

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
REGULAR MEETING
Tuesday, May 16, 2023
Hilltop Elementary School Cafeteria, 12 Hilltop Road, Mendham, NJ**

CALL TO ORDER/FLAG SALUTE

The regular meeting of the Mendham Borough Joint Land Use Board was called to order at 7:30 p.m. and the open public meeting statement was read into the record.

Mr. Germinario explained that the interpretation application falls under the jurisdiction of the Board of Adjustment and Mayor Glassner and Councilmen Andrew will not participate in this application. Mr. Germinario also explained the rules of public participation and that there will be time to ask questions after each witness which need to be relevant to the application for ordinance interpretation and at the end of the entire case there will be an opportunity to testify.

ROLL CALL

ROLL CALL

Mayor Glassner – Present

Ms. Bushman – Present

Councilman Andrew – Present

Mr. Ritger – Present

Mr. Smith – Present

Mr. Sprandel – Present

Mr. D’Urso– Present

Mr. Egerter – Present

Ms. Garbacz – Present

Mr. Molnar – Alternate 1 - Present

Mr. Kay- Alternate 2- Present

Mr. Barker – Alternate 3 - Present

Mr. Pace – Alternate 4 – Present

Also Present: Mr. Ferriero – Board Engineer
Mr. Germinario – Board Attorney
Ms. Caldwell- Dykstra - Board Planner

APPROVAL OF MINUTES

Motion by Mr. D’Urso, seconded by Mr. Sprandel and unanimously carried by voice vote to adopt the Minutes of the March 21, 2023 Joint Land Use Board Regular Meeting, as presented.

Roll Call:

In Favor: Mayor Glassner, Ms. Bushman, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. Sprandel, Mr. D’Urso, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Barker, and Mr. Pace.

Opposed:

Abstain:

Motion Carried

COMPLETENESS

02-23 Kuchinski
24 Franklin Rd
Block 1706 Lot 10

Mr. Ferriero summarized his completeness letter dated May 5, 2023. Mr. Ferriero recommends that the application be deemed complete. Mr. Germinario reviewed the public notice and found it to be adequate. Mr. Ritger would like a table on this and in the future showing a breakdown of areas added and removed.

Motion by Mr. Smith, seconded by Mr. D’Urso and unanimously carried to deem the application complete.

Roll Call:

In Favor: Mayor Glassner, Ms. Bushman, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. Sprandel, Mr. D’Urso, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Barker, and Mr. Pace.

Opposed:

Abstain:

Motion Carried

INTERPRETATION

23-22 V-Fee Mendham Apartments, LLC
84-86-88 East Main St
Block 801 Lot 20

Present: Mr. Orth – Attorney
Bruce Stieve - Architect
Phil Abramson - Planner

Mr. D’Urso recused himself.
Mr. Germinario reviewed the public notice and found it to be adequate.

See attached transcript of proceedings.

Motion by Mr. Smith, seconded by Mr. Egerter, that a D-1 variance is not required because parking is for tenants only.

Roll Call:

In Favor: Mr. Ritger, Mr. Smith, Mr. Sprandel, Mr. Egerter, Ms. Garbacz, , Mr. Kay, Mr. Barker, and Mr. Pace.

Opposed: Ms. Bushman and Mr. Molnar

Abstain: Mayor Glassner, Councilman Andrew, and Mr. D’Urso

The motion carried.

Motion by Mr. Egerter, seconded by Mr. Smith and unanimously carried that a D-3 variance is required.

Roll Call:

In Favor: Ms. Bushman, Mr. Ritger, Mr. Smith, Mr. Sprandel, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Barker, and Mr. Pace.

Opposed:

Abstain: Mayor Glassner, Councilman Andrew, and Mr. D’Urso

The motion carried.

DISCUSSION ITEMS

Master Plan Consistency- MODIFY LOT GRADING PLAN REQUIREMENTS

Ms. Caldwell submitted a report that the ordinance is consistent with the master plan.

RESOLUTION

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 215, ZONING, OF THE BOROUGH CODE TO MODIFY LOT GRADING PLAN REQUIREMENTS

Chairman Ritger asked for comments on Ordinance #09-2023. There being none, Mayor Glassner made a motion to find that Ordinance #09-2023 is consistent with the Mendham Borough Master Plan and to memorialize the resolution and Ms. Bushman seconded.

Roll Call:

In Favor: Mayor Glassner, Ms. Bushman, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. Sprandel, Mr. D’Urso, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Barker, and Mr. Pace.

Opposed:

Abstain:

The motion carried. The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION FINDING MASTER PLAN CONSISTENCY

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 09-2023 TO AMEND CHAPTER 15, ZONING OF THE REVISED ORDINANCES OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Joint Land Use Board (the "Board") has reviewed the proposed Ordinance No. 09-2023 and has received input from the Board Planner and Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 5/16/23; and

WHEREAS, based upon its review and that of the Board Planner and the Board Attorney, the Board has determined that the proposed Ordinance is consistent with the Master Plan and promotes the goals and objectives of the plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby find and determine that proposed Ordinance No. 09-2023 to amend Chapter 15, Zoning of the Revised Ordinances of the Borough of Mendham, County of Morris, State of New Jersey, is consistent with the Mendham Borough Master Plan and with the planning goals and objectives of the Borough. The Board Secretary is hereby directed to advise the Borough Council of said determination by the Board.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Joint Land Use Board at its regular meeting of 5/16/23.

Lisa Smith, Secretary

EXECUTIVE SESSION- RESOLUTION

“Litigation, Negotiations and Attorney-Client Privilege”

Mayor Glassner made a motion to move into executive session and Mr. Smith seconded.

Roll Call:

In Favor: Mayor Glassner, Ms. Bushman, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. Sprandel, Mr. D’Urso, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Barker, and Mr. Pace.

Opposed:

Abstain:

The motion carried. The resolution follows.

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
JOINT LAND USE BOARD
RESOLUTION #07-2023**

A RESOLUTION PROVIDING FOR AN EXECUTIVE SESSION NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

(1) Matters required by law to be confidential: Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

(2) Any matter in which the release of information would impair the right to receive federal funding.

(3) Matters involving individual privacy: Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned.

(4) Matters pertaining to a collective bargaining agreement: Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) Matters relating to the purchase, lease, acquisition of real property or investment of public funds: Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) Matters of public protection: Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.

(7) Matters relating to litigation, negotiations and attorney-client privilege: Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Borough is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.

(8) Matters relating to the employment relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.

(9) Deliberations after public hearing. Deliberations by the Borough occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

WHEREAS, the Planning Board has determined that it is necessary to go into a closed session to discuss certain matters relating to items as permitted by N.J.S.A. 10:4-12b.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Mendham that it will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the open public session:

I. “Litigation, Negotiations and Attorney-Client Privilege

BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

Dated: May 16, 2023

Chairman Ritger closed the Public Meeting at 10:04 p.m. to convene into Executive Session.

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Chairman Ritger reconvened the Public Meeting at 10:45 p.m.

ADJOURNMENT

There being no additional business to come before the Board, Motion was made by Ms. Bushman, seconded by Mr. Smith. On a voice vote, all were in favor. Chairman Ritger adjourned the meeting at 10:50PM.

The next scheduled regular meeting of the Joint Land Use Board is Tuesday, June 20, 2023 at 7:30PM in the West Morris Mendham High School Auditorium, 65 East Main Street, Mendham, NJ.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator