

Stanhope Land Use Board
April 14, 2014
Regular Meeting
Minutes

CALL MEETING TO ORDER:

Chairman Maguire called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE:

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Meeting was forwarded to the New Jersey Herald and Daily Record on January 14, 2014 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 11:00 p.m., and it is of the opinion that it cannot complete the agenda in a reasonable period, the Board may exercise its option to continue this meeting at an agreed time and place, within ten (10) days of this meeting.

At this time, please turn off all cell phones.

ROLL CALL:

| | |
|--|---|
| Michael Depew - present | Thomas Pershouse – present (arrived @ 8:20pm) |
| John Rogalo – present (arrived @ 7:35pm) | Joseph Torelli - present |
| Rosemarie Maio – present | Michael Vance - absent |
| John Mohrle, Alt #2 – absent | Paula Zelif-Murphy - present |
| Andrew Orinick, Alt #1 – absent | John Maguire – present |

Others present: Board Attorney Roger Thomas and Board Secretary Ellen Horak

MINUTES

February 10, 2014 Regular Meeting– On motion by Mr. Torelli, seconded by Ms. Zelif-Murphy, the Minutes of the February 10, 2014 meeting were approved on majority voice vote. Mayor Maio abstained.

CORRESPONDENCE

02-14-14 Sussex County Soil Conservation District – Soil Erosion and Sediment Plan re: Blk 10301 Lot 4 (Bender - 1 Smith Street)
02-20-14 Stanhope DPW – CBS Outdoor, LLC, Blk 11701 Lot 11 Variance Application
03-07-14 Margaret Findley – Letter of Resignation from the Land Use Board
03-07-14 Scarlett Doyle, P.P. – Substantive Review #1 re: CBS Outdoor Variance Application, Blk 11701, Lot 11
03-10-14 Joseph Golden, P.E. – Substantive Review #1 re: CBS Outdoor Variance Application, Blk 11701, Lot 11
03-10-14 Arlene Fisher, Zoning Official – CBS Outdoor, Blk 11701, Lot 11
03-12-14 Borough Clerk – Resolution 073-14: Mayor’s Acceptance of Resignation of Margaret Findley with Council Concurrence
03-20-14 New Jersey Planning Officials – New Jersey Planner (Jan/Feb 2014)
03-31-14 Jordan Race – Site Plan Waiver Application re: Blk 11205, Lot 4.01 (RHM Bldg.)
04-04-14 Goran Milanovic – Variance Application re: Blk 11006, Lot 12

(Mr. Rogalo arrived)

On motion by Ms. Zelif-Murphy, seconded by Mr. Torelli, and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairman Maguire opened the meeting to the public for non-agenda items.

Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

PRESENTATION

Lenape Valley Regional High School - Proposed Improvements to Football Field

Paul Griggs, Esq., attorney for Lenape Valley Regional High School Board of Education came forward. Mr. Griggs stated they are before the Board for an advisory review of the proposed improvements to the football field. Also present are Cory Stoner, Robert Klinck Assistant Superintendent and Paul DiRupo, Superintendent.

Cory Stoner of Harold Pellow & Associates, Consulting Engineer for the Board of Education on this project came forward. Mr. Stoner spoke about the conversion of the existing football field. The field is currently a grass field. The project is to convert it into an all-weather multi turf field. Mr. Stoner displayed a drawing showing the athletic field in the westerly corner of the property where the existing football field is located. The project will include excavation and removal of all the grass, sod and topsoil. They will then re-grade the field, install a concrete curb along the inside edge of the existing track surface and install a synthetic field drainage system that will connect to the existing drainage system. Mr. Stoner stated the drainage will be underneath. Mayor Maio questioned if the existing retention basin can hold the additional drainage. Mr. Stoner responded in the affirmative. Mr. Stoner stated they will not disturb the existing track. The concrete curb they construct will connect the new field to the track. Mr. Stoner displayed a drawing of what the field could look like after preliminary plans. There may be some minor changes. The field will be striped for various sports. The field will be used for football, soccer, girls and boy's lacrosse and field hockey. The field presently has drainage with inlets around the parameter. They will have larger underground pipes and there may be slight modifications to the basin. The new field will drain more quickly than the existing field and the detention basin will be able to hold the additional drainage. Mr. Stoner stated they will secure Soil Conservation permits for the project. Mr. Stoner noted they are requesting the Board's feedback and comments. They hope to go out to bid next week, receive bids in May and begin construction in June.

Ms. Zelif-Murphy asked the life span of the field. Mr. Stoner responded the manufacturer's warranty is for 8 years; however the actual expected life span is 14 years.

Mr. Rogalo noted the existing field is crowned very high and he asked if the new field will flatten out some. Mr. Stoner responded in the affirmative, noting the field will have a much smaller crown than presently exists. Mr. Rogalo asked if they will be using the existing parameter drainage or will it all be new. Mr. Stoner responded the existing pipes will probably remain; however they are still working on that aspect. The existing pipe crossing the field will remain.

Chairman Maguire asked if the soil removed will remain on site or if it will be taken off the premises.

Mr. Klinck, Assistant Superintendent, responded they would like to keep as much of the material on site as possible; however a final decision has not been made. Chairman Maguire noted Mr. Stoner mentioned concrete curbing and he asked how far it will be from the play area. Mr. Stoner responded the closest would be approximately 10 feet from the soccer field and approximately 30 feet from the football field and it will be at the same grade as the track surface. It will be set at the level of the asphalt on the track, not the rubber.

Mayor Maio asked if they are aware that the Borough has a major road closure project that will start right after school gets out in June and will last through August. Mr. Klinck stated they are aware of the Borough's project. Mr. Stoner stated they expect the field to be completed mid-August.

Attorney Thomas noted this is a public meeting and, although the Board's part is not to approve or disapprove, but only to comment from a planning perspective, he suggested the meeting be open to the public for comment.

Chairman Maguire opened the meeting to the public for comment on this matter. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

Attorney Thomas stated a letter must be sent to the Department of Education advising that the Board fulfilled its obligation under the statute with regard to the Board of Education's project.

On motion by Ms. Zelif-Murphy, seconded by Mr. Depew and carried by the following majority roll call vote, the Board authorized Attorney Thomas to prepare a letter to the Department of Education indicating that the Board fulfilled its obligation and that there are no additional recommendations they make regarding this project.

AFFIRMATIVE: Mr. Depew, Mayor Maio, Mr. Rogalo, Ms. Zelif-Murphy,
Chairman Maguire

OPPOSED: None

ABSTENTIONS: Mr. Torelli

COMPLETENESS:

14-03, Goran Milanovic

Block 11006, Lot 12 Variance Application

Appl Rec'd: 04/04/14

45 days: 05/19/14

Chairman Maguire stated the Completeness Review Committee reviewed the application and recommends it be deemed complete. There is some incorrect information in the application that the applicant will need to correct during the hearing. On motion by Mr. Depew, seconded by Mr. Torelli, and carried by the following unanimous roll call vote, 14-03 Goran Milanovic, variance application for Block 11006, Lot 12 was deemed complete.

AFFIRMATIVE: Mr. Depew, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy,
Chairman Maguire

OPPOSED: None

ABSTENTIONS: Mayor Maio

Chairman Maguire stated the hearing for this application will be scheduled for the May 12, 2014 meeting. The Board directed the Secretary to forward a copy of the variance application to the Board Engineer for his review and advice.

NEW HEARINGS:

14-01, CBS Outdoor, LLC (*Hearing Carried to May Meeting at Applicant's Request*)

Block 11701, Lot 11 "D" Variance

Deemed Complete: 02/10/14

120 days: 06/10/14

Chairman Maguire stated the applicant has requested the hearing be carried to the next meeting. Attorney Thomas questioned the number of times the hearing has been carried without further notice and noted concern if a matter is carried too many times without further notice being required. The Secretary stated the hearing was carried only once. The Board discussed whether to require notice and it was agreed that the matter will be carried without further notice; however, notice will be required if it is carried past the May meeting.

Attorney Thomas advised that this matter will be carried to the May 12, 2014 meeting with no further notice being provided.

14-02, Jordan Race

Block 11205, Lot 4.01 Site Plan Waiver

Application Rec'd: 03/31/14

(Ms. Zeliff-Murphy stepped down from the dais.)

Jordan Race was sworn in. Mr. Race testified he is attempting to get a used car dealer license and is applying for a site plan waiver in order to meet minimum state requirements for the license. He will be using one of the four lower loading docks at 1-3 Kelly Place as an office. The current tenant is moving and he would like to use that section of the building to apply for a used car dealer license. Mr. Race said it would not be a traditional car lot. He is only looking to meet minimum state requirements that require he have a display space that is large enough for 2 cars either inside or outside, a sign visible from the road, a desk, chair and locking safe to store motor vehicle documents. He also needs municipal approval. The proposed sign is a 2 foot by 3 foot plastic sign that will be hung over the loading dock. The work done at the location will be very light and based mostly on internet sales. Mr. Race testified his intent is to eventually move to a new location and have a traditional used car sales lot.

Chairman Maguire stated the Borough has an ordinance prohibiting car dealers and he asked if a "d" variance should be required rather than a site plan waiver. Attorney Thomas responded in the affirmative. If it is a prohibited use in the Borough then a "d" variance is required. Mayor Maio stated there is currently one car dealer in the Borough which was grandfathered.

Mr. Race read an excerpt from the Resolution that states "the owner shall have the right to file an application with the Land Use Board for a site plan waiver." Chairman Maguire explained that the language was included in the Resolution to give the Board the opportunity to review other uses that would be put in the building. Since there is an existing ordinance prohibiting the intended use, it becomes a use variance because he is seeking relief from the ordinance, not a restriction put on the building.

Chairman Maguire suggested Mr. Race speak to the Zoning Officer and obtain information on the ordinance. Chairman Maguire advised Mr. Race that he would need to submit an application for a use variance in order to conduct the business he is requesting at the building.

(Ms. Zelif-Murphy returned to the dais.)

NEW BUSINESS:

Chairman Maguire noted Peg Findley’s resignation from the Land Use Board. Mayor Maio stated Peg served on the Board for 14 years. Chairman Maguire thanked Peg for her years of service and asked that a letter of appreciation be sent to her from the Board.

BILLS: Chairman Maguire stated the bill from Dolan & Dolan charged to Daud Ahmad’s escrow account should be charged to Land Use Board General. The bill relates to a question the Board Secretary asked Attorney Thomas. The Board agreed to have the bill charged against the Board, not Mr. Ahmad.

(Mr. Pershouse arrived.)

| Dolan & Dolan | | |
|--------------------------|----------------------------|----------|
| 01/31/14 | Re: Land Use Board General | \$175.98 |
| 01/31/14 | Re: Chris Olivo | \$175.98 |
| 01/31/14 | Re: Land Use Board General | \$ 91.98 |
| 02/28/14 | Re: Chris Olivo | \$ 51.70 |
| 02/28/14 | Re: CBS Outdoor | \$219.70 |

| Golden & Moran | | |
|---------------------------|----------------------|----------|
| 03/26/14 | Re: CBS Outdoor, LLC | \$ 25.00 |
| 03/11/14 | Re: CBS Outdoor, LLC | \$650.00 |

| John Cilo Associates Inc. | | |
|----------------------------------|----------------------|----------|
| 04/09/14 | Re: CBS Outdoor, LLC | \$980.10 |

| Miscellaneous | | |
|----------------------|--|----------|
| 2/25/14 | NJ Planning Officials re: Mandatory Training (Michael Vance) | \$ 70.00 |

On motion by Ms. Zelif-Murphy, seconded by Mayor Maio, the aforesaid bills were approved on the following unanimous roll call vote:

AFFIRMATIVE: Mr. Depew, Mr. Rogalo, Mayor Maio, Mr. Pershouse, Mr. Torelli, Ms. Zelif-Murphy, Chairman Maguire

OPPOSED: None

ABSTENTIONS: None

DISCUSSION

Mayor Maio asked the status of Mike Vance’s training. Attorney Thomas explained that Mr. Vance took the course, but due to some confusion or lack of organization, he never took the test which is a

requirement for certification. The Board Secretary was contacted by the NJPO and informed that Mr. Vance would need to re-take the class. Attorney Thomas contacted the NJPO and suggested that Mr. Vance only be required to take the test. They indicated they would call the State and inquire if they would permit Mr. Vance to take the test without re-taking the class. Attorney Thomas said he offered to administer the test. Earlier today he was informed the State confirmed that Mr. Vance would only need to take the test and that Attorney Thomas could administer the test. Attorney Thomas suggested Mr. Vance attend the May meeting about a half hour early and take the test prior to the start of the meeting.

ADJOURNMENT:

On motion by Mr. Torelli, seconded by Mr. Depew, it was the consensus of the Board to adjourn the meeting at 8:25 P.M.

Respectfully submitted,

Ellen Horak, Board Secretary