

**MINUTES OF THE  
REGULAR MEETING  
MENDHAM BOROUGH PLANNING BOARD  
June 11, 2018**

**Mountainview School Cafeteria, 100 Dean Road, Mendham, NJ**

**CALL TO ORDER**

The regular meeting of the Mendham Borough Planning Board was called to order by Mr. Kraft at 7:00PM at the Mountainview School, 100 Dean Road, Mendham, NJ.

**OPENING STATEMENT**

Notice of this meeting was published in the *Observer Tribune* and in the *Daily Record* on May 24, 2018 and was posted on the bulletin board in the Phoenix House in accordance with the Open Public Meetings Act, and furnished to all those who have requested individual notice and have paid the required fee.

**ATTENDANCE**

Mr. Bradley – Present	Administrator Bushman - Present
Mr. Cascais – Present	Mayor Henry – Present
Mr. Kay – Present	Ms. Lichtenberger – Present
Councilman Sharkey – Present	Mr. Sprandel – Present
Chairman Kraft – Present	

Alternates: Ms. Masse, Alternate I – Present

Also Present: Mr. Ferriero, Borough Engineer  
Ms. Caldwell, Borough Planner  
Mr. Henry, Board Attorney

####

**MINUTES**

Mr. Kraft asked if any members of the Board had any comments on the draft minutes of the regular meeting of May 14, 2018, there being none, Councilman Sharkey made a motion to approve the minutes and Mr. Bradley seconded. On a voice vote the minutes were approved.

####

**PUBLIC COMMENT**

Mr. Kraft opened the meeting to questions and comments on items not included in the agenda. There being none, the public comment session was closed.

####

**APPLICATIONS**

**PB#5-18 Mendham High School**  
New Synthetic Turf Field  
64 East Main St, Block 1401, Lots 8&9  
*Courtesy Review*

Mr. Kraft explained that Mr. Walsh, the engineer presenting the proposed plan for the new turf field at Mendham HS, withdrew tonight's review until new plans were submitted.

####

**PB #2-18 Aryan at Mendham LLC/ Dunkin Donuts**  
25 East Main Street  
Block 1501 Lot 11  
New Business Structure plus Two Apartments

Chairman Kraft stated that the applicant requested an adjournment of their application to the July 9, 2018 regular scheduled Planning Board meeting. Mr. Cascais made a motion to adjourn the application to July 9<sup>th</sup>, and Ms. Masse seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Bradley, Bushman, Cascais, Henry, Kay, Lichtenberger, Sharkey, Sprandel, Kraft,  
Opposed: None  
Abstentions: None

The motion carried.

####

**PB #6-18 Mendham Bagel & Coffee Café, LLC**

84-86-88 East Main Street  
Block 801 Lot 20  
SPW /New bagel and coffee shop

Present: Mr. Michael Looney, Applicant  
Mr. Frank Gianetti, Attorney

Mr. Gianetti explained that Mendham Bagel & Coffee is seeking a site plan waiver with a parking variance. He stated that the applicant acquired the prior coffee shop in the Mendham Village Shopping Center, Country Coffee, and was moving to the prior Tried and True location. This was a larger location, 1,920 square feet, and allowed the bagel and coffee café to operate more functionally and be ADA compliant. He mentioned that the applicant is requesting a variance to permit fewer parking spaces than required.

Mr. Looney was sworn. Mr. Looney explained that they will serve breakfast and lunch, without waitress service. He stated that the hours of operation would be 5am to 5pm, although the doors wouldn't open until 6am, and would operate seven days per week. He anticipated five to ten employees, and deliveries would be in the early morning or evening by box truck at the back of the store. He also explained that the sign change had been approved by the Historic Preservation Commission.

Mr. Ferriero mentioned that 17 parking spaces are required for the proposed use (restaurant), as opposed to 12 spaces required for the prior tenant (retail), which is only five more spaces.

Upon questioning by the Board, Mr. Looney explained that he expected the majority of customers between 6 and 9:30am weekdays, and on weekend mornings. He also mentioned that he was not making any changes to exterior lighting.

Mayor Henry questioned Mr. Looney if he was operating as a deli, and Mr. Looney replied that he will have a deli case for making sandwiches, but that they will not be operating as a deli nor selling cold cuts to customers. He added that it will operate similarly to the prior coffee shop.

Mr. Kraft opened the meeting to the public for questions regarding the application, and Mr. Paul Gregory an attorney representing the Wicker Basket, introduced himself. He stated that the Board should be advised that the Wicker Basket has an exclusivity clause in their lease with the management company of the shopping center to be the only store operating as a deli. Mr. Henry advised Mr. Gregory that this was not a comment period. He added that an agreement between the Wicker Basket and the landlord is a private lease contract between the Wicker Basket and the management company. Mr. Gregory stated that the Wicker Basket objected to the Mendham Bagel and Café application.

Mr. Henry mentioned to the Board that a waiver of site plan is generally approved by the Technical Review Committee (TRC), however this application went to full Board because it's a food establishment. He added that he considered the variance for parking to be a small variance, as they need five more parking spaces, and the shopping center already has a parking deficit. He further advised the Board that he had prepared a resolution, which was read in entirety to the Board for consideration of memorialization with the approval of the application.

Mr. Kraft asked for a motion to approve the application and resolution as proposed, and Mr. Cascais made a motion. Councilman Sharkey seconded the motion.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In favor: Bradley, Bushman, Cascais, Kay, Lichtenberger, Sharkey, Kraft,  
Opposed: None  
Abstentions: Henry, Sprandel

The motion carried. The resolution follows.

**MENDHAM BOROUGH PLANNING BOARD**

**RESOLUTION**

**GRANTING WAIVER OF SITE PLAN APPROVAL AND VARIANCE  
FOR MENDHAM BAGEL & COFFEE CAFE, LLC  
BLOCK 801, LOT 20**

WHEREAS, Mendham Bagel & Coffee Cafe, LLC (“Applicant”) has applied to the Planning Board of the Borough of Mendham (the “Board”) for waiver of site plan approval and variance relief with respect to property located at 84-86-88 East Main Street and designated Block 801, Lot 20 on the Tax Map of the Borough of Mendham (the “Subject Property”); and

WHEREAS, a public hearing was held on June 11, 2018, during which hearing testimony was offered on behalf of Applicant, the Board reviewed the documents and materials filed by Applicant and reports from its professional consultants, and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the Board has considered and deliberated upon the testimony and materials submitted by and on behalf of Applicant, the reports and recommendations of the Board’s consultants and professional staff, and comments from members of the public;

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 proposed tenant for rental space at the Subject Property, which property is located at 84-86-88 East Main Street and is designated Block 801, Lot 20 on the Mendham Borough Tax Map. The Subject Property is located in the East Business Zone.
2. The Subject Property, commonly known as the Mendham Village Shopping Center, comprises a 13.65 acre tract with multiple buildings housing numerous individual tenant spaces. Applicant proposes to occupy 1,920 square feet of rental space for Applicant’s proposed use.
3. Applicant acquired the business of the former “Country Coffee” and proposes to use this new space as a bagel and coffee shop, including breakfast and lunch offerings.
4. Applicant proposes to provide 28 seats at tables (without table service) within the leased space. No outside seating, dining, or table service is proposed.
5. Applicant proposes that the restaurant will operate 7 days per week between 5:00 a.m. and 5:00 p.m. (open to the public 6:00 a.m. – 5:00 p.m.). The maximum number of employees (including principals) at any one time in the leased space will be 10.
6. Applicant seeks a Site Plan Waiver from this Board, together with a variance with respect to the increased non-conformity of the number of parking spaces available onsite

resulting from the additional parking requirement created by this proposed use (relative to the prior uses in the leased space). Applicant's proposed use, with 28 seats and assuming a maximum of 10 employees onsite at any one time, requires 17 parking spaces.

7. Based on the survey of the Mendham Village Shopping Center submitted by Applicant, there are 425 regular parking spaces and 9 ADA spaces onsite. This compares to a total of 643 spaces being required by ordinance for the Shopping Center. The use and employee count of the proposed Bagel & Coffee Café requires more allocated spaces than the prior retail uses in these leased spaces, thus increasing the relative non-conformity of parking space count. Applicant's principal testified that based on his experience over the years, there have virtually always been available parking spaces. Further, Applicant testified that the proposed use would have fewer seats than the 40, which Country Coffee had at its prior location.

8. Applicant indicated that deliveries would generally be made by box trucks two or three times per week at the rear of the building during regular operating hours.

9. Applicant proposes no change in the size, location, or nature of signage on the leased space, only a change reflecting the identification of the occupant of that space. Signage will continue to be in accordance with the existing approved Shopping Center sign package.

10. No changes in exterior lighting are proposed by Applicant, nor any other exterior site changes.

11. Applicant submitted the required Application to the Mendham Borough Historic Preservation Commission with respect to the proposed signage and received the approval of the Commission, noting that the sign is to be painted, consistent in color and shape with the other store front signs in the Mendham Village Shopping Center, and the same size and location as the present sign for the leased space. The Commission also noted that no other changes are to be made to the store front without returning to the HPC for approval.

12. Considering all of the foregoing, the Board determined that a waiver of formal site plan requirements, with conditions, was appropriate and should be granted. In addition, based upon the testimony offered regarding actual usage and availability of parking spaces on the Shopping Center property, the Board concluded that variance relief for the incremental increase in non-conformity of parking space count can be granted without

substantial detriment to the public good and without substantially impairing the Zone Plan and Zoning Ordinance.

BE IT FURTHER RESOLVED that for the reasons set forth above, the Application of Mendham Bagel & Coffee Cafe, LLC for waiver of formal Site Plan review and for variance relief to permit the incremental increase in non-conformity of parking space count be and hereby are granted, subject to the following conditions:

1. All construction and installation, as well as operation of the business shall be in accordance with the materials submitted to the Board, the testimony presented at the public hearing, and the findings and conclusions and conditions of approval set forth in this Resolution.
2. Applicant shall comply with all applicable Codes, including those relating to permanent cooking operations and food service, and shall secure any other approvals or permits which may be required from any board, body or agency, whether municipal, county, state or federal, including but not limited to Board of Health/Health Department.
3. Applicant shall comply with the conditions of approval from the Mendham Borough Historic Preservation Commission, the Borough Fire Official's review, and the Health Department's 5/25/18 and 6/8/18 memoranda.
4. All taxes and municipal charges related to the Subject Property shall be paid through the 2<sup>nd</sup> Quarter, 2018.
5. All fees or escrows relating to this Application or the work to be done through the completion of Applicant's project shall be current and maintained by Applicant.
6. Applicant shall be responsible for any Affordable Housing contribution which may result from the proposed project.
7. Applicant shall obtain a sewer connection permit from the governing body of Mendham Borough and shall comply with any conditions imposed in the permit grant.
8. Applicant shall obtain a satisfactory fire inspection report within ninety (90) days of commencing operations in the Subject Property.
9. Applicant shall register with the New Jersey Division of Fire Safety within 30 days of opening.
10. There shall be no outside dining, outside seating, or outside table service provided by Applicant. Maximum inside seating shall be 28 seats.

June 11, 2018

Planning Board

6

BE IT FURTHER RESOLVED that this Resolution, is adopted this 11<sup>th</sup> day of June,  
2018.

**ADJOURNMENT**

There being no additional business to come before the Board, Chairman Kraft adjourned the meeting at 7:30pm. The next regular scheduled meeting of the Planning Board will be held on Monday, July 9, 2018 at 7:30PM, at the Mountainview School Cafeteria, 100 Dean Road, Mendham.

Respectfully submitted,

*Carolyn Mazucco*

Carolyn Mazucco  
Board Secretary