MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
TUESDAY, JULY 15, 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
Ms. Bushman – Present
Councilmember Traut – Present
Mr. Smith – Present
Mr. Sprandel – Present
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. Ferriero – Board Engineer
Mr. Germinario –Board Attorney

APPROVAL OF MINUTES

a. February 18, 2025 Tabled until the August 19, 2025 Regular Meeting
b. March 18, 2025 Tabled until the August 19, 2025 Regular Meeting
c. May 20, 2025 Tabled until the August 19, 2025 Regular Meeting
d. June 17, 2025 Tabled until the August 19, 2025 Regular Meeting

Motion by Mr. Egerter, seconded by Mr. Smith, and unanimously carried by voice vote to adopt the minutes of the January 21, 2025 Joint Land Use Board Regular Meeting, as written.

Roll Call:
In Favor: , Councilmember Traut, Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, Ms. Garbacz, Mr. Pace, and Mr. Chambers
Opposed:
Abstain: Mayor Kelly, Ms. Bushman, Mr. Molnar, and Mr. Kay,

Motion Carried

Motion by Mr. Smith, seconded by Mr. Egerter, and unanimously carried by voice vote to adopt the minutes of the January 29, 2025 Joint Land Use Board Regular Meeting, as written.

Roll Call:
In Favor: Ms. Bushman, Councilmember Traut, Mr. Smith, Mr. Sprandel, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Mr. Kay, Mr. Pace, and Mr. Chambers
Opposed:
Abstain: Mayor Kelly and Mr. D'Urso

Motion Carried

PUBLIC COMMENT

Chairman D'Urso opened the meeting to the public for questions and comments on items not included on the agenda.

Mr. Ritger, 14 Gunther St., questioned why there were unapproved meeting minutes from past months. Ms. Smith explained that there was a point where transcripts were not available.
Mr. Ritger asked if there would be public questions or comments on the proposal from Dr. Eisenstein. Mr. Germinario stated that there would not be public comment on that. Mr. Ritger asked if the proposal could be reviewed. Mr. Germinario asked if he would like to see the resolution. Mr. Smith noted that the resolution is to hire Dr. Eisenstein as a consultant.

Mr. Weissman, 15 TempeWick, made a request to consider reforestation and tree canopy restoration in open space and development planning post-Hurricane Sandy.

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

RESOLUTION

Mr. Germinario explained that the resolution proposed to appoint Dr. Bruce Eisenstein on an as-needed basis. Mr. Germinario noted that the appointment covers the Mendham High School application and potential future projects.

Motion was made by Ms. Bushman and seconded by Mr. Smith to approve the resolution appointing Bruce A. Eisenstein, Ph.D., P.E, as consultant in matters involving compliance with FCC standards for radio frequency emissions and propagation from wireless telecommunications facilities.

Roll Call:
In Favor: Mayor Kelly, Ms. Bushman, Councilmember 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
The resolution follows.

RESOLUTION
OF
THE MENDHAM BOROUGH JOINT LAND USE BOARD

WHEREAS, the Joint Land Use Board (hereinafter the "Board") has determined that there exists a need for the services of an expert consultant in matters involving compliance with FCC standards for radio frequency emissions and propagation from wireless telecommunications facilities (hereinafter, the "Services"); and

WHEREAS, the Local Public Contracts Law permits the engagement and the appointment of firms and/or individuals for such "professional services" without competitive bids due to the specialized nature of their area of expertise; and

WHEREAS, BRUCE A. EISENSTEIN, Ph.D., P.E. (hereinafter, the "Consultant") has previously performed such Services for the Board, and has proposed to perform the Services at an hourly rate of $250; and

WHEREAS, the Board has determined that the Consultant is well qualified to perform the Services; and

WHEREAS, the Consultant's fees, will be paid from escrow funds of applications for which the Services are needed; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:A-11 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED on this 15th day of July, 2025, by the Joint Land Use Board of the Borough of Mendham, Morris County, New Jersey that:

Bruce A. Eisenstein, Ph.D., P.E. is retained, on an as-needed basis, but not to exceed total fees of ten thousand dollars ($10,000), as an outside consultant to assist the Board in connection with matters involving compliance with FCC standards for radio frequency emissions and propagation from wireless telecommunications facilities.

A copy of this Resolution shall be published in the Daily Record or Star Ledger as required by law within ten (10) days of its passage.

DATED: July 15, 2025

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Joe D'Urso, Chairman

ATTEST:

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Lisa Smith, Board Secretary

COMPLETENESS

24-24 John Fisher
15 Gunther St.
Blk 301 Lot 60

Mr. Ferriero explained that the application for variances associated with the lot coverage and building coverage associated with additions that have been built and proposed at the property of 15 Gunther Street. Mr. Ferriero noted several waivers requested based on the information provided. Mr. Ferriero recommended that the application be deemed complete and discuss the merits during the hearing.

Motion by Mr. Smith, seconded by Mr. Sprandel, 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

11-25 Douglas and Lee Ann Kris
19 Gunther St
Blk 301 Lot 58

Mr. Ferriero explained that the application is for the construction of a covered deck, which exceeds the maximum committed lock coverage on the property at 19 Gunther. Mr. Ferriero noted that there are some minor checklist waivers requested. Mr. Ferriero stated that he recommends that the application be deemed complete.

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

HEARINGS

24-24 John Fisher
15 Gunther St.
Blk 301 Lot 60

Present: Mr. Fisher – Applicant

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

Mr. Fisher was sworn in.
Mr. Fisher explained that the application was for lot coverage for a roof over an existing patio. Mr. Fisher explained that the summary of the coverage that table shows an additional 262 sq ft of coverage. Mr. Germinario asked who prepared the table. Mr. Fisher stated that he did it himself based on the 2024 engineering plan. Mr. Ferriero asked if the numbers came from the plan, and Mr. Fisher stated that they did. Mr. Ferriero explained that things were done on the property where apparently, permits were issued and there are non-conforming issues on the site for which variances were not approved. Mr. Ferriero noted in his letter that the board should consider all those variances. Mr. Germinario noted that the survey was from 2015, and there may be improvements not accounted for. Mr. Ferriero noted that the 2024 plan shows the current condition. Mr. Ferriero explained that three variances are needed—side yard setback, front yard building coverage, and lot coverage. Mr. Egerter asked if the reasoning for the current variance is for the roof over an existing patio, and the other variances are for things in the past. Mr. Ferriero noted that the application was originally for building coverage, and when reviewing the application, found 2 other variances needed for legacy items. Mr. D'Urso noted that it is an increase of 262 sq ft of building coverage. Mr. Molnar asked if the roof was placed over the existing patio and what the additional coverage was for. Mr. Ferriero noted that the additional is for building coverage. Mr. Smith noted that the setbacks on the 2025 survey are reversed. Mr. Ferriero stated that the table should be updated as a condition. Mr. Ferriero noted that the City of Mendham needs to be changed to Borough of Mendham.

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

Mr. Ritger, 14 Gunther St.- supports the application
Ms. Kris, 19 Gunther St. – supports the application

There being no further questions, 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: 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

11-25 Douglas and Lee Ann Kris
19 Gunther St
Blk 301 Lot 58

Present: Mr. & Mrs. Kris – Applicant
Mr. Encin – Architect

Mr. and Mrs. Kris were sworn in.
Mr. Germinario reviewed the public notice and found it to be adequate.

Ms. Kris summarized the application and the reasoning behind the proposed covered porch. Mr. Kris stated that a variance for lot coverage is being requested.
Mr. Encin was sworn in and qualified as an expert architect.

Mr. Encin reviewed the technical review letter and submitted a revised Sheet A1, which was marked as Exhibit A1, with a revision date of 7-14-25. Mr. Encin noted that the only change is the required building coverage calculations. Mr. Encin explained that the variance being proposed is for impervious lot coverage. Mr. Encin explained that the building was constructed in 1968, and the pool, deck, etc. on the property are pre-existing and put in pre-1980. Mr. Encin noted that one variance is being requested for impervious lot coverage; existing lot coverage 6037 sq ft, allowable 4935 sq ft, proposed 6321 sq ft (net gain 284 sq ft); building coverage remains conforming
(proposed 1833 sq ft, allowable 2291 sq ft); all other zoning requirements met. Mr. Germinario asked if the pool and patio, which are the main source of the non-conformity in lot coverage, were there when the house was bought. Ms. Kris stated that it was. Mr. Molnar asked if there was going to be a walkway, and Ms. Kris said no.

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

Mr. Ritger, 14 Gunther St. – asked if the generator was added in the calculations. Mr. Ferriero stated it was not included in the total. Mr. Ritger gave his support for the application.

Mr. Fisher – 15 Gunther St. – supports the application

There being no further questions, public comment was closed.

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

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. Egerter. On a voice vote, all were in favor. Mr. D'Urso adjourned the meeting at 8:20 pm.

Respectfully submitted,
Lisa J. Smith
Lisa Smith
Land Use Coordinator