

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
REGULAR MEETING
Tuesday, December 21, 2021
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER/FLAG SALUTE

The regular meeting of the Joint Land Use Board was called to order at 7:30PM and the open public meeting statement was read into the record at the Garabrant Center, 4 Wilson St., Mendham, NJ.

ROLL CALL

Mayor Glassner – Present
Ms. Bushman – Absent
Councilman Reilly – Absent
Mr. Paone – Present
Mr. Smith – Present
Mr. Sprandel – Absent
Mr. Dick – Present

Mr. Ritger – Present
Mr. Egerter – Present
Mr. Kay- Alternate 1A- Present
Mr. Bradley – Alternate 2A - Present
Vacant – Alternate 3A
Mr. Corona – Alternate 4A – Absent
Mr. Sullivan – Aternate1B – Present
Vacant – Alternate 2B

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MINUTES

Chairman Ritger asked for comments on the minutes of the November 16, 2021, Regular Meeting. Chairman Ritger asked that on page 1 the word “he” be changed to “the” and the word “stage” be changed to “pool”. There being no further corrections, Mr. Smith made a motion to approve the minutes as revised and Mr. Egerter seconded.

Roll Call:

In Favor: Mr. Smith, Mr. Dick, Mr. Ritger, Mr. Egerter, Mr. Kay, and Mr. Sullivan.

Opposed:

Abstain:

Motion Carried

PUBLIC COMMENT

Chairman Ritger 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.

REVIEW:

- a) **JLUB #19-21**
United Methodist Church
10 East Main St
Block 601 Lot 5
(Courtesy Review)

Present: Mr. Ferriero

Mr. Ferriero explained that the courtesy review is for the division of the Methodist Church property on Main Street. Mr. Ferriero stated that the Borough and the Church have been in negotiations to purchase and preserve the rear portion of the property and join it with the existing recreational property. Mr. Ferriero stated that there will be a pedestrian easement built for the church that will go from the property to the Ward Sands parking lot and as part of the contract with the church there will be a driveway that will go from church parking lot to the parking lot to the east. Mr. Kay asked if there were any plans for the subdivision and Mr. Ferriero stated that there were no plans other than to acquire the land and make it part of the park. There being no further questions, Mr. Germinario stated that the Board has no issues and the Chairman would be authorized to sign the minor subdivision plan and the deeds.

COMPLETENESS:

- a) **JLUB #18-21**
Mendham Methodist Church
10 East Main St
Block 601 Lot 5

Present: Mr. Sposaro, Applicants Attorney
Ms. Warren, President of the Board of Trustees
Ms. Provenza, Church Trustee
Mr. Aldrich, Professional Land Surveyor

Mr. Sposaro explained that the application being presented was for the subdivision of the parsonage from the church proper.

Ms. Warren and Ms. Provenza were sworn in.

Mr. Ferriero summarized his completeness letter dated December 13, 2021. Mr. Ferriero stated that the church has an agreement with the Borough Council that the fees will be paid out of the closing proceeds. Mr. Ferriero asked Ms. Smith if the applicant submitted the Sewer Fee Certification and Ms. Smith stated that it was turned in and current. Mr. Ferriero stated that the property is in the Historic District and meets the definition of development, the applicant is required to receive Historic Preservation Commission approval. Mr. Sposaro stated that an application to the Historic Preservation Commission was submitted after receiving Mr. Ferriero's report. Mr. Ferriero stated that approval has not been given yet. Mr. Ferriero noted that County Planning Board approval will be required because the property fronts on a county road and item 23 is for clarification on dates that are on the plans. Mr. Ferriero recommends that the remainder of the items that were not included be granted waivers and the application be deemed complete. Mr. Germinario stated that he has reviewed the public notices and they are in order and the Board has jurisdiction to hear this application.

Mayor Glassner stepped down because this application involves a use variance.

Motion by Mr. Paone, seconded by Mr. Bradley and unanimously carried to deem the application complete.

ROLL CALL: The result of the roll call was 8 to 0 as follows:

In Favor: Mr. Paone, Mr. Smith, Mr. Dick, Mr. Ritger, Mr. Egerter, Mr. Kay, Mr. Bradley, and Mr. Sullivan

Opposed:

Abstain:

The motion carried.

HEARINGS:

- a) **JLUB #09-21**
Matthew & Samantha Tuohy
7 Whispering Ivy Path
Block 1901 Lot 20.01

Chairman Ritger stated that the application is being carried at the applicants request to the January 18, 2022 meeting with no further notice required.

- b) **JLUB #18-21**
Mendham Methodist Church
10 East Main St
Block 601 Lot 5

Present: Mr. Sposaro, Applicants Attorney
Ms. Warren, President of the Board of Trustees
Ms. Provenza, Church Trustee
Mr. Aldrich, Professional Land Surveyor

Mr. Sposaro summarized the application for the subdivision of the parsonage from the church proper. Mr. Sposaro explained that the lot where the parsonage is located will be 4294 sq ft. which is just under 1/10 of an acre. Mr. Sposaro stated that the future parking, two stalls, are shown on the plans as well as an access easement from East Main St. Mr. Sposaro noted that there are no improvements to the structures proposed as part of the application. Mr. Ritger asked if there were any items being demolished. Mr. Sposaro stated that there is no demolition that is proposed at this time and no changes to the structures. Mr. Sposaro stated that in Ms. Caldwell's report, she lays out the zone districts in which the property is located and that the church is not a conforming use which triggers a D2 variance. Mr. Sposaro went on to summarize the variances that will be required for the application.

Mr. Aldrich was sworn in and was qualified as a professional.

Mr. Aldrich summarized the proposed subdivision. Mr. Sposaro asked if the only improvements proposed would be the 2 parking stalls and access would be via an easement. Mr. Aldrich confirmed what was stated by Mr. Sposaro. Mr. Ritger asked that Mr. Aldrich explain the easement. Mr. Aldrich stated that the proposed easement is approximately 12 feet wide. Mr. Germinario asked when the parking and access going to occur? Mr. Ferriero stated that the driveway exists, but the easement and parking stalls need to be created. Mr. Sposaro suggested making these 2 items conditions for approval or a deed restriction. Mr. Ferriero suggested that any changes of use to the parsonage, other than a residence, come back in front of the Board for site plan approval. Mr. Sposaro agreed. Ms. Caldwell asked how many bedrooms are in the parsonage and Ms. Warren stated that there are 3 bedrooms. Mr. Sposaro asked Ms. Caldwell to summarize the use variances needed. Ms. Caldwell proceeded give a summary. Mr. Ritger asked why the parsonage lot is going to be so small. Mr. Aldrich explained that he was told where to draw the lines and has no knowledge as to why the lot is small. Mr. Paone asked why the church was doing the lot split and Mr. Sposaro stated that it was for financial reasons. Mr. Bradley asked if the parsonage is currently occupied by the pastor and Mr. Sposaro stated that it is. Ms. Caldwell asked if there will be shared agreements between the church and the future owners with respect to the driveway. Mr. Sposaro stated that there will have to an agreement for shared access and maintenance and will be part of the easement language. Ms. Caldwell asked how the driveways will be used since they are one way. Ms. Warren stated that during the week you can go through the exit since no one is using the driveway. Mayor Glassner stated that the Borough has agreed to a driveway on the back portion of the Borough's property that will

go through to the Fire Department parking lot. Mr. Sposaro explained that as a residence, it works now and if anything different happens they will have to come back and look at access and traffic circulation. Mr. Germinario asked if there will be a blanket easement across lot 5 to the proposed access easement for the common driveway. Mr. Ferriero concurred. Mr. Germinario asked if the easement will be filed simultaneously with the deeds and Mr. Sposaro stated that that was correct.

Chairman Ritger opened the meeting to the public for questions and comments on this application. Ms. Garbacz of 3 Quimby Lane explained that as a realtor shared driveways drive away buyers and disclosure would be important when listing the property. There being no further public comment, the public session was closed.

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

ROLL CALL: The result of the roll call was 8 to 0 as follows:

In Favor: Mr. Paone, Mr. Smith, Mr. Dick, Mr. Ritger, Mr. Egerter, Mr. Kay, Mr. Bradley, and Mr. Sullivan.

Opposed:

Abstain:

The motion carried.

DISCUSSION ITEMS:

a) Annual Report

Mr. Ritger asked the Board if there are any items that should be included on the annual report to the Borough Council. Mr. Ritger suggested prevailing setbacks. Mr. Sullivan stated that the setbacks in the Commons should be reviewed. Ms. Caldwell stated that the overlay zone that was discussed was forwarded to the Council for consideration. Ms. Caldwell suggested that the overlay be placed in the annual report. Mr. Ritger asked if ancillary equipment such as generators should be placed in the report. Ms. Caldwell stated there was discussion for exemptions such as generators, AC units, etc. Mr. Ferriero stated that there are issues with the State noise standards. Mr. Smith suggested an acoustic barrier. Mayor Glassner suggested exceptions with conditions. Ms. Caldwell stated that some towns do a generator ordinance that would have a 5-foot setback and have to meet State noise standards and can be reviewed by the Engineer and Zoning officer to make sure it meets the setback and noise standards. Mr. Egerter suggested the setbacks on certain streets. Ms. Caldwell stated that this was another item that was sent to the Borough Council for consideration but should be placed in the report.

ADJOURNMENT

There being no additional business to come before the Board, Motion was made by Mr. Paone seconded by Mr. Smith. On a voice vote, all were in favor. Chairman Ritger adjourned the meeting at 8:50PM.

Respectfully submitted,

Lisa Smith

Lisa Smith

Land Use Coordinator