

**Stanhope Land Use Board
February 12, 2018
Regular Meeting
Minutes**

CALL MEETING TO ORDER:

Chairman Maguire called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Chairman Maguire invited all those present to stand in a salute to the colors.

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Reorganization Meeting was forwarded to the New Jersey Herald and Daily Record on January 10, 2018 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
Raymond Cipollini, Alt #1 – present
Rosemarie Maio - present
Thomas Pershouse - present

Thomas Romano - present
John Rogalo – present (arrived @ 7:05 p.m.)
Joseph Torelli - absent
Paula Zeliff-Murphy - present
John Maguire - present

Others present: Board Attorney Glenn Gavan, Board Engineer Eric Keller and Board Secretary Ellen Horak

MINUTES

January 8, 2018 Reorganization Meeting – On motion by Mr. Romano, seconded by Ms. Zeliff-Murphy, the Minutes of the January 8, 2018 Meeting were approved on unanimous voice vote.

CORRESPONDENCE

- 01-25-18 Sussex County Soil Conservation District – Soil Erosion & Sediment Control Plan for Hoer Properties re: Blk 11701 Lot 4 (March 22, 2018 expiration of certification)
- 01-26-18 Houser Engineering – Revised plans and documents re: Manjit Bawja and Ravinder Kaur, Preliminary and Final Site Plan Application for Block 11703, Lots 1 & 2
- 01-26-18 Byrne Design Associates – Revised architectural plans re: Manjit Bawja and Ravinder Kaur, Preliminary and Final Site Plan Application for Block 11703, Lots 1 & 2
- 02-02-18 Houser Engineering – Revised plans and documents re: Manjit Bawja and Ravinder Kaur, Preliminary and Final Site Plan Application for Block 11703, Lots 1 & 2
- 02-07-18 Eric Keller – Technical Review # 3 re: Manjit Bajwa/Ravinder Kaur Site Plan for 7th Heaven Market & Delta Gas, Blk 11703 Lots 1 & 2

02-12-18 Cory Stoner, P.E. – Preliminary & Final Site Plan for 7th Heaven Market & Delta Gas, Blk 11703, Lot 1 and Block 11703.01, Lot 1

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

UNFINISHED HEARING:

17-04, Manjit Bawja and Ravinder Kaur

Block 11703, Lots 1 & 2, Preliminary and Final Site Plan Application

Deemed Complete: 10/16/17

120 days: 02/13/18

Dennis McConnell, Esq., representing the applicant, came forward and informed the Board that since the last meeting they have made substantial revisions to the plans which have been reviewed by the Board Engineer. Mr. McConnell asked the applicant's engineer, Tyler VanderValk to come forward and together they went over the items listed in Board Engineer's report dated February 6, 2018. With respect to Mr. Keller's comment on the last line of page two of the report dealing with the calculation of the tower, Mr. McConnell stated they can provide this from the architect. On page 4 of 6 under Technical Review, #1 regarding the letter from the Chief of Stanhope Hose Co. No. 1, they have satisfied the requirement regarding the fire hydrant. In response to comment #2, Mr. VanderValk stated retail space is less than Mr. Keller's calculation of 2600 square feet. They are holding to what they set forth with a calculation of 1,816 square feet. Mr. VanderValk distributed a "Floor Area Calculation" dated February 12, 2018, which was marked as Exhibit A-1. This has been cropped out of the architect's most recent floor plan. The bluish portion shows the retail counter. There is a separate door and then the deli area, shown in green. This is what they used for their calculations. Mr. Keller noted this is the applicant's justification for how they calculated the retail seating. When Mr. Keller looked at it, he looked only at the seating; however, you cannot have seating without the deli counter. The Board must decide if there is sufficient parking for the gas station and the convenience store. Mr. Pershouse stated the Uniform Commercial Code does not consider this a mixed-use building because of the interior seating. Mr. Keller said he understands that, but the zoning code talks about parking ratio for seats. The applicant had to indicate how they set it up and what their basis was. Based on Exhibit A-1, Mr. VanderValk determines 25 total parking stalls are required. There is a difference of 4 spaces, as page 5 #3 of Mr. Keller's report indicates 29 parking spaces required. Mr. VanderValk stated they contend there are 25 parking spaces required and they are seeking a variance to allow 15 parking spaces (10 less than required). Mr. McConnell read aloud Mr. Keller's written comments # 5 through #19 and provided comment on each item as follows: #5 regarding a conservation easement- they have no problem with this being a condition of any approval; #6 with respect to spot grades – they will make the adjustment; #7 with respect to soil tests – they agree to put them on the plans; #8 with respect to the infiltration basin – Mr. VanderValk stated 746.66 is the correct number, adding the other was a typo. Also, with respect to the trench drain discharge, the correct number is 745.93; #9 with respect to the retaining wall – Mr. VanderValk addressed this issue. On the plan's view the wall is depicted as one foot. In planning where the landscaping will be, they took into consideration

2-feet from the face of the wall; #10 regarding pipe penetration – they will add the additional detail requested; #11 regarding building permit and evergreens – they understand and have no issue; #12 regarding water-tight pipe – they are fine with the request and it has been added to the recent plans; #13 regarding hay bales – this was a comment only; #14 regarding a utility opening permit – they understand this is necessary; #15 regarding canopy lighting – this was a comment only; #16 regarding detail for roof drain discharge – Mr. VanderValk addressed the issue. The elevation of 744.5 is for the northern basin. The southern basin bottom is 740.0; #17 regarding trash racks – they agree and will adjust the plans accordingly; #18 regarding drainage report – the detail will be updated to reflect the appropriate number and #19 regarding operations and maintenance manual – they agree to this being a condition of any approval. Mr. McConnell expressed his opinion that they have addressed all the Board Engineer's concerns.

Mr. Keller noted #9 and said his larger concern is the retaining wall along the downside of the basin and he asked what methods are being proposed to keep the water from going through the berm and through the wall. Mr. VanderValk responded they are providing an impervious liner behind the wall which is indicated on the detail of the northern stormwater basin on Sheet 8. Mr. Keller asked that the detail of the limits be added to the plans, to which Mr. VanderValk agreed. Chairman Maguire asked about the type of liner. Mr. VanderValk responded it is a common to use this type of liner to limit seepage in a wall. He does not know the lifespan of the liner. Mr. Keller stated it is a standard liner used to prevent seepage into a layer. Mr. VanderValk noted the liner will be completely buried and will not be visible. Mr. Keller noted comment #14 and stated it is not only sanitary sewer it is also water. The DOT requires the Borough to provide sewer and water and a condition of any approval should be the requirement that the applicant perform all of the work, and then have the Borough sign-off. Mr. Keller asked for clarification on the roof drain discharge into the basin. It does not specify it is the southern basin. Mr. Keller agreed with the applicant's calculation that the discharge into the southern basin would be an elevation of 748.0. Mr. Keller asked for separate detail on the canopy drainage into the northern basin, to which Mr. VanderValk agreed to provide the information.

Chairman Maguire opened the meeting to the public for questions or comments on this application.

Maryann Lindsey, 70 Ash Street, Byram, NJ was sworn in. Ms. Lindsey expressed her opinion that a 50-foot wheel base truck cannot make the swing turn at the site. She has been in the trucking business for many years and is familiar with moving trucks throughout neighborhoods. The plans show a 50-foot wheel base truck with a trailer. A tanker truck is at least 60-feet long because it has a 45' trailer. A short, single axle, day cab (truck with no sleeper) wheel base would be about 150" to 156". A larger truck, with a sleeper, would be in the 230" range. Ms. Lindsey spoke about various different size trucks and the difficulty they would have making the swing turn. Mr. VanderValk responded that they always use a 50-foot wheel base when doing analysis. When the question was raised at the last hearing, he double checked it. Mr. VanderValk spoke with the company that delivers the fuel to the applicant's gas stations and they do not have any trucks that large. Ms. Lindsey noted potential customer trucks with a 75'-80' tractor trailer entering the site and then will not be able to exit because it will be blocking the entire street. Mr. VanderValk stated they do not promise to survey every truck on the roadway. They are able to function with the truck accessing the site. He agrees the site does not support a W602 coming through the site. As far as concern with blocking Belton Street, those size trucks will not be able to get into the site so there is no need for them to get out of the site. Ms. Lindsey suggested reducing the height of the canopy

from 136 to 133. The tanker trucks will still be able to access, but it will keep the other larger trucks out because they will see the canopy is too low for their truck. Mr. VanderValk stated they will not market to the larger trucks. Any vehicle with a wheel base of 50 or smaller can access the site with n problem. They cannot enforce preventing larger trucks from coming into the site while traveling the roadway. Mr. Keller noted the previous concern was the ability to get fuel trucks into the site. Mr. Keller stated the swept path shown on the plans is accurate for planning purposes. He has reviewed the plans for Quick Check and WaWa and this is the size vehicle that they have also presented. Ms. Lindsey said in order to stop the large trucks from coming in, you must lower the canopy. If the trucker sees the low canopy they will not try to access the site. Mr. Keller stated the access design is governed by the NJDOT. The applicant proposes a concrete pad behind the curb. Chairman Maguire assured Ms. Lindsey that they have heard her concerns and believe the Board Engineer has provided adequate responses.

Cory Stoner, Harold E. Pellow & Associates, Byram Township's municipal engineer came forward and indicated he is representing the Mayor and Council of Byram Township. Mr. Gavan informed Mr. Stoner that an engineer cannot represent anyone. He can, however, be present on behalf of the Mayor and Council. Mr. Stoner revised his statement and indicated he is present on behalf of the Mayor and Council. Mr. Gavan reminded Mr. Stoner that he was previously sworn in and remains under oath. Mr. Stoner noted he sent a lengthy letter to the Board outlining his concerns. Mr. Stoner acknowledged that some of the comments he made at the last meeting were addressed, but not all his comments. One is regarding stormwater. His comment regarding volume of water has not been addressed. All of the properties to the west of the site are residential properties and are susceptible to water. He would like to hear the impact of the infiltration basin to the south and to the north. Mr. Keller responded that it meets all of the DEP regulations as far as rate reductions in accordance with the stormwater rules. After the last meeting, Mr. Keller visited the site and discovered and determined that the original design was directing it to the property to the north and that is not where the water goes today. The water starts to go that way but then makes a U-turn and goes back to the south. That is where the water goes today and will go tomorrow. This is the way the water must flow because it comes out across Ash Street between the houses and down to the river. Mr. Keller added, the plans submitted is maintaining the flow as it is today and they meet the DEP's stormwater regulations. Mr. Stoner said the area has always been a very wet site and it is his opinion there will be additional stormwater that will go off the site. He was hoping to have the infiltration more into the ground to mitigate the water. Mr. Stoner stated he still has a concern with the volume of water. Mr. Stoner directed the Board to his comment #4 concerning the landscaping plan. His concern was partially addressed. He believes the larger trees and the increased number of trees will eventually provide a good buffer between the site and the neighborhood to the west, but his concern is it will take a number of years until the solid landscape buffer will occur. Mr. Stoner asked that the applicant consider also installing a fence to fully mitigate the impact of light from the site. Chairman Maguire noted that the additional trees will cut down lighting from headlights, but also the height of the wall and the additional trees will enhance the site and help with the headlights. Mr. Keller said, when the applicant redesigned the plan, they also took the trees they had along the lower end and extended them. Those trees are planted 7' to 8' tall and the top will be at elevation 754 to 753 where the parking lot is at 748. It is substantially higher. Mr. Keller stated that, when standing on Banker Street and looking at the site, the entire slope is full of vegetation. There is a wide variety of trees with varying sizes going up the slope. Mr. Keller added it is not an evergreen, but there is buffering associated with it plus there will be landscaping. It is not a complete screen, it is not a complete screen now. Mr. Gavan asked the height of the fence Mr. Stoner would like to see

at the site. Mr. Stoner responded he would like to see a 6-foot fence 100' to 150' along the left side of the building. Mr. Gavan asked if the applicant would be willing to install the requested fence. Mr. McConnell responded if the Board wants a fence they will install a fence and if the Board wants trees, they will plant trees, but they will not do both. Mr. McConnell noted there is maintenance involved with a fence and mixed with trees will be a problem. Chairman Maguire asked for the Board Engineer's opinion on the fence. Mr. Keller responded they are adding trees along the driveway. He believes the fence becomes a maintenance issue and has a more negative impact on the homeowner looking at the fence. The trees are a more natural buffer and more in keeping with the environment. Mr. Stoner directed the Board to his comment #5 regarding his concern about trucks on Belton Drive. He noted that the applicant's engineer commented they will be using a smaller truck; however, he still has a concern with a truck turning and there still being enough room for a vehicle. Mr. Stoner's large concern regarding the blocking of Belton Drive is that more than one vehicle may turn onto Belton Drive at one time and a back-up could occur onto Route 206. Mr. Keller noted the truck swept path out to the curb line of Route 206 is 75 feet which means you can have 3 vehicles piled up before the 4th vehicle would be out on Route 206. Chairman Maguire noted the Board Engineer has advised that the WB-50 is the standard used throughout the industry and the Board recognizes that there is a concern about this issue. Mr. VanderValk responded 9.9 feet is the distance if the truck stops at the stop bar. When the driver sees there is more room before the intersection, he will slowly move forward. It will be a brief moment because the truck will slowly move forward. Mr. Stoner noted the geometry of the road which is a small roadway.

Chairman Maguire commented the Board heard the public comments at the last meeting and meetings were held between professionals to address those concerns. Chairman Maguire expressed his opinion that the professionals did a good job incorporating the public's comments.

Joan Papendick, 9 Adair Street, Byram was sworn in. Ms. Papendick asked for clarification on if the stormwater can be hooked up to Stanhope's sewer. Mr. Keller responded in the negative, noting water cannot run uphill. Ms. Papendick also asked for clarification of if the canopy can be lowered to keep larger trucks out of the site. Mr. VanderValk responded they are proposing 19', that being the top of the canopy. They have an extra foot of buffer. He does not believe it is an excessive buffer. Ms. Papendick thanked the Board for listening to the Byram residents.

Dawn Christian, 3 Banker Drive, Byram came forward. Mr. Gavan reminded Ms. Christian that she was sworn in at the last meeting and remains under oath. Ms. Christian noted mention of the water already going in the direction it is now. Ms. Christian stated that part of Byram is a wet area. When the unauthorized tear down of trees on that property occurred years ago, it increased the water tremendously and caused major problems in the residential area. It was not always that way; not until the property was disturbed. Byram Township had to build a rock trench to try to minimize all the debris the new water was sending down to the properties. Ms. Christian noted there are over 400 homes in the area and the only way in is off Route 206 and onto Belton Drive. There is a short gap and she disputes the comment that it will take 3 cars before you are piled onto Route 206. Chairman Maguire stated the water that is there now has been there and if nothing was done, that water would still be there. Mr. Keller said the current run-off is the same as what has been on the site for the past 5 years. Mr. Keller explained the detention basin holds water back and spreads out the peak of the water. If approval is granted, conditions on the slope will be maintained and the first thing the applicant must do is build the basin. Chairman Maguire noted there has been a lot of effort put into addressing water on the site. Ms. Christian asked where the employees will park.

Mr. VanderValk responded they will use the parking spaces provided around the building. They do not anticipate more than 3 employees at the maximum

Seeing no one further from the public wishing to speak, Chairman Maguire closed the public portion of the hearing.

Mr. McConnell read a brief statement summarizing the preliminary and final site plan application as well as variances and waivers requested.

Mayor Maio noted a list of recommended conditions of approval provided by the Board Engineer and she asked if, based on tonight's hearing, there are any additional conditions he would recommend. Mr. Keller responded an additional condition should be the limits of the PBC liner and the thickness of the liner be shown on the plans.

On motion by Mayor Maio, seconded by Mr. Bielanowski and carried by the following unanimous roll call vote, the Board approved the preliminary and final site plan application with variances submitted by Manjit Bawja and Ravinder Kaur for Block 11703, Lots 1 & 2 with the following conditions: items 2, 5, 6, 7, 8, 10, 11, 12, 13, 16, 17 and 18 of Bowman's Technical Review #3 dated February 6, 2018; a driveway access permit from the NJDOT; utility opening permits for sanitary sewer and water from the NJDOT, the Borough will sign as the owner of the facilities but all fees, plans, applications are to be prepared by the applicant's engineer; approval or exemption from the Sussex County Planning Board; certification from the Sussex County Soil Conservation District; additional dimensions for the front façade of the building are to be provided to affirm the allowable sign area; soil testing in the vicinity of the southern basin are to be performed prior to its construction in accordance with Appendix E of the NJDEP BMP Manual. Results are to be provided to the Borough Engineer and any design modifications resulting from this soil testing are to be approved by the Borough Engineer prior to construction of the basin; copies of the description and deed for the conservation easement on Block 11703.01 Lot 1 are to be submitted to the Borough Engineer and Board Attorney for review prior to filing. A copy of the recorded easement is to be provided to the Borough prior to the issuance of a temporary certificate of occupancy; a building permit is required for a single or tiered retaining walls that have an individual or combined height of four feet or more; a construction cost estimate is to be prepared for all site improvements for the purpose of establishing an engineering inspection escrow in accordance with the MLUL; an Operations & Maintenance Manual for all stormwater facilities on-site is to be submitted to the Borough Engineer for approval. This Manual shall include an annual reporting mechanism for the stormwater facilities; a pre-construction meeting is to be held once resolution compliance is achieved and before construction or site work commences; the detail of the limits of the liner be added to the plans; all COAH requirements will be met by the applicant and that all fees are paid.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Cipollini, Mayor Maio, Mr. Romano, Mr. Rogalo, Ms. Zeliff-Murphy, Chairman Maguire

OPPOSED: None

ABSTENSIONS: None

(Mr. Pershouse was not eligible to vote.)

BILLS:

Bowman Consulting Group, Ltd.		
1/08/18	Re: Bajwa Singh – Site Plan Application	\$992.50
1/08/18	Re: Leavy – Variance Application	\$175.00
Miscellaneous		
1/11/18	Gramco Business Communications – CD’s	\$ 24.30
1/16/18	NJ Planning Officials – Membership Dues	\$325.00
1/18/18	Daily Record – Annual Meeting Notice	\$ 60.80

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

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Cipollini, Mayor Maio, Mr. Pershouse, Mr. Romano, Mr. Rogalo, Ms. Zeliff-Murphy, Chairman Maguire

OPPOSED: None

ABSTENSIONS: None

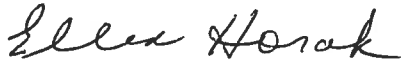
GENERAL

Chairman Maguire informed the Board of the passing of Joe Torelli’s wife, Peggy. Chairman Maguire extended condolences and asked that you keep them in your thoughts and prayers.

ADJOURNMENT:

On motion by Ms. Zeliff-Murphy, seconded by Chairman Maguire, it was the consensus of the Board to adjourn the meeting at 8:20 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary

