

**TOWNSHIP OF MENDHAM
BOARD OF ADJUSTMENT MEETING MINUTES
FEBRUARY 8, 2024
REGULAR MEETING**

CALL TO ORDER

Ms. Parrinello calls the meeting to order at 7:00 pm

STATEMENT OF ADEQUATE NOTICE

Adequate Notice of the meeting of the Board of Adjustment of the Township of Mendham was given as required by the Open Public Meetings Act as follows: Notice was given to the Daily Record and the Observer Tribune, notice was posted on the bulletin board in Township Hall, and notice was filed with the Township Clerk on January 22, 2024.

ROLL CALL

Present: Mr. Cadmus, Chairman Kapner, Mr. Murphy, Mr. Strafaci, Mr. Wisotsky, Mr. Bell, Ms. Brannin

Absent: Ms. Grant, Mr. Lordi

Others Present: Mr. Mark Blount, Board Attorney

SALUTE TO THE FLAG: Led by Chairman Kapner

DESIGNATION OF VOTING MEMBERS WAS DETERMINED

MINUTES: January 11, 2024 – Reorganization and Regular Meeting

Chairman Kapner made a motion to accept the January 11, 2024 Meeting Minutes as presented.

A motion was made, and it was seconded. All agreed.

ADOPTION OF RESOLUTION

Case 10-23

Applicant: Jeff and Colleen Gangl

17 Kennaday Road

Block 145, Lot 13

Bulk Variance

Regarding the Resolution for Case 10-23, Chairman Kapner asks the Board if there are any questions or comments. There are no questions or comments from the Board.

Chairman Kapner makes a motion to adopt the resolution approving the application for Jeff and Colleen Gangl - a bulk variance for relief in connection with the construction of a barn located at their residence, 17 Kennaday Road. Mr. Bell seconded the motion.

Upon roll call:

AYES: Mr. Cadmus, Chairman Kapner, Mr. Wisotsky, Mr. Bill, Ms. Brannin

ABSTAIN: Mr. Murphy, Mr. Strafacci

Chairman Kapner asks if there are additional questions of the Board. There are no additional questions.

GENERAL CORRESPONDENCE

Chairman Kapner has asked our attorney for the evening, Mr. Mark Blount, to give a brief overview of the Mendham Township Board of Adjustment Rules and Regulations.

Mr. Blount explains that Zoning Boards act in a quasi-judicial manner because they are generally conducting hearings and listening to evidence presented to them. The Board of Adjustment hears appeals of zoning officer decisions, interprets the zoning and land use ordinances, and hears applications for development involving either bulk variances or use variances, or both. Mr. Blount discussed the structure of the Board – that the Board is made up of 7 regular members and 2 alternate members. The alternate members may vote when there is an absence of regular members.

Mr. Blount discusses the variances that may come before the Board of Adjustment and states that New Jersey has its own land use standards under the Municipal Land Use Law (MLUL). The MLUL recognizes two categories of variances – the ‘C’ or bulk variance and the ‘D’ or use variance. A variance is a request to deviate from current zoning requirements. An approved variance application permits the applicant to use the land in a manner not otherwise permitted by the zoning ordinance. After hearing testimony and review of the application, facts and supporting materials, the Board’s role is to determine whether to grant approval for a variance and to determine whether approval should be imposed with conditions.

Mr. Blount explains that the applicant has the burden of explaining the reasons why he or she is entitled to a variance. If neighbors attend the meeting in opposition to an application, they will be permitted to ask questions relevant to the applicant’s testimony but will not be permitted to make speeches.

Mr. Blount points out Rule 4:2-1 Disqualification – which interpreted means – no member of the Board shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. No member of the Board shall participate in proceedings in which such a member has a conflicting interest that may interfere with the impartial performance of his or her duties as a member of the Board. No Board member should have bias towards the application.

Mr. Blount explains the ‘Sunshine Law,’ also known as the Open Public Meetings Act (OPMA,) and states that OPMA gives the public the right to be present at meetings of public bodies and to witness in full detail the deliberation, policy formulation and decision making of public bodies.

Discussions amongst the Board members, outside of meetings, about open applications, should never take place. In terms of electronic exchanges (email), if a quorum of the Board has engaged in email exchange, it may and likely will qualify as a meeting by electronic communication, under OPMA, requiring the Board to comply with the notice and right to attend provisions of the 'Sunshine Law.'

While Mr. Blount spoke briefly on the above topics, he also spoke generally on the structure of the Board of Adjustment, professional representation of the applicants and application, procedures, site visits from Board members, voting, acting on an application, conditions of an approval, and the final resolution.

Chairman Kapner asked if there were any additional comments or questions from the Board.

Meeting Adjourned: 7:52 pm