

# **JEFFERSON TOWNSHIP LAND USE BOARD**

**MONDAY, JANUARY 23, 2023**

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 7:00 PM.

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

**Present:**

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

**Absent:**

**Councilwoman Senatore**

**Also Present:**

**Glenn Kienz, Board Attorney**  
**Jessica Caldwell, Board Planner**  
**John Ruschke, Board Engineer**  
**Stephanie McCormack, Secretary**

***Mr. Kienz began the meeting by swearing in our five reappointed board members; Chief Castimore, John Palko, Dennis DiFrisco, Christine Steelman and Donna Macalle-Holly.***

**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. Galfo** 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.

**Chairman Williams** seconded the motion.

**In Favor of Stephanie McCormack: All.**

**APPOINTMENT OF BOARD ATTORNEY:**

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

**Mr. Small** 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.

**Vice-Chairwoman Galfo** 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.

**Chief Castimore** 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.

**Mayor Wilsusen** made a motion to approve dates and time as stated.

**Vice-Chairwoman Galfo** seconded.

**In Favor: All.**

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

**Vice-Chairwoman Galfo** moved to appoint the “Daily Record” as the official newspaper of the Land Use Board and the “Star Ledger” as the alternate.

**Mr. Small** seconded the motion.

**In Favor: All.**

***Mr. Kienz then swore in Ms. Jessica Caldwell of J. Caldwell & Associates as Board Planner, and Mr. John Ruschke of Mott MacDonald as Board Engineer for the year 2023.***

**COMPLETENESS:**

Willow Lake Day Camp	No. 22-19	Block 329, Lot 5 Block 27002, Lot 53 (Sparta) 200 Route 181 Amended Site Plan/Use Variance
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**Ms. Caldwell** stated the applicant is seeking variance relief to replace existing building #44 with new porch and covered patio, new ball pits, four new wood pavilions, a new wood gazebo, new elevated wood deck and enlarged landing deck for zip line, and relocating five sheds. All of the waivers requested were reasonable for completeness, but the applicant will be required to provide a Stormwater Management Plan, along with original, full-sized plan sets prior to the hearing. She recommends the application be deemed complete and scheduled for a hearing.

**Mr. Kienz** believes a portion of this property is within 200’ of Hopatcong. He asked Mr. Ruschke to see if, in fact, this is true. If it is, the applicant may have to notice to Hopatcong as well.

**Mr. Hine** made a motion for the application to be deemed complete. **Mr. Deutsch** seconded the motion.

**In Favor: All.**

Murarik	No. 22-20	Block 123, Lot 17 13 Marine Terrace Bulk Area Variance
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**Ms. Caldwell** stated the applicant is seeking variance relief to construct an addition to an existing single-family dwelling, which will include a covered porch, small first floor addition, and full second story addition. Front yard setback, building coverage, and impervious coverage

variances are required. The applicant is required to submit the following items in order to be deemed complete:

- Both Administrative and Site Development Checklists
- Clarification on who the applicant is.
- Proof of Taxes Paid
- Site Plan requires a signature block with appropriate information.
- Site Plan needs to show all required information in Item 5.
- A Certified List of Property Owners needs to be provided on the Site Plan.
- Site Plan must show all existing wells and/or subsurface disposal systems within 100 feet of the subject property.
- Subsurface disposal testing results must be provided.
- The permitted building envelope must be provided.
- All accessory structures must be shown on the plans.
- An accurate and current survey of the property must be provided.
- Location of existing trees must be shown on the property.
- Drainage on the site needs to be addressed.

She recommends the application be deemed incomplete.

**Mr. Hine** made a motion to deem the application incomplete. **Mr. Small** seconded the motion.

**In Favor: All.**

Hellers Lane Urban Renewal Entity, LLC	No. 23-01	Block 273.01, Lots 2.061, 2.062 & 12 Hellers Lane, Route 15, & Bowling Green Parkway Amended Site Plan
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**Mr. Ruschke** provided the report for this application since Ms. Caldwell has a conflict. **Mr. Ruschke** stated the application is for an Amended Site Plan to consolidate the lots and redevelop the property by constructing a three-story, 32-unit apartment building with eight 2-bedroom units and 24 1-bedroom units, in addition to three separate buildings, each housing six, 1-bedroom units. Since the development is in the RA-3 Zone, the applicant is not seeking variance relief. Even though Items 12, 27, and 31 should be addressed prior to the hearing, he recommends the application be deemed complete.

**Mr. Kienz** stated the application claims the applicant is seeking variance relief, but he is not sure if that is a continuation of the previously approved site plan. He asked Mr. Ruschke to get clarification on the need for variance relief.

**Mr. Ruschke** agreed.

**Mr. Small** made a motion to deem the application complete. **Chairman Williams** seconded the motion.

**In Favor: All.**

**REGULAR MEETING:**

**APPLICATIONS (if deemed complete):**

Reilly	No. 22-13	Block 286, Lot 10 90 E. Shawnee Trail Bulk Area Variance
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***Mayor Wilsusen recused himself since he is the President of the Lake Shawnee Club, an adjoining property owner.***

**Mr. Reilly**, the applicant, came forward. He explained the changes to the new survey, showing the new front yard addition, the removal of the two sheds, and the proposed water run-off mitigation, received on January 9, 2023. The 3-foot paved area behind the proposed garage will be removed to lessen the impervious coverage. He is requesting a side yard setback, a front yard setback, accessory structure in the front yard, and lot coverage variances.

**Mr. Ruschke** believes the applicant can do more to mitigate water run-off such as having a gutter on each side of the garage instead of one. He also believes that when the pavers were installed, it changed the drainage pattern of the water run-off.

**Mr. Reilly** agreed to install gutters on both sides of the garage in addition to a swale on the left side of the garage.

**Mr. Kienz** asked if the applicant has taken any steps to reduce the amount of impervious coverage on the lot.

**Mr. Reilly** stated he removed 125 square feet of slate when the front yard addition was constructed, and he could remove some of the pavers in the front of the property by the road, if necessary. He was told by the Construction Official that the pavers and slate walkways do not count as impervious coverage.

**Mr. Ruschke** stated it should all be considered impervious coverage.

**Ms. Caldwell** agreed with Mr. Ruschke. The proper stormwater management and mitigation will be the most important aspect of this application due to the concerns of the neighboring property owners.

***Chairman Williams opened the meeting to the public.***

**Ms. Mary Ruff**, a resident at 92 East Shawnee Trail, came forward and was still under oath from the last meeting. She stated she has been directly impacted by the work Mr. Reilly has already done, and is concerned the proposed garage will make the issue worse. She can't trust that Mr. Reilly will do the right thing.

**Mr. Kenneth Adessa**, a resident at 98 E. Shawnee Trail, came forward and was still under oath from the last meeting. He asked if there would be a foundation for the garage.

**Mr. Reilly** stated he spoke to the building department, and was told there would have to be a trench foundation, which is one large slab, 18" deep.

**Mr. Kienz** asked Mr. Ruschke if the foundation needs to be deeper.

**Mr. Ruschke** stated it does not have to be deeper since Mr. Reilly does not plan on having any utilities in the structure. He will require a building permit due to the size of the structure, but it really is considered a large shed that is big enough to fit a car. From a zoning perspective, the Board just needs to ensure the soil removed in order to pour the slab is not put somewhere else on the property, causing additional drainage issues.

**Mr. Kienz** stated Jim Lutz's office would keep an eye on that.

**Mr. Adessa** voiced his concerns about the water run-off from the garage. He stated the ground in that area is flat, and he doesn't understand how the driveway could be pitched toward the storm drain in front of Mr. Reilly's house.

**Mr. Ruschke** stated he will work with Jim Lutz's office to ensure proper drainage into the storm drain.

**Ms. Debra Zweig**, a resident at 85 East Shawnee Trail, came forward and was still under oath from the last meeting. She lives across the street from the applicant, and voiced her concerns about her loss of the view of the lake, the loss of a breeze off of the lake, and the excessive impervious coverage on the property.

***The public portion was closed.***

**Mr. Kienz** reviewed the list of conditions with the board members. He asked the applicant if the color and roof materials of the proposed garage would match the house.

**Mr. Reilly** stated they would.

**Mr. Ruschke** stated that Mr. Lutz should get involved prior to the structure being put in place to ensure proper water run-off mitigation. If the applicant and Mr. Lutz cannot agree on reasonable mitigation, the applicant will be forced to come back to the Board.

**Ms. Caldwell** stated that she did not see the need for a side yard setback.

**Mr. Galfo** asked if the two sheds on the property would be removed, and if it could be a condition of the resolution.

**Mr. Reilly** stated that both sheds would be completely removed off of the property.

**Mr. Kienz** stated it could be made a condition of the resolution.

**Chief Castimore** made a motion to approve the application with the conditions discussed. **Mr. Galfo** seconded the motion.

**In Favor: Vice-Chairman Palko.**

**Against: Vice-Chairwoman Galfo, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Galfo, Chairman Williams.**

Summer Stock Rentals, LLC

No. 21-08

Block 2, Lots 6 & 7  
Halsey Oval  
Minor Subdivision/Bulk Area  
Variance

**Mr. Bernd Hefe**, the applicant's Attorney, came forward. He explained this application is for a minor subdivision located on Halsey Island. He then presented Exhibit A-1, a marked-up version of Sheet 2 of the site plan submitted showing the existing conditions, and Exhibit A-2, a marked-up version of Sheet 3 of the site plan submitted showing the proposed conditions. Both are lakefront lots whereby a portion of the larger lot will be added to the smaller lot in order to make it more conforming. The septic for Lot 6 is currently located on Lot 2, and by moving the lot line, it will allow Lot 6 to have the septic located on its own property. There is no development proposed and no new variances have been created.

**Ms. Lisa Palanchi**, the Operations Manager for Camp Six, Inc., came forward and was sworn in. She is in agreement with Mr. Hefe, and has no additional testimony.

**Mr. Hefe** stated he agrees to all of the items in the professional reports, and will get Morris County Planning Board approval.

**Ms. Caldwell** stated even though the non-conformities are pre-existing, the Board should still grant variance relief for lot size, lot width, and side yard setback.

**Mr. Hefe** stated the lots will be perfected by Deed.

**Mr. DiFrisco** asked if the Lake Hopatcong Commission needs to get involved.

**Mr. Hefe** stated there is no need for the Lake Hopatcong Commission to get involved since there will not be any impact or development on the properties.

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

**Mr. Galfo** made a motion to approve the application. **Mr. Deutsch** seconded the motion.

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

Lake Hopatcong Ventures, LLC

No. 22-18

Block 198 Lots 4.02, 9, & 14  
Espanong Road  
Minor Subdivision

**Mr. Hefe**, the applicant's Attorney, came forward. He stated this application is for a minor subdivision involving three lots. They are proposing to swap a portion of property from Lots 14 and 4.02 with a piece of property from Lot 9. Doing this will provide cleaner lines, and the ability to merge Lots 9 and 22, since both of these properties are owned by Mr. Sinisgalli. He has no issues with any of the items in any of the professional reports. He then presented Ms. McCormack with Exhibit A-1, a copy of the Property Exchange Agreement between Lake Hopatcong Ventures and Mr. Joseph Sinisgalli, who owns Lot 9. Ms. McCormack was then asked to provide a copy of the agreement to both Mr. Ruschke and Mr. Kienz.

**Ms. Lisa Palanchi**, the Operations Manager for Camp Six, Inc., was present and sworn in. She is in agreement with Mr. Hefe, and has no additional testimony.

**Mr. Hefe** stated this subdivision would also be perfected by Deed.

**Ms. Caldwell** asked Mr. Hefe if a Planning variance would be required.

**Mr. Hefe** explained there is no need for a Planning variance since Lot 9, after acquiring a portion of Lot 14, will have road frontage.

***Chairman Williams opened the meeting to the public.***

**Mr. Matthew Tomczyk**, a resident at 37 Homestead Road, came forward. He claims he never received notice for this application, and just wanted to clarify that the application is solely for a lot line adjustment, and if approved, will not make it easier for the farm property to be subdivided.

**Mr. Hefe** stated there is no development proposed, and the farm property will not be subdivided.



***The public portion was closed.***

**Mr. Kienz** stated this application is also subject to Morris County Planning Board approval.

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

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

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No. 22-17

Block 266, Lot 1.03  
825 Berkshire Valley Road  
Minor Subdivision/Use  
Variance

**Mr. Bernd Hefele**, the applicant's Attorney, was present. The property is in the R-30 Zone, and consists of a self-storage facility, which has prior approval from 2002, and a residential home. The applicant would like to subdivide the property to separate the residential use from the commercial use. The self-storage facility was never completed, and still has two additional buildings to construct. They are not proposing any additional development, and the uses will continue to function as they are. The only variance relief required on this application is for a Use Variance.

**Mr. Carl Herrman**, the applicant's Surveyor from VanCleaf Engineering, came forward and was sworn in. He stated that his firm surveyed the property for the previous approval 20 years ago, and was asked to update the existing conditions for this application. Based on comments from the Board Engineer's report, the survey was revised to show the shared driveway with a landscape buffer separating the driveway for each use, a note added regarding the presence of wetlands and flood zone on the subject property, and a note added referencing the easement required by the previous approval of 2002.

**Mr. Matthew Flynn**, a professional Planner from John McDonough Associates, was present and sworn in. He presented Exhibit A-1, a series of aerial drone photographs of the property. Both lots will conform in terms of lot area whereby the commercial property will consist of 3.28 acres, and the residential property will consist of 2.51 acres. The only "C" variances required will be on the proposed commercial property for building and lot coverage. With regard to the use variance, he believes this is a D(2) use variance, with positive criteria including Purposes A, G, M, and I. He does not feel there are any negative impacts created by this proposed subdivision.

**Ms. Caldwell** stated the application is not for a D(2) variance because it was previously approved as a D(1) use variance. She feels the applicant still needs to meet the Medici standard.

**Mr. Flynn** stated the site suitability has been met.

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

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

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

#### **OTHER BUSINESS**

Master Plan Reexamination Report  
Housing Element & Fair Share Plan

Review/Discussion

**Ms. Caldwell** stated she submitted two documents for the Board to review. In addition to there being some issues with the adoption of the Master Plan Reexamination report, the Township is also looking to comply with their Affordable Housing requirement. She also provided some recommendations for additional updates to consider in the future. She then asked the board members to continue to review the documents, and contact her with any suggested changes or questions.

**Mr. Galfo** asked about the ordinance change regarding storage containers, and asked if Ms. Caldwell could provide a little more detail.

**Ms. Caldwell** stated that apparently there have been some issues with people placing storage containers on their property as permanent structures without approval from the Township.

**Mr. Galfo** explained that when his wife sold her house in Morristown, he went to the Building Department to see if he could store her belongings in storage containers. He was told that the storage container met the requirements of a shed, and that no permit was required. He wondered if the new ordinance would now require him to remove the storage containers.

**Ms. Caldwell** stated the ordinance has not been created yet, and is assuming that anyone who acquired a storage container prior to the ordinance being adopted, would be grandfathered.

#### **APPROVAL OF MINUTES DATED NOVEMBER 28, 2022**

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

**In Favor: Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, Ms. Steelman, Ms. Macalle-Holly, and Chairman Williams.**

**ADJOURNMENT:**

**Mr. DiFrisco moved** to adjourn at 8:58 PM.

**Mr. Small seconded** the motion.

**In Favor:      All.**

***Respectfully Submitted by:***

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