

**Stanhope Land Use Board
April 14, 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, 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

John Rogalo - present
Edward Schwartz - present
Scott Wachterhausser - present
Paula Zeliff-Murphy - present
Rosemarie Maio - present

Others Present: Board Attorney Glenn Gavan, Board Engineer William Hamilton and Board Secretary Ellen Horak

MINUTES

March 10, 2025 Regular Meeting – On motion by Mr. Kurtz, seconded by Ms. Zeliff-Murphy, the Minutes of the March 10, 2025 meeting were approved by unanimous voice vote.

CORRESPONDENCE:

03-12-25 Ellen Horak, Clerk - Ordinance 2025-07
04-01-25 Ellen Horak, Clerk - Ordinance 2025-09
03-13-25 PSE&G - Notice of Application for Flood Hazard Area Individual Permit re: Electric Overhead Transmission System Rights-of-Way Vegetation Maintenance
04-01-25 New Jersey Planning Officials - NJ Planner (Jan/Feb)
04-02-25 Brian McNeilly, Administrator - Borough Owned Land Purchase Request by Gray Tischler
04-04-25 Cassandra Constandelis - Variance Application re: Blk 10703, Lot 7
04-07-25 Eric Keller - Stanhope Fuel LLC Change of Plan re: Blk 11702, Lot 5
04-07-25 Tom Dixon, Zoning Officer - Property Inspection re: Cassandra Constandelis, Blk 10703, Lot 7

On motion by Ms. Lipinski, seconded by Mr. Iftikhar 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.

COMPLETENESS:

25-02, Cassandra Constandelis

Blk 10703, Lot 7 - Variance Application

Appl Rec'd: 04/04/25

45 days: 05/19/25

Chairwoman Maio stated the Completeness Review Committee has reviewed the application and recommends it be deemed complete. On motion by Mr. Schwartz, seconded by Ms. Zeliff-Murphy and carried by the following unanimous roll call vote, 25-02 Cassandra Constandelis Variance Application re: Block 10703, Lot 7 was deemed complete:

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

The Board instructed the Secretary to send a copy of the application to the Board Engineer for his review and comments.

UNFINISHED HEARING:

25-01, Gray Tischler

Blk 10609, Lot 6 - Variance Application

Deemed Complete: 02/10/25

120 days: 06/10/25

Ms. Tischler came forward. Mr. Gavan reminded Ms. Tischler that she is still under oath. Chairwoman Maio stated the item in question was the applicant's ability to purchase the adjoining land behind her property that is owned by the Borough. The Board received a Memorandum from the Borough Administrator informing them that the Borough is not interested in selling the land. Ms. Tischler stated she cannot acquire other land and is looking to put an addition on the home using the space where the deck currently exists, as per the architect plans, and everything is within the existing footprint. Mr. Gavan noted the addition will be where the existing deck is with a small deck, all in the same rectangle space. Ms. Tischler stated that is correct.

Ms. Zeliff-Murphy asked if the proposed deck will be built. Ms. Tischler responded that part of the deck will be retained, but the rest of the proposed deck is being removed from the plans.

Mr. Hamilton noted a Memorandum prepared by Eric Keller and said he spoke to Mr. Keller regarding the revised plans and he would like a condition to any approval be for the applicant to address stormwater management. Chairwoman Maio informed the applicant that they need a plan to address the water coming off the roof and the drainage on the property and the plan must be agreed to by the Board's Engineer. It was agreed that the applicant's engineer will discuss the stormwater management with the Board Engineer.

Mr. Gavan stated there are a number of variances needed. There is already a pre-existing setback issue, a variance needed for the front yard setback, impervious coverage and with regard to the certain height

of the accessory structure. Mr. Hamilton added there is also a variance needed for rear yard setback which is about 15' where there should be 25'. Mr. Gavan commented that this is now a very modest addition. Mr. Gavan said approval can be provided with the comments in Mr. Keller's Memorandum dated March 3, 2024 (which should be 2025) are made conditions of the approval. Mr. Gavan also stated the plans must be finalized and the applicant should work with the Board Engineer. Mr. applicant does not need to come back to the Board unless the two engineers cannot agree.

Councilwoman Maio opened the meeting to the public for comment 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. Rogalo, seconded by Mr. Schwartz and carried by the following unanimous roll call vote, the Board approved the variance application submitted by Gray Tischler for Block 10609, Lot 6, with such variance approvals being contingent with the Board Engineer's Memorandum dated March 3, 2024 (typo and should be 2025):

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

BILLS:

Miscellaneous

04/11/25 Linda Chirip - Secretarial Services for 3/10/25 meeting \$50.00

On motion by Mr. Kurtz, seconded by Mr. Iftikhar 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. Zelif-Murphy, Chairwoman Maio
OPPOSED: None
ABSTENSIONS: None

NEW BUSINESS

Housing Element and Fair Share Plan - Board Planner William Hamilton came forward and said he wants to highlight some of the affordable housing changes as a result of the Borough's settlement agreement with Fair Share Housing and the courts. A revised Housing Element and Fair Share Plan must be adopted by June 30, 2025. They must come up with a plan to accommodate the number of affordable housing units. In October, the Borough was given a number of 176 units. Mr. Hamilton stated he prepared a vacant lot analysis and came up with a number of 61 units. The Borough Council adopted a resolution adopting a Fair Share Housing Obligation for the Fourth Round of 101 units. Mr. Hamilton displayed drawings of the zoning map showing certain areas that can be considered for affordable housing. One area is the property on Sparta Road that is being rezoned, which property is underutilized. Mr. Hamilton stated there are a number of sites to look at. The DCA identified two sites as potential redevelopment sites. One is by the school with land of about 1-½ acres that are not steep slopes or wetlands, is within the sewer service area and can be developed. The property is not

appropriate for multi-family housing, but could be some type of housing. Chairwoman Maio noted there are wetlands on that property. Mr. Hamilton stated the other site identified as land that potentially could be developed is the area behind the DPW yard on Smith Street. Mr. Hamilton also noted the site adjacent to the applicant that was just before the Board on Highland Avenue. The Borough owns two lots in the back of the applicant's property and the Board. Mr. Hamilton noted the Borough has an agreement with Habitat for Humanity, which is a non-profit organization. The property they would be interested in building on has not been set yet; however, they are interested in building in the Borough. The Borough would have to work with them and provide space for them on Borough land. Mr. Hamilton stated another potential site is the water tower site. There are plans approved for a second water tank on the site, but in the future, there may be space to carve out some type of non-profit small development housing. Mr. Wachterhauser stated the Borough Administrator told the Council that years ago that area was the site of a mine. Mr. Schwartz asked if it must be Borough owned property. Mr. Hamilton responded it does not need to be Borough owned land, you could also rezone property. Mr. Schwartz noted the property on Route 183 that was the old bowling alley. Mr. Hamilton noted there are two additional lots by the gas station on Route 206 that could be considered potential sites. Mr. Hamilton noted in 2006 they looked at rezoning the area on Route 183 for commercial on the first floor and residential on the second floor which is something the Board can look at doing. It would be an overlay zone. Mr. Hamilton said he just wanted the Board to give thought to the potential sites because it is a high number of units and they are under a Court order to come up with a new Housing element to the Master Plan. Mr. Hamilton noted the Compac site is included in Round 3 and this is Round 4. Another site to consider is the Stanhope House. There was a redevelopment plan which was not moved forward and was for 45 units. Mr. Hamilton said they may want to think about that lot with something less, such as 30 units with a smaller building and more in character with the town. Mr. Hamilton asked if the Board would prefer to form a Committee to work out the details with him or for him to move ahead and come up with a plan and present it to the Board at the next meeting. After a brief discussion it was agreed that Mr. Hamilton should come back to the full Board with his recommendations. Mr. Hamilton will attend the May meeting and present his recommendations.

Ordinance 2025-07 - Chairwoman Maio stated the governing body forwarded Ordinance 2025-7: "Permitting Cannabis Retailers Within the Borough, Adding Definitions to Section 100-3 of the Code, Deleting Section 10-52.1 of the Code and Adopting New Sections 100-117.1(F), Permitting Cannabis Retailers as a Conditional Use Within the Highway Commercial Zones in the Borough" for the Board's review and comments. Chairwoman Maio stated they should stress the fact about signage that they are held to the same parameters as stated in the existing sign ordinance. Chairwoman Maio would like language prohibiting large blow-ups. Mr. Wachterhauser stated he brought up the issue of signage to the Council and told them of Wharton and Hackettstown which have very restrictive ordinances regarding signs. The Borough attorney did not agree with the restrictions even though they were written by their attorneys. It was agreed by the Council that the Land Use Board should make the decision on the restrictions. The Board discussed the current sign ordinance that prohibits temporary signage which would include the large blow-up signs. Mr. Gavan suggested that the Board recommend to the Council that any cannabis establishment must adhere to all of the restrictions in the Borough's sign ordinance. The Board agreed and instructed the Secretary to inform the Council of their recommendation.

Ordinance 2025-09 - Chairwoman Maio stated the governing body forwarded Ordinance 2025-09: "Amending the Code, Including the Zoning Map, Rezoning Block 11802, Lot 1 as High Density Residential, and Amending Chapter 100, "Land Development, Article XIV, Entitled "High Density Residential Zones," Sections 100-89, 100-90 and 100-91" for the Board's review and comments.

Chairwoman Maio noted this ordinance is the rezoning of the tract of land on Sparta Road. Chairwoman Maio stated she has no issue with the ordinance, as proposed. Mr. Rogalo noted the ordinance includes open space and recreational areas. Mr. Rogalo also noted that there are two Condominiums in the Borough that have not negatively impacted the community and those developments also only have one way in and out. After a review of Ordinance 2025-09, the Board was in favor of the ordinance as written and had no comments or recommendations. The Secretary was instructed to inform the Council that they had no comments recommendations.

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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 7:45 P.M.

Respectfully submitted,



Ellen Horak
Board Secretary