

Stanhope Land Use Board
January 12, 2026
Reorganization Meeting Minutes

CALL MEETING TO ORDER:

Board Attorney Glenn Gavan called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mr. Gavan 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 14, 2025 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
Christine Lipinski - present
Patrick Lynch - present
Thomas Pershouse - absent
Carmen Pico (Alt. #1) - present

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

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

REORGANIZATION BUSINESS:

Election of Chairwoman:

On nomination by Ms. Zeliff-Murphy and seconded by Mr. Rogalo, Rosemarie Maio was elected Land Use Board Chairwoman for 2026 by unanimous voice vote.

Chairwoman Maio took over the meeting at this time.

Election of Vice-Chairwoman:

On nomination by Mr. Wachterhauser and seconded by Mr. Kurtz, Paula Zeliff-Murphy was elected Land Use Board Vice-Chairwoman for 2026 by unanimous voice vote.

Resolutions

Board Secretary

**RESOLUTION OF THE STANHOPE LAND USE BOARD APPOINTING
BOARD SECRETARY**

WHEREAS, there exists the need within the Land Use Board (the "Board") for the retention of personnel to perform such secretarial services/clerical duties and office work as required by the Board's

job description to hold a monthly public meeting, at the annual salary of \$11,807.82, and in addition, other such work as deemed necessary by the Board at a \$20.00 hourly rate or other rate negotiated per task;

WHEREAS, the annual salary of \$11,807.82 for the Board Secretary is the salary paid for the year 2025; and

WHEREAS, upon determination of the salary increase for Borough employees, the Board will provide the same salary increase for the Board Secretary, which increase shall be retroactive to January 1, 2026; and

WHEREAS, the funds for such duties and services are available for this purpose:

NOW, THEREFORE, BE IT RESOLVED by said Board that it hereby appoints Ellen Horak as the Board's Secretary, to be retained for the calendar year 2026 to perform such duties and office work outlined in the Board's job description, with reimbursement for all expenses, at the annual salary of \$11,807.82;

BE IT FURTHER RESOLVED, by said Board that, after a salary increase percentage has been determined for Borough employees, the Board shall determine the salary increase for the Secretary which salary increase shall be retroactive to January 1, 2026.

On motion by Ms. Zeliff-Murphy, seconded by Mr. Rogalo and carried by the following unanimous roll call vote, the above resolution was adopted:

ROLL CALL:

Board Attorney: **RESOLUTION OF THE STANHOPE LAND USE BOARD APPOINTING
BOARD ATTORNEY**

WHEREAS, the Land Use Board of the Borough of Stanhope is in need of Professional Legal services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from this provision of the local public contracts law of 1971.

NOW, THEREFORE, BE IT RESOLVED that the firm of **Gavan Law LLC** is hereby appointed as Attorney for the Land Use Board of Stanhope for a period of for the period January 1, 2026 through December 31, 2026, with the understanding that **Glenn Gavan, Esq.** will be primarily responsible for the work done for the Board.

BE IT FURTHER RESOLVED that the aforesaid is a member in good standing of his profession.

BE IT FURTHER RESOLVED that this Resolution is contingent upon receipt of a fully executed professional service contract with attached fee schedule established for Gavan Law LLC's professional services.

BE IT FURTHER RESOLVED that this Resolution is contingent upon the receipt of a completed C.271 Political Disclosure Form pursuant to N.J.S.A. 19:44A-20.4 et. seq., commonly known as the Pay-to-Play Law.

On motion by Mr. Ms. Zeliff-Murphy, seconded by Ms. Lipinski and carried by the following unanimous roll call vote, the above resolution was adopted:

ROLL CALL:

Mr. Kurtz - yes
Ms. Lipinski - yes
Mr. Lynch - yes
Mr. Pico - yes
Mr. Rogalo - yes
Mr. Wachterhauser - yes
Ms. Zeliff-Murphy - yes
Chairwoman Maio - yes

Board Engineer: **RESOLUTION OF THE STANHOPE LAND USE BOARD APPOINTING
BOARD ENGINEER**

WHEREAS, the Land Use Board of the Borough of Stanhope is in need of Professional Engineering Services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from the provisions of public bidding as provided in the Local Public Contracts Law:

NOW, THEREFORE, BE IT RESOLVED that the firm of Bowman Consulting is hereby appointed as Engineer for the Land Use Board of Stanhope for the period January 1, 2026 through December 31, 2026, with the understanding that **Eric Keller, P.E.** will be primarily responsible for the work done for the Board:

BE IT FURTHER RESOLVED, that the aforesaid is a member in good standing of his profession;

BE IT FURTHER RESOLVED, that this Resolution is contingent upon receipt of a fully executed professional services contract with attached fee schedule established for Bowman Consulting professional services, and

BE IT FURTHER RESOLVED, that this Resolution is contingent upon the receipt of a completed C.271 Political Disclosure Form pursuant to N.J.S.A. 19:44A-20.4 et. seq., commonly known as the Pay-to-Play Law.

On motion by Mr. Rogalo, seconded by Mr. Kurtz and carried by the following unanimous roll call vote, the above resolution was adopted:

ROLL CALL:

Mr. Kurtz - yes	Mr. Rogalo - yes
Ms. Lipinski - yes	Mr. Wachterhauser - yes
Mr. Lynch - yes	Ms. Zeliff-Murphy - yes
Mr. Pico - yes	Chairwoman Maio - yes

Board Planner: **RESOLUTION OF THE STANHOPE LAND USE BOARD APPOINTING
BOARD PLANNER**

WHEREAS, the Land Use Board of the Borough of Stanhope is in need of Professional Planning services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from this provision of the local public contracts law of 1971,

NOW, THEREFORE, BE IT RESOLVED the firm of **Bowman Consulting** is hereby appointed as Planner for the Land Use Board of Stanhope for a period of one year from January 1, 2026 to December 31, 2026, with the understanding that **William Hamilton, P.P.** will be primarily responsible for the work done for the Board.

BE IT FURTHER RESOLVED, that the aforesaid is a member in good standing of his profession.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon receipt of a fully executed professional service contract with attached fee schedule established for Bowman Consulting professional services.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon the receipt of a completed C.271 Political Disclosure Form pursuant to N.J.S.A. 19:44A-20.4 et. seq., commonly known as the Pay-to-Play Law.

On motion by Mr. Kurtz, seconded by Mr. Rogalo and carried by the following unanimous roll call vote, the above resolution was adopted:

ROLL CALL:

Mr. Kurtz - yes	Mr. Rogalo - yes
Ms. Lipinski - yes	Mr. Wachterhauser - yes
Mr. Lynch - yes	Ms. Zeliff-Murphy - yes
Mr. Pico - yes	Chairwoman Maio - yes

Official Newspaper: **RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR THE
2026 CALENDAR YEAR**

BE IT RESOLVED, by the Land Use Board of the Borough of Stanhope that the New Jersey Herald is hereby designated the official newspaper of the Land Use Board for the calendar year 2026; and

BE IT FURTHER RESOLVED, that the New Jersey Herald and the Daily Record are hereby designated to receive all notices of Land Use Board meetings in the calendar year 2026 as required under the Open Public Meetings Act.

On motion by Ms. Zeliff-Murphy, seconded by Mr. Rogalo and carried by unanimous voice vote, the above resolution was adopted:

Meeting Dates: **RESOLUTION ESTABLISHING MEETING DATES FOR THE CALENDAR YEAR 2026**

BE IT RESOLVED by the Land Use Board of the Borough of Stanhope that the following schedule of dates for Regular Meetings be established for 2026 and that all scheduled meetings shall convene at 7:00P.M. at the Stanhope Municipal Building, 77 Main Street, Stanhope, NJ:

January 12
February 9
March 9
April 13
May 11
June 8
July 13
August 10
September 14
October 19
November 9
December 14

BE IT FURTHER RESOLVED, that the Annual Reorganization Meeting shall be on January 11, 2027, at 7:00 p.m.

On motion by Ms. Lipinski, seconded by Ms. Zeliff-Murphy and carried by unanimous voice vote, the above resolution was adopted.

MINUTES

November 10, 2025 Regular Meeting Minutes – On motion by Mr. Kurtz, seconded by Ms. Zeliff-Murphy the Minutes of the November 10, 2025 meeting were approved by a majority voice vote. Mr. Pico abstained.

CORRESPONDENCE

- 11-17-25 New Jersey Planning Officials - New Jersey Planner (Sept./Oct.)
- 12-01-25 Careaga Engineering - Revised Preliminary/Final Site Plan re: ADG Amity Rd, LLC (Thomas Gilmore), Blk 10105, Lot 12
- 01-05-26 Eric Keller -Technical Review No. 2 re: ADG Amity Road LLC (Gilmore), Blk 10105, Lot 12
- 01-07-26 Careaga Engineering - revised plans re: ADG Amity Road LLC (Gilmore), Blk 10105, Lot 12 (revised 12/19/25) and revised Stormwater Management Report (revised 12/19/25)

On motion by Ms. Zeliff-Murphy, seconded by Mr. Rogalo 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.

NEW HEARING:

25-04, ADG Amity Road LLC (Gilmore Electric)
Block 10105, Lot 12 - Site Plan and Variance Application
Deemed Complete: 10/20/25 120 days: 02/17/26

Mr. Wachterhauser, as the Council Representative, stepped down from the dais

Ron Heymann, Esq. of Heymann & Fletcher, representing the applicant came forward

Tom Gilmore, the applicant was sworn in. Mr. Gilmore testified that he is the owner of the property at 49-53 Sparta Road, Block 10105, Lot 12. He has owned the property for three years. Currently at the location is 6,000 square feet of a combination of office and warehouse use. Mr. Gilmore stated he is an electrical contractor. Mr. Gilmore testified that the current operation is a little warehousing for tools and supplies for the projects they are working on and the workers are at the site from about 6:00 am to drop off and pick up material, then they are out for the rest of the day. There are no more than seven employees and they are back and forth throughout the day and not there all day long. Mr. Gilmore said he wants to add space to the existing building and he wants a new space similar to the existing for the overflow of material that needs to be stored until the project is ready for them and the rest of the space would be for rental.

Ray O'Brien, owner of O'Brien Architects Inc., 101 Route 94, Blairstown, New Jersey was sworn in. Mr. O'Brien informed the Board of his credentials as a professional architect. He has been an architect for 23 years and has appeared before Boards in numerous counties throughout the State including Sussex County. Mr. O'Brien provided his educational background. He attended NJIT School of Architecture and he has a license in New Jersey and Pennsylvania, both of which are in good standing. The Board accepted Mr. O'Brien's credentials as a qualified professional architect. Mr. O'Brien displayed a larger version of the plans submitted to the Board dated 10/8/25. The building shown on the left side is the existing building (Sheet Zone 1 and marked Exhibit A-1). The area shaded in blue is the additional space of 50' x34' for an additional 1,700 square feet. It will be a block wall to match the existing block wall and will have a metal stud structure in the back. There are three overhead doors on the front and they will be adding two more to provide access to the addition. This will be a single story building with similar material and roof. The front facade will be painted to match the existing. Mr. O'Brien stated, on the second sheet, Sheet Zone 2 dated 10/8/25 and marked Exhibit A-2 he highlighted in blue the floor plan for the new building. The building will be used as "flex" space. The plans show five tenant spaces. The building is not fire suppressed because of the size they created. It is fire rated being fire a partition, not a fire wall between the tenants. The building does not require a full fire wall. Each space provides for an ADA compliant toilet. It also has an area for a future office of 200 square feet. This could potentially be increased to 300 to 400 square feet which is why it is being called a flex space. There are overhead doors in the front and a man door in the middle for each tenant. The area of the building is 196' x 62' (12,152 square feet). The small overhang cover on the front door provides

coverage and possibly lighting. On the back facade they plan to apply a stone veneer to soften the look and they will include plantings or landscaping of some type. Mr. O'Brien noted Mr. Keller's comment in his report that the architectural plans seem to indicate that the roof area just sheets off the rear facade as no scuppers or roof leaders are shown. Mr. O'Brien said he does that when he gets into the construction documents, but he will add it to the drawing.

Chairwoman Maio noted the option of office space and storage of an automobile overnight and she asked if they will have automobile storage. Mr. O'Brien responded in the affirmative, adding the office area is not open to the floor area where the vehicle would be stored. Mr. O'Brien said the must keep each area under 5,000 square feet.

Ms. Zeliff-Murphy asked if there would ever be more than one vehicle in each space. Mr. O'Brien responded no, adding that the other areas are too small. Any vehicle will be parked in the front.

Mr. Lynch asked the height of the building. Mr. O'Brien responded it is 20-feet to the joist and 21-feet to the parapet.

Mr. Gavan asked if the bathrooms and infrastructure for them would be in the exact locations shown. Mr. Gavan said he is asking because you cannot park a car there because of the bathrooms, but tenants have been known to come in and move the bathroom. Mr. Heymann said they will stipulate that will be the location of the bathrooms.

Ms. Zeliff-Murphy asked what you see from the street. Mr. O'Brien responded that you will see the side of the building.

Mr. Keller noted that the end of the building is very plain and he asked if anything could be done to make it look more appealing. Mr. O'Brien responded that he does not think the applicant will have an issue with his request. Mr. Keller said he wants something besides a flat metal view of the building. Mr. Gilmore said his intent was to treat the facade that faces the street in a similar fashion as the existing building which is brick that faces the street with windows with black frame, except the windows would not be glass, they would be a panel to give the look of a window. Mr. Keller said any approval should include the submitted plans with architectural features on that end of the building. Mr. Gilmore said when he purchased the property he spent a lot of time improving the site of the building to look neat and clean. Mr. O'Brien said he will transpose the applicant's intention on revised plans.

Mr. Keller noted Mr. O'Brien mentioned he is showing five tenant spaces, but it could be three and he asked if there is a limitation that any tenant space cannot be more than 5,000 square feet if a vehicle is being stored in any portion of the building. Mr. Keller noted there would be no way of the Borough knowing and he suggested limiting any tenant space to no more than 5,000 square feet. Mr. Gavan stated that any tenant for the site will need to come before the Board because any use is not permitted because the property is not zoned for it. If the Board grants the two "d" variances, it does not apply to every tenant at the site. Mr. Keller said it should be clearly stated in any resolution that each tenant space requires approval of the Land Use Board.

Mr. O'Brien stated the existing office space in the building is about 2,280 square feet. Mr. Keller noted that the parking calculations are based on 3,402 square feet of total office space for both buildings. If the office space within the new building varies, you will get a parking variance based upon those

numbers. If someone wants more office space he will need another parking variance and there is no guarantee it will be granted.

Jeff Careaga, principal of Careaga Engineering Inc., 382 Route 46 West, Budd Lake, New Jersey was sworn in. Mr. Careaga provided his educational background as well as his credentials as a professional engineer. He has appeared before this Board numerous times over the past years. He has done this type of work for over 35 years in all different counties in New Jersey. He is currently licensed in good standing as a professional engineer. Mr. Careaga gave an overview of the site. Mr. Careaga displayed plans labeled Sheet #2 of 11 that shows both the existing conditions and the proposed site plan. The existing building is 6,525 square feet. There is an existing parking area. The site was leveled when the building was constructed which caused steep slopes. There is a septic system on the site and the disposal field when installed created more steep slopes. There is a 2-inch water main to the property. There are no well issues or setbacks. The right side of the drawing shows the proposal and the left side shows the proposed additional building of 1,700 square feet and parking spaces. They are proposing 3,402 square feet of office space on the property and the parking lot spaces is based on that amount of office space.

Mr. Heymann said, at this time, Mr. Careaga will be addressing the comment of Mr. Keller contained in his report dated January 5, 2026. Mr. Heymann said he confirmed with Mr. Keller that his comments that were addressed in the revised plans states "comment is closed." Mr. Heymann said they will address the Technical Comments.

#1, #2, #3 and #4 - comment is closed.

#5 - Mr. Careaga said that because of the slopes on the property and trying to have a level parking area, the back of the building has a foundation wall that is visible. They talked about installing a stone veneer on the foundation and also plan on putting some landscaping such as shorter bushes and/or trees. The intent was to keep access to the back for equipment to get back there for maintenance reasons. They prefer to leave the foundation exposed and put veneer and plantings. The garage door for the proposed building will be on the left and parking will be in the back. Mr. Keller agreed they need to maintain access to the basin for maintenance purposes and he asked if it is possible, without clearing anymore trees, to put in a 6-foot high wall where the clearing limits are shown on the plans. He asked if it is possible to put it at least across a portion so it would be 5-feet, not 11-feet of exposed foundation. Mr. Keller also asked that they choose an earth tone color so it will blend in as the neighbor's driveway is on that side of the property. They could raise the grade with a retaining wall. Mr. Gilmore agreed it made sense to do as Mr. Keller requested.

#6 - Mr. Careaga said everything is going to be removed and he agrees to place a note on the plans.

#7 - Mr. Careaga noted that the architect addressed this comment during his testimony.

#8, #9, #10, #11 and #12 - comments are closed.

#13 - Mr. Careaga noted Mr. Keller's comment asking that testimony be provided on the sufficiency of the 2-inch water service to both buildings. Mr. Careaga stated they are looking at approximately 700 gallons per day on the site. There will be no problem with a 2-inch water service that is capable of 200 gallons per hour.

#14 - comment is closed.

#15 - Mr. Heymann stated they have submitted a revised stormwater report.

#16 - Mr. Heymann stated they will address this at the end of the report,

#17 - Mr. Heymann stated they are asking for a waiver of the EIS (Environmental Impact Statement). Mr. Keller stated the reason for his comment is the ordinance states that because of the steep slopes, waivers should not be granted for the EIS. Mr. Keller said, if the Board finds their testimony is sufficient, it is within the Board's purview to grant the waiver, but if they do not, the applicant will need to prepare an EIS. Mr. Keller said there should be discussion about the tree removal because there is a significant amount of tree removal that will occur as a result of this project. Mr. Careaga stated that all of the steep slope disturbance in the over 25% is relative to predisturbance from the initial development. The rest are in the office area by the septic system. Mr. Careaga said, if you take out the steep slopes from the fill from the development, you have 77.5% of disturbance and it goes down to 35% if you take out all of the areas relative to the original development. Mr. Careaga stated they show 26.8% and it goes down to 19.5%. The disturbance over 25% is 8,635 square feet and when you take pre-existing disturbance you end up with 0%. Mr. Careaga said when you have steep slopes, you need to install a detention basin which inlet is to meet all state and local codes. This is for the run-off from the additional steep slopes. Having a pre-existing site, doing an EIS is not typically required from towns. Mr. Careaga said they request a waiver for the EIS. They are going to agree with showing the trees on the plans and agree to add additional plantings for the neighbors. Mr. Careaga said the critical steep slopes they are disturbing with this development were caused by the original development. Chairwoman Maio stated she does not think this is a reason not to require an EIS. Mr. Gavan suggested continuing the testimony and then decide on the EIS.

Mr. Rogalo asked how much over 25% is there in the final grading. Mr. Careaga responded that it is 0%. Mr. Keller stated the slope down to the infiltration basin is creating a steep slope. Mr. Keller said the Code proposes the creation of three on one slope in the design of a project. The slope which have is considered traversable and stable. Mr. Careaga said their steep slope map shows any slope over 25% as being a critical slope and the entire basin is 33% so the entire basin would be a steep slope. The other grading around the site is not in excess of 25%. Mr. Keller stated the ordinance states a four on one slope is considered a critical slope, but design parameters allow engineers to create slopes as part of a development on a three on one slope which is 33%. Mr. Keller asked if they would be agreeable to placing a note for any of the slopes they are creating behind the basin that if there is difficulty in stabilizing any of them, that they use some sort of erosion control matting or soil augmentation so that those slopes will be stable. Mr. Careaga agreed to Mr. Keller's request.

#18 - Mr. Careaga stated the revised survey was provided.

#19 - comment is closed.

#20 - Mr. Careaga stated they agree to the change.

#21 - comment is closed.

#22 - Mr. Careaga said he agrees with Mr. Keller's comment and will clarify it on the plans.

#23 - comment is closed.

#24 - Mr. Careaga said it appears to be a discrepancy in the lot coverage calculation. The correct calculation is 20,250 square feet and it will be corrected on the plans.

#25 - Mr. Careaga stated they will make the correction on the plans.

#26 - Mr. Careaga stated they agree to put the limits of the pavement reconstruction on the plans.

#27 - Mr. Careaga stated they agree to provide a guide rail as noted in the comment.

#28 - Mr. Careaga stated they agree with the request in the comment.

#29 - Mr. Careaga stated they will add the note on the plans regarding the gutter/leader system for the building.

#30 - Mr. Careaga stated he will reconcile the discrepancy.

#31 - Mr. Careaga noted Mr. Keller's comments that "trees are not to be planted on the detention berm adjacent to the emergency spillway. Additional evergreen buffer plantings are to be provided along the north side of the proposed building to buffer this structure from the adjacent home; and also along the south side of the proposed parking area behind the existing building to minimize headlight intrusion to the adjacent home to the south. White pines are not a suitable buffer plant as they will lose their lower branches as they mature." Mr. Careaga agreed to adhere to Mr. Keller's comments, adding they will not use white pine trees.

#32 - Mr. Careaga stated they agree with the comments and will lower the mounting height and the illumination level of the footcandles.

#33 - Mr. Careaga stated they will provide the calculations requested.

#34 - Mr. Careaga stated they agree to do as requested by Mr. Keller.

#35 - Mr. Careaga stated they will provide the requested Inlet Area Map.

#36 - Mr. Careaga stated they will show soil log information on the plans. One soil log on one side of the detention basin and one on the other side. Mr. Careaga stated there are no water table issues.

#37 - Mr. Careaga stated they will show all high points on the grading plan.

#38 - Mr. Careaga stated they will make the revision.

#39 - Mr. Careaga stated they will verify it with additional point analysis.

#40 - Mr. Careaga stated that the intent is flush curb and he will make that clear on the plans.

#41 - Mr. Careaga stated they will modify the grading. Mr. Keller stated all the disturbed areas direct runoff must go into the basin.

#42 - Mr. Careaga stated they agree to do as requested by Mr. Keller and will evaluate against what flows directly into Sparta Road under existing conditions. Chairwoman Maio questioned the drainage onto Sparta Road and asked Mr. Keller if he is satisfied with what was presented. Mr. Careaga stated this will be shown with the point by point analysis they will be doing. Chairwoman Maio stated she does not want this to contribute to the water onto Sparta Road. Mr. Careaga said they will show all of the information to show no additional runoff onto Sparta Road. Mr. Keller noted there is some water that goes onto Sparta Road today and as long as they do not exceed that amount he is satisfied. Mr. Keller stated it needs to be addressed so it complies with the regulations. Mr. Keller asked Mr. Careaga to explain the function and benefit of the infiltration basin he designed for the site. Mr. Careaga stated that existing, there is no retention basin on the site and as part of this development they are proposing new drainage and they will send all of the water into the detention basin. The actual flow of the water goes to the right of the end of the property. They are not changing the current flow of water. The amount of water coming off the site will be substantially less than now because the detention basin will catch all of the water. Mr. Careaga stated that there will be a lot less water coming off of the property after the development is done. Runoff from the roof leaders will go down into the detention basin. By infiltrating water into the ground there will be less water coming off of the property. Mr. Careaga stated it will be a much better situation for the neighboring properties.

Mr. Heymann stated they will address Mr. Keller's Site Plan comments on page 3 of his report.

#8 - Mr. Heymann stated they already agreed that they will locate the trees on the plans.

#22 - Mr. Heymann stated the requested topographic survey has been provided.

#25 - Mr. Heymann noted this was previously discussed and they will come back to this issue.

#28 - Mr. Heymann stated the Planner will provide testimony on the variances.

#33 and #34 - Mr. Heymann stated these are engineer costs estimates and a completed Compliance Report will be made part of any resolution.

Jessica Caldwell of J. Caldwell & Associates was sworn in. Ms. Caldwell currently holds a professional planner's license in New Jersey which is good standing. Ms. Caldwell was qualified as a professional planner. Ms. Caldwell distributed three colored maps dated January 12, 2025 which was marked Exhibit A-3. The first map is Figure 1 which is an Aerial Map of the property shows the block and lot numbers and shows a 200-foot buffer area. The second map is Figure 2 which is the Zoning Map showing a similar view but with a zoning overlay of the property and surrounding properties. The third map is Figure 3 which is NJDEP Land Use/Land Cover (2020) Map which shows land uses. On the Aerial Map you see the property outlined and to the north and south are single family residences and to the west is Lenape Valley Regional High School and to the east of the Lackawanna Cut-Off and further east is a wetlands complex. Ms. Caldwell noted the existing property is almost 3 acres in a one acre zone. It is oversized for the zone. There is a significant tree buffer around the property, and while they are disturbing some of those trees, they are maintaining the 51-foot setback to the south and to the north there will be an 80-foot setback and retaining approximately 50 feet of the tree buffer along the northern

property line. To the east is essentially open space and to the west is the school's property. On Figure 2, the Zoning Map, the property is in the Medium Low Residential Zone and that covers both the school property as well as the subject property and surrounding residences. To the east is the Residential Conservation District which covers the open space and to the northwest is Planned Light Industrial/Commercial District that is undeveloped. On Figure 3 the existing property is shown as Commercial Services as the existing use. Across the street is the high school which is also zoned as a commercial services type use. The residences to the north and south are noted as Rural Density Residential and the single family residential further south is shown as Low Density Residential. There are some Industrial Uses to the northeast. Ms. Caldwell noted the property is three times the size of the minimum lot size for the zone. There are a number of bulk variances they are requesting. They are requesting a variance for lot coverage. They are proposing 32.9% where 15% is permitted. The 32.9% lot coverage for that type of use is relatively low. One-third of the lot will be covered and the other two-thirds will be pervious. They are requesting a parking variance because the required count is 36 parking spaces and they are proposing 23 parking spaces. They are also requesting a variance for disturbance of steep slopes on the site, which has already been discussed. There are existing steep slopes on the site to the development that was put on the site. They are allowed to disturb 30% and they are proposing 77.5%. In the 15%-25% area, they are allowed to disturb 20% and they are proposing 86.8% and greater than 25% they are permitted to disturb 10% and they are disturbing 100%. They need a D-1 variance for multiple principal uses on the site. They are proposing two principal structures. There is an existing flex type space on the site that they are proposing to expand, which is a pre-existing non-conforming use that requires a D-2 variance. The D-1 variance is needed for the new building and a D-2 variance for the expansion of a non-conforming use of the existing building. Mr. Caldwell noted under a D-1 use variance case law determined that a site that is particularly suited to the use meets Purpose A, the general welfare clause of Municipal Land Use Law and as part of the positive and negative criteria they are required to meet the positive criteria by showing they meet the purposes of Municipal Land Use Law. The site suitability falls under Purpose A. Ms. Caldwell noted this is a large site directly across the street from a high school and is a pre-existing non-conforming use with an existing warehouse/office flex space. The site fronts on Sparta Road. The building layout represents a logical and efficient design approach. The property is relatively isolated from surrounding uses. Ms. Caldwell stated they meet all bulk requirements except for impervious coverage. With respect to impervious coverage, there was testimony regarding the stormwater management proposed for the site, which will actually improve stormwater runoff from the site and will alleviate some of the concerns that were mentioned. Under Purpose G, to provide sufficient space and appropriate locations for a variety of uses, the applicant is proposing a relatively low impactful type of use on the site with respect to the flex space building. It is a relatively small building being proposed. These types of small spaces being proposed are more for small contractors, i.e. electrical contractors, trades people, etc. People do not come to the site for services, but people store equipment at the site and run an office for the business and they go out to provide the service, i.e. plumbing, hvac etc. These are beneficial uses to the community. These are small spaces and do not expect to have a lot of employees. The main operation during the day would be storage and minor office use. It provides a nice use for the community and also is relatively low impact in terms of a commercial operation. Purpose I, to promote a desirable visual environment through creative development techniques and specific design and arrangement, the architect testified with respect to the proposed building and the applicant intends to provide an appealing facade that would be seen from Sparta Road as well as buffering and appealing facade to the adjacent neighbors. Purpose M, to create the coordination of public and private features and activities shaping more efficient land development, they have shared driveways, parking areas, stormwater management facilities and being able to better utilize this large property and create cost effective development approach as well as

create a ratable to the community. With respect to the negative criteria, to be no substantial detriment to the public good and no substantial detriment to the Master Plan or ordinances, Ms. Caldwell stated there is an existing use on the site which is similar to the use being proposed and with respect to the design and arrangement, maintaining large buffers, landscaping, having the garages facing the interior as well as proposing relatively low impact uses on the site, this will cause no substantial detriment to the neighborhood. Ms. Caldwell noted the Board will have additional control because any additional tenant would be required to come before the Board. With respect to no substantial detrimental to the Master Plan or ordinances, the 2016 Master Plan has several goals that she believes they forward including to allow the intent to be a use permitted to be on a tract directly related to its physical characteristics and carrying capacity, to insure that non-residential development is compatible with and does not adversely impact residential development. Ms. Caldwell stated the buffering between the uses helps alleviate that and she does not believe it causes any substantial detriment to the Zone or Master Plan. There is a pre-existing non-conforming use that has operated on the site for many years without a negative impact to the community. Ms. Caldwell noted this is a unique piece of property situated in the location that it is and it is well buffered from the surrounding properties.

Mr. Keller said he understands it is a pre-existing non-conforming use and noted they are asking for a second building which is not currently there and he questioned the basis for asking for a second building and what is the particular suitability of this property to accommodate the second building and how it sets in with the special request. Ms. Caldwell responded that the site size and configuration. It is three times the size of the underlying zone and the building fits on the property. The way the existing building sits, you can fit the other building on the side and have the parking internal to the rear and the garage doors internal to the property. This configuration shows site suitability and will not negatively impact the adjacent neighbors. There is sufficient buffering and the property, after development, will meet all of the bulk standards as far as setbacks and height.

Mr. Gavan asked why the Board should grant the D-2 variance in light of the expansion of the site with the D-1 variance. He asked why they cannot use 1,700 square feet of the new building and reduce one of the variances and lessen coverage and other issues. Ms. Caldwell responded that it is a relatively small addition and does not cause any additional impact to the overall property and it is needed to allow for the existing business to expand and better utilize the property. Overall it is a more efficient use of land, which is Purpose M of the Municipal Land Use Law that she discussed. Ms. Caldwell also stated that for the Borough, they have a business that can remain in that building on that property rather than potentially moving to another site somewhere outside the Borough.

Mr. Gavan noted that there are a substantial number of revisions to the plans and he suggested the Board address the D variances first.

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.

Mr. Heymann noted the testimony relative to the D-1 and D-2 variances. Currently, contractors are parking their vehicles in their driveways which is why flex buildings are needed. This is a large lot with pre-existing non-conforming building that Mr. Gilmore renovated. In this location in the town, it will fit and will not create any traffic problems. The proposed building will match what is currently there. Mr.

Heymann stated there is a need in the community to get these types of spaces for these kinds of contractors. Mr. Heymann added that this meets all of the positive criteria to grant the variances.

On motion by Mr. Rogalo, seconded by Ms. Lipinski and carried by the following unanimous roll call vote, the Board approved the D-1 variance for the construction of the second building which will be 12,152 square feet subject to final site plan approval with the condition that any tenant for the site will be required to come before this Board for their approval:

ROLL CALL:

Mr. Kurtz - yes	Mr. Rogalo - yes
Ms. Lipinski - yes	Ms. Zeliff-Murphy - yes
Mr. Lynch - yes	Chairwoman Maio - yes
Mr. Pico - yes	

On motion by Ms. Zeliff-Murphy, seconded by Mr. Kurtz and carried by the following unanimous roll call vote, the Board approved the D-2 variance for the expansion of the existing pre-existing non-conforming use building by 1,700 square feet subject to final site plan approval.

ROLL CALL:

Mr. Kurtz - yes	Mr. Rogalo - yes
Ms. Lipinski - yes	Ms. Zeliff-Murphy - yes
Mr. Lynch - yes	Chairwoman Maio - yes
Mr. Pico - yes	

Mr. Pico noted there will be an additional 5 tenants and he asked if there is going to be a limit on how many vehicles each tenant can have. Mr. Heymann responded that any potential tenant will need to come before the Board. The owner is limited on the number of parking spaces. Mr. Pico asked if the parking spaces would be lined. Mr. Heymann responded in the affirmative.

Mr. Gavan noted the number of revisions required for the site plan and suggested the revisioned be made and submitted prior to a vote on the site plan application. The Board agreed.

Mr. Heymann noted the EIS waiver request, adding they addressed the comments of Mr. Keller with regard to the requested waiver. The slopes were created when the building was installed and they will reduce the slopes when they put in the new building and they will address the water runoff. Mr. Heymann stated they should be able to request a waiver for the EIS for those reasons and he asked the Board to grant the waiver.

On motion by Ms. Zeliff-Murphy, seconded by John Rogalo and carried by the following majority roll call vote, the Board granted the waiver of the Environmental Impact Study.

ROLL CALL:

Mr. Kurtz - yes	Mr. Rogalo - yes
Ms. Lipinski - no	Ms. Zeliff-Murphy - yes
Mr. Lynch - yes	Chairwoman Maio - no
Mr. Pico - yes	

Mr. Gavan announced that this hearing will be carried to the February 9, 2026 meeting with no further notice required.

Mr. Wachterhauser returned to the dais.

NEW BUSINESS:

Annual Report – Chairwoman Maio stated the Annual Report has been prepared for submission to the Mayor and Council. Chairwoman Maio asked the members if there were any questions or comments on the report. There were no questions or revisions to the report. On motion by Mr. Rogalo, seconded by Ms. Zeliff-Murphy and carried by unanimous voice vote, the Board accepted the Annual Report as written and instructed the Secretary to send the Annual Report to the Mayor and Council.

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 Ms. Lipinski, seconded by Mr. Rogalo, and carried by unanimous voice vote, it was the consensus of the Board to adjourn the meeting at 8:50 P.M.

Respectfully submitted,



Ellen Horak
Board Secretary