

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
TUESDAY, FEBRUARY 18, 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.

Mr. D'Urso noted that Mendham TV is videoing the meeting.

ROLL CALL

Mayor Kelly – Absent

Ms. Bushman – Present

Councilmember Traut – Present

Mr. Smith – Present

Mr. Sprandel – Absent

Mr. D'Urso – Present

Mr. Egerter – Present

Ms. Garbacz – Present

Mr. Molnar – Present

Mr. Kay – Alternate 1 - Present

VACANT- Alternate 2

Mr. Pace – Alternate 3- Present

Mr. Chambers – Alternate 4 – Present

Also Present: Mr. Quamme – Interim Board Engineer

Mr. Germinario – Board Attorney

APPROVAL OF MINUTES

November 12, 2025 Tabled until the March 18, 2025 Regular Meeting

December 3, 2025 Tabled until the March 18, 2025 Regular Meeting

December 17, 2025 Tabled until the March 18, 2025 Regular Meeting

January 21, 2025 Tabled until the March 18, 2025 Regular Meeting

January 29, 2025 Tabled until the March 18, 2025 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.

DISCUSSION ITEMS

ANNUAL REPORT

Chairman D'Urso asked the Board to review the Annual Report and make any suggestions prior to submitting it to the Mayor and Council. There being no changes Mr. Smith made a motion and Mr. Molnar seconded to approve the 2024 Annual Report as written.

Roll Call:

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

Opposed:

Abstain:

Motion Carried

RESOLUTIONS

20-24 15 West Main LLC
15 West Main St.
Blk 301 Lot 39

Mr. Germinario summarized the 15 West Main LLC, 15 West Main St., application, and the conditions outlined in the resolution. Mr. Smith made a motion to memorialize the resolution and Mr. Egerter seconded.

Roll Call:

In Favor: Ms. Bushman, Council Member Traut, Mr. Smith, Mr. D'Urso, Mr. Egerter, Ms. Garbacz, Mr. Pace and Mr. Chambers

Opposed:

Abstain: Mr. Molnar, and Mr. Kay

Motion Carried

The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD**RESOLUTION OF MEMORIALIZATION**

Decided: January 21, 2025

Memorialized: February 18, 2025

**IN THE MATTER OF 15 WEST MAIN LLC
MINOR SITE PLAN APPLICATION
BLOCK 301, LOT 39
APPLICATION NO. JLUB #20/24**

WHEREAS, 15 West Main LLC (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for a minor site plan approval by application dated 9/3/24; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 9/21/25; 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 0.8089 acres located in the Historic Business Zone and is developed with two buildings. The front historic building contains two apartments and three businesses. The rear building contains three townhouses.

2. By resolution memorialized 11/21/23, the Board approved variance relief to allow two additional apartments on the third floor of the existing historic building. When the Applicant applied for a construction permit, however, they were informed that a fire escape is required by the building code. Thereafter, the Applicant applied to the Board for a minor site plan approval to install the required fire escape. The proposed fire escape provides access to the upper floors of the building and allows emergency egress to the rear right of the building. It does not encroach on any setbacks. No variance relief is required in connection with this application.

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

- Architectural Plans, consisting of six (6) sheets revised through 5/23/24, prepared by Charles

A. Maillet, AIA

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

- Land Development Application, dated 9/3/24, prepared by Craig Gianetti, Esq.
- Property Owner's Consent, dated 9/3/24, prepared by Craig Gianetti, Esq.
- Site Inspection form, prepared by Craig Gianetti, Esq.
- Ownership Disclosure Statement, dated 9/11/24, prepared by Deborah P. Hanson
- Checklist
- Project Proposal
- Planning Board Resolution, memorialized 11/21/23
- Historic Preservation Commission approval, dated 9/5/24
- Certification of Paid Taxes, dated 8/8/24

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 10/28/24

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

Fire Marshal, dated 9/25/24

7. In the course of the public hearings, no exhibits were marked and are part of the hearing record.

8. In the course of the public hearings, the Applicant was represented by Craig Gianetti, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Charles Maillet, AIA, architect

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

The Applicant proposes a standard black steel fire escape, with ladder telescoping up to 12 feet above the ground. The fire escape is accessed from the main hallway.

10. Based on the hearing record, the Board has made the following findings and conclusions relative to the Application:

This being a variance-free application for an improvement required by the building code, the Board hereby approves the minor site plan application.

11. In summary, the Board hereby grants a total of 0 "C" variances in connection with this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application.

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. This approval is effective as of 1/21/25, and the Applicant may receive a construction permit prior to the memorialization of this action by the Board.

2. Condition #7 of the Board's resolution of 11/21/23 is modified so that the expiration date of the variance relief granted by that resolution is extended until one year from the memorialization date of the instant approval.

3. 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.

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

5. 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.

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 1/21/25.

Lisa Smith
Board Secretary

14-24 Grayson & Elizabeth Miller
15 Orchard St
Blk 602 Lot 25

Mr. Germinario summarized the Grayson & Elizabeth Miller, 15 Orchard St. application, and the conditions outlined in the resolution. Mr. Egerter made a motion to memorialize the resolution and Mr. Smith seconded.

Roll Call:

In Favor: Ms. Bushman, Council Member Traut, Mr. Smith, Mr. D'Urso, Mr. Egerter, Ms. Garbacz, Mr. Pace and Mr. Chambers

Opposed:

Abstain: Mr. Molnar, and Mr. Kay

Motion Carried

The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: January 21, 2025

Memorialized: February 18, 2025

IN THE MATTER OF GRAYSON & ELIZABETH MILLER

"C" VARIANCE APPLICATION

BLOCK 602, LOT 25

APPLICATION NO. JLUB #14-24

WHEREAS, Grayson and Elizabeth Miller (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 8/16/24; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 1/21/25; 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 15,145 sf located in the ¼ Acre Residential Zone. The property is improved with a 2½ story frame dwelling, a detached 1½ story frame garage, and a detached slate patio behind the house.

2. The improvements to the subject property for which the Variance relief is sought comprise a new patio at grade in the side yard, connected to the existing patio by stepping stones. Variance relief is required from Ordinance §215-3.1.H, where maximum permitted impervious coverage is 3,688 sf, and the proposed impervious coverage is 4,017 sf (3,671 sf existing).

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

- Architectural Plans, consisting of two (2) sheets prepared by Daniel Encin, Architect, dated 6/21/24

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

- Land Development Application, dated 8/16/24, signed by Grayson Miller
- Zoning Officer Denial of Application, dated 4/30/24
- Checklist
- Site Inspection Form, dated 8/16/24, prepared by Grayson Miller
- Site Photo
- Certificate of Paid Taxes, dated 6/7/24
- Property Owners List

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, Board Engineer, dated 10/1/24

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

Historic Preservation Commission, dated 6/29/23

7. In the course of the public hearings, the following exhibits were marked and are part of the hearing record:

A-1 Plan Sheet A-2, with additional information

8. 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, professional architect

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

The existing detached patio is not accessible from the dwelling, and the existing detached garage requires a driveway with more impervious coverage than would otherwise be necessary.

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

Based on the existing development of the property, construction of a usable patio, which is a common residential amenity, will require exceedance of the maximum impervious coverage. Consequently, by reason of the existing development 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 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.

11. In summary, the Board hereby grants a total of 1 "C" variance 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 Applicant, 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. An original signed and sealed property survey from the surveyor of record shall be provided. The survey shall show all current improvements on the property.

2. There appears to be a portion of a fence or wall (not labeled) between the A/C and proposed patio. Whether this is an existing fence/wall or new shall be clarified and labeled accordingly.

3. An as-built survey shall be submitted upon completion of the project.

4. 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.

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

6. 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.

7. 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 1/21/25.

Lisa Smith
Board Secretary

COMPLETENESS

01-25 106 Mendham, LLC
106 East Main St.
Blk 801 Lot 12

Mr. Smith recused himself

Mr. Quamme summarized the completeness letter dated January 28, 2025, where 5 waivers were identified. Mr. Quamme recommends that the application be deemed complete. Mr. Germinario reviewed the public notice and found it to be adequate.

Motion by Mr. Molnar, seconded by Mr. Egerter and unanimously carried to deem the application complete.

Roll Call:

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

Opposed:

Abstain: Mr. Smith

Motion Carried

HEARINGS

01-25 106 Mendham, LLC
106 East Main St.
Blk 801 Lot 12

Present: Mr. Sposaro– Attorney
Mr. Berlant - Applicant

Mr. Germinario stated that according to the MLUL noticing was not required but Mr. Sposaro notified the adjacent municipality and the County.

Mr. Sposaro explained that the applicant received site plan approval approximately 15 years ago for the development of the site where 3 tenants were approved. Mr. Sposaro noted that since COVID, Caldwell Bankers' need for space has been reduced. Mr. Sposaro stated that there is a new prospective tenant that is a photographer that would like to occupy this space. Mr. Sposaro noted that because the original site plan approval was for 3 tenants, the need for a waiver of site plan approval. Mr. Sposaro called on Mr. Berlant to testify.

Mr. Berlant was sworn in.

Mr. Berlant is one of the principals of the location. Mr. Berlant explained that the existing is an office building that is on the corner of Main St and Cold Hill Rd. which housed Lakeland Bank as a tenant that has now merged with Provident Bank. Caldwell Banker and a Chiropractic Office are the current tenants at the location. Caldwell Banker occupies 3800 sq feet but no longer needs that amount of space and has reduced their footprint down to 2460 sq. feet with 1340 sq. feet left in the front of the building. Mr. Berlant noted that they marketed the space and found the photographer that would like to occupy the location. Mr. Berlant explained that the photographer would be less intensive than what was previously there. Mr. Sposaro asked if there were ever any parking problems at the location. Mr. Berlant stated that there were not. Mr. Sposaro asked if less parking was anticipated even if a new bank occupies the location. Mr. Berlant stated that he sees no problem. Mr. D'Urso asked if the only changes being made are the partition closing the door off and the bathrooms. Mr. Germinario stated there is a vestibule. Mr. Berlant explained when the original building was built there was a few entrances and exits and all of the parking is in the rear of the building but wanted the front of the building look like the front of the building for people that are driving down Main St. The photographer would have her own entrance. Mr. D'Urso asked if there are only internal changes being made and Mr. Berlant stated that was correct. Mr. Germinario asked if the sign would remain the same other than adding the new tenant. Mr. Berlant stated that it was correct. Mr. Germinario explained the Ordinance standard 195-34 and noted the Board would be reviewing the application and determining that the proposed change was so inconsequential that the need for a formal site plan was not necessary. Mr. Germinario noted that there are no external changes, no variance required, and no new signage.

Mr. D'Urso asked if there were any questions or comments from the Board.

Mr. D'Urso asked if there were any questions of comments from the public, there being none, closed public comment.

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

Roll Call:

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

Opposed:

Abstain: Mr. Smith

Motion Carried

ADJOURNMENT

There being no additional business to come before the Board, Motion was made by Ms. Bushman and seconded by Council Member Traut. On a voice vote, all were in favor. Mr. D'Urso adjourned the meeting at 7:50PM.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator