

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
TUESDAY, SEPTEMBER 16, 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 – Present
Councilmember Traut – Present	Mr. Molnar – Absent
Mr. Smith – Present	Mr. Kay – Alternate 1 - Absent
Mr. Sprandel – Present	VACANT- Alternate 2
Mr. D’Urso– Present	Mr. Pace – Alternate 3- Absent
	Mr. Chambers– Alternate 4 – Absent

Also Present: Mr. Quamme – Board Engineer
Mr. Germinario –Board Attorney

APPROVAL OF MINUTES

- a. July 15, 2025 Tabled until the October 21, 2025 Regular Meeting
- b. August 19, 2025 Tabled until the October 21, 2025 Regular Meeting

Motion by Mr. Smith, seconded by Mr. Sprandel, and unanimously carried by voice vote to adopt the minutes of the May 20, 2025 Joint Land Use Board Regular Meeting, as written.

Roll Call:

In Favor: Mayor Kelly, Ms. Bushman, Councilmember Traut, Mr. Smith, Mr. Sprandel, Mr. D’Urso, and Ms. Garbacz

Opposed:

Abstain:

Motion Carried

Motion by Councilmember Traut, seconded by Mr. Smith, and unanimously carried by voice vote to adopt the minutes of the June 17, 2025 Joint Land Use Board Regular Meeting, as written.

Roll Call:

In Favor: Mayor Kelly, Ms. Bushman, Councilmember Traut, Mr. Smith, Mr. Sprandel, and Mr. D’Urso

Opposed:

Abstain: Ms. Garbacz

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

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

Mr. Germinario summarized the 106 Mendham LLC application and the conditions outlined in the resolution. Mayor Kelly made a motion to memorialize the resolution, and Council Member Traut seconded.

Roll Call:

In Favor: Mayor Kelly, Council Member Traut, and Mr. D'Urso

Opposed

Abstain: Ms. Bushman, Mr. Smith, Mr. Sprandel, and Ms. Garbacz

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

Decided: August 19, 2025

Memorialized: September 16, 2025

IN THE MATTER OF 106 MENDHAM, LLC
MINOR SITE PLAN APPLICATION
BLOCK 801, LOT 12
APPLICATION NO. JLUB #18-25

WHEREAS, 106 Mendham, LLC (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of a minor site plan approval by application dated 6/18/25; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 8/19/25; 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 1.31 acres located in Limited Business (LB) Zone. It is developed with a mixed-use commercial building currently occupied by a chiropractic office, a real estate office, a photographer's office/studio, a bank and an affordable apartment on the second floor. A use variance was granted in 2010 for a barber shop, which no longer occupies the building.

2. The Applicant now proposes to replace the bank with an eye doctor's professional office, which is a permitted use in the LB zone, as are all the other remaining uses in the building. Since the drive-thru lane formerly used by the bank is no longer needed, this feature is being abandoned by the Applicant and converted into 10 additional parking stalls, as depicted on the Minor Site Plan drawing of Gary Dean, PE, dated 7/15/25. These additional parking spaces obviate the need for a parking variance in connection with the increased parking demand associated with the eye doctor's office.

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

- Eye Doctor Floor Plan, dated 5/23/25
- Coldwell Banker Floor Plan, dated 4/14/08
- Site Plan, sheet 3, Dynamic Engineering, revised through 1/29/15
- Minor Site Plan, Gary W. Dean, PE, dated 7/15/25

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 6/18/25, prepared by Robert Berlant
- Checklist
- Ownership Disclosure Statement, dated 6/18/25, prepared by Robert Berlant
- Site inspection form, dated 6/18/25, prepared by Robert Berlant
- Certificate of paid taxes, dated 6/19/25
- Planning Board and Board of Adjustment Resolutions

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 7/1/25
Jessica Caldwell, PP, AICP, dated 7/10/25

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

Gary Dean, PE

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

Gary Dean testified that the parking demand of the bank was 12 spaces, as compared with the demand by the eye doctor's office for 22 spaces. With the abandonment of the bank's drive-thru lane, an additional 10 parking spaces will be provided, so that there is no net change in parking and no need for parking variance. The Applicant agreed to provide a temporary barrier to block use of the former drive-thru's by-pass lane and to provide the deed restriction for the affordable apartment. With respect to the 2010 use variance for the barber shop, the Applicant agreed to abandon it and to restrict the building to permitted uses.

8. Based on the hearing record, the Board finds that the application requires no variance or design waiver relief and therefore satisfies the Ordinance standards for the grant of a minor site plan approval.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the minor site plan 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 eye doctor's office.

1. A temporary barrier, approved by the Borough Engineer, shall be installed to block vehicular use of the by-pass lane of the former bank's drive-thru.

2. A copy of the deed restriction for the second floor affordable unit shall be submitted to the Board.

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 8/19/25.

Lisa Smith
Board Secretary

21-25 Here and Now by Alli
15 West Main St Unit B
Blk 301 Lot 3

Mr. Germinario summarized the Here and Now by Alli application and the conditions outlined in the resolution. Mr. Smith made a motion to memorialize the resolution and Council Member Traut seconded.

Roll Call:

In Favor: Mayor Kelly, Council Member Traut, Mr. Smith, and Mr. D'Urso

Opposed

Abstain: Ms. Bushman, Mr. Sprandel, and Ms. Garbacz

Motion Carried

The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: August 19, 2025

Memorialized: September 16, 2025

**IN THE MATTER OF HERE & NOW BY ALLI
SITE PLAN WAIVER AND PARKING WAIVER APPLICATION
BLOCK 301, LOT 19
APPLICATION NO. JLUB #21-25**

WHEREAS, Here & Now by Alli (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of site plan and parking waivers by application dated 7/17/25; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 8/19/25; 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 .8089 acres located in the Historic Business District in the Historic Overlay Zone. It is developed with a mixed commercial-residential historic building and 3 residential townhouse buildings. Applicant occupies 970 sf on the first floor of the historic building, which space was previously occupied by a retail store. In 2023, the Board granted preliminary and final site plan approval, with d(5) and c variances, associated with the addition of 2 two-bedroom apartments on the third floor of the historic building. The property currently provides 31 parking spaces where 38 are required. The retail store previously occupying this space required 6 parking spaces, while the Applicant's yoga studio use does not have a parking ratio defined by the Ordinance.

2. The Applicant proposes to continue its occupancy as a yoga studio based on a waiver of parking requirements pursuant to Ordinance §215-18(c)(1), which permits the Board to waive or reduce parking requirements where necessary for historic buildings that have been or will be renovated in a manner than retains or enhances their period architecture and their contribution to the district (hereinafter referred to as the "Parking Waiver"). The Applicant has also applied for a site plan waiver pursuant to §195-34D, which would be based on a finding by the Board that the proposed change of occupancy is so inconsequential as not to require a formal site plan (hereinafter referred to as the "Site Plan Waiver").

3. The Applicant has submitted the following documents that depict and/or describe the use for which the Parking Waiver and the Site Plan Waiver are requested:

- Architectural Layout, prepared by Ellie Mroz Design
- Site Plans, consisting of 3 sheets revised through 2/1/23, prepared by Christopher Aldrich, PLS
- Statement of Reasons

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

- Cover letter, dated 7/17/25, prepared by Anthony Sposaro, Esq.
- Land Use Board Application, dated 7/17/25, prepared by Allison Neff
- Checklist
- Ownership Disclosure Statement, dated 7/17/25, prepared by Allison Neff
- Site inspection form, dated 7/17/25, prepared by Alex Imperatore
- Certificate of paid taxes, dated 7/17/25
- Land Use Board Resolution, memorialized 11/21/23
- Historic Preservation Commission Approval, dated 7/2/25

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 8/12/25

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

Allison Neff, Applicant's principal owner

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

Allison Neff testified that the yoga classes offered by her company typically last an hour and involve about 20 students plus 1 instructor. Weekday classes are not scheduled for peak local retail hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Ms. Neff stated that she has observed the parking area during off-peak hours and typically found it less than half full. She further stated that she consulted the owners of the other two commercial tenants in the historic building, and they anticipate no conflicts between the parking demands of their businesses and hers.

8. Based on the hearing record, the Board finds that the application satisfies the Ordinance requirements for both the Parking Waiver and the Site Plan Waiver, subject to the conditions of this Resolution.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the waivers 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 change of occupancy.

1. The Parking Waiver and the Site Plan Waiver granted here are specific to the Applicant's use and its off-peak hours not during the periods of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. on weekdays.

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.

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 8/19/25.

Lisa Smith

*Board Secretary***COMPLETENESS**

15-25 Cass
5 Prospect St
Blk 1902 Lot 14

Mr. Quamme summarized his completeness letter dated July 24, 2025. Mr. Quamme recommends that the application be deemed complete.

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

Roll Call:

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

Opposed**Abstain:****Motion Carried****HEARINGS**

15-25 Cass
5 Prospect St
Blk 1902 Lot 14

Present: Mr. & Mrs. Cass- Applicant
Mr. Encin – Architect

Mr. and Mrs. Cass were sworn in.

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

Mr. Cass summarized the reasoning for the proposed plans to renovate the historic house at 5 Prospect Street.

Mr. Encin was sworn in and qualified.

Mr. Encin noted that the scope includes replacing a non-historic section with a two-story addition and adding a wrap-around front porch that was previously there. Mr. Encin explained that the additional work includes refurbishing a two-story barn and replacing a back patio. Mr. Encin stated that two variances that were being requested are for a reduced front yard setback to 17.3 feet and an 85 sq ft building coverage overage. Mr. Encin indicated that the plan aims to restore the home's original character, referring to old photographs of the property. Mr. Encin noted that the project received prior approval from the Historic Preservation Committee. Mr. Sprandel asked if the fence was right at the sidewalk, and Mr. Smith asked if that was the property line. Mr. Encin indicated that the fence does sit right on the property line. Mr. Quamme asked if the new patio would be raised or at grade. Mr. Encin stated that it would be at grade. Mr. Smith indicated that he liked adding the porch back to the house as it was originally.

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

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

Roll Call:

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

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. Molnar. On a voice vote, all were in favor. Mr. D'Urso adjourned the meeting at 8:10 pm.

Respectfully submitted,

Lisa J. Smith

Lisa Smith

Land Use Coordinator