

MINUTES OF THE MINE HILL PLANNING BOARD  
REGULAR MEETING – April 7, 2014

1-2014-04-07

Board Chairman Gary Frank called the regular meeting of the Mine Hill Township Planning Board to order at 7:30 pm and led those present in the Pledge of Allegiance.

**OPEN PUBLIC MEETINGS NOTICE**

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

**ROLL CALL:** Members Present – Mr. Alpaugh; Mr. Frank; Mr. Gallarano; Ms. Goldstein; Mr. Gorman; Mr. Heredia; Mr. Morris (arrived late); Mr. Sauchelli; Mr. Willis  
Members Absent – none  
Alternates Present – none  
Also Present – Mr. Weiner, Board Attorney; Mr. Sterbenz, Engineer; Ms. Macchia, Municipal Clerk/Planning Board Administrator; Ms. Istvan, Assistant  
Public Present – 6

**APPROVAL OF MINUTES**

In the September 9, 2013 minutes, it was noted that “voting in place of” should be changed to “sitting in place of” when alternates are acting in the absence of members.

A motion was made by Ms. Goldstein and seconded by Mr. Frank to approve the minutes of September 9, 2013 as corrected. The roll was called and the minutes were approved by the following vote:

Ayes: Mr. Alpaugh; Ms. Goldstein; Mr. Gallarano; Mr. Gorman; Mr. Sauchelli; Mr. Frank  
Nays: none  
Absent: Mr. Morris  
Abstentions: Mr. Heredia; Mr. Willis

A motion was made by Ms. Goldstein and seconded by Mr. Frank to approve the minutes of October 16, 2013 as presented. The roll was called and the minutes were approved by the following vote:

Ayes: Mr. Alpaugh; Ms. Goldstein; Mr. Gallarano; Mr. Gorman; Mr. Sauchelli; Mr. Frank  
Nays: none  
Absent: Mr. Morris  
Abstentions: Mr. Heredia; Mr. Willis

A motion was made by Ms. Goldstein and seconded by Mr. Frank to approve the minutes of October 28, 2013 and March 3, 2014 as presented. The roll was called and the minutes were approved by the following vote:

Ayes: Mr. Alpaugh; Ms. Goldstein; Mr. Gallarano; Mr. Gorman; Mr. Heredia; Mr. Sauchelli; Mr. Frank  
Nays: none  
Absent: Mr. Morris  
Abstentions: Mr. Willis

**CORRESPONDENCE**

Mr. Alpaugh referred to the latest issue of NJ Planner. He noted that he attended the storm water event that is referenced in this issue. Discussion followed.

**CONSIDERATION AND APPROVAL OF VOUCHERS**

A motion was made by Mr. Alpaugh and seconded by Mr. Heredia to approve the vouchers as presented contingent upon sufficient funds available in escrow. Seeing no further discussion, the roll was called and the vouchers were approved by the following vote:

Ayes: Mr. Alpaugh; Ms. Goldstein; Mr. Gallarano; Mr. Gorman; Mr. Heredia; Mr. Sauchelli

Nays: none

Absent: Mr. Morris

Abstentions: Mr. Frank; Mr. Willis

- a. J&E Auto Escrow 711285
  - i. \$31.25 to Mr. Sterbenz (225201)
- b. Milelli Escrow 711286
  - i. \$66.00 to Mr. Wiener (2/12 Meeting)
  - ii. \$100.00 to Mr. Wiener (3/3 Meeting)
  - iii. \$511.40 to Mr. Sterbenz (230643)
- c. John Curry Escrow 711288
  - i. \$34.00 to Mr. Wiener (2/12 Meeting)
  - ii. \$34.00 to Mr. Wiener (3/3 Meeting)
  - iii. \$125.00 to Mr. Sterbenz (230644)
- d. Planning Board Budget
  - i. \$100.00 to Mr. Wiener (2/12 Meeting)
  - ii. \$66.00 to Mr. Wiener (3/3 Meeting)
  - iii. \$62.50 to Mr. Sterbenz (230642)

**RESOLUTIONS & MOTIONS**

None.

**COMPLETENESS REVIEWS****Application 001-14 Steve Rose**

Mr. Sterbenz noted that he reviewed the submission and visited the property, and that the only deficiency he noted is a lack of topographical information. Mr. Weiner corrected that there is rough topography on the septic drawings that should meet the requirement. The types of variances requested were reviewed.

Mr. Morris arrived at this time.

It was concluded that Mr. Rose would be noticing for all possible variances required as well as an interpretation of whether or not the attached garage constitutes a first garage. It was concluded that the application could be deemed complete for a C variance because the applicant verified that no commercial work is being done at the property.

A motion was made by Mr. Heredia to deem the applicant complete. The motion was seconded by Mr. Gorman and the roll was called. The application was deemed complete by the following vote:

Ayes: Mr. Alpaugh; Ms. Goldstein; Mr. Gallarano; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Sauchelli;  
Mr. Willis; Mr. Frank

Nays: none

Absent: none

Abstentions: none

**Application 002-13 John Curry**

It was noted that Mr. Frank recuses himself from this matter for reasons of proximity of the subject property to his business. Mr. Curry was deemed complete at the last meeting and would proceed to public hearing after all completeness reviews were discussed.

**Application 003-12 Milelli**

It is noted that Mr. Frank recuses himself from this matter for reasons of proximity of the subject property to his business, and that Mr. Morris and Mr. Willis recuse themselves from this matter because it is a D variance. Mr. Sauchelli is acting as chairman.

It was noted that that Mr. Milelli's application can be deemed complete at this time; however, he did not provide proof of service for his notice for tonight's meeting so he cannot proceed straight to public hearing.

A motion was made by Mr. Alpaugh and seconded by Ms. Goldstein to deem the application complete. It was noted that if his notices for tonight were in order that he does not need to renote for the next meeting. The roll was called and the motion carried by the following vote:

Ayes: Mr. Alpaugh; Mr. Gallarano; Ms. Goldstein; Mr. Gorman; Mr. Heredia; Mr. Sauchelli  
Nays: none  
Absent: none  
Abstentions: none

**PUBLIC HEARINGS ON APPLICATIONS PREVIOUSLY DEEMED COMPLETE**

**Application 002-13 John Curry**

It was noted that Mr. Frank recuses himself from this matter for reasons of proximity of the subject property to his business.

Mr. Weiner swore in Mr. Curry. Mr. Curry verified that he is the applicant and resides at the subject property, 9 Pine Street. Mr. Curry stated that he is seeking approval to keep the large shed at the rear of his property.

Mr. Curry testified that he had two smaller sheds in the same location that were removed when they fell into disrepair. He replaced them with the large shed in question. Discussion followed regarding whether the building in question is a shed or a garage. It was noted that it has an 8 foot wide door and was used to store vehicles over the winter. Following further discussion, it was concluded that the structure is a garage and has been constructed in addition to the attached garage on the property. It was additionally noted that the property is too small to comply with any setback laws and that any outbuilding located anywhere on the property would require a variance.

It was noted that the structure sits on a stone floor with steel rods anchoring it to the ground. It was sited by the zoning officer for being erected without permits. Mr. Curry was asked if he could demonstrate a hardship that the Board should consider. He responded that he maintains antique vehicles and the structure protects them from the elements. When asked what types of property surrounded his, Mr. Curry testified that his property is bordered by a residential property on one side, a car lot to the rear, and by another residential property and then the Rest A Bit Tavern on the other side. Mr. Curry verified that, if this structure was permitted to remain, no additional structures would be built.

At the conclusion of Mr. Curry's testimony, Board took a short recess. Following recess, the floor was opened to the public.

Mr. Wiener swore in Nelson Morales, resident of 7 Pine Street. Mr. Morales testified that his property is located between Mr. Curry's and the Tavern.

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Mr. Morales circulated photographs he has taken of the subject property and structure. Mr. Wiener entered the photographs into evidence labeled O-A through O-G. Mr. Morales described each photograph, particularly noting those showing snow plowing activities marking the structure as an active garage.

Mr. Morales testified that access to the rear yard and the structure requires encroachment onto his property but that he has not pursued the encroachment or the installation of a fence to prevent it because he is moving and the property is for sale. Mr. Morales added that he has lived at his property since he was a child and that the care of the subject property has improved. He also testified that Mr. Curry has intimidated realtors and prospective buyers that have looked at his property. He added that he would not be objecting to the garage if he were going to continue living at his property, but that ingress and egress is a problem for potential buyers.

Mr. Wiener swore in Nora Miller, resident of 11 Pine Street. Ms. Miller testified that her property is on the opposite side of Mr. Curry's and that she has lived there for 35 years. She stated that there is a fence on her property line, that Mr. Curry fixes things in his garage as a hobby not a business, and that his activities do not interfere with her enjoyment of her back yard. She added that his property is less cluttered than it was before this structure was erected.

Seeing no additional members of the public wishing to be heard, the floor was closed to the public.

Following discussion additional discussion among the members of the Board, Mr. Sauchelli asked for proposed motions. A motion was made by Mr. Morris and seconded by Mr. Heredia to deny the application. Mr. Wiener asked that each Board member state their reasons when asked for their vote. The roll was called:

Mr. Alpaugh voted to deny, stating that he had a difficult time denying an owner the right use his property but that his concerns about setbacks outweighed this difficulty.

Mr. Gallarano voted to deny, stating that he is concerned with the relative size of the structure and matters of ingress and egress.

Ms. Goldstein voted to deny, stating that her reasons were the same as Mr. Gallarano's.

Mr. Gorman voted to deny, stating that her reasons were the same as Mr. Gallarano's.

Mr. Heredia voted to deny, stating that he would not object if not for the lack of appropriate ingress/egress, overall size of the garage, as well as applicant credibility.

Mr. Morris voted to deny, stating reasons of applicant credibility and that an approval would promote garages with inadequate access.

Mr. Willis voted to deny, stating concerns with the size.

Mr. Sauchelli voted to deny, stating that the structure is inappropriate to the property.

The application was denied by said votes.

**OPEN TO THE PUBLIC**

None at this time.

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**ADJOURNMENT**

There being no further business, a motion was made by Ms. Goldstein and seconded by Mr. Gorman to adjourn the meeting at 10:00 PM. The motion was approved by a voice vote.

Respectfully Submitted,

Amanda G. Macchia, RMC  
Mine Hill Municipal Clerk  
Board Administrative Clerk

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

Planning Board Chairman