

**MAYOR AND COUNCIL
REGULAR MEETING
August 27, 2019
7:00 P.M.**

CALL TO ORDER

SALUTE TO COLORS

Mayor Maio invited all those present to stand in a salute to the colors.

MAYOR'S STATEMENT AS TO COMPLIANCE WITH P.L. 1975

Adequate Notice of this Meeting has been provided according to the Open Public Meetings Act, Assembly Bill 1030. Notice of this Meeting was included in the Annual Meeting Notice sent to the New Jersey Herald and the Daily Record on January 9, 2019 and was placed on the Official Bulletin Board in the Municipal Building.

Furthermore, notice of the meeting time change was sent to the New Jersey Herald and Daily Record on August 8, 2019 and was placed on the Official Bulletin Board in the Municipal Building.

In the event the Mayor and Council have not addressed all items on this Agenda by 10:00 PM and they are of the opinion that they cannot complete the Agenda in a reasonable time period, the Mayor and Council may exercise their option to continue this meeting at an agreed to date, time and place. Please turn off all cell phones for the duration of this meeting.

ROLL CALL

Council Members:

Councilwoman Kuncken – present	Councilwoman Thistleton - present
Councilman Riccardi - present	Councilman Thornton - present
Councilman Romano – present	Councilwoman Zdichocki - present

Mayor Maio – present

CITIZENS TO BE HEARD

Mayor Maio opened the meeting to the public to discuss items not listed on this agenda. The attendees were informed there is a five (5) minute time limit for each speaker.

John Rogalo, 4003 Waterloo Road, stated as point of order he would like to know what the maximum occupancy as posted is for the building and what the current number of occupants is. Mr. Rogalo stated it is his opinion that the occupancy is over capacity and if the meeting is to continue so be it on record. Mayor Maio thanked Mr. Rogalo for his observation.

Tom Bruno, 110 Main Street, stated it is his understanding that an ordinance was passed banning the operation Airbnb's within the Borough. Mayor Maio confirmed this. Mr. Bruno stated he sent an email to the Mayor and Council and the Zoning Enforcement Officer approximately six weeks ago regarding an Airbnb located on Lake Musconetcong. The property is still listed as a rental on the Airbnb site. Mr. Bruno asked to have the ordinance enforced and asked how soon this can be done. Administrator McNeilly stated the ordinance may not have been codified and could be the reason is has not been enforced as yet. Administrator McNeilly stated he will follow up on the issue. Mr. Bruno thanked Administrator McNeilly.

Randall Duereski, 3 Oak Drive, stated there is an empty Borough owned lot behind his home and there is a tree which needs to be cut down. Administrator McNeilly stated the Borough is aware of the tree in question. The tree will be cut down as soon as the ground is dry enough to access the tree from the property above.

Tonya Novack, 13 Lakeview Terrace, stated she spoke with Administrator McNeilly earlier regarding the fact that Roberts Road is completely disintegrated. Ms. Novack stated she was told several years ago, by a former council member, that Roberts Road is the most sub-standard street

in the Borough. There are gaping holes and something needs to be done. Ms. Novack stated it is difficult to pull out onto Brooklyn Road and having to move over to avoid the potholes is making it worse. Ms. Novack is concerned this will lead to an accident. Ms. Novack stated her other concern is that she recently witnessed a student who was nearly struck by a car near Lenape Valley Regional High School. Ms. Novack spoke with the school principal. Ms. Novack has spoken with the Police Chief as well. Something has to be done to prevent another fatality in the Borough. Ms. Novack is of the opinion a blind eye is being turned regarding the problem. Ms. Novack stated she is aware this is a county road but the students need a safe way to cross the road. Mayor Maio stated no one is turning a blind eye to any of those problems. Ms. Novack stated she was told the issue would be addressed before the start of school and it has not been done. Administrator McNeilly stated with regard to Roberts Road, blacktop is ordered and the potholes will be filled. Administrator McNeilly stated Sparta Road is a municipal road, not a county road. Everyone on the Council is eager to have the Sparta Road project complete. There have been constant delays in the paperwork phase from the NJ Department of Transportation and the Federal Highway Administration. Administrator McNeilly stated Ms. Novack previously had concerns about the striping of the road which was immediately addressed after she spoke with him. The sign is in the middle of the road and that is all the Borough can do at this time until the crosswalk is installed. Ms. Novack stated in her opinion something more needs to be done. The students are still crossing there and the other students driving are not paying attention.

Seeing no one further from the public wishing to speak, Mayor Maio closed this public portion of the meeting.

MINUTES FOR APPROVAL

Mayor Maio read aloud the list of minutes being presented for approval:

July 9, 2019	Work Session/Agenda Meeting & Closed Session
July 27, 2019	Business Meeting & Closed Session

On motion by Councilwoman Kuncken, seconded by Councilwoman Zdichocki and carried by voice vote, the above listed minutes were approved. Councilman Romano abstained from the minutes of July 27th.

CORRESPONDENCE (List Attached)

On motion by Councilman Romano, seconded by Councilman Thornton and unanimously carried by voice vote, the list of correspondence was accepted and ordered placed on file.

COUNCIL COMMITTEE REPORTS

On motion by Councilwoman Kuncken, seconded by Councilman Romano and unanimously carried by voice vote, the Council Committee Reports were waived and will be carried to the Work Session/Agenda Meeting in September.

Public Safety – Councilwomen Kuncken/Thistleton

(Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management)

Finance & Administration – Councilman Romano/Councilwoman Kuncken

Community Development – Councilwoman Zdichocki/Councilman Thornton

(Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization)

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

(Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds)

Information Technology – Councilmen Riccardi/Romano

Boards/Commissions – Councilwoman Thistleton/Councilman Riccardi

ADMINISTRATOR’S REPORT

Administrator McNeilly stated he will provide an extended report at the September 10th Mayor and Council Meeting.

COUNCIL DISCUSSION

TAP Grant – Mayor Maio stated the TAP Grant, which is the Sparta Road Project, has been part of Council Discussion for quite some time. Administrator McNeilly stated Eric Keller, Borough Engineer, will report on the TAP Grant at the next scheduled meeting.

Members of the audience were complaining they were unable to hear what was being said and asked for the Mayor to speak louder. Mayor Maio stated the room is full and she appreciates that everyone is in attendance and appreciates their concerns. Mayor Maio asked the audience to refrain from talking among themselves. The meeting is taking place in a building not owned by the Borough and unfortunately there are no microphones available.

OLD BUSINESS

ORDINANCE

Mayor Maio offered the following ordinances for Public Hearing and Final Adoption which were read by title.

Ordinance for Public Hearing and Final Adoption

Ordinance 2019-10

AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY RE-ZONING BLOCK 11802, LOTS 1 AND 2, FROM THE PLANNED LIGHT INDUSTRIAL/COMMERCIAL DISTRICT AND RESIDENTIAL CONSERVATION DISTRICT TO HIGH DENSITY RESIDENTIAL DISTRICT

WHEREAS, the Borough of Stanhope has reviewed the Borough Ordinances and has determined that Block 11802, Lot 1 is more appropriately zoned High Density Residential than Planned Light Industrial/Commercial; and

WHEREAS, the Borough of Stanhope has also determined that Block 11802, Lot 2, which is currently zoned both Residential Conservation and Planned Light Industrial/Commercial, is more appropriately zoned High Density Residential.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope, as follows:

SECTION 1

The Zoning Map of the Borough of Stanhope, Sussex County, New Jersey, as referred to in Section 100-51 of the Borough Code, shall be amended to reflect that Block 11802, Lot 1 shall be re-zoned from the Planned Light Industrial/Commercial district (“PIC”) to the High Density Residential district (“HR”) and Lot 2, which is split zoned PIC and Residential Conservation district (“RC”) shall be re-zoned to HR.

SECTION 2

Notice of hearing of this amendment to the Zoning Ordinance proposing a change in Zoning shall be given at least ten (10) days prior to the hearing by the Borough Clerk to the owners of all real property as shown on the current tax duplicates, located within 200ft in all direction of the boundaries of Block 11802, Lots 1 and 2, pursuant to N.J.S.A. 40:55D-62.1.

SECTION 3 - SEVERABILITY

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 4 - REPEALER

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 5 - EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

SECTION 6: NOTICE

The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Municipal Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Councilwoman Thistleton recused herself and moved from the dais to take a seat in the audience.

On motion by Councilman Romano, seconded by Councilwoman Kuncken and unanimously carried by the following roll call vote, the foregoing ordinance was voted down.

Mayor Maio opened the meeting to the council members for comment on this ordinance.

Councilman Romano thanked everyone in attendance this evening. He lauds the fact that you are here and I have heard from you. I hear your concerns and I believe the ordinances being proposed this evening probably need to be reworked. However, Councilman Romano wanted to make it clear that the underlying circumstances which predicated these ordinances are not going to go away. Councilman Romano urged the residents to stay involved and he thanked them for being here.

Councilwoman Zdichocki stated she appreciates everyone being here tonight and it would be nice to see people attend other council meetings in the future. Councilwoman Zdichocki stated the council members are doing the best that they can. No one wants to do anything to put the Borough or the residents in jeopardy. Councilwoman Zdichocki stated in her opinion these ordinances should not go forward tonight. Councilwoman Zdichocki thanked everyone for all the emails she received. She has read every one of them and has taken them into consideration. As Councilman Romano has stated, the issue is not going to go away. The Borough has to come to some type of conclusion and every effort will be made to please as many people as possible. Councilwoman Zdichocki asked that there be no negative thoughts and screams. We can work better together as a town. Councilwoman Zdichocki thanked everyone for attending tonight's meeting.

Councilwoman Kuncken reiterated what has been said by Councilman Romano and Councilwoman Zdichocki and thanked everyone for coming here tonight and for taking an interest in our community. We are a community, we are in this together and from time to time things pop up and we need to find a solution to the problem. The best way to find solutions is to work together. We are not the enemy and you are not the enemy. We are in this together. Councilwoman Kuncken stated she has listened to the residents comments over the past few weeks and has studied all the information carefully. Councilwoman Kuncken respects the rights of the residents in the community to express their concerns and opinions. We may not all agree, but you have every right to speak your mind. Councilwoman Kuncken stated over the last several weeks, after reviewing the comments and concerns, she is of the opinion that these ordinances need to be reviewed and looked at again. In their present form they are not the best solution to the issues the Borough is facing. Councilwoman Kuncken stated she is not on social media but that does not mean that she is not paying attention. Councilwoman Kuncken stated she prefers to talk to people face to face. Residents can contact her by phone or email and she will listen. Councilwoman Kuncken asked the residents to trust in the governing body and we will get through this together.

Councilman Riccardi stated he would like to echo his colleagues in thanking everyone for being here this evening. Councilman Riccardi stated he has spoken with many of the residents one on one and in groups. He has received many emails and telephone calls. The input from the residents is appreciated. Councilman Riccardi stated in his opinion the ordinances were rushed years ago and were thrown at us this year. They need to be reworked. The governing body

needs to go back to the drawing board. Councilman Riccardi thanked the public again and urged them to stay involved by attending meetings and providing suggestions.

Councilman Thornton stated he too agrees with his colleague's statements, particularly Councilman Romano's. Councilman Thornton stated he has welcomed every email he has received and every telephone call. Councilman Thornton stated after further review he is of the opinion that the way the ordinances are written is not the way to go about this. There are several items he disagrees with. It is nice to see such a turnout, but unfortunately, quite honestly, it is because of an anonymously written piece of paper. Others have forwarded information which was factual and stated in the public meetings. Nothing has been done behind closed doors and everything is wide open. The information is available to anyone who wants to see it or residents can contact any of the governing body members. Councilman Thornton thanked everyone for attending this evening's meetings and asked them to stay involved.

Mayor Maio opened the meeting to the public for questions or comments on this ordinance only. The public was informed that each speaker would be given five minutes to speak and a one minute warning will be given. Mayor Maio invited those who wished to speak to come forward and clearly state their name and address.

Someone in the audience asked if the ordinance for discussion at this time is 11802. Mayor Maio confirmed this. Another audience member asked to have the area to be described for those not familiar with the block number. Mayor Maio stated anyone wishing to speak has to stand at the podium in order to be picked up on the microphone. Mayor Maio stated the property for discussion is located on Sparta Road just beyond Lenape Valley Regional High School on the left hand side.

Jeanne Montamarano, 35 Dell Road, stated she understands the governing body has a tough job. Ms. Montamarano stated she appreciates the fact that all these residents are here tonight and that the governing body appreciates those in attendance. The low income housing requirement needs to be addressed. There are many people here this evening who can do the research and help the governing body find the solution. The citizens want to help. We want this to be our community too. Ms. Montamarano stated she understands the laws have to be followed but she is not in favor of this type of high density housing. Ms. Montamarano stated we are a team and she asked the governing body to work with the residents.

Kim Moppert, 9 Lenape Drive, stated she has a few questions. Ms. Moppert stated, as she understands it, COAH was going to be located at the location near Isolatek. Ms. Moppert stated she grew up in apartments and does not have any negative associations with COAH but she asked why the area near her would be rezoned to residential housing if the requirement can be met with the property by Isolatek. Ms. Moppert asked if the Borough would benefit more from an industrial use which would provide a ratable considering that the taxes are so high. Ms. Moppert asked what will happen with the infrastructure. What will happen with the roads and the police; not because it means more crime but there will be an increase in the number of residents. What will the affect be on the sewer system and the traffic on Sparta Road? The schools have enough room for more students but more teachers will be required which will increase the taxes. Ms. Moppert asked if any of these concerns have been analyzed to determine the possible cost ramifications to the taxes. Mayor Maio stated there is no developers plan for that area. There is a "gee whiz wouldn't it be great if". The questions regarding staffing and roads are items which would be addressed at a Land Use Board Meeting when a developer comes forward with a plan and states what he/she wants to build. The Land Use Board would then review the plan and say if you are going to do this it will require XYZ. Ms. Moppert asked if the public would have an opportunity at that point to comment. Mayor Maio stated the Land Use Board also has a time for the public to speak. Ms. Moppert stated because the property taxes are so high, and an apartment building is built where those people do not have to pay taxes, what happens to the property values for the other homes in the area. Mayor Maio stated the owner of the apartment is running a business and would be paying taxes which are certainly as much as residential. Ms. Moppert stated she understands that and asks that the concerns she has mentioned will be taken under consideration. Ms. Moppert stated again that she was under the impression that the COAH housing would be located by Isolatek and she does not understand why the area on Sparta Road is being rezoned just to add more housing. Mayor Maio stated these are two separate items.

Lydia Bullott, 11195 Dell Place, stated she opposes the ordinance. Ms. Bullott stated it seems like the consensus of the governing body is that the ordinance needs to be reworked. When the ordinance is reworked, will the residents receive another letter telling us about the new plan? Ms. Bullott stated she has lived here many years and is not aware of where information is posted and she would like to see the notifications. Receiving a letter in the mail is a good way to reach the residents. Mayor Maio stated certified letters are sent out to property owners within 200 feet of the property being changed. The meeting agendas are posted on the Borough website. Ms. Bullott stated as a resident she thinks that what was said to the previous speaker was irresponsible. The what if dream plan will be designed for high rise apartments in our backyard and then if someone has an interest and comes along then the taxes and roads and not having beautiful forests anymore and the environmental impact on the community will be reviewed. Ms. Bullott stated in her opinion it is irresponsible to put this at the end. It should be done in the beginning and then there would not be so many angry people like there is this evening. Mayor Maio stated if the Borough does not have a plan, there is nothing to comment on. Ms. Bullott stated a plan should be devised and reviewed before an area is rezoned so drastically. In addition there are a great deal of drainage issues at Highpoint Condominiums and this will probably add to the existing problems. Ms. Bullott asked the governing body to look at the situation in a more logical way. Ms. Bullott stated she appreciates the council's time and asked them to think about this more. This is a bad plan which is why so many people have shown up this evening.

Mark Forder, 23 Dell Road, stated he deals with water issues on his property constantly. Mr. Forder stated he has lived here for approximately 27 years and he and his wife live at the cusp of the hill that comes down from the Highpoint Condominiums. Behind his home is the hill which comes down from the Sagamore Woods neighborhood and there is another hill which also runs onto his property. Mr. Forder stated he did meet with the council about a month ago to discuss the issue. Mr. Forder stated what he has learned is that when Sagamore Woods was developed, and he stated there is no offense to anyone who lives there, a lot of water was experienced since then. When they first moved in there were some water issues coming off the hill. Part of the hill is a watershed area. The Highlands Act, which was never adopted by the Borough, designates areas such as this one being considered for rezoning as critical areas. Mr. Forder stated he does not understand why the Borough did not adopt that to try and protect these areas knowing full well that the observations were made by qualified people. Mr. Forder stated he is not asking for an answer to this right now but asked if the Highlands Act could be contacted for their advice. Mr. Forder is of the opinion this may help the community understand what is going on. Mr. Forder stated the Borough has stated they will help him and he does need to provide the Borough with some videos and photographs. The latest storms which have occurred, some of which have been pretty tremendous unexpected storms, have all resulted in 4-5 inches of water against his house. The water runs into the family room and laundry room. Mr. Forder stated he can't keep doing this. He cannot keep doing this. He can't put out \$12,000 to have the issue resolved when it is really not his problem. If the property above has concrete put down on it, the water has to go somewhere and it will run downhill. The high school has three fields. One of the fields is AstroTurf and the original plan was to run that off in a different direction but it now runs to the pond which is just above where the watershed area is located. Any overflow in the area will run down to the watershed area, will come down the street and find its path down to his area or elsewhere. Two other fields are being installed with AstroTurf. The area cannot stand that type of encroachment upon it. The water has nowhere to go but it has to go somewhere, typically downhill. Mr. Forder stated this is his biggest concern. He also has concerns about taxes and the police force but he wanted to bring this to the governing body's attention again and for the public to be aware. Mr. Forder wants everyone to understand it's not only how much we are putting into the cost of things but also what is it doing to the single homeowner that will cost them in the long run. Mr. Forder stated he does not want to have to move because his house is flooded. He likes this town. It is a good town where people come together to take care of problems rather than say there is an ordinance and this is what we have to do because we have to have low income housing. Maybe there is another solution, maybe not. Mr. Forder hopes the governing body can figure this out.

John Rogalo, 4003 Waterloo Road, stated he is a 35 year resident of Stanhope and it has been a great place to raise his family. With regard to the property located near Lenape Valley High School, the current zoning ordinance, supported by the Master Plan, labels this as a Planned Light Industrial area. Years ago when it was made that he wondered why. It turns out that the people who put that zoning into effect weren't too stupid. Major universities across the country, including Rutgers Economics Department, have done analysis on cost benefit ratios to communities based on land use. The only win for a town is commercial industrial. It is the only

thing where more tax money is collected than what has to be paid out in services. The next type of land use is open space and agriculture. This does not cost the town more than it takes in. The third category is residential. In every analysis, when a community bumps up residential they always incur a greater tax burden on the citizens that live there now. To go to high density residential in that area we lose the opportunity for possible tax relief but even if that doesn't happen it is wooden open space. Taxes are being collected and no services are being provided. Right now there is a positive cash flow. Beyond that there is the impact to the community. The Municipal Land Use Law was set in place for a very specific reason. It was to promote the health, safety, morals and general welfare of the population. That is why municipalities were given the authority to create zoning. In all of the discussion leading up to these proposals not once were any of those items mentioned in the minutes.

Mayor Maio thanked Mr. Rogalo but stated she is puzzled a little. These ordinances went before the Land Use Board that Mr. Rogalo is a member of. Mayor Maio stated not one comment to the negative was brought up by Mr. Rogalo at the Land Use Board meeting. Mayor Maio stated she wished Mr. Rogalo had done so when he had the responsibility at the Land Use Board meeting. Mr. Rogalo extended his apologies to each and everyone in the room for failing them and himself. Mr. Rogalo stated this is not an excuse but his father was buried the week before and he had just gotten back to work. He arrived at the meeting late and did not have time to review the ordinances. He was relying on what the others were discussing at the table. Not once were any of those parameters brought up. Mr. Rogalo stated there was one thing brought up by John Maguire regarding traffic and how the traffic would be handled on Brooklyn Road. Mr. Rogalo stated the Mayor said at that meeting that traffic calming things would be installed on Brooklyn Road and that would handle all the traffic and the traffic would go away.

James Percarpio, 47 Lloyd Avenue, asked if it is possible to appeal the number of 126 units. Mayor Maio stated she will answer the question but the question does not pertain to this ordinance. Mayor Maio stated the 126 units is a court mandated number. Mr. Percarpio stated earlier in the meeting it was stated that no plan has been submitted. In the meeting minutes of May 28th it states maximum building height of 60 feet and 4 stories. Mayor Maio stated those minutes refer to the other ordinance which will be discussed later in the meeting.

Rich Perry, 43 Sparta Road, stated if this ordinance is passed tonight and a builder comes, then the Land Use Board will examine his plans. Mayor Maio confirmed this. Mr. Perry asked what the Land Use Board did with a hypothesis for the zoning. The State of NJ came with a plan for 126 affordable housing units. Mr. Perry asked how this already came before the Land Use Board. Mayor Maio asked Borough Attorney, Ursula Leo, to explain affordable housing and how it works. Attorney Leo stated the State Legislator Council of Affordable Housing (COAH) has had many rounds throughout the years. Currently, we are in the third round. The Borough has a court order that gives us our number of affordable units which is 126. The Borough Planner created a Housing Element and Fair Share Plan. The Borough had to go to court for a substantive hearing and the Planner provided the testimony regarding the Housing Element and Fair Share Plan that showed how the Borough could meet that obligation of 126 units, if and when all the resources were present. To meet that 126 number is the COAH obligation. When the Housing Element and Fair Share Plan was prepared it went to the Land Use Board. They considered it and had to approve it. Then the Governing Body forwarded it and now we have a court order with that number of 126. Mr. Perry asked if this is for land only available by Stanhope Borough. Mayor Maio confirmed this and stated the Borough has to provide space for that many units as building comes up. Mr. Perry asked what if the Borough did not have any land. Mayor Maio stated then that would not be our number. Attorney Leo stated the Borough just has to plan for it. Mayor Maio stated there is nothing that says this will happen tomorrow or even in two years. The State says the Borough has to plan for the possibility. Mr. Perry asked, without anyone else speaking, is this a popular vote today? Mayor Maio stated this is a council vote. Mr. Perry asked what the end result is for tonight. Mayor Maio stated this is a public hearing which is an opportunity for the governing body to hear what the residents have to say and for the residents to hear what we have to say and for a vote to take place. Mr. Perry stated he agrees with the council members statements that these ordinances need to be redone and revisited. Mr. Perry stated he appreciates their efforts and thanked them for what they do for this town.

Gene Wronko, 2 Grove Road, stated it was mentioned earlier there is a court order but no timeline for when building has to be done. Mayor Maio stated the court has ordered Stanhope to be responsible for planning for 126 affordable housing units in your community. For example a

builder could come into the Borough and may want to build a 16 unit apartment complex or condominiums. There is a State mandated formula to determine how many of those units would have to be affordable housing units. If no one comes in to build the Borough is not going to come to an existing homeowner and change their property to affordable housing. Mr. Wronko asked if the Borough has determined where those units would be built or was this the ordinance to determine that. Mayor Maio stated again the ordinance being discussed at this time is not the one which deals with the affordable housing. The location for the affordable housing was based on the review made by the Borough Planner and other qualifiers used to make the determination. This is why the area was zoned this way. Mr. Wronko asked, based on the turnout this evening and the public's concerns, and if the Borough could find a way, perhaps through the website, to alert the public in the future if a builder does submit an application to the Land Use Board. Mayor Maio stated, by law, any property owner within 200 feet must receive a notification. The meeting agendas are placed on the website. Mr. Wronko stated he understands that but his question is different. Given the sensitivity of this subject he is asking for better communication to the public in addition to the agendas. For instance placing a notice on the website stating a builder has come forward. Mayor Maio agreed this could be done. Administrator McNeilly stated a reach out can be done. The Borough can work toward a better communication level. Not everyone here tonight received a certified letter but thankfully word does get around in our small community. There is always room for improvement.

Pat Kulawiak, 39 Dell Road, stated she has many concerns. The urgency of so many people showing up tonight is because not everyone was noticed and we want to know what is happening. Ms. Kulawiak stated she is hearing that we need to stay involved and we are all a team but when we ask questions, we are getting generic answers. Mayor Maio stated the answers are not meant to be generic. The Borough is bound by the law. We can provide more information and have it posted on the website. Ms. Kulawiak stated she is a new resident here and she left her previous home because of a similar situation. Mayor Maio stated everyone on the governing body lives in the Borough and for the same reasons Ms. Kulawiak chose to move here. The governing body is not going to do anything to impact that in a negative way. Ms. Kulawiak stated this is being voted on today and she is concerned there is no way to stop this. Mayor Maio stated the governing body is here tonight listening to the resident's concerns. Ms. Kulawiak stated she found this town a few months ago and decided it was perfect for her family. Ms. Kulawiak is of the opinion the proposed plan will destroy this little town. The schools are shared and there are no buses or transportation. The rents associated with these types of developments come with very high rents and to attract these people they will require services. There may be issues with the water and sewers. Mayor Maio stated the Borough has a more than sufficient water supply. The Borough currently, based on arrangements which were made in the late 1960's when the sewer authority was formed, has more than 130,000 gallons of sewerage capacity which is paid for and is not used. Every homeowner in the Borough is paying for that excess. Ms. Kulawiak stated she has seen developments built that people were not made aware of ahead of time and she is concerned that a 600 unit complex is too much and will cause more traffic. Mayor Maio stated there is no plan for a 600 unit development. Councilwoman Kuncken stated maybe we could have done a better communicating but we will do a better job in the future. The governing body is not perfect. We hear your concerns and we will do better. Ms. Kulawiak asked if the vote today is just based on the idea of changing the zoning. Mayor Maio confirmed the vote is to decide if the zone will or will not be changed. Ms. Kulawiak asked what the impact is of all the residents being here tonight. Mayor Maio stated the resident's concerns have a big impact. Mayor Maio thanked Ms. Kulawiak for attending tonight and looks forward to seeing her at future meetings. Ms. Kulawiak thanked the governing body for their time.

Arlene Delgado, 19359 Dell Place, stated she too has concerns. Ms. Delgado has two sump pumps in her townhouse because of the creek. If apartments are built and the trees are removed where is all the water going to go. Ms. Delgado asked how the low income housing will affect the taxes. Mayor Maio stated it is not low income housing, it is affordable income housing and again this is not about this ordinance. Ms. Delgado stated she feels safe now walking her dog at night. She likes living here with the woods and wildlife and has been here 14 years and doesn't want that taken away.

Gil Moscatello, 21 Towpath Lane, stated he wished he was against this but he is not. Mr. Moscatello stated he is of the opinion this is something that the town needs. In listening to the comments made earlier, there are some technical issues with regard to the ordinances. There are some issues which could have been thought through a little bit better. But, putting all that aside, the concept of being proactive and reacting to a court order which states that 126 affordable

housing units must be made available in the community, and to be forward thinking enough to rezone areas now without projects in mind is a good idea. Otherwise it would become too focused. Right now there is no plan with regard to the 40 acre piece of property. Affordable Housing for this area is 80% of the median income. A family of four, in order to qualify would have to make less than \$78,000. For a family of two it would be less than \$54,000. Current residents in Stanhope who retire would be able to stay in Stanhope with the affordable housing option. The benefits to the community would be to have additional people to access our stores, services and schools. Mr. Moscatello stated he is a member of the Stanhope Board of Education. The gentleman who spoke earlier with regard to the taxes is correct in that the residential is least effective and the commercial property is the most effective. The commercial does not offer any fabric to the community. It's not your neighbor or someone you can talk with. The laws have changed and the schools in Sussex County are getting whacked. Sussex County is losing \$44 million dollars in state aid. Stanhope, over the next five years, will lose an additional \$350,000 in state aid. If we do nothing, if we don't raise a cent on a salary or anything, we have to come up with an additional \$350,000 more in taxes. The new state aid code is strongly built on enrollment. Our enrollment is declining. Bringing in new families will raise the population of our schools. This is the perfect time. We can add 100 students to our school and not have to hire another teacher. This would add hundreds of thousands of dollars to our state aid. This would lower your taxes. Mr. Moscatello urged the public to do some research and they will see this. Mr. Moscatello stated he does not like paying taxes either but paying property tax is the one he dislikes the least. The money stays in the community to repair roads and provide schooling for the children. Mr. Moscatello stated his recommendation to the council is to continue on their quest, do what needs to be done to refine the zoning to take the public's demands under consideration and to keep the vision going to make those areas available to developers because the town needs the rejuvenation and, as the woman stated earlier, to make this a nice community to come to.

Melissa DiRenzo, 23 Sparta Road, stated regarding the rezoning ordinance, she read that 76 acres next to Lenape Valley Road will be rezoned and asked for clarification. Administrator McNeilly stated one lot is 36 acres and the other lot is approximately 40 acres. Sparta Road was realigned over to the right, where the road goes up and to the left that is where the 36 acre lot is located which is Lot 1. Lot 2 is land locked behind Lot 1 on the backside of the practice football field, beyond the ponds and goes up the hill and that lot approaches the backside of Highpoint Condominiums. Ms. DiRenzo stated that area is fairly wet back there and would be a challenge as far as watersheds and water issues. Mayor Maio stated if it is wetlands, it is not buildable. Ms. DiRenzo stated she is aware that an actual developer is not looking to do this yet but a decision must be made because of the state requirement. Once the 76 acres is rezoned, it would allow 10 units per acre. This could equate to 760 units which is far more than the 126 affordable housing units required. Mayor Maio stated this is two totally separate issues. Just because the property is 76 acres, it does not mean a developer would come in and build on all 76 acres. Ms. DiRenzo asked why then is 76 acres being rezoned. Mayor Maio stated the reason is that is the size of the lots. Ms. DiRenzo asked if the flow of traffic would be redirected. Would another road be built between Route 206 and Sparta Road. Ms. DiRenzo stated she cannot imagine any more traffic or any more density on Sparta Road. Without busing, how do these new children get transported to and from school in this tiny little community safely? Mayor Maio stated these are all questions which would have to be addressed.

Nicole Member, 10184 Dell Place, stated if the population is increased it may bring more business to some of the stores, but in other cases the traffic will be a nightmare. The area by Lenape Valley High School is wetlands and there is Class I river known to have endangered species such as the freshwater mussel. Building a high density development in the area, which is also a natural corridor for animals to go through from one side of town to the other, is a bad idea in her opinion. Ms. Member stated there are foreclosed homes in town and questioned whether they can be used to meet the COAH requirement. Administrator McNeilly stated this is a different issue and a vacant home cannot be used for COAH purposes. Ms. Member stated in Byram Township there was a single family home which was foreclosed and vacant for many years. Due to the poor condition they were able to work with Habitat for Humanity and the home was donated by the bank that owned it through a community and urban stabilization program. These might be some other options available to meet the COAH obligations. Administrator McNeilly stated this is a well-intentioned unit but he is of the opinion it is not in their housing development. It is a creative idea but unfortunately, what is currently a vacant/abandoned home, by the time a plan together and put everything in place, there could be a contactor working on the home already and you would not have access to that number. There is room for discussion on

information regarding rehabilitation and zoning during the review. However, this type of idea, while well intentioned, is too fast of a moving target.

James Capko, 4007 Waterloo Road, stated he is speaking for someone that has no voice. The number of acres involved in this takes away from the wildlife. They are already infringed on. Mr. Capko stated there is a 350 pound bear that comes through his property and they get along. Mr. Capko stated that Mayor Maio did not answer a previous question correctly. On the street he lives on, which will be most affected by this low income housing or affordable housing, whatever you want to call it and however you want to line your pockets, how come the water comes trailing down my road and the sewers overflow. The grate bubbles out and flash floods his driveway. If you are going to put in all these units, pave everything and rip down the forests so you can get more tax money and raise ours. Why is that? How is that justifiable? Because it is by law that this has to be done. So the forest, wetlands and by the river will be destroyed, which has had enough problems with the algae and everything else. With that I'm out of here.

Michael Backer, 216 Aspen Court, stated he has heard that things are going to get better and he hopes that is so. Mr. Backer asked how this can be brought to a vote tonight with all this circus here. Mayor Maio stated this will be brought to a vote tonight because it is the law. It was moved on the first time. How can you bring it to a vote tonight when almost everyone in this room doesn't want it? Mayor Maio stated the votes will be made either yes or no. You are making an assumption on the outcome.

Sabrina Meyer, 15282 Aspen Court, stated she and her husband moved here from central Jersey approximately 2 years ago. The town she grew up in was very small and you could walk everywhere. But over the past ten years every square inch or green land has had condominiums built there. The developers are predatory. There is an argument going on for the past year on a property where they want to build businesses with apartments on top of them and the town cannot handle it. As soon as the developers find space they do not go away. The open space with the animals we like to see and the large animals that need the space then have nowhere to go and they end up in everyone's backyard and in the streets. It is sad to see when a very quiet area suddenly starts building two and three story units and densely packing as many people as possible into the space you do start to feel suffocated. If it has to be zoned for something, industrial use could include small businesses, mom and pop shops, fast food shops. Just not for more people. It can get out of hand too fast. Ms. Meyer stated the children end up with nowhere to play. When she was young she lived in an apartment complex but was able to play in the woods. Children were able to play outside but now there is nothing there for them. It is just condos.

Sue Backer, 216 Aspen Court, stated everyone understands there is a law that has to be abided by. Ms. Backer stated the governing body, at the beginning of the meeting, admitted that as the ordinance stands right now it needs work, so how can a vote take place tonight. Attorney Leo stated this is her fault as the attorney. Under the law, a public hearing has to be held before a vote can take place. After this public hearing, and you have heard a forecast of how they intend to vote, a vote will be taken to be voted up or down. Ms. Backer asked if the vote is going to be whether to zone or not? Councilwoman Kuncken stated yes and she asked Ms. Backer if she wants the issue drawn to a conclusion. Ms. Backer replied yes but she doesn't want it to be voted on the way the zoning is now. Mayor Maio stated the vote has to take place now. Ms. Backer wants the governing body to review this and maybe two lots don't have to be rezoned. Maybe only one lot should be rezoned. Ms. Backer stated as was mentioned earlier a developer is not going to develop the entire area. Mayor Maio stated the problem is that right now there is a proposal written the way it is written. The law requires that because it is written this way, the governing body has to say yes we have to go forward with it this way or no we are not going to go forward with it this way. The crowd started shouting and Councilwoman Kuncken stated let's just get to the vote. Ms. Backer stated as citizens of the area we are expecting that this vote tonight will be no. Councilwoman Kuncken asked if Ms. Backer was listening earlier when all of the council people spoke.

John Castellana, 19 Maryann Terrace and owns 33 Brooklyn Road, stated he opposes this ordinance. Mr. Castellana stated he has lived here ten years but this is the first meeting he has attended. Mr. Castellana stated his wife did attend a meeting in the past regarding Brooklyn Road and requesting to have the road fixed and the speed limit lowered. They moved to Maryann Terrace because of Brooklyn Road. The house on Brooklyn Road is under contract now and they are not getting the money they should be because it is on Brooklyn Road. The answer we

received about Brooklyn Road was that it is County Route 602 and it is a County issue. Mr. Castellana asked how does the County get involved in the logistics of this if this or a new version of it. Those acres, however they are developed, are going to lead out onto Sparta Road and then to Brooklyn Road. This is a walking school district. Mr. Castellana has two children who he would never let walk on Brooklyn Road. What will Sussex County do to address the traffic and the safety issues? Mayor Maio stated without a plan the County cannot provide any input. There has to be a physical plan for someone to review. Administrator McNeilly stated what you say is true. A development was built on County Route 605 in Sparta. That traffic comes down CR605 and terminates at the bridge on Sparta Road and comes to Stanhope's municipal road and then back to a County Route 602 and then goes on its way. If a development is built in Hopatcong the traffic will do the same thing. County Engineering and the County Planning Board would be involved if a plan is submitted.

Billy Eaves, 8 Lloyd Avenue, stated he is a contractor and is familiar with the Land Use process. Mr. Eaves stated he is fairly confident that this ordinance will be voted down. Mr. Eaves asked how many units does the Borough have right now, active and proposed. Mayor Maio stated there are no units proposed. Attorney Leo stated the new year goes from 2015 through 2025 which is the third round. Prior to the third round the Borough had 16 units. Mr. Eaves stated this is an 800 percent increase. We aren't increasing the population by 800 percent. Mr. Eaves asked if the court order is public record and available to us. Attorney Leo replied yes and stated the court order is the Housing Element and Fair Share Plan. Mr. Eaves asked if the minutes from the Land Use Board meeting where this was voted on are available. Attorney Leo confirmed this. Mr. Eaves stated he could then obtain the copies and research them to come up with a new plan. Mr. Eaves stated he is confident this will be voted down or carried. Mayor Maio stated the Borough cannot come up with a new plan for 126 units. Mr. Eaves stated the residents can try to come up with ideas to propose to the council members on how to achieve this. Can the 126 units, which is an 800% increase in COAH units be appealed? Mayor Maio stated the Borough did appeal. The original number of units was 278. Mr. Eaves asked if all the council members attended the hearing. Mayor Maio replied they did not attend the hearing which was held in 2016. Mr. Eaves asked if the records have been reviewed to understand why there is an 800% increase and is there a deadline for submitting the proposal of how this will be met. Attorney Leo stated if the Housing Element and Fair Share Plan is amended it would have to be resubmitted. Mr. Eaves stated in that case the ordinance could be carried and not voted on because there is no deadline required by the State. Attorney Leo stated a vote has to be held because a public hearing has been held and the vote has to go up or down. Mayor Maio stated a vote has to take place one way or the other. Mr. Eaves stated he is confident the vote will be no. Mr. Eaves stated he will obtain the public records that he can and attempt to determine why the State of NJ thinks an 800% increase in COAH units is required for a town of our size with the infrastructure that we are lacking. Councilwoman Kuncken stated we agree with you. Administrator McNeilly stated that Mr. Eaves could submit an OPRA request to obtain the documents which is done through the Clerk's office.

Carl Meyer, 15282 Aspen Court, asked for the difference between the two ordinances. Currently we are discussing Ordinance 2019-10. Are the COAH requirements only on Ordinance 2019-11. Mayor Maio confirmed this is true, as it is currently written. Mr. Meyer asked why is there a push to rezone the industrial use on Ordinance 2019-10 if this is not pursuant to the State's requirement for the 126 units. Mayor Maio stated they are two different and unrelated issues. The two lots involved in this ordinance were originally zoned light industrial because at one time the County of Sussex was considering building a road to bypass and go from CR605 to Acorn Street in Byram to eliminate all this traffic. This would have allowed driveways off the bypass road into that property. The Governing Body at that time thought this was a great opportunity to bring in light industry. Unfortunately the project was too expensive and the County made the decision several years ago not to move forward with the project. Now the owner of that land wants to sell it. In order to make this a valuable piece of property for the Borough it needs to be rezoned, because no one is going to build light industrial in that area. A factory or distribution center could be built but that would bring in tractor trailer traffic which the Borough does not want. Several proposals have been made for a wind farm, a solar farm and there is someone who wants to grow and distribute marijuana. The consideration was made to change the property to allow housing which would be a good thing for the town. We have the available schools and we have the infrastructure. This seemed like a good idea at the time. Mr. Meyer stated one of the lots is currently zoned light industrial and the other is residential/conservation. If this gets voted down, could they be looked at separately? Mr. Meyer stated he grew up in Howell Township and was on the Environmental Commission for approximately 8 years. Mayor Maio stated she

would like to take down his name and number. Mr. Meyer stated conservation is very important to him and hearing there is a category I stream in the area is of concern to him. Turning an area into high density residential when it is already zoned as conservation just does not seem like the right solution. Mr. Meyer stated his recommendation is, if this is voted down tonight, to look at the two properties separately. The conservation land should be separate from the area for the high density residential property.

Tom Bruno, 110 Main Street, stated as you know I am trying to run a business on Main Street. Mr. Bruno stated he was very concerned when he heard about this change in zoning. The first concern is this would be the perfect opportunity for more illegal hotel rooms in the Borough. The ordinance was approved banning Airbnb's but it has not been enforced yet. Mr. Bruno stated he has come before the Town Council and the Code Enforcement Official with other issues about enforcement of the code and the uniform building code of the town multiple times and he states he has been waved off and he has seen nothing happen. Mr. Bruno stated he is very concerned that the high rise, high density units will be used for Airbnb's and transients and it will affect his business. Mr. Bruno stated his business is already affected. They are barely hanging on and cannot afford another tax increase. The taxes reliably go up every year. They are paying \$28,000 a year in taxes which makes it difficult to run a small business. At four percent of the assessed value, in 25 years you have paid the value of your home to this town just to live here. Who gets that kind of value back? Maybe if you have 15 kids in the school, but we don't. Mr. Bruno stated if this happens, and he knows it is just in the rezoning stage and there's no plan or builder, then they are done. Mr. Bruno stated they may as well just throw in the key in the door and let the bank take it. Thank you.

Paula French, 27 New Street, stated first of all she would like to apologize for her outburst earlier in asking for the governing body to tell us which property this was. Ms. French thanked the governing body and stated she is aware this is a very difficult job that they are all doing. Ms. French stated she does not agree with the Board of Education gentleman who spoke earlier. Most of the people in town are happy with the way things are and do not want more people. Ms. French stated she knows she is beating a dead horse because the ordinance is going to be voted down, and you are welcome for that reminder. Ms. French stated she does not feel that the Borough needs more people. The people in town are aging. Ms. French stated she has been here forever and knows many others have too. Bringing in younger families could be helpful. Ms. French stated one of her concerns is the additional traffic which would be horrendous. If more housing units are built wouldn't that make us need more affordable housing units? Mayor Maio stated a percentage of what is built would be affordable housing. Ms. French stated if 100 units are built and 20% of those are affordable housing, wouldn't the other 80% increase the number of units required. Mayor Maio stated the number of units stays at 126 until 2025. Ms. French stated she understands the 200 foot notice is the law but she stated due to the fact that this issue is so big, couldn't a notice be placed in the sewer and water bill. A slip of paper saying go to the website it's important, this affects everyone. Something like this could have apprised everyone about what is going on tonight. Mayor Maio stated that is a good idea and thanked Ms. French.

Mike Balogh, 5 Towpath Lane, asked the Governing Body to explain the difference between Ordinance 2019-10 and Ordinance 2019-11. Mr. Balogh stated he is of the opinion it is important for everyone to know there are two ordinances being voted on tonight for zoning changes and he urged everyone to stay for both ordinances. 2019-10 deals with property located by the high school and 2019-11 is for the area located on Furnace Street. Mayor Maio confirmed this.

Andrea Grenada, 17 Valley Road, stated she wants to express her concerns regarding the number of units to be built and the number of people coming to the town and the number of kids that will be joining our schools. The gentleman earlier stated the schools can accommodate 100 students and no additional teachers would be required. Ms. Grenada's son attends Stanhope School and there are two 7th grades with 20-23 students in each class. Ms. Grenada does not understand how we can accommodate more kids and provide a good education when we double the size of the students in each classroom. Ms. Grenada invited all the governing body members to visit her property at the corner of Valley Road and Elm Street to view the traffic every morning. Ms. Grenada stated she fears for every child that has to cross the road without a parent. She hears brakes all the time and people yelling at each other. Ms. Grenada has trouble just getting out of her driveway in the morning. She crossed her children across the street when they were younger because she feared for their lives. Ms. Grenada stated she has almost been hit crossing the road and she pays attention. The children cross with balls and are running. This issue needs to be

viewed to see how this is currently being handled and how much this will affect the future if the development is voted on.

Jennifer Russell, 53 Brooklyn Road, asked if the reason behind the rezoning for the properties by the high school is so that the owner can sell it easier. Mayor Maio stated it was being rezoned because it was the opinion of the governing body that the only way to get value back from that property is to zone it for either homes, apartments or condominiums. Someone earlier talked about bringing younger people into town. The trend for younger people seems to be apartments. Ms. Russell stated the rezoning will enable the current owner to sell those lots and make a bunch of money which could result in a builder building high rises which will ultimately increase our taxes. Mayor Maio asked how that would cause the taxes to increase. Ms. Russell replied how can it not. The property is currently zoned light industrial and the Borough is collecting taxes on that. Administrator McNeilly stated the property is currently farmland assessed and the Borough is making next to nothing on it. Ms. Russell stated we are also not putting anything into it. Ms. Russell asked how will we have the infrastructure to support that. Mayor Maio stated that has to be provided by the developer. That is not a cost to the town. Ms. Russell stated it is a hard sell to convince us tonight that we are not going to incur some type of negative impact whether it will be traffic or water issues. There will be a police impact just because there are more people. When you bring in that many more people you have to have the infrastructure to support it. Ms. Russell stated she does not know what a developer will or will not provide but innately she believes her taxes are going to go up, while whoever is going to sell that property is going to walk away with a bundle. Ms. Russell stated she understands the trend tonight is that this ordinance will likely be voted down and rewritten. When it is rewritten she is still struggling to understand how it will not cost the taxpayers whether it be sitting in traffic, wasting gas or paying for it in some other way. Ms. Russell is of the opinion the rezoning is being done so that the current owner can sell it.

Ron Sacchiero, 7 High Street, asked what determines affordable housing. Mayor Maio stated it is based on the income level which varies every year and is determined by the State. The amount is 80% of the median income level for the area. Mr. Sacchiero stated that the affordable housing amount for Sparta would be higher than Stanhope based on this calculation. Administrator McNeilly stated there is no discussion for affordable housing or low income housing in Ordinance 2019-10. Ordinance 2019-11 does speak to the affordable housing plan. Mayor Maio stated this ordinance that we are going to vote on shortly is not the affordable housing ordinance. This is for zoning on a piece of property located on Sparta Road. Mr. Sacchiero stated so any type of building can be built there. Mayor Maio stated the proposal that is before us is for high density residential which would allow condominiums, townhomes or clusters. Mr. Sacchiero asked if this would be similar to what is being built by Grace Church. Mayor Maio confirmed this.

Michael Assenza, 1 Highland Avenue, stated on lots 1 and 2 he is assuming the governing body will vote no but will reintroduce it. When it is reintroduced, it is 2 lots now, why can't this be 10 lots instead. Why can't the lot size be changed. Administrator McNeilly stated this is not a subdivision. Mr. Assenza asked why it can't be changed and how has the authority to change it. Administrator McNeilly stated the owner of the property would have to want to sub-divide it. Mr. Assenza stated this would allow him to sell off pieces and the zoning could be reduced down to specific lots. This could keep the area zoned as it is and still give access for industry to have access to it from Byram. Mayor Maio stated there is no access from there. Mr. Assenza stated he could sell off smaller sections and still make money as opposed to selling one large lot. By changing this to high density residences, the minute you go over 500 students, we would have to build a new school. Mr. Assenza stated he was on the school board for six years. Mayor Maio stated the Valley Road School currently has less than 300 students. Mr. Assenza stated the capacity of the school, as was indicated earlier, is an additional 100 students, so that's 450. If high rise units are introduced the number will be exceeded and this would result in a \$15million dollar construction project by allowing multiple high rise structures. This does not even address the Stanhope infrastructure such as the fire engines, police department, the municipal office would have to be expanded because they are too small, the police will have to patrol more and will need cop cars and more head count with more pension to shell out. This is going to cost drastically and it has to stop. The public doesn't want the land changed from the way it is. Vote no to this resolution and do not reintroduce it. Leave it the way it is.

Rich Perry came forward to ask an additional question. Attorney Leo stated everyone else needs to have an opportunity to speak first and Mr. Perry had already spoken earlier. Mayor Maio asked if there was anyone else wishing to speak. Seeing no one, Mr. Perry was permitted to continue with his question. Mr. Perry asked if the property located by the high school is privately owned. Mayor Maio confirmed this. Mr. Perry stated the zoning is being changed to

make the property more attractive to sell. Mr. Perry stated he has never heard of zoning changes being done to profit an owner. Mr. Perry mentioned affordable housing as a trend. Mayor Maio stated affordable housing has nothing to do with this ordinance. Mr. Perry stated if the trend is two acre lots with \$900,000 houses built on them, what does the town have against that. If it is zoned industrial it does not make it attractive to the seller right now but when it is rezoned it is a windfall for him. Mr. Perry stated he does not understand why it is even being discussed except for the fact that it will profit the owner. Mr. Perry asked if he is misguided. Mayor Maio replied he is a little misguided.

Seeing no one further from the public wishing to speak, Mayor Maio closed the public portion of the meeting. Councilwoman Thistleton returned to her seat on the dais.

Roll Call:

Councilwoman Kuncken stated she has listened and as she has said before, she believes the residents, as members of this community, have the right, the same as she does, to speak their minds and say what they like and don't like. We are all in this together.

Councilwoman Kuncken – no	Councilwoman Thistleton – Not Eligible To Vote
Councilman Riccardi - no	Councilman Thornton – no
Councilman Romano - no	Councilwoman Zdichocki – no

Councilwoman Zdichocki stated she agrees with what Councilwoman Kuncken said and she thanked everyone for coming to the meeting this evening. Councilwoman Zdichocki stated she did not like some of the things which were said. However, because she also lives on Sparta Road she understands. Councilwoman Zdichocki does not like the idea of having tractor trailers on the road either regardless of whether the property is zoned industrial or residential. She pays taxes too, everyone here does. The governing body is not going to put anything here that will hurt us or you. Councilwoman Zdichocki stated she is appalled at the gentleman who said something about lining pockets. The governing body is here giving their own time and trying to do the best they can do. No one here has their own agenda. Councilwoman Zdichocki stated she would not go for that.

On motion by Councilwoman Kuncken, seconded by Councilwoman Zdichocki, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the results for the ordinance which was voted down and authorized publication of same.

Many members of the audience voiced their thanks to the governing body for voting the ordinance down.

Ordinance 2019-11

**AN ORDINANCE OF THE BOROUGH OF STANHOPE,
SUSSEX COUNTY, NEW JERSEY AMENDING CHAPTER
100, LAND DEVELOPMENT, OF THE BOROUGH CODE**

WHEREAS, the Borough of Stanhope adopted a Housing Element and Fair Share Plan, prepared by Borough Planner William H. Hamilton, P.P., AICP, dated October 28, 2016, and the Court filed an Order granting substantive certification and judgment of compliance and repose, dated October 28, 2016, in the matter of the application of the Borough of Stanhope for Determination of Mount Laurel Compliance, Superior Court of New Jersey, Sussex County, SSX-L-428-15; and

WHEREAS, the Borough's Third Round Affordable Housing obligation of 126 units is addressed by the re-zoning of five (5) properties for high density residential development with a twenty (20%) percent affordable set-aside, which properties include Block 11203, Lot 16 and Block 11202, Lots 1 through 4; and

WHEREAS, the Borough, in accordance with its affordable housing obligations and the Borough's best interest, has deemed it necessary to amend the Zoning Ordinance to adopt the regulations set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope, as follows:

SECTION 1

New Article XVIB “Multi-Family Housing Zone” has been added to read as follows:

Article XVIB. Multi-Family Housing

§ 100-101.5 Principal uses.

In the Multi-Family Housing Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- A. Multi-Family Structures.
- B. Townhouses.

Any development in the Multi-Family Housing Zone shall include a twenty (20%) percent affordable set-aside, in compliance with the Borough Code and Housing Element and Fair Share Plan.

§ 100-101.6 Accessory uses.

- A. The accessory building shall comply in all respects to the yard requirements of the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building and be located in the side yard so as to conform to side yard requirements. A site plan shall be submitted for all accessory buildings so the Planning Board can determine the adequacy of parking.
- B. Structured multi-level parking garage is permitted.
- C. Private recreation facilities intended for use by residents of the premises are permitted.
- D. Accessory uses as defined by § **100-3** shall be permitted.

§ 100-101.7 Required conditions.

- A. Principal building.
 - (1) Minimum tract size: 10 acres.
 - (2) Minimum frontage: 50 feet.
 - (3) Minimum front setback: 35 feet.
 - (4) Minimum side setback: 10 feet.
 - (5) Minimum rear setback: 20 feet.
 - (6) Maximum percentage of impervious surface area: 70%.
 - (7) Maximum building height: 48 feet or 3 stories, whichever is less, for Multi-Family Structures; 35 feet or 2 ½ stories, whichever is less, for Townhouses..
 - (8) Parking to be provided in accordance with the Residential Site Improvement Standards (RSIS).
 - (9) Maximum number of dwelling units per acre: 35 dwelling units.
- B. Accessory buildings.
 - (1) Minimum side yard: 5 feet.
 - (2) Minimum rear yard: 5 feet.

- (3) Maximum height: the lesser of 15 feet or one story, and same as principal buildings for structured multi-level parking garage.

SECTION 2

New Article XVIC. "High Density Multi-Family Housing" has been added to read as follows:

Article XVIC. High Density Multi-Family Housing

§ 100-101.8 Principal uses.

In the High Density Multi-Family Housing Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

A. Multi-Family Structures.

B. Townhouses.

Any development in the High Density Multi-Family Housing Zone shall include a twenty (20%) percent affordable set-aside, in compliance with the Borough Code and Housing Element and Fair Share Plan.

§ 100-101.9 Accessory uses.

A. The accessory building shall comply in all respects to the yard requirements of the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building and be located in the side yard so as to conform to side yard requirements. A site plan shall be submitted for all accessory buildings so the Planning Board can determine the adequacy of parking.

B. Structured multi-level parking garage is permitted.

C. Private recreation facilities intended for use by residents of the premises are permitted.

D. Accessory uses as defined by § 100-3 shall be permitted.

§ 100-101.10 Required conditions.

A. Principal building.

(1) Minimum tract size: 4 acres.

(2) Minimum frontage: 50 feet.

(3) Minimum front setback: 25 feet.

(4) Minimum side setback: 5 feet.

(5) Minimum rear setback: 10 feet.

(6) Maximum percentage of impervious surface area: 75%.

(7) Maximum building height: 60 feet or 4 stories, whichever is less, for Multi-Family Structures; 35 feet or 2 ½ stories, whichever is less, for Townhouses.

(8) Parking to be provided in accordance with the Residential Site Improvement Standards (RSIS).

(9) Maximum number of dwelling units per acre: 65 dwelling units.

B. Accessory buildings.

- (1) Minimum side yard: 5 feet.
- (2) Minimum rear yard: 5 feet.
- (3) Maximum height: the lesser of 15 feet or one story, and same as principal buildings for structured multi-level parking garage.

SECTION 3

The Borough of Stanhope Zoning Map shall be revised as follows:

Block 11203, Lot 16 (prior village age-restricted zone) shall be re-zoned within the High Density Multi-Family Housing Zone.

Block 11202, Lot 1, currently in the “I – Industrial zone”, shall be re-zoned to the Multi-Family Housing Zone.

Block 11202, Lot 2, currently in the “I – Industrial zone”, shall be re-zoned to the Multi-Family Housing Zone.

Block 11202, Lot 3, currently in the “I – Industrial zone”, shall be re-zoned to the Multi-Family Housing Zone.

Block 11202, Lot 4, currently in the “I – Industrial zone”, shall be re-zoned to the Multi-Family Housing Zone.

SECTION 4 - SEVERABILITY

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 5 - REPEALER

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 6 - EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

SECTION 7: NOTICE

The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Municipal Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

On motion by Councilwoman Zdichocki, seconded by Councilman Riccardi and unanimously carried by the following roll call vote, the foregoing ordinance was voted down.

Mayor Maio opened the meeting to the council members for comment on this ordinance.

Councilman Romano stated his comment regarding this ordinance is the same as the last.

Councilwoman Zdichocki stated again the resident’s concerns have been heard and taken into consideration. Councilwoman Zdichocki stated she has done a lot of research on the subject of apartments and why you would want them in your area. Social media has all types of stories. One of the articles stated for every 100 units there is the possibility of bringing a million dollars into your area. Councilwoman Zdichocki stated but we all listen to social media don’t we? Members of the audience answered back no. Councilwoman Zdichocki stated that is her point and she stated that the resident’s concerns have been heard.

Councilwoman Thistleton had no comment.

Councilman Riccardi thanked everyone again and stated he hopes to hear people speak again on this ordinance.

Councilwoman Kuncken stated her position is the same as it was when she spoke before. She hears you, she's listening and she is paying attention. Comments were stated earlier which affected this ordinance rather than the other. Councilwoman Kuncken stated she is aware and is listening and is willing to hear you again.

Councilman Thornton stated taking notice of the citizens who have stepped forward, a majority of you are residents of the condominiums or reside on that side of town. Only two people spoke who live on the Main Street side of town. In speaking with various residents it seems that if it is on your side of town that is the ordinance you are concerned with. Councilman Thornton stated we are all in this together. Members of the audience reacted to the statement. Councilman Thornton stated this is good and let us see the same kind of passion but just not as long.

Mayor Maio opened the meeting to the public for questions or comments on this ordinance only. The public was informed that each speaker would be given five minutes to speak and a one minute warning will be given. Mayor Maio invited those who wished to speak to come forward and clearly state their name and address and please be considerate of each other.

Mark Forder, 23 Dell Road, stated we talk about rezoning of the Main Street area and there is a lot of concern about that and bringing in more business. There is nowhere to park now. Where will people park if you bring in more people and businesses? People are not going to walk from Brooklyn Stanhope Road. Mr. Forder asked if there are plans for that part of the project. Mayor Maio stated the ordinance for discussion does not deal with Main Street. The ordinance deals with Furnace Street and Waterloo Road. The area which was selected for this ordinance was chosen because of its proximity to Main Street. All the questions and concerns you have brought up are future considerations. The plan is the plan. It is in place by virtue of the State's mandate until 2025. There is nothing that says it is going to be built tomorrow. Mr. Forder stated earlier in the meeting it was said that the requirement was appealed once before and there was a court hearing. Mr. Forder asked if residents can attend these hearings when they are held. Attorney Leo stated it is a public court proceeding. Mr. Forder asked how the residents would know that a hearing was happening in order to voice our opinions. Attorney Leo stated it had to be posted as an adoption of a plan. It had to be listed on the agenda and in the minutes for this governing body and the Land Use Board. Mr. Forder asked if someone would have contacted the town and stated that Stanhope has to have 126 affordable homes. Mr. Forder stated the residents would like to be able to attend and voice their concerns in front of those people making the decisions. Perhaps if they had had the opportunity to do so in court the number might have been reduced even more. Mayor Maio stated she does not know what the process is other than the Borough has an attorney who pleads our case. The governing body is of the opinion the attorney did a good job based on the State's original number. Attorney Leo stated we could spend hours discussing COAH because it is a mess but it is a State driven report and number which is assigned per municipality. Some municipalities are still in litigation. Attorney Leo stated it is a very complicated process and she would be happy to discuss it with Mr. Forder later. This was not a number that was negotiated back and forth. The number was provided from the report provided by economic and planning consultants and professionals from the State level down. Attorney Leo stated the court hearing was to adopt the Housing Element and Fair Share Plan to achieve that number. Mr. Forder stated things like this are important to us, as you can see. In the future, if anything like this comes up again, perhaps we can go back and let them know that the people in town do not like the idea of this. Mayor Maio stated she is not sure this is an option but it will be looked into. Administrator McNeilly stated there are 564 other towns going through this same situation and the numbers for them are crazy as well.

Pat Toland, 4 Furnace Street, stated she is here to oppose the housing ordinance for Furnace Street. This would bring lots of traffic to the street which already has lots of traffic with trucks going to the business down the street and people use it as a shortcut to get through town. Ms. Toland asked if the low income housing is built where the old Compaq factor was and across the street to where Salmon's is and Peterson's, does the Borough have the proper fire equipment. Could the 126 units be put in with the condominiums or whatever is going to be built. Mayor Maio stated there is no builder as yet. The Borough is required, by the State, to provide a place in the event that more units are going to be built. Ms. Toland stated if the buildings are built the population will increase, more law enforcement and more fire protection will be needed. Ms. Toland stated in her opinion this is a limited service town with the cooperation of the

surrounding towns if needed but out town is going to need more. Development of roads will be needed. Furnace Street is a two lane back road and so is Kelly Place and both will be affected. If a developer comes in could an access road be put in for the traffic to go out Love Lane which is industrial which would ease our roads? Kelly Place and Furnace Street are going to be repaved. Would a developer pay to repave the roads if they are damaged by all their machinery? If the schools become overfilled we will need to build a new school. Will the trash be collected by the same company that services the town now or would the apartment be responsible for it. This would cause a higher price for trash collection. Ms. Toland stated there is a section of woods next to her property. Will that area be affected? The State owns that parcel of woods. Mayor Maio stated these questions cannot be answered. There is no building plan. This ordinance is strictly a zoning change. Ms. Toland asked how would parking be handled. At this time, Ms. Toland's five minutes were up.

Carl Meyer, 15282 Aspen Court, asked if the other towns surrounding this area have been contacted to see if we could offset the 126 units through an RCA agreement. Attorney Leo stated RCA's are no longer permitted.

John Rogalo, 4003 Waterloo Road, stated he has five minutes. He is not in a hurry and he is going to take his time. Mr. Rogalo stated because Mayor Maio brought up the Land Use Board meeting earlier tonight he would like to let the public know the facts about the meeting. That night he came in late from work and he was out of it because he had just buried his father. Mr. Rogalo stated he did not have time to review the paperwork and he was listening to what was going on. The Land Use Board Attorney was not present at that meeting. Furthermore, the full ordinances were never read aloud into the record. They were not discussed line by line or compared to the existing ordinances and how the change would impact this town. There was no official vote of support from the Land Use Board. It was very informal discussion led by Chairman John Maguire. The Compaq property was brought up and the Mayor had stated that was being changed from age restricted to residential to meet our COAH obligation. It was never stated that it would allow for buildings 60 feet tall and concrete parking decks 60 feet tall were never discussed at that meeting. Mr. Rogalo stated in his opinion this was never properly vetted at the Land Use Board. Mr. Rogalo stated he has lived in this town for 35 years and he came here as a newlywed. His home is located on what used to be a town dump for industrial waste. There was no soil and there were thousands of broken bottles from Kelly Glass. Mr. Rogalo stated he worked very hard to build what he considers a respectable home and yard with gardens and flowers grown in the soil he brought in. As a young lad he did look at the zoning ordinances here in town and the Municipal Land Use Law. He took courses down at Rutgers. The view out his front window was Salmon's Brothers property with piles of broken concrete, rebar and blacktop. The zoning ordinance stated there must be a 50 foot wooded buffer strip between the industrial area and the residential area and it goes on. Our zoning ordinances call for those buffer strips throughout town when you have change of use or change of density. These proposed ordinances do not carry any requirement for a 50 foot wooded buffer like every other section in our town. The density is outrageous. It's been stated that no one will ever build it. Mr. Rogalo stated he spoke with Freeholder Dawn Fantasia over the weekend. At this time, Mr. Rogalo received a one minute left notice. Mr. Rogalo stated back in the 1990's they had a similar issue in Franklin Township and thought no one would ever build it. A guy came in and now the public is in an uproar over the high density development going in up there. You don't even offer zoning like this in the hopes that a builder won't do it because they will.

Lisa Bonsall, of McCarter & English for United States Mineral Products Company DBA Isolatek, 41 Furnace Road, stated this company has been doing business here for 150 years. They are your commercial industrial use. The gentleman who said earlier this is the most profitable use, that's us. Attorney Bonsall stated a letter was submitted on June 24th, which she asked to have put in the record, setting forth the strenuous objection to the ordinance being considered right now. The ordinance provides for multi-family housing on Block 11202 Lots 1-4 at a density of 35 units per acre, totaling 374 units of three story buildings. The high density multi-level housing zone at Block 11203 Lot 16, which is across the street from Isolatek, provides for 65 units per acre for a total of 260 units of four story buildings. This is a total of 634 dwelling units on Furnace Road. We respectfully submit that there are no good zoning principles that would support that type of density on that road. This is inappropriate from a land use perspective. That type of high density residential zoning right next to an industrial use with virtually no separation at all conflicts with generally accepted land use principles. Neither zone, that is the multi-family housing zone at 35 units per acre or the high density zone at 65 units per acre, can actually accommodate the buildings that are contemplated by the ordinance. Three and four story buildings of that size with

that number of units would not be able to be built with any buffers, the necessary parking or the amenities that should go with that type of development. The river is located right there which raises issues with wetlands and riparian rights. There are access issues and problems with the type of traffic that those units would generate on a two lane country road. There is truck traffic there now which is allowed with industrial use that her client is engaging in. There is a minimum 10 acre lot requirement on the multi-family zoning ordinance section. A ten acre parcel is not available there. Isolatek has one of the four lots which would all have to be merged together. Attorney Bonsall stated this would be depriving her client of their right to use and develop that property. All in all this is a summary of the objections which were set forth in their letter. This does not have to do, from their perspective, with taxes, the school children with anything like that. From a basic planning perspective, these ordinances are not good planning and are not justified. Attorney Bonsall stated she did go to the court and obtained every piece of paper that she could in connection with the declaratory judgement action that actually generated the Fair Share Plan that the Borough has proposed. Attorney Bonsall did not see any testimony from a Planner. She stated she asked for it. All the tapes were transcribed. Attorney Bonsall stated in her opinion she does not believe the Borough is bound by the order. There were conditions in the order that were not met. That order was a product of a settlement agreement. The conditions to it as she previously said were not met. At this time, the five limit timeframe ended. Attorney Bonsall stated it looks to her like the 126 units from the Kinsey Reports could possibly be renegotiated in her opinion. Mayor Maio stated she was sorry but had to tell Attorney Bonsall her time was up.

Nicole Member, 10184 Dell Place, stated in the neighboring towns of Mt. Olive, Budd Lake and Netcong are already adding high density residential housing and increasing the population in the area. The public is here to support the governing body with events like this. We will go to Trenton if necessary. This community is great because we are a small community and we can have these types of interactions. With high density housing we will not know who our neighbors are and we will not have the small community feel. More people will also bring more pets into the Borough. There have been issues with feral animals in the past. There are a lot of things to think about. Ms. Member stated she hopes the governing body will include the public if the area is to be rezoned and perhaps a committee could be formed to assist with this to make the majority of the people happy.

Bill Hancock, 43 Dell Road, stated he has lived here for 35 years. Mr. Hancock asked why a microphone was not provided in order for everyone to be able to hear what is being said. Mayor Maio stated that is a good question and unfortunately she did not have an answer. Mr. Hancock said thank you for your time and he is aware that a lot of effort has been put into this. Mr. Hancock asked if senior citizen housing counts as low income. Mayor Maio confirmed this. Mr. Hancock stated this would be a very safe development to have in the town and it would not impact the schools. Most senior citizens do not work and therefore a lot of cars would not be on the road. Mr. Hancock asked if this type of housing has been considered to help meet the State mandate. Mayor Maio stated the senior housing could be incorporated into a plan. Part of the area is currently an age restricted zone, 55 and over. Mr. Hancock asked for a microphone for the next meeting. Administrator McNeilly stated we are big on making improvements and we will try to have a microphone.

Craig Smith, 10 New Street, stated he is concerned with New Street. New Street has two speed bumps, the church, no sidewalks and there are safety issues for the children walking down the street to school. Now there are tractor trailers cutting through. If this type of housing was added to the end of the street a lot of adjustments would have to be made. Mr. Smith moved to Stanhope because he could walk down the street and go fishing. It was safe to walk down the street and for the kids to walk to school and the school is safe. Budd Lake has put in another 500 units right off of Route 46 and Netcong has added units by Grace Church. Mr. Smith stated he understands that if you own property you should be able to develop it. But things have to be taken into consideration. Mr. Smith stated he would not want the governing body's jobs right now for the next couple of months. We do all get upset and we don't mean to take it out on you. Mr. Smith stated he hopes the governing body will consider the families. Everyone moved here to not be crowded. Stanhope is always prepared. If a storm is coming the brush is cut down. Mr. Smith stated he used to live in West Orange where you had to pay for your garbage. Stanhope takes care of us and if bring this housing in we will be just like all the other cities.

Arthur Doring, 28 Musconetcong Avenue, stated he heard the year 2025 and asked what happens then. Mayor Maio stated in 2025, or shortly before then, the State will come back with another

plan. Mr. Doring stated they will come back and tell you something else. Mayor Maio confirmed this. Mr. Doring asked if the Borough is going to be punished for not doing something. Mayor Maio replied "God only knows". Mr. Doring, a retired Pastor, stated he can put in a good word. Mr. Doring stated he heard the name Peterson and asked if this property is under consideration in all of this. Mayor Maio confirmed the property is part of the zone. Mr. Doring stated, not knowing what is going to happen in 2025, what if Peterson does not retire. Ten or twenty years ago the Peterson property was trying to be taken by eminent domain. Mr. Doring is concerned about what happens to people. Mr. Doring stated Mr. Peterson has a business which is his livelihood. We do not know what the State is going to say. Mr. Doring asked the governing body to consider the people involved not just the property.

Jeanne Montamarano, 35 Dell Road, stated she would like to reiterate that the residents are interested in both properties. The governing body has been saying all night that they are listening to us and we appreciate it. People do get a little bit hot but we just want the governing body to understand that the citizens are here and want to help. We understand the affordable housing has to be figured out and we would like to do it together. This is a great community and we want to work together. Ms. Montamarano stated the reason the citizens do not attend all the other meetings is because they have elected the governing body members and we trust that you are doing the best for us. We got an inkling that maybe you needed to know what we wanted and that is why we are all here tonight. It is not an insult that we are not at every meeting because we are trusting you. Please take that as a good thing and know that we are here to help.

Hank Nicols, 8 Oak Drive, stated the way he sees these ordinances is that the only ones who profit from them are the sellers and buyers of the property. Mr. Nicols stated if the Borough has to build 126 units, and then wait until the very end. Mayor Maio replied if it were only that easy. Mr. Nicols stated if something has to be done, then build 126 units on a little bit more land with a park within the area and have enough room for parking. Mayor Maio replied like a planned community. Administrator McNeilly stated that is a worthy consideration. Mr. Nicols stated when he looks at this all he sees are dollar signs between the buyers and the sellers.

Barbara Foberg, 19 Kelly Place, stated Isolatek is present but have any of the other companies been notified. Mayor Maio stated they were all notified. Ms. Foberg asked if those companies have approved of the plan or attended any of the meetings. Mayor Maio stated to her knowledge they have not. They have not identified themselves at any of the meetings. Ms. Foberg stated that Netcong has already installed the water line up to the building on their side. Ms. Foberg asked if Stanhope has been contacted by that contractor. There are green markings in the road. Administrator McNeilly stated in order for those buildings to be torn down, One Call was contacted to mark out the sewer (green), water (blue), gas (yellow) and electric (red). Ms. Foberg stated we do not have gas in the area. Administrator McNeilly stated that project does not come into Stanhope. Ms. Foberg stated she wants gas. Mayor Maio stated everyone in the Borough does. Ms. Foberg asked if the contractor building that development has contacted the Borough in regard to building in Stanhope. Mayor Maio replied no.

Paula French, 27 New Street, stated she is curious about the fact that the properties under consideration are not owned by Stanhope. If we are responsible for putting in 126 affordable housing units doesn't that take into consideration that we do not own enough property to do that. Attorney Leo stated the Borough of Stanhope does not build anything. All we have to do is come forward with a plan to allow for it from a zoning perspective. We have to plan for it regardless of whether or not someone comes in with application or not. Ms. French asked if this particular zoning is for this plan. Mayor Maio stated the zoning is being changed to provide for the COAH affordable housing. Ms. French stated it appears to her that the downtown area of Stanhope is going to have the lower income housing and the dense population. According to her figures, they could end up with close to 1,800 people in their backyard and 900 cars. Ms. French stated she took a survey of her little area of town and there is an average of 3 cars per household. Ms. French stated her calculation of 900 cars was based on 1.5 cars per unit. This is an incredibly busy area of town. The downtown area consists of approximately 200 dwellings. When turning off of Route 183 onto Main Street and include High Street, New Street, King Street, Planeview Street, Kelly Place and Waterloo Road all those street total approximately 200 units. The proposed plan calls for a potential 600 units. That would be an incredibly dense population. Ms. French stated she is confident the governing body is going to reconsider. Ms. French asked if this is something that just continues into the future. Mayor Maio confirmed this and stated it will continue to grow. Ms. French stated this cannot be done if we are not zoned properly. Mayor Maio confirmed this. Ms. French stated then do not zone it.

Jennifer Russell, 53 Brooklyn Road, thanked the representative from Isolatek for speaking tonight. There is some math that was brought up that she does not understand. In listening to the analysis, we have been talking about 126 units but based upon the information which was brought forth it sounds like the number is more like 600 units. This would add at least 1,200 more people and 1,200 more cars. Ms. Russell asked why are we talking about 126 units when the real number is 600 units. Ms. Russell asked the governing body to address Isolatek's concerns about whether or not that property can adequately support what is required for that amount of buildings and that number of people. Mayor Maio stated the Borough's COAH requirement is 126 units. Ms. Russell stated she needs to do more research to understand why there is a vast difference in the numbers. Attorney Bonsall attempted to answer the question but was informed by Attorney Leo that she is not permitted to speak at this time. Ms. Russell stated the Borough is not rezoning for just COAH. It is being rezoned for residential which would provide for more than the 126 units. Mayor Maio stated the Borough is rezoning to allow for the potential building of 126 units. Ms. Russell stated if the property is rezoned and a potential builder comes in, they could build 600 units and allocate 126 units as COAH. This would be allowing for four times more than just the 126 units.

Michael Assenza, 1 Highland Avenue, stated the ordinance addresses a total composite of 10 acres with the maximum saturation of 65 units per acre. Mayor Maio confirmed this is how the ordinance is currently written. Mr. Assenza asked what the threshold number is to reach the 126 units and still have a developer come in and be profitable. In other words, do we really need 650 units, or 200 units. Mayor Maio stated she cannot answer that question. Mr. Assenza stated that has to be researched. Mr. Assenza stated the Borough stated earlier that it has not done a cost benefit analysis on the ordinance. Mr. Assenza stated this is a mistake in his opinion and this ordinance should not have been brought to the public without one. Mr. Assenza's background is from cost benefit analysis in aerospace and he has offered to help in the past and still offers his help today. The homework has to be done first. A developer is not needed to do this. Judgement calls can be made on what the area will look like and then examine the cost based on the infrastructure which would provide a ballpark number. This 650 units, so long as it is not senior housing, is still going to require an additional school. The town cannot handle this. Do not think of just the town costs. There are two school districts which will be affected and that is where the bulk of our taxes go. The school has to be consulted to determine what will be needed if 650 kids are added to the system, assuming one student per household. How much more fire equipment would be required? Do not present the ordinance until the cost benefit analysis is done because the people need to know.

Seeing no one further from the public wishing to speak, Mayor Maio closed the public portion of the meeting.

Roll Call:

Councilwoman Kuncken – no
Councilman Riccardi - no
Councilman Romano - no

Councilwoman Thistleton - no
Councilman Thornton – no
Councilwoman Zdichocki – no

On motion by Councilman Romano, seconded by Councilwoman Zdichocki, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the results for the ordinance which was voted down and authorized publication of same.

NEW BUSINESS

RESOLUTIONS

Mayor Maio offered the following resolutions which were read by title:

Resolution 125-19

**RESOLUTION EXTENDING DUE DATE FOR
THIRD QUARTER 2019 PROPERTY TAX
PAYMENT**

WHEREAS, R.S. 54:4-66.3 states that the third quarter taxes shall not be subject to interest until the later of either August 1, the additional 10-day grace period, or the twenty-fifth calendar day after the date that the tax bill was mailed; and

WHEREAS, R.S. 54:4-66.3 also states payments received after the later of August 1, the additional 10-day grace period, or the twenty-fifth calendar date after the date that the tax bill was mailed, may be charged interest back to August 1; and

WHEREAS, a delay in the certification of the tax rate resulted in a delay of the printing and mailing of the 2019 tax bills;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope as follows:

1. The due date for Third quarter 2019 Property Tax Payments, which would normally be August 1, 2019 with a 10-day interest-free grace period until August 10, 2019 or the first business day thereafter, was extended to 25 days from the date of mailing, or Tuesday, August 13, 2019.
2. All subsequent payments in the 2019-2020 billing cycle will be due as pre-printed on the tax bill coupons, with the regular 10-day interest-free grace period.

On motion by Councilwoman Zdichocki, seconded by Councilman Riccardi and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken – yes

Councilman Riccardi - yes

Councilman Romano - yes

Councilwoman Thistleton - yes

Councilman Thornton – yes

Councilwoman Zdichocki – yes

Resolution 126-19

**RESOLUTION AUTHORIZING REIMBURSEMENT TO
HIGHPOINT CONDOMINIUM ASSOCIATION FOR SOLID
WASTE COLLECTION AND DISPOSAL**

WHEREAS, the Highpoint Condominium Association is located in the Borough of Stanhope; and

WHEREAS, pursuant to the provisions of the Qualified Community Act, N.J.S.A. 40:67-23.2, the Condominium Association is entitled to receive certain services from the Borough or to receive compensation for said services in lieu of Borough providing same; and

WHEREAS, the Borough has elected to reimburse the Highpoint Condominium Association for the collection and disposal of solid waste in lieu of providing said services; and

WHEREAS, the Qualified Community Act requires the execution of a written Agreement between the Borough and the Condominium Association prior to the Borough reimbursing the Association for the services in question; and

WHEREAS, the Borough has a defined cost for the collection and disposal of municipal solid waste under a Contract entered into with *Blue Diamond Disposal, Inc.*; and

WHEREAS, pursuant to the provisions of the Act, the Borough shall reimburse the Association at the Borough's cost or the Association's cost for the collection and disposal of municipal solid waste, whichever is less; and

WHEREAS, the Borough's Attorney has prepared a reimbursement agreement to be entered into with the Highpoint Condominium Association;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute said Agreement on behalf of the Borough; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to issue payment to the Highpoint Condominium Association to reimburse the Association for the collection and disposal of municipal solid waste for the period of June 1, 2018 through December 31, 2018 provided that the Borough has received written proof from the Condominium Association as to its costs for the collection and disposal of municipal solid waste for the Association.

On motion by Councilwoman Kuncken, seconded by Councilman Romano and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken – yes	Councilwoman Thistleton - yes
Councilman Riccardi - yes	Councilman Thornton – yes
Councilman Romano - yes	Councilwoman Zdichocki – yes

Resolution 127-19

**RESOLUTION TO AMEND BUDGET TO INCLUDE 2019
CLICK IT OR TICKET GRANT**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Stanhope has received a total of \$5,500.00 from the Division of Highway Traffic Safety for the 2019 Click It or Ticket Grant, and

WHEREAS, the Borough of Stanhope now wishes to amend its 2019 budget to include the additional grant funds approved of \$5,500.00 as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Stanhope does hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$5,500.00, which will be available as a revenue from:

- Miscellaneous Revenues
 - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public
 - And Private Revenues Offset with Appropriations: 2019 Click It or Ticket Grants, and

BE IT FURTHER RESOLVED that a like sum of.....\$5,500.00 be and the same is hereby appropriated under the caption of:

- General Appropriations
 - (A) Public and Private Programs Offset by Revenues: 2019 Click it or Ticket Grant, and

BE IT FURTHER RESOLVED that the Chief Financial Officer submit one copy of the Chapter 159 certification form to the Director of Local Government Services.

On motion by Councilwoman Zdichocki, seconded by Councilman Riccardi and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken – yes	Councilwoman Thistleton - yes
Councilman Riccardi - yes	Councilman Thornton – yes
Councilman Romano - yes	Councilwoman Zdichocki – yes

Resolution 128-19

**RESOLUTION GRANTING WATER AND SEWER
ALLOCATION TO APPLICANT, LEONARD GODUTO,
FOR ONE LOT LOCATED ON MUSCONETCONG
AVENUE, IDENTIFIED ON THE TAX MAP OF THE
BOROUGH OF STANHOPE AS BLOCK 11104, LOT 1**

WHEREAS, Leonard Goduto has filed an application with appropriate fees for water and sewer allocation to service a one-family residential property on Block 11104, Lot 1; and

WHEREAS, the Borough's checklist and Ordinance Sections 100-34C(4) and 100-35D all require a certification from the Mayor and Council that adequate water supply and sewerage capacity exist to service the proposed development; and

WHEREAS, the Mayor and Council wish to comply with the Ordinance requirements to certify the availability of water and sewer for the existing multi-family dwelling;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the application submitted by Leonard Goduto for water and sewer allocation be and is hereby granted as follows:

Water Allocation: 300 gpd

Sewer Allocation: 300 gpd

On motion by Councilman Romano, seconded by Councilman Riccardi and unanimously carried by voice vote the foregoing resolution was duly adopted.

PAYMENT OF BILLS

Resolution 129-19

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING PAYMENT OF BILLS

WHEREAS, the Chief Finance Officer has certified that funds are available in the proper account; and

WHEREAS, the Chief Finance Officer has approved payment upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the current bills list, dated August 27, 2019 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

On motion by Councilman Romano, seconded by Councilwoman Kuncken and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken – yes
Councilman Riccardi - yes
Councilman Romano - yes

Councilwoman Thistleton - yes
Councilman Thornton – yes
Councilwoman Zdichocki – yes

ATTORNEY REPORT

Ursula Leo, Borough Attorney, had no report.

CITIZENS TO BE HEARD

Mayor Maio opened the meeting to the public after advising attendees that there is a five (5) minute time limit for each speaker.

Tara Sterling, 12220 Aspen Court, stated she would like to see the crosswalks changed to be more like those in Netcong as there have been two deaths in the past two years. Ms. Sterling stated she was in the Hamptons and they have something even better where a button is pushed and the street lights up. Mayor Maio stated JCP&L has been contacted and the light by the American Legion has been changed out for a brighter light and an additional light fixture has been added. An Engineer is working on potential crosswalk safety items. This is a State road and the State has not been amenable to providing the type of system that Netcong has. Netcong obtained that system through a Safe Routes to School Grant. Stanhope applied for the same grant and was denied. Ms. Sterling stated even though our students cross that road and we had a student who died. Mayor Maio stated that is why there is a crossing guard at that light. Councilwoman Kuncken stated the Borough has the same concerns as Ms. Sterling and we have been able to make some progress. Mayor Maio stated progress has been made with the crosswalks on Brooklyn Road which is a County road. A light will be installed, similar to the one in Netcong, at the intersection of Brooklyn Road and Crestview Drive at a cost of \$10,000. Next year we hope to be able to do the same thing at the intersection of Brooklyn Road and

Maple Avenue. The crosswalks on Sparta Road have been delayed with paperwork from the federal government but a system will be installed by the Little League Field. Ms. Sterling asked if the speed limit could be lowered. It is 35 in Netcong and 40 in Stanhope. Administrator McNeilly stated it took months and several meetings to have the speed limit lowered by the Black Forest Restaurant. This is a State road. Much discussion took place regarding the speed on Route 183. Councilman Thornton stated the Engineer has been instructed to put pressure on the State. If it gets denied, it will not be for lack of trying on the Borough's part. Ms. Sterling stated Stanhope is the gateway to Sussex County. It is beautiful with many trees and not a lot of high rise buildings and she hopes it will remain as such.

Kim Moppert, 9 Lenape Drive, stated thank you for working on the Sparta Road crosswalk. The path by the Little League never gets plowed and with winter coming she asked who is responsible to plow it. Administrator McNeilly stated the Borough is responsible for the path.

Seeing no one further from the public wishing to speak, Mayor Maio closed the public portion of the meeting.

ADJOURNMENT

On motion by Councilman Romano, seconded by Councilwoman Zdichocki, and unanimously carried by voice vote the meeting was adjourned at 10:00 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk