

**Stanhope Land Use Board
February 13, 2012
Reorganization 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 Regular Meeting was forwarded to the New Jersey Herald and Daily Record on January 10, 2012 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 - absent
Margaret Findley - present	William Thornton - present
Janice Hunts – absent	Joseph Torelli - present
Rosemarie Maio - present	Paula Zelif-Murphy - present
Andrew Orinick, Alt #1 - present	John Maguire - present

Others present: Roger Thomas, Esq. and Board Secretary Ellen Horak

MINUTES

January 9, 2012 Reorganization Meeting– Ms. Findley questioned the language on page 13 for the motion authorizing the hours of operation. Ms. Findley said she believed she was voting on a consensus and did not think they would be setting the hours of operation. Ms. Findley mentioned the concern raised by members of the public regarding the hours and said she would have voted differently had she known the Board was authorizing those hours of operation. Attorney Thomas explained that a procedural motion is that the Board does not take final action; however during the course of the hearing, the Board decided that they would take action and voted to agree to the hours. Thereafter, the motion included the hours of operation to 11:00 p.m. Ms. Findley noted the applicant asked for the extended hours in order to have a viable business and the Board is not to consider the finances of an applicant when rendering a decision. Attorney Thomas stated that the question before the Board was whether or not the context of those hours was reasonable. He does not believe the Board voted as they did to ensure the business would be viable.

Mr. Torelli noted the portion of the minutes wherein it says “Attorney Thomas stated the Board must decide if the 1995 resolution voids the 1985 resolution”. Mr. Torelli asked for clarification. Attorney Thomas advised that taking action in 1995 does not void the 1985 resolution and he thought the Board concurred that the 1985 resolution remained in full force and effect because the Board found that the 1995 resolution was never implemented. The Board found that the 1985 resolution remains in force and effect which gives the opportunity to have a convenience store.

Attorney Thomas explained that the implementation of the 1995 resolution would have voided the 1985 resolution, but since the Board found it was never implemented, it has no force and effect.

Mr. Thornton noted language at the bottom of the first paragraph on page 9 regarding a letter sent from Thomas Shepard regarding a proposed sale and he asked if it was determined whether or not the sale took place. Attorney Thomas noted there was mention of a letter from Thomas Shepard to the Borough regarding the proposed sale to Mr. Rempfer and Mr. DiLauri; however based on the testimony the Board found there was no implementation of the resolution and there was no indication in the record on whether there was a sale of the property.

On motion by Mr. Torelli, seconded by Ms. Zeliff-Murphy, the Minutes of the January 9, 2012 Reorganization Meeting were approved on unanimous voice vote.

CORRESPONDENCE

- 01-17-12 Roger Thomas, Esq. – Resolution of Memorialization re: Hoer Properties, Blk 11801, Lot 12
- 01-17-12 Roger Thomas, Esq. – Resolution of Memorialization re: Kamlesh Patel, Blk 11402, Lot 58
- 01-17-12 Roger Thomas, Esq. – Resolution of Memorialization re: Gary & Rose Tucker, Blk 10901, Lot 14 &23
- 01-23-12 New Jersey Planning Officials – New Jersey Planner (December 2011)
- 02-06-12 NJ Transit – Lackawanna Cut-Off Passenger Rail Service Restoration Project
- 02-07-12 Stanhope DPW – James Sweizer, Blk 11601, Lot 21 Variance Application
- 02-08-12 Stanhope CFO – 2012 Budget

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

RESOLUTION OF MEMORIALIZATION:

11-06, Kamlesh Patel

Block 11402, Lot 58, "D" Variance

Approval Granted: 11/14/11

On motion by Ms. Zeliff-Murphy, seconded by Mr. Depew and carried by the following majority roll call vote, the Resolution of Memorialization memorializing the Board’s action granting the “d” variance application of Kamlesh Patel for Block 11402, Lot 58 was adopted.

- AFFIRMATIVE: Mr. Depew, Ms. Findley, Mayor Maio, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire
- OPPOSED: None
- ABSTENSIONS: Mr. Orinick, Mr. Thornton

11-05, Hoer Properties, LLC

Block 11801, Lot 12, Final Major Subdivision
Approval Granted: 12/12/11

Attorney Thomas noted that due to a prior discussion he had with Chairman Maguire on this matter, he suggests action on this matter be deferred until he has had an opportunity to clarify issues with the Board. The Board agreed to defer action on this matter.

11-07, Rose & Gary Tucker

Block 10901, Lot 14/23, Minor Subdivision
Approval Granted: 01/09/12

On motion by Mr. Depew, seconded by Mayor Maio and carried by the following majority roll call vote, the Resolution of Memorialization memorializing the Board's action granting the minor subdivision (lot line adjustment) application of Rose and Gary Tucker for Block 10901, Lots 14/23 was adopted.

AFFIRMATIVE: Mr. Depew, Ms. Findley, Mayor Maio, Mr. Thornton, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire
OPPOSED: None
ABSTENSIONS: Mr. Orinick

UNFINISHED HEARINGS**11-04, Daud Ahmad**

Block 10301, Lot 11.01, "D" Variance
Deemed Complete: 7/11/11 120 days: 11/08/11 (Extension Granted)

Chairman Maguire advised that the applicant is unable to attend tonight's meeting and he sent a written request to have this matter carried to the next scheduled meeting. Attorney Thomas advised that this matter will be carried to the next meeting which is scheduled for March 12, 2012 at 7:30 p.m. with no further notice required.

NEW HEARINGS:**11-08, James Sweizer**

Block 11601, Lot 21, Variance
Deemed Complete: 01/09/12 120 days: 05/08/12

James Sweizer, 34 Young Drive, Stanhope, NJ was sworn in. Mr. Sweizer briefly explained his application. He is seeking approval to construct a front porch which requires a variance for a front yard setback. Attorney Thomas noted a letter from Mr. Sweizer which was part of his application that indicates the front porch will require a 6 foot setback where the Borough's ordinance requires a 25 foot setback. Attorney Thomas also noted plans prepared by H&W Architects LLC in Newton, New Jersey that were submitted with the application. Attorney Thomas asked Mr. Sweizer if the plans are an accurate representation of the proposed porch. Mr. Sweizer responded in the affirmative. Attorney Thomas noted also submitted with the application is a color picture of the house and he asked if the picture shows the house as it currently exists. Mr. Sweizer responded that it was an accurate picture of the house when he submitted his application. Attorney Thomas asked if the addition will keep with the architecture and character of the neighborhood. Mr. Sweizer responded in the affirmative.

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

Chairman Maguire asked for questions or comments from the Board.

On motion by Mr. Depew, seconded by Mr. Torelli, and carried by the following unanimous roll call vote, the Board approved the variance application submitted by James Sweizer for Block 11601, Lot 21.

AFFIRMATIVE: Mr. Depew, Ms. Findley, Mayor Maio, Mr. Orinick, Mr. Thornton, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire
 OPPOSED: None
 ABSTENSIONS: None

OLD BUSINESS:

2012 Budget - Chairman Maguire advised that the Governing Body asked the Board to reduce their 2012 budget from \$7,675 to \$5,000. The Board Secretary distributed copies of the budget. The Board conducted a line by line review of the budget and reduced their total budget request to \$5,048.00. The Board Secretary will submit the revised budget to the CFO who will present it to the Governing Body.

Attorney Thomas advised that, if the Borough began collecting money for low and moderate income housing (formerly COAH) in 2008, that money must be committed or spent this year. If not, the money will be subject to forfeiture this year. Attorney Thomas asked if the Borough established such a fund. Mayor Maio will speak to the Borough Attorney about the matter.

NEW BUSINESS:

Variance Applications – Chapter 100 Expiration of Variance – Chairman Maguire noted discussion after the last meeting regarding Chapter 100-110 - Expiration of Variances. He spoke to Attorney Thomas who advised that it is the Board's choice if they want this language added to all resolutions. Attorney Thomas noted this was implemented by the Borough in 2002 and is part of the Borough's code. This is a requirement of every variance whether or not language to that affect is included in the resolution. A variance must be implemented within one year from the date the variance is granted. If not, the applicant must ask the Board for an extension or reapply for the variance. Attorney Thomas said it is not unusual to grant a variance in conjunction with a preliminary site plan which may cause confusion because you are granting a site plan for two to three years and granting a variance for only one year. Attorney Thomas suggested either merging them to go the length of the longer approval or to say a variance alone will have a life of one year, but a variance approved in conjunction with a preliminary site plan will have the life of the accompanying approval. Ms. Findley suggested recommending to the Council that the language in Section 100-110 be revised. Mr. Torelli suggested asking Council to put this matter on a list for action when the Council is making changes to the code. Attorney Thomas stated he will speak to Rich Stein, the Borough Attorney, about this matter. Mayor Maio expressed concern that the applicant will not be

aware of the ordinance. The Board asked Attorney Thomas to include language regarding expiration of the variance in the resolution.

BILLS:

	Dolan & Dolan		
12/30/11	Re: Daud Ahmad		\$510.90
12/30/11	Re: Hoer Properties		\$426.90
	John Cilo Jr. Associates		
12/27/11	Re: Hoer Properties (Revised #17189)		\$495.00
01/12/12	Re: Hoer Properties (Revised 2/9/12)		\$247.50
	Omland Engineering Associates		
01/18/12	Re: Hoer Properties (B&B)		\$175.00
	Miscellaneous		
01/12/12	Daily Record re: Annual Mtg Notice		\$ 49.56
01/13/12	NJ Herald re: Annual Mtg Notice		\$ 21.15
01/13/12	NJ Herald re: Award Prof Service Contract		\$ 23.25
02/06/12	Morris County Stationers re: Name Plates (Thornton and Orinick)		\$ 18.78

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

AFFIRMATIVE: Mr. Depew, Ms. Findley, Mayor Maio, Mr. Orinick, Mr. Thornton, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire
 OPPOSED: None
 ABSTENSIONS: None

ADJOURNMENT:

On motion by Mr. Torelli, seconded by Ms. Zeliff-Murphy, it was the consensus of the Board to adjourn the meeting at 8:30 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary

