

Board Vice Chairman Steve Sauchelli 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. Sauchelli announced that adequate notice for this meeting had been given as required by law.

ROLL CALL: Members Present – Mr. Alpaugh (arrived late); Mr. Gallerano; Ms. Goldstein;
Mr. Gorman; Mr. Heredia; Mr. Sauchelli
Members Absent – Ms. Del Rio; Mr. Frank; Mr. Morris; Mr. Willis
Alternates Present – Mr. Rautenberg
Also Present – Mr. Wiener, Board Attorney; Ms. Istvan, Planning Board
Administrator/Recording Clerk
Public Present – 0

APPROVAL OF MINUTES

September 15, 2014 – Mr. Heredia noted the following correction needed to be made:

On page four, in the first complete paragraph it should read “Mr. Heredia added *the* shed does not have any permanent footings” instead of “a shed”, since he was referring to Mr. Rose’s specific shed not sheds in general.

Mr. Sauchelli: Did anybody else have any comments or corrections to the September 15, 2014 minutes? If not I will entertain a motion to have them approved as amended.

Mr. Heredia: Can I just make one comment, since you said comments? That was the meeting, I really want to praise Marcie for the way she wrote those minutes, I really do. Because, I’ve got to say in the fifteen years that I have served on and off Zoning/Planning, never before did I ever have a confusing moment and I got so confused during that particular topic because.... This is not a negative thing, but you know the mayor knew what he was talking about. He was jumping on three or four different topics at once and people were jumping in. And I just couldn’t figure out why I was getting so confused, but when I read your minutes, I mean I picked up right away where the two areas of confusion was and that was the ambiguity in our existing codification that Larry had pointed out and in the 625 square feet because the Mayor kept hammering at 625, but then there was the topic that the shed counted and that went over and I couldn’t figure out why the 625 number was so hard. After reading your minutes which were pretty much verbatim in the conversation, I meant that cleared everything up, on point. And I would like to say I think that it is very important that we decide these cases, because if you read the minutes where the Mayor was talking about you know being a little bit worried about the OPRA, we all remember, and how the lawyers will come in here and say give us every case for five years and they are looking for any little loop hole, I do like to decide these and know exactly what I am doing before I vote, I mean, those minutes were such a help, seriously.

Ms. Goldstein: I actually liked the person’s name and then the statement that kind of, it helped because I was able to easily glance through the stuff specifically that I said. I am with you. It was very orderly.

Mr. Wiener: I agree. I get to read five sets of minutes each month and yours are superb.

Ms. Istvan: They are getting better. Judi helped me with the name and statement.

Ms. Goldstein: I don’t see how they can get much better. They are superb.

Mr. Wiener: It’s an actual transcript of the meeting.

Mr. Heredia: And very quickly, I mean I can say and you don't have to transcribe these into the minutes, I can see what the Mayor is saying because you never know when this is going to come back and haunt you. I can remember very quickly when I was on Council we heard an appeal. The Zoning Officer had summons a lady who is now deceased, unfortunately. But, she had had an above ground swimming pool and she got sited for an outbuilding land use because it was in disrepair. And the Council had to hear the case and she actually brought in and she was elderly and she brought in all these witnesses that testified that they swam in the pool in 1954 when it was first put up, it was the same pool, ok, and all these elderly were spot on. Well we had a picnic on the 4th of July 1954 and we all swam and whatever, whatever. Her whole testimony was that it was pre-existing, non-conforming. And I said what we need to do really is find out what the law said at that time, was that considered an outbuilding or not. I asked Mrs. Korpus to go into the vault and do we have the code book from that time period and she said, yes we do and they brought it out and it was laughable because it was ten pages long and now it is like 300, it was ten pages long. And, the only thing considered an outbuildings then was a bar, a greenhouse and an outhouse. And therefore, that law did not apply, so two of us voted to overturn the violation.

Mr. Alpaugh arrived at this time.

A motion was made by Ms. Goldstein and seconded by Mr. Gorman to approve the minutes of September 15, 2014 as amended. A voice vote was taken and the motion was approved with an abstention from Mr. Alpaugh.

Mr. Alpaugh: On the topic of those minutes though, I read them and they were very thorough and I absolutely appreciate the detail in that and just as a general comment that the way we are getting minutes. However, since we have a lot of things and a lot of people here I am going to get on my soapbox for a minute. It blew me away with the commentaries that were made and the discussions. We are talking, and I don't have them in front of me, we are talking about applicants who we are bringing to court, the Township is bringing to court because they are not getting their work done, they are not doing what they are supposed to do, and they are not building their projects, and their escrows aren't paid. And I am sitting here saying, I have been on that side of the fence many times, so I am going to put it into perspective. To give you an idea, without having to come to this Board and do whatever, I have a building up the Industrial Park, the roof collapsed on. The building is going to be rebuilt. It happened in February. We just, well I don't even have the building permits yet, ok? And we didn't have to do this process. The point is and I would like, and I would like to entertain a report from our engineer, our attorney or whoever or our secretary on each one of the applicants that's out there because, I will use Mr. Martinelli's case as an example as I believe that was the one they were talking about. If Mr. Martinelli today went out and started work on his project, the first thing we could do is give him a fine for working without an approved site plan. He does not have an approved site plan. Neither does Mr. um, what's his name with the garage?

Mr. Sauchelli: Rose.

Mr. Alpaugh: Mr. Rose was here. What does Mr. Rose have to do? We all know he has to go to DEP, he has conditions on his approval. Until we have Mr. Sterbenz, specifically, typically, specifically, with the review of our attorney and the sign-off of the chairman on those plans, that everything is ready to go and he can start building, he can't. He can't do anything as far as construction or putting a shovel in the ground, of put a curtain.

Mr. Sauchelli: So are you looking for a status report on each open application?

Mr. Alpaugh: I really would like to see it. I just would like, to give you an example having been on the peripheral involvement with Mr. Benkendorf, who still hasn't started his work yet. It has been at least four years if not five or six years, still waiting to get the final review of the plans and all of the perfections of his, and I am not saying it is his fault or whose fault it is, but it hasn't happened. And we had an administrator, say five or six years ago say look, alright, you are all set, we've got this all done go over there at least plant some plants, and put the fences up, it'll make the neighbors happy. So, he goes out, and it is very easy for

MINUTES OF THE MINE HILL PLANNING BOARD
REGULAR MEETING – November 3, 2014

3-2014-11-03

Mr. Benkendorf as he owns plant business and he has plenty of people who do fences and they did that. Then what ended up happening, he ended up getting a fine immediately thereafter and was in front of a judge because he was doing work without a signed and approved site plan.

Ms. Goldstein: I am not sure I understand the concern.

Mr. Heredia: So, is your complaint about the Administrator not following the law properly?

Ms. Goldstein: Yes, what is your concern?

Mr. Alpaugh: My concern is, I read the minutes that there is a concern that we are bringing people to court and we are chasing and let alone what I have heard here, but what I have heard everywhere. We approve a project, I will use the last two, was Rose and Martinelli, the last two projects we approved, they have a long road to go before they can actually do their work, but we are talking here about bringing them to court, charging them with not doing their work, not meeting their site plan.

Ms. Goldstein: I don't think we were talking about that at all.

Mr. Wiener: No, you must have....

Mr. Alpaugh: That is what I....

Mr. Sauchelli: Hold on a second, the body of government that would be doing that is not the Planning Board.

Ms. Goldstein: Right.

Mr. Alpaugh: Doing what?

Mr. Sauchelli: Bringing them to court. We don't bring people to court.

Ms. Goldstein: I think.....

Mr. Alpaugh: No, no, no, I completely understand that, but that was the point that was made by the Mayor.

Mr. Sauchelli: I guess what I am trying to figure out is this, I guess we could ask..

Mr. Wiener: We could get a status certificate from Paul.

Mr. Sauchelli: We can get a status report from Mr. Sterbenz and possibly and let's say because we have to go back, for instance, it was three years ago we gave approval to the Presbyterian Church and they haven't done anything. So, we can go back and probably get between the office here, and maybe the Constuction Department, the Building Inspector we can get a list of maybe permits granted or approvals given, but not begun, but other than that....

Mr. Alpaugh: The Building Department cannot issue a permit until they get a signed off site plan. My issue is for the status of this Board, to understand, so that this Board, excuse me, understands the status of an application. We know we've approved it, we voted on it, we memorialized it, but that doesn't mean they can do anything.

A number of Board members agreed.

Ms. Goldstein: Isn't our job done at that point? I mean I don't understand... what is the concern..

Mr. Alpaugh: Our job is done at that point, but well no, our job isn't done.....

Mr. Gallerano: Well unless they start working without a permit, they aren't doing anything wrong. In other words, they come they get an approval, they have an approval in their back pocket. They don't ever have to act on that approval.

Mr. Wiener: Sometimes if it is impractical.

Mr. Gallerano: They can just say well I am not going to put up my building, or I am not going to put up my addition. Unless they start construction without it....

Ms. Goldstein: I don't think we had a conversation about bringing people to court.

Mr. Sauchelli: I think it was in terms of the Town itself as opposed to our Board specific.

Mr. Heredia: Steve, I think I can clarify this a little since I read the minutes two hours ago and they are fresh in my mind. There were three separate issues going on. The Mayor had some general procedural questions for our attorney and that was issue number one and they were answered in generalities which our attorney is very good at doing. The second issue was being concerned about the one application setting a precedent and our attorney advised us on that. In theory it would be possible, but only if you had another applicant that had the exact same circumstance, the exact same shape piece of property and wanted to build the same type of structure. The third thing was the Mayor giving us an update about two prior applicants that were going to have a hearing the next day in fact. So, there were three separate things going on.

Ms. Goldstein: But that was all in terms of people pursuing legal action against us, not us bringing people to court to say they have to complete something they've been approved for.

Mr. Heredia: Right and I think that's where the confusion was. It was three separate topics.

Mr. Sauchelli: Well, what I am thinking is we could very easily ask Mr. Sterbenz for the next meeting for a status of any applications that he's reviewed.

Mr. Wiener: Sure

Mr. Sauchelli: Having said that though, I think we have a couple that Mark your thinking of that predate Mr. Sterbenz because that was back when we had Mr. Silo. Like approvals granted.

Mr. Wiener: Like the Presbyterian Church. It brought back memories.

Mr. Sauchelli: The Church, right. So, I guess my point is, Mark, would you be interested in just the ones happening under Mr. Sterbenz's purview or do you want to go back further than that?

Mr. Alpaugh: I would like to know, at least for the first time, first off the bat what's, we have a log of approvals that have come from this Board in the last year or two, I am going to use that term, whatever that may be. What's, completed, constructed, signed as far as this Board is concerned, what is the status of their site plans, or their subdivisions, or whatever. Now that, so we understand that they are awaiting DEP approval, they are awaiting whatever. You know, just so that we have an idea that. Now, if tonight one of these applicants, if Mr. Rose came in, here is my letter from whatever. Mr. Sterbenz had his stuff, it would be handed to you to sign off as the chair, you would sign off and Mr. Sterbenz would sign off on the documents, on the plans. They depending on the level of those plans, if there was a subdivision or not, might have to be filed with the County. So then they could go off and get a building permit and start working or just if there is no building involved, get, start their site work. The issue here, we also had a discussion, discrepancies here with the escrows, and the comments were made that we should charge the ticket price at the door instead of after the fact, how do we get them to pay. And the point is that until it is fully signed off and sealed and delivered, the plans, it doesn't, they're not off the hook.

MINUTES OF THE MINE HILL PLANNING BOARD
REGULAR MEETING – November 3, 2014

5-2014-11-03

Mr. Sauchelli: So then, if you can boil it down, Marcie, in the coming, tomorrow or whenever, could you please shoot a note or call Mr. Sterbenz and just ask him for the next meeting to have a brief status on each application for the Town that we have approved and say let's say to be fair to him, I don't know how much work was actually transitioned to him from Mr. Silo, let's just say...

Mr. Alpaugh: Well anything he can figure out....

Mr. Sauchelli: Yeah, well let's just say anything for sure anything going back to 1/1/2013, but otherwise...

Mr. Wiener: It would be about half a dozen projects, maybe?

Mr. Sauchelli: Yeah, just basically where they are, I am guessing there is a progression some kind of a checklist.

Mr. Wiener: See, your problem with escrows isn't with your winners, your problem with escrows is with your losers.

Mr. Gallerano: Let me ask you a question. I mean, can we not hear them if their escrow is not paid in full?

Mr. Wiener: Yes.

Mr. Alpaugh: Yes

Mr. Gallerano: So we should make sure that before....

Mr. Alpaugh: But, we can also not sign their plans, if their....

Mr. Wiener: Which is good only if you are a winner.

Mr. Gallerano: But the problem is if they never act on their project you never get the money. So in other words, if they don't ever come back and want a building permit we should really not hear the case unless they are paid in full.

Mr. Alpaugh: But we can't, we can also not give a building permit unless, they wouldn't get a building permit unless their stuff was signed off and approved, so....

Mr. Wiener: Right.

Mr. Gallerano: I know.

Ms. Goldstein: But, if they don't move forward then you know there....

Mr. Gallerano: But as he said it is the losers, it is the ones that don't get approved that are the problem.

Mr. Heredia: Well Mark unfortunately this was a clerical error that was discovered, that the escrow was not sufficient, but the error was not discovered until after the plans were approved and signed off on and that is what created that discussion because the Town has to cover the escrow now out of the Town budget and go after the applicant.

Mr. Alpaugh: But, what applicant was this that we didn't have that. What applicant was this, do we know?

Mr. Heredia: Am I allowed to say or, Larry?

Mr. Alpaugh: That we have an escrow shortage on.

Mr. Wiener: We just have an escrow shortage on...

Mr. Heredia: It was two, it was two applicants that there was a...

Mr. Alpaugh: And they are?

Mr. Heredia: They are, yes.

Mr. Gorman: Take a guess.

Mr. Heredia: Take a guess.

Mr. Gorman: You'll figure it out.

Mr. Alpaugh: Well, the two recent applications were Martinelli and what is the other one?

Mr. Sauchelli: Milelli.

Mr. Alpaugh: Now, Milelli can be a definite issue because he is a loss although we are dealing with other issues there.

Mr. Wiener: There are other issues.

Mr. Alpaugh: But, Martinelli isn't approved, isn't signed off, isn't completed. His site plan isn't done.

Mr. Sauchelli: Okay, so let's....

Ms. Goldstein: I have two concerns.

Mr. Heredia: Right, the Board's job is done because we approved the site plan and now it shifts to the other side of the building.

Mr. Alpaugh: The Board's job is not done.

Mr. Sauchelli: Okay but well, Deb....

Ms. Goldstein: I have two concerns I am sorry...

Mr. Sauchelli: No, no, make your comment and I think we can probably close the discussion because we have requests to come from Paul.

Ms. Goldstein: Well I have two concerns with the request.

Mr. Sauchelli: Okay.

Ms. Goldstein: One being, any status report that we produce I foresee the need to continually update the status report if it is going to remain relevant so we are adding some additional work to someone, unfortunately. And the second one being I see it as outside of the scope of what we need to do here on the Board. I mean if we have done our job, what happens moving forward is not really our concern.

MINUTES OF THE MINE HILL PLANNING BOARD
REGULAR MEETING – November 3, 2014

7-2014-11-03

Mr. Heredia: A compromise would be since the Mayor does sit on this Board and he knows what is going on as far as all those construction projects is to have him give a verbal when you make an inquiry. I mean he has done that in the past with us.

Mr. Sauchelli: Well, why don't we do this, why don't we have an initial request to Mr. Sterbenz for next meeting.

Mr. Wiener: Let's see what he thinks about it.

Mr. Sauchelli: Even if we go to quarterly, cause I don't think things are happening quickly enough that we need a monthly. So, maybe just quarterly.

Mr. Wiener: I think the big concern is just to find out if something's been abandoned more than anything else.

Mr. Heredia: Because I do not see if Mr. Sterbenz issues a report, that means that's money he is going to charge out of the Planning Board budget and therefore hits the taxpayers and I do not want to see that.

Ms. Goldstein: I mean it is obviously work for someone, which means cost to someone.

Mr. Sauchelli: Yes, that's what I am saying. Let's just take an initial report and see if maybe that uncovers things that are loose ends and that should be pursued.

Mr. Alpaugh: Well, I just, my primary concern is we're going, the Administration is going off, pulling people into court and doing...

Ms. Goldstein: But that is not our concern.

Mr. Gallerano: I am not sure we can prevent it anyway.

Mr. Alpaugh: I don't know if we can prevent it, but if maybe we, if they understand that it isn't completed and we haven't signed off on it then it is not finalized. Once we just do a resolution that is not the end of our job.

Mr. Gallerano: Well the Construction Department really should be making sure that all of their paperwork is in order before they issue a permit.

Mr. Alpaugh: Well they have to before they issue a permit.

Mr. Gallerano: Well, that is what I am saying.

Mr. Alpaugh: That is fine.

Mr. Gallerano: They have to make sure there is a resolution, there is a soil conservation approval, there is a DEP approval, there is a County approval, there is a.....

Mr. Alpaugh: Absolutely that is standard procedure.

Mr. Gallerano: Now if the Construction Department slips up and I don't think there is anything we can do that is going to stop it.

Mr. Alpaugh: That is not what I am asking.

Mr. Wiener: The applicant has an opportunity either with the Construction Board of Appeals or Municipal Court Summons to defend themselves.

Mr. Heredia: Was that the meeting that you missed when we went into Closed Session to discuss litigation, because...

Mr. Alpaugh: No.

Mr. Heredia: Okay, because I was going to say a lot of those questions were answered in Closed and we can't discuss in Open.

Mr. Sauchelli: No, let's go with the request to Paul for at least one time for the report of status and then we can go from there. If we decide there is anything that's out there.

Ms. Goldstein: Right.

Mr. Wiener: And we can figure out how we want to handle it and how pervasive a problem this is.

Mr. Sauchelli: Because I would actually be a little more concerned if we signed plans, but isn't there like once we sign plans, a statute of limitations you have to get moving in two years?

Mr. Alpaugh: Once you've signed, once you've perfected your application and it has been memorialized and the documents have been signed, what is your, what's the period of time before you....

Mr. Wiener: It all depends on the type of application and it also depends whether there's any outside, further outside agency approvals that are necessary.

Mr. Alpaugh: Right, and that's my point is though, after those outside agencies approvals are completed for you to start, is there a time limitation?

Mr. Wiener: It depends again on the nature of the particular application. Building permits are only good for so long.

Mr. Alpaugh: I understand they have a year.

Mr. Wiener: Variance approvals unless our ordinance, and I haven't looked at it, has an expiration when you're done with implementing, presumably last forever and it is the same thing with site plans unless there is a sunset on it. Where you run the risk sometimes is if the law changes it.

Mr. Gallerano: The clocks going to start when the resolution is memorialized.

Mr. Alpaugh: No.

Mr. Gallerano: Yeah, Larry?

Mr. Wiener: Yeah, well that's when the clock if there is a clock, that's when it starts.

Mr. Gallerano: With preliminary approval you have three years from when it is memorialized and if you don't

Mr. Alpaugh: Oh, yeah, yeah, no, no, I understand that, but you have three....

Mr. Gallerano: You are protected for three years.

Mr. Alpaugh: You are protected for three years.

Mr. Wiener: And that is where if the law changes after the three years, that is where you can get, if you are an applicant, you've stumbled into a place you don't want to be in.

Mr. Gallerano: The site plan approval really doesn't expire, but your protection period does.

Mr. Alpaugh: Right, your protection period does. But, my, the point becomes that there's other approvals and other agency approvals and other things before...

Mr. Wiener: Right

Mr. Alpaugh: We can finalize and sign off on the plans.

Mr. Wiener: Well, for the final iteration if there are any changes.

Mr. Gallerano: Really Paul really should be the one who's going through and checking those off.

Mr. Wiener: Correct.

Mr. Alpaugh: Yeah, he is typically as the Town Engineer typically does that. And then that's followed by, you cannot come and get a permit in the Building Department unless you have all your plans signed, and sealed, and your escrows paid, and your taxes and that whole laundry list that we go through.

Mr. Wiener: It is a typical two way thing, a signoff from Construction and a signoff from Zoning.

Mr. Heredia: Right and I think, well I know Deb is correct, I mean as far as starting projects, and litigation, and fines and all that, that's the other side of the building, that's the Administration's responsibility and not ours. Our job is only once it's complete and we get the go ahead from the proper departments that the plans are finally signed off on, but what happens in between is the Townhall's responsibility and not the Boards. Right Larry?

Mr. Wiener: Correct, it's a dichotomy.

Mr. Sauchelli: Okay let's move on to 1.b here, the approval of minutes of October 6th. Does anyone have any comments or amendments to those minutes? Okay, seeing no hands I'll entertain a motion to approve the October 6th minutes as distributed.

A motion was made by Mr. Gorman and seconded by Ms. Goldstein to approve the minutes of October 6, 2014 as written. A voice vote was taken and the motion was approved.

Mr. Sauchelli: Okay so carried.

CONSIDERATION AND APPROVAL OF VOUCHER

Mr. Sauchelli: Consideration of Invoices.

Mr. Heredia: Would you like me to read them?

Mr. Sauchelli: You can very quickly, just based on a note that Marcie distributed earlier, a few days ago, because of some other investigations, clerical, whatever, the only bills we are going to consider this evening are the three that were distributed.

Mr. Heredia: The three bills are for Maser Consulting: Purchase Order 17131, and that was the review of the Rose Site Plan, Second one, Purchase Order 17132, also to Maser and that was the review of the application for Pine Tree Nails, and finally, Purchase Order 17133, which is again to Maser for the Rose application and that was the review I believe of the memorialization resolution. I actually called the Mayor earlier today and asked what are these are for since we don't have actual purchase orders and that was his explanation.

Seeing no further discussion, a motion was made by Mr. Gorman and seconded by Mr. Alpaugh to approve the Bills List as long as there are sufficient funds in the escrow. The roll was called and the Bills List was approved by the following vote:

Ayes: Mr. Alpaugh; Mr. Gallerano; Ms. Goldstein; Mr. Gorman; Mr. Heredia; Mr. Rautenberg; Mr. Sauchelli;
Nays: none
Absent: Ms. Del Rio; Mr. Frank; Mr. Morris; Mr. Willis
Abstentions: none

RESOLUTIONS & MOTIONS

None

OLD & NEW BUSINESS

Mr. Sauchelli: I guess the only thing I wanted to mention is and refresh me on the date sometime this month, we are going to have the first pre-trial, I keep wanting to call it intervention. I keep wanting to call it an intervention, but it's really not. Case management, is that what it's called?

Mr. Wiener: It is just a case management meeting.

Mr. Sauchelli: Regarding Milelli?

Mr. Wiener: Between myself, the Town's attorney and Mr. Sydlar with Judge Weisenbeck.

Mr. Sauchelli: And that was next week the 9th or 19th? Something...

Mr. Wiener: Something like that.

Mr. Heredia: Refresh my memory, case management meeting. That, the purpose of that in general was for what, for anybody who gets that.

Mr. Wiener: The judge will discuss the case with us. Maybe make some general comments. Give us a scheduling order and trial date.

Mr. Heredia: Oh, okay, so it is kind of like a pre-trial hearing type of thing.

Mr. Wiener: Sort of, but it's, in Land Use it is a prerogative writ case and each, it has its own special methodology. There's no witnesses that are called. It's basically on the record below.

Mr. Sauchelli: Is this kind of a meeting sometimes the opportunity to take in to broker an agreement or do we just decide it is going to trial and that's it.

MINUTES OF THE MINE HILL PLANNING BOARD
REGULAR MEETING – November 3, 2014

11-2014-11-03

Mr. Wiener: Well these types of cases are very difficult sometimes to resolve. Sometimes you have a major case that involves the Planning Board where the applicant wants 50,000 housing units, the Board says you can only have 30,000, and the judge might say something, will this all go away if they give you another 2,500? But, like I said, those kinds of cases just really don't happen that much.

Mr. Heredia: Can the judge order the parties to go and work it out instead of avoiding a trial, because I know that sometime that happens.

Mr. Wiener: Realistically, no, not in this type of litigation.

Mr. Heredia: Oh, okay.

Mr. Wiener: Unless he found something so appalling, which I don't think will happen here.

Mr. Heredia: And before the trial does the judge listen to the entire tape of the um.....

Mr. Wiener: No, it hasn't even been, it is going to be a while before that tape is produced.

Mr. Heredia: Oh, okay.

Mr. Sauchelli: And again this is just my own inexperience with this, is it jury panel for this or strictly heard before the judge.

Mr. Wiener: No, it's really heard based on the tape, the transcript alone. The judge will read it and read our resolution. The judge may have some comments relative to the Town's culpability as the defendant in this case. I've been hard pressed myself to understand the theory and numerous John Doe's, but I don't want to get into too much about it. It may be somewhat enlightening from our perspective to find out some more details. But, like I said I wasn't here for whatever went on before he got in front of the Board. Obviously there were some issues between him I guess and the municipality. One of the things that's in the complaint that doesn't really concern us was an issue saying that the Town made him put up a \$48,000, an expensive fire escape and he was complaining about it. It left me scratching my head, because that wasn't this, in my humble opinion, this wouldn't have been the forum to start contesting, that should have been done, if he thought that was wrong a long time ago in another venue.

Mr. Heredia: Well I think perhaps the reason he might be discussing that is because he was fined very heavily in regards to that.

Mr. Wiener: Well, then again you have an appeal of the file.

Mr. Sauchelli: The appeal processing file. Alright then. Larry, thank you. Under old business did anybody else have anything they would like to bring before the Board?

COMPLETENESS REVIEWS

None

PUBLIC HEARINGS ON APPLICATIONS PREVIOUSLY DEEMED COMPLETE

None

OPEN TO THE PUBLIC

Mr. Sauchelli: I would like to formally open to the Public. Seeing none present I am going to close to the Public.

ADJOURNMENT

Mr. Sauchelli: I am going to entertain a motion to adjourn.

There being no further business, a motion was made by Mr. Gorman and seconded by Mr. Gallerano to adjourn the meeting at 8:02 PM. The motion was approved by a voice vote.

Respectfully Submitted,

Marcia H. Istvan
Planning Board Administrator / Recording Clerk

Approved on this _____ day of _____, 20____

Planning Board Vice-Chairman