

**Stanhope Land Use Board  
November 10 2014  
Regular Meeting  
Minutes**

CALL MEETING TO ORDER:

Chairman Maguire called the meeting to order at 6:00 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 14, 2014 and was placed on the municipal bulletin board.

Furthermore, notice of the meeting time change was forwarded to the New Jersey Herald and Daily Record on July 15, 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:

Nicholas Bielanowski - present	Thomas Pershouse – present
Michael Depew - present	Joseph Torelli - present
John Rogalo – present (arrived @ 7:00pm)	Michael Vance - absent
Rosemarie Maio – present	Paula Zelif-Murphy - present
Andrew Orinick, Alt # 1 - present	John Maguire – present

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:

2 Contracts
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 Ms. Zelif-Murphy, and unanimously carried by voice vote, the foregoing resolution was adopted. The Board went into Closed Session at 6:01 P.M.

At the conclusion of the Closed Session, the Board reconvened the public meeting at 6:55 P.M. with all present.

Chairman Maguire called for a five minute recess.

Others present: Board Attorney Roger Thomas, Board Engineer Joseph Golden and Board Planner Scarlett Doyle.

MINUTES

**October 20, 2014 Regular Meeting & Closed Session** – On motion by Mr. Torelli, seconded by Mr. Depew, the Minutes of the October 20, 2014 meeting and closed session were approved on majority voice vote. Mayor Maio and Mr. Bielanowski abstained.

CORRESPONDENCE

- 10-16-14 Stanhope CFO – 2015 Budget Request
- 10-21-14 NJSLM – Mayor’s Advisory re: COAH deadlocks and does not advance proposed regulations
- 10-31-14 Pronesti Surveying Inc.- CBS Outdoor Survey re: Block 11701, Lot 11
- 10-31-14 Jarmel Kizel Architects – Plans for CBS Outdoor Billboard re: Block 11701, Lot 11
- 11-10-14 Joseph Golden, P.E. – Substantive Review II re: CBS Outdoor Variance Application, Blk 11701, Lot 11

On motion by Ms. Zeliff-Murphy, seconded by Mr. Pershouse, 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.

UNFINISHED HEARINGS:

**14-01, CBS Outdoor, LLC**

Block 11701, Lot 11 “D” Variance

Deemed Complete: 02/10/14

120 days: 06/10/14 (extension granted)

Reginald Jenkins of Price, Meese, Shulman & D’Arminio representing the applicant came forward. Mr. Jenkins noted that at the last hearing the Board requested certain information including a survey which they have provided. It is the applicant’s opinion that their time will be better served if they pursue the “d-1” variance and they are therefore, withdrawing the appeal application and asking the Board to focus on the variances requested. Mr. Jenkins stated there are certain facts that they believe support the “d” variance. Mr. Jenkins noted it was stated in testimony that the poles previously used were not available, but since that time, the poles have become available. One of the issues was the poles used to repair the sign were different; however now, with minor modification the billboard can be put back to the specific place where it was before it fell. The Board expressed concern with the aesthetics of the existing structure and they propose to make it look substantially like it was before it went down.

Attorney Thomas stated that since the Board will be hearing the “d” variance, the Mayor and Council Representative must step down.

Chairman Maguire clarified that the applicant originally came before for an appeal of the Zoning Officer and are now not going to pursue the appeal and are pursuing the “d” variance. Chairman Maguire asked if the existing structure will be removed and reconstructed in its former look. Mr. Jenkins responded in the affirmative. Mr. Jenkins stated the Board has plans of the present sign and they are proposing the

sign on poles like those previously used; however, the Board can say since the sign is already there, they can leave it up; however the sense they got from the last hearing was the Board might be more in favor of reconstructing the structure. Chairman Maguire asked if the Board must consider the existing sign since it is in existence. Attorney Thomas stated one option being presented is the sign with the lattice infrastructure that was previously presented and the other option is a reconstruction of the sign substantially similar to what the sign looked like before the storm. The Board will have the option to approve what the applicant is now seeking or what they previously proposed or to deny the application.

Mayor Maio and Council Representative Mr. Depew stepped down from the dais.

Mr. Jenkins said during the last hearing they submitted a copy of the Lease from 1957 which was marked Exhibit A-1 and he asked if they must resubmit the exhibits since they have already been entered into evidence during the appeal. Attorney Thomas stated there is no need to re-mark the exhibits currently marked through Exhibit A-6. Mr. Jenkins stated, in addition to the use variance, the original sign had certain existing non-conformities which were called out in the plans. Attorney Thomas noted that since the last meeting, the applicant has submitted new plans prepared by Jarmel Kizel dated October 31, 2014 which were marked Exhibit A-7 and a survey which was marked Exhibit A-8.

Craig Brinster came forward. Attorney Thomas noted Mr. Brinster was previously sworn in and remains under oath. Mr. Brinster gave a brief outline of CBS's business as well as his involvement with the outdoor advertising portion of the business. Mr. Brinster testified that CBS has a lease for the site that is the subject of this application. Mr. Jenkins asked Mr. Brinster if he is familiar with the lease dated 1957 to which Mr. Brinster responded in the affirmative. Mr. Jenkins asked if it confirms a sign existed on the property since that point. Mr. Brinster responded in the affirmative and added that at the last meeting there was a question of the permit age, lease age, sign age and DOT setbacks. They researched and it is his understanding from reading the lease that it is possible the sign existed prior to the lease date of 1957 because it already had a location number given to it and a location number would not be given until after the sign was built. Mr. Brinster said the structure was damaged by Hurricane Sandy and CBS attempted to reconstruct it. Mr. Jenkins asked Mr. Brinster if there was previous representation that the poles originally used were not available. Mr. Brinster responded in the affirmative. They were out of stock at the time, but that has since changed and CBS now has the ability to construct the sign in the same fashion it was prior to Hurricane Sandy. Mr. Jenkins asked if the proposed pole sign blends better into the current background. Mr. Brinster responded he does not like the presently existing sign. He does not believe it is a very aesthetically pleasing sign and he was disappointed when he saw the photographs of the sign. They will spend extra money and dismantle the existing structure and put it back on the same poles; however they may be a little larger diameter poles. He agrees with the Board's comments that the existing structure is not aesthetically pleasing. Mr. Jenkins asked the reason for the placement of the sign at its present location. Mr. Brinster responded the sign should be easy to read and legible and as close to the potential right-of-way so it is in the view of anyone driving past it. Mr. Brinster spoke of the benefit of outdoor advertising. It serves the local businesses and is an alternative to newspapers and radios. Mr. Brinster said they receive many calls to advertise in the Sussex, Morris and Warren County areas and it is more to give local advertisers an opportunity to advertise than it is a financial benefit for CBS.

Chairman Maguire asked Mr. Brinster if he is aware that the survey provided shows the sign closer to Route 206. Mr. Jenkins stated they will address that issue, but what is being shown on the present plans is what is being proposed which is where the sign originally was. Mr. Jenkins noted the Board Engineer

had questioned whether or not the sign currently or previously was in the DOT right-of-way and he added the survey shows it is not.

Planner Doyle noted testimony where it was indicated this was a reconstructed billboard by virtue of the storm and she asked when the construction permit was applied for in Stanhope. Mr. Brinster responded they were not aware a building permit was necessary so they did not apply for one. Mr. Jenkins stated the Zoning Officer brought to their attention the need for permits. Planner Doyle asked the date the Zoning Officer sent the first notice of violation. Mr. Jenkins responded that information is in the record. Chairman Maguire noted there is reference to a notice of violation dated November 21, 2012.

Matthew Jarmel with offices at 42 Okner Parkway, Livingston, NJ came forward. Attorney Thomas noted Mr. Jarmel was previously sworn in and remains under oath. Mr. Jarmel testified he has a drawing showing the location of the current "lattice" sign and location of the poles left behind from the previous sign. They developed a new design plan that rebuilds the sign exactly as it was prior to Hurricane Sandy with two minor modifications. Mr. Jarmel referred to the survey marked Exhibit A-8 prepared by Pronesti Surveying, Inc. and noted it shows the overall tract. The site is 28.148 acres and is triangular in shape. The circle shows the location of the billboard and to the left is a "blow up" of the area which is the location of the lattice sign presently at the site. The location of the utility poles used to support the previous sign is also shown on the survey. At one point there were three sign faces on the sign. He does not know when the "sandwich" sign was removed. The three circles to the right are stumps of former utility poles that were previously there but were cut down. The lattice sign is a little further back from the right-of-way than the original sign was. For purposes of restoring the sign to its prior October 29, 2012 condition where it was a billboard supported by three poles and the same sign board that is there today, drawing S100 is a drawing that proposes removing the existing lattice sign, removing the broken poles in the ground and replacing it with new poles. The construction department recommends using 12" poles. The previous poles were 9" in diameter. If they used 12" poles they would comply with the building code and the structure would be able to sustain hurricane winds. The second change is when the billboard was reconstructed, CBS added a catwalk. If approved by the Board, they would like to keep the catwalk. Mr. Jarmel outlined the information contained on Sheet T-100 is a zone schedule showing what is required, what is existing and what is being proposed. They are proposing a sign that is almost exactly the same as the previous sign with two minor differences; one being the catwalk and the other being 12" poles instead of 9" poles.

Chairman Maguire stated the Zoning Officer presented photographs of the structure that shows there was a catwalk prior to the storm. Engineer Golden noted testimony was given that there was previously a catwalk, but now there is a new catwalk on the structure. Attorney Thomas marked the photographs provided by the Zoning Officer, dated 11/21/12 as Exhibit B-1. Mr. Jarmel stated the new catwalk will be the same as the previous one prior to the storm. Mr. Jarmel confirmed that only the sign face is the same and everything else would be new. Chairman Maguire questioned the variances they are seeking. Attorney Thomas responded the applicant is looking for a variance of frontage on the lot, height of the sign, distance from the right-of-way and for square footage of the sign in addition to the use variance.

Engineer Golden asked the setback of the original sign pre-Sandy to which Mr. Jarmel responded it was 1-1/2 feet from the right-of-way.

Planner Doyle stated she is looking at "Bing Map" on her laptop that is showing the sign prior to Sandy and it is showing a 3-pole sign and she asked Mr. Jarmel if it is the sign. Mr. Jenkins objected to the question and to the picture noting it is difficult to identify from the location and they do not know the

time of the picture. Planner Doyle noted mention of four poles and she asked Mr. Jarmel how he can be certain that the three poles closest to the right-of-way held the sign. Mr. Jarmel responded that the two poles closest held the sign. He can tell because there is a specific gap. Three poles are close and two are far apart. He believes the fourth pole mentioned is from a previous sign that was taken down.

Mr. Jenkins addressed Mr. Brinster and showed him a copy of photographs of the site from the road which were marked Exhibit A-9. Mr. Brinster stated the photographs were in a lease file that is kept in the regular course of business. He does not know the date of the photographs but knows it was prior to the road becoming one-way. The photographs depict the pre-Sandy sign and it shows three poles supporting the sign. Mr. Jenkins noted a sheet with two photographs on one page and the second page is the reverse side of the photographs, which was marked Exhibit A-10.

Planner Doyle asked the purpose of the fourth pole which was present at some point in time. Mr. Brinster responded there were three poles on the left side and he believes there were three faces to the sign. Their file indicates the sign was taken down when the road was changed since it could then not be seen.

Mr. Jenkins presented an inter-office memorandum dated 11/10/14 which was marked Exhibit A-11.

Planner Doyle directed the Board to the survey that shows five holes and noted the photograph presented shows there were two sign poles. Based upon the photograph and the layout, one sign would have been with a certain set of poles and the other with another set of poles.

Mr. Jenkins directed Mr. Jarmel to Exhibits A-9 and A-10 and asked if it is consistent with the calculations that he depicts in his plans as the proposed sign this evening. Mr. Jarmel responded in the affirmative.

George Wheatle Williams, principle with the firm of Nishuane Group Inc. with offices at 105 Grove Street, Suite 1, Montclair, New Jersey was sworn in. Mr. Williams provided his credentials including his education and professional background. He completed Rutgers Graduate School and practices in the field of planning. He is licensed by the State Board and he is nationally certified. The majority of his practice is in land use, but his firm does a variety. He has testified before numerous Land Use Boards in the State of New Jersey. This will be his first time testifying before this Board. Attorney Thomas recommended Mr. Williams be accepted in the field of licensed planner in the State of New Jersey and qualified to testify before the Board. Mr. Williams said he will discuss what he reviewed, what he prepared and his conclusion as a planner. Mr. Williams reviewed the Borough's Master Plan as well as the Re-Examination Plan and the 1978 Master Plan. In addition to the land development ordinance he reviewed the application and plans before the Board and he has inspected the site. He also reviewed planning literature for outdoor advertising and the Board's professionals' reports. Mr. Williams noted the sign is located in the planned light industrial district and billboards are not a permitted use. Mr. Williams expressed his professional opinion that there will be no negative impact if the variances were granted. Mr. Williams presented two exhibits; the first being an aerial photograph of the site which was marked Exhibit A-12 and the second being a sheet containing photographs taken by his staff during one of their site visits, which was marked Exhibit A-13. Mr. Williams stated Exhibit A-12 identifies the zone and shows the size of the tract of land and the natural vegetation in the area. It also shows the zoning overlay. The sign is approximately 450 feet from the HR zone and nothing else is in the surrounding area. Mr. Williams spoke about the "Figures" contained in Exhibit A-13 and noted the remaining two photographs show the vegetation area. Mr. Williams spoke went through the framework

in granting a d-1 variance. The Municipal Land Use Law established the criteria for granting a d-1 variance. First the applicant must show the Board that they meet the positive criteria or the special reasons by showing the use is inherently beneficial, particularly suitable for this specific piece of property or advances the purposes of zoning. The Board is being asked to look at the special reasons in conjunction with the negative criteria. The negative criteria is a "two-prong" part; first being if you grant the d-1 use variance will there be an substantial detriment to the public good and second, if you grant the relief will there be any substantial impairment to the zone plan. Mr. Williams stated the d-2 variance relief is a bit different and although they are not asking for a d-2 variance, he believes it is worthy of some discussion because the sign has been in existence for almost a half a century. The distinction between a d-1 and d-2 variance is how the Board will look different at the negative criteria. Most courts and case law suggests that under the d-2 variance the Board will look at the negative criteria with greater liberality. The logic of the case law is similar to the logic of the planning review in that the detriment would be much less than a wholly new non-permitted use. Mr. Williams stated they made a couple of efforts to determine if they could prove the sign pre-dated the lease date and there was testimony given that the sign was in existence prior to the lease date. Mr. Williams said he also reviewed the Borough's 1971 Master Plan, but could not find anything in that plan dealing with outdoor advertising or to validate their suspicion that the sign existed prior to the lease date. Despite the fact that they could not find evidence that the sign was in existence prior to September 1957 he believes the Board should hear the application as a d-1, but look at it "through the lens" of being a d-2. Mr. Williams addressed the d-1 standards and he cited the section in the Borough's ordinance relating to this issue, noting Section 100-139 is the section for the non-conforming standard. Mr. Williams outlined the positive criteria for a d-1 variance and he gave his opinion that the purposes of zoning would be advanced if the d-1 variance was granted and read excerpts from N.J.S.A. that he feels supports his opinion. Mr. Williams outlined various sections from the "Purposes" including section G and I. Mr. Williams expressed his opinion that the purpose of promoting visual eye by specific design purpose would be advanced with the granting of the variance in large part because of the design methodology proposed by Mr. Jarmel which will make the sign more aesthetically pleasing. Mr. Williams stated promotion of a policy would satisfy the criteria for a special reason which would be the State's Roadside Sign Control & Outdoor Advertising Act that states "providing outdoor signage standards that are appropriate for auto oriented corridors as opposed to pedestrian oriented commercial areas advances the purposes of the Act and in this case might be in the local master plan. The State has recognized that outdoor advertising signs are most suitable in certain zones, those being non-residential zones. Mr. Williams noted there is also a permit for the sign that was issued by the State. Mr. Williams expressed his opinion that the sign is suitable for the site. Mr. Williams addressed the negative criteria by stating there is no negative impact.

Attorney Thomas asked about the Roadside Sign Control & Outdoor Advertising Act. Mr. Williams responded the citation is N.J.A.C. Title 16:41Cet seq and it is DOT regulations that govern outdoor advertising.

Mr. Bielanowski asked Mr. Jarmel if the previous sign had to pass a 90 mph wind load. Mr. Jarmel responded the poles were designed to comply with the building code. They would still have to apply for building permits and he is confident his calculation will exceed a 90 mph wind load.

Engineer Golden noted this is a d-1 variance and subject to the burden of proof. He asked the speed limit on the highway to which Ms. Zelif-Murphy stated the speed limit is 50 mph. Engineer Golden spoke about a planning guide that discusses distracted drivers and he noted that the sign is located at a site where there is a merger of State Highway 183 and Route 206. Engineer Golden expressed a concern that the location of sign causes a distraction to the driver and he thinks it may be a safety problem.

Engineer Golden stated looking at the photograph marked Exhibit A-3 you cannot read the small wording from the photograph and it will be difficult to read from the road which may create a dangerous situation especially because it will be at the intersection of two highways. Engineer Golden questioned if it meets the negative criteria.

Mr. Jenkins stated there is no indication of any accidents in the area. The local police department has not negatively spoken about the site and if there was a problem caused by a distraction, it would have been brought to their attention. Mr. Jenkins expressed his opinion that Engineer Golden's comment is speculative. Engineer Golden responded and said he would like to see police reports for the frequency of accidents in that area.

Planner Doyle noted the sign is five times the permitted size and the height exceeds that what is permitted by 2'3". Mr. Williams stated the sign area is industry standards for outdoor advertising signs in a highway area. Planner Doyle asked if he is testifying that the sign which is five times larger would not be legible if lowered to 20 feet. Mr. Williams stated his testimony had to do with if it was to be the same height as the existing sign. Mr. Williams stated they are seeking a "c" variance for the height.

Mr. Jenkins stated the intent of the application was to bring back the sign at its previously existing dimensions. If the Board would ask them to reduce it by 2 feet, CBS is amenable to doing so. Mr. Jenkins directed Mr. Williams to the photograph figure 2 on Exhibit A-13 and asked if the sign is reduced by 2 feet, or reduced at all, would it start to blend into the foliage. Mr. Williams responded in the affirmative. The rationale for the height was, while mimicking the prior sign to also take into consideration clearance of the vegetation in the area. Planner Doyle said Mr. Williams previously mentioned it would be difficult to meet the standard height because of vegetation. Planner Doyle asked, in terms of mimicking the previous sign, will the existing structure be removed and a new structure with poles constructed so at some point in time, there will be no sign at the site. Mr. Williams responded in the affirmative. Planner Doyle noted Mr. Williams spoke about the setback from the right of way and said other signs in the zone must comply with being thirty feet from the right-of-way. She then asked why this sign must continue to be site suitable and legible and needs to depart from the requirements of signage by 30 feet, and yet, be constructed to be suitable in terms of the site. Mr. Williams responded the "use special reason" is suitability. Planner Doyle stated Hurricane Sandy hit on October 29, 2012 and one month later on November 21, 2012, CBS was put on notice that they were in violation. Planner Doyle read an excerpt from Section 100-143 of the Code and stated a building permit was to be applied for within 12 months; however it is two years later and the applicant still has made no request for a building permit. Mr. Williams stated that from a planning perspective, they have satisfied the requirement for the d-1 variance. He also said if they step away from legalese, the reality is the sign is there now and has been there since 1957 and the negative criteria would be less. Planner Doyle stated the use has been abandoned.

Engineer Golden noted Figure 2 on Exhibit A-13 confirms the traffic issue because it shows the sign partially covered by vegetation and adds to the distraction. Engineer Golden asked about maintenance of the site. Mr. Brinster responded the company tries to remove the least amount of vegetation as possible. The picture in Figure 2 was taken on the berm and if you were on the roadway, it would be substantially less of a burden. The vegetation would be less intrusive. Mr. Brinster stated they are cautious of vegetation removal due to town and state regulations.

Chairman Maguire stated the applicant is requesting the following "c" variances: for minimum lot frontage, height, minimum distance from the right-of-way and maximum sign size. Mr. Brinster stated

the sign is based on the standard size of the billboard signs and if it were made smaller it would be difficult to get faces that size.

Mr. Rogalo commented on the height given the topography and asked if the height is the high corner to the ground. Mr. Jarmel responded it is from the highest point.

Chairman Maguire voiced his concern with the distance from the right-of-way. Mr. Brinster responded they may then need to go further back which would make the sign higher and more of a distraction to drivers, and the closer it gets to the hill would require more vegetation to be removed. Going back 30 feet would require substantial excavation. Mr. Brinster stated they agree to work to move it back a short distance. Engineer Golden said, from a safety perspective, it is important that the sign have clear and the cleanest visibility.

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 Thomas noted there was a preliminary discussion with regard to the exhibits submitted at the September meeting and there not being a reason to mark those exhibits again. All of the testimony relied on has been presented today and the fact that someone missed the September meeting is not relevant to the variance portion of the application and therefore, all members present are eligible to vote. Attorney Thomas stated the vote on a "d" variance requires five affirmative votes and the "c" variances require a majority vote. Attorney Thomas recommended the Board first vote with regard to the "d" variance and if successful, they will vote on the "c" variances as a group. The "d" variance is only the billboard because it is not a permitted use.

Ms. Zelif-Murphy motioned to grant the use variance and based on testimony to permit the existence of the billboard on Block 11701 Lot 11. Mr. Rogalo seconded the motion. On the following roll call vote, the motion was defeated:

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

Attorney Thomas advised that the motion does not carry. Attorney Thomas stated since the "d" variance was denied, there is no need to continue with a vote on the "c" variances.

Mayor Maio and Mr. Depew returned to the dais.

#### NEW BUSINESS

2015 Budget – Chairman Maguire stated discussion on the 2015 Budget will be carried to the next meeting.

#### RESOLUTION OF MEMORIALIZATION

##### **14-04, Courtney & Jim Boyle**

Block 10604, Lot 4, Minor Subdivision (Lot Line Adjustment)

Approval Granted: 10-20-14

Attorney Thomas distributed copies of the Resolution of Memorialization and outlined the information contained in the resolution. On motion by Chairman Maguire, seconded by Mr. Torelli and carried by the following majority roll call vote, the Resolution of Memorialization for 14-04 Courtney and Jim Boyle minor subdivision (lot line adjustment) application for Block 10604 Lots 4 & 7 was adopted.

AFFIRMATIVE: Mr. Bielanowski, Mr. Depew, Mr. Pershouse, Mr. Orinick, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire

OPPOSED: None

ABSTENSIONS: Mayor Maio

BILLS:

	<b>John Cilo Jr. Associates, Inc.</b>	
09/08/14	Re: Land Use Board General	\$ 99.00
	<b>Miscellaneous</b>	
11/05/14	Linda Chirip re: Secretarial Services	\$ 90.00

On motion by Ms. Zeliff-Murphy, seconded by Mr. Rogalo, the aforesaid bill was approved on the following unanimous roll call vote:

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

OPPOSED: None

ABSTENTIONS: None

Mayor Maio noted there is outstanding escrow owed on the CBS Outdoor application and she questioned payment in light of the fact that the Board just denied their application. The Board Secretary was instructed to inform the CFO to immediately send a letter to CBS requesting they submit the amount deficient in their escrow and an additional \$2,500 so there will be funds sufficient to cover the services rendered by the Board professionals at this meeting.

The Board Secretary was also instructed to inform Arlene Fisher that the application of CBS Outdoor was denied and to have her contact them to ask what they plan to do and to advise them that the sign must be removed within 60 days.

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:

5. The public shall be excluded from discussion of and action upon and hereinafter specified subject matter(s).

6. The general nature of the subject matter(s) to be discussed is as follows:
  - 1 Contract
7. 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.
8. This resolution shall take effect immediately.

On motion by Ms. Zeliff-Murphy, seconded by Mr. Bielanowski, and unanimously carried by voice vote, the foregoing resolution was adopted. The Board went into Closed Session at 9:45 P.M.

At the conclusion of the Closed Session, the Board reconvened the public meeting at 10:00 P.M. with all present with the exception of Mr. Orinick who left the meeting during closed session.

ADJOURNMENT:

On motion by Mr. Rogalo, seconded by Mr. Depew, it was the consensus of the Board to adjourn the meeting at 10:00 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary