

Board Chairman Steve Sauchelli called the regular meeting of the Mine Hill Township Planning Board to order at 7:03 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; Ms. Goldstein; Mr. Gonsalves; Mr. Gorman;
Mr. Heredia; Mr. Sauchelli;
Members Absent – Mr. Gallerano; Mayor Morris; Mr. Willis
Alternates Present - Mr. Rautenberg
Also Present – Mr. Wiener, Board Attorney; Mr. Sterbenz, Board Engineer;
Ms. Istvan, Planning Board Administrator/Recording Clerk,
Public Present – 2

APPROVAL OF MINUTES

August 3, 2015 Minutes –

A motion was made by Mr. Frank and seconded by Mr. Gorman to approve the minutes of August 3, 2015 as written. The motion was approved by a voice vote.

CORRESPONDENCE

a. Letter from Suburban Consulting Engineers, Inc.

The Board discussed that the notice was just informing Mine Hill that a water main repair was going to take place crossing Jackson Brook (aka Granny Brook). Mr. Sterbenz explained that the particular project required DEP approval and as part of the areas of regulations from the State, certain agencies, Mine Hill being one of them, have to be notified and the letter was sent to the Town Clerk, who in turn is instructed to forward it to the Board to make them aware.

CONSIDERATION AND APPROVAL OF VOUCHER

A motion was made by Mr. Heredia and seconded by Mr. Gorman 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. Frank; Ms. Goldstein; Mr. Gonsalves; Mr. Gorman; Mr. Heredia; Mr. Rautenberg;
Mr. Sauchelli
Nays: none
Absent: Mr. Gallerano; Mayor Morris; Mr. Willis
Abstentions: none

a. Escrow

- i. \$487.50 to Maser Consulting for Madsen Auto Restoration Professional Services Review of Site Plan, Site Visit, and Planning Board Meeting Attendance 8/3/15 – 711293 (PO 18132)
- ii. \$552.50 to Maser Consulting for Pine Tree Nails & Spa – Review Site Plan, Review of Resolution, Planning Board Meeting Attendance 7/6/15 – 711292 (PO 18133)

b. Planning Board

- i. \$150.00 to Larry I. Wiener for Master Plan/Consistency Hearing (PO 18107)
- ii. \$200.00 to Larry I. Wiener for Attendance at 8/3/15 Planning Board Meeting (PO 18108)
- iii. \$472.50 to Larry I. Wiener for Legal Professional Services Rendered (PO 18183)
- iv. \$195.00 to Maser Consulting for Attendance at 7/6/15 and 8/3/15 Planning Board Meeting (PO 18134)

RESOLUTIONS & MOTIONS**Resolution 010-15 – Mine Hill Township Planning Board Resolution of Memorialization Pine Tree Nails and Spa LLC**

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

Ayes: Mr. Frank; Mr. Gonsalves; Mr. Gorman;
 Nays: Mr. Sauchelli
 Absent: Mr. Gallerano
 Abstentions: none

WHEREAS, Pine Tree Nails & Spa LLC have applied to the Planning Board, Township of Mine Hill for permission to obtain a use variance so as to permit the applicant to operate a massage therapy use within the expanded Pine Tree Nails & Spa

for premises located at 273 Route 46 and known as Block 807, Lot 1 on the Tax Map of the Township of Mine Hill which premises are in a “C” 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. Misha Lee, Esquire represented the applicant.
2. The within matter was called for a public hearing on May 4, 2015. The applicant’s counsel called for its first witness Hong Zi Li. Prior to taking any testimony, counsel indicated that the witness was not thoroughly fluent in English and proposed to act both as attorney and translator. The Board took an adjournment for the purpose of allowing the Board attorney to determine whether or not Court rules would permit such an event. When the matter resumed, the Board attorney advised the Board that the attorney could not act both as attorney and translator. The best course would be for a professional translator to assist the applicant.
3. The matter was then adjourned until the June 1, 2015 public hearing. The matter was then subsequently adjourned until July 6, 2015.
4. The applicant submitted the following documents:
 - a. “Location Survey of Building on Lot 1, Block 807, Lot 2 and part of Lot 9, Block 808 on the Tax Map of the Township of Mine Hill, Morris County, New Jersey” consisting of one sheet prepared by Steven L. Koestner, PE, LS of Koestner Associates dated 12/29/14.
5. The Board received memorandums from Paul Sterbenz, Planning Board Engineer, dated September 29, 2014 and January 21, 2015.
6. The applicant called two witnesses at the public hearing. The first witness was Hong Zi Li. Ms. Li was and is the managing member of the applicant, a limited liability company. Ms. Li was not fluent in the English language and her testimony was translated by a Court accepted translator in the Korean language. Ms. Li noted her current operation occupied one of the spaces at the strip mall known as Ferromonte Plaza. Ferromonte Plaza is located on westbound side of Route 46 roughly opposite the intersection with Canfield Avenue. The applicant originally occupied approximately 1,100 square feet of space and entered into a lease for what was an adjoining space of approximately equal size. The spaces would now be one unit occupying approximately 2,300 square feet. The existing uses at the site are a bank, a pizza parlor, and a pre-school. Pine Tree Nails and Spa have occupied and utilized the site for the following services: manicures, pedicures, waxing, UV gel, color

gel. This use is a conforming use under Mine Hill's Land Use Ordinance. Ms. Li testified the purpose of the application was to enable Pine Tree Nails and Spa to add an additional use – massage and body work therapy. She noted that both she and her husband Chengzhe Chen were both licensed by the State of New Jersey to perform massage and body work therapy. Ms. Li also held a license to perform cosmetology and hairstyling. She stated that the number of employees would not increase. If the business did increase, there might be one or two additional employees. She noted that her husband and herself would presently be performing the massage and body work therapy. Both licenses are regulated by the New Jersey Division of Consumer Affairs. Specifically, the New Jersey Board of Massage and Body Work Therapy regulates the licensing standards for massage and body work therapy (New Jersey Administrative Code - Title 13 - Law and Public Safety - Chapter 37A).

7. During the scope of the testimony of Ms. Li, Board members and the Board's professionals elicited further information through a colloquy and questions with the applicant. The Board's engineer and planner, Mr. Sterbenz, in particular, called the Board's attention to the licensing requirements for massage and body work therapy. It was noted the licensing required a strict requirement of study and continuing education. In addition, licenses would have to be renewed and the display of licenses was governed by the regulations.

8. During cross-examination, Ms. Li articulated a vision for post approval operation of Pine Tree Nails and Spa, LLC. The massage and body work therapy would be an additional service for the existing customer base that would transform the present use towards the spa designation in Pine Tree's name. It would transition, what might be termed a nail salon, towards becoming a day spa. She stated that her business in Mine Hill has been very successful. She found the location to be ideal for her business. Both she and her husband had, obviously, obtained the massage and body work therapy licenses to ultimately use them professionally. When her landlord advised her that the adjoining space (which is roughly the size of her existing space) became available, she thought it was especially suitable for the massage and body work therapy use proposed. It would be used in conjunction with the existing nail salon and, under common ownership and management; there would be no operation independent of the existing use. The goal was to provide an additional service for their customer base. The applicant stated the hours of operation, of the overall premises, would be 9:00 AM to 9:00 PM Monday through Saturday and 9:00 AM to 6:00 PM on Sundays. (Those hours included different times for each use depending upon demand – the weekend hours would be slightly less as well.)

9. The applicant's second and final witness was its professional planner, Lisa Phillips. Ms. Phillips was qualified as a professional planner. She noted that she had been to the site, reviewed the application materials, and was present during the testimony of the applicant.

10. She recognized the applicant had a significant hurdle because the case in question did not involve an inherently beneficial use. It was a classic "D1" case governed by the enhanced burden of proof required under the Medici v. BPR Co., 107 N.J. 1 (1987). She stated those proofs were met in the instant case because the premises in question were particularly suited for the proposed use. Same would be taking place within an existing facility. The uses in question were governed under the same general occupational requirements set forth by the State of New Jersey. The persons performing the services were required to have licensing and a core of training and continuing education all set forth in the aforementioned New Jersey Administrative Code. The two owners of Pine Tree Nails and Spa would be the persons (at least in the first instance) to be performing the massage and body work therapy. Many of the existing customers would have an opportunity to have an enhanced experience at the subject premises. The nail salon patrons would be a primary marketing base for the massage body work therapy. Thus, it would be anticipated that visitors to the nail salon, intending on doing body work, would be staying on site longer and the impact of merging, what would have been two spaces into one, would be less than if the two spaces were acting independently. She also stated the general proposition that every zoning ordinance does not contemplate every conceivable use in a municipality. She noted the professionalization of this type of therapy was fairly recent. A review of the legislative history would indicate that the State had pre-empted the regulation of this particular

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form of therapy by enacting specific statutory regulations (both legislative and administrative for this profession). She further stated the applicant's application could be justified under two purposes of Municipal Land Use Law:

- g. to provide sufficient space in appropriate locations for a variety of agriculture, residential, recreation, commercial, and industrial uses in open space both public and private in according with their respective environmental requirements in order to meet the needs of all New Jersey residents; and
- i. to promote a desirable, visual environment through creative development techniques and good civic design and arrangement.

11. To paraphrase, the testimony and the particular suitability would be the synergy between these two uses and their ability to operate easily within the same facility.

12. She further noted that Pine Tree had been in existence for some time and there was nothing remarkable or notable in terms of issues with their use at the site. In essence, the proposed additional use (while certainly crossing the line from approved to not approved), was not all that different in its effect, impact, and customer base than the existing use. It would transform the nail salon towards a day spa. She noted that, what was once a "beauty parlor", had now transitioned into a spectrum of enhanced use on the site. Based upon the analysis of the intensity of the use and the synergy inherent in a combined use, she opined that same would not have a significant impact on noise, light, air, traffic, and the other traditional concerns. Obviously, the omission of the use, as a permitted use, was inconsistent with the zoning ordinance as well as the Master Plan. However, she noted the peculiar circumstances (and, presumably, the ability of the Board to create special parameters) overcame that burden. The use, itself, was not all that different in terms of all its features other than the fact that it was not permitted.

13. The matter was opened to the public and two witnesses appeared to support the application. One was a Mine Hill resident named Caryn Battaglia. She testified in very glowing terms about the current operation of Pine Tree Nails and Spa and that she looked forward to the additional services that would be provided if this application were approved. The second witness was Bruce Kreeger. Mr. Kreeger was a principal in the limited liability company that owns Ferromonte Plaza. Mr. Kreeger noted that Ferromonte Plaza was, in his opinion, the only true strip mall in Mine Hill's small commercial corridor. He noted that, like most owners of retail/commercial property in New Jersey, obtaining tenants was getting more and more difficult. He noted there was a plethora of parking spots on-site; that all of his leases required the tenants to have their employees park behind the buildings so as to free up the primary and desirable parking spots for customers and visitors to the site. He noted there was a traffic light that regulated entry on and off the site. He noted that, when the site was developed, he was required (at a considerable expense) to install the traffic light to make the intersection at Canfield Avenue and Route 46 a signalized intersection. He has had nothing but a good experience with the applicant as tenants. When the space became available, he was particularly desirous of the applicants expanding their operation. He agreed, with the concept, that the integration of the two single units into one would result in less of an impact than if the proposed additional space had been occupied by another tenant. He stated the existing uses (pizza parlor, bank, and daycare) all worked well with the nail salon. He anticipated and opined that the additional massage therapy use would work well within the center and was quite suitable and was particularly appropriate for the center. He further noted the lease incorporated both units and that the units and the businesses were to be under common operation.

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 testimony that was provided at the public hearing by the applicant and the applicant's planner to be credible and competent.
2. The issue, in question, really turns upon the Medici vs. BPR case. This is not an

inherently beneficial use. This application is, therefore, subjected to an enhanced burden of proof required by the Medici case. The Board also must analyze the negative criteria to see if the applicant has also met its burden.

3. The Board finds it particularly suitable or particularly fitted (see Fobe Assocs. v. Mayor of Demarest 74 N.J. 519 (1977)) for the use in question. Here the Board has found that the location, for this particular use, and the unique characteristics of Ferromonte Plaza, in its present configuration, meet the test for particular site suitability:
 - a. The portion of the site, itself, is approximately 1,100 square feet. The 1,100 square feet in question would be integrated into and made part of one business, i.e., Pine Tree Nails & Spa.
 - b. The non-permitted use, massage and body work therapy, would actually be a subordinate component use of Pine Tree Nails & Spa. A key element (see conditions below) of this approval are the specific conditions that are being placed on this approval so that same will operate as part of the “day spa vision” testified to during the public hearing. The non-permitted use is, in many ways, quite similar, to the existing use. When coupled with the permitted use, there is a great deal of synergy and re-utilization of the same space. There is considerable synergy between these uses when operated, as testified to, during the public hearing.
4. From an operational standpoint, it is anticipated that there will be no increase in the number of employees on-site.
5. The Board further notes that, over the years, the term “massage parlors” have had a negative connotation. The enabling legislation and administrative code recognizes that subtext in Section 13-37A3.5 entitled “Sexual Misconduct”. In order to obtain the ability to operate this type of business, the legislature has addressed this issue by the stringent licensing and educational requirements (both prior and continuing) to obtain a license. A violation would, undoubtedly, result in forfeiture of a license as well as other potential penalties. The code has strict guidelines concerning massage therapy as well as certain statements that have to be read and explained to potential clients. The Board expects, of every applicant, that the applicant will follow and obey the law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mine Hill on the 21st day of September 2015 that the approval of the within application be granted subject, however, to the following conditions:

1. Subject to the review and/or jurisdiction of all other governmental agencies and/or subdivisions thereof with joint and/or concurrent jurisdiction over the within application.
2. Payment of all fees, sureties, and escrows required by ordinance.
3. All public entry to the subject premises shall be via the existing entryway (the second exterior front door may be maintained as an exit only door).
4. The partition between the two units shall be open and unobstructed at all times. It is the intent of this approval that these two uses (and two units) shall operate as a fully integrated day spa.
5. There shall be no additional signage. The applicant may, on the front door, add to the existing uses - massage and body therapy.
6. The number of licensed employees on-site shall be six (6), as testified to by the applicant.
7. Applicant shall provide copies of licenses and any change of licenses to the Township Board of Health.
8. Applicant shall present a copy of the lease, with the conditions of approval appended onto the lease, with the written confirmation and acknowledgement of the conditions, by the landlord. The lease must indicate that the applicant shall practice massage and body therapy at the subject premises in strict compliance with the requirements of the New Jersey Administrative Code regulating Massage and Body Body Work Therapy (*New Jersey Administrative Code - Title 13 - Law and Public Safety - Chapter 37A*).

9. No Certificate of Occupancy shall be issued unless and until all conditions of approval have been satisfied.
10. The massage and body work therapy use is only permitted as an accessory use to the existing nail salon. Should the nail salon cease to operate, the massage and body work therapy use would have to cease operation.
11. As testified to by the landlord, the applicant's employees shall park in the spaces behind the building thus, "freeing up" the prime spaces for customers and visitors to the subject premises.
12. The hours of operation shall be between 9:00 AM and 9:00 PM Monday through Saturday and 9:00 AM to 6:00 PM on Sundays.

COMPLETENESS REVIEWS

None

PUBLIC HEARINGS ON APPLICATIONS PREVIOUSLY DEEMED COMPLETE

a. *POSTPONED AT REQUEST OF APPLICANT TILL 11/2/2015*

**Continuation of Hearing from August 3, 2015 Planning Board Meeting of Application 004-15
Kade Madsen/Madsen Auto Restoration – 153 Route 46 – Block 1207, Lot 8 – C Zone –
Applicant seeks Non-Conforming Use Certification NJSA 40:55D-68**

**b. *Application 005-15 - Carmen Bruno - 20 William Street, Mine Hill, NJ 07803 – Block 806, Lot 9 –
SF Zone Applicant seeks Certificate of Non-Conformity NJSA 40:55D-68***

Mr. Heredia questioned why the applicant was requesting a Certificate of Non-Conformity as it was not mentioned in the application. Mr. Wiener explained the Board would most likely find out.

The following exhibits were submitted by Mr. Brancato during the hearing:

A-1 A picture indicating that there were two sets of meters and electrical panels/fuse boxes indicating separate utilities for the first floor and second floor.

A-2 A Mine Hill Township Rental Property Registration Statement completed and signed by Mr. Bruno reporting two units being rented at 20 William Street along with the names of the tenants. The form was received by the Township on September 5, 2014 along with a \$300 rental registration fee (\$150/unit).

Mark J. Brancato, from McHugh & Brancato, the attorney for Carmen Bruno, introduced himself and Mr. Bruno. He proceeded to mention that the property had been used as a conforming two-family house for a period of time from 1955 until such time as the municipality changed the ordinance with the Certificate of Non-Conformity (CNC) use under form 40:55D-68 which provides upon notice to the pre-existing non-conforming use, the owner has a period of time to come in and obtain a certificate from the municipality. The owner at the time and Mr. Bruno were unaware at the time of the change.

Mr. Wiener referred to the year that an owner has to request a CNC after an ordinance has been changed and that this tends to come up when a property is being sold and an appraiser comes in and asks the Town questions and the Town says they have no record of that.

Mr. Wiener swore in Carmen Bruno of 64A Princeton Avenue, Dover, NJ 07801.

Mr. Brancato asked Mr. Bruno to recollect his association with the property.

Mr. Bruno lived a good part of his life there and remembers being there from when he was five or six years of age, which was around 1955 or 1956, he is 64 now. His family lived in the downstairs and his grandparents

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rented the upstairs from Mr. Bruno's parents. He remembers going upstairs at times and eating breakfast with his grandparents. Mr. Bruno's mother passed away seven years ago at which time he became the executor.

Mr. Brancato asked if he knew if Rental Property Registrations had been filed back then. Mr. Bruno was not sure as he expressed that his family lived in Germany from 1964 to 1969 as his father worked as Army Civilian and he remembers his aunt rented it while they were gone and it was still being used as a two-family house.

Mr. Bruno explained that as long as he remembers, it was never used as a single-family house. The main entrance splits off with a door that goes to the first floor apartment and stairs that lead to a door which goes into the upstairs or second floor apartment. The first floor apartment has another entryway from the side of the house. That side entrance also leads to the basement which is just used for storage and a washer and dryer. The only entrance into the upstairs apartment is from the front of the house. Both apartments have their own kitchen, bathroom, bedrooms and living room. There were always two separate utilities.

Mr. Sterbenz asked when the structure was built. Mr. Bruno was not sure but believed it was built sometime around the 1950s. He was asked if he had the deed, but he did not have one with him.

Mr. Wiener mentioned that from Mr. Bruno's testimony it has been a two-family house for approximately 60 years, but it might not have been legal to do so. He explained that it is important to find out what the Mine Hill Zoning Ordinance was back at that time and was not sure if Mr. Brancato had researched that. There may not have been a Zoning Ordinance back at that time, but these are items that need to be researched.

Mr. Brancato asked if the inquiry was if the house had ever been legally a two-family residence to which Mr. Wiener said yes.

Mr. Brancato proceeded to then submit

Exhibit A2 – A copy of a Mine Hill Township Rental Property Registration Statement with a date of receipt of September 5, 2014.

Mr. Brancato asked if he recognized the form to which he said yes. Mr. Brancato asked Mr. Bruno to please explain the background of the form. Mr. Bruno mentioned that his mother passed away in 2008. When he took over as executor, he found out, (he was not sure if he received a notice from the Town or heard from someone else) that apartments needed to be registered with the Town. Trying to make sure he did the correct thing, he filled out the form and brought it to the Town and paid a fee of \$500. The Town processed the form and accepted payment which registered him as the Landlord and then someone from the Town went to inspect the apartments to ensure they were safe for the renters, with the proper smoke detectors and fire extinguishers present. It was determined that Mr. Al Thompson was the individual who did the inspections. Mr. Brancato asked Mr. Bruno, if at any time during the inspection, did Mr. Thompson say it was a non-conforming two-family house? Mr. Bruno answered no he did not. Mr. Brancato then asked Mr. Bruno how often he completed the Rental Registrations, to which he answered he believed it was every year. He said he remembered paying the initial \$500 fee and then the \$300. Mr. Brancato pointed out on Exhibit A2 that at the bottom of the second side under the FOR MUNICIPAL USE ONLY, a \$300 fee was paid, the form was received and initialed and the words (2 Family) were written in next to the payment amount. Mr. Brancato asked Mr. Bruno again that if at any time when submitting the Rental Registration Forms did anyone from the Town or Zoning Department inform him that it was a non-conforming two-family house or if the zone had changed, to which Mr. Bruno said no.

Mr. Brancato asked Mr. Bruno when did he find out the zone had changed and it was non-conforming? He explained that about two years before, he had two independent evaluators come in to assess the house and property and to obtain a Fair Market Value and they came in at \$265,000 and \$266,000. When he went to

Weichart Realtors, they thought those figures were accurate until Weichart contacted the Town and they were told it is not zoned for a two-family home, it was non-conforming. This would lower the value of the house by \$35,000 at least. Mr. Wiener reiterated what he had mentioned earlier that this type of thing tends to come up when someone is trying to sell their house.

Mr. Heredia asked if Mr. Bruno was here under his own volition to which the answer was yes. Mr. Wiener explained that the Town would not take any affirmative action. He further explained that what most likely happened was that the realtor was doing due diligence and wanted to make sure that the house could be sold as a two-family house because many towns have made amendments and do not allow two-family homes. The Town could not say affirmatively that this was a two-family house.

As the Board reviewed the exhibits, it was discussed that the Board would like to hear from the Zoning Officer in order to understand their perspective of the process and situation.

Mr. Sauchelli asked if Mr. Brancato did any research to determine what the zoning was at the time of construction. Mr. Brancato said he did not, but was bringing up the issue that with the acceptance of the Rental Registration Forms by the Zoning Officers over the years, it appears the Town was approving it as a two-family house.

Mr. Brancato asked if the Municipality changed its Master Plan or if it had done a re-zoning particularly in the area of 20 William Street?

It was decided that the hearing would be carried to the next Planning Board Meeting on October 5, 2015 with no further notice needed to be given. If the applicant needs more time than that, it will be forwarded to the November 2, 2015 meeting. The applicant will produce the deed in order to determine when the house was constructed. The zoning at the time of construction will be researched because if it was zoned a two family house when it was built, it would remain that way, unless it was abandoned at some point, which it was not. The Zoning Officer will be present at the meeting or another person as well if the Zoning Officer feels it necessary in order to provide their perspective and answer questions.

Mr. Wiener clarified that if the applicant is granted a CNC, it only applies as long as the same house remains standing. If for some reason the house ceases to exist due to some act of nature, a two-family house can no longer be built.

OLD & NEW BUSINESS

a. Ordinance 26-15 - An Ordinance Amending the Zoning Map of the Township of Mine Hill

At the conclusion of an explanation of the amendments to the Zoning Map by Mr. Sterbenz and a brief discussion, a motion was made by Mr. Heredia and seconded by Mr. Gonsalves to deem the ordinance consistent with the 2015 Master Plan Re-examination Report. The roll was called and the motion was approved by the following vote:

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

WHEREAS, the 2015 Master Plan Reexamination Report adopted by the Township of Mine Hill Planning Board on July 6, 2015 recommended several amendments to the Zoning Map of the Township of Mine Hill; and

WHEREAS, the Township Council concurs with the recommendations made by the Planning Board and now wishes to implement the amendments to the Zoning Map.

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

SECTION 1. The Zoning Map of the Township of Mine Hill shall be amended as follows:

BLOCK/LOT	CURRENT ZONE	ZONE CHANGE
1302/18	SF (Residential District)	C (Commercial District)
All properties in the RAH District North of Route 46	RAH (Residential Affordable Housing District)	SF (Single Family District)
Entire Zone	TH-1 Residential Townhouse District	SF (single Family District)

SECTION 2. The Zoning Map shall be amended to identify the Agricultural Overlay Zone (AOZ) and the Nonprofit I Public Land Overlay Zone.

SECTION 3. The map attached hereto implementing the above amendments shall be the official Zoning Map of the Township of Mine Hill.

SECTION 4. This Ordinance may be renumbered for codification purposes.

SECTION 5. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance shall take effect as required by law.

Mr. Heredia asked for the current status of the Milelli Application 003-12. Mr. Wiener explained that the Milelli Application 003-12 is still in litigation and that there were issues with the escrow.

Mr. Frank asked for the current status of the J&E Auto Application 002-12. Mr. Weiner explained that there a number of conditions in the Resolution that have not been addressed yet by the owner.

THE FLOOR WAS OPEN TO THE PUBLIC

Seeing no members of the public present the floor was closed to the public.

CLOSED SESSION

None

ADJOURNMENT

There being no further business, a motion was made by Ms. Goldstein and seconded by Mr. Gorman to adjourn the meeting at 8:30 PM. The motion was approved by a voice vote.

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Respectfully Submitted,

Marcia H. Istvan
Planning Board Administrator / Recording Clerk

Approved on this _____ day of _____, 20____

Planning Board Chairman