

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
September 07, 2017

Chairman Shawn Lipani called the Planning Board Regular Public Meeting of September 07, 2017 to order at 7:33 pm. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Hillsborough Township Municipal complex.

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

ROLL CALL

Mayor Carl Suraci - Absent
Robert Wagner, Jr. - Absent
Committeeman Frank DelCore - Absent
Robert Peason - Present
Stephanie Forrest - Absent
Neil Julian, Vice Chairman - Present

Sally Becorena - Present
Shawn Lipani, Chairman - Present
Kenneth Hesthag, Secretary - Present
Ron Skobo (Seat Alt. #1) - Present
Sam Weinstein (Seat Alt. #2) - Present

Also present: Patrick Gorman, Zoning Official / Assistant Planner; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); William H.R. White, III, PE, CME, Board Engineer (Maser Consulting P.A.); Michael Lombardozi, Covering Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

DISPOSITION OF MINUTES

- July 27, 2017

A motion to approve was made by Mr. Skobo, seconded by Mr. Weinstein.

Roll Call: Mr. Peason - yes; Ms. Becorena - yes; Mr. Skobo - yes; Mr. Weinstein - yes; Vice Chairman Julian - yes; Chairman Lipani - yes. Motion carries.

DISPOSITION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

- **Ordinance 2017-07** - AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY, AMENDING CHAPTER 188 "LAND USE AND DEVELOPMENT", ARTICLE V "DISTRICTS AND STANDARDS" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH BY **ADDING SECTION 188-113.7 "MIXED-USE INCLUSIONARY DISTRICT-1"**

Mr. Bernstein explained that the ordinance has been before the Board in May relative to an application regarding affordable housing. The ordinance has been introduced by the Township Committee and referred back to the Board for consideration. There was a procedural issue with regard to notice that required the ordinance be reintroduced by the Committee.

This would provide for a mixed-use development on Lot 4, Block 202, for up to 175 total living units and 20,000 square feet of retail/office space fronting on Route 206 Bypass. Forty-two of the units would meet the affordable housing criteria.

Chairman Lipani commented this is simply a review of what was previously before the Board.

Mr. Bernstein agreed.

A motion to approve and refer Ordinance 2017-07 back to the Township Committee for consideration and potential adoption, was made by Mr. Skobo, seconded by Mr. Peason.

Roll Call: Mr. Peason - yes; Ms. Becorena - yes; Mr. Skobo - yes; Mr. Weinstein - yes; Mr. Hesthag - yes; Vice Chairman Julian - yes; Chairman Lipani - yes. Motion carries.

PUBLIC HEARING - SUBDIVISION/SITE PLAN APPLICATIONS

- **Raymond Drake - File 17-PB-03-SV** - Block 11, Lot 57 - 59 East Mountain Road. Applicant seeking Minor Subdivision Approval and 'c' bulk variances for relief from minimum front yard setback; and minimum setback for an accessory structure, to subdivide a 2.19 acres property into two lots, in the R, Residential District (*EC Review: 07-24-17*).

Chairman Lipani introduced the application and then recused himself.

Board Attorney, Mr. Bernstein noted for the record that Chairman Lipani has stepped down; Vice Chairman Julian is coming into his stead, and Chairman Lipani will be leaving the room for the remainder of the meeting.

David Singer, Esq. from Vella, Singer and Associates, representing the Applicant, stated the application is for minor subdivision with bulk variances.

Raymond Drake was sworn in and gave the following testimony, in response to questions asked by Mr. Singer:

Mr. Drake said he is asking to subdivide his property so that his daughter can have his house and he can build a new house on the subdivided new lot. The existing house is connected to public water and sewer. The sewer line comes across East Mountain Road.

No questions from the Board.

Open to the Public.

No questions.

Deborah D'Amico, PE of D'Amico Engineering, LLC, was sworn in, reviewed her credentials, was accepted by the Board and gave the following testimony:

Exhibit A-1 - Variance Plan

Ms. D'Amico said the property is just under three acres at 2.9 acres. The proposal is to subdivide the property into two buildable lots and make a right-of-way dedication to Somerset County and to Hillsborough Township. The dedication along Mill Lane, which is half of the 58 ft. right-of-way shown on the Tax Map, would go to Hillsborough Township; the property goes to the center line. Similarly, the right-of-way on Amwell Road is 66 ft.; 33 ft. for the half-width would be dedicated to the County.

Ms. D'Amico said proposed "Lot A" is the new proposed building lot. This application is not proposing any building as part of this application. Proposed Lot A is one acre, not including the dedication. Proposed "Lot B" has the existing dwelling, garage, driveway and carport, and all associated improvements for the dwelling that fronts onto East Mountain Road. Proposed Lot B will be 1.5 acres. There will be a 20 ft. sewer and water easement to provide public utilities to the new lot. There will only be a need for a lateral, not a sewer extension.

Ms. D'Amico said there are variances associated with the application: a variance for the existing carport. A front yard setback is needed for the existing house. The house is not being moved closer to the right-of-way; the right-of-way is being moved closer to the house so that the County can maintain the roadway. There will be a rear yard setback variance for the garage to the rear lot line.

Ms. D'Amico reviewed the comments from the Maser Engineering review. Ms. D'Amico said the subdivision will be filed by Deed. The metes and bounds descriptions will be provided once the application has been approved. A sealed copy of the property survey has been submitted. The right-of-way dedications will be subject to SCPB approval. The County has reviewed the application and has no comment on the dedications, but has commented on a need for vegetation removal. The metes and bounds for all of the dedications will follow. The proposed lot numbers will be obtained from the Tax Assessor. Once Lot A is developed, a plot plan will be submitted, but the development of the lot is not part of this application. The application number will be added to the plan.

Mr. Singer said the professionals have received comments from the SCPB and are working to address those comments. The application was presented to the Environmental Commission and a report was issued. The

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Fire Marshal issued a statement of no comment. The MUA has not issued comments, but there may not be an impact until it is determined how "Lot A" will be developed. The DRCC issued a letter stating they do not have jurisdiction.

Vice Chairman Julian reviewed the letter from the Environmental Commission.

Mr. Singer said the narrative has been revised and provided.

Ms. D'Amico said the plan will be corrected to reflect there is 127,189 sf. of the total lot area. The County dedication is 13,922 sf.; the Mill Lane dedication is 3,546 sf. Lot A will consist of 43,635 sf.; Lot B will be 66,086 sf.

Vice Chairman Julian said the other items were also noted in the Maser report and already reviewed.

Ms. D'Amico addressed the comments from the Planning Report. Ms. D'Amico explained the variance for the carport is for an existing structure. The Applicant is not moving the structure. The front yard setback is needed due to the County dedication and is simply the moving of the lot line, not a change with the structure. Proposed Lot B is 1 ½ times the size it needs to be but in order to be able to give the rear lot the full acre, there is a need to have a rear yard setback variance for the existing garage. There is a garden wall beyond the garage. Ms. D'Amico stated the variances will not take away from the lot, nor be detrimental to the public.

Zoning Official / Deputy Planner, Patrick Gorman, asked Ms. D'Amico if she knew of a permit being issued for the existing carport, which is at a "0" lot line, and could not be approved by Zoning.

Mr. Singer said the carport would not have been required to receive a construction permit because it is under 10 ft.

Mr. Gorman said a variance is required because the accessory structure does not meet the Zoning Code.

Mr. Singer said if it is an issue, Mr. Drake would be willing to take the structure down.

Mr. Drake confirmed he would take it down.

Mr. Gorman said that would mean there is one less variance, and would result in a slight change to the impervious coverage. Mr. Gorman said this would need to be a condition of approval, and the plans would need to reflect as such. There is only one variance.

Ms. D'Amico said there is also a need for a variance for the garage.

Mr. Gorman asked how tall the garage is.

Mr. Drake said the existing garage is 12 ft. in height.

Mr. Gorman said as an accessory structure, the garage would need to be 1 ½ times the height away from the property line; 18 ft. is the requirement. The garage will meet the requirement so no variance is needed for the garage.

Ms. D'Amico continued the review of the Planning Report. Ms. D'Amico said the County has not asked that the fence along the property on East Mountain and Amwell be removed. The County has asked that some sight issues with the driveway be addressed though. The fence will be taken down if the County requires it, since it is a County right-of-way, but if not, the Applicant prefers it to stay.

Mr. Gorman asked Mr. White if the corner of East Mountain Road is also part of the County right-of-way.

Mr. White confirmed East Mountain and Amwell Road are County right-of-ways.

Mr. Gorman said he will defer to the County on the matter of the fence.

Ms. D'Amico continued with review of the report. Ms. D'Amico said a North arrow, dedication areas, and signature block will be added to the plan.

Mr. Gorman said connection to public water and public sewer, prior to CO, should be a Condition of approval.

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Mr. Singer said at the time the new lot is to be constructed, the plot plan will be before the Board.

Mr. White clarified that if there are no variances associated, construction for the new lot would not need to go before the Board. Only the required permits would be necessary.

Mr. Bernstein asked Mr. Singer if there were any objections to those conditions.

Mr. Singer indicated there were no objections.

Mr. Gorman asked for clarification on the total lot coverage noted in the narrative vs. the plan.

Ms. D'Amico said the discrepancy is likely a typo.
No questions from the public.

Close public.

Vice Chairman Julian called for a motion to approve the minor subdivision and one 'c' bulk variance, with all conditions.

A motion to approve was made by Mr. Skobo, seconded by Mr. Peason.

Roll Call: Mr. Peason - yes; Ms. Becorena - yes; Mr. Skobo - yes; Mr. Weinstein - yes; Mr. Hesthag - yes; Vice Chairman Julian - yes. Motion carries.

Mr. Bernstein reminded the Board there are two applications scheduled to the next meeting.

CORRESPONDENCE

None

ADJOURNMENT

A motion to adjourn was made by Secretary Hesthag, seconded by Mr. Peason. All were in favor, none opposed; motion carries.

The meeting was adjourned at 8:04 p.m.

*Submitted by:
Debora Padgett
Administrative Assistant / Planning Board Clerk*