

## Pitney Farm rezoned to accommodate potential housing development

By ALEX PARKER-MAGYAR Staff Writer | Posted: Wednesday, July 29, 2015 10:10 am

**MENDHAM TWP.** - The Township Committee voted 4-1 on Tuesday to rezone the Pitney property on Cold Hill Road to make it suitable for commercial development, despite a Planning Board judgement last week deeming the ordinance inconsistent with the master plan.

Township Committeewoman Diane Urban Brown cast the lone dissenting vote. Roughly 50 people attended the meeting, which included well over an hour of public comment.

The committee passed a resolution alongside the ordinance outlining eight reasons the committee was justified in passing the ordinance despite the Planning Board's findings.

The resolution partially cited that the township must reduce its debt load, the property has not been designated as historic on a state or national register, rezoning Pitney to a CR-2 Zone would make it consistent with neighboring properties on Shelton Road and Ballantine Road, and the township will still preserve seven of the area's 12 acres.

Mayor Chris Baumann said the ordinance was necessary to "maintain the flexibility of what we can and cannot do.

"It doesn't necessarily mean we're going to act on it," he said.

Township Attorney John Mills was uncertain about whether the new ordinance is appropriate.

"It's a position," Mills said. "It subscribes to the theory that the worst thing a government can do is do nothing. Is it the right step? Who knows? It's a step, but it's not ir retrievable."

Committeeman Sam Tolley opined that the Planning Board got it wrong and the ordinance should have been ruled consistent with the master plan, and Committeeman Frank Cioppettini said the committee has the authority to make such a decision.

Committeewoman Maribeth Thomas said the committee has a responsibility to do what it can to relieve the financial burden on the taxpayers.

She said it would be "incredibly irresponsible" to place the future of the property in the hands of the Friends of Pitney Farm.

“I think it’s a dangerous recipe to hand over a piece of property where there are no hard, conclusive facts over how much you’re going to be able to raise,” Thomas said.

Several Friends of Pitney Farm members spoke at the public hearing.

Caroline Jacobus, Friends of Pitney Farm secretary, said there is a misconception in the township about the group’s inability to attract donors. She said while the saga over Pitney Farm has dragged on for seven years, Friends has only been a certified 501©3 non-profit for eight months.

“There are millions of dollars out there in Morris County that will be given to pay 80 percent of any of the preservation and restoration projects that would be undertaken at Pitney Farm,” Jacobus said. “This would not be a cost to the township.”

She said she has spent 30 years as the director of a non-profit, where she has raised the entire budget year after year in grants.

“This is my expertise. The money is out there, we can get it. You are foolish to throw away an irreplaceable gem because you think you’re going to get a lot of money out of it. You are not. You are helping a developer to get a lot of money. The grant money is out there, this would not be a municipal expense,” Jacobus said.

Friends President Omie Ryan read from a prepared statement challenging each of the eight justifications listed in the committee’s resolution. She noted that preserving seven of the 12 acres was not truly a balanced approach, but rather a condition of the grant received from Morris County Open Space, and the value of the seven acres of open space is “inherently connected” to five acres designated for public use.

“Rezoning to allow for the subdivision and development of the five-acre tract and claiming the remaining seven acres to be preserved sufficiently achieves the goal of the original acquisition is, in the words of one person, the equivalent to dismantling a classic car and claiming that the remaining tires represent the value of the vehicle as a whole. The value of the property is in the whole and not in the component parts,” Ryan said.

She also said there are better avenues through which the township could reduce the debt load, and that reducing debt was not listed as a legitimate factor for determining land use in the master plan.

As far as the committee’s challenge to the farm’s history, Ryan said the master plan lists Pitney as one of three sites in the township which should be preserved, and the township’s Historic Preservation Commission has stated that Pitney meets the criteria for historic

designation.

In addition, the farm received a certificate of eligibility by the New Jersey State Office of Historic Preservation, recognizing that the buildings and history of the farm meet three of four criteria for the National Register of Historic Places. Sites need only meet one of the four criteria to become eligible.

Brookside resident Brian Hays called waving the master plan aside “a little bit like considering your wedding vows to be faithful, and then thinking that maybe having one affair doesn’t violate those vows. I believe the voters in Mendham Township charge you, the committee, with adhering to the master plan. If you want to make an exception to it, redraw the master plan.

“Your resolution states that the Planning Board has missed the main point in this rezoning. If you truly believe this, then you should dismiss the Planning Board and replace them with more competent people,” Hays said.

### ***Unexpected Proposal***

In a bizarre turn of events, Cioppettini made a motion, just after the ordinance vote, to introduce what he called a “win-win” solution. Cioppettini then outlined a plan through which the township and the Friends of Pitney Farm would enter into a 99-year lease for the five-acre Pitney estate. He said the lease would run from Jan. 1, 2016 to Dec. 31, 2114.

Annual rent for the property for the first 40 years of the lease would be \$20,000, and \$1,000 a year for the remaining 59 years of the lease. The tenant (Friends of Pitney Farm) would pay for all maintenance, repairs, utilities, taxes and insurance.

Cioppettini said the group’s board of trustees would be comprised of no less than eight members, and the Township Committee would appoint one of those members to the board.

Finally, Cioppettini’s proposal read that the Friends group will have until Sept. 1 of this year to accept or reject the offer.

“The ball is basically in your court,” Cioppettini told the Friends.

Cioppettini’s solution did not appear on the agenda. Tolley called the action “very inappropriate” and Thomas said she had not seen the proposal before, though Cioppettini said he had emailed it to the entire Township Committee.

“I feel a little blindsided by this,” said Thomas.

Amidst the confusion, an attorney representing Friends of Pitney Farm approached the microphone, thanked the committee and said

the group would have an answer for the committee.

Cioppettini backtracked his comments somewhat, saying, "I never said anything was etched in stone."

"That's not the approach to take in terms of dealing with something," Tolley said later in the meeting. "I mean, we should have met first and discussed that. By email or by phone call – that's not the approach to take. There should have been a collective discussion about that before anything is handed out to the public."

Township resident Warren Grisser was wary of the consequences of Cioppettini's proposal.

"It appears an asset of the taxpayers was offered to a group of people this evening at a price," he said. "An offer has been made to them, so it may be very difficult to go back to that group without disappointing a very motivated group of people who made lots of very good points, who left here tonight with the expectation that if they say "yes," they have a reasonable expectation to be awarded that lease.

"What if after we look at the numbers – this body, other bodies that look at the financials – we come to the conclusion that the fair market value is considerably higher? You're the (governing body), I'm just a citizen – it sounds like you either just disappointed a large number of people by promising something that may not be deliverable, or you've possibly given away an asset of the taxpayers at a price that isn't fair to the taxpayers."

Committee members said the issue would be discussed at an open finance committee meeting on Monday, Aug. 10. The Township Committee next meets on Tuesday, Aug. 11.