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 **COPY**

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June 26, 2020

VIA UPS OVERNIGHT *on 6/29/20*

Lisa Smith, Land Use Coordinator
Board of Adjustment
Phoenix House
2 West Main Street
Mendham, NJ 07945

Re: MEDICAL PROPERTIES PARTNERS, LLC
Block 602, Lot 1
30 East Main Street
Borough of Mendham, NJ

Dear Ms. Smith:

I represent the above Applicant, owner of the captioned property located in the Borough of Mendham, regarding an application for development, including a D variance for a change of use. In connection therewith, we enclose seven (7) copies each of the following documents:

1. Application for Hearing, Zoning Board of Adjustment, and Rider thereto.
2. Copy of Resolution of Findings and Conclusions of the Board of Adjustment, Borough of Mendham, memorialized on October 5, 2004.
3. Application Checklist (including requests for waivers).
4. Zoning Officer's Notice of Violation letter dated February 5, 2020.
5. Site Inspection Authorization Form.
6. Zoning Map, Borough of Mendham.
7. Property Tax Payments and Adjustments form.
8. Owner's Consent by Managing Member of Applicant which is an LLC.
9. NO Sanitary Sewer Application – Not applicable.

Lisa Smith, Land Use Coordinator
June 26, 2020
Page 2

10. NO Historic Preservation Commission (HPC) application. Not applicable in this matter per email from Lisa Smith dated April 21, 2020.
11. One (1) copy of list of property owners within 200 feet of the subject property. We will provide notice to all owners prior to the hearing. *Please advise if we need to obtain an updated list of property owners.*
12. Two (2) checks from Medical Properties Partners, LLC made payable to the "Borough of Mendham" in the following amounts:
 - a. \$2,000, representing the application fee, and
 - b. \$5,000, representing the escrow review fee.

If you should need any further information, kindly contact me. Please advise us of the date that this application will be heard via Zoom by the Board of Adjustment.

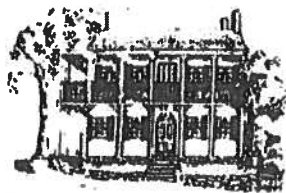
Very truly yours,

s/Roy E. Kurnos
ROY E. KURNOS

REK:ce

Encs.

cc: Dr. Alan Gellerstein



FILE 7 INITIAL COPIES OF APPLICATION AND ATTACHMENTS
(ONCE APPLICATION IS DEEMED COMPLETE 16 COPIES WILL NEED TO BE SUBMITTED)
All Copies must be collated, folded and ready for distribution

BOROUGH OF MENDHAM
BOARD OF ADJUSTMENT

APPLICATION FOR HEARING

EXPERT TESTIMONY PROPOSED

- ☐ PLANNER
☐ ENGINEER
☐ TRAFFIC CONSULTANT
☐ REAL ESTATE AGENT
☐ OTHER (Please specify) _____

NAME MEDICAL PROPERTIES PARTNERS, LLC ADDRESS 30 East Main Street, Mendham, NJ
PHONE 973-495-3168 FAX _____ EMAIL Alan Gellerstein AGellerstein@optonline.net

1. An application is hereby made for hearing and action by the Board of Adjustment pursuant to:

- ☐ R.S. - 40:55D-70(a) Appeal from the determination of an Administrative Officer
☐ R.S. - 40:55D-70(b) Interpretation of the Zoning Map or Special Question
☒ R.S. - 40:55D-70(c) Bulk Variance
☒ R.S. - 40:55D-70(d) Use Variance
☐ Other _____

So as to permit (please provide detail): See attached RIDER

2. Property affected is known as Block 602, Lot 1 on the Tax Map and located at
30 East Main Street 1/4 Acre Residence &
in the Historic Zone Overlay zone.

Property Owner Name MEDICAL PROPERTIES PARTNERS, LLC

Address 30 East Main Street, Mendham, NJ 07845

Phone 973 495-3168 Fax _____ Email AGellerstein@optonline.net

OWNER'S CONSENT ATTACHED? ☒ YES ☐ NO

3. Check one:

☒ This application is based on the decision rendered by the Zoning/Administrative Officer dated Feb. 5, 2020 and is attached to this application.

☐ This is an original application for development and not an appeal from the Zoning/Administrative Officer.

4. Relief is requested from Section(s) _____ of the Zoning Ordinance.

5. The applicant asserts the reasons for the Board to grant the relief requested and specific facts upon which the reasons are based are: _____

See attached RIDER

6. The specific facts upon which show the relief sought can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance are: _____

See attached RIDER

7. There has ☐ has not ☐ been a previous application(s) to the Board of Adjustment and/or Planning Board involving the property in question. If so, the date, nature and disposition of the request(s) was: _____

See attached RIDER

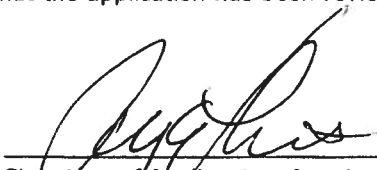
8. This application is ☐ is not ☒ accompanied by a separate application for subdivision ☐ site plan ☐ conditional use ☐ approval.

9. ATTACHMENTS:

- ✓ • Application Checklist
- ✓ • Zoning Officer's Denial Form
- ✓ • Site Inspection Authorization Form
- ✓ • Certificate for Taxes and Sewers
- N/A • Sanitary Sewer Application
- N/A • Owner's Consent, if applicable
- ✓ • Any and all supporting documentation as required on the Checklist
- ✓ • Appropriate application and escrow fees

The undersigned applicant or agent for the applicant certifies that the application has been reviewed and the contents thereof are true to the best of his or her knowledge.

Date 6/26/2020



Signature of Applicant or Agent
ROY E. KURNOS, ESQ., Attorney
for Applicant

NOTICE REQUIREMENTS:

At least ten (10) days prior to the hearing, the Applicant must arrange for public notice to be published in the Borough's official newspaper. A notice of hearing must also be delivered via personal service or certified mail to all property owners within 200 feet of the subject property. A list of property owners within 200 feet may be obtained from the Borough Tax Assessor.

An Affidavit of Proof of Service as well as a copy of the notice and list of property owners within 200 feet must be submitted to the Board Secretary prior to the hearing along with an Affidavit of Publication from the newspaper.

Please visit the Forms Center at www.mendhamnj.org for copies of the required documents:

1. Public Notice for publication
2. Notice of Hearing to Property Owners and Others
3. Affidavit of Proof of Service

**PLEASE NOTE: NJ STATE STATUTES MAY REQUIRE ADDITIONAL NOTICE.
PLEASE REFER TO NJSA 40:55D-12.**

**BOROUGH OF MENDHAM
BOARD OF ADJUSTMENT – APPLICATION FOR HEARING**

**MEDICAL PROPERTIES PARTNERS, LLC
BLOCK 602, LOT 1
30 EAST MAIN STREET
1/4 ACRE RESIDENCE ZONE and HISTORIC ZONE OVERLAY
MENDHAM, NJ**

RIDER TO APPLICATION FOR HEARING

1. An application is hereby made for hearing and action by the Board of Adjustment.

So as to permit:

- (1) A bulk variance to continue the preexisting nonconforming setback of 27 feet from Orchard Street where 30 feet is required; the setback from East Main Street is 81 feet which will not be modified;
- (2) to permit approximately 500 square feet of the first floor to be occupied by a use other than the preexisting medical use, to wit: for a business that provides candidates for managerial and administrative positions throughout the U.S., via the internet or telephone. It is a low impact business owned and run by one person having two part-time employees (see 5.G. below for additional details).

4. Relief is requested under current zoning standards in the 1/4 Acre Residence Zone and Historic Zone Overlay of the Mendham Borough Zoning Ordinance.

Under current zoning standards in the 1/4 Acre Residence Zone and Historic Zone Overlay, the use of the first level of the existing structure as a medical doctor's office and the second level as a separate residential apartment is not permitted in the Zone.

5. The Applicant asserts the reasons for the Board to grant the relief requested and specific facts upon which the reasons are based are:

As enunciated in a Resolution of Findings and Conclusions of the Board of Adjustment, Borough of Mendham, memorialized on October 5, 2004, the Board approved the interpretation by this Applicant that:

- A. The use of the subject premises for a medical doctor's office on the first floor and a separate residential apartment on the second floor was a valid, preexisting nonconforming use.

B. The use was first established in and about 1946 by a Deed to Dr. John B. Hopper and his wife.

C. A 1969 Historic Preservation Survey reflects the use of the property as a medical office by Dr. Hopper, with an apartment above.

D. A 1976 Deed from Dr. Hopper to Dr. J. Michael Kirschenbaum was for the same use.

E. A September 23, 1976 letter from the Borough Administrator describes the preexisting medical office and apartment uses.

F. A 1986 letter from the Borough Zoning Officer refers to the permitted continuation of the medical office use.

G. A 1994 letter to the Borough Administrator confirms the preexisting uses.

The first-floor medical office has attached to it an annex of approximately 500 square feet that is separated from the medical office. The main medical office is staffed by a nurse practitioner. At the present time, no medical doctors or other employees work in the main office. Since the Applicant's ownership of the building, repairs have been made, and the annex has been utilized by persons engaged in medical-related activities such as a physical therapist.

That annex space is now leased to an entity known as NorthPoint Staffing, LLC, which is owned and managed by Debbie Gannon, a Mendham resident. It is a low impact business owned and run by one person having two part-time employees. The company provides candidates for managerial and administrative positions throughout the United States, primarily through the internet or telephonically. The company fills positions for corporations (i.e., technology, construction, pharmaceutical, other health care sectors). Ms. Gannon is the sole employee of the company and is provided with one parking space in the Applicant's parking lot. Ms. Gannon works with two other independent contractors who, for the most part, work from home. One of her contractors does not own a car and is dropped off at the office and picked up after two to three hours of work. The other contractor visits the office intermittently for a brief period of time, and she parks on the street. NorthPoint has no visitors, and there are no client meetings or candidate screenings that take place in the office. All communication is done either over the internet or telephone. There is little need for UPS, FedEx or similar deliveries, nor is there a need for vehicular delivery of office supplies, etc.

NorthPoint is open from Monday through Friday from 9 am to 5 pm. The business is closed on weekends.

It should be emphasized that the use of the premises by the Applicant is less intensive than contemplated in the Resolution adopted October 5, 2004. That Resolution contemplated one physician and one employee, a receptionist/secretary.

6. The specific facts upon which show [sic] the relief sought can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance are:

There are no changes to the site plan to accommodate the new use. The existing two-story structure, which has a general outward appearance of a single-family dwelling, will remain unchanged.

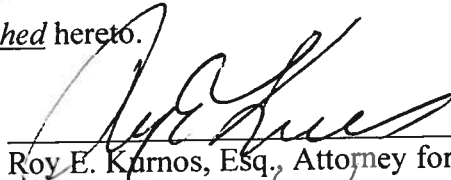
There is no application for modification to the existing signage.

The use of the 500 s.f. annex, in the nature of a "head-hunter," is benign. There is one full-time employee, the proprietor. The use does not generate visitors, nor an increase in parking requirements. The independent contractors who perform services for the business rarely have a need to utilize the premises, and when they do so, they spend between 2 and 3 hours in the premises at most.

Neither the medical practice nor the contemplated use has lengthy hours of operations, generally 9 to 5.

7. There has been a previous application(s) to the Board of Adjustment and/or Planning Board involving the property in question. If so, the date, nature and disposition of the request(s) was:

In 2004, the Applicant appealed from the initial determination by the Zoning Officer that a use variance was required for the expansion of a preexisting use. By Resolution memorialized October 5, 2004, the Board of Adjustment found, among other things, that a medical use on the first floor of the existing premises was a valid nonconforming use, as well as the residential apartment on the second floor. The Board further found that renovations contemplated at that time to the existing structure "will not result in any significant detrimental impact to the Borough Zone Plan." A copy of the 2004 Resolution is attached hereto.


Roy E. Karnos, Esq., Attorney for Applicant

6/26/2020

RESOLUTION OF FINDINGS AND CONCLUSIONS

BOARD OF ADJUSTMENT BOROUGH OF MENDHAM

WHEREAS, Medical Properties Partners, LLC has applied to the Board of Adjustment of the Borough of Mendham for permission to renovate the combined medical office/ single family dwelling located at 26 East Main Street, also known as Lot 1 in Block 602 on the Tax Map of the Borough of Mendham, which premises are in the 1/4 Acre Residence Zone and the Historic District overlay; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and the adjoining property owners and the general public having been given notice and the opportunity to be heard, has made the following factual findings:

1. The applicant is now the owner of the subject property, which is approximately 17,305 square feet in size and is improved with a two story structure which has the general outward appearance of a single family dwelling.
2. The applicant provided a Site Plan package including floor plans, partial elevations, etc. prepared by Rosen Architectural Design Group, which indicates among other things that this corner property has approximately 65 feet of frontage along East Main Street and extends northerly to a depth of approximately 200 feet along Orchard Street.
3. The applicants' existing building is approximately 81 feet back from East Main Street and approximately 27 feet back from Orchard Street, whereas the zoning ordinance currently requires a setback of 30 feet from a street right of way. The premises also have a small parking lot accessed off of Orchard Street.
4. Under current zoning standards in the 1/4 Acre Residence Zone the use of the first level of this structure as a medical doctor's office and the second level as a separate residential apartment is not a permitted use in the zone. However, during the course of the Public Hearings and supplemented by a review of the Borough Records, it has become reasonably clear to the Board that the subject property has, indeed, been continuously used as a medical doctor's office on the first floor and a residential apartment on the second floor for a considerable period of time.
5. The Borough files include: a copy of a 1946 Deed to John B. Hopper, et ux.; A 1969 Historic Preservation Survey reflecting the use of the property as a medical office by Dr. John B. Hopper with an apartment above; a 1976 Deed to Dr. J. Michael Kirschenbaum; a September 23, 1976 letter from the Borough Administrator describing the pre-existing medical office and apartment uses; a 1986 letter from the Borough Zoning Officer referring to the

permitted continuation of the medical office use; and, 1994 correspondence to the Borough Administrator regarding the pre-existing uses.

6. Dr. Allen Gellerstein, who is a 20% member of the applicant, testified about the plans for the medical office renovations and modernization and the plans for his medical group to take over the practice of Dr. Kirschebaum, who is beginning the process of retiring. Dr. Gellerstein testified that there would continue to be only one (1) physician in the building, even though there will be multiple examination rooms as depicted on the plans.
7. No members of the public appeared to ask questions or voice an opinion on this application at the initial Public Hearing on August 3, 2004, nor at the follow up Public Hearing on September 8, 2004.
8. Counsel for the applicant presented testimony by Jack Kelly, a licensed architect, who reviewed the various pages of the Rosen Architecture Design Group site plan, floor plans and partial elevations which were originally dated 4/8/04 and last revised on 9/17/04 to confirm removal of the existing carport and confirmation of the on site parking layout.
9. Counsel for the applicant also presented testimony by Wally Panasik, the applicant's General Contractor regarding lot coverage, removal of the patio and a new entry sidewalk, among other issues.
10. The applicant has appealed from the initial determination by the Zoning Officer that a use variance is required due to an expansion of the pre-existing nonconforming use. The Board compliments the Zoning Officer for taking an initial conservative position on these important questions related to business uses in the residential zones.
11. The Board notes that it has relied upon the applicant's agreement to make landscaping improvements as part of this project.
12. The Board also notes that it has relied upon the representations of Dr. Allen Gellerstien that there will continue to be only one (1) physician practicing in this office, as has been the case during its use by Dr. Hopper and Dr. Kirschenbaum, as far as the Borough is aware. Any change in that use will require further review by the Borough. Dr. Gellerstein also testified that initially there would be one employee and likely there would be two employees as the practice became established.

WHEREAS, the Board has determined based upon the above evidence and exhibits that the continuing Medical Office use described and requested by the applicant can be permitted as within the definition of a pre-existing Nonconforming Use as described in section 215-5 of the Code without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Mendham for the following reasons:

1. The Board is satisfied from the evidence presented at the Public Hearing that the applicant has demonstrated that the use of the first floor of the structure for a medical office has been in continuous use since at least 1969 and the use of the second floor as a residential apartment has also been in continuous use since that time.
2. The Board is satisfied from the evidence presented at the Public Hearing that the proposed interior and exterior renovations to the building will not result in any expansion of the pre-existing nonconforming use and there will be no significant detrimental impact to the surrounding properties, nor to the public good that will result from the modernization of the interior of the doctor's office as proposed.
3. The Board is satisfied from the evidence presented at the Public Hearing that the continued medical office use as described by the applicant and the renovations to the interior of the building as depicted in the exhibits will not result in any significant detrimental impact to the Borough Zone Plan for this 1/4 Acre Residence Zone due to the fact that the combined doctor's office and second floor apartment uses have existed on the site since at least 1969 with no significant negative impact on the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Mendham on this 5th day of October, 2004, that the above described Zoning Interpretation request submitted by Medical Properties Partners, LLC, made by this Board on September 8, 2004, be and is Memorialized herein.

Board of Adjustment
Mendham Medical Properties

I hereby certify that the above is a true copy of a Resolution adopted by the Mendham Borough Board of Adjustment at its regular meeting of October 5, 2004. This resolution memorializes action taken by the Board of Adjustment at its regular meeting of September 8, 2004.

The vote on September 8, 2004 was 4 to 0 as follows:

In Favor: Schumacher, Wynne, Peck, Santo

Opposed: None

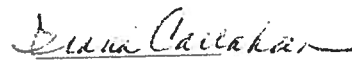
Abstentions: None

The resolution vote of eligible voters on October 5, 2004 was 3 to 0 as follows:

In Favor: Schumacher, Wynne, Peck

Opposed: None

Abstentions: None


Diana Callahan
Board Secretary

BOROUGH OF MENDHAM
APPLICATION CHECKLIST
 SEE LAND DEVELOPMENT ORDINANCE CHAPTER 195

ITEM NUMBER	MINOR		MAJOR				VARIANCE				APPLICANT MARK	STATUS	BOROUGH MARK	NOTES				
	SUBDIVISION	SITE PLAN	SITE PLAN WAIVER	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	40:55D-70										
								(a) & (b)	(c)						(d)			
1	•	•	•	•	•	•	•	•	•	•	•	•	•	Application Form along with filing and escrow fees.	✓	COMPLIES		
																N/A		
																WAIVER		
2	•	•	•	•	•	•	•	•	•	•	•	•	•	Certification of ownership or authorization to file application.	✓	COMPLIES		
																N/A		
																WAIVER		
3	•	•	•	•	•	•	•	•	•	•	•	•	•	Certificate from the Borough Tax Collector that all taxes and assessments are paid to date.	✓	COMPLIES		
																N/A		
																WAIVER		
4														Zoning Officer Denial Form providing statistics and rationale for request.	✓	COMPLIES		
																N/A		
																WAIVER		
5	•	•	•	•	•	•	•							Site Inspection Form	✓	COMPLIES		
																N/A		
																WAIVER		
6	•	•	•	•	•	•	•							Sewer Permit Waiver, Application or Sewer Gallonage Clause	✓	COMPLIES		
																N/A		
																WAIVER		
7	•	•	•	•	•	•	•							Historic Preservation Commission Application	✓	COMPLIES		
																N/A		
																WAIVER		
8	•	•		•	•	•	•							The names and lot/block numbers of all property owners within 200' of the extreme limits of the tract as shown on the most recent tax list prep. by the Borough Tax Assessor.	✓	COMPLIES		
																N/A		
																WAIVER		
9	•	•	•	•	•	•	•							Copy of Official Tax Map depicting location of subject property supplied by the Borough Tax Assessor's Office	✓	COMPLIES		
																N/A		
																WAIVER		
10	•	•	•	•	•	•	•							Written receipt from the County Planning Board, verifying that the County has received the application and fees, or letter of non-jurisdiction	✓	COMPLIES		
																N/A		
																WAIVER		
11	•	•	•	•	•	•	•							Survey prepared by a licensed surveyor depicting: existing features, property boundaries, streetlines, setback lines, lots, reservations, easements, dedications, ROW's.	✓	COMPLIES		
																N/A		
																WAIVER		
12	•	•		•	•	•	•							Plans signed and sealed by a NJ Professional Engineer and certified by a licensed land surveyor as to existing features and boundaries, folded into eighths with title block revealed.	✓	COMPLIES		
																N/A		
																WAIVER		
13	•	•		•	•	•	•							Architectural data including floor plans, elevations for at least two sides of all proposed buildings and depiction of proposed building materials and external finishes.	✓	COMPLIES		
																N/A		
																WAIVER		

ITEM NUMBER	MINOR		MAJOR				VARIANCE			APPLICANT MARK	STATUS	BOROUGH MARK	NOTES
	SUBDIVISION	SITE PLAN	PRELIM		FINAL	40:55D-70							
			SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	(a) & (b)	(c)	(d)				
14	•	•	•	•	•	•	•	•	•	When approval by another municipality is required, such approval shall be certified on the plat, or evidence shall be submitted that an application has been made for approval.	✓ COMPLIES N/A WAIVER		
15			•							Copy of most recently approved site plan	✓ COMPLIES N/A WAIVER		
16	•	•	•	•	•	•	•	•	•	Scale of not less than 1"=50' except 1" =100' on final sub-division plats. Site plans of one acre or less shall utilize a scale not less than 1" =20'.	✓ COMPLIES N/A WAIVER		
17	•	•	•	•	•	•	•	•	•	Key Map showing the location of the tract with reference to the surrounding properties, existing streets and streams within 1000 feet of the site.	✓ COMPLIES N/A WAIVER		
18	•	•	•	•	•	•	•	•	•	Name of subdivision or development, Borough of Mendham Morris County.	✓ COMPLIES N/A WAIVER		
19	•	•	•	•	•	•	•	•	•	Name, title, address and telephone number or subdivider or developer.	✓ COMPLIES N/A WAIVER		
20	•	•	•	•	•	•	•	•	•	Name, title, address and license number of the professionals who prepared the plot or plan.	✓ COMPLIES N/A WAIVER		
21	•	•	•	•	•	•	•	•	•	Name, title and address of the owner or owners of record. If owner is a corporation, the name and address of the president and secretary shall be submitted.	✓ COMPLIES N/A WAIVER		
22	•	•	•	•	•	•	•	•	•	North arrow with reference meridian. Scale (written and graphic).	✓ COMPLIES N/A WAIVER		
23	•	•	•	•	•	•	•	•	•	Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.	✓ COMPLIES N/A WAIVER		
24	•	•	•	•	•	•	•	•	•	Approval signature lines	✓ COMPLIES N/A WAIVER		
25	•	•	•	•	•	•	•	•	•	Acreage to the nearest hundredth of an acre; distances in feet and decimals of a foot, bearings given to the nearest 10 seconds. Radil,arcs, central angles and chord bearings and distances of all curves.	✓ COMPLIES N/A WAIVER		
26	•	•	•	•	•	•	•	•	•	Existing tax map sheet No. and existing block and lot No. of the lots to be subdivided or developed as they appear on the Twp.Tax map. Distance, measured along ROW lines of abutting streets, to the nearest Intrst. with other public streets.	✓ COMPLIES N/A WAIVER		
27	•	•	•	•	•	•	•	•	•	Zoning districts affecting the tract and within 200 feet. District names and tabular schedule of requirements and proposed conditions as the Ordinance, including variance and waiver requests noted on the plat or plan.	✓ COMPLIES N/A WAIVER		

ITEM NUMBER	MINOR			MAJOR				VARIANCE			APPLICANT MARK	STATUS	BOROUGH MARK	NOTES		
	SUBDIVISION	SITE PLAN	SITE PLAN WAIVER	PRELIM	FINAL	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	(a) & (b)					(c)	(d)
				40:55D-70												
28	•	•		•	•		•	•				<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			The locations and dimensions of all existing improvements. Indication of structures to remain and to be removed with spot elevations of such structures. Location of all existing structures within 100' of the property boundary.
29	•	•		•	•		•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			The location of all existing and proposed storm drainage structures and utility lines whether public or privately owned, with pipe sizes grades and direction of flow, location of Inlets, manholes and other appurtenances.
30	•	•		•	•		•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			The proposed location of all proposed screening and land-scaping, and a planting plan indicating natural vegetation to remain and areas to be planted with a schedule providing a listing of the botanical and common names, quantity and size of plant material at the time of planting.
31	•	•		•	•		•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			The total acreage of the drainage basin of any watercourse running through or adjacent to the tract.
32	•	•		•	•	•	•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			The location and extent of drainage and conservation easements and stream encroachment lines.
33	•	•		•	•	•	•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			The location, extent and water level elevation of all surface waters and wetlands within 200 feet of the tract.
34	•	•		•	•		•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			Existing and proposed contours, based on USGS datum with a contour interval of 1 ft. for slopes less than 3%, an interval of 2 ft. for slopes between 3 & 10%, and 5 ft. for slopes > 10%. Include slope delineation and tabulations per Section 215-12.4.
35	•	•		•	•	•	•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			Road right-of-way dedication and improvement, as applicable.
36	•	•				•	•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			Deed descriptions, including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications.
37	•	•		•	•		•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			Soil types as per the County Soil Conservation District. Proposals for soil erosion and sediment control as required by N.J.S.A. 4:24-39 et seq.
38	•	•		•	•		•					<input checked="" type="checkbox"/>	COMPLIES N/A WAIVER			Locations of existing rock outcrops, highpoints, water-courses, depressions, ponds and marsh areas as determined by survey.

ITEM NUMBER	MINOR		SITE PLAN WAIVER	MAJOR		VARIANCE				APPLICANT MARK	STATUS	BOROUGH MARK	NOTES		
	SUBDIVISION	SITE PLAN		PRELIM	FINAL	40:65D-70									
				SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	(a) & (b)						(c)	(d)
39	•	•		•	•	•	•	•	•	•	Required front, side and rear setback lines.	✓	COMPLIES		
													N/A		
													WAIVER		
40	•	•		•	•		•		•	•	Size, height and location and use of all proposed buildings including all proposed floor elevations.	✓	COMPLIES		
													N/A		
													WAIVER		
41	•	•	•	•	•		•		•	•	Location and size of all proposed signage including design and lighting details. If no signage is proposed, a statement to that effect shall be added to the plan.	✓	COMPLIES		
													N/A		
													WAIVER		
42			•								Copy of Building Floor Plan designating the location and floor area (in square feet) a) to be occupied by the applicant for its proposed use, and b) currently occupied by any other use in the building.	✓	COMPLIES		
													N/A		
													WAIVER		
43		•		•	•		•				The proposed location, direction of illumination, power and type of proposed outdoor lighting including details, intensity in footcandles and hours of operation.	✓	COMPLIES		
													N/A		
													WAIVER		
44		•		•	•		•				The location and design of any off-street parking and loading areas, showing size and location of bays, aisles and barriers.	✓	COMPLIES		
													N/A		
													WAIVER		
45	•	•		•	•		•		•	•	All means of vehicular access or egress to and from the site onto public streets, with the information required by Ordinance.	✓	COMPLIES		
													N/A		
													WAIVER		
46	•	•		•	•		•				Plans showing all existing drainage within 200 ft. of any boundary. Stormwater management calculations depicting compliance with all state and local codes.	✓	COMPLIES		
													N/A		
													WAIVER		
47	•	•		•	•		•		•	•	The location of all existing and proposed waterlines, valves and hydrants and all sewer lines or alternative means of sewerage and and sewage disposal and treatment.	✓	COMPLIES		
													N/A		
													WAIVER		
48				•	•		•				All proposed streets with profiles, indicating grading; and cross sections showing width of roadway, location and width of sidewalks and location and size of any utility lines conforming to Borough standards and specifications.	✓	COMPLIES		
													N/A		
													WAIVER		
49	•	•		•	•		•		•	•	Depiction of any existing or proposed protective covenants or deed restrictions applying to the land being developed.		COMPLIES		
													N/A		
													WAIVER		
50		•		•		•					Existing and proposed permanent monuments.	✓	COMPLIES		
													N/A		
													WAIVER		
51				•		•					Lot Block and street numbers as approved by the Borough Engineer of the Borough of Mendham, including lot and block numbers and owners of the abutting properties.	✓	COMPLIES		
													N/A		
													WAIVER		
52	•	•		•	•		•		•	•	A Letter of Interpretation from the NJDEP	✓	COMPLIES		
													N/A		
													WAIVER		

ITEM NUMBER	MINOR		MAJOR				VARIANCE				APPLICANT MARK	STATUS	BOROUGH MARK	NOTES	
	SUBDIVISION	SITE PLAN	SITE PLAN WAIVER	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	40:55D-70							
								Prelim	Final						(a) & (b)
53	•	•	•	•	•	•					For each lot not served by public sewage disposal, approval by the Borough Board of Health of percolation tests observed by the Borough Health Officer and certified by a licensed professional engineer, indicating that the proposed lot(s) can adequately accommodate a septic system in compliance with all state and local regulations. When a new connection to or change in plumbing facilities feeding an existing connection to the Borough sanitary system is proposed, an adopted resolution of the Borough Council approving the application.	<input checked="" type="checkbox"/> COMPLIES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> WAIVER			
54	•	•		•	•	•	•				Certification by the applicant's surveyor and engineer as to the accuracy of the details of the plat. Certification of compliance with RSIS, or provide a list of exceptions proposed.	<input checked="" type="checkbox"/> COMPLIES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> WAIVER			
55						•	•				Plan of all utilities in exact location together with a cost estimate of the installation of all public improvements to be installed.	<input checked="" type="checkbox"/> COMPLIES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> WAIVER			
56						•	•				Written proof that all lands set aside or shown for easement, public use or streets are free and clear of all liens and encumbrances.	<input checked="" type="checkbox"/> COMPLIES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> WAIVER			
57						•	•				Letters directed to the Chairman of the Board and signed by a responsible official of all utility companies, etc., providing service to the proposed development.	<input checked="" type="checkbox"/> COMPLIES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> WAIVER			
											NOTE: Board may require and ask for additional information				



The Phoenix House circa 1820

The Borough of Mendham
6 West Main Street, Mendham, New Jersey 07945
Incorporated May 15, 1906

Neil Schetelick, Zoning Officer
Telephone: (973) 543-7152 ext. 23
E-mail: nschetelick@mendhamnj.org

2/10/20

Lisa Land use X20

February 5, 2020

Medical Properties Partners
11 Saddle Rd.
Cedar Knolls NJ 07972

Re: NOTICE OF VIOLATION
Unapproved business expansion
Unapproved signage

NOTICE OF VIOLATION

To whom it may concern,

The property at 30 East Main St. was allowed to add a massage, physical therapy venture as an ancillary business to the medical practice only, even though owned by a third party.

Now the space is rented out to a business that has no relation to the medical practice and had no prior approvals granted.

The application for use of occupancy change was not submitted prior to renting out the space and opening shop.

The building being in the Historic Zone also requires all signage be approved by the Historic Preservation Commission. If permission for the new business is granted, signage will have to be approved by the H.P.C.

Please address these issues within 10 days. If you have any questions, please contact me at the above number or email.

Very truly yours,

Neil Schetelick /Zoning Officer



The Phoenix House

since 1820

The Borough of Mendham
6 West Main Street, Mendham, New Jersey 07945
Incorporated May 15, 1906

Neil Schetelick, Zoning Officer
Telephone: (973) 543-7152 ext. 23
E-mail: nschetelick@mendhamnj.org

October 16, 2017

Lainie Papler

Re: 30 East Main Street

I am writing as the Zoning Officer for the Borough of Mendham and it is in that capacity that I have been requested to review the space that which you are presently operating, Workout with Lainie, which has been represented to be an accessory to the Medical Office located at 30 East Main Street.

I have reviewed the file and I am of the opinion that the use which is a workout, personal training study is one that is a proved accessory use to the medical office. Continued use within its present parameters with no expansion of size or scope of services rendered is allowed.

Should you have any other questions please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neil Schetelick", is written over a horizontal line.

Neil Schetelick
Zoning Officer

SITE INSPECTION FORM

RE: Lot 1 Block 602

I, Medical Properties Partners LLC, the undersigned property owner, do hereby authorize Mendham Borough Officials to inspect the property owned by me at 30 East Main St. in connection with my application to the Zoning Board of Adjustment/Planning Board for this property.

Date: 6/26/2020

Phone #: 973-495-3168



Property Owner or Authorized Agent

Alan Gellerstein, Managing Member

BOROUGH OF MENDHAM

ZONING MAP



Legend

- 5 ACRE RESIDENTIAL
- 3 ACRE RESIDENTIAL
- 1 ACRE RESIDENTIAL
- 1/2 ACRE RESIDENTIAL
- 1/4 ACRE RESIDENTIAL
- HISTORIC BUSINESS
- EAST BUSINESS
- LIMITED BUSINESS
- HISTORIC ZONE OVERLAY
- MAIN STREET CORRIDOR

BOROUGH OFFICIALS

MAYOR

Neil J. Henry Jr.

COUNCIL MEMBERS

Brad Badal
Louis Garubo
Veronica Daly
David C. Sharkey
John Andrus
Stanley Wiltczak

ADMINISTRATOR

Ellen Sandman

CLERK

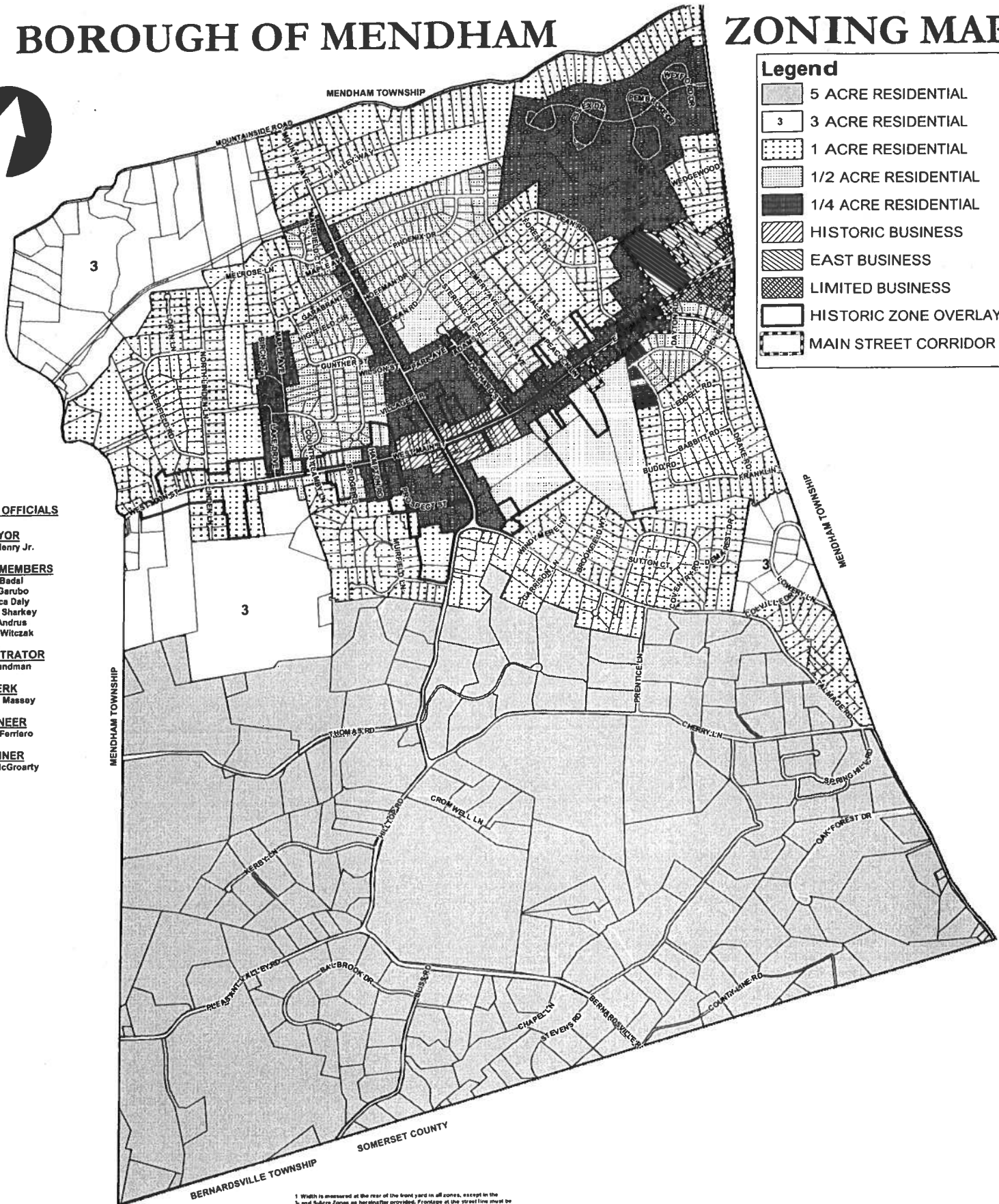
Maureen Massey

ENGINEER

Paul W. Ferriero

PLANNER

Charles McGroarty



- 1 Width is measured at the rear of the front yard in all zones, except in the 3- and 5-Acre Zones as hereinafter provided. Frontage at the street line must be at least the minimum required in all zones, except, however, in the 3- and 5-Acre Zones, where frontage of at least 25 feet is permitted; provided, however, that the lots having such frontage have a minimum width as required above, at the building line, for the respective zones and that the building line is a minimum distance of 375 feet in the 3-Acre Zone and 775 feet in the 5-Acre Zone from the street line upon which the 25 feet of frontage is located.
- 2 Improvements include paved parking areas, walkways, patios, pools and the like, as well as buildings.
- 3 The building height and impervious coverage limitations shall be as set forth in § 215-51.1 for the 14-, 1/2-, 1-, 3- and 5-Acre Residence Zones.

- 1 Setbacks are measured from the lot line to the part of the building nearest said lot line.
- 2 They be reduced as per § 215-50.
- 3 In the 5-Acre Residence Zone and 3-Acre Residence Zone, no driveways or parking areas shall be located anywhere within the side yard requirements running the full length of the property from the front to the rear.
- 4 The bulk and setback requirements of Schedule B shall be as modified by § 215-51.1 for the 14-, 1/2-, 1-, 3- and 5-Acre Residence Zones.

3/5/2020

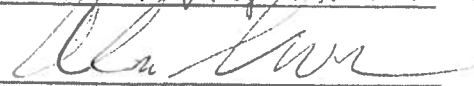
MENDHAM BOROUGH PAYMENTS AND ADJUSTMENTS

CURRENT				TAX YEAR 2020				TAX YEAR 2021			
REV CODE:	05 - TAXES			PROP. CLASS:	2	ADD LOTS:		PROP. CLASS:	2	ADD LOTS:	
PROP ID:	602 / 1			LAND:		282,600		LAND:		282,600	
OWNER:	MEDICAL PROPERTIES PARTNERS, LLC			IMPR:		292,300		IMPR:		292,300	
	11 SADDLE RD			NET:		574,900		NET:		574,900	
	CEDAR KNOLLS, NJ 07927			SPC TX CODES:				SPC TX CODES:			
PROP LOC:	30 E MAIN ST			DEDUCTIONS:		\$0.00		DEDUCTIONS:		\$0.00	
BANK CODE:	00000			LAND DESC:		0.580 AC		LAND DESC:		0.580 AC	
OLD ID:	3.B / 1			BUILD DESC:		2S F G2		BUILD DESC:		2S F G2	
PAYMENTS AND ADJUSTMENTS											
DATE	BATCH	YEAR	QTR	TYPE	PRINCIPAL	INTEREST	PAY TYPE	CK NUM	ADJ CODE	ADJ DESC	
01/27/2020	011	2020	1	R	\$3,228.50	\$0.00	Check	2078			

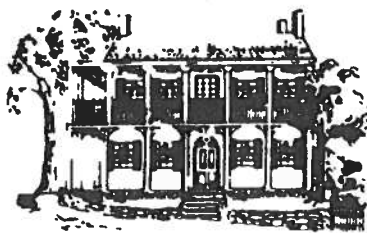
*Proof of
1st
pmt*

OWNER'S CONSENT TO FILING OF APPLICATION

I hereby certify that the undersigned is the title owner of record of the property for which this application is being filed and that I am aware of and consent to the filing of same.

Name: Medial Properties Partners LLC Date: 6/26/2020
Signature: 
Alan Gellerstein, Managing Member

** If the owner of the property is not an individual but a corporation, LLC, LP, partnership, non-profit organization, etc., the title owner must identify on the form the name of the company or organization and their personal title; e.g., President, Vice-President, Chairman of the Board, etc. Applications submitted without the signature of the title owner(s) will be deemed incomplete.



The Phoenix House circa 1820

The Borough of Mendham
2 West Main Street, Mendham, New Jersey 07945
Incorporated May 15, 1906

Telephone: (973) 543-7152 ext. 20
Fax: (973) 543-7202
www.mendhamnj.org

Office of the Assessor

March 9, 2020

Belsole and Kurnos, LLC
3 Prospect St
Morristown, NJ 07960-6809

Re: Block: 602 - Lot: 1 – 30 East Main Street

Having examined the tax map and tax list of the Borough of Mendham, I certify that, to the best of my knowledge, the Mendham Borough properties indicated on the attached list are located within 200 feet of the above referenced property.

Also, please provide notice of the public hearing of an application for development to the following public utilities and CATV companies that own land or possess an easement within the municipality.

JCP&L, c/o FE Serv. Tax Dept.
P.O. Box 1911
Morristown, NJ 07962-1911

American Water SSC/General Tax Dept.
PO Box 5627
Cherry Hill, NJ 08034

Verizon, c/o Duff & Phelps
PO Box 2749
Addison, TX 75001

Mendham Borough Sewer Utility
35 Ironia Rd.
Mendham, NJ 07945

AT&T
900 Route 202/206 North
Bedminster, NJ 07921

Comcast
300 Rahway Ave.
Union, NJ 07083

Public Service Electric & Gas Co.
80 Park Plaza
Newark, NJ 07102

Cablevision, Attn: Kathy Baker
683 Route 10
Randolph, NJ 07869

Morris County Planning Board
PO Box 900
Morristown, NJ 07963-0900

Very truly yours,

Lisa Smith

Lisa Smith
Assessor Assistant



Morris County Board of Taxation
 COUNTY OF MORRIS, NEW JERSEY
 P.O. Box 900, Morristown NJ, 07963-0900
 *Maximum of 500 records available on report

Projection: State Plane (FIPS 2900)
 Datum: NAD83
 Units: Feet



Morris County GIS Services, NJ, USA - © 2011-2016

The maps and data available for access at this website is provided "as-is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for, or the appropriateness for use, rests solely on the user accessing this information. The County of Morris makes no warranties, express or implied, as to the use of the maps and the data available for access at this website. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction, and revision. The maps and associated data at this website do not represent a survey. In no event shall the County of Morris or its officers or employees assume any liability for the accuracy of the data delineated on any map. In no event shall the County of Morris or its officers or employees be liable for any damages arising in any way out of the use of this information.

TARGETED PROPERTIES:

PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1418_602_1	0.5800	30 E MAIN ST	MEDICAL PROPERTIES PARTNERS, LLC	11 SADDLE RD CEDAR KNOLLS, NJ 07927

PARCELS WITHIN RANGE OF TARGETED PROPERTIES:

PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1418_1501_12	0.4300	27 E MAIN ST	27 EAST MAIN STREET LLC	1 GOLF LN MENDHAM, NJ 07945
1418_1501_13	1.4000	29 E MAIN ST	29 E. MAIN REALTY LLC	26 E MAIN ST MENDHAM, NJ 07945
1418_1501_14	1.3000	33 E MAIN ST	SHARKEY, DAVID C	33 E MAIN ST MENDHAM, NJ 07945
1418_1501_15	2.2000	35 E MAIN ST	HILL, BRYAN A/DANIJELA IVELJA-	35 E MAIN ST MENDHAM, NJ 07945
1418_601_12	1.2000	26-28 E MAIN ST	PJS REALTY LLC	26-28 E MAIN ST MENDHAM, NJ 07945
1418_601_14	0.3900	4 ORCHARD ST	JABBOUR, TIMOTHY M/KATHRYN	4 ORCHARD ST MENDHAM, NJ 07945
1418_601_16	14.5000	8 ORCHARD ST	BOROUGH OF MENDHAM	2 WEST MAIN ST MENDHAM, NJ 07945
1418_602_1	0.5800	30 E MAIN ST	MEDICAL PROPERTIES PARTNERS, LLC	11 SADDLE RD CEDAR KNOLLS, NJ 07927
1418_602_2	0.3800	32 E MAIN ST	GUNERI, DRINA	32 E MAIN ST MENDHAM, NJ 07945
1418_602_29	0.4400	7 ORCHARD ST	WEAVER, PATRICK C & BOST, SANDRA J	7 ORCHARD ST MENDHAM, NJ 07945
1418_602_3	1.0160	34 E MAIN ST	ADAMS, ALAN/JESSICA	34 E MAIN ST MENDHAM, NJ 07945
1418_602_3.02	0.5000	34B EAST MAIN ST	BOROUGH OF MENDHAM	6 W MAIN ST MENDHAM, NJ 07945
1418_602_30	0.2500	5 ORCHARD ST	GOLDBERG, RACHAEL/FESSEL, SHANE	5 ORCHARD ST MENDHAM, NJ 07945
1418_602_31	0.2800	3 ORCHARD ST	SCHWARTZ, KATE REBECCA/BRIAN	3 ORCHARD ST MENDHAM, NJ 07945
1418_602_32	0.3500	1 ORCHARD ST	BERENBAK, THOMAS & MARGARET	1 ORCHARD ST MENDHAM, NJ 07945
1418_602_7	1.0700	2 HILLCREST PL	ALLATTA, JEAN C/JOAN T	2 HILLCREST PL MENDHAM, NJ 07945
1418_602_8	0.5700	4 HILLCREST PL	HAINES, BARRY G/MARY E	4 HILLCREST PL MENDHAM, NJ 07945

Cheryl,

Rec'd 5/26/20

I have enclosed the 2 checks,
for our application for 30 E
Main St.

Philly,
Alan

MEDICAL PROPERTIES PARTNERS LLC
11 SADDLE ROAD
CEDAR KNOLLS, NJ 07927

2090
55-537/212
61

PAY TO THE ORDER OF Borough of Mendham DATE 5/20/20

Two Thousand ^{xx}/₁₀₀ \$ 2000 ^{xx}/₁₀₀

Lakeland Bank
LakelandBank.com

FOR Application Divariance 30 E Main St

002090 021205376 980282610

MEDICAL PROPERTIES PARTNERS LLC
11 SADDLE ROAD
CEDAR KNOLLS, NJ 07927

2091
55-537/212
61

PAY TO THE ORDER OF Borough of Mendham DATE 5/20/20

Five Thousand ^{xx}/₁₀₀ \$ 5,000 ^{xx}/₁₀₀

Lakeland Bank
LakelandBank.com

FOR Application Escrow Divariance 30 E Main St

002091 021205376 980282610