

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #80-2024

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONSENT ORDER PERTAINING TO
THE CASE ENTITLED IN THE MATTER OF THE BOROUGH OF MENDHAM DOCKET NO. MRS-
L-1637-15**

WHEREAS, the Borough of Mendham, in accordance with its affordable housing settlement, has reserved the right to make its own zoning designations and preserve home rule in the Borough by obtaining substantive certification ordered by the Superior Court of New Jersey; and

WHEREAS, as a part of that process, there are certain efforts that need to be made by participating municipalities in order to comply with the necessary Orders of the Court to obtain such immunity from builder's remedy suits; and

WHEREAS, with respect to the V-Fee Realty and Fair Share Housing settlement, the Borough, in order to protect its interests, and in support of the affordable housing Order issued by the Court, seeks to authorize the Municipal Attorney to execute a Consent Order so that the application for development, so long as it is consistent with the settlement agreement and does not contain any additional housing density than what was agreed upon before the Court, should not require a D-variance with respect to the cell tower on the premises, provided that V-Fee must disclose to the owner/operator of the cell tower the location of the proposed residential buildings in relation to the tower, and must obtain from the cell tower owner/operator and submit to the Joint Land Use Board competent documentary proof of the tower's operation in compliance with applicable FCC and NJDEP radio frequency exposure limits with respect to the future occupants of the proposed residential buildings; and

WHEREAS, as a condition of any approval of the pending V-Fee site plan application, the Joint Land Use Board may require an annual submission to the Borough Engineer from the cell tower owner/operator of continuing facility operation in compliance with applicable FCC and NJDEP radio frequency exposure limits, in accordance with Borough Ordinance §215-12.6l.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, that the Municipal Attorney is authorized to enter into a Consent Order to effectuate the intention of this Resolution and to best support the Borough's participation and the Order of the Court granting certification of compliance in the case entitled In the Matter of the Borough of Mendham Docket Number MRS-L-1637-15.

This resolution shall take effect immediately.

Dated:

ATTEST

BOROUGH OF MENDHAM

Lauren McBride, Acting Borough Clerk

Christine Serrano Glassner, Mayor