

**Stanhope Land Use Board
July 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.

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	John Rogalo - present
Glenn Kurtz – present	Edward Schwartz - absent
Christine Lipinski - absent	Scott Wachterhauser - present
Patrick Lynch (Alt. #1) - present	Paula Zeliff-Murphy - present
Thomas Pershouse – present	Rosemarie Maio - present

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

MINUTES

June 9 2025 Regular Meeting and June 30, 2025 Special Meeting – On motion by Mr. Kurtz, seconded by Ms. Zeliff-Murphy, the Minutes of the June 9, 2025 and June 30, 2025 meetings were approved by majority voice vote. Mr. Rogalo and Mr. Lynch abstained

CORRESPONDENCE:

06-30-25 Eric Keller - Resolution Compliance Review No. 1 re: First Impressions Early Learning Center, Blk 11102, Lot 10
07-09-25 Ellen Horak, Borough Clerk - Resolution Approving the Mayor's Appointment of Patrick Lynch as Alternate #1 to the Land Use Board
07-09-25 Cassandra Constandelis - Amended Variance Application re: Blk 10703, Lot 7
07-11-25 Environmental Commission - comments re: Cassandra Constandelis Variance, Blk 10703, Lot 7

On motion by Mr. Wachterhauser, seconded by Ms. Zeliff-Murphy 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 (*Amended Application*)

Blk 10703, Lot 7 - Variance Application

Amended Application Rec'd: 07/09/25

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

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

NEW HEARING

25-02, Cassandra Constandelis

Blk 10703, Lot 7 - Variance Application

Deemed Complete: 07/14/25

120 days: 11/11/25

Michael Leslie and Cassandra Constandelis came forward and were sworn in. Ms. Constandelis stating she is looking to install an above-ground pool in the side yard of her property and attach a deck to it. It will be a 21' round pool and the deck attached to it would be 21' wide by 12' deep. The pool will be between 52" and 52" deep. Ms. Constandelis said she is requesting a variance for the pool being located in the side yard because according to the ordinance, pools should be in the rear yard. Ms. Constandelis explained that directly outside the backyard is a rock wall and there is not enough distance from the house to the wall for a pool. To the left side, the property comes to an acute angle and to have the 10-foot setback the only option would be in the middle and there is currently a patio there so you would have no way around the pool. The other variance is because you are allowed 25% coverage in the backyard for the pool and it would be more than 25% of the side yard. There is an issue with impervious coverage for which a variance is needed. Ms. Constandelis said she would prefer a 21' pool because that is a decent size pool to swim in. Ms. Constandelis stated that in the back of the house there is not enough feet for even anything smaller and on the left side of the property, 10-feet away from the property line it would not look aesthetically pleasing for the pool to be there. Ms. Constandelis said that having the pool in the side yard versus the backyard would not change the site from the street and would not have any different effect for the neighbors. The yard is fenced in with a 6-foot vinyl fence and one spot that has a 6-foot chainlink fence.

Mr. Keller if Ms. Constandelis was given other diameters of the pool when she purchased it. Ms. Constandelis responded the smaller and cheaper pool diameter is 15-feet and the pool sizes increase in increments of 3-feet. A 15-foot pool was the smallest. Mr. Keller spoke about his calculations and noted the patio in the rear was explained and the walkway was added. Mr. Keller noted his calculations were based on an aerial. He came up with the impervious coverage based on that aerial. Mr. Keller also noted that this is defined as a side yard which is an extension of the side of the house and to the rear of

the house to the property line. Mr. Keller stated the ordinance requires a swimming pool to be in a rear yard. This lot has a front yard, two side yards and a rear yard and the pool is being placed in a side yard. Mr. Keller noted page 2 of his June 6, 2025 memorandum states the side yard area is approximately 1,244 square feet. That is the one side yard on the pool side; however, there is another side yard. The 25% coverage was written for a pool in the rear yard which covers the area. Mr. Gavan stated the Board should count both side yards. Mr. Keller said that based on that, the 21' pool came out to approximately 28% of the one side. If you add the second side yard, which is as big or bigger, you would double it to be 2,500 square feet which is closer to 15% as opposed to 25% so that variance would not be required. The Board agreed that both side yards should be counted and the variance is not required.

Mr. Keller noted that impervious coverage is anything that is on the ground and he asked Ms. Constandelis what would be under the deck. Ms. Constandelis responded that the area under where the deck will be is currently grass. Mr. Keller stated his interpretation is that the deck is not on the ground and water will fall through it onto what is not an impervious surface so he believes they can exclude an impervious coverage variance. Mr. Keller stated, with respect to impervious coverage, there is a driveway to the house, a patio, a walkway from the rear patio to the driveway and a front walkway. Mr. Keller noted there was a zoning permit for a shed on the property. Ms. Constandelis stated she applied for and received a zoning permit for a shed but decided not to put one on the property. There was a shed when she purchased the property, but she removed it. Mr. Keller noted that the lot is slightly over the allowable impervious coverage of 25%, It is about 27%-28% given what is there today (existing conditions). Mr. Keller stated the Board needs to decide if they will approve 28% plus adding the pool would be approximately 30%. The pool is about 350 square feet which comes out to 2.4% additional impervious coverage.

Mr. Keller asked Ms. Constandelis how the property slopes. Ms. Constandelis responded that in the side yard, the water goes towards the front yard towards Towpath Lane. It goes towards the front corner of the lot. Mr. Keller asked if looking at the house does the area between the location of the pool and the street have trees. Ms. Constandelis responded yes there are trees in that area. Mr. Keller asked if there are any shrubs. Ms. Constandelis responded there are three trees and a smaller tree and bush in front of it on the top of the wall. Mr. Keller noted this area drains to the detention basin so there are town stream controls that manage the run-off. Mr. Keller said he presumes they were designed for a maximum impervious coverage and they cover all of the lots within that subdivision. Mr. Keller noted they are talking about 700 square feet of coverage from 25% to 30%. Mr. Keller said the front walkway and the walkway from the driveway around the back to the patio are the same pavers and he asked if the original patio is pavers or concrete. Ms. Constandelis responded they are pavers on top of the concrete on that so it has uniform aesthetics in the backyard. Mr. Keller noted there is a walkway to the rear and in the front and asked if they are not on concrete. Ms. Constandelis responded only the one is on concrete.

Ms. Zelif-Murphy noted the drawing of the pool with the deck on the survey and she asked if there was a reason the whole thing could not be moved straight back. Mr. Keller said that would take some of it out of the side yard, but it would not take it wholly out of the side yard.

Mr. Gavan noted this is only a 2.4% increase in the existing impervious coverage.

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

Susan Williams, 61 Brooklyn Road, came forward. Ms. Williams stated her property is behind the applicant's and is up high and looks into the applicant's yard. Ms. Williams said when she moved into the neighborhood there was nothing behind her and now they have built 21 homes behind her. Ms. Williams stated her backyard is her sanctuary. Presently it is very quiet in her yard, which she enjoys. Ms. Williams noted that another neighbor planted pine trees on their property and it took away some of her view and she asked if Ms. Constandelis would be planting trees. Ms. Williams also asked if there are going to be children and how quiet it will be. Currently she enjoys the quiet of her backyard and she never hears children. She also enjoys her view of the lake. Mr. Gavan stated the applicant has children since there is children's playground equipment in the yard. Ms. Williams expressed concern with what the applicant will do that may take away from her quiet sanctuary in her yard. Mr. Gavan stated the Board cannot stop the applicant from planting trees. Mr. Gavan said one thing to help alleviate noise is the planting of trees. Ms. Williams asked if the applicant will block the pool so she cannot see it. Mr. Gavan advised the Board not to answer that question and informed Ms. Williams that the applicant has the right to do what they want as it is their property and it is not for the Board to tell them what they can and cannot do. Chairwoman Maio said it is the applicant's right to put a pool on her property. Chairwoman Maio explained that when she purchased her house it was surrounded by woods; however, years later a development went in right behind her. There is no guarantee that what is now will remain that way. Ms. Williams said she is concerned because she can look into the applicant's yard. Ms. Williams again expressed her concern that she will lose her quiet sanctuary.

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

Mr. Keller asked Ms. Constandelis if the fence is higher than the backyard. Ms. Constandelis responded it is not, it is more flat. Ms. Constandelis stated Ms. William's property is above her property. The trees are narrow and high. She believes they are 15' evergreens. Mr. Keller asked, if standing on Ms. Williams' side of the fence, can you see through the trees where the pool will be. Mr. Leslie responded there will be a partial view.

Mr. Gavan asked Ms. Constandelis how many children she has. Ms. Constandelis responded she has one child and she watches three other children. She has a playset in the yard and the children are outside playing in the yard most of the day. Mr. Gavan noted he asked this question because the objector stated she never hears any children.

Mr. Keller stated that the ordinance states that adequate screening approved by the Planning Board shall be provided. The Board may feel that no additional screening is necessary because a majority of the area has a 6' high fence. Mr. Keller noted that there is nothing that could stop the applicant from planting additional trees on her property. Mr. Keller also noted that the pool in the side yard has it further from Ms. William's property than it would be if it were in the rear yard.

The Board considered the impact of the concerns of the neighbor and considered the rights of the property owner. Mr. Keller stated there is a variance needed for the pool in the side yard because they are only permitted in the rear yard and a variance for impervious coverage, which if the Board concurs, he recommends approving 30% of impervious coverage.

On motion by Mr. Rogalo, seconded by Mr. Kurtz and carried by the following unanimous roll call vote, the Board interpreted the ordinance with regard to side yard pools, that both side yards should be used in the percentage calculation.

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

On motion by Mr. Kurtz, seconded by Mr. Rogalo and carried by the following unanimous roll call vote, the Board granted a variance for a 21' round pool with a 21' wide, 12' high deck to the rear of the pool in the side yard a variance for approximately 3% additional impervious coverage, rounding up so all impervious coverage is covered and based on the fact that there is already a 6' fence and that the pool is going to be 52" to 54", there are no other conditions required of the Board:

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

Mr. Pershouse stated the applicant will need a building and electrical permit for the pool; however, she must wait until the Resolution of Memorialization is adopted. Mr. Gavan stated, the Board can, if the applicant requests, at her own risk, meaning if someone appeals the Board's decision and she has installed the pool and the person wins the appeal, she must remove the pool, the Board can motion to permit her to move forward without the resolution being adopted, as long as the zoning official and construction official accept that. Ms. Constandelis agreed and asked the Board to allow her to move forward prior to adoption of the Resolution of Memorialization.

On motion by Mr. Rogalo, seconded by Mr. Kurtz and carried by the following majority roll call vote, the Board waived requiring the reading of the Resolution of Memorialization prior to the applicant moving forward and permitted the applicant to move forward with the zoning official and construction official.

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

BILLS:

Miscellaneous

06/23/25	Local Media Group Inc. - legal notice in Daily Record of Special Meeting	\$31.75
06/23/25	Local Media Group Inc. - legal notice in NJ Herald of Special Mtg/Public Hearing	\$13.21

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

AFFIRMATIVE: Mr. Kurtz, Mr. Lynch, Mr. Pershouse, Mr. Rogalo, Mr. Wachterhauser, 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. Kurtz, seconded by Ms. Zelif-Murphy, and carried by unanimous voice vote, it was the consensus of the Board to adjourn the meeting at 7:50 P.M.

Respectfully submitted,



Ellen Horak
Board Secretary