

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
REGULAR MEETING
Tuesday, October 18, 2022
Garabrant Center, 4 Wilson Street, 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 Glassner – Absent
Ms. Bushman – Absent
Councilman Andrew – Present
Mr. Paone – Absent
Mr. Smith – Present
Mr. Sprandel – Present
Mr. Ritger – Present
Mr. Egerter – Absent

Mr. Molnar – Alternate 1A - Present
Mr. Kay- Alternate 2A- Present
Mr. Bradley – Alternate 3A - Present
Ms. Garbacz – Alternate 4A - Present
Mr. D’Urso– Alternate 1B - Present
Mr. Barker – Aternate2B – Absent
Mr. Pace – Alternate 3B - Present

Also Present: Mr. Ferriero – Board Engineer

APPROVAL OF MINUTES

Motion by Mr. Smith, seconded by Mr. Bradley and unanimously carried by voice vote to adopt the Minutes of the September 20, 2022 Joint Land Use Board Regular Meeting, as presented.

ROLL CALL:

In Favor: Mr. Smith, Mr. Sprandel, Mr. Ritger, Mr. Molnar, Mr. Kay, Mr. Bradley, Ms. Garbacz, Mr. D’Urso, and Mr. Pace

Opposed:

Abstain:

Motion Carried

RESOLUTIONS

**JLUB #16-22 Mr. & Mrs. Young
2 Bockoven Rd
Block 303 Lot 1**

Mr. Ferriero summarized the Young application and the conditions outlined in the resolution Mr. Molnar made a motion to memorialize the resolution and Mr. Smith seconded.

In Favor: Mr. Smith, Mr. Sprandel, Mr. Ritger, Mr. Molnar, Mr. Kay, Mr. Bradley,

Opposed:

Abstain: Ms. Garbacz, Mr. D'Urso, and Mr. Pace

Motion carried. The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: September 20, 2022

Memorialized: October 18, 2022

**IN THE MATTER OF MARK & CAITLIN YOUNG
"C" VARIANCE APPLICATION
BLOCK 303, LOT 1
APPLICATION NO. JLUB #16-22**

WHEREAS, Mark and Caitlin Young (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 6/16/22; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 9/20/22; 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 0.572 acres located in the ½ Acre Residence Zone at 2 Bockoven Rd. The property is improved with a two-store frame dwelling and associated structures.

2. The improvements to the subject property for which the Variance relief is sought comprise construction of a two-story addition on the left side of the house. Variances are required from Ordinance §215-31.1 for lot coverage (5,439 SF proposed, 5,268 SF existing, maximum 4,983 SF allowed) and building coverage (2,856 SF proposed, 2,298 SF existing, maximum 2,366 SF allowed).

3. The Applicant has 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 6/1/22, 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 Development Application, dated 6/16/22, prepared by Mark Young
- Property Owner's Consent, dated 6/16/22
- Site Inspection form, dated 6/16/22, prepared by Mark Young
- Checklist
- Sewer Connection Application, dated 6/16/22
- Property Owner's List
- Tax Certificate
- Zoning Officer's denial letter, dated 6/27/22

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, dated 9/7/22

6. 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:

Mark and Caitlin Young, Applicants
Dan Encin, Architect

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

The Applicants testified that their proposed addition will provide needed living space for their young children. Dan Encin described the layout of the two-story addition with a garage in the basement level, resulting in net impervious coverage increase of 171 square feet and net building coverage increase of 558 square feet. He opined that the variance relief is justified by reason of the public benefits associated with the enhanced appearance of the dwelling and the driveway and enhanced utility of the property consistent with others in the area. These benefits were seen to outweigh minimal detriments associated with the proposed improvements.

Regarding the issue of the possible slight encroachment of the existing front porch into the front yard setback, raised in Mr. Ferriero's report, the Board agrees to grant a variance to cover this.

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

The Board finds that the public benefits associated with the enhanced aesthetics and functionality resulting from the proposed improvements outweighs the minimal associated detriments.

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 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.

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(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. A breakdown of the impervious cover calculations shall be provided.
2. Since the elevations show that a retaining wall is required for the construction of the lower level garage, a grading plan shall be provided.
3. In the event that the existing front porch encroaches slightly into the front yard, the Board grants a variance to allow this.
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 9/20/22.

DISCUSSION ITEMS

Mr. Ferriero conducted the training “ABC’s (and D’s) of Variances 101

ADJOURNMENT

There being no additional business to come before the Board, motion was made by Mr. Smith, seconded by Mr. Sprandel. On a voice vote, all were in favor. Chairman Ritger adjourned the meeting at 9:05PM. The next meeting of the Board will be held on Tuesday, November 15, 2022 at 7:30 PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator