 Sisters of Charity\DESCRIPTIONS\Description-Sisters- 8 foot wide easement-Hilltop Road-REVISED.doc

SCHEDULE D



PLANS ARE FINAL FOR SUBMITTAL UNDER DESIGN

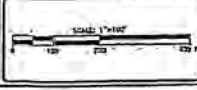
PRELIMINARY AND FINAL SITE PLANS FOR
SISTERS OF CHRISTIAN CHARITY
OVERALL DEVELOPMENT PLAN
 BLOCK 2501, LOT 13
 BOROUGH OF MICHAEL, MIDDLESEX COUNTY, NEW JERSEY

OMLAND
 ENGINEERING ASSOCIATES, P.C.
 1000 ROUTE 202, SUITE 200
 HUNTSVILLE, NJ 08831
 TEL: 908-426-1100
 FAX: 908-426-1101
 WWW.OMLAND-PA.COM

DATE: 10/13/11
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT NO.: 11-001

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/13/11
2	FOR COUNTY COMMENTS	10/13/11
3	FOR TOWNSHIP AND COUNTY COMMENTS	10/13/11
4	FOR TOWNSHIP COMMENTS	10/13/11
5	FOR TOWNSHIP COMMENTS	10/13/11

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/13/11
2	FOR COUNTY COMMENTS	10/13/11
3	FOR TOWNSHIP AND COUNTY COMMENTS	10/13/11
4	FOR TOWNSHIP COMMENTS	10/13/11
5	FOR TOWNSHIP COMMENTS	10/13/11



MORRIS COUNTY, NJ; ANN F. GROSSI, COUNTY CLERK
DEED-OR BOOK 22948 PG 1162 RECORDED 07/21/2016 08:45:44
FILE NUMBER 2016043620; RECORDING FEES \$0.00
RCPT #: 1175224; RECD BY: ABedkowski

SCC Deed (SCC-7)
051016
052616

Prepared By: *Trena M. Cofoni*
COUNTY CLERK
RECORDED 07/21/2016 08:44
RECORDING FEES \$0.00
BY: ABedkowski
Trena M. Cofoni, Esq.

DEED OF DEDICATION

THIS DEED OF DEDICATION is made this 2 day of June, 2016, by
and between:

SISTERS OF CHRISTIAN CHARITY

with offices located at
350 Bernardsville Road
Mendham, New Jersey 07945

("Grantor")

and:

COUNTY OF MORRIS

a county corporation of the State of New Jersey
Court Street, P.O. Box 900
Morristown, New Jersey 07963

("Grantee")

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Dedication of Right of Way. The Grantor hereby grants, conveys, and dedicates to the Grantee all the right, title, and interest in the property described in Schedule A and as shown on Schedule B, both attached hereto and made a part hereof through a portion of Block 2301, Lot 13 on the Official Tax Map of the Borough of Mendham, said right-of-way consisting of approximately 117,064 square feet. This transfer is made for the sum of One Dollar (\$1.00). The Grantor acknowledges receipt of this money.

Tax Map Reference (N.J.S.A. 46:15-2.1). A portion of Block 2301, Lot 13 on the Official Tax Map of the Borough of Mendham.

Property. The property consists of a right-of-way through a portion of Block 2301, Lot 13, consisting of approximately 117,064 square feet located in the Borough of Mendham, County of Morris, State of New Jersey to be dedicated to the County of Morris for road purposes. The legal description is as set forth in Schedule A and as shown on Schedule B, both attached hereto and made a part hereof. Schedule C provides a property description of remainder Block 2301, Lot 13, after dedication of the right-of-way described in Schedule A.

Purpose. This Deed is intended to dedicate to the Grantee a right-of-way through a portion of Block 2301, Lot 13 on the Official Tax Map of the Borough of Mendham, said right-of-way consisting of approximately 117,064 square feet, as set forth in Schedule A and as shown on Schedule B, both attached hereto and made a part hereof.

Covenants as to Grantor's Act. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts." (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor.)

Recital. The Property dedicated herein is part of the premises conveyed to Grantor as described below.

Being a portion of the property conveyed to Sisters of Christian Charity of New Jersey by Deed from Society of the Sisters of Christian Charity of Wilmette, III., dated June 1, 1928, and recorded in the Office of the Morris County Clerk on February 21, 1933 in Book H-33, Page 93.

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

WITNESS

GRANTOR
SISTERS OF CHRISTIAN CHARITY
OF NEW JERSEY

Sister Mary Dominic Kopitar
Sister Mary Dominic Kopitar
Corporate Secretary

Sister Marlene Weitzel
Sister Marlene Weitzel
First Councilor

ACKNOWLEDGMENT

STATE OF NEW JERSEY |
| SS.:
COUNTY OF MORRIS |

I CERTIFY that on June 2, 2016, Sister Marlene Weitzel personally came before me and stated to my satisfaction that she:

- (a) was the maker of the attached instrument; and
- (b) was authorized to and did execute this instrument as First Councilor of The Sisters of Christian Charity of New Jersey, the entity named in this instrument.

Sworn and subscribed to before me
this 2nd day of June, 2016

Sister Maria Assumpta Shurer, SCC
Notary Public of New Jersey

SISTER MARIA ASSUMPTA SHURER SCC
ID # 2211726
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires April 2, 2018

RECORD AND RETURN TO:
Office of Morris County Counsel
Administration and Records Building
Court Street, PO Box 900
Morristown, New Jersey 07963

May 3, 2016
Revised June 17, 2016
BCG Proj: 080172-C0-001
OEA Proj: 121103.C0

DESCRIPTION OF A PROPOSED ROAD DEDICATION SITUATED IN THE BOROUGH OF MENDHAM, MORRIS COUNTY, NEW JERSEY.

BEING a portion of Tax Lot 13, Block 2301 as described in Deed Book H-33 Page 93 and as shown on plans entitled "Sisters of Christian Charity, County Dedication & Easement Plan, Block 2301, Lot 13, Borough of Mendham, Morris County, New Jersey" dated to June 17, 2016 and prepared by Omland Engineering Associates, Inc., a Bowman Consulting Company, more particularly described as follows:

BEGINNING at a point in the centerline of Bernardsville Road, 50 feet wide, where same is intersected by the division line between said Lot 13 and Lot 12, Block 2301, and running; Thence, along said centerline the following 7 courses

- 1) North 83°54'53" West, 1,319.05 feet to an angle point in same; Thence
- 2) North 84°16'53" West, 321.50 feet to an angle point in same; Thence
- 3) North 76°30'53" West, 100.00 feet to an angle point in same; Thence
- 4) North 52°26'53" West, 100.00 feet to an angle point in same; Thence
- 5) North 40°50'53" West, 404.80 feet to an angle point in same; Thence
- 6) North 48°30'53" West, 100.00 feet to an angle point in same; Thence
- 7) North 57°29'53" West, 172.90 feet to A point where same is intersected by the centerline of Hilltop Road, 50 feet wide; Thence, along said centerline the following 8 courses
- 8) North 22°05'07" East, 96.00 feet to an angle point in same; Thence
- 9) North 21°10'07" East, 260.04 feet to an angle point in same; Thence
- 10) North 04°09'07" East, 198.00 feet to an angle point in same; Thence
- 11) North 02°10'07" East, 333.00 feet to an angle point in same; Thence

- 12) North $07^{\circ}51'07''$ East, 382.00 feet to an angle point in same; Thence
- 13) North $23^{\circ}15'07''$ East, 492.00 feet to an angle point in same; Thence
- 14) North $32^{\circ}05'07''$ East, 295.84 feet to an angle point in same; Thence
- 15) North $37^{\circ}19'07''$ East, 98.38 feet to a point where same is intersected by the division line between said Lot 13 and Lot 1.02, Block 2301 extended; Thence
- 16) Along said division line extended, South $68^{\circ}56'19''$ East, 26.04 feet to a point in same; Thence, by a new line through said Lot 13, being the proposed southeasterly sideline of said Hilltop Road set 25 feet southeasterly at right angles to courses 9 through 15 and a portion of course 8 herein and then the northerly proposed sideline of Bernardsville Road set 25 feet northeasterly at right angles to courses 1 through 6 and a portion of course 7 herein, all as shown on said Plans, the following 17 courses
- 17) South $37^{\circ}19'07''$ West, 104.52 feet to an angle point in same; Thence
- 18) South $32^{\circ}05'07''$ West, 292.77 feet to an angle point in same; Thence
- 19) South $23^{\circ}15'07''$ West, 486.69 feet to an angle point in same; Thence
- 20) South $07^{\circ}51'07''$ West, 377.38 feet to an angle point in same; Thence
- 21) South $02^{\circ}10'07''$ West, 332.19 feet to an angle point in same; Thence
- 22) South $04^{\circ}09'07''$ West, 202.17 feet to an angle point in same; Thence
- 23) South $21^{\circ}10'07''$ West, 263.98 feet to an angle point in same; Thence
- 24) South $22^{\circ}05'07''$ West, 8.74 feet to a point of curve leading into the said northerly proposed sideline of Bernardsville Road; Thence
- 25) Along a curve to the left having a radius of 80.00 feet, an arc length of 111.12 feet, the chord of which bears South $17^{\circ}42'23''$ East, 102.40 feet, to a point of tangency in same; Thence
- 26) South $57^{\circ}29'53''$ East, 87.41 feet to an angle point in same; Thence
- 27) South $48^{\circ}30'53''$ East, 103.64 feet to an angle point in same; Thence
- 28) South $40^{\circ}50'53''$ East, 403.94 feet to an angle point in same; Thence
- 29) South $52^{\circ}26'53''$ East, 92.13 feet to an angle point in same; Thence
- 30) South $76^{\circ}30'53''$ East, 92.97 feet to an angle point in same; Thence

31) South 84°16'53" East, 319.88 feet to an angle point in same; Thence

32) South 83°54'53" East, 1,319.08 feet to an angle point in same; Thence

33) South 05°58'09" West, 25.00 feet to the aforesaid point of BEGINNING.

Containing 117,064 square feet or 2.6874 acres more or less. Subject to easements and restrictions of record.

This description was prepared by:

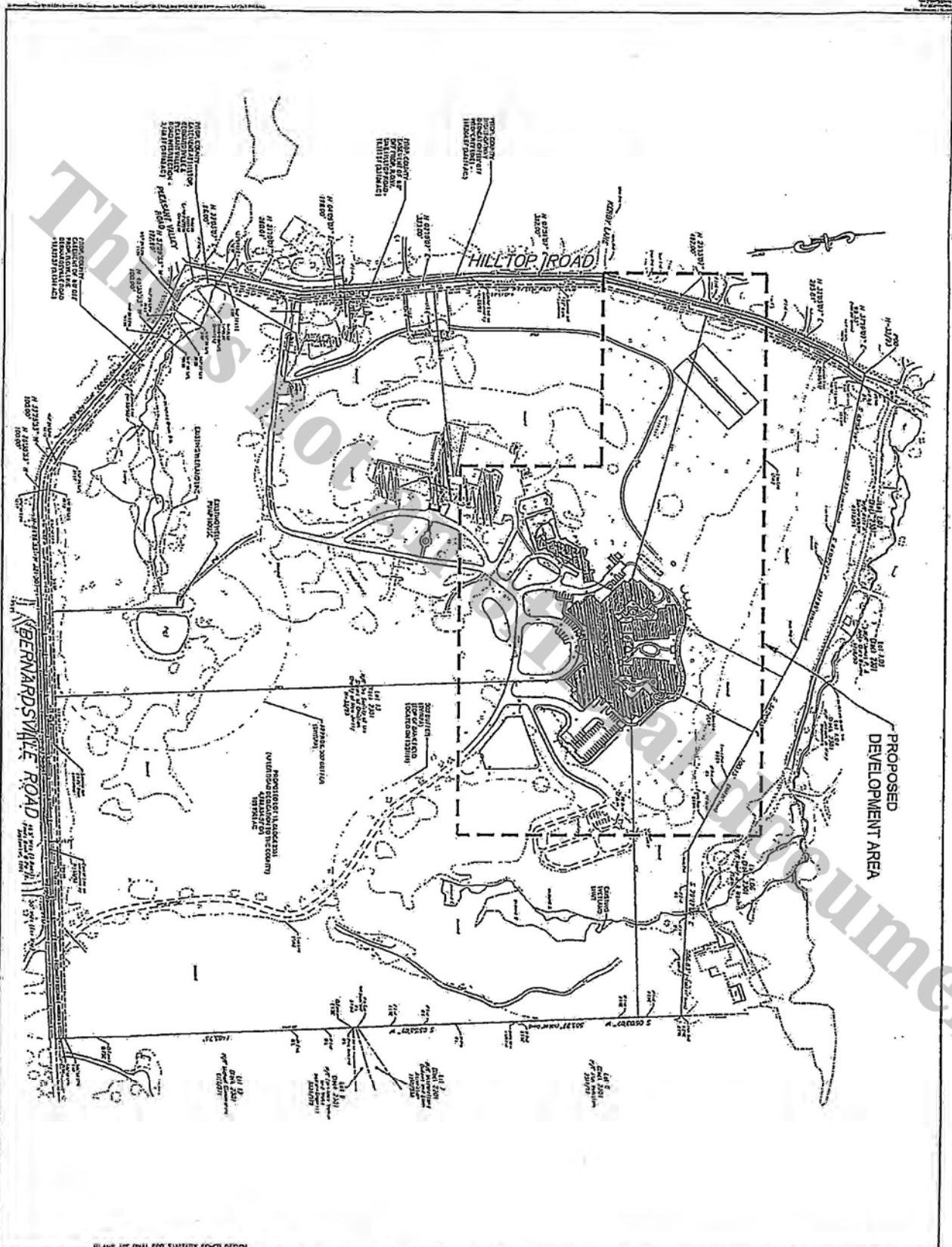


Kevin P. Bollinger, PLS Lic. 30744
BOWMAN CONSULTING GROUP, LTD.

H:\Projects\Documents\OEA Projects\121103.C0 Sisters of Charity\DESCRIPTIONS\Description-Sisters Road Dedication-REVISED.doc

Bowman
CONSULTING

SCHEDULE B



PLANS ARE FINAL FOR TENTATIVE SEWER DESIGN

PRELIMINARY AND FINAL SITE PLANS FOR
SISTERS OF CHRISTIAN CHARITY
OVERALL DEVELOPMENT PLAN

DATE: 03/20/13
 SHEET NO. 001 OF 001

OMLAND
 ENGINEERS AND ARCHITECTS

NO.	DATE	DESCRIPTION
1	03/20/13	PRELIMINARY SITE PLAN
2	03/20/13	FINAL SITE PLAN

SCALE: 1" = 100'

May 3, 2016
Revised June 17, 2016
BCG Proj. 080172-C0-001
OEA Proj. 121103.C0

DESCRIPTION OF A PARCEL OF LAND SITUATED IN THE BOROUGH OF MENDHAM,
MORRIS COUNTY, NEW JERSEY.

BEING a portion of Tax Lot 13, Block 2301 as described in Deed Book H-33 Page 93 and as shown on plans entitled "Sisters of Christian Charity, County Dedication & Easement Plan, Block 2301, Lot 13, Borough of Mendham, Morris County, New Jersey" dated to June 17, 2016 and prepared by Omland Engineering Associates, Inc., a Bowman Consulting Company, more particularly described as follows:

BEGINNING at a point in the proposed southeasterly sideline of Hilltop Road, 50 feet wide, where same is intersected by the division line between said Lot 13 and lands as shown on map entitled "Final Plat of Tax Map Lot 1 in Block 15, Mendham Borough, Morris County, New Jersey" dated to January 24, 1986 and filed in the Morris County Clerk's Office on March 7, 1986 as Map No. 4455 extended 8.33 feet and running thence, along said division line the following 4 courses

- 1) South 68°56'19" East, 475.48 feet to an angle point in same; Thence
- 2) South 64°07'29" East, 374.99 feet to an angle point in same; Thence
- 3) South 54°20'08" East, 700.15 feet to an angle point in same; Thence
- 4) South 79°47'06" East, 506.63 feet to a point where same is intersected by the division line between said Lot 13 and Lot 6, Block 2301; Thence
- 5) Along said division line, South 06°03'09" West, 505.27 feet to an angle point in same; Thence
- 6) Along said division line and then the division line between said Lot 13 and Lots 7, 9, and 12, Block 2301, South 05°58'09" West, 1380.76 feet to a point where same is intersected by the proposed northeasterly sideline of Bernardsville Road, 50 feet wide, said point being set 25 feet northeasterly from the centerline of said Road; Thence, along said proposed sideline the following 7 courses

- 7) North 83°54'53" West, 1,319.08 feet to an angle point in same; Thence
- 8) North 84°16'53" West, 319.88 feet to an angle point in same; Thence
- 9) North 76°30'53" West, 92.97 feet to an angle point in same; Thence
- 10) North 52°26'53" West, 92.13 feet to an angle point in same; Thence
- 11) North 40°50'53" West, 403.94 feet to an angle point in same; Thence
- 12) North 48°30'53" West, 103.64 feet to an angle point in same; Thence
- 13) North 57°29'53" West, 87.41 feet to a point of curve leading into the aforesaid proposed southeasterly sideline of Hilltop Road, width varies; Thence
- 14) Along a curve to the right having a radius of 80.00 feet, an arc length of 111.12 feet, the chord of which bears North 17° 42' 23" West, 102.40 feet to a point of tangency in said sideline of Hilltop Road; Thence, along said proposed sideline the following 8 courses
- 15) North 22°05'07" East, 50.32 feet to an angle point in same; Thence
- 16) North 21°10'07" East, 222.41 feet to an angle point in same; Thence
- 17) North 04°09'07" East, 202.17 feet to an angle point in same; Thence
- 18) North 02°10'07" East, 332.19 feet to an angle point in same; Thence
- 19) North 07°51'07" East, 377.38 feet to an angle point in same; Thence
- 20) North 23°15'07" East, 486.69 feet to an angle point in same; Thence
- 21) North 32°05'07" East, 292.77 feet to an angle point in same; Thence
- 22) North 37°19'07" East, 104.52 feet to the aforesaid point of BEGINNING.

Containing 4,788,834 square feet or 109.9365 acres more or less. Subject to easements and restrictions of record.

This description was prepared by:



Kevin P. Bollinger, PLS Lic. 30744
BOWMAN CONSULTING GROUP, LTD.

H:\Projects\Documents\OEA Projects\121103.C0 Sisters of Charity\DESCRIPTIONS\Description-Sisters-Lot 13-Block 2301-Remainder-REVISED .doc

Bowman
CONSULTING



State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

GIT/REP-3
 (9-2015)

(Please Print or Type)

SELLER'S INFORMATION

Name(s)
 Sisters of Christian Charity
 Current Street Address
 350 Bernardsville Road
 City, Town, Post Office Box
 Mendham State NJ Zip Code 07945

PROPERTY INFORMATION

Block(s) 2301 Lot(s) 13 Qualifier
 Street Address
 350 Bernardsville Road
 City, Town, Post Office Box
 mendham State NJ Zip Code 07945
 Seller's Percentage of Ownership 100% Total Consideration \$1.00 Owner's Share of Consideration 100% Closing Date 6/2/2016

SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.
 Seller did not receive non-like kind property.
8. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. The deed is dated prior to August 1, 2004, and was not previously recorded.
11. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. The property transferred is a cemetery plot.
14. The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

SELLER'S DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

6/2/2016

 Date

 Date

Sister Madeline Heitzel

 Signature
 (Seller) Please Indicate if Power of Attorney or Attorney In Fact

 Signature
 (Seller) Please Indicate if Power of Attorney or Attorney In Fact

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

FOR RECORDER'S USE ONLY	
Consideration	\$ 1.00
RTF paid by seller	\$
Date	12/16
By	ARS

COUNTY Morris } SS. County Municipal Code 141B

MUNICIPALITY OF PROPERTY LOCATION Borough of Mendham

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, Tiena Cofoni, being duly sworn according to law upon his/her oath, deposes and says that he/she is the Grantor's Attorney in a deed dated June 2, 2016 transferring (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.) real property identified as Block number a portion of 2301 Lot number 13 located at 350 Bernardsville Road and annexed thereto. (Street Address, Town)

(2) CONSIDERATION \$ 1.00 (Instructions #1 and #5 on reverse side) no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ _____ + _____ % = \$ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(a) For consideration of less than \$100; (b) By or to the United States of America, this State, or any instrumentality, agency or subdivision

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) 62 years of age or over. * (Instruction #9 on reverse side for A or B)
- B. { BLIND PERSON Grantor(s) legally blind or; *
- DISABLED PERSON Grantor(s) permanently and totally disabled receiving disability payments not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- Owned and occupied by grantor(s) at time of sale. Resident of State of New Jersey.
- One or two-family residential premises. Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- Affordable according to H.U.D. standards. Reserved for occupancy.
- Meets income requirements of region. Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

- Entirely new improvement. Not previously occupied.
- Not previously used for any purpose. "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- No prior mortgage assumed or to which property is subject at time of sale.
- No contributions to capital by either grantor or grantee legal entity.
- No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 15th day of June, 2016

Tiena M Cofoni Sisters of Christian Charity
Signature of Deponent Grantor Name

150 River Road
Suite N4
Montville, NJ 07045

350 Bernardsville Road
Mendham, NJ 07945

Deponent Address

Grantor Address at Time of Sale

LUCREZIA F. DESORT

XXX-XXX-057

Tiena M. Cofoni, Esq.

Last three digits in Grantor's Social Security Number

Name/Company of Settlement Officer

A Notary Public of New Jersey

My Commission Expires 10/12/2020

FOR OFFICIAL USE ONLY	
Instrument Number	2016 043620
Deed Number	Book 22948 Page 1162
Deed Dated	6/2/16
Date Recorded	7/2/16

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to:

STATE OF NEW JERSEY
PO BOX 251
TRENTON, NJ 08695-0251

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at:

www.state.nj.us/treasury/taxation/lpt/localtax.htm

**Board of Chosen Freeholders
Morris County, New Jersey**

Resolution No. 4

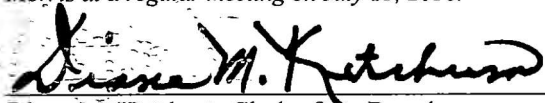
Adopted: July 13, 2016

WHEREAS, the Board of Chosen Freeholders of the County of Morris has reviewed and agrees to accept a Deed of Dedication ("Deed") and a Right of Way Easement ("Easement") between the Sisters of Christian Charity, whose address is 350 Bernardsville Road, Mendham, New Jersey 07945 (Grantor) and the County of Morris, having its principal address at Court Street, P.O. Box 900, Morristown, New Jersey 07963-0900 (Grantee) which Deed and Easement convey property known as a portion of Tax Block No. 2301, Lot 13, located in the Borough of Mendham, and State of New Jersey, more particularly described in the attached Deed and Easement, a copy of which are on file in the Office of the Morris County Administrator.

NOW THEREFORE BE IT RESOLVED, by the Board of Chosen Freeholders of the County of Morris, State of New Jersey as follows:

1. The Deed of Dedication ("Deed") and the Right of Way Easement ("Easement") between the Sisters of Christian Charity, whose address is 350 Bernardsville Road, Mendham, New Jersey 07945 (Grantor) and the County of Morris, having its principal address at Court Street, P.O. Box 900, Morristown, New Jersey 07963-0900 (Grantee) which Deed and Easement convey property known as a portion of Tax Block No. 2301, Lot 13, located in the Borough of Mendham, and State of New Jersey, more particularly described in the attached Deed and Easement, a copy of which are on file in the Office of the Morris County Administrator, be and are herewith accepted.
2. The Clerk of the Board shall record the Deed of Dedication and the Right of Way Easement with the Office of the Morris County Clerk.
3. The within resolution shall take effect immediately.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Morris at a regular meeting on July 13, 2016.


Diane M. Ketchum, Clerk of the Board

(ID # 2511)

**350 Bernardsville Road
Mendham Borough, Morris County
Proposed Use Variance and Subdivision**



Planning Report: Existing Conditions and Project Proposal

September 23, 2022

Prepared by
M. McKinley Mertz, PP, AICP



Image taken by HLW

350 Bernardsville Road
Mendham Borough, Morris County
Proposed Use Variance and Subdivision

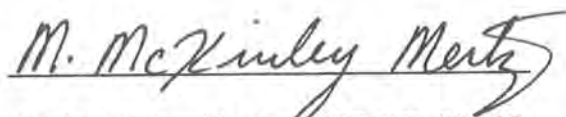
Planning Report: Existing Conditions and Project Proposal

September 23, 2022

Prepared by



236 Broad Street, Red Bank, NJ 07701



M. McKinley Mertz, AICP, P.P. #6368

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Image taken by HLW

Introduction and History

The purpose of this report is to provide the history and background of the property at 350 Bernardsville Road and the applicant's proposal for the adaptive reuse of several buildings on the site. The subject property is currently owned and operated by the Sisters of Christian Charity and has been operating in the same manner for almost 100 years. The project team has worked closely with the Sisters to put together a proposal for the former Motherhouse and several of the outbuildings that will allow for the reuse and rehabilitation of many buildings that have become ingrained in the fabric of Mendham Borough and the broader region over the last century.

As will be described in this report, the proposal will repurpose the former Motherhouse and its various outbuildings into a 111-unit multifamily development, inclusive of 17 affordable housing units. The project team has worked diligently to ensure the proposal is designed to preserve this important piece of history and bring these buildings back to life with a new purpose that is appropriate for both the structures and the site itself.

History of the Site

The Sisters of Christian Charity have been serving the Church and the community from 350 Bernardsville Road in Mendham Borough since the congregation established a Motherhouse (known as Mallinckrodt Convent) here in the 1920s on the former Cromwell Estate. The religious order was founded in Germany in 1849 by Blessed Pauline von Mallinckrodt and has had a presence in the United States since as early as 1873. In 1926, the order purchased the Seymour Cromwell Estate and established the Eastern Province here in 1927. The Sisters have been furthering their mission at Mallinckrodt Convent in harmony with the surrounding communities for almost 100 years.



Historic Postcard of Mallinckrodt Convent
Image Source: Ebay.com

The Sisters initially utilized the "Cromwell Mansion," the 44-room Georgian-style home that was constructed on the property in 1892, as their Retreat and Spiritual Center. Their community was ever growing, however, and in 1932 the Sisters moved into a larger Motherhouse situated directly adjacent to the Cromwell Mansion. The Cromwell Mansion was renovated and renamed Villa Pauline.

This larger Motherhouse, "Mallinckrodt Convent," was the home of the Sisters and their mission for many decades. The rear portion of the building was added in the 1950s, which includes an atrium on the ground floor and a large chapel on the upper floor.

Mallinckrodt Convent, located just south of Villa Pauline, acted as the Sisters Motherhouse until 2018 when they moved into their newly constructed 164,910 square-foot Motherhouse, built just north of Villa Pauline. Provincial leaders realized that the former Motherhouse was showing signs of age and could no longer adequately support the Sisters needs and their desire to consolidate its membership at one location.

The former Motherhouse, which has been vacant since the Sisters relocated in 2018, is the subject of this application.

The history of the property at 350 Bernardsville Road predates the establishment of the Sisters of Christian Charity by several decades. The property was once owned by Frederick Cromwell, the Treasurer and Trustee of the Mutual Life Insurance Company as well as the director of several railway companies, including the Morris & Essex Railroad. Frederick Cromwell was also known as an avid gardener, creating a beautifully landscaped estate. The Sisters carried on that tradition. One of the trees the Sisters planted in the early 1930s was later harvested and carried to Rockefeller Center to be donned with lights as the 1995 Rockefeller Center Christmas Tree.

Frederick Cromwell built a Georgian-style mansion for his son, Seymour, in 1892. Seymour Cromwell was a giant in his own right, serving as President for the New York Stock Exchange between 1921 and 1924. When Seymour died unexpectedly in 1925 after being thrown from a horse riding around his estate in Mendham, his family decided to sell the estate and move away for good. The Sisters of Christian Charity purchased the property in 1926.

The site was perhaps destined to fall into the hands of the Sisters of Christian Charity as both Frederick and Seymour were philanthropists, seeking to promote the welfare of others. Frederick funded major renovations of St. Mark's Church in Mendham in the 1890s, and Seymour was the President of the New Jersey State Home for Boys and the Fatherless Children of France.

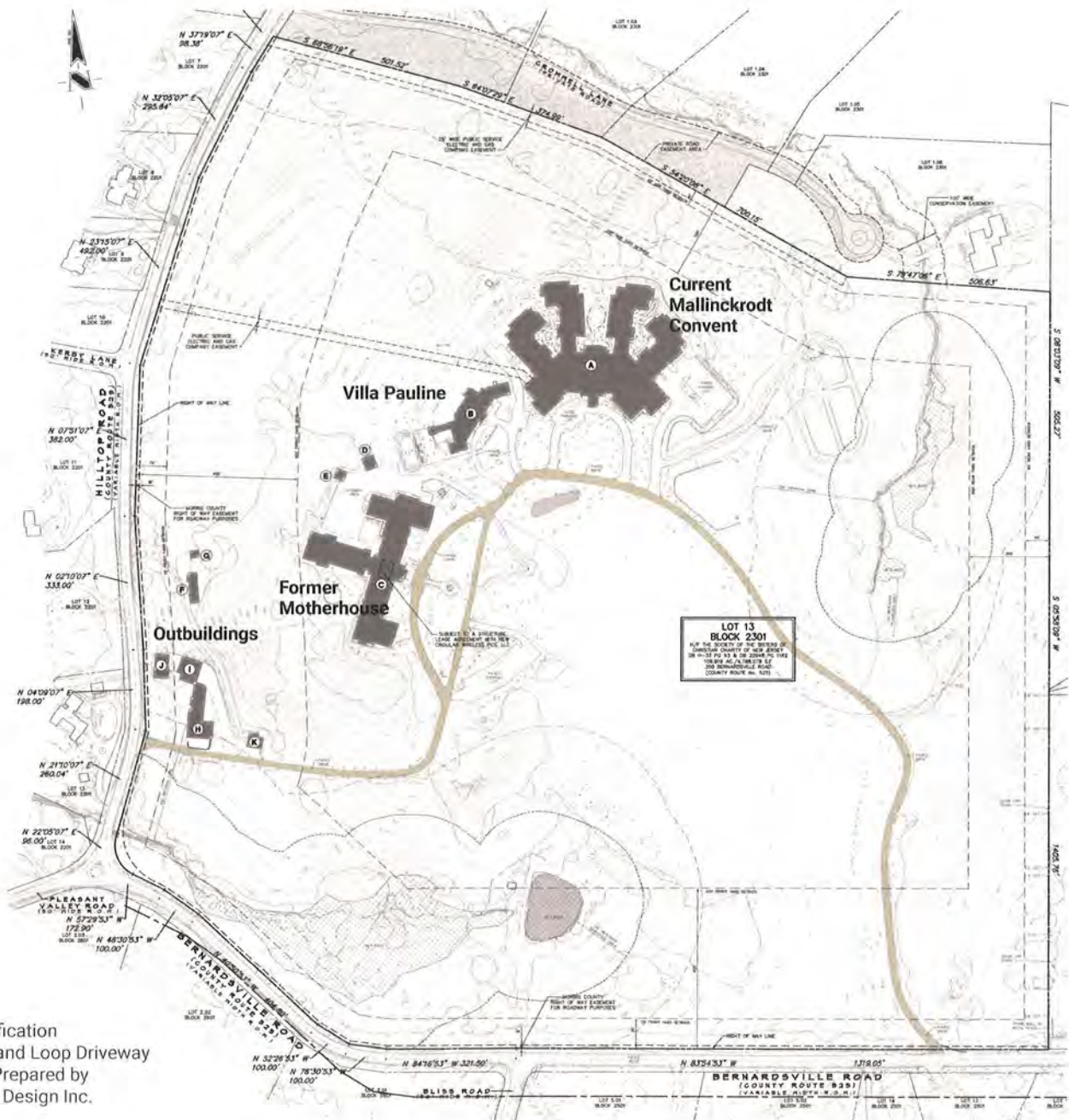
Description of Property and Existing Conditions

The subject project is 109.92 acres in size and located at 350 Bernardsville Road at Block 2301 Lot 13 within the Borough's 5-Acre Residential and Religious Campus Zone. The property is developed with Villa Pauline (used primarily as a retreat and office space administrators), the vacant former Motherhouse, the active Motherhouse, and several accessory structures near the Hilltop Road entrance.

The property is accessed by a private loop driveway that connects Bernardsville Road to Hilltop Road (both roads are part of County Route 525). There are significant topographic conditions on site with the lowest points occurring at the

Hilltop Road entrance, then increasing in elevation toward the entrance of the former Motherhouse. All of the existing buildings have been designed with these topographic conditions in mind, many of which are built into the grade, providing for unique floor plans and designs.

There are several structures located at the Hilltop Road entrance. In accordance with historic aerials and maps, discussions with the Sisters, and in-person investigations, these outbuildings have been on the property for well over 100 years. The buildings include rooms for equipment storage, barns that used to house cattle and other livestock, and five residential units. These existing units consist of one three-bedroom unit, one two-bedroom unit, and three one-bedroom units. Four of the residential units are occupied



Site Identification
Buildings and Loop Driveway
Site Plan Prepared by
Gladstone Design Inc.

by individuals who work at Mallinckrodt Convent. The two-bedroom unit is known as the hermitage, a place for prayer and reflection. This unit is not occupied year-round but is a scheduled retreat for use by any Sister of Christian Charity, women from other religious communities, clergy, and laity.

Following the driveway to the top of the hill is the former Motherhouse, Villa Pauline, and the new Mallinckrodt Convent Motherhouse. The former Motherhouse is a Neo-Gothic style building constructed in the early 1930s that strategically utilizes the grade into which it was built. The original part of the building is three to four stories in the front and a clear four stories in the rear. The building is linear and consists of the original sleeping quarters and classrooms. Two covered porches flank either end of the building, and the building is capped with an ornate cupola extending to the sky.

The addition that was added in the 1950s extends to the west and includes a high-ceiling atrium on the ground floor and a chapel on the upper floor.

While the Sisters have worked to maintain the former Motherhouse and not leave it abandoned, the building is in dire need of repair and rehabilitation. Its intricate details have begun to crumble, and broad sweeping updates are needed to modernize the facility.

Villa Pauline is north of the former Motherhouse, beyond which is the new 164,910 square-foot Mallinckrodt Convent.

Previous Site Approval

After many successful years in the original Motherhouse, the Sisters acknowledged that an upgraded space would be needed to further their mission. Given the immense cost it would take to comprehensively rehabilitate the original Motherhouse, it was decided by church leaders that a new facility would be required. The Sisters gained Planning Board approval in 2016 from the Mendham Borough Planning Board to construct their 164,910 square-foot facility just north of Villa Pauline. The approval included significant landscaping and buffering to contribute to the already well landscaped yard as well as create a separation between the site and the residences along Cromwell Lane to the north.

The Sisters indicated during the 2016 hearing process that future use of the original Motherhouse was not yet determined, but that they hoped to find a use that "...will allow them to preserve and conserve the building itself" (paragraph 17 of Resolution for Application Number #15-15, dated May 9, 2016).



Motherhouse
Image taken by HLW

Project Proposal and Process

The project team is proposing to subdivide the 109.92-acre property into two lots: one 86.92-acre lot that will retain the current Mallinckrodt Convent, Villa Pauline, and the portion of the loop driveway that extends to Bernardsville Road; and one 23-acre lot that will serve as the development site for the adaptive reuse of the former Motherhouse and outbuildings that front on Hilltop Road. The intent is for the Sisters to maintain control of the 86.92-acre lot to further their mission from their new Mallinckrodt Convent and to lease out the 23-acre lot for the development of a 111-unit multifamily development, including 17 affordable rental units.

The former Motherhouse and the outbuildings fronting on Hilltop Road will be adaptively reused into multifamily residential units with structured and surface parking and residential amenities.

The proposed multifamily development is not a permitted use in the Borough's 5-Acre Residential and Religious Campus Zone, which only permits single-family homes and religious campuses providing living quarters for a religious

order. **Therefore, the applicant is seeking a D-1 Use Variance to permit the adaptive reuse of the existing buildings into multifamily housing.**

The applicant is bifurcating the application and only seeking the D-1 Use Variance and subdivision at this time. Should the Board act favorably on these two items, the team will return at a later time for preliminary and final site plan approval.

While preliminary or final site plan approval are not part of this application the team has identified deviations from bulk standards. Because the project will retain the existing buildings that were associated with the religious campus of the Sisters of Christian Charity, the plans use the standards associated with a religious campus as opposed to those associated with single-family development.

While the assignment of new lot numbers will ultimately be at the discretion of the tax assessor, for ease of reference the proposal identifies the lot with Villa Pauline and the new Mallinckrodt Convent as Lot 13 and the subdivided lot to be redeveloped as multifamily housing as Proposed Lot 13.01.

In addition to the D-1 Use Variance, the project team has identified four bulk standards deviations, one deviation associated with the affordable housing set-aside, and one design waiver.

Variance relief required (in addition to D-1 Use Variance):

- Ordinance Section 215-13.1.D.(7)(b) – Side Yard Setback. A minimum side yard setback of 200 feet is required where Villa Pauline will be setback 62.1 feet from the proposed internal lot line.
- Ordinance Section 251-31.1.B.(1) - Side Yard Setback Accessory. A minimum side yard setback of 40 feet is required where the existing generator building on Proposed Lot 13.01 will be setback 26.3 feet from the proposed internal lot line.
- Ordinance Section 215-31.1.H.(1) – Lot Coverage. A maximum 10% lot coverage is permitted where Proposed Lot 13.01 will have a lot coverage of 19.9%.
- Ordinance Section 215-31.1.I. – Building Coverage. A maximum 5% building coverage is permitted where Proposed Lot 13.01 will have a building coverage of 5.78%.
- Ordinance Section 215-66.A – Affordable Set-Aside. A 20% affordable set-aside is required for inclusionary projects where the proposal includes a 15% affordable rental set-aside.

Design waivers required:

- Ordinance Section 195-45.C.(2)(b) – Parking Stall Size. Parking stalls for uses besides churches, community buildings, and long-term parking areas shall be a minimum of 200 square feet, measuring 10 feet in width and 20 feet in length. The proposed standard parking stalls shall measure 9 feet in width and 18 feet in length. The ADA accessible parking spaces shall be designed in accordance with all applicable standards. In both instances, the design is proposed to comply with the Residential Site Improvement Standards (RSIS).

This report also notes that several of the existing outbuildings received approval in 2016 for preexisting nonconforming setback conditions that were increased due to the road widening easement that Morris County requested for the entire length of both the Hilltop Road and Bernardsville Road frontages. The required front yard setback is 400 feet where the following were existing and approved:

- The Hermitage is setback 15 feet from Hilltop Road
- The garage/barn behind the Hermitage is setback 70 feet from Hilltop Road
- The garage structure, which includes a residential development is 245 feet from Hilltop Road
- The cottage is 110 feet from Hilltop Road
- The garage next to the cottage is 123 feet from Hilltop Road
- The pump house is 386 feet from Bernardsville Road



Outbuildings at Hilltop Road Entrance

Proposals for the Exterior of the former Motherhouse

The exterior of the Motherhouse will remain largely the same as how it appears today. The building will be cleaned and repaired, and the façade materials will be restored. While new, energy efficient windows will be installed along with new sills, no “new” materials will be introduced into the exterior façades. Replacement materials will be consistent with the original materials.

At this time, it is the intent of the project team to maintain the existing roof. However, if further investigations prove the need for replacement, the new roof will match the existing materials and aesthetics of the current one.

The two covered porches located on either end of the original part of the building are in disrepair and in need of major restoration efforts. The team intends to restore the porches to their original state, aesthetically consistent with original materials.

The dormers in the attic space will be replaced and enlarged in order to create habitable space on the upper floor. From the exterior, the dormers will look larger, but the overall roofline will remain unchanged. The materials for the enlarged dormers will match the current ones and be consistent with the original aesthetic of the roof.

The project team intends to enhance the chapel wing through its interior design, as discussed in the next section, as well as through the introduction of additional windows that will complement the existing fenestration pattern and bring more light and air into the interior spaces.



Covered porch to be restored
Image taken by HLW

Parking for the Motherhouse will be provided through 143 new underground structured parking spaces, designed into the grade at the building’s southwest corner. The existing lower surface parking lot with 37 spaces to the east of the driveway will remain, and 17 new spaces are proposed along the driveway flanking the entrance lobby for a total of 54 surface parking spaces. The Motherhouse is proposed to have 197 parking spaces that will satisfy the number of spaces required by Ordinance and the RSIS. The outbuildings will contain their own parking as discussed later in the report.

The structured parking is proposed beneath surface-level outdoor amenity space that will include pickleball courts, a swimming pool, walkways and patios, shuffleboard courts, a bar-b-que area, and various lawn and terrace spaces.



Proposals for the Interior of the former Motherhouse

The project team proposes to restore the historic features of the interior spaces while modernizing and upgrading the building to serve the proposed residential use. The intent of the interior changes is to reflect and respect the historic use of these spaces while providing for the needs of the new users.

The current dorm-style rooms will be replaced with one- to three-bedroom dwelling units as well as residential amenities, such as a gym and coworking spaces. The existing two-tiered interior lobby will be maintained and restored and further modified to add ADA accessible access to the upper tier. The intricately designed central staircases will also be restored and will act as the nucleus for the interior circulation.

The former chapel space will be reimagined as townhouse-style units that extend one-and-a-half to two stories, taking advantage of the natural light from the chapel windows. As previously discussed, additional windows will be added to match the existing windows and maintain the impact of the lighting in the chapel area.

The attic space will be completely renovated to accommodate additional residential units. The expanded dormers that were previously discussed will provide further light into the space, and the unique rooflines that will remain unchanged will create some of the most unique and interesting spaces in the building.

Proposed Parking for the Motherhouse:

	Number of Units	Parking Factor	Parking Required	Proposed
1-bedroom units	9	1.8 spaces/unit	16.2 spaces	197 total spaces (143 in structure; 54 surface)
2-bedroom units	75	2.0 spaces/unit	150 spaces	
3-bedroom units	10	2.1 spaces/unit	21 spaces	
Totals	94	-	187.2 spaces	

Proposed Parking for the Outbuildings:

	Number of Units	Parking Factor	Parking Required	Proposed
1-bedroom units	3	1.8 spaces/unit	5.4 spaces	35 total spaces (4 in existing garage; 31 surface)
2-bedroom units	10	2.0 spaces/unit	20 spaces	
3-bedroom units	4	2.1 spaces/unit	8.4 spaces	
Totals	17	-	33.8 spaces	

Reuse and Additions to the Outbuildings

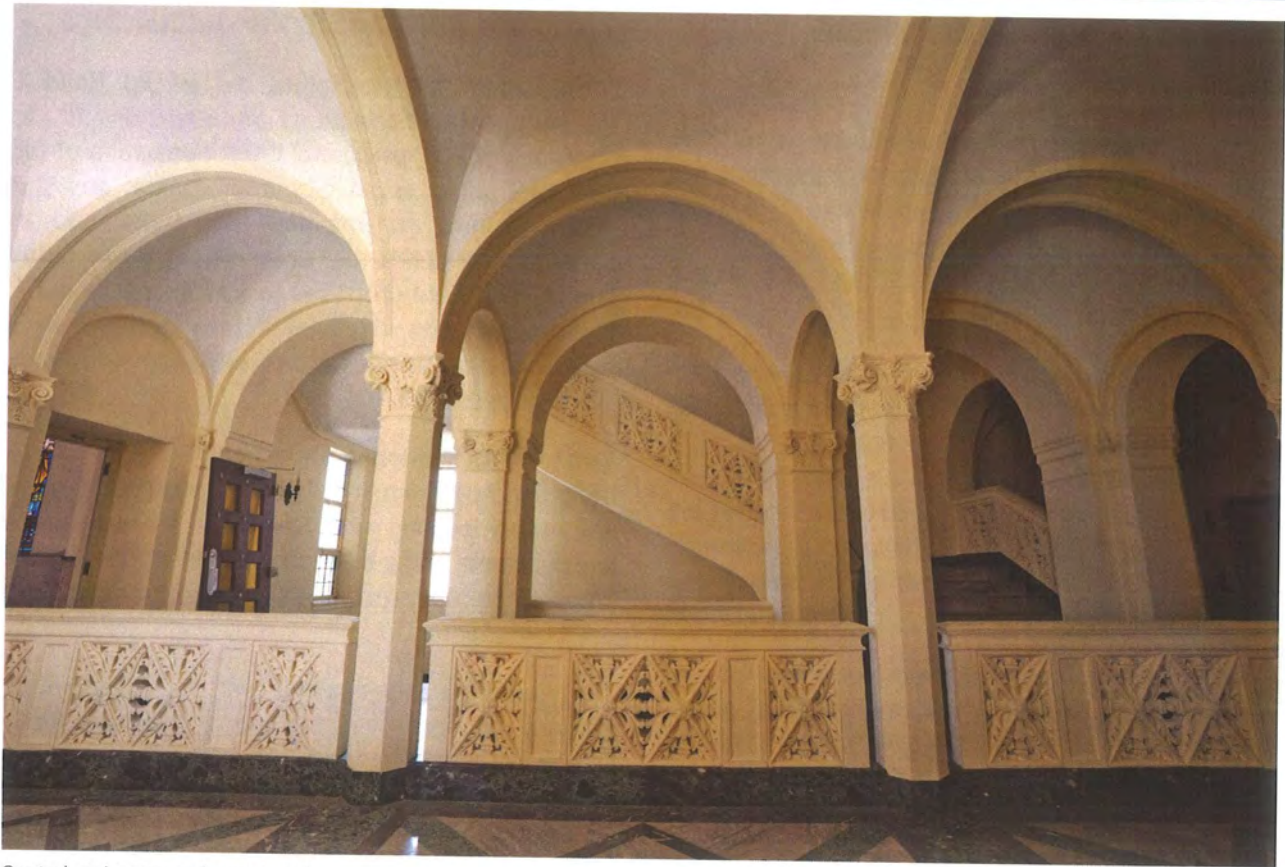
The outbuildings located at the Hilltop Road entrance are proposed to be restored and expanded to include 17 affordable rental residential units, consisting of four three-bedroom units, ten two-bedroom units, and three one-bedroom units. As was previously mentioned, there are currently five residential units within these outbuildings. The project team proposes to add an additional 12 units. The existing units will maintain their locations and layouts, and the new units will be created through the adaptive reuse of the barn spaces.

Given the unique topographic conditions and the slopes of the property, the proposed development at the outbuildings will utilize existing retaining walls as well as construct supplemental walls to secure the site. The existing grade provides for the creation of unique outdoor spaces to be used by tenants.

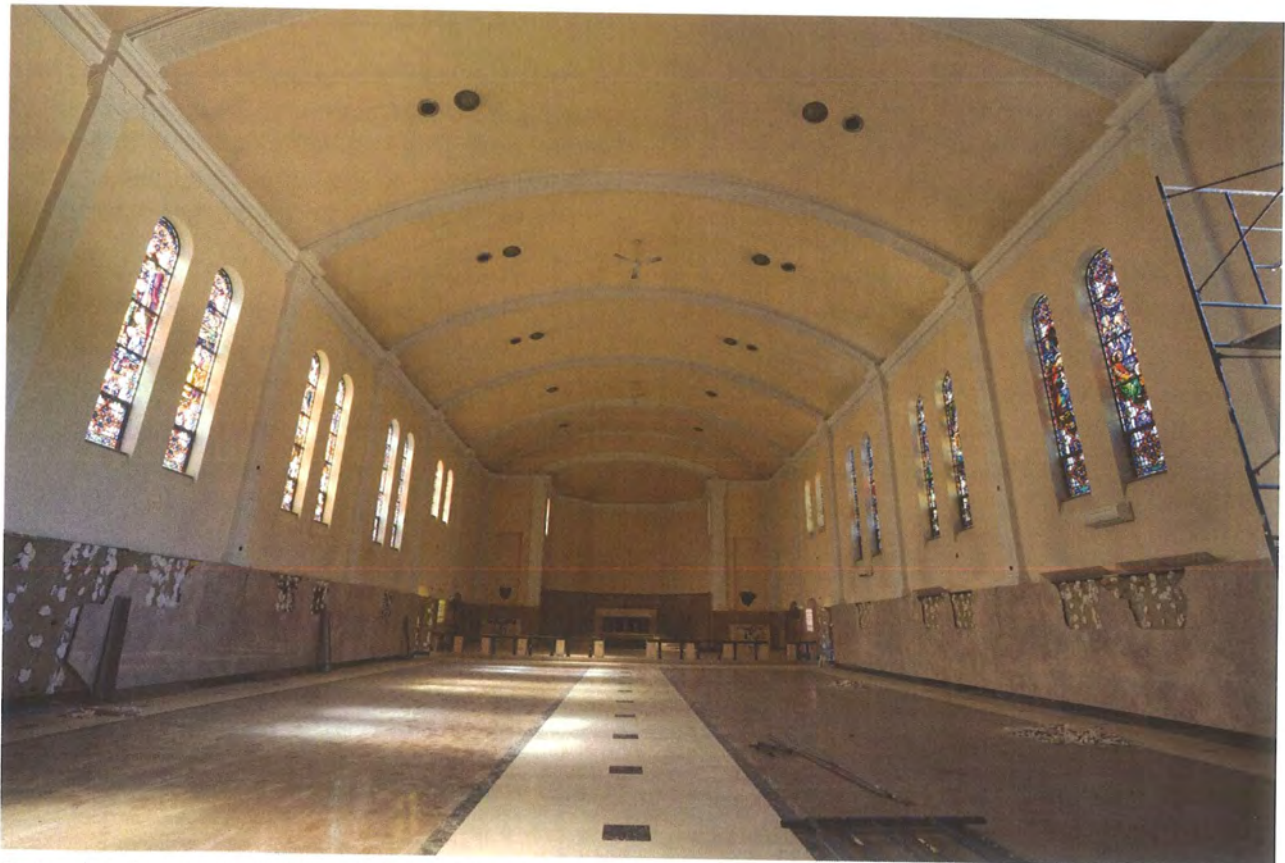
The buildings themselves will be rehabilitated and modernized for the proposed residential spaces. The former barns will be redefined as modern residential units designed to reflect the historic agricultural uses.

On-site surface parking will be provided immediately adjacent to the buildings. Existing driveways will be utilized and expanded upon to accommodate 35 parking spaces, four of which will be located in existing garage spaces.

The intention is for the rehabilitation and adaptive reuse of the outbuildings to compliment the restoration efforts of the Motherhouse. The two will function as one development, with the tenants of the outbuildings being provided full access to the parking and amenities located within the Motherhouse.



Central staircases to be restored
Image taken by HLW



Former chapel to be reimagined as townhouse-style units
Image taken by HLW



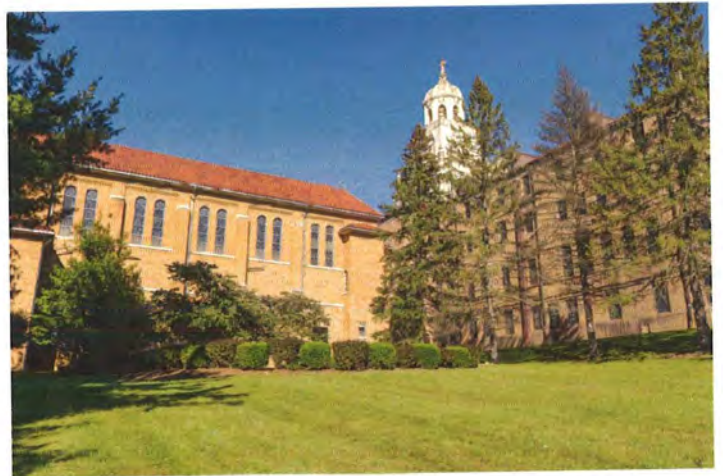
Attic space to be converted to units



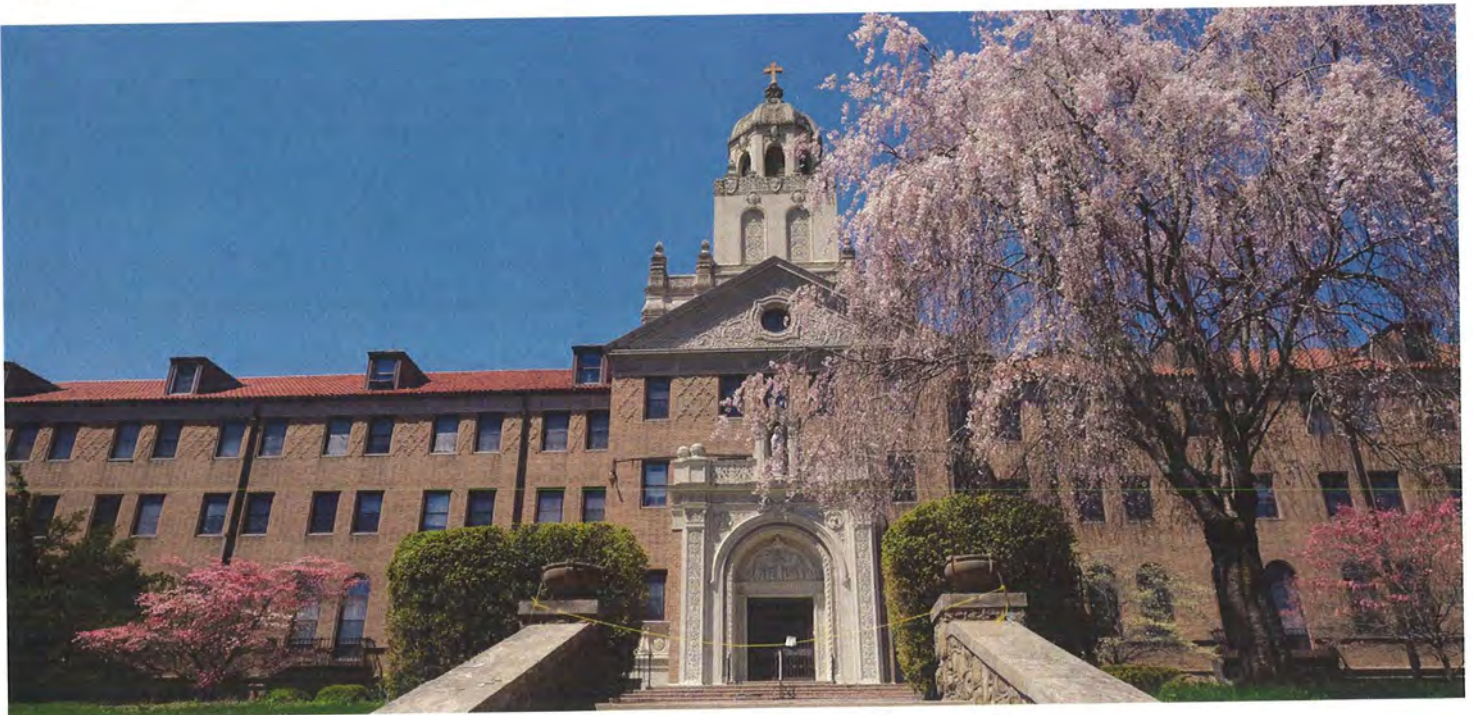
Outbuildings to be rehabilitated and converted into affordable housing units



Details to be restored
Image taken by HLW



Proposed outdoor amenity space with structured parking beneath
Image taken by HLW



Building to be restored and brought back to life

Proposed Renderings

Main Entrance



Design and Image by HLW

Chapel and Amenity Space



Design and Image by HLW

Benefits of Adaptive Reuse and Historic Preservation

The adaptive reuse of a structure becomes a relevant option when the changing needs of a community render a building's original functions no longer viable. When the Sisters of Christian Charity determined they would need an upgraded space to further their mission, they explored many options to achieve that goal. One such option was to completely rehabilitate their original Motherhouse and continue to reside and work from there; however, given the incredible amount of work that is needed to rehabilitate the Motherhouse, the Sisters ultimately determined that they were not in a position to rehabilitate the structure themselves and opted for the construction of a new facility. During the 2016 Planning Board hearing for their new facility, the Sisters noted that they wish to find a new use for the Motherhouse that will allow the building to be preserved.

Adaptively reusing the Motherhouse for residential purposes fulfills the Sisters' wishes of preserving the building. The building can no longer function in a meaningful way for the Sisters, but it can be brought back to life through another relevant use, appropriate for the building and its grounds. The purpose of an adaptive reuse project is to maintain the historic integrity of a building, while revitalizing and upgrading the space to meet the needs of a new end user.

The benefits of adaptive reuse include environmental, economic, and social sustainability. The practice reduces material waste that is destined for a landfill, reduces energy consumption that is typically associated with both demolition and new construction, saves costs on construction and design, and preserves the local identity of a community.

Adaptive reuse as a type of historic preservation is a popular planning tool to preserve a community's heritage. Local



Original lobby to be restored and preserved
Image taken by HLW

landmarks provide visible records of the people and events that shape the character of a place, and the preservation of these historic resources provides a sense of shared community and local identity.

While not within a Borough historic district, the Motherhouse's importance to the community is undeniable. The Sisters have been active members of the community for almost a century and have opened their grounds and their buildings to the public throughout that time. The Motherhouse was constructed with intricate Neo Gothic details that were well maintained for many decades. The project team proposes to bring these features back to life. Restoring the Motherhouse not only conserves a notable local piece of architecture, but also preserves the Sisters' heritage and legacy.

Vacant religious buildings have become more common as religious membership and attendance decline and churches downsize.¹ While some buildings are destined to be demolished, adaptive reuse and preservation is a viable alternative for others. Given the size, layout, and design of religious buildings such as the Motherhouse, they can offer a challenge for adaptive reuse projects. Not every use can fit into such a uniquely configured building design.

The Motherhouse includes the added obstacle of its location, set away from an active thoroughfare and internal to a large, private piece of land. Many churches that are reimagined as a commercial use, such as a brewery or music venue, are centrally located within a commercial area and not set off by themselves. Because the Motherhouse was previously used as housing and living space, the natural evolution of its function is to continue using it for residential purposes.

1. "U.S. Church Membership Falls Below Majority for First Time," GALLUP, March 29, 2021



Original covered porches to be restored and preserved

Conclusion

The central goal of the proposal is to adaptively reuse the buildings at 350 Bernardsville Road in a contextually sensitive way that will preserve the history of both the buildings and the site as a whole. The history and physical form of the site and its structures will not be compromised and will remain an important part of Mendham's fabric. For almost 100 years the Motherhouse was a congregate living facility, a primarily residential space for the Sisters with additional areas for reflection, prayer, and gathering. The proposed adaptive reuse of the Motherhouse will continue to be a residential space with customary accessory uses that represents an evolution of the site rather than a departure from its historic functions.

The proposal has been carefully planned and coordinated with the Sisters and an exceptional team of design professionals. There are numerous planning benefits to the project outlined in this proposal that will be presented in testimony to the Board. The project team looks forward to bringing new life to the Motherhouse and its surroundings in a manner consistent with the Sisters' wishes and to the benefit of Mendham Borough.



Image taken by HLW

Borough of Mendham Historic Preservation Commission

Photographic Documentation

350 Bernardsville Road
Former Sisters of Charity Mother House

May 4, 2022

Prepared by M. McKinley Mertz, PP, AICP, Heyer, Gruel & Associates
on behalf of Applicant, Accordia Realty Ventures



EXTERIOR

General Proposed Changes

- Window patterns to predominately remain the same; windows to be restored
- Materials to remain and be restored
- Dormers to be enlarged or added
- Additional fenestration to be added at chapel wing - see architectural plans



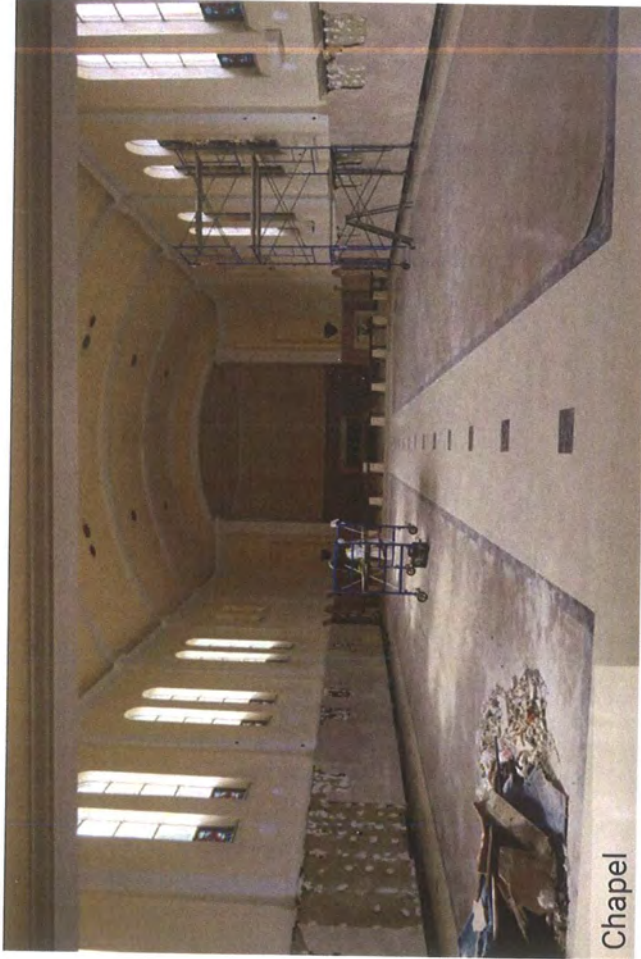
Building Front



Building Rear



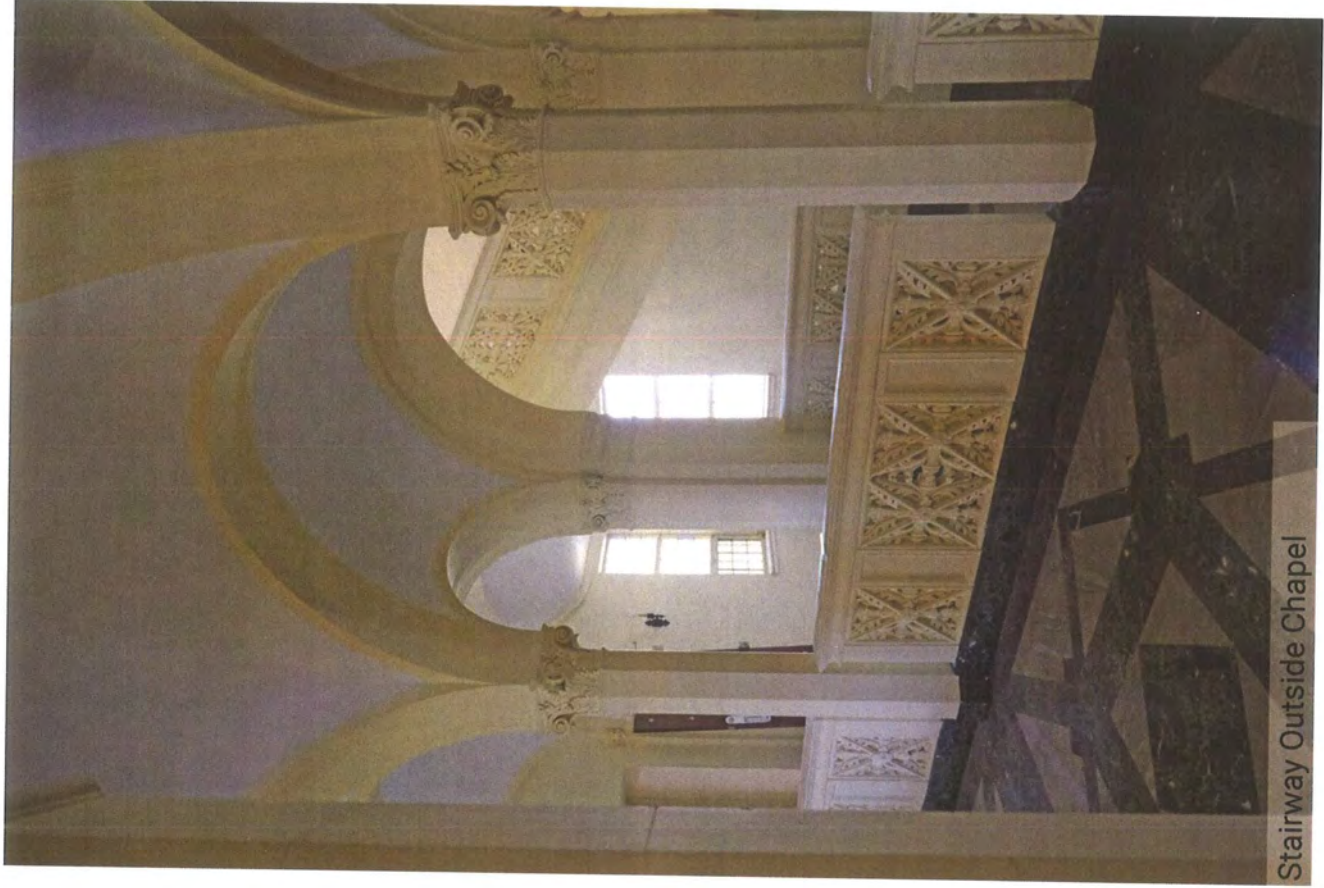
INTERIOR



Chapel

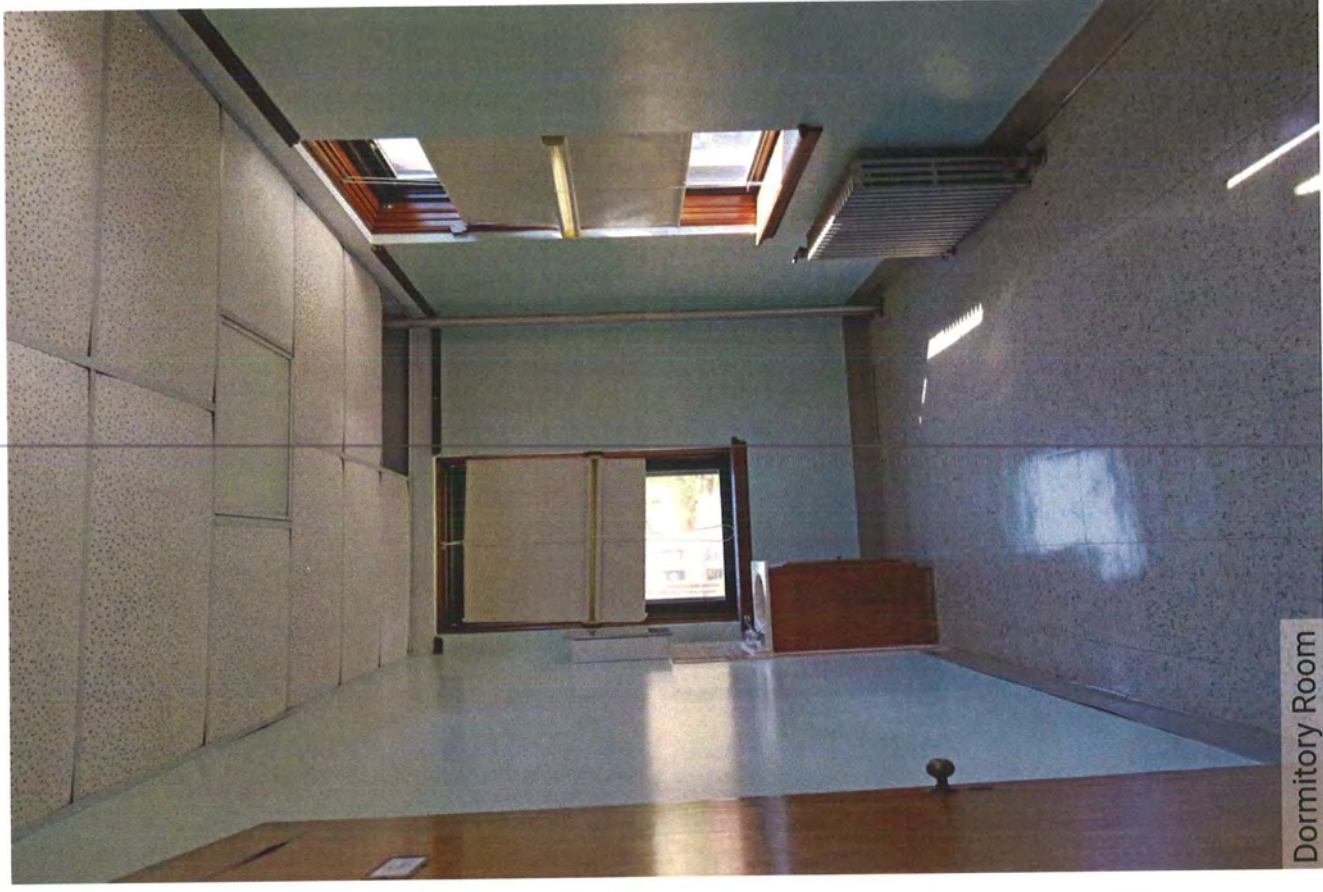


Gymnasium - below the Chapel

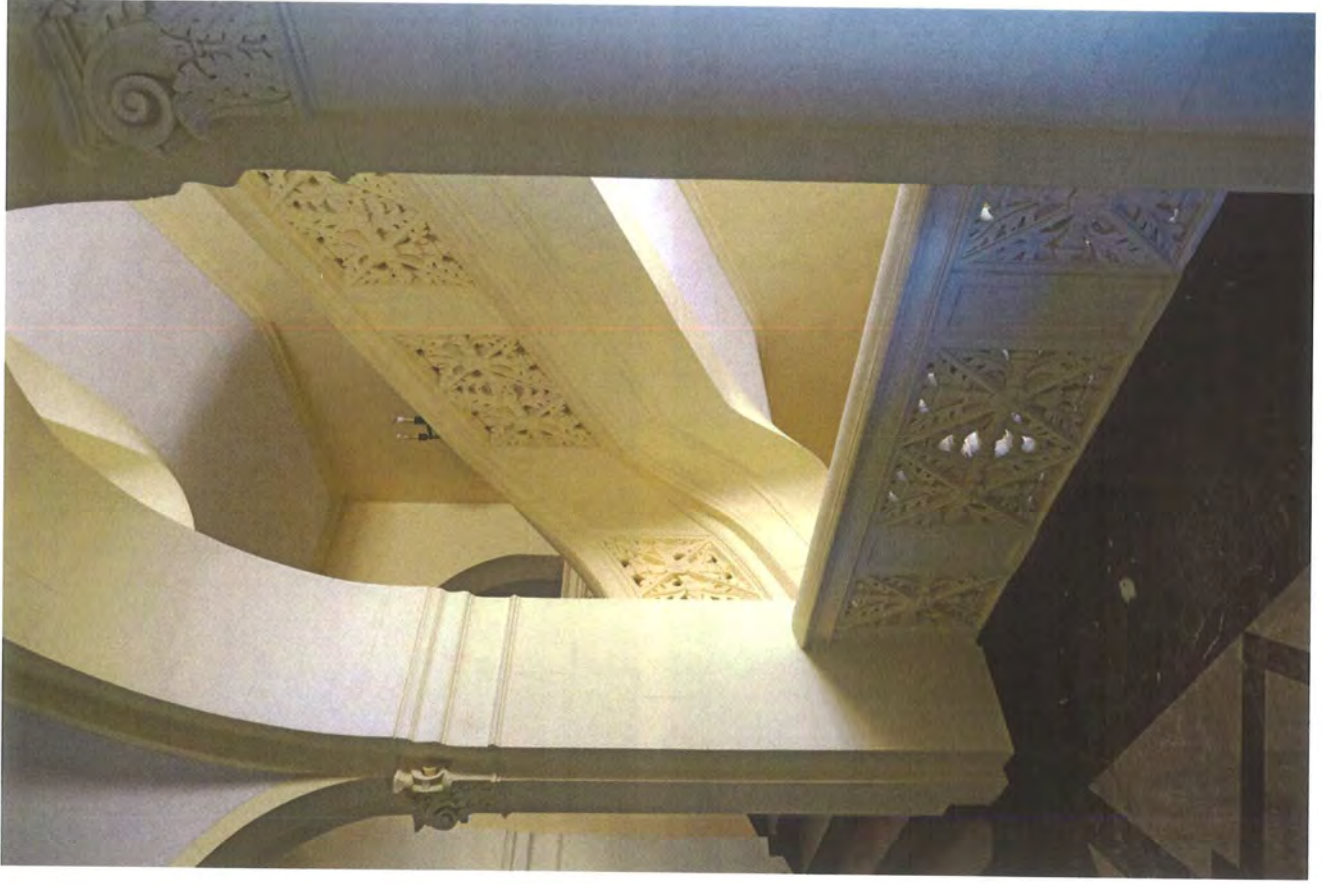


Stairway Outside Chapel

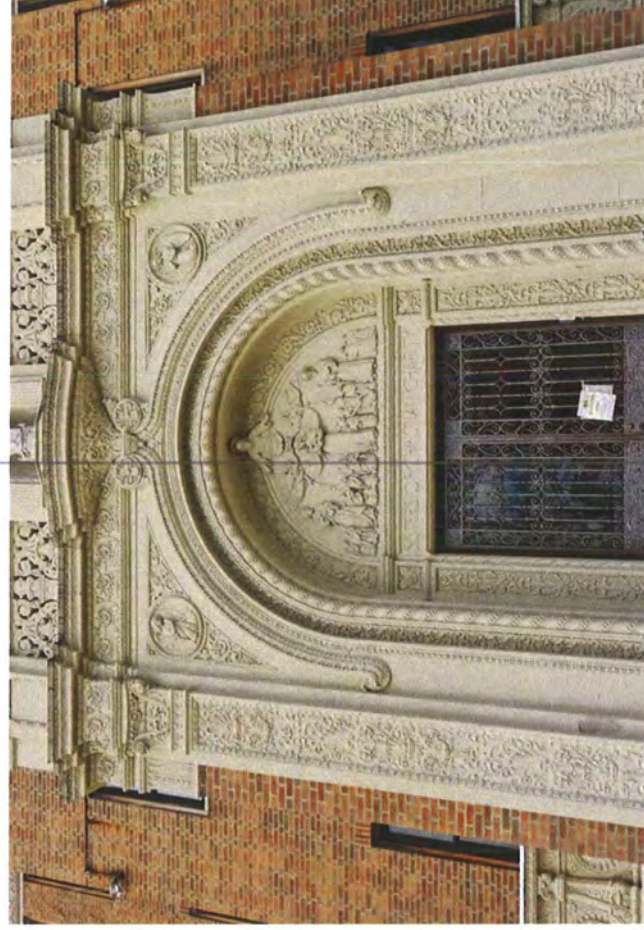
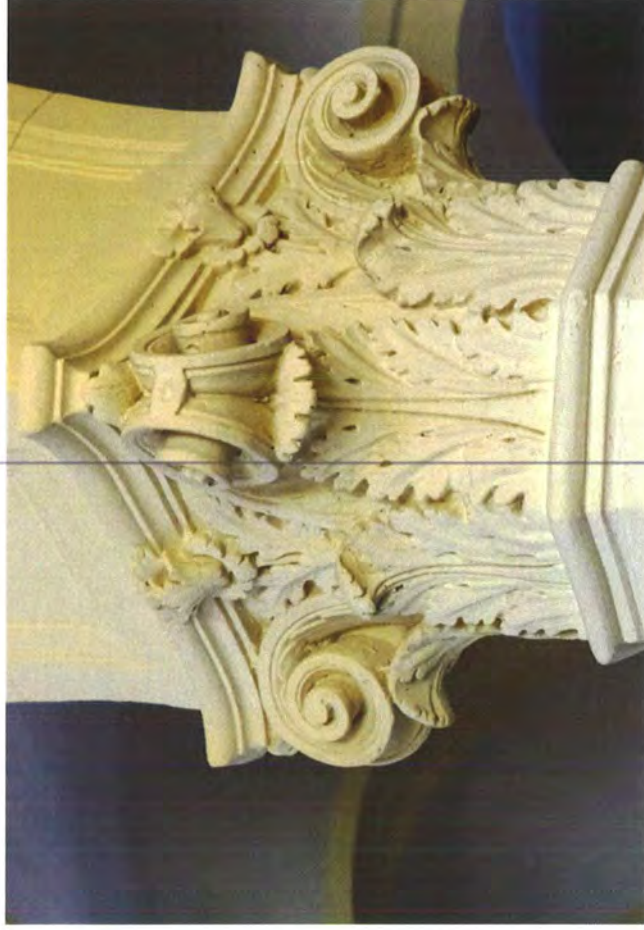
Interior Cont.



ARCHITECTURAL DETAILS



Architectural Details Cont.



RESTORATION NEEDED



Restoration Needed Cont.





181 WEST HIGH STREET
SOMERVILLE, NJ 08876


908 927 0100 p
908 927 0181 f

TRAFFIC IMPACT ASSESSMENT
FOR
ACCORDIA REALTY ASSETS, LLC
PROPOSED RESIDENTIAL DEVELOPMENT

BLOCK 2301, LOT 13

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

OCTOBER 4, 2022


GARY W. DEAN, P.E., P.P.
NJ LICENSE NO. 33722




RIANNA S. KIRCHHOF, P.E.
NJ LICENSE NO. 54558

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TRAFFIC ENGINEERING
PARKING STUDIES
HIGHWAY DESIGN
DOT ACCESS PERMITS
MUNICIPAL CONSULTING

INTRODUCTION

As part of a use variance application being submitted to the Mendham Borough Planning Board, this study has been prepared to evaluate the traffic impacts associated with a proposed 111-unit, residential development along Bernardsville Road, and Hilltop Road. The site is currently developed with a convent for the Sisters of Christian Charity. The development proposal entails a main 4-story apartment building with 94 residential units and 4 outbuildings with a total of 17 units. Access is proposed via the existing full-movement driveway along Hilltop Road as shown on the photograph.



Dolan & Dean Consulting Engineers, LLC (D&D) has been commissioned by the applicant to prepare this Traffic Impact Assessment for the proposed 111-unit residential development. While any development of the subject property may affect traffic conditions, both the volume and characteristics of that traffic are of important consideration in the evaluation of this application.

This traffic impact study identifies the projected traffic increases on the adjacent roadway system that could occur from the proposed development and has further examined the ability of the roadway system to efficiently accommodate the new traffic demand. Accordingly, this analysis includes a review of existing roadway and traffic conditions, projection of future traffic volumes, and analysis of future driveway and intersection operations.



EXISTING CONDITIONS

The subject property is located along Bernardsville Road and Hilltop Road, as shown on appended Figure 1. The property is designated as Lot 13 in Block 2301. As noted, the subject property is currently developed with a convent for the Sisters of Christian Charity.

EXISTING ROADWAY CONDITIONS

Hilltop Road is classified as an Urban Minor Arterial under Morris County jurisdiction and is designated as County Route 525 with a north-south orientation in the site vicinity. One lane is provided for each travel direction and the posted speed limit is 35 miles per hour. The roadway does not provide any shoulders, curbs, sidewalk or lighting along the site frontage.

Bernardsville Road is classified as an Urban Minor Arterial under Morris County jurisdiction and is also designated as County Route 525 with a general east-west orientation in the site vicinity. One lane is provided for each direction of travel and the posted speed limit is 35 miles per hour. The roadway does not provide any shoulders, curbs, sidewalk or lighting along the site frontage.

Pleasant Valley Road is a local roadway with a general east-west orientation that runs for approximately 1.55 miles from Mosle Road/Union Schoolhouse Road to Hilltop Road/Bernardsville Road. One lane is provided for each direction of travel and the posted speed limit is 30 miles per hour.

Hilltop Road, Bernardsville Road, and Pleasant Valley Road come together to form a T-intersection under combined STOP and YIELD control. Movements along Hilltop Road and Bernardsville Road have the right-of-way. Left-turn movements from Pleasant Valley Road are under STOP control, and right-turn movements to continue east operate under YIELD control.



EXISTING TRAFFIC VOLUMES

Existing peak hour traffic volumes were obtained from manual traffic counts performed by D&D at the Hilltop Road intersections with Bernardsville Road/Pleasant Valley Road and the existing site driveway on Tuesday, May 10, 2022, from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. From these counts, the peak hours were found to occur from 7:45 a.m. to 8:45 a.m. and from 5:00 p.m. to 6:00 p.m. as shown on the appended count summary.

The 2022 morning and evening peak hour volumes are shown on appended Figure 2. As noted, street traffic can be characterized as fairly low and no congestion or significant delays were observed during the traffic counts. Traffic flowed smoothly at all times.

ANALYSIS OF EXISTING CONDITIONS

While traffic volumes provide a measure of activity on the area roadway system, it is also important to evaluate how well that system can accommodate those volumes – i.e., a comparison of peak hour traffic volumes with available roadway capacity. By definition, capacity represents the maximum number of vehicles that can be accommodated given the constraints of roadway geometry, environment, traffic characteristics, and controls. Intersections are usually the critical point in any road network since it is at such points that conflicts exist between through, crossing, and turning traffic. It is at these locations where congestion is most likely to occur. A description of intersection Levels of Service is noted below:

INTERSECTION LEVELS OF SERVICE AND DELAY

Level of Service	Signalized Delay per Vehicle (seconds)	Unsignalized Delay per Vehicle (seconds)
A	< 10.0	<0-10
B	>10 and <20	>10 to <15
C	>20 and < 35	>15 to <25
D	>35 and < 55	> 25 to <35
E	>55 and < 80	> 35 to <50
F	> 80	>50

A volume/capacity, Level of Service analysis was conducted for the existing traffic volumes at the subject intersection using the updated Highway Capacity Manual (HCM) and the



Synchro (Version 10) modeling software that follows the HCM procedures. This type of analysis is performed to assist intersection operations and to identify any areas of excessive delay or congestion.

Figure 3 illustrates the results of the analysis at the subject intersections. As shown, all movements at the Pleasant Valley Road intersection currently operate at favorable Level of Service "B" or better during both peak hours. All movements at the existing site driveway operate at a Level of Service "A" during both peak hours. Observed delays if any, were very short.



TRAFFIC CHARACTERISTICS OF THE PROPOSED DEVELOPMENT

The next step in the analysis is to estimate the traffic volume that could be generated by the proposed 111 residential units. Once the site traffic is estimated and distributed to the adjacent roadway network, a revised level of service analysis is then made to determine the effects of the new traffic on the local roadway system.

For this study, traffic projections were prepared by reviewing trip generation data published by the Institute of Transportation Engineers (ITE) in the 11th Edition of the Trip Generation Manual. The appropriate ITE land uses for the proposed development are Land Use Code 220: “Multifamily Housing (Low-Rise)” and Land Use Code 221: “Multifamily Housing (Mid-Rise)”. Table I summarizes the morning and evening peak hour trip generation projections.

TABLE I
TRIP GENERATION PROJECTIONS

Land Use	Size	Morning Peak			Evening Peak		
		Enter	Exit	Total	Enter	Exit	Total
Mid-Rise	94 Units	8	27	35	23	14	37
Low-Rise	17 Units	7	21	28	18	10	28
Total	111 Units	15	48	63	41	24	65

As shown, during both morning and evening peak hours, the total site traffic is relatively low - averaging approximately only one trip per minute - which is imperceptible from a traffic operational perspective due to the low volume. From a traffic or roadway capacity perspective, the impacts are virtually immeasurable and are not considered “significant”, which is defined by ITE and NJDOT as an additional 100 or more trips in one hour.

The anticipated arrival and departure patterns for future site generated traffic were based upon a review of the on-street traffic patterns and volumes. Site generated traffic is shown on Figure 4.



FUTURE TRAFFIC CONDITIONS

FUTURE TRAFFIC VOLUMES

It is recognized that traffic routinely fluctuates along various state and county roadways, as well as local streets, and varies not only day-to-day, but also on a monthly and yearly basis. Normal "background" traffic increases regularly occur as attributed to continued regional growth and changes in driver demographics. Regional traffic growth patterns as compiled by the New Jersey Department of Transportation (NJDOT) were examined for this analysis.

The existing traffic volumes were increase by 1.5% per year over a projected two-year development build-out horizon to create a projection of future conditions that would exist if the site were to remain unchanged. The current growth estimate for Urban Principal Arterials in Morris County is 1.0% for Urban Local roads and 1.5% for Urban Minor Arterials as published by the NJDOT in April 2019. The 1.5% growth rate was applied to all volumes in an effort to provide a conservative analysis.

The resultant "No-Build" volumes are shown on appended Figure 5. Future "Build" traffic volumes were calculated by adding the new site generated traffic to the "No Build" volumes and are shown on Figure 6.

ANALYSIS OF FUTURE TRAFFIC CONDITIONS

A volume/capacity, Level of Service Analysis was performed for the anticipated future conditions – both with and without the proposed development. A comparative level of service summary is appended and the resulting No-Build and Build levels of service are depicted on Figures 7 and 8, respectively.

Under the Build condition, all movements at the Pleasant Valley Road intersection will be unchanged and will continue to operate at the same Levels of Service "B" or better during



both peak hours. All movements at the site driveway are calculated operates at a Level of Service "B" or better during both peak hours. The projected delay increases are summarized below:

Table II
Levels of Service and Delay
Hilltop Road/Bernardsville Road & Pleasant Valley Road

Approach		Morning Peak Hour						Evening Peak Hour					
		Existing		No Build		Build		Existing		No Build		Build	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
NB	Left	A	8.1	A	8.2	A	8.3	A	7.6	A	7.6	A	7.6
EB	Left	B	13.8	B	14.1	B	14.7	B	12.1	B	12.3	B	12.7
	Right	B	10.7	B	10.8	B	11.1	A	9.2	A	9.2	A	9.2

Table III
Levels of Service and Delay
Hilltop Road & Site Driveway

Approach		Morning Peak Hour						Evening Peak Hour					
		Existing		No Build		Build		Existing		No Build		Build	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
SB	Left	A	7.7	A	7.8	A	7.8	A	7.8	A	7.8	A	7.9
WB	Left/Right	A	9.3	A	9.3	B	11.9	A	0.0	A	0.0	B	10.8

As noted, the effects of the additional site traffic are minimal. At the Pleasant Valley Way intersection, the additional site-generated traffic would increase delays by no more than 0.6 seconds during either peak hour compared to the No-Build conditions. This type of increase would be imperceptible to motorists and would not materially change the character of the area. Delays increase at the site driveway would naturally increase, given the minimal existing or project No-Build traffic with no site development, but would remain at favorable operating conditions at high Levels of Service.



SITE ACCESS, CIRCULATION AND PARKING

As part of this study, the Variance Plans prepared by Gladstone Design, Inc. were reviewed. The following comments address the proposed access, circulation and parking as shown on the plans:

- Access is proposed via the existing full-movement driveway along Hilltop Road/Bernardsville Road. No geometric modifications are necessary for the access; however a STOP sign and pavement markings would be appropriate for enhanced safety.
- For the main building, the Residential Site Improvement Standards (RSIS) require 1.8 parking stalls per 1-bedroom apartment, 2.0 parking stalls per 2-bedroom apartment, and 2.1 parking stalls per 3-bedroom apartment. For the proposal there would be 9, 1-BR units, 75, 2-BR units, and 10, 3BR units for the main building which requires 187 parking stalls. The variance plan provides 197 passenger car parking stalls with 54 located at-grade and 143 located under a covered parking area to be served by a minimum 24-foot aisle.
- For the free-standing buildings, the concept entails 3, 1-bedroom units, 10, 2-bedroom units, and 4, 3-bedroom units which require 34 parking stalls. The variance plan provides 35 passenger car parking stalls, 31 located at grade and 4 located under a covered area.
- With 221 total parking spaces required and 232 parking stalls proposed, the design will be more than sufficient to accommodate the proposed development. An appropriate number of visitor/guests spaces will also be provided.

Based on this review, it is concluded that safe and efficient access and circulation can be provided to the site with reasonable and prudent driver behavior and the sufficient parking can be provided for this site. Consequently, from a traffic engineering perspective, the site is particularly well suited for the proposed development and will have no detrimental impact on traffic conditions on the roads surrounding the site.



CONCLUSIONS

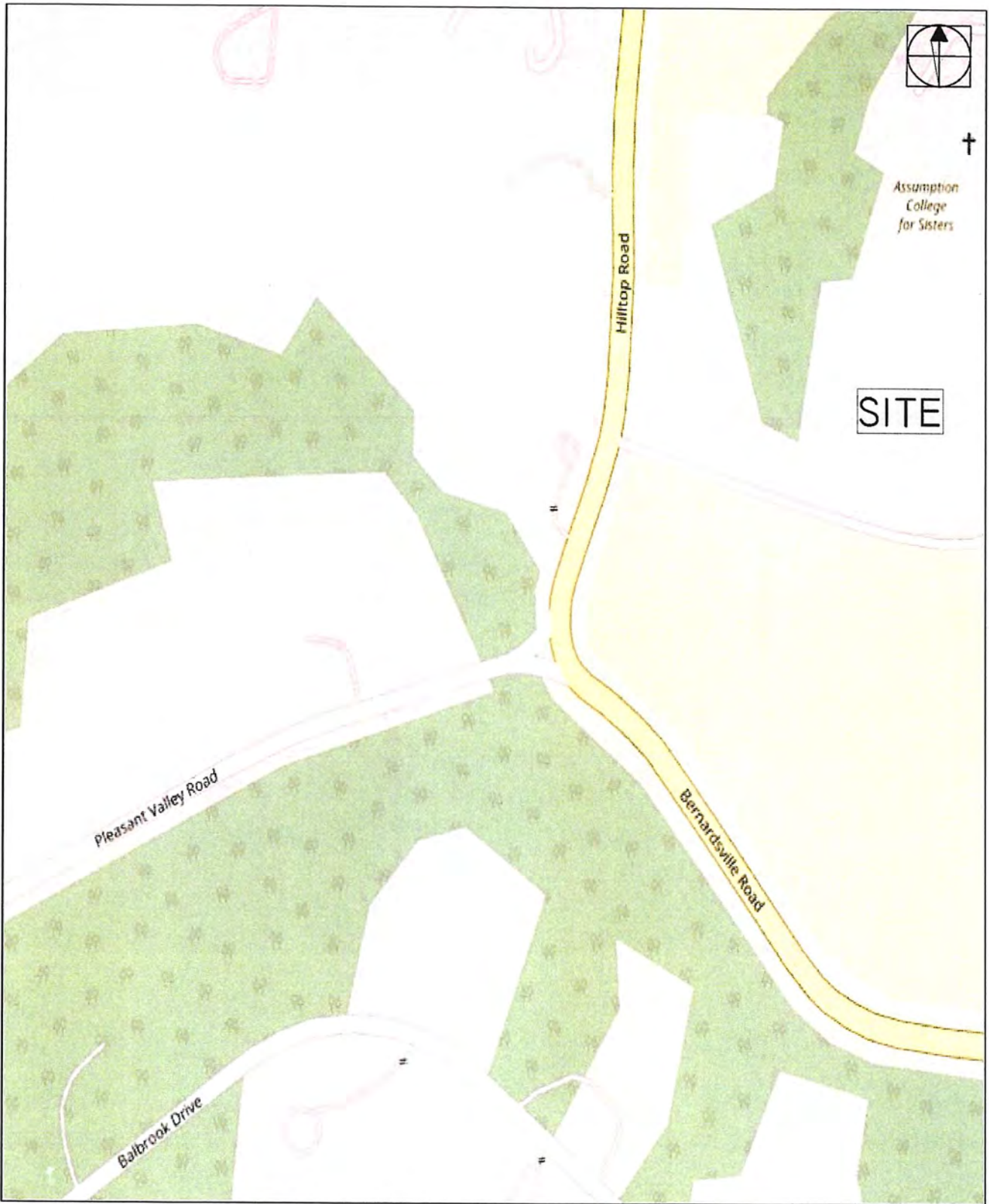
In summary, it is evident from this analysis of projected future traffic conditions, that the proposed residential development would generate minimal traffic increases, which will not create a negative impact on the local roadway network.

With the traffic generation associated with the residential development, adequate roadway capacity will continue to exist to accommodate future site traffic. All movements to and from the site will operate safely and efficiently with reasonable and prudent driver behavior.

Based on these findings, it is concluded that the site is particularly well suited for the proposed development. Such an operation will not negatively impact the traffic in the surrounding area or along the adjacent streets as adequate roadway capacity exists to accommodate the increases. The traffic characteristics of the uses will be consistently minimal and will not result in any additional off tract congestion or unfavorable conditions.



TECHNICAL APPENDIX

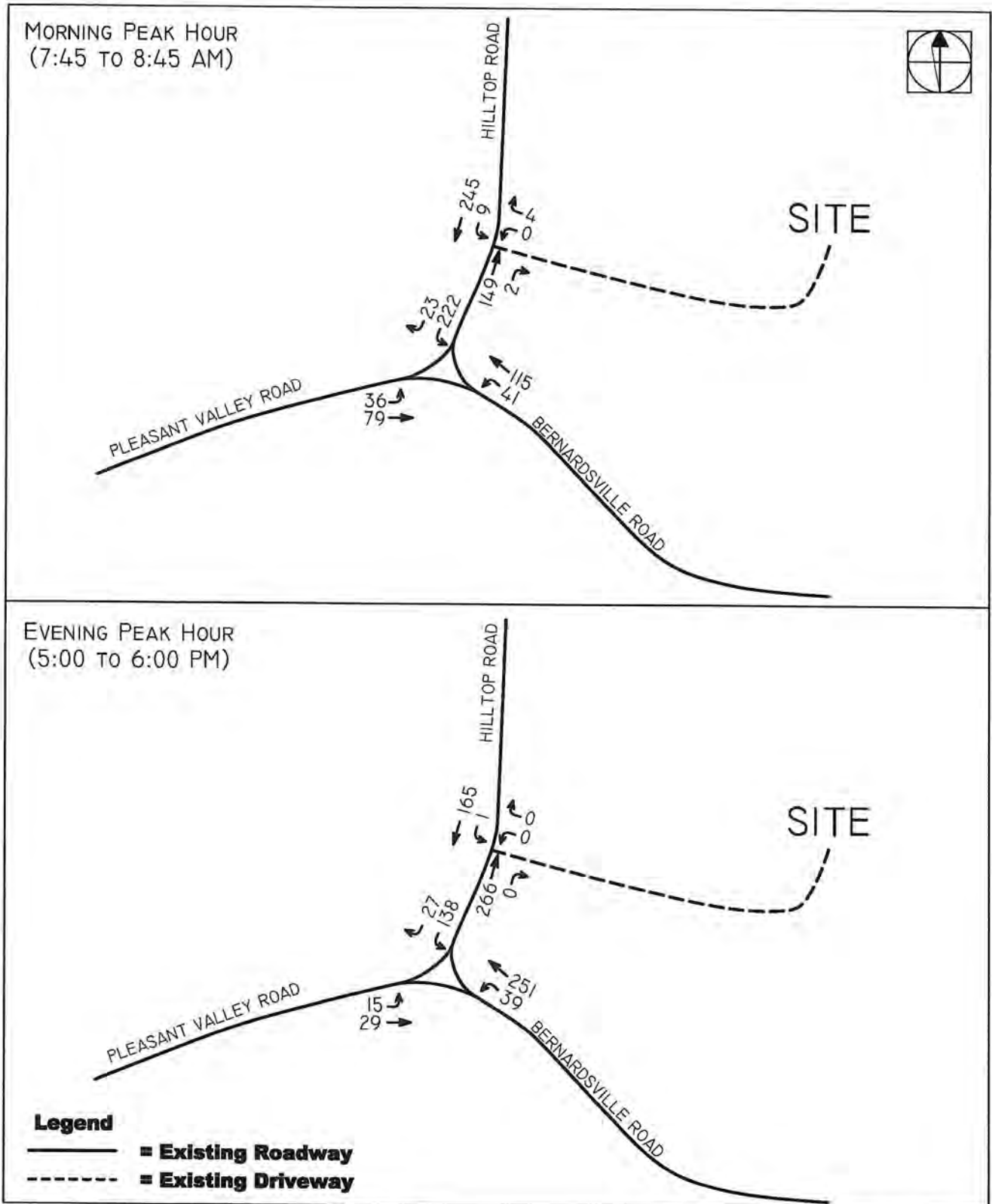


PROPOSED RESIDENTIAL DEVELOPMENT
 BOROUGH OF MENDHAM
 MORRIS COUNTY, NEW JERSEY

FIGURE 1

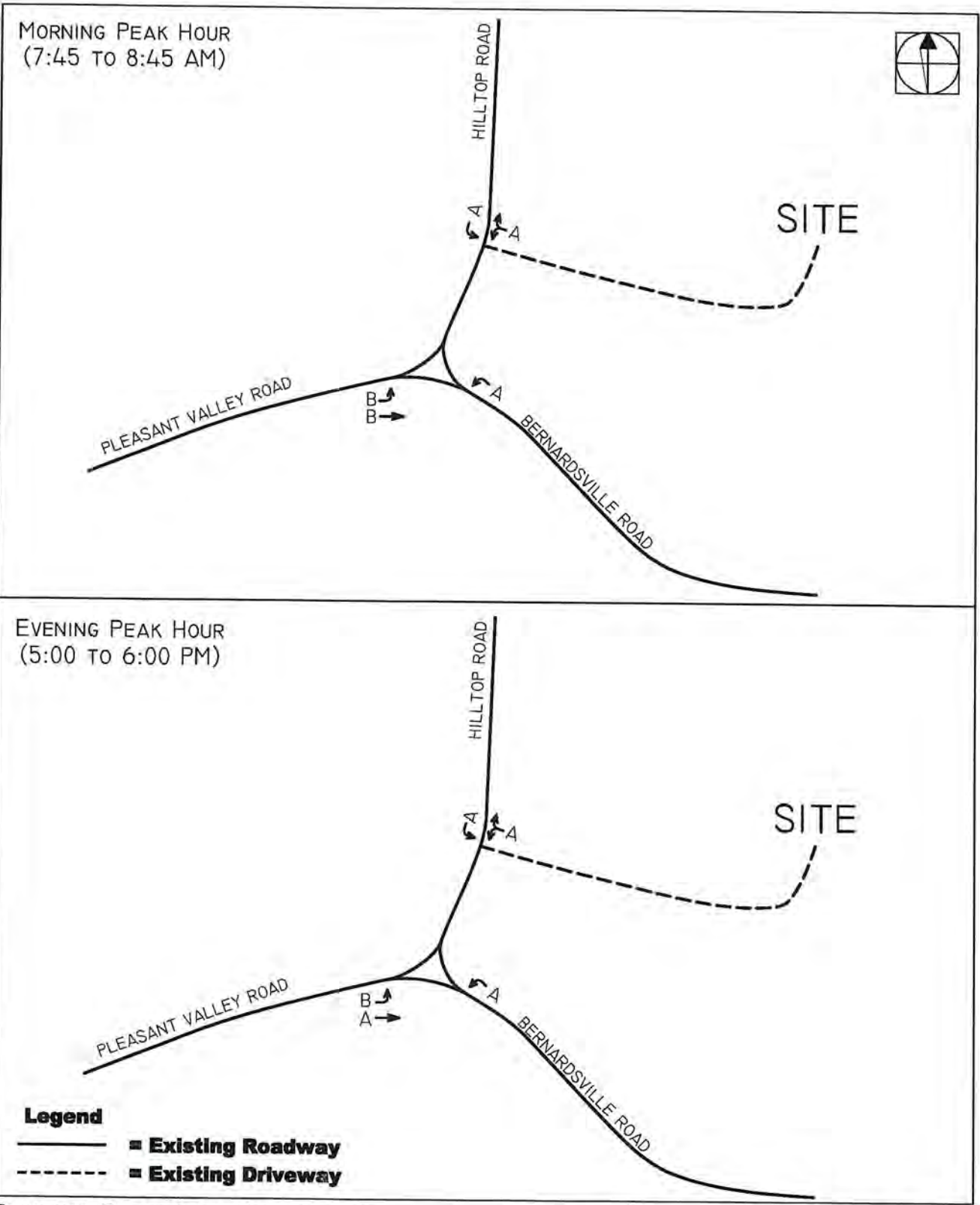


SITE LOCATION MAP



PROPOSED RESIDENTIAL DEVELOPMENT
 BOROUGH OF MENDHAM
 MORRIS COUNTY, NEW JERSEY

FIGURE 2



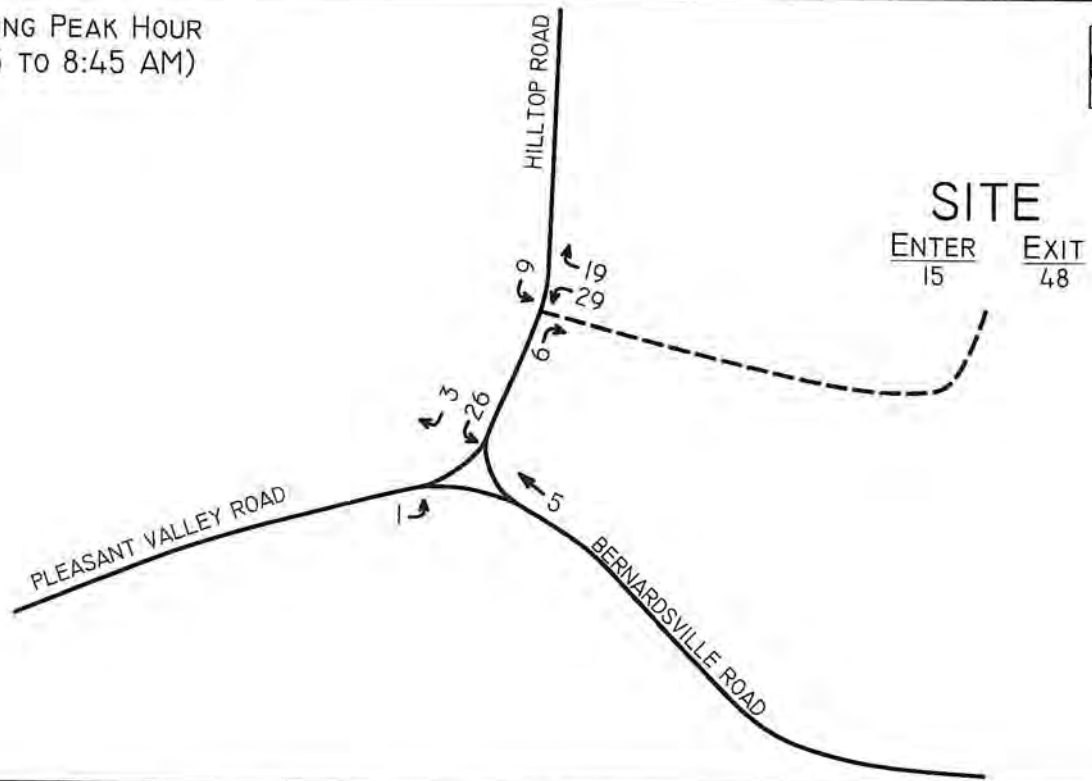
PROPOSED RESIDENTIAL DEVELOPMENT
 BOROUGH OF MENDHAM
 MORRIS COUNTY, NEW JERSEY

FIGURE 3

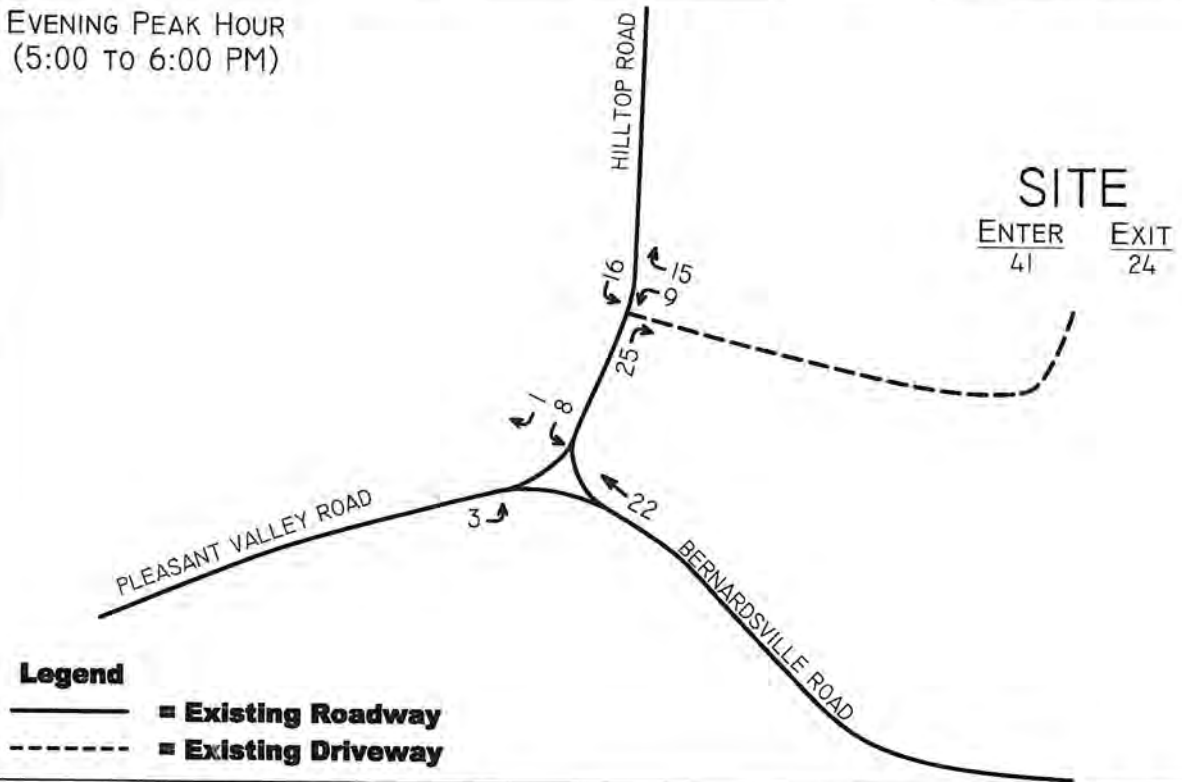


EXISTING LEVELS OF SERVICE

MORNING PEAK HOUR
(7:45 TO 8:45 AM)



EVENING PEAK HOUR
(5:00 TO 6:00 PM)



Legend

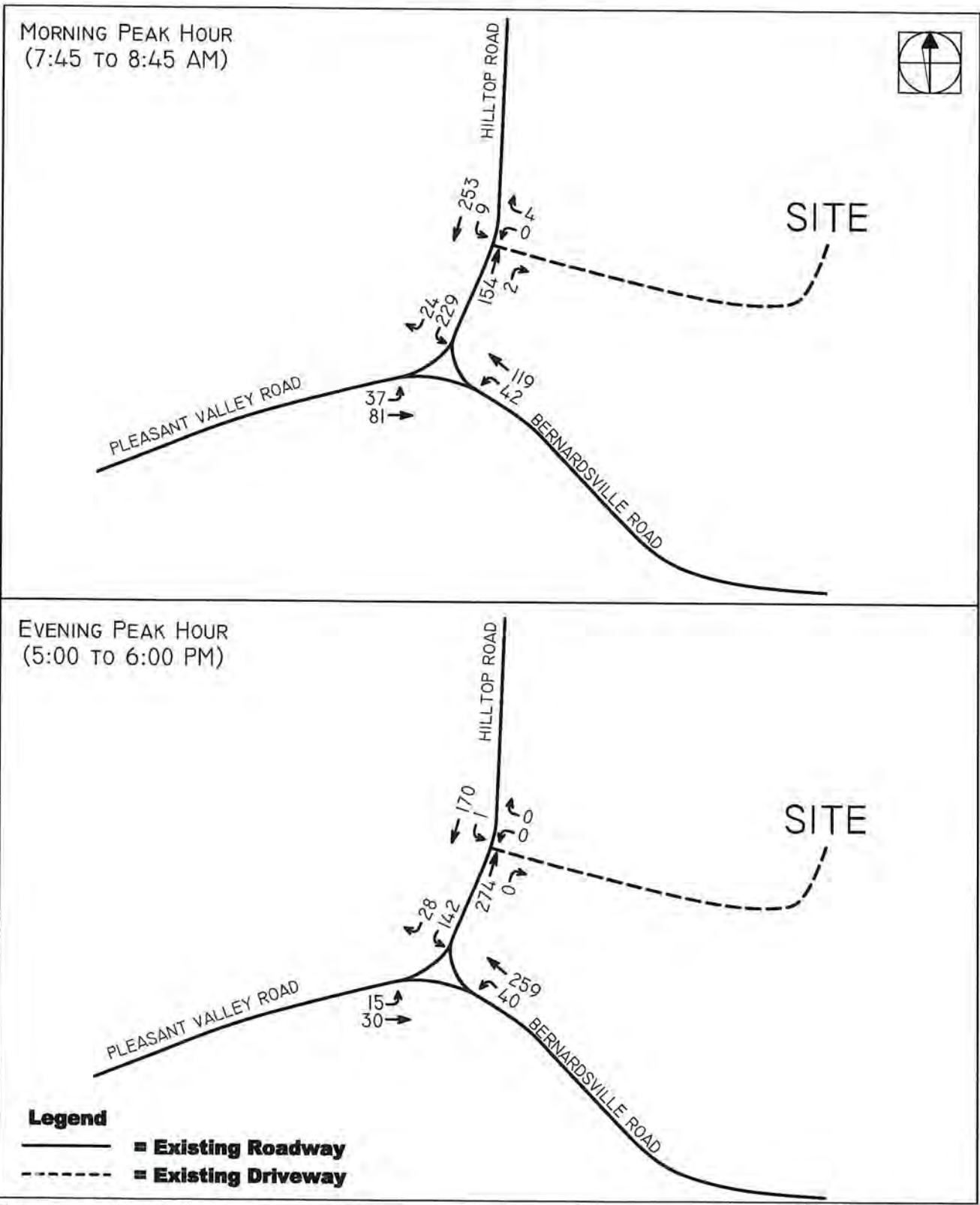
- Existing Roadway
- - - Existing Driveway

PROPOSED RESIDENTIAL DEVELOPMENT
BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

FIGURE 4



SITE GENERATED TRAFFIC VOLUMES



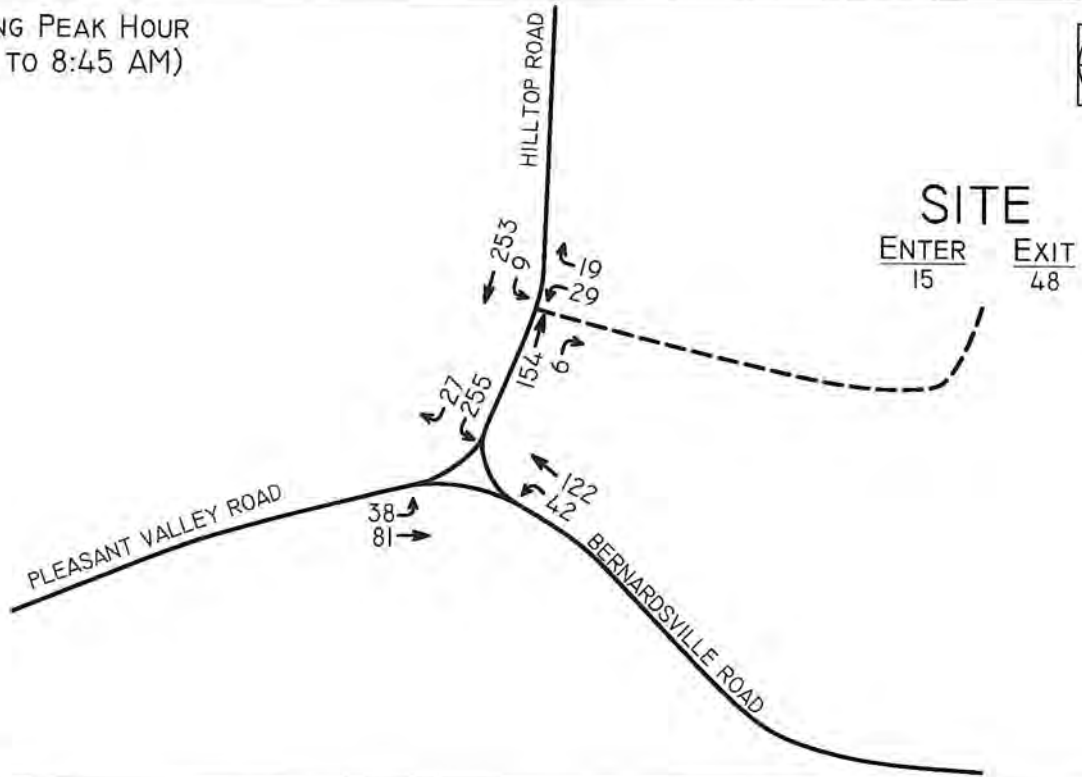
PROPOSED RESIDENTIAL DEVELOPMENT
 BOROUGH OF MENDHAM
 MORRIS COUNTY, NEW JERSEY

FIGURE 5

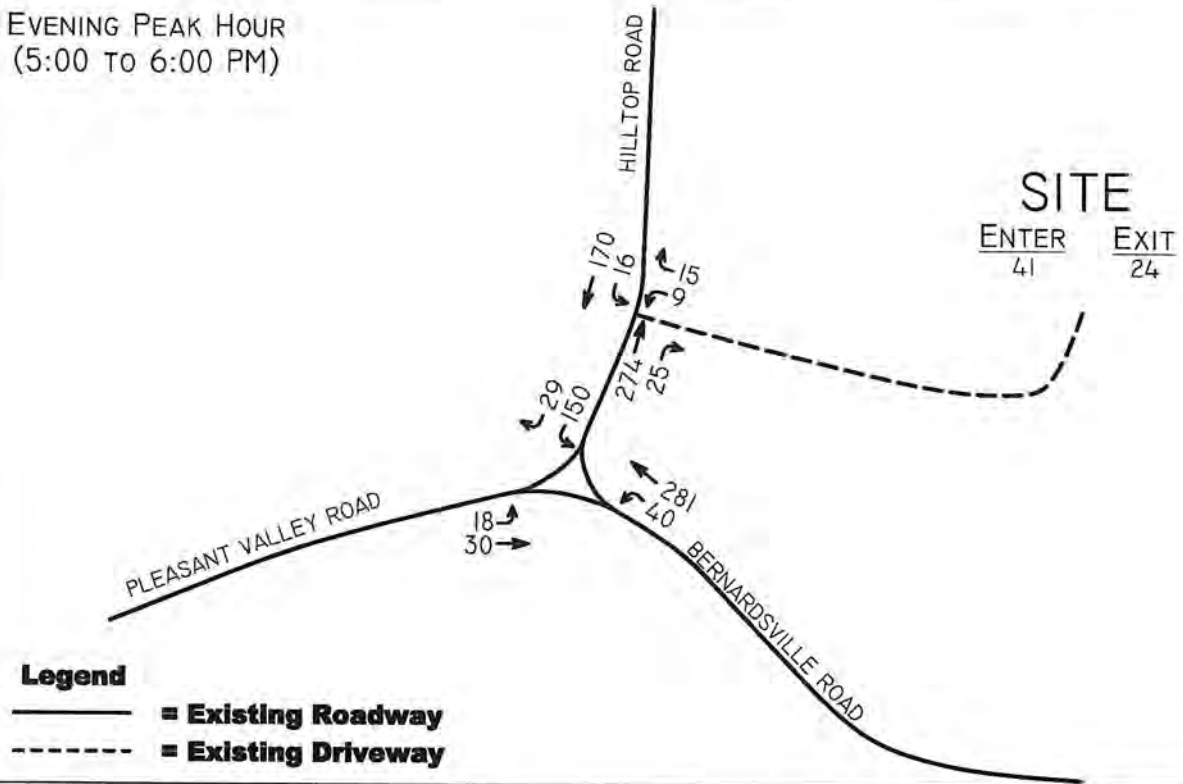


NO BUILD TRAFFIC VOLUMES

MORNING PEAK HOUR
(7:45 TO 8:45 AM)



EVENING PEAK HOUR
(5:00 TO 6:00 PM)



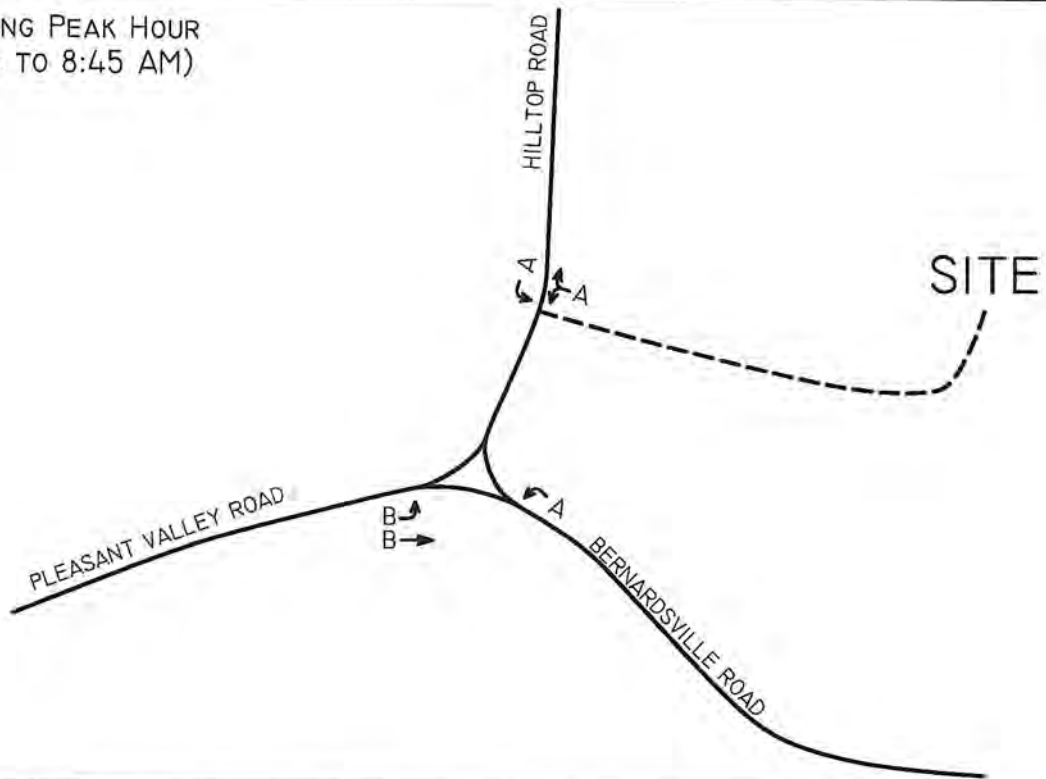
PROPOSED RESIDENTIAL DEVELOPMENT
BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

FIGURE 6

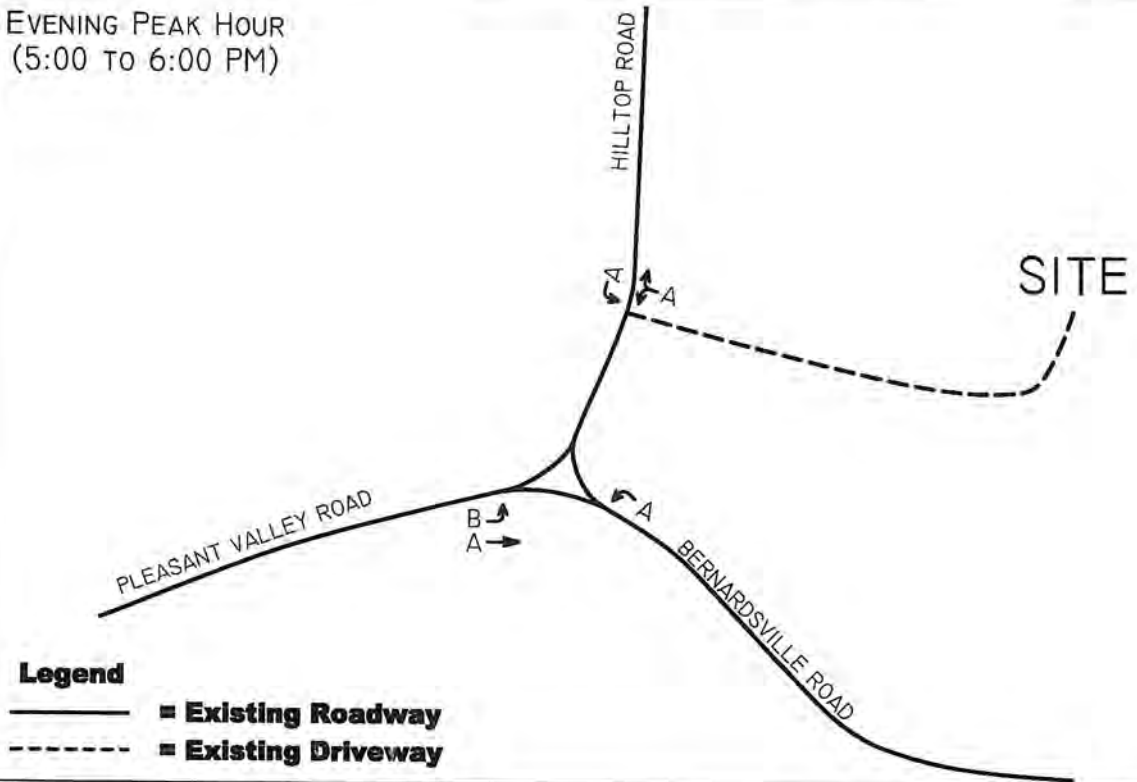


BUILD TRAFFIC VOLUMES

MORNING PEAK HOUR
(7:45 TO 8:45 AM)



EVENING PEAK HOUR
(5:00 TO 6:00 PM)



Legend

- Existing Roadway
- - - Existing Driveway

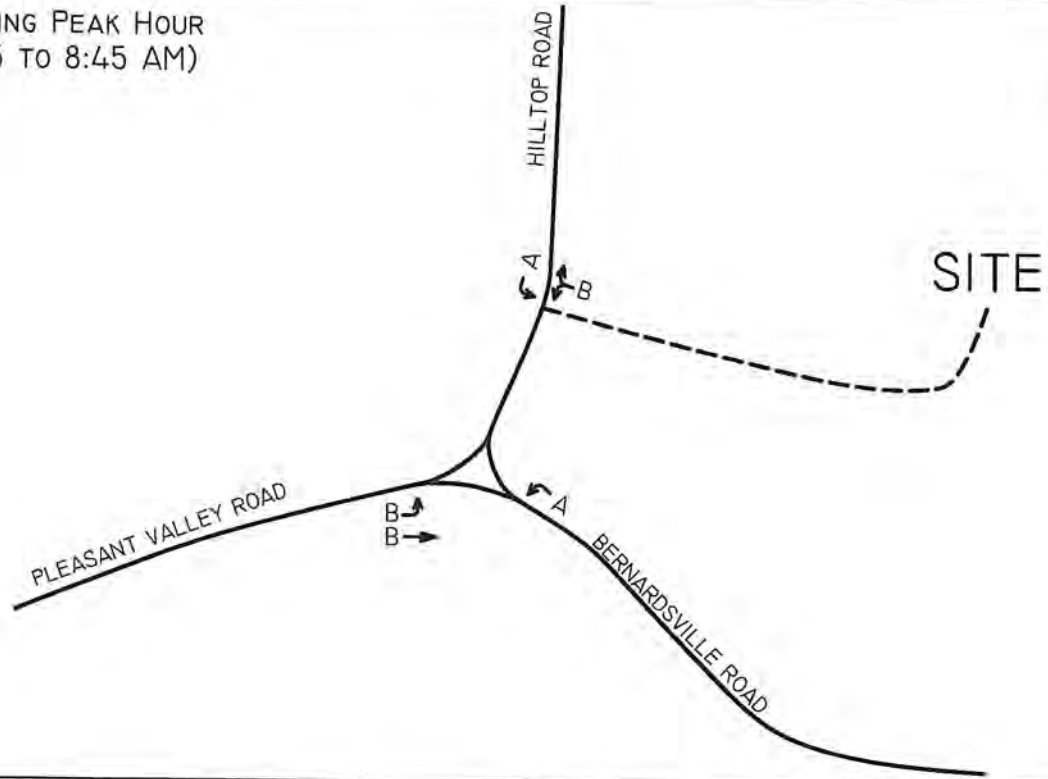
PROPOSED RESIDENTIAL DEVELOPMENT
BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

FIGURE 7

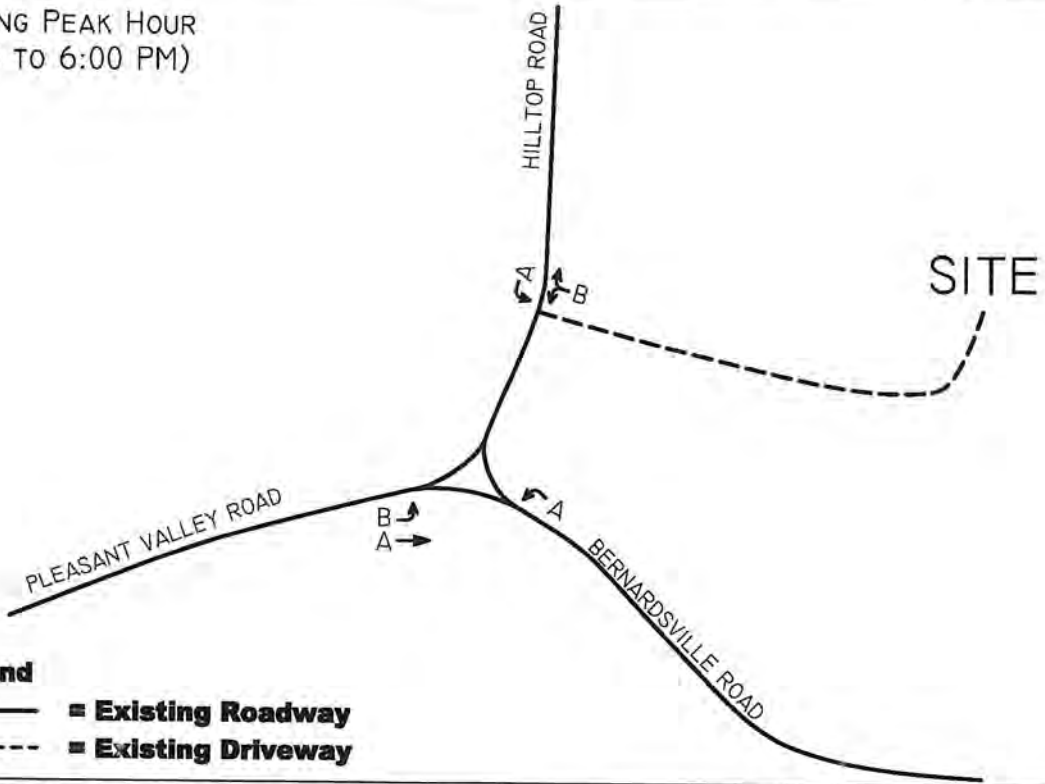


NO BUILD LEVELS OF SERVICE

MORNING PEAK HOUR
(7:45 TO 8:45 AM)



EVENING PEAK HOUR
(5:00 TO 6:00 PM)



Legend

-  Existing Roadway
-  Existing Driveway

PROPOSED RESIDENTIAL DEVELOPMENT
BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

FIGURE 8



BUILD LEVELS OF SERVICE

Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

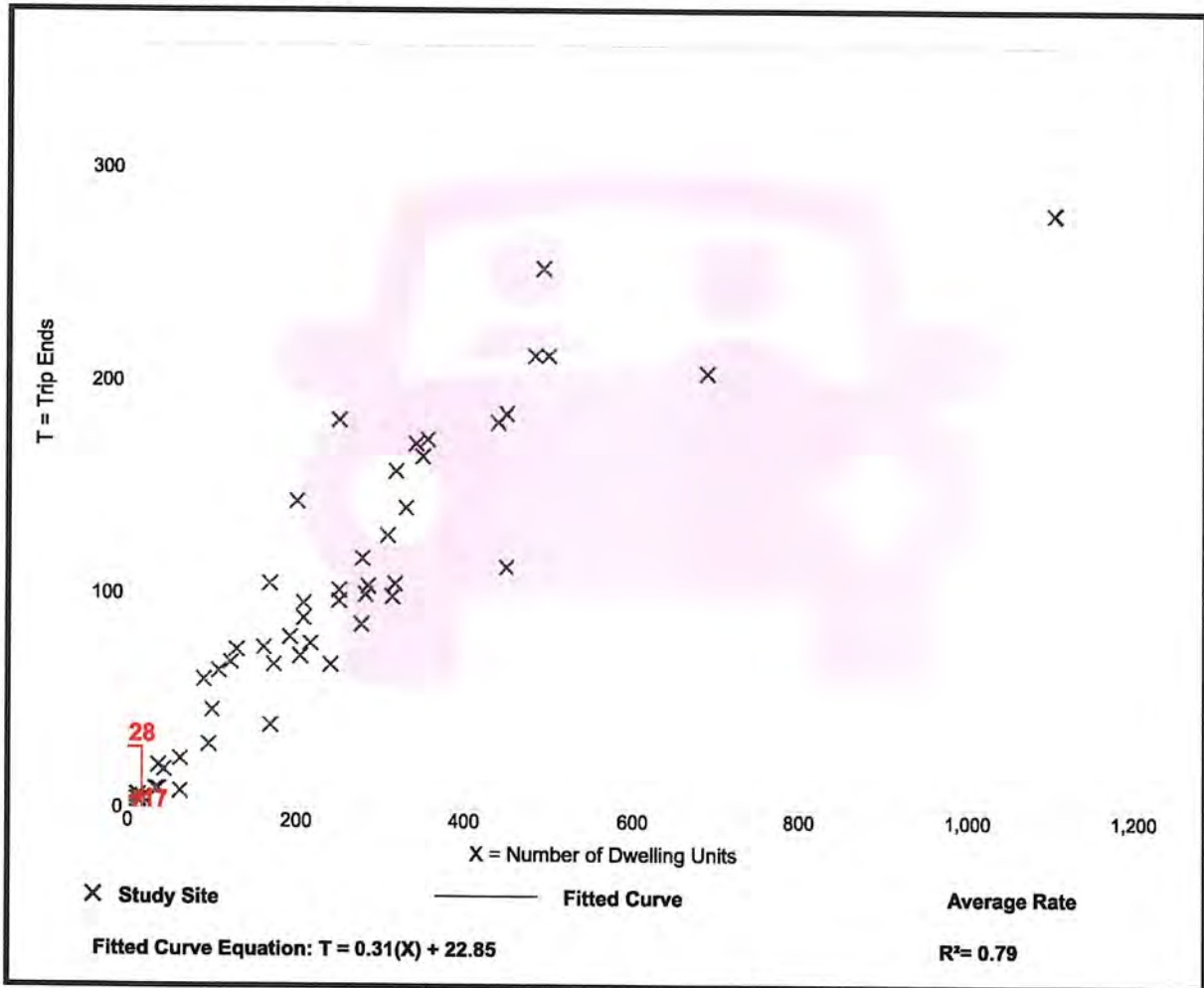
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

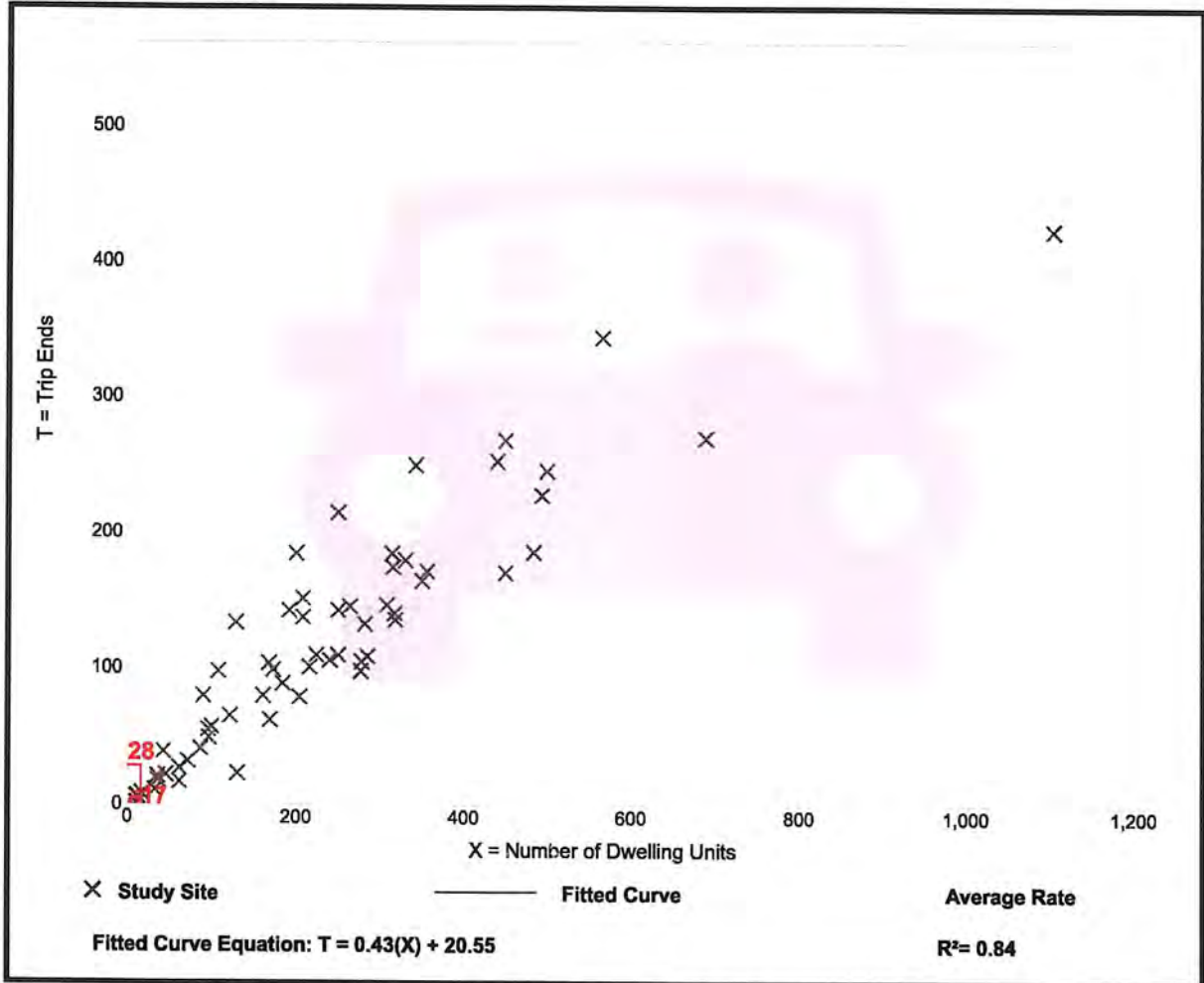
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

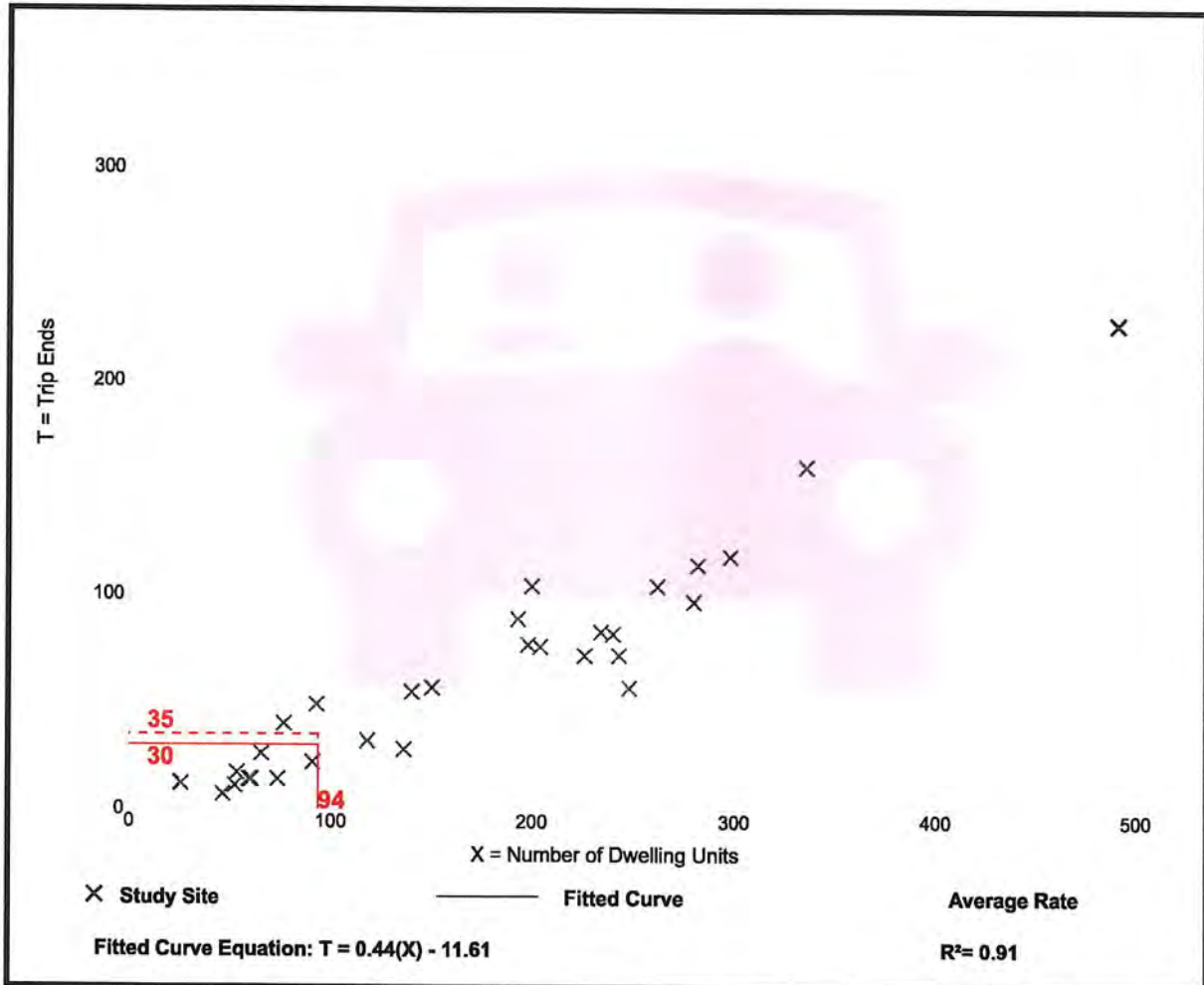
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 30
 Avg. Num. of Dwelling Units: 173
 Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.37	0.15 - 0.53	0.09

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 31

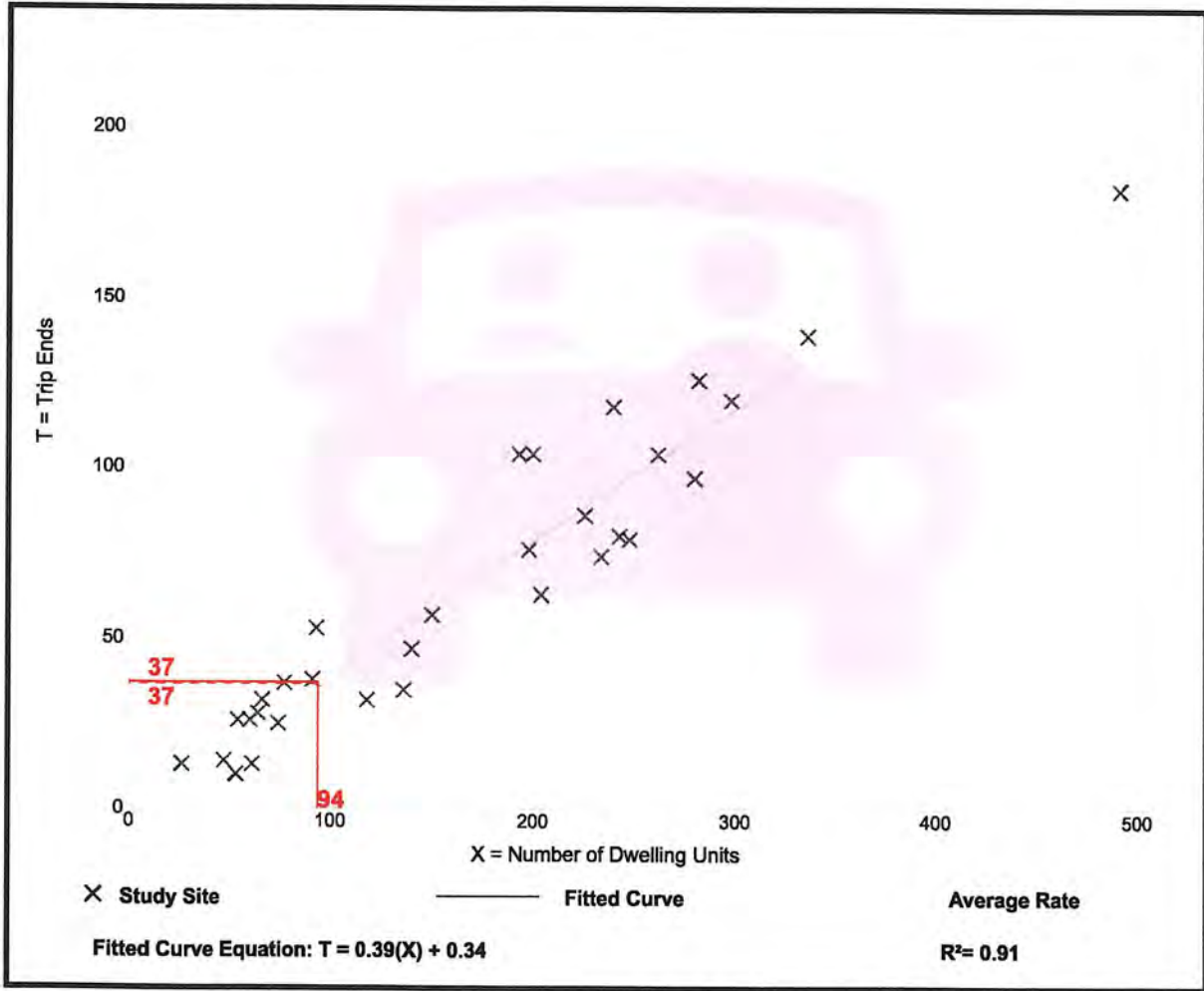
Avg. Num. of Dwelling Units: 169

Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation



Proposed Residential Development
1: Bernardsville Road & Pleasant Valley Road

Existing
AM

Intersection						
Int Delay, s/veh	3.2					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	36	79	41	115	222	23
Future Vol, veh/h	36	79	41	115	222	23
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Yield	-	None	-	None
Storage Length	0	125	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	77	77	77	77	77	77
Heavy Vehicles, %	8	3	10	7	5	9
Mvmt Flow	47	103	53	149	288	30

Major/Minor	Minor2	Major1	Major2		
Conflicting Flow All	558	303	318	0	0
Stage 1	303	-	-	-	-
Stage 2	255	-	-	-	-
Critical Hdwy	6.48	6.23	4.2	-	-
Critical Hdwy Stg 1	5.48	-	-	-	-
Critical Hdwy Stg 2	5.48	-	-	-	-
Follow-up Hdwy	3.572	3.327	2.29	-	-
Pot Cap-1 Maneuver	481	734	1198	-	-
Stage 1	736	-	-	-	-
Stage 2	774	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	458	734	1198	-	-
Mov Cap-2 Maneuver	458	-	-	-	-
Stage 1	701	-	-	-	-
Stage 2	774	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	11.7	2.1	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1198	-	458	734	-	-
HCM Lane V/C Ratio	0.044	-	0.102	0.14	-	-
HCM Control Delay (s)	8.1	0	13.8	10.7	-	-
HCM Lane LOS	A	A	B	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.3	0.5	-	-

Proposed Residential Development
2: Hilltop Road & Site Driveway

Existing
AM

Intersection						
Int Delay, s/veh	0.3					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		P			↑
Traffic Vol, veh/h	0	4	149	2	9	245
Future Vol, veh/h	0	4	149	2	9	245
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	77	77	77	77	77	77
Heavy Vehicles, %	0	0	7	50	11	5
Mvmt Flow	0	5	194	3	12	318

Major/Minor	Minor1	Major1	Major2	Major2	Major2
Conflicting Flow All	538	196	0	0	197
Stage 1	196	-	-	-	-
Stage 2	342	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.21
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.299
Pot Cap-1 Maneuver	508	850	-	-	1324
Stage 1	842	-	-	-	-
Stage 2	724	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	502	850	-	-	1324
Mov Cap-2 Maneuver	502	-	-	-	-
Stage 1	842	-	-	-	-
Stage 2	716	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.3	0	0.3
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	850	1324
HCM Lane V/C Ratio	-	-	0.006	0.009
HCM Control Delay (s)	-	-	9.3	7.7
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0	0

Proposed Residential Development
1: Bernardsville Road & Pleasant Valley Road

Existing
PM

Intersection

Int Delay, s/veh 1.5

Movement EBL EBR NBL NBT SBT SBR

Lane Configurations	↖	↗		↖	↗	
Traffic Vol, veh/h	15	29	39	251	138	27
Future Vol, veh/h	15	29	39	251	138	27
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Yield	-	None	-	None
Storage Length	0	125	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	0	0	0	3	7	0
Mvmt Flow	15	30	40	259	142	28

Major/Minor Minor2 Major1 Major2

Conflicting Flow All	495	156	170	0	-	0
Stage 1	156	-	-	-	-	-
Stage 2	339	-	-	-	-	-
Critical Hdwy	6.4	6.2	4.1	-	-	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	537	895	1420	-	-	-
Stage 1	877	-	-	-	-	-
Stage 2	726	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	519	895	1420	-	-	-
Mov Cap-2 Maneuver	519	-	-	-	-	-
Stage 1	848	-	-	-	-	-
Stage 2	726	-	-	-	-	-

Approach EB NB SB

HCM Control Delay, s	10.2	1	0
HCM LOS	B		

Minor Lane/Major Mvmt NBL NBT EBLn1 EBLn2 SBT SBR

Capacity (veh/h)	1420	-	519	895	-	-
HCM Lane V/C Ratio	0.028	-	0.03	0.033	-	-
HCM Control Delay (s)	7.6	0	12.1	9.2	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.1	0.1	-	-

Proposed Residential Development
2: Hilltop Road & Site Driveway

Existing
PM

Intersection						
Int Delay, s/veh	0					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		T			T
Traffic Vol, veh/h	0	0	266	0	1	165
Future Vol, veh/h	0	0	266	0	1	165
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	0	0	3	0	0	6
Mvmt Flow	0	0	274	0	1	170

Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	446	274	0	0	274	0
Stage 1	274	-	-	-	-	-
Stage 2	172	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	574	770	-	-	1301	-
Stage 1	777	-	-	-	-	-
Stage 2	863	-	-	-	-	-
Platoon blocked, %			-	-	-	-
Mov Cap-1 Maneuver	573	770	-	-	1301	-
Mov Cap-2 Maneuver	573	-	-	-	-	-
Stage 1	777	-	-	-	-	-
Stage 2	862	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	0	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	1301	-
HCM Lane V/C Ratio	-	-	0.001	-
HCM Control Delay (s)	-	-	0	7.8
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0	-

Proposed Residential Development
1: Bernardsville Road & Pleasant Valley Road

No Build
AM

Intersection						
Int Delay, s/veh	3.3					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	37	81	42	119	229	24
Future Vol, veh/h	37	81	42	119	229	24
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Yield	-	None	-	None
Storage Length	0	125	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	77	77	77	77	77	77
Heavy Vehicles, %	8	3	10	7	5	9
Mvmt Flow	48	105	55	155	297	31

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	578	313	328	0	-	0
Stage 1	313	-	-	-	-	-
Stage 2	265	-	-	-	-	-
Critical Hdwy	6.48	6.23	4.2	-	-	-
Critical Hdwy Stg 1	5.48	-	-	-	-	-
Critical Hdwy Stg 2	5.48	-	-	-	-	-
Follow-up Hdwy	3.572	3.327	2.29	-	-	-
Pot Cap-1 Maneuver	468	725	1188	-	-	-
Stage 1	728	-	-	-	-	-
Stage 2	766	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	444	725	1188	-	-	-
Mov Cap-2 Maneuver	444	-	-	-	-	-
Stage 1	691	-	-	-	-	-
Stage 2	766	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	11.8	2.1	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1188	-	444	725	-	-
HCM Lane V/C Ratio	0.046	-	0.108	0.145	-	-
HCM Control Delay (s)	8.2	0	14.1	10.8	-	-
HCM Lane LOS	A	A	B	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.4	0.5	-	-

Proposed Residential Development
2: Hilltop Road & Site Driveway

No Build
AM

Intersection

Int Delay, s/veh 0.3

Movement WBL WBR NBT NBR SBL SBT

Lane Configurations	W	R	T	R	L	T
Traffic Vol, veh/h	0	4	154	2	9	253
Future Vol, veh/h	0	4	154	2	9	253
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	77	77	77	77	77	77
Heavy Vehicles, %	0	0	7	50	11	5
Mvmt Flow	0	5	200	3	12	329

Major/Minor Minor1 Major1 Major2

Conflicting Flow All	555	202	0	0	203	0
Stage 1	202	-	-	-	-	-
Stage 2	353	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.21	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.299	-
Pot Cap-1 Maneuver	496	844	-	-	1317	-
Stage 1	837	-	-	-	-	-
Stage 2	716	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	491	844	-	-	1317	-
Mov Cap-2 Maneuver	491	-	-	-	-	-
Stage 1	837	-	-	-	-	-
Stage 2	708	-	-	-	-	-

Approach WB NB SB

HCM Control Delay, s	9.3	0	0.3
HCM LOS	A		

Minor Lane/Major Mvmt NBT NBRWBLn1 SBL SBT

Capacity (veh/h)	-	-	844	1317	-
HCM Lane V/C Ratio	-	-	0.006	0.009	-
HCM Control Delay (s)	-	-	9.3	7.8	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0	0	-

Proposed Residential Development
1: Bernardsville Road & Pleasant Valley Road

No Build
PM

Intersection

Int Delay, s/veh 1.5

Movement EBL EBR NBL NBT SBT SBR

Lane Configurations	↖	↗		↖	↗	
Traffic Vol, veh/h	15	30	40	259	142	28
Future Vol, veh/h	15	30	40	259	142	28
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Yield	-	None	-	None
Storage Length	0	125	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	0	0	0	3	7	0
Mvmt Flow	15	31	41	267	146	29

Major/Minor Minor2 Major1 Major2

Conflicting Flow All	510	161	175	0	-	0
Stage 1	161	-	-	-	-	-
Stage 2	349	-	-	-	-	-
Critical Hdwy	6.4	6.2	4.1	-	-	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	527	889	1414	-	-	-
Stage 1	873	-	-	-	-	-
Stage 2	719	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	509	889	1414	-	-	-
Mov Cap-2 Maneuver	509	-	-	-	-	-
Stage 1	843	-	-	-	-	-
Stage 2	719	-	-	-	-	-

Approach EB NB SB

HCM Control Delay, s	10.2	1	0
HCM LOS	B		

Minor Lane/Major Mvmt NBL NBT EBLn1 EBLn2 SBT SBR

Capacity (veh/h)	1414	-	509	889	-	-
HCM Lane V/C Ratio	0.029	-	0.03	0.035	-	-
HCM Control Delay (s)	7.6	0	12.3	9.2	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.1	0.1	-	-

Proposed Residential Development
2: Hilltop Road & Site Driveway

No Build
PM

Intersection						
Int Delay, s/veh	0					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		P			4
Traffic Vol, veh/h	0	0	274	0	1	170
Future Vol, veh/h	0	0	274	0	1	170
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	0	0	3	0	0	6
Mvmt Flow	0	0	282	0	1	175

Major/Minor	Minor1	Major1	Major2	Major2	Major2
Conflicting Flow All	459	282	0	0	282
Stage 1	282	-	-	-	-
Stage 2	177	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2
Pot Cap-1 Maneuver	564	762	-	-	1292
Stage 1	770	-	-	-	-
Stage 2	859	-	-	-	-
Platoon blocked, %					
Mov Cap-1 Maneuver	563	762	-	-	1292
Mov Cap-2 Maneuver	563	-	-	-	-
Stage 1	770	-	-	-	-
Stage 2	858	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	0	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	- 1292	-
HCM Lane V/C Ratio	-	-	- 0.001	-
HCM Control Delay (s)	-	-	0 7.8	0
HCM Lane LOS	-	-	A A	A
HCM 95th %tile Q(veh)	-	-	- 0	-

Proposed Residential Development
1: Bernardsville Road & Pleasant Valley Road

Build
AM

Intersection

Int Delay, s/veh 3.2

Movement EBL EBR NBL NBT SBT SBR

Lane Configurations	↔	↔		↔	↔	
Traffic Vol, veh/h	38	81	42	122	255	27
Future Vol, veh/h	38	81	42	122	255	27
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Yield	-	None	-	None
Storage Length	0	125	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	77	77	77	77	77	77
Heavy Vehicles, %	8	3	10	7	5	9
Mvmt Flow	49	105	55	158	331	35

Major/Minor Minor2 Major1 Major2

Conflicting Flow All	617	349	366	0	-	0
Stage 1	349	-	-	-	-	-
Stage 2	268	-	-	-	-	-
Critical Hdwy	6.48	6.23	4.2	-	-	-
Critical Hdwy Stg 1	5.48	-	-	-	-	-
Critical Hdwy Stg 2	5.48	-	-	-	-	-
Follow-up Hdwy	3.572	3.327	2.29	-	-	-
Pot Cap-1 Maneuver	444	692	1150	-	-	-
Stage 1	701	-	-	-	-	-
Stage 2	763	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	421	692	1150	-	-	-
Mov Cap-2 Maneuver	421	-	-	-	-	-
Stage 1	665	-	-	-	-	-
Stage 2	763	-	-	-	-	-

Approach EB NB SB

HCM Control Delay, s	12.2	2.1	0
HCM LOS	B		

Minor Lane/Major Mvmt NBL NBT EBLn1 EBLn2 SBT SBR

Capacity (veh/h)	1150	-	421	692	-	-
HCM Lane V/C Ratio	0.047	-	0.117	0.152	-	-
HCM Control Delay (s)	8.3	0	14.7	11.1	-	-
HCM Lane LOS	A	A	B	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.4	0.5	-	-

Proposed Residential Development
2: Hilltop Road & Site Driveway

Build
AM

Intersection						
Int Delay, s/veh	1.4					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		T			T
Traffic Vol, veh/h	29	19	154	6	9	253
Future Vol, veh/h	29	19	154	6	9	253
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	77	77	77	77	77	77
Heavy Vehicles, %	0	0	7	50	11	5
Mvmt Flow	38	25	200	8	12	329

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	557	204	0	0	208
Stage 1	204	-	-	-	-
Stage 2	353	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.21
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.299
Pot Cap-1 Maneuver	495	842	-	-	1311
Stage 1	835	-	-	-	-
Stage 2	716	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	490	842	-	-	1311
Mov Cap-2 Maneuver	490	-	-	-	-
Stage 1	835	-	-	-	-
Stage 2	708	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.9	0	0.3
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	587	1311
HCM Lane V/C Ratio	-	-	0.106	0.009
HCM Control Delay (s)	-	-	11.9	7.8
HCM Lane LOS	-	-	B	A
HCM 95th %tile Q(veh)	-	-	0.4	0

Proposed Residential Development
1: Bernardsville Road & Pleasant Valley Road

Build
PM

Intersection						
Int Delay, s/veh	1.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	18	30	40	281	150	29
Future Vol, veh/h	18	30	40	281	150	29
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Yield	-	None	-	None
Storage Length	0	125	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	0	0	0	3	7	0
Mvmt Flow	19	31	41	290	155	30

Major/Minor	Minor2	Major1	Major2		
Conflicting Flow All	542	170	185	0	0
Stage 1	170	-	-	-	-
Stage 2	372	-	-	-	-
Critical Hdwy	6.4	6.2	4.1	-	-
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	2.2	-	-
Pot Cap-1 Maneuver	505	879	1402	-	-
Stage 1	865	-	-	-	-
Stage 2	702	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	487	879	1402	-	-
Mov Cap-2 Maneuver	487	-	-	-	-
Stage 1	835	-	-	-	-
Stage 2	702	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.5	1	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1402	-	487	879	-	-
HCM Lane V/C Ratio	0.029	-	0.038	0.035	-	-
HCM Control Delay (s)	7.6	0	12.7	9.2	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.1	0.1	-	-

Proposed Residential Development
2: Hilltop Road & Site Driveway

Build
PM

Intersection						
Int Delay, s/veh	0.8					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		T			4
Traffic Vol, veh/h	9	15	274	25	16	170
Future Vol, veh/h	9	15	274	25	16	170
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	0	0	3	0	0	6
Mvmt Flow	9	15	282	26	16	175

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	502	295	0	0	308
Stage 1	295	-	-	-	-
Stage 2	207	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2
Pot Cap-1 Maneuver	533	749	-	-	1264
Stage 1	760	-	-	-	-
Stage 2	832	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	526	749	-	-	1264
Mov Cap-2 Maneuver	526	-	-	-	-
Stage 1	760	-	-	-	-
Stage 2	820	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	10.8	0	0.7
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	646	1264
HCM Lane V/C Ratio	-	-	0.038	0.013
HCM Control Delay (s)	-	-	10.8	7.9
HCM Lane LOS	-	-	B	A
HCM 95th %tile Q(veh)	-	-	0.1	0



hlw



350 BERNARDSVILLE ROAD

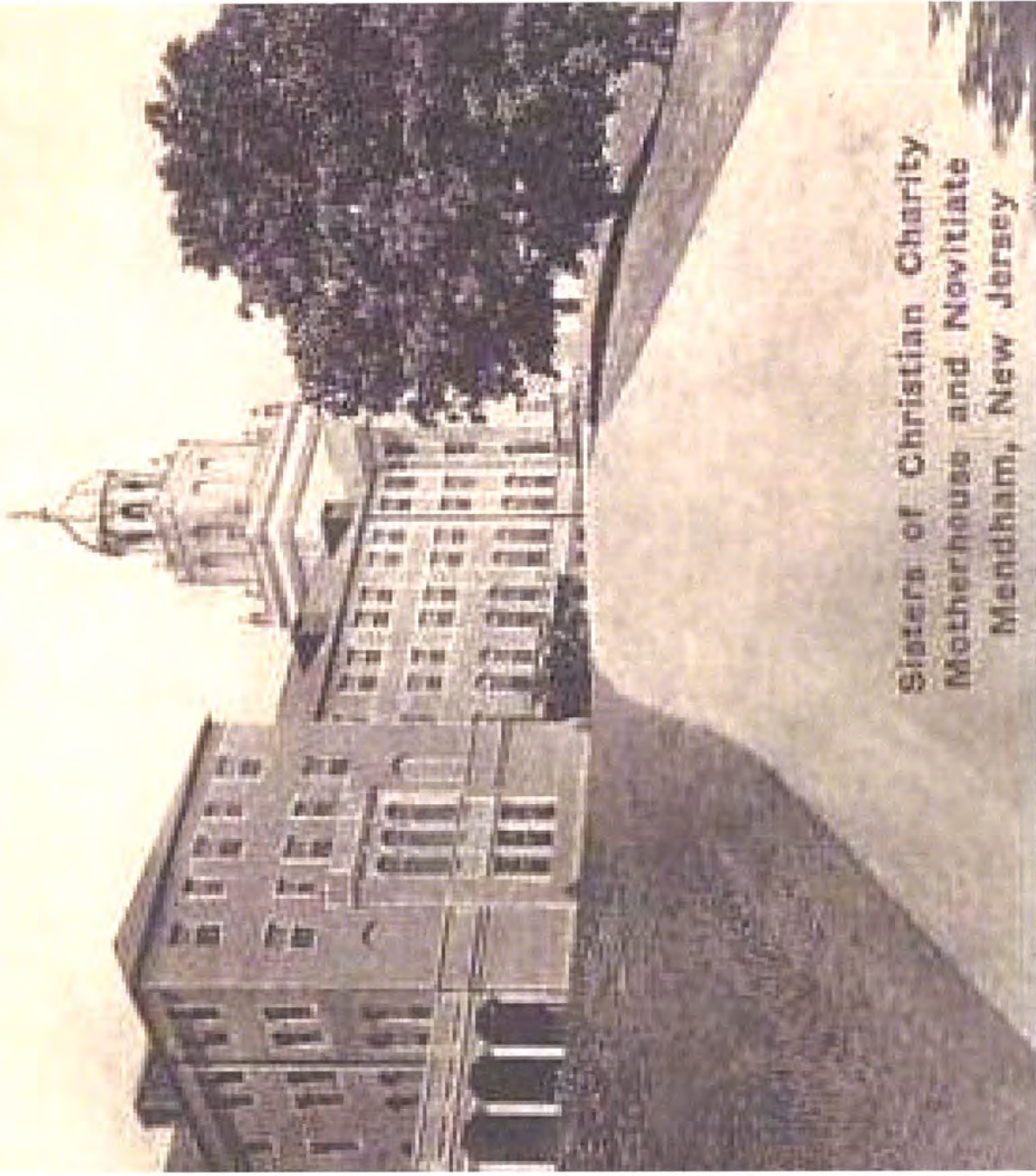
2022.12.14

History

The former Sisters of Christian Charity Mother House has been an integral part of the history of Mendham for nearly a century. Built in 1926 it became a part of the estate formerly owned by Frederick Cromwell. Through the years the estate has grown from the original Cromwell cottage and has passed through several notable owners and names. It has been the site of the "farming" of a Rockefeller Center Christmas tree and the introduction of Charolais cattle from France to the United States.

But the property has also known its share of sadness. The original Georgian style mansion was built for his son Seymour, who was tragically killed in a fall from a horse, after which the Cromwells sold the estate.

The Mallinckrodt building now faces a similar risk of tragedy. Built in the Neo Gothic style the incredible and irreplaceable detailing risks being lost to history.





The Mother House

In 2018 the Sisters of Christian Charity were faced with a need to create a new facility that would enable them to better fulfill their mission and to care for the aging members of the Order. A new Mother House was built and the Sisters were faced with a dilemma.



What to do with the existing Mother House?



As a religious order their means were limited and need to be directed to their mission. They could not and cannot continue to maintain a large deteriorating building.

Current Condition



There are roof leaks, costs for even minimum maintenance of utilities, insurance, etc; costs the Order could not afford to fund. The result is that the building began to suffer damage and deteriorate. The beautiful sculptural details are eroding and, in some areas, are in danger of collapsing. It is only a matter of time before this magnificent, historically significant structure, will be lost to us.



Demolish it now?

The question becomes "demolish it now" or find a suitable way to re-purpose the building and save it before it is too late.



They and their board sought out advice from several real estate development groups. Accordia met with the Sisters, inspected the building and felt that it had enormous potential as a residential building. It can be restored and re-purposed with minimal changes to the historic exterior.

THIS BUILDING IS A

PIECE OF HISTORY

WORTH

BREATHING NEW LIFE INTO

How Do We Save It ...

Restore and re-purpose the building with minimal changes to the historic exterior.



Mallinckrodt in the Park

Originally a girls' school, the building was converted into condominiums in 2005. Situated on a verdant park, the building has retained much of its original 1900s architectural features, offering luxury living at its finest.



Vail Mansion

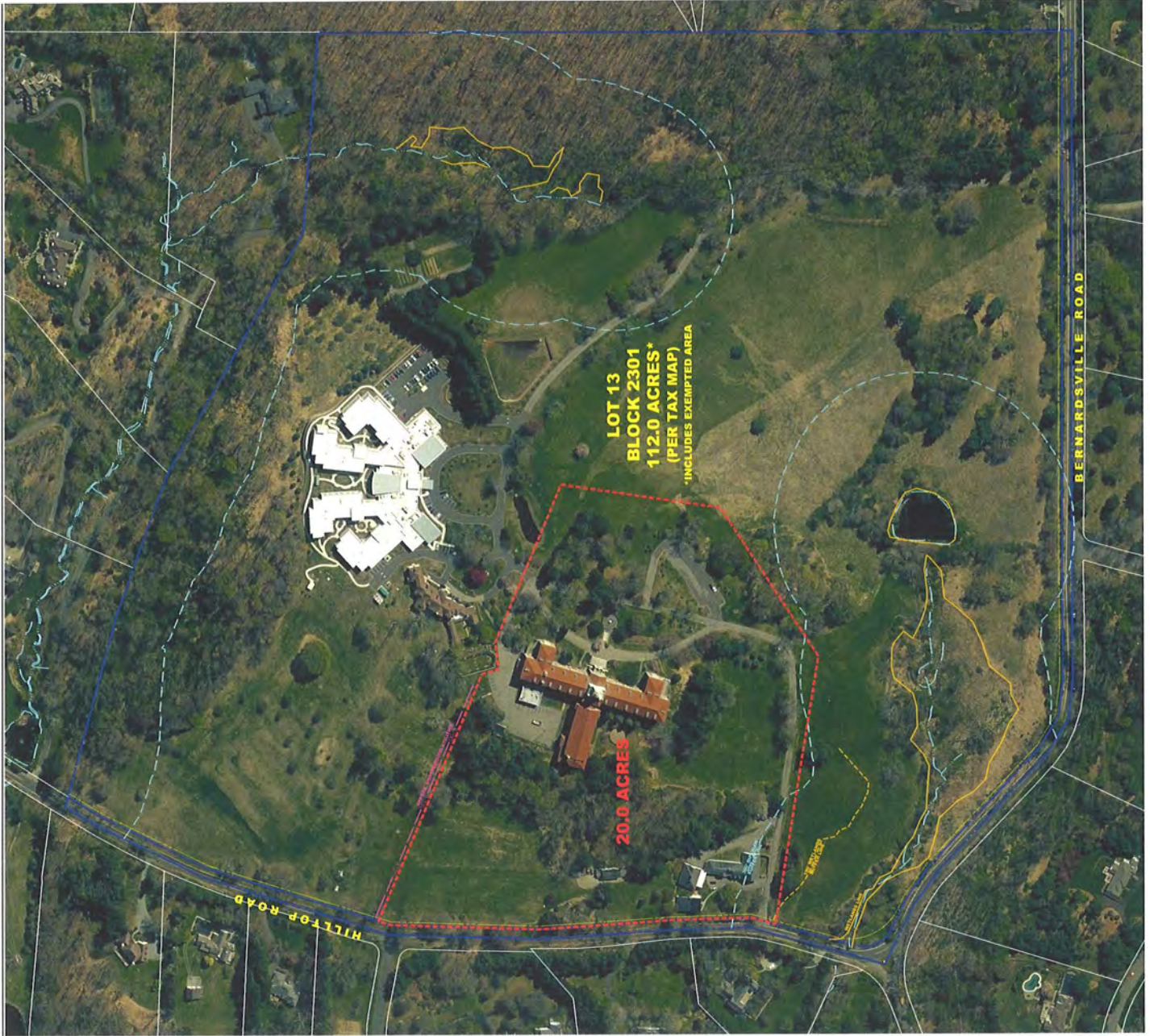
It was designed to serve as residence and museum for Theodore Vail, President of the American Telephone. In the early 2000s, the property was purchased by developers who restored the mansion transforming it into an exclusive, luxury condominium residences.

the SITE

Subdivision Plan

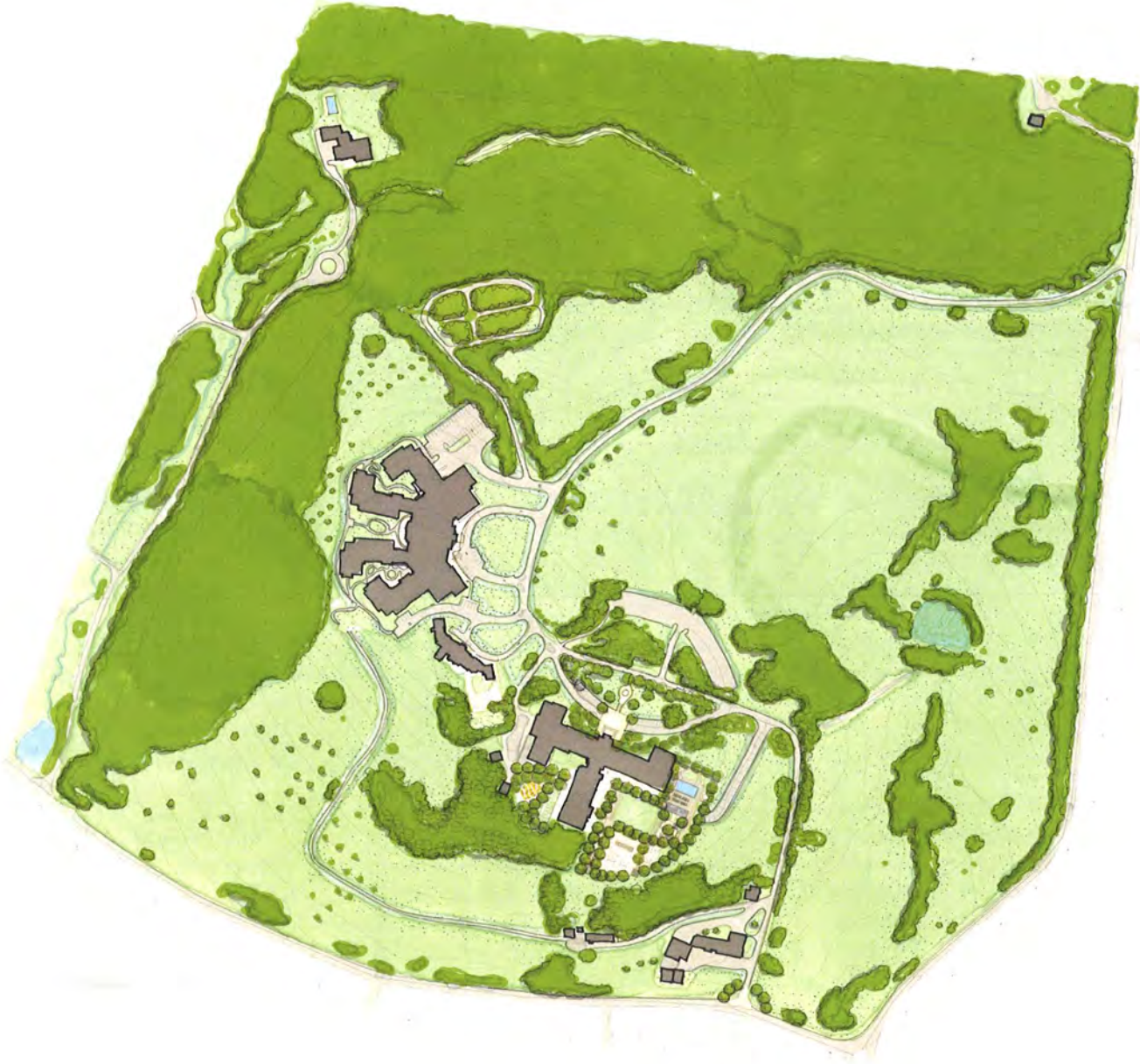
-- Total site Acreage:
112.9 acres

-- Proposed Subdivision:
20.0 acres



Site Plan

Situated at the top of 112 acres the property offers beautiful vista across woods and meadows. Our plan is to be the least intrusive on the current vision of the property. We hope to create a beautifully envisioned restoration which will be harmonious with the existing landscape and allow the new residents to coexist with the Sisters' needs.



Site Entrance

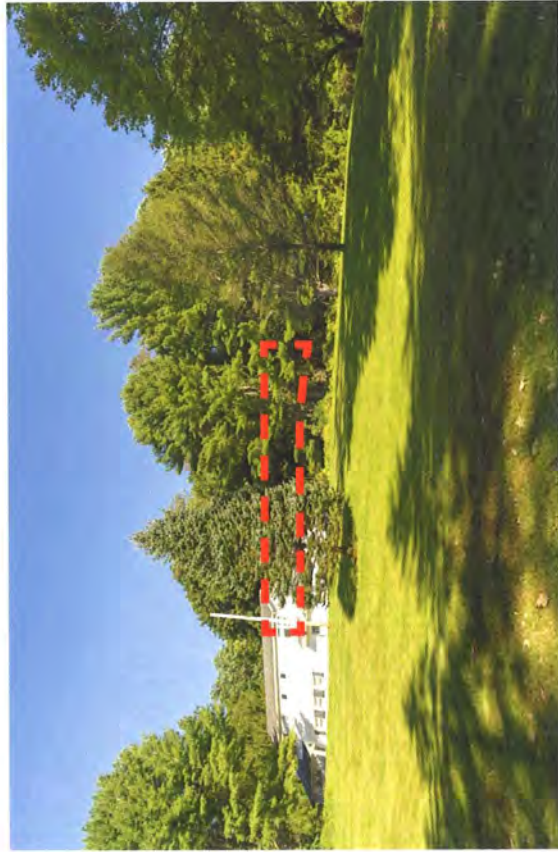
Revitalizing the entrance drive off Hilltop Road as the Main Entry to the project presents an opportunity to enhance the approach from the intersection with Bernardsville Road.

The stone entrance walls will be restored and the entry will be upgraded with pavers signifying a threshold to the new project. Overall the entry will also be beautified with plantings flanking the entry walls, creating a balance between a quiet and stately entrance.

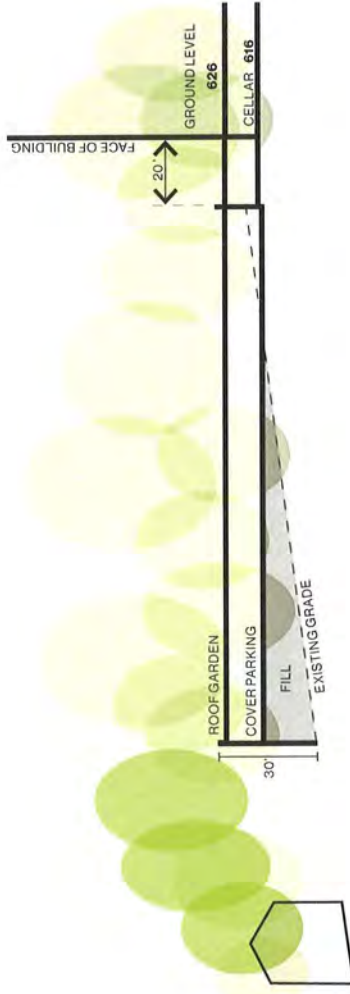


Parking

The intent is to accommodate the necessary parking with the construction of a below grade parking deck. This parking deck will have little to no visual impact on the surrounding area as it will be mostly below grade and screened.



View from Hilltop Road



Section Through Parking

Parking to be screened by existing trees, structures and new greenery applied to the exterior wall of the parking. The intent is to completely mask the covered parking with existing site elements and added elements as needed.

Site Amenities



Key Plan

- ① Pool
- ② Lounge
- ③ Hot Tub
- ④ Trellis
- ⑤ BBQ Area
- ⑥ Lawn
- ⑦ Shuffle Board
- ⑧ Pickle Ball
- ⑨ Bleacher
- ⑩ Dog Run
- ⑪ Vegetable Garden
- ⑫ Rose Garden
- ⑬ Entry Plaza
- ⑭ Visitor Parking



the BUILDING



Entry View

Preserving the historic and iconic architecture of the building while bringing it back to its once grandeur will work to solidify its place in Mendham history.

Minor modifications to the entrance such as a new canopy at the residence entrance as well as an enhanced entry plaza will add to the beauty of the building and the natural surroundings in which it is sited. New and preserved landscaping will frame visitors' approach to the restored development.

Building Entrance

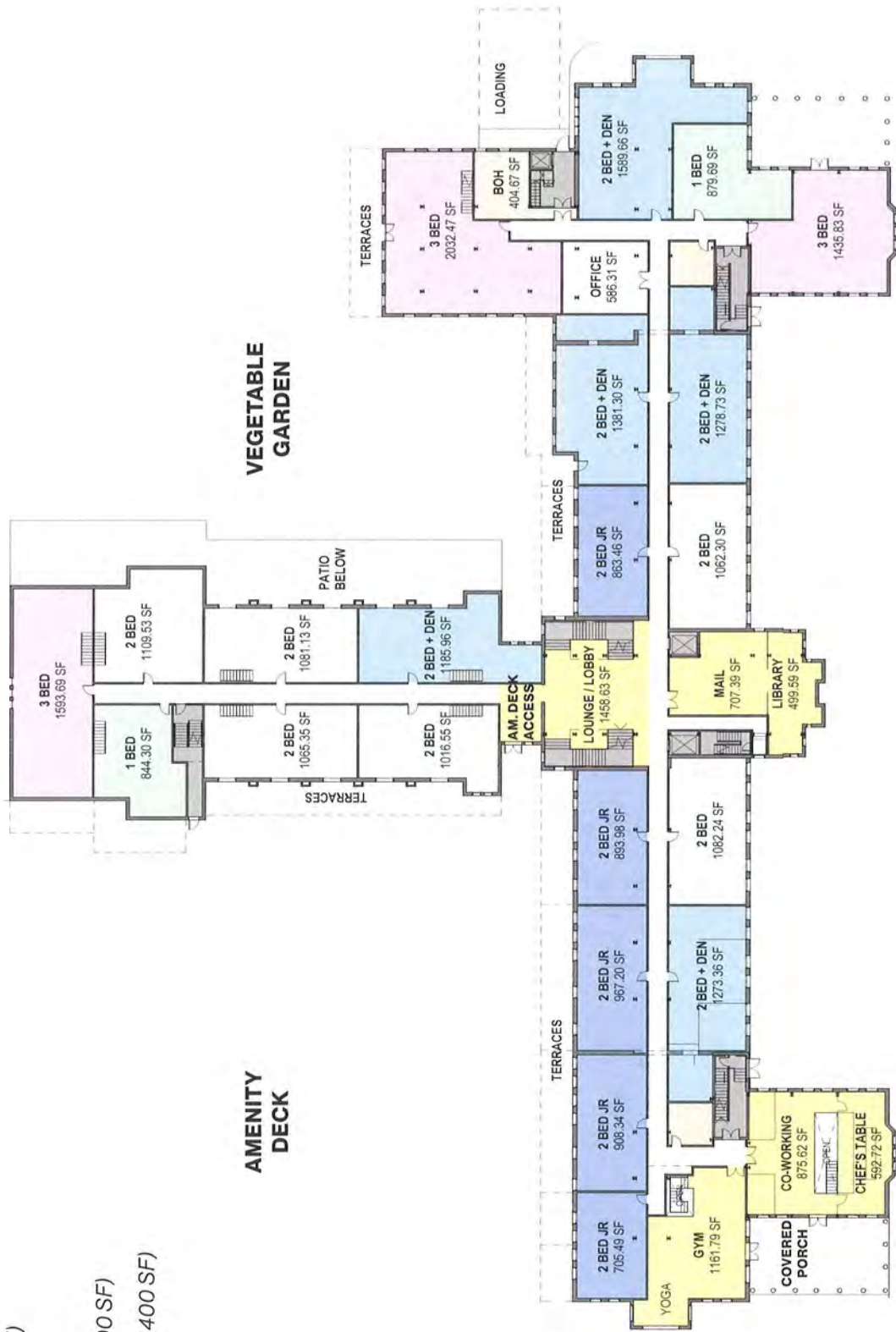
Celebrating the entrance with additional landscaping and the introduction of an entrance plaza with pavers will extend the entry experience to the drop off and visually connect the front door to the site across the drop off.

Along with aesthetic enhancements and restoration to bring the building back to life, work will be done to accommodate accessibility routes and visitor parking.



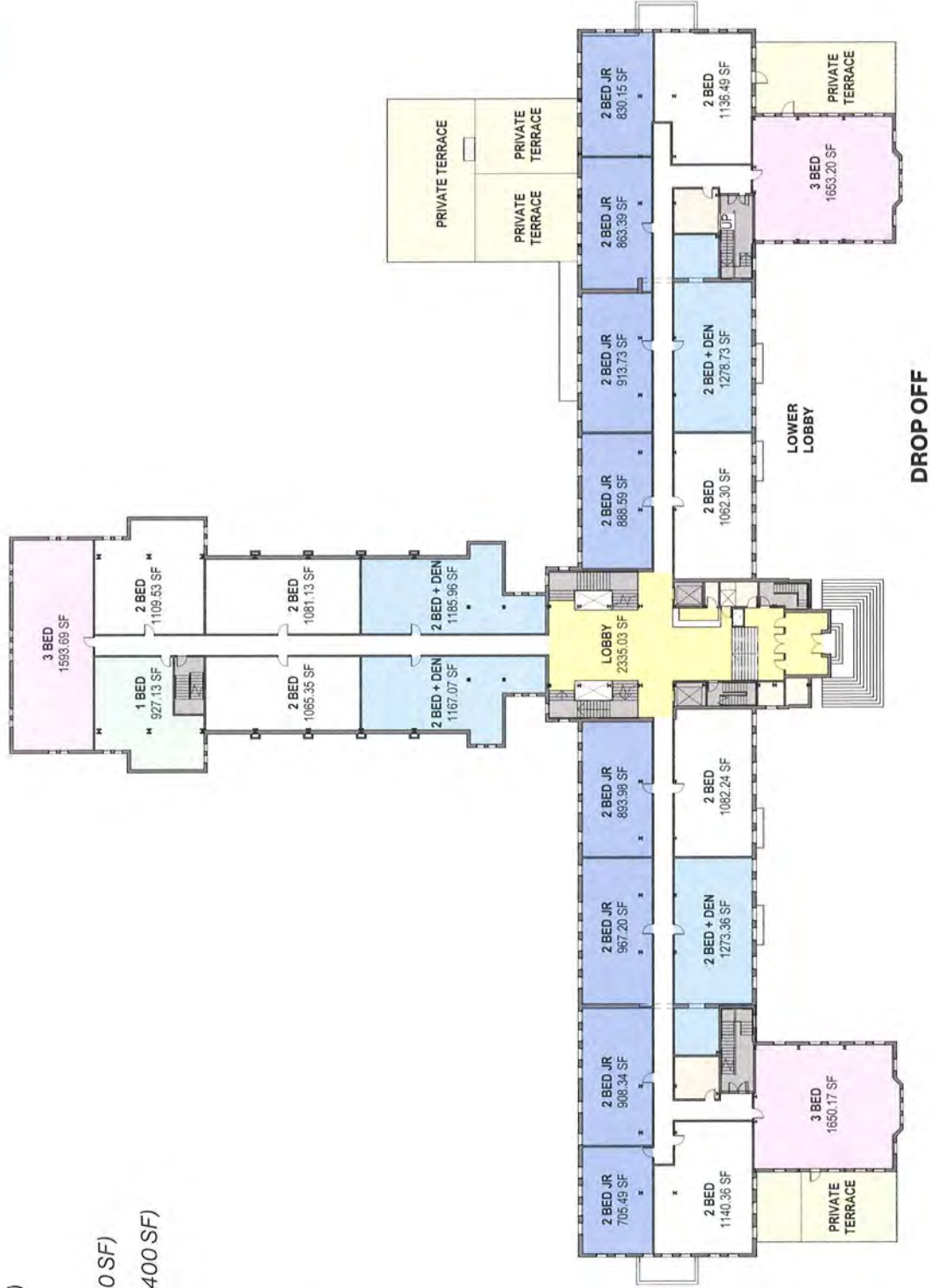
Level 1

- 1 BED (650-700 SF)
- 2 BED JR (800 - 1,000 SF)
- 2 BED (1,000 - 1,200 SF)
- 2 BED + DEN (1,300 - 1,400 SF)
- 2 BED DUPLEX (1,300 - 1,400 SF)
- 3 BED (1,400 - 1,700 SF)
- AMENITY
- SERVICES / CORE



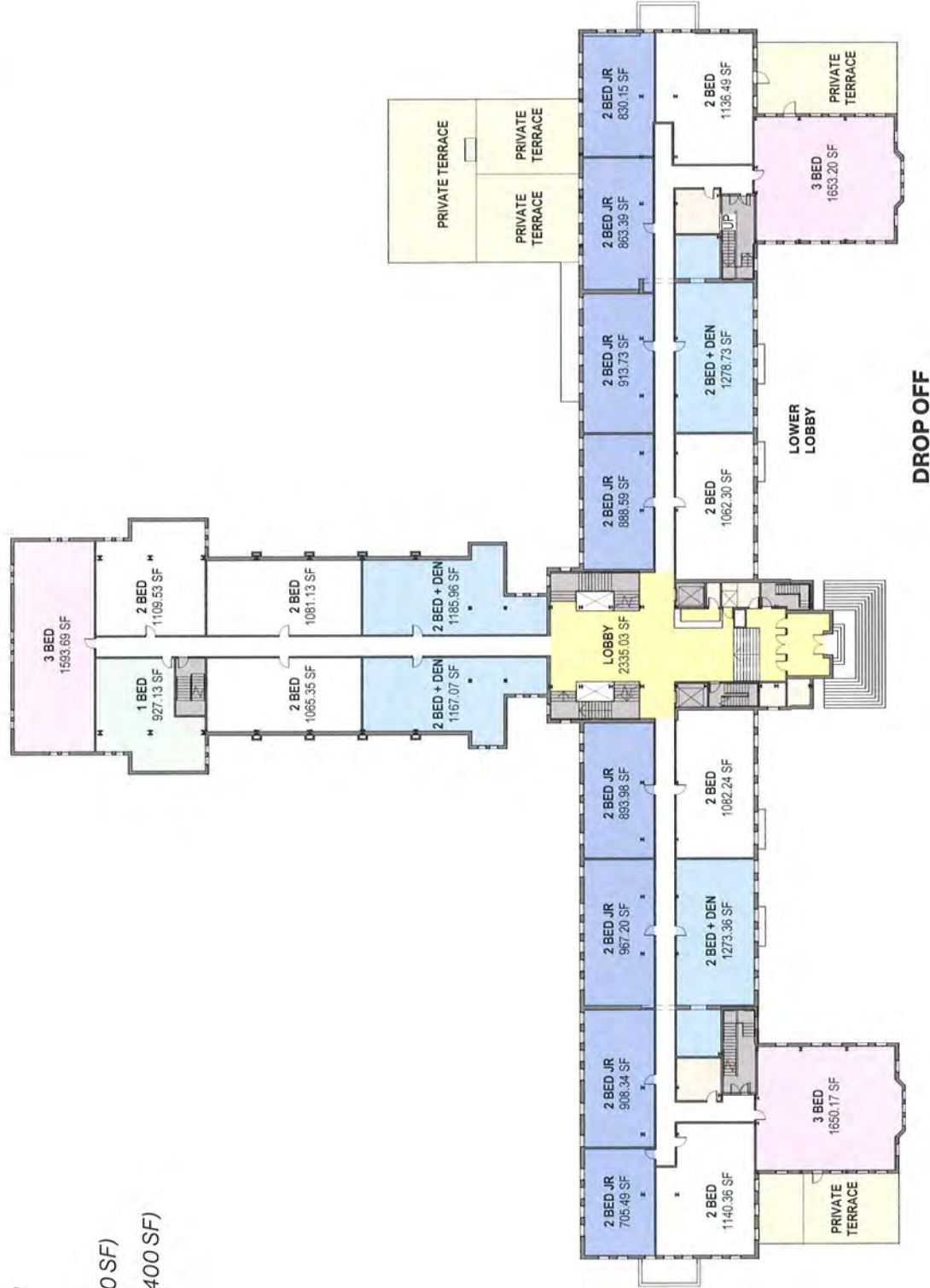
Entry Level

- 1 BED** (650-700 SF)
- 2 BED JR** (800 - 1,000 SF)
- 2 BED** (1,000 - 1,200 SF)
- 2 BED + DEN** (1,300 - 1,400 SF)
- 2 BED DUPLEX** (1,300 - 1,400 SF)
- 3 BED** (1,400 - 1,700 SF)
- AMENITY**
- SERVICES / CORE**



Entry Level

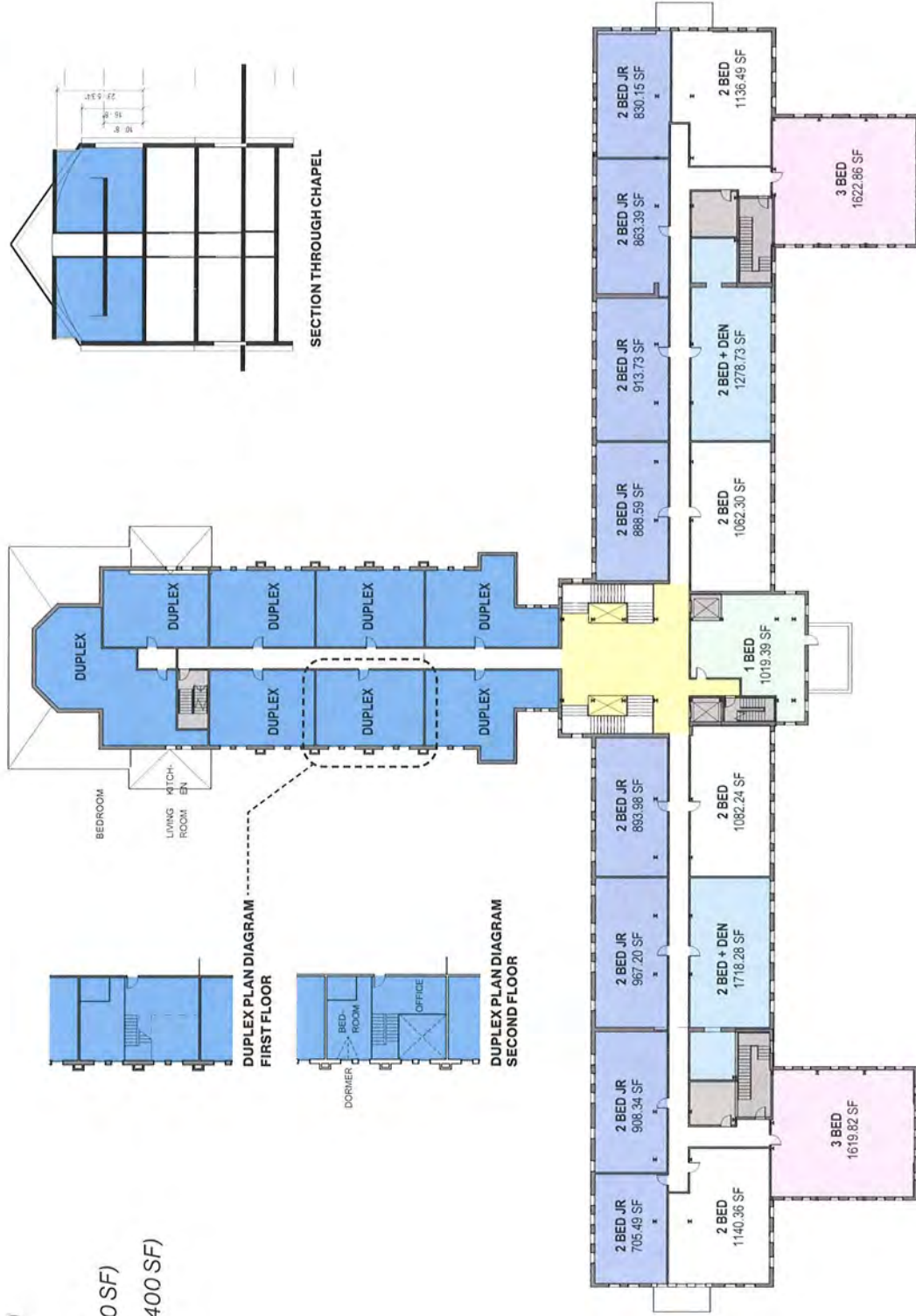
- 1 BED** (650-700 SF)
- 2 BED JR** (800 - 1,000 SF)
- 2 BED** (1,000 - 1,200 SF)
- 2 BED + DEN** (1,300 - 1,400 SF)
- 2 BED DUPLEX** (1,300 - 1,400 SF)
- 3 BED** (1,400 - 1,700 SF)
- AMENITY**
- SERVICES / CORE**



Typical Level



- 1 BED** (650-700 SF)
- 2 BED JR** (800 - 1,000 SF)
- 2 BED** (1,000 - 1,200 SF)
- 2 BED + DEN** (1,300 - 1,400 SF)
- 2 BED DUPLEX** (1,300 - 1,400 SF)
- 3 BED** (1,400 - 1,700 SF)
- AMENITY**
- SERVICES / CORE**



Chapel Wing

Along with the restoration and updates to the interior of the chapel wing, both outdoor spaces flanking the wing will be animated with lush landscaping, gardens and programmed outdoor space.

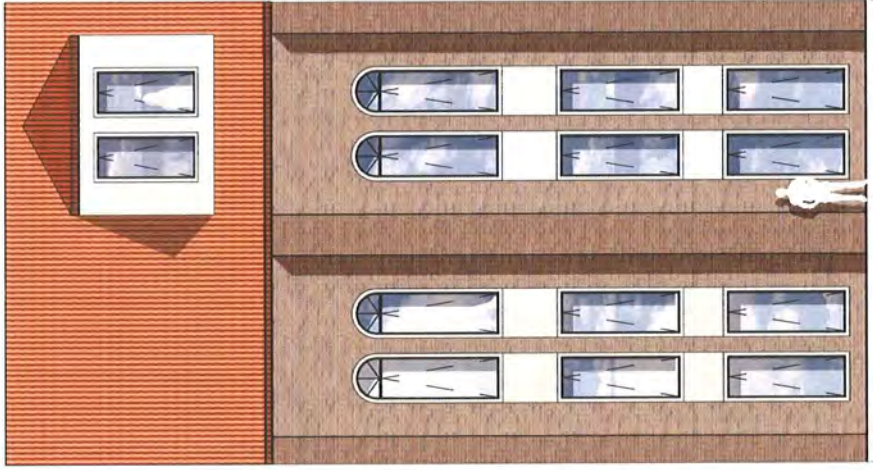
This will create a harmony between the building and the site, revitalizing the project holistically.



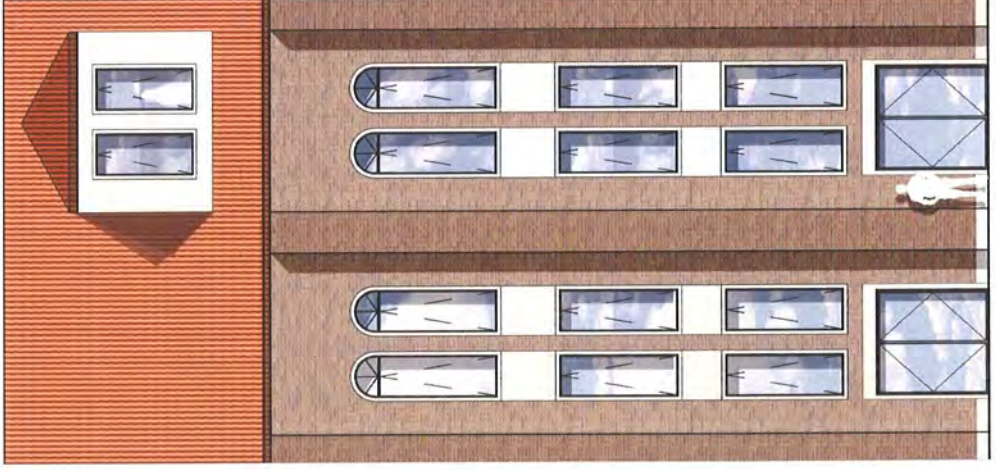
Chapel Wing

The introduction of residences to the chapel wing allows the new upgrades to build upon the history and details already in place - an opportunity to marry to the existing language and add a new layer of beauty to the exterior that is representative of the new program behind these walls.

Utilizing the same material palette and vertical rhythms already existing in the chapel facade we will be able to seamlessly introduce new windows and doors. It's an opportunity to breathe new life into the chapel wing.



ELEVATION South



ELEVATION North

ATTIC LEVEL
48' - 2"

LEVEL 4
37' - 6"

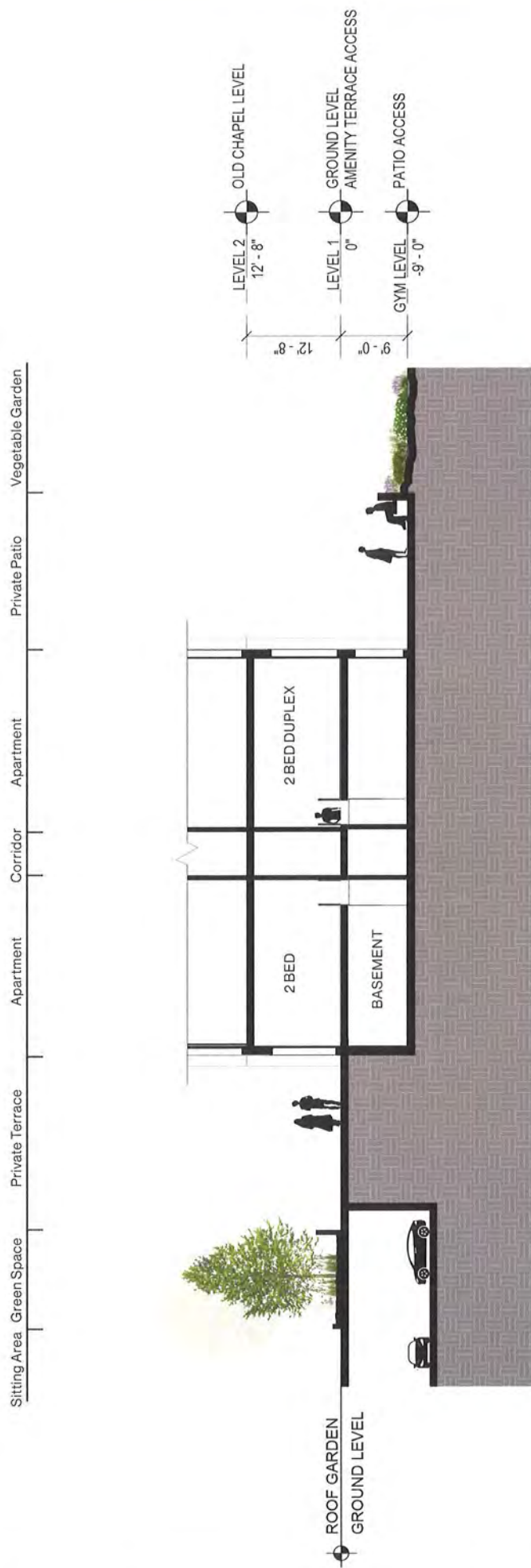
LEVEL 3
26' - 10"

LEVEL 2
12' - 8"

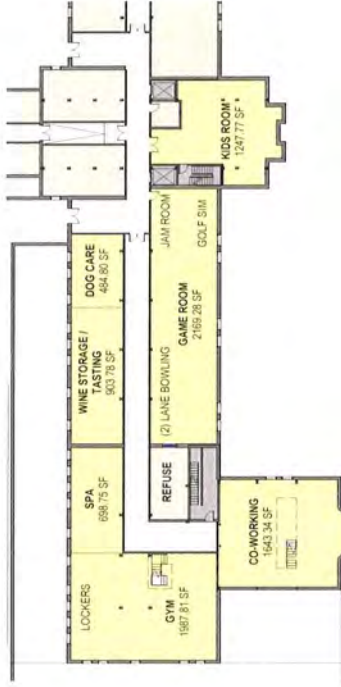
LEVEL 1
0"

GYM LEVEL
-9' - 0"

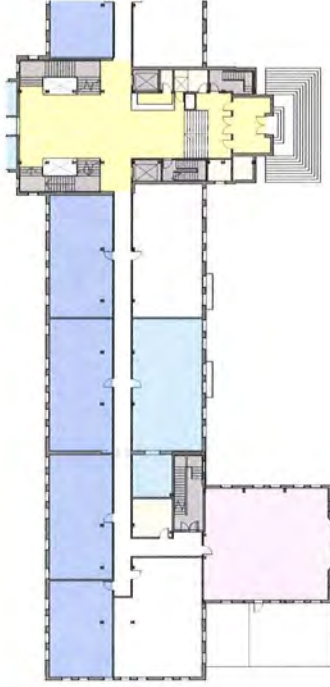
Duplex Section



Amenities



Amenity Basement Lower Level



Entry Level Level 2



Amenity Terrace Level 1

Building Data

200,000

SQUARE FEET
OF BUILDING AREA

94

UNITS

232

PARKING SPACES

9

1 BEDROOM

60

2 BEDROOM

15

2 BEDROOM
DUPLIX

10

3 BEDROOM



the BARN

The Barn



Unit Count Overview

$$5 + 12 = 17$$

EXISTING
UNITS

- (3) 1 Bedroom Unit
- (1) 2 Bedroom Unit
- (1) 3 Bedroom Unit

UNITS
TO PROVIDE

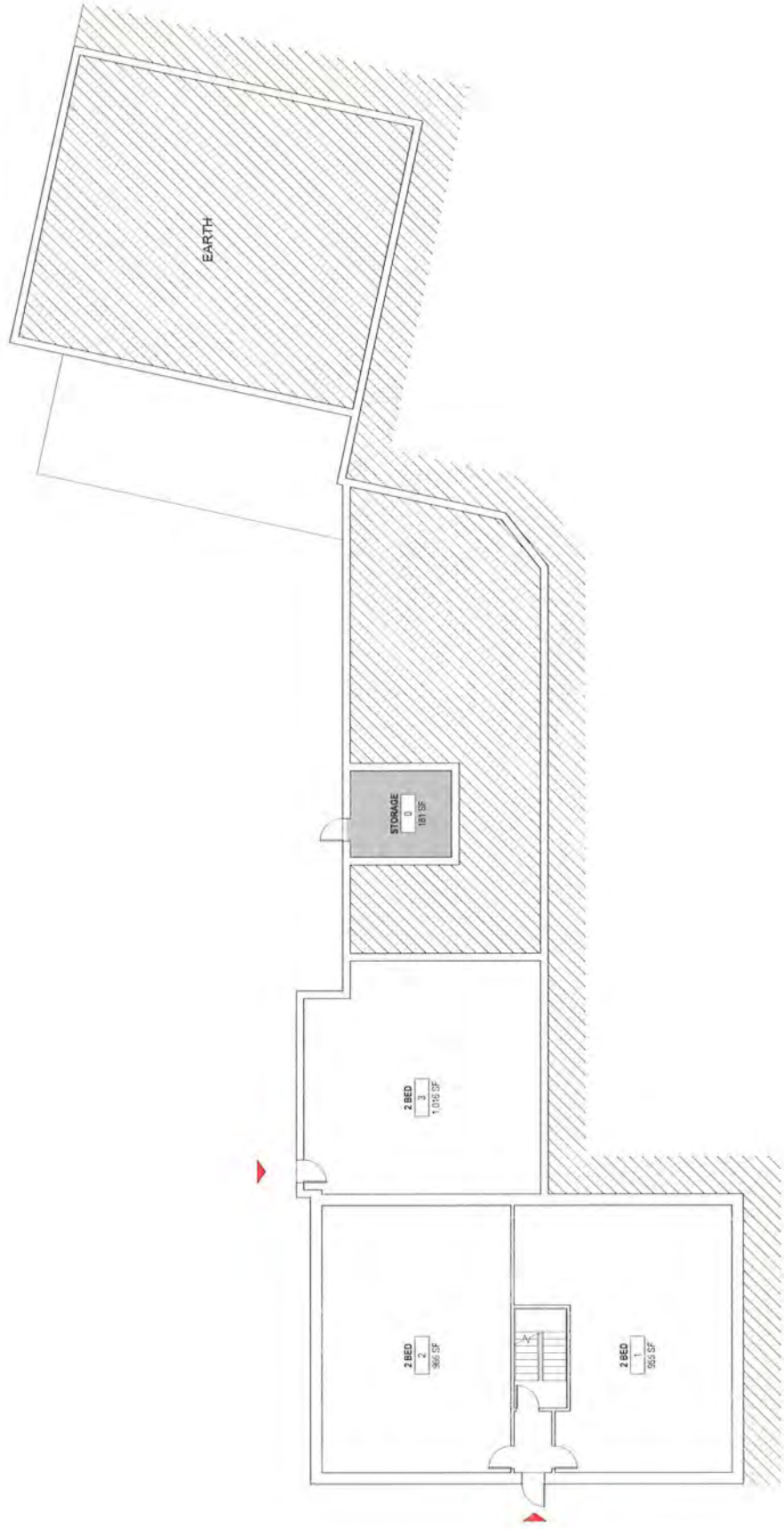
- (9) 2 Bedroom Unit
- (3) 3 Bedroom Unit

TOTAL UNITS
REQUIRED




- (3) 1 Bedroom Unit
- (10) 2 Bedroom Unit
- (4) 3 Bedroom Unit

Ground Floor

- 2 BED (950 - 1,200 SF)
- 3 BED (1,200 - 1,400 SF)
- STORAGE



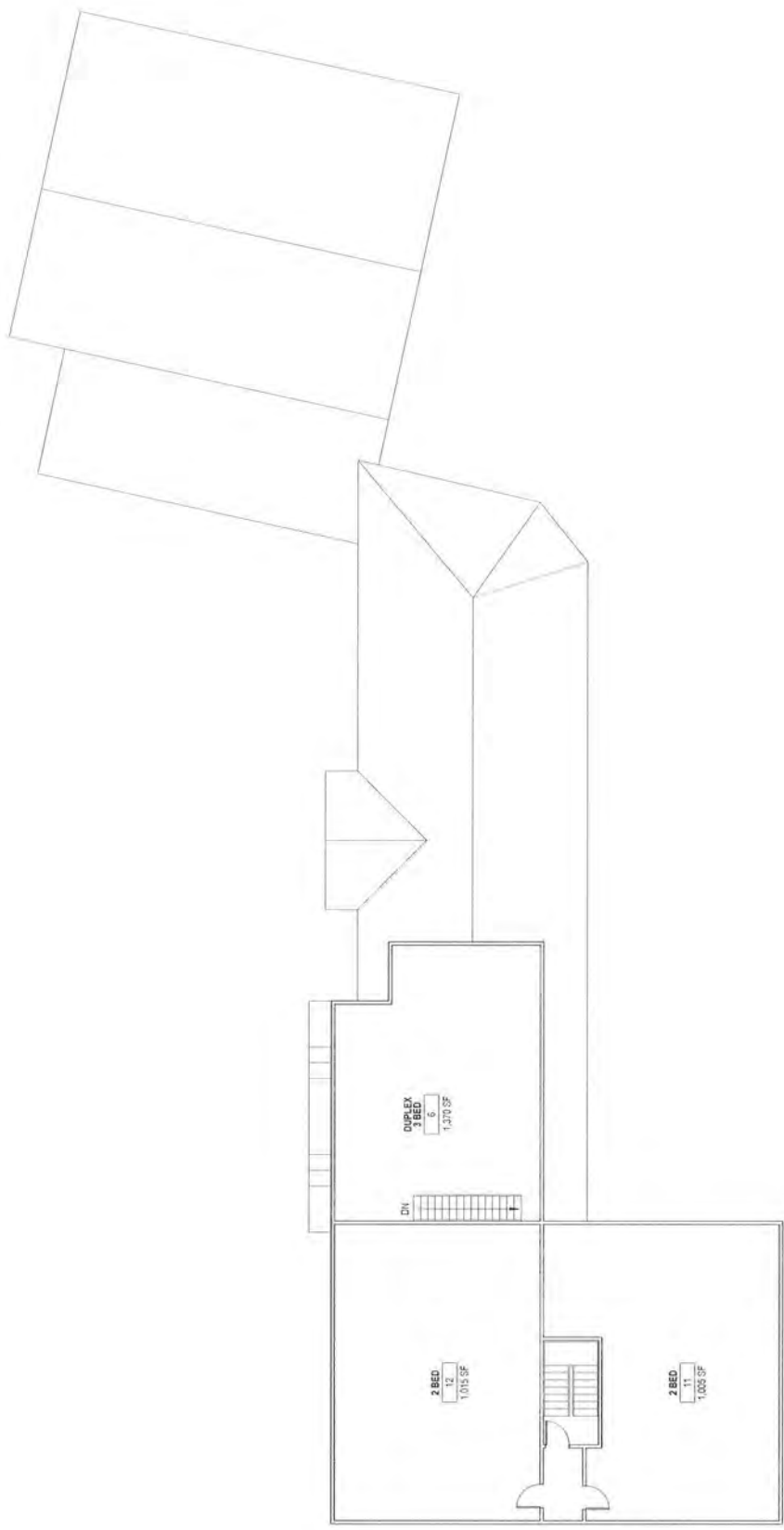
Mid Floor

-  2 BED (950 - 1,200 SF)
-  3 BED (1,200 - 1,400 SF)
-  STORAGE

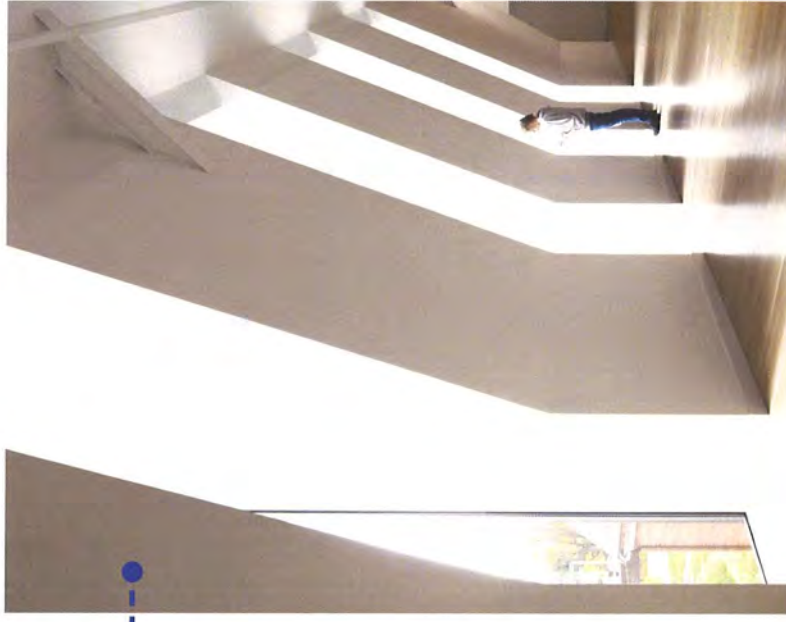


Second Floor

- 2 BED (950 - 1,200 SF)
- 3 BED (1,200 - 1,400 SF)
- STORAGE



Inspirations



Building Data

13,049

SQUARE FEET
OF BUILDING AREA

12

UNITS

9

2 BEDROOM

3

3 BEDROOM

DATE: ACCORDIA REALTY VENTURES
100 PASADENA AVENUE, SUITE 100, FAIRFIELD, NJ 07004

ARCHITECT: **h/w**
122 MAIN STREET, MADISON, NJ 07940

PROFESSIONAL LICENSE:
NAME: [REDACTED]
ADDRESS: [REDACTED]
CITY: [REDACTED]
STATE: [REDACTED]
ZIP: [REDACTED]

CLIENT/OWNER:
NAME: [REDACTED]
ADDRESS: [REDACTED]
CITY: [REDACTED]
STATE: [REDACTED]
ZIP: [REDACTED]



NOT FOR CONSTRUCTION

NO.	DATE	ISSUE OR REVISION
DRAWING TITLE		
SITE PLAN		
SCALE	1" = 100'-0"	DATE: 12/14/22
GC BY:	CA BY:	PROJECT NO.:
DRAWING NO.:		20178

A-01



1 SITE PLAN
SCALE 1" = 100'-0"

OWNER
ACCORDIA REALTY VENTURES
180 PASSIC AVENUE, SUITE 500, HARRFIELD, NJ 07940

ARCHITECT
h/w
122 MAIN STREET, MADISON, NJ 07940

DESIGNER
NAME
ADDRESS

CLIENT
NAME
ADDRESS

DATE
NAME
ADDRESS



NOT FOR CONSTRUCTION

NO.	DATE	ISSUE OR REVISION
DRAWING TITLE		
SITE AMENITIES		

SCALE:	DATE:
AS INDICATED	12/14/22
DC BY:	PROJECT NO.:
CA BY:	2017B
DRAWING NO.:	

A-02

- Key Plan**
- ① Pool
 - ② Lounge
 - ③ Hot Tub
 - ④ Trails
 - ⑤ BBQ Area
 - ⑥ Lawn
 - ⑦ Fire Pit
 - ⑧ Rocker/Bench
 - ⑨ Beach
 - ⑩ Dog Run
 - ⑪ Vegetable Garden
 - ⑫ Rose Garden
 - ⑬ Entry Plaza
 - ⑭ Visitor Parking



1 SITE AMENITY
SCALE 3/8" = 1'-0"

DATE: ACCORDIA REALTY VENTURES
160 PASSIC AVENUE, SUITE 506, FAIRFIELD, NJ 07004

PROJECT: **hiw**
12 MAIN STREET, MADISON, NJ 07940

DESIGNER/ARCHITECT: NAME: ADDRESS: PHONE: PROJECT NO.: DATE: DRAWING NO.: 20178



SIGNATURE

NOT FOR CONSTRUCTION

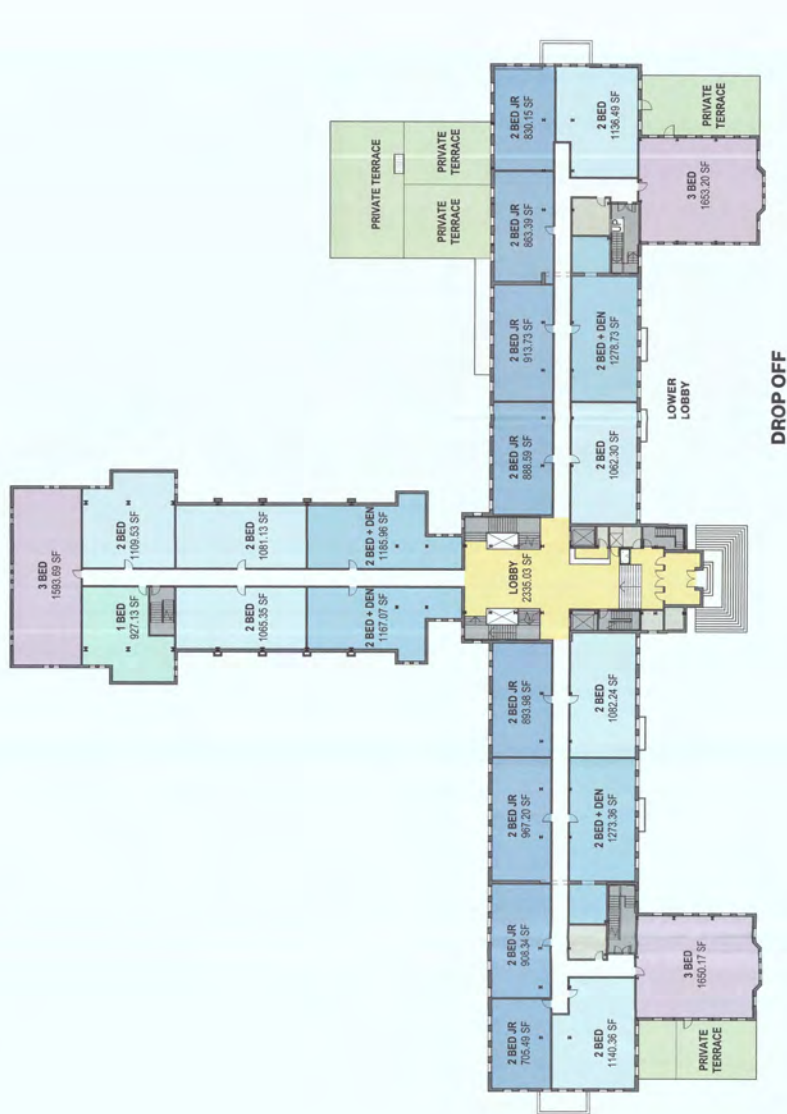
NO. DATE ISSUE OR REVISION

DRAWING TITLE: ENTRY LEVEL FLOOR PLAN

SCALE: AS INDICATED DATE: 12/14/22
QC BY: CA BY: PROJECT NO.:
DRAWING NO.: 20178

A-04

- 1 BED (650-700 SF)
- 2 BED JR (600 - 1000 SF)
- 2 BED (1000 - 1200 SF)
- 2 BED + DEN (1,300 - 1,400 SF)
- 2 BED DUPLEX (1,300 - 1,400 SF)
- 3 BED (1,400 - 1,700 SF)
- AMENITY
- SERVICES / CORE



1 ENTRY LEVEL FLOOR PLAN
SCALE: 3/8" = 1'-0"



**SISTERS OF CHRISTIAN
CHARITY
REDEVELOPMENT**
350 BERNARDSVILLE
ROAD, MENDHAM NJ
07945

DATE: ACCORDIA REALTY VENTURES
197 PASSAIC AVENUE, SUITE 100, FAIRFIELD, NJ 07004

PROJECT: **h/w**
122 MAIN STREET, MASON NJ 07940
EXERCISE ADDRESS
OWNER: SISTER OF CHRISTIAN CHARITY
PROJECT NAME: REDEVELOPMENT
ADDRESS: 350 BERNARDSVILLE ROAD, MENDHAM NJ 07945
ARCHITECT: ACCORDIA REALTY VENTURES
NAME: ACCORDIA REALTY VENTURES
ADDRESS: 197 PASSAIC AVENUE, SUITE 100, FAIRFIELD, NJ 07004



SIGNATURE

NOT FOR CONSTRUCTION

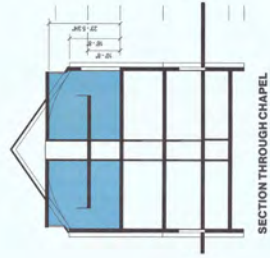
NO. DATE ISSUE OR REVISION

DRAWING TITLE

TYPICAL LEVEL FLOOR
PLAN

SCALE: AS INDICATED
DATE: 12/14/22
DRAWING NO.: A-05
PROJECT NO.: 20178

- 1 BED (650-700 SF)
- 2 BED JR (800 - 1000 SF)
- 2 BED (1000 - 1200 SF)
- 2 BED + DEN (1,300 - 1,400 SF)
- 2 BED DUPLEX (1,300 - 1,400 SF)
- 3 BED (1,400 - 1,700 SF)
- AMENITY
- SERVICES / CORE



1 TYPICAL FLOOR PLAN
SCALE: 3/8" = 1'-0"

CLIENT: ACCORDIA REALTY VENTURES
100 PINEBROOK AVENUE, SUITE 200, FAIRFIELD, NJ 07004

ARCHITECT: **hlw**
172 MAIN STREET, MADISON, NJ 07940

DESIGNER:
NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____
ZIP: _____
PHONE: _____
FAX: _____
EMAIL: _____



SIGNATURE: _____

NOT FOR CONSTRUCTION

NO. _____ DATE _____ ISSUE OR REVISION _____

DRAWING TITLE: AMENITY LEVELS FLOOR PLAN

SCALE: As Indicated DATE: 12/14/22
DC BY: _____ CA BY: _____ PROJECT NO.: _____
DRAWING NO.: 20178

A-06

- 1 BED (650-700 SF)
- 2 BED JR (800 - 1,000 SF)
- 2 BED (1,000 - 1,200 SF)
- 2 BED + DEN (1,300 - 1,400 SF)
- 3 BED DUPLEX (1,300 - 1,400 SF)
- 3 BED (1,400 - 1,700 SF)
- AMENITY
- SERVICES / CORE



Amenity Basement Lower Level



Entry Level Level 2



Amenity Terrace Level 1

DATE: ACCORDIA REALTY VENTURES
100 HUNTSVILLE DRIVE, SUITE 100, HUNTSVILLE, NJ 07936

PROJECT: **hlw**
123 MAIN STREET, MADISON, NJ 07940

CONTRACT NUMBER:
NAME:
ADDRESS:
DESIGNER:
NAME:
ADDRESS:
ARCHITECT/ENGINEER:
NAME:
ADDRESS:



NOT FOR CONSTRUCTION

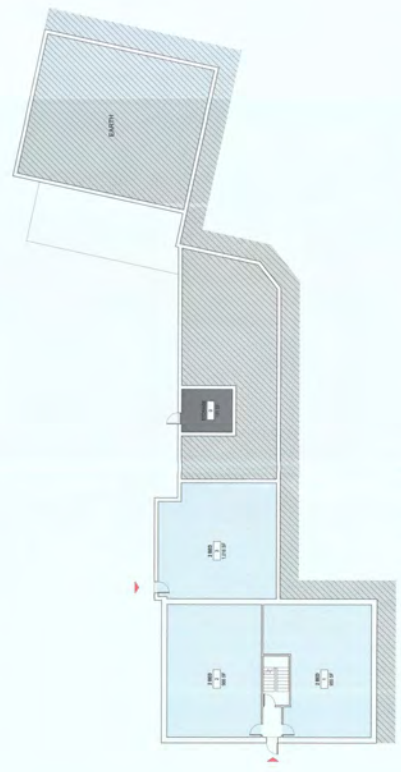
NO. DATE ISSUE OR REVISION
DRAWING TITLE

FLOOR PLANS OF THE
BARN

SCALE: AS INDICATED
DATE: 12/14/22
PROJECT NO.: 2017B
DRAWING NO.:

A-07

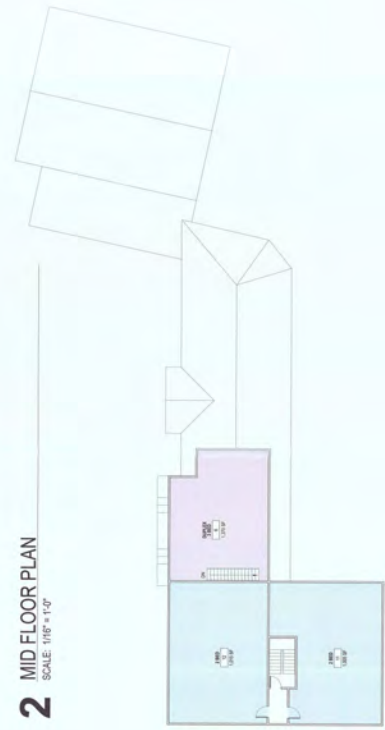
- 2 BED (950 - 1,200 SF)
- 3 BED (1,200 - 1,400 SF)
- STORAGE



3 SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"



2 MID FLOOR PLAN
SCALE: 1/16" = 1'-0"



1 GROUND FLOOR PLAN
SCALE: 1/16" = 1'-0"

