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STANHOPE  
BOROUGH

Stanhope Land Use Board  
December 13, 2021  
Regular Meeting  
Minutes

CALL MEETING TO ORDER:

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

PLEDGE OF ALLEGIANCE:

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Reorganization Meeting was forwarded to the New Jersey Herald and Daily Record on January 12, 2021, was placed on the municipal bulletin board and on the official website of the Borough of Stanhope.

Furthermore, notice of the change in the meeting location was sent to the New Jersey Herald and Daily Record on June 24, 2021 and was placed on the official bulletin board in the Municipal Building.

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

At this time, please turn off all cell phones.

ROLL CALL:

Nicholas Bielanowski - present  
Najib Iftikhar - present  
Glenn Kurtz- present  
Rosemarie Maio - present  
Thomas Pershouse - absent

John Rogalo – present (arrived @ 7:05pm)  
Joseph Torelli - present  
Michael Vance - present  
Paula Zeliff-Murphy - present  
John Maguire - present

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

MINUTES

**October 18, 2021 Meeting** – On motion by Mr. Vance, seconded by Ms. Zeliff-Murphy, the Minutes of the October 18, 2021 Meeting were approved on majority voice vote. Mr. Kurtz and Mr. Torelli abstained.

CORRESPONDENCE

- 10-27-21 Ellen Horak, Clerk – Mayor and Council Resolutions 185-21 Declaring Land Use Board Vacancy; 190-21 Appointment of Najib Iftikhar to fill unexpired Class IV seat; 191-21 Appointment of Glenn Kurtz as Alternate #1
- 10-29-21 Virginia Liotta – revised plans re: Juntos Holdings, LLC Preliminary Site Plan and Variance re: Blk 11205, Lots 1 and 4.01
- 11-05-21 Eric Keller – Technical Review #2 re: Juntos Holdings LLC Site Plan and Variance Appl, Blk 11205 Lots 1 & 4.01
- 11-08-21 Virginia Liotta – reschedule of Juntos Holdings LLC hearing
- 11-09-21 Sussex County Dept of Engineering & Planning–Exempt Site Plan re: 16RT206STANHOPENJ LLC, 16 & 16 Route 206 (Byram)

- 11-11-21 Eric Keller – Review of Deed of Easement re: Adam Lusardi, 49 Linden Avenue, Blk 11007, Lot 9.05  
11-15-21 Sergio Lemus – Variance Application re: Blk 10105, Lot 1.01 (39 Sparta Road)  
11-22-21 New Jersey Planning Officials – New Jersey Planner (Sept/Oct)  
12-06-21 Virginia Liotta – confirmation of Juntos Hearing scheduled for Jan. 10, 2022

On motion by Ms. Zeliff-Murphy, seconded by Mr. Vance 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.

Patricia Zdichocki, 13 Sparta Road and Mayor of Stanhope expressed the gratitude of the Mayor and Council for Chairman Maguire's 20 years of service and dedication on the Board. Mayor Zdichocki also thanked the entire Board for all they do, adding their volunteerism is greatly appreciated.

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

COMPLETENESS:

**21-03, Sergio Lemus**

Block 10105, Lot 1.01, Variance Application

Date Rec'd: 11/15/21

45 Days: 12/30/21

Chairman Maguire stated the Completeness Review Committee has reviewed the application and recommends it be deemed complete. On motion by Mr. Torelli, seconded by Mr. Iftikhar and carried by the following unanimous roll call vote, 21-03, Sergio Lemus, Variance Application re: Block 10105, Lot 1.01 was deemed complete:

AFFIRMATIVE: Mr. Bielanowski, Mr. Iftikhar, Mr. Kurtz, Ms. Maio, Mr. Rogalo, Mr. Torelli, Mr. Vance, Ms. Zeliff-Murphy, Chairman Maguire

OPPOSED: None

ABSTENSIONS: None

The Board directed the Secretary to provide the Board Engineer with a copy of the application for his review and comments. The hearing for this application is scheduled for February 14, 2022.

NEW HEARING:

**21-01, Manjit Bajwa**

Block 11702, Lot 5, Preliminary & Final Site Plan and Variance Application

Deemed Complete: 09/13/2021

120 Days: 01/11/2022

Mr. Gavan noted this application includes a "D" variance and therefore, the Mayor's representative and Council representative must step down. Ms. Maio and Mr. Vance stepped down from the dais.

Michael Selvaggi, Esq. of the firm Lavery, Selvaggi, Abromitis & Cohen P.C. appeared on behalf of his client, Manjit Bajwa. Mr. Selvaggi clarified that the name of the applicant is Stanhope Fuel LLC. Mr. Selvaggi stated the property is located at 256 Route 206, Block 11702, Lot 5. It is about a half an acre.

The applicant is seeking a use variance, bulk variances and a site plan to develop the property for mixed use, being commercial retain and residential units consisting of 10 apartments and 1,650 square feet of retain space. All the apartments will be one-bedroom units with a den. They will provide two apartments for affordable housing. They need a use variance since the Highway Commercial Zone does not permit residential use. Their Planner will address the positive and negative criteria. Mr. Selvaggi noted there are bulk variances needed relating to critical slope, impervious coverage, building height and sign set-backs. Mr. Selvaggi stated he will begin testimony with the applicant's engineer.

Tyler VanderValk, Houser Engineering, LLC, 1141 Greenwood Lake Turnpike, Ringwood, New Jersey was sworn in. Mr. VanderValk provided his educational background and licenses. He has a BA in civil engineering and is a licensed professional engineer in the State of New Jersey. His license is current and in good standing. He has testified before numerous boards throughout the State and before this Board and he has been accepted as a professional engineer. The Board accepted Mr. VanderValk as a professional engineer.

Mr. VanderValk displayed plans previously submitted dated June 29, 2021. The property is in the Highway Commercial Zone and is about a half an acre. It is on the southbound side of Route 206 and about a mile north of Route 80. A gas station was recently constructed south of the property on Lot 1 and to the north of the property is a mixed-use lot containing a single-family home and there is also a single-family home to the west of the property in Byram Township. The site was historically operated as a restaurant. Page 2 of the plans shows the proposed improvements. The existing structure lies closer to Route 206 and surrounding the building is broken pavement and gravel. There is existing curb cuts off Route 206. The driveway wraps around the building towards the north side. The applicant proposes to demolish the existing structure and construct a 3-story building. There will be 2 retail spaces on the ground level and 2 additional apartments on the ground level towards the Byram side of the property. The basement will contain 4 apartments and the second story will contain an additional 4 apartment units and each will have access through a center staircase. The two current access points from Route 2076 will be eliminated in favor of a two-way driveway. There will be 27 stalls in the parking lot to the south of the structure. They propose 2 ADA parking stalls and one will be van accessible. There will be a loading area on the Route 206 side. There is more space available to turn around in that area. The loading area will not be used too often so they propose a grass paver surface. The loading area will be 14' x 45'. They are providing for a 7-1/5' wide sidewalk along the frontage of the building and will wrap to the westerly side of the building with the stairway. There will be sidewalk access from the rear and 9-1/2' of sidewalk on the westerly side for use by the tenants. The zone requires lot area of 0.33 acres, existing is 0.517 acres and they propose 0.517 acres. The required frontage on Route 206 is 100' and the property currently has 120.93'. The maximum impervious coverage permitted is 30% and the applicant proposes coverage of 65%, being 14,796 square feet. The front yard setback required is 25' and they propose 41'. The side yard setback required is 10' and they are proposing 10'. The rear yard setback required is 20' and they are proposing 41'. The maximum building height is 35' and they are proposing 36.2'. The parking for the project requires for retail store and office space and the residential units. The retail store requires 1 space per 200 square feet which amounts to 8.2 stalls and the residential units requires 1.8 stalls per one-bedroom unit which amounts to 18 stalls. The project proposes 27 parking stalls so they meet the ordinance for required parking. The proposed sign is to the north of the loading zone. Mr. VanderValk stated they would like to amend the application and move the location of the sign because their sign would be blocked by the neighbor's sign. They would like to move it to the opposite side of the driveway, but still hold the 10' setback. The maximum sign area for the freestanding sign is 75 square feet on each side with a 20' setback and they are proposing 66.7 square feet on each side with a 10' setback. Mr. VanderValk noted as you move south on Route 206, it curves to the east which is why they



are providing for a 10' setback rather than the 20' required. With respect to the mounted sign, they are proposing 24 square feet or 3.3% of the building façade. The sign will be mounted on the east side of the building as well as the other side. There will be two building mounted signs for the 2 commercial spaces. They will be 10" x 6' and two of those would come to 10 square feet which conforms in size.

Mr. VanderValk noted Sheet 3 of the plans shows the grading of the property which is depicted in color. The site is level until you get to the rear and on the north side where it drops significantly. It is very steep. They have provided appropriate slope access to the parking lot to allow for surface run-off and to maintain a slope that is not too steep for pedestrians and vehicle access. They will stabilize the rear and north side with retaining walls, which at its maximum point would be 11 feet high. Mr. VanderValk noted this is not a major development as per stormwater management, but they are providing some stormwater control with a subsurface detention basin. It is a series of 30-inch pipes that will collect and retain stormwater and route it. Discharge will take place to the southwest corner with a scour hole at that location. The existing run-off coming off the embankment goes down the bank to Byram Township where there is a berm that was constructed which keeps run-off from the gas station and this property from going onto Bank Street. Mr. VanderValk stated they will be maintaining the same drainage pattern. The run-off will go to the pre-existing location. The property will have public sewer and water supply and will operate with public electric. Mr. VanderValk addressed the steep slopes, noting the town regulates how much can be disturbed. The steep slopes over 25% are depicted in red in the color drawing. The slopes between 15% and 25% are shown in a taupe color and the slopes between 12% and 15% are shown in green. The disturbance is 89% of the 15% to 25% and 95% of the 12% to 25% where 30% is permitted. Mr. VanderValk stated the slopes are manmade by previous development of the site. He believes the site will be better based upon the vegetation and retaining walls that will be provided.

Mr. VanderValk noted Sheet 4 shows the proposed lighting for the project. They are providing lighting that is both building mounted and pole mounted fixtures. There will be a pole mounted fixture on the southeast side of the property and one on the southwest side. The building mounted lighting will be mounted along the face of the building and around the west and northern side will have 2 additional fixtures of a lantern style look. They will all be downward facing.

Mr. VanderValk noted landscaping is proposed throughout the property. Evergreens will be planted along the rear. Mr. VanderValk directed the Board to the landscape plan on Sheet 4. Mr. VanderValk stated he believes the present site is an eyesore and the plans will provide an updated development. They are trying to have the residential use towards the back of the property which is closer to the residents in the back and to have the commercial use on the front, closer to other commercial properties.

Mr. Selvaggi asked Mr. VanderValk to address Eric Keller's October 12, 2021 report, noting on page 2 there are a series of recommendations and/or comments that have been proposed. Mr. Selvaggi stated they will accept all of Mr. Keller's comments. Mr. VanderValk stated he spoke to Mr. Keller's office and he feels they are good recommendations which they intend to follow. The plans show an infiltration basin; however, it is a detention basin. They will make the change recommended by Mr. Keller which will satisfy the concerns of Byram Township's engineer regrading increased volume of run-off. Mr. VanderValk noted Mr. Keller's recommendation that since the applicant owns both properties, they should grade off and onto the adjacent property. Mr. VanderValk said this makes sense to him and they will do as recommended by Mr. Keller. Mr. VanderValk noted Mr. Keller's #4 comments that the applicant and/or their attorney should indicate what discussions have occurred with the owner of Lot 6 to remove the existing encroachments. Mr. VanderValk stated Lot 6 has a house on it which is 4 inches off the property line and the survey shows the deck is 3-1/2 feet over the property line and some of their plans

encroach on the property line. Mr. VanderValk stated the survey shows the deck does not extend the width of the house. Mr. VanderValk provided a photograph of the property, which was marked Exhibit A-1 and it clearly shows that the deck does not extend the width of the house. The photograph shows the southerly corner and the survey shows the deck extended. Looking at the photograph, it shows there is 6' to 8' before the deck starts. Mr. VanderValk said they will provide an updated survey and he does not feel that will be an issue. Mr. VanderValk noted Mr. Keller's comments #4 through #15 and stated they are okay with them and will make all of the revisions requested by Mr. Keller. With respect to Mr. Keller's comments #17 through #21, they take no exception to making the changes and providing the requested information. Mr. VanderValk stated that with respect to comment #18, the idea was to have an ejector pump for the units. Mr. Selvaggi noted comment #22 regarding the location of the retaining wall. Mr. VanderValk stated it is the northwesterly portion of the back of the building. They are providing a 4' to 5' high retaining wall to protect the sidewalk. They will have deep footings and will be there to support the sidewalk. The face of the wall will be about 3' and 4' off the property line. Mr. VanderValk stated they do not take exception to comments #23 and #24. With respect to comment #25, Mr. VanderValk said it was not the intent of the plans to regrade the area. The wall will have deep footings, but if Mr. Keller wants they will agree with his recommendation. Mr. VanderValk noted they will increase the height of the wall. Mr. VanderValk stated they are okay with comments #26 and #27. Mr. Selvaggi noted Mr. Keller's concern in comment #28 and he asked Mr. VanderValk if it is acceptable and appropriate. Mr. VanderValk responded that he spoke to Mr. Keller's office and came to a solution which involves installing an extra manhole to combine some of the pipes. Mr. Selvaggi noted Mr. Keller's comment on whether a right of discharge from Lot 5 onto the gas station parcel is appropriate and stated they have no problem granting the right. Mr. Selvaggi stated they have no exceptions to comments #29 through #32. Mr. Selvaggi noted comment #33 about additional buffer plantings in the rear buffer area with double staggered row of evergreens and comment #34 on replacing the Shamrock Inkberry with a more upright species and asked if Mr. VanderValk had any objection to the comments. Mr. VanderValk responded he has no objection to the comments and will make the changes. Mr. Selvaggi noted comment #35 stating consideration should be given to provide a fence at the north side of the building at the lower level as the proposed windows will be near grade. Mr. VanderValk stated he is providing for a retaining wall at the back corner of the building closest to Route 206 so those units can have windows. He does not have a concern with highway headlights shining in the windows. They are providing landscape along the property line which he feels is a better alternative than a fence. Mr. VanderValk stated he has no objection to comment #36. Comments 37 through 40 talks about the lighting. They have no exception to the recommendations except they wanted to keep the light level at the reduced level in order to limit the light illumination and they were using lanterns in trying to go for a decorative fixture, but they will go to downward lighting. Mr. VanderValk said he believes they are providing sufficient lighting and he also believes the neighbors would like to keep the lighting down rather than increase it. With respect to comments #41 through #42, they have no issue with providing that information. Mr. Selvaggi asked Mr. VanderValk if there is anything in Mr. Keller's report that he disagrees with. Mr. VanderValk responded in the negative, adding he spoke to Mr. Keller's office about the comments and recommendations. Mr. VanderValk stated he will work with the Board Engineer.

Mr. Selvaggi noted the report received from Mr. Stoner in which he offers a number of comments with respect to the stormwater and he asked Mr. VanderValk if he takes issue with any of Mr. Stoners observations. Mr. VanderValk stated Mr. Stoner is concerned with the amount of run-off increasing. Mr. VanderValk noted they are not a major development and therefore, are not subject to the stormwater requirements; however, they have attempted to reduce the rate of run-off. It is there intent to design a system that will address the run-off. He spoke to Mr. Keller's office and they came to a solution that should work for all. Mr. Selvaggi asked if any development of this property would trigger some of the

same concerns. Mr. VanderValk responded in the affirmative. Mr. VanderValk stated any development would have run-off and they are maintaining the existing pattern. Mr. Selvaggi noted Mr. Stoner's concern about the loss of the natural vegetative buffer to the rear and trying to maintain some of it. Mr. VanderValk stated presently there are not a lot of evergreen and young growth. There will be new taller evergreens and it will be a better alternative. It will be a double row of 8-feet evergreens to the rear of the property. Chairman Maguire asked what the elevation is. Mr. VanderValk responded the elevation is about 20 feet. Mr. VanderValk also stated they will be providing landscaping below and above the wall. Ms. Zeliff-Murphy noted the walk starts at 11 feet and she asked what changes as it goes on. Mr. VanderValk responded that in the southwesterly corner it is about 11 feet which is its highest point and towards the opposite corner it is closer to 7 feet and the side of the stairs will be exposed until you step down to the staircase with a railing. It will be all landscaping between it. Mr. Selvaggi noted Mr. Stoner's issue about lighting. Mr. VanderValk said the intent for the walkway that wraps around the building is, if you have a residential property, you have a light at the front door. They will amend the lighting based on Mr. Keller's comment. Mr. VanderValk stated, with respect to the design and construction of the stormwater system, there will not be any impact of run-off onto Bank Street. The run-off does not go to Bank Street. There is an existing berm that will remain and will deviate the water to the gas station.

Chairman Maguire asked how many parking spaces are required and how many are being provided. Mr. VanderValk responded the required number is 26.7 and they are proposing 27. Chairman Maguire asked if the sign will affect the gas station. Mr. VanderValk responded the bottom of the gas station sign is above their sign. The property is downhill of the gas station so there will be no issue seeing the sign. Chairman Maguire asked about the berm in the back. Mr. VanderValk stated there is a point on the gas station lot which is a depression and the berm traps the water. The water is going there no and it will continue to go there. It is not going into the street catch basin. It is getting caught at the bottom of the hill.

Chairman Maguire asked for the Board Engineer's comments.

Mr. Keller said that part of HIC testing is they may want to consider making the underground system an infiltration system. Mr. VanderValk responded they would analyze it as an infiltration and would not do anything to inhibit the water infiltration. Mr. Keller informed Mr. VanderValk that they cannot have it both ways. The pipes proposed requires pretreatment. If they are going to have an infiltration system, they must pretreat. Mr. VanderValk stated this is not a major development and not held to the same standards; however, he will work with Mr. Keller's office on this issue. Mr. Keller noted the applicant needs outside agency approval; i.e. Soil Conservation District; NJDOT for access and water connection and he asked if they have applied for any of those yet. Mr. VanderValk responded he has not done so yet.

Mr. Keller stated he has the gas stations plans and the clearance to the bottom of that sign is 5 feet. Mr. Keller said he would like Mr. VanderValk to look at it more carefully when they resubmit to make sure they are not blocking that sign. Mr. Keller noted Mr. VanderValk spoke about retaining walls in the back. Mr. Keller stated he does not want any more of the slopes disturbed than needed. The retaining wall and proposed landscaping provides for stabilization of those slopes and he asked Mr. VanderValk what else is being proposed to protect the Byram neighbors to the back. Mr. VanderValk responded they are willing to provide super-silt fence as recommended by Mr. Keller. Mr. Keller noted the landscaping plan and one of his comments was the Inkberry at the stairs should be replaced with something more upright which the applicant has agreed to go with taller shrubs. Mr. Keller asked if there is additional room to go along the stairs. Mr. VanderValk responded that he will try to fill in as much as they can. The intent was to



provide a little lawn area to the north for the residents. Mr. Keller noted Mr. Stoner's comment that there is a lot of growth that has occurred, which he suggests Mr. VanderValk look at. Mr. Keller stated he does want them to cut down trees just to cut down trees. If there is something of worth existing, i.e. evergreen, they should make a note to keep them. Mr. VanderValk was agreeable to putting a note on the plans. Mr. Keller noted the lighting, adding the dimmest is in the middle of the parking lot up against the gas station and he asked if the light just to the left of the dumpster could be moved further east towards Route 206. This would help illuminate the area that is dark and it will move the lighting away from the Byram residents. Mr. VanderValk was agreeable to the change. Mr. Keller asked the mounted height of the pole fixture. Mr. VanderValk responded it is 20 feet. Mr. Keller asked if they could lower them to 15 to 16 feet. Mr. VanderValk said he will check as long as they keep their sufficient lighting. Mr. Keller noted there are two A type fixtures in each corner of the parking lot and he asked if they could find something more residential in character and lower in height. Mr. VanderValk said he will look into it.

Mr. Keller noted the comment about the deck and said this is why they need surveys to be submitted with the application. The photo shows it is not the full width of the house. Mr. Rogalo asked if the side of the house that faces the lot is right on the property line. Mr. VanderValk responded the corner is 4 feet off the line. Mr. Rogalo asked if it is an oil tank on the side of the house. Mr. VanderValk responded the black shown on the photo is the paper on the siding on the ground.

Mr. Keller commented that New Jersey Natural Gas is talking about extending gas mains through and into Byram and would like to bring them up Route 183 and out to Route 206. The plans do not go past this site, but depending on Byram, it may go to the site. Mr. VanderValk stated right now they are proposing total electric.

Chairman Maguire opened the meeting to the public for questions on this presentation so far.

Maryann Lyndsey, 70 Ash Street, Byram, was sworn in. Ms. Lyndsey said she thought it was one-bedroom apartments and now it is one-bedroom and a den, adding everyone knows it will be 2 bedrooms. It is a lot of people in a small area. Ms. Lyndsey noted there is still debris behind the gas station and a large ladder. Ms. Lyndsey commented there will be 10 apartments and all will be 2-bedroom apartments. Chairman Maguire directed Ms. Lyndsey to bring her concerns about the debris and ladder to Borough Hall.

Lynn Apolinaro, 66 Ash Street, Byram, was sworn in. Ms. Apolinaro said they have a problem with the gas station's debris and since it is the same owners, she is concerned about having construction debris all over the neighborhood. With respect to the gas station, there were construction vehicles blocking their access and the owner of the gas station would plow snow into the neighbor's property. She called the Borough's zoning officer and received no response. She is concerned about another application being approved when they are still having issues with the last one. Ms. Apolinaro said she is also concerned with run-off. Chairman Maguire stated, as he did during the last application, that just because you are Byram residents, you will get the same concern and consideration as a borough resident. Chairman Maguire recommended Ms. Apolinaro attend a Council meeting about not getting a response from the Borough's zoning officer.

Elaine Ballard, 13 Banker Drive, Byram, was sworn in. Ms. Ballard stated her property is at the back of this property just behind where the down slope is and every time they do construction, i.e. at the gas station, everything seems to be coming closer to her fence. There is a lot of rock and dirt and it keeps getting higher. Ms. Ballard said she has a concern with the refuse containers. They will be at the back of

the property and she asked if they could be moved to the gas station side of the property. Ms. Ballard asked how the refuse containers will be contained because the previous place had rats. Ms. Ballard said she has a 6-foot fence that needs to be replaced. Mr. Ballard noted the property is an eyesore and she believes people will be dumping garbage. Chairman Maguire stated they are trying to minimize any exposure to the residents in the back. Ms. Ballard also said there are trees on Stanhope Borough property that need to be trimmed.

Mark Papendizk, Jr., 18 Avon Street, Byram was sworn in. Mr. Papendizk asked where the water drains from the stairs going down. Mr. VanderValk responded that any water that lays on that part of the sidewalk will go back to the parking lot to be collected. Water at the stairs will go down the slope as it goes today. Mr. VanderValk stated there is a certain amount of water currently running in that direction and they will now be collecting some of it. Mr. Papendizk asked if Byram Township is okay with all the water being pushed into Byram. Mr. VanderValk responded it will not go into Byram; it is going into the gas station which is the lowest point.

Thomas Knutelsky, 17 Plains Road, Augusta was sworn in. Mr. Knutelsky stated he is present as Byram's Engineer's representative. Mr. Stoner, who previously spoke before this Board, could not be present tonight. Mr. Knutelsky said he is happy to hear there is a recharge dealing with stormwater and that there will be a lighting change. Mr. Knutelsky asked if there will be a new lighting plan submitted to include Mr. Keller's comments. Mr. VanderValk responded in the affirmative. Mr. Knutelsky noted mention the building is placed 20 feet rear yard setback and 25 feet front yard setback and he asked if they had any thoughts of moving it further towards the front yard setback. Mr. VanderValk responded they originally had it much closer to the highway but in discussions it was thought best to not have such a presence so close to the road. Mr. Knutelsky also stated he is glad there will be evergreens and that they will be leaving the existing worthwhile trees. Mr. Knutelsky commented that shifting the development to the east may help.

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

Mr. Selvaggi called William Byrne, the applicant's architect to come forward. William Byrne was sworn in. Mr. Byrne provided the Board with his educational background and experience as a professional architect. Mr. Byrne testified he has been licensed in the field of architect since 1994 and his license is currently in good standing in New Jersey as well as other states. He has been accepted as an expert by a variety of boards. The Board accepted Mr. Byrne as a professional architect.

Mr. Byrne displayed drawings previously submitted that contains 5 sheets, with revisions dated October 18, 2021 and was marked Exhibit A-2. The top left of Sheet 1 shows the front elevation and is the narrow side of the building. It includes larger windows on the first floor and signage and also windows upstairs for the apartments. The attempt was to bring it to a "village" feeling. They want it to have a street scape/shop-scape for the commercial properties. The primary elevation is the left side (south side) which faces the parking lot. To the right is the retain shops on the first floor and there are two separate entrance ways. There is a decorative gable roof and decorative brackets. They want to create a comfortable façade. The entrance leads to a lobby area that takes you to the apartments. The two apartments on the first floor will be accessed from the sidewalk and will provide for 2 COAH apartment. They will be ADA adaptable. The rear elevation faces the Byram residents in the back. There is an entrance door that provides access to the two rear apartments. They chose to design a building with a pitch-hip type roof because it softens to the degree some of the height. It is a roof that pitches and minimizes the height. Sheet 2 shows the



north elevation and viewed from the residential property next to the gas station. Mr. Byrne said he adjusted the grade as per Mr. Keller's comments. The windows are all at grade. There is a similar decorative roof. This view is more prime from Route 206. The door shown on the lower level is giving access to the lower level apartments and a stairway to take you to the first and second floors. Sheet 3 shows the basement (lower level) 4 apartments; one in each corner of the building and a center stair access to the main level parking. Apartment 1 is 706 square feet and has a living room, kitchen, a bathroom, a den and single bedroom. Apartment 2 is 911 square feet and has one bedroom, a living room, kitchen, a bathroom and laundry room. Mr. Byrnes said it is important to provide a laundry facility in each apartment. Apartment 3 is 688 square feet and has a living room, kitchen, bathroom, one bedroom and laundry room. Apartment 4 is 958 square feet and has a living room, kitchen, bathroom, one bedroom and laundry room. Sheet 4 shows the main level plan with the retain space being 1,650 square feet in total with each being 825 square feet. There is the ability to create two tenant spaces or one. The center door is recessed about 6 feet. It is a covered entranceway leading into the lobby area. Both these apartments will be affordable units. They each include a washer/dryer facility and office space. Mr. Byrne noted a comment by a member of the public about the office (den) space and he said the room is approximately 9 feet by 10 feet. Mr. Byrne explained they thought of an office (den) because of the current trend with people working from home and the ability to provide work space for those people. Within each of the office space is a washer/dryer. Sheet 5 shows the second floor including the remaining four apartments. They are similar to each and has a center hallway. Each apartment is approximately 855 square feet and include a study area which is about 9 feet by 10 feet with a washer/dryer, one bedroom, living room, kitchen and bathroom. Mr. Byrne stated the plans have been amended as per Mr. Keller's comments and he has provided colorized plans. They propose Anderson 400 series windows. The roofing material is depicted and is a charcoal blend, textures roof. The exterior siding is fiber-cement clapboard by James Hardie Inc. and is in Monterey taupe and it is maintenance free. The exterior trim is also a maintenance free product. The door would be stained wood. There will be at metal roof at the front entrance in a bronze color. Mr. Byrne said in response to Mr. Keller's comment #45, the material will be a cement (stucco) finish in a natural color which will visually cut the height. With respect to comment #46, Mr. Byrne stated it will be a full window. Mr. Selvaggi asked, if based on the Borough's ordinance, the height conforms. Mr. Byrne responded the height of the building to the average grade is 36.2 feet. The variance requested is a small amount and it would compromise some of the aesthetics if they reduced it. Mr. Byrne stated he feels the roof pitch adds to the style of the building. Mr. Byrne said that based on the size of the units they propose electric heat pumps and air conditioning.

Chairman Maguire asked for the Board Engineer's comments.

Mr. Keller questioned if this is a 2 or 3 story building and why. Mr. Byrne responded that based on the zoning ordinance, it would fall under the category of a 2-story building with a basement. From construction standpoint, it would likely be a 2-story building. Mr. Keller asked the pitch of the room looking at the south elevation. Mr. Byrne responded that every pitch is the same. It is pitched 8 on 12 pitch. Mr. Keller asked if they would consider going to a 6 on 12 pitch. Mr. Byrne responded it would bring them in compliance with the Code. The 8 on 12 pitch represents a reasonable ground of not losing the roof aesthetics. Mr. Keller noted Mr. Stoner's letter and comments of the residents of Byram and stated the west facade faces them and he asked Mr. Byrne what can be done to reduce the mass of scale of the west elevation. Mr. Byrne responded the roof disappears from their site. The breaking of the height and changes made in an attempt to minimize, but maybe they could break it again which would bring the roof detail over the door like done on the other side. Mr. Keller stated he thinks that can be done and it would break up the 3-story façade. Mr. Keller noted the affordable units are the ones on the main level and he asked that they label that on the plans when resubmitted. Mr. Keller asked, with respect to the

office and not closet and the washer/dryer room and after hearing comments from the public about using it as a bedroom, if they could remove the doors and leave an archway. Mr. Byrne responded that most people working from home have Zoom meetings and the benefit of having a door would block out the sound. Mr. Keller noted there is the same concern with the study on the upper floor and he asked the size of the main part of the study. Mr. Byrne responded it is about 9.6 feet by 10.6 feet. Mr. Keller directed Mr. Byrne to the lower level plan and his testimony that the windows on the easterly side were full windows. Mr. Byrne stated the minimum sill height would be 44 inches and would be standard size casement units. Mr. Keller noted the L shaped window in the bedroom and asked if it meets the Code. Mr. Byrne responded it meets the Code from an egress standpoint. Mr. Byrne noted it is a large window. Mr. Byrne will install a window well, which will be centered. The referenced window is in Apartment 4. Mr. Keller asked if Mr. Byrne and VanderValk would look at the grading for Apartment 3 to see if the window in the kitchen area can have a higher sill height. Mr. Keller noted the north elevation, adding the three windows on the left side do not look like they are 44" above. Mr. Byrne stated he believes they are accurate. The rest of the windows are lower. Mr. Keller suggested having the same windows. Mr. Keller noted the color scheme and he recommended that it be a condition of any approval unless the Board feels it is not the look they like. The material and colors being proposed should be a condition of any approval and that is what is to be used when the building is built. Chairman Maguire agreed with Mr. Keller's recommendation. Mr. Selvaggi stated they would agree to that as a condition.

Mr. Rogalo noted the possibility of wet damp mildew below grade and asked if there is any design feature required. Mr. Byrne responded in the affirmative, noting it will need to be waterproof. The foundation would be a poured concrete.

Chairman Maguire opened the meeting to the public for questions on this presentation. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

Mr. Selvaggi called the applicant's Planner to come forward.

Michael J. Pessolano, was sworn in. Mr. Pessolano provided his background as a professional planner. He has been a professional planner since 1984 and practices professional planning in New Jersey and Massachusetts. He has served as Board Planner for numerous New Jersey towns and has appeared before Boards as an expert planning witness and offered testimony and he has always been qualified a professional planner. He has not appeared before this Board before. The Board accepted Mr. Pessolano as a professional planner. Mr. Pessolano stated he visited the site and prepared a photo which shows the condition of the subject site and surrounding area, which was marked Exhibit A-3. Page 1 shows two images of the subject property. It does not show the recently constructed gas station. Image 2 shows a closer view of the property as well as the adjacent properties which is mixed residential and automotive repair. Page 2 shows photos of the subject property. Image 3 is a view of the subject vacant land, looking west from 206; Image 4 shows the view looking north to subject property (at left) and beyond, along Route 206; Image 5 shows existing dwelling looking northeast and Image 6 shows existing dwelling looking east from the subject site. Mr. Pessolano noted the images show the signage is right on the road edge which is out of necessity for the sign but not a good idea in this particular corridor. Page 3 contains Images 7 through 10. Image 7 shows the existing restaurant looking southeast from the subject site; Image 8 shows the existing gas station with convenience store looking south; Image 9 shows existing dwelling looking west from rear area of the subject site and Image 10 shows the existing mixed residential and automotive repair shop. Mr. Pessolano stated the photos in this exhibit provides the basis for planning conclusion. They are seeking a D-1 variance for a use not permitted in the district and there are four items of bulk relief requested. The first is for critical slopes, the second for impervious coverage, the third

for minimum building height which is 1.2' above and the fourth is for the sign setback which they propose a 10-foot setback and the minimum required is 20 feet. Mr. Pessolano noted the the proposed use is not an inherently beneficial use; it is not a case of hardship, but the third purposes is the special reasons element. Mr. Pessolano expressed his opinion that the variances can be granted without substantial detriment to the public good and with substantial impairment of the intent and purpose of the zone plan. Mr. Pessolano stated the analysis was the condition of the site. It has been fallow for quite a while. It is not good for the community. The applicant will be improving an idle site which is a plus. It is a gateway coming into the Borough of Stanhope heading south on Route 206. The applicant will be converting this land to something better performing and better looking. The specific aspects of the site for special reason consideration is it speaks to the general welfare because the site is suitable for the proposed use and with the use variance, the Borough would gain two affordable units which should be considered on the positive side. The site will also provide adequate lighting and open space. Mr. Pessolano noted there are two existing curb cuts and they are proposing converting it to a one lane in and one lane out which will provide for better traffic flow. Mr. Pessolano also noted that the site is close to Route 80 and he believes commuters will use those roads to commute to work. Mr. Pessolano stated with regard to the positive criteria, the proposal advances several purposed of the Municipal Land Use Law and special reasons including purpose (i) as it promotes a desirable visual environment with refreshed greenery, nice curb appeal and aesthetically pleasing building; purpose (m) as it promotes use of land and with a mixed use the community grows together with diversity and provides new neighbors. Mr. Pessolano added that the site is suitable for the proposed uses. The site is in close proximity to commuting corridors. The property is ample in size for the building and has sufficient parking. This is a particular suitable piece of property for the mixed use. Mr. Pessolano noted a private bus line passes this site. Mr. Pessolano said that upgrading the property from how it is now will make it a good neighbor to the residential neighborhood. He believes this is a better use than the restaurant that had existed. It will be a quieter site. The residential people basically stay inside. Mr. Pessolano expressed his opinion that this is a good use for the location and there will be no detriment to the neighborhood. The new building will have improved signage. With respect to the slopes, Mr. Pessolano noted there are seep slopes across the street. The landscaping proposed will also improve the site. There will not be unintended erosion that occurs now with the site being left as is. The proposed use is a relatively quiet use. The building itself acts as a sound barrier between Route 206 and the Byram neighborhood. With respect to impairment of the zone plan, Mr. Pessolano stated he reviewed the Borough's 1963 Master Plan and the reasons for designating this land and to the north and south is because it is relatively flat which makes it an appropriate place for a commercial use. Mr. Pessolano stated they have a better alternative to some of the commercial uses that are permitted at the site. The site is not in the Highlands Preservation Area. The project will support the viability of the neighboring properties. Mr. Pessolano stated the purposes of Section 100 of the Ordinance he sees no conflict with the local planning with this project and the positive of granting the use relief substantially outweighs any detriment. In addition to the use variance there are 4 bulk variances requested. Mr. Pessolano said that as to the negative criteria, he does not believe there is a substantial detriment. With respect to the bulk variances, the balance of the coverage to accommodate the use dramatically improves the current conditions; as far as the building height, it slightly more than regulation; and the sign is not intrusive. It is in a necessary location for the benefit of safety. The sign placement is consistent with what is there. Mr. Pessolano stated the benefits of the application as a whole substantially outweigh the detriments. The project provides reinvestment in the site and may entice other property owners to upgrade their site.

Chairman Maguire asked for the Board Engineer's comments. Mr. Keller stated he has no comments.

Chairman Maguire opened the meeting to the public for questions on this presentation. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

Chairman Maguire noted Mr. Keller requested a revised set of drawings. Mr. Keller stated that after hearing the testimony he is a little more comfortable and he suggested to the Board that should the Board decide to approve the project with various conditions, that they consider the vote at the January meeting as he would be more comfortable having reviewed the revised plans and providing another report to the Board before the vote. Chairman Maguire noted there are quite a few open items and he would like to see a revised set of plans prior to a vote. The Board agreed. After a brief discussion, the Board decided to vote on the D (use) Variance portion of the application.

On motion by Mr. Rogalo, seconded by Mr. Iftikhar and carried by the following unanimous roll call vote, the Board approved the mixed use of residential and commercial for property at Block 11702, Lot 5:

AFFIRMATIVE: Mr. Bielanowski, Mr. Iftikhar, Mr. Kurtz, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None

Mr. Gavan announced the remaining portion of the hearing will be carried to the January 10, 2022 meeting with no further notice required.

Ms. Maio and Mr. Vance returned to the dais.

**BILLS:**

	<b>Bowman Consulting Group, Ltd.</b>	
11/04/21	Re: Juntos Holdings, LLC	\$367.50
12/06/21	Re: Bajwa Site Plan, C Variance	\$ 75.00
12/06/21	Re: Lusardi Variance	\$187.50
12/06/21	Re: Juntos Holdings, LLC	\$900.00
	<b>Miscellaneous</b>	
11/17/21	Local Media Group (NJ Herald) - legal notice re: Kirk Variance Extension	\$ 13.50

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

AFFIRMATIVE: Mr. Bielanowski, Mr. Iftikhar, Mr. Kurtz, Ms. Maio, Mr. Rogalo, Mr. Torelli, Mr. Vance, Ms. Zeliff-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None

**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.



ADJOURNMENT:

On motion by Mr. Rogalo, seconded by Ms. Zelif-Murphy, it was the consensus of the Board to adjourn the meeting at 10:15 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ellen Horak".

Ellen Horak, Board Secretary