

Stanhope Land Use Board  
March 14, 2016  
Regular Meeting  
Minutes

RECEIVED  
APR 12 2016  
STANHOPE  
BOROUGH

CALL MEETING TO ORDER:

Chairman Maguire called the meeting to order at 7:00 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 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 (arrived @ 7:05 pm)  
Joseph Torelli - present  
Paula Zelif-Murphy - present  
John Maguire – present

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

MINUTES

**January 11, 2016 Reorganization Meeting** – On motion by Mr. Torelli, seconded by Ms. Zelif-Murphy, the Minutes of the January 11, 2016 Reorganization Meeting were approved on majority voice vote. Mr. Pershouse abstained.

CORRESPONDENCE

- 01-14-16 PSE&G – Notice of NJDPE Land Use Regulation Program Application in support of electric overhead and underground transmission rights-of-way vegetation maintenance
- 02-05-16 Jesse Pote – Use Variance Application re: Blk 11102, Lot 8 (11 Linden Avenue)
- 02-11-16 Dennis McConnell, Esq. – Site Plan Application for Vincenzo Bruzzese re Blk 11207 Lot 11 (67-69 Main Street)
- 03-04-16 Heymann & Fletcher – request for one-year extension re: Hoer Properties, LLC Block 11801 Lot 12 Final Subdivision Application

On motion by Mayor Maio, seconded by Ms. Zelif-Murphy, 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.

COMPLETENESS:

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

Block 11102, Lot 8 – “Use” Variance Application

Appl Rec'd: 02/05/16

45 days: 03/21/16

Chairman Maguire advised that the Completeness Review Committee reviewed the application and recommends it be deemed complete. On motion by Mr. Torelli, seconded by Ms. Zelif-Murphy and carried by the following unanimous roll call vote the “Use” Variance Application of Jesse & Christine Pote for Block 11102, Lot 8 was deemed complete.

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

OPPOSED: None

ABSTENTIONS: None

The Board Secretary asked if the application should go to the Board Engineer for review. After a brief discussion it was the consensus of the Board that it would not be necessary for the Board Engineer to review the application. The hearing will be scheduled for the April meeting.

(Mr. Rogalo arrived.)

**16-02, Vincenzo Bruzzese**

Block 11207, Lot 11 – Site Plan Application

Appl Rec'd: 02/11/16

45 days: 03/27/16

Chairman Maguire advised that the Completeness Review Committee reviewed the application and recommends it be deemed incomplete. Chairman Maguire said it is the committee's opinion that a number of waivers requested by the application should be provided. The Board discussed a number of requested waivers and agreed that the following checklist items should be provided: #10, #13, #21, #23, #28, #29 and #31. On motion by Ms. Zelif-Murphy, seconded by Mr. Torelli and carried by the following unanimous roll call vote, the Site Plan Application of Vincenzo Bruzzese for Block 11207, Lot 11 was deemed incomplete.

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

OPPOSED: None

ABSTENTIONS: None

NEW BUSINESS:

**11-05, Hoer Properties, LLC**

Block 11801, Lot 12 – Final Major Subdivision Application

One-Year Extension Requested

Chairman Maguire advised that the applicant is requesting a one-year extension of the final major subdivision approval granted by the Board in 2012. The Board Secretary stated the Board Engineer advised her that extensions of the approval were granted through the Permit Extension Act, but the applicant must now be granted an extension by the Board. Attorney Gibbons advised that the applicant is entitled to three (3) one-year extensions. On motion by Mr. Torelli, seconded by Mr. Bielanowski and carried by the following unanimous roll call vote, the Board granted the one-year extension requested by Hoer Properties for the final major subdivision on Block 11801, Lot 12, subject to all conditions of the previous approval.

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

OPPOSED: None

ABSTENTIONS: None

### OLD BUSINESS

**Master Plan** – Planner Hamilton noted a previous discussion with the Board regarding the Master Plan. The committee addressed the items that came up during that meeting, one being the Village Business District on Main Street. Planner Hamilton distributed a revised copy of the Master Plan dated March 8, 2016. Planner Hamilton stated every ten years you must do a re-examination of the master plan. The last re-examination was done in May of 2010. Planner Hamilton explained a re-examination is different than the Master Plan. It must identify problems that existed the last time done (2010), the extent to which any items identified increased or decreased and if there were any policy changes that may impact the plan. The current report addresses residential changes and new items, such as solar energy and windmills, which were addressed as a “look to the future.” The major item was whether to recommend the Village Business District be expanded a certain distance north on Main Street to include certain lots currently in the Historic Village Residential Zone. They looked at each lot and identified the uses and lot size as well as if it would be appropriate to have the Village Business District on both sides of Main Street. The recommendation is to expand the Village Business District down Main Street to the Whistling Swan. Mayor Maio questioned why it would not be expanded the entire length of Main Street, which would be preferable. Planner Hamilton said the plan presented is a draft and can be modified. There is support to expanding it to the end. The decision was to not create two different village zones by limiting the type of business permitted at one end. Planner Hamilton read of list of permitted uses in the zone. Chairman Maguire expressed concern with the limited parking on Main Street. Planner Hamilton stated any business would have to comply with the Borough’s parking requirements. Mr. Pershouse said he envisioned keeping the character of the street and he questioned how a “convenience store” would fit in. Chairman Maguire agreed, noting having a convenience store would have people coming in and out which would cause an issue with parking. Mayor Maio stated any change of use would need to come before the Board for a variance and any approval granted would need to include parking as a condition of that approval. Planner Hamilton stated the character of the northern section of Main Street can be addressed, but parking would be a requirement of any application. The Board asked that the plan be revised to expand the Village Business District to the end of Main Street. Mayor Maio noted the cover contains a picture from Byram Township and she asked that the picture be removed and replaced with a picture from Stanhope. Planner Hamilton will revise the plan to include the requested revisions. Planner Hamilton noted the Master Plan must be re-examined every ten years. The last time a Re-examination of the Master Plan was done was in May 2006. They made modifications from the 2006 document to now encourage business in the district as well addressing design standards, landscaping and tree species,

selection and planting criteria. Planner Hamilton will provide the Board with a revised copy of the Master Plan Re-Examination for the Board's review and approval. Attorney Gibbons advised that the Master Plan Re-Examination does not require a public hearing; however for transparency reasons, it is recommended. After a brief discussion, it was agreed that the public hearing on the Master Plan Re-Examination will be held at the April 11, 2016 meeting. Planner Hamilton will provide the Board Secretary with the revised plan at least two weeks before the April meeting. Chairman Maguire asked the Board Secretary to advertise the public hearing on the Master Plan for the April 11<sup>th</sup> meeting.

NEW BUSINESS:

**Housing Element and Fair Share Plan** – Planner Hamilton stated he is working with the Governing Body on the Housing Element and Fair Share Plan. The courts have set the date of April 4, 2016 as the date by which towns must submit their plan. Planner Hamilton explained what they are proposing and the numbers and provided a brief history of the matter. The Borough, together with other towns in the state, hired Econsult to come up with their affordable housing numbers. Econsult prepared a report which contains the numbers the Borough is using; however it is likely those numbers will change. The numbers are lower than they were in 2010 which is when the Borough's last Fair Share Plan was done. Planner Hamilton spoke about the 2010 Fair Share Plan prepared by Dave Troast that had a number of 70 units and which identified various zones in town for overlay affordable housing. The Econsult report established a prior round of 15 units and a third round of 19 units. Planner Hamilton met with the town council and discussed how to handle their obligation. They decided it is not appropriate, and they do not need, to look at the village zone. They looked at the highway zone and to the north where there is an area for redevelopment. The focus was on the central highway business district. There is 18 acres which would allow for more than the 19 units. Planner Hamilton stated this is a good plan and the town council will be reviewing and approving it at their next meeting. After it is submitted to the court and the court approves the plan, it comes back for a public hearing with the governing body. They are asking the Land Use Board to recommend submission of the plan presented or express any concerns or comments. Chairman Maguire noted page 6 of the plan references the 2010 census and states the Borough has 76 vacant units and page 8 indicates 131 vacant units. Planner Hamilton will make the correction.

Chairman Maguire read the following resolution by title:

Resolution: Resolution Recommending Submission of Housing Element and Fair Share Plan

**WHEREAS**, the Borough of Stanhope, County of Sussex, State of New Jersey, filed a declaratory judgment action in the Superior Court of New Jersey, Docket No. SSX-L-428-15, seeking, *inter alia*, judicial approval of its affordable housing plan and immunity from builder's remedies suits; and

**WHEREAS**, the Land Use Board finds that it is prudent to submit to the Court the Borough's March 7, 2016 draft Housing Element and Fair Share Plan for approval; and

**WHEREAS**, N.J.A.C. 5:94-4.1 requires the preparation of a Fair Share Plan in accordance with the Housing Element of the Master Plan and endorsement by the Governing Body; and

**WHEREAS**, the Land Use Board of the Borough of Stanhope has reviewed the March 7, 2016 Housing Element and Fair Share Plan, prepared by William Hamilton, Planner, and finds that the Plan

is consistent with the goals and objectives of the Borough of Stanhope's Master Plan Amendment and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare; and

**WHEREAS**, upon Court approval of the Borough's Housing Element and Fair Share Plan, the Land Use Board shall hold a noticed public hearing to adopt such Plan.

**NOW THEREFORE BE IT RESOLVED** that the Land Use Board of the Borough of Stanhope, County of Sussex, State of New Jersey, hereby recommends submission of the March 7, 2016 Housing Element and Fair Share Plan for approval by the Superior Court of New Jersey.

On motion by Mayor Maio, seconded by Mr. Torelli and carried by the following unanimous roll call vote, the above resolution was adopted.

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

**BILLS:**

	<b>Bowman Consulting</b>	
11/06/15	Re: Building Blocks LLC	\$ 350.00
11/06/15	Re: Master Plan	\$2,745.00
01/07/16	Re: Master Plan	\$ 280.00
	<b>Dolan &amp; Dolan</b>	
12/31/15	Re: Affordable Housing	\$ 330.00
	<b>Miscellaneous</b>	
01/12/16	NJ Planning Officials - dues	\$ 325.00
01/21/16	Daily Record – Annual Meeting Notice	\$ 50.84
01/15/16	NJ Herald – Legal Notices (Annual Meetings & Award Prof Service Contracts)	\$ 29.70
02/02/16	Gramco Business Communications (Disks for Meetings)	\$ 24.24

On motion by Mr. Benson, 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. Torelli, Ms. Zeliff-Murphy, Chairman Maguire  
**OPPOSED:** None  
**ABSTENTIONS:** None

GENERAL DISCUSSION:

Chairman Maguire stated the Completeness Review Committee consisted of himself, Mr. Torelli and Mr. Vance. Mr. Vance is no longer a member of the Land Use Board and therefore, a third member of the committee is needed. Chairman Maguire appointed Mr. Bielanowski to the Completeness Review Committee.

Chairman Maguire applauded Ms. Zelif-Murphy and the Master Plan Review Committee for their work on the Master Plan. On behalf of the Board, Chairman Maguire thanked the committee members for their time and effort.

ADJOURNMENT:

On motion by Mr. Torelli, seconded by Ms. Zelif-Murphy, it was the consensus of the Board to adjourn the meeting at 8:00 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary