

Stanhope Land Use Board
December 11, 2023
Regular Meeting
Minutes

CALL MEETING TO ORDER:

Chairwoman Maio called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Chairwoman Maio invited all those present to stand in a salute to the colors.

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Regular Meeting was forwarded to the New Jersey Herald and Daily Record on January 10, 2023, 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:

Najib Iftikhar – present
Glenn Kurtz – present
Christine Lipinski – present
Thomas Pershouse – present

John Rogalo – absent
William Thornton - absent
Edward Schwartz - present
Paula Zelif-Murphy - present
Rosemarie Maio – present

Others Present: Board Attorney Glenn Gavan, for Board Engineer Nicki Louloudis and Board Secretary Ellen Horak

MINUTES

November 13, 2023 Regular Meeting – On motion by Mr. Kurtz, seconded by Ms. Lipinski, the Minutes of the November 13, 2023 meeting were approved on majority voice vote. Mr. Pershouse abstained.

CORRESPONDENCE

- 11-13-23 Lavery, Selvaggi, Abromitis & Cohen – “D” Variance Application for Juntos Holdings LLC re: Block 11205, Lot 4.01
- 11-15-23 Eric Keller – Resolution Compliance Review #3 re: Stanhope Fuel LLC, 256 Route 206S, Blk 11702, Lot 5
- 11-21-23 New Jersey Planning Officials – New Jersey Planner (Sept/Oct)

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

23-06, Juntos Holdings LLC

Block 11205, Lot 4.01, "D" Variance Application

Appl Rec'd: 11/13/23

45 days: 12/28/24

Chairwoman Maio stated the Completeness Review Committee reviewed the application and recommends it be deemed complete. On motion by Mr. Schwartz, seconded by Ms. Zeliff-Murphy and carried by the following unanimous roll call vote, 23-06 Juntos Holdings, LLC "D" Variance Application re: Block 11205, Lot 4.01 was deemed complete.

AFFIRMATIVE: Mr. Iftikhar, Mr. Kurtz, Ms. Lipinski, Mr. Pershouse, Mr. Schwartz, Ms. Zeliff-Murphy, Chairwoman Maio

OPPOSED: None

ABSTENSIONS: None

The Board Secretary will forward a copy of the application to the Board Engineer for review and comments.

NEW HEARING:

23-05, T3 Innovations (Adam Lusardi)

Block 10607, Lot 8, Variance Application

Deemed Complete: 11/13/23

120 days: 03/12/24

Joseph O'Toole, attorney on behalf of T3 Innovations came forward. Mr. O'Toole stated the property is located at 3 Walton Street. It was previously developed as a parking lot for a restaurant that no longer is in operation. Adam Lusardi is the owner of T3 Innovations and he has been building homes in Morris County and Sussex County since 2013. A few years ago, he built a home at 49 Linden Avenue in Stanhope with no problems or issues. The property is in the MR Zone. They propose a 4-bedroom, 2-1/2-bathroom home. They conform with zoning. The building height is 7-feet less than allowed, which is 35 feet. The current impervious coverage is 77.67% and permitted is 25%. They propose to redevelop the lot and bring the impervious coverage to below what is permitted. In August of 2006 the lot was approved for a dwelling and they are here to reapply to the application that had previously been approved by the Board.

Margorie Roller came forward and stated she is qualified as an architect and a professional planner. She is here to provide testimony as a professional planner. Ms. Roller provided her educational background as an architect and a planner. She was licensed as a professional planner in 2011. She has provided oral testimony as an architect and a planner before numerous Boards in North New Jersey including, but not limited to Netcong, Dover, Rockaway Borough and Chatham. The Board accepted Ms. Roller as a qualified professional planner. Ms. Roller noted the application is for a four-bedroom home to be built on an existing vacant lot that is over 77% paved. This will be a 2-1/2 story dwelling with a 2-car garage. The impervious coverage proposed is 22%, which is less than the 25% permitted. The only variance needed is for lot size. The ordinance requires 14,520 square feet and this lot is 12,172 square feet. Mr. Gavan asked if any inquiry was made to the neighbors about purchasing land.

Ms. Roller responded in the negative, noting all the other properties are small. Ms. Roller spoke about the neighborhood. The properties consist of all residential dwellings and, in looking at the Sussex County Tax Assessment Report, within the 200' radius, there are 24 other properties. Two of those properties are well over the 14,000 square feet the town requires and two of the properties are not conforming and are similar to the applicant's property lot. The remaining 20 properties are, with the exception of 2 that are about 9,000 square feet, are less than half than what is required in the zone. The proposed plan is appropriate for this neighborhood. Ms. Roller stated she observed that this property is co-joined to four other properties. They were all built from 1910 to 1950 so you can assume that this property existed way before the ordinances were enacted. The adjoining properties are much smaller and would have had to come before this Board if after enactment of the ordinance. Ms. Roller said this is a true pre-existing condition on the site. The proposed house is consistent with the neighborhood. Ms. Roller spoke of the positive criteria being they are removing 6,000 square feet of pavement, being 55% of the existing coverage, from the property. The removal of impervious coverage is a benefit for the town and for the neighborhood. Ms. Roller spoke about negative criteria and said this will not impair the intended purpose of the zone plan nor have any detriment to the public good. The impact in the neighborhood will be de minimis. There is little detriment to the community. Ms. Roller questioned if someone would rather have a parking lot or a nice house next to them. She does not believe anyone would object to the proposed house. Ms. Roller stated all of the homes in that area have overhead wiring. Ms. Roller also stated there are no other developable lots within a 500' radius so no one else will be bringing in underground electrical service. Mr. Gavan said, if the town requires underground wiring, it has nothing to do with planning, it is an engineering issue.

Chairwoman Maio asked Ms. Louloudis to address the overhead wiring. Ms. Louloudis noted the plans show the electrical line going over the roof to the building and it is a town requirement to go underground. On the other homes in the area the electrical line comes to the corner of the house.

Adam Lusardi was sworn in. Ms. Lusardi said when they drew the line for the electrical line, it should have come across where the basement is so they can run the service from there. The plans will be updated to show the correct location and he will coordinate with JCP&L. Mr. Pershouse noted in there are requirements in the electrical code regarding how much clearance you must be above the roof. In order to meet the requirement, the electrical line must be a certain amount of feet above the roof. Mr. Lusardi responded the electrical lines will comply with the requirement. It will not go above the roof, it will go from the side. The drawing has an error in the location and will be corrected. Ms. Zeliff-Murphy asked, since digging up the pavement, would it be cost effective to put the underground wires. Mr. Lusardi responded in the negative as the pole is across the street.

Ms. Louloudis went through the comments in Engineer Keller's report dated December 7, 2023.

Item #1 and #2 – Mr. O'Toole noted the comments and stated they will be updated.

#3 – Ms. Louloudis noted she has no issue with that height, but there are two different measurements that were given, as the engineer's plan indicates 24.8 feet and the architect's plans indicate 24.92 feet. Mr. Gavan suggested, if the Board approves the application, the height can be at 24.9 feet for which no variance will be required for the height. Mr. Lusardi stated the maximum height is 27.4 feet from average grade, which is shown on the plans. It will be clarified to show the higher number.

#4 – Ms. Louloudis noted the plans show a basement, but no floor elevation proposed, which should be shown on the plans. Ms. Louloudis questioned if there is a need for a sump pump and if so, where it

would discharge as it must not discharge to the street nor be connected to the sanitary sewer. Mr. Lusardi responded he does have plans to put in a sump pump. If a drywell or something is needed, it will be done. Ms. Louloudis stated she would like to see a proposed drywell and sump pump on the plans.

#5 – Ms. Louloudis noted there is a retaining wall in the back and she asked the condition of the wall. There is a concern that when excavating and the retaining wall is exposed, will it require some maintenance or upgrade. Mr. Lusardi responded the application in 2006 said they would agree to give an engineer's report on the structure before and after, which was included in the approving resolution. Chairwoman Maio noted 2006 was a long time ago. Mr. Gavan agreed, adding the applicant should provide a report to the Board engineer pre-construction. Mr. Lusardi said he believes the retaining wall is in pristine condition and he will have a professional engineer inspect it and give a report.

#6 – Ms. Louloudis stated since they are disturbing more than 5,000 square feet of land, they must go to the Upper Delaware Soil Conservation District for approval and a copy of the certification should be provided to the Board engineer.

#7 – Ms. Louloudis noted there is a wood shed on the property that is proposed to be relocated to adjacent Lot 7. Mr. Lusardi responded that is correct. He will reach out to the neighbor about having it removed. Mr. Gavan noted that wherever the shed is placed on Lot 7, it must conform or that property owner will need to come before the Board. Mr. Lusardi said it is the assumption that the shed belongs to the owner of Lot 7. Mr. Gavan asked, regardless of who owns the shed, the shed will be gone from the applicant's property. Mr. Lusardi responded in the affirmative. Mr. Lusardi stated the shed is 100% on his property and if it does not belong to the neighbor, he will remove it.

#8 – Ms. Louloudis noted there are existing steep slopes and trees shown beyond the existing retaining wall and she would like confirmation that none of it will be disturbed. Mr. Lusardi responded it will not be disturbed. Mr. Pershouse noted there have been previous developments where a subsequent owner of the property started removing trees in steep slope areas because there was no conservation easement. Mr. Gavan stated, if approved, the Board can require as a condition, that no vegetation or trees will be removed. Mr. Lusardi agreed to a conservation easement. Ms. Zeliff-Murphy noted the photograph shows an ash tree that has no leaves on it and should be taken down. Mr. Lusardi agreed, adding if the tree is on his property, he will remove it. Mr. Gavan stated it will be a condition of any approval that any dead trees in the easement will be removed from the applicant's property.

#9 – Ms. Louloudis asked if any landscaping is proposed. Mr. Lusardi responded he only proposes to do topsoil, seed and hay appropriate to the area. Chairwoman Maio questioned a need for a buffer for the neighbors. Mr. Lusardi stated there is presently vegetation between the neighbors and he does not feel trees are necessary in that area.

#10 – Ms. Louloudis noted, regarding the sewer service for the new dwelling, the slope of the new service is proposed at 15.7% and to connect to an existing manhole approximately 40- feet west of the lot boundary. Ms. Louloudis recommended flattening the slope to minimize flow velocity and excavation depth in the street and to show this on the plans. Mr. Lusardi asked about lowering the point where it comes out of the house. Ms. Louloudis agreed. Mr. Lusardi will work with the Board engineer on this and the plans will be updated.

#11 – Ms. Louloudis noted this comment was already discussed.

#12 – Ms. Louloudis stated she does not have an issue with the water service line connection as it is the only water connection in the area.

#13 – Ms. Louloudis stated they need a curb stop that is not shown on the plans. Mr. Lusardi confirmed this is the only location to connect. He had the town's DPW do a mark-out.

#14 – Ms. Louloudis noted a proposed railing for the covered porch is called out, but no details are on the architect's plans. Ms. Louloudis asked what the material it will be. Mr. Lusardi responded it will be a pbc or wrought iron railing. Mr. Lusardi will send the details of the railing to the Board engineer.

#15 – Ms. Louloudis noted stormwater management is not proposed because the applicant is reducing the impervious coverage, but there will be regrading of the site and although it appears the overall stormwater runoff patterns will not change, she recommends that the applicant's engineer reevaluates whether any stormwater control methods are required, specifically behind the patio near the existing retaining wall and along the upstream side of the proposed dwelling. Ms. Louloudis asked if there was any consideration to putting in an inlet. Mr. Lusardi stated he would be agreeable to putting in drywells as what Ms. Louloudis is asking is a large undertaking. Ms. Louloudis said if they can take the roof leaders and connect them to the drywell, she would be okay with that. Chairwoman Maio noted the vicinity to the lake and cautioned they need to protect the lake. Mr. Lusardi agreed to the drywell installation which will be shown on the plans.

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

Nitin Shritati, owner of 2 Walton Street, said he only appeared at this meeting because he received notice of the hearing. He has no concerns with the proposed house and he will be happy to have more neighbors.

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

On motion by Mr. Pershouse, seconded by Ms. Lipinski and carried by the following unanimous roll call vote, the Board approved the variance application of T3 Innovations for an undersized lot re: Block 10607, Lot 8 with the following conditions: revisions of the plans as indicated during the meeting, actual impervious coverage calculations, pre-engineering assessment of the retaining wall, modification with regard to where the electric will hook in, a conservation easement for the rear part of the property; however, it will include that the applicant can remove any dead trees in the easement area, there will be a curb stop as indicated in item 13 of the Board engineer's report as well as the railing detail, the sump pump and all down leaders will be in a drywell system approved by the Board's engineer, applicant will confirm the actual height which shall be less than the height needed for a variance and the shed shall be removed from the property.

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

OPPOSED: None

ABSTENSIONS: None

BILLS:

Gavan, Criscuoli & Lenar			
08/31/23	Re: Demattheis Redevelopment		\$1,122.00
08/31/23	Re: Metro SH Storage		\$ 578.00

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

AFFIRMATIVE: Mr. Iftikhar, Mr. Kurtz, Ms. Lipinski, Mr. Pershouse, Mr. Schwartz, 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. Iftikhar, 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