

Stanhope Land Use Board
August 8, 2022
Regular Meeting
Minutes

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 - absent

Najib Iftikhar – absent

Glenn Kurtz - absent

Christine Lipinski (Alt #1) - present

Thomas Pershouse - present

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

July 11, 2022 Regular Meeting – On motion by Mr. Vance, seconded by Mr. Schwartz, the Minutes of the July 11, 2022 Regular Meeting were approved on majority voice vote. Ms. Lipinski, Chairwoman Maio and Mr. Pershouse abstained.

CORRESPONDENCE

07-26-22 Matthew Gilson, Esq. – “D” Variance and Site Plan Waiver Application for 30 Main Stanhope LLC re: Block 11203, Lot 9

07-26-22 New Jersey Planning Officials – New Jersey Planner (May/June)

07-27-22 Angel Sabatini, CFO – 2023 Budget Request

07-28-22 Brian and Paula Murphy – Variance Application re: Blk 11205, Lot 3

08-04-22 Eric Keller – Technical Review #1 re: Michael Rowan Variance Application

08-08-22 Virginia Liotta – Request Extension to Sept. 12th meeting for amended application re: Juntos Holdings, LLC

Chairwoman Maio noted the correspondence from Virginia Liotta regarding Juntos Holdings, LLC. Mr. Gavan stated the current application should be dismissed since Ms. Liotta’s letter states there will be significant modifications and amendments. The applicant will need to re-notice the new application and

the old application will be dismissed without prejudice. On motion by Mr. Vance, 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:

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.

COMPLETENESS:

22-08, 30 Main Stanhope, LLC

Block 11203, Lot 9, Use Variance and Site Plan Waiver

Appl. Rec'd: 7/26/22

45 Days: 9/09/22

Chairwoman Maio stated the Completeness Review Committee has reviewed the application and recommends it be deemed complete. On motion by Mr. Schwartz, seconded by Mr. Vance and carried by the following unanimous roll call vote, 22-08, 30 Main Stanhope, LLC's Variance and Site Plan Waiver Application re: Block 11203, Lot 9 was deemed complete.

AFFIRMATIVE: Ms. Lipinski, Mr. Pershouse, Mr. Schwartz, Mr. Vance, Ms. Zelif-Murphy,
Chairwoman Maio

OPPOSED: None

ABSTENSIONS: None

The hearing for this application will be scheduled for the September 12, 2022 meeting. The Board directed the Secretary to send the application to the Board Engineer for review and comments

22-09, Brian and Paula Murphy

Block 11205, Lot 3, Variance Application

Appl. Rec'd: 7/28/22

45 Days: 9/11/22

Chairwoman Maio stated the Completeness Review Committee has reviewed the application and recommends it be deemed complete. On motion by Mr. Vance, seconded by Mr. Schwartz and carried by the following unanimous roll call vote, 22-09, Brian and Paula Murphy's Variance Application re: Block 11205, Lot 3 was deemed complete.

AFFIRMATIVE: Ms. Lipinski, Mr. Pershouse, Mr. Schwartz, Mr. Vance, Chairwoman Maio

OPPOSED: None

ABSTENSIONS: Ms. Zelif-Murphy

The hearing for this application will be scheduled for the September 12, 2022 meeting. The Board agreed it is not necessary to send the application to the Board Engineer.

NEW HEARING

22-05, Michael Rowan

Block 11006, Lot 13, Variance

Deemed Complete: 6/13/22

120 Days: 10/11/22

Chairwoman Maio stepped down from the dais because she is a property owner within 200 feet of the applicant's property. Vice-Chairwoman Zelif-Murphy took over the meeting.

Michael Rowan, 29 Maple Terrace, was sworn in. Ken Fox of Fox Architectural Design was sworn in. Mr. Fox stated he is the architect and planner for the applicant. Mr. Fox stated all his licenses are current and he has testified as an expert in both fields before numerous boards including this Board. Mr. Gavan stated Mr. Fox is well known to him as well as the Board's Engineer and it is appropriate to qualify him as an expert as he indicates. Mr. Fox presented a display board containing a series of six photographs he had taken last week, which display board was marked Exhibit A-1. Photo 1 is the front of the dwelling. They are proposing one element that is shown on the plans, but is not part of this application to add a level, a second floor to a portion of that, essentially over the breezeway and towards the rear. As shown on the plans, that all falls within the accepted setback lines. In doing the improvements, the Rowan's wanted to add a porch across the front. The existing house sits behind the property line, but is very close and any porch would encroach on the front yard setback. Mr. Fox stated he has added the color yellow to the site plan originally submitted on Sheet Z-1, which colored version has been marked as Exhibit A-2. It shows the house and the proposed setback lines and the yellow shows where they are proposing the porch across the front. They want the porch as protection from the elements and it will be an attractive porch. As shown on the site plan submitted, the front setback line goes directly through it. The lot has 2 front yards; one being on Sunset Avenue and one on Maple Terrace. The house faces on Maple Terrace. Through the Engineer's report, they determined and labeled the rear yard being the yard to the rear of the house, but as per the Borough's ordinance, the yard opposite the narrowest street frontage is the rear. Mr. Fox noted they would have to alter the drawings to show what is the rear and side yard. It has no impact on any portion of the application other than documentation on the plan. Mr. Keller agreed there is no physical change because none of the improvements exacerbate any of the side or rear setbacks, adding they are what they are and will continue to be that way with or without the addition. Mr. Fox noted that Sheet Z-3, as submitted shows the proposed addition over the breezeway and towards the rear. It shows the porch across the front which will allow for protection from the elements and allows you to engage the street by sitting in front of the house. The total depth of the porch is 6 feet. It goes about 5 feet to in front of the required setback line. Mr. Fox said that is essentially the explanation of what they are doing. It will not have any negative impact on any neighbor. It sits up above the street. The survey shows some walkways and they have been removed by Mr. Rowan. With the removal of those walkways and the addition of the porch, they do exacerbate the maximum impervious coverage so they are requesting a variance for maximum impervious coverage where 25% is allowed and 34.5% is proposed. Mr. Vance noted Mr. Keller's letter indicates 31.5% is being proposed. Mr. Keller stated 31.5% is what is proposed, but existing is 34.5%. Mr. Fox noted they are proposing a reduction in the impervious coverage because of the other impervious coverages they have removed from the site. Mr. Fox said that even though they have a variance request, their solution is to make it more compliant and not exacerbate it more. Mr. Fox addressed the comments in Mr. Keller's report dated August 4, 2022. Page 1 is essentially just statements. Page 2 of the report discusses the planning testimony needed for the variances. Page 3 are some elements he notes regarding the submitted site design being: 1) Section 100-75D -only one accessory building per lot, where the property currently contains two sheds. Mr. Fox stated there are two sheds on the property; one is located on the left at Sunset and one is in front of the garage. These sheds existed on the site before Mr. Rowan purchased the property. Photo 1 shows one of the sheds immediately to the left of the garage. They are requesting a variance for conformation of a pre-existing non-conforming situation. One accessory building is permitted and there are two sheds on the property. The shed on Sunset Avenue sits into the hill and the area is heavily vegetative on that side. There is no negative impact to the neighbors as it blends into the area. 2) Section 100-77B -accessory buildings are not permitted in the front yard and the existing shed along Sunset Avenue is in the front yard. Mr. Fox stated the shed on Sunset Avenue is in the front yard; however, the vegetation and topography hides it. 3) Section 100-77B(1) - for utility sheds less than 100 square feet in area and less than eight feet in height, the side yard setback is five feet.

The height of the existing shed has not been provided but if it is less than eight feet, no side yard setback would be required. Mr. Fox stated the shed has been there and has been viewed by the neighbors for a very long time. The surrounding area is well landscaped and the shed is hidden from view. Mr. Rowan confirmed the sheds were there when he purchased the property. Mr. Fox addressed the technical review in Mr. Keller's report. 1) As noted above, the side and rear setback lines are to be revised to reflect the orientation per the definition of a corner lot. The Zoning Table is to be corrected accordingly. Mr. Fox stated the setback lines will be changed. 2) The correct setback of the proposed front covered porch is to be provided on the plans and in the Zoning Table so that the extent of the deviation can be correctly quantified. Mr. Fox agreed and stated they will add the dimensions to the plans. 3) The Zoning Table is to be amended to include the deviations associated with the accessory buildings and the height of each shed is to be noted on the plans. Mr. Fox stated this will be provided with the new plan submittal. 4) While no topographic information was provided and it is not clear how the various building elevations were determined, the height of the existing home, with the proposed addition, is well below the allowable building height of 35 feet. Testimony should be provided confirming this information and the basis for this information. Mr. Fox testified the height of the building is below 35 feet. Mr. Fox stated they are looking to make this more attractive and to blend in and fit in with the neighborhood.

Mr. Keller asked Mr. Fox if the height of the structure is based on measurements taken by his office. Mr. Fox responded in the affirmative. Mr. Keller said the reason he brought up about the front yard setback is because the survey provided in the application by PMZ Land Surveying done when the property was purchased dimensioned to the corner of the garage, which is not the closest dimension not to Maple Terrace. The Board will have to approve a variance for the front yard setback to the porch. Mr. Fox confirmed that is correct. Mr. Keller stated from the front corner of the house by the mudroom by the bay window is less than 28 feet and he questioned what exactly it is. Mr. Keller noted on the plans it notes 26.16 feet and he questioned where that number came from. Mr. Keller asked if that number was provided by the surveyor. Mr. Keller stated he also noted that Mr. Fox referenced an older survey done by a different surveyor which is fine because the information on the plans matches the PMZ's survey. Mr. Keller questioned if the old survey shows the dimensions as 26.16 feet. Mr. Keller stated they just had an issue with a previous application where the applicant was asked to do an as-built survey, they got a variance for impervious coverage and they built more so the applicant must now come back to the Board. Mr. Keller said he does not want Mr. Rowan to have to come back to the Board and asked if they are confident it is 26.16 feet. Mr. Keller suggested the variance be 19.9 feet. Mr. Keller noted the survey from PMZ has everything to the tenth and he would not have an issue if they make the variance 20 feet. Mr. Fox stated they appreciate the 20 feet and he will revise the plans to show a 20-foot setback. Mr. Keller noted his technical review comment #3 is clarifying the additional variances for accessory sheds and the sheds are shown on the survey from PMZ dated April 15, 2016 which corresponds to the date of the deed and shows they existed at the time the Rowan's purchased the property. There is no need for a side yard setback because they testified it is less than 8 feet in height. It does need a front yard setback and from the rear yard, it is .2-feet from the property. Mr. Keller stated he noted photograph #2 on Exhibit A-1 which is a shot from Sunset Avenue looking down Maple Terrace towards Brooklyn Road, shows there is a shrub. Mr. Keller stated Section 100-58, of the Code "Fences, Walls and Sight Triangles," subsection "D" talks about sight triangles and says "Plantings or structures other than fencing within a sight triangle shall not exceed two feet in height as measured above the curb line. In sight triangles where the slope of the ground is already two feet above the curb line, no tree, shrub, structure of other obstruction to vision shall be permitted." Mr. Keller said because the ground slopes up, it is an obstruction and a safety issue. The shrub would either have to be moved back if possible or removed, as it is too tall. Mr. Rowan testified he will remove the shrub. Mr. Keller recommended the removal of the shrub be an additional condition in addition to his letter to any approval granted.

Vice-Chairwoman Zeliff-Murphy asked for questions or comments from the Board.

Mr. Vance noted on the other side of the shrub is the porch section that would be closest to the road and he asked if that would be any type of obstruction of view as you travel down Maple Terrace. Mr. Fox responded it would not impact anyone driving down the road.

Vice-Chairwoman Zeliff-Murphy said on the plans it looks like there will be new steps coming off the porch and she asked if there will be a new walkway. Mr. Fox responded they will need to add a small narrow walkway from the driveway to the steps. It will connect to the walkway in front of the mudroom. Mr. Fox stated there is 190 square feet of additional impervious coverage presently on the lot and will remain on the lot.

Mr. Gavan asked if the new proposal is less impervious coverage than currently exists. Mr. Fox responded in the affirmative, noting 34.5% presently exists. Mr. Gavan said based on the fact that this is all pre-existing, the Board granting the impervious coverage to the 34.5% that presently exists would be appropriate. It makes it easier than having to guess and then making the applicant have to come back to the Board if they go over their guess. Mr. Keller agreed with Mr. Gavan, adding it is already in violation and Mr. Rowan already removed a walkway. The walkway that went around the back on Sunset Avenue has been removed. Mr. Keller noted the impervious coverage is presently 34.5% and the proposed improvements will not exacerbate that amount.

Vice-Chairwoman Zeliff-Murphy opened the meeting to the public for questions or comments on this application. Seeing no one from the public wishing to speak, Vice-Chairwoman Zeliff-Murphy closed the public portion of the meeting.

On motion by Mr. Pershouse, seconded by Mr. Vance and carried by the following unanimous roll call vote, the Board granted the variance relief to include the side yard setback for the one existing shed, front yard allowance for the existing shed closest to Sunset Avenue, to memorialize the pre-existing non-conforming amount of impervious coverage, a front yard 20-foot setback for the construction of a 6-foot porch with the condition that the shrub shown on photograph 2 on Exhibit A-1 is to be removed re: 22-05 Michael Rowan, Block 11006, Lot 13.

AFFIRMATIVE: Ms. Lipinski, Mr. Pershouse, Mr. Schwartz, Mr. Vance, Ms. Zeliff-Murphy
OPPOSED: None
ABSTENSIONS: None

Chairwoman Maio returned to the dais.

RESOLUTIONS OF MEMORIALIZATION

22-06, Gilmore Electric

Block 10105, Lot 12, Site Plan Waiver

Approval Granted: 7/11/22

On motion by Mr. Schwartz, seconded by Mr. Vance and carried by the following unanimous roll call vote, the Board adopted the Resolution of Memorialization granting the Site Plan Waiver filed by Gilmore Electric for Block 10105, Lot 12.

AFFIRMATIVE: Mr. Schwartz, Mr. Vance, Ms. Zelif-Murphy
OPPOSED: None
ABSTENSIONS: None

Ms. Lipinski, Mr. Pershouse and Chairwoman Maio were not eligible to vote.

22-07, Andrew and Shana Walther

Block 11208, Lot 2, Variance

Approval Granted: 7/11/22

On motion by Vice-Chairwoman Zelif-Murphy, seconded by Mr. Vance and carried by the following unanimous roll call vote, the Board adopted the Resolution of Memorialization granting the Variance Application filed by Andrew and Shana Walther for Block 11208, Lot 2.

AFFIRMATIVE: Mr. Schwartz, Mr. Vance, Ms. Zelif-Murphy
OPPOSED: None
ABSTENSIONS: None

Ms. Lipinski, Mr. Pershouse and Chairwoman Maio were not eligible to vote.

GENERAL RESOLUTIONS

Resolution Clarifying that Outdoor Concerts Require Board Approval – Mr. Gavan stated he edited page 2 and removed the word “full” so the sentence will read “It is opening the parking lot to a “parking lot concert.”

On motion by Ms. Zelif-Murphy, seconded to Mr. Schwartz and carried by the following unanimous roll call vote, the Board adopted the Resolution of Memorialization clarifying that outdoor concerts require Board approval:

AFFIRMATIVE: Ms. Lipinski, Mr. Pershouse, Mr. Schwartz, Mr. Vance, Ms. Zelif-Murphy,
Chairwoman Maio
OPPOSED: None
ABSTENSIONS: None

Resolution Re: Accessory Structures on Corner Lots – The Board Secretary reminded the Board, that as per previous discussion, this Resolution was going to be created during meeting discussion. Chairwoman Maio noted the Board received a request from the Zoning Officer for clarification on the definition of an accessory structure. Chairwoman Maio noted the general consensus was the that anything considered part of the use of the house (servicing the house) are not considered accessory structures such as generators, propane tanks, HVAC units. The Board discussed items that are and are not considered accessory structures. The Board agreed items such as sheds, gazebos, pools are accessory structures. Mr. Gavan noted it should be a “common sense” determination by the Zoning Officer, adding he has never had a town where this came up as a concern. Mr. Gavan advised he is not in favor of the Board adopting a Resolution of Memorialization on what is considered an accessory structure and he suggested the Board permit him to send an email to the Zoning Officer informing him the Board discussed his request and HVAC systems, tanks, generators and similar items are not structures. The Board does not need a Resolution on this topic. The Board agreed.

BILLS:

Miscellaneous

07/26/22	Local Media Group (NJ Herald) re: Resolution of Memorialization for Sergio Lemus	\$18.81
07/26/22	Local Media Group (NJ Herald) re: Resolution of Memorialization for BGK Realty Group	\$18.81
08/02/22	Linda Chirip – Secretarial Services (July Meeting)	\$80.00

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

AFFIRMATIVE: Ms. Lipinski, Mr. Pershouse, Mr. Schwartz, Mr. Vance, Ms. Zelif-Murphy,
Chairwoman Maio

OPPOSED: None

ABSTENSIONS: None

GENERAL DISCUSSION

2023 Budget Request – Chairwoman Maio stated she does not think the Board should reduce the budget. The print out received shows very little expenses; however, the report is only through July. It is her recommendation that they submit the same budget for 2023 as their 2022 budget. On motion by Ms. Zelif-Murphy, seconded by Mr. Pershouse and carried by the following unanimous roll call vote, the Board agreed to submit the same budget for 2023 as they submitted for 2022.

AFFIRMATIVE: Ms. Lipinski, Mr. Pershouse, Mr. Schwartz, Mr. Vance, Ms. Zelif-Murphy,
Chairwoman Maio

OPPOSED: None

ABSTENSIONS: None

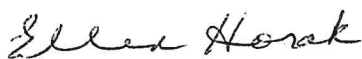
OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

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.

ADJOURNMENT:

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

Respectfully submitted,



Ellen Horak, Board Secretary