

**Stanhope Land Use Board
September 13, 2010
Regular Meeting
Minutes**

CALL MEETING TO ORDER:

Chairman Maguire called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE:

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 12, 2010 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 11:00 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, within ten (10) days of this meeting.

At this time, please turn off all cell phones.

Mayor Kuncken noted that this past Saturday was the 9th anniversary of the attack on the World Trade Center and she asked those present to remember Joseph Vilardo, a Stanhope resident, who lost his life on 9/11.

ROLL CALL:

Donald Drake – absent	Diana Kuncken -present
Margaret Findley – present	Thomas Pershouse – present
George Graham – present	Joseph Torelli – present
Janice Hunts – present	Paula Zelif-Murphy – present (arrived @ 7:34 pm)
Michael Depew, Alt #1 - present	John Maguire – present

Others present: Roger Thomas, Esq. and Board Secretary Ellen Horak

MINUTES

August 9, 2010 Regular Meeting– On motion by Mr. Torelli, seconded by Mayor Kuncken, the Minutes of the August 9, 2010 Regular Meeting were approved on majority voice vote. Mr. Pershouse and Mr. Depew abstained.

CORRESPONDENCE

- 08-09-10 New Jersey Planning Officials – NJ Planner (July/Aug edition)
- 08-13-10 Sussex County Soil Conservation District – Soil Erosion and Sediment Control Plan re: Michael Bender, Blk 10301, Lot 4 (Smith Street)
- 08-26-10 George Kanellakis – Request to put temporary hold on variance application re: Blk 11105, Lot 4.02

On motion by Mr. Graham, seconded by Ms. Zelif-Murphy, and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairman Maguire opened the meeting to the public for non-agenda items.

Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

COMPLETENESS**10-04, George Kanellakis**

Block 11105, Lot 4.02, Variance Application

Appl Rec'd: 7/06/10

Deemed Incomplete: 8/10/10

Attorney Thomas noted the applicant forwarded a written request indicating he wants to put a temporary hold on his application. Attorney Thomas suggested the matter be dismissed without prejudice and, if and when Mr. Kanellakis wants to, he can file a new application.

On motion by Ms. Hunts, seconded by Mr. Torelli and carried by the following unanimous roll call vote, 10-04 George Kanellakis Block 11105, Lot 4.02 Variance Application was dismissed without prejudice.

Attorney Thomas recommended that he not prepare a resolution on this matter to save the applicant the cost of same; however, the action should be noted in the record. Attorney Thomas also suggested that the Board Secretary notify Mr. Kanellakis of the Board's action and advise him that he can file a new application at a later date, if he chooses to do so.

NEW HEARINGS**10-05, Robert and Michele Anderson**

Block 10705, Lot 5, Variance Application

Appl Rec'd: 7/30/10

45 days: 9/13/10

Michele Anderson, 77 Brooklyn Road, Stanhope, NJ was sworn in. Ms. Anderson presented a picture of the proposed shed. The size of the proposed shed is 12' x 16'. Ms. Anderson explained that there is no garage on the property and they have an excessive amount of lawn equipment they would like to store in the shed. The present shed is in very poor condition and a new structure is needed. The new shed will have a loft and the pavers presently behind the carport will be removed and replaced with gravel. They will level off the side of the property by the carport for better usage of the property. The shed will be located behind the carport. Ms. Anderson testified that the existing shed is located over the property line and will be removed. The location of the proposed shed will be 5 feet from the property line. Ms. Anderson stated the area is not large enough to comply with the required 15 foot set back.

Attorney Thomas noted the front yard, side yard and rear yard and asked Ms. Anderson, if putting the shed in the far corner of the property would adversely impact the ability to use the property. Ms. Anderson answered in the affirmative. Ms. Anderson noted there is also a large incline on the property. The proposed location is the only level area on the lot. Ms. Anderson added that the proposed location would be convenient for moving items from the deck and carport to the shed.

Mr. Pershouse questioned the type of foundation. Ms. Anderson responded the shed will be on the ground with no foundation, but there will be some gravel. The shed is a pre-made structure and there will be no electricity in the shed.

Mayor Kuncken asked Ms. Anderson the location of her house from Grove Road. Ms. Anderson responded her house is two houses up towards Lenape Valley Regional High School on the Crestview Drive side. It is not the corner property, it is the next one.

Attorney Thomas noted the survey shows the location of Ms. Anderson's house, but not the location of the neighbor's house. Attorney Thomas asked where the neighbor's house is in relation to the

property. Ms. Anderson explained the property is “pie” shaped and behind her property is Crestview Drive. There are woods that block the neighbor to the right facing Brooklyn Road and there is vegetation between her and the neighbor to the left. There is an incline and the neighbor’s property is lower than her property. There are woods between her and the neighbor to the back and the shed will not be visible.

Attorney Thomas asked the distance between the proposed shed and the house in the rear. Ms. Anderson responded there is approximately 40 to 50 feet. Attorney Thomas asked the distance between the shed and the house to the left. Ms. Anderson responded there is approximately 50 feet.

Mayor Kuncken spoke of the wood fence shown on the sketch and noted the fence is located on Ms. Anderson’s property.

Mr. Torelli questioned the height of the shed. Ms. Anderson responded the shed will have 7 foot walls with an overhand in front. The approximate height of the structure will be 10 feet.

Mr. Pershouse advised Ms. Anderson that a building permit will be required due to the size of the shed.

Chairman Maguire opened the meeting to the public for comments or questions on this matter. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the hearing.

Attorney Thomas noted there is a basis for the Board to take action. There is a slope which affects the property. There is positive criteria, which is the present shed is not completely on the property and it will be removed. Also, there is a distance of approximately 40 feet from the rear house and approximately 50 feet to the side house with vegetation between the properties.

On motion by Mr. Depew, seconded by Mr. Graham, and carried by the following unanimous roll call vote, 10-05 Robert and Michele Anderson, Block 10705, Lot 5 variance application was approved.

- AFFIRMATIVE: Mr. Depew, Ms. Findley, Mr. Graham, Ms. Hunts, Mayor Kuncken, Mr. Pershouse, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire
- OPPOSED: None
- ABSTENSIONS: None

UNFINISHED HEARINGS

10-01, Hoer Properties

Block 11701, Lot 14 - Site Plan w/ Variance

Deemed Complete: 3/08/10 120 days: 7/06/10 (Extension Granted)

Chairman Maguire advised that the Hoer application listed on the Agenda will not be heard. Attorney Thomas explained that Mr. Heymann, the attorney for the applicant requested the matter be carried to the October meeting. The applicant has properly noticed this hearing. Attorney Thomas stated this matter will be carried to the October 18, 2010 meeting, with no further notice required.

OLD BUSINESS

Mr. Depew questioned Mr. Mendez’s building, noting he received the Board’s approval a few years ago, yet nothing has been done. Mr. Pershouse stated Mr. Mendez has not applied for a building permit. The only permits he applied for are roofing and siding. Attorney Thomas explained that there is a period of protection that is granted as part of the Board’s action. If the ordinance does not change, the site plan remains in effect. The applicant can come back at any time and begin the work.

NEW BUSINESS

October Meeting – The Secretary reminded the Board that, due to the Columbus Day holiday, the October meeting is scheduled for the third Monday of the month (October 18th).

Trails Ceremony – Ms. Hunts advised that the trails ceremony scheduled for this past Sunday has been rescheduled to Saturday, September 18th. Ms. Hunts invited all to attend. They will meet at the Valley Road School at 1:15 p.m. The mayors of the three towns will be present at the ceremony.

BILLS:

	Golden & Moran		
7/13/10	Re: LUB General, July (pulled from Aug. Bill List for clarification)		\$150.00
7/30/10	Re: Kanellakis		\$ 50.00
	Dolan & Dolan		
7/30/10	Re: Housing & Fair Share Plan (Grant)		\$687.27
7/30/10	Re: Kanellakis, July 2010		\$ 96.12
	John Cilo Associates, Inc.		
8/31/10	Re: Trails & Greenway Plan (pulled from Aug. Bill List for clarification)		\$165.00
8/31/10	Re: Housing Element & Fair Share Plan		\$165.00
	New Jersey Herald		
8/18/10	Re: Legal Notice, Housing Plan and Fair Share Plan		\$ 16.60

On motion by Mayor Kuncken, seconded by Mr. Graham, the aforesaid bills were approved on the following unanimous roll call vote.

AFFIRMATIVE: Mr. Depew, Ms. Findley, Mr. Graham, Ms. Hunts, Mayor Kuncken, Mr. Pershouse, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire
 OPPOSED: None
 ABSTENSIONS: None

ADJOURNMENT:

On motion by Ms. Zeliff-Murphy, seconded by Mayor Kuncken, it was the consensus of the Board to adjourn the meeting at 7:55 P.M.

Respectfully submitted,


 Ellen Horak, Board Secretary