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April 13, 2023

**Via Hand Delivery**

Lisa Smith, Land Use Coordinator  
Borough of Mendham  
Department of Planning & Land Use  
Office of the Joint Land Use Board  
2 West Main Street  
Mendham, NJ 07945

**Re: Request for Interpretation  
V-Fee Mendham Apartments, LLC  
84-90 East Main Street, Mendham, NJ 07945  
Block 801, Lot 20**

Dear Ms. Smith:

This firm represents V-Fee Mendham Apartments, LLC (the “**Applicant**”) with respect to certain property located at 84-90 East Main Street, Mendham, NJ 07945, which property is more particularly identified as Block 801, Lot 20 on the official tax map of the Borough of Mendham. This letter is respectfully submitted in connection with the enclosed application requesting an interpretation by the Joint Land Use Board sitting in its capacity as the Zoning Board of Adjustment (the “**Board**”) in connection with certain variance requirements discussed in more detail below. As the Board will recall, the Applicant submitted an application seeking preliminary and major final site plan approval and bulk variance relief to permit the construction of a 75-unit inclusionary multifamily residential development with related site improvements, dated November 4, 2022, last revised and resubmitted February 15, 2023 (the “**Prior Application**”). The Prior Application was subject to a completeness hearing before the Board on March 21, 2023 (the “**Hearing**”).

At the Hearing, though no formal report had been issued, the Board’s professionals suggested that that the Applicant must amend their application to seek variances under N.J.S.A. § 40:55D-70(d)(1) (“**d(1) variance**”) and N.J.S.A. § 40:55D-70(d)(3) (“**d(3) variance**”). The Prior

Application was deemed incomplete for failing to seek such variances. See Hearing Tr. 15:8–12. The Applicant respectfully submits that this incompleteness determination is incorrect because neither a d(1) variance nor a d(3) variance is required for this Prior Application. Further, the Applicant respectfully requests an interpretation of the ordinance pertaining to the purported d(1) and d(3) variance pursuant to N.J.S.A. 40:55D-70(b).

Regarding the d(1) variance, the Board Planner elaborated, stating that “we’ve determined there is a D-1 use variance because of the climate controlled automobile storage on the site that’s proposed is not listed as a permitted use in the zone.” Hearing Tr. 15:17–20. While that statement in the abstract may be correct, it is irrelevant to the Prior Application. The Board Planner’s assertion that automobile storage is not a permitted use in the zone is correct; however, that fact is irrelevant to this Prior Application. The subject property is located in the EB-AH Zone District, which lists “Automotive Sales and Services” as a permitted use. Mendham Borough Mun. Code § 215-73(C). The code defines “Automotive Sales and Services” as “[a]ny establishment selling motor vehicles new and used, supplies and accessories and including service and repair facilities, but not solely the storage of vehicles.” Mendham Borough Mun. Code § 215-1(B).

The Board Planner admits that “what was submitted is that it was auto sales and auto service whereas there’s also, as I think you rightfully noted, the auto storage as a principal use, which was not listed as one of the principal uses in the zone.” Hearing Tr. 16:23–17:2. The Prior Application provides that the proposed land use is “a 75-unit inclusionary multifamily residential development with related site improvements in the rear of the subject property” and the proposed project is described in further detail in various other letters and reports submitted in connection with the Prior Application. None of these descriptions provide any support for the contention that any portion of the subject property would be used for the sole purpose of automobile storage. The barn-like structure located on the subject property is intended to be used in compliance with the Borough’s definition of Automotive Sales and Services, and accessory parking for the multifamily use. Therefore, there is no basis for the Board to require that the Applicant seek a d(1) variance.

I have enclosed the report prepared by Applicant’s Planner, Topology, dated November 10, 2022, last revised March 8, 2023, in connection with the proposed development (the “**Planner’s Report**”). Planner’s Report, pg. 8, ¶ ii. The Planner’s Report clearly provides that the barn-like structure “is proposed to contain both an automobile sales operation . . . and a variety of uses accessory to the proposed multifamily structure.” Id. The Planner’s Report further explains that, though much of the barn-like structure will be utilized as a parking facility and showroom, the indoor parking area will be used as both an auto sales showroom as well as “premium” accessory parking for multifamily residential tenants. See id. It is clear from the Planner’s Report that the use of the barn-like structure falls squarely within the strictures of the Automotive Sales and Services permitted use.

With regard to the d(3) variance, the Board Planner provides that “the wireless tower that’s on the site . . . is a conditional use” because “it’s located . . . closer than 250 feet to a residential use.” Hearing Tr. 17:7–10. The Board Planner is referring to the general conditional use requirements which state that “[i]n no event shall WT facilities be set back . . . less than 250 feet from any residential dwelling in any direction.” Mendham Borough Mun. Code § 215-12.6(B)(8). The Prior Application proposes the construction of an inclusionary multifamily residential development, not a cell tower. The cell tower existed on the subject property prior to the submission of this Prior Application and Applicant has made no proposal relating to the cell tower. The code clarifies that “[b]efore proposing a site within the Borough of Mendham for WT facilities, it shall be demonstrated to the approving authority that the general conditional use requirement of § 215-12.6B(1)(a) has been satisfied.” Mendham Borough Mun. Code § 215-12.6(B)(6) (emphasis added). Because the Applicant is not proposing a site for WT facilities, the Applicant is not bound by the general conditional use requirements under the code. By its interpretation of the conditional use criteria cited above, the Board is effectively altering the conditional use standard for WT facilities in its own ordinance. The Board has no authority to change any such ordinance requirements under the law. Wawa Food Market v. Planning Board of the Borough of Ship Bottom, 227 N.J. Super. 29, 34-38 (App. Div. 1988); *cert. den.* 114 N.J. 299 (1988). The Wawa court also held that a site plan review “was never intended to include the legislative or quasi-judicial power to prohibit a permitted use.” *Id.* at 40. As such, there is no basis under the law for the Board to require that the Applicant seek a d(3) variance for the existing cell tower on the subject property.

In connection with the foregoing, please find enclosed the following:

1. Seven (7) copies of the Joint Land Use Application - B-Variance (Interpretation);
2. Seven (7) copies of the Planner’s Report prepared by Topology, dated November 10, 2022, revised March 8, 2023;
3. Seven (7) copies of the March 21, 2023 Joint Land Use Board Hearing Transcript prepared by Rizman Rappaport Certified Court Reporters;
4. Seven (7) copies of the 200’ Property Owners List, dated April 3, 2023;
5. Seven (7) copies of the Certification of Paid Taxes, dated April 6, 2023;
6. Seven (7) copies of the Tax Map of the subject property;
7. One (1) check in the amount of \$500.00 representing the application fee; and
8. One (1) check in the amount of \$1,000.00 representing the escrow fee.

Lisa Smith, Land Use Coordinator

April 13, 2023

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Thank you for your kind attention to this matter. We look forward to appearing before you on May 16, 2023.

Very truly yours,

/s/ John P. Inglesino

John P. Inglesino

cc: V-Fee Mendham Apartments, LLC (via email)

V-Fee Mendham Apartments LLC

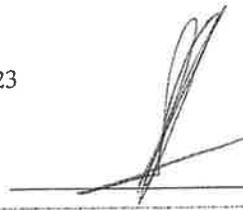
Valley Bank

1083

130 State Route 10 West  
Whippany, NJ 07981-2107

\*\*\* One Thousand Dollars And Zero Cents \*\*\*

<i>Pay To The Order of</i>	Borough of Mendham 2 West Main Street Mendham, NJ 07945	Date  03/31/2023	Amount  \$1,000.00
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Escrow

⑈ 1083 ⑈ ⑆021201383⑆ 000042165350⑈

BankAcct: 1047 - V Fee Mendham Apts

Check #

1083

<u>PROPERTY</u>	<u>DISTRIBUTION ACCOUNT &amp; DESCRIPTION</u>
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REFERENCE

AMOUNT

V Fee Mendham	5525	Escrow
---------------	------	--------

Mendham Apts  
Project

\$1,000.00

Borough of Mendham  
Escrow

Check Date  
Check Total

03/31/2023  
\$1,000.00

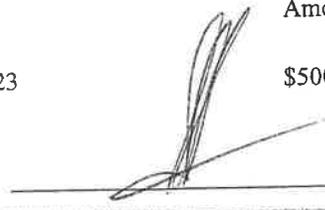
V-Fee Mendham Apartments LLC  
130 State Route 10 West  
Whippany, NJ 07981-2107

Valley Bank

1082

\*\*\* Five Hundred Dollars And Zero Cents \*\*\*

Pay To The Order of	Borough of Mendham 2 West Main Street Mendham, NJ 07945	Date 03/31/2023	Amount \$500.00
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Application Fee

MP

⑈ 1082 ⑈ ⑆021201383⑆ 000042165350 ⑈

BankAcct: 1047 - V Fee Mendham Apts

Check #

1082

PROPERTY      DISTRIBUTION ACCOUNT & DESCRIPTION

REFERENCE

AMOUNT

V Fee Mendham      5510      Fees & Permits

Mendham Apts  
Project

\$500.00

Borough of Mendham  
Application Fee

Check Date  
Check Total

03/31/2023  
\$500.00



# The Borough of Mendham

*"Preserving the Past - Building the Future"*

mendhamnj.org

Department of Planning & Land Use

Office of the Joint Land Use Board

## Joint Land Use Application Submission Section A

### Documents must be included in all application packages

- Land Use Development Application
- Ownership Disclosure Statement
- Request for List of Property Owners-submit to Tax Assessor when application is submitted to Board Secretary
- Completeness Checklist(s)

Dear Applicant:

Attached is the application for the Joint Land Use Board (JLUB). Please complete the Application for Hearing, the Application Checklist, Zoning Officer's Denial form, Site Authorization Form, Certificate for Taxes and Sewers and the Sewer Application. Meeting dates can be found at [www.mendhamnj.org](http://www.mendhamnj.org).

Initially, five (5) copies of the completed application and other supporting documents must be submitted to the Land Use Coordinator at the address above (all copies must be collated, folded and ready for distribution). Requirements for the application are outlined in the Application Checklist. The applicant must submit all items listed under the appropriate column unless a waiver for the item is requested. The checklist itself must be filled out under "applicant mark" and submitted as part of the application. An application and escrow fee will need to be paid at that time. (See the fee schedule for further information about fees)

After submission of the application, the Board has 45 days in which to review and determine completeness. If changes or additional documents are required, the applicant will be notified. Once all required information has been submitted and the application deemed complete, twenty (20) copies of the completed application and other supporting documents must be submitted to the Land Use Coordinator at the address above (all copies must be collated, folded and ready for distribution) and the hearing will be placed on the agenda for the next available meeting.

Please note that there are various notice requirements which need to be completed no less than 10 days prior to the meeting date.

Once your application receives approval from the JLUB an additional seven (7) copies are required for signature and distribution.

If the subject property is within the Historic District, you must file an application with the Historic Preservation Commission (HPC) as well. I advise you to work the application timing such that the HPC review and decision precedes the BOA meeting. The HPC's recommendation must be submitted to the JLUB as it becomes part file in the form of a formal report.

If you have additional questions on the process, please contact me at 973-543-7152, ext. 20.

Warm Regards,  
**Lisa Smith**  
*Land Use Coordinator*



Borough of Mendham  
 Joint Land Use Board  
 2 West Main St., Mendham, NJ 07945  
 973-543-7153 x. 20 email: [planning@mendhamnj.org](mailto:planning@mendhamnj.org)  
[www.mendhamnj.org](http://www.mendhamnj.org)

**LAND USE DEVELOPMENT APPLICATION**

**FOR OFFICE USE ONLY**

Date Submitted	Application No.	Type BOA PB	App Fee Check #	Escrow Fee Check #
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**1. APPLICANT/DEVELOPER**

Name: V-Fee Mendham Apartments, LLC

Address: 130 Route 10 West

City: Whippany State: NJ Zip: 07981

Phone: (973) 585-7721 Fax: (    )     

Email: dorth@iwwt.law

Interest in Property: Owner

**2. OWNER**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

*Complete this section if applicant is not owner.*

**3. TYPE OF APPLICATION (check all that apply)**

"a" Variance (Appeal)

"b" Variance (Interpretation)

"c" Variance (Bulk)

"d" Variance (Use)

Build on Lot Not Fronting on Street

Certificate of Nonconformity

Subdivision, Minor

Subdivision, Major Preliminary

Subdivision, Major Final

Site Plan, Minor

Site Plan, Waiver

Site Plan, Major Preliminary (Nonres or Res)

Site Plan, Major Final (Nonres or Res)

Subdiv. or Site Plan, Informal Review

Subdiv. or Site Plan, Extension of Approval

Subdiv. or Site Plan, Amend. of Approved Plan

Other: \_\_\_\_\_

**4. APPLICANT'S ATTORNEY**

Name: John P. Inglesino, Esq.

Address: Inglesino, Webster, Wyciskala & Taylor, LLC  
600 Parsippany Road, Suite 204

City: Parsippany State: NJ Zip: 07054

Phone: (973) 947-7111 Fax: (973) 887-2700

Email: jinglesino@iwwt.law

Please also copy: dorth@iwwt.law

**5. APPLICANT'S ENGINEER**

Name: Matthew Seckler, PE, PP, PTOE

Address: Stonefield Engineering  
92 Park Avenue

City: Rutherford State: NJ Zip: 07070

Phone: (201) 340-4468 Fax: (201) 340-4472

Email: mseckler@stonefieldeng.com

**6. APPLICANT'S OTHER PROFESSIONALS (Architect, Planner, Surveyor, etc.)**

Name: Bruce Stieve AIA  
 Address: Marchetto Higgins Stieve PC  
1225 Willow Avenue  
 City: Hoboken State: NJ Zip: 07030  
 Phone: (201) 795-1505 Fax: (    )  
 Email: bstieve@mhsarchitects.com

Name: Philip Abramson, AICP, PP  
 Address: Topology  
60 Union Street, 1st Floor  
 City: Newark State: NJ Zip: 07105  
 Phone: (973) 370-3000 Fax: (    )  
 Email: phil@topology.is

**7. LOCATION OF PROPERTY**

Street Address: 84-90 Main Street Block(s): 801  
 Zone: East Business Zone/EB-AH Overlay Lot(s): 20  
 Type of Road Frontage: East Main Street (Highway, County Road, Local Road)

**8. LAND USE**

Existing Land Use: Shopping center, racquet club, swimming pool, and related site improvements

Proposed Land Use: 75-unit inclusionary multifamily residential development with related site improvements, including a standalone barn-style structure to be used for a combination of multifamily accessory parking and limited automotive sales/service use

**9. PROPERTY DETAILS**

# of Existing Lots: 1 # of Proposed Lots: 1

Existing Form of Ownership:  Fee Simple  Rental  Condominium  Cooperative

Existing Deed Restrictions or Easements:  No  Yes (attach copies)

Proposed Deed Restrictions or Easements:  No  Yes (attach copies) (standard affordable housing deed restrictions)

**10. UTILITIES (check all that apply)**

Existing:  Public Water  Private Well  Public Sewer  Private Septic System  
 Natural Gas  Electric  Propane

Proposed:  Public Water  Private Well  Public Sewer  Private Septic System  
 Natural Gas  Electric  Propane

**11. ZONING SCHEDULE (complete all that apply)**

	Required	Existing	Proposed
<b>Minimum Lot Requirements</b>			
Area	3 AC	13.27 AC	13.27 AC
Width	200 FT	509.4 FT	509.4 FT
Depth	N/A	N/A	N/A
<b>Principal Buildings &amp; Structures</b>			
1 Side Yard	50 FT	28.3 FT	28.3 FT
2 Side Yards	N/A	N/A	N/A
Front Yard	50 FT	130 FT	130 FT
Rear Yard	50 FT	132.2 FT	143 FT
<b>Accessory Building &amp; Structures</b>			
Side Yard	N/A	N/A	
Rear Yard			

	Required	Existing	Proposed
<b>Maximum Building &amp; Structure Height</b>			
Principle	4 ST/60 FT	<60 FT	60 FT
Accessory	N/A	N/A	N/A
<b>Maximum Lot &amp; Building Coverages</b>			
Lot	N/A	N/A	N/A
Building	N/A	N/A	N/A
Entire Tract	80%	78.4%	74%

**12. PARKING & LOADING REQUIREMENTS**

# of Parking Space Required: 131 # of Parking Spaces Provided: 133 (see civil plans)  
 # of Loading Space Required: 1 # of Loading Spaces Provided: 1

**13. OTHER APPROVALS REQUIRED**

- N.J. Dept. of Environmental Protection  No  Yes
- N.J. Dept. of Transportation  No  Yes
- Morris County Planning Board Burlington  No  Yes
- Morris County Soil Conservation District  No  Yes
- Borough of Mendham Historic Commission  No  Yes
- State of New Jersey Sewer Extension  No  Yes
- State of New Jersey Flood Hazard Area  No  Yes
- Development State of New Jersey Wetlands  No  Yes
- Other: \_\_\_\_\_  No  Yes
- Other: \_\_\_\_\_  No  Yes

**14. APPLICATION SUBMISSION MATERIALS (use additional sheets if necessary)**

List all plans, reports, photos, etc. Applicant requests that the Board utilize the plans and reports on file that were submitted in connection with the application for preliminary and final major site plan approval, in addition to the updated planning report and legal memorandum submitted herewith.

**15. PREVIOUS OR PENDING APPLICATIONS (use additional sheets if necessary)**

List all previous or pending applications for this parcel. If current application is for the Amendment of a previously approved Subdivision or Site Plan, furnish a copy of the previously approved plan and describe the proposed amendments.



19. CONSENT OF OWNER

NOTE: If the property is owned by a corporation or an LLC this "consent of owner" must be signed by a corporate officer or managing member and a resolution must be attached authorizing that corporate officer/managing member to sign on behalf of the entity.

I certify that I am the Owner of the property which is the subject of this application. I hereby consent to the filing of this application and to the approval of the plans submitted therewith. I further consent to the inspection of the property in connection with this application as deemed necessary by the board and its professional staff.

I am aware that the Borough of Mendham will incur costs for professional review fees in the case of hearing and deciding this application. I am aware that the applicant has signed an escrow agreement that requires said applicant to be responsible to pay the Borough of Mendham for the costs incurred. By consenting to the filing of this application I agree that, in the event the applicant fails to pay all of the costs, I will be responsible to pay, and I will pay, any balance of those costs owed by the applicant to the Borough of Mendham. I further understand that if I fail to pay the amount owed the Borough of Mendham may sue and win a judgment against me for the amount owed plus counsel fees and costs and that that judgment may become a lien against my property.

SWORN & SUBSCRIBED before me this

9th day of March, 2023

SIGNATURE (owner)

3-29-2023

DATE

PRINT NAME

Thomas Malo

NOTARY

20. DISCLOSURE STATEMENT

If applicant is a corporation, partnership or LLC please answer the following questions pursuant to N.J.S.A. 40:55D-48.1 & 48.2:

- Is this application to subdivide a parcel of land into six (6) or more lots?  No  Yes
- Is this application for a variance to construct a multiple dwelling unit of 25 or more units?  No  Yes
- Is this application for approval of a site (or sites) for non-residential purposes?  No  Yes

If you responded YES to any of the above questions, Ownership Disclosure Statement must be completed.

SIGNATURE (applicant)

DATE

21. SURVEY WAIVER CERTIFICATION

As of the date of this application, I hereby certify that the survey submitted with this application which is dated \_\_\_\_\_ shows and discloses the premises in its entirety, described as Block 801 Lot 20; and I further certify that no buildings, fences or other facilities have been constructed, installed or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED before me this

29th day of March, 2023

SIGNATURE (applicant/owner)

3-29-2023

DATE

PRINT NAME

Thomas Malo

NOTARY

# OWNERSHIP DISCLOSURE STATEMENT

**NAME OF CORPORATION, PARTNERSHIP OR LLC:** V-Fee Mendham Apartments, LLC

Listed below are the names and addresses of all owners of 10% or more of the stock/interest\* in the above referenced corporation or partnership:

NAME		ADDRESS
1	Thomas Maoli	475 Bernardsville Road, Mendham NJ
2		
3		
4		
5		
6		
7		
8		
9		
10		

\*If a corporation or a partnership owns 10% or more of the stock of a corporation or 10% or greater interest in a partnership, that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock or 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners exceeding the 10% ownership criterion established have been listed.

SWORN & SUBSCRIBED before me this

29<sup>th</sup> day of March, 2023

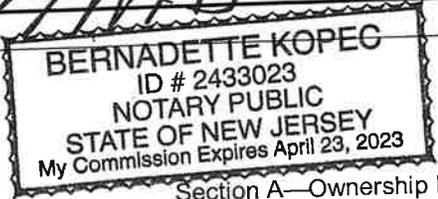
*[Signature]*  
 \_\_\_\_\_  
 NOTARY

*[Signature]* 3-29-2023

SIGNATURE (applicant) DATE

Thomas Maoli

PRINT NAME



**SITE INSPECTION FORM**

**RE: Lot** 20 **Block** 801

I, V-Fee Mendham Apartments, the undersigned property owner, do hereby authorize Mendham Borough Officials to inspect the property owned by me at 84-90 East Main Street in connection with my application to the Zoning Board of Adjustment/Planning Board for this property.

**Date:** March 29, 2023

**Phone #:** 973-727-7016



Property Owner or Authorized Agent

**BOROUGH OF MENDHAM**  
**APPLICATION CHECKLIST**  
 SEE LAND DEVELOPMENT ORDINANCE CHAPTER 195

ITEM NUMBER	MINOR		MAJOR		VARIANCE			APPLICANT MARK	STATUS	BOROUGH MARK	NOTES					
	SUBDIVISION	SITE PLAN	PRELIM	FINAL	40:55D-70	(a) & (b)	(c)					(d)				
													SITE PLAN WAIVER	SUBDIVISION	SITE PLAN	SUBDIVISION
1	•	•	•	•	•	•	•	•	•	•	Application Form along with filing and escrow fees.	x	COMPLIES			
													N/A			
													WAIVER			
2	•	•	•	•	•	•	•	•	•	•	Certification of ownership or authorization to file application.	x	COMPLIES			
													N/A			
													WAIVER			
3	•	•	•	•	•	•	•	•	•	•	Certificate from the Borough Tax Collector that all taxes and assessments are paid to date.	x	COMPLIES			
													N/A			
													WAIVER			
4											Zoning Officer Denial Form providing statistics and rationale for request.	x	COMPLIES			
													N/A			
													WAIVER			
5	•	•	•	•	•	•	•	•	•	•	Site Inspection Form	x	COMPLIES			
													N/A			
													WAIVER			
6	•	•	•	•	•	•	•	•	•	•	Sewer Permit Waiver, Application or Sewer Gallonage Clause	x	COMPLIES			
													N/A			
													WAIVER			
7	•	•	•	•	•	•	•	•	•	•	Historic Preservation Commission Application	x	COMPLIES			
													N/A			
													WAIVER			
8	•	•	•	•	•	•	•	•	•	•	The names and lot/block numbers of all property owners within 200' of the extreme limits of the tract as shown on the most recent tax list prep. by the Borough Tax Assessor.	x	COMPLIES			
													N/A			
													WAIVER			
9	•	•	•	•	•	•	•	•	•	•	Copy of Official Tax Map depicting location of subject property supplied by the Borough Tax Assessor's Office	x	COMPLIES			
													N/A			
													WAIVER			
10	•	•	•	•	•	•	•	•	•	•	Written receipt from the County Planning Board, verifying that the County has received the application and fees, or letter of non-jurisdiction	x	COMPLIES			
													N/A			
													WAIVER			
11	•	•	•	•	•	•	•	•	•	•	Survey prepared by a licensed surveyor depicting: existing features, property boundaries, streetlines, setback lines, lots, reservations, easements, dedications, ROW's.	x	COMPLIES			
													N/A			
													WAIVER			
12	•	•	•	•	•	•	•	•	•	•	Plans signed and sealed by a NJ Professional Engineer and certified by a licensed land surveyor as to existing features and boundaries, folded into eighths with title block revealed.	x	COMPLIES			
													N/A			
													WAIVER			
13	•	•	•	•	•	•	•	•	•	•	Architectural data including floor plans, elevations for at least two sides of all proposed buildings and depiction of proposed building materials and external finishes.	x	COMPLIES			
													N/A			
													WAIVER			

ITEM NUMBER	MINOR		MAJOR			VARIANCE			APPLICANT MARK	STATUS	BOROUGH MARK	NOTES			
	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	40:55D-70								
							PRELIM	FINAL					(a) & (b)	(c)	(d)
14	•	•	•	•	•	•	•	•	•	•	•	When approval by another municipality is required, such approval shall be certified on the plat, or evidence shall be submitted that an application has been made for approval.	COMPLIES x N/A WAIVER		
15			•									Copy of most recently approved site plan	COMPLIES x N/A WAIVER		
16	•	•	•	•	•	•	•	•	•	•	•	Scale of not less than 1"=50' except 1" =100' on final subdivision plats. Site plans of one acre or less shall utilize a scale not less than 1" =20'.	COMPLIES x N/A WAIVER		
17	•	•	•	•	•	•	•	•	•	•	•	Key Map showing the location of the tract with reference to the surrounding properties, existing streets and streams within 1000 feet of the site.	COMPLIES x N/A WAIVER		
18	•	•	•	•	•	•	•	•	•	•	•	Name of subdivision or development, Borough of Mendham Morris County.	COMPLIES x N/A WAIVER		
19	•	•	•	•	•	•	•	•	•	•	•	Name, title, address and telephone number or subdivider or developer.	COMPLIES x N/A WAIVER		
20	•	•	•	•	•	•	•	•	•	•	•	Name, title, address and license number of the professionals who prepared the plot or plan.	COMPLIES x N/A WAIVER		
21	•	•	•	•	•	•	•	•	•	•	•	Name, title and address of the owner or owners of record. If owner is a corporation, the name and address of the president and secretary shall be submitted.	COMPLIES x N/A WAIVER		
22	•	•	•	•	•	•	•	•	•	•	•	North arrow with reference meridian. Scale (written and graphic).	COMPLIES x N/A WAIVER		
23	•	•	•	•	•	•	•	•	•	•	•	Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.	COMPLIES x N/A WAIVER		
24	•	•	•	•	•	•	•	•	•	•	•	Approval signature lines	COMPLIES x N/A WAIVER		
25	•	•	•	•	•	•	•	•	•	•	•	Acreage to the nearest hundredth of an acre; distances in feet and decimals of a foot, bearings given to the nearest 10 seconds. Radii, arcs, central angles and chord bearings and distances of all curves.	COMPLIES N/A WAIVER		
26	•	•	•	•	•	•	•	•	•	•	•	Existing tax map sheet No. and existing block and lot No. of the lots to be subdivided or developed as they appear on the Twp. Tax map. Distance, measured along ROW lines of abutting streets, to the nearest intrscl. with other public streets.	COMPLIES x N/A WAIVER		
27	•	•	•	•	•	•	•	•	•	•	•	Zoning districts affecting the tract and within 200 feet. District names and tabular schedule of requirements and proposed conditions as the Ordinance, including variance and waiver requests noted on the plat or plan.	COMPLIES x N/A WAIVER		



ITEM NUMBER	MINOR		MAJOR			VARIANCE			APPLICANT MARK	STATUS	BOROUGH MARK	NOTES
	SUBDIVISION	SITE PLAN	PRELIM		FINAL	40:65D-70						
			SUBDIVISION	SITE PLAN	SUBDIVISION	SITE PLAN	(a) & (b)	(c)				
39	•	•										Required front, side and rear setback lines.
									COMPLIES			
									x	N/A		
										WAIVER		
40	•	•										Size, height and location and use of all proposed buildings including all proposed floor elevations.
									COMPLIES			
									x	N/A		
										WAIVER		
41	•	•	•	•	•							Location and size of all proposed signage including design and lighting details. If no signage is proposed, a statement to that effect shall be added to the plan.
									COMPLIES			
									x	N/A		
										WAIVER		
42			•									Copy of Building Floor Plan designating the location and floor area (in square feet) a) to be occupied by the applicant for its proposed use, and b) currently occupied by any other use in the building.
									COMPLIES			
									x	N/A		
										WAIVER		
43	•		•	•	•							The proposed location, direction of illumination, power and type of proposed outdoor lighting including details, intensity in footcandles and hours of operation.
									COMPLIES			
									x	N/A		
										WAIVER		
44	•		•	•	•							The location and design of any off-street parking and loading areas, showing size and location of bays, aisles and barriers.
									COMPLIES			
									x	N/A		
										WAIVER		
45	•	•	•	•	•							All means of vehicular access or egress to and from the site onto public streets, with the information required by Ordinance.
									COMPLIES			
									x	N/A		
										WAIVER		
46	•	•	•	•	•							Plans showing all existing drainage within 200 ft. of any boundary. Stormwater management calculations depicting compliance with all state and local codes.
									COMPLIES			
									x	N/A		
										WAIVER		
47	•	•	•	•	•							The location of all existing and proposed waterlines, valves and hydrants and all sewer lines or alternative means of sewerage and and sewage disposal and treatment.
									COMPLIES			
									x	N/A		
										WAIVER		
48			•	•	•							All proposed streets with profiles, indicating grading; and cross sections showing width of roadway, location and width of sidewalks and location and size of any utility lines conforming to Borough standards and specifications.
									COMPLIES			
									x	N/A		
										WAIVER		
49	•	•	•	•	•	•	•	•				Depiction of any existing or proposed protective covenants or deed restrictions applying to the land being developed.
									COMPLIES			
									x	N/A		
										WAIVER		
50	•	•	•	•	•							Existing and proposed permanent monuments.
									COMPLIES			
									x	N/A		
										WAIVER		
51			•	•	•							Lot Block and street numbers as approved by the Borough Engineer of the Borough of Mendham, including lot and block numbers and owners of the abutting properties.
									COMPLIES			
									x	N/A		
										WAIVER		
52	•	•	•	•	•	•	•	•				A Letter of Interpretation from the NJDEP
									COMPLIES			
									x	N/A		
										WAIVER		



# PLANNING REPORT

## 84-88 EAST MAIN STREET



**TOPO  
LOGY**

**Submitted to Mendham  
Borough Planning Board**  
Revised March 8, 2023

**Submitted to:** Mendham Borough Planning Board

**Applicant:** V-Fee Realty Investments, LLC

**Subject Property:** 84-88 East Main Street  
Block 801, Lot 20

**Development Summary:** Proposed improvements include:  
(1) various site upgrades to existing retail center; (2) 75-unit inclusionary multifamily residential building with indoor parking; and (3) a standalone barn structure to be used to be used for a combination of multi-family accessory parking and a limited automotive sales/service use.

**Zone:** East Business Zone - Affordable Housing

**Date:** November 10, 2022  
Revised March 8, 2023



60 Union Street  
Newark, NJ 07105  
973-370-3000  
www.topology.is

A handwritten signature in cursive script that reads "Philip Abramson".

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Philip Abramson, AICP/PP  
NJ Planner License No. 609600

A handwritten signature in cursive script that reads "Golda Speyer".

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Golda Speyer, AICP/PP  
NJ Planner License No. 639400

Version Notes

**March 8, 2023 Revision:** Upon review of the Applicant's original Planning Report dated November 10, 2022, the Borough's Joint Land Use Board Professionals raised a series of questions and concerns regarding the use of the "barn" structure, particularly as it relates to automotive services offered to third parties.

Based on technical discussions with the Board Professionals, the Applicant submits this revised report to clarify the proposed use of the barn structure. Please note that this memorandum is intended to supersede any conflicting statements made in our November 2022 Planning Report. All amended content is reflected by use of blue italics.

## PART 1. INTRODUCTION & BACKGROUND

On February 3, 2020, the Applicant entered into a Settlement Agreement with Fair Share Housing Center and the Borough to create a realistic opportunity for the construction of low- and moderate-income housing at property designated as Block 801, Lot 20 (the "Site"). Following execution of the Settlement Agreement, the Planning Board adopted a Master Plan Re-Examination on April 13, 2020, recommending, among other things, the adoption of an affordable housing zone upon the subject property. Similarly, the Planning Board's adoption of the Borough's Housing Element and Fair Share Plan on May 11, 2020, which identified the subject property as a realistic opportunity to meet the Borough's affordable housing obligation.

To effectuate the Planning Board policy recommendations and the terms of the Settlement Agreement, the Borough Council adopted Ordinance #09-2020 establishing the East Business Zone - Affordable Housing (EB-AH) on August 11, 2020. As described in Ordinance 09-2020, the purpose of the of the EB-AH Zone is to:

*"provide for retail sales and services to accommodate the general public and to provide a location that creates a realistic opportunity for the construction of low-and moderate-income housing in the Borough of Mendham on land that is available for development, thereby addressing the Borough's fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing."*

The application now pending before the Planning Board effectuates these stated policies. More specifically, the Applicant's request for Preliminary and Final Site Plan approval will facilitate the construction of a 75-unit inclusionary multifamily residential building in the former location of the Mendham Racquet Club. The applicant also proposes a host of site upgrades to the existing Mendham Village Shopping Center that will provide aesthetic and circulation benefits. Finally, the Applicant also proposes to construct a clear span "barn" style structure to visually separate residential and commercial uses.

The purpose of this report is to provide Mendham Borough's Planning Board with a compliance analysis in connection with applications for Preliminary and Final Major Site Plan, submitted by V-Fee Realty (the "Applicant"). As more fully described below, the submitted application complies with the applicable terms contained in the Settlement Agreement as well as the standards and requirements contained in the EB-AH District and other sections of the Borough's Zoning Ordinance. With that said, the Applicant's proposal does require limited "C" variance relief which, as outlined below, all result in a "better planning alternative" and thus could be granted by the Planning Board pursuant to N.J.S.A. 40:55D-70(c)(2).

## PART2 EXISTING CONDITIONS + PROPOSED PROJECT

- A. Site Description & Neighborhood Context:** The Applicant's proposal includes a variety of improvements upon Block 801, Lot 20 within the Mendham Borough. The parcel, which fronts along East Main Street (NJ124 / CR510), contains 13 acres with an overall lot depth of approximately 1200'. The site is relatively flat and has been fully developed for approximately 40 years.

The site contains two functional areas – the front of the property is developed as a multitenant shopping center (closest to E. Main Street) while the rear of the site contains a monopole telecommunications antenna and a large private recreation complex, formerly occupied by the Mendham Racquet Club. The site currently contains ancillary site improvements, which includes various pedestrian facilities, circulation lanes, loading areas, and approximately 417 parking spaces.

The parcels to the west of the property are primarily developed with multifamily residential uses. To the north is Borough-owned open space, traversed with segments of Morris County's Patriot's Path trail system. Parcels to the east contain a variety of commercial and light industrial uses including a lumberyard, autobody shop, car dealer, gas station, and drive-through bank. Across East Main Street, to the south of the Property, are parcels containing a Provident Bank branch and the Jockey Hollow Processional Park – a multi-structure office condominium complex. Also located nearby is the United States Post Office and police headquarters. To note, West Morris Mendham High School is located along East Main Street less than a half-mile to the west of the project site.

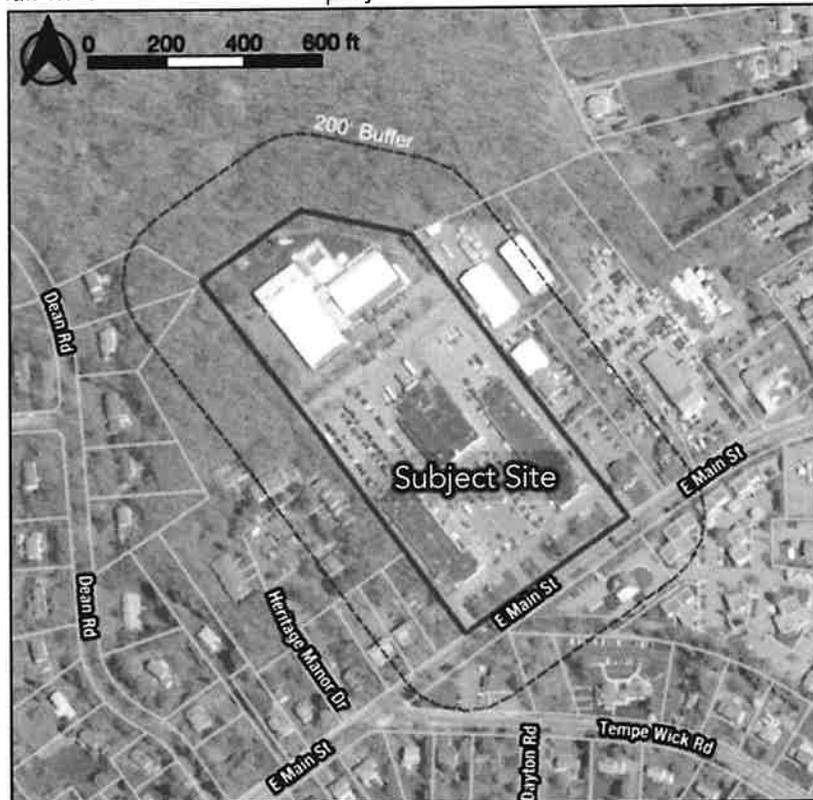


Figure 1: Aerial Photograph with Parcel Boundaries & 200' Buffer

**B. Project Overview**

1. **Site Plan:** The Applicant seeks Preliminary and Final Site Plan Approval to enable a variety of improvements upon Lot 20. Within the shopping center, a reconfiguration of the existing parking areas, drive lanes, and sidewalks are proposed:

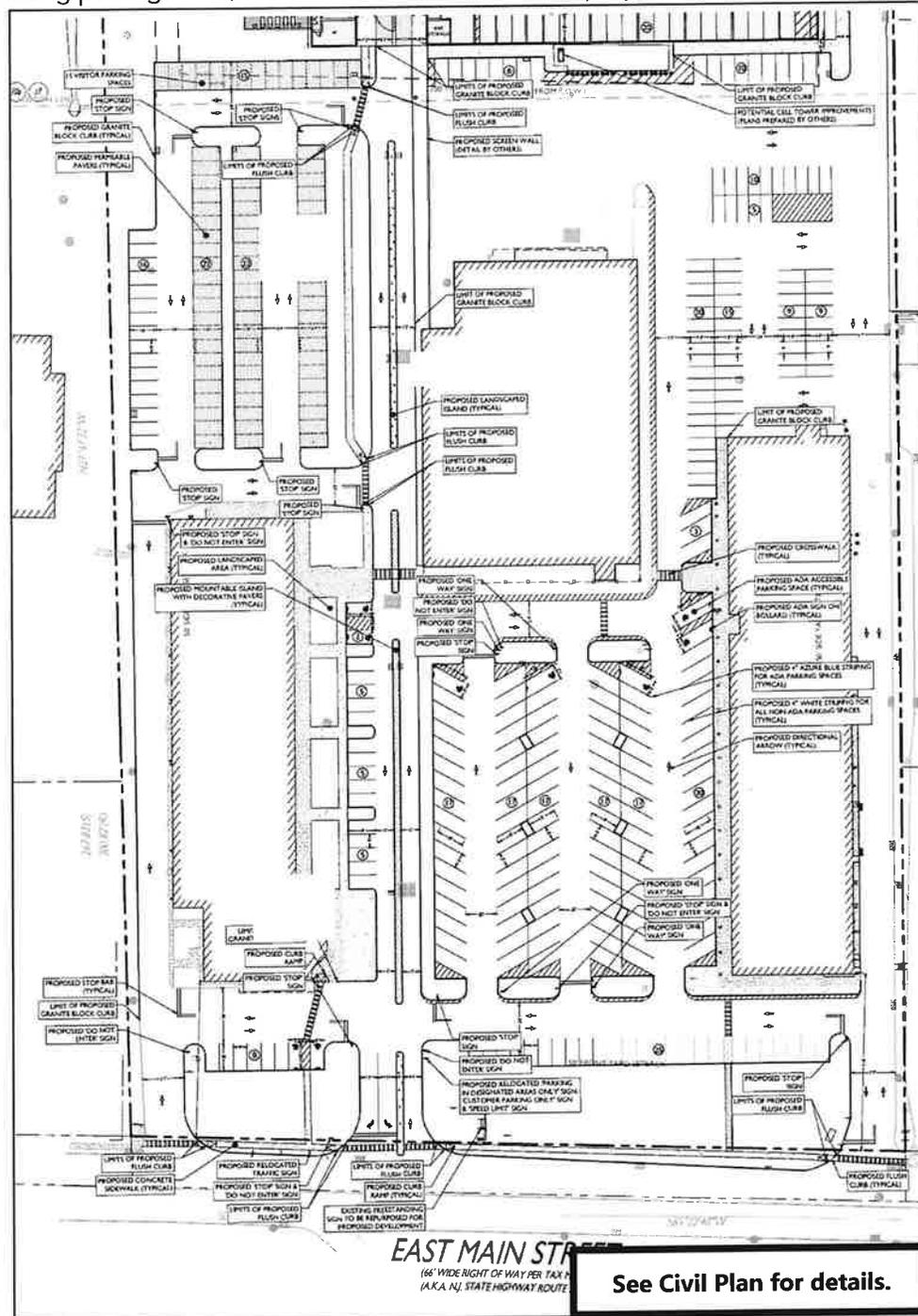


Figure 2: Proposed Improvements to Existing Shopping Center

In the rear of the property, the Applicant proposes to demolish the existing Mendham Racquet Club, to be replaced with a multi-family residential structure containing four occupiable stories over a first floor that contains an internal parking garage, lobby, and spaces to support building operations. The Applicant also proposes a separate two-story "barn-style" structure, containing multiple uses (see list below) that will provide additional indoor parking spaces for multifamily residents, contain a boutique auto sales/service facility, and will also create a visual buffer between the proposed multifamily complex and the existing shopping center.

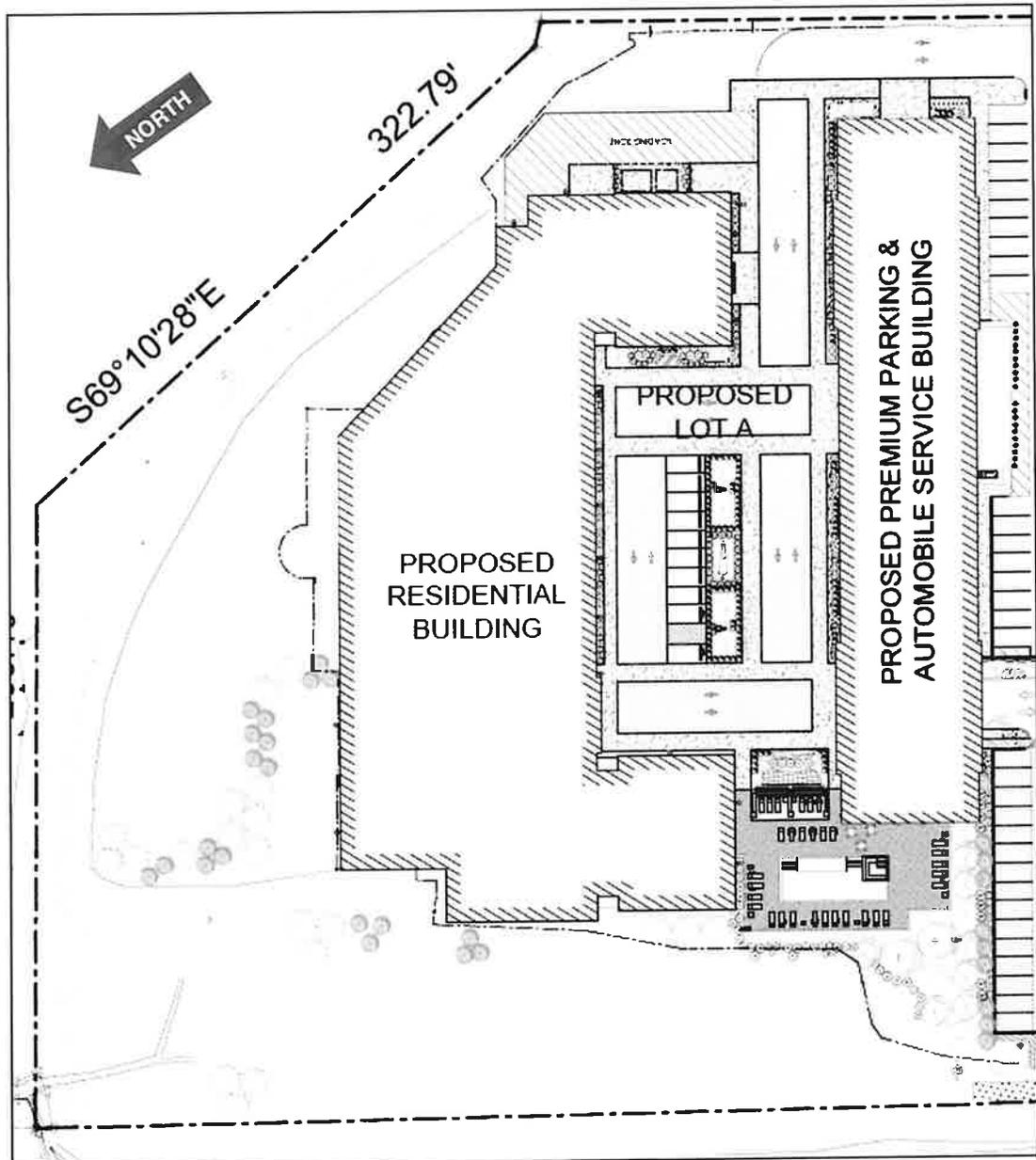


Figure 3: Proposed Development Upon Rear of Site

A programmatic summary of the new development upon the proposed rear of the Site is provided below:

**i. Structure #1: Multifamily Residential**

- 33 one-bedroom units
- 39 two-bedroom units
- 3 three-bedroom units
- 106 structured parking spaces
- Accessory lobby, leasing, utility rooms
- Accessory amenity areas

**ii. Structure #2: Multi-family Accessory Uses & Automotive Sales / Service ("Car Barn")**

The Car Barn is proposed to contain both an automobile sales operation (as further defined below) and a variety of uses accessory to the proposed multifamily structure. The Car Barn will have the following physical and operational characteristics:

- Applicant proposes an open-span, high-bay structure, like a barn or stable, with a footprint of approximately 20,700 SF (inclusive of the covered drop-off area).
- Much of the Car Barn will be utilized as a parking facility and showroom. All parking spaces will be capable of accommodating a hydraulic lift, which will allow each space to accommodate two vehicles in height. This indoor parking area will be used both as auto sales showroom and will also provide "premium" accessory parking for multifamily residential tenants. These two uses will be physically divided by a movable partition wall.
- At the outset of operations, interior parking spaces will be divided equally between premium parking and auto sales – each occupying 20 surface spaces. Applicant reserves the right to expand the area dedicated to accessory parking up to 100% of interior spaces, if required to accommodate resident demand.

Areas dedicated to automotive sales include:

- Ground floor management office and meeting space.
- 20-40 indoor spaces will be dedicated for showroom use at outset of operation. This number may be reduced to accommodate additional accessory parking for multifamily use. Each space may contain a hydraulic lift to double capacity of 20 proposed "floor spaces."
- 2 external-parking spaces will be dedicated to employees.

Areas dedicated for multifamily accessory uses include:

- 20-40 indoor parking spaces will be dedicated for premium tenant parking (climate-controlled) at outset of operation, although number of spaces may be increased to accommodate tenant demand. Each space may contain a hydraulic lift to double capacity of spaces.

- *First floor: Tenant bicycle parking.*
- *Second floor: secure storage area for multifamily tenants measuring approximately 11,450 SF.*

iii. **Ancillary Site Improvements:**

- Internal courtyard
- Accessory pool amenity area
- Landscaping, lighting, and utility improvements
- Loading area and 15 visitor parking spaces

### PART 3. ZONING COMPLIANCE

Pursuant to § 215-72 of the Mendham Borough zoning ordinance, the location of the East Business Zone - Affordable Housing (EB-AH Zone) boundary "applies to Block 801, Lot 20 (as it exists at the time of ordinance), also known as the "tract." The municipal zone map is hereby amended to reflect the same." As such, this section analyzes compliance with the standards contained in the EB-AH Zone (Mendham Code Article XIX).

**A. Uses Permitted (Borough Ord. Sec. 215-73):** All proposed and existing uses are either permitted in the EB-AH zoning district. Upon completion of the proposed project, the site will contain the following uses as defined by the Borough Zoning Ordinance<sup>1</sup>:

1. **Dwelling, Multi-Family:** 75 units of inclusionary housing, as described above.
2. **Automotive Sales & Service:** *Consistent with the Borough's definition of "Automotive Sales and Services," which includes "any establishment selling motor vehicles new and used, supplies and accessories and including service and repair facilities, but not solely the storage of vehicles." As such, the operation will be limited to the sale and servicing of automobiles. Work on-site shall be limited to routine maintenance, minor repairs, and cleaning. No third-party vehicle storage will be provided on-site.*
3. **Planned Commercial Development:** The existing Mendham Village shopping center, containing a total of 80,615 SF.

**B. Accessory Uses (Borough Ord. §215-73.E):** Pursuant to the Mendham Borough's definitions, an Accessory Use shall be "a use of the land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use."

Section 215-73.E of the EB-AH Zone also permits various accessory uses including "off-street parking, structured parking [...] Residential amenities such as fitness centers, lounges, and tenant storage. Residential accessory uses such as leasing and management offices, maintenance buildings, and model units."

As such, the following accessory uses are proposed, all of which are permitted in Sec. 215-73.E of the EB-AH Zone standards:

1. Off-street parking associated with a principal use
2. Residential amenities associated with a principal use
3. Leasing and management offices associated with a principal use
4. Maintenance buildings associated with a principal use
5. Tenant storage associated with a principal use

---

<sup>1</sup> Definitions from the Borough Zoning Code may be found in § 215-1.

**C. Development Standards (Borough Ord. Sec. 215-74):** The following development standards shall be applicable to all permitted uses and development in the EB-AH zoning district.

Standard	Required	Proposed	Complies
Minimum Lot Size	3.0 acres	13.27 Acres	YES
Number of Units (Max.)	75 Units	75 Units (Including 15 COAH)	YES
Unit Mix and Affordability Requirements	See Table 3		YES
Minimum Lot Width	200'	509.4'	YES
Minimum Front Yard	50'	130' (Shopping Center)	YES
Minimum Side Yard	50 feet (as measured from the nearest point of any building to any property line...)	50.1' (New Structure)	YES
Minimum Rear Yard	50'	143'	YES
Minimum Recreation Area	5,000 SF	< 5,000 SF	YES
Building Stories (Max.)	Four stories over parking	Four stories over parking	YES
Building Height (Max.)	60 feet with exceptions <sup>(Note 1)</sup>	60 feet	YES
Maximum Impervious Coverage	Shall not exceed 80% for the tract.	74%	YES
Buffer to Residential Zone	Requirements of § 215-27, Impact on adjoining residential zones, shall apply	Complies with § 215-27	YES
Automotive sales and service uses	Shall be subject to the standards and regulations set forth in § 215-11	All standards contained in § 215-11 are N/A.	YES
Where there is more than one use or business enterprise in any building	There shall be a minimum floor area of 700 square feet per use or business enterprise. Each shall have its own separate entrance/exit	Automotive sales/services exceed 700SF and have separate entrance/exit	YES
<p>Note 1: Height shall be measured to the top of building (i.e., the highest point of a flat roof, the deck line of mansard roofs, or the mean height between eaves and ridge for gable, hip, and gambrel roofs) from the average elevation of the proposed finished grade at each corner of the building next to the foundation; and Rooftop amenities and rooftop features (including mechanical equipment and machinery) shall not be considered a story and such appurtenances shall not be considered part of overall building height.</p>			

**D. Off-Street Parking Standards (Borough Ord. Sec. 215-74.F):** The following parking ratios are applicable in the EB-AH District. Pursuant to §215-74.F.1.d.

Per the EB-AH District, parking may be reduced in mixed uses based on a submission of a shared parking analysis per the Urban Land Institute (ULI) standards if approved by the Planning Board. Please see the Traffic Impact Statement submitted by Stonefield Engineering for complete analysis.

A summary of parking compliance is provided below.

Standard	Required		Proposed	Complies
New Development Parking Spaces (Min.): Residential – RSIS	143.7 Residential Spaces	Reduced by 10% for EV Spaces (NJ Senate Bill S3223) = 131 Spaces	116 Residential Spaces + 15 Shared Parking Spaces from Commercial + 2 Automobile Service Station Spaces = 133 Spaces	YES
New Development Parking Spaces (Min.): Automobile service stations* – 4 for each bay, plus 1 for each employee in the maximum working shift	2 Employees for Automobile Service Stations		YES	
Minimum Existing Development Parking Spaces ▪ Commercial – 3.5 per 1,000 SF	283 Spaces		341 Spaces (15 Shared Spaces)	YES
Parking Areas	Located no closer than three feet from any parcel boundary shared with properties in the EB District and shall be located no closer than 10 feet from any parcel boundary shared with properties in other districts		10'+	YES
Parking Dimension (Min.)	9' x 20'		9' x 18'	NO
Loading (Min.) ▪ Residential: 1 ▪ Total Retail: 3	3		3	YES
*It should be noted that the proposed use is <i>NOT</i> an Automotive Service Station. The Ordinance does <i>NOT</i> contain a parking standard for Automotive Sales and Service use. Site Plan by Stonefield incorporates closest parking category in matrix table.				

E. **Affordable Housing Requirement:** The following table summarizes project compliance with the EB-AH zone district standards.

Standard	Required	Proposed	Complies
Set-Aside Requirement	20% of units actually constructed shall be affordable to low- and moderate-income households. Inclusionary housing shall comply with the Borough's Affordable Housing ordinance.	15 Affordable Units = 20%	YES
Market Bedroom Distribution	No more than 50% of the market-rate units shall be two-bedroom units and no more than 50% of the remaining market-rate units shall be one-bedroom units or studio units. The applicant may, in its discretion, include up to two three-bedroom market-rate units.	60 Market Units: <ul style="list-style-type: none"> <li>▪ 30 (50%) one-bedroom</li> <li>▪ 30 (50%) two-bedroom</li> </ul>	YES
Unit Tenure	Affordable units shall be family rental units and shall not be age restricted.	Family rental affordable units	YES
UHAC Requirement	Affordable units shall consist of moderate-income, low-income, and very-low-income units in accordance with UHAC (N.J.A.C. 5:80-26.1 et seq.).	Applicant will deed restrict affordable units in accordance with UHAC <sup>(1)</sup>	YES
Veteran Preference	Affordable units shall provide a preference for qualifying veterans in accordance with the requirements of the N.J.S.A. 52:27D-311(j).	Applicant will affirmatively market for Veterans preference	YES
<p>1) Uniform Housing Affordability Controls stipulates that in each affordable development, at least 50% of the restricted units shall be low-income units (of that 13% are very-low income) and the remainder may be moderate income units.</p> <p>Affordable units must further meet the following, which the Applicant provides for on the architectural floor plan:</p> <ul style="list-style-type: none"> <li>▪ The combined number of efficiency and one-bedroom units is no greater than 20% of the total LMI units (i.e. no more than 3 units);</li> <li>▪ At least 30 percent of all LMI units are two-bedroom units (at least 5 units);</li> <li>▪ At least 20 percent of all LMI units are three-bedroom units (i.e. at least 3 units); and</li> <li>▪ The remainder may be allocated at the discretion of the developer.</li> </ul>			

#### PART 4. CONCLUSION

The Borough entered into a Settlement Agreement with the Fair Share Housing Center, approved by the New Jersey superior court, which identified the Site as appropriate for multi-family development to provide affordable housing units and credits. As proposed, the application is in full compliance of the terms of the Settlement Agreement and the affordable housing ordinance. Minor site design relief is required, which may be granted pursuant to NJSA 40:55D-70(c). Applicant's Planner will provide testimony to support requested relief. As such, the Applicant's application for site plan approval may be granted by the Planning Board pursuant to the NJ MLUL.

#### PART 5. DOCUMENTS REVIEWED

- A. O-09-2020, Adopted August 11, 2020.
- B. **Architectural Plans**, prepared by Marchetto, Higgins, Stieve Architects P.C. on October 24, 2022.
- C. **Preliminary and Final Site Plan**, prepared by Stonefield Engineering on October 20, 2022.
- D. **Traffic Impact Study**, prepared by Stonefield Engineering. on September 9, 2022.
- E. **ALTA/NSPS Land Title Survey**, prepared by Stonefield Engineering on July 15, 2021.
  - Documents Note: No new signage is proposed as part of this application, but Applicant intends to prepare a signage and way finding package for review / approval as part of a separate application.

**In The Matter Of:**  
*IN RE: V-Fee Realty*

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*Audio Transcription*  
*March 21, 2023*  
*Mendham Borough*

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*Min-U-Script® with Word Index*



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1 MS. SMITH: Jim.  
 2 Mayor Glassner?  
 3 MAYOR GLASSNER: Yes.  
 4 MS. SMITH: Ms. Bushman?  
 5 MS. BUSHMAN: Yes.  
 6 MS. SMITH: Councilman Andrew?  
 7 COUNCILMAN ANDREW: Yes.  
 8 MS. SMITH: Mr. Ritger?  
 9 CHAIR RITGER: Yes.  
 10 MS. SMITH: Mr. Smith?  
 11 MR. SMITH: Yes.  
 12 MS. SMITH: Mr. Sprandel?  
 13 MR. SPRANDEL: Abstain.  
 14 MS. SMITH: Oh.  
 15 Mr. Joe D'Urso?  
 16 MR. D'URSO: Yes.  
 17 MS. SMITH: Mr. Egerter?  
 18 MR. EGERTER: Yes.  
 19 MS. SMITH: And Mr. Molnar?  
 20 MR. MOLNAR: Yes.  
 21 MS. SMITH: And Mr. Barker?  
 22 MR. BARKER: Yes.  
 23 CHAIR RITGER: Okay. Before we continue, one  
 24 thing -- one thing that everybody in the public should  
 25 know, tonight we are not hearing of the Sisters of

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1 Christian Charity, the Accordia application, they have  
 2 asked to postpone until April. So they will not be  
 3 here tonight.  
 4 MR. GERMINARIO: April -- April 18th. And  
 5 where will it be, Lisa?  
 6 MS. SMITH: At the Hilltop Elementary School  
 7 cafeteria.  
 8 MR. GERMINARIO: Hilltop.  
 9 CHAIR RITGER: Cafeteria. All right.  
 10 With that we move to public comment.  
 11 Now, this is a section of the -- the program,  
 12 if you will, where everybody will have an opportunity  
 13 to speak but it has to be on a topic that is not on our  
 14 agenda tonight.  
 15 So with that, I'll read, if you don't have a  
 16 copy of this: It's an opportunity for the public to  
 17 comment on any matter or concern that's not on the  
 18 agenda.  
 19 To ensure that every citizen be has an  
 20 opportunity to speak, the Chair will recognize the  
 21 individual and ask them to state their name and address  
 22 for the record.  
 23 The speaker does not need to provide their  
 24 address if they have been verified by the Office of  
 25 Information Privacy as a covered person in the Borough,

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1 under the Daniel's Law. Speakers are asked to limit  
 2 their comments to five minutes.  
 3 So if anyone from the public would like to  
 4 speak on a topic not on the agenda --  
 5 MR. GERMINARIO: Yeah, hold on. Hold on. So  
 6 not only not on the agenda but any application that's  
 7 pending before this Board as of this time.  
 8 In other words, any application that's been  
 9 filed with this Board, we are not -- you are not to  
 10 comment on that either. Anything that's not pending  
 11 before this Board you may comment on.  
 12 CHAIR RITGER: All right.  
 13 Mr. Lupo.  
 14 MR. LUPO: Frank Lupo. You know my address.  
 15 UNIDENTIFIED PERSON: They -- they have to  
 16 state it.  
 17 MS. SMITH: You have to state it for the  
 18 record.  
 19 MR. LUPO: Did you not say I don't have to  
 20 state my address?  
 21 UNIDENTIFIED PERSON: Only if you --  
 22 CHAIR RITGER: Only if you filed and gotten  
 23 verified by Daniel's Law.  
 24 MR. LUPO: Oh, okay. 17 Dean Road in Medham,  
 25 New Jersey 07945.

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1 MS. SMITH: All right. Thank you.  
 2 MR. LUPO: I just want to comment, I'm -- I'm  
 3 trying to understand this traffic pattern so-called  
 4 thingamajig that's been published.  
 5 Was the Planning Board involved in any of  
 6 this or --  
 7 UNIDENTIFIED PERSON: Could -- could I take  
 8 that, please -- could I take that?  
 9 So that -- the press release that was put out  
 10 by the county was an error, okay.  
 11 MR. LUPO: Oh.  
 12 UNIDENTIFIED PERSON: And so what that is, is  
 13 council approved for Mendham Borough to be a part of a  
 14 study. And so counties were allowed to submit two  
 15 locations to the New Jersey agency that was dealing  
 16 with that for study only. And Morris County,  
 17 fortunately, both of their locations were selected for  
 18 study.  
 19 And so from Cold Hill traffic light to the  
 20 high school will be studied for pedestrian access.  
 21 Yes, they are looking at a roundabout. No,  
 22 we are not getting a roundabout.  
 23 They are looking at potentially a traffic  
 24 light at Tempe Wick. No, we are not getting a Tempe --  
 25 a traffic light.

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1 They are looking at other crosswalks and  
 2 whatnot. It is strictly a study and that money is not  
 3 for construction. So that was an error on the part of  
 4 the county, and they corrected that.  
 5 MR. LUPO: Interesting (indiscernible.)  
 6 CHAIR RITGER: Interesting. Well, it hasn't  
 7 been corrected on the county website as of about 3:51  
 8 this afternoon.  
 9 UNIDENTIFIED PERSON: They issued.  
 10 UNIDENTIFIED PERSON: No, they -- they did  
 11 correct it. And it's --  
 12 CHAIR RITGER: No. No, they didn't.  
 13 UNIDENTIFIED PERSON: And there is one tiny  
 14 correction that says "study." It's one little word  
 15 that they -- that they...  
 16 MR. LUPO: That's in the small print.  
 17 UNIDENTIFIED PERSON: Right, it's in the  
 18 small print. But that is not for construction.  
 19 And before anything is done, there will be  
 20 public hearings, right? But they haven't even begun  
 21 this. You are talking about something that could  
 22 easily take a couple of years.  
 23 MR. LUPO: Okay. Thank you.  
 24 UNIDENTIFIED PERSON: You're welcome.  
 25 MR. LUPO: Because I was looking for the

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1 additional runoff and, therefore, the benefit  
 2 outweighed the detriment and it was testified in that  
 3 sense.  
 4 Conditions, there were just two aside from  
 5 the standards ones: That no lighting would be  
 6 installed in connection with the shed and all  
 7 conditions of the previous resolution approving the  
 8 sports court itself would remain in effect.  
 9 CHAIR RITGER: All right. With that, does  
 10 anyone want to make a motion to approve the resolution  
 11 as written in the report? Any edits or changes?  
 12 UNIDENTIFIED PERSON: Motion.  
 13 CHAIR RITGER: Do I have a second?  
 14 MR. D'URSO: Second.  
 15 CHAIR RITGER: I heard Dave and saw John --  
 16 MS. SMITH: Joe? Second.  
 17 CHAIR RITGER: Joe, I'm sorry.  
 18 MS. SMITH: Mayor Glassner?  
 19 MAYOR GLASSNER: Yes.  
 20 MS. SMITH: Ms. Bushman?  
 21 MS. BUSHMAN: Yes.  
 22 CHAIR RITGER: Councilman Andrew?  
 23 COUNCILMAN ANDREW: Yes.  
 24 MS. SMITH: Mr. Ritger?  
 25 CHAIR RITGER: Yes.

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1 study.  
 2 UNIDENTIFIED PERSON: No, no study has been  
 3 done yet.  
 4 MR. LUPO: Cool.  
 5 CHAIR RITGER: One else?  
 6 All right. Seeing and hearing none, let's  
 7 move on to the resolutions.  
 8 Before us in your packet you have the  
 9 resolution for the Velez application, 7 Oak Forest  
 10 Lane.  
 11 Tom, do you want to walk us through that one?  
 12 MR. GERMINARIO: Okay. So this one was a  
 13 follow-up to an earlier application by Mr. Velez in  
 14 which he was developing part of his property as a  
 15 sports court. And afterwards he decided or had already  
 16 intended, perhaps, they would put a -- a shed for some  
 17 of the equipment connected with that sports court. It  
 18 created a small amount of additional impervious  
 19 coverage which changed the building coverage -- I'm  
 20 sorry, lot coverage variance. And that was the reason  
 21 why he had to return to the Board for that variance.  
 22 So the findings are made that it was a  
 23 minimal amount of -- of additional coverage. That the  
 24 drainage facilities already in place or to be built in  
 25 connection with this would more than offset the

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1 MS. SMITH: Mr. Smith?  
 2 MR. SMITH: Yes.  
 3 MS. SMITH: Mr. Sprandel?  
 4 MR. SPRANDEL: Yes.  
 5 MS. SMITH: Mr. D'Urso?  
 6 MR. D'URSO: Yes.  
 7 MS. SMITH: Mr. Egerter?  
 8 MR. EGERTER: Yes.  
 9 MS. SMITH: Mr. Molnar?  
 10 MR. MOLNAR: Yes.  
 11 MS. SMITH: And Mr. Barker?  
 12 MR. BARKER: Yes.  
 13 CHAIR RITGER: Okay.  
 14 MS. SMITH: I have (indiscernible).  
 15 UNIDENTIFIED PERSON: Thank you, ladies and  
 16 gentlemen.  
 17 CHAIR RITGER: Thank you.  
 18 UNIDENTIFIED PERSON: Thank you.  
 19 CHAIR RITGER: All right. I have a couple of  
 20 discussion items that arose at the last meeting a  
 21 couple of the dates coming up for meetings were noted  
 22 as being off by a day or two.  
 23 So the June meeting is Tuesday, June 20th and  
 24 the July meeting is July 18th. That is everything we  
 25 have on the discussion. With that...

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1 We are waiting -- everything good over there?  
 2 UNIDENTIFIED PERSON: I was unplugged.  
 3 Sorry.  
 4 CHAIR RITGER: You say that as it's unique  
 5 and unusual.  
 6 UNIDENTIFIED PERSON: No, sorry.  
 7 CHAIR RITGER: All right. We are moving into  
 8 the completeness portion of the hearing.  
 9 Now, what we decide here, just as a comment,  
 10 is whether or not the application is complete. It  
 11 seems kind of straightforward, but effectively there  
 12 isn't a spot for the public to comment at a  
 13 completeness hearing. So with that...  
 14 MR. GERMINARIO: Yeah, so the application  
 15 completeness is based on a checklist. So the Board is  
 16 merely determining whether all the checklist items have  
 17 been satisfied and then at that point the application  
 18 is ready for a public hearing on the merits.  
 19 We will not be going into the public hearing  
 20 on the merits tonight. We will only be doing the  
 21 completeness aspect of the application. And as the  
 22 Chairman mentioned, there is no public comment portion  
 23 of that proceeding.  
 24 UNIDENTIFIED PERSON: Should you also explain  
 25 why the number of -- the Class I member and the Class

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1 II members are (indiscernible).  
 2 MR. GERMINARIO: Yeah. Okay, so this is a  
 3 Joint Land Use Board, so we -- we combine the functions  
 4 of what used to be a Planning Board and a Zoning Board  
 5 of Adjustment. And in the Planning Board mode we have  
 6 both the Mayor, which is the Class I member, and the  
 7 Councilman, Mr. Andrew, which is a Class III member.  
 8 But when we deal with D variances, use variances, then  
 9 we operate in the mode of what would otherwise be the  
 10 Zoning Board of Adjustment and neither the Councilman  
 11 nor the Mayor will sit on those -- those applications.  
 12 As of this point in time, our Board  
 13 professionals have identified two potential D  
 14 variances, a D-1 variance and a D-3 variance, so that  
 15 the jurisdiction of the Board at this point in time is  
 16 as a Zoning Board of Adjustment, and we will proceed on  
 17 that basis.  
 18 CHAIR RITGER: All right.  
 19 MR. D'URSO: All right. Mr. Chairman, before  
 20 we proceed, I have to recuse myself.  
 21 MR. RITGER: Okay.  
 22 MR. D'URSO: Do we need to explain that?  
 23 MR. GERMINARIO: He has a -- we've determined  
 24 that he has a potential conflict of interest that would  
 25 require his recusal.

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1 CHAIR RITGER: Okay. So everybody knows.  
 2 Okay. Now normally we would have Paul going  
 3 through our checklist.  
 4 MR. GERMINARIO: Well, the recommendation of  
 5 the Board professionals -- and, of course, we will  
 6 allow counsel to be heard on this if -- if he wants to  
 7 but we won't get into a discussion on the variances  
 8 themselves, but the Board professionals are  
 9 recommending that it be found incomplete because the  
 10 applicant has not applied for the two variances, the  
 11 two D variances that the two professionals have  
 12 identified.  
 13 (Clapping)  
 14 MS. CALDWELL: Mr. Chair, this is Jessica  
 15 Caldwell, Board Planner.  
 16 I just -- just to elaborate a little bit.  
 17 There's -- we've determined there is a D-1 use variance  
 18 because of the climate controlled automobile storage on  
 19 the site that's proposed is not listed as a permitted  
 20 use in the zone.  
 21 CHAIR RITGER: Could -- could we just pause  
 22 on that.  
 23 MS. CALDWELL: Okay.  
 24 CHAIR RITGER: Because I wanted to know --  
 25 there is this -- tell me if I am getting into the weeds

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1 here -- but there is a use for an auto service.  
 2 MS. CALDWELL: Correct.  
 3 CHAIR RITGER: There is a use for VIP  
 4 parking.  
 5 MS. CALDWELL: Right. So --  
 6 CHAIR RITGER: Wait. Hold on. Hold on.  
 7 MS. CALDWELL: Okay, keep going.  
 8 CHAIR RITGER: That's two uses, right?  
 9 MS. CALDWELL: Right.  
 10 CHAIR RITGER: I see a third as the storage  
 11 that happens to be above.  
 12 MS. CALDWELL: Correct.  
 13 CHAIR RITGER: So if I understand, they need  
 14 an entrance for each of those three uses.  
 15 MR. GERMINARIO: Well, that -- we don't  
 16 really need to get into that question --  
 17 CHAIR RITGER: Okay. All right.  
 18 MR. GERMINARIO: -- of whether they need  
 19 entrances or not.  
 20 CHAIR RITGER: All right.  
 21 MS. CALDWELL: There's definitely potential  
 22 for that.  
 23 But what was submitted is that it was auto  
 24 sales and auto service whereas there's also, as I think  
 25 you rightfully noted, the auto storage as a principal

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1 use, which was not listed as one of the principal uses  
 2 in the zone. So that in and of itself --  
 3 CHAIR RITGER: Right.  
 4 MS. CALDWELL: -- generates a use various.  
 5 CHAIR RITGER: Okay.  
 6 MS. CALDWELL: And then the second issue that  
 7 we identified that creates a D variance is the wireless  
 8 tower that's on the site, that is a conditional use.  
 9 If it's located more -- closer than 250 feet to a  
 10 residential use, that triggers a conditional use  
 11 variance which is a D-3 use variance.  
 12 So we asked the applicant to amend their  
 13 application. They have not done so. So we would  
 14 recommend it be deemed complete on -- on those two  
 15 items.  
 16 MR. GERMINARIO: And I'll just mention also,  
 17 that I have -- I have advised applicant's counsel that  
 18 if they wish, they can reserve the right to contest the  
 19 applicability of either or both of those variances so  
 20 that they are not prejudicing themselves in any way by  
 21 making the application. But the complete -- the  
 22 checklist requirement, they must submit the  
 23 application.  
 24 CHAIR RITGER: Okay.  
 25 Is there anyone here for the -- for the

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1 applicant that wants to be heard on this?  
 2 MR. MILLER: Yes.  
 3 CHAIR RITGER: Come forward.  
 4 MR. MILLER: Good evening, Mr. Chairman,  
 5 members of the Board. My name is John Miller, I am  
 6 with the firm of Inglesino, Webster, Wyciskala &  
 7 Taylor, LLC. We represent the applicant, V-Fee Mendham  
 8 Apartments, LLC.  
 9 I've heard the comments today. I heard  
 10 the -- what looks like to be the determination that  
 11 the -- that the application is deemed incomplete.  
 12 UNIDENTIFIED PEOPLE: We can't hear back  
 13 here.  
 14 MS. SMITH: Okay. All right. Hold on.  
 15 Can you push the button, I think someone  
 16 turned the button off.  
 17 There you go. Perfect.  
 18 MR. MILLER: Okay. Everybody can hear me?  
 19 CHAIR RITGER: Yes.  
 20 MR. MILLER: Was I being recorded? Or is  
 21 that...  
 22 MS. SMITH: Yeah, you're fine.  
 23 MR. MILLER: Okay. I just wanted to make  
 24 sure it picked up. Okay.  
 25 MS. SMITH: You are speaking into the mike.

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1 MR. MILLER: Okay. And as I've heard that  
 2 the -- that the Board appears to be making the  
 3 determination that the application is deemed  
 4 incomplete, my client does wish so reserve its rights  
 5 to contest that determination by the Board.  
 6 There has been discussions as far as the  
 7 potential D variance relief. We would like to reserve  
 8 our rights to contest that. The fact that there are --  
 9 have been discussions about a D variance and  
 10 determinations -- discussions about how many or if a D  
 11 variance is -- is necessary, in our opinion, we feel  
 12 that does not preclude the Board from determining that  
 13 the application is complete.  
 14 Should there be discussions later with  
 15 professionals and determine that it is a D variance,  
 16 then the application could proceed and, of course, we  
 17 would provide notice according for those.  
 18 But the fact that -- the fact that the -- the  
 19 fact that there have been discussions about the D  
 20 variances and there was -- there was some questions as  
 21 far as how many were made, again, we contend that that  
 22 does not affect completeness. That would affect the --  
 23 that it's a -- that the application could be deemed  
 24 complete and then we determine what the variances are,  
 25 and we can move forward with the notice. But we do

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1 reserve the right to -- to contest the determination of  
 2 the Board should it determine that the application is  
 3 incomplete.  
 4 MR. GERMINARIO: All right. So the process  
 5 is this. The preliminary determination has been made  
 6 by the Board professionals that these two variances are  
 7 required. Therefore, from a checklist standpoint you  
 8 have to submit an application for the variances to be  
 9 complete. You may do so reserving the right to later  
 10 on argue that those variances are not required but you  
 11 have to -- in order to get us to the jurisdiction point  
 12 where we take this application on and can actually hear  
 13 it, we have to have the variance applications submitted  
 14 because our Board professionals -- and I agree -- have  
 15 determined that those two variances are required.  
 16 MR. MILLER: I understand.  
 17 MR. GERMINARIO: So just the cart before the  
 18 horse. It's just a procedural thing.  
 19 MR. MILLER: No, I -- I understand.  
 20 And, again, I just wanted to state that we  
 21 reserve our rights should -- should it be determined or  
 22 that -- that D variances whether -- whether it be one  
 23 or any number of D variances, we just want to -- want  
 24 to have -- we reserve our right to -- to contest that  
 25 determination.

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1 MR. GERMINARIO: Yeah, we had had discussions  
 2 with your partner, Mr. Orth.  
 3 MR. MILLER: Yes.  
 4 MR. GERMINARIO: About possibly coming before  
 5 the Board for an interpretation of the ordinance so  
 6 that we could resolve that issue of the -- of the  
 7 variances before we got to this completeness step.  
 8 MR. MILLER: Correct. And that -- I  
 9 actually -- you -- you -- you stole my next paragraph,  
 10 actually.  
 11 Yes, so...  
 12 MR. GERMINARIO: And that can still be done,  
 13 but apparently there was some notice issue with Mr.  
 14 Orth not being able to get the notice in on time or  
 15 something like that. So tonight, we sort of had this  
 16 ahead of the determination of -- of the variances and  
 17 that's the obstacle that we are facing here right now.  
 18 MR. MILLER: So if the -- is an amended  
 19 application, is that what is required to -- is it to --  
 20 to --  
 21 MR. GERMINARIO: I -- I believe there is a  
 22 separate application form for a variance or it has to  
 23 be checked off on the -- on the -- on the regular  
 24 application?  
 25 MS. SMITH: Separate checklist for D

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1 variances.  
 2 MR. MILLER: Okay.  
 3 MS. SMITH: He has to make sure that he  
 4 checks everything that's open on that D checklist.  
 5 Like you did on the C?  
 6 MR. MILLER: Yep.  
 7 MS. SMITH: You've got to do it on the D.  
 8 MR. MILLER: Is that the only checklist item  
 9 that is -- is open or is that the only checklist item  
 10 that would cause a determination that the application  
 11 would be incomplete?  
 12 In other words, is the application complete  
 13 short -- short of that?  
 14 MR. GERMINARIO: I'm -- I'm at a disadvantage  
 15 because our engineer is not here.  
 16 MR. MILLER: Oh...  
 17 MS. SMITH: He's on his way in. He should be  
 18 walking in -- he said he had a long walk. So I don't  
 19 know if he's walking from Chester, or what.  
 20 But there's also fees involved depending on  
 21 how many D variances.  
 22 MR. MILLER: Uh-hum.  
 23 MR. GERMINARIO: Maybe he can't get in the  
 24 door. I don't know. There's so many people in the  
 25 hallway.

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1 CHAIR RITGER: I have a question that's a  
 2 little bit unrelated but it might be helpful to bring  
 3 it up now in advance of the next meeting.  
 4 We heard that there is a planned study of two  
 5 intersections. Those two intersections are immediately  
 6 adjacent to -- to the property but they do not get  
 7 mentioned in your traffic study. So they are studies  
 8 but...  
 9 MR. GERMINARIO: We are getting out ahead of  
 10 ourselves on that one.  
 11 CHAIR RITGER: I am just pointing it out so  
 12 that -- killing time.  
 13 MR. GERMINARIO: Oh, well...  
 14 CHAIR RITGER: So that he can alert his  
 15 traffic study --  
 16 MR. GERMINARIO: This is a -- this is a  
 17 completeness hearing though.  
 18 CHAIR RITGER: I know, but he can alert his  
 19 study team that they might want to look into that.  
 20 MR. GERMINARIO: I know.  
 21 CHAIR RITGER: And with that, Paul, welcome.  
 22 MR. GERMINARIO: Yeah, Paul, the question  
 23 came up -- we've already explained that we can't hold a  
 24 complete tonight because of the lack of the application  
 25 for the variance -- the variances and the variance

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1 checklist.  
 2 But are there any other incompleteness items  
 3 that you have?  
 4 MR. FERRIERO: No. I -- in my opinion, the  
 5 application could be deemed complete with a couple  
 6 minor waivers that were in my report.  
 7 I don't actually have that with me going from  
 8 one place to another.  
 9 MR. GERMINARIO: Uh-huh.  
 10 MR. FERRIERO: But the -- the major issue  
 11 came up when there were additional variances that were  
 12 not identified as part of the application.  
 13 MR. GERMINARIO: Okay. So you have a -- you  
 14 folks have a copy of Mr. Ferriero's report. You can  
 15 look on that as far as the waiver requests?  
 16 MR. MILLER: We do is have a copy of that,  
 17 yes.  
 18 MR. GERMINARIO: And you just make those  
 19 waiver requests with your resubmission on the variances  
 20 and that should do it.  
 21 MR. MILLER: One question going forward, is  
 22 that -- I assume then that we will need another  
 23 completeness hearing before -- before we proceed?  
 24 MR. GERMINARIO: Yes. But we can do that,  
 25 and we can schedule you for the hearing on the merits

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1 at the same night.  
 2 MR. MILLER: Oh.  
 3 MR. GERMINARIO: So we -- we could -- instead  
 4 of having you come back for two separate hearings, we  
 5 can have that -- that done and go right into the  
 6 hearing on the merits.  
 7 MR. MILLER: I -- so you anticipated my next  
 8 question.  
 9 MR. GERMINARIO: Yeah.  
 10 MR. MILLER: So -- so then I believe that the  
 11 next meeting would be April 18th; is that correct?  
 12 The next -- or I don't -- I'm -- I'm not sure  
 13 when -- when the Board actually had --  
 14 MR. GERMINARIO: Oh --  
 15 MS. SMITH: You can go on for your  
 16 interpretation of completeness but in the hearing at  
 17 that time, because Accordia is going on for that one.  
 18 MR. MILLER: Okay.  
 19 MS. SMITH: I'm going to have to alternate  
 20 the two of you.  
 21 MR. MILLER: So the hearing then would -- the  
 22 next hearing for us would then be the interpretation --  
 23 MS. SMITH: In May. Well --  
 24 UNIDENTIFIED PERSON: We would --  
 25 MS. SMITH: Would we be able to do the

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1 interpretation first in April?  
 2 MR. GERMINARIO: I don't know if we are going  
 3 to have time. That might take some time.  
 4 MS. SMITH: Okay.  
 5 MR. GERMINARIO: And Accordia is going to  
 6 pretty much going to take up that whole -- that whole  
 7 meeting.  
 8 So you might want to go for the May date and  
 9 just get a completeness and into the hearing at the  
 10 same time.  
 11 MR. MILLER: Uh-hum.  
 12 MR. GERMINARIO: I mean, you know what you  
 13 have to do now, so there's not -- going to be no  
 14 uncertainty about what you are going to get on the  
 15 completeness side.  
 16 MR. MILLER: Right. So my next question  
 17 would be the public notice. The -- there's still --  
 18 there's still -- still a question. There's still a  
 19 question as far as the number of D variances. So...  
 20 MR. GERMINARIO: So.  
 21 MR. MILLER: So how -- how do we notice for  
 22 May 18th?  
 23 MR. GERMINARIO: Yeah. So you -- you notice  
 24 for those variances and you may say, if required.  
 25 In other words, I -- and I just had this

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1 in -- in another application here in town -- in the  
 2 borough, rather.  
 3 So you merely state in parenthesis, if you  
 4 want, such and such variance, D-3 variance, bla, bla,  
 5 bla, if required.  
 6 That way you are indicating that you are not  
 7 conceding that that's required or whatever equivalent  
 8 language you want. I'm -- I'm not telling you how to  
 9 -- how to say it.  
 10 MR. MILLER: Right.  
 11 MR. GERMINARIO: But you -- but you can  
 12 indicate that you reserve whatever rights that you have  
 13 but...  
 14 MR. MILLER: Right. But I guess -- I guess  
 15 my concern would be in the event that jurisdiction  
 16 eventually possibly ends up with the Planning Board,  
 17 then what happens?  
 18 I mean, I understand we are talking about D  
 19 variances and there is a question as far as the number  
 20 of D variances but I am just thinking from a -- if  
 21 we -- if we notice for the D variances for May 18th and  
 22 we notice for the interpretation, the completeness  
 23 hearing is heard before that. And if -- I mean, it  
 24 certainly -- it certainly seems from what -- from what  
 25 the Board professionals are saying, that a D variance

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1 that evolves, attorneys bring up the extreme case, as  
 2 you know, what if -- what is it it's not determined  
 3 that there is a D variance and then jurisdiction could  
 4 possibly wind up with -- being with the Planning Board.  
 5 That would be my concern from -- from a  
 6 notice standpoint. And --  
 7 MR. GERMINARIO: Well, if that happens.  
 8 MR. MILLER: And also to address -- I mean,  
 9 to ensure that the proper Board has the proper  
 10 jurisdiction --  
 11 MR. GERMINARIO: Right. So what will help  
 12 then is like if we get into the middle of the first  
 13 hearing on this and all of a sudden and we have this  
 14 epiphany that, oh, well, this is -- these are not D  
 15 variances at all, then we stop.  
 16 MR. MILLER: Okay.  
 17 MR. GERMINARIO: And it gets -- jurisdiction  
 18 gets transferred back to the -- well, not back to, but  
 19 to the Planning Board. We bring the Mayor and the  
 20 Councilman back and you start your case over again.  
 21 MR. MILLER: Okay.  
 22 MR. GERMINARIO: So we wind up -- so that  
 23 being said, obviously we want to deal with that issue  
 24 up front and get that over with.  
 25 MR. MILLER: Well, I don't -- I don't

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1 disagree.  
 2 MR. GERMINARIO: Yeah.  
 3 MR. MILLER: Uh-hum.  
 4 CHAIR RITGER: All Right. So the plan going  
 5 forward will be to alternate the days so it will be  
 6 April, Accordia. May --  
 7 MS. SMITH: April 18th Accordia.  
 8 CHAIR RITGER: -- V-Fee. And then --  
 9 MS. SMITH: Yeah, May 16th, not 18th.  
 10 MR. MILLER: May 16th.  
 11 CHAIR RITGER: All right. Now, with that we  
 12 have to --  
 13 MR. GERMINARIO: We actually have to take a  
 14 vote on the completeness.  
 15 CHAIR RITGER: Yeah, we have to --  
 16 MR. GERMINARIO: We need a motion and...  
 17 CHAIR RITGER: Exactly.  
 18 So with that discussion behind us, we need to  
 19 take a vote. But first we need a motion to either deem  
 20 this application complete -- why don't we do this, will  
 21 someone make a motion to deem this application  
 22 incomplete?  
 23 UNIDENTIFIED PERSON: I'll make a motion to  
 24 deem this incomplete.  
 25 CHAIR RITGER: And do I have a second?

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1 UNIDENTIFIED PERSON: I'll second.  
 2 CHAIR RITGER: Okay. Now, the vote will be  
 3 if you believe this is an incomplete application.  
 4 Lisa.  
 5 MS. SMITH: Ms. Bushman?  
 6 MS. BUSHMAN: Yes.  
 7 MS. SMITH: Mr. Ritger?  
 8 CHAIR RITGER: Yes.  
 9 MS. SMITH: Mr. Smith?  
 10 MR. SMITH: Yes.  
 11 MS. SMITH: Mr. Sprandel?  
 12 MR. SPRANDEL: Yes.  
 13 MS. SMITH: Mr. D'Urso -- never mind.  
 14 Mr. Egerter?  
 15 MR. EGERTER: Yes.  
 16 MS. SMITH: Ms. Garbacz?  
 17 MS. GARBACZ: Yes.  
 18 MS. SMITH: Mr. Molnar.  
 19 MR. MOLNAR: Yes.  
 20 MS. SMITH: Mr. Kay?  
 21 MR. KAY: Yes.  
 22 MS. SMITH: Mr. Barker?  
 23 MR. BARKER: Yes.  
 24 MS. SMITH: Mr. Pace?  
 25 MR. PACE: Yes.

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1 MR. RITGER: All right. With that,  
 2 completeness is complete.  
 3 MR. MILLER: Thank you, Mr. Chairman.  
 4 Members of the Board, thank you.  
 5 Thank you for hearing me. Have a good night.  
 6 MS. SMITH: Good night.  
 7 CHAIR RITGER: All right. Next, we usually  
 8 do a little bit of a discussion item but we are closing  
 9 in on adjournment. But I wanted to point out to  
 10 everybody -- well, let's -- let's discuss this.  
 11 We had talked last meeting that if we have a  
 12 large crowd, we might want to implement a system of  
 13 those that wish to speak signing in.  
 14 Is that how we are going to run the next  
 15 meeting, how people to sign up to speak and then take  
 16 them in the order that they sign up or will we be in a  
 17 situation where we have aisles and people can walk up  
 18 to the microphone and stand in line?  
 19 MS. SMITH: Not everybody's gonna want to  
 20 speak on each part, so I would say they can raise their  
 21 hand and, you know...  
 22 CHAIR RITGER: And come up to the microphone,  
 23 we will do it that way?  
 24 MS. SMITH: Yeah.  
 25 CHAIR RITGER: All right. And just --

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1 MS. SMITH: Before you adjourn, just make  
 2 sure you do the -- everybody is okay with those dates  
 3 because that could change.  
 4 CHAIR RITGER: We actually have to approve  
 5 those dates?  
 6 MS. SMITH: Just, yeah, make sure that they  
 7 are okay.  
 8 MAYOR GLASSNER: I motion to approve the  
 9 dates.  
 10 CHAIR RITGER: We can do that on a voice  
 11 vote, can't we, Lisa?  
 12 MS. SMITH: All in favor kind of thing. So  
 13 we would just need a second?  
 14 CHAIR RITGER: Do we have a second?  
 15 UNIDENTIFIED PERSON: Second.  
 16 CHAIR RITGER: All in favor of the dates of  
 17 June 20th and July 18th say aye.  
 18 BOARD IN UNISON: Aye.  
 19 CHAIR RITGER: Okay. With that, do you have  
 20 a motion to adjourn tonight's meeting?  
 21 UNIDENTIFIED PERSON: I'll make a motion.  
 22 CHAIR RITGER: Do I have a second?  
 23 UNIDENTIFIED PERSON: Second.  
 24 MR. RITGER: Second.  
 25 All in favor.

1 BOARD IN UNISON: Aye.  
 2 (Meeting adjourned 8:01 p.m.)  
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1 CERTIFICATE  
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 4 I, Grace J. Molson, Certified Transcriptionist, do  
 5 hereby certify that I was authorized to and did listen  
 6 to and transcribe the foregoing recorded proceedings and  
 7 that the transcript is a true record to the best of my  
 8 professional abilities.  
 9 *Grace J. Molson*  
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 12 Dated this 5th day of April, 2023  
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	<p style="text-align: center;"><b>T</b></p> <p>talked (1) 31:11</p> <p>talking (2) 9:21;27:18</p> <p>Taylor (1) 18:7</p> <p>team (1) 23:19</p> <p>telling (1)</p>	<p style="text-align: center;"><b>U</b></p> <p>Uh-hum (4) 4:3;22:22;26:11; 29:3</p> <p>uncertainty (1) 26:14</p> <p>under (2) 4:1;7:1</p> <p>UNIDENTIFIED (27)</p>		

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<b>8</b>				
<b>8:01 (1)</b> 33:2				



*The Phoenix House*      *circa 1820*

*The Borough of Mendham*  
2 West Main Street, Mendham, New Jersey 07945  
Incorporated May 15, 1906

Telephone: (973) 543-7152 ext. 20  
Fax: (973) 543-7202  
[www.mendhamnj.org](http://www.mendhamnj.org)

*Office of the Assessor*

April 3, 2023

Derek W. Orth  
Inglesino, Webster, Wyciskala & Taylor, LLC  
600 Parsippany Road, Suite 204  
Parsippany, NJ 07054

Re: Block: 801 - Lot: 20- **84-86-88 East Main Street**

Having examined the tax map and tax list of the Borough of Mendham, I certify that, to the best of my knowledge, the Mendham Borough properties indicated on the attached list are located within 200 feet of the above referenced property.

Also, please provide notice of the public hearing of an application for development to the following public utilities and CATV companies that own land or possess an easement within the municipality.

JCP&L, c/o FE Serv. Tax Dept.  
P.O. Box 1911  
Morristown, NJ 07962-1911

American Water SSC/General Tax Dept.  
PO Box 5627  
Cherry Hill, NJ 08034

Verizon, c/o Duff & Phelps  
PO Box 2749  
Addison, TX 75001

Mendham Borough Sewer Utility  
35 Ironia Rd.  
Mendham, NJ 07945

AT&T  
900 Route 202/206 North  
Bedminster, NJ 07921

Comcast  
300 Rahway Ave.  
Union, NJ 07083

Public Service Electric & Gas Co.  
80 Park Plaza  
Newark, NJ 07102

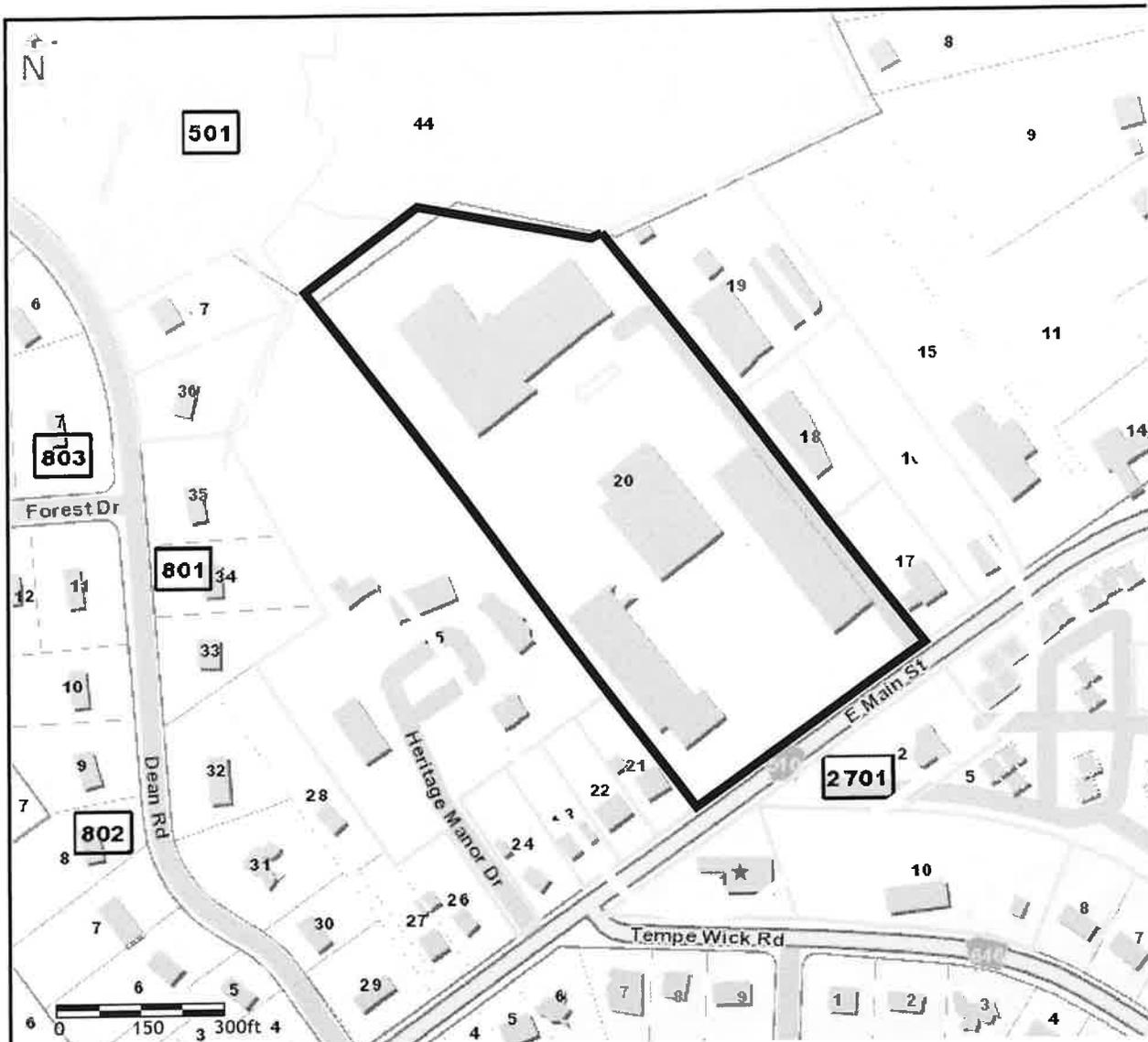
Cablevision, Attn: Kathy Baker  
683 Route 10  
Randolph, NJ 07869

Morris County Planning Board  
PO Box 900  
Morristown, NJ 07963-0900

Very truly yours,

*Lisa Smith*

Lisa Smith  
Assessor Assistant



Morris County Board of Taxation  
 COUNTY OF MORRIS, NEW JERSEY  
 P.O. Box 900, Morristown NJ, 07963-0900  
 \*Maximum of 500 records available on report

Projection: State Plane (FIPS 2900)  
 Datum: NAD83  
 Units: Feet



The maps and data available for access at this website is provided "as-is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for, or the appropriateness for use, rests solely on the user accessing this information. The County of Morris makes no warranties, express or implied, as to the use of the maps and the data available for access at this website. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction, and revision. The maps and associated data at this website do not represent a survey. In no event shall the County of Morris or its officers or employees assume any liability for the accuracy of the data delineated on any map. In no event shall the County of Morris or its officers or employees be liable for any damages arising in any way out of the use of this information.

TARGETED PROPERTIES:				
PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1418_801_20	12.8700	84-86-88 E MAIN ST	V-FEE REALTY INVESTMENT LLC	130 RT. 10 WHIPPANY, NJ 07981

**PARCELS WITHIN RANGE OF TARGETED PROPERTIES:**

PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1418_2701_1	0.8100	2 TEMPE WICK RD	UNITED STATES POSTAL SERVICE	33RD & 8TH AVE NEW YORK, NY 10098
1418_2701_10	2.1440	8 TEMPE WICK RD	CPI MENDHAM I LLC / ET ALS	195 NORTH ST ,STE.100 TETERBORO, NJ 07608
1418_2701_2	1.1900	95 E MAIN ST	PROVIDENT BANK	P.O. BOX 36558 CHARLOTTE, NC 28236
1418_2701_5	undefined		unmatched parcel	undefined undefined
1418_2701_5_C025H	0.2000	5 COLD HILL RD SOUTH, 25H	MARINO, ROBERT J	PO BOX 494 MENDHAM, NJ 07945
1418_2701_5_C026J	0.2000	5 COLD HILL RD SOUTH, 26J	ICONIC MEDICAL AND WELLNESS CENTERS	48 KAHDANA RD MORRISTOWN, NJ 07960
1418_2701_5_C027J	0.2000	5 COLD HILL RD SOUTH, 27J	PHARMACARE INC	PO BOX 452 LEDGEWOOD, NJ 07852
1418_2701_5_C028J	0.2000	5 COLD HILL RD SOUTH, 28J	PHARMACARE INC	PO BOX 452 LEDGEWOOD, NJ 07852
1418_2701_5_C029J	0.2000	5 COLD HILL RD SOUTH, 29J	PHARMACARE INC	PO BOX 452 LEDGEWOOD, NJ 07852
1418_501_44	12.5400	DEAN RD	BOROUGH OF MENDHAM	2 W MAIN ST MENDHAM, NJ 07945
1418_801_16	1.5000	100 E MAIN ST	HOWARD, MARY	153 OLD STAGECOACH RD GILBERT, PA 18322
1418_801_17	0.7900	98 E MAIN ST	HOLCOMBE MENDHAM LLC	805 THIRD AVE, 18TH FLR NEW YORK, NY 10022
1418_801_18	0.7300	96 E MAIN ST	RAYTOM ENTERPRISES LLC	96 E MAIN ST MENDHAM, NJ 07945
1418_801_19	2.0000	96 E MAIN ST	SCHILLING, HERBERT H JR	120 MEADOWBROOK RD LIVINGSTON, NJ 07039
1418_801_20	12.8700	84-86-88 E MAIN ST	V-FEE REALTY INVESTMENT LLC	130 RT. 10 WHIPPANY, NJ 07981
1418_801_20_T01	12.8700	84-86-88 E MAIN ST	PHOENIX TOWER INTERNATIONAL CO RYAN	P.O. BOX 460667, DEPT 100 HOUSTON, TX 77056
1418_801_21	0.5000	82 E MAIN ST	VAZQUEZ, DAVID/SWANSON, BRANDY LEE	11 GUNTHER ST MENDHAM, NJ 07945
1418_801_22	0.4900	80 E MAIN ST	MENDHAM VILLAGE PROPERTIES LLC	PO BOX 198 IRONIA, NJ 07845
1418_801_23	0.4900	78 E MAIN ST	MENDHAM VILLAGE PROPERTIES LLC	PO BOX 198 IRONIA, NJ 07845
1418_801_25	7.6800	A1-D8 HERITAGE MANOR DR	BOROUGH OF MENDHAM	2 W MAIN ST MENDHAM, NJ 07945
1418_801_36	0.7200	27 DEAN RD	LAM, JAMES/ELISE	27 DEAN RD MENDHAM, NJ 07945
1418_801_37	0.9300	29 DEAN RD	LONG, DAVID W & ANGELINE G	29 DEAN RD MENDHAM, NJ 07945

**BOROUGH OF MENDHAM**  
**6 West Main Street**  
**Mendham, NJ 07945**  
Incorporated May 15, 1906

Office of the  
Tax Collector

Phone 973-543-7152 Ext. 17  
Fax 973-543-2290  
email ~  
borotax@mendhamnj.org

**CERTIFICATION OF STATUS OF MUNICIPAL TAX AND SEWER FEES**

To  Board of Adjustment \_\_\_\_\_ Planning Board

Applicant V-Fee Mendham Apartments, LLC

Property Location 84-90 East Main Street Block 801 Lot 20

Note that any billing or delinquency subsequent to the date of this certification and prior to the Board hearing must be timely paid and proof must be filed with the Board.

(This section is to be completed by the Tax Collector)

Please be advised that the current status of tax and utility fees are:

Tax status is  paid current /  due but not delinquent /  delinquent

Last Tax payment was made on 2/6/23 for 1<sup>ST</sup> Quarter 2023

Next Tax payment is due 5/1/23

Tax is delinquent if not paid by 5/10/23

Sewer status is  paid current /  due but not delinquent /  delinquent - *several accounts*

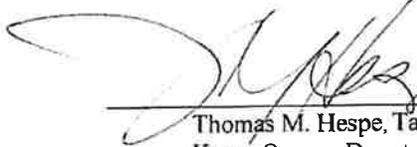
Last Sewer payment was made on 3/1/23 for \_\_\_\_\_ Quarter \_\_\_\_\_

Next Sewer Payment is due 3/1/23

Sewer becomes delinquent if not paid by 4/1/23 *2022 charges*

Not served by Municipal Sewer. *are paid in full*

Dated: 4/6/23

  
Thomas M. Hespe, Tax Collector  
Karen Orgera, Deputy Tax Collector

