

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
JANUARY 20, 2016

Chairman Dr. Sireci called the Board of Adjustment meeting of January 20, 2016 to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

ROLL CALL:

Frank Herbert – Present
John Stamler – Absent
Helen Haines, *Vice Chairman* – Present
Curtis Suraci – Present
Fred Gladstone - Present

Frank Valcheck – Present
Dr. Steven Sireci, Jr., *Chairman* – Present
Steve Monte (Alt. 1) – Present
John Shockley (Alt. 2) – Present
Philomena Cellilli (Alt.3) – Present
John Torok (Alt. 4) – Absent

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 Maski, PP, AICP, Planning Director/Board of Adjustment Secretary/Clerk; and Michael Lombardozzi, CCR.

NOTICE OF MEETING

Chairman Dr. Sireci announced the meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ACCEPTANCE OF MEETING MINUTES

November 04, 2015

- Motion to approve as written, seconded.
- **Roll Call:** Mr. Valcheck – yes, Mr. Herbert – yes, Mr. Suraci – yes, Mr. Gladstone – yes, Mr. Monte – yes, Mr. Shockley – yes, Vice Chairman Haines – yes. Motion carries.

December 02, 2015

- Motion to approve as written, seconded.
- **Roll Call:** Mr. Valcheck – yes, Mr. Herbert – yes, Mr. Suraci – yes, Mr. Gladstone – yes, Mr. Monte – yes, Mr. Shockley – yes, Vice Chairman Haines – yes. Motion carries.

January 06, 2016 – Reorganization meeting

- Motion to approve as written, seconded.
- **Roll Call:** Mr. Valcheck – yes, Mr. Herbert – yes, Mr. Suraci – yes, Mr. Gladstone – yes, Mr. Monte – yes, Mr. Shockley – yes, Vice Chairman Haines – yes. Motion carries.

January 06, 2016 – Regular Meeting

- Motion to approve as written, seconded.
- **Roll Call:** Mr. Valcheck – yes, Mr. Herbert – yes, Mr. Suraci – yes, Mr. Gladstone – yes, Mr. Monte – yes, Mr. Shockley – yes, Vice Chairman Haines – yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

- BA-15-27 David Brook / DORIS

There was a motion to approve as written which was seconded.

Roll call: Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Suraci – yes; Mr. Gladstone – yes; Vice Chairman Haines – yes. Motion carries.

BOARD OF ADJUSTMENT BUSINESS

Appointment of Board of Adjustment Secretary/Clerk

- Mr. Maski explained the previously elected Secretary/Clerk has left the Planning and Zoning Department. He asked that the Planning Director be elected to this position.
- There was a motion and a second to approve.
- **Roll call:** Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Suraci – yes; Mr. Gladstone – yes; Mr. Monte – yes; Vice Chairman Haines – yes; Chairman Dr. Sireci – yes. Motion carries.

Michael DUDZINSKI – File BA-15-11 – Extension of Time until March 31, 2016

- There was a discussion on whether or not the Board needed to approve this request.
- The Board decided not to vote on this business.

PUBLIC HEARING - APPLICATIONS

Apex Sports and Events, LLC – File BA-15-26 – Block 201, Lot 9 – 141 Hillsborough Road. Applicant seeking Bifurcated 'd' (1) Variance for a non-permitted use and 'd' (6) Variance for building height with consideration of 'c' Bulk Variances for relief from Maximum Impervious Coverage and Maximum Rear Yard Setback and other such

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variances, waivers, and approvals required to permit construction an athletic and recreation facility on property located in the AG District. *(EC Review 12-14-15)* **Request to adjourn without further notice.**

- Mr. Corsini, Esq, representing the Applicant, requested an adjournment to another date.
- There was discussion about time of decision for this application and the next available date.
- There was discussion about whether the applicant should provide further notice.
- There was a motion to adjourn to April 6, 2016 without further notice on the condition that an extension of time request be signed and submitted 30 days before the next hearing. It was seconded.
- **Roll call:** Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Suraci – yes; Mr. Gladstone – yes; Mr. Monte – yes; Vice Chairman Haines – yes; Chairman Dr. Sireci – yes. Motion carries.

EXECUTIVE SESSION

There was a motion and a second to go into executive session to discuss the following:

- Attorney-client privilege matters
- **Re: Hillsborough Towne Center Associates, LLC v. Board of Adjustment of the Township of Hillsborough**
- **Re: DORIS and Mr. Augie Palumbo v. The Hillsborough Township Historic Preservation Commission, et al**
- **Re: Christian Community Chapel**

Roll call: Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Suraci – yes; Mr. Gladstone – yes; Mr. Monte – yes; Vice Chairman Haines – yes; Chairman Dr. Sireci – yes. Motion carries.

BUSINESS FROM THE FLOOR

- None

PUBLIC HEARING - APPLICATIONS

Muslim Center of Somerset (New Amwell Rd) – File BA-15-24 – Block 162, Lots 20.01 & 20.02 – 22 & 26 New Amwell Road. Applicant seeking to change conditions in resolution and other such variances, waivers, and approvals required to permit various activities related to a Muslim house of worship on property in the CR zone.

- Lloyd Tubman, Esq, representing the Applicant, briefly summarized the history of the previously approved variance.
- Ms. Tubman made note that the lots had been merged as a condition of the previous approval and that there are no changes to the approved site plan.
- Mr. Anderson discussed the merger of the lots.
- Mr. Ghori, Treasurer with Muslim Center of Somerset, was sworn in.
- **Exhibit A-1:** Resolution of Approval for Chabad in 2013
- Mr. Ghori gave a history of this Muslim Center.
- Mr. Ghori testified that 49 worshippers, as previously approved, is a number they can meet.
- Mr. Ghori went on to describe how prayer times work, which can vary due to the season.
- He testified that attendance for and duration of each daily prayer service varies greatly.
- The weekly prayer service is on Friday at 1pm, he noted is similar to a Sunday church service. Mr. Ghori testified that at the new location they project 40-48 attendees.
- Mr. Ghori noted that to stay at the 49 worshippers cap, they would like to split the service into two or three times if needed.
- Mr. Ghori testified that the service could also be split if they reach parking capacity.
- If they are unable to manage the capacity for worshippers or parking, Mr. Ghori testified that this particular mid-day weekly service would be taken off site.
- Mr. Ghori described the month of Ramadan that would add an additional nightly service.
- Mr. Ghori described the “Eid” time of year, which is like Christmas or Hanukah. He testified that the turnout for those services is too large to be accommodated by this site and they would rent another site for it.
- Mr. Ghori discussed the weekend school for children age 5 to 14, which is from 7pm to 9pm on Friday.
- Chairman Dr. Sireci asked for clarification about the Ramadan nightly prayer service while the night school is going on. Mr. Ghori testified that they would not coincide.
- There was a longer discussion on managing the school hours during Ramadan. The weekend school would be moved to Saturday morning or during the day to accommodate this.
- There was a discussion on the proposed preschool.
- Vice Chairman Haines noted that the Chabad approval stipulated that no two activities would coincide and this preschool is not meeting that condition.
- Mr. Ghori detailed the small groups, board meetings, and other small activities that would take place on the property. He testified that this is a representation and they may add other activities sometime in the future as the need arises.
- There was a lengthy discussion on conducting several activities and prayer services simultaneously.
- Ms. Tubman clarified that they are looking to modify condition “G” which states that no concurrent operations will take place.

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- Ms. Tubman stated that the applicant will eliminate the preschool altogether, commit that no more than 49 persons plus 2 office workers in the building at any one time, and requested the flexibility within that maximum occupancy and parking limitations to conduct any activities normally incidental to a house of worship.
- Ms. Tubman clarified that is reference to the back building only and not the residence.
- There was discussion about lighting. The limits of external lighting would be from 4:30am to 11pm.
- Mr. Ghori testified that there are no changes proposed relative to the use of the residence.
- Motion to open the public portion, seconded. All aye.
- John Faddish, Resident, asked about increase in the congregation. Mr. Ghori testified that they will not go beyond the allotted number of occupants. There was a brief discussion about how the number of occupants will be managed.
- Mr. Ghori testified that this organization is not at a county level, it mostly serves Hillsborough and the surrounding towns.
- Dennis Salotti, Resident, asked if services for people in crisis or troubled youth will be performed at this location.
- Mr. Ghori testified they do not conduct those activities now and do not have the resources to do so.
- Tamara Faddish, Resident, asked about the types of exterior lighting.
- Ms. Tubman noted that's a question for the architect but the lighting was approved with the site plan and no changes are proposed.
- Mrs. Faddish asked for the total number of parking spaces previously approved. There are 28 spaces.
- No more public questions for this witness.
- Ashraf Ragab, Architect, was sworn in.
- Mr. Ragab testified that the footprint of the building was not modified. He testified that the elevation of the building was changed only in terms of the lettering on the sign.
- **Exhibit A-2:** Architectural drawings A-0 to A-3.
- Mr. Ragab testified that the plans were obtained from the Chabad as the current property owner. The changes include the signage and the removal of a sink in the prayer space.
- There was discussion about the lighting of the freestanding sign, which was previously approved as part of the Chabad site plan.
- There was a brief description about the finished attic, which is more like a half story second floor, to be used for the offices.
- Mr. Ragab detailed what the rooms on the ground floor would be used for.
- Mr. Ragab noted that the maximum occupancy of the room exceeds that of the parking spaces.
- There was discussion on the exits.
- There was further discussion about lighting.
- Mr. Ragab testified that while the site improvements were approved, none have been implemented.
- Open to the public.
- There was a question about the height of the freestanding lights in the parking lot. They are 6ft high.
- There was discussion about the fencing. The Applicant will agree to a solid fence approved by the Planning Department or the Board Engineer.
- There was a question about the landscape buffer.
- Ms. Tubman noted that the landscaping was previously approved with the site plan for the Chabad.
- There was further conversation about landscaping and lighting.
- Mark La Bracio, Resident, asked about controlling water runoff. Mr. Anderson noted that the site plan is not changing and thus there are no changes to the stormwater management to be discussed.
- Mr. Faddish asked a question about traffic. Chairman Dr. Sireci noted that a traffic expert will testify later, who is the more appropriate person to answer that question.
- Ms. Tubman agreed to carry this application to March 2, 2016 without further notice.

CORRESPONDENCE

- None

ADJOURNMENT

The meeting adjourned at 10:36p.m.

Respectfully Submitted by: Caitlin Davis, Planning & Zoning Clerk

Review by: David Maski, PP, AICP, Planning Director/Board of Adjustment Secretary/Clerk