

**Stanhope Land Use Board  
March 14, 2022  
Regular Meeting  
Minutes**

**RECEIVED**

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**STANHOPE  
BOROUGH**

CALL MEETING TO ORDER:

Chairwoman Maio 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, 2022, 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

Najib Iftikhar - present

Glenn Kurtz - present

Christine Lipinski (Alt #1) - present

Thomas Pershouse - absent

John Rogalo - absent

Edward Schwartz - present

Michael Vance - present

Paula Zeliff-Murphy - present

Rosemarie Maio - present

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

MINUTES

**February 14, 2022 Regular Meeting** – On motion by Mr. Vance, seconded by Mr. Schwartz, the Minutes of the February 14, 2022 Regular Meeting were approved on unanimous voice vote.

CORRESPONDENCE

02-09-22 Tom Dixon, Stanhope Borough Zoning Officer – BGK Realty Group, LLC (Stanhope House)

02-28-22 Tom Dixon, Stanhope Borough Zoning Officer – Request Clarification on Accessory Structures being prohibited in a front yard

03-01-22 Anna Temporale – “D” Variance Application re: Blk 11208 Lot 4

03-10-22 Tom Dixon, Zoning Officer – Site Plan Waiver Request re: Anna Temporale, Blk 11208, Lot 4 (Bell’s Mansion)

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:

Chairwoman Maio opened the meeting to the public for non-agenda items.

Kathy Obitz, 19 New Street, Stanhope asked Mr. Gavan about a possible conflict of interest by someone on the Board. Ms. Obitz noted the former Mayor sat on the Board and now is the Chair of the Board and she asked if there is a conflict. Mr. Gavan responded she was on the Board the entire time, only her position was changed. Mr. Gavan explained a conflict is if a member has a monetary gain or interest in the matter.

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

COMPLETENESS:

**22-02, Anna Temporale**

Block 11208, Lot 4, "D" Variance

Appl. Rec'd: 03/01/2022

45 Days: 04/15/2022

Chairwoman Maio stated the Completeness Review Committee reviewed the application and recommends it be deemed complete.

On motion by Mr. Iftikhar, seconded by Mr. Bielanowski and carried by the following roll call vote, 22-02 Anna Temporale's Application for a "D" Variance re: Block 11208, Lot 4 was deemed complete.

AFFIRMATIVE: Mr. Bielanowski, Mr. Iftikhar, Mr. Kurtz, Ms. Lipinski, Mr. Schwartz, Mr. Vance, Ms. Zelif-Murphy, Chairwoman Maio

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 May 9, 2022.

UNFINISHED HEARING

**20-03, Juntos Holdings, LLC**

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

Deemed Complete: 11/09/2020

120 Days: 04/09/2021 (*Extensions Granted by Applicant*)

Virginia Liotta, attorney for the applicant came forward. Mr. Gavan noted the applicant was last before the Board in July and he asked Ms. Liotta to give a brief summary of the application. Mr. Gavan noted there are a number of new members on the Board who were not appointed when the hearing began and who can participate in the hearing, but cannot vote. The members are Mr. Schwartz, Mr. Kurtz and Ms. Lipinski. Ms. Liotta noted they made several submissions to the Board. The last time a request was made that they re-notice to include the application dealing with the expansion of the pre-existing non-conforming use. Ms. Liotta stated her client will give testimony on her October 29, 2021 letter. Ms. Liotta noted there is also the issue of finalizing the site plan. Mr. Gavan noted the applicant already received a use variance for parking on the back property. Ms. Liotta said they were trying to resolve the issue of the parking; however, it is tied to the use issue. She re-noticed to provide more detailed information as to the proposed uses. Ms. Liotta stated her client will give testimony as to the proposed uses. The Board agreed to hear Ms. Liotta's client's testimony at this point of the hearing.

Shari Yelinko (Spiridigliozzi) came forward. Mr. Gavan reminded Ms. Yelinko that she is still under oath. Ms. Yelinko testified she is proposing use of the building as an office, recording studio, the

warehouse is light assembly and she plans to have a rental for a construction office. She is proposing three uses for the property. With respect to the office use, the type of use is primarily a production office. There is an existing office for Breaking Games. Breaking Games will continue to use that office. The construction office is just an office. The proposed tenant is New World Development. Their hours would be 7:00 a.m. to 4:30 or 5:00 p.m. They will have five employees. Occasionally, some equipment will be stored on the property, i.e. a box truck. They will have nothing large on the property. Chairwoman Maio asked for clarification on the definition of construction office. Ms. Yelinko responded it is more of a construction company that does repairs, renovations, upkeep of the property. In the office they will do accounting, blue printing, assist in light assembly work. Ms. Yelinko said, with respect to the multi-media studio, it takes either existing media i.e. film, music, and edits it. They may also record media, both music and video, podcasts, etc. To run a session, you would require one to two people and then the client. There may be a full-time receptionist, but not in the beginning. The multi-media space is about 7,500 square feet and the construction office space is about 1,994 square feet. Breaking Games office space is about 1,000 square feet and the total square footage of Breaking Games is 17,000 square feet. The multi-media needs to be open 24 hours because editing is done late at night when there is complete quiet. Ms. Yelinko explained, when editing, they may need to call someone in for a voiceover and that person will be called in at night. Ms. Yelinko testified there will be no outdoor sound coming in to the building and no sound going out from inside the building. The space will be soundproof.

Mr. Gavan recalled Ms. Yelinko's previous testimony about the possibility of a bus load of singers/bands at the site and he noted the property is in a residential zone. Mr. Gavan asked what kind of controls will be put in place for outside activity. If kids from a band or choir are brought in, what will keep them from congregating outside. Ms. Yelinko responded they would not permit congregation outside the building. There will be a designated smoking area which will be away from the residential area. She purchased and demolished two houses and she intends to add to her plan, parking spaces on those lots. She does not anticipate a busload of children coming to the site. Most of the evening business will be very subdued. There will not be a lot of noise or people outside. Ms. Yelinko stated it is very expensive to rent a studio so whoever rents it will be inside getting it done as quickly as possible and will then leave. Part of the staff's responsibility will be to make sure no one is hanging out in the parking lot. Security will consist of about two people. Ms. Yelinko testified that the remaining portion of the building is warehouse use and Breaking Games. It is about 15,442 square foot and is used for light assembly. The proposed hours are 7:30 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday. There will be approximately two to four employees. Ms. Yelinko testified that all deliveries by tractor trailers are now going to their site in the trade zone. Deliveries to this site will be small trucks. Mr. Gavan noted the previous issue with the trucks and he asked for information on the truck size. Ms. Yelinko responded the trucks will be 53 feet maximum, but they are requesting one exception quarterly, if someone brings in a Broadway show. Mr. Gavan noted the last time the 53-foot trucks became trailers. Ms. Yelinko stated the truck size, bumper to bumper will be 53 feet. She is asking to be able to have a one-time quarterly tractor trailer come to the site. Mr. Gavan stated tractor trailers do not fit. Mr. Gavan also noted the exception requested would be four exceptions per year, and only if they need something large.

Mr. Vance asked how a 53-foot truck and trailer gets into the site. Ms. Yelinko responded they will try to avoid it, but if needed, they will put up signage to direct traffic and in the most efficient way, they will have someone available to guide the truck. The difference now will be that they will receive advance notice when the larger trucks would be coming. In the past, they just showed up and if they did not accept the delivery they had to pay a fine. If they are permitted to have the four exceptions per year, they will have advanced notice and will be able to make arrangements for the truck. Mr. Gavan noted the trucks cannot make the turn without going over the curb and people's property. Ms. Yelinko said that in the

past, nine out of ten trucks with trailers were able to navigate to the site. There are some drivers that cannot navigate. It is possible to navigate and get the truck into the site. Ms. Yelinko said, when there was damage to property, those trucks were sleeper cabs. They are not expecting trucks with sleeper cabs and they will not allow sleeper cabs at any time.

Chairwoman Maio asked if on a regular basis they are going to have deliveries of a 53-foot vehicle. Ms. Yelinko responded no, they are looking for four exceptions per year to allow a 53-foot truck. Ms. Yelinko said they are examining a better traffic flow for the 53-foot trucks. Mr. Gavan clarified that the applicant is requesting the right to use a 53-foot truck four times per year, being one time per quarter and they will have people to assist with the moving of the vehicle.

Mr. Iftikhar asked who is responsible if the trucks damage private property. Ms. Liotta responded the responsibility went to the truck driver. Mr. Gavan said he disagrees and would include whoever was responsible for bringing that truck to their property.

Mr. Keller stated the trailer is 53-feet and then there would be the size of the cab. Ms. Yelinko responded that is true. Mr. Keller stated, if the Board agrees, four times per year they would be able to bring in a 53-foot trailer pulled by a cab that is not a sleeper. Mr. Keller said he will need to research how to define that type of a cab.

Mr. Gavan stated, to avoid issues with the neighbors, the Board could make a condition of any approval be that the applicant is to repair any property damage and that they are to give notice to the Borough's Zoning Officer a certain number of days ahead so the Zoning Officer can be present when the truck arrives. Chairwoman Maio noted the Borough's Zoning Officer is part-time. It was agreed that notice would need to be given to the Borough and/or Police Department. Ms. Yelinko assured the Board that she will work with the town to give advance notice and there will be no impact on the residents.

Mr. Vance asked if there is anyway to avoid such large trailers. Ms. Yelinko responded in the negative, adding that it is an expensive building and she would like the opportunity to make this work so she can be profitable. Mr. Gavan stated under Municipal Land Use Law, the economic hardship of an applicant is irrelevant to the Board and the Board is not to consider it.

Mr. Schwartz asked what the size will be of the trucks coming on a regular basis. Ms. Yelinko responded they will be vans and box trucks. Mr. Schwartz asked the size of the box truck. Ms. Yelinko said she does not think there will be much truck traffic; it will be mostly cars. The light assembly area has loading docks so there will be box trucks for that part of the property.

Mr. Keller stated a SU30 which is a single unit truck has, nose to tail, 30-feet and a SU40 has 40-feet from nose to tail. A single unit truck would be like an appliance truck. Mr. Keller said, if the applicant is okay with a SU30 or SU40, it would mean no tractor trailers except for four times per year.

Mr. Gavan asked, if the truck was to come to the site, would they drop the trailer off and then in two to three days come back and pick it up. Ms. Yelinko responded that is correct. Mr. Gavan clarified to the Board that it is not going to be in and out the same day. Ms. Yelinko said they do not want to overly limit the business because they do not know what is coming in the future, but they also want to propose something that the Board and the residents will be comfortable with. Mr. Gavan suggested any approval should put a limit on the size of the truck of 40-feet subject to so many times per year.

Mr. Keller noted the applicant previously did a traffic study before they moved their deliveries to their new location. We know a 53-foot trailer does not fit, but a 28-foot trailer with a cab has a smaller turning radius than a 40-foot straight truck. Mr. Keller stated the applicant needs to present what size truck fits. Mr. Gavan agreed, adding the Board needs to hear expert testimony on the route and truck size that will fit before they can make a decision. Mr. Keller noted a previous route was approved. Mr. Gavan explained that there were certain conditions to that approval that were not met by the previous owner. Property that was to be used was sold to the State of New Jersey. The previous Resolution of Memorialization was contingent on conditions that were not met so that approval is null and void and no longer exists.

Mr. Iftikhar asked if the residents will be noticed of the trailers in case cars are on the street. Mr. Gavan responded, if it is a legal parking zone, you cannot make someone move their car.

Ms. Liotta said, on the issue of the traffic study, they are here on a court order. Her client has since acquired the two other properties on the corner of Kelly Place and the plan is to make one application covering all of this. The hope is now that she owns the property on the other corner, it may have an impact if they did a traffic study coming in from that direction. Mr. Gavan suggested they present that traffic plan. Ms. Yelinko asked if they can submit one site plan that includes all of the properties. Mr. Keller noted they will need to re-notice because they are adding two additional properties.

Mr. Gavan suggested they submit a new site plan application. A new application will enable additional members on the Board to participate and vote. They should formally amend the application and a Resolution of Memorialization will be prepared for the approval of the parking. The new application will need to include a "D" variance for the two corner lots in addition to the site plan. Mr. Gavan stated the new application must include the two additional lots and the traffic flow plan.

Mark Shourds, the applicant's engineer came forward. Mr. Gavan reminded Mr. Shourds that he is still under oath. Mr. Shourds stated he will incorporate the two lots. He already did soil work in that area and he is prepared to move forward with the stormwater management; however, there is still a considerable amount of work he must be do and he does not think it can be done in thirty days. Mr. Gavan suggested the Board engineer and applicant's engineer meet to work out a lot of the issues. The Board was agreeable to the two engineers meeting. Mr. Keller informed Mr. Shourds that the Borough recently amended their street excavation ordinance, so if they are widening Kelly Place, there will be more to it than just patching the trench.

Chairwoman Maio opened the meeting to the public for comments or questions on this application.

Carmen Pico, 25 New Street, was sworn in. Mr. Pico said that, as far as the turning radius on New Street, he drives a school bus and when he is coming up that road, it just about makes it without going up onto residential properties. Mr. Pico noted a school bus is 42-feet from front to rear and he recommends nothing more than that be permitted. Mr. Pico expressed concern with noise from the night activities of the multi media studio and he hopes buses will not be permitted to be brought in at night. Mr. Pico noted a lot of the issues being brought up and said if the company was more accommodating to the neighbors and if they are going to bring in 4 tractor trailers, he should be notified. Mr. Pico asked that the applicant try to be nicer to and more considerate of the residents on New Street.

Kathy Obitz, 19 New Street was sworn in. Ms. Obitz spoke about quality of life in the neighborhood. It is a quiet neighborhood and they do not want to worry about tractor trailers and people going in and out

all day and night. The residents want to enjoy their time at home. Ms. Obitz also said, with respect to the tractor trailers, there is no way they will be able to specify to any company what size truck to send. She was told this before and she has a hard time believing that condition will be complied with. Mr. Gavan noted Ms. Obitz moved next to an industrial site. The Board cannot change that. The Board is trying to do as much as they can to help the neighbors. Ms. Obitz responded her family lived in that house before the back end of the building was built. They did not move into an industrial area, it is a residential area. Mr. Gavan corrected himself, saying it is not an industrial area. Ms. Obitz asked the Board to take into consideration the quality of life for the residents in the area. Ms. Obitz said, as far as the construction company, they are currently operating in the building. The testimony given that they are not is false. Ms. Obitz noted there is an issue of quality of life and the noise and she does not want to deal with tractor trailers again.

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

Chairwoman Maio advised the applicant to submit a new site plan and use variance application for the May meeting.

NEW HEARING

**22-01, BGK Realty Group, LLC** *(Applicant requests to be carried to April meeting)*

Block 11207, Lot 8, Request for Interpretation

Appl Received: 01/21/22

Chairwoman Maio noted the applicant’s attorney requested the hearing be carried to the April meeting. The Board agreed to carry the hearing to the April 11, 2022 meeting. The Board Secretary will inform the applicant’s attorney.

RESOLUTION OF MEMORIALIZATION

**21-01, Stanhope Fuel LLC (Manjit Bajwa)**

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

Approval Granted: 02/14/22

Mr. Gavan informed the Board he has not completed the Resolution of Memorialization. He will have it completed for action at the next meeting.

BILLS:

**Bowman Consulting Group, Ltd.**

03/04/22	Re: Bajwa (256 Rt 206)	\$1,425.00
03/04/22	Re: Lusardi (49 Linden Ave.)	\$ 37.50

**Miscellaneous**

02/22/22	Local Media Group Inc. (NJ Herald) – annual meeting notice and award of contracts	\$ 28.50
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On motion by Mr. Iftikhar, seconded by Mr. Vance, the aforesaid bills were approved on the following unanimous roll call vote.

AFFIRMATIVE: Mr. Bielanowski, Mr. Iftikhar, Mr. Kurtz, Ms. Lipinski, Mr. Schwartz, Mr. Vance, Ms. Zelif-Murphy, Chairwoman Maio

OPPOSED:           None  
ABSTENSIONS:    None

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

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

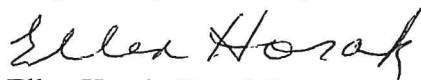
DISCUSSION:

Completeness Review Committee – Chairwoman Maio stated she appointed herself, Mr. Schwartz and Mr. Pershouse to the Completeness Review Committee. She originally thought Mr. Pershouse was on the committee; however, he was not and he should not since he is the Borough official on the Board. Chairwoman appointed Mr. Vance to sit on the Completeness Review Committee in his place.

ADJOURNMENT:

On motion by Mr. Iftikhar, seconded by Ms. Zeliff-Murphy, it was the consensus of the Board to adjourn the meeting at 8:30 P.M.

Respectfully submitted,

  
Ellen Horak, Board Secretary