

**Stanhope Land Use Board
July 10, 2023
Regular Meeting Minutes**

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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:

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 and was placed on the municipal bulletin board and the official website of the Borough of Stanhope.

In the event that 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	John Rogalo – present
Glenn Kurtz - present	Edward Schwartz - present
Christine Lipinski – present (arrived 7:01pm)	William Thornton - present
Thomas Pershouse – present	Paula Zelif-Murphy - present
	Rosemarie Maio – present

Others Present: Board Attorney Glenn Gavan, Board Engineer Eric Keller, Board Planner William Hamilton and Substitute Secretary Linda Chirip

APPROVAL OF MINUTES

June 12, 2023 Regular Meeting – On motion by Mr. Kurtz, seconded by Ms. Zelif-Murphy, the Minutes of the June 12, 2023 meeting were approved by a majority of the following roll call vote. Mr. Iftikhar and Mr. Pershouse abstained.

Roll Call:

Najib Iftikhar – abstain	John Rogalo – yes
Glenn Kurtz - yes	Edward Schwartz - yes
Christine Lipinski – yes	William Thornton - yes
Thomas Pershouse – abstain	Paula Zelif-Murphy - yes
	Rosemarie Maio – yes

CORRESPONDENCE

06-21-23 Patrick Lynch – Minor Subdivision Application Re: Block 11103, Lot 24.05

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

23-03, Alberto Montalva – (Applicant Withdrew Application)

Block 10701, Lot 9.01 Variance Application

Appl Rec'd: 05/30/23 45 days: 07/14/2023 (Deemed Incomplete on 06/12/23)

23-04 Patrick Lynch

Block 11103, Lot 24.05 Minor Subdivision Application

Appl Rec'd: 06/21/23 45 days: 08/05/23

On motion by Mr. Schwartz, seconded by Mr. Iftikhar and unanimously carried by the following roll call vote, the minor subdivision application number 23-04 for Patrick Lynch, Block 11103, Lot 24.05 was deemed complete.

Roll Call:

Najib Iftikhar – yes

Glenn Kurtz - yes

Christine Lipinski – yes

Thomas Pershouse – yes

John Rogalo – yes

Edward Schwartz - yes

William Thornton - yes

Paula Zeliff-Murphy - yes

Rosemarie Maio – yes

NEW HEARING:

23-02, Metro Storage LLC

Block 11701, Lot 21 Site Plan Amendment

Deemed Complete: 05/08/23 45 days: 06/20/23 (Extension Granted)

Attorney Gavan suggested amending the agenda to discuss the Proposed Redevelopment Area first due to the fact the discussion may not take as much time. Chairwoman Maio stated she would prefer to begin with the Metro Storage application. Ms. Lipinski and Mr. Thornton recused themselves and left the dais.

Attorney Derek Orth, from the Law Firm of Inglesino & Taylor, stated he is here this evening on behalf of the applicant, Metro Storage. The applicant is requesting site plan approval to install six (6) RV parking spaces and one (1) car/truck space on an existing self-storage facility, along with some landscaping. There are no variances in connection with this application. The subject property is identified as 159 State Route 183, Block 11701 Lot 21, on the official tax map. The witnesses will explain that the subject property was approved as a self-storage facility by the Borough's Planning Board in February 2002. The applicant at that time was Fred Azeme of Stanhope Self-Storage. The property was purchased by Metro Storage in 2011. In August of 2022, Metro Storage filed a Zoning Application requesting the parking spaces previously mentioned. That request was denied as the Zoning Officer noticed that the original resolution of approval did not provide express permission for the proposed parking spaces. For that reason, an application was filed with the Land Use Board to seek approval. The RV spaces are viewed as a common use for self-storage facilities. Metro Storage does have RV parking spaces at several other locations. Self-storage is an inherently quiet use and Metro Storage is a world class operator of these facilities.

Attorney Orth stated he has two witnesses here this evening. The first is Robert Heilman, Vice President of Development for Metro Storage, who will provide an overview of the company and the proposal before the board. The second witness will be Greg Mascola, Bohler Engineering Landscape Architect, who is testifying for the first time in front of a board. Mr. Mascola will present some exhibits which will depict the proposed parking spaces and the proposed landscape improvements.

Robert M. Heilman was sworn in by Attorney Gavan. Mr. Heilman stated he is the Vice President of Development for Metro Storage and has worked for them for the past ten years. This is a family owned business which is run by two brothers who took over the business from their father. There are currently 86 stores in 13 states. There are 10 stores in New Jersey. Approximately 30 of those stores have vehicle storage for RV's and boats. No semis or construction equipment is stored on the sites. Mr. Heilman presented a traffic exhibit taken from Wednesday, May 31st to Wednesday, June 7th. During that week, 94 vehicles entered the property. According to the National Transportation Engineering Manual, this number is then doubled because each vehicle moves in and moves out. This equates to 188 trips for the week. The busiest day was Saturday, with a total of 68 trips. The busiest hour that day was between 10:00am and 11:00am and there was a total of eight (8) vehicles that hour. Compared to other facilities, this is fairly minor traffic. This is an established facility and it is economically at capacity. There are just a few vacant spots and the business has been stable ever since Metro Storage purchased the property. There is not much fluctuation in the capacity of the facility. There is the ability on the property to provide additional parking for the tenants which has been requested over the years. In mid last year Metro Storage began reviewing the possibility of adding parking. It has been determined there is space for six (6) RV parking spaces and one (1) 10' x 20' space as indicated on the proposed drawings. This is an accessory use to the highway commercial zone. There is existing landscape buffering which was done years ago. There is very mature landscape buffering in the back. Some of that has thinned out over the years either due to disease or being cut down for one reason or another. The plans indicate how Metro Storage plans to reestablish the mature landscape buffering. Currently, there are 40-foot-tall deciduous trees and 20-30-foot-tall evergreens. The hours of operation will remain the same. No paving will be done. Only stripes will be added to the asphalt for the parking areas. There is a gate which is also part of this request. The gate was not shown on the original 2022 site plan. There is a 30-foot buffer area behind the fence. Mr. Heilman stated he does not know when the gate was installed but it was not done by Metro Storage. They are requesting that the gate be allowed to remain and it would be locked unless maintenance needs to be conducted in the buffer area. Chairwoman Maio asked if the gate is only accessed to maintain the buffer area. Mr. Heilman confirmed this and stated there is no other reason for anyone to be back there.

Attorney Orth stated a memo was received from Eric Keller, the Board Engineer, dated June 12, 2023 with seven comments for technical review, a few of which are appropriate for the owner to address. Attorney Orth asked Mr. Heilman if Comment #3 Testimony should be provided that these six (6) spaces are limited to recreational vehicles is correct. Mr. Heilman confirmed this is correct. Condition #4 is a condition of approval for these seven (7) parking spaces states that all the vehicles are to be properly registered and road-worthy. Mr. Heilman confirmed he has no issue with this condition. Condition #5 states there will be no construction equipment or storage trailers permitted. Mr. Heilman agreed to Condition #5. Attorney Orth stated with regard to Condition #7, the applicant has no objection to providing a sealed copy of the boundary survey upon approval. The other technical review questions will be answered by the Landscape Architect. Mr. Heilman stated the property was initially approved with a residence on the property. However, since Metro Storage purchased the property, the residence has not been used but it does still exist. There is no plan to utilize it. Attorney Orth stated the original owner was required to submit a Title 39 application as per Mr. Keller's memo under Conditions of

Approval which Remain Applicable, Item #18. It is unclear as to whether or not the previous owner did this. Attorney Orth stated he will prepare the letter and submit the request to the Mayor and Council. Mr. Keller asked how many of Metro Storage's ten facilities in New Jersey have RV parking spaces. Mr. Heilman stated he is not certain of the number but he is of the opinion there is one. Mr. Keller asked why the traffic study was done during the week of May 31st to June 7th. Mr. Heilman stated that was the most recent week available at the time the request was made. Mr. Keller asked if the activity varies throughout the year. Mr. Heilman stated this is a seasonal business which is busiest in the summer. Mr. Keller stated the hours of operation are listed as 6:00am to 9:00pm and after 9:00 by appointment only. Mr. Heilman stated access is available from 6:00am to 9:00pm. After that the property is locked and there is no access and there are no appointments. Chairwoman Maio asked if any of the other Metro Storage facilities back up to residential neighborhoods. Mr. Heilman stated many of the facilities do. Chairwoman Maio asked if the hours of operation at those facilities are the same. Mr. Heilman stated yes some have the same hours as Stanhope, but the majority are open until 10:00pm. Chairwoman Maio asked if there will be hook ups available for the RV's. Mr. Heilman stated they just opened two facilities in Florida, one of which has 96 storage spaces for RV's. There are 4-5-amp outlets provided to run a trickle battery charger, nothing larger than that. For this facility there will not be any outlets provided. There will not be any way for people to live in their RV's. Chairwoman Maio asked if an owner of an RV would be permitted to come there for the day and work on their RV. Mr. Heilman confirmed this is an option depending on the type of work they want to do. No mechanical operations are permitted. Chairwoman Maio asked if generators would be permitted which would cause noise. Mr. Heilman stated generators are not permitted. These same rules apply for the storage units. People are not allowed to work out of their units. Chairwoman Maio asked if the vehicles would only be stored at the back of the property. Mr. Heilman confirmed the RV's, boats or trailers will only be stored in the seven spaces requested. The size of the spaces varies. Some are 40-45 feet in length.

Chairwoman Maio asked the board members if they had any additional questions. Seeing none Chairwoman Maio opened the meeting to the public for questions or comments regarding this issue.

John Demasi stated he has been a resident of Stanhope for thirty years and the facility is located directly behind his home. For the past 18-20 years he has not complained about noise or problems but the quality of life has declined recently. The gate was just recently left open for four days straight. There are issues with the gate being broken often and security issues. There is someone who owns a Harley and every Friday night he comes and starts it up. He drives it back and forth and then leaves. He comes back Saturday morning and again at 8:00pm on Saturday night. Then he is back again on Sunday. Mr. Demasi stated he checked other commercial properties in various municipalities and none of them have gates that open up to residential property. There are many residential properties located behind this facility. The fence is fine but the gate is not acceptable. There have been people back there with chain saws that do not know what they are doing and are unable to communicate due to language barriers. Mr. Demasi stated the neighbors spend a lot of money on their properties and their houses and the quality of life is going down. He lives on a hill and can see everything that goes on at the storage facility. Mr. Demasi provided pictures he took from his property. Attorney Gavan confirmed with Mr. Demasi that he took the photos and they were not altered in any way. Mr. Demasi confirmed this. Mr. Demasi stated he is concerned with safety. He and his neighbors have grandchildren and pools and people can access their properties through the gate. Even when the gate is locked, people could squeeze through the gap. Attorney Gavan asked Mr. Heilman why the fence does not go to the property line. Mr. Heilman stated there is a 30-foot landscape buffer behind the fence. Several years ago, Mr. Heilman stated he became involved with Mr. Demasi when some tree cutting was being done. Mr. Heilman stated it is his understanding that at that time Mr. Demasi did not realize the property was owned by Metro Storage.

Mr. Demasi's fence extends into Metro's property by 30 feet. Mr. Heilman stated at that time he had a surveyor determine where the property line is. It was also discovered at that time that several neighbors had sheds and fences that extend into Metro's property. Metro Storage does not care that those sheds and fences have encroached onto their property. Licenses were sent out to all those home owners for signature asking for acknowledgment that their sheds and/or fences are on Metro's property. They are not being asked to move them. Of the six that were sent out, only two were returned. A license was not sent to Mr. Demasi because he had extended his fencing all the way to Metro's fence and Metro asked Mr. Demasi to remove his fencing from their property. At that same time there was an issue with a bunch of trees which fell down in the buffer area. Attorney Gavan asked if the buffer area is fenced. Mr. Heilman stated the buffer area is not fenced as most of the neighbors have their own fencing along the back of their properties. Mr. Demasi stated when the trees fell in the buffer area he was contacted by Metro Storage and asked to remove the trees from their fence. At that time Metro did not know who owned that area. Chairwoman Maio asked if there is a reason the fence is 30 feet in from the property line. Mr. Heilman stated the fence was there when they purchased the property. The fence is six feet high with slats in it to obstruct the view between the properties and there is very mature landscape buffering in place. There are some holes in the landscaping which Metro is proposing to fill in. The property really has not been maintained up until two years ago. There was also an issue with a ten-foot conservation easement that the town gave to the residential property owners which was trying to be figured out. Mr. Keller stated the original site plans were submitted as part of this application. Clearly the fence was never intended to be at the property line but as to why is unknown. On the north end of the site the reason would have been due to environmental wetland concerns which would have regulations associated with it. Chairwoman Maio asked if grass is being cut behind the fence. Mr. Heilman stated no grass is being cut. They are clearing out some dead debris and there is a large 60-foot tree by Ferraro's property that they have been speaking to the homeowner about. Metro will be removing the tree but they have spoken with Ms. Ferraro about how that will be accessed, either from their side or hers. Attorney Orth spoke with Mr. Heilman and stated that Metro Storage will remove the gate if the board so desires but they will not be able to maintain the buffer area. If this satisfies the concerns of the neighbors he is willing to do this but he does not want any ramifications for being unable to maintain the buffer area due to the fact there will be no access to the property.

Joelle Demasi stated she is concerned about the trailers which have propane storage, black water storage, gray water storage, generators, guns in campers and septic. Ms. Demasi asked if Metro Storage will check to make sure the trailers are empty and not leaking. Over the years there have been campers stored on the property. Why are the parking spaces being placed back by the residences and not in the middle of the property away from the homeowners? The Borough Zoning Officer was supposed to have the gate removed from the property last November. Attorney Orth stated a violation was issued for the gate. Attorney Gavan stated that is why the applicant is before the board asking for approval of the gate. Ms. Demasi stated anyone on the board who would like to view the situation is welcome to come to her yard to view the area but to notify her first due to her dogs. Mr. Heilman stated the lease that the customers sign outlines what can and cannot be stored on the property such as hazardous materials, weaponry, etc.

John Miller stated he has experienced someone accessing the buffer space through the gate and that person went into the Demasi's yard around to the front and was asking him if anyone was around. There is a real concern for the fact that people are not staying on their own property. Contractors doing work do not know where the property lines are. Mr. Miller asked to have the buffer area clearly marked out. Chairwoman Maio stated she does not understand why the fence is not closer to the property line. Mr. Keller stated he does not know why the Planning Board years ago made the decision to put the fence so

far away. It then creates these types of issues. There is a slope between the pavement and the fencing. Chairwoman Maio asked if, as a consideration of approval, the fence could be moved out to the property line. Mr. Heilman stated he can move the fence but that would require an expense to the homeowners to move their fences, sheds and landscaping so this would not be the preferred option. Chairwoman Maio stated unfortunately the residents cannot have this both ways. Mr. Heilman stated the gate will be removed and the Demasi's now have a fence so there is no access to their yard. Mr. Keller stated in his opinion leaving a 30-foot-wide area behind the facility which cannot be maintained is not a good decision. Mr. Keller stated the survey, submitted by Control Point, which is dated July 21, 2022, is not signed or sealed but it does show several properties that have fences and sheds on Metro's property. Mr. Keller described the lengths of the various fences located on the various properties. The ten foot right away shown on the survey no longer exists. That property was given to the homeowners by the Borough. Chairwoman Maio stated in her opinion the Metro Storage fence should be moved as close to the property line as possible even if the homeowners have to move their fences or sheds. Mr. Keller stated according to the survey most of the encroachment is not too far in to Metro's property. If the fence was placed five feet from property line, the adjacent homeowners could take care of that portion of the property which they are most likely all ready doing. Mr. Miller asked if the residents could use the land and maintain it. Attorney Gavan stated that is not a discussion for the Land Use Board. Mr. Heilman stated again that licensing letters could be sent to the homeowners as was done in the past.

Daniel Smith asked how do you prevent people from staying in the RV's parked at Metro Storage and how is that enforced. Attorney Gavan stated this is private property but if Title 39 is submitted, that would give the town jurisdiction to be able to access the property under certain conditions. Mr. Heilman stated he has agreed to submit a Title 39 application, if the plan is approved, which would give the town authority to enforce traffic laws and issue citations. Metro Storage does not permit people to live or stay in the trailers overnight. If there is a problem, there is a manger who can be contacted or district manager or the police. There are also cameras located on the property. Attorney Gavan asked if a key code could be provided to the police and fire so that they can access the property once the gate is locked down to the public. Mr. Heilman stated there is already a system in place for fire department access. If someone is caught violating the terms of the lease, the lease is cancelled immediately. Ms. Zeliff-Murphy asked if anyone inside the storage area can exit the property after hours when the gate is locked. Mr. Heilman confirmed people can always get out. Mr. Rogalo stated in the event that a gate is needed to access the buffer area, the gate should be properly sized. Attorney Orth stated the gate will be fixed, replaced or eliminated.

Seeing no further questions or comments from the public, Chairwoman Maio closed this portion of the meeting to the public.

Attorney Orth called Gregory A. Mascola, Landscape Architect, forward who was sworn in by Attorney Gavan. Mr. Mascola stated he graduated with a Bachelors Degree in Landscape Architecture from Virginia Polytechnic Institute and State University in 2013. He is a licensed Landscape Architect in the State of New Jersey since 2017. He is currently a Project Manager at Bohler Engineering where he has been employed for the past nine and a half years located in Warren, New Jersey. Attorney Orth asked how many projects Mr. Mascola has worked on over the past ten years. Mr. Mascola replied he has worked on countless projects, probably over one thousand. Attorney Orth asked Mr. Mascola if he has designed other plans in the past. Mr. Mascola confirmed this and stated some have been similar to those designed for Metro Storage. Attorney Orth asked if Mr. Mascola's license is in good standing and effect. Mr. Mascola confirmed this to be true. Attorney Orth offered to Chairwoman Maio that Mr. Mascola is

an expert in the field of landscape architecture. Attorney Gavan had no objections. Chairwoman Maio approved the witness.

Mr. Mascola distributed exhibits to the board which were not submitted before and needed to be marked. The first exhibit is the Landscape Exhibit Rendering prepared by Bohler dated July 7, 2023, marked as Exhibit A1, Sheet #2. Attorney Orth asked Mr. Mascola to provide an overview of existing conditions. Mr. Mascola stated for reference, North is located to the left side of the page. This is identified on the tax map as block 11701 lot 21. The address is 159 State Route 183 in the Borough of Stanhope, New Jersey. This is located on the northbound side of Route 183 along the western side of the property with wooded areas beyond that and the Route 206 intersection. Dell Road is to the South with office use and residential along it. Young Drive is located to the East with residential as well. To the north are some residential and wooded areas beyond that. The site is approximately 5.69 acres, it is an existing self-storage facility and it is in the Highway Commercial Zone and they have been in operation since the early 2000's. There are six existing buildings, one existing driveway along Route 183, and 10 parking spaces including one ADA parking space along Route 183. The area that is colorized is the proposed area for improvement of the six RV parking spaces and one additional parking space. The six RV spaces are just south of the first building on the left northern side of the site and northeast of the second building on the eastern curve line. The stalls range in size. They are all 12 ½ feet wide. The spaces range in length from 29 feet to 45 feet. It is a 60-degree angle to the parking of the existing curb line and there is a minimum drive aisle of 22.3 feet which is in compliance with the township code of 22 feet. Within the existing buffer area, it is proposed to fill the blank areas and spaces where trees have died with 26 evergreen green giant arborvitae, which will be at a minimum of 8 feet high at installation. They will start at the middle of the first building at the eastern side of the property and run down to about lot 8, block 11601. The black renderings on the exhibit are the existing trees and the green marks are the proposed trees. The trees will be a mixture of evergreens and deciduous trees. To his knowledge there are no white pines. The trees will grow up to 50 feet in height and are very fast growing. They can grow three to four feet a year. They are deer resistant. Attorney Orth stated should the approvals be granted; Metro Storage will work with the board's engineer to provide other plantings than those proposed.

Mr. Mascola stated the next Exhibit will be marked as A2 which is the Sight Line Exhibit prepared by Bohler Engineering, dated July 7, 2023. North is to the top of the page. This is a cross section elevation taken from the middle of block 11601 lot 9 taking this west to the edge of the curve on the other side looking plan north. This is what someone standing in this location would see when looking to the west which would be the deciduous trees, the proposed landscaping, the 8-foot-high evergreen trees, the 6-foot-high chain link fence and the height of an RV in the parking space. The line around the area is the approximate five-year growth rate of 18 to 20 feet high, assuming the three to four-year growth rate per year. The RV would be shielded from the neighbors view by the plantings.

Mr. Mascola stated the other two Exhibits are just black and white renderings of the colorized landscape plan.

Attorney Orth asked Mr. Mascola to address the issues in Mr. Keller's memo. Technical Review Comment #1 asks if the applicants considered any other locations for the proposed RV parking areas. Mr. Mascola stated other areas were looked at however the length and width of the vehicles and the minimum drive aisle widths worked best in the area selected. Comment #6 asks for an O&M manual to be provided. Mr. Mascola stated the manual would be provided. Attorney Orth stated the manual would be provided as a condition of approval should the board act favorably on the application. Attorney Orth asked Mr. Mascola if a signed and sealed copy of the boundary survey will be provided to the Borough.

Mr. Mascola confirmed this will be done. Ms. Zeliff-Murphy asked what a person on the lot referenced on page 3 would see if they were looking out a second story window. Mr. Mascola stated the distance from the houses was not looked at. The houses would be further away and would be looking down onto the proposed landscaping. The views should still be shielded from that vantage point. Headlights would not be seen. Attorney Orth stated the facility is closed at 9:00pm.

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

Mr. Rogalo stated he has never driven an RV but he does drive heavy equipment. He asked Mr. Keller if the last parking spot would have enough room for a large RV to get in there with the 22-foot area or if the space in the middle could have an RV moved without moving the other two vehicles. Is there enough room back there to make those radiuses? Mr. Keller stated the applicants should answer that question. Attorney Orth stated the Landscape Architect cannot answer that question. The applicant should be able to coordinate how the spaces would be utilized. Attorney Gavan stated the turning radius should be reviewed by the Board's Engineer as a condition of approval to make sure this will work. Mr. Keller stated he will be happy to review it and there are multiple ways of approaching it. Mr. Keller stated he has driven an RV and they are not the most maneuverable vehicles. Some are bus type vehicles and there are travel trailers which can be quite large. Attorney Orth stated the applicant is happy to work with Mr. Keller on any type of radius concerns. Ms. Zeliff-Murphy asked if the vehicles run on diesel. Mr. Keller stated some run on gas and some on diesel but they are all vehicles which are allowed on the roadways. Attorney Orth stated there is not a lot of traffic in and out of the facility and the vehicles would not be moved regularly.

Mr. Keller asked Mr. Mascola why the 8-foot height was chosen for the evergreens. Mr. Mascola stated it was the same height that was proposed in the 2002 application. Mr. Keller asked if the applicant would consider installing some 10-foot trees along with the 8-foot trees. Attorney Orth stated they will stipulate to that. Mr. Keller stated this is proposing coverage for the area where the RV storage is proposed. Looking at the survey, there are some numbers which identify existing plant material. Mr. Mascola stated the numbers such as T12 indicate the caliper of the existing plant material. Mr. Keller asked if there is a list of the sizes and species of the existing plant material which could be provided to the Board. Mr. Mascola stated he would be able to work with the applicant to compile a list of species. Mr. Keller stated Mr. Demasi and Mr. Heilman indicated there are existing Ash Trees. As everyone is aware, there are existing issues with Ash Trees and they will have to be removed and something else should be planted to replace them. There is a gap in between lot 7 and lot 6. Mr. Keller stated he presumes there are trees in that area and asked why there is a gap shown. Mr. Mascola stated he is of the opinion the surveyor concentrated on the trees in the area of the parking spaces. The sparsest landscaping area exists between lots 8-11. Mr. Keller asked if the applicant would agree to plant additional trees as necessary to provide a more thorough buffer if it is determined during construction that additional trees are required, subject to Mr. Keller's office's direction. Mr. Heilman agreed to work with Mr. Keller's office and stated the buffer area is very dense and he has concerns about how well the new plantings will take. Mr. Keller stated at this time he is only working off the documents provided. Mr. Keller would like to have his Landscape Architects review the plan. The arborvitaes are not being objected to but Mr. Keller is unsure if 26 of the same tree should be planted. There may be other trees that can provide a varied buffer. Mr. Heilman had no objection.

Marion Murdock suggested planting a species of boxwood that grows quite large, you cannot see through them and the deer do not eat them. Mr. Mascola stated currently there is a blight damaging the boxwoods.

Chairwoman Maio stated there are a few issues to be addressed. The first is whether or not the existing fence should be moved back into the 30-foot buffer and the second is the issue with the gate. Mr. Keller stated depending on how the first question is answered will determine the gate issue. Attorney Gavan stated from a legal point of view with regard to ownership, the fence should be pushed back as far as possible. The owner can then maintain their own area and not be worried about being on someone else's property or having someone on their property and there would be no need for a gate. If the fence was brought back to five feet off of the property line, it would not interfere with the sheds or fences which have encroached onto Metro Storage's property. Mr. Heilman stated he hears the concerns but that is why he had sent out the licenses to the property owners which some neighbors have already signed so they would not have to move their items. Mr. Heilman stated he has concern about moving the fence back into an area that is a legal instrument that entitles the neighbor to have something there. Attorney Gavan stated Metro Storage is being a good neighbor in allowing people to leave their items on Metro's property but a distance needs to be determined as to where the fence can be moved to. Mr. Heilman stated a better gate could be installed. Attorney Gavan stated that does not really solve the issue as he sees it after hearing from the neighbors. Attorney Orth asked for a brief recess to discuss the issue with his client.

Christine Ferraro suggested property spikes be installed instead of moving the fence. This would provide a delineation of whose property is whose. Attorney Gavan stated that does not solve the maintenance issue or access to the land. As a resident for 34 years she has never seen anyone seed the ten-foot swath. There is a natural grass line. The brush is now high and there is an Ash Tree that needs to come down which she is working on. The land was given to the property owners. Mr. Keller stated approximately ten years ago the Borough gave the ten-foot easement to the property owners along Young Drive and up to Maryann Terrace. The right away was most likely created when the Pennington subdivision was done so no other access would be available along the western and northern boundary of that tract. It was Borough owned but the Borough never maintained it. The ten-foot area is bordered by the applicant's property but that land has been given to the homeowners. The right away does not exist. The right away was never part of the applicant's property. Ms. Ferraro stated she does not know where this is documented. Attorney Gavan stated that is a deed issue and not part of this discussion.

Chairwoman Maio called for a brief recess at 8:20pm. The meeting resumed at 8:22pm.

Attorney Orth and Mr. Heilman stated the applicant has agreed to move the fence back plus or minus five feet off the property line subject to field conditions. The fence will be six-foot-high with diagonal slats running from the north side of block 11601, lot 11 southward to the midpoint of block 11601, lot 6. There will be no need for a gate. The landscaping discussed will still be installed. Mr. Keller asked if all of the fencing around the property has slats in it. Mr. Heilman replied he believes so. He looked at the fence in the rear and the side today but not the fence in the front. Mr. Keller asked if the fence near the retention basin on the south side has slats. Mr. Heilman replied he is unsure but is assuming it does. Chairwoman Maio asked the public if they had any additional questions. Ms. Ferraro asked if the vegetation will be planted on the Metro side or the neighbor's side as she would prefer not to have to look at the fence. Chairwoman Maio stated the plantings will be done on Metro Storage's side of the fence.

Chairwoman Maio stated any plans being proposed will need to be provided to the Board Engineer. Attorney Orth replied that revised plans will be submitted as a condition of approval should the board act favorably and will be subject to the Board Engineer's review. Chairwoman Maio asked Mr. Keller if

he would like to see the plans before the Board votes or can a vote take place with conditions. Mr. Keller stated he is of the opinion everything has been laid out as to the location of the fence and the proposed trees. Mr. Keller stated he would like his Landscape Architect to look at this as a condition. Mr. Keller stated, as is always done with any approval, the Board will receive copies of his resolution compliance letters. Attorney Gavan stated the conditions of the approval. The fence is to be installed plus or minus five feet from the rear property line and tied into the existing fence. No neighbors should have to move any of their sheds. Title 39 access will be provided for the police and fire. Ten-foot trees will be planted mixed with the eight-foot plantings. All Ash Trees must be removed and replaced with deciduous trees. All landscaping needs final approval by the Board Engineer. The Board Engineer is to receive the plans for review of all turning movements for practicality for the RV's and parking spaces. The plans and the survey need to be signed and sealed. Mr. Keller stated the O&M manual for the two detention basins must be submitted and quarterly and annual inspections and reports must be done as well as reports after storms for submission to DEP. The resolution should include restrictions on the types of vehicles to include RV's, boats, Class A, B & C vehicles and travel trailers. Attorney Gavan stated there will be no storage of propane, black water and the like.

On motion by Mr. Pershouse, seconded by Mr. Iftikhar and unanimously carried by the following roll call vote, the application for Metro Storage was approved with the conditions as stated above.

Roll Call:

Najib Iftikhar – yes

Glenn Kurtz - yes

Thomas Pershouse – yes

John Rogalo – yes

Edward Schwartz - yes

Paula Zelif-Murphy - yes

Rosemarie Maio – yes

Chairwoman Maio stated the Board looks forward to seeing the final revisions and thanked everyone for attending this evenings meeting. Mr. Heilman and the professionals thanked the Land Use Board for their time.

Chairwoman Maio called for a brief recess at 8:30pm. The meeting resumed at 8:34pm.

Proposed Redevelopment Area

Block 11207, Lot 8 (45 Main Street)

Ms. Zelif-Murphy and Mr. Thornton recused themselves from this portion of the meeting.

Attorney Gavan stated this is a public hearing with notice with regard to a proposed redevelopment application submitted by the Borough's Governing Body without condemnation powers for Block 11207 Lot 8. Chairwoman Maio stated the studied area was done so in accordance with a request from the Governing Body. The Board's Planner conducted the study and determined that 45 Main Street is in fact an area in need of redevelopment. The next step in that process is this public hearing. Chairwoman Maio asked the Board's Planner, Bill Hamilton, to come forward to give his presentation. Mr. Hamilton stated he was asked to look at Block 11207 Lot 8 known as the Stanhope House to see if it meets the statutory requirements in need of redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law. This was directed to be done by the Mayor and Council as a non-condemnation redevelopment area which means the Borough cannot use the power of eminent domain as a part of this process. Mr. Hamilton provided an Exhibit labeled B1 which is a Location Aerial Map for this review dated 6/12/2023 and it is indicated in an aerial photograph from 2002. The rose color is the area studied as it

relates to the neighborhood. The area is approximately .88 acres and is located between Main Street and High Street. The neighborhood to the south side of Main Street includes apartments and commercial uses on the first floor and working in a clockwise direction there is a three-story apartment building and mixed-use retail. Adjacent to that to the north and west is the municipal building and police department. There are some single-family homes nearby to the north and the east which have access to Linden Avenue and east on the site, opposite of the area on High Street is a three story apartment structure with retail space as well. The site itself is comprised of an existing structure which is adjacent to Main Street. It is a two and a half story framed road house structure. In the rear of the structure are an outdoor beer garden and an enclosed storage area adjacent to High Street. The majority of the site, mostly in the rear of the building, is a parking area which is undefined. The property is within the Village Business Zone within the town which is consistent with uses in the area. It is adjacent to a small area which is in the Historic Village Residential District to the north and eastern portion of the site. Uses which are permitted within the zone are retail sales and services, parking lots, single family homes and certain conditional uses which include apartments on the second floor. For the most part, this site meets the bulk standards of the zone with one exception which is in regard to impervious coverage. The requirement in this zone is 60% but this site is close to 100% coverage.

Mr. Hamilton stated there are photographs included in the report which he showed to the Board. There is a view of the structure from the front of the building. There is an ADA ramp on the front of the building. Pictures were presented showing the back stairs, the beer garden, the stairs to the basement, the undefined parking lot, electrical wires which are exposed in the basement, the main room stage, the stairway from the first to second floor and the roof condition. The statutory criteria were then examined to see if the site meets the requirements for redevelopment. There are eight criteria, any of which need to be met to determine the need for redevelopment. Mr. Hamilton stated two of the criteria apply to this property. The first is criteria "A" which requires that the buildings in the study area be substandard, unsafe, unsanitary, dilapidated, or obsolescence, or possess any of the characteristics or so lacking in light, air, or space, as to be conducive to wholesome living or working conditions. It is evident that the site is not in the best condition. The stairway to the basement is an issue with regard to staff access. The roof, siding and electrical needs repair. There is also a criteria "D" legislation which includes areas with buildings or improvements which, because of dilapidation, obsolescence, faulty arrangement, or design, lack of ventilation, light, sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, moral, or welfare of the community. As was mentioned earlier, the impervious coverage of the lot is way above the limit of 60%. The aerial photo shows the coverage to be nearly 100%. The lot is uncharacteristic of other lots within the Borough. There are no storm sewers within the parking area and there is no management of stormwater runoff in place. The parking lot has no signage or striping which is an unsafe condition that needs to be corrected. Mr. Hamilton stated the study area, as outlined in the legislation, meets two of the criteria and it should be deemed and recommended by this Board to the Mayor and Council that this area be approved for redevelopment without condemnation.

Councilwoman Maio asked the Board if they had any questions for Mr. Hamilton. Seeing none, Chairwoman Maio opened the meeting to the public for questions or comments on this subject only.

Marion Murdock asked what would the uses be and would the Stanhope House be taken down? Would something completely new take its place? Attorney Gavan replied that is unknown. Chairwoman Maio stated the mission of the Board at this time was only to determine if the area needs redevelopment.

Katie Smith asked, just in layman's terms, what does non-condemnation mean? Attorney Gavan stated originally the way the law was written; a town could go in and take the property away from the owner. Non-condemnation means this cannot be done. Ms. Smith asked if this means the owners still own the property and will continue to do so until they decide they can no longer do so. Attorney Gavan confirmed this.

Miguel Colter asked if this will change the zoning in the area. Would a variance be required if a new structure was to be built at this location? What type of setbacks would be in place? Chairwoman Maio stated if someone wanted to build on the property they would have to submit an application to the Board.

Attorney Gavan stated the study was done at the request of the governing body. If a developer comes forward they would work with the town to determine what could be built. This process allows that to happen. The developer would submit an application to the Land Use Board and the neighboring properties would all receive notice.

Ms. Smith stated the building does need work. Mr. Colter asked if the building has historical designation. Chairwoman Maio stated it does not have historical designation, it is just old. Mr. Colter asked if the town would ever end up with ownership of the property. Attorney Gavan stated the Borough will not own the property that is why this is being done without condemnation.

Seeing no further questions from the public, the public session was closed.

On motion by Mr. Schwartz, seconded by Mr. Rogalo and unanimously carried by the following roll call vote, the Land Use Board agreed the area known as 45 Main Street is in need of redevelopment and this recommendation shall be forwarded to the Mayor and Council.

Roll Call:

Najib Iftikhar – yes

Glenn Kurtz - yes

Christine Lipinski – yes

Thomas Pershouse – yes

John Rogalo – yes

Edward Schwartz - yes

Rosemarie Maio – yes

RESOLUTION

Chairwoman Maio stated the Board members have been provided with a copy of the resolution. Attorney Gavan stated some corrections have been made. The word application has been changed to study. The reference to Board has been changed to Land Use Board. A reference to Planning Board has been changed to Land Use Board. The wording in #6 subpart A has been changed to say the impervious coverage exceeds the zoning limit of 60%. The word system has been added in section b. after the word sewer.

**STANHOPE LAND USE BOARD
RESOLUTION OF MEMORIALIZATION**

Decided: 07/10/2023

Memorialized: 07/10/2023

**IN THE MATTER OF
AREA IN NEED OF REDEVELOPMENT STUDY
WITHOUT CONDEMNATION
45 MAIN STREET
BLOCK 11207, LOT 8
APPLICATION NO. N/A**

ACCEPTED FACTS

1. The Board reviewed the Area in Need of Redevelopment Study, 45 Main Street, prepared by William H. Hamilton, PP, AICP, LLA, with Bowman Consulting Group. Said study dated May 31, 2023.
2. Mr. Hamilton presented said study to the Board at a public meeting on June 12, 2023.
3. A second public presentation was conducted on July 10, 2023, after the required public notice.
4. The study area satisfies the statutory requirements in N.J.S.A. 40A:12-5, et seq.
5. Criteria "a" (N.J.S.A. 40:12A-5.a) requires that the buildings in the study area be substandard, unsafe, unsanitary, dilapidated, or obsolescence, or possess any of the characteristics or so lacking in light, air, or space, as to be conducive to wholesome living or working conditions.
 - a. It is evident that the structure located in the study area is in poor condition.
 - b. The roof and siding are in need of major repairs.
 - c. The rear stairway and stairway to the basement are both in an unsafe condition.
6. Criteria "d" (N.J.S.A. 40A:12-5.d) includes areas with buildings or improvements which, because of dilapidation, obsolescence, faulty arrangement, or design, lack of ventilation, light, sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, moral, or welfare of the community.
 - a. The study area contains extensive impervious coverage, which exceeds the zoning limit of 60%.
 - b. There is no storm sewer system within the parking area and no management of stormwater runoff in place to accommodate the runoff.
 - c. Signage and striping in the parking area is nonexistent.
7. The hearing was opened to the Public with comments.

CONCLUSIONS

- A. The Board reviewed the Area in Need of Redevelopment Study, prepared by William H. Hamilton, PP, AICP, LLA, and agrees with its conclusions.
- B. The Board held a meeting open to the Public after the required Notice.
- C. The Board finds the study area indeed needs redevelopment without condemnation under statutory requirements N.J.S.A. 40A:12A (a) & (d).

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Stanhope that the designation of an Area in Need of Redevelopment for the property known as 45 Main Street is appropriate and **therefore is RECOMMENDED TO THE GOVERNING BODY FOR SAID DESIGNATION WITHOUT CONDEMNATION.**

On motion by Mr. Kurtz, seconded by Mr. Iftikhar and unanimously carried by the following roll call vote, the foregoing resolution was adopted.

Roll Call:

Najib Iftikhar – yes	John Rogalo – yes
Glenn Kurtz - yes	Edward Schwartz - yes
Christine Lipinski – yes	Rosemarie Maio – yes
Thomas Pershouse – yes	

Chairwoman Maio asked the secretary, Ms. Chirip, to forward the resolution to the Mayor and Council tomorrow. Ms. Chirip stated the resolution will be sent to the governing body for discussion at tomorrow night's Mayor and Council meeting. Chairwoman Maio informed the public that the redevelopment would be discussed at the Mayor and Council meeting tomorrow.

Chairwoman Maio thanked Mr. Hamilton for attending this evenings meeting.

BILLS:

None

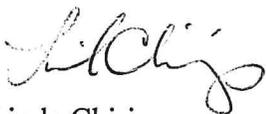
OPEN TO THE PUBLIC:

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

ADJOURNMENT:

On motion by Mr. Rogalo, seconded by Mr. Iftikhar, it was the consensus of the Board to adjourn the meeting at 8:55 P.M.

Respectfully submitted,



Linda Chirip