

**MINUTES OF THE**  
**SANDYSTON TOWNSHIP PLANNING BOARD MEETING**  
**January 5, 2015**

Mr. Utter called the meeting to order. This meeting has been duly advertised and meets all requirements of the Open Public Meetings Act.

Present: Robert Huber  
George B. Harper, Jr.  
Fred MacDonald  
Joseph Pinzone  
Marc Cunico  
Ron Green  
Raj Sinha  
Wes Powers  
Scott Smith  
Keith Utter

Absent: Mike Milligan

Amanda F. Lobban, Municipal Clerk, administered oaths to three reappointed members: George B. Harper, Jr., Robert Huber and Scott Smith.

**REORGANIZATION:**

**Election of Chairperson:**

A motion was made by Mr. Cunico and seconded by Mr. Green to appoint Keith Utter as Chairman of the Planning Board for the year 2015.

Roll Call: Mr. Huber, yes; Mr. MacDonald, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Cunico, yes; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, abstain. The Motion was carried.

Keith Utter is the Planning Board Chairman for the year 2015.

**Election of Vice Chairperson:**

A motion was made by Mr. Green and seconded by Mr. Huber to appoint Marc Cunico as Vice Chairman of the Planning Board for the year 2015.

Roll Call: Mr. MacDonald, yes; Mr. Huber, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Cunico, abstain; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, yes. The Motion was carried.

Marc Cunico is the Planning Board Vice Chairman for the year 2014.

**Designation of Time, Date and Place of Meetings:**

A motion was made by Mr. Cunico and seconded by Mr. MacDonald to approve the following dates for the Planning Board Regular Meetings for 2015:

The Board will meet at 7:00pm on the first Monday of every month at the Sandyston Township Municipal Building, 133 Route 645, Sandyston, New Jersey.

January 5, 2015  
February 2, 2015  
March 2, 2015  
April 6, 2015  
May 4, 2015  
June 1, 2015  
July 6, 2015  
August 3, 2015  
September 14, 2015 (Second Monday due to Holiday)  
October 5, 2015  
November 2, 2015  
December 7, 2017

The reorganization meeting for 2016 will be held on January 4, 2016 at 7:00 pm. The regular meeting of the Sandyston Township Planning Board to be held on January 4, 2016 at 7:00 pm will immediately follow the reorganization meeting.

Roll Call: Mr. MacDonald, yes; Mr. Huber, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Cunico, yes; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, yes. The Motion was carried.

**Designation of Primary and Secondary Newspapers:**

A Motion was made by Mr. Cunico and seconded by Mr. Green to designate the New Jersey Herald as the Primary Newspaper and the New Jersey Sunday Herald as the Secondary Newspaper for Sandyston Township Planning Board for the year 2015.

Roll Call: Mr. MacDonald, yes; Mr. Huber, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Cunico, yes; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, yes. The Motion was carried.

**Designation of Board Attorney:**

A Motion was made by Mr. Cunico and seconded by Mr. MacDonald to appoint Glenn T. Gavan of the Law Offices of Glenn T. Gavan, Esq. LLC as the Sandyston Township Planning Board Attorney for the year 2015.

Roll Call: Mr. MacDonald, yes; Mr. Huber, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Cunico, yes; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, yes. The Motion was carried.

Glenn Gavan Gavan of the Law Offices of Glenn T. Gavan, Esq. LLC is the Planning Board Attorney for the year 2015.

**Designation of Board Engineer:**

A Motion was made by Mr. Cunico and seconded by Mr. Powers to appoint Dave Simmons of the firm Harold E. Pellow & Associates, Inc. as the Sandyston Township Planning Board Engineer for the year 2015.

Roll Call: Mr. MacDonald, yes; Mr. Huber, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Cunico, yes; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, yes. The Motion was carried.

David Simmons of the firm Harold E. Pellow & Associates, Inc. is the Planning Board Engineer for the year 2015.

**Designation of Board Secretary:**

A Motion was made by Mr. Cunico and seconded by Mr. Green to appoint Beth Brothman as the Sandyston Township Planning Board Secretary for the year 2015.

Roll Call: Mr. MacDonald, yes; Mr. Huber, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Cunico, yes; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, yes. The Motion was carried.

Beth Brothman is the Planning Board Secretary for the year 2015.

**REGULAR MEETING**

**APPROVAL OF MINUTES:**

A Motion was made by Mr. Powers and seconded by Mr. Pinzone to approve the December 1, 2014 Regular Meeting Minutes.

Roll Call: Mr. MacDonald, yes; Mr. Huber, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Cunico, yes; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, yes. The Motion was carried.

**APPROVAL OF VOUCHERS:**

A Motion was made by Mr. Cunico and seconded by Mr. Pinzone to approve the following vouchers for payment:

**GLENN T. GAVAN, ESQ., LLC**

**General:**

Invoice #3005– General Matters through 12/1/2014 \$ 180.00

**Escrow:**

Invoice #3006 – Spinks, et al. Agricultural Subdivision \$ 300.00

Invoice #3007 – Farrell \$ 300.00

**HAROLD E. PELLOW & ASSOCIATES, INC.**

**Escrow:** Invoice #59813 – Shi Site Plan \$ 149.50

**NEW JERSEY HERALD**

Invoice #6959046 – Farrell Incomplete Notice \$ 18.30

Invoice #7038461 – Spinks, et al Agricultural Subdivision Resolution \$ 18.00

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Planning Board Minutes

**NEW JERSEY PLANNING OFFICIALS**

Mandatory Training Program – Robert Huber \$ 80.00

SCCC 3/14/15

**APPROVAL OF VOUCHERS:**

Roll Call: Mr. MacDonald, yes; Mr. Huber, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Curico, yes; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, yes. The Motion was carried.

**CORRESPONDENCE:**

The following correspondence was reviewed:

Engineer's End of Year Report dated December 15, 2014 from David B. Simmons, Jr., P.E., L.S., C.M.E. of Harold E. Pellow & Associates, Inc.

Letter dated December 16, 2014 from Sussex County Department of Engineering & Planning  
Re: Spinks Agricultural Subdivision to be heard January 5, 2015, at 3:30 pm

**PUBLIC HEARINGS:**

**#03-2014**

**Block 2301, Lot 22**

**FARRELL**

**"D" VARIANCE**

Mr. Harper and Mr. MacDonald stepped down from this public hearing.

Appearing before the board were the applicants, Jane Farrell and Bernard Farrell, were sworn in by the board attorney.

Mr. Utter asked for the applicants to explain the nature of their application.

Mr. Farrell stated he took the recommendations of the board and contacted the engineer and they have simplified the scope of the project using the proposed structure for livestock and veterinary equipment.

Mr. Gavan asked if the applicants would be using the proposed structure students to reside. Mr. Farrell stated he felt this was a misunderstanding and this would not be used for students to reside.

The board reviewed the engineers report submitted by David B. Simmons, Jr., P.E., L.S., C.M.E. of Harold E. Pellow & Associates, Inc. dated January 5, 2015 (complete copy attached), reviewing each item in the report and a discussion took place on the following:

**2. Zoning**

- b. The zoning chart indicates the existing and proposed dwelling height is greater than 35 feet. For the "future" dwelling, it should be clarified if the building height will be within the 2.5 stories/35 feet maximum height allowed.**

Mr. Utter stated that since there are no plans yet for the proposed structure, the applicant should be aware of this when he prepares the plans. Mr. Gavan stated that if the building height is over 35 feet there will be issues with the board regarding the variance.

- c. The zoning chart indicates the proposed accessory building height is 20 feet, but the unsigned floor plan indicates 21 feet to the top of the ridge. The overall height of the proposed accessory building should be clarified.**

Mr. Farrell answered 21 feet to the highest point.

- d. Section 150-10B – no front yard shall be occupied by an accessory building and a garage/agricultural building is proposed in the front yard.**

Mr. Utter stated this is the reason for the variance.

- 3. The proposed garage/agricultural building is shown with two floors. The Applicant should address the following with the board.**

- a. What utilities will be provided to the accessory building?**

Mr. Farrell answered electric, basic plumbing and heat.

- b. What proposed uses will be located on each floor?**

Mr. Farrell stated the first floor will be garage and storage and the second floor will be unfinished and used for storage.

- 4. This recommendation is information and advisory.**

- 5. Recommendation that the applicant obtain written confirmation from the utility company that the proposed building satisfies their offset requirements.**

Mr. Farrell stated he is hopeful the utility company will move the utilities out of the way.

**6. This recommendation is informational and advisory.**

**7. This recommendation is informational and advisory.**

Mr. Cunico asked if there was any other location this proposed structure could be placed on the property. Mr. Farrell answered the back yard has wetland delineation and the topography behind the house is steep.

Mr. Pinzone confirmed the location of the septic.

Mr. Utter questioned the purpose of the shed/roof area. Mr. Farrell answered this would be used for utility storage and eventually livestock.

This matter was opened to the public. There was no public participation. This matter was closed to the public.

A motion was made by Mr. Cunico and seconded by Mr. Powers to approve the "D" Variance noting the comments from the engineer David Simmons in the report dated January 5, 2015.

Roll Call: Mr. Huber, yes; Mr. Harper, yes; Mr. Pinzone, yes; Mr. Cunico, yes; Mr. Green, yes; Mr. Sinha, yes; Mr. Powers, yes; Mr. Smith, yes; Mr. Utter, yes; Mr. MacDonald, abstain; Mr. Harper, abstain. The Motion was carried.

**#05-2014  
Block 1103, Lot 17  
LEPPERT  
"C" VARIANCE**

Mr. Harper and Mr. MacDonald stepped down from this public hearing.

Appearing before the board were the applicants, William and Mary Ellen Leppert.

Upon review of the Notice of Hearing, Mr. Gavan stated the "notice" is insufficient as it must state the relief requested. Upon further discussion, Mr. Gavan stated the applicant needs to also include verbiage that the applicant needs relief for a "D" Variance to permit a non-permitted residential use in the accessory structure.

The hearing of this application is postponed until February 2, 2015

**RESOLUTIONS:** There were no resolutions.

**OTHER BUSINESS**

**Annual Report:**

Mr. Gavan stated he prepared the annual report and stated in 2014 the board heard four applications and one was an extension. Mr. Gavan stated the only item needed for the annual report are variances, and the board heard a variance for "Mikulka" who needed a "C" Variance which allowed an addition to existing residence.

**NEW BUSINESS** There was no new business.

**PUBLIC PARTICIPATION:**

Mr. George Swanson, owner of Sandyston Spirit, d/b/a Stokes Steakhouse, came forward and stated he attended the meeting in November 2014 regarding the issue with an installed sign. Mr. Swanson stated he agreed to get a variance application in by December, however, due to financial constraints he was unable to submit the application.

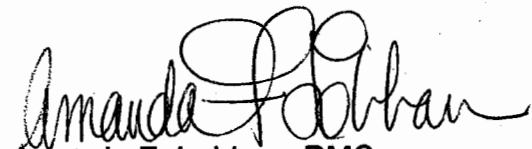
Mr. Gavan informed Mr. Swanson that he can turn off the sign until he is ready to submit the application and seek the relief required. Mr. Swanson asked what type of variance is needed. Mr. Gavan stated Mr. Swanson needs a "C" Variance. Mr. Swanson confirmed that he needs to turn the sign off until he receives the approval from the board.

Mr. Swanson thanked the board for their time.

**ADJOURNMENT:**

As there was no further business before the Board, a Motion was made by Mr. Cunico and seconded by Mr. Powers to adjourn the meeting. All were in favor. The meeting was adjourned.

Respectfully submitted,



Amanda F. Lobban, RMC  
Municipal Clerk