

**MINUTES OF THE  
MENDHAM BOROUGH JOINT LAND USE BOARD  
TUESDAY, OCTOBER 21, 2025  
GARABRANT CENTER, 4 WILSON ST., 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.

**ROLL CALL**

Mayor Kelly – Present	Mr. Egerter – Present
Ms. Bushman – Present	Ms. Garbacz – Present
Councilmember Traut – Present	Mr. Molnar – Present
Mr. Smith – Present	Mr. Kay – Alternate 1 - Present
Mr. Sprandel – Present	VACANT- Alternate 2
Mr. D'Urso – Present	Mr. Pace – Alternate 3- Present
	Mr. Chambers – Alternate 4 – Present
Also Present: Mr. Ferriero – Board Engineer	
Mr. Germinario –Board Attorney	
Ms. Kopsco – Board Planner	

**APPROVAL OF MINUTES**

- a. July 15, 2025
- b. August 19, 2025 Tabled until the November 18, 2025 Regular Meeting
- c. September 16, 2025 Tabled until the November 18, 2025 Regular Meeting

Motion by Mr. Smith, seconded by Mr. Egerter, and unanimously carried by voice vote to adopt the minutes of the July 15, 2025 Joint Land Use Board Regular Meeting, as written.

**Roll Call:**

**In Favor:** Mayor Kelly, Ms. Bushman, Councilmember Traut, Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Kay, Mr. Pace, and Mr. Chambers.

**Opposed:**

**Abstain:**

**Motion Carried**

**PUBLIC COMMENT**

Chairman D'Urso opened the meeting to the public for questions and comments on items not included on the agenda. Ms. Swiencki – 5 Mt. Ave- Noted her concern regarding lighting in the parking lot at the Black Horse. Mr. D'Urso explained that the comment is outside the purview of the Joint Land Use Board and should be brought to the attention of the zoning officer.

Mr. Ritger – 14 Gunther St. – recited the lighting ordinance. Mr. Ritger asked if the lighting issue at the High School was taken care of. Mr. Ferriero stated that, unfortunately, the Municipality does not have authority over the lighting at the high school.

There being no further comments, the public session was closed.

**RESOLUTIONS**

15-25 Cass  
 5 Prospect St  
 Blk 1902 Lot 14

Mr. Germinario summarized the Cass application and the conditions outlined in the resolution. Mayor Kelly made a motion to memorialize the resolution, and Mr. Smith seconded.

**Roll Call:**

**In Favor:** Mayor Kelly, Ms. Bushman, Council Member Traut, Mr. Smith, Mr. D'Urso, and Ms. Garbacz  
**Opposed**

**Abstain:** Mr. Egerter, Mr. Molnar, Mr. Kay, Mr. Pace, and Mr. Chambers

**Motion Carried**

**The resolution follows.**

**BOROUGH OF MENDHAM JOINT LAND USE BOARD**

**RESOLUTION OF MEMORIALIZATION**

*Decided: September 16, 2025  
 Memorialized: October 21, 2025*

**IN THE MATTER OF BENJAMIN CASS & JENNIFER BRUGGER  
 "C" VARIANCE APPLICATION  
 BLOCK 1902, LOT 14  
 APPLICATION NO. JLUB #15-25**

**WHEREAS**, Benjamin Cass and Jennifer Brugger (hereinafter the "Applicants") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of a variance pursuant to N.J.S.A. 40:55D-70c (hereinafter the "Variance") by application dated 3/21/25; and

**WHEREAS**, the application was deemed complete by the Board, and a public hearing was held on 9/16/25; and

**WHEREAS**, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

**WHEREAS**, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of 0.89 acres located in the  $\frac{1}{4}$ -acre residential zone, improved with an existing 2½-story frame dwelling, rear brick patio and 2-story accessory barn.

2. The improvements to the subject property for which the Variance relief is sought comprise a 2-story addition to the west side of the house, a wrap-around covered porch to replace the existing stoop, and a renovated rear patio to replace the existing one. Variances are required from Section 215 Schedule II Minimum Front Yard Setback, where the minimum permitted is 30 feet and the proposed is 17.3 feet; and Section 215-31.1 (I.) Maximum Building Footprint, where the maximum permitted is 3,197 square feet and the proposed is 3,282 square feet.

3. The Applicants have submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

- Architectural Plans, consisting of six sheets, revised through 12/27/24, prepared by Daniel A. Encin, Architect

4. In support of the application, the Applicants have submitted the following documents, which are part of the hearing record:

- Land Use Board Application, dated 3/21/25, prepared by Benjamin Cass
- Checklist
- Sewer allocation application, dated 3/21/25
- Site inspection form, 3/21/25, prepared by Benjamin Cass

- Certificate of paid taxes, dated 12/5/24
- Certified property owners list
- Property photographs

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Paul Ferriero, PE, CME, dated 7/24/25

6. In the course of the public hearings, the Applicants were represented themselves, and the Applicants presented their own testimony and the testimony of the following witnesses, which testimony is part of the hearing record:

Dan Encin, architect

7. The documentary evidence and the testimony of the Applicants and/or Applicants' witnesses adduced the following facts:

The existing dwelling is a historic home built around 1850 prior to the current zoning with an existing non-conforming front yard setback (24.3 ft. vs. 30 ft. minimum required). The proposed addition and porch will not increase the visual mass of the house and will improve its appearance and functionality.

8. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicants:

By reason of the age of the existing home on the subject property, the strict application of Ordinance Section 215 would result in peculiar and exceptional difficulties to, and impose exceptional and undue hardship upon the Applicant. Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(1) so as to relieve such difficulties and hardship.

The following purposes of the Municipal Land Use Law and the Borough of Mendham Land Use Ordinance would be advanced by granting the Variance so as to allow the requested deviation from Ordinance Section 215 N.J.S.A. 40:55D-2 (a) - general welfare, (i) desirable visual environment and (j) conservation of historic structures.

The detriments associated with the deviation are considered minimal because there is no adverse visual impact in terms of the view from the street and/or adjoining properties.

Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(2), because the benefits of the deviation will substantially outweigh the detriments.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

9. In summary, the Board hereby grants a total of 2 "C" variances in connection with this application.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby approve the application and grant the Variance requested by the Applicants, as described hereinabove, pursuant to N.J.S.A. 40:55D-70c(1) and 40:55D-70c(2).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. All application, escrow and inspection fees shall be paid in full and current at the time of issuance of zoning permits and construction permits. Engineering inspection fees will be paid out of the Applicant's escrow account, and the Applicant will replenish said account to the extent required to pay for said inspection fees.

2. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

3. This approval is subject to the payment in full of all taxes and assessments due and owing to the Borough of Mendham and/or any agency thereof.

4. Pursuant to Ordinance Section 124-22, the Variance relief granted herein shall expire within one year of the memorialization of this Resolution unless the construction or alteration of the improvements requiring Variance relief has actually been commenced during that time period, provided that the running of the one-year time period shall be tolled during the pending of any appeal of the Board's decision to the Borough Council or to a court of competent jurisdiction.

*The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Joint Land Use Board memorializing the action taken by the Board at its meeting of 9/16/25.*

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*Lisa Smith  
Board Secretary*

**COMPLETENESS**

19-25 Peter Forenza  
375 Cherry Lane  
Blk 2301 Lot 3

Mr. Ferriero summarized his completeness letter dated August 8, 2025. Mr. Ferriero recommends that the application be deemed complete, subject to the waivers.

Motion by Council Member Traut, seconded by Mr. Molnar, and unanimously carried to deem the application complete.

**Roll Call:**

**In Favor:** Mayor Kelly, Ms. Bushman, Council Member Traut, Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Pace, and Mr. Chambers

**Opposed**

**Abstain:**

**Motion Carried**

16-25 Cerchio  
15 Demarest Dr  
Blk 1401 Lot 53

Mr. Ferriero explained that this application is for a coverage variance the addition on a single family home at 15 Demarest Dr. Mr. Ferriero recommends that the application be deemed complete subject to the waivers.

Motion by Mr. Smith, seconded by Mr. Sprandel, and unanimously carried to deem the application complete.

**Roll Call:**

**In Favor:** Mayor Kelly, Ms. Bushman, Council Member Traut, Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Pace, and Mr. Chambers

**Opposed**

**Abstain:**

**Motion Carried**

**HEARINGS**

19-25 Peter Forenza  
375 Cherry Lane  
Blk 2301 Lot 3

Present: Ms. Magdziak– Attorney  
Mr. Smith – Engineer

Mr. Germinario reviewed the public notice and found it to be adequate.

Ms. Magdziak explained that the proposed application is for the approval of a minor subdivision and any necessary use/bulk variances for existing nonconforming uses currently on the property. Ms. Magdziak noted that the subdivision reduced Lot 3 from 35.78 to 28.78 acres; created a new 7-acre Lot 3.03; both lots comply with 5-acre zoning. Ms. Magdziak noted that there is an existing carriage house (97 years old) to remain as a residence; a use variance is required due to lot size change. Ms. Magdziak explained that there are accessory structures (carriage house, shed/greenhouse, tennis court) that are existing non-conformities due to location in the front yard and combined footprint exceeding 50% of the principal dwelling.

Mr. Smith was sworn in and qualified as an expert in civil engineering and land surveying.

Mr. Smith explained the plans which were last revised on 9/24/25. Mr. Smith noted that McVickers Brook runs through the middle of the lot, and 2 tributaries bifurcate the property. Mr. Smith explained that the wetlands were delineated by Wetlands Technology. Mr. Smith explained that Sheet 3 of the plans shows the proposed subdivision where the existing parcel will retain 28.78 acres, the proposed lot would be 7 acres and noted the front and side yard setbacks. Ms. Magdziak stated that the proposed development is for illustrative purposes only to show that the lot is developable with a house that is consistent with the neighborhood. Mr. Sprandel questioned what would happen to the existing driveway. Mr. Smith explained that there will be a driveway easement.

Mr. Smith summarized the existing non-conforming conditions which included the carriage house, shed/greenhouse, and tennis court and stated that there would be no changes. Mr. D'Urso asked if the existing carriage house would be used as a residence. Ms. Magdziak stated that it would be. Mr. D'Urso asked if a D variance was needed and Mr. Germinario noted a D2 variance is needed.

Since this application involves a D variance, Mayor Kelly and Council Member Traut stepped down from the Board.

Mr. Smith noted that Sheets 4, 5, 6, And 7 are to show that the lot could be buildable without triggering major stormwater regulations.

Mr. Smith explained that with regards to the D variance that this is an existing use and has historically been used this way, no substantial detriment to the public good would be introduced by approving this variance. Smith confirmed that they are in receipt of Boswell Engineering's report dated September 30, 2025 and will comply with the technical comments.

Mr. D'Urso asked if there were any public comments or questions. Mr. Chambers recused himself

Mr. Chambers, 425 Cherry Lane: Mr. Chambers noted that the carriage house beautifies the environment and has no objection to the application.

There being no other comments, public comment was closed.

Mr. Smith made a motion to approve the application with conditions as outlined in the resolution and was seconded by Mr. Sprandel.

**Roll Call:**

**In Favor:** Ms. Bushman, Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, and Mr. Pace

**Opposed**

**Abstain:**

**Motion Carried**

16-25 Cerchio  
15 Demarest Dr  
Blk 1401 Lot 53

Present: Mr. Encin – Architect  
Mr. Cerchio – Applicant

Mr. Germinario reviewed the public notice and found it to be adequate.

Mr. Encin was sworn in and qualified.

Mr. Cerchio was sworn in.

Mr. Cerchio gave background and reasoning for the proposed application for the addition and covered patio.

Mr. Encin explained the existing conditions at 15 Demarest Dr., which is in the one-acre zone. Mr. Encin noted that the proposed work is for a one-story rear addition and covered patio. Mr. Encin stated that the variance relief being requested is for exceeding maximum impervious coverage and that all setbacks and property elements conform to zoning requirements. Mr. Encin noted that the property is undersized for its one-acre zoning (33,740 sq ft vs. required 43,530 sq ft). Mr. Encin explained that the current impervious coverage: 7,772 sq ft and the allowed is 6,764 sq ft. Mr. Encin explained that the proposed is 8,161 sq ft. which is a net gain 389 sq ft impervious coverage. House size consistent with neighboring homes. Mr. Encin noted that the property slopes to a drainage easement behind the property. Mr. Encin noted that there are no drainage issues on the property. Mr. Encin explained that the small amount that is being proposed feels there is no detrimental effect on the surrounding properties. Mr. D'Urso noted that the Environmental Commission recommends stormwater management (gravel pit/drywell) for runoff. Mr. Ferriero explained that the Commission's report recommended that the runoff from the addition be captured with the appropriately sized drywell even though it is lower than the threshold because the addition will be in a groundwater recharge area. Mr. Encin and the applicant agreed to install a gravel area with filter fabric to take the runoff from the additional impervious coverage.

Mr. D'Urso asked if there were any public comments or questions. There being none, public comment was closed.

Ms. Garbacz made a motion to approve the application with conditions as outlined in the resolution, and was seconded by Mr. Sprandel.

**Roll Call:**

**In Favor:** Mayor Kelly, Ms. Bushman, Council Member Traut, Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Pace, and Mr. Chambers

**Opposed**

**Abstain:**

**Motion Carried**

**ADJOURNMENT**

There being no additional business to come before the Board, a Motion was made by Council Member Traut and seconded by Mr. Smith. On a voice vote, all were in favor. Mr. D'Urso adjourned the meeting at 8:45 pm.

Respectfully submitted,

*Lisa J. Smith*

Lisa Smith  
Land Use Coordinator