

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
TUESDAY, DECEMBER 16, 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 – Absent	Mr. Egarter – Absent
Ms. Bushman – Absent	Ms. Garbacz – Present
Councilmember Traut – Absent	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
Mr. Eisenstein – Board RF Expert

APPROVAL OF MINUTES

a. August 19, 2025

Motion by Mr. Smith, seconded by Mr. Molnar, and unanimously carried by voice vote to adopt the minutes of the August 19, 2025 Joint Land Use Board Regular Meeting, as written.

Roll Call:

In Favor: Mr. Smith, Mr. D’Urso, Mr. Molnar, Mr. Pace, and Mr. Chambers.

Opposed:

Abstain: Mr. Sprandel, Ms. Garbacz, and Mr. Kay

Motion Carried

b. September 16, 2025

Motion by Mr. Smith, seconded by Mr. Sprandel, and unanimously carried by voice vote to adopt the minutes of the September 16, 2025 Joint Land Use Board Regular Meeting, as written.

Roll Call:

In Favor: Mr. Smith, Mr. Sprandel, Mr. D’Urso, and Ms. Garbacz.

Opposed:

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

Motion Carried

c. October 21, 2025 Tabled until the January 20, 2026 Regular Meeting

PUBLIC COMMENT

Chairman D’Urso 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.

NEW BUSINESS

Mr. Smith and Mr. Egarter will be resigning from the Board in 2026. The Board thanked them for their time on the Board.

ANNUAL REPORT

The board decides to rewrite and revise the Annual Report to incorporate agreed edits (including setback/road standard discussion and any outstanding additions) and submit the revised report for board review at the January meeting.

RESOLUTIONS

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

Mr. Germinario summarized the Forenza application and the conditions outlined in the resolution. Mr. Smith made a motion to memorialize the resolution, and Mr. Molnar seconded.

Roll Call:

In Favor: Mr. Smith, Mr. Sprandel, Mr. D’Urso, Ms. Garbacz, Mr. Molnar, Mr. Kay, and Mr. Pace

Opposed:

Abstain: Mr. Chambers

Motion Carried

The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: October 21, 2025

Memorialized: December 16, 2025

**IN THE MATTER OF PETER FORENZA
MINOR SUBDIVISION WITH "D(2)" & "C" VARIANCE APPLICATION
BLOCK 2301, LOT 3
APPLICATION NO. JLUB #19-25**

WHEREAS, Peter Forenza (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of variances pursuant to N.J.S.A. 40:55D-70c and 40:55D-70d(2) (hereinafter the "Variance Relief") by application dated 6/23/25; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 10/21/25; 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 37.782 acres located at 375 Cherry Lane in the 5-Acre Residence Zone. Existing development includes a single-family dwelling, a 2-story carriage house, a barn, in-ground swimming pool, tennis court, shed/greenhouse, and gravel/paved

driveways. It is located in the Highlands Planning Area. Existing non-conformities on Lot 3 include residential use of the existing carriage house, accessory building coverage, and accessory front-yard setbacks.

2. The Applicant is proposing to subdivide the Property into two lots. Proposed Lot 3 will consist of approximately 28.782 acres and will contain the existing improvements. Proposed Lot 3.03 will consist of approximately 7.0 acres which will include an appropriate developable area for a single-family house, for which a conceptual (45'x100') plan has been submitted.

In connection with this application, the Applicant is seeking the following relief:

A. A use variance pursuant to N.J.S.A. 40:55D-70d(2) to permit the continued residential use of the existing carriage house on Proposed Lot 3 as an accessory dwelling.

B. The following existing conditions on Lot 3 and will remain unchanged on Proposed Lot 3 but will be intensified by the subdivision and therefore require variances pursuant to 40:55D-70c:

1. The maximum accessory building coverage permitted is 2,661.5 square feet, which is exceeded by the total building coverage of the existing non-conforming carriage house, barn and greenhouse/shed, which amounts to 11,233 sf.

2. The minimum front yard setback for accessory buildings is 75 feet and no accessory structure shall be located between the building line formed by the front face of the foundation of the principal building and the minimum required front yard setback. The following accessory structures are located in front of the front face of the foundation of the principal dwelling: carriage house, shed/greenhouse, and tennis court. Therefore, the existing non-conforming front yard setbacks of the following structures noted below require "C" variances:

- a. Carriage house - 116.2 feet
- b. Shed/greenhouse - 215.9 feet
- c. Tennis court - 296.9 feet

3. The Applicant has submitted the following documents that depict and/or describe the improvements for which the Variance Relief is required:

- Subdivision Plans, consisting of seven sheets revised through 9/24/25, prepared by Ryan L. Smith, PE, PLS

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

- Land Use Board Application, dated 6/23/25, prepared by Nicole Magdziak, Esq.
- Checklist and addendum, dated 3/5/25, prepared by Rayan L. Smith, PE, PLS
- Site inspection form, dated 6/23/25, prepared by Nicole Magdziak, Esq.
- Certificate of paid taxes, dated 5/29/25
- Certified property owners list
- Morris County Planning Board exemption, dated 6/25/25
- Planning Board resolution, dated 3/8/82
- Cover letter, dated 9/25/25, prepared by Ryan L. Smith, PW, PLS

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:

Jessica Caldwell, PP, AICP, dated 8/8/25,
revised 10/17/25
Paul Ferriero, PE, CME, dated 8/8/25 and 9/30/25

6. In the course of the public hearings, the Applicant was represented by Nicole Magdziak, Esq., and the Applicant presented the testimony of the following witness, which testimony is part of the hearing record:

Ryan Smith, PE, PLS

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

Proposed new Lot 3.03 has been conceptually depicted on Sheet 3 of the plans as a site for a 4500 sf dwelling, which will access Cherry Lane through a 50-ft driveway/utility easement across remainder Lot 3. As indicated in the reports of the Board Engineer, actual disturbance of Lot 3.03 beyond that depicted on the conceptual plan may trigger formal delineation of regulated areas, as well as major development stormwater controls and steep slope variances. Due to the large area of proposed Lot 3 (28.782

acres), the continued non-conforming residential use of the carriage house will not alter the effects of that use, and its intensification by the minor subdivision is purely a technicality.

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

The Variance Relief pursuant to N.J.S.A. 40:55D-70c and 40:55D-70d(2) results purely from the technical intensification of pre-existing conditions associated with the minor subdivision, and has no practical consequences with respect to the continuation of these conditions. Any potential impact of this minor subdivision will relate to the future new development on Lot 3.03, not the continued existing uses on remainder Lot 3. And the Board finds that the impact associated with the future Lot 3.03 development will be fully addressed by compliance with the conditions recommended by the Board Engineer and set forth in this Resolution.

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 4 "C" variances and 1 "D(2)" in connection with this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the Variance Relief requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70c(2) and 40:55D-70d(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. If any disturbance is planned on proposed lot 3.03 below elevation 580 as depicted on the plans, a formal LOI determination from the NJDEP will be required.

2. The plan shows an existing conservation easement. The deed for this easement shall be provided. If there is no separate deed, the conservation easement shall be included in the deeds for the new lots and the restrictions spelled out in that document.

3. The plan shows a prototypical development of the new lot. The limit of disturbance and impervious surface is very close to the thresholds of a major development. The deed shall have a very clear note that if the project exceeds the development shown on the conceptual plan, major development stormwater controls may be required.

4. As part of a lot grading permit for the development of the new parcel, a stormwater design will be required.

5. A common driveway easement is required and shall be reviewed and approved by the Board Attorney.

6. Metes and bounds descriptions/closure calculations for all lots and easements must be submitted for review and approval.

7. If development on Lot 3.03 exceeds permitted disturbance of steep slopes, a variance must be obtained.

8. 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.

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

10. 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.

11. 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 10/21/25.

Lisa Smith
Board Secretary

RESOLUTIONS

16-25 Cerchio
15 Demarest Dr
Blk 1401 Lot 53

Mr. Germinario summarized the Cerchio application and the conditions outlined in the resolution. Mr. Sprandel made a motion to memorialize the resolution, and Mr. Smith seconded.

Roll Call:

In Favor: Mr. Smith, Mr. Sprandel, Mr. D’Urso, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Pace, and Mr. Chambers

Opposed:

Abstain:

Motion Carried

The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: October 21, 2025

Memorialized: December 16, 2025

IN THE MATTER OF DAVID & VANESSA CERCHIO

"C" VARIANCE APPLICATION

BLOCK 1401, LOT 53

APPLICATION NO. JLUB #16-25

WHEREAS, David and Vanessa Cerchio (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 6/4/25; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 10/21/25; 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 33,715 sf located at 15 Demarest Drive in the 1-acre residential zone. The existing improvements comprise a 2-story frame dwelling and a stone driveway. Pre-existing non-conformities are lot area (43,560 sf required) and lot coverage (7,772 sf vs 6,764 sf max).

2. The improvements to the subject property for which the Variance relief is sought comprise a 1-story addition, covered patio and open patio area. Lot coverage will be increased to 8,161 sf, requiring a variance pursuant to N.J.S.A. 40:55D-70c.

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 four sheets, dated 6/2/25, 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 6/4/25, prepared by David Cerchio*
- *Checklist*
- *Site inspection form, dated 6/4/25, prepared by David Cerchio*
- *Certificate of paid taxes, dated 5/20/25*
- *Sewer Reservation Application, dated 6/4/25, prepared by David Cerchio*
- *Site photographs*
- *Zoning Officer Denial, dated 6/13/25, prepared by Rob Rosendale*

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, CM, dated 8/13/25

6. *Borough officials and/or agencies have submitted the following reports concerning their reviews of the application, which are part of the hearing record:*

ECCOST Environmental Commission, dated 6/18/25

7. *In the course of the public hearings, the Applicants represented themselves, and the Applicants presented the testimony of the following witness, which testimony is part of the hearing record:*

Dan Encin, architect

8. *The documentary evidence and the testimony of the Applicants and/or Applicants' witness adduced the following facts:*

Dan Encin testified that the small amount of added lot coverage (389 sf) would have no detrimental impact and was consistent with the size of surrounding homes. Due to the undersized lot area and the extensive driveway, of 1986 vintage, existing lot coverage is already non-conforming, presenting a hardship with respect to the modest proposed improvements. Applicants agreed to comply with the recommendation of the Environmental Commission to mitigate the stormwater runoff from the new addition.

9. *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 undersized area and extensive existing driveway area of the subject property, the strict application of Ordinance Section 215-31.1H 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 detriments associated with the deviation are considered minimal because of the minor added lot coverage and its consistency with surrounding properties.

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.

10. *In summary, the Board hereby grants a total of 1 "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).*

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. *Applicants will submit for the approval of the Borough Engineer the design of a stormwater management means capable of containing the runoff from the new addition, and shall incorporate the approved design in revised plans.*

2. *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.*

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

4. *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.*

5. *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 10/21/25.

*Lisa Smith
Board Secretary*

COMPLETENESS

17-25 New York SMSA KO
dba Verizon Wireless
65 ½ East Main St
Block 1401 Lot 8&9

Mr. Ferriero summarized his completeness letter dated October 28, 2025. Mr. Ferriero recommends that the application be deemed complete, subject to the waivers.

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

Roll Call:

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

Opposed:

Abstain:

Motion Carried

HEARINGS

17-25 New York SMSA KO
dba Verizon Wireless
65 ½ East Main St
Block 1401 Lot 8&9

Present: Mr. Purcell– Attorney
Mr. Colasurdo – Architect
Mr. Dugan, RF expert

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

Mr. Purcell explained that the proposed application for preliminary and final site plan approval with a d(1) variance to install a new antenna and ancillary equipment at 65 ½ East Main Street.

Mr. Colasurdo was sworn in and qualified as an expert in architecture.

Mr. Colasurdo provided detailed information on the proposed facility, including the location, height, and screening requirements.

Mr. Colasurdo noted that the proposed includes antennas at 61 ft 7 in, cabinets at 248 ft 2 in from nearest dwelling (required: 250 ft), and security fencing; no generator, battery backup only. Mr. Colasurdo explained that the existing lot coverage exceeds zoning maximum; proposal adds 116.37 sq ft to over 480,000 sq ft existing coverage (required: 204,374.8 sq ft).

The board discussed the need for additional screening and the impact on the surrounding area, including potential security concerns.

Mr. D'Urso asked if the antennas would be able to go higher in the future. Mr. Colasurdo stated that the proposed mounts will not support additional antennas.

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

Ms. Gyimesi- 11 Franklin Rd.- Asked if the proposed location is the best place. Mr. Purcell stated that the planner will speak to this. Mr. Colasurdo noted that the current location is adjacent to the wall that has the stair penthouse and the cabling very simple and the utilities are conveniently located. Mr. Colasurdo stated that the location was picked by the owners.

Mr. Rowe – 63 East Main St. – How safe will the antennas be. Mr. D'Urso stated that would be a question for the RF consultant.

Ms. Geller – 5 Franklin Rd. – Questioned the statement that the coverage is not adequate at this time and the location of the proposed antennas. Mr. Purcell stated that the question is for the RF Consultant. Ms. Geller asked about landscaping to block the view and sound. Mr. Purcell stated that it is a question for the planner.

Mr. St. John – 15 N. Linden Ln. – Asked if the Grace Lutheran Church, which is adjacent to the High School, needs to plan for. Mr. Colasurdo stated that there would be no impact on the church.

There being no other comments, public comment was closed.

Mr. Dugan, the RF expert for the applicant and Mr. Eisenstein, RF expert for the Board, were sworn in and qualified. Mr. Dugan explained the need for better in-building coverage and the technical aspects of the proposed facility. Mr. D'Urso asked what the service area would be. Mr. Dugan stated that it would be the school and fields. Mr. Dugan gave explanation of a map showing existing facilities and coverage in the Mendham area, which was marked as exhibit A1. Mr. Eisenstein noted that the applicant is asking for essentially 70 dBm to make 95 rsrp and with mounting the antennas on the roof, the side loads are not going to get enough penetration into the high school. Members of the Board asked if there was another location for the antennas and Mr. Purcell stated that this is the location that was in the bid that the school district issued.

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

Ms. Herrick – 25 Franklin Rd. – Read from a scientific journal. She noted that the FCC standards are old. Mr. Germinario stated that a yearly report will need to be submitted to the Borough. Mr. Purcell stated that Verizon will comply with FCC standards.

Ms. Gyimesi- 11 Franklin Rd.- Questioned the volume and timeline of calls. Mr. Eisenstein noted that it is usually during peak, which is usually between 4-6pm.

Mr. Geller – 5 Franklin Rd. – Asked if a new tower next to school would be better next to the school. Mr. Dugan stated that he was unsure and that the School Board asked for the location to be on the roof in the bid.

Mr. Pini – 21 Franklin Rd. – Questioned the background checks on the staff needed for the antennas. Mr. Purcell stated that Verizon Wireless has a lease with the school and the answers may be in the lease and would need to go to the school board for a copy of the lease.

There being no other comments, public comment was closed.

After discussion, the application is being carried to the January 20, 2026 meeting with no further notice required.

ADJOURNMENT

There being no additional business to come before the Board, a Motion was made by Mr. Smith and seconded by Mr. Sprandel. On a voice vote, all were in favor. Mr. D’Urso adjourned the meeting at 10:08 pm.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator