

Board Chairman Steve Sauchelli called the regular meeting of the Mine Hill Township Planning Board to order at 7:02 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. Gallerano; Ms. Goldstein; Mr. Gorman; Mr. Heredia;
Mr. Sauchelli; Mr. Willis
Members Absent – Mr. Frank; Mr. Gonsalves; Mr. Morris
Alternates Present - Mr. Rautenberg
Also Present – Mr. Wiener, Board Attorney; Mr. Sterbenz, Board Engineer;
Ms. Istvan, Planning Board Administrator/Recording Clerk,
Public Present – 2 - Arrived at 7:35

APPROVAL OF MINUTES

March 2, 2015 Minutes –

Mr. Heredia asked that there be a mention in the minutes of the workshop that occurred from 6:55 pm to 7:30 pm prior to the March 2, 2015 regular meeting.

A motion was made by Mr. Gallerano and seconded by Mr. Gorman to approve the minutes of March 2, 2015 as amended. The motion was approved by a voice vote.

CORRESPONDENCE

A brief discussion took place in regards to the memorandum from Ms. Macchia in regards to the Financial Disclosure Statements that all Board members must file between April 1st and April 30th.

CONSIDERATION AND APPROVAL OF VOUCHER

A motion was made by Mr. Heredia and seconded by Mr. Willis to approve the vouchers as presented provided there are sufficient funds in the escrow accounts. Seeing no further discussion, the roll was called and the vouchers were approved by the following vote:

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

Nays: none

Absent: Mr. Frank; Mr. Gonsalves; Mr. Morris

Abstentions: none

- a. Escrow
 - i. \$65.00 to Maser Consulting for Review of Stowaway Site Plan 3/20/15 – 711210 (PO 17593)
 - ii. \$32.50 to Maser Consulting for Review of Curry Site Plan 2/20/15 - 711288 (PO 17598)
 - iii. \$162.50 to Maser Consulting for Review of Pine Tree Nails Application 2/20/2015 – 711292 (PO 17600)
 - iv. \$162.50 to Maser Consulting for Review of Curry Site Plan 3/20/15 – 711288 (PO 17601)
- b. Planning Board
 - i. \$200.00 to Larry I. Wiener for Planning Board Meeting 3/2/15 (PO 17596)
 - ii. \$200.00 to Larry I. Wiener for Planning Board Meeting 2/9/15 (PO 17597)
 - iii. \$455.00 to Maser Consulting for General Engineering (PO 17594)

- iv. \$32.50 to Maser Consulting for Collect Dat 2/20/15 (PO 17599)

RESOLUTIONS & MOTIONS

Resolution 007-15 – Resolution of Memorialization for John Curry Case No. 001-15

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

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

WHEREAS, John Curry has applied to the Planning Board, Township of Mine Hill for permission to construct a rear yard accessory structure for premises located at 9 Pine Street and known as Block 802, Lot 4 on the Tax Map of the Township of Mine Hill which premises are in a “SF” Zone;

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and having conducted a public hearing has made the following factual findings:

1. The applicant is the owner and occupant of the single family home on-site.
2. The applicant previously applied for similar relief on the property. That relief was denied and memorialized in a resolution dated May 5, 2014, Case No. 002-13
3. The instant application is substantially different from the original application and, as such, *res judicata* does not apply.
4. The applicant is proposing to replace two sheds with one large structure. The new rear yard building would be 21'x20'. This would be a reduction of approximately 200 square feet from the structure proposed under Case No. 002-13.
5. The location of the proposed structure was depicted on a plot plan the applicant submitted with the application.
6. The applicant noted the property most impacted was Tax Lot 9 which was a non-residential use with many vehicles parked just on the other side of the applicant's stockade fence. The applicant stated the primary purpose of the structure would be to store the applicant's antique vintage Corvette. The applicant agreed that access to the rear yard structure would be along the northerly side of the house. The existing driveway on the southerly side of the house which overlapped onto Tax Lot 3 would be removed by the applicant. There would be no vehicular access on that side of the structure.
7. As proposed, the applicant needs relief from the setback provisions of the Land Use Law. The applicant's structure, as proposed, does not meet the 25' dimensional requirements and would be located 10' off the rear yard, 8' off the northerly side yard, and approximately 16' at its nearest point to the southerly side yard. Thus, variance relief is required in all those dimensions.
8. The Board received a memorandum from Paul Sterbenz, Board Engineer dated 1/5/15.

WHEREAS, the Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Mine Hill for the following reasons:

1. The Board finds the narrow width of the applicant's lot creates a built-in hardship in attempting to comply within the dimensional requirements of the SF zone.
2. The applicant's proposal presents an opportunity to eliminate two smaller sheds and allow better organization for the within property. Eliminating the second driveway will improve the streetscape. The applicant also agreed to some enhanced landscaping.
3. The instant case has elements of a “C1” hardship as well as a “C2” variance.
4. At the first public hearing, the neighbor most affected to the north had no objection to the within application and did not appear at the second hearing. The property to the immediate rear is not a residential property and clearly has an impact on the residential character of the area. Thus, the

applicant's proposed structure, in this particular setting, does not rise to level of having a substantial negative impact.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mine Hill on the 6th day of April 2015 that the approval of the within application be granted subject, however, to the following conditions:

1. Payment of all fees, sureties, and escrows required by Ordinance.
2. Applicant shall obtain all approvals and finish all required work on-site within 90 days of the date of memorialization of the resolution of approval.
3. Applicant shall secure all appropriate permits.
4. The driveway on the southerly side of the premises shall be eliminated entirely and all pavement, on the applicant's portion of the property, shall be replaced with grass.
5. The applicant shall submit a landscape plan for the site which will be reviewed and approved by the Board Engineer. The intent of the landscape plan is to provide adequate screening of the structure along the southerly property boundary.
6. The new rear yard structure shall be utilized solely as a residential garage subordinate to the residential use of the subject premises. There shall be no commercial utilization of the garage nor shall any heavy repairs be done on-site.

COMPLETENESS REVIEWS

a. Application 003-15 Piotr Kowal – “C” Variance – 20x20 Garage

Mr. Sterbenz explained to the Board that Mr. Kowal needs to supply the following and that he would call him in order to inform him and explain: Section 5 B/ - Reasons for Relief; provide a complete list of the variances he is requesting (height, set back, and distance to other structures); aerial view of his property and neighboring properties.

A motion was made by Mr. Gorman and seconded by Mr. Gallerano that the application be deemed incomplete at this time, with the understanding that if the deficiencies are corrected and the meeting properly noticed the applicant could be deemed complete and move directly into public hearing at the next meeting on May 4, 2015. The roll was called and the motion was approved by the following vote:

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

b. Application 002-14 Pine Tree Nails & SPA – “D1” Use Variance (SPA Application)

Mr. Sterbenz explained that back on January 21, 2015 he issued a second completeness letter and the applicants paired down a number of the non-conformities but there were still some that Mr. Sterbenz noted under the Comments Section on page 2 of his completeness review. The Applicants provided a. Affidavits of Ownership of Pine Tree Nails & SPA executed by the Applicants, Hong Zi Li and her husband, Cheng Zhe Chen and a copy of marriage license between Hong Zi Li and Cheng Zhe Chen showing they each own 50% of the business. The Applicants asked for waivers on the Following: b. Proof of submission to the County Planning Board; c. The area of Lots 1 and 2 in Block 807 is one of Minor Subdivision Checklists; d. The location of existing buildings within 100 feet of the tract boundary is one of Minor Subdivision Checklists. Mr. Sterbenz recommended to the Board that they approve the waivers and deem the application complete.

A motion was made by Ms. Goldstein and seconded by Mr. Gorman to deem the application complete and as long as the meeting is properly noticed a public hearing is set for May 4, 2015. The roll was called and the motion was approved by the following vote:

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

PUBLIC HEARINGS ON APPLICATIONS PREVIOUSLY DEEMED COMPLETE

a. Application 002-15 Kade Madsen/Madsen Auto Restoration – Appeal of action of Administrative Officer - APPLICATION WITHDRAWN

Mr. Wiener explained that the applicant passed the statutory time limit of 20 days to appeal the action of the Zoning Officer and decided to withdraw the application. The question arose as to whether the applicant may submit another application seeking some type of variance relief to which it was mentioned that it was a possibility.

OLD & NEW BUSINESS

Consistency Review – Ordinance 15-015 – Grading Amendment to Land Use Ordinance

The Board discussed the ordinance. It was noted that this applies to new construction. Ms. Goldstein questioned section (3) Subdivision and site plan requirements (a). She asked if it was supposed to read 50,000 or 5,000 square feet. Mr. Sterbenz clarified it should read 5,000.

At the conclusion of the discussion, a motion was made by Mr. Gallerano and seconded by Mr. Heredia to deem the ordinance consistent with the existing Master Plan. The roll was called and the motion was approved by the following vote:

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

Mr. Heredia asked if there was any update on the Milelli application. Mr. Wiener indicated that there was no need to go into closed session and updated the Board that nothing is able to proceed as there are deficiencies in the applicant’s escrow account.

THE FLOOR WAS OPEN TO THE PUBLIC

There were two members of the Public, but they were present in regards to Application 002-15 Kade Madsen/Madsen Auto Restoration which was withdrawn. Seeing no additional members of the public wishing to be heard, the floor was closed to the public.

Mr. Sterbenz informed the Board that the funds were put in place in order for the work to begin on the Re-examination of the Master Plan. A draft should be ready for the Board to review by the May meeting with a hearing held at the June meeting.

CLOSED SESSION

None

MINUTES OF THE MINE HILL PLANNING BOARD
REGULAR MEETING –April 6, 2015

5-2015-04-06

ADJOURNMENT

There being no further business, a motion was made by Ms. Goldstein and seconded by Mr. Gallerano to adjourn the meeting at 7:55 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