

Borough of Mendham
 Joint Land Use Board
 2 West Main St., Mendham, NJ 07945
 973-543-7153 x. 20 email: planning@mendhamnj.org
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: Banasiak & Nettune Orthodontic Associates, P.A.
 Address: 65 South Maple Avenue
 City: Basking Ridge State: NJ Zip: 07920
 Phone: (908) 766-2444 Fax: () NA
 Email: banasiakortho@gmail.com
 Interest in Property: Business looking to open at location

2. OWNER

Name: 12 Jockey Hollow, LLC
 Address: 5 Cold Hill Road South, Unit 12C
 City: Mendham State: NJ Zip: 07945
 Phone: (973) 889-4042 Fax: () NA
 Email: japaparo@pbnlaw.com
Complete this section if applicant is not owner.

3. TYPE OF APPLICATION (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> "a" Variance (Appeal)
<input type="checkbox"/> "b" Variance (Interpretation)
<input type="checkbox"/> "c" Variance (Bulk)
<input type="checkbox"/> "d" Variance (Use)
<input type="checkbox"/> Build on Lot Not Fronting on Street
<input type="checkbox"/> Certificate of Nonconformity
<input type="checkbox"/> Subdivision, Minor
<input type="checkbox"/> Subdivision, Major Preliminary
<input type="checkbox"/> Subdivision, Major Final | <input type="checkbox"/> Site Plan, Minor
<input type="checkbox"/> Site Plan, Waiver
<input type="checkbox"/> Site Plan, Major Preliminary (Nonres or Res)
<input type="checkbox"/> Site Plan, Major Final (Nonres or Res)
<input type="checkbox"/> Subdiv. or Site Plan, Informal Review
<input type="checkbox"/> Subdiv. or Site Plan, Extension of Approval
<input type="checkbox"/> Subdiv. or Site Plan, Amend. of Approved Plan
<input checked="" type="checkbox"/> Other: <u>Amended Site Plan to modify a condition of prior approval.</u> |
|---|---|

4. APPLICANT'S ATTORNEY

Name: Joseph A. Paparo, Esq.
 Address: Porzio, Bromberg & Newman PC
100 Southgate Parkway
 City: Morristown State: NJ Zip: 07960
 Phone: (973) 889-4042 Fax: () NA
 Email: japaparo@pbnlaw.com

5. APPLICANT'S ENGINEER

Name: Anthony G. Gallerano, PE, PP
 Address: 320 North Avenue East
 City: Cranford State: NJ Zip: 07016
 Phone: (908) 276-2715 Fax: (908) 709-1738
 Email: tonyg@hccig.net

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

Name: Mark Evan Teichman, Architect
Address: 20 Surf Street

City: Sea Bright State: NJ Zip: 07760
Phone: (732) 241-7908 Fax: () NA
Email: mteichman05@aol.com

Name: _____
Address: _____

City: _____ State: _____ Zip: _____
Phone: (____) _____ Fax: (____) _____
Email: _____

7. LOCATION OF PROPERTY

Street Address: 5 Cold Hill Road South, Unit 12C Block(s): 2701
Zone: Limited Business Lot(s): 5 Qualifier: C012C
Type of Road Frontage: State Road (24) (Highway, County Road, Local Road)

8. LAND USE

Existing Land Use: General office use

Proposed Land Use: Orthodontist's office

9. PROPERTY DETAILS

of Existing Lots: NA # of Proposed Lots: NA
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)

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		Required	Existing	Proposed
Minimum Lot Requirements				Maximum Building & Structure Height			
Area	.5 acres	5.89 acres	NA	Principle	2 story 35 ft	2 story >35 ft	NA
Width	100 feet	410 feet	NA	Accessory	NA	NA	NA
Depth	Maximum Lot & Building Coverages						
Principal Buildings & Structures				Lot	65%	53%	NA
1 Side Yard	15 feet	10 feet	NA	Building			NA
2 Side Yards			NA				
Front Yard	30 feet	16 feet	NA				
Rear Yard	30 feet	NA	NA				
Accessory Building & Structures							
Side Yard	NA	NA	NA				
Rear Yard	NA	NA	NA				

12. PARKING & LOADING REQUIREMENTS

# of Parking Space Required:	<u>195</u>	# of Parking Spaces Provided:	<u>196</u>
# of Loading Space Required:	<u>NA</u>	# of Loading Spaces Provided:	<u>NA</u>

13. OTHER APPROVALS REQUIRED

N.J. Dept. of Environmental Protection	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
N.J. Dept. of Transportation	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Morris County Planning Board Burlington	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Morris County Soil Conservation District	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Borough of Mendham Historic Commission	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
State of New Jersey Sewer Extension	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
State of New Jersey Flood Hazard Area	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Development State of New Jersey Wetlands	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Other: _____	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Other: _____	<input type="checkbox"/> No	<input type="checkbox"/> Yes

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

List all plans, reports, photos, etc. March Evan Teichman Renovation Plans dated 4/12/24

Harbor Consultants Inc. Site Layout Plan dated July 15, 2024

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.

See attached Mendham Borough Planning Board Resolution

16. RELIEF REQUESTED (use additional sheets if necessary)



List arguments for Variances, Waivers of Development Standards and/or Submission Requirements.
See attached Application Rider

17. EXPERT WITNESSES FOR APPLICANT

Name: <u>Mark Evan Teichman</u>	Type of Testimony: <u>Architect</u>
Name: <u>Anthony G. Gallerano</u>	Type of Testimony: <u>Planning and Engineering</u>
Name: _____	Type of Testimony: _____
Name: _____	Type of Testimony: _____

18. SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant, or that I am an Officer of the Corporate applicant or a General Partner of the Partnership applicant and am authorized to sign the application for the Corporation or Partnership.

SWORN & SUBSCRIBED before me this <u>25th</u> day of <u>July</u> , 20 <u>24</u>	 SIGNATURE (applicant)	<u>7/25/2024</u> DATE
 NOTARY	<u>Kenneth Banasiak</u> PRINT NAME	

JOSEPH A. PAPANO
An Attorney at Law of New Jersey

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.

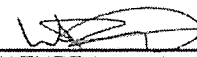
I certify that I am the Owner of the property which is the subject of this application. I hereby consent to the filing of this application and to the approval of the plans submitted therewith. I further consent to the inspection of the property in connection with this application as deemed necessary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

I am aware that the Borough of Mendham will incur costs for professional review fees in the course 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 those 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 seek 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

25th day of July, 2024

NOTARY
JOSEPH A. PAPARO
An Attorney at Law of New Jersey
Perseus

 7/25/2024
SIGNATURE (owner) DATE


Kenneth Banasiak
PRINT NAME

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.

 7/25/2024
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 _____ Lot _____; 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

_____ day of _____, 20_____

NOTARY

NOT APPLICABLE
SIGNATURE (applicant/owner) DATE

PRINT NAME

OWNERSHIP DISCLOSURE STATEMENT

NAME OF CORPORATION, PARTNERSHIP OR LLC: Banasiak and Nettune Orthodontic Associates, P.A.

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	Kenneth Banasiak (100%)	65 S. Maple Avenue, Basking Ridge, NJ 07920
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

25th day of July, 2024

JOSEPH A. PAPARO
An Attorney at Law of New Jersey

NOTARY


SIGNATURE (applicant)

7/25/2024
DATE

Kenneth Banasiak
PRINT NAME

SITE INSPECTION FORM

RE: Lot 2701 Block 5 C012C

I, Ken Banasiak (for Applicant), the undersigned property owner, do hereby authorize Mendham Borough Officials to inspect the property owned by me at 5 Cold Hill Rd South, Unit 12C in connection with my application to the Zoning Board of Adjustment/Planning Board for this property.

Date: 7/25/2024

Phone #: 973-760-5211



Property Owner or Authorized Agent

APPLICATION RIDER

EASEMENT/DEED RESTRICTION DISCLOSURE

Property is subject to encumbrances in title related to the condominium complex as a whole, and full title documents can be supplied upon request.

VARIANCE/WAIVERS

None.

STATEMENT OF PRINCIPAL POINTS

The within Application involves a request to amend the prior site plan approval, more particularly, modify a condition of that prior approval, concerning the property located at 5 Cold Hill Road South, Unit 12C, Block 2701, Lot 5, Qualifier C012C on the Tax Map of the Borough of Mendham (the "Unit"). This Application is being submitted by Banasiak & Nettune Orthodontic Associates, P.A. ("Applicant"). The Applicant is proposing to convert a commercial space, which had previously been used as for general office purposes, into a new location for Applicant's orthodontics practice. The property is located within the Limited Business Zone and according to Mendham Borough Ordinance 215-21, professional offices are permitted within the zone, and dental offices fall under the definition of professional offices under the code. In 1983, when the Mendham Borough Planning Board granted final site plan approval for the office complex in which the Unit is located, a condition of said approval was that only 8,640 square feet of medical offices shall be allowed and the medical office units were to be those located along Cold Hill Road. Presently, the development has reached the full medical square footage allowance under the original approval and the unit in question is not located directly along Cold Hill Road, but rather, it is an interior unit. This Application is seeking to amend the prior site plan approval and modify

the condition of that approval (Condition 3 in the Resolution for Application No. 392-1 attached hereto) to allow for an additional medical office use in Unit 12.

The Applicant will offer operational testimony concerning its orthodontics practice which is currently located in the Borough and serving Borough residents. Professional planning and parking testimony will also be provided at the hearing in support of this request to modify the condition regarding medical space in the premises, and this testimony will specifically address the existing parking supply and its current rate of usage along with the minimal change anticipated if the proposed orthodontist business is permitted to operate in Unit 12. As will be discussed in greater detail at the hearing by the project planner, an analysis and inventory of the parking lot has revealed that there is more than adequate available parking during the anticipated hours of operation of the orthodontics practice. Finally, the condominium association was presented with this request to allow for the additional medical office and the request has received the full support of the association which further demonstrates the adequacy of the existing parking supply to meet the needs of all businesses in the office complex. For the reasons above, we respectfully request that the amendment to the prior approval and associate modification of the prior condition of that approval be granted.

vic

MENDHAM BOROUGH PLANNING BOARD

RESOLUTION

WHEREAS, F.K.Z. Associates (Application No. 392-1), 181 Washington Street, Morristown, New Jersey, has made application to the Planning Board of the Borough of Mendham for Final Approval of a Site Plan for Block 2, Lot 10 as depicted on the Tax Maps of the Borough of Mendham and owned by Samuel Ferraro, R.D. 1, Far Hills, New Jersey, so as to construct a condominium professional office building complex known as Professional Plaza 24 fronting on East Main Street (Route 24) and Cold Hill Road; and

WHEREAS, the owner of the property, Samuel Ferraro, received Final Major Subdivision approval pursuant to a resolution adopted by the Planning Board on July 11, 1983, which resolution approved the subdivision of residential lots along Tempe Wick Road with the remaining lands known and designated as Lot 2 which is the subject matter of the Site Plan application; and

WHEREAS, a public hearing thereon having been held on June 13, 1983 and continued each month thereafter until October 10, 1983, the applicant having been represented by David J. Frizzle, Esq., and the Planning Board having received and considered the site plan prepared by Yannaccone, Murphy & Hollows, Inc. revised to September 29, 1983 and consisting of twelve pages including an area map dated May 27, 1983, revised to September 29, 1983; a layout plan dated May 27, 1983, revised to September 29, 1983; a utility plan dated May 27, 1983, revised to September 29, 1983; a soil erosion and sediment control plan dated May 27, 1983, revised to September 29, 1983; profiles dated May 27, 1983, revised to September 29, 1983; a landscape plan dated May 27, 1983, revised to September 29, 1983; construction details dated May 27, 1983, revised

to October 6, 1983; Route 24 Sections and Profile, dated August 6, 1983, revised to September 29, 1983 and a sectional layout plan dated May 27, 1983, revised to September 29, 1983 together with the reports of the Borough Engineer dated July 8, 1983, September 9, 1983 and October 6, 1983; the report of the Municipal Planner dated August 31, 1983 and reports of the Morris County Planning Board dated July 18, 1983 and September 19, 1983, the testimony of residents contiguous to the property, the statements of the applicant and the attorney for the applicant;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Mendham on this 14th day of November 1983, that Final Site Plan Approval is granted so as to permit the construction and occupancy of a condominium professional office building project known as "Professional Plaza 24" on lands known as Lot 2 in Block 10 consisting of 5.289 acres with frontage on East Main Street (Route 24) and Cold Hill Road and consisting of 29 units, each having a floor area of 1,440 square feet with five units being of two stories in height and the remaining nineteen units being of one story. This approval is expressly subject to the following conditions:

1. Confirmation that all fees have been paid in accordance with Section 66-26 of Chapter 66 of the Land Use Regulations.

2. Conformance by the applicant with the applicable Sections of Article IX of Chapter 90 of the Land Use Regulations with the following exceptions:

a. Parking stalls may be 18 feet in length contrary to the provisions of Section 90-44C (2) (a); and

b. Off-street loading spaces are not required contrary to the provisions of Section 90-45A.

The testimony and Borough Engineer's report supported the aforesaid exceptions.

3. The amount of square footage allocated for medical offices shall

be limited to a maximum of 8,640 square feet which shall be confined to the units located along Cold Hill Road and no medical offices shall be permitted in any of the remaining buildings and this restriction shall be included in the Master Deed and shall be a restriction included in the title of the subject property. The Master Deed shall be presented for review by the Planning Board and its experts.

4. Subject to the approval of the Morris County Planning Board and compliance with the conditions of that approval.

5. Compliance with all of the conditions of the resolution for Preliminary Subdivision Approval dated March 8, 1982 and the resolution for final subdivision approval dated July 11, 1983 which resolutions are made a part of this resolution.

6. Subject to the posting of a bond in the amount of 120% of the costs of site improvements and based upon the amounts approved by the Borough Engineer.

7. A Developer's Agreement to be entered into with the Borough of Mendham.

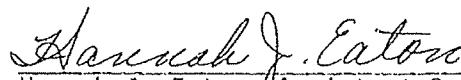
AND BE IT FURTHER RESOLVED by the Mendham Borough Planning Board that the appropriate officers and agents of the Planning Board are authorized to review and affix their approval to the Plat once the conditions of this resolution that are appropriate for completion have been met.

I hereby certify that the above is a true copy of a Resolution adopted by the Mendham Borough Planning Board at its regular meeting of November 14, 1983 by a vote of 6 to 1.

In favor: Schmidt, Ackerman, Smith, Pennimpede, Snedaker, Dragonetti.

Opposed: none

Abstained: Anside


Hannah J. Eaton, Assistant Secretary