

Council President Bloom called the regular meeting of the Mine Hill Township Council to order at 7:30 pm and led those present in the Pledge of Allegiance.

**OPEN PUBLIC MEETINGS NOTICE**

Mr. Bloom announced that adequate notice for this meeting had been given as required by law.

**ROLL CALL:** Present – Mr. Bloom; Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman  
Absent – Mr. Willis  
Also Present – Mr. Morris, Mayor; Mr. Oostdyk, Township Attorney; Ms. Macchia,  
Township Clerk  
Public Present – Approximately 5

**APPROVAL OF MINUTES**

None.

**COMMUNICATIONS & PETITIONS**

Mr. Bloom noted the following items of correspondence:

- a. Health Department January Report

**CONSIDERATION & APPROVAL OF VOUCHERS**

**Bills List**

Following brief discussion, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the bills list as presented. Seeing no discussion, the motion was approved by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Bloom  
Nays: none  
Absent: Mr. Willis  
Abstentions: none

**PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED**

**Ordinance 05-14 Adoption of IPMC Code and Commentary**

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to open the public hearing on this ordinance. Seeing no discussion from the Council or the Public, Mr. Bloom closed the public hearing.

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adopt the ordinance. The roll was called and the ordinance was adopted by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Bloom  
Nays: none  
Absent: Mr. Willis  
Abstentions: none

BE IT ORDAINED by the Township Council of the Township of Mine Hill, County of Morris and State of New Jersey, as follows:

SECTION 1. The Revised General Ordinances of the Township of Mine Hill, Chapter 8.48 entitled “Property Maintenance” shall be amended by the inclusion of the following additional subsection :

§ 8.48.16 Adoption of the Property Maintenance Code

A certain document, three (3) copies of which are on file in the Township Clerk’s Office, being marked and designated as the 2012 International Property Maintenance Code as published by the International Code Council, Inc., be and the same is hereby adopted as the Property Maintenance Code of the Township of Mine Hill for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said 2012 International Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance.

SECTION 2. This Ordinance may be renumbered for codification purposes.

SECTION 3. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect as required by law.

**ADMINISTRATIVE AGENDA**

Mr. Morris reported that the big snow storm cost approximately \$15,000 for just that event, but that the Township has been able to get salt when others have had difficulty. The police have marked various streets with no parking signs because the snow banks are so large that emergency vehicles are having trouble passing parked vehicles.

Mr. Morris noted that the Swift Reach system has been updated to the latest version.

Mr. Morris announced that the municipal budget would be introduced at the March 6<sup>th</sup> meeting. He briefly reviewed some of the budgetary plans for this year.

Mr. Morris provided an update regarding sewers. He is meeting with NJDEP next week, and notes that RVRSA plans to approve the installation of sewers in Gillen Street.

**REPORTS OF COUNCIL LIAISONS**

**Recreation Committee**

No report.

**Board of Education**

No report.

**Fire & First Aid**

Mr. Pepperman deferred to Edna Deacon noted that 58 calls have been answered to date this year.

Mr. Pepperman noted that Mr. Morris met with the Fire Department to review their budget and both the Department and the Township are happy with the results.

**Police**

Mr. Pepperman reported the Police Department headquarters is currently under renovation.

**Open Space Committee**

No report.

**Community Committee**

No report.

**Planning Board**

Mr. Willis noted that the Board is currently hearing one C variance and one D variance.

**Community Block Development Grant Committee**

Ms. Kanzenbach attended this meeting and provided a brief synopsis.

**OPEN TO THE PUBLIC**

Bill Orlandi of Anderson Place noted that the snow banks are becoming large enough and extending far enough into the road that emergency vehicles may have trouble getting through.

Gary Frank of Thomastown Road complimented the Township on care during the storm and discussed some roads where residents have cleared their driveways and sidewalks back into the street. Mr. Morris responded that some of those residents will be ticketed and going to court.

**INTRODUCTION OF ORDINANCES**

**Ordinance 06-14 Occupancy Limits on Rental Housing**

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to introduce the ordinance. Seeing no discussion, the roll was called and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Bloom

Nays: none

Absent: Mr. Willis

Abstentions: none

WHEREAS, within the Township of Mine Hill there are a number of residential dwellings that are rental units; and

WHEREAS, there is the potential for landlords of rental units to maintain and allow overcrowded dwellings;  
and

WHEREAS, overcrowded and over occupied dwellings are a clear threat to safety, sanitation, and human life;  
and

WHEREAS, such over occupancy is illegal and a violation of the housing standards adopted by this  
governing body; and

WHEREAS, the governing body of the Township of Mine Hill is empowered by law to promulgate  
Ordinances that it deems necessary and proper to ensure human safety and sanitation pursuant to N.J.S.A. 40:  
48-2;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mine Hill, County of  
Morris and State of New Jersey as follows:

The Revised General Ordinances of the Township of Mine Hill shall be amended by the inclusion of Chapter  
215, which shall be entitled “Occupancy Limitations on Rental Housing” and shall read in its entirety as  
follows:

#### Chapter 215; Occupancy Limitations on Rental Housing

##### § 215-1. Definitions.

For the purposes of this Chapter, the following terms shall be defined as:

- a. “Dwelling shall mean any building or structure, or part thereof, used for human habitation, use, or occupancy and includes any accessory buildings and appurtenance belonging thereto or usually enjoyed therewith.
- b. “Dwelling unit” or “Housing unit” shall mean any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used, or designed to be used for living, sleeping, cooking, and eating.
- c. “Habitable room” shall mean a room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces.
- d. “Occupant” shall mean any person or persons in actual possession of, and living in the building or dwelling unit, including the owner.

##### § 215-2. Residential Housing Unit Occupancy Limitations.

The occupancy of rental housing units in the Township of Mine Hill shall be limited by the following:

- a. A dwelling unit shall contain not less than 150 square feet of floor space for the first occupant thereof and not less than 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the base of total habitable room area.
- b. Every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant having not less than 50 square feet of floor space for each occupant thereof.
- c. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area in the room for the purpose of determining the maximum permissible occupancy thereof.
- d. A room located in whole or in part below the level of the ground may be used for sleeping provided that the walls and floors thereof in contact with the earth have been damp proofed, and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

##### § 215-3. Responsibility for Compliance with Occupancy Limitations.

Any individual who owns, leases, occupies, or maintains any rental housing unit within the Township of Mine Hill in violation of the occupancy limitations set forth in Section 215-2, shall be deemed to have violated this ordinance.

##### § 215-4. Designation of Enforcement Officer.

The Zoning Officer and Code Enforcement and Housing Officer of the Township of Mine Hill are hereby designated as the officers to exercise the powers prescribed by this Chapter, and shall serve in such capacity without any additional salary.

§ 215-5. Right of Entry for Inspection.

The Zoning Officer and Code Enforcement and Housing Officer are hereby authorized and directed to make inspections to determine the occupancy conditions of rental dwellings and housing units located within the Township of Mine Hill in order that he may perform his duty of safeguarding the health and safety of the occupants of rental dwellings and of the general public. In the event the owner or occupant of a housing unit shall deny the Zoning Officer or the Code Enforcement and Housing Officer access to such housing unit at a reasonable times for the purpose of such inspection, examination, and survey the Officer shall have the right to apply for an appropriate search warrant if cause exists.

§ 215-6. Penalty.

- a. A violation of this section shall be punishable by a fine of not less \$100 and not exceeding \$1250, or a period of community service not exceeding ninety (90) days, or imprisonment for a term not to exceed ninety (90) days, or a combination of each, for each violation committed hereunder.
- b. Each day's failure to comply with this section shall constitute a separate violation.

§ 215-7. Relocation Assistance for Tenants Displaced Due to Illegal Occupancy.

a. Relocation Assistance Fund

The Township shall establish a Relocation Assistance Fund to be administered by the Finance Officer. The Fund shall accept relocation assistance payments, as required by this Ordinance, and distribute them to eligible displaced tenants.

b. Eligibility for Relocation Assistance

1. Any tenant who receives a notice of eviction pursuant to N.J.S.A. 2A: 18-61.2 that results from Code Enforcement and Housing or code enforcement activity for an illegal occupancy, as set forth in N.J.S.A. 2A: 18-61.1, shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six times the monthly rent paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of the relocation assistance pursuant to this section.
2. The Township shall pay relocation assistance to any displaced person who has not received the required payment from the owner-landlord of the structure at the time of eviction pursuant to subparagraph 1 of this section from the Relocation Assistance Fund. All relocation assistance costs incurred by the Township pursuant to this subsection shall be repaid by the owner-landlord of the structure to the Township in the same manner as relocation costs are billed and collected under N.J.S.A. 20: 4-4.1 and N.J.S.A. 20: 4-4.2. These repayments shall be deposited into the Township's revolving Relocation Assistance Fund.
3. In addition to relocation reimbursement from the owner-landlord of the structure for relocation assistance paid to a displaced tenant the owner landlord shall pay the Township a fine for any zoning, property maintenance, or housing code violation for an illegal occupancy, in an amount equal to six times the monthly rental paid by the displaced person.
4. In addition to this penalty, the Township, after affording the owner-landlord an opportunity for a hearing on the matter, may impose upon the owner-landlord, for a second or subsequent violation for an illegal occupancy, a fine equal to the annual tuition cost of any resident of the illegally occupied unit attending public school, which fine shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the "The Penalty Enforcement Law of 1999," N.J.S.A. 2A:58-10 et seq. The municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section. The tuition cost shall be determined in the manner prescribed for nonresident pupils pursuant to N.J.S.A. 18A: 38-19 and the payment of the fine shall be remitted to the appropriate school district.  
For the purposes of this section, a "second or subsequent violation for an illegal occupancy" shall be limited to those violations that are new and are a result of distinct and separate Code Enforcement and Housing or code enforcement activities, and shall not include any continuing violations for which citations are issued by a Code Enforcement and Housing or code enforcement agent during the time period required for summary dispossession proceedings to conclude if the owner has initiated eviction proceedings in a court of proper jurisdiction.
5. For the purposes of this section, the owner-landlord of a structure shall exclude mortgagees in possession of a structure through foreclosure.

SECTION 2. This Ordinance may be renumbered for codification purposes.

SECTION 3. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect as required by law.

**Ordinance 07-14 Planned Age Restricted Communities**

A motion was made by Mr. Coranato and seconded by Mr. Pepperman to introduce the ordinance. Seeing no discussion, the roll was called and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Bloom

Nays: none

Absent: Mr. Willis

Abstentions: none

**WHEREAS**, the Township Council recognizes the importance of providing housing for our aging population; and

**WHEREAS**, Planned Age-Restricted Communities can provide affordable and reduced maintenance or maintenance free housing opportunities for our aging; and

**WHEREAS**, Planned Age-Restricted Communities, due to the unit size and residency requirements are non-intrusive and similar in impact to single family development; and

**WHEREAS**, by requiring minimum lot sizes with required protective measures and buffers, the Township can ensure that Planned Age-Restricted Communities are consistent and harmonious with existing single family neighborhoods and uses; and

**WHEREAS**, the development of Planned Age-Restricted Communities can be beneficial to the Township while providing many long-time residents the opportunity to remain valued members of the community.

**NOW, THEREFORE, BE IT ORDAINED that:**

**SECTION 1.** Section 25-10.14.1.3 of the Township Land Use Regulations, governing permitted conditional uses in the SF – Single Family zone, is hereby amended and replaced in its entirety to provide a follows:

**“25-10.14.1.3 Conditional Uses.** The following uses shall be permitted only after review and approval by the Planning Board or Planning Board in accordance with the regulations governing the approval of conditional uses as set forth in Section 25-10.15.

- a. Public Utility structures and essential services;
- b. Churches and similar places of worship;
- c. Cluster subdivisions;
- d. Public schools, and
- e. Planned Age-Restricted Communities (PARC) in the Overlay District consisting of the following properties in excess of five acres:

Block 202      Lot 1  
Block 303      Lot 1  
Block 808      Lot 9  
Block 1705     Lot 13  
Block 2002     Lot 1  
Block 2004     Lot 1”

**SECTION 2.** Section 25-10.15 of the Township Land Use Regulations, entitled “Regulations for Conditional Use”, is hereby amended to include the following new additional sections:

**“25-10.15.11 PLANNED AGE-RESTRICTED COMMUNITIES.**

**25-10.15.11.1 Conditional Use Requirements.** The following are the conditional use requirements for Planned Age-Restricted Communities the deviation from which would require a “special reasons” “D” use variance from the Planning Board pursuant to N.J.S.A. 40:55D-70(d):

- a. **Minimum Tract Area:** Five (5) acres.

- b. **Maximum Density:** The density shall not exceed six (6.0) dwelling units per gross acre of the tract. For the purpose of this requirement, internal streets, roads and rights-of-way shall be included in the gross tract acre calculations.
- c. **Permitted Dwelling Unit Types:** The dwelling unit buildings shall be limited to duplexes, townhouses, townhouse-duplex combinations, patio houses, zero lot-line dwellings, stacked multi-story buildings not exceeding three stories or 40 feet in height, or any combination thereof.
- d. **Permitted Accessory Uses:** Accessory uses shall be limited to the following:
  - 1. Community center for the use of residents of the planned age-restricted community.
  - 2. Recreational facilities and uses, including buildings for recreational activities, biking paths, walking paths, tennis courts, shuffleboard courts, exercise facilities, gazebo, swimming pools, picnic areas, gardens and similar recreational improvements related to the planned age-restricted community.
  - 3. Administration and maintenance buildings.
  - 4. Fences, signs, and entry features including gatehouses and/or secured entries.
  - 5. Off-street parking, including attached or detached garages.
  - 6. Public utilities and essential services.
  - 7. Other uses customarily incidental and accessory to planned age-restricted communities.
- e. **Age-Restrictions for Dwelling Unit Occupancy:** Approval of a planned age-restricted community shall require the placement of restrictive covenants, in a manner satisfactory to the Planning Board Attorney, on the deeds to all portions of a tract to insure that occupancy will be limited to at least one member of the household fifty-five (55) years of age or older with no children under nineteen (19) years of age in permanent residence, pursuant to Federal Fair Housing Act.

**25-10.15.11.2. Area, Yard, Bulk and Architectural Requirements:** The following are the Area, Yard, Bulk and Architectural Requirements for Planned Age-Restricted Communities. The following requirements shall not be considered to be conditional use requirements, and relief therefrom shall not require a “D” variance from the Planning Board:

- a. **Application of Area, Yard and Bulk Requirements to Individual Dwelling Lots.** In any Planned Age-Restricted Community, a dwelling unit may or may not be located on an individual lot. Individual lots may be created without regard to area or other bulk requirements provided that all required setbacks from the tract boundary, from streets and between buildings shall be complied with. Building coverage, improved coverage and open space requirements shall be calculated only for the entire tract.
- b. **Minimum Building Setback from Tract Boundary.** All buildings shall be located at least fifty (5) feet from any tract boundary, including any exiting public roadway located along the exterior of the lot or tract, except that a gatehouse may be located within twenty (20) feet of any portion of the tract boundary that abuts a street right-of-way. The gatehouse shall not be located in the right-of-way of any street or road to be dedicated to the Township.
- c. **Minimum Building Setback from Interior Streets.** All buildings shall be located a minimum of twenty (20) feet from the curb line of any street located within the tract boundaries, except where contiguous sidewalks and off-street parking spaces are provided, in which case the twenty foot building setback shall be measured from the inside edge of the sidewalk.
- d. **Minimum Distance Between Principal Buildings.** In the planned age-restricted community, the following shall be the minimum distance between buildings:
  - (1) The front of one building to the front of another building: 75 feet.
  - (2) The front of one building to the side of another building: 40 feet.
  - (3) The front of one building to the rear of another building: 75 feet.
  - (4) The side of one building to the side of another building (other than an attached unit): 20 feet.

- (5) The side of one building to the rear of another building: 40 feet.
- (6) The rear of one building to the rear of another building: 60 feet
- e. **Buffer Areas.** The applicant shall maintain a buffer area along the tract boundary that shall not be less than forty (40) feet deep except where adjacent to publicly owned parklands or preserved open space, in which instance the required buffer shall not be less than ten (10) feet deep, all as regulated by Section 25-10.15.11.3.d.
- f. **Permitted Projections.** Chimneys, bay windows, overhangs and other building protrusions shall be permitted to encroach up to four (4) feet, and decks and patios shall be permitted to encroach up to ten (10) feet within the required setbacks from the tract boundary and within the required areas between buildings. No such projections or encroachments, however, shall be permitted within required buffer areas, and no overhang, deck or patio shall be permitted to encroach within the required setback from interior streets.
- g. **Maximum Building Coverage.** The maximum coverage for all buildings on the tract shall be twenty-five (25%) percent.
- h. **Maximum Improved Coverage of the Tract.** The maximum improved coverage by all buildings and man-made improvements on the tract shall be sixty (60%) percent.
- i. **Common Open Space.** At least twenty-five (25%) percent of the total land area of the tract within the PARC district shall be designed for and devoted to common open space. In computing the twenty-five (25%) percent requirement, common recreation areas accessory to the residential use and required buffer areas shall be included; as well as the community building and any paved areas or buildings devoted to open space and recreational use. Excluded from the twenty-five (25%) percent requirement shall be dwelling unit buildings, roadways, parking areas not reserved for the community building and accessory recreational facilities, and any area located within ten (10) feet of such buildings, roadways and parking areas.
- j. **Maximum Building Height.** The maximum height of all buildings shall be three stories or forty (40) feet, whichever is less. In the event that a walkout lower level is provided on the downhill side of a building, such level shall not be considered a story for purposes of administering this requirement. Building height shall be measured for each dwelling unit, and shall be measured from the average finished grade at the base of each unit to the highest evaluation of the roof of such unit, exclusive of chimneys, cupolas, antennas, vents, etc.
- k. **Architectural Principles.** Creative architectural design is favored. However, to the greatest practicable extent, such creativity shall be effected to foster and compliment a sense of order and organization in the built environment instead of disjointed and haphazard development. Every developer shall seek to design buildings in a manner which is consistent with or complimentary of the prevailing and desirable patterns in a particular community or neighborhood. The following criteria shall be considered:
1. Where large structures are required, massing and blank walls shall be avoided as much as possible and, where necessary, relieved by variation and architectural relief and details. Excessively expansive blank walls are prohibited. Building designs should incorporate details such as masonry chimneys, cupolas, dormers, and similar features of architectural appeal. Architectural treatments shall be applied to all exposed surfaces, inclusive of exposed foundation walls on walkout buildings.
  2. Mechanical equipment or other utility hardware on roofs, the ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located so as not to be visible from any public ways.
  3. Building components, such a windows, doors, eaves and parapets, shall be in proportion to one another.
  4. Roof shape and material shall be architecturally compatible with the rest of the building and shall reflect surrounding patterns. Unless necessary pursuant to construction, architectural, engineering or safety standards, flat roofs shall be prohibited. Mansard roofs are discouraged except to soften or otherwise improve the appearance of a predominantly flat roof. Gable, hip, and gambrel roofs are favored.

5. Materials shall be selected for suitability to the type of buildings and the design in which they are to be used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
6. Colors shall be selected to be harmonious. Only compatible accent colors shall be used. Building colors should reflect earth tones or historical colors. Accent or complimentary colors, harmonizing with the main color, may be used for trim, awnings and other accents. Metal awnings are prohibited.
7. Exterior lighting shall be designed to enhance the building design and the adjoining landscape. Lighting features and fixtures shall be of a design and size compatible with the building and adjacent areas.

**25-10.15.11.3 Additional Requirements for Planned Age-Restricted Community.** In addition to the conditional use requirements set forth in Section 25-10.15.11.1 and the area, yard and bulk requirements in Section 25-10.15.11.2 above, the following additional requirements shall apply to any Planned Age-Restricted Community. The following requirements shall not be considered to be conditional use requirements, and relief therefrom shall not require a “D” variance from the Planning Board:

- a. **Street Requirements.** The requirements of N.J.A.C. 5:21 et seq. (Residential Site Improvement Standards) shall govern the design of streets.
- b. **Off-Street Parking Requirements.** Within the planned age-restricted community, parking spaces shall be provided for each dwelling unit in accordance with N.J.A.C. 5:21 et seq. (Residential Site Improvement Standards).
- c. **Emergency Facilities.** Any planned age-restricted community shall be suitably designed to facilitate emergency access by police, fire fighting and ambulance service vehicles.
- d. **Buffer Areas.**
  1. No use or structure shall be permitted within the required buffer area except for the following, and only when it is demonstrated by the developer that such use and/or structures must be located within the buffer area in order to reasonably accommodate the permitted development. In the event such structures reduce the effectiveness of the required buffer below that intended by this section, the Planning Board may at its discretion require supplemental planting or screening methods within or outside the required buffer area.
    - a. Fences, freestanding walls and retaining walls.
    - b. Streets and other access improvements providing direct access to the tract from a roadway located outside the tract boundary.
    - c. Detention, retention and drainage facilities and utility structures.
  2. Buffer area depth shall be measured horizontally and at right angles to a lot or street line or the tangent line of a curved lot or street line.
  3. Within the open space buffer the developer shall maintain a landscape screen containing mixed deciduous and coniferous trees and shrubs of sufficient density to provide a year-round visual screen.
  4. Except for existing preserved or transplanted vegetation, evergreen trees shall be a minimum of six (6) feet in height when installed. All deciduous trees shall be two and one-half (2 ½) inches in caliper when installed. At least twenty-five (25%) percent of all deciduous trees shall be of a species native and indigenous to the area. Shrubs used in screen planting shall be at least two (2) feet in height when installed. All plant material, except preserved vegetation or vegetation transplanted from within the tract, shall be nursery stock and shall be free of insects, disease, deformities and damage. Any plant material that does not survive in vigorous condition shall be replaced within two years or two growing seasons of installation, at the discretion of the Planning Board.
- e. **Utility and Drainage Improvements.** The planned age-restricted community shall be served by public water and public or DEP approved on-site sanitary sewerage systems. All utility improvements, including but not necessarily limited to storm drainage systems, sanitary sewerage collection and disposal systems, water supply and distribution systems, gas, electric, telephone

and cable television utilities shall be subject to review and approval by the Township in accordance with the standards and procedures established at N.J.A.C. 5:21 et seq. (Residential Site Improvement Standards), by the New Jersey Department of Environmental Protection and appropriate County and other State agencies, where applicable. Water supply and distribution facilities shall also be subject to review and approval by the Township Engineer, Fire Official and Water Department.

- f. **Fences and Walls.** Fences, wall, and retaining walls shall be permitted in required yards, as approved by the Board, provided that no fence or freestanding wall shall exceed six (6) feet in height, unless located in the front yard between a principal building and any street or roadway, in which case no fence or freestanding wall shall exceed four (4) feet in heights. Retaining walls may exceed six (6) feet in height, provided that the Planning Board may in appropriate situations require such walls to be terraced and/or landscaping to be planted in front or such walls in order to reduce their visual impact.
- g. **Signs.** One two-sided project sign shall be permitted. The sign shall be ground mounted and located at least twenty (20) feet from the curb line of any street. The area of each side of the sign shall not exceed thirty-two (32) square feet. Any lighting of the sign shall be designed to avoid glare. The color, design and material of the sign shall be reflective of the color, design and material of the residential buildings on the site.
- h. **Accessibility for the Handicapped.** The development shall be designed in accordance with the applicable standards for accessibility and/or occupancy by handicapped persons promulgated by the federal government or the State of New Jersey or through their respective departments or agencies having jurisdiction in such matters.
- i. **Community Building.** The community may have a community building that may include, but not limited to, a kitchen, offices, recreation and social activity rooms, an a multi-purpose room designed for social activities. The following requirements shall apply to the community building facility:
  - 1. The height of the community building shall not exceed two (2) stories or thirty-five (35) feet. The community building shall provide a minimum of 1500 total square feet or 20 square feet of floor space per housing unit, whichever is greater.
  - 2. One parking space for every six dwelling units shall be provided at the community building. Parking for the disabled shall be provided as required by State and Federal law.
  - 3. No more than fifty percent (50%) of the dwelling units shall receive certificates of occupancy unless and until the community building shall have been completed an open to residents of the community.
- j. **Gatehouse.** One gatehouse shall be permitted. The height of the gatehouse shall not exceed eighteen (18) feet. The gross floor area of the gatehouse shall not exceed three hundred (300) square feet. The color, design and material of the gatehouse shall be reflective of the color, design and materials of the residential buildings on the site.
- k. **Homeowner's/Condominium Association.** The applicant shall establish a homeowner's or condominium association for the planned age-restricted community. The documents establishing and governing the homeowner's or condominium association shall be submitted with the development application for the review and approval of the Planning Board. The association shall own and be responsible for the maintenance, repair and reconstruction of all commonly owned buildings, facilities and lands. At a minimum all such lands shall include recreational areas, open space, and drainage facilities required by the Planning Board. Notification of the ownership and maintenance responsibilities of the homeowner's association for all recreation, security facilities and undeveloped open space shall be included in the contract of sale and deed of each residence.”

### **SECTION 3. SEVERABILITY.**

If any section, clause or provision of this Ordinance shall be held or found to be invalid, the invalidated section, clause or provision shall be severed and the remaining sections, clauses and provisions shall remain in full force and effect.

### **SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect after adoption and publication a provided by law.

**Ordinance 08-14 Combining Community Committee and Recreation Committee**

A motion was made by Mr. Coranato and seconded by Mr. Pepperman to introduce the ordinance. Seeing no discussion, the roll was called and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Bloom

Nays: none

Absent: Mr. Willis

Abstentions: none

BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 2.13 of The Revised General Ordinance of the Township of Mine Hill shall be retitled “Community and Recreation Advisory Committee and is hereby amended to read in its entirety as follows:

**2.113 Community and Recreation Advisory Committee****2.113.010 Establishment; composition; terms; organization.**

The Community and Recreation Advisory Committee shall consist of up to thirteen (13) voting members to be appointed by the Mayor with the advice and consent of the Council. Members shall be appointed annually for a two year term. Members of the Committee shall serve without compensation. The Committee shall designate one (1) of its members to serve as chairperson and presiding officer of the Committee. The Committee is authorized to adopt bylaws governing its procedural operations.

**2.113.020 Powers and duties.**

The Community and Recreation Advisory Committee shall advise the Administration and Township Council concerning the planning, implementation, and promotion of social service programs, community building programs, and recreation programs and facilities. It is understood that the Community and Recreation Advisory Committee will act merely in an advisory capacity and shall not have the power to bind the Township in any manner.

**2.113.030 Director of Community Programs.**

The Mayor, with the advice and consent of the Council, may appoint a Director of Community Programs to administer social service and community building programs.

SECTION 2. This Ordinance may be renumbered for codification purposes.

SECTION 3. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect as required by law.

**Ordinance 09-14 Amendment to Beach Fees Ordinance**

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to introduce the ordinance. Seeing no discussion, the roll was called and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Bloom

Nays: none

Absent: Mr. Willis

Abstentions: none

BE IT ORDAINED by the Mine Hill Township Council, County of Morris, State of New Jersey, as follows:

**SECTION 1. Definitions**

For the purposes of this Ordinance, the following definitions shall apply:

Adult: Persons at least 18 years of age.

Child: Persons between 2 and 17 years of age; children under the age of 2 may accompany adults to the beach free of charge.

**Couple: Two persons between 18 and 64 years of age who are married to or in a civil union with each other.**

Family: “Family” consists of parent(s) and minor children (grandparents, grandchildren, aunts, uncles, nieces, nephews, etc. may purchase individual passes as applicable to their age).

Resident: Persons residing within the municipal boundaries of the Township of Mine Hill and the Borough of Wharton

Seniors: Persons age 65 and older

SECTION 2. The following fees are hereby established for the use of the Municipal Beach in the Township of Mine Hill:

**BEACH MEMBERSHIP**

	<u>Resident</u>	<u>Non-Resident</u>
Family Membership	\$125.00	\$250.00
<b>Couple Membership</b>	<b>\$100.00</b>	<b>\$200.00</b>
Individual Adult Membership	\$ 75.00	\$150.00
Individual Child Membership*	\$ 25.00	\$ 50.00
Senior Membership	\$ 25.00	\$ 50.00

\*Requires the purchase of a Family, Individual Adult or Senior Membership to accompany the Child

**NON-MEMBER DAILY FEES**

	<u>Resident</u>	<u>Non-Resident</u>
<b>Adults/Children/Seniors</b>	<b>\$ 5.00</b>	<b>\$ 10.00</b>

BOAT REGISTRATION FEES (all boat fees are per boat for the season; boat fees do not include beach membership)

All Municipal Beach Members:	\$ 25.00
Non-Members	\$ 50.00

SECTION 3. Promotional Days

There are allowed to be up to three no fee promotional days at the discretion of the Director of Community Programs to encourage membership.

SECTION 4. Beach Rules

All persons utilizing the beach, members and non-members, will be subject to the “Beach Rules” as established and amended from time to time by the Township Council with the advice of the Director of Community Programs. Said rules shall be posted at the beach and made available to the public through the Municipal Clerk’s office.

SECTION 5. Boating Rules

Upon payment of the Boat Registration Fee, each Boat Applicant shall read and sign a copy of the “Boating Rules”. One signed copy of the Rules shall be given to the applicant, and another shall be filed with the Municipal Clerk. No Boat Registration Permit shall be issued until a signed copy of the “Boating Rules” has been filed.

SECTION 6. All ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This ordinance shall take effect 20 days after final passage and approval by the Mayor and upon publication in the manner provided by law.

**Ordinance 10-14 Salary Ordinance**

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to introduce the ordinance. Seeing no discussion, the roll was called and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Bloom  
Nays: none  
Absent: Mr. Willis  
Abstentions: none

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MINE HILL, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

<b>Division of Administration:</b>	<b>Minimum Salary</b>	<b>Maximum Salary</b>
Mayor - Part Time	\$0.00	\$7,000.00
Mayor - Full Time*	\$47,000.00	\$57,000.00
Council President	\$0.00	\$3,000.00
Council Member	\$0.00	\$3,000.00
Administrator (* not filled if Full Time Mayor)	\$0.00	\$0.00
Administrative Clerk	\$2,500.00	\$30,000.00
Administrative Assistant	\$3,000.00	\$7,500.00
Clerical Assistant	\$8.50	\$20.00
Chief Financial Officer	\$5,000.00	\$50,000.00
Assistant to the CFO	\$0.00	\$30,000.00
Treasurer	\$10,000.00	\$50,000.00
Purchasing Manager	\$2,000.00	\$6,000.00
Human Resource Director	\$2,000.00	\$10,000.00
Township Clerk	\$40,000.00	\$60,000.00
Deputy Township Clerk	\$0.00	\$30,000.00
Registrar of Vital Statistics	\$0.00	\$2,000.00
Deputy Registrar of Vital Statistics	\$0.00	\$600.00
Alternate Deputy Registrar of Vital Statistics	\$0.00	\$600.00
Health Department Coordinator	\$0.00	\$2,000.00
Seasonal Help - Department of Public Works	\$8.50	\$18.00
<b>Division of Taxation:</b>	<b>Minimum Salary</b>	<b>Maximum Salary</b>
Tax Assessor	\$12,000.00	\$25,000.00
Tax Collector	\$25,000.00	\$35,000.00
<b>Division of Construction:</b>	<b>Minimum Salary</b>	<b>Maximum Salary</b>
Construction Technical Assistant	\$15,000.00	\$40,000.00
Construction Secretary	\$0.00	\$18,000.00
Zoning Official	\$2,000.00	\$25,000.00
Zoning Official	\$2,000.00	\$25,000.00
Code Enforcement and Housing Officer	\$5,000.00	\$15,000.00
Emergency Management Coordinator	\$1,500.00	\$3,000.00
Construction Official	\$10,000.00	\$22,000.00
Electrical Subcode Official	\$5,000.00	\$12,000.00
Elevator Subcode Official	\$100.00	\$300.00
Fire Subcode Official	\$4,000.00	\$8,500.00
Plumbing Subcode Official	\$5,000.00	\$13,000.00
Building Subcode Official	\$2,000.00	\$6,000.00
Building Inspector	\$2,000.00	\$6,000.00
Fire Safety Inspector	\$8.50	\$25.00
Smoke Detector Inspector	\$30.00	\$30.00
Administrator/Planning Board	\$3,000.00	\$6,000.00
Construction Records Clerk	\$8.50	\$20.00
Recording Clerk/Planning Board	\$1,500.00	\$3,000.00
Recording Clerk/Board of Adjustment		
<b>Division of Community Programs:</b>	<b>Minimum Salary</b>	<b>Maximum Salary</b>
Director of Community Programs	\$0.00	\$26,000.00
Beach Manager	\$8.50	\$20.00
Lifeguards	\$8.50	\$15.00
Snack Bar Employees	\$8.50	\$12.00
Bus/Van Drivers	\$8.50	\$25.00
Crossing Guards	\$10.00	\$25.00
Township Historian	\$0.00	\$1,000.00

<b>Division of Water:</b>	<b>Minimum Salary</b>	<b>Maximum Salary</b>
Administrator	\$1,000.00	\$20,000.00
Water Collector	\$10,000.00	\$20,000.00
Water Secretary	\$5,000.00	\$7,500.00
Water Treasurer	\$7,500.00	\$15,000.00

<b>Division of Sewer:</b>	<b>Minimum Salary</b>	<b>Maximum Salary</b>
Sewer Administrator	\$1,000.00	\$8,000.00
Sewer Collector	\$5,000.00	\$8,000.00
Sewer Treasurer	\$2,000.00	\$6,000.00
Sewer Allocation Officer	\$2,000.00	\$5,000.00

<b>Special District Division:</b>	<b>Minimum Salary</b>	<b>Maximum Salary</b>
Special District Administrator	\$1,000.00	\$10,000.00
Special District Secretary	\$12,000.00	\$15,000.00
Special District Treasurer	\$2,000.00	\$6,000.00
Recycling Coordinator	\$1,500.00	\$2,500.00

\* The position of Full Time Mayor is in place of a full-time, separate Administrator. The Full Time Mayor assumes the responsibility for tasks that are typically performed by the Administrator including being accessible to Township staff and residents during regular Township business hours. The Full Time Mayor cannot be employed for more than 10 hours/ week by any other organization (public, private, or self-employed). If the Mayor changes status from full-time to part-time, the Council will amend this ordinance to add a salary range for the position of Administrator.

Department of Public Works Personnel (Foreman, Operator, Laborer, and Maintenance) shall be compensated in accordance with the contract negotiated and in effect between the Township of Mine Hill and the International Brotherhood of the Teamsters Local #102.

Section 2. All ranges of salaries or compensation herein above fixed shall be effective January 1, 2014. When an hourly rate is stated, payment shall be made on the basis of properly approved time sheets. All salaries shall be payable bi-weekly except for Council members, the Emergency Management Coordinator and the Elevator Subcode Official, who shall be paid quarterly.

Section 3. All Ordinances inconsistent with the Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect after final passage and in accordance with law.

### **CONSENT RESOLUTIONS**

A motion was made by Ms. Kanzenbach and seconded Mr. Pepperman to approve the consent agenda. The roll was called and the consent agenda was adopted by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Bloom

Nays: none

Absent: Mr. Willis

Abstentions: none

### **Resolution 032-14 Redemption of a Third Party Tax Lien – Block 1503, Lot 1, C0803**

WHEREAS, Tax Sale Certificate #2013-028, was sold to US Bank Cust for BV001 Trust on October 24, 2013 on Block 1503, Lot 1, CO803 known as 803 Kathleen Ct.; and

WHEREAS, the amount required to redeem was received by the Tax Collector on the aforementioned property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mine Hill in the County of Morris, and State of New Jersey, that the Treasurer shall refund \$7,007.64 to US Bank Cust for BV001 Trust. This amount includes the redemption amount of \$3,907.64 and the return of the premium paid at the time of sale in the amount of \$3,100.00

Total \$3,848.16

US Bank Cust for BV001 Trust  
50<sup>th</sup> S 16<sup>th</sup> St., Ste. 1950  
Philadelphia, PA 19102-2513

### **NON-CONSENT RESOLUTIONS**

None.

### **NEW & OLD BUSINESS**

14-2014-02-20

MINUTES OF THE MINE HILL TOWNSHIP COUNCIL  
REGULAR MEETING – February 20, 2014

Mr. Bloom reported that a resident requested a copy of an old tax bill and wants a waiver of the \$3 fee for the bill. Consensus of the Council was to not waive the fee.

Mr. Morris noted that several stacking issues are being resolved by the new Housing Officer. A \$1,000 fine was recently collected in court for a house where 17 people lived.

**OPEN TO THE PUBLIC AND COUNCIL COMMENTS**

John Paschal of Thomastown Road discussed snow clearing equipment and noted that he may know someone who can provide the Township with additional equipment.

**ADJOURNMENT**

There being no further business, a motion was made by Mr. Pepperman and seconded by Ms. Kanzenbach to adjourn the meeting at 8:21 PM. The motion was approved by a voice vote.

Respectfully Submitted,

Amanda G. Macchia, RMC  
Mine Hill Municipal Clerk

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Council President