

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
November 05, 2014

David Kois, Board Secretary, calls the Board of Adjustment meeting of November 5, 2014 to order at 7:31 p.m. All stand for the Pledge of Allegiance. The meeting takes place in the Courtroom of the Municipal Complex.

ROLL CALL:

Frank Herbert – Present
John Stamler – Absent
Helen Haines, *Chairman* – Absent
Curtis Suraci, *Vice Chairman* – Absent
Walter Dietz, III – Present

Frank Valcheck – Present
Kenneth Hesthag – Present
Fred Gladstone (Alt. 1) – Present
Steve Monte (Alt. 2) – Present
Sally Becorena (Alt. 3) – Absent
Vacant (Alt. 4)

Also in attendance: Mark Anderson, Esq., Board Attorney (Woolson Sutphen Anderson, P.A.); William H. R. White, III, P.E., C.M.E., Board Engineer (Maser Consulting, P.A.); David Kois, Deputy Director of Planning/Zoning Official, Board of Adjustment Administrative Officer and Secretary; and Lucille Grozinski, CCR.

NOTICE OF MEETING

David Kois, Board Secretary, announces the meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 (“Sunshine Law”).

DISPOSITION OF MEETING MINUTES

- September 3, 2014 – Regular Meeting
A motion to approve as submitted was made by Mr. Valcheck, seconded by Mr. Gladstone.
All in favor – Aye; Opposed – None. Motion carries.

DISPOSITION OF RESOLUTIONS

- David and Neava GRIFFITH – File #BA-14-06
A motion to approve as submitted is made by Mr. Valcheck, seconded by Mr. Herbert.
Roll Call: Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Monte – yes; Mr. Dietz – yes. Motion carries.
- David and Colleen HARBSTREET – File #BA-14-07
A motion to approve as submitted is made by Mr. Valcheck, seconded by Mr. Herbert.
Roll Call: Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Monte – yes; Mr. Dietz – yes. Motion carries.

BOARD OF ADJUSTMENT BUSINESS

David Kois, Board Secretary announces that the Chairman and Vice Chairman are absent. He indicates that there will need to be a Chairman Pro Tem elected. He calls for nominations. Mr. Valcheck makes a motion for Walter Dietz to serve as Chairman Pro Tem, seconded by Mr. Herbert. Mr. Kois asks if there are any other nominations. There are no further nominations. All in favor – Aye; Opposed – None. Motion carries.

Oath of office is administered to Mr. Hesthag.

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING - APPLICATIONS

Veronica and Curtis SURACI – File #BA-14-08 – Block 177.11, Lot 18 (*formerly known as Block 177F*) – 22 Pierson Drive. Applicant seeking ‘c’ Bulk Variances for relief from Minimum Rear Yard Setback; Maximum Impervious Surface; Minimum Side Yard Setback for Accessory Structure (existing); Minimum Side Yard Setback for Accessory Structure (proposed); existing nonconforming conditions of: Minimum Lot Size; Minimum Lot Width at Setback; Minimum Front Yard Setback; Minimum Side Yard Setback (left); Minimum Side Yard Setback (Right); and such other variances, waivers and approvals as are necessary to permit the Applicant to construct a roof over an existing patio and retain all existing improvements, on property located in the R, Residential District.

- Veronica Suraci, Applicant, was sworn in.
- Mrs. Suraci described the application and marked in exhibit A-1.

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- Mrs. Suraci provided clarification regarding the existing improvements, such as the sheds, fence and gazebo. She indicated that the gazebo would be removed.
- Mr. Anderson, Esq. indicated that the Board does not have jurisdiction to approve anything on Township property.
- There was a discussion regarding the location of the sheds and the minimum setback requirements.
- There was a discussion regarding the utility easement.
- Mr. Anderson indicated that only the Township Committee has authority to grant permission for something to be erected within a Township Easement.
- No comments from public.
- Mr. Herbert made a motion to approve the application for Veronica and Curtis Suraci – File #BA-14-08, which was seconded by Mr. Valcheck. The motion was approved unanimously by all eligible members. Votes in Favor: Mr. Valcheck, Mr. Herbert, Mr. Hesthag, Mr. Gladstone, Mr. Monte, and Chairman Pro Tem Dietz.
Votes Against: None.

HILLSBOROUGH PARK, LLC – File #BA-14-09 – Block 200.02, Lot 9 (formerly known as Block 200B, Lot 29) – 105 Stryker Lane. Applicant seeking Major Site Plan Approval; d(3) Use Variance for Expansion of a Nonconforming Use for deviation from a specific standard pertaining solely to a conditional use; Waiver for maximum fence height; and such other variances, waivers and approvals as are necessary to permit the Applicant to construct 29 parking spaces to existing self storage facility for outdoor storage of motor vehicles and boats, on property located in the LI, Light Industrial District. *EC Review: 10-27-14*

- Mr. O’Grodnick introduced the application.
- There was a motion by Mr. Herbert to approve the amendment request, seconded by Mr. Valcheck. All in favor.
- Bob Heibell, P.E. was sworn in.
- Mr. Heibell described the application and the history of the application since Van Cleef Engineering did the original plans.
- He noted that the storage facility was originally a permitted use and then the zone was changed to allow self service storage facilities as a conditional use. He noted that the existing facility does not meet three of the conditions. He then described the proposal and purpose of the parking area.
- There was a lengthy discussion regarding the history and the use.
- Mr. Heibell indicated that porous pavement was proposed to mitigate the impact of additional impervious coverage on the site since the property does not have a basin.
- Mr. Heibell addressed agency requirements and Mr. White’s report. He noted that the Applicant agrees to have a porous pavement maintenance agreement when such a document is created.
- Mr. Heibell indicated that they will check the trees that are proposed to be removed and will comply with the tree mitigation requirements.
- Mr. Heibell indicated that there is a gravel area that has been there since the 1980’ and that they are proposing to keep it.
- David Gardner, Applicant, was sworn in.
- Mr. Gardener indicated that Chester Kirk, Township Engineer, approved the gravel lot.
- There was a discussion regarding junk cars and the Applicant indicated that they will comply with the Township requirements.
- The Applicant was asked if they would replace all of the existing pavement with porous pavement.
- Mr. Garder indicated that they were willing to install porous pavement in the proposed parking area, but that it would be very difficult to replace the existing pavement.
- There was a discussion regarding a condition of replacing the pavement with porous pavement.
- No comments from public.
- Mr. O’Grodnick made closing remarks.
- Mr. Valcheck made a motion to approve the application for HILLSBOROUGH PARK, LLC – File #BA-14-09, with a condition that if 75% of the paved area is replaced at anytime that it be replaced with porous pavement, approval of the porous pavement maintenance plan is at discretion of Board Engineer, which was seconded by Mr. Herbert. The motion was approved unanimously by all eligible members. Votes in Favor: Mr. Valcheck, Mr. Herbert, Mr. Hesthag, Mr. Gladstone, Mr. Monte, and Chairman Pro Tem Dietz.
Votes Against: None.
- The Board adjourned from 8:47PM to 8:57PM

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TREY HOLDINGS, LLC – File #BA-14-10 – Block 205, Lot 17.01 (*formerly known as Lot 17A*) – 1524 Millstone River Road. Applicant seeking d(2) Use Variance for Expansion of a Nonconforming Use; d(1) Use Variance to allow multiple uses on one lot; and such other variances, waivers and approvals as are necessary to permit the Applicant to use Property for offices and parking of vehicles for a landscaping business and retain detached single family dwelling as such, on property located in the MVH, Millstone Valley Historic District. *HPC Review: 10-30-14*

- Mr. O'Grodnick., Esq (Applicant's Attorney) introduced the application.
- Mr. O'Grodnick introduced the Exhibit A1 –D.
- There was a lengthy discussion regarding the variance being requested and the notice.
- Mr. Anderson determined the notice was sufficient.
- Mr. Janhoe (Operator of Wild Heart Landscaping – Proposed tenant) was sworn in.
- Mr. Janhoe indicated that his landscaping business was located on Route 206 and operated as a landscape supply retailer. He indicated that he will not operate a landscape supply retail business as the proposed location. He further described his new business model.
- Mr. Janhoe described his equipment, vehicles and employees. He noted that intends to have 6 full time employees, approximately 5 to 6 cars. He gave approximate hours from 7:00AM to 5:00PM.
- Clarification was provided that Wild Heart landscaping is the proposed tenant and the contract purchaser is Trey Holdings, Inc.
- There was a discussion regarding permanent signage and new landscaping proposed for the property.
- Mr. Janhoe provided clarification by indicating that there is not outdoor storage proposed and no landscape materials such as stone and mulch proposed outside.
- Mr. Janhoe indicated that he would like to move his equipment and vehicles outside only when there is extreme flooding expected.
- There were several questions regarding the use. There were concerns expressed as to the operation of the proposed use and potential noise associated with it. There was a lengthy discussion on this topic.
- Mr. Janhoe requested that the number of employees be increased to 10.
- Mr. Kois requested an adjournment for the purpose of verifying that paper work (List of Equipment & Vehicles) was submitted by the Applicant as noted by the Applicant.
- The Board adjourned from 9:51PM to 10:05PM
- Mr. O'Grodnick requested that the application be carried to December 3, 2014 without further notice.
- The Board carried to the application to December 3, 2014 without further notice.

Executive Session

The Board went into a closed session at 10:09PM until 10:25PM.

Correspondence

None

Adjournment

The September 17, 2014 meeting was cancelled. The meeting adjourned at 10:27p.m.

Respectfully Submitted by: David Kois, Deputy Director of Planning/Zoning Official/Board of Adjustment Secretary