

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
REGULAR MEETING
Tuesday, February 4, 2020
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER/FLAG SALUTE

The regular meeting of the Mendham Borough Board of Adjustment was called to order by Chairman Seavey, at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Star Ledger* and the *Daily Record* on in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House.

ROLL CALL

Chairman Seavey – Present	Mr. Dick – Present
Mr. Palestina - Absent	Mr. Smith - Present
Ms. Cass – Absent	Mr. Paone– Present
Mr. Ritger – Present	

Alternate: Mr. Egerter, Alternate I- Present
 Alternate II - Vacant

Also present: Mr. Germinario, Esq.

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MINUTES

Chairman Seavey asked for comments on the minutes of the Reorganization/ Regular meeting of January 7, 2020. There being no corrections, Mr. Ritger made a motion to approve the minutes as written and Mr. Smith seconded.

ROLL CALL

In Favor: Mr. Smith, Mr. Ritger, Mr. Paone, Mr. Dick, Mr. Egerter, and Chairman Seavey
Opposed:
Abstain:

PUBLIC COMMENT

Chairman Seavey opened the meeting to the public for questions and comments on items not included on the agenda. There being none, the public session was closed.

HEARING**BOA#03-19**

Six Main St. Mendham, LLC

6 East Main St.

Block 601, Lot 3

(Preliminary & Final Site Plan with (c) and (d) variances)

Present: Jay Grant, Owner

Mark Blount, Attorney

John Hansen, Engineer

William Byrne, Architect

Phil Abramson, Planner

Mr. Germinario stated that adequate notice has been provided for the hearing.

Mr. Blount, Esq introduced himself as council to the applicant, Six Main St. Mendham, LLC. Mr. Blount conferred with Mr. Germinario to bifurcate the application. The “D” Variances will be separated from the Site Plan application. Mr. Blount went on to summarize the application and introduce the order in which testimony would be given.

Mr. Grant was sworn in.

Mr. Grant gave summary of his background and proceeded to summarize the project by introducing Exhibits A-1 through A-12 into the record and gave testimony to what each exhibit represented. Mr. Grant stated that the application was submitted to the Historic Preservation Commission and was approved. Mr. Grant spoke with the Mayor, Mr. Ferriero and the Borough Administrator and was told to first bring the application to the Board and then the Council will respond to the sewer application and other issues related to the application. Mr. Grant went on the discuss parking and stated that he has control of a total of 14 spaces available between the property at 6 East Main and 2 East Main. Mr. Blount stated that testimony would be given that even without consent from the Borough to use the Municipal Lot the site would be suitable. Mr. Ferriero brought up that the parking for the property owned by Mr. Grant at 2 East Main was part of the site plan of that property and there may be a conflict. Mr. Germinario agreed with Mr. Ferriero regarding the parking being a part of the Site Plan for 2 East Main and suggested that there would have to be provisions for the overnight parking only in the mentioned spaces at 2 East Main. Mr. Blount stated that provisions would be in the tenants’ lease and signage for overnight parking and Mr. Grant said alternatively he could ask for permission from the Borough Council to utilize the Municipal Lot for the overnight parking. Mr. Grant agreed, as a condition to the “D” variance to grant license to 6 East Main St and record it as an easement agreement between the 2 properties to be filed on the title if the alternative is not granted. Ms. Caldwell asked if any of the units would be designated affordable housing? Mr. Grant agreed to make one of the seven COAH as a condition for the “D” variance approval.

Mr. Byrne, Architect, was sworn in and qualified. Mr. Byrne stated that he was retained by Mr. Grant for the restoration of the property and change of use of the spaces to a mixed-use building making the upper level resident apartment uses and the restoration of the accessory structures on the property. Mr. Byrne described sheet number 1-8 of the submission. Chairman Seavey asked if the commercial use would be abandoned and institute the residential and Mr. Grant agreed.

Mr. Ferriero asked how the apartments are laid out? Mr. Byrne stated that on Exhibit A-13, floor plans for the building referenced as the garage building, shows the the lay out of the apartments. Mr. Byrne explained Exhibit A-14 is the floor plans for the building referenced as the barn building.

Mr. Hanson, Engineer, was sworn in and qualified. Mr. Hanson described his involvement the project and gave an overview of the existing project. Mr. Hanson began giving testimony as to the proposed project. Mr. Hanson introduced and described Exhibit A-15 as the aerial photo of the site with the proposed conditions. Mr. Hanson stated that paving will be replaced, lighting will be corrected, landscaping will be upgraded, and an ADA parking stall will be installed. Mr. Hanson stated that a dry well will be installed, and the roof leaders will be tied in as a condition of approval. Mr. Hanson discussed each of the conditions.

Mr. Abramson, Planner, was sworn in and qualified. Mr. Abramson explained his involvement in the project. Mr. Abramson discussed the three "D" variances. Mr. Abramson went on to describe the proposed project. The main structure will have one commercial unit in the basement, three commercial units on the first floor, office area and four residential units on the second floor. The garage would have two residential units and the barn would have one residential unit. Mr. Abramson marked Exhibit A-16 into the record and described the aerial photo with land use overlay. Ms. Caldwell asked what makes this site suitable to 7 units with 3 principle structures. Mr. Abramson stated that the building footprints already exist and there are other multi principles on adjacent properties. Ms. Caldwell asked if the site can accommodate the increased density. Mr. Abramson feels as though there is no issue with the density on this property. Mr. Ferriero asked how many parking spots were originally allocated for the garage and barn. Mr. Abramson was unsure. Mr. Ferriero stated that the parking is a critical point of this application. Mr. Abramson said that the parking will be discussed further on the site plan portion of the application and that would give the applicant time to discuss the parking with the Council.

PUBLIC COMMENT

Chairman Seavey opened the meeting to the public for questions. Mr. Reilly, 14 New St, Land Use Chair for the Borough Council asked Mr. Abramson if Morristown leased parking spaces. Mr. Abramson said that Morristown does in fact lease parking. Mr. Egerter asked if there was a study done on the Municipal Lot usage. Mr. Abramson said at this point there wasn't but should be done. Mr. Reilly spoke of the egress going left during rush hour onto Mountain Ave and asked if an impact study was done. Mr. Abramson stated that there was not a study done. Mr. Germinario stated the traffic study could be deferred to the site plan phase as long as the Board doesn't feel it rises to the level of impairing the site suitability in a major way.

Chairman Seavey asked if approving the "D" variances subject to Municipal approval as a condition. Mr. Germinario said that is something for the Board to consider but can not give a contingent variance approval. Mr. Blount stated that the applicant will use his best efforts to secure the approval of the Council to use the parking spaces.

Mr. Reilly stated he would like to have recommendations from the Board regarding the parking. Mr. Ferriero stated that according to Mr. Hanson's plan the 14 spaces are required for the residential use but there has been no discussion on the commercial use.

Chairman Seavey asked if there were any further questions. There being none, the public session was closed.

Mr. Germinario suggested that a numerical recommendation be given to the Governing Body regarding the parking which according to Mr. Ferriero would be 55 spaces. There being 4 on site, there is a deficit of 51 spaces.

Chairman Seavey made a motion to approve the “D” variances with conditions as outlined in the Resolution and was seconded by Mr. Ritger.

ROLL CALL: The result of the roll call was 6 to 0 as follows:

In favor: Mr. Smith, Mr. Ritger, Mr. Paone, Mr. Dick, Mr. Egerter, and Chairman Seavey
Opposed: None
Abstentions: None

The motion carried.

The application is being carried to the March 3, 2020 meeting. Not further notice needed.

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ADJOURNMENT

There being no additional business to come before the Board, **Motion** was made by Chairman Seavey, seconded by Mr. Smith. On a voice vote, all were in favor. Chairman Seavey adjourned the meeting at 10:35PM.

The next meeting of the Board will be held on **Tuesday, March 3, 2020 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Lisa Smith

Lisa Smith
Land Use Coordinator