

Stanhope Land Use Board
June 14, 2021
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:

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.

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
James Benson - present
Najib Iftikhar - present
Rosemarie Maio – present
Thomas Pershouse – present

John Rogalo - present
Joseph Torelli - present
Paula Zelif-Murphy - present
John Maguire - present

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

MINUTES

April 12, 2021 Meeting – On motion by Ms. Maio, seconded by Ms. Zelif-Murphy, the Minutes of the April 12, 2021 Meeting were approved on majority voice vote. Mr. Benson, Mr. Iftikhar, Mr. Torelli and Chairman Maguire abstained.

CORRESPONDENCE

- 04-23-21 Virginia Liotta, Esq. – Extension of Time for Board to act on application re: Juntos Holdings LLC, Block 11205, Lot 1 and 4.01
- 05-13-21 Raymond Cipollini – Email re: resignation from Borough Council, causing vacancy in his seat on the Board
- 05-17-21 New Jersey Planning Officials – New Jersey Planner (March/April Edition)
- 05-26-21 Ellen Horak, Clerk – Resolution Appointing Najib Iftikhar as Alternate #1 to the Board

On motion by Mr. Rogalo, seconded by Ms. Zelif-Murphy 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:

20-03, Juntos Holdings, LLC (*Extension Granted by Applicant*)

Block 11205, Lots 1 & 4.01, Site Plan and Use Variance Application

Deemed Complete: 11/09/2020

120 Days: 04/09/2021

As the Mayor's representative, Ms. Maio stepped down from the dais. As a property owner within 200 feet of the applicant's property, Ms. Zeliff-Murphy stepped down from the dais.

Virginia Liotta, attorney for the applicant came forward. Ms. Liotta gave a summary and history before presenting their present application. Mr. Gavan asked Ms. Liotta to list the relief they are seeking through the course of the application. Ms. Liotta stated the application pertains to the site at 1-3 Kelly Place and 8 Plane Street, Block 11205, Lots 1 and 4.01. The site is zoned HVR; Historic Village Residential. The uses on-site are lawfully pre-existing non-conforming uses. Some of those uses which have been granted prior approvals, the warehouse uses specifically, generate truck traffic. The truck traffic has historically caused neighboring residential property owners' frustration at times. Ms. Liotta noted the 2006 Resolution which was memorialized on August 14, 2006. Ms. Liotta gave a brief summary of prior applications. An application was first submitted to the Board by Juntos Holdings in October 2018, which included documentation addressing truck routes to the facility. A Conceptual Site Plan, dated May 24, 2019 was submitted to the Board in July 2019, illustrating how a parking lot could be added along Plane Street. The Borough Engineer; Eric Keller issued a review memo dated August 7, 2019. The Borough Planner; William Hamilton of Bowman Consulting issued a review memo dated August 10, 2019. The conceptual plan was briefly discussed at the August 12, 2019 Board meeting and again at the October 21, 2019 meeting, where it was determined that a Major Site Plan should be prepared and submitted to the Board. A complete Major Site Plan, dated August 17, 2020 was submitted to the Board on August 24, 2020, to illustrate changes made on-site and those contemplated to improve the site, bringing the site into further compliance with the Borough's ordinances. The Borough Engineer; Eric Keller issued a review memo dated December 11, 2020. The meeting scheduled for December 14, 2021 could not hear the application, as it was postponed due to questions raised regarding the notice. Subsequently, the Borough Planner; William Hamilton issued a review memo dated March 8, 2021. The Board's meeting scheduled for March 8, 2021 was canceled due to a Board professional needing to quarantine. The applicant revised the plans on April 2, 2021 addressing comments contained in the December 11, 2020 and March 8, 2021 memos. There were a number of meeting cancellations due to lack of a quorum. The Borough Engineer; Eric Keller issued a review memo dated May 6, 2021. The LUB meeting scheduled for May 10, 2021 was canceled due to the lack of a quorum. Which brings us to tonight's application.

Mr. Gavan stated Ms. Liotta's client was before the Board at least two other times with other representation and it went nowhere. The approvals they are currently operating under are null and void because the conditions of approval were not complied with. The 2006 Resolution is null and void. Mr. Gavan noted that they are basically starting over. Mr. Gavan explained that the prior applicant did not comply with all the conditions of approval. The prior applicant gave away land which pertained to certain conditions, which conditions can now never be met.

Ms. Liotta stated they have a major site plan to present. They will present an application requesting to make improvements to the site in a means to bring the site further into compliance with the Borough's ordinances. The subject property contains a building of approximately 28,000 square feet on Lot 4.01 and previously contained a single-family residential structure on Lot 1. The subject property has road frontage along Kelly Place, Plane View Street and Plane Street, but vehicular access to the site is restricted to the frontages along Plane View Street and Plane Street. Parking on-site is very limited, and historically the on-site parking has been in areas not necessarily designed for parking. Areas that were not created in accordance with any municipal standards. They were in-fact just areas where staff at the facility could find space to pull their vehicles off the road. This application proposes, in a more formal way, to create off-street parking for employees, by proposing to add fifteen (15) paved parking spaces with access off of Plane Street. These fifteen (15) spaces include two (2) ADA (handicapped) spaces. The existing grade along Plane Street and the existing grade from Plane Street into the property are fairly steep, making it difficult to meet all of the Borough's standards, while trying to maximize the number of parking spaces. The applicant purchased Lot 1 and demoed the previously existing dwelling in order to have the ability to add off-street parking for the existing facility. The applicant has agreed to merge Lot 1 into Lot 4.01 as part of this application. Ms. Liotta stated they have submitted, as part of the application, parking waivers and variances sought.

Mr. Gavan noted a one-page sheet distributed entitled "Overall Site Plan" to be dated June 14, 2021 and marked Exhibit A-1. Exhibit A-1 is a "catch all" of the outline of what is proposed as well as the variances being requested. The only thing missing is the merger of the lots. Based on this exhibit, the applicant needs variances for impervious coverage, side yard setback, front yard setback as well as a use variance to permit parking on Lot 1 for the warehouse and office. A bulk variance is required with regard to the impervious coverage as stated above and the other variances are pre-existing. Ms. Liotta responded what Mr. Gavan stated is correct.

Mr. Pershouse questioned if the site plan is correct, stating it notes two single family houses. The applicant purchased one and a demo permit has been issued to remove the structure. Mr. Gavan stated that property is not part of this application.

Ms. Liotta noted the other issue to be addressed is the issue of the use and she asked the applicant's engineer, Mark Shourds to come forward. Mr. Shourds was sworn in. Mr. Shourds provided his background and qualifications as a licensed professional engineer. Mr. Shourds stated he is a licensed New Jersey Professional Engineer and Professional Planner. He received his education at Drexel University, where he earned a Bachelor of Science degree in Civil Engineering and have taken extensive continuing education courses throughout my career. He has over 40 years of experience in both Civil Engineering and Land Planning. He has appeared before numerous Planning Boards, Zoning Boards of Adjustment, Land Development Boards and Municipal Councils as an expert in the fields of civil engineering and land planning. Mr. Gavan recommended the Board accept Mr. Shourds as an expert. The Board accepted Mr. Shourds as an expert. Mr. Shourds directed the Board and the public to a color rendering he submitted and marked Exhibit A-1. The frontage on Kelly Place is property known as 1-3 Kelly Place, Block 11205, Lots 1 and 4.01. The subject property contains a building of approximately 28,000 square foot on Lot 4.01 and previously contained a single-family residential structure on Lot 1. The subject property has road frontage along Kelly Place, Plane View Street and Plane Street. Vehicular access to the site is restricted to the frontage along Plane View Street and Plane Street. The site is zoned HVR; Historic Village Residential. Surrounding Zoning: the adjoining zoning directly across Kelly Place from the property is zoned VB; Village Business, and the area southwest of Waterloo Road is zoned I: Industrial. The facility on Lot 4.01 is a lawfully existing

warehouse operation, which has a history of granted approvals. The existing building on the site has been granted many building approvals recently for interior and exterior work. The purchase of Lot 1, by the applicant is contiguous with Lot 4.01 with frontage on Plane Street. The applicant plans improve access and parking to the existing facility. Mr. Shourds stated that along the Plane Street frontage; 4 paved parking spaces exist as well as access/egress to the north side garage entry, which contains existing areas for parking that are not paved and striped. The proposal by the applicant is to increase and improve the parking; adding 15 new 9'X18' parking spaces on 25' wide drive isles which will accommodate two-way traffic. This layout gives the best layout and provides access to the back of the property where there is a garage door. Mr. Shourds noted the Board's Engineer; in his comment 14, discusses one of the difficulties to meet all of the Borough's requirements. In this case the slope(s) of the parking area meet the existing grade in the street as well as the access drive to the facility. These slopes exceed the maximum slope in the code for which the applicant will seek a design waiver, justified by the acknowledgment that these spaces are intended to be used by employees of the facility, who will utilize the spaces on a regular basis. Mr. Shourds said, as stated in the summary, there was a conceptual plan submitted in 2019 and, at that time, they planned to be able to discuss it before getting into the engineering. They have now prepared a site plan. Not everything is done with regard to the engineering. The GEO work has not been performed yet. They wanted to hear from the Board and the public prior to preparing another revision to the plan. Mr. Shourds addressed his color rendering which was marked Exhibit A-1, noting the grey area is the proposed parking lot. To the east is a connected drive (colored yellow) that goes up to the back of the property. It slopes to the street and they will be maintaining the slope. Mr. Shourds stated the Board Engineer asked them to modify the drainage in a prior review letter. Mr. Shourds distributed a sheet entitled "Draft Drainage Revisions" marked Exhibit A-2 in which they depict putting inlets and drywells. The system would work with the trenches and drywells would collect the stormwater. The Board Engineer's report commented on a concern with run-off onto Plane Street. They are addressing the Board Engineer's concern.

Mr. Gavan recommended the Board hear testimony as to whether or not the D variance for the parking lot will be permitted. Once that is determined, the applicant can move forward with the other portion of their application. If the Board decides not to grant the D variance, the rest of the application is moot.

Mr. Shourds stated Lot 1 was and is a residential lot. It adjoins the warehouse space which is also in the same zone, but is grandfathered because it lawfully pre-existed. They are requesting an expansion of the use variance onto Lot 1. They propose to merge Lot 4.01 and Lot 1 and work for the granting of a use variance for that particular property, which would be a D-1 variance. Mr. Shourds noted for the Board to grant the D-1 variance, they must satisfy both the positive and negative criteria. Addressing the positive criteria, the purposes of zoning are advanced and the benefits derived by the deviation would substantially outweigh any detriment and the granting of the variance will benefit the community as it represents a better zoning alternative for the Property. The expansion of the previously granted use variance onto Lot 1, is requested to increase on-site parking for the legally existing use, therefore bringing the use further into conformity to the Borough ordinances. Mr. Shourds noted they have an existing residential property that was surrounded by the warehouse and the warehouse had next to nothing for off-street parking. The application is trying to bring that property further into compliance with the off-street parking requirements. Mr. Shourds stated, in regard to the "positive criteria," the application pertains to a specific piece of property, Lot 1, and advances several purposes of the Municipal Land Use Law as set forth at N.J.S.A. 40:55D-2, and special reasons, including: (e) to promote appropriate population densities and concentrations which contribute to the well-being of the community; (g) to provide sufficient space in appropriate locations for a variety of uses, to meet the

needs of all NJ citizens; (i) to promote a desirable visual environment thru good civic design and arrangement; and (m) to encourage coordination of activities shaping land development, with a view of lessening the cost of such development and to the more efficient use of land. Mr. Shourds noted this residential property, when it existed, was right up against the pavement. The application proposes to utilize the area surrounded by an existing use. Mr. Shourds stated he can create the geometry to make parking spaces work on the site. There is a door in close proximity that can accommodate an ADA ramp into the building. They are trying to promote a good visual environment. The applicant is cleaning up the property, putting in landscaping and Borough street lighting. It will also provide what is lacking in the area, being off-street parking. Mr. Shourds stated focusing on the negative criteria, they find that there will be no substantial detriment to the public good and that the requested relief will not substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance. When identifying potential Negative impacts, they typically look first to the character of the neighborhood. This building has occupied this location for a long time and no changes are proposed that will adversely impact the character of the neighborhood. The addition of Lot 1 and the proposal to increase off-street parking are improvements to the neighborhood. Mr. Shourds said based on the positive and negative criteria, it is his position that the benefits to the public are promoted by granting the improvements sought. He added, that furthermore, the proposed change to the conditions set forth in the prior variance can be granted without substantial detriment to the public good and the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Mr. Shourds said they have worked on some of the comments of the Board Engineer and they continue working through them and will address all of the Board Engineer's concerns. They are asking for relief from the Board and believe they are doing it for good cause. The site plan demonstrates they are doing it in such a way as not to be detrimental. Mr. Shourds stated they are doing this application "part in part" but he understands if the Board wants to hear and vote on the D variance first.

Chairman Maguire asked for comments from the Board Engineer, Eric Keller. Mr. Keller stated the focus is on the fact that the applicant has proposed a parking lot on Lot 1 and using the other portions Lot 4.01. Looking at Exhibit A-1, when the house was still on Lot 1, there was parking on Lot 1 that was used under a parking easement. Mr. Keller asked if the parking spaces are perpendicular and if there is a parking easement. Mr. Shourds was unsure if there is a formal easement. Ms. Liotta stated there is no easement. Mr. Keller asked if the 4 parking spaces are used by the owner of Lot 4.01 for their employees. Ms. Liotta stated that her client will testify to that later in the hearing. Mr. Keller noted the basis of the use variance is the redevelopment of Lot 1 for parking for the commercial use. Mr. Keller said Mr. Shourds correctly described Lot 1 as being surrounded by Lot 4.01 and the commercial use on Lot 4.01. Mr. Keller added that Lot 4.01 and all of the surrounding properties on the adjacent street are located in the HVR Zone. Mr. Shourds agreed with Mr. Keller's comment. Mr. Keller asked how many lots are included in the Block today, including Lot 1. Mr. Shourds responded there is no Lot 2. There is Lot 1, Lots 4.01 and 4.02, Lot 5 and Lot 6. Mr. Keller asked who owns the lot at the western end of this Block, adjacent to New Street. Mr. Shourds responded the lot is owned by the State of New Jersey. Mr. Keller noted there are 5 privately owned lots within this Block. Mr. Keller asked what the percentage is of Lot 4.01 that contains the commercial use to the total acreage of the other 4 lots, putting aside the lot owned by the State because it is Green Acres and cannot be touched. Mr. Shourds responded that he estimates the percentage to be 75%-80% of the total area. Lot 4.01 is the predominant parcel in the Block. Mr. Shourds noted that it is significant because it dominates the Block itself and the building has been in existence for very long time, adding it is a dominating facility for the area. Mr. Keller asked if prior to the applicant purchasing Lot 1, Lot 1 and the other 3 lots along Kelly Place were residential. Mr. Shourds responded in the affirmative. Mr.

Keller stated some of the benefits that can be used to offset the impact of a parking lot will be part of the site plan.

Mr. Gavan recommended the Board open the meeting to the public for questions or comments on this issue, being the parking lot. There are two issues, but the first is whether the Board will permit parking on Lot 1. Mr. Keller asked if there are other opportunities on this property to provide parking to support the commercial use that exists. Mr. Shourds responded that is a question that is not easy to articulate. There are areas on the property not covered by the building, but there is the issue of the Borough's standards with regard to driveway width and parking spaces. Mr. Keller noted the applicant has not identified on the plans how much parking is required, how much they have on the property today and how much they are proposing. Mr. Keller noted one of the comments in his report is that the applicant should provide the calculations.

Mr. Shourds stated the owners of the property have been granted several building permits for inside the building and those changes have altered some of the internal space in the property. Mr. Shourds said he believes it is about 26,972 square feet. The requirements of the Code are one space for every 100 square foot which would require 36 parking spaces. The requirement for office and general professional use of which they have 2,296 square feet, is 1 space for every 250 square foot, which would require an additional 9 parking spaces. The total parking spaces required for the use is 45 spaces. They are trying to make this use come further into compliance with the Borough's Code; however, they will not be able to meet all of the Code requirements.

Chairman Maguire noted Mr. Shourds states the requirement is 45 parking spaces and he asked where the 15 spaces mentioned are located. Mr. Shourds responded they are on both Lot 4.01 and Lot 1. Chairman Maguire questioned the loading area on the southwest corner of the building marked on the site plan as a parking area. Mr. Shourds stated this is a loading area and when trucks were not coming to the site it was used for parking. Mr. Shourds added that they are not going to propose parking in that area. Chairman Maguire noted the site plan states "proposed parking." Mr. Shourds responded that they were going to utilize stone parking, which does not meet the requirements of the Code. Mr. Shourds also stated that the fence is not on the applicant's property. Chairman Maguire again noted the site plan states "proposed parking" and they are now saying it is not going to be parking. Mr. Shourds responded if they make it conforming by paving, they need to address stormwater so they are not doing it. Chairman Maguire noted 15 plus 4 equals 19 parking spaces and the applicant is asking for 45 spaces.

Mr. Keller stated there are existing striped parking spaces on the loading area on Plane Street. Stone dust was put down without approvals. The stone dust should not exist. Mr. Keller also stated gravel was added, noting the amount of gravel on the Plane Street side was significantly less than what is there now. The plans propose 5 parking spaces on the west side of the property abutting the DEP parcel. It is on the stone dust area. Mr. Keller noted that whether stone dust or paved, it is impervious coverage.

Chairman Maguire commented that Lot 1 has a proposed 15 parking spaces; next to it are an additional 4 spaces that back out to the street and the Engineer just brought up an additional 5 spaces on the stone dust area. Mr. Shourds stated they are going to remove those parking spaces on the stone dust. Chairman Maguire asked where the existing parking is. Mr. Shourds responded there are areas on Plane View Street where parking can be accommodated, but you have to back out onto the street. Mr. Shourds stated this is a lawful facility that did not have the required parking spaces. This is a means to bring it more into compliance with the Code. Mr. Gavan noted the case law as per Judge Stanton's

ruling which defines one permitted use. It does not mean all the things the applicant wants to do falls under that case law. The case governs, not the zoning. Light Industrial is the permitted use. It does not say warehouse as a permitted use. Mr. Gavan said the Board needs to consider whether the applicant's proposal significantly lessens the negative impact based on what is already there and its impact on the surrounding properties. Mr. Gavan stated it is clear additional parking spaces are needed.

Chairman Maguire opened the meeting to the public for comments or questions on the proposed parking lot.

Kathy Obitz, 19 New Street, asked how drainage will be addressed. She is concerned because water presently goes to the side of her property. Mr. Gavan said the issue of drainage will be addressed as part of the site plan, if the parking lot is approved.

Owen Newson, 8 Kelly Place, said the applicant did a great job with the improvements they made to the outside of the building on Kelly Place and he is sure they would do the same great job with any type of improvements to the area.

Paula French, 27 New Street, stated she once wanted to add onto her house and was told she could only cover one-third of her property. Ms. French questioned how the extra paving is beneficial to the neighborhood. If adding parking, it is covering the ground. Ms. French expressed concern about drainage, stating she gets a lot of water in her yard and the additional coverage of the land and drainage is an issue. Chairman Maguire assured Ms. French that drainage will be addressed if the Board decides to permit the parking lot.

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

Mr. Pershouse noted the Board will be voting on whether they can use Lot 1 as a parking lot and he asked where Lot 1 is on the site plan marked Exhibit A-1. Mr. Shourds showed Mr. Pershouse Lot 1 on his plans in the area shaded in grey. Lot 1 is the triangular shaped property.

Mr. Rogalo noted there are residences on Plane Street directly across from the property that will be directly impacted; however, none of the owners of those properties are present to voice any concerns.

Mr. Gavan stated the applicant is asking for a vote to permit parking on Lot 1. The use variance is for this lot only. Mr. Keller noted the lot has been used as residential. The applicant purchased it as a residential lot and they now want to change it to a parking lot for a commercial property.

On motion by Mr. Rogalo, seconded by Mr. Torelli and carried by the following majority roll call vote, Board granted the D variance to permit parking on Block 11205, Lot 1 which is in a residential zone and owned by the applicant and which will be merged with Lot 4.01 as proposed by the applicant. Said approval is subject to satisfactory completion of a site plan, including the number of parking spaces.

AFFIRMATIVE: Mr. Benson, Mr. Iftikhar, Mr. Pershouse, Mr. Rogalo, Mr. Torelli, Chairman Maguire

OPPOSED: Mr. Bielanowski

ABSTENSIONS: None

(Ms. Maio and Ms. Zelif-Murphy were not eligible to vote.)

Mr. Gavan noted parking is now a permitted use on the property.

Mr. Gavan stated they need to now review the site plan and variances and he recommended the Board turn the meeting back over to the applicant to present their site plan. Mr. Gavan also noted that since the D Variance has been approved, it is appropriate for the Class I member to return to hear the site plan. Ms. Maio returned to the dais. Mr. Gavan asked if the applicant is ready to proceed with the site plan hearing.

Ms. Liotta asked for a short recess so she could confer with her client about whether to continue with the hearing tonight. Chairman Maguire called a 10-minute recess.

Chairman Maguire reconvened the meeting. Ms. Liotta said the applicant would prefer to adjourn and return at the next meeting to continue their hearing. Mr. Gavan stated the applicant must be ready to address certain items at the next meeting, i.e. traffic flow.

Mr. Gavan announced that this application will be carried, with no further notice required, to the meeting scheduled for July 12, 2021 at 7:00 p.m., which meeting will be held at Borough Hall

Ms. Zelif-Murphy returned to the dais.

BILLS:

	Bowman Consulting Group, Ltd.	
03/05/21	Re: Bruzzese Variance (Blk 11304, Lot 19)	\$540.00

On motion by Ms. Maio, seconded by Ms. Zelif-Murphy, the aforesaid bills were approved on the following unanimous roll call vote.

AFFIRMATIVE: Mr. Benson, Mr. Bielanowski, Mr. Iftikhar, Ms. Maio, Mr. Pershouse, Mr. Rogalo, Mr. Torelli, Ms. Zelif-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.

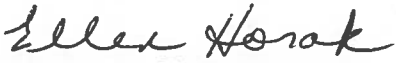
Carmen Pico, 25 New Street, asked where the parking will be located for the building being built next to the Municipal Building. Chairman Maguire responded parking will be in the rear of the building. The application for the property was before the Board a number of years ago. There will be two residential units upstairs and two retail units downstairs. The application had sufficient parking to satisfy the Board. Mr. Gavan suggested Mr. Pico go to Borough Hall to review the approved site plan.

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

ADJOURNMENT:

On motion by Mr. Rogalo, seconded by Ms. Maio, it was the consensus of the Board to adjourn the meeting at 8:50 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary