

**Stanhope Land Use Board  
April 11, 2016  
Regular Meeting  
Minutes**

**RECEIVED**  
**MAY 10 2016**  
**STANHOPE  
BOROUGH**

**CALL MEETING TO ORDER:**

Chairman Maguire called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE:**

Chairman Maguire invited all those present to stand in a salute to the colors.

**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 12, 2016 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:**

Nicholas Bielanowski - present  
James Benson - present  
Michael Depew - present  
Rosemarie Maio - present

Thomas Pershouse - present  
John Rogalo – present  
Joseph Torelli - present  
Paula Zeliff-Murphy - present  
John Maguire – present

Others present: Attorney Clifford Gibbons, Board Planner William Hamilton and Board Secretary Ellen Horak

**MINUTES**

**March 14, 2016 Regular Meeting** – On motion by Ms. Zeliff-Murphy, seconded by Mayor Maio, the Minutes of the March 14, 2016 meeting were approved on unanimous voice vote.

**CORRESPONDENCE**

03-16-16 Roger Thomas, Esq. – Land Use Board Representation  
03-31-16 NJ Planning Officials – New Jersey Planner (Jan/Feb edition)  
04-05-16 Stanhope DPW – Pote Variance, Blk 11102, Lot 8  
04-06-16 Clifford Gibbons, Esq. – Resolution of Memorialization re: Hoer Properties one-year Extension for Final Major Subdivision of Blk 11801 Lot 12

On motion by Mayor Maio, 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.

OLD BUSINESS:

Master Plan – Chairman Maguire noted the revised Master Plan was received and is scheduled for a public hearing. Chairman Maguire asked if there were any questions for the Board Planner before the public hearing. Seeing no questions from the Board, Chairman Maguire thanked Ms. Zelif-Murphy and the committee for their work on the Master Plan.

NEW HEARINGS:

**16-01, Jesse & Christine Pote**

Block 11102, Lot 8 – “Use” Variance Application

Deemed Complete: 03/14/16

120 days: 07/12/16

(Mayor Maio and Mr. Depew recused themselves from discussion on this application.)

Jesse and Christine Pote, 11 Linden Avenue, Stanhope, NJ were sworn in. Mr. Pote explained they purchased their home in 2008 and when purchased there was a third floor apartment in the house. They recently found out that it is not a legal apartment and they are seeking approval to make it a legal apartment. Chairman Maguire stated this was a pre-existing non-conforming use and the applicants wish to make it a legal. Mr. Pote stated they reviewed the conditions that must be met and with respect to the parking, they have more than four parking spaces in the existing driveway.

Mr. Pershouse stated that during the Borough’s 2005 re-evaluation the property was listed as a single-family house. He and Arlene Fisher required the previous owner to disconnect the upstairs kitchen in order to have it sold as a single-family house. Mr. Pote stated the third floor apartment has a kitchen and bathroom that were present when they purchased the house. Mr. Pershouse informed the applicant that, if the Board approves their application, in order to get a certificate of occupancy they will be subject to all of today’s code requirements which includes the need to fire suppress the entire building (sprinkler system).

Ms. Zelif-Murphy asked if the third floor apartment has a second exist. Mr. Pote responded there is a second exit.

Mr. Torelli asked how many other two-family homes are in town. Mr. Pershouse responded that Arlene Fisher has a list and those homes are grandfathered so fire suppression is not required. Mr. Pote stated there are other two-family houses in the neighborhood.

Chairman Maguire addressed the parking issued noting the requirement is two parking spaces per family. Mr. Pote said it is a one-bedroom apartment and the property has sufficient parking. Ms. Zelif-Murphy noted the property record card stated the third floor has 2 bedrooms. Ms. Pote responded there are 2 separate rooms and one does not have a closet and is extremely small.

Mr. Pershouse stated the applicant may need to install hard wire smoke detectors and may need to enlarge the window in the apartment. Everything will need to be brought up to code. Chairman Maguire informed the applicant that this may be a very costly undertaking.

Chairman Maguire opened the meeting to the public for questions or comments on this application only. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

Attorney Gibbons noted this is a "d" variance and certain criteria must be met. Attorney Gibbons asked the applicants if it is their opinion, based upon their knowledge of the neighboring properties, that granting the use variance would render the property dissimilar to other properties in the area or in the zone. The applicants responded in the negative, noting there are a number of multi-family homes in the area. Attorney Gibbons asked the applicants if they believe the site is uniquely suited to having an accessory apartment in the house (meaning enough room on the lot) to which the applicants responded in the affirmative. Attorney Gibbons asked if the apartment is presently being used. Mr. Pote responded in the affirmative. Attorney Gibbons asked if it is true that the present activity would not change if approval is granted. Mr. Pote responded that is true pending any code violations that must be addressed. Attorney Gibbons asked the Board Planner if the addition of an accessory apartment would diversify the housing market in the area. Planner Hamilton responded there are other two-family houses in the neighborhood so it would not be unique and they are providing sufficient parking. Attorney Gibbons expressed his legal opinion, based on testimony, that this meets the criteria and an approval would not be adverse to the law.

Mr. Benson questioned the timeframe for converting the house. Mr. Pershouse stated that, until a certificate of occupancy is issued, it remains a single family house. Mr. Pote stated they will need to get an estimate on the cost of the sprinkler system which will determine if they move forward with the conversion. Chairman Maguire noted they are presently in violation of the code and cannot continue with the apartment unless they receive a certificate of occupancy showing the third floor apartment. The Board discussed the amount of time to grant the applicants to comply with the zone and agreed that ninety (90) days would be sufficient time to require the applicant to submit an application to the construction department for a certificate of occupancy. Any approval given would include the condition that the applicants secure a certificate of occupancy reflecting it is not a single family house. If the applicants decide not to convert the house to a legal two-family, the applicant is to notify the Board of such fact and that the tenant is leaving. Attorney Gibbons advised if the applicants do not meet all the conditions set forth in the resolution then the approval becomes null and void.

Chairman Maguire noted the applicant will need an engineer for the design and must contact the Stanhope DPW to make sure there is sufficient water.

Mr. Pershouse, noting the possibility of his issuing a notice of violation in his position with the Borough, recused himself from the vote.

On motion by Mr. Rogalo, seconded by Ms. Zeliff-Murphy and carried by majority voice vote, the Board granted the use variance requested by Jesse and Christine Pote to permit an accessory apartment on the Block 11102, Lot 8 subject to the condition that the applicants will submit an application for a certificate of occupancy within 90 days of the Board's adoption of the Resolution of Memorialization and subject to the payment of all appropriate fees and taxes.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy,  
Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: Mr. Pershouse

(Mayor Maio and Mr. Depew were not eligible to vote.)

**Master Plan Re-Examination – Public Hearing**

Chairman Maguire noted the Master Plan contains all the information requested. Chairman Maguire opened the meeting to the public for comments or questions on the Master Plan. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the hearing.

The Board agreed the Master Plan as presented is a good document. Chairman Maguire again thanked Ms. Zeliff-Murphy and the committee for their work on the Master Plan.

On motion by Mr. Rogalo, seconded by Mr. Bielanowski and carried by the following unanimous roll call vote, the Board approved the Master Plan and directed the Secretary to forward it to the Mayor and Council.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Depew, Mayor Maio, Mr. Pershouse, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None

RESOLUTION OF MEMORIALIZATION:

**11-05, Hoer Properties, LLC**  
Block 11801, Lot 12 – Final Subdivision Application  
One-Year Extension Granted on 3/14/16

Mayor Maio noted the resolution does not indicate this is the final extension to be granted and she asked that language detailing same be included. The Board agreed. Attorney Gibbons will revise the resolution to include a clause indicating this is the final extension to be granted and will forward same to the Board Secretary.

On motion by Mr. Torelli, seconded by Ms. Zeliff-Murphy and carried by the following unanimous roll call vote, the Board adopted the Resolution of Memorialization for 11-05, Hoer Properties, LLC granting a one-year extension for the final subdivision approval granted for Block 11801, Lot 12, as amended:

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Depew, Mayor Maio, Mr. Pershouse, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None

BILLS:

	<b>Bowman Consulting</b>		
03/08/16	Re: Master Plan Re-examination		\$917.50
	<b>New Jersey Herald</b>		
03/30/16	Legal Notice - Master Plan Public Hearing		\$ 9.60

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

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Depew, Mayor Maio, Mr. Pershouse, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None

CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently existing;

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Stanhope, County of Sussex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon and hereinafter specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:  
1 Contract
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

On motion by Mayor Maio, seconded by Mr. Rogalo, and unanimously carried by voice vote, the foregoing resolution was adopted. The Board went into Closed Session at 7:30 P.M.

At the conclusion of the Closed Session, the Board reconvened the public meeting at 7:45 P.M. with all present.

On motion by Mayor Maio, seconded by Mr. Bielanowski and carried by unanimous voice vote, the Board authorized the Secretary to solicit Requests for Proposals for Board Attorney. Notice will be sent to the New Jersey Herald and will be put on the NJ League of Municipalities website.

ADJOURNMENT:

On motion by Ms. Zelif-Murphy, seconded by Mr. Benson, it was the consensus of the Board to adjourn the meeting at 7:47 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary

