

MINUTES OF THE MINE HILL PLANNING BOARD  
REGULAR MEETING – September 15, 2014

1-2014-09-15

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. Gallerano; Ms. Goldstein;  
Mr. Gorman; Mr. Heredia; Mr. Morris (arrived late); Mr. Sauchelli;  
Mr. Willis  
Members Absent – Ms. DelRio; Mr. Rautenberg (Alternate Member)  
Alternates Present – none  
Also Present – Mr. Wiener, Board Attorney; Mr. Hermann, Filling in for Board  
Engineer Mr. Sterbenz; Ms. Istvan, Deputy Municipal Clerk/Acting  
Planning Board Administrator  
Public Present – 1

**APPROVAL OF MINUTES**

The April 7, 2014 minutes were tabled until the next meeting on October 6, 2014 per Mr. Heredia's request.

June 16, 2014 Minutes - Mr. Heredia noted the following corrections needed to be made:

On page 6, the first complete paragraph, second to the last sentence, it says "Mr. Heredia asked if it was one or two family or one or two family apartment", it should be "one or two family house or one or two family apartments."

On page 10, third paragraph up from the bottom, the last sentence should read, "the Governing Body's ongoing project *is* the Route 46 Beautification Program."

On page 10, "he does not feel it is conforming to the Governing Body and Master Plan", it should be "the Governing Body's intent."

July 7, 2014 Minutes – Mr. Heredia noted the following corrections needed to be made:

On page 8, the very large paragraph in the center, Mr. Heredia asked for Mr. Wiener's help and memory in distinguishing whether Mayor Morris meant precedent or precedence. "It is the bulk of it that bothers him because when the next applicant comes in with a smaller lot or things like that, it is all about setting precedence." Mr. Wiener clarified that it should be precedent. Mr. Heredia noted that the word "precedence" appears four times in that paragraph and needs to be changed to "precedent".

On page 8, in the last paragraph, Mr. Heredia wanted the minutes to reflect that what he said is "Mr. Rose is an engineer so I don't think he will be going into a car repair business, but my concern is what happens when he sells his property."

On page 10, there is a name correction in the first paragraph at the top of the page. It should be Ms. Goldstein and not Ms. Goldberg.

On page 11, in the first paragraph it should be Frank Druetzler and not Frank Drexler. A little bit further down in the paragraph it says, "In cases like this he lets the requirements that he is required to go by as a Board member guide him." Mr. Heredia said what he actually said was "he lets the law guide him."

Mr. Frank asked if anybody else had deletions, corrections or additions. Mr. Alpaugh commented that he was impressed with the thoroughness and timeliness of the minutes even though there may have been a few typos. He added that being someone who was not at the meetings, it allowed him to get the full and complete context of what occurred. Mr. Frank said it was a good job and Ms. Goldstein added that timeliness makes it easier.

*Mr. Morris arrived at this time 7:48pm.*

Mr. Frank asked if someone would like to entertain a motion.

A motion was made by Ms. Goldstein and seconded by Mr. Heredia to approve the minutes of June 16, 2014 and July 7, 2014 (with corrections made). The roll was called, and the motion was approved by the following vote:

Ayes: Mr. Gallerano; Ms. Goldstein; Mr. Gorman; Mr. Heredia; Mr. Sauchelli; Mr. Frank  
Nays: None  
Absent: Ms. DelRio  
Abstentions: Mr. Alpaugh; Mr. Morris; Mr. Willis

### **CORRESPONDENCE**

a. Amanda's July 8<sup>th</sup> message about voting.

There was a discussion of Ms. Macchia's email back from July 8<sup>th</sup>, where she explained that "When a motion is made and seconded, you can either vote for it, vote against it, or abstain. You technically cannot abstain from PART of the motion." "If the motion is to vote for the entire bills list and you need to abstain from part of it, you must abstain from all of it." "Alternatively, you could make a motion to approve all bills" except for specific one, "and then have a separate motion and vote for" that one. "The same goes for the minutes if you have multiple sets of minutes to approve of. If someone needs to abstain from one, make separate motions."

Mr. Wiener confirmed that Ms. Macchia nailed it and was correct. Mr. Wiener explained that when there are resolutions or bills where everyone is voting the same you can do them in bulk, but sometimes you have one person who voted no, or the votes are different, so you go through each of them separately. If it occurs during a meeting, someone would simply make a motion to vote on certain invoices, say 1 through 26 together and hold the one where the votes will be different for a separate vote. Mr. Alpaugh added that when it comes to invoices, it helps to speed it up when you combine them all, if everyone is going to be voting the same. If it is going to make a difference or if there is a problem you do not enter them as a group, you enter them individually. It was mentioned that there are not that many invoices the Board has to deal with so the Board should not be overwhelmed.

### **CONSIDERATION AND APPROVAL OF VOUCHERS**

The Board was confused in regards to the List of Bills that was supplied to them because it seemed to have items that were from a year ago. Mr. Franks asked if the procedure has changed as they are used to viewing Purchase Orders (POs) to approve and there were no POs provided.

Mayor Morris explained that the Finance Department will provide a printout of what is being paid out of escrows and the balances. He added that the change was made in order to prevent the Town from paying out of pocket to cover expenses for the various escrow accounts. In the past, bills/invoices were put in front of the Board to pay, certifications that funds were available were made by non-finance people, and the funds were not there.

Mr. Alpaugh commented that an applicant needs to be made aware of when their escrow account is low and that they need to put money in their escrow. It is not appropriate that an applicant is behind and defaults without ever seeing a bill and knowing about it. It needs to get cleaned up.

Mr. Sauchelli mentioned that he noticed there seemed to be some POs on the list with Mr. Wiener's name next to them and their dated, the description was truncated, he guessed back to March. He asked Mr. Wiener if he was in arrears. Mr. Wiener said he believed so.

Mayor Morris added that there are 30-40 escrows from the old Zoning/Old Planning Board that need to get cleaned up.

Mayor Morris said he would meet with Katelyn to get a clarification of what the list is and a report would be sent out to the Board.

No vote was taken as there were not actual POs to vote on.

### **RESOLUTIONS & MOTIONS**

None

### **OLD & NEW BUSINESS**

None

### **COMPLETENESS REVIEWS**

None

### **PUBLIC HEARINGS ON APPLICATIONS PREVIOUSLY DEEMED COMPLETE**

#### **Application 001-14 Steven Rose**

Mr. Frank announced the Public Hearing of, Application 001-14 Steven Rose that the Board had previously deemed complete on 4/7/2014, and asked if anyone had any problems with having him come up and get started. Mr. Wiener added that it is a continuation.

Mayor Morris asked for a clarification from Mr. Wiener. When the dimensions are done of the square footage of a building, are they the exterior walls or interior walls. It is an engineering question Mr. Wiener answered. Mr. Hermann said he would have to look at the ordinance to see if it's specific on that. Mr. Alpaugh mentioned that traditionally it is the exterior walls, outside to outside dimension. Mayor Morris asked Mr. Wiener what if the Town's ordinance is not clear, do court cases., Mr. Wiener said he would argue to be conservative and go with the outside. Mr. Alpaugh added that depending on how the Zoning Officer is reviewing it, if you have a house which is 10x10, so 100 square feet and it has a 3x3 porch on the front even with a cover, it traditionally does not count as the building's square footage. It still has to have the setbacks, but it also depends if it is five steps up or three steps or just a stoop to get in the front door. There are tricks to that with decks and porches. The building itself it is typically the outside walls.

Mr. Frank asked if Mr. Rose was still sworn in. Mr. Wiener asked Mr. Rose if he understood that he remains under oath and that he was coming back because he got a sense that the Board wanted a more modest proposal. Mr. Rose answered yes.

Mr. Frank asked Mr. Rose to please give the Board a summary of the changes he made in the building structural size or whatever he did since the last time he appeared. Mr. Frank added that he thought everyone knew pretty much what he was going to build, a garage.

Mr. Rose said that the biggest change would be the footprint dimensions. He went from 27 feet wide to 25 feet wide, and from 26 feet deep to 25 feet deep. Mr. Heredia asked what the total square footage was. Mr. Rose answered 625 square feet. Mr. Heredia commented that Mr. Rose is right at what the Town ordinance states, 625. Mayor Morris commented that it eliminated that variance. Mayor Morris asked what the height was. Mr. Rose answered the height is still 19 feet which is what it was last time. Mr. Willis commented the first one was 20. Mr. Rose agreed that the very first one was 20 feet.

Mr. Frank asked if Mr. Rose had moved the building in any direction or if he just shrunk it. Mr. Rose said it is still 15 feet from the side yard. It shrunk forward and to the side. Mr. Heredia asked if he moved it or not. Mr. Rose clarified the overall footprint got smaller. Mr. Heredia asked if from his rear and side setback, had he moved it. Mr. Rose said he moved it from the rear, not from the side. Mr. Frank and Mr. Alpaugh both acknowledged the side setback is the same. Mr. Rose said the side is the same, it is also the same from

the front. Mr. Alpaugh further explained the adjustment Mr. Rose made and Mr. Heredia said thank you for the clarification.

Mayor Morris asked what else was left with this application variance wise. Mr. Frank said he believed it was only the side yard and the height. Mr. Rose said there was also a question about the number of accessory structures. Mayor Morris asked what was out there and Mr. Rose responded a shed. Mr. Frank asked how big the shed was. Mr. Rose responded 12x8 plus overhangs, so he put it down as 8.4x12.3. Mr. Frank said you are about 105 square feet. Mr. Willis asked with the overhangs? Mr. Frank said he was just talking about the inside. Mr. Alpaugh said overhangs do not count. A member of the Board mentioned it is just a shed. Mr. Heredia added the shed does not have any permanent footings. Mr. Frank added that on that size Mr. Rose does not need them. Mr. Heredia said the largest area is 10x10. Mr. Frank said he is 12x8, and you don't have to count overhangs so on the inside it is going to be 100 square feet.

Mayor Morris asked what the side setback was that the Board is considering. Mr. Hermann said 15 feet and Mayor Morris asked what is required and Mr. Hermann said 25 feet. Mr. Alpaugh mentioned the 11 is in the driveway. He added it is 15 and 22.2. Mayor Morris asked Mr. Rose if he shrunk the structure why did he not shrink it away from the neighbors. Mr. Rose said mostly because he was trying to stay away from the septic. Mr. Frank added he felt that was better off to stay away from the septic.

Mayor Morris said that he knows what happens inside this building and what Jenn (Ms. Blouse) deals with in the Construction Department. He asked Mr. Wiener if the Town sets a precedent that the Town is allowing a second accessory structure, and the first one is within a 100 square feet, or 3 or 4 feet one way or another, is the Town setting a general precedent that the Town does allow them. Mr. Wiener said no. He added that if there was a motion to approve after hearing all of the evidence and comments from the public defendant, the resolution would have to be crafted in such a way to spell out what was unique, like the situation here, and why the variance was granted. He continued, the only way it is a precedent is that someone could essentially come in with virtually the same scenario. Then you would presumably find the same proofs. Mayor Morris explained that the Town has two or three residents that the Town is getting ready to pursue that have three or four sheds that are dilapidated etc.

Mayor Morris asked Mr. Rose what are his plans for the management of water. The Mayor added that Mr. Rose is going to be 15 feet from the Kramer's yard, he is going to put a big driveway there, he has a stream so he can get rid of storm water, but how is he going handle the rest, is he going to trench or put a pipe there. Mr. Rose said the last time he talked to the engineer, he said that Mr. Rose will need to put in a dry well. Mr. Willis commented that yes a dry well will be needed to control it. Mr. Wiener added that it is something that could be a condition in the resolution. Mayor Morris explained that at his own house when he moved there in 1995, in the rear and side yard you would just go up to your ankles. He literally left shoes in the ground that he had to dig out later with a shovel. He got all the leaders and gutters cleaned up and it made a huge difference because it is a large roof and a small area, it could not handle the water. Mayor Morris asked if the idea of going ahead and burying a few drains would be a bad thing. He said he knows it makes more work, but he could trench them. Mayor Morris said he worries about Mr. Rose's septic and the Kramers. Mr. Rose is still close to them and the Mayor has talked to them. Mayor Morris explained to them that it has been shrunk and it has been tidied up and they were not unhappy before, but they are certainly not unhappy it is a little smaller. But, with the water issue the Mayor wants Mr. Rose to be very careful about it. He mentioned that Mr. Rose is going to bring someone in to pave the driveway. Mr. Rose is a fastidious guy, he is an engineer and is particular. Maybe the guy he brings in does not pitch it right and it is not Mr. Rose's fault. Mr. Rose interjected and mentioned all the water goes into the neighbor's yard and he could see that being a problem. Mr. Wiener said what needs to be done, if there is a resolution to approve, Mr. Rose needs to put in a dry well system and a general connection system for the site and it has to be reviewed and approved by our engineer. Mr. Willis commented that he believed, that needs to be done anyhow with the new Storm Water Management Plan that is in place, to which Mr. Alpaugh and Mr. Frank agreed. Mr. Hermann explained that the Storm Water Management Plan, the ordinance that the Town prepared, the Whole Storm Management Plan does not really pertain to this because it for large developments where there may be a disturbance. However, it falls back on the ordinance which requires zero net run off from the property so that the fact we

MINUTES OF THE MINE HILL PLANNING BOARD  
REGULAR MEETING – September 15, 2014

5-2014-09-15

are increasing impervious you have to deal with the drainage so most likely a dry well will take that run off and impervious and most likely put it into the ground. Mayor Morris asked if it was a recharge issue. Mr. Hermann said recharge so that it won't run off into the neighbor's property. Mayor Morris asked about running off into the stream, although he knows it is far away and a bit of hike. Mr. Alpaugh said you can't do it. Mr. Hermann said one of the other things is the DEP requirements, you are going to need to get the DEP permit for that because they are in a Riparian Zone. Mr. Wiener said one of things this is subject to is the DEP. Mr. Hermann said correct. He added that the whole property is within a Riparian Zone. Mr. Alpaugh added that as a member of the Board having attended the Storm Water Management Best Practices thing that they had, it is the Board's responsibility to discuss it, it is not the engineers or anybody else's, they made that perfectly clear. It is not the Boards requirement to design it or anything. They made it abundantly clear in a very interesting plan. You take this plan and that was a fully paved driveway and in the old days you would pitch the driveway, if you had the pitch out to the street, which would go out into a catch basin, which would then go into a stream and go into wherever it was going to go. But you got it off of your property, out into the street, out into the public system. You don't do that anymore. You pitch the driveway to the side, preferably to the longer side, and it would run all across the grass, into the lawn, recharge, not into the street or the catch basin and it would take the longest amount of time, if ever, getting to the stream. So, there are other multiple choices and one of those choices is a dry well so that it recharges. You do not want it piped to a stream anymore. Mr. Heredia asked, so in other words the water stays on your property in theory. Mayor Morris commented it goes into the aquifer eventually and Mr. Frank commented it hits the aquifer naturally in theory. Mr. Alpaugh added it does not concentrate and go into a stream or street, not that it can't go into a street thing somehow, but you know at points, the issue is to try and control it, keep it back into the ground and keep it out of the impact. Mr. Wiener said he thinks that is what they have been addressing and the design is opening up to the engineer, but this is kind of plain vanilla.

Mr. Frank started to ask from the back of the garage to the rear of your property.... Mr. Heredia asked if he could please clarify as the Mayor fired off three questions in a row and he thought Mr. Franks was moving onto another topic. Mr. Frank said no, he was going to ask him about the dry well and then told Mr. Heredia to go ahead. Mr. Heredia said he wanted to clarify on the Mayor's first question. Mr. Heredia stated he was a little bit confused. He understood Larry's explanation about how the resolution would need to be written. Mayor Morris asked what his question was. Mr. Heredia asked what the Mayor was talking about concerning sheds. Mayor Morris said that what Larry said is the only precedent that the Town is setting by approving this as a second structure, is another application that's exactly matching this one. In other words, we are not setting a generalized precedent. Another applicant that has a shed that is 102 feet and second shed that is 625 feet and so on.... Mr. Heredia asked the Mayor if what he was concerned about was that they could say well, the shed is now an out building where it is and it is just a shed. Mayor Morris added they may say everybody is allowed to have two... Mr. Heredia added he thought the max was 10x10 with no permanent footing. Mr. Alpaugh added then no one would be coming to the Board if there wasn't and everyone has to prove their case. The Zoning Officer throws it back. The Mayor added it is not them, it is the ones that have already done it. Mr. Alpaugh added then that is an enforcement issue. Mayor Morris said then their argument in front of a judge will be that Mine Hill allowed this. What the Mayor said he was asking Larry was, will the Town shoot itself in the foot. Mr. Wiener said no and Mr. Frank commented he did not think so either.

Mr. Frank asked Mr. Rose from the back of the garage to the rear is that 64.7, is that what that is. Mr. Rose said yes. Mr. Frank added so that he has more than enough room to probably run his dry wells to the rear away from his septic. Mr. Rose said he would hope so. Mayor Morris asked what the rear setback requirement is. Mr. Heredia said 25 feet isn't it. Mayor Morris asked what the rear setback requirement is in general. Mr. Heredia said it was 25 feet. Mr. Frank said the highest would be 30 on something this size he believed and he has 64, so he is fine. Mr. Hermann clarified the ordinance says it shall not be closer in distance to any side or rear property line of 25 feet. Mr. Frank mentioned that it changes every time he learns them, the numbers they change. He added that Mr. Rose is good there and he has more than enough room to run it back so it will be away from his septic. Mr. Heredia asked, don't they still need a variance for the side and the rear? Mr. Frank clarified Mr. Rose does not need a rear, he needs a side, a height and Mr. Frank added that he was pro and con on the accessory structure. Mr. Wiener agreed Mr. Rose needed a side, a height and the accessory. Mr. Alpaugh commented that the 25 feet is new, reasonably new, somewhere it

MINUTES OF THE MINE HILL PLANNING BOARD  
REGULAR MEETING – September 15, 2014

cropped up. He said he may be mistaken, but if you go into the zoning office, you look at the chart on the wall, you are going to see 30 feet and 15 feet. Fifteen feet has been the side yard setback for ever and ever. Somehow it is different in that publication. He said he was not disputing it at this point that it doesn't say that. But, the 15 feet, if you look in town and somebody who has built this over the past 20 years and did meet the requirements, they would have met at least 15. Mayor Morris clarified side yard. Mr. Alpaugh said yes sir. Mr. Frank added that that was what Al drilled into him years ago that it was 15 feet sides and 30 in the back.

Mr Sauchelli commented that he felt they were raising another point. He said for the sake of staying conservative, since it is a little ambiguous in our ordinance as to whether we can have one or two accessory structures here, do we need a variance. Mr. Heredia said he would say no because they hashed it out at the last meeting and Larry advised them, and it is in the minutes, that because his existing garage is attached to his permanent home... Mayor Morris and Mr. Franks interrupted saying no that Mr. Rose was talking about his shed. Mayor Morris said he thinks it needs a variance for a second structure, a variance for the side and the height, he asked what the height limit was, to which everyone answered 15. Ms. Goldstein mentioned that Mr. Rose had it listed out on his application and that it was very thorough. Mayor Morris said the big one for him was an accessory structure above six and a quarter. Ms. Goldstein said, the Board would be better off approving or making a motion to approve the variance for the accessory structure to just be on the safe side. Mr. Alpaugh and Mayor Morris both agreed. Ms. Goldstein added, because if we are in doubt as to whether it constitutes a second structure. Mr. Alpaugh mentioned that the issue that may want to be done when Larry is crafting the resolution is that if we are making a variance for an existing accessory structure and that existing accessory structure gets blown over in a storm or something happens, it just cannot come back as an additional, it is for that additional. Mayor Morris said it is grandfathered only... Mr. Alpaugh said he is not putting words in the Boards mouth, but that way if you are concerned with that, then you say the one that is fine is fine, but if it disappears you cannot put another one without coming back and asking for one. Mayor Morris said one of the things he liked though about this being second, is the size of it is tiny, it is 100 square feet give or take a three or four feet. If that other one was a 200 footer with footers which is a 300 footer with footers. Ms. Goldstein said, that would be a different story. Mayor Morris said he would not vote for it. Since it is a tiny little shed, it is a true tool shed. But, that is where later on someone is going to come in. The Mayor said he knew what was going to happen, Tommy is going write a few of them up without a permit and there are going to be three or four them that are going to be about 150 feet and it is going to be no, and by the way thank you for taking them down. Mr. Alpaugh commented then we will hear those case by case, that is the nature of how it works. Mayor Morris said we have a case in town with a guy, Marcie saw the OPRA request. We have cases going on now. Everybody has learned what OPRA is and everybody is coming in now and the lawyers are having us do all their work. This will get found. We would like OPRA on every case that the Planning Board has handled for the past two years. They (the Township Staff) will have to do all the digging. They (the Township Staff) are doing the work for the lawyers for them, but they will find this case and they'll find all the, and they'll go through it and say "Oh, look at this!" So as long as we are clear on that, I'm good because that is what they are doing now. It is basically free legal work through an OPRA.

Mr. Heredia said well alright now, he had to clarify something because he was getting more and more confused. In the last meeting the Board determined that this is the one and only second structure or outside structure from the primary home because his garage is attached by a breezeway. Mr. Wiener said it is an attached garage. Mr. Heredia said right, you made that determination. Mr. Wiener said yes, that issue is done and over with. Mr. Heredia said right so, this would be, so he would not need a variance for a second structure because he is allowed one by our code and this would be it. Mr. Sauchelli said he has a little tool shed. Others on the Board echoed the same comment. Mr. Heredia said, now, now wait a minute, from what he was hearing now, there is shed involved now. Ms. Goldstein and others said there always has been. Mr. Heredia said, please, please, he needed to get this through his head. From what he was, he asked for somebody to correct him if he was wrong, he was hearing the shed is 105 square feet and our ordinance says you can have a 100 square foot or a 10x10 shed with no permanent footings and it is considered just that, it is a shed, it is not an out building and the reason you are asking..... Mr. Alpaugh said it is still considered an accessory structure. Mr. Willis asked Mr. Rose if the shed was 8x12 or 8x10. Mr. Rose said it was a little more than 8x12. Mayor Morris reiterated it was 8x12. Mr. Gorman said plus overhangs which don't count.

Mr. Alpaugh said overhangs don't count. Mr. Heredia said but his understanding was, that sheds like this, little tiny garden sheds don't count as the type of accessory structure we are talking about here. Mayor Morris said they count, they just don't have to have permanent footings, depending if they are 100 square feet, under 100 square feet, they don't have to have all that, but they still count as an accessory structure. Mr. Heredia said so for the sake of example, he and his dad have a little shed in the back. If he had room and he said hey he just wanted to build a little tiny one car garage for one car. Mayor Morris asked if it was attached to the house. Mr. Heredia said nope, nope. Mayor Morris said then you have to come. Mr. Heredia said then he would have to come here because he would need a variance for a second structure. Mayor Morris said yeah you do or you can get rid of the shed. Mr. Heredia said really? Mayor Morris said yeah. Mr. Heredia said it was his understanding that that didn't count as.... Mr. Wiener said he did not realize that there may be multiple versions of our ordinances as he found out when he came back. On page 119 of the book that he has it says, accessory buildings shall be limited to two such buildings per lot. Mr. Frank said that is what he thought. Mr. Heredia said two such buildings. Mr. Wiener continued reading, storage sheds shall not exceed 100 square feet in area. Mr. Wiener said, so folks what we are talking about is.... Mr. Heredia said so that storage shed does count as an out building. Mr. Wiener said that is right, but he can have two. Mayor Morris added under 100 square feet. Mr. Wiener said exactly. He continued and the garage is over 15 feet high, it is 19 feet, he needs a variance for that, he needs a variance for side yard..... That's what we are talking about. Mr. Heredia said yes but in his application that he redrew, he is asking for a third variance as an additional out building. Mayor Morris said so you are saying that is not needed. Mr. Wiener said it is apparently not needed. Mayor Morris asked Mr. Wiener a question to clarify, it is the size issue, it is the 100 square footer and then you have 625. The 100 square footer counts as, the being there, and he can put another 100 because they are both so small. It is when you go over a 100 is when it changes everything, the Mayor said that his understanding. Mr. Wiener said accessory buildings may not exceed 625 square feet, so he told the Mayor he was right, if you add in the 100 feet that is where his third variance comes in. Ms. Goldstein said, right, it makes perfect sense. Mr. Frank said he thinks he needs the variance for it, but it is a minute issue in the whole scope of things. Mr. Wiener said it may be very grantable, but it should be noted. Mr. Heredia said then based on what Mr. Wiener said, the total of all of them cannot exceed 625 square feet. Mr. Wiener said that is the control that you have, is that the total of all of them, cannot exceed 625 feet. Mr. Heredia said, well now then wait a minute because he thought something was very important, that at the last meeting the Board asked him to get the garage down to what our ordinance says which, is 625 square feet. Mr. Wiener said he did, he made it 625 feet. Mr. Heredia said, right, but if you add the shed in which we have determined is an accessory structure. Mr. Wiener said exactly, that is why he needs a variance. Other members of the Board, echoed the same thought. Mr. Heredia said okay so the number of accessory structures is one requesting two that is what it says on his application. Mr. Wiener said he was wrong about that, Mr. Rose is okay with number of accessory structures. Mr. Heredia said okay so number two would come out which is on his revised application. Mr. Wiener said he understands that, the ordinance is a little complicated to read so everyone just needs to get on the same page. He needs a height variance, 19 feet instead of 15 feet. He's got the permitted number of accessory structures, but his garage with the existing shed is 725 square feet, he needs a variance for that. The side yard, instead of 25 feet is 15 feet, it is 21 on the other side that is existing, okay, so he needs a variance for that. That's it. Mr. Heredia said so he does need a size variance total square footage variance just like.... Mayor Morris said, Joe we got him to shave the building to six and a quarter, he is there, adding that to the other one he exceeds in generally the size for accessory structures which is seven and a quarter. Mayor Morris continued saying that basically no one, at least from what he saw, nobody there was going to approve a seven hundred square foot building which is about where you started, 680, 690. Mr. Rose said he did not remember off the top of his head. Mayor Morris said you were up there to which Mr. Frank agreed. Mayor Morris said you shaved that down, you are good.

Mayor Morris said he would like to make a motion that the Board approve it the way Larry read it. Ms. Goldstein said she seconded it. Mr. Wiener said for the record show no one in the public.

#### **THE FLOOR WAS OPEN TO THE PUBLIC**

Mr. Frank said let us open it to the public. Seeing no hands we will close it to the public.

MINUTES OF THE MINE HILL PLANNING BOARD  
REGULAR MEETING – September 15, 2014

Mr. Frank asked if anybody else had any questions for the applicant. Mr. Heredia said for the applicant, no.

Mr. Alpaugh said he did not have any questions, but he would like to make a comment on it. He apologized because he missed both of Mr. Rose's previous hearings, but he read the minutes which were very thorough. He has not listened to the tapes, but seeing this when it first came in, he wanted to compliment Mr. Rose on an excellent job. He continued saying the Board rarely gets as much detail, they rarely get something as well done, the renderings were excellent. He stated that he actually personally did not have a problem with it at the very beginning. He thought the building looked great. He mentioned he did have a problem overall. He thinks the Board, a little separated in this case, should revisit the height of garages. Fifteen foot gives the pitch of the roof so low that you end up looking terrible. But, anyway architecturally and aesthetically Mr. Rose's pitch looks much better and much more appropriate and overall he thought it was an excellent application. The saddest part he mentioned was that Mr. Rose is going to have to deal with the DEP and other things so it is going to take him a while to get to where he needs to go. But, he added that as a general comment and he would be happy to vote.

Mr. Frank asked if there was anybody else that had a comment. Mr. Heredia said, of the applicant? Mr. Frank said yes, statements in general or...

Mr. Wiener asked Mr. Rose if the July 23, 2014 set that the Board received was in fact the latest iteration of his plans. Mr. Rose said yes. Mr. Wiener said thank you.

Mr. Frank said statements in general or questions of the applicant. Anybody at this time. You know statements in general. Mr. Heredia said to the applicant. Mayor Morris said what he liked about this is Mr. Rose shaved the building down to meet our requirement of six and a quarter. He added that he did not think that this Board, unless it is a very large property should really ever consider blowing past that. He wished Mr. Rose had a little more room and he wish the building were another 15 or 20 feet from the Kramers, and he wished all that stuff, but he knew that was not happening. But, he liked it and he liked it along with Mr. Alpaugh. But he thought the one precedent they have set is the six and a quarter. The Board basically drew the line in the sand with applicants, the Town needs to stay with that unless the applicant has a real big property. It is certainly something the Board needs to consider. But, he thought Mr. Rose's was good. Mayor Morris said he appreciated how flexible Mr. Rose was and of course how awesome his plans were. Mr. Willis said he would just like to say he thought Mr. Rose just got through the easy part and now the hard part is coming. Mr. Alpaugh added as sad as that was, he thought that was the truth.

Mr. Heredia said he has a question in general. He asked Mr. Wiener to please, one more time, just go through the variances that the Board needs to vote on. Mr. Wiener said, you have a total of 725 square foot of accessory structures, that is a 100 feet over, that is one. You have the height of the building, 19 feet instead of 15 feet. Then you have the side yard. Mayor Morris commented, which is 15 instead of 25.

Mr. Frank asked if anyone else had anything. Mr. Frank said Mr. Rose did a very good job. We have had professionals come in here and their stuff does not look as good as what he did. He added that Mr. Rose did a good job, and hopefully it comes out well. He continued saying hopefully Mr. Rose has smooth sailing with the DEP.

Mr. Frank asked if anyone else had anything to say or if someone would please make a motion to approve. Mr. Alpaugh said, if he was correct, a motion was made. Mayor Morris said he did make the motion and Ms. Goldstein said she seconded it.

Mr. Wiener asked Mr. Alpaugh if he missed the meeting. Mr. Alpaugh said yes he read the minutes, but missed the meeting. Mr. Wiener asked if he listened to the tapes. Mr. Alpaugh said he did not listen to the tapes. Mr. Wiener said he is not eligible to vote. Mr. Heredia asked if this was a simple majority. Mr. Wiener said yes.



MINUTES OF THE MINE HILL PLANNING BOARD  
REGULAR MEETING – September 15, 2014

9-2014-09-15

A motion was made by Mayor Morris and seconded by Ms. Goldstein to approve Application 001-14 Steven Rose, with the variances as read by Mr. Wiener and the conditions outlined by Mr. Wiener. The roll was called, and the motion was approved by the following vote:

Ayes: Mr. Gallerano; Ms. Goldstein; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Sauchelli;  
Mr. Willis; Mr. Frank  
Nays: None  
Absent: Ms. DelRio  
Abstentions: Mr. Alpaugh

Mayor Morris said congratulations. He informed Mr. Rose that once he puts his application together for the DEP and once he gets a letter back from the DEP and it has been assigned to somebody, Mr. Rose should see the Mayor and the Board would try and help him from their side.

Mr. Alpaugh said he would review one quick thing with Mr. Rose because it might drive him crazy and when he get all the permits he needs to get it will drive him crazy, but the Board attorney will draft a resolution that basically sets it. That resolution will be voted on again at the next meeting that will memorialize it. That will make it so he can actually go to the building department, the building department won't let him do anything until the DEP approves, but he can start his plan review and stuff. That is a month away till he actually will get a piece of paper in his hand signed by the Board, approved, voted and then signed. Mr. Alpaugh then asked Mr. Wiener if Mr. Rose needed to have plans signed and sealed and stamped, he clarified he meant the site plan. He said, normally they have the signature block, but he didn't think that was necessary in this case. Mr. Wiener said no. Mr. Alpaugh said he just wanted him to know timing wise, so he had an idea. Mr. Wiener said he will have to produce some documents for DEP. Mr. Alpaugh, agreed saying that was something Mr. Rose would have to do and will have to do various things for the Town building department which are normal even though they might not seem to be, but they are in every other town too. He just want to give Mr. Rose a little time span, because just because the Board voted, it does not just happen the next day. Mr. Rose said he was aware.

Mr. Frank said that since he was going to tell Mr. Rose everything that Mr. Alpaugh had just told him, he was free to go.

**OPEN TO THE PUBLIC**

None at this time.

**CLOSED SESSION**

A motion was made by Mr. Heredia and seconded by Mr. Alpaugh to go into a Closed Session at 8:26PM for the purpose of discussing the Milelli Litigation. The motion was approved by a voice vote.

At the conclusion of closed session discussion, upon motion made and seconded and a voice vote, the Board re-entered open session at 8:42PM

10-2014-09-15

MINUTES OF THE MINE HILL PLANNING BOARD  
REGULAR MEETING – September 15, 2014

**ADJOURNMENT**

There being no further business, a motion was made by Mr. Alpaugh and seconded by Ms. Goldstein to adjourn the meeting at 8:43 PM. The motion was approved by a voice vote.

Respectfully Submitted,

Marcia H. Istvan  
Mine Hill Deputy Municipal Clerk

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

Planning Board Chairman