

**MINE HILL TOWNSHIP
NOTICE OF APPROVAL**

PUBLIC NOTICE is hereby given that Christian Vega (“Applicant”), the owner of property identified on the tax map of the Township as Block 905, Lot 15 known as 41 Baker Street and situated in a SF Zone in Mine Hill Township, Morris County, New Jersey, has received an approval from the Mine Hill Township Planning Board by way of a resolution adopted April 6, 2026. The Board granted preliminary and final major subdivision approval.

**RESOLUTION 009-2026
MINE HILL TOWNSHIP PLANNING BOARD RESOLUTION
APPROVING PRELIMINARY AND FINAL SUBDIVISION APPROVAL
FOR 41 BAKER STREET BLOCK 905 LOT 15**

Application Approved: February 2, 2026
Memorialized: April 6, 2026

WHEREAS, Christian Vega (“Applicant”) has made application with reference to Lot 15, Block 905 for preliminary and final major subdivision with associated variances to subdivide the existing lot into three (3) new lots, Lots 15.02, 15.03 and 15.04, with one (1) remainder lot 15.01. The remainder lot is proposed to be 19.875 sq. ft. necessitating bulk relief for minimum lot size as required by Township ordinance 310-166(D)(2); and

WHEREAS, Applicant had provided proper notice pursuant to the requirements of the Land Use Act and the Planning Board had acquired jurisdiction over the application; and

WHEREAS, said application was deemed complete with associated waivers by the Planning Board on August 4, 2025; and

WHEREAS, there were two public hearings held before the Mine Hill Township Planning Board, for presentation of the application, to wit November 3, 2025, February 2, 2026; and

WHEREAS, the Applicant was represented by Glenn Kienz, Esq. and Steven R. Tombalakian of the firm of Weiner Law Group LLP; and

WHEREAS, the Applicant did submit a plan entitled “Major Subdivision – Township of Mine Hill, Morris County, New Jersey, Tax Map Sheet 9, Block 905, Lot 15” consisting of six (6) sheets, prepared by Steven I. Smith, P.L.S., PP, of Jaman Engineering Associates dated May 1, 2025 with the original application; and

WHEREAS, the Township Engineer, Paul Sterbenz, P.E., PP, issued a completeness report dated July 2, 2025 with related comments to the application; and

WHEREAS, the Applicant submitted a letter dated July 14, 2025 responding to the July 2, 2025 completeness report and included additional supporting plans including:

1. Survey drawing entitled “Survey – Township of Mine Hill, Morris County, New Jersey, Tax Map Sheet 9, Block 905 Lot 15” consisting of one (1) sheet, prepared by Steven I. Smith, P.L.S., PP of Jaman Engineering Associates dated February 1, 2025.
2. Survey drawing entitled “Topographic Survey – Township of Mine Hill, Morris County, New Jersey, Tax Map Sheet 9, Block 905, Lot 15” consisting of one (1) sheet, prepared by Steven I. Smith, P.L.S., PP, of Jaman Engineering Associates, dated February 1, 2025.

3. Survey drawing entitled “Final Plat – Howard Avenue Estates – Township of Mine Hill, Morris County, New Jersey” consisting of one (1) sheet, prepared by Steven I. Smith, P.L.S., PP of Jaman Engineering Associates, dated July 8, 2025
4. Plan entitled “Major Subdivision – Township of Mine Hill, Morris County, New Jersey, Tax Map Sheet 9, Block 905, Lot 15” consisting of six (6) sheets, prepared by Steven I. Smith, P.L.S., PP of Jaman Engineering Associates, dated May 1, 2025 and revised through July 9, 2025.

WHEREAS, the Planning Board received two technical reports from the Planning Board Engineer and Planner, Paul Sterbenz, PE, PP, dated September 29, 2025, and January 29, 2026; and

WHEREAS, the Applicant has applied for a bulk variance for relief from minimum lot area for the proposed remainder lot 15.01. The lot is required to be 20,000 sq. ft. pursuant to the bulk provisions of Section 310-166D for the SF-4 District, where public water and sewer are available and the lot is proposed to be 19,875 sq. ft.; and

WHEREAS, not all the proposed lot is within the sewer service area of the Township, and the Applicant’s plan presumes the NJDEP approval of an amendment to the Mine Hill Chapter of the Morris County Waste Water Management Plan to permit proposed dwellings on lots 15.03 and 15.04 to connect to the Township’s sewer system; and

WHEREAS, the following exhibits were marked during the public hearings on the applications:

- A1 Mine Hill Township Wastewater Service Area adopted 10/1/2020
- A2 Magnified version of Sewer Service Area

WHEREAS, at the November 3, 2025 hearing Applicant produced Steven I. Smith, Applicant’s Planner, Jaman Engineering Associates 320 Route 10 West Randolph, NJ 07869 and he was accepted as an expert in his field; and

WHEREAS, Mr. Smith testified as to the following:

- A. The applicant is looking for subdivision approval to create 4 lots from Block 905 Lot 15.
- B. There is an existing single family standalone home that has been renovated that will remain on the remainder lot and three additional lots will be created.
- C. The total property size is 79,878 sq. ft.
- D. Three of the four lots, i.e. 15.02, 15.03 and 15.04, would comply with the minimum lot area required if sewer is available, which is 20,000 square feet
- E. The existing home would remain on the remainder lot, 15.01, which is proposed to be 19,875 sq. ft.
- F. The Subdivision plan was provided with a preliminary layout of a 4-bedroom single family home on each lot complying with the bulk requirements to demonstrate that each lot was developable.
- G. The lots across the street on Howard Avenue range from 21,750 sq ft. to 22,500 sq. ft.
- H. The issue of grading of the property was discussed. It was discussed that a storm water design report was provided to the Board engineer, but not comments were provided prior to the hearing and additional comments were expected
- I. The project does not qualify as a major development for stormwater management purposes.

- J. The property slopes from north to south by approximately 3 feet, from 802 feet to 799 feet.
- K. Soil erosion plans will be submitted to the Morris County Soil Conservation for approval.
- L. The residential site improvement standards (RSIS) require sidewalks but not curbing, however sidewalks exist on the opposite side of the street already.
- M. It appears from Exhibit A-1 and A-2 that the Township's sewer service area did not include newly proposed lots 15.03 and 15.04 and did not know why.
- N. The existing home is located in the sewer service area and is connected to municipal water and sewer.
- O. It is proposed that the applicant will get approval from the NJDEP to include the new lots in the sewer service area.

WHEREAS, Mayor Samuel Morris indicated that the site has a force main down the center of Howard Avenue along with storm sewer which causes water issues for the whole area. Mr. Morris also indicated that it was not the Township's decision to not include the entire parcel in the sewer service area. He indicated that the DEP would not allow it to be included and he felt the DEP may not permit an alteration to the sewer map to include the newly proposed lots, and

WHEREAS, the hearing was opened to the public with no member of the public providing comment.

WHEREAS, the matter was adjourned the December meeting to permit additional revisions to be reviewed by the Board Engineer and for the applicant to get more information about amending the sewer service area to include all proposed lots. If not all lots are included in the sewer service area, and

WHEREAS, the applicant requested an additional adjournment to be heard at the February 2, 2026 meeting; and

WHEREAS, the applicant submitted revised plans to include the following

1. Survey Drawing entitled "Final Plat – Howard Avenue Estates – Township of Mine Hill, Morris County, New Jersey", consisting of one (1) sheet, prepared by Steven I. Smith, P.L.S., PP of Jaman Engineering Associates, dated July 8, 2025 and revised through January 9, 2026.
2. Plan entitled "Major Subdivision – Township of Mine Hill, Morris County, New Jersey, Tax Map Sheet 9, Block 905, Lot 15" consisting of six (6) sheets, prepared by Steven I. Smith, P.L.S., PP of Jaman Engineering Associates, dated May 1, 2025 and revised through January 9, 2026.

WHEREAS, the Board Engineer issued a Technical Review dated January 29, 2026 with comments to the revised plans submitted by the Applicant; and

WHEREAS, the Applicant returned to the public hearing on February 2, 2026 with his attorney Steven Tombalakian, Esq., appear in the place of the previous attorney, Glenn Kienz, Esq. and the applicants engineer, Steven I. Smith, P.L.S., PP continued his testimony based upon the revisions that were submitted to the Board:

- A. The plans were revised to now proposed three total lots, two new lots 15.02 and 15.03, and a remainder lot 15.01.
- B. The applicant followed up with the DEP following the November hearing and did some additional research and it was determined it would not be feasible to include the proposed lots in the sewer service area.

- C. The cause of the inability to include the proposed lots in the sewer service area is the possible existence of bats on the property causing the DEP to prohibit the properties including in the sewer service area.
- D. Due to the proposed revisions, the remainder lot, 15.01, with the existing single-family residence would increase to a conforming size of 20,001 sq. ft.
- E. Proposed lot 15.02 is in the sewer service area and proposed to be 20,000 sq. ft.
- F. Proposed lot 15.03 is outside of the sewer service area and proposed to be 39,875 sq. ft.
- G. Because proposed lot 15.03 is not in the sewer service area, it is in the SF-2 zone requiring a minimum lot size of 30,000 sq. ft.
- H. The proposed amendments also alter the set backs for the property due to the inclusion of septic.
 - a. The front yard setback of 15.03 is altered from 40 feet to 50 feet.
 - b. The rear yard setback of 15.03 is altered from 25 feet to 35 feet.
- I. Due to the amended plans proposed three lots and not four, it resolves any concerns that it will disturb more than one acre of land and thus qualifying as a major development for stormwater management. This is further aided by the inclusion of a 13,000 sq. ft. conservation easement on 15.03.
- J. The revised plans include at 20-foot-wide sanitary sewer easement along the rear portions of the proposed lots for the benefits of the Township of Mine Hill.
- K. All lots are fully conforming with the municipal subdivision ordinance.
- L. Mr. Smith indicated that he did not feel curbing is required despite the municipal code requiring it because the RSIS do not require it.
- M. Sidewalks are not explicitly required by the municipal code, but are required by the RSIS.

WHEREAS, following Mr. Smith's testimony, discussion occurred between the Board and the Engineer surrounding the necessity of curbing and sidewalks as well as a possible variance for the setback of proposed lot 15.03 so that it would match the proposed lot 15.02. The variance for the setback would grant relief from the front yard set back that is required to be 50 feet so that it will be 40 feet; and

WHEREAS, the Board opened the meeting to the public to question Mr. Smith on his testimony. Fred Willis questioned whether it was possible to install fencing along the line separating the conservation easement from the usable remainder of the parcel to prevent the owner from unknowingly removing trees from the area without thinking; and

WHEREAS, Mr. Tombalakian, esq., applicant's attorney, indicated they would be willing to install fencing and there would be a deed restriction on the property preventing any alterations of the conservation easement area; and

WHEREAS, the Board had discussions about the testimony of Mr. Smith surrounding the need for sidewalks and curbing, the need for a developer's agreement, and the need for fencing related to the conservation easement area; and

WHEREAS, Mr. Tombalakian, esq. indicated that it may be best to put the sidewalk and curbing requirement in the developer's agreement and require the applicant to fund the installation of those improvements when the Township repaves Howard Avenue, which is anticipated to happen in the coming years; and

WHEREAS, Mayor Sam Morris indicated that it may not be financially beneficial for the applicant to agree to fund the sidewalk and curbing improvements in relation to a municipal public works project; and

WHEREAS, Mayor Sam Morris indicated that the sidewalks should be 6 feet concrete sidewalks and they will continue onto Baker Street and continue as far back onto Howard Street as the beginning of the curve for the dead end of Howard Street; and

WHEREAS, the Hearing was opened to the public where Srin Rajagopal and Fred Willis made comments; and

WHEREAS, member of the public Srin Rajagopal asked if curbing is not installed, the will the sidewalks be flush with the street. His concern was that this may cause cars to park on it; and

WHEREAS, Mayor Sam Morris indicated that the sidewalks will not be flush and the engineer will take that into consideration; and

WHEREAS, member of the public Fred Willis asked if the plans required soil to be removed from the site; and

WHEREAS, Mr. Smith testified that if the grading that is proposed cannot be achieved without removing soil, the soil will be removed off-site.

WHEREAS, the public hearing was closed and the Board discussed the granting of subdivision approval with variances; and

WHEREAS, the Board determined that the subdivision plans are conforming with the Township's requirements for Major Subdivisions and that the granting of bulk variance relief for proposed lot 15.03 front yard setback from 50 feet to 40 feet is required; and

WHEREAS, the Board further determined that the granting of said variances is consistent with the goals and objectives of the Township Master and the Municipal Land Use Law as it promotes the public health, safety, morals and general welfare, and it promotes the desirable visual environment of the neighborhood as well as there is not a detriment to the public good; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mine Hill, Morris County, New Jersey, that the preliminary and final major subdivision as set forth in Survey Drawing entitled "Final Plat – Howard Avenue Estates – Township of Mine Hill, Morris County, New Jersey", consisting of one (1) sheet, prepared by Steven I. Smith, P.L.S., PP of Jaman Engineering Associates, dated July 8, 2025 and revised through January 9, 2026 and Plan entitled "Major Subdivision – Township of Mine Hill, Morris County, New Jersey, Tax Map Sheet 9, Block 905, Lot 15" consisting of six (6) sheets, prepared by Steven I. Smith, P.L.S., PP of Jaman Engineering Associates, dated May 1, 2025 and revised through January 9, 2026, is hereby approved, with the associated variances as set forth above, and subject to the following terms and conditions:

1. Applicant shall comply with all requests and comments not previously complied with as referenced in the reports of the Planning Board Engineer dated September 29, 2025 and January 29, 2026, which are attached hereto and made a part hereof.
2. Applicant shall enter into a Developer's Agreement with the Township, which shall include the amount of the posting of all performance guarantees and inspection fees and any other requirements for a developer's agreement contained in the municipal code which will be determined by the Township Engineer. The Developer's Agreement shall be executed prior to the filing of final plat.

3. The Applicant shall be responsible for the installation of sidewalk and curbing at the discretion of the Board Engineer. The details of such responsibility shall be set forth in the Developer's Agreement
4. The Applicant shall erect fencing along the line separating the conservation easement from the usable remainder area on lot 15.03 in a manner directed by the Board Engineer.
5. The procurement of approvals or waivers from all outside review agencies with jurisdiction, including, but not limited to Morris County Soil Conservation District, Morris County Planning Board, Mine Hill Township Sewer and Water Service, Mine Hill Township Fire Official, NJDOT, Health Department, etc.
6. The Applicant shall amend its plans and technical reports to address the comments by the Board as may be incorporated in this Resolution and as addressed during the public hearings, as well as the comments of the Board's professionals, which plans shall be reviewed and approved by the Township Engineer.
7. The payment of all outstanding fees with reference to Applicant's applications, inspection fees, and assessments, if any.
8. The Applicant shall abide by all representations made by the Applicant and its professionals during the public hearings.
9. The Applicant shall submit the deeds for conservation easement and sanitary sewer easement in forms satisfactory to the Board Attorney and Board Engineer. The deeds shall be recorded simultaneously with the final plat.
10. The Applicant shall pay all real estate taxes.
11. Submission of plot and grading plans to the township for Lots 15.02 and 15.03 for approval by the Township engineer prior to any construction being permitted on those lots by the Township.
12. The submission of soils information to the Board Engineer for review and approval for any dry well systems that are proposed for storm water management purposes.

By Order of the Mine Hill Township Planning Board
Marcia H. Istvan, Planning Board Administrator/Recording Clerk