

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
TUESDAY, JUNE 17, 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	Ms. Garbacz – Absent
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. Caldwell – Board Planner	

APPROVAL OF MINUTES

- a. January 21, 2025 Tabled until the July 15, 2025 Regular Meeting
- b. January 29, 2025 Tabled until the July 15, 2025 Special Meeting
- c. February 18, 2025 Tabled until the July 15, 2025 Regular Meeting
- d. March 18, 2025 Tabled until the July 15, 2025 Regular Meeting
- e. May 20, 2025 Tabled until the July 15, 2025 Regular Meeting

Motion by Councilmember Traut, seconded by Mr. Molnar, and unanimously carried by voice vote to adopt the minutes of the December 17, 2024 Joint Land Use Board Regular Meeting, as written.

Roll Call:

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

Opposed:

Abstain: Mayor Kelly 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.

HEARINGS

06-25 Nicholas and Carolyn Syris
13 Phoenix Dr.
Blk 701 Lot 14
Present: Mr. Encin – Architect
Ms. Syris – Applicant

Mr. Germinario reminded Mr. Encin and Ms. Syris that they are under oath.

Mr. Encin summarized the revised plans showing the upper-level wall pulled back 3.5 feet to meet the 15-foot side yard setback and ensure aesthetic compatibility and to lessen the extent of variance relief requested. Mr. Encin noted that the adjustments aim to blend well with the house and meet setback requirements.

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

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

Roll Call:

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

Opposed: Council Member Traut

Abstain:

Motion Carried

RESOLUTIONS

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

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

Roll Call:

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

Opposed

Abstain: Council Member Traut

Motion Carried

The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: June 18, 2025

Memorialized: June 18, 2025

IN THE MATTER OF NICHOLAS & CAROLYN SYRIS

"C" VARIANCE APPLICATION

BLOCK 701, LOT 14

APPLICATION NO. JLUB #06-25

WHEREAS, Nicholas & Carolyn Syris (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 2/18/25; and

WHEREAS, the application was deemed complete by the Board, and public hearings were held on 5/20/25 and 6/18/25; 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 21,911 sf located in the ½ Acre Residential Zone and containing a two-story frame dwelling with attached one-car garage, a rear deck and brick patio/walkway.

2. The improvements to the subject property for which the Variance relief is sought comprise a second floor addition over the existing garage and a two-story addition with a garage on the first floor and an exercise room, bathroom and spare room on the second floors. The rear brick patio/walkway is to be removed. A bulk variance is required for the westerly side yard setback of 11.4 ft., where a minimum of 15 ft. is required.

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 five sheets, dated 2/18/25, prepared by Daniel Encin, Architect, revised to _____

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 2/18/25, prepared by Carolyn Syris
- Checklist
- Sewer Allocation Application, dated 2/17/25, prepared by Nicholas Syris
- Site Inspection Form, dated 2/17/25, prepared by Nicholas Syris
- Site Photographs
- Certificate of Paid Taxes, dated 2/13/25
- Certified Property Owners List
- Zoning Officer Denial, dated 2/28/25, 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, CMI, dated 3/28/25

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

Thomas Ryan, Fire Official, dated 3/5/25

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

A-1 Revised Sheet A1 with added table for impervious coverage

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:

Carolyn Syris, co-owner/applicant
Dan Encin, Architect

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

Applicant Carolyn Syris testified that the existing garage is too small to accommodate modern SUV-sized vehicles, and the 90° orientation of the garage doors requires a K-turn to enter. Architect Dan Encin testified to the goal of providing an expanded garage without creating unsightly conditions, and while minimizing intrusion into the westerly side yard setback. In order to offset the lot coverage associated with the new garage, the existing brick patio/walkway is to be removed. With regard to the additional building mass associated with the second floor above the new garage, Mr. Encin represented that the second floor westerly elevation would be pulled back by 3.6 feet so that it will not encroach into the side yard setback.

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

By reason of the existing configuration of the garage and driveway, the strict application of Ordinance Schedule II 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).

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. Given the proximity to the adjacent property, sufficient notes shall be added to the plan to ensure runoff from the addition are directed towards the street and not onto the adjoining lot.

2. Applicants shall fulfill the requirements of the Uniform Construction Code, Fire Subcode. The smoke alarm system requirements are all electric interconnected, and with this addition size it will require the original structure to be updated.

3. All new lighting fixtures shall be concealed source dark-sky compliant in accordance with the Borough Ordinance.

4. Any electric vehicle charging installation in the new garage must be inspected by the Borough Fire Official for compliance with Fire Code.

5. Applicant's architect shall provide a breakdown of the lot coverage on the plans to be submitted for signature.

6. 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.

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

8. 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.

9. 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 6/18/25.

Lisa Smith
Board Secretary

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

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

Roll Call:

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

Opposed:**Abstain:** Mayor Kelly, and Council Member Traut**Motion Carried****The resolution follows.****BOROUGH OF MENDHAM JOINT LAND USE BOARD****RESOLUTION OF MEMORIALIZATION****Decided: May 20, 2025****Memorialized: June 17, 2025**

**IN THE MATTER OF EDWARD THOMAS
"D1" & "C" VARIANCE APPLICATION
BLOCK 1801, LOT 38
APPLICATION NO. JLUB #07-25**

WHEREAS, Edward Thomas (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-70d(1) and 40:55D-70c (hereinafter the "Variances") by application dated 2/24/25; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 5/20/25; 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 16.652 acres located in the 5-Acre Residence Zone and containing a two-story frame dwelling with covered porch and patio, two-story frame dwelling cottage with patio, two garages, three frame sheds, gravel parking area and driveway, pool with patio and pool house, paved driveway, and ancillary site improvements.

2. The improvements to the subject property for which the Variance relief is sought comprise two ground-mounted solar arrays in the southwestern corner of the property. Panel A is proposed to be 1,368 sf located 10 ft. from the side property line, and Panel B is proposed to be 646 sf located 12.6 ft. from the side property line. Pursuant to Ordinance §215-31.1G(4)(d), ground-mounted solar panels are not a permitted use, requiring a use variance under N.J.S.A. 40:55D-70d(1). Furthermore, since Ordinance Schedule II requires a minimum 40 ft. accessory structure sideyard setback, a bulk variance under N.J.S.A. 40:55D-70c is also required.

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

- Survey and Variance Plan, dated 11/21/24, prepared by Christopher J. Aldrich, PLS
- PV Generation Plan, consisting of 28 sheets, dated 10/3/25, prepared by Jacob S. Proctor, PE

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 2/24/25, prepared by Edward Thomas
- Checklist
- Site Inspection Form, dated 2/25, prepared by Edward Thomas
- Certificate of Paid Taxes, blank
- Zoning Officer Denial, dated 9/11/24, 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:

Jessica Caldwell, PP, AICP, dated 5/5/25
Paul Ferriero, PE, CME, dated 3/28/25

6. In the course of the public hearings, no exhibits were marked as part of the hearing record.

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

Edward Thomas, owner/applicant

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

Mr. Thomas testified that the proposed solar arrays would render his property energy self-sufficient and "carbon-neutral." The installation needs to be ground-mounted because the roof of the principal dwelling is tile. The location of the arrays has been selected to be out of the riparian zones and least visible from neighboring properties.

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

Since solar energy is classified as an inherently beneficial use, the d(1) variance must be evaluated pursuant to the Sica balancing test. Applying this test, the Board finds that the public interest in implementing renewable energy is compelling and outweighs the negligible adverse impacts associated with the proposed installation on the subject property.

With respect to the proposed side-yard setbacks, the Board finds that the selected locations for the solar arrays are optimal in terms of minimizing environmental and visual impacts, and therefore represent a better planning alternative to strict Ordinance compliance. 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 the foregoing 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 one "D1" variance and two "C" variance in connection with this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the Variances requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70d(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. Once completed, the solar field will need to be marked with signage from NFPA, indicating solar panels are in use. This will need to be placed in a manner that any firefighter approaching the field is aware of the possibility of high voltage discharge from the panels. The Borough Fire Department shall also be notified of these panels prior to their being energized.

2. The proposed locations of the solar panels shall be depicted on a stake out plan for approval by the Board Engineer and shall be staked out in the field in accordance with the approved plan.

3. Upon completion of the installation, an as-built plan shall be submitted to the Board Engineer.

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 5/20/25.

*Lisa Smith
Board Secretary*

DISCUSSION ITEMS:**1. Mendham Borough Master Plan Reexamination Report**

Ms. Caldwell explained her Reexamination Report dated June 17, 2025 and the Housing Fair Share Plan dated June 17, 2025

Master Plan, Housing Element, and Fair Share Plan Overview

SICA traced historical land use impacts, especially from Mount Laurel decisions on affordable housing.

Master Plan Re-Examination Report last updated in 2020; current review covers 2016 and 2020.

Report identifies change in circumstances: Amended Fair Housing Act and start of fourth round affordable housing obligations.

Report reviews prior recommendations, assesses changes in issues, and considers demographic/trend shifts.

Report recommends updating Housing Element, Fair Share Plan, and adopting necessary ordinances; includes section on electric vehicle infrastructure.

Affordable Housing Compliance, Credits, and Obligations

Housing Element governed by Municipal Land Use Law and Fair Housing Act.

Chronology of affordable housing actions maintained for reference; now in round 4 (over 40 years).

Demographics, housing stock, zoning, and multi-generational housing addressed in the plan.

Prior round (1987-1999): obligation of 25 units met by Mendham Area Senior Housing (MASH) project; 35 age-restricted units built, 25 credits applied, 13 credits carried forward.

Third round (1999–July 1, 2025): obligation of 152 units; mechanisms include King Shopping Center (15 units, 14 bonus credits), MASH carryover (13 credits), extension of expiring controls (capped at 9 senior credits), and mandatory set-aside ordinance (7 units).

Durational adjustment applied due to sewer capacity limits; 94 units carried forward, designated at Daytop property.

Fair share plan requirements: max 25% senior units, min 50% family units, min 25% rental units (half family), max 25% bonus credits; all requirements met.

Mr. Germinario explained to the Board that they are voting on whether the Ordinance was consistent with the Master Plan.

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

Mr. Kelly, 11 Phoenix Dr. – Asked what happens to the communities that don't file? Ms. Caldwell explained that those communities do not get protection from the builders' remedy.

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

RESOLUTION ADOPTING HOUSING ELEMENT AND FAIR SHARE PLAN AND MASTER PLAN REEXAMINATION REPORT:

Mr. Germinario summarized the Resolution Adopting Housing Element and Fair Share Plan and Master Plan Reexamination Report.

Mr. Smith made a motion to memorialize the resolution, and Mr. Sprandel seconded.

Roll Call:

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

Opposed:

Abstain:

Motion Carried

The resolution follows.

**RESOLUTION OF THE MENDHAM BOROUGH JOINT LAND USE BOARD
ADOPTING THE FOURTH ROUND HOUSING ELEMENT
AND FAIR SHARE PLAN**

***WHEREAS**, the professional planning consultant of Borough of Mendham (the "Borough") has prepared a Housing Element and Fair Share Plan, dated June, 2025 (the "HEFS Plan") to address the Borough's affordable housing obligation for Round 4, as defined in the amended Fair Housing Act, N.J.S.A. 52:27D-301 et seq.;*

***WHEREAS**, the Mendham Borough Joint Land Use Board (the "Board") has determined that the HEFS Plan has been prepared in accordance with the Municipal Land Use Law (the "MLUL"), specifically N.J.S.A. 40:55D-28(b)(3), and the amended Fair Housing Act;*

***WHEREAS**, the amended Fair Housing Act requires the Board's adoption of the HEFS Plan as an element of the Borough's Master Plan; and*

***WHEREAS**, upon notice duly provided pursuant to the MLUL, specifically N.J.S.A. 40:55D-13, the Board held a public hearing on the HEFS Plan on June 17, 2025.*

***NOW, THEREFORE, BE IT RESOLVED**, by the Mendham Borough Joint Land Use Board, that the Board hereby adopts the HEFS Plan as an element of the Borough's Master Plan, and*

***NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Planning and Land Use Coordinator shall arrange for notice of adoption of the HEFS Plan in accordance with N.J.S.A. 40:55D-13.*

Joseph D'Urso
Chairman of the Joint Land Use Board

I herein certify that the foregoing is a true and correct copy of the Resolution adopting the Housing Element and Fair Share Plan of Mendham Borough on June 17, 2025.

Lisa Smith, Planning and Land Use Coordinator

ADJOURNMENT

There being no additional business to come before the Board, a Motion was made by Mr. Smith and seconded by Council Member Traut. On a voice vote, all were in favor. Mr. D'Urso adjourned the meeting at 8:40 pm.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator