

**MINUTES OF THE  
MENDHAM BOROUGH JOINT LAND USE BOARD  
TUESDAY, AUGUST 19, 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 – Present
Ms. Bushman – Absent	Ms. Garbacz – Absent
Councilmember Traut – Present	Mr. Molnar – Present
Mr. Smith – Present	Mr. Kay – Alternate 1 - Absent
Mr. Sprandel – Absent	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. May 20, 2025 Tabled until the September 16, 2025 Regular Meeting
- b. June 17, 2025 Tabled until the September 16, 2025 Regular Meeting
- c. July 15, 2025 Tabled until the September 16, 2025 Regular Meeting

Motion by Mr. Smith, seconded by Mr. Molnar, and unanimously carried by voice vote to adopt the minutes of the February 18, 2025 Joint Land Use Board Regular Meeting, as written.

**Roll Call:**

**In Favor:** Councilmember Traut, Mr. Smith, Mr. D’Urso, Mr. Egerter, Mr. Molnar, Mr. Pace, and Mr. Chambers.

**Opposed:**

**Abstain:** Mayor Kelly

**Motion Carried**

Motion by Councilmember Traut, seconded by Mr. Pace, and unanimously carried by voice vote to adopt the minutes of the March 18, 2025, Joint Land Use Board Regular Meeting, as written.

**Roll Call:**

**In Favor:** Mayor Kelly, Councilmember Traut, Mr. D’Urso, Mr. Molnar, Mr. Pace.

**Opposed:**

**Abstain:** Mr. Smith, Mr. Egerter, 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.

## **NEW BUSINESS**

### **a. Master Plan Consistency**

#### **•Amended Affordable Housing Overlay Zoning Ordinance**

Ms. Caldwell gave a summary of the amendment to the overlay ordinance, which included the following points.

- Ordinance implements affordable housing program for the third round, amended in the fourth round.
- Reduces maximum units on site to 147, with 29 affordable units as set-aside.
- Allows for townhome development, adjusts height and bulk standards due to site slopes.
- Sewer service required; options include extending the main, on-site pump station, or package treatment.

Discussed and approved master plan consistency for affordable housing overlay, reducing site units to 147 with 29 affordable units

Mr. D'Urso asked for comments on Ordinance #08-2025. After discussion, the ordinance was deemed consistent with the master plan and housing plan.

Mr. D'Urso asked for a motion to approve the resolution.

Mr. Smith made a motion to approve the resolution Finding Master Plan Consistency with the Mendham Borough Master Plan and Mr. Molnar seconded.

## **Roll Call:**

**In Favor:** Mayor Kelly, Councilmember Traut, Mr. Smith, Mr. D'Urso, Mr. Egerter, Mr. Molnar, and Mr. Chambers.

**Opposed:**

**Abstain:** Mr. Pace

## **Motion Carried**

**The resolution follows.**

### ***BOROUGH OF MENDHAM JOINT LAND USE BOARD***

### ***RESOLUTION FINDING MASTER PLAN CONSISTENCY***

***IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 08-25, AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 215, ARTICLE XVIII "AFFORDABLE HOUSING OVERLAY-AHO ZONE" SECTIONS 215-64 THRU 215-70 AND ESTABLISHING NEW ZONING AND LAND USE STANDARDS TO CREATE A REALISTIC OPPORTUNITY FOR THE CONSTRUCTION OF AFFORDABLE HOUSING AT BLOCK 18.01, LOT 5 IN THE BOROUGH***

***WHEREAS***, the Joint Land Use Board (the "Board") has reviewed the proposed Ordinance No. 08-2025 and has received input from the Board Planner and Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 8/19/25; and

***WHEREAS***, based upon its review and that of the Board Planner and the Board Attorney, the Board has determined that the proposed Ordinance is consistent with the Master Plan and promotes the goals and objectives of the plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby find and determine that proposed Ordinance No. 08-2025, an Ordinance of the Borough of Mendham, County of Morris, State of New Jersey, repealing and replacing Chapter 215, Article XVIII "Affordable Housing Overlay-AHO Zone" Sections 215-64 thru 215-70 and establishing new zoning and land use standards to create a realistic opportunity for the construction of affordable housing at Block 18.01, Lot 5 in the Borough, is consistent with the Mendham Borough Master Plan and with the planning goals and objectives of the Borough. The Board Secretary is hereby directed to advise the Borough Council of said determination by the Board.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Joint Land Use Board at its regular meeting of 8/19/25.

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Lisa Smith, Secretary

## RESOLUTIONS

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

Mr. Germinario summarized the Fisher application and the conditions outlined in the resolution. Council member Traut made a motion to memorialize the resolution, and Mr. Smith seconded.

### Roll Call:

**In Favor:** Mayor Kelly, Council Member Traut, Mr. Smith, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Pace, and Mr. Chambers

### Opposed

### Abstain:

### Motion Carried

### The resolution follows.

#### **BOROUGH OF MENDHAM JOINT LAND USE BOARD**

#### **RESOLUTION OF MEMORIALIZATION**

**Decided: July 15, 2025**

**Memorialized: August 19, 2025**

**IN THE MATTER OF JOHN FISHER  
"C" VARIANCE APPLICATION  
BLOCK 301, LOT 60  
APPLICATION NO. JLUB #24-24**

**WHEREAS**, John Fisher (hereinafter the "Applicant") 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 12/11/24; and

**WHEREAS**, the application was deemed complete by the Board, and a public hearing was held on 7/15/25; 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 approximately 0.54 acres located in the ½ acre residential zone. Existing improvements include a 2-story frame dwelling, in-ground pool, rear deck sunroom and rear paver patio. Existing non-conforming conditions include lot coverage (6,492 sf vs. 4,665.4 sf maximum), building coverage (2,230 sf vs. 2,270.8 sf maximum), and front yard (Bockoven Rd.) setback (48.5 ft. vs. 50 ft. minimum).

2. The improvements to the subject property for which the Variance relief is sought comprise a 20 x 13.1 ft. extension of the rear garage roof to cover a portion of the rear paver patio, resulting in a 262 sf increase in building coverage to 2,492 sf, and lot coverage to 6,492 sf requiring C variances.

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

- Variance Plan, revised 4/8/25, prepared by Jeffrey D. Egarian, PE
- "15 Gunther Street, Mendham, NJ 07945, Block 301, Lot 60, COVERAGE TABLE," prepared by Applicant

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 12/11/24, prepared by John Fisher
- Table of contents
- Site inspection form, dated 12/10/24, prepared by John Fisher
- Checklist
- Certificate of paid taxes
- Certified property owners list
- Zoning Officer Denial, dated 3/12/24, prepared by Rosendale
- Aerial photograph
- Perspective sketch
- Framing detail sketch
- Survey, dated 3/19/15, prepared by Frank R. DeSantis, PLS
- Survey, dated 9/19/24, prepared by David J. Von Steenberg, 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:

Paul Ferriero, PE, CME, dated 6/18/25

6. In the course of the public hearings, the Applicant represented himself, and the Applicant presented his own testimony, which testimony is part of the hearing record.

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

Mr. Fisher testified the 262 sf extension of the rear garage roof over a portion of the rear paver patio would provide a shaded outdoor area for his family's use. Since existing development of the property already exceeds the ordinance maximums for lot coverage and building coverage, even this minor additional 262 sf coverage requires variance relief. The report of the Board Engineer indicates that no stormwater management measures are required in connection with these improvements.

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

Because of the lack of information regarding increase in lot and building coverages prior to the 2015 survey, the variance for lot coverage is based on the difference between the proposed lot coverage and the permitted lot coverage, which is 1,827 sf, and the variance for the proposed building coverage and the permitted building coverage, which is 221 sf. A variance for the non-conforming front yard setback to Bockoven Road is also required.

By reason of the pre-existing non-conforming development of the subject property, the strict application of the ordinance 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 deviations are considered minimal because of the small area of the additional coverage and its negligible and stormwater impacts, as well as the minimal visual impacts of the non-conforming front yard setback.

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 three (3) "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 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. The zoning data table on the Variance Plan shall be corrected to indicate the variance requirement applies to the Bockoven and not the Gunther front yard setback.*

*2. The revised Variance Plan shall indicate signature lines for "Borough Approvals" not "City Approvals."*

*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.*

*6. 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 7/15/25.*

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*Lisa Smith*  
*Board Secretary*

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

Mr. Germinario summarized the Kris application and the conditions outlined in the resolution. Mayor Kelly made a motion to memorialize the resolution, and Mr. Molnar seconded.

**Roll Call:**

**In Favor:** Mayor Kelly, Council Member Traut, Mr. Smith, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Pace, and Mr. Chambers

**Opposed**

**Abstain:**

**Motion Carried**

**The resolution follows.**

**BOROUGH OF MENDHAM JOINT LAND USE BOARD**

**RESOLUTION OF MEMORIALIZATION**

**Decided: July 15, 2025**

**Memorialized: August 19, 2025**

**IN THE MATTER OF DOUG & LEE ANN KRIS**

**"C" VARIANCE APPLICATION**  
**BLOCK 301, LOT 58**  
**APPLICATION NO. JLUB #11-25**

**WHEREAS**, Doug & Lee Ann Kris (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 3/21/25; and

**WHEREAS**, the application was deemed complete by the Board, and a public hearing was held on 7/15/25; and

**WHEREAS**, the Board has determined that the Applicants have 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 23,655 sf located in the ½ acre residential zone. Existing improvements include a two-story frame dwelling, rear wood deck, in-ground pool with pool patio, and frame shed. Existing non-conforming lot coverage is 6,037 sf vs. 4,935 sf maximum.

2. The improvements to the subject property for which the Variance relief is sought comprise removal of the existing wooden deck and replacement with an expanded covered wooden deck. Building coverage will remain conforming, but lot coverage will increase to 6,321 sf, requiring a C variance.

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

- Architectural Plan, consisting of two sheets, dated 2/5/25, prepared by Daniel A. Encin, Architect

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 3/31/25, prepared by Douglas A. Kris
- Checklist
- Site Photos
- Sewer Reservation Form, dated 3/21/25, prepared by Douglas A. Kris
- Site inspection form, dated 3/21/25, prepared by Douglas A. Kris
- Certificate of paid taxes, dated 2/6/25
- Zoning Officer Denial, dated 5/20/25, 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, CME, dated 6/23/25

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

A-1 Corrected Plan Sheet A1, revised to 7/14/25

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

Dan Encin, AIA

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

The expansion of the rear deck will render it more functional and will not require additional stormwater control measures. The existing non-conforming lot coverage resulted from the construction of the pool/patio about 40 years ago.

9. 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 pre-existing non-conforming improvements of the subject property, the strict application of the ordinance 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 the stormwater impacts of the increased lot coverage are negligible.

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 one (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 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. Applicants shall submit a revised Plan Sheet A1 consistent with hearing Exhibit A-1.

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 7/15/25.

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Lisa Smith  
Board Secretary

## COMPLETENESS

18-25 106 Mendham, LLC  
106 East Main St.  
Blk 801 Lot 12  
Mr. Smith recused himself

Mr. Ferriero summarized his completeness letter dated July 21, 2025. Mr. Ferriero recommends that the application be deemed complete.

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

**Roll Call:**

**In Favor:** Mayor Kelly, Council Member Traut, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Pace, and Mr. Chambers

**Opposed**

**Abstain:**

**Motion Carried**

21-25 Here and Now by Alli  
15 West Main St Unit B  
Blk 301 Lot 39

Mr. Ferriero summarized his completeness letter dated August 12, 2025. Mr. Ferriero recommends that the application be deemed complete.

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

**Roll Call:**

**In Favor:** Mayor Kelly, Council Member Traut, Mr. Smith, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Pace, and Mr. Chambers

**Opposed**

**Abstain:**

**Motion Carried**

**HEARINGS**

18-25 106 Mendham, LLC  
106 East Main St.  
Blk 801 Lot 12

Present: Mr. Sposaro – Attorney  
Mr. Dean – Traffic Engineer

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

Mr. Sposaro explained that the applicant needs site plan approval and based on reports from the professionals, variance relief as well. Mr. Sposaro noted that parking has been increased to be compliant with the ordinance requirements, and variance relief in their opinion is no longer needed.

Mr. Germinario noted that since a D Variance is needed for the application, Mayor Kelly and Council member Traut would need to recuse themselves. Mr. Sposaro asked the 2 members stepping down to



remain in the audience and listen to the record, because with the modifications to the application, a D variance may not be necessary.

Mr. Dean was sworn in and qualified as an expert professional engineer.

Mr. Dean explained that the applicant would like to re-tenant the subject property with a use that, under the ordinance, requires additional parking. Mr. Dean stated more efficient use of the existing asphalt behind the building is being proposed because it will no longer be needed for the operation of the bank that is no longer on the property. Mr. Dean noted that the applicant would like to keep the drive-thru in case it is needed for the future. Mr. Dean summarized the submitted plan titled Minor Site Plan-106 Mendham Rd. dated July 15, 2025, which depicts restriping with no other improvements. Mr. Dean noted that with the restriping, 9 additional parking spaces were added, bringing the total spaces on the property to 48, which is the exact amount required to comply with the ordinance. Mr. Ferriero noted that the plan shows 10 additional spaces. Mr. Dean stated that the 10 additional spaces were the correct amount, which brings the applicant 1 over the required number of parking spaces, with a total of 49 spaces. Mr. Dean noted that there will be no impact on drainage because there is no additional impervious coverage, and the plan is to repurpose the existing area by only restriping. Mr. Dean stated that there is no change to the lighting. Mr. Pace asked if the restriping made the spaces smaller. Mr. Dean stated that it did not; the spaces are 9 x 18. Mr. Dean noted that the ordinance prescribes the number of parking spaces, but in his professional opinion, there will be adequate spaces for the proposed use. Mr. Ferriero suggested putting a planter box in front of the middle drive-thru. Mr. Dean stated it would be a fair requirement, but based on the lighting, maybe a bollard would work. Mr. Dean suggested something movable in case the drive-thru returns. Mr. D'Urso asked if the D variance was needed. Mr. Ferriero stated that, according to the ordinance, the applicant needs 48 spaces, and the applicant has proposed 49. Mr. Germinario asked what the parking requirement for the bank was. Mr. Dean stated that Ms. Caldwell's report notes required 12 spaces for the bank. Mr. Germinario explains that the elimination of the bank allows additional parking for the doctor. Mr. Pace noted that the drive-thru would not be able to be used. Mr. Ferriero noted that the applicant would have to come back to the Board for approval if they were going to use the drive-thru. Mr. Sposaro noted that, in his opinion, with additional parking, a variance is not needed. Ms. Caldwell asked if the COAH unit was still there and were the 2 spaces for that accounted for. Mr. Sposaro stated that it was still there, and the spaces were accounted for. Ms. Caldwell asked that the applicant provide the deed restriction as part of the approval. Mr. Sposaro stated that the deed restriction would be provided.

The Board discusses the adequacy of parking, concluding that no variance is needed.

Mr. D'Urso explained that the only other variance needed was for the use variance. Mr. Sposaro explained that when submitting the application, Ms. Caldwell was unaware that the barber shop was no longer on the property. Mr. Sposaro noted that the uses that exist and proposed are permitted under the Borough's ordinance and a use variance is no longer needed. Mr. Ferriero indicated that the variance runs with the land and not with the use and it should be made clear that the non-permitted use is being given up. Mr. Sposaro stated that the applicant is abandoning the previous use variance. Ms. Caldwell noted that she wrote the report based on the previous resolution, and as long as the applicant abandons the previous use variances, it would change the calculations. Mr. D'Urso stated that the abandonment

of previous use variance should be documented in the resolution as a condition of approval. Mr. Germinario noted that the applicant would be abandoning not only the non-conforming use of the barber shop, but all previous non-conforming uses. Mr. Sposaro agreed. Mr. Sposaro indicated that the only uses on the property are permitted, and there is no variance relief for any use that is not permitted. Mr. Ferriero stated that with the changes, the application is only for an amended site plan approval, and the Mayor and Council member can return to the meeting since there is no D variance needed. Mr. Germinario agreed.

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

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

**Roll Call:**

**In Favor:** Mayor Kelly, Council Member Traut, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Pace, and Mr. Chambers

**Opposed**

**Abstain:**

**Motion Carried**

Ms. Caldwell excused herself from the meeting.

21-25 Here and Now by Alli  
15 West Main St Unit B  
Blk 301 Lot 39

Present: Mr. Sposaro – Attorney  
Ms. Reff – Applicant

Mr. Sposaro introduces the application for 15 West Main Street, a yoga studio, and the need for a variance for parking. Mr. Sposaro noted that a zoning permit was issued previously to the applicant, but there was a restriction on the number of people allowed on the site, which was limited to 6. Mr. Sposaro explained that the applicant is proposing to increase the number to make the business viable. Mr. Germinario reviewed the public notice and found it to be adequate.

Ms. Reff was sworn in.

Ms. Reff testifies that the studio will have a maximum of 22 students and one instructor, with classes offered at specific times.

The board discusses the impact on parking and traffic, concluding that a site plan and parking waiver are appropriate. The application is approved with a parking waiver and a site plan waiver, conditioned on the hours of operation that are specific to the applicant's use.

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

Mr. D’Avi- 6 Franklin Rd. – Gave support to the business. Questioned if there was dedicated parking. Mr. Ferriero stated that there is shared, not dedicated parking. Mr. D’Avi asked what the impact of parking was, because if he were to go and there were no parking spaces, he would walk. Mr. Ferriero explained that the impact would be on-site overparking, where people would be blocked in and would make access for emergency services harder.

There being no further questions, public comment was closed.

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

**Roll Call:**

**In Favor:** Mayor Kelly, Council Member Traut, Mr. Smith, Mr. D’Urso, Mr. Egerter, Mr. Molnar, 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. Smith. On a voice vote, all were in favor. Mr. D’Urso adjourned the meeting at 9:05 pm.

Respectfully submitted,

*Lisa J. Smith*

Lisa Smith  
Land Use Coordinator