

**Stanhope Land Use Board**  
**February 12, 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 (arrived @ 7:32pm)	Edward Schwartz - present
Thomas Pershouse – present	Paula Zeliff-Murphy – present (arrived @ 7:03 pm)
	Rosemarie Maio – present

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

MINUTES

**January 8, 2024 Reorganization Meeting** – On motion by Mr. Kurtz, seconded by Mr. Rogalo the Minutes of the January 8, 2024 meeting were approved by a majority voice vote. Mr. Pershouse, Mr. Riccardi and Mr. Schwartz abstained.

CORRESPONDENCE

01-17-24 New Jersey Planning Officials – New Jersey Planner (Nov/Dec)  
02-06-24 Eric Keller – Technical Review #1 re: Maria and Jacek Kaczynski Minor Subdivision Application, Blk 11106, Lot 6

On motion by Mr. Riccardi, seconded by Mr. Kurtz 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.

Chairwoman Maio noted there are two hearings on the Agenda. One hearing is for a minor subdivision and one is for a d-variance, which will be a longer hearing. Chairwoman Maio revised the order of the hearings and moved the minor subdivision application of the Kaczynski to be heard first and then the d-variance of Juntos Holdings.

NEW HEARING:

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

Block 11106, Lot 6, Minor Subdivision Application

Deemed Complete: 01/08/24

45 days: 2/22/24

Maria Kaczynski and Jason Dunn came forward and were sworn in.

Mr. Dunn stated he is a professional planner as well as a professional architect with Dykstra Associates, PC. He is appearing before the Board as a professional architect for the applicant. Mr. Dunn provided his educational background as well as his experience as an architect. He deals in land development design and has appeared before many Boards as an expert in planning and architecture. The Board accepted Mr. Dunn's qualifications as a professional architect. Mr. Dunn stated the application is for a minor subdivision with no variances. Mr. Dunn said he received a copy of the Board's Engineer's report and contacted the Mr. Keller and Ms. Louloudis via email and informed them he agrees with all Mr. Keller's recommendations and that his client will comply with them. Mr. Dunn noted number 9 of the report about providing construction type details and the exact curb and said he would rather that not be a condition of the minor subdivision, but a condition before any construction permits could be issued. Mr. Dunn noted the Board Engineer's comment about the NJDEP and permits that would be necessary. Mr. Dunn said he believes it will come under a permit by rule and he asked that the Board make it a condition of an approval that they will comply with any NJDEP permit requirements. Ms. Louloudis noted Lake Musconetcong has a 150-foot riparian buffer associated with it and because of that, Mr. Keller and she believes the NJDEP will look at that site as one lot and when it is subdivided, they may be in a situation where they have more disturbance on a smaller lot. Mr. Keller asked that they get an applicability determination. Chairwoman Maio agreed, adding it will be a problem without that document. Mr. Dunn said they will comply with the request and provide it to the Board in writing.

Ms. Louloudis noted Mr. Keller's comment #9 and said they are agreeable to that being submitted as part of a plot plan at the time of construction permits. It was agreed that before any construction is done, the applicant will come back before this Board and show compliance with the NJDEP regulations. It was also agreed that once the applicant has a plot plan and before they apply to the town for permits, they must come back before this Board.

Mr. Dunn gave an overview of the application. The property is Block 11106, Lot 6 located on Musconetcong Avenue. They propose to make an approximately 0.74-acre size lot into two lots. Mr. Dunn noted Mr. Keller's comments and said they agree to put in a 20-foot drainage easement. The lot to the north will be 14,784 square feet and the lot to the south will be 18,364 square feet. The proposed future use will be single family homes. Mr. Dunn noted they are only before the Board for the minor subdivision and will come back to the Board with any plans for construction.

Chairwoman Maio noted Mr. Keller's report about disturbance of trees and the application indicates there were no trees on the lot. Chairwoman Maio noted there are evergreens on the lot. Mr. Dunn responded the words stating "no trees" is incorrect. There are some mature trees on the lot. The site was occupied by a home that suffered a fire about five years ago. Mr. Dunn stated, as a condition to any

approval, they will show the location of the trees and a slope analysis before any construction. Mr. Dunn said about 90% of the lot is less than a 12-foot slope. Ms. Louloudis asked that they provide an existing slope analysis. Mr. Dunn presented an existing Slope Analysis which was marked Exhibit A-1 which is an 11” x 17” sheet showing the two sites, not to scale. The area shaded in pink shows 11.99% to 15% slope, the area shaded in black shows a slope of 15% to 25% and the area not shaded is less than 12%.

Ms. Louloudis said, with respect to the stormwater calculations, she has no objection to waiting for the permits as a condition. Mr. Dunn stated they will do the stormwater calculations.

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

On motion by Mr. Pershouse, seconded by Mr. Schwartz and carried by the following unanimous roll call vote, the Board approved the minor subdivision application of Maria and Jacek Kaczynski for property located at Block 11106, Lot 6 with the condition that the applicant returns to the Board prior to any construction to establish viability construction and the conditions listed in the January 26, 2024 Board Engineer’s report and the conditions discussed during this hearing.

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

With respect to the Juntos Holdings LLC application, Chairwoman Maio noted there are only four members of the Board eligible to participate in this hearing because Mr. Riccardi as the Council Representative and Mr. Schwartz as the Mayor’s Representative must step down as well as Ms. Zeliff-Murphy who is a property owner within 200-feet of the applicant’s property. The application is for a d-variance which requires five affirmative votes. The Board Secretary called Ms. Lipinski who informed her she was on her way to the meeting and would be there shortly. Chairwoman Maio moved to payment of bills and then called for a recess until Ms. Lipinski arrived.

**BILLS:**

**Bowman Consultants Group Ltd**

01/08/24	Re: T3 Innovations (Lusardi) Variance	\$862.50
02/08/24	Re: T3 Innovations (Lusardi) Variance	\$427.50
02/08/24	Re: Kaczynski Minor Subdivision	\$ 78.75
02/08/24	Re: Juntos Holdings D-Variance	\$315.00

**Miscellaneous**

01/17/24	Local Media Group (NJ Herald) re: Annual Mtg Notice and Award of Contracts	\$ 24.18
01/17/24	Gannet NJ Newspapers (Daily Record) re: Annual Mtg Notice	\$ 50.99

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

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

(Ms. Lipinski arrived.)

**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, Mr. Schwartz and Ms. Zelif-Murphy stepped down from the dais.

Michael Selvaggi of Lavery, Selvaggi, Abromitis & Cohen, attorney for the applicant came forward. Chairwoman Maio informed Mr. Selvaggi there are five eligible members of the Board and five affirmative votes are needed for any approval and she asked if he wanted to begin the hearing. Mr. Selvaggi responded they would like to move forward with the hearing. Mr. Selvaggi stated Juntos Holdings LLC is the owner of Block 11205, Lot 4,01, 1-3 Kelly Place. The property is the site of a pre-existing non-conforming industrial building now in the Historic Village Residential Zone which only allows single-family homes, parks and some home occupations. Any change of use on this property requires a d-2 variance which is a use variance and is below a d-1 variance which means it is not permitted. With a d-2 variance there is an acknowledgement that the use has been there, but they want to try to condition any expansion or change in that use, which is exactly what is happening this evening with this application. There is a portion of the building that will be used as a storage area. There will be no additional traffic or employees but because it is a change in the use, it dictates having to come before the Board for a d-2 variance. They are not proposing any changes to the exterior of the building.

Brian Yelinko was sworn in. Mr. Yelinko stated Juntos Holdings LLC is the owner of the property. He is the co-owner with his wife and Juntos Holdings has owned the property since 2017. They purchased the property as an investment and to have it occupied by one of their companies, Breaking Games. Breaking Games used the property and it is still using the property for storage of items that are not being shipped at the present time. Mr. Yelinko said Breaking Games grew faster than thought and it became a strain on the neighborhood due to the truck traffic so they found another site in the Trade Zone in Mount Olive which is now the primary site for Breaking Games. What remains at the Kelly Place location is games and equipment. There is traffic in and out occasionally, but nowhere near the amount of truck traffic as there previously was. Mr. Selvaggi noted a previous application with architectural plans referencing Ad Magic and he asked who is Ad Magic. Mr. Yelinko responded Ad Magic is the parent company of Breaking Games. Mr. Yelinko stated the purpose of this current application is to create clean, secure storage because in a warehouse you get a lot of dust from forklifts and they determined they need a clean area to protect the sensitive and higher valued items. The idea on how the clean storage will be built is depicted on the plan they submitted for zoning approval. It is a 2-story area within the confines of the warehouse. There is a mezzanine, part of which is existing. In the mezzanine would be only storage of parts and supplies. The plans also show lower service area that will be used for larger pieces of equipment that are too big to bring to the mezzanine area and/or when they need to service pieces of equipment i.e. packaging equipment or it could be used for higher value items they

want to keep secure from the rest of the warehouse area. The items in storage will be primarily confined in that area. Mr. Selvaggi asked if this space would need additional employees. Mr. Yelinko responded it will not. Mr. Selvaggi asked if it will change the hours of operation. Mr. Yelinko responded no it will not. Mr. Yelinko stated additional equipment will not be delivered to this site. The area is to take primary equipment and centralize it. Mr. Yelinko said he applied for a permit to build out the space and was told he needed a variance and had to come before the Board. There is no need for a separate entrance to access the space. There will be no changes to the exterior of the building and no new lighting or signage. Mr. Selvaggi noted the Board Engineer questioned the access to the adjacent exits and asked he asked Mr. Yelinko if this space will be accessible to those spaces in case of a fire. Mr. Yelinko responded yes it will be accessible.

Mr. Selvaggi noted this is not Mr. Yelinko's first appearance before this Board. As noted in Mr. Keller's report, the application immediately prior to this application, which was several years ago, talked about merging an adjacent lot with this lot. Mr. Yelinko responded that is correct. The merger was approved but was never perfected. Mr. Gavan said he is not sure any of it was perfected. The applicant needed a use variance to permit parking on that lot which was voted on and approved separately from the other portion of the application. After that, the applicant never returned to the Board to complete the hearing. Mr. Selvaggi asked Mr. Yelinko if he would agree to merge the two lots that was part of the previous application. Mr. Yelinko responded yes, he certainly would merge the lots. Mr. Gavan asked if the lot would be used for parking. Mr. Selvaggi responded there is no site plan at this time. Mr. Selvaggi asked if the space Mr. Demarest noted on his plans is the only space that there are any improvements and he is not doing anything else with the exterior and not bringing in any other businesses and it is just this space they are talking about. Mr. Yelinko responded that is correct. Mr. Gavan asked if all the previous discussions about bands and music studios is no longer his intent at this point. Mr. Yelinko responded, as it relates to this application, no.

Chairwoman Maio asked if the materials that will be stored in this revised facility are all connected to Ad Magic or Breaking Games. Mr. Yelinko it will all be connected to their family of companies. Chairwoman Maio asked Mr. Yelinko to name those companies. Mr. Yelinko responded the companies are Juntos Holdings, which only has land, Ad Magic is a corporation and they formed Breaking Games as a subsidiary of Ad Magic in order to do distribution of the games. No other companies will be storing anything in the space. Mr. Yelinko said presently the warehouse is being used by Breaking Games and the only items in the facility are owned by Breaking Games or Ad Magic. There is no product distribution out of the site. There will be no regular transport between the two sites (Mount Olive and Stanhope). Any transport will be inter-company transport and he does not anticipate any truck traffic. Mr. Yelinko said they have a 36-foot straight large truck that is all in one. It has a cab with a box in the back similar to a large U-Haul truck. It is not his intent to have tractor trailer traffic to the site.

Mr. Pershouse noted the applicant took out demolition permits for two homes that were demolished and he asked if they plan on doing anything with those in this application. Mr. Yelinko responded no he does not. Mr. Yelinko said they are building lots that have not been merged with their property. They are buildable lots. Chairwoman Maio noted those lots are not part of this application. Mr. Pershouse noted the applicant had permits for audio and office and he asked if they are the used. Mr. Yelinko responded in the affirmative stating they are used to shoot videos and advertising for Ad Magic. They have a pod cast and utilize office space at the site. Mr. Gavan said he was not aware of the pod cast stuff and he asked how many employees go to the site. Mr. Yelinko responded a minimum of 3 to 4 employees per days. A lot of the equipment being stored is for the pod cast.

Ms. Louloudis noted Mr. Keller's report dated January 2, 2024 and said some comments can be addressed administratively being the 200-foot list, form 1 to be revised to contain the correct lot number and comment #7 noting Form 2 does not include the State of Incorporation of the LLC. Mr. Selvaggi stated they will provide all of that. Ms. Louloudis noted Mr. Keller's comments in terms of parking that relate to the zoning chart in the application. It shows there will be an increase in the parking from 20 spaces to 39 spaces and an increase in lot coverage and she is not sure where the additional spaces came from. Mr. Yelinko responded it came from their prior application. Mr. Gavan stated the additional parking spaces was part of the lot merger application. Ms. Louloudis said they are not increasing employees or size, but they are increasing the floor area which would increase the required parking spaces. Mr. Selvaggi said the increase in the parking was based on making this usable space. The required number of spaces is 55 and they presently have 20 and the increaser would be 39 spaces.

Mr. Gavan asked if there is a map showing where the parking spots are which would help to clarify this issue. Mr. Selvaggi responded Mr. Demarest's plan does not show the parking. Mr. Yelinko said currently there are 20 parking spaces. Mr. Gavan asked that the applicant submit something showing that parking because the Board needs to see that. Mr. Yelinko said it was previously submitted with their prior application. Mr. Gavan said that was a prior application and this is a new application so they need to submit it as part of this current application. Ms. Louloudis noted Mr. Keller's comment #11 and said it is important to show the improvements, adding a survey would show the improvements on the site. Mr. Gavan stated the Board needs a baseline showing what currently exists and asked that the applicant provide an "as is survey" showing the parking.

Mr. Selvaggi stated he understands the Board's concern about needing a baseline. He saw a copy of the old site plan and they are not far from what the Board wants. Mr. Selvaggi will speak to the applicant's engineer and resubmit ten days prior to the meeting. Mr. Selvaggi said, because of this issue, he does not want to go into the planning and have the Planner testify. He will hold off on that testimony until the March meeting at which time they would have made the changes.

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

Carmen Pico, 25 New Street came forward and expressed concern with tractor trailer traffic that previously went to the site, disrupting the neighbors and their property and he said he would not want the tractor trailers going to the site again. Mr. Gavan said the applicant has testified that there will be no tractor trailers going to the site. Mr. Pico asked if that would be put in the Resolution. Mr. Gavan responded in the affirmative.

Kathy Obitz, 19 New Street came forward and noted the comment that there will not be any expansion of the company and employees. Mr. Gavan stated the testimony of the applicant was that with this application, there will be no additional employees. Ms. Obitz expressed concern with chemicals being stored at the facility. Mr. Gavan said there are rules on how to store hazardous material. Ms. Obitz noted the comment about other tenants and the applicant listed their companies using the site. Ms. Obitz said there is a company named New World that is using space at the site and which is another company of the applicant and she asked why that company was not mentioned by the applicant. Ms. Obitz noted there is a truck with the name New World on it that is parked at the site. Mr. Yelinko said New World Development is his company that was formed in 1985. They are still doing construction work at the site for which they have permits for and they park the truck overnight at the site. New World Development does not operate a business out of that site, they are only working at that site.

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

Mr. Selvaggi asked that the hearing be carried to the March 11, 2024 meeting and at least ten days prior to that, they will submit the site plan showing the parking.

Mr. Gavan announced that this hearing will be carried to the March 11, 2024 meeting with no further notice required.

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

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 8:24 P.M.

Respectfully submitted,



Ellen Horak  
Board Secretary