

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
REORGANIZATION/REGULAR MEETING
Monday, January 17, 2023
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER/FLAG SALUTE

The Reorganization/ Regular meeting of the Mendham Borough Joint Land Use Board was called to order at 7:30 p.m. and the open public meeting statement was read into the record.

*****REORGANIZATION*****

APPOINTMENTS/OATHS OF OFFICE

The Mr. Germinario, Board Attorney, administered Oaths of Office to the following Board members:

- Christine Glassner (Mayor) (Class I) – Term expires 12/31/2023
- Joyce Bushman Administrator (Class II) – Term expires 12/31/2023
- Steve Andrew (Councilman) (Class III) – Term expires 12/31/2023
- Joseph D’Urso – Class IV Member - Term expires 12/31/2023
- James Molnar– Alternate I Member - Term expires 12/31/2024
- Richard Pace – Alternate IV Member - Term expires 12/31/2024

ELECTION OF OFFICERS

CHAIR

Motion by Mr. Smith, seconded by Mayor Glassner to nominate Mr. Ritger as Chair. There being no further nominations, a single ballot was cast, and Mr. Ritger was designated Chairman.

Roll Call:

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

Opposed:

Abstain: Mr. Ritger

Motion Carried

VICE CHAIR

Motion by Mayor Glassner, seconded by Mr. Ritger to nominate Mr. Smith as Vice Chair. There being no further nominations, a single ballot was cast, and Mr. Smith was designated Vice Chair.

Roll Call:

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

Opposed:

Abstain: Mr. Smith

Motion Carried

BOARD SECRETARY

Motion by Mr. Ritger, seconded by Councilman Andrew and unanimously carried by voice vote to adopt a resolution (as outlined herein) authorizing the appointment of Lisa J. Smith to the position of Board Secretary

Roll Call:

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

Opposed:

Abstain:

Motion Carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

JOINT LAND USE BOARD

RESOLUTION #05-2023

APPOINTMENT OF LISA SMITH AS BOARD SECRETARY

BE IT RESOLVED by the Joint Land use Board of the Borough of Mendham that Lisa J. Smith has been appointed to the position of Secretary to the Joint Land Use Board effective January 1, 2023.

I certify that this is a true and exact copy of a resolution adopted by the Borough of Mendham Joint Land Use Board on January 17, 2023.

Land Use Coordinator

Chairman, Joint Land Use Board

APPOINTMENT OF THE JOINT LAND USE BOARD LIAISON TO THE ENVIRONMENTAL COMMISSION

Motion by Mr. Ritger, seconded by Councilman Andrew to nominate Mr. D’Urso as Joint Land Use Board Liaison to the Environmental Commission. There being no further nominations, a single ballot was cast, Mr. D’Urso was appointed to be the JLUB liaison to the Environmental Commission.

ROLL CALL

Mayor Glassner – Present

Ms. Bushman – Present

Councilman Andrew – Present

Mr. Ritger – Present

Mr. Smith – Present

Mr. Sprandel – Absent

Mr. D’Urso– Present

Mr. Egerter – Absent

Ms. Garbacz – Absent

Mr. Molnar – Alternate 1 - Present

Mr. Kay- Alternate 2- Present

Mr. Barker – Alternate 3 - Present

Mr. Pace – Alternate 4 – Present

Also Present: Mr. Ferriero – Board Engineer
Mr. Germinario – Board Attorney
Ms. Caldwell – Board Planner

RESOLUTIONS

MEETING DATES

Motion by Mr. D’Urso, seconded by Mr. Smith and unanimously carried by voice vote to adopt a resolution (as outlined herein) setting forth the meeting dates for 2023 and the first meeting of 2024.

Roll Call:

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

Opposed:

Abstain:

Motion Carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
JOINT LAND USE BOARD
RESOLUTION #01-2023**

**RESOLUTION SETTING THE ANNUAL MEETING SCHEDULE
FOR THE JOINT LAND USE BOARD OF THE BOROUGH OF MENDHAM CALENDAR YEAR 2023**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., requires every public body to designate and publish its Annual Meeting Schedule and provide adequate notice of all meetings.

BE IT RESOLVED that that at its Regular and Reorganization Meeting held on January 17, 2023, the Joint Land Use Board of the Borough of Mendham established regularly scheduled meetings for the year 2023 as follows:

- Tuesday, January 17, 2023 (Previously Advertised)*
- Thursday, February 23*
- Tuesday, March 21*
- Tuesday, April 18*
- Tuesday, May 16*
- Tuesday, June 21*
- Tuesday, July 20*
- Tuesday, August 15*
- Tuesday, September 19*
- Tuesday, October 17*
- Tuesday, November 21*
- Tuesday, December 19*
- Tuesday, January 16, 2024 (Regular and Reorganization)*

The regular and reorganization meeting for 2024 will be held on January 16, 2024.

BE IT FURTHER RESOLVED that the meetings will be held at 7:30PM at the Garabrant Center, 4 Wilson St, Mendham, NJ.

BE IT FURTHER RESOLVED During a declared state of emergency when meetings of Joint Land Use Board are held remotely, the public may attend remotely by Zoom. Instructions on how to attend a meeting via Zoom will be posted on the meetings schedule webpage on the Borough’s website in advance of the meeting and in accordance with the Open Public Meetings Act.

BE IT FURTHER RESOLVED, in accordance with N.J.S.A. 10:4-12, notice is hereby given that an executive (closed) session may be convened at any scheduled meeting of the Joint Land Use Board of the Borough of Mendham by a duly adopted resolution; and

BE IT FURTHER RESOLVED that notice of any additions to the above schedule or change in the time, date or place of any scheduled meeting will be posted and maintained in the Phoenix House, 2 West Main St., Mendham, NJ for purposes of public inspection, and will be filed in the Office of the Borough Clerk in accordance with the Open Public Meetings Act and delivered to the official newspapers in advance as required by law.

Dated: January 17, 2023

Chairman, Joint Land Use Board

ATTEST:

Land Use Coordinator

OFFICIAL NEWSPAPERS

Motion by Mr. Kay, seconded by Mr. Molnar and unanimously carried by voice vote to adopt a resolution (as outlined herein) recognizing the Star Ledger and The Daily Record as the official newspapers of the Board for 2023.

Roll Call:

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

Opposed:

Abstain:

Motion Carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
JOINT LAND USE BOARD
RESOLUTION #02-2023**

RESOLUTION AUTHORIZING DESIGNATION OF NEWSPAPERS FOR CALENDAR YEAR 2023

BE IT RESOLVED by the Joint Land Use Board of the Borough of Mendham, Morris County, New Jersey as follows:

WHEREAS, Chapter 231 of the Public Laws of the State of New Jersey for 1975, known as and hereinafter designated as the “Open Public Meetings Act” aforesaid, the Open Space Advisory Committee of the Borough of Mendham hereby makes the following designations:

1. *The Star Ledger and the Daily Record are hereby designated as the two newspapers to receive notice of meetings required by any and all sections of the Open Public Meetings Act, it appearing that said newspapers are most likely to inform the local public of such meetings. Notices required by the New Jersey Municipal Land Use Law or the Borough’s Land Use Regulations may be placed, as required by law, in either of the designated newspapers.*
2. *Notice of this meeting of the Joint Land Use Board of the Borough of Mendham shall be posted and maintained in the Phoenix House, 2 West Main Street, Mendham, NJ for purposes of public inspection, and will be filed in the Office of the Borough Clerk in accordance with the Open Public Meetings Act*
3. *The sum of \$12.00 per year is hereby fixed as the amount to paid by any person requesting individual notice of meetings as provided in Section 13 of the Open Public Meetings Act.*

Dated: January 17, 2023

Chairman, Joint Land Use Board

ATTEST:

Land Use Coordinator

BOARD ENGINEER

Motion by Mr. D’Urso, seconded by Mr. Smith and unanimously carried by voice vote to adopt a resolution (as outlined herein) authorizing entry into an agreement with Paul Ferriero, PE, PP of Ferriero Engineering for professional engineering services.

Roll Call:

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

Opposed:

Abstain:

Motion Carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
JOINT LAND USE BOARD
RESOLUTION#04-2023**

RESOLUTION OF THE JOINT LAND USE BOARD OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PAUL W. FERRIERO, PE & PP OF THE FIRM FERRIERO ENGINEERING INCORPORATED FOR BOARD ENGINEER SERVICES

WHEREAS, the Joint Land Use Board of the Borough of Mendham has a need to acquire professional Board Engineer services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated has submitted a proposal indicating that he will provide Board Engineer services in an amount projected to not exceed \$7,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds); and

WHEREAS, Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated has completed and submitted a Business Entity Disclosure Certification which certifies that Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated has not made any reportable contributions to a political or candidate committee in the Borough of Mendham in the previous one year, and that the contract will prohibit Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated from making any reportable contributions through the term of the contract; and

WHEREAS, the Joint Land Use Board of the Borough of Mendham desires to award the contract to Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Mendham as follows:

1. *The Joint Land Use Board of the Borough of Mendham hereby authorizes execution of a professional services agreement with Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated. to serve as Board Engineer for the year 2023, in an amount projected not to exceed \$7,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds).*
2. *This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.*
3. *The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.*
4. *That a notice of this action shall be published once in the official newspapers of the Joint Land Use Board of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).*
5. *This Resolution shall take effect as provided herein.*

I, Lisa J. Smith, Land Use Coordinator of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Reorganization Meeting of the Joint Land Use Board of the Borough of Mendham, held this 17th day of January 2023.

Lisa J. Smith, Land Use Coordinator

ATTEST: _____

Lisa J. Smith
Land Use Coordinator

Chairman

BOARD ATTORNEY

Motion by Mr. Smith, seconded by Mr. Kay to nominate Mr. Germinario, Esq. as Joint Land Use Board Attorney. There being no further nominations, a single ballot was cast, and Mr. Germinario, Esq. was designated as Joint Land Use Board Attorney.

Roll Call:

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

Opposed:

Abstain:

Motion Carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
JOINT LAND USE BOARD
RESOLUTION#03-2023**

RESOLUTION OF THE JOINT LAND USE BOARD OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THOMAS J. GERMINARIO, ESQ. FOR BOARD ATTORNEY SERVICES

WHEREAS, the Joint Land Use Board of the Borough of Mendham has a need to acquire professional Board Attorney services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Thomas J. Germinario, ESQ. has submitted a proposal indicating that he will provide Board Attorney services in an amount projected not to exceed \$20,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds); and

WHEREAS, Thomas J. Germinario, ESQ. has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas J. Germinario, ESQ. has not made any reportable contributions to a political or candidate committee in the Borough of Mendham in the previous one year, and that the contract will prohibit Thomas J. Germinario, ESQ. from making any reportable contributions through the term of the contract; and

WHEREAS, the Joint Land Use Board of the Borough of Mendham desires to award the contract to Thomas J. Germinario, ESQ.; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Mendham as follows:

1. The Joint Land Use Board of the Borough of Mendham hereby authorizes execution of a professional services agreement with Thomas J. Germinario, ESQ to serve as Board Attorney for the year 2023 in an amount projected not to exceed \$20,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds).
2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. That a notice of this action shall be published once in the official newspapers of the Joint Land Use Board of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).
5. This Resolution shall take effect as provided herein.

I, Lisa J. Smith, Land Use Coordinator, do hereby certify that the foregoing Resolution was duly adopted at the Reorganization Meeting of the Joint Land Use Board of the Borough of Mendham, held this 17th day of January 2023.

Lisa J. Smith, Land Use Coordinator

ATTEST: _____
Lisa J. Smith
Land Use Coordinator

Chairman, Joint Land Use Board

BOARD PLANNER

Motion by Mr. D’Urso, seconded by Mr. Molnar and unanimously carried by voice vote to adopt a resolution (as outlined herein) authorizing entry into an agreement with Jessica Caldwell, PP, AICP of J. Caldwell & Associates, LLC professional planning services.

Roll Call:

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

Opposed:

Abstain:

Motion Carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
JOINT LAND USE BOARD
RESOLUTION#05-2023**

RESOLUTION OF THE JOINT LAND USE BOARD OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO J. CALDWELL & ASSOCIATES, LLC FOR BOARD PLANNER SERVICES

WHEREAS, the Joint Land Use Board of the Borough of Mendham has a need to acquire professional Board Planner services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, J. Caldwell & Associates, LLC has submitted a proposal indicating that J. Caldwell & Associates, LLC will provide Board Planner services in an amount projected to not exceed \$8,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds); and

WHEREAS, J. Caldwell & Associates, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that J. Caldwell & Associates, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Mendham in the previous one year, and that the contract will prohibit J. Caldwell & Associates, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Joint Land Use Board of the Borough of Mendham desire to award the contract to J. Caldwell & Associates, LLC; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Mendham:

- 1. *The Joint Land Use Board of the Borough of Mendham hereby authorizes execution of a professional services agreement with J. Caldwell & Associates, LLC. to serve as Board Planner for the year 2023, in an amount projected not to exceed \$8,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds).*
- 2. *This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.*
- 3. *The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.*
- 4. *That a notice of this action shall be published once in the official newspapers of the Joint Land Use Board of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).*
- 5. *This Resolution shall take effect as provided herein.*

I, Lisa J. Smith, Land Use Coordinator of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Joint Land Use Board of the Borough of Mendham Reorganization Meeting, held this 17th day of January 2023.

 Lisa J. Smith, Land Use Coordinator

ATTEST: _____ _____
 Lisa J. Smith Chairman
 Land Use Coordinator Joint Land Use Board

*****REGULAR MEETING*****

APPROVAL OF MINUTES

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

Roll Call:
In Favor: Mayor Glassner, Mr. Ritger, Mr. Smith, Mr. D’Urso, Mr. Molnar, Mr. Kay, Mr. Barker, and Mr. Pace.
Opposed:
Abstain: Ms. Bushman and Councilman Andrew.

Motion Carried

PUBLIC COMMENT

Chairman Ritger opened the meeting to the public for questions and comments on items not included on the agenda. Mr. Lupo, 17 Dean Rd. commented on LED lighting and redirecting lighting concerns in future applications and reforesting due to the Ash trees dying for buffering. There being no further comments, the public session was closed.

COMPLETENESS

14-22 Weijlard
 13 East Main St.

Block 1501 Lot 5

Present: Mr. Weijlard – Applicant
Mr. Sposaro – Attorney
Mr. Byrne – Architect
Mr. Roth – Engineer
Mr. Banisch - Planner

Mr. Ferriero summarized his completeness letter dated October 10, 2022. Mr. Ferriero recommends that the application be waived for completeness and if there is additional information needed, it can be brought up in testimony. Mr. Germinario reviewed the public notice and found it to be adequate. Mr. D’Urso commented that the Site Plan that was brought to the Historic Preservation Commission (HPC) is doesn’t show the lighting that is on the Site Plan submitted to the Joint Land Use Board (JLUB). Mr. Sposaro requested that the Board deem the application complete and returning to the HPC can be a condition of approval.

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

Roll Call:

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

Opposed:

Abstain: Mayor Glassner, Councilman Andrew

The motion carried.

JLUB# 18-22

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

Present: Mr. & Mrs. Ortiz – Applicant
Mr. Mills – Attorney
Mr. McDonough – Land Planning

Mr. Ferriero summarized his completeness letter dated December 19, 2022. Mr. Ferriero recommends that the application be waived for completeness and if there is additional information needed, it can be brought up in testimony. Mr. Germinario reviewed the public notice and found it to be adequate.

Motion by Mr. D’Urso, seconded by Mr. Kay and unanimously carried to deem the application complete.

Roll Call:

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

Opposed:

Abstain:

The motion carried.

HEARINGS

JLUB #14-22

Weijlard
13 East Main St.

Block 1501 Lot 5

Present: Mr. Weijlard – Applicant
Mr. Sposaro – Attorney
Mr. Byrne – Architect
Mr. Roth – Engineer
Mr. Banisch - Planner

Mr. Sposaro stated that the application is to eliminate commercial and add residential to the property.

Mr. Weijlard was sworn in. Mr. Weijlard gave background on the property and reasoning for the application. Mr. D'Urso asked why Mr. Weijlard was asking for 2 apartments as opposed to 1. Mr. Weijlard explained that the 5-unit mix works better for rentals since if 1 unit is not rented it would be 1/5 instead of 1/4 income lost. Mr. Sposaro stated that there is a greater demand for smaller residential. Mr. D'Urso asked if one of the apartments would be an affordable housing unit. Mr. Sposaro stated that given the number of units it is not economical. Mr. D'Urso stated that with the proposed dedicating of 3 spaces for the residential and ones used for the business, there will not be any spaces left for customers. Mr. Sposaro stated that there will be testimony regarding this but it is anticipated that parking for the dry cleaners would be on the street for drop off and pick up.

Mr. Roth was sworn in and qualified. Mr. Roth explained and marked the first exhibit of existing conditions aerial map as A1. Mr. Roth handed out a second exhibit that was marked as A2 entitled Site Plan Rendering which shows what is being proposed. Mr. Roth explained that the project proposes no change to the basement level which will remain retail, the first floor would be converted from commercial to 2 residential rental units, and the second floor would remain a one one bedroom unit. Mr. Roth stated that there would be no changes to the building footprint. Mr. Roth stated that to address the County Planning Boards approval letter dated October 11, 2022 comments, the proposed plans reflect striping and signage to formally make the East Main Street driveway an entrance only. Mr. Roth explained that the access drive to the parking lot is a 2-way drive with no exit to East Main Street. Mr. Roth stated that the proposed use of the building requires 15 spaces which is less than the 17 spaces required for its current use. Mr. Roth explained that 3 spaces would be reserved for the tenants and the current businesses encourage their employees to park in the municipal parking to leave the remaining spaces for customers. Mr. Roth stated that the owner of the dry cleaner said that his customers park on the street for drop off and pick up and the salon has a maximum of 3 customers at one time. Mr. Roth explained that a waiver is requested for the undersized parking spaces and drive isle. Mr. Roth stated that a new trash enclosure is proposed which is an improvement from what's existing. Mr. Roth explained that his testimony addressed portions of the board planners memo dated January 12, 2023 and the remaining items will be addressed by the applicant's planner. Mr. Roth stated that items on the board engineers letter dated December 15, 2022 have been address in his testimony and the remainder will be addressed in upcoming testimony.

Mr. Sposaro explained that a recordation of an easement which would provide access to the municipal lot was required as a condition of approval of a site plan in the 1970s. Mr. Sposaro noted that the easement is silent on the issue of it being limited to ingress or egress or both and that the County Planning Board has dictated that due to the width of the easement, it should be limited to ingress only. Mr. Sposaro stated that the governing body would have to approve the limited access and suggested making that a condition of approval should the board be inclined. Mr. Germinario stated that the easement document that was distributed to the board via email earlier in the day be marked as exhibit A3 and agrees that the governing body would have to approve the changes of egress and ingress.

Mr. Ferriero stated that when looking at the exhibit, he noticed that there is a section of pavement that goes over the property line of the adjoining lot and requests that the pavement be brought back to the property line. Mr. Germinario asked if the first 3 items on Mr. Ferriero's report have been added to the plans. Mr. Roth stated that they need to be added.

Mr. Ritger questioned if there will be a reduction in signage since there is a reduction in businesses. Mr. Weijlard stated that currently there are 3 signs and all 3 are not needed. Ms. Bushman stated that the signs are in the Historic District and do not meet the signage requirements and would need to be worked out with the Historic Preservation Commission (HPC). Mr. Ritger asked if there were any other signs and Mr.

Weijlard stated that there are 2 above the windows in the front. Ms. Bushman asked if the billboard sign could be reduced. Mr. Weijlard stated that it would be changed. Mr. Germinario explained that the sign change would need HPC approval.

Mr. Byrne was sworn in and qualified. Mr. Byrne summarized sheet number 2 of the submission which shows the elevations of the building. Mr. Byrne explained that the middle level has a few minor changes proposed that have been approved by the HPC. There is a window to be removed, replacement windows to meet the requirement of egress and the addition of a sash bar to be consistent. Mr. Byrne marked sheet 2 of the site plan revised on January 17, 2022 as Exhibit A4. Mr. Byrne stated that there are lightning and other additional changes on the site plan that have not been approved by the HPC and an application will be submitted. Mr. Byrne submitted another revision of sheet 2 and marked it Exhibit A5. Mr. Byrne explained Sheet 1 of the submission as the floor plan of the basement consisting of 2 retail spaces, the first floor showing the division for the 2 apartments and the second floor apartment. Mr. Sposaro asked if the building code requires sprinklers. Mr. Byrne stated a mixed-use building would require separation and the separation would be a 2 hour fire separation or a 1 hour fire separation with sprinklers. Mr. Ritger noted that there was a recommendation from the fire marshal that sprinklers are recommended. Mr. Sposaro stated that is a standard recommendation and the applicant will comply with building code requirements. Mr. Ritger also noted that the fire marshal requested a Knox Box and asked where it will be placed and if the HPC has been advised. Mr. Byrne suggested discussing the location recommendation from the fire marshal and then take the application to the HPC. Ms. Bushman asked if there would be new roofing or siding. Mr. Byrne stated that where the windows are being removed the siding will be replaced with a material consistent to the existing and there is nothing proposed with the roof replacement at this time. Mr. Molnar questioned the lighting on the side of the building. Mr. Ferriero pointed out that on Sheet 3 of the site plan there is a detail for that light which looks like a box mounted on the side of the building. Ms. Caldwell noted that when replacing 1/3 of the siding on the front, it may look better to replace the siding on the entire front of the building along with the shutters that have fallen off. Mr. Byrne explained that the area sits back and would not make the other areas look bad. Mr. Ritger asked what type of siding was on the building. Mr. Weijlard stated that the siding is painted aluminum. Mr. Ritger asked if there was any plan for EV charging stations. Mr. Weijlard said he could look into it. Mr. Molnar suggested board and batten for the front of the building to give it a more historical look. Mr. Sposaro stated that the HPC will look at it and make recommendations. Mr. Smith noted that on the front elevation where the 3 separate windows are proposed according to the floor plan, 2 of the windows would be in the living room and one in the bedroom and one of them would be close to a wall. Mr. Byrne stated that there was a change and marked Sheet 1 Exhibit A6 revised floor plan. Mr. Kay questioned the location of the egress window on sheet 2 as to whether or not someone would be able to get down from that height. Mr. Byrne stated that there is not a requirement in the code to require an escape ladder or a certain height for an egress window.

Mr. Banish was sworn in and qualified. Mr. Banish explained that the proposed conversion of the 1200 sq ft commercial space into two 1 bedroom apartments reduces the non-conformity due to the reduction in parking required. Mr. Banish explained the reasons that the board would be able to grant the various use variances based on the improvements being made to the site. Mr. Banish stated that the regularization of the parking improves public safety, the 2 extra units are in walking distance to local businesses and essentially support the local business. There is no impairment of light, air, and open space. Mr. Banish also stated that configuration of the proposed front façade offers a desirable visual environment on Main St. The improvements promote the conservation of an historic site. Mr. Banish stated that the public good is being advanced because of the less intensity of the parking and the improvements to the exterior of the building. Ms. Caldwell asked if reserving 3 spaces should cause concern since those spaces will not be shared. Mr. Banish stated that he doesn't feel a benefit to reserving the spaces since there are a number of spaces empty on a regular basis. Mr. Sposaro stated that if the board is so inclined that restriction can be removed. Ms. Caldwell asked the reasoning for the two 1 bedroom apartments as opposed to one 2 bedroom apartment which would lower the parking intensity. Mr. Sposaro stated that with the income from the 2 apartments the owner would be able to make improvements to the property. Mr. Ferriero wanted to clarify the number of parking needed. Mr. Banish stated that 17 are required currently and 15 are required with what is proposed. Ms. Bushman stated that any tenant that is parking in the municipal lot would have to

purchase a parking permit. Mr. Banish explained that as time has gone on the downtowns increased desirability for multiply residential units the standards need not be as stringent as in the past with regards to the limited number of units on the lot. Mr. Germinario asked Mr. Banish if he felt that the limit in the zone plan is directed at the intensity of the unit and that there is a blind spot regarding the number of bedrooms in the code. Mr. Banish stated Mr. Germinario is correct and that it doesn't discriminate as to whether it's two 3 bedroom units or two 1 bedroom units.

Ms. Bushman stated that she had concern on the parking and the sign. Mr. Ritger stated that the goal is to have the downtown succeed and this application is taking out a space that wasn't being used and turn into apartments where there is a demand which will revitalize this location.

Mr. Smith made a motion to approve the application with conditions as outlined in the Resolution, and was seconded by Mr. D'Urso.

Roll Call:

In Favor: Ms. Bushman, Mr. Ritger, Mr. Smith, Mr. D'Urso, Mr. Molnar, Mr. Kay, Mr. Barker and Mr. Pace.

Opposed:

Abstain: Mayor Glassner, Councilman Andrew

The motion carried.

Mr. Ritger called a 5-minute recess and Ms. Caldwell excused herself from the remainder of the meeting.

JLUB #18-22

Jesse & Kathryn Ortiz

53 East Main St.

Block 1501 Lot 24

Present: Mr. & Mrs. Ortiz – Applicant

Mr. Mills - Attorney

Mr. Flynn – Planner

Mr. & Mrs. Ortiz were sworn in.

Mrs. Ortiz explained the current condition of the existing garage the proposed application to replace the existing 15x15 garage with a new garage that is 24x28. Mr. Mills asked Mrs. Ortiz if the existing garage is located 2' off the easterly sideline of the property. Mrs. Ortiz agreed. Mr. Mills asked Mrs. Ortiz if the proposed garage would mirror the existing 2' off the easterly sideline of the property. Mrs. Ortiz agreed.

Mr. Mills had Mrs. Ortiz summarize what was depicted on the O'Brien Architects pages 1 and 2. Mr. Mills asked Mrs. Ortiz if both vehicles fit in the existing garage and Mrs. Ortiz stated they didn't. Mrs. Ortiz stated that the proposed garage would fit both vehicles and the upper level would be storage. Mrs. Ortiz explained that the neighborhood is primarily single-family homes and have accessory structures. Mrs. Ortiz explained that proposed garage is placed to the easterly side of the property because they would like to drive straight into the garage and cannot currently because of the large tree in the center of the driveway. Mrs. Ortiz explained that they would be able to maintain the 2 foot of property on the side of the proposed garage.

Mr. D'Urso noted that the plans show an overhang on the easterly side that would put the proposed project on the property line. Mr. Ferriero stated that the ordinance measures the setback to the nearest point of the structure which is the overhang and when scaling the architectural plan the overhang is approximately 2' which without any gutters put the project on the property line and essentially you would be requesting a 0 setback. Mr. Ferriero suggests moving the project over 2'. Mr. Mills suggested shortening the overhang by 1' and move the building 1' which would make it 2' setback. Mr. Mills stated that the project was approved by the Historic Preservation Commission (HPC). Mr. Ritger asked if the garage could be moved to make it

compliant. Mr. Mills explained that to make it comply they would have to maneuver around the tree that is in the center of the driveway or put the garage in the center of the yard. Mr. Ritger stated that the garage could be moved slightly and rotated. Mr. Ortiz explained that rotating the garage would take away from the esthetic and that the tree is over 75' tall. Mr. Mills explained that his clients would not like the garage to face a different way than the house. Mr. Ritger asked what was approved by the HPC. Mrs. Ortiz explained that the plans submitted are the plans that were approved by the HPC with the condition that they choose one of the doors approved and if they want to change anything, they would have to return to the HPC for approval. Mr. D'Urso asked if the large shed was going to remain. Mrs. Ortiz stated that it is used for the gardening equipment at this time and would like for it to stay.

Mr. Flynn was sworn in and qualified.

Mr. Flynn marked 3 aerial photos and 1 street view photo of subject property as Exhibit A1. Mr. Flynn explained the photos and stated that they were taken by his office the day before the hearing. Mr. Flynn summarized the proposed application for a 1.5 story, 24'x 28' garage. Mr. Flynn stated that there are other homes in the neighborhood that have accessory structures. The ½ acre property is in the ¼ acre zone and accessory structures are permitted. Mr. Flynn explained that the applicant is requesting a variance for accessory building setback, lot coverage and height of the structure since the structure is within 12' of the property line. Mr. Flynn stated that the proposed will remain within the existing 2' setback. Mr. Flynn explained how the positive benefits of the proposed outweigh the detriments.

Mr. Ritger asked Mr. Ferriero if the overhang is included in the lot coverage calculations. Mr. Ferriero states that it is. Mr. Ritger noted that the overhang is not included in the over coverage calculations. Mr. Ferriero noted comment #4 in the review dated January 12, 2023 regarding stormwater and the mitigating increase of coverage. Mayor Glassner stated that there has been an increased amount of complaints from residents in town regarding stormwater runoff. Mrs. Ortiz explained that the property slopes and the water from the surrounding properties goes into their yard as it stands now when the ground is frozen or heavy rains occur and does not anticipate an increase. Mr. Ferriero suggested a drywell for the increased impervious coverage. Mr. Mills stated that the applicant would accept installing a dry well as a condition. Mr. Ferriero suggested revised plans be submitted with the numbers adjusted with the modifications discussed. Mr. Mills stated that the applicant is prepared to have their engineer coordinate with Mr. Ferriero regarding the necessary size of the dry well and revise the plans. Mr. Ritger noted that there is no tabulation of impervious coverage on the plans and would like that revised as a condition.

Mr. Molnar made a motion to approve the application with conditions as outlined in the Resolution, and was seconded by Mr. D'Urso.

Roll Call:

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

Opposed:

Abstain:

The motion carried.

DISCUSSION ITEMS

ANNUAL REPORT

Chairman Ritger asked the Board to review the Annual Report and make any suggestions prior to submitting it to the Mayor and Council. There being no changes approved the 2022 Annual Report as written.

ADJOURNMENT

There being no additional business to come before the Board, Motion was made by Mr. Smith, seconded by Mayor Glassner. On a voice vote, all were in favor. Chairman Ritger adjourned the meeting at 10:20PM. The next meeting of the Board will be held on Thursday, February 23, 2023 at 7:30 PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator