

RECEIVED

OCT 18 2022

STANHOPE
BOROUGH

Stanhope Land Use Board
September 12, 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 – present

Glenn Kurtz - present

Christine Lipinski (Alt #1) – present (arrived @7:03pm)

Thomas Pershouse - absent

John Rogalo - present

Edward Schwartz - absent

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

August 8, 2022 Regular Meeting – On motion by Mr. Vance, seconded by Ms. Zeliff-Murphy, the Minutes of the August 8, 2022 Regular Meeting were approved on majority voice vote. Mr. Rogalo and Mr. Iftikhar abstained.

(Ms. Lipinski arrived.)

CORRESPONDENCE

08-09-22 Eric Keller – Resolution Compliance Review #1 re: Sergio Lemus Variance, Blk 10105, Lot 1.01

08/18/22 Matthew Selvaggi, Esq. – Variance Application for Northwest Construction, LLC re: Blk 10902

Lot 5

08-23-22 Eric Keller – Resolution Compliance Review #2 re: Sergio Lemus Variance, Blk 10105, Lot 1.01

09-09-22 Eric Keller – Technical Review #1 re: 30 Main Street Stanhope, LLC Variance Application, Blk 11203, Lot 9

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

COMPLETENESS:

22-10, Northwest Construction, LLC

Block 10902, Lot 5, Variance Application

Appl Rec'd: 08/18/22

45 days: 10/02/22

Chairwoman Mao stated the Completeness Review Committee has reviewed the application and recommends it be deemed complete. On motion by Mr. Vance, seconded by Mr. Iftikhar and carried by the following unanimous roll call vote, 22-10, Northwest Construction, LLC Variance Application re: Block 10902, Lot 5 was deemed complete.

AFFIRMATIVE: Mr. Iftikhar, Mr. Kurtz, Ms. Lipinski, Mr. Rogalo, Mr. Vance, Ms. Zeliff-Murphy, Chairwoman Maio

OPPOSED: None

ABSTENSIONS: None

The hearing for this application will be scheduled for the October 17, 2022 meeting. The Board directed the Secretary to send the application to the Board Engineer for review and comments.

Chairwoman Maio revised the order of the New Hearings.

NEW HEARING

22-09, Brian and Paula Murphy

Block 11205, Lot 3, Variance Application

Deemed Complete: 8/08/22

120 Days: 12/06/22

Ms. Zeliff-Murphy stepped down from the dais.

Brian Murphy was sworn in. Mr. Murphy stated he would like to put a shed on his property and needs a variance to do so. Mr. Murphy testified that his lot is an undersized lot and everything he wants to do on his property requires a variance. The Borough's ordinance limits the height of a shed to 8-feet. He would like to install a 9' 11" shed that will be 5-feet from the side property line, where the Borough requires 10 feet. Mr. Murphy stated the shed is 8' x 12' and the pad is 10' x 14'. The pad will have a railroad tie three level bed in which he will put various rocks which will bring it up to the driveway level. The 5-feet proposed is to the shed, not to the path. Mr. Murphy noted this is a tiny lot and the front porch is over the lot line. The placement of the shed will be to the backend of the property. In the rear of his property is the old Kelly Beverage property. The shed will be placed on the righthand side and will be used for storage.

Mr. Gavan noted this is a corner lot and the location of the shed is to the rear side line and it is not near the roadway.

Chairwoman Maio asked for questions from the Board. There were no questions from the Board member.

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

On motion by Mr. Vance, seconded by Mr. Iftikhar and carried by the following unanimous roll call vote, the Board granted the variance relief re: 22-09 Brian Murphy, Block 11205, Lot 3.

AFFIRMATIVE: Mr. Iftikhar, Mr. Kurtz, Ms. Lipinski, Mr. Rogalo, Mr. Vance, Ms. Zelif-Murphy, Chairwoman Maio
OPPOSED: None
ABSTENSIONS: None

Ms. Zelif-Murphy returned to the dais.

22-08, 30 Main Stanhope, LLC

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

Deemed Complete: 8/08/22

120 Days: 12/06/22

Since this application is a Use Variance, Mr. Vance, as Council Representative, stepped down from the dais.

Mathew Gilson of Weiner Law Group, attorney for the applicant came forward. Mr. Gilson stated the property is currently a two-story building with retail on the bottom level and two apartments on the second floor. The applicant is seeking a use variance and a continuation of the bulk variances to convert the building to four residential units. The property is in the Village Business Zone which permits one single-family dwelling unit on the second and third stories subject to Planning Board approval for parking, solid waste storage and pedestrian access. This section of the Borough's Code is silent as to what the use can or must be underneath these units. The applicant is proposing to convert the building to a completely residential project. There will be no structural changes to the footprint of the building and no site improvements.

Cathy Dilger was sworn in. Ms. Dilger testified she is the owner of the property. She purchased the building a couple of months ago. Ms. Dilger stated she invests in real estate and she hopes to turn the two retail spaces into nice affordable apartments. She has a commercial building in Sparta and ten years ago she turned it into a shared office facility on their Main Street. Ms. Dilger stated retail is very tough and there is a great need for apartments. She already applied to the town to make improvements. The large deck in the back that the two apartments access is in very bad shape and will be replaced. Ms. Dilger said she will maintain the property and will be the landlord. She is not looking to flip the property. Mr. Gilson noted the shared parking facility in the back and asked if there have been any issues. Ms. Dilger responded that she has not received any parking complaints.

Ann Sears, Architect for the applicant came forward. Ms. Sears provided a brief background. She has been a licensed architect in New Jersey since 2000 and has appeared before numerous boards throughout the state. She practices architect in Sparta, New Jersey. The Board accepted Ms. Sears' credentials as a professional architect. Ms. Sears displayed a large copy of Sheet A-1 of the plans

submitted to the Board. Ms. Sears stated that based upon the area parking in the rear and the way the tenants would approach the building, the bedrooms would be on the Main Street side. They will be two equal sized apartments. You would access the building from the main door to the rear of the property where the door presently is and you would go into a common area that would be available to all units in the building and would include a washer and dryer. To the right and left will be the two-bedroom apartments, each with a living room, kitchen and bathroom. Ms. Sears said her client would like to clean up the exterior of the building and make upgrades. This would include new windows. Everything would be designed to be code compliant. The current situation is very unsafe. The deck stairs have been treacherous for years. Ms. Sears stated the total bedroom of the entire building would be 8 bedrooms. There will be no enlargement of the structure. Ms. Sears noted Mr. Keller's comment in his report dated September 9, 2022 regarding accessible entrance. Ms. Sears noted the building does not require this as it is pre-existing and under the Fair Housing Act, if the building was there before the 1980's, they do not have to provide an accessible unit. Ms. Sears noted Mr. Keller's comment #5 regarding storage of solid waste and recycling and said currently there is space under the deck where there is space for 2 cans per unit to be stored. The tenants are required to transfer the garbage to the street side for pick up. The truck will not go to the rear of the property. With respect to Mr. Keller's comment #7 regarding lack of privacy to the residents, Ms. Sears stated most people would put window treatments up which would give them privacy.

Mr. Keller questioned the interior improvements and asked if the first-floor units would be adaptable. Ms. Sears responded they will be, but are not bound by the code. Mr. Keller asked the size of the units. Ms. Sears responded the average size is 9' x 11'. Mr. Keller asked if, the only way this is functional is to have the bedrooms on the street side. Ms. Sears responded in the affirmative.

Mr. Keller noted the upstairs units have a deck and the first-floor units will not have anything outdoor and he questioned if it is reasonable for those units. Ms. Sears responded that there is plenty of outside space in the town where these tenants can enjoy the outside, i.e. park, furnace pond, etc.

Mr. Rogalo asked how many square feet the building is. Ms. Sears responded it is a 3,374.3 square foot lot size. Mr. Rogalo noted that is less than a tenth of an acre. Mr. Rogalo questioned the maximum density per acre in the Zone. Mr. Keller stated Section 100-88 A of the Code states a maximum number of dwellings per acre is 6 dwelling units. Mr. Keller noted that this lot runs to the center line of Main Street by deed, as shown on the survey.

Chairwoman Maio questioned the back-property line. Mr. Keller responded the parking lot in the back is a tax lot owned by the Borough. The deck takes up most of the rear area. If you are standing in the parking lot, looking at the building, the corner of the deck closest to the firehouse is on the property line. If you set the front property line at the front of the building you are losing roughly a little over 1,000 square feet so the lot becomes a little over 2,000 square feet. There is no parking on the property since the building occupies the entire lot. Mr. Gavan noted they would need a parking variance.

Chairwoman Maio noted there is no formal agreement with the Borough for any parking. Mr. Keller noted the parking lot is Borough-owned and the lot behind this property has no designated parking; it is first come first serve. Mr. Keller questioned the comparison for parking between the existing retail use and the residential use.

Chairwoman Maio stated the Borough looks for an encourages retail on the first floor and residential on the second floor. The applicant wants to move away from commercial on the bottom floor, which

will impact the parking. Chairwoman Maio noted the property is in the Village Business District. Mr. Keller noted this is a D-1 Use Variance. The Code implies that the ground floor is for commercial/retail. Chairwoman Maio said that when constructing the building next door to Borough Hall, it was made clear that there is to be commercial use on the first floor as this is the Borough's business district.

Mr. Keller asked that total square footage on the first floor. Ms. Sears responded the total square footage on the first floor is 1,700 square feet, including the common area and entranceway.

Jason Dunn, Professional Planner with Dykstra Associates, came forward. Mr. Dunn stated he is a professional planner licensed in New Jersey and a landscape architect. He has been practicing for 20 years and has appeared before numerous Board, many of which were in Sussex County and he has been accepted as a professional planner. The Board accepted Mr. Dunn as a professional planner.

Mr. Gilson noted the Board Engineer's comment that the applicant did not identify the existing variances and he presented a 5-page document containing Form 3 – Variance and Design Waiver Report, Form 3E – Checklist, a portion of the zoning map showing the property in question and the last sheet is an aerial photo of the site from Google Earth, which document was marked Exhibit A-1.

Mr. Dunn discussed the parking situation and the change from retail to residential. Mr. Dunn stated he did a parking analysis and the existing demand is 13 spaces which requires two spaces per unit for a two-bedroom apartment of 1,700 square feet and they are proposing eight. They are also asking the Board to approve residential use which requires overnight parking. The residents would park their vehicles from 6:00 a.m. to 6:00 a.m. and then leave the site to go to work and return at night. Each unit would have 2 cars, but possibly only one car per unit. Mr. Dunn noted the variance relief sought is a D-1 use variance because residential use on the first floor is not listed as a permitted use in the zone. Mr. Dunn stated he looked at the property and it is his opinion that the site is suitable for this use. We have a market that needs more residential units. The property has existing utilities and it is located in an urban setting. Mr. Dunn said it appears, looking up and down the street, that there are some residential units on the first floor. They have adequate car and pedestrian access and there is adequate lighting. In addition, there is a parking lot available to everyone. Mr. Dunn expressed his opinion that this helps promote goal (i) of the Municipal Land Use Law being to "promote a desirable visual environment through good civic design and arrangement." This will help the streetscape look better with the improvements they will be making. The additional apartments fit in the character of the neighborhood. Mr. Dunn also considered the negative criteria and states he does not think it will have any negative impact. There will be less noise, less odor and it will be quieter during the day than a business would be. By approving the use, it will be an improvement to the town and the area. Mr. Dunn noted the applicant is improving accessibility to the second floor. Mr. Dunn directed the Board to the last sheet of Exhibit A-1, being the aerial photograph, which shows there are 8 parking spaces directly behind the building. There are 4 or 5 more spaces across from that and on the other side of the lot towards the Post Office there are 15 more parking spaces. Mr. Dunn noted the owner testified she has never had a problem with parking.

Chairwoman Maio commented that everything stated in favor of moving this to residential supports keeping it as commercial, noting the vibrancy, the inter-connection in the town, the support to the other businesses in the area. Chairwoman Maio stated she does not think they made a case for the positive criteria. Chairwoman Maio stated this is the Borough's business district and she has not seen a demand of housing on Main Street.

Ms. Zelif-Murphy agreed with Chairwoman Maio, adding this is an old town and a village business district is the quaintness of it and they would like to keep that quaintness. Ms. Zelif-Murphy stated they are trying to get back some of the walkability on Main Street and helping the town's businesses.

Mr. Dunn said he also saw a lot of vacancies as he walked along Main Street. Chairwoman Maio questioned what empty businesses on Main Street, noting the building next door is incomplete, and is in the process of being leased. Mr. Dunn responded one of the vacancies is in the applicant's building and two buildings down from the applicant's building. Chairwoman Maio stated the referenced building was to be an extension of the barber shop, but now another commercial business is going in there.

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

Marion Murdock, 34-36 Main Street, was sworn in. Ms. Murdock stated she and her husband have owned the property on Main Street since late 1999 when they opened an antique shop. Ms. Murdock said, as far as the comment of there not being a demand for the space, she checks the listings regularly and the vacant retail space at 30 Main Street has not been advertised as being available. Ms. Murdock stated guests at the Whistling Swan, in addition to the town people, love to go to her shop. Recently two businesses have moved in and are busy. The idea that it cannot be a thriving district is not true. It is the ambiance of the town and more businesses draws in more businesses. Ms. Murdock noted Bell's Mansion and the Yoga Studio are very popular Main Street businesses and the building next door to Borough Hall is beautiful. Ms. Murdock said she has photographs from the 1950's and earlier that show the line of businesses along Main Street. This is a good business district.

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

Mr. Keller stated there are standards required for a D-1 variance and the most important one is special reason (i) undue hardship and promoting general welfare. Mr. Keller noted Mr. Dunn mentioned making cosmetic changes to the building, but not something that is truly changing the visual appearance of the building. Mr. Dunn responded they will possibly paint the front of the building and install new windows, adding there is no room to do any adjustments of the façade. They can only do cosmetic changes. Mr. Keller asked what other purpose of planning are they promoting. Mr. Dunn responded the site is suitable for the use which supports the special reasons. Mr. Keller asked what is particular about this building, noting the owner spoke about the need for residential units, but why is this building special. Mr. Keller asked why is this particular site suitable to be residential. Mr. Dunn responded it will be a project and it is an adaptable use plus it will be more successful with residential as it will add life to the street. Mr. Keller noted the next-door business owner stated there has been no advertising for the space, and he asked how they know there is no interest in the retail space. Mr. Dunn responded he does not know what has been advertised or not. Mr. Keller said he does not think sufficient proof has been provided for a use variance.

Mr. Gilson asked that the hearing be adjourned and carried to the next meeting.

Mr. Gavan announced that this hearing will be carried to the October 17, 2022 meeting with no further notice required.

Mr. Vance returned to the dais.

RESOLUTIONS OF MEMORIALIZATION

22-05, Michael Rowan

Block 11006, Lot 13, Variance

Approval Granted: 8/08/22

On motion by Mr. Vance, seconded by Ms. Zeliff-Murphy and carried by the following roll call vote, the Resolution of Memorialization for 22-05, Michael Rowan’s Variance Application re: Block 11006, Lot 13 was adopted.

AFFIRMATIVE: Mr. Vance, Ms. Lipinski, Ms. Zeliff-Murphy

OPPOSED: None

ABSTENSIONS: None

(Chairwoman Maio had recused herself and Mr. Iftikhar, Mr. Kurtz and Mr. Rogalo were not eligible to vote.)

20-03, Juntos Holdings, LLC

Block 11205, Lots 1 and 1.01, D Variance and Site Plan Application

Approved D Variance, Dismissed Without Prejudice Site Plan Application

On motion by Mr. Iftikhar, seconded by Mr. Rogalo and carried by the following roll call vote, the Resolution of Memorialization for 20-03, Juntos Holdings, LLC D Variance and Site Plan Application re: Block 11205, Lots 1 and 1.01 was adopted.

AFFIRMATIVE: Mr. Iftikhar, Mr. Kurtz, Mr. Rogalo, Ms. Lipinski, Chairwoman Maio

OPPOSED: None

ABSTENSIONS: None

(Mr. Vance and Ms. Zeliff-Murphy were not eligible to vote.)

BILLS:

Local Media Group (NJ Herald)		
08/12/22	Legal notice re: Resolution of Memorialization for Anna Temporale, D Variance	\$16.86
08/12/22	Legal Notice re: Resolution of Memorialization for Juana Lanchipa, Variance	\$16.47

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

AFFIRMATIVE: Mr. Iftikhar, Mr. Kurtz, Ms. Lipinski, Mr. Rogalo, Mr. Vance, Ms. Zeliff-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.

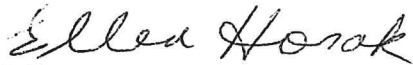
DISCUSSION:

Mr. Keller stated this is a question that came from the Zoning Official. Juntos Holdings LLC applied for a zoning permit and then a construction permit for four activities in their building, one being to increase the size of the loading door. Mr. Gavan noted there is presently nothing before the Board from this applicant and the Board cannot have an open discussion on the Zoning Official's issues. Mr. Gavan and Mr. Keller will meet with the Zoning Officer to discuss his issues.

ADJOURNMENT:

On motion by Mr. Vance, seconded by Rogalo, it was the consensus of the Board to adjourn the meeting at 8:05 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary