

**Stanhope Land Use Board
October 21, 2019
Regular Meeting
Minutes**

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**STANHOPE
BOROUGH**

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, for the Board Engineer Jamie Giurintano and Board Secretary Ellen Horak

MINUTES

August 12, 2019 Meeting – On motion by Mr. Romano, seconded by Mayor Maio, the Minutes of the August 12, 2019 meeting were approved on unanimous voice vote.

CORRESPONDENCE

08-16-19 Dana Mooney, CFO – 2020 Budget Request
09-18-19 New Jersey Planning Officials – New Jersey Planner (July/Aug)
09-24-19 Adam Lusardi – Variance Application re: Blk 11007 Lot 9.05 (49 Linden Avenue)
10-11-19 Virginia Liotta, Esq. – Juntos Holdings LLC Site Plan Application re: Blk 11205 Lots 4.01 & 1
10-17-19 William Hamilton – Planning Review #2 re: Juntos Holdings LLC Application
10-21-19 Eric Keller – Technical Review #2 re: Juntos Holdings LLC Application

On motion by Ms. Zeliff-Murphy seconded by Mr. Pershouse 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.

Paula French, 27 New Street, said she is planning on expanding her driveway; however, the Belgian block is in the way. She asked who she should contact about the Belgian block. Chairman Maguire directed her to speak to the Borough's Zoning Officer.

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

COMPLETENESS:

19-03, Adam Lusardi

Block 11007, Lot 9.05, Variance

Appl Rec'd: 9/24/19

45 days: 11/8/19

Chairman Maguire, a member of the Completeness Review Committee and whose house is within 200 feet of the applicant's property stepped down. Mr. Gavan noted the Board Secretary received an email from Mr. Torelli, who is absent tonight but sits on the Completeness Review Committee, in which he recommended the application be deemed complete. On motion by Ms. Zeliff-Murphy, seconded by Mr. Romano and carried by the following unanimous roll call vote, 19-03 Adam Lusardi's Variance Application re: Block 11007, Lot 9.05 was deemed complete.

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

OPPOSED: None

ABSTENSIONS: None

(Chairman Maguire was not eligible to vote.)

The hearing on this matter is scheduled for November 18, 2019 at 7:00 p.m. The Board directed the Secretary to send the application to the Board Engineer for review and comment.

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 and left the room.)

Virginia Liotta, attorney for the applicant came forward. Chairman Maguire asked Ms. Liotta for a brief overview of the application and he noted there is reference in the application to a conceptual site plan. Mr. Gavan stated this is not a conceptual hearing because a D variance is involved and it is against the law to have conceptual plan involved with a D variance. Ms. Liotta said she is following through on part of their application dating back to last year which has been the presentment of the traffic study. They were prepared to go forward; however, Mr. Anderson, the applicant's traffic engineer spoke to Eric Keller, the Board's engineer last week and after their

discussion, the determination was made that it would be better to hold his presentation until Mr. Keller was present since Mr. Keller is also a traffic engineer.

Mark Shourds, the applicant's engineer came forward. Mr. Shourds stated he has been a licensed professional engineer and a licensed professional planner in the State of New Jersey for many years. He has a degree in Civil Engineering and has been doing land development work for almost 40 years. The Board accepted Mr. Shourds as an expert in his field. Mr. Shourds presented a copy of the latest plan with revision date 9/24/19 entitled "Conceptual Site Plan" which was marked Exhibit A-1. The plan will need to be changed to "Site Plan." Mr. Shourds stated the applicant is seeking a D variance which pertains to Lot 1 of Block 11205, which is the adjacent lot to the primary lot of Juntos Holdings LLC. The applicant acquired ownership of the lot and they want to demolish the current single-family residence and construct a parking lot for the benefit of the larger parcel. This would be a subdivision and they a merge of the two lots. Mr. Shourds provided an overview of the site plan. The property in question is Block 11205, Lots 1 and 4.01. Lot 4.01 has frontage on Plane View Street, Kelly Place and Plane Street. Lot 1 borders Lot 3 and faces only Plane Street. Part of the application is to merge Lot 1 and Lot 4.01. The area of Lot 1 is 5,101 square feet and Lot 4.01 is 54,103 square feet and when merged the total will be 59,204 square feet, where in that zone 10,890 square feet is the minimum lot area. The plan also illustrates the pre-existing setbacks. Mr. Shourds noted there is an existing single-family residence on Lot 1 and there is vehicle access to both the Plane View and Plane Street properties. They propose to demolish the existing single-family residence on Lot 1 and to merge that Lot with the other lot and then develop it as a parking lot for the existing use of the site. This will supplement the other parking that exists at the site. They are proposing 15 new parking spaces with a 25-foot drive aisle. Mr. Shourds said the plans were revised based upon conversations with the neighbors in attendance at the last hearing at which there were some comments with regard to landscaping and how the lighting from the parking lot would be handled to shield the neighbors from the lights in the parking lot. Mr. Shourds stated they want to utilize the street lighting that is used within the Borough, which the Board Engineer provided to him and which are shown on Sheet 2 of the plans. The lights will be constructed with shields and will only shine on the parking lot. Mr. Shourds stated they also added landscape in the island. He added a paving spec detail to the plan and he tried to address the items that he knew they would need. Mr. Shourds stated the review letter from the Board Engineer will need to be included. Most of the site plan deals with the parking area and how it will function. Mr. Shourds noted the plans show the property line between Lot 1 and Lot 4.01 and there is a portion of Lot 4.01 on the most easterly part of Lot 4.01 that abuts Plane Street and is the area for proposed development. The access point from Plane Street accommodates the existing access to the garage entry into the building. The drive aisle runs into the garage door. There was always a drive aisle; they are just improving it. It is presently only partially paved with loose gravel. They will not use that garage door for major deliveries. Deliveries to that door would be more similar to supplies, using small vehicles, not large trucks. Chairman Maguire commented that there is not enough room for a turn around. Mr. Shourds acknowledged this, stating they will not have large trucks delivering to that area. Mr. Shourds directed the Board to the plans showing Plane View Street, which is the location of the major loading docks for the existing business. The proposal is to utilize the area to park up to 5 vehicles off of the paving so the trucks can still access it. They need the radius for the trucks to get to the loading docks. The existing striping will be removed and it will be designated for truck access. Chairman Maguire asked if they have intention of putting curbing on the Plane View site to which Mr. Shourds responded in the negative, adding the intent is to leave it with gravel.

Mr. Pershouse noted the drawing shows there are other loading docks and he asked if they are still in use. Mr. Shourds responded they are usable, but he is not sure if they are presently being used. Mr. Gavan stated there should be testimony to this at the appropriate time.

Mr. Shourds said there was prior conversation as to the slope of the parking lot exceeding the Borough's maximum and he is doing the best he can in order to accommodate the driveway and if a variance is required they will request a variance, but being it falls under a design waiver, they will be asking for a design waiver. Mr. Shourds noted the detail of a guide rail and said they will improve on the detail to address the Board Engineer's comments as to how and where it is to be placed relative to the wall. The intent would be to have it on the new parking side and he will specify that in detail.

Mr. Gavan asked how employees who park their vehicles get to the building. Mr. Shourds responded there are 4 isolated spots and there is a walkway going up to the door. There was discussion with the applicant about running a sidewalk around to the front door, but that is not part of the application. Mr. Gavan said the applicant is going to have a site plan so it would be beneficial if they included it now instead of having to come back in the future for an amendment.

Mr. Shourds noted the Board Engineer's explaining the discrepancy in the impervious coverage and bulk requirement of each lot. Mr. Shourds stated the revised plan now shows the existing conditions of the two lots. 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. The zoning table provides a breakdown of how they are going from the existing condition to the proposed. Some improvement work has already started on the lots. They took all the bulk information from the 2016 survey provided for Lot 4.01, which was prepared by Swanson, Halsey & Associates. The applicant did not get a survey for Lot 1. The information on the Swanson survey showed the building on Lot 1, but did not show any impervious coverage that was on Lot 1 including the additional parking spaces. They utilized an aerial photograph information and with the information provided used the least amount of impervious coverage. They will provide, on the plans, how they arrived at the impervious coverage. The maximum impervious coverage allowed for the zone is 30% and the existing for Lot 4.01 is 70%. Mr. Shourds noted that no matter what they propose, it will exceed the zone maximum. Mr. Shourds noted there were questions with regard to the survey. There was a title survey (boundary survey) prepared in 2016. The boundary survey does not show all the information. The applicant contracted with Vernon P. Lawson for a topographic survey. The Board Engineer had questioned the surveys not being identical. Mr. Shourds said he has not yet spoken to the two surveyors, but in his discussions with his engineer, they will likely utilize the boundary survey prepared by Swanson, so he will revise the plans to incorporate the boundary survey. The topographic survey provides different metes and bounds than the boundary survey. He will use the boundary survey and have the surveyor place the topographic borders for their presentation. Mr. Giurintano asked whether the subdivision will be recorded by plot or deed to which Ms. Liotta responded it will be recorded by deed. Mr. Giurintano recommended it be referenced on the plans. Mr. Shourds said the plans will be updated to reference the appropriate base map. Mr. Shourds will also make revisions to the plans to address the comments made and he will submit a full preliminary and final site plan.

Mr. Gavan stated, as per the last meeting, he and the Board thought the applicant was going to present a full site plan at this meeting. Mr. Gavan stated a conceptual site plan with a D variance is not permitted by law. The applicant needs to have a full site plan.

Mr. Giurintano noted there has been work done on the site without prior approval from the Borough and he asked Mr. Shourds to give a listing of what activities took place on the site so the Board can be aware of additional relief that was not previously granted. Mr. Giurintano added that if Mr. Shourds was not prepared to discuss it tonight, that it be included in their site plan application. Mr. Giurintano cautioned the Board that there is property that has undergone improvements that may or may not have gone before the Land Use Board and if the Board grants approval and it was shown as pre-existing on the plans. The previous improvements must be included in the site plan.

Mr. Shourds stated he informed the Board on what is being proposed and he received clear direction from the Board on what is expected with the next submission. Mr. Shourds said he is not sure he can have everything done by next month's meeting. Mr. Giurintano recommended Mr. Shourds address the traffic at next month's meeting because the Board's engineer will be present and the traffic is a concern of the public.

Mr. Shourds asked if it would be appropriate to hear comments or questions from the Board. Chairman Maguire responded in the negative, noting the Board was only given an overview. Chairman Maguire noted this matter has been going on too long and it would be appreciated if they could get the application submitted. The applicant has had ample time to get the traffic study and full application completed.

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

Brian Murphy, 2 Plane Street was sworn in. Mr. Murphy expressed concern with the back driveway and drainage coming down to his property, which is the property on the corner of the plans. He would like to make sure he does not get constant run-off which he has been getting. Chairman Maguire stated that will be a question to be answered during the hearing on how they will protect that whether by curing or a retaining wall. Mr. Murphy said that on the same area, there is currently a chain link fence that has been there for over 30 years. It is old fencing which is rotting and has pieces falling off and he would like to have it addressed. Mr. Murphy also noted in the same area they put what they call "mafia block" which was put on his property, with his permission granted after the fact. Mr. Giurintano noted there will need to be an agreement about the wall between both property owners with regard to maintenance and location. Mr. Gavan agreed, noting it will need to be perfected by an easement so it will be in the chain of title for future owners. Mr. Murphy stated he would like a fence constructed along that wall that goes from the top of the current wall up four feet. Mr. Murphy stated he would like this as a vision block because does not want to look at a parking lot. Mr. Murphy also expressed concern that they are taking down a current habitable residence in which people have lived for many years and he questioned the affect on the Borough's fair housing obligation, which is something that should be addressed.

Jim O'Bitz, 19 New Street, was sworn in. Mr. O'Bitz stated he has not heard anything about what the applicant is doing about all the trucks. Mr. Gavan stated the trucks is part of the traffic study and was not addressed tonight because the Board's engineer is not present.

Carmen Pico, 25 New Street, was sworn in. Mr. Pico said he would like the Board to consider that this is a historic residential area and the proposed plan will make it into a commercial area. There have been other businesses in that building and there were no problems. Mr. Pico said he believes the residence on the property is historic and should not be changed. Mr. Gavan stated the applicant's building itself is historical and the court has indicated some things the Board can and cannot do.

Mike Persico, 17 Plane Street, was sworn in. Mr. Persico thanked the Board for their handling of this proposal. Mr. Persico said he has not heard a plan and the applicant should have come to the Board with their exact plan and not just say "maybe we will do it this way." Mr. Persico stated the applicant is planning on taking away another building that has been here for years. In a time when we are trying to create housing you are taking it away. Chairman Maguire said they asked the applicant to provide something more current and with more detail. Mr. Persico stated the quality of life for the existing neighbors must be addressed.

Paula French, 27 New Street was sworn in. Ms. French said she agrees with the previous comments. She has lived on New Street her entire life. The front of the applicant's building looks very nice, but the rest of the site does not. It does not have a historic look. Ms. French noted she heard during the presentation that the impervious coverage is supposed to be 30% and they have 70% impervious coverage and she asked how that can be. Chairman Maguire said the property has always been over the permitted impervious coverage. The building was constructed years ago and most people in the area most likely worked at the building. Life has changed since then. Chairman Maguire noted the applicant has done a lot to make the front of the building more presentable and kept the historic look; however, there is not much they can do with the rest of the building because it is metal. Chairman Maguire noted the Board is aware of the concerns of the neighbors, but they must comply with some federal and state regulations that they have no control over. Ms. French said if they are already at 70% impervious coverage and they do more paving, it will be too much and will cause flooding to the neighbors' property. Chairman Maguire stated that concern will be addressed during the hearing.

Ann Marie Szabo, representing her mother who lives at 9 Plane Street, was sworn in. Ms. Szabo spoke of her mother's concerns, which are also her concerns. Ms. Szabo said her mother is 93 years old and was born in the house she resides. Ms. Szabo said she was raised in that house and her concern is of the safety of the street. It is a narrow, one-way street and it is difficult to get in and out of your driveway. It is difficult to see oncoming traffic and pedestrians. If they add an additional 5 parking spaces it will make the situation more dangerous. Ms. Szabo expressed her opinion that the street is not suitable for the increased activity, adding it will also change the quality of life on Plane Street. It had always been a quiet area. They now have an eyesore, commercial building that has already caused problems for the people on Plane Street and Kelly Place and will now be causing problems on Plane View Street. Ms. Szabo expressed concern with taking down the house and having to level the property to accommodate a parking lot because the property is on a steep slope and she questioned how it will impact the ability to use the street during the construction process. Ms. Szabo stated the owners have been quietly absorbing that residential property into their property for which they did not receive approval to do. They cut down all of the trees and shrubs that use to help hide the building and they removed a fence that was in between without permits. Ms. Szabo also said that commercial vehicles are being parked on the residential lot as well as

storing commercial material on the residential lot. Ms. Szabo stated the house on the residential lot was a habitable house and once the applicant purchased it, they are letting it become run-down property. Ms. Szabo expressed concern with the affect this will have on their property value. Ms. Szabo said she believes there are other avenues that may be explored by the owner as far as parking at other places nearby that may be more suitable. Chairman Maguire noted the Board cannot asked a property owner to allow parking on their property. Ms. Szabo also said she believes the residential house has a historical relationship to the Morris Canal and should not be taken down.

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

Mr. Gavan noted this matter will be carried to the November 18, 2019 meeting with no further notice required. Mr. Gavan asked for an extension of time on this matter. The attorney for the applicant granted the extension of time. Mr. Gavan stated the traffic study will be discussed at the next meeting.

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

BILLS:

Bowman Consulting Group Ltd.		
8/07/19	Re: Manjit Singh Bajwa	\$ 75.00
9/09/19	Re: Juntos Holdings, LLC	\$1,162.50
10/8/19	Re: Juntos Holdings, LLC	\$ 37.50
Criscuoli & Gavan LLC		
8/16/19	Re: Manjit Singh Bajwa	\$ 412.50
8/15/19	Re: Juntos Holdings, LLC	\$ 704.00
Miscellaneous		
9/27/19	Gramco Business Communications Re: Microphones (1/2 cost)	\$ 268.50

On motion by Mr. Romano, seconded by Mayor Maio, 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

NEW BUSINESS

2020 Budget – Chairman Maguire said he and the Board Secretary prepared a preliminary budget for the Board’s review. The Board reviewed the budget presented and made the following revisions: increased the line item for Borough Engineer from \$500 to \$1,000, which was last year’s budget amount and increased the line item for Professional Planner from \$500 to \$700, which was last year’s budget amount. The total 2020 budget is \$5,085.00. On motion by Mr. Pershouse,

seconded by Ms. Zelif-Murphy and carried by the following unanimous roll call vote, the Board approved the 2020 budget, as amended.

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

Mayor Maio asked if the Juntos Holdings hearing and Lusardi hearing will both be on the November meeting agenda. Chairman Maguire responded in the affirmative. Mr. Gavan suggested placing the Lusardi hearing first on the agenda since it should be a much shorter hearing than the Juntos Holdings hearing.

ADJOURNMENT:

On motion by Mr. Cipollini, seconded by Mr. Bielanowski, it was the consensus of the Board to adjourn the meeting at 8:30 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary