

**Stanhope Land Use Board
January 14, 2019
Reorganization Meeting
Minutes**

RECEIVED
MAY 14 2019
**STANHOPE
BOROUGH**

CALL MEETING TO ORDER:

The Board Attorney 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 Reorganization Meeting was forwarded to the New Jersey Herald and Daily Record on January 10, 2019 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 10:00 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.

At this time, please turn off all cell phones.

OATH OF OFFICE:

Attorney Gavan administered the Oath of Office to Raymond Cipollini.

ROLL CALL:

Nicholas Bielanowski - present	Thomas Romano - present
James Benson - present	John Rogalo - present
Raymond Cipollini, Alt #1 – present	Joseph Torelli - absent
Rosemarie Maio - present	Paula Zeliff-Murphy - present
Thomas Pershouse - absent	John Maguire - present

Others present: Board Attorney Glenn Gavan and Board Secretary Ellen Horak

REORGANIZATION

Election of Chairman:

On nomination by Mayor Maio, seconded by Mr. Rogalo, John Maguire was elected Land Use Board Chairman for 2019 on unanimous voice vote.

Election of Vice-Chairman:

On nomination by Chairman Maguire, seconded by Mayor Maio, Paula Zeliff-Murphy was elected Land Use Board Vice-Chairman for 2019 on unanimous voice vote.

Resolutions

Board Secretary

**RESOLUTION OF THE STANHOPE LAND USE BOARD
APPOINTING BOARD SECRETARY**

WHEREAS, there exists the need within the Land Use Board (the “Board”) for the retention of personnel to perform such secretarial services/clerical duties and office work as

required by the Board's job description to hold a monthly public meeting, at the monthly compensation of \$792.50, and in addition, other such work as deemed necessary by the Board at a \$20.00 hourly rate or other rate negotiated per task;

WHEREAS, the monthly compensation rate of \$792.50 for the Board Secretary is the salary paid for the year 2018; and

WHEREAS, upon determination of the salary increase for Borough employees, the Board will determine the same salary increase for the Board Secretary, which increase shall be retroactive to January 1, 2019; and

WHEREAS, the funds for such duties and services are available for this purpose;

NOW, THEREFORE, BE IT RESOLVED by said Board that it hereby appoints Ellen Horak as the Board's Secretary, to be retained for the calendar year 2019 to perform such duties and office work outlined in the Board's job description, with reimbursement for all expenses, at the monthly compensation of \$792.50;

BE IT FURTHER RESOLVED, by said Board that, after a salary increase has been determined for Borough employees, the Board shall determine a salary increase for the Secretary which salary increase shall be retroactive to January 1, 2019.

On motion by Mr. Rogalo, seconded by Ms. Zeliff-Murphy, and carried by the following unanimous roll call vote, the above resolution was adopted.

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

OPPOSED: None

ABSTENSIONS: None

Board Attorney: **RESOLUTION OF THE STANHOPE LAND USE BOARD
APPOINTING BOARD ATTORNEY**

WHEREAS, the Land Use Board of the Borough of Stanhope is in need of Professional Legal services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from this provision of the local public contracts law of 1971,

NOW, THEREFORE, BE IT RESOLVED that the firm of **Criscuoli & Gavan, LLC** is hereby appointed as Attorney for the Land Use Board of Stanhope for a period of one year, to December 31, 2019, with the understanding that **Glenn Gavan, Esq.** will be primarily responsible for the work done for the Board.

BE IT FURTHER RESOLVED that the aforesaid is a member in good standing of his profession.

BE IT FURTHER RESOLVED that this Resolution is contingent upon receipt of a fully executed professional service contract with attached fee schedule established for Criscuoli & Gavan, LLC's professional services.

BE IT FURTHER RESOLVED that this Resolution is contingent upon the receipt of a completed C.271 Political Disclosure Form pursuant to N.J.S.A. 19:44A-20.4 et. seq., commonly known as the Pay-to-Play Law.

On motion by Ms. Zeliff-Murphy, seconded by Mr. Bielanowski, and carried by the following unanimous roll call vote, the above resolution was adopted.

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

OPPOSED: None

ABSTENSIONS: None

Board Engineer: **RESOLUTION OF THE STANHOPE LAND USE BOARD
APPOINTING BOARD ENGINEER**

WHEREAS, the Land Use Board of the Borough of Stanhope is in need of Professional Engineering Services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from the provisions of public bidding as provided in the Local Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED that the firm of Bowman Consulting is hereby appointed as Engineer for the Land Use Board of Stanhope for the period January 1, 2019 through December 31, 2019, with the understanding that **Eric Keller, P.E.** will be primarily responsible for the work done for the Board;

BE IT FURTHER RESOLVED, that the aforesaid is a member in good standing of his profession;

BE IT FURTHER RESOLVED, that this Resolution is contingent upon receipt of a fully executed professional services contract with attached fee schedule established for Bowman Consulting professional services, and

BE IT FURTHER RESOLVED, that this Resolution is contingent upon the receipt of a completed C.271 Political Disclosure Form pursuant to N.J.S.A. 19:44A-20.4 et. seq., commonly known as the Pay-to-Play Law.

On motion by Mr. Romano, seconded by Ms. Zeliff-Murphy, and carried by the following majority roll call vote, the above resolution was adopted.

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

OPPOSED: None

ABSTENSIONS: None

Board Planner: **RESOLUTION OF THE STANHOPE LAND USE BOARD
APPOINTING BOARD PLANNER**

WHEREAS, the Land Use Board of the Borough of Stanhope is in need of Professional Planning services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from this provision of the local public contracts law of 1971,

NOW, THEREFORE, BE IT RESOLVED the firm of **Bowman Consulting** is hereby appointed as Planner for the Land Use Board of Stanhope for a period of one year from January 1, 2019 to December 31, 2019, with the understanding that **William Hamilton, P.P.** will be primarily responsible for the work done for the Board.

BE IT FURTHER RESOLVED, that the aforesaid is a member in good standing of his profession.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon receipt of a fully executed professional service contract with attached fee schedule established for Bowman Consulting professional services.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon the receipt of a completed C.271 Political Disclosure Form pursuant to N.J.S.A. 19:44A-20.4 et. seq., commonly known as the Pay-to-Play Law.

On motion by Ms. Zeliff-Murphy, seconded by Mr. Benson and carried by the following unanimous roll call vote, the above resolution was adopted.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Cipollini, Mayor Maio, Mr. Romano, Mr. Rogalo, Ms. Zeliff-Murphy, Chairman Maguire
OPPOSED: None
ABSTENSIONS: None

Official Newspaper: **RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR THE
2019 CALENDAR YEAR**

BE IT RESOLVED, by the Land Use Board of the Borough of Stanhope that they New Jersey Herald is hereby designated the official newspaper of the Land Use Board for the calendar year 2019 and

BE IT FURTHER RESOLVED, that the New Jersey Herald and the Daily Record are hereby designated to receive all notices of Land Use Board meetings in the calendar year 2019 as required under the Open Public Meetings Act.

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

Meeting Dates: **RESOLUTION ESTABLISHING MEETING DATES FOR THE
CALENDAR YEAR 2019**

BE IT RESOLVED by the Land Use Board of the Borough of Stanhope that the following schedule of dates for Regular Meetings be established for 2019 and that all scheduled meetings shall convene at 7:00 p.m. at the Stanhope Municipal Building, 77 Main Street, Stanhope, NJ:

January 14
February 11
March 11
April 8
May 13
June 10
July 8
August 12
September 9
October 21
November 18
December 9

BE IT FURTHER RESOLVED, that the Annual Reorganization Meeting shall be on January 13, 2020, at 7:00 p.m.

On motion by Mr. Benson seconded by Ms. Zeliff-Murphy and carried by unanimous voice vote, the above resolution was adopted.

MINUTES

December 10, 2018 Regular Meeting – On motion by Mayor Maio, seconded by Mr. Bielanowski, the Minutes of the December 10, 2018 Meeting were approved on majority voice vote. Mr. Benson abstained.

CORRESPONDENCE

12-27-18 Eric Keller – Resolution Compliance Review #4 re: Bruzzese Site Plan with Variances for Blk 11207, Lot 1
01-07-19 Bernd Hefele – Objection relative to notice re: Juntos Holdings, LLC's application
01-08-19 New Jersey Planning Officials – New Jersey Planner (Nov/Dec)
01-09-19 Glenn Gavan, Esq. – Juntos Holdings, LLC
01-11-19 Alan Fox, Esq. – Juntos Holdings LLC Application (1-3 Kelly Place)

On motion by Ms. Zeliff-Murphy, seconded by Mr. Benson, 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 HEARING: - Deemed Legally Insufficient

18-01, Juntos Holdings, LLC

Blk 11205, Lot 4, Amendment to Condition of Variance Approval

Deemed Complete: 11/19/18

120 days: 03/19/19

Mr. Gavan explained after hearing last month's discussion on the application submitted by Juntos Holdings, LLC, he researched the matter. There was an objection made by an attorney for one of the residents alleging the application should not move forward on certain legal grounds and factual grounds. Mr. Gavan stated after his investigation into the matter, it is clear that this application's notice was legally flawed and the Board lacks the jurisdiction to act on it. Mr. Gavan spoke to Arlene Fisher and was advised that a second letter of violation was issued by her requiring a site plan. Mr. Gavan stated he determined that the application was in fact incomplete on legal grounds. Mr. Gavan advised the applicant's attorney that the matter cannot move forward. Mr. Gavan spoke to the applicant's attorney and he was informed of the residential area the applicant is using for parking and he advised his client that they need a variance for that use. The applicant and their attorney is aware they must refile their application. Mr. Gavan clarified that a notice of violation was issued by Arlene Fisher and the applicant was sent to Municipal Court. The Municipal Court Judge sent the applicant back to the Board for an interpretation of the clause in the resolution, not a modification of that clause. The fact is they were directed to come for an interpretation and they came to the Board for an amendment. Subsequently, the Zoning Officer issued another notice of violation to the applicant because she went to the property and observed work being done without proper permits. She cited them for not having site plan approval for the work as well as a variance because they are taking a residential lot and using it for commercial purposes. The property owner was directed to come to the Board for site plan approval and a use variance. Mr. Gavan addressed the Board's question as to whether a variance is valid if all the conditions are not met. Mr. Gavan stated if you receive a variance and do not meet all the conditions, the variance is valid; however, your site plan approval is not valid. You cannot change that the use is permitted. If the conditions were appropriate you cannot now say they did not comply with all the conditions, i.e. putting up signs, so you are taking away the use. The issues the Board can address are the volume of traffic, hours of deliveries, traffic pattern. It is the applicant's responsibility to know what was approved. Mr. Gavan also stated that when the application is submitted, the Board has every right to discuss and debate and put conditions in place not only for what was originally asked for. Mayor Maio asked if the Board has the right to ask the Zoning Officer to send the Board copies of her notices of violation so the Board has the information. Mr. Gavan responded in the affirmative, adding the Board should not receive the first notice of violation she issues, but if after receiving the notice of violation they still do not submit an application and she sends a second notice of violation, the Board should receive a copy. Mr. Gavan stated the Zoning Officer is the enforcement officer. The Board has no enforcement powers.

Mr. Gavan asked the Board to authorize him to contact the applicant's attorney and inform him that a full application including a site plan affecting all three properties be presented to the Board in a timely manner and for him to assist the Zoning Officer on this matter. The Board agreed.

Chairman Maguire noted public present with a question.

Chris Mailander, asked if the applicant will be able to tear down the existing house and use the property for their trucks. Mr. Gavan responded they would need Board approval. It is a residential lot and they would be using it for commercial purposes. Mayor Maio asked, if they leave the house standing and rent it so it would not be a commercial property, are they not permitted to make improvements to that property. Mr. Gavan responded in the affirmative, but not for the benefit of the building across the street. If they do so, it then makes it part of a commercial operation.

Kathy O'Bitz, 19 New Street, asked if there is timeframe or deadline requirement for the applicant getting back before the Board because this issue has been going on for a very long time. Mr. Gavan stated the Board has no ability to compel someone to come before it. This matter is before the Court. Ms. O'Bitz also asked if it will then be "business as usual," noting continuing operation in violation of the conditions of the resolution. Mr. Gavan responded the applicant has been cited for those activities. The Zoning Officer can cite them and issue a stop work order if they continue. Ms. O'Bitz asked if notice to property owners will be sent after the application is deemed complete and before the hearing. Chairman Maguire responded in the affirmative.

BILLS:

Bowman Consulting Group, Ltd.		
1/08/19	Re: Bajwa, 7 th Heaven Market	\$ 11.15
1/08/19	Re: Vincenzo Bruzzese Site Plan	\$175.00
1/08/19	Re: Juntos Holdings D Variance	\$910.00
Miscellaneous		
1/09/19	NJ Planning Officials – 2019 Membership Dues	\$325.00

On motion by Mayor Maio, seconded by Mr. Cipollini, the aforesaid bills were approved on the following unanimous roll call vote.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Cipollini, Mayor Maio, Mr. Romano, Mr. Rogalo, Ms. Zeliff-Murphy, Chairman Maguire
OPPOSED: None
ABSTENSIONS: None

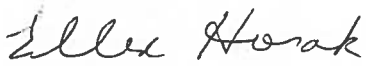
NEW BUSINESS:

Annual Report – Chairman Maguire stated the Board is required to prepare an annual report listing all variance applications received during the year. The Secretary has prepared the annual report which shows the Board received one variance application during the year 2018. On motion by Mr. Rogalo, seconded by Ms. Zeliff-Murphy and carried by unanimous voice vote, the Board approved the Annual Report and directed the Secretary to forward a copy to the Mayor and Council.

ADJOURNMENT:

On motion by Mr. Rogalo, seconded by Mr. Benson, it was the consensus of the Board to adjourn the meeting at 7:50 P.M.

Respectfully submitted,


Ellen Horak, Board Secretary

