

**Stanhope Land Use Board**  
**May 9, 2011**  
**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 11, 2011 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.

ROLL CALL:

Donald Drake – present	Diana Kuncken -present
Margaret Findley – present	Thomas Pershouse – absent
George Graham – present	Joseph Torelli – present
Janice Hunts – absent	Paula Zeliff-Murphy – present
Michael Depew, Alt #1 - present	John Maguire – present

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

MINUTES

**April 11, 2011 Regular Meeting**– On motion by Ms. Zeliff-Murphy, seconded by Mayor Kuncken, the Minutes of the April 11, 2011 Regular Meeting were approved on majority voice vote.

CORRESPONDENCE

- 04-08-11 Borough of Stanhope – Notice of Petition for Substantive Certification
- 04-18-11 Eric Keller, P.E. – Resolution of Approval Review #5 re: Hoer Properties, Preliminary Major Subdivision (Block 11801, Lot 12 – B&B Homes)
- 04-26-11 Grafe Car Carriers Inc. – Variance Application re: Blk 11701, Lot 9
- 05-02-11 Roger Thomas, Esq. – Resolution of Memorialization re: Bruzzese, Blk 11304, Lot 19 “D” Variance and Minor Site Plan Application
- 05-02-11 AHS Enterprises, LLC – request for amendment to condition of prior approval re: RHM Technology, 1-3 Kelly Place, Blk 11205, Lot 4.01

On motion by Ms. Findley, 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:

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.

RESOLUTION OF MEMORIALIZATION

**11-01, Vincenzo Bruzzese**

Block 11304, Lot 19 – Site Plan and “D” Variance Application

Approval Granted: 4/11/11

On motion by Ms. Zelif-Murphy, seconded by Mr. Drake and carried by the following majority roll call vote, the Resolution of Memorialization memorializing the Board’s action granting the minor site plan and “d” variance application of Vincenzo Bruzzese for Block 11304, Lot 19 was adopted.

AFFIRMATIVE: Mr. Drake, Ms. Findley, Mr. Torelli, Ms. Zelif-Murphy, Chairman Maguire

OPPOSED: None

ABSTENSIONS: Mr. Graham, Mr. Depew, Mayor Kuncken

COMPLETENESS:

**11-02, Grafe Car Carriers Inc.**

Block 11701, Lot 9, Variance Application

Appl. Received: 4/26/11

45 days: 6/10/11

Chairman Maguire advised that the Completeness Review Committee has reviewed the application and recommends it be deemed complete.

On motion by Mr. Torelli, seconded by Mr. Graham and carried by the following unanimous roll call vote, 11-02 Grafe Car Carriers Inc. Variance Application for Block 11701, Lot 9 was deemed complete.

AFFIRMATIVE: Mr. Drake, Ms. Findley, Mr. Graham, Mr. Depew, Mayor Kuncken, Mr. Torelli, Ms. Zelif-Murphy, Chairman Maguire

OPPOSED: None

ABSTENSIONS: None

Chairman Maguire advised the hearing on this application will be scheduled for June 13, 2011 at 7:30 p.m.

NEW HEARINGS

**11-03, AHS Enterprises**

Block 11205, Lot 4.01, Request for Amendment to Condition of Approval

Request Rec’d: 5/02/11

(Ms. Zelif-Murphy stepped down from the dais.)

Stephen Race, 1-3 Kelly Place, Stanhope, New Jersey was sworn in. Chairman Maguire noted there is an outstanding escrow amount of \$90.30 due under a previous application filed by Jordan Race with respect to this block and lot. Mr. Race authorized the \$90.30 outstanding amount to be taken from the escrow amount he submitted for the current application.

Mr. Race explained he has a tenant in the building who is renting 13,000 square feet for a pole vault training center. The tenant runs two consecutive sessions. He would like to run the sessions from 4:00 p.m. to 6:00 p.m. and from 7:00 p.m. to 9:00 p.m. The current resolution requires they be out of the building by 8:00 p.m. Mr. Race stated the resolution also requires deliveries at the lower level which creates a problem since the new tenant is renting that space. Mr. Race is asking that in addition to changing the hours to 9:00 p.m. that the condition of requiring deliveries at the lower level be changed to allow deliveries to be made to the upper level of the building. The tenant has leased the entire lower level and there will be no truck deliveries at any of the five loading docks at the lower level. The only vehicle traffic will be parents dropping off and picking up their children and some older students who drive to the facility. The tenant would like an hour break in between classes.

Ms. Findley asked about deliveries at the upper level. Mr. Race responded he is presently receiving deliveries at the top portion of the building. They have not had deliveries at the lower level in approximately 6 years. Ms. Findley noted the resolution indicates that deliveries were to be made at the lower portion and moved inside to the upper level, if necessary. Attorney Thomas noted that the present deliveries are contrary to the resolution and Mr. Race is looking to modify the resolution to bring that activity in compliance.

Chairman Maguire noted previous discussions regarding the size of trucks at the site. Mr. Race stated the truck traffic has been dramatically reduced to appropriately one UPS delivery per day and an occasional 53 foot delivery truck. There are no trucks parked at the site and there is sufficient space on the upper dock for a 53 foot truck.

Mayor Kuncken said the 9:00 p.m. hour is a reasonable time for operation of the business and noted that there will be the same amount of pick up and drop off regardless of the hours. Mr. Race said there are currently about 30 people at the facility and there is sufficient space for parking on the premises.

Victor Zummo, 32 Card Road, Sussex, New Jersey was sworn in. Mr. Zummo testified that he is one of the operators and business manager of the pole vault training center. The nature of the business is training kids in pole vaulting. Mr. Zummo explained they feel a two hour training session is required to properly teach their students. They offer two sessions because it gives them the opportunity to separate the students by age. Mr. Zummo stated they are not open every day of the week; they are open on Monday, Tuesday, Thursday and Saturday.

Attorney Thomas stated the resolution permits business hours of 8:00 a.m. to 5:00 p.m. on Saturdays. Mr. Zummo stated his Saturday hours are from 11:00 a.m. to 3:00 p.m. Mr. Zummo added that his business offers year-round training.

Mr. Zummo said there have been instances where students parked on the street; however, they have asked all students and parents to use the facility parking lot. Mayor Kuncken noted there are no restrictions for parking on a public street if there are no parking spaces available in the lot.

Ms. Findley noted condition #3 of the resolution indicates there would be 17 parking spaces on site and there shall be no off-street parking on adjacent property to said building. The intent was there

would be no on-street parking by the adjacent properties. Mr. Drake noted the reference is to employees being required to park in the lot.

Mr. Zummo said approximately 15 cars will be parked at the site. Mr. Race stated there should be sufficient parking for between 20 to 25 cars. The area by the loading docks can be used for parking. An overflow of vehicles, if any, would park on the street; however the hour in between classes would allow for some of the vehicles to leave before other vehicles arrive. Mr. Zummo stated his clients have been told to park in the lot and not on the street.

Mayor Kuncken noted the issue with parking was due to truck parking. The street is a public street. Attorney Thomas noted on page 3 of the resolution, there is a reference to the fact that there would be an agreement that indicated all employees from the building would not park on the street, but only in the parking lot. Condition #3 of the resolution was intended to be defined as employees of the business.

Chairman Maguire opened the meeting to the public for questions or comments on this application.

Kathy O'Bitz, 19 New Street was sworn in. Ms. O'Bitz expressed concern with the hours. She acknowledged that the business has less of an impact on the neighborhood than the trucking did and asked if the hours could be set for this type of business only and if the use changes, the hours will revert back to 8:00 p.m. Chairman Maguire responded that any change of use would require the approval of the Board. Attorney Thomas clarified that the resolution dated February 12, 2006 was not a site plan resolution, but was part of a litigation matter. The resolution is the agreement by and between all the parties. Ms. O'Bitz asked, if the use changes back to an industrial use, would the hours of operation revert back to 8:00 p.m. Ms. O'Bitz also asked, if the new hours would only be for Section B with Section A remaining obligated to the 8:00 p.m. time. The resolution states the hours of operation for the entire building are to 8:00 p.m. Mayor Kuncken agreed with Ms. O'Bitz's concern and said the Board should delineate that the change of hours is only for Section B of the building.

Mr. Race spoke about his business at the site. They are in the warehouse business and they do assembly work for electronic equipment. They previously had much larger truck volume with 5 to 7 trucks delivering parts and then trucks taking the parts from the facility.

Ms. O'Bitz spoke about a number of cars recently at the site, with ten cars parked in the lot and five cars parked on the street. Ms. O'Bitz voiced her concern with additional traffic, noting the warmer weather and number of children in the area. Mr. Zummo said they want to be a "good neighbor" and, if needed, they will look to other lots in the town for additional parking.

Chairman Maguire noted there are at least four truck bays at the lower level which will hold three cars each for a total of 12 cars, plus there are other parking spaces in the lot. Ms. O'Bitz questioned the configuration of the parking and said they are not presently "stack" parking the cars. Chairman Maguire advised it is not in the jurisdiction of the Board to configure the applicant's parking. It is a public street and the Board cannot require, but is asking the applicant to be a courteous neighbor. Chairman Maguire informed Ms. O'Bitz that, if there is a change in tenant, they will need to come back to the Board regarding the hours of operation.

Mr. Graham noted the resolution indicates there will be no trucking hours after 8:00 p.m.

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

Attorney Thomas explained the actions the Board can choose to take on this application. The Board can reject the request or, if the Board wishes to grant the request there are certain conditions that can be imposed. If condition #1 is to be modified, as requested, the Board can limit the modification to this use and that deliveries are authorized to be relocated from Section A to Section B while this business is in effect. This will protect the residents' concerns because if they go back to the warehouse use, the delivery location will revert back to Section A. Condition #3 should be clarified to indicate the intent was that there be no on-street parking by employees and that all employees would park on-site. The Board should clarify this so there is not an issue on whether you are dealing with employees or customers. The condition dealing with hours of operation should be limited to this particular use and not for industrial uses.

Chairman Maguire agreed the Board should recognize that the hours of operation are for this type of use and if the use reverts back to a warehouse use, they will adhere to the previous hours of operation.

On motion by Mr. Torelli, seconded by Mr. Graham and carried by the following unanimous roll call vote, the Board granted the applicant's request to modify condition #1 to permit truck deliveries at Section A, so long as the use of the lower level is the pole vault center; to modify condition #3 to clarify that on-site parking is for employees; and to modify condition #4 to indicate that the intent of the hours of operation up to 8:00 p.m. was limited to trucking, and that the pole vault center can operate up to 9:00 p.m.

AFFIRMATIVE: Mr. Drake, Ms. Findley, Mr. Graham, Mr. Depew, Mayor Kuncken, Mr. Torelli, Ms. Zelif-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None

(Ms. Zelif-Murphy returned to the dais.)

OLD BUSINESS:

Mr. Drake noted the Grafe Car Carrier application as deemed complete and expressed his opinion that it would not be necessary to forward the application to the Board Engineer and Planner. The Board concurred.

Mr. Graham noted the recent escrow report that indicated a large outstanding escrow for Hoer Properties. Chairman Maguire stated the final plans have not been signed yet. The Board Secretary advised that Mr. Hoer is sent monthly letters for outstanding escrow and then brings his account current.

BILLS:

	<b>Dolan and Dolan</b>	
03/31/11	Re: LUB General, March 2011	\$ 426.78
	<b>John Cilo Jr. Associates, Inc.</b>	
04/12/11	Re: Hoer Properties, March 2011	\$1017.50
	<b>New Jersey Herald</b>	
4/20/11	Re: Legal Notice – Wayne Smith	\$ 17.30
4/28/11	Re: Legal Notice – Hoer Properties	\$ 17.65

On motion by Mayor Kuncken, seconded by Mr. Depew and carried by the following unanimous roll call vote the Bills List was approved.

AFFIRMATIVE: Mr. Drake, Ms. Findley, Mr. Graham, Mr. Depew, Mayor Kuncken, Mr. Torelli, Ms. Zelif-Murphy, Chairman Maguire  
OPPOSED: None  
ABSTENSIONS: None

ADJOURNMENT:

On motion by Ms. Findley, seconded by Ms. Zelif-Murphy, it was the consensus of the Board to adjourn the meeting at 8:45 P.M.

Respectfully submitted,

  
Ellen Horak, Board Secretary