

**Stanhope Land Use Board**  
**August 12, 2019**  
**Regular Meeting**  
**Minutes**

CALL MEETING TO ORDER:

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

PLEDGE OF ALLEGIANCE:

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

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Reorganization Meeting was forwarded to the New Jersey Herald and Daily Record on January 15, 2019 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 11:00 p.m., and it is of the opinion that it cannot complete the agenda in a reasonable period, the Board may exercise its option to continue this meeting at an agreed time and place, within ten (10) days of this meeting.

At this time, please turn off all cell phones.

ROLL CALL:

Nicholas Bielanowski - present  
James Benson - present  
Raymond Cipollini, Alt #1 – present  
Rosemarie Maio – present  
Thomas Pershouse - present

Thomas Romano - present  
John Rogalo – absent  
Joseph Torelli – absent  
Paula Zeliff-Murphy - present  
John Maguire - present

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

MINUTES

**July 8, 2019 Meeting** – On motion by Mr. Romano, seconded by Ms. Zeliff-Murphy, the Minutes of the July 8, 2019 meeting were approved on majority voice vote. Mr. Benson abstained.

CORRESPONDENCE

07-30-19 New Jersey Planning Officials – New Jersey Planner (May/June)  
08-12-19 Eric Keller – Technical Review #1 re: Juntos Holdings LLC Application  
08-12-19 William Hamilton – Planning Review #1 re: Juntos Holdings LLC Application  
08-12-19 Bernd Hefe, Esq – Attorney for resident James Obitz re: Juntos Holdings Application

On motion by Ms. Zeliff-Murphy seconded by Mr. Bielanowski and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairman Maguire opened the meeting to the public for non-agenda items. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

NEW HEARING:

**19-02, Juntos Holdings LLC**

Block 11205, Lots 1 and 4.01, Variance Application and Conceptual Site Plan

Deemed Complete: 7/08/19

120 Days: 11/05/19

(Mayor Maio, Mr. Romano and Ms. Zeliff-Murphy returned stepped down from the dais.)

Virginia Liotta, attorney for the applicant came forward. Mr. Gavan stated there is an issue with certain parts of the legal notice, but since the hearing on this application will go beyond this meeting, it is his recommendation that the Board hear part of the application. Mr. Gavan noted the conceptual idea for the parking is a "d" variance and a "d" variance cannot be a conceptual plan. That portion of the application will need to be re-noticed. Ms. Liotta noted her predecessor counsel was before the Board and there were many questions left open from that meeting, which she hopes to address tonight. Mr. Gavan stated the Board cannot talk about the parking issue because that will require a use variance and they cannot discuss it as a conceptual because a use variance cannot be part of a conceptual plan.

Mark Shourds, came forward on behalf of the applicant. Mr. Shourds is a licensed professional engineer in the State of New Jersey as well as a number of other states. He is also a licensed planner in the State of New Jersey. He has been in practice for over 40 years. Mr. Shourds provided a brief background on his education and experience in Land Use. The Board accepted Mr. Shourds as an expert in his field. Mr. Shourds noted his understanding about the parking. The conceptual site plan is to get some direction as it relates to the particular site plan with the majority of input having to do with the geometry. He would like to get a feel from the Board for the conceptual plan. Mr. Shourds agreed with the need for a use variance if merging the two lots and noted the comment in the Board Engineer's report indicating an impact on impervious coverage. Mr. Gavan noted the prior resolution has never been completed and it is his legal opinion that the Board can address all aspects. Mr. Shourds said he would like to handle this as a small work session and if the Board gives input, they can move forward with a full application from that input. Mr. Gavan said normally what is being asked would be done between the professionals. He does not want to open them to an appeal. The law is the law, but there are a lot of objectors present in the public that want to hear the concept. For the public's benefit, Mr. Gavan suggested they hear from the applicant's engineer.

Mr. Keller noted generally a use variance is approved prior to a conceptual. Mr. Keller stated whether Lot 1 was consolidated with Lot 4.01 or stands alone, the use for that property would require a "d" variance because what they are proposing is not a permitted use. The parking is an accessory use with no principal use on that particular lot. Mr. Keller noted the 2006 resolution, adding since that time, not only were the improvements not implemented, but a piece of the property which was supposed to have an easement granted was sold. The property is now Green Acres and cannot be touched. Mr. Gavan recommended having the applicant speak about the use and having the professionals go through it.

Mr. Shourds gave a brief presentation. The basis is you have a 28,000 square foot building on Lot 4.01 and an existing single-family residence on Lot 1. The applicant would like to bring the use more into conformity by constructing parking spaces on the site. The proposal is to purchase Lot 1,

demolish the building and construct a parking lot to accommodate on-site parking. Lot 1 is mostly surrounded by Lot 4.01. The existing lot is irregularly shaped. Presently 4 parking spaces already exist on the lot. The 4 parking spaces have frontage on the residential lot, but go back to Lot 4.01. They are being used for the building. There is no parking along Kelly Place which is at the front of the building. There are other access and egress points from the building. There is an existing driveway that goes to the garage on the property. The proposed parking that would be on both Lot 4.02 and Lot 1 would utilize the access point off Plane Street and into the driveway all the way through to the existing garage door. It will be a paved driveway and paved parking lot. The parking lot would consist of 15 additional parking spaces and would have greenery along the roadway which area would be used for underground sewerage and detention for the increase in impervious coverage. They have not completed all the engineering necessary because this is only a conceptual plan. They will do the necessary soil testing. Mr. Shourds noted the Board Engineer's report which contains comments and requirements which the full application will address or for which they will request design waivers. Mr. Shourds acknowledged that in order to do anything on the lot, variances will be needed and he asked for direction from the Board to move forward with a formal application on this basis.

Mr. Gavan recommended the applicant submit a formal application subject to having the engineer show drainage and parking. Mr. Gavan also recommended, if the application comes before the Board minus the engineering, that the Board hear the application. Mr. Gavan noted engineering can be very expensive. Mr. Keller stated the Board needs to know what the deviations are because the Board cannot make a decision without understanding the full depth of the deviations being sought. Mr. Gavan stated the truck traffic will need to be addressed.

Mr. Shourds said they will address the impervious coverage issue for both Lot 1 and Lot 4.01. The formal application will also address the slope issue, guard rail, storm drainage and other items noted in the Board Engineer's report.

Mr. Gavan stated the applicant will come back at the next meeting with a full site plan and variance application.

Mr. Gavan suggested the Board take a 15-minute recess and afford that time to Mr. Shourds to speak "off the record" with the public present. Mr. Gavan recommended members of the Board not be present and not participate in the discussion.

Chairman Maguire called for a 15-minute recess at 7:15 p.m. Members of the Board and the Board's professionals left the room. Chairman Maguire reconvened the hearing at 7:45 p.m.

Mr. Gavan announced that Mr. Liotta will clarify the notice and this matter will be carried, with new notice being sent to the property owners and published. Mr. Gavan offered to review Ms. Liotta's notice. Mr. Gavan noted the length of time this matter has been going on and, in an attempt to move it along for the benefit of the public and the applicant, the matter will be carried to the September 9, 2019 meeting.

(Mayor Maio, Mr. Romano and Ms. Zeliff-Murphy returned to the dais.)

**BILLS:**

	<b>Miscellaneous</b>	
7/26/19	New Jersey Herald – Resolution of Memorialization re: Manjit Singh Bajaw	\$18.00

On motion by Mr. Romano, seconded by Mr. Benson, the aforesaid bills were approved on the following unanimous roll call vote.

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

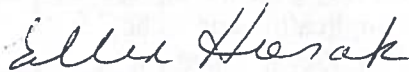
OPPOSED: None

ABSTENSIONS: None

**ADJOURNMENT:**

On motion by Ms. Zelif-Murphy, seconded by Mr. Romano, it was the consensus of the Board to adjourn the meeting at 7:50 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary