

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
REGULAR MEETING
Tuesday, August 6, 2019
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER/FLAG SALUTE

The regular meeting of the Mendham Borough Board of Adjustment was called to order by Chairman Seavey, at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Star Ledger* and the *Daily Record* on in accordance with the Open Public Meetings Act and was posted on the bulletin board of the Phoenix House.

Mr. Germinario swore Gail Roch in as Alternate II to the Board of Adjustment.

ROLL CALL

Chairman Seavey – Present	Mr. Dick – Present
Mr. Palestina - Absent	Mr. Smith - Present
Ms. Cass – Present	Mr. Sisson – Absent
Mr. Ritger – Present	

Alternate: Mr. Egerter, Alternate I- Present
 Ms. Roch, Alternate II - Present

Also present: Mr. Germinario, Esq.

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PUBLIC COMMENT

Chairman Seavey opened the meeting to the public for questions and comments on items not included on the agenda. There being none, the public session was closed.

BOA#02-19

Villa Restaurant Group dba Black Horse Pub & Tavern
1 West Main St.
Block 301, Lot 1
(Appeal)

Present: Larry Calli, Esq.
 Mike Harkin, project manager
 Jim Howard, VP Construction

Mr. Germinario gave an overview of the reason for the return of the applicant regarding the appeal. Mr. Germinario stated that at the June 11, 2019 meeting there was a hearing regarding this appeal which was from a determination of the HPC recommending against the synthetic material being used on the Black Horse Pub. The vote at that hearing was 3-3. A tie results in a denial under the rules of the MLUL. The applicant asked to be heard on a slightly modified proposal which would address the

objections and at this time the hearing will be reopened to hear the additional evidence and revote on the appeal. Mr. Ritger asked if they were voting whether or not the HPC made a valid decision or not. Mr. Germinario said that the question is whether the HPC erred in finding that this was not consistent with the Ordinance and the Ordinance says it should be visual compatible with the building and the surrounding area.

Mr. Calli gave an overview of the appeal. He stated that at the conclusion of the June meeting it was discussed whether or not the roofing could be staggered and modify the width so that it would lack uniformity. The applicant is asking for a reconsideration based on the modification of the proposal.

Jim Howard pointed out the staggering of the shingles on the new sample board that was weathered for a month and a half which was marked Exhibit A3 and a sample of the new shingle to show the difference of color after weathering marked Exhibit A4. A photo of the Pub as it is now was marked Exhibit A5 and a rendering of the Pub with the new shingles was marked Exhibit A6.

Mr. Seavey said it looks different than what was brought in last time and a good representation of something different than what was originally proposed. Mr. Smith and Mr. Ritger liked the staggered look. Mr. Dick brought a brochure from the company Cedur, which was marked as Exhibit A7. Mr. Dick said that the color changes 5% in the first 150 days and then sets.

PUBLIC COMMENT

Chairman Seavey opened the meeting to the public for questions and comments on the application. There being none, the public session was closed.

Chairman Seavey made a motion that the HPC made an error in judgement and was seconded by Mr. Dick.

ROLL CALL: The result of the roll call was 6 to 1 as follows:

In favor: Mr. Smith, Mr. Ritger, Mr. Dick, Mr. Egerter, Ms. Roch, Chairman Seavey
Opposed: Ms. Cass
Abstentions: None

The motion carried.

MINUTES

Chairman Seavey asked for comments on the revised minutes of the regular meeting of June 11, 2019. There being none, Chairman Seavey made a motion to approve the minutes as revised Mr. Smith seconded.

ROLL CALL

In Favor: Chairman Seavey, Mr. Smith, Mr. Ritger, Ms. Cass, Mr. Dick, Mr. Egerter, and Ms. Roch
Opposed:
Abstain:

MINUTES

Chairman Seavey asked for comments on the minutes of the regular meeting of July 2, 2019. There being none, Mr. Ritger made a motion to approve the minutes as written and Ms. Cass seconded.

ROLL CALL

In Favor: Chairman Seavey, Mr. Smith, Mr. Ritger, Ms. Cass, Mr. Dick, Mr. Egerter, and Ms. Roch
Opposed:
Abstain:

ADJOURNMENT

There being no additional business to come before the Board, **Motion** was made by Chairman Seavey, seconded by Mr. Smith. On a voice vote, all were in favor. Chairman Seavey adjourned the meeting at 8:10PM.

The next meeting of the Board will be held on **Tuesday, September 3, 2019 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Lisa Smith

Lisa Smith
Land Use Coordinator