

**Stanhope Land Use Board  
March 11, 2024  
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 9, 2024, 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 – absent	Anthony Riccardi – present
Glenn Kurtz – present	John Rogalo - present
Christine Lipinski – present	Edward Schwartz - absent
Thomas Pershouse – present	Paula Zeliff-Murphy – present
	Rosemarie Maio – present

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

MINUTES

**February 12, 2024 Regular Meeting** – On motion by Ms. Lipinski, seconded by Mr. Rogalo the Minutes of the February 12, 2024 meeting were approved by unanimous voice vote.

CORRESPONDENCE

- 02-14-24 Eric Keller – Resolution Compliance Review #1 re: Adam Lusardi, 3 Walton St., Blk 10607, Lot 8 variance
- 02-23-24 Edward Dunne, Esq. – Appeal of Altagrace Montfleury re: Blk 11007, Lot 1
- 02-27-24 Wendy DeJesus of Lavery, Selvaggi & Cohen – Parking Plan for Juntos Holdings re: Blk 11205, Lot 4.01
- 02-29-24 Eric Keller – Resolution Compliance Review #2 re: Adam Lusardi, Blk 10607, Lot 8, (3 Walton Place)
- 03-01-24 Michael Selvaggi – current site plan illustrating available parking re: Juntos Holdings, Blk 11205, Lots 1, 4.01, 5 & 6 (emailed to Board members)
- 03-07-24 Eric Keller – Technical Review No. 1 Supplemental re: D(2) Variance Application of Juntos Holdings, LLC, Blk 11205, Lot 4.01

On motion by Ms. Zelif-Murphy, seconded by Mr. Riccardi 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.

UNFINISHED HEARING:

**23-06, Juntos Holdings LLC**

Block 11205, Lot 4.01, "D" Variance Application

Deemed Complete: 12/11/23

120 days: 4/19/24

Mr. Riccardi and Ms. Zelif-Murphy stepped down from the dais.

Michael Selvaggi of Lavery, Selvaggi, Abromitis & Cohen, attorney for the applicant came forward, noting tonight is a continuation of the applicant's D(2) variance application for property at 1 Kelly Place, Block 11205, Lot 4.01. At the last meeting the applicant testified to what they intend to do at the property. The property is a pre-existing, non-conforming structure. The applicant intends to build-out a section in the building for clean storage space to store materials in the building. The applicant concluded his testimony and questions arose regarding the parking arrangements. The Board asked for a parking plan which was submitted. Following submittal of the parking plan, the Board Engineer, Eric Keller, issued a report dated March 7, 2024.

Brian Yelinko came forward. Mr. Gavan reminded Mr. Yelinko that he is still under oath. Mr. Selvaggi stated they will speak to the technical review in Mr. Keller's report. Mr. Selvaggi noted comment #1 and clarified they are before the Board for a D(2) variance because the use is not permitted in the zone. The Borough's Zoning Officer construed it as an intensification of the pre-existing, non-conforming use. Comment #2, Mr. Selvaggi stated they will be providing testimony their Planner, Ms. Caldwell, who will address the planning issues. Comment #3 notes the lot consolidation was approved by the Board in 2022, but it is not known if that consolidation was perfected. Mr. Selvaggi spoke of the history of the previous application with an approval to permit the consolidation of another lot with this lot and said a deed merging those lots should have been recorded. Mr. Selvaggi said, if the Board is willing, they will do that, but would need an extension because the merger deed would have to be recorded within 190 days of the use variance. Comment #4 – Mr. Selvaggi stated they submitted a parking analysis that looks at where they are parking on the premises. Mr. Keller's report questioned the validity of some of those spaces. Mr. Keller asked about the parking behind the two loading docks. Mr. Yelinko explained it is possible to park behind the two loading docks. They are there for if and when they need them. Most of their shipping and receiving is done at their Mount Olive site. The loading docks at this site seldomly are used. Mr. Yelinko stated they have been utilizing it the way it was presented by his engineer's drawing and that is how it is currently utilized. Mr. Selvaggi noted previous discussion about parking designated on some gravel and Mr. Keller raising the question in his report on how that came about. Mr. Yelinko said he has owned the property since 2017, prior to which that property was neglected property. Some areas were partially gravel and over the years, grass started filling in those areas. They re-touched the area with gravel. Mr. Selvaggi asked if they put in additional gravel. Mr. Yelinko responded in the affirmative on Lot 1 which was the lot they took the house down from, adding it was the easiest way to stabilize the area. Mr. Selvaggi noted the gravel parking spots on the plan and asked if they were gravel before to which Mr. Yelinko responded in the affirmative. Mr. Selvaggi asked how many employees come in and out of the site on a regular work day. Mr. Yelinko responded

possible six to seven vehicles. Mr. Selvaggi stated they believe there are enough parking spaces on the site for what is going on now. Mr. Gavan asked if they have a parking calculation. Mr. Keller stated a parking calculation is what was asked for in the initial review. He noted they do not need it, but the Board needs to know it if there is a change of use from the clean space and mezzanine as what does that generate in the way of parking, which generates a design waiver.

Mr. Gavan spoke about the applicant's previous application, noting this is the same picture of the parking and parking on the asphalt being problematic, for which the Board never heard anything back from the applicant. Mr. Yelinko expressed his frustration with the handling of his previous application and the dismissal of it without notice to him. Mr. Gavan explained, legally the Board must make a determination in a certain amount of time. The Board never heard back from the applicant for a number of months and therefore, dismissed the application.

Mr. Selvaggi noted Mr. Gavan's previous comment that the prior owner did not comply with the conditions of their approval and he asked what the town has this down as for the use. Mr. Gavan responded "unknown."

Mr. Keller noted there are 12 striped parking spaces in the loading dock, but there is no documentation showing they were ever approved which is the issue he has. Mr. Keller noted he has been the Borough Engineer since 2006 and the claim those spaces on Plane Street had been a gravel area that were so overgrown, that use as gravel would have been abandoned. Mr. Yelinko stated Mr. Keller issued a report in 2020 showing gravel in that area. Mr. Keller agreed there was a driveway, but the parking area between the driveway and, from his records, the adjacent area was in no way a gravel area that had been "let go" to the extent stated. Mr. Gavan stated they need to know the size of the parking spaces and where they are located, which needs to be shown on the parking plan submitted. Mr. Yelinko responded he does not know the size, but the addition was built in 1970 and that parking has been there since then. Mr. Yelinko said it was there and the owner was never held to a standard and he questioned why now he is being held to a standard.

Mr. Selvaggi told Mr. Keller he will give him the dimensions on the parking spots and the calculation on the warehouse. Mr. Keller responded that is all he has been asking for; he is not saying there is an issue. Mr. Gavan asked the applicant to designate the parking spots they need now. Mr. Yelinko responded they park everywhere in those spots from time to time. Mr. Gavan asked him to show the 5 parking spots on the parking plan and they will go from there. Mr. Keller noted the parking area on Lot 1 has existed. The question is whether there is the use variance for Lot 1 to be used as a commercial use in conjunction with Lot 4.01 with those 4 spaces used for the home that was demolished. If the use of Lot 1 is now permitted to be used as commercial, those spaces physically existed, they do not require any improvements and those spaces can be used. Mr. Keller stated of the 12 spaces in the loading dock, 6 of those would count, but the others will not because they are not adequate size parking. If they extent the approval, it will give them four spaces on Lot 1 and six existing spaces. Mr. Gavan noted there will be ten parking spaces which is adequate.

Chairwoman Maio asked Mr. Yelinko if there are ten legitimate parking spaces on the property. Mr. Yelinko responded in the affirmative. Mr. Keller stated he has no objection, but noted there was a denial by the Zoning Officer who received a zoning application for the property from another party (Sonic Craft). The Zoning Officer cannot act on a zoning application when there is an active site plan application. Mr. Selvaggi said, when that zoning application was denied, Sonic Craft has since walked away.

Mr. Selvaggi noted M. Keller's comment #5 regarding property owners within 200' and stated the notice to property owners within 200' was submitted to the Board Secretary. Comment #6, Mr. Selvaggi said they will amend the architectural plan. Comment #7, Mr. Selvaggi stated the LLC's were all created in New Jersey. Comment #8 regarding the mezzanine, Mr. Selvaggi stated, since the preparation of the architectural plans, Mr. Demarest has relocated to Pittsburgh, but he submitted a letter dated February 12, 2024 which addresses Mr. Keller's concerns about the usable space, which letter was marked Exhibit A-2. Mr. Gavan noted the parking plan submitted by the applicant and previously discussed should be marked Exhibit A-1. Mr. Selvaggi asked and Mr. Yelinko responded the space will not be occupied by employees, it is only for a clean, secure storage area. Mr. Keller noted the letter stated via the NJ IBC Building Code, mezzanines do not increase occupancy and therefore do not require additional parking. Mr. Pershouse stated that is not true, it is added as floor space. Mr. Selvaggi said, from a zoning point it would, but to the building code it does not. Mr. Selvaggi noted Mr. Keller's comment #11 stating the applicant should indicate what remedial actions are planned to remove pavement, gravel and other site improvements that have been installed on the subject property without site plan approval.

Chairwoman Maio noted they agree to ten legal parking spaces with six on Plane View. The parking plan marked Exhibit A-1 should be updated to show just those ten spaces. Mr. Selvaggi agreed to provide the updated parking plan and to provide for 9' x 18' parking spaces, to which Mr. Keller recommended the Board approve the design waiver for the 9' x 18' parking spaces. Mr. Selvaggi agreed that ten parking spaces are sufficient.

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

Kathy Obitz, 19 New Street, asked if she could see the parking plan. Mr. Selvaggi gave Ms. Obitz a copy of the plan. Ms. Obitz questioned if there will be parking in the angle area. Mr. Gavan responded the parking spaces shown on the plan are the designated spaces. Ms. Obitz stated they are currently parking where the houses were. Mr. Keller stated the driveway of the residential lots should not be used by anyone in this building. Mr. Gavan stated that legally, those two lots are not part of this application. Mr. Keller directed Ms. Obitz to the Borough's Zoning Officer because parking in those areas would be a zoning violation. Ms. Obitz stated there has been a car parked backed up to the door facing the building on Lot 4.01 the last few weekends and also tonight. On another day the same car was parked where the houses were and she questioned if it was now new designated parking for the building. Mr. Keller responded the area between Kelly Place and the building is not a designated parking space. Mr. Yelinko agreed, if he knows who the owner is, to have them move their car. Ms. Obitz also asked if there will be no expansion of any kind without coming back before the Board. Mr. Selvaggi responded in the affirmative, adding they would go to the Zoning Official with a zoning application which would be denied and they would have to come back before the Board.

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

Mr. Keller noted that no parking is permitted on Lot 1 in the future, except for those four existing spaces. There can be no parking anywhere on that site until they come back with a site plan. Mr. Selvaggi agreed.

Jessica Caldwell was sworn in. Ms. Caldwell provided her credentials as a licensed professional planner. She has been a professional planner for over 23 years in the State of New Jersey with a firm in



Newton, New Jersey. She has been qualified as a professional planner by numerous Boards in New Jersey plus this Board. The Board accepted Ms. Caldwell as a professional planner. Ms. Caldwell will provide the planning justification for the proposed expansion.

Ms. Caldwell addressed the parking standards for a warehouse and stated the ten spaces being designated would allow for up to nine employees on the site and the applicant testified there will be six to seven employees. Ms. Caldwell noted the Borough's code section 100-129. The existing use is covered under that standard with the design standard waiver requested for the 9' x 18' spaces. The applicant would need to come back to the Board to authorize additional employees. The D(2) variance is for an expansion of a non-conforming use in the Historic Village Residential Zone where the use is not permitted. The applicant is proposing to enclose approximately just under 1,200 square feet of the space within the building and adding a second level of approximately 500 square feet interior to the building. They are not adding additional employees or parking, it is enclosing and utilizing existing storage of existing equipment and conducting repairs that are going on today providing a more clean and efficient operation within the structure. From the positive and negative criteria, it does allow for sufficient space appropriate location for a variety of uses which would be the non-conforming industrial use. Ms. Caldwell expressed her professional opinion that this meets purpose "m" being to provide for the efficient use of land and allowing for a methodology for a better use within the structure and it is helping to clean-up the site and give the municipality more clarity on what is going on in the building and provides for permission of uses in the building that may not have been granted in the past. Overall, on the positive side, it is helping to clean up the site and make it more conforming and to improve the non-conformity by providing designated parking and identifying what should not be happening on the site. With respect to no substantial detriment to the public good, testimony shows there is no additional impact on what is going on today; the applicant has lessened the use and has testified as to what is going on in the property with the number of employees. They are not adding to the low intensity use; they are not adding any truck traffic or additional employees. There should not be any additional impact to the adjacent properties by the proposal. With respect to any detriment to the Zone or Master Plan, it is a pre-existing, non-conforming use and they are trying to bring the property more into conformance. Considering the uniqueness of this property, Ms. Caldwell does not believe there is any detriment to the Zone or Master Plan. Mr. Selvaggi noted the Cox Book talks about modernization of a plant or equipment is generally permissible as long as it entails no enlargement of the building. Mr. Selvaggi noted the four corners of the building remain the same. Ms. Caldwell said it would fall under that type of category where you are creating a clean room that does not exist today and having a clean room helps to modernize the facility.

Chairwoman Maio opened the meeting to the public for questions or comments 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. Kurtz, seconded by Ms. Lipinski and carried by the following unanimous roll call vote, the Board approved the D-2 variance application of Juntos Holdings, LLC re: Block 11205, Lot 4.01 with the following conditions placed on the record: there will be a plat submitted consistent with the Engineer's report and testimony during this hearing, the recommendations contained in Mr. Keller's report dated March 7, 2024 to the extent if not covered by testimony; the Board agrees to extend the applicant's ability for the use variance and to merge Lot 1 into Lot 4.01; there is only parking in the four spaces presently existing; and there will be no further modifications inside the building without coming back to the Board:

AFFIRMATIVE: Mr. Kurtz, Ms. Lipinski, Mr. Pershouse, Mr. Rogalo, Chairwoman Maio  
OPPOSED: None  
ABSTENSIONS: None

Mr. Riccardi and Ms. Zelif-Murphy returned to the dais.

NEW HEARING:

**24-01, Altagrace Montfleury**

Block 11007, Lot 1, Appeal of Zoning Officer's Decision

Appl. Rec'd: 02/23/24

Mr. Pershouse and Mr. Riccardi stepped down from the dais.

Mr. Gavan clarified that this is an appeal filed January 9, 2024 from the December 21, 2023 decision of the Zoning Officer's denial of the applicant's zoning permit. Mr. Gavan stated he has a copy of the Zoning Officer's February 12, 2024 letter to the applicant denying something other than what is in this application. Ms. Montfleury stated she is not before the Board regarding the Zoning Officer's denial of the garage.

Edward Dunn, attorney for the applicant presented a series of exhibits of photographs with a cover page listing each exhibit. Mr. Gavan stated they are dealing with a legal question and he asked why there are exhibits. Mr. Dunn responded they need to present the story behind the request. Mr. Gavan stated this is a legal issue. The zoning permit was denied because the Zoning Officer believes the new conversion would allow for two dwelling units. Mr. Gavan read the Zoning Officer's letter to the applicant dated December 21, 2023. Mr. Dunn said he can prove the kitchen and living area is pre-existing.

Altagrace Montfleury was sworn in. Ms. Montfleury testified she purchased the house in June of 2023. The downstairs kitchen with a sink, stove and dishwasher was there when she purchased the house. Mr. Dunn asked if she submitted for a zoning permit to clean up the lower level. Ms. Montfleury responded in the affirmative, adding she always wanted to add a bathroom. Ms. Montfleury was agreeable to putting a deed restriction saying the house would remain a single-family home.

On motion by Ms. Zelif-Murphy, seconded by Mr. Kurtz and carried by the following unanimous roll call vote, the Board granted the Appeal of the Zoning Officer's decision filed by Ms. Montfleury for Block 11007, Lot 1 with the condition that there will be a deed restriction stating the downstairs kitchen is a "summer kitchen" and the downstairs will never be rented or used by a second person.

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

Mr. Pershouse and Mr. Riccardi returned to the dais.

RESOLUTION OF MEMORIALIZATION

**23-07, Maria and Jacek Kaczynski**

Block 11106, Lot 6, Minor Subdivision Application

Approval Granted: 02/12/24

Chairwoman Maio noted a number of comments of Mr. Keller that should be incorporated into the Resolution of Memorialization. The Board agreed to carry action on the Resolution of Memorialization to the next meeting at which they will have a revised version of the Resolution of Memorialization that includes Mr. Keller's comments.

BILLS:

<b>Bowman Consulting Group, Ltd.</b>		
03/08/24	Re: Juntos Holdings Variance	\$213.75
03/08/24	Re: Kaczynski Minor Subdivision	\$378.76

On motion by Mr. Kurtz, seconded by Mr. Riccardi, the aforesaid bills were unanimously approved by the following roll call vote:

AFFIRMATIVE: Mr. Kurtz, Ms. Lipinski, Mr. Pershouse, Mr. Riccardi, Mr. Rogalo, 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. Rogalo, seconded by Ms. Lipinski, and carried by unanimous voice vote, it was the consensus of the Board to adjourn the meeting at 8:30 P.M.

Respectfully submitted,



Ellen Horak  
Board Secretary