

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
December 03, 2014

Chairman Haines calls the Board of Adjustment meeting of December 3, 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 – Present
Helen Haines, *Chairman* – Present
Curtis Suraci, *Vice Chairman* – Present
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

Chairman Haines 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

- November 5, 2014 – Regular Meeting
A motion to approve as submitted was made by and seconded.
All in favor – Aye; Opposed – None. Motion carries.
- November 5, 2014 – Executive Session
A motion to approve as submitted was made and seconded.
All in favor – Aye; Opposed – None. Motion carries.

DISPOSITION OF RESOLUTIONS

- Veronica and Curtis SURACI – File #BA-14-08
A motion to approve as submitted was made by Mr. Valcheck, seconded by Mr. Dietz.
Roll Call: Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Hesthag – yes; Mr. Gladstone – yes; Mr. Monte – yes; Mr. Dietz – yes. Motion carries.
- HILLSBOROUGH PARK, LLC – File #BA-14-09
A motion to approve as submitted was made by Mr. Dietz, seconded by Mr. Valcheck.
Roll Call: Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Hesthag – yes; Mr. Gladstone – yes; Mr. Monte – yes; Mr. Dietz – yes. Motion carries.

BOARD OF ADJUSTMENT BUSINESS

- 2014 Annual Report - Draft.
Chairman Haines announced that a draft was included in the packets. Mr. Kois asked the Board to review the document and consider possible recommendations.

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING - APPLICATIONS

Ty (Tiago) BENTO – File #BA-14-13 – Block 173, Lot 11 – 257 Long Hill Road. Applicant seeking ‘c’ Bulk Variances for relief from Minimum Lot Size; Minimum Lot Width at Setback; Maximum Impervious Coverage; and other such variances, waivers, and approvals required to construct a single family dwelling with attached 3-car garage, porch, deck, walkway and driveway, on a property in the MZ District.

- Chairman Haines announced that the application is adjourned to January 07, 2014 without further notice.

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

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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.

- Mr. O'Grodnick., Esq (Applicant's Attorney) introduced the application.
- Mr. Lohse, Property Owner, was sworn in.
- Mr. Lohse gave background of the prior Betar use, such as hours of operation and the activity on the property from workers to deliveries. Further he explained that he relocated his Business due to the flooding of the property.
- Mr. Lohse answered questions about warehousing materials on the property that were required for manufacturing.
- Mr. Lohse explained that he gave a tree service company working for PSE&G permission to park the vehicles in his parking lot because of his security concerns.
- No questions from the public.
- 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, which focuses on demolition, excavating, and snow plowing.
- Mr. Janhoe explained that Trey Holdings, the contract purchaser, is owned by his wife and mother-in-law.
- Mr. O'Grodnick., Esq entered a new exhibit: A-5 Use summary and proposal with pictures
- Mr. Janhoe answered questions regarding A-5.
- Mr. Janhoe indicated that everything will be stored inside.
- Mr. Janhoe explained that he intends to have his daughter live in the dwelling on the property, but does not want to have the occupant of the dwelling limited to family. He indicated that likes the idea of having someone living on the property to act as caretaker.
- There was discussion about the possibility of subdividing the property.
- Mr. Anderson provided clarification indicating to the Board that a subdivision is not a permitted condition to be imposed.
- There was a series of questions regarding the access trail easement.
- Mr. Janhoe indicated that he is willing to submit a landscape plan at the satisfaction of the Board professionals. Additionally, he is willing to maintain the access trail easement.
- Mr. Janhoe indicated that his vehicles and equipment will only be located outside if there is the risk of a flood.
- There was a series of question regarding storage of mulch and top soil.
- Mr. Janhoe explained that there may be leftover materials stored in the truck from a job, but that there is no intention to store those materials permanently.
- No questions from public.
- Scarlett Doyle, PP, Applicant's Planner, was sworn in.
- Ms. Doyle read her report to the Board addressing the criteria for a use variance.
- There was a series of questions and answers.
- Ms. Doyle explained that in her professional opinion that she did not believe a traffic study was appropriate based on the proposed use and the use it was replacing.
- Ms. Doyle indicated that the two uses proposed on the property of 11 acres are appropriate.
- It was determined that the existing use will be nullified and would need approval to go back to becoming a machine shop.
- Ms. Doyle indicated that there will not be any fuel storage.
- Mr. Stamler made a motion to approve the application for TREY HOLDINGS – File #BA-14-10, with the following conditions: maximum 10 employees, hours operation 6:00am to 6:00pm, Monday through Friday except the risk of a flooding emergency, outdoor storage prohibited, landscape plan to the satisfaction of the Zoning officer and Board Engineer, which was seconded by Mr. Valcheck. The motion was approved as follows:
Votes in Favor: Mr. Valcheck, Mr. Herbert, Mr. Hesthag, Mr. Gladstone, Vice Chairman Suraci, and Chairman Haines.
Votes Against: Mr. Dietz
- The Board adjourned from 8:32PM to 8:43PM

Louise FOULK and Tim OPPEN – File #BA-14-11 – Block 86, Lot 16 – 399 Lexington Street. Applicant seeking Certificate of Nonconformity to recognize the existing use of the property as a legal prior existing non-conforming use as a two-family dwelling, on property in the R District.

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- Mr. McKeown., Esq (Applicant's Attorney) introduced the application.
- Mr. Ashrat Ragab, Applicant's Architect, was sworn in.
- Mr. Ragab gave a presentation on his findings.
- There was a series of questions from the Board.
- No questions from public,
- Ms. Linda Dawson, Applicant's Real Estate Expert, was sworn in.
- There was a significant amount of discussion due to complications regarding the acceptance of Ms. Dawson qualifications related to the subject matter.
- Ms. Louise Foulk, Property Owner, was sworn in.
- Ms. Foulk gave background on the property. Further, she indicated that she purchased the property as it exists today.
- There were a series of question and answers.
- No questions from public.
- Mr. McKeown requested that the application be carried to January 7, 2014 without further notice.
- The Board carried to the application to January 7, 2014 without further notice.

Rolando VEGA– File #BA-14-12 – Block 145.02, Lot 22 (*formerly known as Block 145, Lot 39.04*) – Orchard Drive. Applicant seeking d(1) Use Variance and 'c' Bulk Variance for relief from Maximum Impervious Surface and other such variances, waivers, and approvals required to permit construction of a single family dwelling containing a secondary living unit, on property in the RS District.

- Chairman Haines announced that due to the lack of time this evening to hear Rolanda VEGA – BA-14-12, the application is adjourned to January 07, 2014 without further notice.

Correspondence

None

Adjournment

The meeting adjourned at 10:40p.m.

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