

Board Administrator/Recording Clerk called the reorganization meeting of the Mine Hill Township Planning Board to order at 7:32 pm and led those present in the Pledge of Allegiance.

OPEN PUBLIC MEETINGS NOTICE

Mrs. Istvan announced that adequate notice for this meeting was given as required by law.

OATH OF ALLEGIANCE AND OFFICE OF NEW AND RENEWING MEMBERS

Mr. Gonsalves, Class II Member;

ROLL CALL: Members Present – Ms. Goldstein (Arrived late); Mr. Gonsalves; Mr. Gorman;
Mr. Heredia; Mr. Morris; Mr. Sauchelli; Mr. Willis
Members Absent – Mr. Frank; Mr. Gallerano;
Alternates Present - Mr. Rautenberg
Also Present – Mr. Wiener, Board Attorney; Mr. Sterbenz, Board Engineer;
Mrs. Istvan, Planning Board Administrator/Recording Clerk,
Public Present – 1

ELECTION OF PLANNING BOARD CHAIRMAN

Mrs. Istvan opened the floor to nominations for Planning Board Chairman.

Mr. Heredia nominated Mr. Sauchelli. The nomination was seconded by Mr. Gorman.

Seeing no further nominations, the floor was closed to nominations. The roll was called, and Mr. Sauchelli was elected by the following vote:

Ayes: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: Mr. Sauchelli

Ms. Goldstein arrived at this time 7:38 PM.

ELECTION OF PLANNING BOARD VICE CHAIRMAN

Mr. Sauchelli opened the floor to nominations for Planning Board Vice Chairman.

Mr. Heredia nominated Mr. Frank. The nomination was seconded by Mr. Willis.

Seeing no further nominations, the floor was closed to nominations. The roll was called, and Mr. Frank was elected by the following vote:

Ayes: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis;
Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: none

ELECTION OF PLANNING BOARD SECRETARY

Mr. Sauchelli opened the floor to nominations for Planning Board Secretary.

Mr. Willis nominated Mr. Heredia. The nomination was seconded by Mr. Gorman.

Seeing no further nominations, the floor was closed to nominations. The roll was called, and Mr. Heredia was elected by the following vote:

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

REORGANIZATION RESOLUTIONS

Resolution 001 – 15 Appointment of Planning Board Administrator/Recording Clerk

A motion was made by Mr. Heredia and seconded by Mr. Willis to approve the resolution. The roll was called, and the resolution was approved by the following vote:

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

WHEREAS, there exists a need within the Planning Board of the Township of Mine Hill for the retention of personnel to perform such functions as required to process applications, prepare minutes, and such other duties necessary for the Planning Board to hold public meetings; and

WHEREAS, funds are available for this purpose.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Mine Hill, in the County of Morris and State of New Jersey, that Marcia H. Istvan is appointed as Planning Board Administrator / Recording Clerk and is hereby retained for this calendar year 2015 as required by the Planning Board.

Resolution 002 – 15 Appointment of Planning Board Attorney

A motion was made by Mr. Heredia and seconded by Mr. Willis to approve the resolution. The roll was called, and the resolution was approved by the following vote:

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

WHEREAS, the Planning Board of the Township of Mine Hill is a contracting unit within the meaning of N.J.S.A. 40A:11-2 and,

WHEREAS, the Board is empowered by law to enter into a contract to obtain professional services from an Attorney at Law, a Professional Planner, and a Professional Engineer, plus other professionals as needed and,

WHEREAS, the selection of professionals to provide said service to said Board may be made, negotiated or awarded without public advertising for bids or bidding therefore pursuant to N.J.S.A. 40:11-5.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Mine Hill, in the County of Morris and State of New Jersey, as follows:

1. Larry Wiener be and is hereby appointed as Attorney for the Planning Board of the Township of Mine Hill.
2. The duration of this contract shall be through the next Reorganization Meeting scheduled for 2016.
3. The services to be performed shall be legal advice and representation, charged and paid at the rate of \$130.00 per hour.
4. This resolution and the contract described herein shall remain on file and available for public inspection in the office of the Clerk of Mine Hill Township.

Resolution 003 – 15 Appointment of Planning Board Engineer / Planner

A motion was made by Mr. Willis and seconded by Mr. Gorman to approve the resolution. The roll was called, and the resolution was approved by the following vote:

Ayes: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis;
Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: none

WHEREAS, the Planning Board of the Township of Mine Hill is a contracting unit within the meaning of N.J.S.A. 40A:11-2 and,

WHEREAS, the Board is empowered by law to enter into a contract to obtain professional services from an Attorney at Law, a Professional Planner, and a Professional Engineer, plus other professionals as needed and,

WHEREAS, the selection of professionals to provide said service to said Board may be made, negotiated or awarded without public advertising for bids or bidding therefore pursuant to N.J.S.A. 40:11-5.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Mine Hill, in the County of Morris and State of New Jersey, as follows:

1. Paul Sterbenz be and is hereby appointed as Engineer / Planner for the Planning Board of the Township of Mine Hill.
2. The duration of this contract shall be through the next Reorganization Meeting scheduled for 2016.
3. The services to be performed shall be legal advice and representation, charged and paid at the rate of \$130.00 per meeting.
4. This resolution and the contract described herein shall remain on file and available for public inspection in the office of the Clerk of Mine Hill Township.

Resolution 004 – 15 Meeting Notice For The Planning Board Of The Township Of Mine Hill January 2015 through January 2016

A motion was made by Mr. Gorman and seconded by Mr. Heredia to approve the resolution. The roll was called, and the resolution was approved by the following vote:

Ayes: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis;
Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: none

WHEREAS, the Open Public Meetings Act N.J.S.A. 10:4-19 requires that every public body shall post and maintain posted throughout the year for the purpose of public inspection, a schedule of the regular meetings of the public body to be held during the succeeding year;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE TOWNSHIP OF MINE HILL IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that public meetings of the Mine Hill Township Planning Board shall be held during 2015 at the Municipal Building, 10 Baker Street in said Township at 7:30 p.m. and adjourning at 10:30 p.m. with unfinished business being carried until the next regular meeting unless the Board votes a delay or publishes notice of a Special Hearing for such, on the following dates:

January 12, 2015 – Rescheduled to February 2, 2015
February 2, 2015 – Reorganization- Rescheduled to February 9, 2015
March 2, 2015
April 6, 2015
May 4, 2015
June 1, 2015
July 6, 2015
August 3, 2015
September 21, 2015
October 5, 2015
November 2, 2015
December 7, 2015
January 11, 2016 – Reorganization

BE IT FURTHER RESOLVED that the above schedule and any revision thereof shall be posted on the bulletin board in the Municipal Building and mailed to the Daily Record, and upon prepayment of mailing and processing costs, to all persons requesting copies of such schedule or any revision thereof.

BE IT FURTHER RESOLVED that the meetings shall be conducted in accordance with Roberts Rules of Order.

Resolution 005 – 15 A Resolution Designating The Official Newspaper Of The Planning Board Of The Township Of Mine Hill And Fixing A Charge To Persons Requesting Individual Notice

A motion was made by Mr. Morris and seconded by Mr. Gorman to approve the resolution. The roll was called, and the resolution was approved by the following vote:

Ayes: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis;
Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: none

WHEREAS, N.J.S.A. 10:4-6 et. seq. known as the “Open Public Meetings Act” requires notices to be given on meetings of public bodies, as defined and prescribed in said statute and further provides for the fixing of a reasonable charge to be paid by any persons requesting such notices.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mine Hill, County of Morris, State of New Jersey, that:

1. The Morris County Daily Record, the newspaper having the greatest likelihood of informing the public of meetings to be held by the Planning Board of the Township of Mine Hill, is hereby designated as the newspaper to receive notices of all meetings of this Planning Board for the calendar year 2015 as required by the Open Public Meetings Act.

2. The bulletin board in the main hallway of the Municipal Building located at 10 Baker Street, Mine Hill, New Jersey, is hereby designated as the place where all official notices of public meetings of this Planning Board are to be posted for the calendar year 2015.

3. A fee of twenty-five dollars (\$25.00) per annum is hereby fixed as the charge to any person requesting individual notice of public meetings of the Planning Board of the Township of Mine Hill as provided for under the Open Public Meetings Act, but as provided in N.J.S.A. 10:4-19, no charge shall be made to any newspaper requesting the mailing of such notices to its business office.
4. This Resolution shall take effect immediately.

APPROVAL OF MINUTES

December 1, 2014 Minutes –

A motion was made by Mr. Rautenberg and seconded by Ms. Goldstein to approve the minutes of December 1, 2014 as written.

Ayes: Ms. Goldstein; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: Mr. Gonsalves; Mr. Gorman; Mr. Willis

CONSIDERATION AND APPROVAL OF VOUCHER

A motion was made by Mr. Heredia and seconded by Mr. Gorman 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: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis;
Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: none

- a. Millelli Escrow 711286
 - i. \$10.40 to Daily Record Notice of Approval (PO 17306)
 - ii. \$9.36 to Daily Record Applicant Site Appr (PO 17307)
- b. Pine Tree Nails Escrow 711292
 - i. \$31.25 to Maser Consulting for review of Pine Tree Nails Application (PO 17308)
- c. Curry Escrow 711288
 - i. \$125.00 to Maser Consulting for review of Site Plan (PO 17309)
- d. Planning Board
 - i. \$200.00 to Larry Wiener for attendance at 12/1/2014 Planning Board (PO 17310)

CORRESPONDENCE

- a. Memorandum from Larry Wiener – Review of the basics of zoning law in New Jersey.

Mr. Wiener supplied the Board with a handout he created at the request of another town he is the Board attorney for which reviews the basics of zoning law in New Jersey.

Mayor Morris explained the changes that will occur with the Board this year. There will be applications that the Board will be hearing in the coming months that the Town will have the Municipal Attorney represent the Town in those matters and the Construction and Zoning Officials will be there as well in order to defend the Town Ordinances, especially in a D Variance. This will also apply to applicants that have zoning and

construction violations and have done things deliberately even after receiving a zoning denial. The Board will also have applications dealing with non-conforming use. Mayor Morris suggested that a workshop may help the Board be able to make more informed decisions on the various applications that will appear before the Board.

The Board was appreciative of the handout and discussed its benefits and decided to have a workshop lead by Mr. Wiener from 6:30 PM to 7:30 PM prior to the next Planning Board Meeting on March 2nd with possible workshops in the future if necessary to continue any material not covered.

Mrs. Istvan will give notice to the newspapers about the work shop and its start time and post the notice in the lobby of the Municipal Building.

OLD & NEW BUSINESS

Mr. Sauchelli asked Mr. Sterbenz if there were any applications that the Board has approved that Mr. Sterbenz is still chasing loose ends on. Mr. Sterbenz mentioned that both Milelli and Martinelli were approved in recent years but the applicants have not perfected the approval and have not taken actions to address conditions in the resolution. Mr. Martinelli submitted a set of plans about 30 days ago with no cover letter or anything. He happened to call Mr. Sterbenz last week and said we really need to get something done, he had some deadlines. Mr. Sterbenz suggested he replenish his escrow account so that he could review the plans. Mr. Martinelli said he would take care of that, but Mr. Sterbenz had not heard from him since then.

Mayor Morris updated the Board on the status of the Mr. Martinelli's case and that Mr. Milelli's case is in litigation.

Discussion arose as to if Mr. Martinelli were to vacate the property without the approved site plan being completed whose responsibility would it then be to complete it? The approval goes with the property and the new owner would be responsible for completing that site plan if they wanted to put a car lot on the property. If someone wanted to open up a store on the property, it would be considered an allowed use, and they would just need to apply for zoning approval.

It was also discussed that it is the responsibility of the applicant to keep track of the status and time restraints once the Board approves their site plan.

COMPLETENESS REVIEWS

a. Application 001-15 John Curry

Mr. Sterbenz noted that he issued a report on January 5, 2015 and there were two deficiencies and that Mr. Curry provided the missing information on January 9, 2015. He recommended that the application be deemed complete with a hearing for March 2, 2015. Discussion followed that Mr. Curry is still applying for a garage, just shrinking it. Mr. Heredia disclosed that Mr. George Johnson represented Mr. Heredia's Aunt's estate back in 1996 and he was one of the beneficiaries, but he has not had any other contact with him since. Mr. Wiener asked if that would affect his decision. Mr. Heredia said no it would not.

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

Ayes: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis;
Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: none

b. Application 002-14 Pine Tree Nails & SPA (SPA Application)

Mr. Sterbenz noted that he conducted a completeness review and issued a report to the Board dated January 21, 2015 and he still found a number of deficiencies and reminded the Board that they deemed it incomplete in 2014, it is closer to being complete, but still not quite there and he recommends it should be deemed in complete and he will notify the attorney Misha Lee.

A motion was made by Ms. Goldstein and seconded by Mr. Heredia to deem the application incomplete. The roll was called and the motion was approved by the following vote:

Ayes: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis;
Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: none

PUBLIC HEARINGS ON APPLICATIONS PREVIOUSLY DEEMED COMPLETE

None

OPEN TO THE PUBLIC

Mr. Dave Bloom of 131 Randolph Avenue, Town Council President, thanked all the members of the Board for their service commenting that they provide a vital service to the Town. He also noted he is aware it takes away from their families and it is appreciated by him and the other members of Town Council.

Mrs. Istvan thanked Mr. Wiener and Mr. Sterbenz for their assistance and guidance.

Mr. Heredia asked if Mr. Wiener has been paid for all of his services. Mayor Morris explained to the Board how everything was rectified and Mr. Wiener is being compensated.

CLOSED SESSION

A motion was made by Ms. Goldstein and seconded by Mr. Heredia to go into a Closed Session at 8:23 PM specifically to discuss the recent developments with the Milelli Litigation. The roll was called and the motion was approved by the following vote:

Ayes: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis;
Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: none

At the conclusion of Closed Session discussion, a motion was made by Mr. Heredia and seconded by Mr. Willis to come out of Closed Session at 8:42 PM. The roll was called and the motion was approved by the following vote:

Ayes: Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Rautenberg; Mr. Willis;
Mr. Sauchelli

Nays: none

Absent: Mr. Frank; Mr. Gallerano

Abstentions: none

OPEN TO THE PUBLIC

The Board re-entered open session at 8:42 PM.

Mr. Sauchelli explained to the Board that in the coming year he asked the Board to please keep in mind that when hearing a D variance to not get caught up in the engineering and site plan details instead concentrate on the actual D justification (how is the site uniquely suited, how is the community improved). He added that when referring to a past case, to use it for the purpose of citing a precedent, get to the point and then move on. He also suggested that when different applications come before the Board it would be beneficial for members of the Board to take turns taking the lead in asking questions so that everyone is involved.

Discussion arose as to when an applicant presents their case, the Board should try to wait until the end of presentation asks questions, however there may be a time when a question needs to be asked during the presentation for clarification.

ADJOURNMENT

There being no further business, a motion was made by Ms. Goldstein and seconded by Mr. Gorman to adjourn the meeting at 8:47 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 Chairman