

**Stanhope Land Use Board  
October 19, 2015  
Regular Meeting  
Minutes**

**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 14, 2015 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 - absent

James Benson - absent

Michael Depew - present

Rosemarie Maio - present

Thomas Pershouse - present

John Rogalo – present

Joseph Torelli - absent

Paula Zeliff-Murphy - present

John Maguire – present

Others present: Board Engineer Eric Keller, Board Planner William Hamilton and Board Secretary Ellen Horak

**MINUTES**

**May 11, 2015 Regular Meeting** – On motion by Ms. Zeliff-Murphy, seconded by Mayor Maio, the Minutes of the May 11, 2015 Regular Meeting were approved on unanimous voice vote.

**CORRESPONDENCE**

05-27-15 Ellen Horak, Clerk – Resignation of Michael Vance

05-27-15 Ellen Horak, Clerk – Resolution Appointing James Benson to fill un-expired term of Michael Vance

07-06-15 Laddey, Clark & Ryan – copy of Case Information Statement and Declaratory Judgment Complaint re: COAH

07-21-15 New Jersey Planning Officials – New Jersey Planner (May/June)

08-17-15 Fox Rothschild, LLC – request to be removed from service list re: COAH

09-18-15 New Jersey Planning Officials – NJ Planner (July/Aug 2015)

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.

NEW HEARINGS:

**01-15, Building Blocks, LLC**

Block 10608, Lot 5 – Conceptual Review

(2-4 Walton Place)

Appl Rec'd: 10/07/15

Chairman Maguire stated this presentation is being made under Section 10 of the Municipal Land Use Law. It is to be understood that comments made by the presenter and/or members of the Land Use Board are non-binding.

Ron Heymann, Esq., Heymann & Fletcher appeared on behalf of the applicant. Mr. Heymann noted this is a concept plan. Also present are Jeff Careaga of Careaga Engineering and his client, Building Blocks 51. The site is the old Morris Canal Restaurant. They are proposing to build 8 residential units on the site with ample parking.

Jeff Careaga distributed architectural drawings of the building. The first sheet shows the proposal and the second sheet shows the existing conditions. The site presently consists of a two-story building with an attic loft. The interior of the building will be completely changed. Mr. Pershouse clarified that the property is no longer a restaurant. It is presently a single-family house. Mr. Careaga stated there will be no change to the footprint. The roof will be raised to allow more room on the top floor. They are proposing two 2-bedroom units downstairs, four different units on the first floor consisting of one 1-bedroom unit, one 2-bedroom unit and two 3-bedroom units and two 3-bedroom units in the attic. They are proposing a roof line that will be approximately 3 feet higher than the existing roof and they will meet the 35 foot requirement. Mr. Careaga stated the existing lot size is 21,495 square feet and it is a conforming lot. They meet the minimum frontage requirement. The existing front yard set-back is 24.7 feet and is pre-existing and will not change. Mr. Careaga noted they will meet most of the setback requirements and will seek a variance for rear yard set-back and impervious coverage. The required parking spaces are 12 and there are existing 29 parking spaces. They are proposing 21 parking spaces. They need 2.1 spaces per unit which is 17 spaces. According to the Borough's ordinance they need 2 parking spaces per unit which would total 16. They are proposing more parking spaces than required. They do not want parking on the street. Mr. Careaga noted the site plan sheet shows only one entrance to the property. They will add landscaping and will take out some coverage and add additional landscaping. The only additional coverage they are proposing is pavement in the top right hand corner which would allow two extra parking spaces. Mr. Careaga noted it is not in the right-of-way. Mayor Maio questioned DEP requirements. Mr. Careaga expressed his opinion that it should be a permit by rule; however they would agree to get any DEP permits required. They are not proposing any changes near the water. They will utilize the existing retaining wall and propose a deck on the side of the building with a view of the lake. Mr. Careaga stated they would like feedback from the Board on whether or not this plan may be looked at favorably.

Mr. Heymann asked for town information regarding COAH since it could impact the project. Mr. Hamilton responded that they are currently working on the housing plan. They have not yet established the Borough's numbers. A multi-family development could have a COAH requirement;

however they have not finalized the percentage. Mr. Heymann asked for feedback from the Board on changing a residential unit into 8 units.

Chairman Maguire asked the square footage of the smallest unit. Mr. Careaga responded the smallest unit will be 794 square feet. Mayor Maio asked how many one-bedroom units. Mr. Careaga responded there will be one 1-bedroom unit. Chairman Maguire noted the site is in the medium density residential zone and he asked if a change to multi-family will change the minimum lot size requirement. Mr. Hamilton responded a "d" variance would be needed and the applicant would need to show the positive criteria and the negative criteria and the impact it would have on the neighborhood. Chairman Maguire questioned the water/sewer to the property. Mr. Keller responded the water service to the building is "convoluted" and comes down from Central Avenue. If the Board would be in favor of this type of application they would need to extend the water main. Part of the building has sprinklers and there is no fire hydrant. Mr. Pershouse stated they would need at least a 6" sprinkler line. Mr. Keller stated an 8" water main would have to be extended down Walton Place to the front of the property and they would need to have a fire hydrant installed by the property. Chairman Maguire asked how the run-off will be addressed. Mr. Careaga responded they are not proposing to address drainage since there is an existing drainage system. Mr. Keller said if it goes directly from the parking lot into the lake they would need some form of water quality device to remove some of the pollutants before it gets into the lake. If they already have it discharged into the lake they can continue as they are doing.

Mr. Pershouse asked if the units will be rental or condominiums. Mr. Heymann responded it would be all rental units.

Chairman Maguire questioned the involvement the DEP will have on the project. Mr. Keller responded the property in some form is subject to the Flood Hazard Area Control Act rules because it is within ten feet of the lake. A condition of any approval by the Board should require the applicant going to DEP for permits.

Mayor Maio expressed concern with the number of parking spaces and the impact if all unit occupants have guests. Mr. Careaga responded they are proposing more parking spaces than are required according to RSIS standards and the town's requirement to provide a certain amount of parking spaces. Mr. Keller noted the parking lot on the left side of the building extends beyond the lot line. Mr. Keller also stated there is a 30 foot right-of-way and the standard is a 50 foot right-of-way. When you have a sub-standard right-of-way, the applicant is required to provide half of the deficiency which, in this case, would be ten feet. Mr. Keller also noted that, although not mentioned in the Code, there is a concern that the layout of the parking lot requires vehicles to back out and onto a public street. Mr. Careaga stated if they had to give the 10' right-of-way they would lose 8 to 9 parking spaces and would not meet the requirements. The Board discussed vehicles backing out of the parking lot onto a public street and agreed it was not an ideal plan.

Mr. Pershouse stated by building definition this would be a three-story building. Mayor Maio noted there are two front sides; one from the lake and one from the street. From the lake side it shows a three-story building.

Mr. Heymann asked for a poll of the Board on if they would be in favor of the project or if they would prefer a lesser number of units as long as there is ample parking.

Mayor Maio stated with her knowledge of the neighborhood she believes 8 units is too intense. Chairman Maguire stated 8 units would be a very ambitious application. The Board also indicated they are not in favor of vehicles backing out onto the street.

Mr. Heymann said they would like to get a feel for how the Board would receive the application before they incur the expense of hiring professionals for a formal hearing. Would the Board prefer if they reduced the number of units or does the Board not want a change from a single family house to a multi-family house.

Chairman Maguire responded it would be a difficult application. Chairman Maguire spoke about the public turn-out during a previous application where a multi-unit structure was proposed.

Stan Gutkin, owner of the property, noted the vacant lots next to the property used by the old Morris Canal Restaurant and asked if they were able to acquire the lots, would that address the parking issue. Chairman Maguire responded it would help with the parking issue and impervious coverage issue, but would have storm water issues. Mr. Gutkin asked if the Board would prefer another restaurant on the site. Chairman Maguire responded in the negative.

Chairman Maguire stated the property is currently a one-family unit that the applicant is looking to turn into a multi-family unit. The Board does have concerns with the fact of going from single family to multi-family.

Mr. Heymann thanked the Board for their input.

#### OLD BUSINESS

Master Plan – Chairman Maguire deferred to Ms. Zeliff-Murphy, chairperson of the Master Plan Review Committee. Ms. Zeliff-Murphy stated the committee reviewed the 2006 Master Plan Re-examination and found that nothing proposed was put into the Master Plan. Mr. Hamilton stated there were proposals for zoning and landscaping that were not incorporated into the Zoning Ordinance. The committee prepared a second draft of the plan that takes into account their discussions and research. They will make additional revisions and then distribute it to the full Board for review. The Secretary will ask Arlene Fisher for a list of vacant land in the Borough and forward the information to Ms. Zeliff-Murphy. Mr. Hamilton stated a number of items came up during the committee meeting they would like discussed with the full Board. The first is in 2006 there were many regulations proposed for the Highway Commercial District. It was the general feeling of the committee that it should be revisited because it can negatively impact business. The Board agreed they do not want to encourage, not discourage business from coming into Stanhope. Mayor Maio asked if consideration was given to change the zoning on Main Street. Mr. Hamilton responded in the affirmative; however there was mixed reaction among the committee members. Mayor Maio expressed her opinion that, in terms of future growth, the business district zone should go from one end of Main Street to the other end of Main Street. Chairman Maguire said they need to promote Stanhope for business. The Board discussed ways to encourage businesses to come to the Borough and the need to have it included in the Master Plan for future growth. The Board directed the committee to incorporate in the Master Plan ways to make the business district more attractive to business owners. Growth in the town must be addressed in the Master Plan; however Stanhope is a historical town and there should be some control. Mr. Hamilton stated they are looking for some upgrades to the Code, i.e., home office use to be controlled, but supported. The 2006 Master Plan contained a proposal to control cell towers; however

it was never implemented and it is the committee's opinion that it should be included, together with windmills, solar farms, etc. If any of these become an issue in the future, the Borough would have control. The Board agreed. Ms. Zeliff-Murphy questioned if they should have the "tiny" houses addressed in the Master Plan. The Board discussed the issue of "tiny" houses and it was agreed that they can be controlled through minimum lot size requirements.

Chairman Maguire directed Mr. Hamilton and the committee to preserve the history of Stanhope, but address future growth of the town.

NEW BUSINESS:

2016 Budget – Chairman Maguire stated the budget request submitted for 2016 was the same as the 2015 budget request. The budget had to be submitted prior to the Board's meeting and it was submitted with the understanding that there may be changes after review by the Board. Mayor Maio asked Mr. Hamilton to provide an estimate for the Master Plan. She would like funds encumbered for the 2015 budget and a more accurate amount for the 2016 budget. Mr. Hamilton will provide an estimate for services to be rendered on the Master Plan. The Board will review the budget at the November meeting and make any necessary revisions.

Resolutions – Chairman Maguire read the following resolutions by title:

**RESOLUTION CONTINUING APPOINTMENT OF  
BOARD ENGINEER**

**WHEREAS**, the Land Use Board of the Borough of Stanhope appointed Eric L. Keller, PE, PP, LEED, AP and his firm of Omland Engineering Associates, Inc., a Bowman Consulting Company, Board Engineers for the year 2015; and

**WHEREAS**, Omland Engineering Associates, Inc. has heretofore been merged into Bowman Consulting Group, Ltd. but will now commence all engineering services as part of Bowman Consulting Group, Ltd.; and

**WHEREAS**, the Land Use Board needs to reflect Mr. Keller's new position with Bowman Consulting Group, Ltd.;

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Borough of Stanhope that the Board does hereby acknowledge and accept the substitution of Bowman Consulting Group, Ltd. for Omland Engineering Associates, Inc. as the Board Engineer's firm for the remainder of his 2015 year appointment as Board Engineer for the Land Use Board.

On motion by Mayor Maio, seconded by Mr. Rogalo and carried by unanimous voice vote, the aforesaid resolution was adopted.

**RESOLUTION CONTINUING APPOINTMENT OF  
BOARD PLANNER**

**WHEREAS**, the Land Use Board of the Borough of Stanhope appointed William Hamilton, PP and his firm of Omland Engineering Associates, Inc., a Bowman Consulting Company, Board Planners for the year 2015; and

**WHEREAS**, Omland Engineering Associates, Inc. has heretofore been merged into Bowman Consulting Group, Ltd. but will now commence all planning services as part of Bowman Consulting Group, Ltd.; and

**WHEREAS**, the Land Use Board needs to reflect Mr. Hamilton's new position with Bowman Consulting Group, Ltd.;

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Borough of Stanhope that the Board does hereby acknowledge and accept the substitution of Bowman Consulting Group, Ltd. for Omland Engineering Associates, Inc. as the Board Planner's firm for the remainder of his 2015 year appointment as Board Planner for the Land Use Board.

On motion by Mayor Maio, seconded by Ms. Zeliff-Murphy and carried by unanimous voice vote, the aforesaid resolution was adopted.

**BILLS:** Chairman Maguire noted the April 30, 2015 bill from Dolan & Dolan regarding COAH in the amount of \$958.60 has been pulled from the bills list for further clarification.

	<b>Dolan &amp; Dolan</b>	
04/30/15	Re: Master Plan	\$612.10
05/29/15	Re: Master Plan	\$183.74
08/31/15	Re: LUB General	\$ 82.50
	<b>NJ Herald</b>	
06/16/15	Legal Notice re: CBS Outdoor	\$ 9.60
	<b>Bowman Consulting Group</b>	
10/12/15	Master Plan	\$840.00

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

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

OPPOSED: None

ABSTENTIONS: None

**ADJOURNMENT:**

On motion by Mayor Maio, 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