Stanhope Land Use Board
August 10, 2026
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 Reorganization Meeting was forwarded to the New Jersey Herald and Daily Record on January 13, 2026 and was placed on the municipal bulletin board.

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:

Glenn Kurtz - present	John Rogalo - present (arrived @ 7:10 p.m.)
Christine Lipinski - present	Edward Schwartz - present
Patrick Lynch - present	Scott Wachterhauser - absent
Thomas Pershouse - present	Paula Zeliff-Murphy - present
Carmen Pico (Alt. #1) - present	Rosemarie Maio - present

Others Present: For Board Attorney, David Brady, Board Engineer Eric Keller and Board Secretary Ellen Horak

MINUTES
July 13, 2026 Regular Meeting Minutes – On motion by Mr. Kurtz, seconded by Mr. Schwartz, the Minutes of the July 13, 2026 meeting were approved by unanimous voice vote.

CORRESPONDENCE
07-28-26 Sussex County Dept. of Health - Site Plan for Happy Tree Farmacy, Blk 11701, Lot 20
07-30-26 Eric Keller - Resolution Compliance Review #2 re: ADG Amity (Tom Gilmore), Blk 10105, Lot 12
07-30-26 Roger Thomas, Esq. - Site Plan Application re: New Jersey Leaf, LLC, Blk 11402, Lot 42
07-31-26 Christine Raymond - Minor Subdivision Application re: Blk 11303, Lots 10 and 11
08-03-26 Eric Keller - Resolution Compliance Review #2A re: ADG Amity (Tom Gilmore), Blk 10105, Lot 12
08-05-26 Eric Keller - Technical Review No. 1 re: Happy Tree Farmacy, Blk 11701, Lot 20

On motion by Ms. Lipinski, 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:

26-05, New Jersey Leaf, LLC (Romi Shah)
Block 11402, Lot 42, Site Plan and Conditional Use Variance (Cannabis Retail Establishment)
Appl. Rec'd: 7/30/26 45 days: 09/13/26

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 unanimous voice vote, 26-05 New Jersey Leaf, LLC, Site Plan and Conditional Use Variance Application re: Block 11402, Lot 42 was deemed complete. The Board instructed the Secretary to provide a copy of the application to the Board Engineer for his review and comments.

26-06, Christine Raymond
Block 11303, Lots 10 & 11 - Minor Subdivision (Lot Line Adjustment)
Appl. Rec'd: 7/31/26 45 days: 09/14/26

Chairwoman Maio stated the Completeness Review Committee has reviewed the application and recommends it be deemed complete. On motion by Ms. Zeliff-Murphy, seconded by Mr. Schwartz and carried by unanimous voice vote, 26-06, Christine Raymond Minor Subdivision Application re: Block 11303, Lots 10 and 11 was deemed complete. The Board did not feel it was necessary to send the application to the Board Engineer. The hearing will be scheduled for the September 14th meeting.

NEW HEARINGS:

26-04, Jacek Kaczynski
Block 11106, Lot 6.01 - Variance Application
Deemed Complete: 7/13/26 120 days: 11/10/26

Jack Kaczynski, 11 Main Street, Stanhope, New Jersey and Peter Kaczynski, (Address Redacted) were sworn in. Peter Kaczynski stated a variance is needed because the impervious coverage was over by .2% of the actual driveway. This was due to the danger of cars coming off Route 183. The house is the first one on the right-side of Musconetcong Avenue. The ordinance permits 25% and they are 25.2%. Mr. Keller stated the calculation is based on an as-built survey prepared by Dykstra. Mr. Keller noted the small percentage increase is why the applicant is before the Board. The reason was outlined in his May 30, 2026 memorandum to Tom Pershouse. There are some deviations from what was approved, but nothing that is not compliant with the zone except there was extra impervious coverage and they added a patio. Mr. Keller noted that everything drains to the lake. It always has and will continue. It is outside the flood hazard area and they have a DEP permit. Mr. Keller noted this is a minor deviation. Peter Kaczynski said the driveway faces the house and there is a small lot on the side that makes it easier to access the road. They now have the ability to face the roadway and it is safer to exit the property. Mr. Keller said the turnaround was enlarged. What was on the plans was very small. If not for exceeding the impervious coverage, he would not have sent the applicant back to the Board. Mr. Keller agreed that this is a benefit from a safety perspective and the benefit outweighs any detriment.

Chairwoman Maio opened the meeting to the public for questions or comments 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, Board granted the variance application for 26-04, Jacek Kaczynski for Block 11106, Lo 6.01.

AFFIRMATIVE:	Mr. Kurtz, Ms. Lipinski, Mr. Lynch, Mr. Pershouse, Mr. Pico, Mr. Schwartz, Ms. Zeliff-Murphy, Chairwoman Maio
OPPOSED:	None
ABSTENTIONS:	None

(Mr. Rogalo arrived.)

Chairwoman Maio introduced attorney David Brady, who is filling in for the Board's attorney Glenn Gavan. Mr. Gavan had a family emergency and could not make tonight's meeting.

26-02, Happy Tree Farmacy Stanhope LLC
Block 11701, Lot 20 - Site Plan Application & Conditional Use Variance (Cannabis Retail Business)
Deemed Complete: 7/13/26 120 days: 11/10/26

Mr. Schwartz, as the Mayor's representative and Ms. Lipinski, a resident within 200' of the applicant's property stepped down from the dais.

John Williams, Esq., attorney for the applicant came forward. Mr. Williams informed the Board that Raaj Amthabhai, the managing member of the LLC, cannot attend tonight's hearing due to a family emergency. He is available on conference call to take testimony. Mr. Brady said that that was permitted during COVID, currently the applicant must be here and available for cross-examination. Mr. Brady asked if notice was effectuated and proper in the scope of what they are looking for. The Secretary confirmed she received the certified receipts and the affidavit of publication. Mr. Brady said he spoke to Mr. Keller about the variances the applicant may need. Mr. Brady said one of the things is the secondary building on the property that appears to be used for storage and he asked if that is being used at all with respect to the cannabis application. Mr. Williams responded that he believes it is storage but it will not be used in connection with any cannabis. They will store incidentals from the business. Mr. Brady asked if there will be a lease for the use of the accessory structure. Mr. Williams responded no, adding that the upstairs apartment is also vacant and will not be rented. Mr. Keller noted that a conditional use variance does not permit it to be used on the same property as residential and a condition of any approval would be that the accessory structure cannot be rented to a third party, the apartment cannot be used for residential use and the building in the back can only be used for incidental storage for the cannabis establishment. Mr. Brady stated you cannot have two principal uses on the same lot. Mr. Williams acknowledged that is correct. Mr. Keller said they cannot have any accessory use that is not connected to cannabis use. Mr. Keller directed them to Section 100-117.1 F of the code listing the conditions for a cannabis retail conditional use. Mr. Brady noted Mr. Keller's memorandum dated August 4, 2026 and he asked if anything needs to be addressed before they get started with testimony. Mr. Keller responded that the applicant received a copy of his memorandum. Mr. Keller noted the property is on a State highway and they will need DOT approval. Mr. Keller said he is concerned that because the parking spaces in front of the building, that have been there for a very long time, require the use of the State right-of-way to maneuver into and out of the property, he is not sure if the State would permit them to still be used which would mean the six parking spaces would have to come out and they would be short on parking spaces. Mr. Keller noted this will come out during testimony and if the DOT says no and they have not received a parking variance, they would have to change the plans or come back for a

parking variance. Mr. Pershouse questioned the location of the handicap parking space. Mr. Keller said he asked for additional information and should be part of their testimony.

Mr. Williams said that although Mr. Amthabhai is not present for testimony, the engineer is present and will testify. Mr. Keller stated they do not have the floor plans to be reviewed which is needed.

Robert Benedetto of AKRF, 140 West Main Street, High Bridge, New Jersey was sworn in. Mr. Benedetto provided his educational background and credentials. He has practiced civil engineering for many years and has a license in a number of states. He is also a professional planner in New Jersey and appeared before numerous boards. Mr. Benedetto stated he will testify as an expert in civil engineering. The Board accepted Mr. Benedetto as a qualified expert to provide testimony in the field of civil engineering. Benedetto stated the site is off Route 183 and is currently a plumbing supply store with an apartment and garage on the site. They will make changes to the site for a cannabis establishment including there is no longer a residence upstairs. Mr. Benedetto said that when preparing the plans the intention was to limit the site work. This is a two-story masonry building with a store on the first floor and an apartment on the second floor. There is a garage to the neighbors corner and two sheds, with one being proposed to be removed. The frontage curb is to Route 183, which is one-way, with six parking spaces in the front and wetlands in the rear. They propose to take the fence out by the paved area in the front and will open it up for additional parking. The concrete area on the south side of the building will be removed for an ADA parking space. The sign in the front will be removed. They will not be removing any trees. The ADA parking space will be to the south side of the building. Mr. Pershouse asked if the ADA parking space will be van accessible. Mr. Benedetto responded that it will be van accessible. Mr. Benedetto said the front entrance has to be the closest space feasible. They cannot do an ADA space because of the wall so they are proposing one to the southeast and they will have a concrete walkway that meets ADA compliance to enter the building. The fence on the north side of the building will be removed. They are not paving any more than is already paved, but may repave the existing pavement. Mr. Pershouse noted the shed to be removed. Mr. Benedetto said there will be no changes to Route 183 access. They are proposing a new trash enclosure and will show it as per Mr. Keller's recommendation as a concrete slab. With respect to the area where the current fence is, they will replace a portion of that fence by the curb because there is a slight dip. The fence will only be in the parking area. With respect to deliveries, there will be no box trucks or tractor trailers. All deliveries will be by vans. Mr. Keller noted the concrete pad by the fence and said it appears there is an inlet and he asked if it is being reconstructed. Mr. Benedetto responded that they will put a new curb off the sidewalk and the intention is to have the curb catch all of the drainage from the parking area and direct it there. They will not put anything on top of it. Mr. Keller suggested that they consider not putting a bandaid on the problem and since this hearing will not be done tonight, that it be addressed at the next meeting. Mr. Benedetto said their proposal was because it has been there a long time and there is a large pipe, but he will take another look at it. Mr. Keller stated that now is the time to deal with that issue. Mr. Benedetto said that from zoning, they are not requesting any variances. There are currently some non-conforming pre-existing conditions such as the front yard set back, lot coverage, side yard set back and building height. The building already exceeds the maximum building height. The only sign that will be on the site will be building mounted. Mr. Benedetto distributed a concept rendering containing three renderings of the outside of the building that was marked Exhibit A-101. Mr. Keller stated the Board will not choose the rendering, it is for the applicant to choose.

Chairwoman Maio asked how many steps are currently at the front entrance. Mr. Benedetto responded there is one step up. Mr. Benedetto stated the front entrance will be wheelchair accessible. Mr.

Benedetto said that from a parking perspective, it is one parking space per 200 square feet. They are required to have 16 parking spaces and they are proposing 17 parking spaces. They are seeking from the DOT a letter of no interest and if they come back with an issue on the parking spaces, they will come back to address the parking.

Mr. Brady noted the substantial size garage/storage in the back and the apartment upstairs that will all remain vacant and are not being rehabilitated or incorporated with the downstairs. Mr. Keller said the parking standards category for storage/warehouse is one for each employee plus 10% or one for each 750 square feet of gross floor area. Mr. Benedetto said he believes it is about 3,000 square feet. Mr. Keller noted that would be four parking spaces. Mr. Pershouse noted the storage on the second floor and said that is an additional use. Mr. Benedetto stated they will revise the plans and keep the garage and apartment vacant. He will remove the word "storage." There is space for storage inside the building. Mr. Benedetto stated these facilities do not need too much storage.

James Santonastaso, 121 Elder Avenue, Bergenfield, New Jersey was sworn in. Mr. Santonastasso stated he is a cannabis consultant who assists Mr. Amthabhai and his father is a 5% holder in the company and is a New Jersey resident. Mr. Santonastaso testified that the upstairs will not be used as residential because it cannot be as per CRC regulations. The majority of the space in the separate building will be mainly for landscaping equipment that will be kept on the premises and anything limited to the personal vehicles on the property. Mr. Perhouse noted it will be used as some kind of storage for the business. Mr. Williams stated that the applicant will testify as to any storage on the premises. Mr. Brady noted the floor plan will address this issue.

Mr. Williams questioned what if there will be storage upstairs. Mr. Keller responded they would have to deal with it in terms of parking. They need a modified floor plan of the main floor and how that is going to be laid out and a floor plan of the upstairs plus the applicant needs to decide what he wants to do with it. They also need a plan for the accessory structure in the back of the property.

Mr. Perhouse asked if the applicant is going to lease or purchase the property. Mr. Williams responded he will lease the property with the intention to purchase. Mr. Pershouse said the driveway seems to be owned by another property owner, shown on sheet 4. Mr. Keller stated the driveway for the adjacent property, lot 22, encroaches onto this lot and there will need to be an easement or it will need to be removed.

Mr. Williams addressed with Mr. Benedetto the following items from Mr. Keller's August 4, 2026 memorandum.

#20 - Mr. Benedetto said they will add a tree protection detail. They do not plan on removing any trees as part of this application.

#27 - Mr. Benedetto said they will add the soil information requested.

#33 - Mr. Benedetto said the engineer's estimate can be a condition of any approval and will be provided. Mr. Keller agreed, it can be a condition of any approval the Board may grant.

#34 - Mr. Benedetto agreed for the completed compliance report will be provided during resolution compliance.

Mr. Williams asked if the Board has any comments regarding the technical comments in Mr. Keller's report. Mr. Keller stated they only need to be discussed if the applicant has any problems with the comments or if they have say they are going to address them all. Mr. Keller noted they cannot provide more information until they hear from the DOT. Mr. Benedetto agreed to #1 and #2. With respect to #3, the gas service will be shown on the plans.With respect to #6, they will show the turning template for the delivery vans. Deliveries will be one to two times per week and will be made during off business hours. Mr. Keller said his comment was more about the garbage truck getting access to the dumpster and how you would get into and out of the ADA parking space. This should be shown on the plans without using the State's space. Mr. Pershouse questioned the hours of operation. Mr. Williams responded it will be in compliance with the ordinance. Mr. Benedetto stated they will comply with Mr. Keller's comments.

Mr. Lynch asked if the security plan has been submitted to the police. Mr. Williams responded it was provided to the Police Chief on June 25, 2026. The applicant has a meeting scheduled with the Police Chief this week or next week to discuss the plan. Chairwoman Maio noted they must receive approval of the security plan prior to any site plan approval. Mr. Williams noted Mr. Keller's comment about the employees and said they operate with 8 to 10 employees with 1 to 2 employees per shift. Mr. Brady noted the regulations state there shall be no congregating outside or waiting in line.

Chairwoman Maio opened the meeting to the public for questions regarding the testimony given by the applicant's engineer. Mr. Brady stated this is for questions only as you are not being sworn in. There will be time the public will be sworn in and can then give any comments they have.

Alexander Schelowski, 12 Maryann Terrace, Stanhope said he is the owner of 171 Route 183 and he asked the hours of operation. Chairwoman Maio stated this will be covered in the operational testimony. Mr. Schelowski noted Route 183 is a one-way road and many times people exit and go the wrong way from that site. Mr. Benedetto said they will consider additional signage. Mr. Benedetto said they will also look into the extra shed.

Ken Pavan, Stanhope asked about drainage on the property and noted the statement there is a tube there that is draining to the property and will be removed. Mr. Pavan said the structure is probably the drainage for the large townhouse development and there are issues with flooding and he asked that they be very careful. Mr. Benedetto responded that there are ways of replacing the structure without removing the pipe. They will only touch it on their property not on the DOT's property. Mr. Pavan asked if there are any daycare facilities or schools in the general area. Mr. Benedetto responded there is a requirement of the CRC and the Borough's ordinance regarding the distance from a daycare or school. Mr. Keller said the request from his office is that they look at modifying the existing structure that provides drainage on their property over that pipe. He is not asking that they mess with the pipe.

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

Chairwoman Maio stated this hearing will be carried to the September 14, 2026 meeting at 7:00 p.m. with no further notice required.

Ms. Lipinski and Mr. Schwartz returned to the dais.

DISCUSSION:
Chairwoman Maio stated the hearing for the New Jersey Leaf LLC application will be scheduled for the October meeting. The Secretary reminded the Board that the October meeting is always held on the third Monday of the month, which will be October 19, 2026.

BILLS:
There were no bills to be approved.

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 Mr. Kurtz, and carried by unanimous voice vote, it was the consensus of the Board to adjourn the meeting at 8:21 P.M.

Respectfully submitted,

Ellen Horak
Board Secretary