

**Stanhope Land Use Board
March 10, 2025
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 14, 2025 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	Edward Schwartz – present
Glenn Kurtz - present	Scott Wachterhauser - present
Christine Lipinski – present	Paula Zelif-Murphy - present
Thomas Pershouse – absent	Rosemarie Maio - present
John Rogalo - present	

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

APPROVAL OF MINUTES

February 10, 2025 Regular Meeting – On motion by Mr. Kurtz, seconded by Ms. Zelif-Murphy, the Minutes of the February 10, 2025 meeting were approved by a majority of the following roll call vote:

Roll Call:

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

CORRESPONDENCE

02-13-25 Glenn Gavan – Resolution of Memorialization Re: Armele Variance Appl. Blk 11106, Lot 3
02-18-25 Environmental Commission – Comment Re: Tischler Variance Appl. Blk 10609, Lot 6
03-03-25 Eric Keller – Technical Review No. 1 Re: Tischler Variance Appl. Blk 10609, Lot 6

On motion by Ms. Lipinski, 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.

NEW HEARING

25-01 Gray Tischler

Block 10609, Lot 6 - Variance Application

Deemed Complete: 02/10/2025 120 Days: 06/10/2025

Chairwoman Maio invited the applicant, Gray Tischler, to come forward to begin the hearing for the variance application. Mr. Richard Trautwein was sworn in and stated he is a licensed New Jersey Architect and has been practicing for 28 years. The Board accepted Mr. Trautwein as an expert architect. Attorney Gavan swore in Gray Tischler, the property owner, and Christopher Hirsch.

Ms. Tischler and Mr. Hirsch introduced themselves and read statements explaining why they are here this evening requesting a variance. The home is 900 square feet, which was enough space for one person, but now there are two people and they would like to add onto the home. They like living in Stanhope and plan to stay long term. They would like to transform the existing deck into additional living space. Their home was built in the 1930's and they would like to give it new life and purpose. Mr. Hirsch stated the house is located on a quiet dead end road surrounded by trees and nature. The plan is a tasteful addition and the goal is to bring more living space and utility to the small home. The plan encompasses adding a primary bedroom, living area, and a small office while trying to stay practical and pragmatic. As their family grows the living area could be used as a play area and the office could convert to a nursery.

Attorney Gavan stated there is an accessory structure and the main home on the property. The application is requesting 7 variances and there are vacant lots adjacent to the property. Eric Keller, Land Use Board Engineer, stated there are two lots owned by the Borough to the west of the applicants property which are on an unimproved street. The lot to the south is also vacant but is not Borough owned. Attorney Gavan stated one of the requirements for an undersized lot is to find out if more land can be obtained to add to the property. This just means that the applicant must contact the adjacent property owner and if they say no to the sale that is all that is required. Ms. Tischler stated their budget does not have enough funds to acquire additional land. Chairwoman Maio stated the Borough has been known to sell property to residents. Attorney Gavan stated if additional land was added to the applicant's existing property, it could make the lot conforming. This does not mean the applicant has to buy the land but they do have to ask.

Mr. Trautwein stated the lot is in the MR zone and the minimum lot size is 14,520. The current lot size is 8,600 sqft. This fairly modest addition has been designed to keep it tight and functional by not making it larger than it needs to be but big enough and still functional for day to day living. Mr. Trautwein stated he has reviewed the letter which was received from Eric Keller at Bowman Engineering and he suggested going through the 10 points addressed in the letter.

Item #1 Signature Block. Mr. Keller stated his name needs to be added as the Borough Engineer as an additional signature.

Item #2 The applicant should indicate what stormwater management measures can be implemented to offset the increase in impervious coverage. The property sits at or near the top of the knoll. Consideration should be given to installing seepage pits or other subsurface drainage to attenuate the increase in runoff. Mr. Trautwein stated this is reasonable and can be accommodated provided they get through the variance approval and construction permit phase. Mr. Keller stated if the applicant were able to purchase the two adjoining lots from the Borough, the stormwater would not be an issue because then the impervious coverage would be conforming. This could be a cost savings.

Item #3 The side yard setback variance is only for 6 inches and testimony should be provided as to why the addition cannot comply with the required minimum. Mr. Trautwein stated this was reviewed and he is of the opinion they can make this comply. The doorway can go from five feet to four and a half feet to be within that setback.

Item #7 Regarding the deck layout. Mr. Trautwein stated the deck stairs can be slid north to give relief to that setback and will conform.

Item #4 The existing driveway encroaches onto Lot 7. The applicant should correct this encroachment and limit the driveway solely to her property. Mr. Trautwein stated this can be discussed. The driveway was like this when the applicant purchased the property. The applicant does maintain the first fifteen feet of that property. The property lines are not distinguished. Chairwoman Maio asked if Lot 7 is owned by the Borough. Ms. Tischler stated it is not the Borough property and she is the only one who maintains that property. Mr. Keller stated the lot is vacant but if someone came along to develop it, they could object to the encroachment of the driveway. This is just being brought to the attention of the applicant for consideration. Attorney Gavan stated Ms. Tischler may have to deal with that issue in the future. The Land Use Board, in no way, is granting approval of that use. Ms. Tischler stated she understands and thanked the Board for this information.

Item #5 Trees. Mr. Trautwein stated there are no trees to be removed as part of the addition.

Item #6 The architectural plans show a set of stairs extending from the southerly side of the new addition but the project plan does not show any landing or sidewalk at the foot of these stairs. Mr. Trautwein stated this detail would be modified or addressed during the construction drawings. Mr. Keller stated the only concern is that if flagstone or something similar is used, this increases the impervious coverage. The lot is so small that even if it is 50 sqft it would increase the variance. If the Board grants a variance for the impervious coverage, they need to be sure they grant the variance for what is needed. Mr. Trautwein stated they would need a three foot wide, 10 foot long sidewalk. Mr. Keller stated the work will be checked at the end of the project and the Construction Official will not grant a CO until Mr. Keller signs off on the project so everything needs to be accounted for up front.

Item #7 We note that the deck layout and associated stairs have been revised since the initial Zoning Application was filed, bringing the deck stairs to be coincident with the proposed addition. There are no grades provided. Confirmation is to be provided that should more than 3 stairs be required to meet the grade differential, that the proposed deck is to shift to the north so that the steps do not extend beyond the proposed addition. A note to that effect should be placed on the plans. Mr. Trautwein stated this is agreeable and would be addressed in the construction drawings. Mr. Keller stated in this case the setback would be 15 feet but he stated the applicant can ask for the variance setback of 6 inches. Mr. Keller just wants the applicant to be aware if the Board grants something, or does not grant it because it complies, and then it is different, that would cause an issue.

Item #8 The proposed stairs on the south side of the addition, adjacent with driveway, conflict with the existing fuel oil tank. The location of the tank is to be noted on the plans. Mr. Trautwein stated Ms. Tischler has already begun the process to convert the home to natural gas. The oil tank will be removed. Ms. Tischler stated the gas company ran the gas line to her home approximately two weeks ago.

Item #9 Testimony is to be provided that the proposed addition on the northside of the house does not conflict with the existing basement window. If it does, a notation is to be made that this window is to be relocated. Mr. Trautwein stated this issue will be looked into once they get into the construction drawings. This is a crawl space that is half excavated. Part of the work entails getting this squared away by excavating it down to level and installing a vapor barrier and slab. The window may be eliminated due to the fact it could be a leak source. Mr. Keller stated whatever the code permits is acceptable.

Item #10 Testimony is to be provided as to whether the addition will have a basement or if it will be slab on grade or have a crawl space. Any soil removed to construct the foundation of the basement is to either be removed from the site or spread uniformly on site so as to maintain positive slope away from the existing home and not create a runoff issue onto other properties. A note to this effect is to be placed on the plans. Mr. Trautwein stated it is anticipated there will be a crawl space, not a basement and not a slab on grade. This will be addressed on the construction plan.

Mr. Trautwein asked the Board members if they had any questions with regard to the plans aside from those the Engineer has addressed. Attorney Gavan asked Ms. Tischler if the shed on the property was there when she purchased the property. Ms. Tischler confirmed the shed was existing. Attorney Gavan stated the rear set back for the house looks as though it was built slightly askew compared to the lot. If the house had been built more squarely on the lot some of these issues might have been avoided. Mr. Rogalo stated Highland Avenue is parallel to Brooklyn Road and behind the house there are woods and a great deal of wetlands. Mr. Rogalo is of the opinion the rear yard setback will not affect anyone. Mr. Trautwein stated the design plan tries not go beyond where the existing deck is located. Attorney Gavan stated the plan does reduce the amount of encroachment with the deck size. Some applicants come in and want everything. However, this plan right from the beginning shrunk the deck. Mr. Trautwein stated his letter had the impervious coverage at 25% and he asked Mr. Keller why his letter stated 30% and asked which is correct. Mr. Trautwein stated he pulled the information from the Borough ordinance. Mr. Rogalo asked if the Board were to approve the variances tonight based on the current lot size, what would happen if the applicant was able to purchase the land from the Borough. Attorney Gavan stated if the variances were approved then the purchase of the land is no longer an issue. Mr. Keller stated buying the additional land could save money by not having to provide the stormwater requirements. Attorney Gavan stated technically to do what they are doing, they have to testify that they attempted to find out if they could purchase additional land. If anyone says they will sell it but for an astronomical amount of money, that becomes part of the testimony. Chairwoman Maio asked if the Borough owned lots are buildable lots. Mr. Keller stated the lots are each 50 ft by 90 ft and each is 4500 sqft and they are not buildable lots. They both front on a paper street, Kingsland is not an improved street. North Central which is two lots south of this property is improved about halfway back. It does not go all the way to Kingsland. Attorney Gavan stated, if the applicant were able to purchase one or both of the Borough lots, they would not need the road. They have the frontage. Chairwoman Maio stated she was looking at it from the standpoint of how much the Borough would charge for the land. If it was a buildable lot, it would be more valuable. Ms. Tischler asked who she should contact at Borough Hall. Attorney Gavan stated Ms. Tischler should contact the Borough Clerk who would inform the Borough Council.

Attorney Gavan advised the Board not to vote on this tonight. A letter is going to be required regarding the determination of purchasing the Borough lots or not. The Board is obligated not to approve variances if there is an option to find another way to comply. Because the lots are not buildable, it may be in the Borough's interest to sell them for a lower price which would give the applicant a better sized property. Attorney Gavan stated it is not the Board's desire to make things harder for the applicants but it is his job to point out the technicalities. Mr. Keller stated if the additional lot(s) were purchased, three variances could be eliminated. Chairwoman Maio stated the cost of the land could offset the cost of the stormwater requirements depending of the sale price.

Mr. Keller stated he made an error and Mr. Trautwein is correct in his question regarding the impervious coverage. The allowable impervious coverage is 25%. Our policy has been, if you are asking for an increase in impervious coverage, we want the stormwater to be offset back to what is permitted. So, if it is 33%, it is 8% of 8600, which is approximately 700 sqft. A professional would have to calculate that for the applicant. Mr. Keller stated he does not know what type of ground is on this property but in general, the ground in Stanhope is rock.

Attorney Gavan stated this application will be carried without further notice. In the meantime, the applicant can obtain the answer to the question regarding the purchase of the additional lot(s) and return to next months meeting. Chairwoman Maio suggested Ms. Tischler contact the Borough tomorrow and stress the urgency that she is before the Land Use Board and this issue is holding up the hearing. There is a Mayor and Council meeting scheduled for tomorrow night and perhaps they can discuss it. Ms. Tischler was informed that she could attend the meeting tomorrow night if she so chooses. Mr. Keller stated both lots would add another 9000 sqft which would make the lot conforming. The impervious coverage variance would go away, the rear setback goes away, the side yard setback has already been addressed as going away and the accessory structure issue goes away because the rear yard setback would be further away. Mr. Keller stated one of the Councilman is here tonight sitting on this Board and he will be at tomorrow's meeting. Mr. Keller stated he is also the Borough Engineer and will be at Tuesday's meeting. Councilman Wachterhauser stated if Ms. Tischler speaks to the issue at tomorrows meeting, the governing body may not be able to make a decision right away, but this would get the conversation started. The lots which have sold recently have been sold for only a few thousand dollars. If the lots are non-buildable lots, the lots can only be sold through an auction process. However, the only people that can bid on them have to be adjacent property owners. Mr. Keller explained that for each of the lots there would be one other resident besides Ms. Tischler who could bid on them. Ms. Tischler thanked everyone for all the information they have provided, it is greatly appreciated.

Chairwoman Maio stated the hearing will be carried to next month.

RESOLUTION OF MEMORIALIZATION

24-04, John Armele

Blk 11106, Lot 3 – Variance Application

Application Dismissed Without Prejudice: 02/10/2025

Chairwoman Maio stated the resolution of memorialization is for the withdrawal of the application submitted by Mr. Armele. The homeowners have decided they are not going to pursue the addition and the addition to the garage, which is in violation because it was built without permission, is going to be removed. Mr. Keller asked if there is sufficient escrow in the account. Chairwoman Maio stated she does not have an escrow report. Mr. Keller stated he did a review and he is unsure as to whether or not

that invoice has been paid. Attorney Gavan stated the applicant did not officially withdraw, they have disappeared and therefore the Board is withdrawing the application. Chairwoman Maio asked the Deputy Clerk to check on the escrow status and report back to her and Mr. Keller.

On motion by Mr. Rogalo, seconded by Ms. Zeliff-Murphy and carried unanimously by the following roll call vote, the Resolution of Memorialization dismissing the application without prejudice, for John Armele Block 11106, Lot 3, was adopted:

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

NEW BUSINESS: None

BILLS:

Bowman Consulting Group, Ltd.

02/14/25 Re: Kaczynski Subdivision \$78.75

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

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

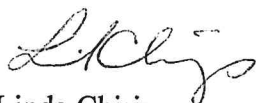
OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

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. Zeliff-Murphy, it was the consensus of the Board to adjourn the meeting at 7:41 P.M.

Respectfully submitted,



Linda Chirip
Deputy Clerk