

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
April 4, 2018

Chairman Monte called the Board of Adjustment meeting of April 4, 2018 to order at 7:33 pm. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

NOTICE OF MEETING

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

ROLL CALL:

Frank Herbert, <i>Vice Chairman</i> – Present	Frank Valcheck – Present
John Stamler – Present	Steve Monte, <i>Chairman</i> – Present
Helen Haines – Present	Philomena Cellilli (Alt. 1) – Present
Curtis Suraci – Present	Paul Kaminsky (Alt. 2) – Absent
Fred Gladstone – Present	Sean Horgan (Alt. 3) – Present
	Raj Deb (Alt. 4) – Arrived at 7:39pm

Also in attendance: Mark Anderson, Esq., Board Attorney (Woolson Anderson, P.C.); Patrick Gorman, Assistant Planner/Zoning Official/Board of Adjustment Secretary/Clerk; William H. R. White, III, P.E., C.M.E., Board Engineer (Maser Consulting, P.A.); and Tina Restuccia, CCR.

BOARD OF ADJUSTMENT BUSINESS

- Oath of Office – Sean Horgan, Seat Alternate #3
 - Mr. Anderson administered the oath.

ACCEPTANCE OF MEETING MINUTES

- **January 17, 2018 – Reorg Minutes**
 - There was a motion and a second to approve as written.
 - **Roll Call:** Mr. Stamler – yes, Ms. Haines – yes, Mr. Suraci – yes, Mr. Gladstone – yes, Ms. Cellilli – yes, Vice Chairman Herbert – yes, Chairman Monte – yes. Motion carries.
- **January 17, 2018 – Regular Minutes**
 - There was a motion and a second to approve as written.
 - **Roll Call:** Mr. Stamler – yes, Ms. Haines – yes, Mr. Suraci – yes, Mr. Gladstone – yes, Ms. Cellilli – yes, Vice Chairman Herbert – yes, Chairman Monte – yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

- **John SUDIA – File #BA-17-13**
 - There was a motion and a second to approve as written.
 - **Roll Call:** Mr. Gladstone – yes, Mr. Stamler – yes, Ms. Haines – yes, Mr. Suraci – yes, Ms. Cellilli – yes, Vice Chairman Herbert – yes, Chairman Monte – yes. Motion carries.
- **Naturally Nurturing, LLC – File #BA-17-01**
 - There was a brief discussion on who was eligible to vote.
 - There was a motion and a second to approve as written.
 - **Roll Call:** Mr. Suraci – yes, Ms. Haines – yes, Ms. Cellilli – yes. Motion carries.

BUSINESS FROM THE FLOOR (For Matters not on the Agenda)

- None

PUBLIC HEARING - APPLICATIONS

- **Upendra and Ashwini BELHE** – File BA-18-03 – Block 205.27, Lot 12 – 12 McCarles Drive. **Adjourned with re-notice**
- **John A. ARMENTI** – File BA-18-04 – Block 156, Lot 25 – 16 Crestwood Avenue. **Adjourned with re-notice.**
- **George R. FARLEY** – File BA-18-01 – Block 34, Lots 1 & 20 – 28 Equator Avenue. **Request for adjournment without notice.**
 1. There was a brief discussion on the notice requirements for the application.
 2. There was a motion and a second to adjourn this application with re-notice to a future date.
 3. All aye, none opposed. Motion carries.

**Board of Adjustment Meeting
April 4, 2018**

- **Brenden RUH** – File BA-17-07 – Block 175.18, Lot 8.01 – 346 South Branch Road. Applicant seeking Minor Site Plan Approval and a ‘d’ Use Variance to operate a landscaping business and continue the use of a single-family residence on the property and a ‘c’ Bulk Variance for relief from Minimum Side Yard Setback to construct storage containers on a property located in the R District. (*EC Review: 2-26-18*)
 1. Alex Fisher, Esq., Attorney for the Applicant, introduced the application.
 2. Christopher A. Melick, PP, PLS, was sworn in and his qualifications were accepted by the Board.
 3. **Exhibit A-1:** Site and Variance plan, in color
 4. Mr. Melick used the exhibit to describe the property.
 5. There was discussion on the aerial photographs.
 6. Mr. Melick described the impervious coverage that has been removed and how the property will not exceed the maximum for the zone.
 7. The Board discussed the wetlands. The Applicant has not obtained an LOI.
 8. Mr. Melick noted that there is a 50ft buffer proposed and any gravel and equipment in that area will be moved.
 9. There was discussion on the proposed gravel parking lot.
 10. Mr. Melick testified to how the Applicant will meet the comments from Mr. White’s memo.
 11. There was a lengthy discussion about the application’s appearance before the Environmental Commission.
 12. Mr. Melick testified that the County of Somerset does not require a right-of-way dedication.
 13. Mr. Melick described the Seabox containers on the property.
 14. No questions for this witness.
 15. Brenden J. Ruh was sworn in.
 16. Mr. Ruh gave a history of the property and A&B Landscaping.
 17. Mr. Ruh detailed the vehicles dedicated to the business.
 18. Mr. Ruh testified to what will be kept in the containers, that nothing will be stored outside besides the aforementioned vehicles, and there are no bulk materials on the site.
 19. Mr. Ruh testified that the garage is for personal use only.
 20. Mr. Gorman and Mr. Fischer discussed the zoning violations on the property.
 21. No questions for this witness.
 22. Mr. Melick testified about the position and negative criteria for the variances.
 23. There was a lengthy discussion on the buffering.
 24. Mr. Fisher noted the Applicant will agree to reduce the number of parking spaces to nine so that the buffering requirement is not applicable.
 25. **Exhibit A-2:** Photograph of the site dated 2/20/18
 26. Mr. Melick discussed the bamboo buffering using the exhibit.
 27. There was discussion on the intensity of the use.
 28. Mr. Ruh testified that customers do not visit the property.
 29. There was discussion on the hours of operation, the existing driveway, and impervious coverage.
 30. The Applicant agreed to an extension.
 31. The application was carried to September 5, 2018 without notice.

CORRESPONDENCE

- County of Somerset Department of Health Notice of Violation for 1878 Millstone River Rd (re: BA-17-01)
- The New Jersey Planner, January/February Edition

ADJOURNMENT

The meeting adjourned at 9:33 pm.

Respectfully Submitted by: Caitlin Vaz, Planning & Zoning Clerk

Reviewed by: Patrick Gorman, Assistant Planner/Zoning Official/Board of Adjustment Secretary/Clerk