

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
REGULAR MEETING
Thursday, February 23, 2023
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

ROLL CALL

Mayor Glassner – Present	Mr. Egerter – Present
Ms. Bushman – Present	Ms. Garbacz – Absent
Councilman Andrew – Present	Mr. Molnar – Alternate 1 - Present
Mr. Ritger – Present	Mr. Kay- Alternate 2- Absent
Mr. Smith – Present	Mr. Barker – Alternate 3 - Present
Mr. Sprandel – Present	Mr. Pace – Alternate 4 – Absent
Mr. D’Urso– Present	

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

APPROVAL OF MINUTES

Motion by Mr. D’Urso, seconded by Mr. Smith and unanimously carried by voice vote to adopt the Minutes of the January 17, 2023 Joint Land Use Board Reorg/Regular Meeting, as presented.

Roll Call:

In Favor: Mayor Glassner, Ms. Bushman, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. D’Urso, Mr. Molnar, and Mr. Barker

Opposed:

Abstain: Mr. Sprandel and Mr. Egerter

Motion Carried

Chairman Ritger stated that the Accordia and V-Fee applications are not being heard at this meeting.

PUBLIC COMMENT

Chairman Ritger opened the meeting to the public for questions and comments on items not included on the agenda. Mr. & Mrs. Lowe, 21 Pleasant Valley Rd. asked procedural questions which were answered. There being no further comments, the public session was closed.

RESOLUTIONS

14-22 Weijlard
13 East Main St.
Block 1501 Lot 5

Mr. Ritger asked for comments on the Weijlard resolution. Mr. Ritger asked if we received architectural plans and Mr. Ferriero stated that we have not. Mr. Ritger asked if the free-standing sign was approved by the Historic Preservation Commission and Mr. Ferriero stated that it had not. Mr. Ritger asked that the wording on condition #5 be changed to the applicant shall either install 2 hour fire separation or outfit the

building with a full sprinkler suppression system. Mr. Sprandel, regarding the second paragraph on page 4 questioned the “westerly driveway” meaning. After discussion, Mr. Germinario will revise the resolution and remove westerly. Mr. Ferriero stated that revised plans have not been submitted and that the applicant typically waits for the resolution to pass in order to know the conditions. Mayor Glassner asked that a pavement arrow be added to #12 of the conditions. Mr. Ferriero will confirm that a Do Not Enter sign is on the plans.

Mr. Smith made a motion to memorialize the revised resolution and Mr. Molnar seconded.

Roll Call:

In Favor: Ms. Bushman, , Mr. Ritger, Mr. Smith, Mr. D’Urso, Mr. Molnar, and Mr. Barker

Opposed:

Abstain: Mayor Glassner, Councilman Andrew, Mr. Sprandel, and Mr. Egerter

Motion carried. The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: January 17, 2023

Memorialized: February 23, 2023

**IN THE MATTER OF RICK WEIJLARD
MINOR SITE PLAN AND "D" VARIANCE APPLICATION
BLOCK 1501, LOT 5
APPLICATION NO. JLUB #14-22**

WHEREAS, Rick Weijlard (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of a minor site plan and variance pursuant to N.J.S.A. 40:55D-70d(1) and d(5) (hereinafter the "Variance") by application dated 7/1/22; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 1/17/23; 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 subject property (Block 1501, Lot 5) is located within the Historic Business Zone where there is an existing mixed-use building consisting of one (1) 1-bedroom apartment unit, one (1) retail unit, and one (1) office unit, which are permitted uses in the zone. The site is 0.175 acres (7,265 square feet) and is also developed with associated off-street parking in the rear and an access drive connecting to East Main Street and the Mendham Borough municipal public lot in the rear.

2. The Applicants are proposing to eliminate the existing office unit on the first floor and convert the existing space into two (2) 1-bedroom units (Apartment A & B). Apartment A is proposed to be 634 square feet and Apartment B is to be 579 square feet. The existing retail space in the basement will be converted to two (2) retail units including a salon and dry cleaners. No improvements to the existing 896 square-foot 1-bedroom apartment unit located on the third floor are proposed. The Applicants are proposing a total of three (3) 1-bedroom apartment units and two (2) retail units on the subject property. The retail units are accessed from the street level in the front of the building. The proposed apartments are on the first floor which is one level above the street.

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

- Two (2) sheets of plans entitled, "Minor Site Plans for 13 East Main Street Block 1501, Lot 5 Zone: Historic Business Zone Property Address: 13 East Main Street, Mendham, NJ 07945, Borough of Mendham, Morris County, New Jersey," prepared by Roth Engineering, LLC, and dated 5/25/22 and revised through 10/12/22
- Two (2) sheets of architectural building elevations and floor plans prepared by Byrne Design Associate, LLC, and dated 12/3/21
- Copy of application, checklists, and supporting documentation

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

- Land Development Application, dated 7/1/22, prepared by Ralph R. Weijlard, Jr.
- Statement of Reasons
- Site Inspection form, prepared by Ralph R. Weijlard, Jr.
- Checklist
- Sewer Connection Approval Resolution, dated 1/12/22
- Property Owner's List
- Certificate of Paid Taxes, dated 10/25/21
- Planning Board resolutions and approvals
- Zoning Officer's Denial Letter, dated 7/20/22
- Historic Preservation Commission conditional approval, dated 9/20/22
- Morris County Planning Board Application, dated 7/28/22
- Morris County Planning Board Site Plan Report, dated 8/26/22 and 10/11/22
- Borough of Mendham Resolution #032-2022, approving Sanitary Sewer Connection
- Property Survey, dated 11/19/21, prepared by Jeffrey S. Grunn, 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 10/10/22 and 12/15/22

Jessica Caldwell, PP, AICP, dated 12/12/22 and 1/12/23

6. Borough officials and/or agencies have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

John Zaragoza, Fire Marshal, dated 7/20/22

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

- A-1 Existing Conditions Aerial Map, 13 E. Main St.,
12/16/22
- A-2 Site Plan Rendering, 13 E. Main St., 12/19/22
- A-3 Easement Agreement, dated 11/5/73, between Ralph &
Audrey Pane and Borough of Mendham
- A-4 Revised Architectural Sheet 2
- A-5 Revised Architectural Sheet 1

8. 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:

Ralph Weijlard, Applicant
Mike Roth, PE, Engineer
William Byrne, AIA, Architect
Frank Banisch, PP, Planner

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

Applicant Weijlard testified regarding the parking that the residential and commercial demands would usually not overlap, and that overflow parking is available in the local municipal lots. Engineer Roth presented Exhibit A2 showing the location of a board-on-board trash enclosure and handicapped parking stall. There was a discussion of the Easement Agreement dated 11/5/73 (Exhibit A3) between Applicant's predecessor in title and the Borough of Mendham, whereby the Borough was granted ingress and egress access to/from the municipal parking lot from/to Main Street through the subject property via the driveway. Since the Morris County Planning Board site plan approval requires the driveway to be converted to entrance only from Main Street, Applicant will be required to obtain approval from the Borough for this one-way driveway access. Architect

Byrne presented in Exhibits A-4, 5 and 6 revised architectural drawings depicting new egress and front façade windows and shutters and required by the HPC approval, as well as wall-hung lights to illuminate the driveway. Planner Banisch testified to the positive and negative criteria for the D-1 and D-5 variances.

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

Maximum Families Per Lot: According to Chapter 215, Attachment 215a, Schedule 1, the maximum number of families permitted per lot in the Historic Business Zone are two (2) families. The Applicant is proposing three (3) 1- bedroom apartment units, which results in three (3) families proposed. A variance pursuant to N.J.S.A. 40:55D-70d(5) is required.

Use: According to Section 215-17A, within the Historic Business Zone, no building or land may be used in whole or in part for any use other than the specified uses; including any use permitted within any residential zone.

According to Section 215-15B, a two-family dwelling arranged so as to provide independent living units, provided that no such use shall be permitted on a lot less than 1/2 acre in size. The Applicant is proposing three apartment units on a lot that is less than a ½ acre. A variance pursuant to N.J.S.A. 40:55D-70d(1) for a use not permitted in the zone is required.

Parking:

- i. According to Section 195-45A, at least 6 off-street parking spaces for each 1,000 square feet of floor area is required for retail stores uses, resulting in 9 required spaces.
- ii. According to R.S.I.S. standards a 1-bedroom apartment unit requires 1.8 spaces per unit. The Applicant is proposing three 1-bedroom units, which results in a total of 6 required parking spaces.
- iii. A total of 15 off-street parking spaces are required and the Applicant is proposing to utilize the existing 7 spaces on the subject property. A design waiver is required.
- iv. According to Section 195-45C(2)(b), for all other uses (excluding churches, community buildings, and long-term parking areas) there shall be a minimum area of 200 square feet of space, exclusive of aisles, which shall measure 10 feet in width and 20 feet in length. The Applicants are proposing to use the existing parking stall dimensions of 9 feet in width and 15 feet in length. This does not comply. A waiver is required.

The following purposes and reasons under the Municipal Land Use Law would be advanced by granting the "D" Variances so as to allow the requested deviation from foregoing Ordinance Sections:

POSITIVE CRITERIA

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

RATIONALE: The general welfare will be advanced by providing two additional residential units in the historic central business district, where they will have convenient access to walkable local businesses and will support the local business community.

e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

RATIONALE: The additional dwelling units will provide for an appropriate population density on this site that will contribute to the well-being of persons living here and will benefit the neighborhood and community by providing additional housing in an appropriate location.

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

RATIONALE: Adaptive use of the first floor provides sufficient space in an appropriate location for these residential uses.

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

RATIONALE: Adaptive use of the first floor promotes a desirable visual environment by maintaining the historic appearance while also representing good civic design that is being preserved.

j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;

RATIONALE: The proposal will involve reinvestment in the historic building that will help to conserve the building and the integrity it brings to the historic district.

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.

The adaptive use of the first floor promotes the public good and zone plan by providing additional rental housing within the existing building in a walkable mixed-use downtown area where public parking is available to the benefit of both residents and businesses.

11. In summary, the Board hereby grants a total of two "D" variances and two design waivers in connection with this application.

***NOW, THEREFORE, BE IT RESOLVED,** that the Board does hereby approve the minor site plan application and grant the Variances and Design Waivers requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70d(1) and 40:55D-70d(5).*

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. Revised architectural plans shall be submitted to the HPC for review and approval.

2. The size of the freestanding sign shall be reduced and its design approved by the HPC.

3. The Borough must approve the modification of the Easement Agreement dated 11/15/73 to restrict the Borough's access for the municipal lot through Applicant's driveway to ingress only. Should the Borough deny such approval, Applicant must either seek modification of its Morris County Planning Board approval or re-apply to this Board for an amended approval.

4. Revised architectural plans consistent with Applicant's Exhibits A-4, 5 and 6 shall be submitted.

5. Applicant shall either install 2-hour fire separation or outfit the building with a fire sprinkler suppression system in accordance with the State Construction Code.

6. Subject to Condition 5 hereof, Applicant shall implement all requirements of the Borough Fire Marshal, as set forth in his report of 7/20/22. The Knox Box location shall be approved by both the Fire Marshal and the HPC.

7. Sheet 3 of the Site Plan shall depict downward shielding for the light fixtures.

8. Reserved designation of 3 parking stalls for residential tenants shall be eliminated.

9. Applicant shall obtain overnight parking permits in the municipal lot for his 3 residential tenants.

10. The proposed trash enclosure is shown to be chain link fence with slats. A board-on-board fence is required, in the location shown on Exhibit A-2.

11. The plan does not show any handicapped accessible parking stalls. One shall be provided at the location shown on Exhibit A-2.

12. The circulation patterns shows an entrance from Main Street and an exit to the parking lot to the south. An additional directional pavement arrow shall be placed south of the parking stalls.

13. 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.

14. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

15. 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.

16. 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 1/17/23.

Lisa Smith
Board Secretary

18-22 Jesse & Kathryn Ortiz
53 East Main St.
Block 1501 Lot 24

Mr. Ritger asked for comments on the Ortiz resolution.

Mr. D'Urso made a motion to memorialize the revised resolution and Mr. Smith seconded.

Roll Call:

In Favor: Mayor Glassner, Ms. Bushman, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. D'Urso, Mr. Molnar, and Mr. Barker

Opposed:

Abstain: Mr. Sprandel, and Mr. Egerter

Motion carried. The resolution follows.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: January 17, 2023

Memorialized: February 23, 2023

IN THE MATTER OF JESSE & KATHRYN ORTIZ

"C" VARIANCE APPLICATION

BLOCK 1501, LOT 24

APPLICATION NO. JLUB #18-22

WHEREAS, Jesse & Kathryn Ortiz (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 12/7/22; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 1/17/23; 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 22,655 sq. ft. (.52 acres) located at 53 East Main Street in the ¼ acre residential zone. The property is improved with a 1½-story frame dwelling with paver patio and driveway and an existing approximately 15' x 15' detached frame garage situated 2 feet from the easterly property line.

2. The improvements to the subject property for which the Variance relief is sought comprise construction of a new 24' x 28' garage at the site of the existing garage. The new garage would be less than 2 feet from the easterly property line, depending on the roof/gutter overhand. "C" variances are required for accessory building side yard setback, accessory building height, accessory building size, and lot coverage.

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

- Property Survey and Proposed Garage Plan, consisting of one sheet, dated 8/15/22, prepared by John S. Simmons, LS
- Architectural Plans, consisting of two sheets dated 1/6/22, prepared by Raymond O'Brien, R.A.

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

- Land Development Application, dated 12/7/22, prepared by Kathryn Ortiz
- Property Owner's Consent, dated 9/9/22, prepared by Kathryn Ortiz
- Site Inspection Form, dated 12/7/22, prepared by Kathryn Ortiz
- Checklist
- Sewer Connection Application
- Property Owner's List
- Tax Certificate, dated 11/30/22
- Zoning Officer's denial letter
- Historic Preservation Commission approval letter, dated 2/24/22

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, CME, dated 10/6/22, 12/19/22
and 1/12/23

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

A-1 3 Aerial Photos and 1 Street View Photo of subject property and environs

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

Jesse and Kathryn Ortiz, Applicants
Matthew Flynn, PP, AICP, Professional Planner

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

The testimony of Applicants and Planner Flynn indicated that the existing garage is in poor condition and unsightly. Moreover, it does not provide adequate storage in view of the absence of a basement in the dwelling. The larger 2-story garage would accommodate two vehicles and yard equipment storage on the upper level. Other than electric, no utilities will be installed. Increasing the setback of the new garage relative to the old footprint is impractical due to the location of a large tree and the existing alignment of the driveway. The proposed footprint and height of the new garage are consistent with those of other detached garages in the neighborhood.

Regarding the garage height, it's only non-conforming relative to the setback and is less than the generally permitted accessory height (21' vs. 35'). Regarding footprint area, the new garage will be set back approximately 135 ft. from the street. With respect to lot coverage, the existing paver patio and driveway create an existing lot coverage already close to the permitted limit of 20%.

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

A variance is required for accessory building for side yard setback, pursuant to Ordinance §215-28, Schedule II, which provides for a minimum 10-foot setback, while Applicant proposes less than 2 feet.

A variance is required for accessory building height within 12 feet of a property lot line, pursuant to Ordinance §215-29A(1), which prohibits over one story, while Applicant proposes two stories.

A variance is required, pursuant to Ordinance §215-31.1E, for accessory building footprint area greater than 50% of the principal building footprint area.

A variance is required, pursuant to Ordinance §215-31.1H, which provides for a maximum 20%, while Applicant proposes 22.6%.

By reason of the existing configuration of the subject property and its driveway, the strict application of Ordinance Section 215-28, Schedule II, and 215-29A(1) 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 purposes of the Municipal Land Use Law and the Borough of Mendham Land Use Ordinance would be advanced by granting the Variance so as to allow the requested deviation from Ordinance Sections 215-31.1E and 215-31.1H, insofar as the appearance and functionality of the subject property would be improved by upgrading the existing garage, which is unsightly and lacking adequate storage space.

The detriments associated with the deviation are considered minimal because the new garage will be compatible with those in surrounding properties and will be set back far enough from the street not to be visually obtrusive.

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.

10. In summary, the Board hereby grants a total of four "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) and 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. No utilities other than electric shall be installed in the new garage.
2. The new garage will be used for storage of motor vehicles and household/yard items, and will not be occupied.
3. The location of the new garage, including roof overhang and storm gutters, will be no closer than 2 ft. from the easterly property line. Architectural plans will be revised to depict the shortened roof overhangs needed to achieve compliance with this 2 ft. setback.
4. Either revised architectural plans will note that the garage doors will match one of the three types approved by the Borough Historic Preservation Commission (HPC), or the Applicant must apply for HPC approval of a proposed different door type.
5. The zoning table on the property survey will be revised to show accurate existing and proposed lot coverages, to the satisfaction of the Board Engineer.

6. Revised plans shall depict a dry well sized for the increased lot coverage, with the location, design and size of the drywell to be approved by the Board Engineer.

7. 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.

8. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

9. 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.

10. 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 1/17/23.

Lisa Smith
Board Secretary

COMPLETENESS

27-22 Velez-shed
7 Oak Forest Lane
Block 2401 Lot 31.04
Present: Mr. Velez – Applicant
Mr. Bergman – Attorney

Mr. Bergman explained that in September of 2022 the Board had approved the sport court at 7 Oak Forest Lane which was due to the increase lot coverage from 11.9% to 13.19%.

Mr. Ferriero summarized his completeness letter dated December 23, 2022. Mr. Ferriero recommends that the application be deemed complete. Mr. Germinario reviewed the public notice and found it to be adequate.

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

Roll Call:

In Favor: Mayor Glassner, Ms. Bushman, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, Mr. Molnar, and Mr. Barker.

Opposed:

Abstain:

The motion carried.

HEARINGS

27-22 Velez-shed

7 Oak Forest Lane
Block 2401 Lot 31.04

Present: Mr. Velez – Applicant
Mr. Bergman – Attorney

Mr. Bergman explained that the applicant is requesting to install a 8x10 prefabricated shed to be placed within the fencing of the sport court which will be used to store the sport court equipment. Mr. Bergman explained that the shed was not on the plans submitted in September because of a misunderstanding between Himself, the applicant and the zoning officer. The question originally to the zoning officer was does a shed need a variance in order to be installed and without giving the additional sport court information to the zoning officer, he had said no variance needed for the shed. Mr. Bergman stated that now that there is an increase in lot coverage, a C variance is needed for the shed for the .04% increase in coverage. Mr. Bergman marked a picture of what the shed will approximately look like as Exhibit A1 dated 2/23/23.

Mr. Velez was sworn in.

Mr. Velez agreed with everything that Mr. Bergman previously stated. Mr. Velez explained that the proposed shed would be 8x10 and 10' maximum height. Mr. Velez explained that the shed would be used for the sport court equipment.

Mr. Sprandel asked if there will be any lighting on the shed. Mr. Velez stated that there will be no lighting on the shed. Mr. Molnar questioned the drywell. Mr. Velez stated a drywell was already installed as part of the sport court which is an infiltration trench around the entire court.

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 Glassner, Ms. Bushman, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, Mr. Molnar, and Mr. Barker.

Opposed:

Abstain:

The motion carried.

DISCUSSION ITEMS

Mr. Smith mentioned that there was a discrepancy with the meeting dates. Ms. Smith stated that she would look into it and report back at the March meeting. Mayor Glassner requested full size plans of the large applications. Mr. Ritger requested the PDF version of the plans be full size. Mayor Glassner suggested holding the meeting at a larger venue. Mr. Ferriero suggested not scheduling both applications for hearing on the same night. Mr. Germinario stated that in past practice the board waited to see what happened the first night and if there is an issue with too large of a crowd then the next meeting will be relocated. Mr. Ritger asked who would control the monitor and Ms. Smith stated that the applicant would. Mr. Sprandel questioned the timing of the meetings and how long they will last. Mr. Ferriero suggested limiting comments to 5 minutes per individual and no new witnesses after 10pm and no new testimony after 10:30pm. Mr. Germinario suggested a sign-up sheet for those who would like to speak, limiting comments to 5 minutes per individual and one comment period per person per witness. Mr. Ritger will go over the rules at the beginning of the meeting.

A resident asked if there was any connectivity between the Accordia and V-fee Mendham Apartments applications. Mr. Germinario stated that he has reviewed both applications and is not aware of any connectivity. Mr. Ritger noted that the Sisters of Christian Charity is directly across the street from a resident, Tom Maoli, who owns the Kings property.

ADJOURNMENT

There being no additional business to come before the Board, Motion was made by Councilman Andrew, seconded by Mr. Egerter. On a voice vote, all were in favor. Chairman Ritger adjourned the meeting at 8:25PM.

The next meeting of the Board will be held on Tuesday, March 21, 2023 at 7:30 PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator