

Board Chairman Steve Sauchelli called the regular 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

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

ROLL CALL: Members Present – Mr. Frank; Mr. Gallerano; Ms. Goldstein; Mr. Gonsalves;
Mr. Gorman; Mr. Heredia; Mr. Morris; Mr. Sauchelli; Mr. Willis
Members Absent – none
Alternates Present - Mr. Rautenberg
Also Present – Mr. Wiener, Board Attorney; Mr. Sterbenz, Board Engineer;
Ms. Istvan, Planning Board Administrator/Recording Clerk,
Public Present – 1

WORKSHOP

The Planning Board had a workshop from 6:30 pm to 7:30 pm that was also open to the public. Mr. Wiener and Mr. Sterbenz clarified some of the types of applications that may come before the Board and the Board's responsibility when hearing applications.

APPROVAL OF MINUTES

February 2, 2015 Minutes –

Ms. Goldstein had emailed noting that on page one it should read “Mr. Sauchelli opened the floor to nominations for Planning Board Secretary” instead of “Mr. Sauchelli opened the floor to nominations for Planning Board Vice Chairman”. Mr. Heredia noted the following correction needed to be made: On page six, fourth line down, it should read “D Variance” instead of “D Ordinance”. Mr. Sauchelli noted that on page six, under OLD & NEW BUSINESS, first line, it should read “...that the Board has approved” instead of “....that the Board has not approved”.

A motion was made by Ms. Goldstein and seconded by Mr. Heredia to approve the minutes of February 2, 2015 as amended. The motion was approved by a voice vote.

CORRESPONDENCE

A brief discussion took place in regards to a letter that was sent from the Morris County Board of Chosen Freeholders in regards to a new Circulation Element of the Morris County Master Plan that has been started and will conclude on May 2016. It is not something that will really impact Mine Hill.

OATH OF ALLEGIANCE AND OFFICE OF NEW AND RENEWING MEMBERS

Mr. Frank, Class IV Member

CONSIDERATION AND APPROVAL OF VOUCHER

A motion was made by Mr. Heredia and seconded by Mr. Gorman to approve the vouchers as presented. Seeing no further discussion, the roll was called and the vouchers were approved by the following vote:

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

Abstentions: none

- a. Millelli Litigation
 - i. \$2,124.00 to Larry Wiener Legal Professional (PO 17453)
- b. Planning Board
 - i. \$9.24 to Daily Record for Planning Board Notice of Professional Contract (PO 17451)

RESOLUTIONS & MOTIONS

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

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

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

Nays: none

Absent: none

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 7:00 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 006-15 – Professional Services Contract with Larry Wiener, esq., Planning Board Attorney

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

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

WHEREAS, the Planning Board has appoint Larry Weiner, Esq. as Board Attorney for 2015; and

WHEREAS, the Board wishes to retain the services of Larry Weiner to perform legal services for the Board;
and

WHEREAS, the Board desires to enter into a professional service agreement with Mr. Weiner without
obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Mr. Weiner has completed and submitted a Business Entity Disclosure Certification which
certifies that neither he nor his firm has made any reportable contributions to a political or candidate
committee in the Township of Mine Hill for the previous one year, and that the contract will prohibit them
from making any reportable contributions through the term of the contract; and

WHEREAS, the Township's Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution
authorizing the award of a contract for "professional services" without competitive bid and the contract itself
must be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Roxbury, in the
County of Morris and State of New Jersey, as follows:

1. The Planning Board of the Township of Mine Hill hereby awards and authorizes its Chairman and Secretary to execute a professional services contract with Larry Weiner, Esq. for legal services. The Contract provides for a \$200.00 per meeting charge and a \$150.00 per hour charge for all other services. The amount authorized by the Contract shall not exceed \$10,000.00.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value associated with this contract shall be placed on file with this resolution.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. This Resolution shall take effect immediately.

OLD & NEW BUSINESS

a. Zoning Enforcement Ordinance

The Board discussed Ordinance 02-15 which is An Ordinance to Amend Chapter 25 of the Revised General Ordinances of the Township of Mine Hill Zoning Ordinance – Administration, Enforcement, and Penalties. This ordinance does not change any zone, but clears up any vagueness that may have previously existed in regards to fines, penalties and enforcement issues when any alleged violation of the Chapter occurs. Mr. Sterbenz clarified that the ordinance is in compliance with the Town's Master Plan.

A motion was made by Mr. Frank and seconded by Ms. Goldstein to forward the ordinance back to the Town Council with the suggestion that they review the wording for clarity Section 25-13.3 b. The roll was called, and the ordinance was approved by the following vote:

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

b. Master Plan Reexamination Report

Mr. Sterbenz explained that the Board needs to complete a Reexamination Report of the Master Plan this year in order to make sure the Town's Master Plan is compliant with the statute and as to not jeopardize the validity of the Town's Zoning Ordinance. Mr. Sterbenz will provide a proposal to the Board to approve at which time he will begin the process in order to complete the Reexamination Report.

COMPLETENESS REVIEWS

None

The Board took a five minute recess at this time 8:25. Mayor Morris left at this time.

PUBLIC HEARINGS ON APPLICATIONS PREVIOUSLY DEEMED COMPLETE**a. Application 001-15 John Curry**

It was noted that Mr. Frank recuses himself from this matter for reasons of proximity of the subject property to his business. Alternate Larry Rautenberg was present to hear testimony.

Mr. George Johnson introduced himself as the attorney for Mr. John Curry.

Mr. Wiener swore in Mr. Curry. Mr. Curry verified that he is the applicant and resides at the subject property, 9 Pine Street.

Exhibit A1 was submitted – Aerial view obtained from Google by Mr. Curry of his property and the surrounding properties. Mr. Johnson circled Mr. Curry's property. Mr. Curry was not sure of the year when he printed the picture, but it does depict the two sheds.

Mr. Johnson established the following:

- Mr. Curry has been a lifelong resident of Mine Hill in the house on 9 Pine Street for 50 years;
- He purchased a steel structure from a book and had it erected on the same spot that two smaller sheds had been;
- The steel structure has no foundation, but is secured with 4-5 ft. long spikes;
- He replaced the two sheds because they were rusting out, beat up and were an eye sore;
- He did not realize he needed a permit since he was replacing the two sheds, which had been there for 10 – 20 years with the one steel shed/structure which looks nicer and provided more room;
- He made an application to the Board a year or so ago which was denied because the steel garage was larger than what was permitted by the zoning ordinance;
- Mr. Curry's proposal is to take 10 ft. off of the front of the shed which will reduce the size of the shed to a little more than 400 sq. ft. which is less than the allowed 625 sq. ft.;
- Mr. Curry is requesting a side yard variance and a rear yard variance because the smaller shed will not be conforming because it will only be 8 ft. from the side yard and 10 ft. from the rear. The shed would need to be 25 ft. from both the side yards and rear yard in order to be conforming.
- The neighbor to the North side (side yard) is Nora Miller, who appeared at the meeting last year and had no objections to the shed.
- The property to the East Side (rear yard) is a car lot, which has cars, sheds and various other buildings and the sheds are pretty close to the property line. Mr. Curry does not feel his proposed shed will affect the car lot.
- The property to the South Side is a single family house. At the last meeting the person who owns the property had an issue with Mr. Curry's application. There was an issue regarding a driveway that

came across the neighbor's driveway onto Mr. Curry's property. According to Mr. Curry no one has lived in the house for a couple of years. Mr. Curry used the driveway to drive back to the steel shed because no one lived there. The neighbor had a problem with that. Mr. Curry put in two posts that are concreted in so he can no longer drive through that side, nor can anyone else.

Mr. Curry proposed as part of the application to construct a row of evergreens along the side of the steel garage to act as a buffer so it would not be as visible to the neighbor on the South Side.

Mr. Curry proposes to keep his 1980 Corvette that he has been working in the steel garage so he can continue working on it inside the steel shed and to keep the weather off of it.

Mr. Wiener asked for clarification of the adjoining driveway asking: a) if the house on the South Side had other parking to which Mr. Curry said yes on the other of the house, and b) if anyone was able to access the adjoining driveway to which Mr. Curry responded no due to the steel posts he put in.

Mr. Sterbenz commented that Mr. Curry's testimony on the shed and certain other circumstances are consistent with his testimony back at the meeting on April 7, 2014. Mr. Sterbenz asked for clarification on the types of trees he will put in where the series of Xs are on the plan. Mr. Wiener clarified that as part of the condition of approval, no final certificate of approval for the shed/garage will be issued until Mr. Curry has met all of the conditions. Mr. Johnson confirmed that at a later date, they will inform the planner as to exactly what type of trees will be planted to ensure they are appropriate for the location.

Mr. Willis asked Mr. Curry that when he mentions he sees cars when looking out the back window from his kitchen, what type of fence is there. Mr. Curry said it is a wooden fence and he can see the cars over the top of the fence.

Mr. Heredia voiced concern over the ingress/egress to the garage. Through Mr. Johnson questioning Mr. Curry it was clarified that there is access along the North Side of the property made up of part gravel and part grass. Mr. Curry only brings the car out maybe six times a year. He has no intentions of putting in a driveway back to the shed.

Ms. Goldstein asked if there was an agreement with the neighbor to put in the steel posts. Mr. Curry said he did not ask him, but that the posts are on his own property. She also asked where the current garage is located and Mr. Curry explained it was part of the house. Lastly, she asked if shrubs or trees would be planted and it was distinguished it would be trees.

Mr. Gorman asked Mr. Curry if he planned on working on other people's cars or running a business from the structure to which he replied, "No!"

Discussion ensued in regards to the paved section that exists between Mr. Curry's house and the property to the South Side. It was mentioned that Mr. Morales who testified at the last meeting involving Mr. Curry was more frustrated over the use of the paved section between the houses being used by Mr. Curry to gain access to the shed. Mr. Curry agreed to remove the portion of the pavement that is on his part of the property.

It was also discussed that there are actually three setbacks/variances that Mr. Curry is requesting instead of the original two, both side yards and rear yard.

THE FLOOR WAS OPEN TO THE PUBLIC

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

Mr. Sauchelli commented that he felt the size of the newly submitted garage is a better iteration than the first and conforms to what is in the neighborhood. Also, in regards to the bisected pavement between his property

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and the property to the South, the removal of the pavement on his own property will help prevent any further issues occurring with the present owner and whoever purchases it in the future.

Mr. Heredia mentioned that he was very happy that Mr. Curry reduced the size of the structure down to below what is allowed and that he will be removing the pavement.

Mr. Rautenberg asked for clarification of when the work needed to be completed by and if Mr. Curry needed to come back to the Board. It was confirmed that the work would need to be completed 90 days after the memorialization/adoption of the resolution that if Mr. Curry does what he needs to do and gets the permits prior to completing the work, there is no need to appear before the Board again.

A motion was made by Ms. Goldstein and seconded by Mr. Gorman to approve Application 001-15 John Curry under the following circumstances: with the two conditions being met as discussed - the planting of the trees along the shed and the removal of the portion of the pavement that is on Mr. Curry's property on the South Side; with the variances as read by Mr. Wiener and the conditions outlined by Mr. Wiener; with all work is to be completed 90 days after the memorialization, adoption of the resolution. The roll was called, and the motion was approved by the following vote:

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

CLOSED SESSION

None

OPEN TO THE PUBLIC

Mr. Wiener informed the Board that there was a submission that came in late Friday from Mr. Sydlar, Mr. Milelli's attorney. Mr. Sterbenz and Mr. Wiener will be discussing it and will inform the Board well before the April 6th meeting.

Discussion took place in regards to when it is appropriate to question someone who comes before the Board with an application in addition to the different type of "D" Variances.

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ADJOURNMENT

There being no further business, a motion was made by Mr. Gorman and seconded by Mr. Willis to adjourn the meeting at 9:18 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