

**Stanhope Land Use Board
June 10, 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 – present
Glenn Kurtz – present
Christine Lipinski – present
Thomas Pershouse – absent

Anthony Riccardi – absent
John Rogalo - present
Edward Schwartz - present
Paula Zelif-Murphy – present
Rosemarie Maio – present

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

MINUTES

May 13, 2024 Regular Meeting – On motion by Mr. Kurtz, seconded by Mr. Schwartz, the Minutes of the May 13, 2024 meeting were approved by unanimous voice vote.

CORRESPONDENCE

05-13-24 Eric Keller – Resolution Compliance Review #1 re: Patrick Lynch Minor Subdivision, Blk 11103, Lot 24.05

05-20-24 New Jersey Planning Officials – The New Jersey Planner (March/April)

05-25024 Dan Freed, Records Manager, Sussex County – Presentation re: Parcel Document Viewer

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

Scott Stevens, 16 Musconetcong Avenue, asked for an update on the Patrick Lynch subdivision, Block 11103, Lot 24.05. Mr. Keller responded he is still reviewing Mr. Lynch's plans and he has not started

work yet. They are working on their response to Mr. Keller's comments. Mr. Keller stated he has not signed off on the plans yet. Mr. Stevens noted the deed restriction. Mr. Keller stated he is aware of the deed restriction. Mr. Stevens asked why the residents affected by the minor subdivision were not notified of the application, nor of the progress. Mr. Gavan stated, as a Board, they have no obligation to do so. The Board cannot do something the state statute does not authorize them to do, including providing notice. Mr. Gavan directed Mr. Stevens to submit an OPRA request through the town to obtain the reports. Mr. Stevens questioned how the development could be approved with the deed restriction in place. Mr. Keller responded that the deed restriction states there can be no disturbance below 940' elevation. Mr. Keller spoke about the stormwater system for the first house built a number of years ago and noted now that there will be another house and additional clearing, they designed a stormwater management system with today's regulations, not the regulations in effect in 2002. The only thing that runs with the land is that there is to be no disturbance below elevation 940. The additional disturbance with this application is covered by the stormwater management system they are currently reviewing. The deed restriction noted is not a blanket restriction. The applicant has to address the increase of run-off from the change. Mr. Stevens again asked why they did not receive notice. Mr. Keller explained that according to State statute notice of a minor subdivision is not required. Mr. Steven said he wants to voice his displeasure with this process.

Hortense Civiletti, 24 Musconetcong Avenue, said she has lived at her residence for about 50 years. Years ago, there was a house built behind Tom Romano's house, who is her next door neighbor. They cleared many trees and since that development, his house floods all the time. There are enough woods behind her property that it does not affect her basement, but it does affect other houses. When the development was approved, the applicant was told to replant, but never did. Ms. Civiletti is concerned about the run-off from the new development. Chairwoman Maio said there is a stormwater management plan which will prevent that from happening.

Nancy Stevens, 16 Musconetcong Avenue, said she is a lifetime resident of Stanhope. She attended the original meeting on the subdivision to state her concerns about what happened behind her property. She understands there are things in place now that were not years ago, but she never thought they would have to look up and see a house up there. Ms. Stevens said there was not to be any development and she is now worried about water run-off. She purchased her home to have the woods around it and this new development will affect her property. Mr. Gavan stated there is no restriction on developing the lot and the applicant is complying with the current deed restriction and the lot was always buildable. Ms. Stevens voices her disagreement with Mr. Gavan. Mr. Keller stated the deed restriction does not say you cannot develop that lot.

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

NEW HEARING

24-03, Elaine LaIacoma

Block 11403, Lot 4, Variance Application

Deemed Complete: 05/13/24

120 days: 09/10/24

Mr. Iftikhar stepped down from the dais.

Harrison Barany, Civil Engineer, PE-E2 Project Management, Rockaway, New Jersey was sworn in. Mr. Barany provided his credentials to the Board. He is licensed in the State of New Jersey and in good standing. He has a Bachelor Degree in Civil Engineering and has testified before numerous boards in New Jersey and has previously been qualified. The Board accepted Mr. Barany as a qualified engineer.

Mr. Gavan noted the application is for a detached garage with an existing garage attached to the house and he asked to view the legal notice. The Secretary provided him with the legal notice and affidavit of publication. The legal notice was not in the usual form provided by the newspaper and he asked who advertised the notice. Ms. LaIacoma stated she sent the notice to the newspaper.

Elaine LaIacoma was sworn in. Mr. Gavan asked Ms. LaIacoma if the notice shown is what was advertised in the newspaper. Ms. LaIacoma testified that the typed paper was the legal notice published. Mr. Gavan was satisfied with the notice.

Mr. Barany stated the property is located at 10 Mountain Terrace, Block 11403, Lot 4. They are asking for three variances. The first is for the detached garage in the MR Medium Density Zone where a detached garage is not permitted if you have an attached garage. The second variance is for the size of the garage as an accessory structure were 500 sq ft is required and they are seeking 672 square feet. The third variance is for the height where the maximum permitted is 15 feet and they were asking for 20.72 feet on the original plans, but that has been revised to 20.6 feet in response to Mr. Keller's comments, which he will address.

Elaine LaIacomo testified her and her fiance want the 2-car detached garage because they have two collectable cars. His hobby is restoring cars. The two collectable cars need to be kept indoors to keep their value. They need the garage to be able to store tools and work on the cars. Ms. LaIacomo said she wanted it set back because she wants access to the side yard and behind the house. If they pull the detached garage up further, you will not be able to get around the house. Ms. LaIacomo testified that she will be keeping the current one-car garage attached to the house.

Chairwoman Maio questioned why the height must be so high. Ms. LaIacomo responded they want a 10-foot ceiling to work on the vehicles, but also because she has a truck that does not fit in the current garage. She would like to put the truck in the new garage and her car in the existing garage.

Mr. Barany displayed a larger version of the plans submitted dated March 20, 2024 prepared by his company. Figure 2 shows what is there now and what is being proposed. There is currently a gravel area coming from the street down to the driveway. In the back there is a rock wall and beyond that is a steep slope area. The property is unusable as it is difficult to build on. In the area they are looking to put the garage, a portion of the wall will be removed together with three 6-inch diameter Maple Trees. Mr. Barany stated they made some revisions based on Mr. Keller's letter dated June 7, 2024 and he presented a revised Proposed Site Layout Plan which was marked Exhibit A-1. With respect to comment #1, Mr. Barany stated he provided to Mr. Keller the requested survey. With respect to comment #2, Mr. Barany said they are doing it for a number of reasons. To remedy the concern about why it is set back so far into the steep slope area, he moved the garage three-feet closer to the garage and two-feet closer to the home. The reason they proposed that is because the applicant would like access to the back of the house as well as the grass area on the side. If they put the garage up to the existing pavement, you could not access the grassy area or back of the home. Moving it forward 3 feet and over 2 feet gives enough room to get around to the side of the property. Mr. Barany stated they regarded it a

bit. There is a deck in the back of the house where you can view the grass area. If the garage was pushed further, you would not be able to see that area. Mr. Barany noted the driveway slopes and having the driveway back creates a nice transition to a flatter area. With respect to comment #3, the dimensions of the garage is 9 feet wide by 18 feet long. With respect to comment #4 regarding the rear yard setback, Mr. Barany noted the property line was cut off, but it will be shown on the revised plans. With respect to comment #5 regarding the roof leaders, Mr. Barany stated currently the roof has gutters in the front and the back. They will be taking the rear roof leaders and bringing them around to the front (northeast side) and they will discharge to the lawn. With respect to comment #6, the Board engineer pointed out the way the building height is measured to the highest point of the pitch of the roof. Mr. Barany noted the garage creates a higher elevation of the building in the rear because the back of the garage is set into the steep slope area. Mr. Barany stated by bringing the garage forward, the new height is about 19.85 feet. With respect to comment #7 asking why a 7:12 roof pitch, Mr. Barany said the intent was to match the existing house by having the same pitch. Mr. Barany noted the 5 on 12 pitch and said it can be reduced. By reducing the pitch it reduces the height as well. Mr. Schwartz noted the original plans show 10 feet. Mr. Keller stated to scale it is 11-½ feet. With respect to comment #8 regarding the exposed foundation, Mr. Barany stated the foundation is exposed because the grade is lower and more concrete will be exposed, but they are agreeable to adding some type of shrubbery. Mr. Barany noted they are compliant with the steep slope disturbance and impervious coverage. They only need the three variances requested. Mr. Barany noted the height is reduced on the revised plans, but they still need a variance for 19.85 feet without adjusting the pitch. Mr. Keller said he does not think the existing roof is 7 on 12. Chairwoman Maio asked the size of the garage. Mr. Barany responded it is 28-feet wide by 24 feet deep. There will be one overhead door and a pedestrian door on the side.

Ms. Lipinski asked how close the neighbors will be to the garage. Mr. Barany responded the neighbor on the side of the garage is 45 feet away and the neighbor to the north has a fence and landscaping between them and the one to the back is a lot of vegetation and heavily wooded and is 45.6' from the rear of the property. Mr. Keller stated, according to the ordinance, the setback for accessory structures has to be two times the height of the structure. The garage has to be at least 40 feet and it is 45 feet so it is set back a little more than what is required by the Code.

Mr. Gavan asked the size of the door. Ms. LaIacomo responded it is an eight foot garage door. Chairwoman Maio questioned if there would be commercial use of the garage. Ms. LaIacomo responded there will be no commercial use of the property. Mr. Barany noted the large size of the garage is so they can work on the cars. Chairwoman Maio said working on cars can be suggestive activity that normally would not be granted for a home. Ms. LaIacomo said they are not working on cars, they are restoring the cars. The work entailed is to get it running. Currently she cannot do anything with the car because she has no place to store it. It is currently at a friend's house. Chairwoman Maio questioned possible noise affecting the neighbors. Mr. Gavan asked if they propose to use pneumatic tools. Ms. LaIacomo responded in the negative.

Mr. Rogalo noted the large size of the lot. Mr. Gavan stated it is a 200 foot wide by 120 foot deep size lot. Ms. LaIacomo stated it is actually two lots, being numbers 8 and 10 Mountain Terrace. The Borough of Stanhope owns the property at 4 and 6 Mountain Terrace so there are no neighbors to the left.

Mr. Keller noted the house sits significantly below the street so if standing on Mountain Terrace, you would be looking at the roof. Mr. Keller asked the elevation from the street at the driveway. Mr. Barany

responded it is about 773. You are five feet lower at the street and standing at the street you would see just the top of the roof. The peak of the roof is about 5 feet higher than the street. Mr. Gavan asked if the applicant would have any objection to dropping to 5 on 12. Ms. LaIacomo responded she does not believe the house is 7 pitch; she believes it is lower than that. Mr. Gavan asked about making it two feet lower. Ms. LaIacomo responded she would be agreeable to that. Ms. LaIacomo said she would like to have the same roof, siding and stone as the house has. There was discussion about the height of 19.85 feet and of reducing it to 18 feet.

Ms. LaIacomo presented 6 photographs of the property at different locations that were taken yesterday. The photographs show the property with leaves on the trees as opposed to the pictures submitted with her application that were taken in March, while the trees were bare. The six photographs were marked Exhibit A-2.

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.

Chairwoman Maio noted the only cars being restored will be cars the applicant owns. Ms. LaIacomo responded yes, they will be her cars.

On motion by Mr. Rogalo, seconded by Mr. Kurtz and carried by the following unanimous roll call vote, the Board approved the three variances requested by Elaine LaIacomo for Block 11403, Lot 4 with the following conditions: there will be plantings as mentioned during testimony by the exposed foundation, there will be no use of pneumatic tools, there will be electricity in the garage but there will be no plumbing, there will be a restriction that the garage will never be converted to residential and there will be no commercial use and that the garage will be only for the applicant's vehicles.

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

BILLS:

Miscellaneous

05/16/24	Local Media Group (NJ Herald) – Legal Notice re: Resolution of Memorialization (Montfleury)	\$14.94
05/16/24	Local Media Group (NJ Herald) – Legal Notice re: Resolution of Memorialization (Kaczynski)	\$15.25
05/28/24	Local Media Group (NJ Herald) – Legal Notice re: Resolution of Memorialization (Juntos Holdings)	\$15.25
05/28/24	Local Media Group (NJ Herald) – Legal Notice re: Resolution of Memorialization (Krakowski)	\$15.25

On motion by Mr. Kurtz, seconded by Ms, Zeliff-Murphy, the aforesaid bills were unanimously approved by the following roll call vote:

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

Mr. Iftikhar returned to the dais.

NEW BUSINESS:

Chairwoman Maio noted the correspondence from Dan Freed regarding a presentation on the County Parcel Document Viewer and said she thinks it would be beneficial to the Board to hear the presentation. The Board agreed. Chairwoman Maio asked the Secretary to extend an invitation to Mr. Freed to attend the July meeting.

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. Zelif-Murphy, and carried by unanimous voice vote, it was the consensus of the Board to adjourn the meeting at 8:10 P.M.

Respectfully submitted,



Ellen Horak
Board Secretary