

**Stanhope Land Use Board
May 14, 2012
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 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	Andrew Orinick, Alt #1 - absent
Margaret Findley - present	Thomas Pershouse - absent
Janice Hunts – present	William Thornton - present
Rosemarie Maio - absent	Joseph Torelli - present
John Mohrle, Alt #2 – absent	Paula Zeliff-Murphy - present
	John Maguire - present

Others present: Board Secretary Ellen Horak

MINUTES

March 12, 2012 Regular Meeting– On motion by Mr. Torelli, seconded by Ms. Zeliff-Murphy, the Minutes of the March 12, 2012 Regular Meeting were approved on unanimous voice vote.

CORRESPONDENCE

04-09-12 Roger Thomas, Esq. – Hoer Properties, LLC, Blk 11701, Lot 14
04-10-12 PSE&G – Notice Regarding Freshwater Wetlands Permit Application re: vegetation maintenance compliance project
04-11-12 Ellen Horak, Clerk – Ordinance 2012-08
04-16-12 Byram Township – Invitation to Chairman for Smart Growth Workshop re: Economic Development in Byram’s Village Center
04-17-12 Roger Thomas, Esq. – Resolution of Memorialization re: Daud Ahmad, Variance Appl., Blk 10301, Lot 11.01
04-17-12 New Jersey Planning Officials – New Jersey Planner March/April edition
04-19-12 Daud Ahmad – intent to proceed with application re: Blk 10301, Lot 11.01 Variance Appl.

On motion by Ms. Zeliff-Murphy, seconded by Mr. Depew, 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:**11-04, Daud Ahmad**

Block 10301, Lot 11.01, "D" Variance

Dismissed w/out Prejudice: 03/12/12

Chairman Maguire noted, at the last meeting, the Board agreed to dismiss the application without prejudice.

On motion by Mr. Depew, seconded by Mr. Thornton and carried by the following unanimous roll call vote, the Resolution of Memorialization memorializing the Board's action dismissing without prejudice the variance application of Daud Ahmad for Block 10301, Lot 11.01 was adopted.

AFFIRMATIVE: Mr. Depew, Ms. Findley, Ms. Hunts, Mr. Thornton, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire

OPPOSED: None

ABSTENSIONS: None

Patrick Turzi, representative for Mr. Ahmad was present. Chairman Maguire advised Mr. Turzi of the action taken. Chairman Maguire also acknowledged the Board's receipt of Mr. Ahmad's request to have his application re-opened. Chairman Maguire advised that the Board granted the request to re-open the application and informed Mr. Turzi that the hearing will be scheduled for June 11, 2012. The applicant is required to re-notice and must bring his escrow current prior to the hearing. Mr. Turzi said Mr. Ahmad would be present shortly and will provide the Secretary with a check to cover the outstanding escrow.

OLD BUSINESS:

Chairman Maguire noted the requirement for Board members to attend a mandatory training course. Mr. Mohrle, Mr. Orinick and Mr. Thornton are required to take the training course. Attorney Thomas is offering a class on June 23rd in Allamuchy. Chairman Maguire noted Mr. Orinick advised him that he will attend the class. Mr. Thornton stated he will also attend the class.

NEW BUSINESS:*Ordinance 2012-08: An Ordinance Amending Chapter 100 by Prohibiting Outdoor Furnaces in all Zones*

Chairman Maguire noted the Governing Body referred the ordinance to the Board for review. The ordinance will ban the use of outdoor furnaces in all zones within the Borough. Chairman Maguire advised that he spoke to the Board's attorney and he did not see any issues with the ordinance. Chairman Maguire expressed his opinion that outdoor furnaces should not be permitted due to the limited size of lots in the town. Mr. Torelli questioned the wording and expressed his opinion it should be more to the intent of what they are trying to prevent. Mr. Torelli also questioned why the ordinance does not indicate what items would be permitted, i.e. chimineas. Ms. Zeliff-Murphy

directed the Board to “Definitions” on page 1 which defines what an outdoor furnace is. Mr. Torelli is of the opinion that the wording was incomplete. The Board discussed the content of the ordinance. Chairman Maguire noted page 2 contains the definition of “Accessory Building, Structure or Use” which includes language stating what structures are considered accessory buildings, structures or use. It also contains language stating that outdoor furnaces are excluded from the definition of Accessory Building, Structure or Use.

On motion by Mr. Torelli, seconded by Mr. Thornton and carried by the following unanimous voice vote, the Board approved Ordinance 2012-08, as written.

Chairman Maguire noted the presence of Mr. Daud Ahmad. Chairman Maguire explained to Mr. Ahmad the process for re-opening his application.

BILLS:

	Dolan and Dolan	
03/30/12	Re: Hoer Properties, Blk 11701, L 14	\$130.63
03/30/12	Re: Daud Ahmad	\$172.63
03/30/12	Re: Tucker	\$ 88.63
	Omland Engineering Associates	
02/13/12	Re: Hoer Properties, Blk 11801, Lot 12	\$ 35.00
03/14/12	Re: Hoer Properties, Blk 11801, Lot 12	\$ 35.00
	John Cilo Jr. Associates, Inc.	
06/09/11	Re: Hoer Properties, Blk 11701, Lot 14 (May 2011)	\$ 82.50
07/20/11	Re: Hoer Properties, Blk 11701, Lot 14 (June 2011)	\$852.50
	New Jersey Herald	
03/20/12	Re: Legal Notice – Hoer Properties	\$ 16.95
03/20/12	Re: Legal Notice – Sweizer	\$ 16.95
	Miscellaneous	
03/12/12	NJ Planning Officials – Membership Dues	\$315.00

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

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

ADJOURNMENT:

On motion by Mr. Depew, seconded by Ms. Zeliff-Murphy, it was the consensus of the Board to adjourn the meeting at 7:50 P.M.

Respectfully submitted,

 Ellen Horak, Board Secretary

