

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
TUESDAY, MAY 20, 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 – Absent |
| Ms. Bushman – Present @ 7:34pm | Ms. Garbacz – Present |
| Councilmember Traut – Present | Mr. Molnar – Absent |
| 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. Quamme – Board Engineer
Mr. Germinario –Board Attorney
Ms. Caldwell – Board Planner

APPROVAL OF MINUTES

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|-------------------|--|
| December 17, 2025 | Tabled until the June 17, 2025 Regular Meeting |
| January 21, 2025 | Tabled until the June 17, 2025 Regular Meeting |
| January 29, 2025 | Tabled until the June 17, 2025 Regular Meeting |
| February 18, 2025 | Tabled until the June 17, 2025 Regular Meeting |
| March 18, 2025 | Tabled until the June 17, 2025 Regular Meeting |

Motion by Mr. Smith, seconded by Mr. Egerter, and unanimously carried by voice vote to adopt the minutes of the November 12, 2024, Joint Land Use Board Regular Meeting, as written.

Roll Call:

In Favor: Mr. Smith, Mr. D’Urso, and Mr. Egerter

Opposed:

Abstain: Mayor Kelly, Councilmember Traut, Mr. Sprandel, Ms. Garbacz, Mr. Kay, Mr. Pace, and Mr. Chambers

Motion Carried

Motion by Mr. Egerter, seconded by Mr. Smith, and unanimously carried by voice vote to adopt the minutes of the December 3, 2024, Joint Land Use Board Regular Meeting, as written.

Roll Call:

In Favor: Councilmember Traut, Mr. Smith, Mr. D’Urso, Mr. Egerter, Ms. Garbacz, and

Opposed:

Abstain: Mayor Kelly, Mr. Sprandel, Mr. Kay, Mr. Pace, and Mr. Chambers.

Motion Carried

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.

RESOLUTIONS

04-25 Black Horse Tavern & Pub
1 West Main St.
Blk 301 Lot 1

Mr. Germinario summarized the Black Horse Tavern & Pub application and the conditions outlined in the resolution. Mr. Sprandel made a motion to memorialize the resolution, and Ms. Garbacz seconded.

Roll Call:

In Favor:, Mayor Kelly, Council Member Traut, Mr. Sprandel, Mr. D'Urso, Ms. Garbacz, Mr. Kay and Mr. Pace

Opposed:

Abstain: Mr. Smith, Mr. Egerter, and Mr. Chambers

Motion Carried**The resolution follows.****BOROUGH OF MENDHAM JOINT LAND USE BOARD****RESOLUTION OF MEMORIALIZATION**

Decided: March 19, 2025

Memorialized: May 20, 2025

IN THE MATTER OF BLACK HORSE TAVERN & PUB LLC
MINOR SITE PLAN APPLICATION
BLOCK 301, LOT 1
APPLICATION NO. JLUB #04-25

WHEREAS, Black Horse Tavern & Pub LLC (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of minor site plan (hereinafter the "Application") by application dated 1/13/25; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 3/19/25; 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 1.01 acres located in the Historic Business Zone. The property contains an existing 2-story tavern/pub building and associated improvements and exhibits previously-approved non-conformities in impervious coverage (65% max, 82.55% existing) and westerly side yard setback (10 ft. min, 5.5 ft. existing).

2. The improvements to the subject property for which the Application proposes comprise an expanded outdoor dining area, including accessory driveway, walkway and patio improvements, inclusive of a trellis, decorative walls and seats, bollards, detectable warning pavers, new curbing and paving, with the total area of improvements and disturbance exceeding 2,500 sf in area, while improved coverage will remain at existing 82.55%, where 65% is permitted. The existing, principal site operations and use will remain.

3. The Applicant has submitted the following documents that depict and/or describe the proposed improvements:

- Site Plan, Grading & Drainage Plan-Details, Existing Conditions Plan, consisting of three (3) sheets, revised through 1/31/25, prepared by Hubschman Engineering, P.A.
- Landscape Architecture Plan, consisting of one (1) sheet, dated 1/1/25 prepared by Melillo, Bauer, Carman, Landscape Architecture

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

- Cover letter, dated 2/19/25 from Michael J. Hubschman, PE, PP
- Certificate of Paid Taxes, dated 2/20/25
- Land Development Application, dated 1/13/25, signed by the Applicant
- Ownership Disclosure Statement dated 1/13/25
- Site Inspection Form, dated and signed 1/13/25
- Application Checklist
- Zoning Officer Denial of Application for site improvements, dated 11/7/24
- Letter from the Historic Preservation Commission Chairman, dated 12/6/24

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 2/26/25 and 3/12/25

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

Historic Preservation Commission, dated 12/6/24
Fire Marshal, dated 2/19/25

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

- A-1 Site Plan Rendering - Exterior Improvements
- A-2 Rendering from across the street
- A-3 Close-up Front Rendering

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

Joseph Melillo, landscape architect

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

Mr. Melillo referred to Exhibit A-1 and described the proposed improvements as comprising an entry driveway to the front of the existing building, an outdoor customer waiting area with seating, and a seasonal patio for outdoor dining, enclosed by a stone wall matching the existing building. No additional signage is proposed.

Proposed new lighting comprises string lights across the patio, patio trellis lights, and two up-lights. Said lighting will be shut off when the outdoor dining area is closed, but no later than 10 p.m. Sunday-Thursday and 11 p.m. Friday and Saturday. All site lighting will be white, dark-sky compliant per the Borough Ordinance, except for the string lights, as to which a design waiver is required.

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

The Board grants a design waiver for the string lights that are to be suspended across the proposed patio, which are not concealed-source dark-sky compliant in accordance with the Borough Ordinance, because these small light sources represent a negligible deviation from the Ordinance and are typical of outdoor patio dining. Such dining is permitted pursuant to Ordinance §§215-75 through 215-88, with which Applicant has agreed to comply. The Board finds that the proposed improvements will enhance the dining experience offered to Applicant's customers and thereby benefit the community.

The Board further finds that the design waiver 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.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the design waiver requested by the Applicant, as described hereinabove.

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.

1. Approval from Morris County shall be obtained for the new inlet along the driveway near Main Street.

2. Existing LED strip lights on the building façade shall be removed.

3. *Patio lighting must be extinguished after outdoor serving hours, but not later than 10 p.m. Sunday-Thursday and 11 p.m. Friday and Saturday.*

4. *All lighting shall be white, concealed-source, dark-sky compliant in accordance with Borough Ordinance.*

5. *Revised plans shall include elevation views of patio wall piers.*

6. *Revised plans shall depict blue stone adjacent to the building doorway instead of a planting bed, and set forth revised impervious coverage calculations.*

7. *Existing wall-washer lights shall be eliminated.*

8. *Compliance with outdoor dining Ordinance §§215-75 through 215-88 is required.*

9. *A plan shall be submitted for re-planting the area along the rear fence adjoining Bl. 301, Lot 3.*

10. *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.*

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

12. *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.*

13. *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 3/19/25.

Lisa Smith
Board Secretary

COMPLETENESS

06-25 Nicholas and Carolyn Syris
13 Phoenix Dr.
Blk 701 Lot 14

Mr. Quamme summarized his completeness letter dated March 28, 2025. Mr. Quamme recommends that the application be deemed complete.

Mayor Kelly recused himself

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

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

Roll Call:

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

Opposed:

Abstain:

Motion Carried

The motion carried.

07-25 Edward Thomas
298 Thomas Rd
Blk 1801 Lot 38

Mr. Quamme summarized his completeness letter dated March 28, 2025. Mr. Quamme recommends that the application be deemed complete.

Mr. D'Urso noted that this application is for a D Variance and Mayor Kelly and Council Member Traut will need to recuse themselves.

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

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

Roll Call:

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

Opposed:

Abstain: Mayor Kelly and Council Member Traut

Motion Carried**The motion carried.****HEARINGS**

06-25 Nicholas and Carolyn Syris
13 Phoenix Dr.
Blk 701 Lot 14

Present: Mr. Encin – Architect
Ms. Syris – Applicants

Mayor Kelly recused himself

Ms. Syris was sworn in.

Mr. Encin was sworn in and qualified as an expert architect.

Ms. Syris summarized the application and the reasoning behind the proposed garage addition.

Mr. Encin explained that the existing conditions of the property are shown on Sheet A-3, which shows that the current garage is side access and is 19'10", and noted that a typical garage has a depth of 21'. Mr. Encin explained that the current garage cannot accommodate longer cars/SUVs, which limits the usability. Mr. Encin stated that there were discussions on options that wouldn't require a variance and found that a variance would be required for a standard garage solution. Mr. Encin stated that the proposed side-by-side two-car garage would encroach 3.5' into the 15 ft. side yard setback resulting in an 11.5 ft setback. Mr. Encin noted that the garage width was reduced to 21'3.5" for the typical 22 ft, by removing the central pillar and chimney. Mr. Encin stated that all other zoning requirements have been met. Mr. Encin referred to Sheet A1 which was a revised copy and was submitted as Exhibit A-1, where both existing and proposed impervious coverage tables were added at the Engineer's request. Mr. Encin noted that there is a reduction in impervious from 4229 sq ft to 4136 sq ft, which is a 92 sq ft reduction. Mr. Encin stated that both current and proposed impervious coverages conform to the variance requirements. Mr. Encin explained that the proposed expansion includes a second story above the garage for a primary bedroom suite and exercise room. Mr. Encin noted that the design modifications aim to minimize building mass and visual impact. Mr. Smith understands the functionality of the new garage, but

questions the necessity for the 2-story structure in the encroachment is? Mr. Encin explained that the existing structure has a small second-floor plan, and as part of the project, not having anything to do with the variance aspect, the applicant wanted to expand the primary bedroom and add an exercise room. Mr. Encin noted that an additional variance for coverage would be needed if they did the addition in any other way.

Mr. D'Urso noted that the application was for a 2-car garage, and what is proposed is a 2-car garage plus 15 additional feet that is 2 stories high. Mr. D'Urso noted that to make the impervious zero out there were several items removed, and hopes that the applicant does not come back in for another variance request for a patio, shed, etc. Mr. Encin stated that the design incorporated a lower roofline and fascia to appear as a one-and-a-half-story, not a two-story, and the storage area behind the garage would eliminate the need for a shed.

Mr. Germinario noted that the mass of the building would change the character

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

Ms. Kelly, 11 Phoenix Dr. - _ questioned the proposed lighting. Mr. Encin explained that there will be recessed or down lights, and there will not be flood lighting.

Mr. D'Urso gave a reminder that the Borough's lighting ordinance would need to be followed.

Mr. Ross, 12 Phoenix Dr. - Stated he has no issue with what is being proposed.

Mr. Kelly - 11 Phoenix Dr. - Questioned the addition of an electric charger in the proposed garage. Ms. Syris noted that there is an electric car charger in the existing. A condition for the electric charger will comply with the code.

Mr. Kelsey, 16 Phoenix Dr.- Noted that he is good with the second story on the top of the garage, which was also done at 8 Phoenix Dr but does not think the additional garage on the side of the house that is interfering with the setback is not necessary.

There being no further questions of comments, public comment was closed.

Mr. Sprandel asked if the garage could be moved back. Mr. Encin stated that it would block windows and would be difficult to pull the cars in.

Mr. Smith asked if the existing 2 car garage could be extended into the driveway. Mr. Encin explained that it was considered, but the driveway would need to be extended towards the neighbors, and it is tight to maneuver cars into the garage.

After discussion, the applicant will supply new plans to incorporate the Board recommendations, and the application will be carried to the June 17, 2025, meeting with no further notice needed.

07-25 Edward Thomas
298 Thomas Rd
Blk 1801 Lot 38

Present: Mr. Munday - Attorney
Mr. Thomas - Applicant

Mr. Thomas was sworn in.

Mr. Thomas explained that the application to install ground-mounted solar arrays was to be able to go green and become carbon neutral. Mr. Thomas noted that solar panels cannot be put on the house roof because it is slate. Mr. Thomas explained that the panels cannot be on the North side because when speaking to the cousins, they stated that they would object. Mr. D'Urso asked where they would be installed. Mr. Thomas noted that they

would be installed on the South side of the property, near the parents' house. Mr. Thomas noted that if it were placed on the East or West side of the property, it would lose half the day of sun. Mr. Pace asked other than the parents, roughly, how far away other residents are. Mr. Thomas stated approximately 500-600'.

Mr. Munday showed a picture of the property on Near Map and marked it Exhibit A-1, which shows where the solar panels would be placed and also shows that the panels will not be seen.

Mr. Quamme asked if there would be any lower-level planting. Mr. Thomas, there were no plans to. Mr. Germinario asked if the fire department would be able to get to the panels. Mr. Thomas stated that they should be able to.

Mr. Kay asked if there was any lighting proposed. Mr. Thomas stated that there is no lighting proposed.

Ms. Caldwell noted that the Municipal Land Use Law says solar panels are inherently beneficial. Ms. Caldwell explained that this application meets the positive criteria and seka balance test for the D1 use variance.

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

Mr. Germinario read the report from the Fire Official and Mr. Thomas agreed to what was noted.

Mr. Quamme asked for a stakeout plan and as-built as conditions of approval.

Ms. Bushman made a motion to approve with conditions as outlined in the Resolution and was seconded by Mr. Smith.

Roll Call:

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

Opposed:

Abstain: Mayor Kelly and Council Member Traut

Motion Carried

The motion carried.

EXECUTIVE SESSION

a) "Litigation, Negotiations and Attorney-Client Privilege"

Mr. D'Urso recused himself

Mr. Smith asked for a motion to go into executive session, Mr. Egerter made a motion and Mr. Sprandel seconded. On a voice vote, all were in favor. The Board went into executive session at 9:19 pm and returned to regular session at 9:53 pm.

ADJOURNMENT

There being no additional business to come before the Board, a Motion was made by Mr. Smith and seconded by Mr. Pace. On a voice vote, all were in favor. Mr. D'Urso adjourned the meeting at 9:55 pm.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator