

# **JEFFERSON TOWNSHIP LAND USE BOARD**

**MONDAY, JANUARY 24, 2022**

Minutes of a Reorganization Meeting, followed by a Regular Meeting of the Jefferson Township Land Use Board, pursuant to due notice and in compliance with the Sunshine Law.  
Municipal Building, Jefferson Township, at 7:30 PM.

Presiding: **Dr. Williams**  
Secretary: **Stephanie McCormack**

**Present:**

**Dr. Williams**  
**Mr. Palko**  
**Councilwoman Senatore**  
**Mr. Hine**  
**Mr. DiFrisco**  
**Ms. Galfo**  
**Mayor Wilsusen**  
**Mr. Small**  
**Chief Castimore**  
**Mr. Deutsch**  
**Mr. Galfo**  
**Ms. Steelman**  
**Ms. Macalle-Holly**

**Absent:**

**Also Present:**

**Glenn Kienz, Board Attorney**  
**Jill Hartmann, Board Planner**  
**Kevin Nollstadt, Board Engineer**  
**Stephanie McCormack, Secretary**

***Mr. Kienz began the meeting by swearing in our two new alternate members, Christine Steelman and Donna Macalle-Holly. Also sworn in was Patricia Galfo, who was re-appointed for another term.***

**REORGANIZATION MEETING:**

**APPOINTMENT OF CHAIRMAN:**

**Ms. Galfo moved** to appoint Dr. Clifford Williams as Chairman.  
**Mr. Deutsch seconded** the motion.

**In Favor of Cliff Williams: All.**

**APPOINTMENT OF VICE-CHAIR(S):**

**Mr. Palko moved** to appoint Ms. Galfo as Vice-Chair.  
**Mr. Deutsch moved** to appoint Mr. Palko as Co-Vice-Chair.

**In Favor of Mr. Palko and Ms. Galfo as Co-Vice-Chairs: All.**

**APPOINTMENT OF SECRETARY:**

**Vice-Chairwoman Galfo moved** to appoint Ms. Stephanie McCormack as Board Secretary.

**Mr. Hine seconded** the motion.

**In Favor: All.**

**APPOINTMENT OF BOARD ATTORNEY:**

**Chairman Williams moved** to appoint Glenn Kienz of the Weiner Law Group LLP as Board Attorney.

**Ms. Galfo seconded** the motion.

**In Favor of Weiner Law Group (Glenn Kienz): All.**

**APPOINTMENT OF BOARD ENGINEER:**

**Mayor Wilsusen moved** to appoint Mr. John Ruschke of Mott MacDonald as Board Engineer.

**Councilwoman Senatore seconded.**

**In Favor of Mott MacDonald (John Ruschke): All.**

**APPOINTMENT OF BOARD PLANNER:**

**Mayor Wilsusen moved** to appoint Ms. Jessica Caldwell of J. Caldwell & Associates as Board Planner.

**Councilwoman Senatore seconded.**

**In Favor: All.**

**APPOINTMENT OF SUBCOMMITTEES:**

**Chairman Williams** made a motion to keep the subcommittee as they stand.

**Vice-Chairwoman Galfo** seconded the motion.

**In Favor: All.**

**OFFICIAL MEETING DATES AND TIMES:**

**Ms. McCormack** stated that regular meetings will be conducted on the fourth Monday of the month, with the first Monday being set aside for alternate or special meetings. All meetings will begin at 7:00 p.m.

**Chairman Williams** made a motion to approve dates and time as stated.

**Vice-Chairwoman Galfo** seconded.

**In Favor: All.**

**APPOINTMENT OF OFFICIAL NEWSPAPER AND ALTERNATE NEWSPAPER:**

**Mayor Wilsusen moved to** appoint the “Daily Record” as the official newspaper of the Land Use Board and the “Star Ledger” as the alternate.

**In Favor: All.**

**Mr. Kienz** then asked Ms. McCormack to send all board members a copy of the Land Use Board By-Laws.

**REGULAR MEETING:**

**APPLICATIONS (if deemed complete):**

Jennings	No. 20-15	Block 155, Lot 27 211 Espanong Road Use Variance
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**Mr. Walter Hanley**, Attorney for the applicant, was present. Mr. Hanley then stated the property in question is located in the C-1 zone, and the applicant proposes to convert the four existing commercial structures on the property into five residential units. Testifying on this application were the applicant, Mr. Paul Jennings, the applicant’s Engineer, Daniel Davies, the Planner, Jason Dunn, and the Architect, Raymond O’Brien.

**Mr. Kienz** asked Mayor Wilsusen and Councilwoman Senatore to step down since it is a use variance application.

**Ms. Hartmann** asked for clarification on the number of residential units, since the plans refer to four units, and Mr. Hanley stated there would be five.

**Mr. Hanley** stated there would only be four residential units.

**Mr. Kienz** then swore in the applicant’s professionals.

**Mr. Paul Jennings** stated that he has owned the property for approximately 3 years, and is proposing to convert the existing commercial buildings into residential units. He claims at one time that these structures were, in fact, residential units. He then introduced Lester Talmadge, a previous resident at the property in question.

**Mr. Lester Talmadge** was present and sworn in. He currently lives in Netcong, New Jersey, and stated that he lived in the structure on the corner of Espanong Road and Cherry Road from approximately 1971 to 1976.

**Mr. Daniel Davies** presented Exhibit A-1, Use Variance Plan – Revised 1/24/22. He described the plan in detail. The largest of the four buildings, Building A, would be a two-

bedroom unit; Building B, which is located on the corner of Espanong Road and Cherry Road would be a one-bedroom unit; Building C would be a one-bedroom unit; and Building D would be a studio apartment. The property currently has an entrance/exit onto Espanong Road, which will be closed off due to poor visibility, and another entrance/exit onto Cherry Road. Based on feedback from the professionals, Mr. Davies feels that all of their comments have been addressed.

**Ms. Jill Hartmann** requested clarification on the parking spaces next to Building A on the Cherry Road side. She feels the parking space closest to Cherry Road is a safety issue.

**Mr. Davies** stated he could easily accommodate the Board by removing the parking space closest to the street.

**Ms. Hartmann** was also concerned about a parking space being so close to someone's bedroom window. She also asked for a complete landscaping plan for the project.

**Mr. Kienz** then took a moment to swear in the Board Professionals, which will be valid for the entire year.

**Ms. Galfo** asked for clarification on the parking spaces next to Building A.

**Ms. Hartmann** stated that she would like to see two parking spaces as shown on the Use Variance Plan with a Revision Date of 1/10/2022, instead of 3 spaces as shown on the Use Variance Plan with a Revision Date of 1/24/2022.

**Mr. Davies** agreed to make the change.

**Ms. Hartmann** referred Mr. Davies to the Township's Parking and Landscaping Ordinances.

**Mr. Hine** asked if any handicap spaces would be provided, and if a fence would be provided on the Espanong Road side of the property.

**Mr. Davies** stated there are no handicap spaces currently planned, but he could look into providing one if the Board requires one, and with permission from the county, they could install a fence on the Espanong Road side of the property.

**Ms. Hartmann** voiced her concerns about the smallest of the structures being utilized as a residential studio unit. It is not only very small, but a portion of the structure is over the property line. It may even make sense to demolish the structure.

**Mr. Davies** stated that the applicant would be willing to make the structure either an office or use for storage.

**Chief Castimore** does not believe a fence along Espanong Road would be sufficient. He recommended a guard rail and a fence.

**Mr. Jennings** stated that the existing stockade fence should be sufficient.

**Ms. Hartmann** stated that just a fence would not be sufficient.

**Mr. Raymond O'Brien**, the applicant's Architect, came forward. He presented PRES-1 and PRES-2, Existing Architectural Floor Plans and Elevations. He then stated that Building A is 1,065 square feet, Building B is 554 square feet, Building C is 684 square feet, and Building D is 306 square feet. If the Board decides to require an ADA compliant parking space, then the building associated with that parking space must also be ADA compliant. No proposed floor plans have been provided.

**Ms. Hartmann** asked about an area for garbage.

**Mr. O'Brien** stated that each building would have its own 40-gallon container on wheels, and would either be kept next to each building or in a corral constructed in an appropriate area on the property.

**Ms. Hartmann** feels that is too far for a resident to drag garbage. She recommended a centrally located dumpster with private garbage pick-up. At a minimum, there should be some sort of garbage enclosure provided for each building on the side of the structure. She also recommended there be space made available for a washer/dryer.

**Mr. Kienz** asked if proposed architectural plans were submitted.

**Mr. O'Brien** stated that proposed architectural drawings would not be provided until the granting of a use variance.

**Mr. Jason Dunn**, the applicant's Planner, came forward. He explained that this is a use variance; a commercially-zoned property that the applicant proposes to convert into several single-family residences. He noted that there is a history of the property in question being residential prior to its commercial use, and he feels the residential units would be a good fit for the neighborhood, since it is surrounded by single family homes. The Positive Criteria include Purpose G and Purpose I, and he does not feel there would be any detriment to the public good or the Master Plan. There are several bulk area variances required, and the property in question proposes 10 parking spaces where 8 are required.

***Ms. McCormack opened the meeting to the public.***

**Tom and Joan Elbel**, residents at 3 S. Cherry Road, were present and sworn in. They voiced their concerns about closing one entrance/exit on the property. Mr. Elbel also stated that he lived in the area from 1973 – 1979 and came back in 1985. During that time, the

structures were ice houses, not residential units. They were also concerned about any extra lighting and how close the structures are to the neighboring property.

**Mr. Jason Skei**, a resident at 6 S. Cherry Road, was present and sworn in. He voiced his concerns about his house only being approximately 6 feet from the existing structures on the property in question. He also claims the fence around the property's perimeter is not in good shape.

**Ms. Hartmann** stated that the resident's structure is approximately 15 feet from the property line and approximately 21 feet from the structures on the property in question.

**Mr. Skei** stated that the property in question is approximately 1/3 of an acre. If it was located in a residential zone, it would not be large enough to build a single family home.

**Ms. Hartmann** stated that there are numerous properties in Jefferson with homes on them that are smaller than the property in question. Variances would be required, but it is possible.

**Mr. Kienz** stated that the application is proposing five residential units; the testimony has been for four units. The application will need to be revised on the record.

**Mr. Davies** stated that Building A is a two-bedroom unit; Building B is a one-bedroom unit; Building C is a one-bedroom unit; and Building D is a studio apartment.

**Mr. Galfo** asked if a new septic system would take away from any of the proposed parking due to possible requirements for raised septic, etc.

**Mr. Davies** stated he does not believe the septic will be an issue, and no proposed parking will be affected.

**Vice-Chairwoman Galfo** asked if the new septic system will have an odor like the one designed for the 3 Peaks project.

**Mr. Davies** explained that there is a huge difference between a septic designed for a restaurant use and one designed for residential use. He does not feel there will be an issue.

**Vice-Chairwoman Galfo** asked if each structure has its own oil tank, and if so, where are they located.

**Mr. Jennings** stated that each structure has its own above-ground oil tank (275 gallons) located in the rear of each structure, with the exception of Building D, which has electric heat.

**Mr. Davies** explained that approval of this application for residential use will be a lot less intense than a commercial use with respect to lighting, traffic, etc.

**Vice-Chairwoman Galfo** asked Mr. Skei for clarification on the condition of the applicant's fence between the two properties.

**Mr. Skei** stated the fence is in poor condition.

**Ms. Hartmann** stated that the fence maintenance can be a condition of the resolution or it can be a Property Maintenance/Code Enforcement issue.

**Mr. Galfo** does not feel the applicant has provided enough information for the Board Members to make an educated vote.

**Mr. DiFrisco** agreed.

**Ms. Hartmann** stated that the applicant has not provided a lighting plan, landscaping plan, architectural floor plans, or a plan for garbage. These items should be submitted for a use variance.

**Mr. Kienz** stated that the Board can also decide to just vote on the use variance portion for three residential units, and eliminating the fourth unit, as suggested by the applicant, whereby essentially bifurcating the application. The rest of the application could be carried to the next meeting. Another option is to just carry the entire application, and request a full site plan.

**Vice-Chairwoman Galfo** made a motion to carry the application to Monday, February, 28, 2022 with no further notice required. **Vice-Chairman Palko** seconded the motion.

**In Favor:** **Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Deutsch, Mr. Small, Mr. Galfo, Chairman Williams.**

Lisa

No. 21-13

Block 89, Lots 5 & 6  
80 N. Lakeside Avenue  
Bulk Area Variance

**Ms. Alyse Hubbard**, Attorney for the applicant, was present. She explained this is an application to construct a new, two-story single family residence on a vacant site. The subject property is located in the R-30 district, and requires lot size and front yard setback variances. Mr. Fred Stewart, the applicant's Engineer, and Mr. Steven Lisa, the applicant, were both present and sworn in.

**Mr. Stewart** described the property in detail. The size and location of the proposed structure is comparable to neighboring homes. With regard to storm water, a trench is proposed on the side of the driveway, and a rain garden will be installed on the right side of the property.

***Chairman Williams opened the meeting to the public.  
The public portion was closed.***

**Vice-Chairwoman Galfo** made a motion to approve the application. **Mr. Hine** seconded the motion.

**In Favor: Mayor Wilsusen, Vice-Chairwoman Galfo, Vice-Chairman Palko, Mr. Hine, Mr. Deutsch, Mr. Small, and Chairman Williams.**

**RESOLUTIONS:**

3 Peaks Marina, LLC	No. 20-11	Block 111, Lots 1.01, 1.02 & 1.05 Block 320.01, Lot 1 125 Route 181 Amended Site Plan
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**Vice-Chairwoman Galfo** made a motion to approve. **Mr. Hine** seconded the motion.

**In Favor: Mayor Wilsusen, Vice-Chairwoman Galfo, Vice-Chairman Palko, Mr. Hine, Mr. Deutsch, Mr. Small, and Chairman Williams.**

**APPROVAL OF MINUTES DATED NOVEMBER 22, 2021**

**Vice-Chairwoman Galfo** made a motion to approve. **Chairman Williams** seconded the motion.

**In Favor: All.**

**OTHER BUSINESS:**

**Vice-Chairwoman Galfo** asked if board members could arrange to have ID badges made.

**Mayor Wilsusen** agreed.

**Chief Castimore** instructed any board member interested in having an ID badge should forward him a digital head shot of themselves via email, and he will coordinate.

**ADJOURNMENT:**

**Vice-Chairwoman Galfo moved** to adjourn at 9:36 PM.  
**Vice-Chairman Palko seconded** the motion.

**In Favor:      All.**

***Respectfully Submitted by:***

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***Stephanie McCormack***  
***Secretary to the Land Use Board***