

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

October 03, 2013

Chairman Sireci called the Planning Board meeting of October 03, 2013 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.

Chairman Sireci announced that 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 Frank DelCore – Arrived 7:35 p.m.
Michael Merdinger – Absent
Committeewoman Gloria McCauley – Present
Steve Cohen, Vice Chairman - Present
Tod Mershon, *Secretary*- Present
Neil Julian - Present

Sam Conard - Present
Steven Sireci, Jr., Chairman - Present
Robert Wagner, Jr. - Present
Daniel Marulli (Alt. #1) - Present
Robert Peason (Alt. #2) - Present

Also present: David Kois, Deputy Director of Planning / Zoning Official; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Lucille Grozinski, C.C.R. and Caz Bielen, Premier Media, LLC, Videographer.

Board Attorney, Eric Bernstein stated that if there were just one or two sets of minutes, there would be a motion and second for each. Because there are so many minutes, I recommend to the Board that this be done by one motion and one second. If there are any minutes you cannot approve because you were not here, simply indicate those minutes you are abstaining on.

ACCEPTANCE OF REGULAR MEETING MINUTES

A motion to approve the minutes from 12-06-12 through 07-25-13 was made by Vice Chairman Cohen, seconded by Mr. Mershon. The Minutes of 12-06-12 through 07-25-13 were approved by all members with the following abstentions:

December 06, 2012

Abstain: Mr. Wager

December 13, 2012

Abstain: Mr. Wagner

January 10, 2013 – Reorganization Meeting

Abstain: None

January 10, 2013 – Regular Meeting

Abstain: None

February 21, 2013

Abstain: Dr. Marulli; Committeewoman McCauley

February 28, 2013

Abstain Mr. Mershon; Mr. Conard; Mr. Peason; Vice Chairman Cohen; Mayor DelCore

March 14, 2013

Abstain: Mr. Julian; Mayor DelCore

April 04, 2013

Abstain: Vice Chairman Cohen

June 06, 2013

Abstain: Mayor DelCore

June 27, 2013

Abstain: Mr. Conard; Mr. Peason; Committeewoman McCauley; Mayor DelCore

July 11, 2013

Abstain: Dr. Marulli; Committeewoman McCauley

July 25, 2013

Abstain: Mr. Wagner; Mr. Conard; Dr. Marulli;

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All were in favor; none were opposed. Motion carries.

ACCEPTANCE OF RESOLUTIONS

Somerset County Emergency Training Facility 13-PB-01-MSRV

A motion to approve 13-PB-01-MSRV was made by Mr. Conard, seconded by Mr. Mershon.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon – yes; Dr. Marulli – yes; Mr. Conard – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Chairman Sireci – yes. Motion carries.

Curtis Westover 12-PB-03-MRV

Mr. Bernstein noted this Resolution had been before the Board previously. There were some concerns raised by a few members of the Board regarding the language. The language of the revised Resolution has been reviewed by Mr. Julian and Mr. Merdinger and is now acceptable.

Mr. Julian agreed.

A motion to approve 12-PB-03-MRV was made by Mr. Julian, seconded by Vice Chairman Cohen.

Roll Call: Mr. Julian – yes; Vice Chairman Cohen – yes; Mayor DelCore – yes; Committeewoman McCauley – yes; Chairman Sireci – yes. Motion carries.

PLANNING BOARD BUSINESS

WSH Enterprises, Inc. – Final Plat – 08-PB-15-MJF – Extension request through 12-31-13

Mr. Bernstein stated that both the applicant's attorney and objector's attorney have agreed to the extension.

Committeewoman McCauley asked if there is a limit as to how many times an extension could be granted.

Mr. Bernstein said this application had previously been in litigation. As long as the extensions are requested, the Board can grant them. The parties are trying to resolve the outstanding issues to bring the application to the Board.

A motion to accept the extension through 12-31-13 was made by Committeewoman McCauley, seconded by Mr. Wagner. All were in favor; none were opposed. Motion carries.

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

WSH Enterprises, Inc. – Final Plat File # 08-PB-15-MJF – Block 148, Lot 24 – Beekman Lane. Applicant requesting final major subdivision approval for 8 lots; 7 residential building lots and 1 water quality treatment facility lot (no new variances) located in the R Zone. ***ADJOURNED to December 05, 2013 without further notice.***

Chairman Sireci announced for the record that the WSH application has been adjourned to December 05, 2013 without further notice.

Hillsborough Rescue Squad, Inc., File #13-PB-12-MSRV – Block 175.18, Lot 25 (Lots 25 and 25.01 merged) – 48 East Mountain Road. Applicant seeking Minor Site Plan Approval; and 'c' Bulk Variance for relief from Minimum Side Yard Setback (existing non-conformity); Maximum Impervious Coverage (existing non-conformity); Minimum Lot Area (existing non-conformity); and Minimum Front Yard Setback (existing non-conformity) to construct a 1,456 sf., one story building addition to the rear of the existing building which will provide 2 bays to store rescue vehicles, on property in the R District. (EC Agenda: 09-23-13).

Pasquale Marago, Esq. representing the applicant introduced the applicant's engineer.

Robert B. Heibell, P.E. of Van Cleef Engineering Associates was sworn in and gave the following testimony:

This seems like a simple application but there has been a whole lot of red tape which I will explain further into my testimony. The application is for the existing Rescue Squad building on East Mountain Road. When I originally submitted the application, and still on the Hillsborough Township Tax Map, there are actually 2 lots: Lot 25 which houses the existing building and Lot 25.01. Several years ago the Township acquired approximately 1 acre of property and those 2 lots were to

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be merged together. The Deed of Merger was never filed but under the Doctrine of Merger, The Township Tax Assessor agrees that the lots have been merged. A condition of approval will be that I prepare a Deed an officially merge the 2 lots together. The Tax Assessor decided the parent lot, Lot 25, which is the one with the building on it should be the final lot number. When I originally submitted it, I chose the larger of the two lots but later found out that was in error. The notice we filed is for Block 175.18, Lot 25.

The application involves placing a building extension either on top of existing pavement or an existing gravel area on the easterly side of the existing building. The Rescue Squad is currently storing 2 pieces of equipment outside and hopes to be able to house this equipment inside the building addition. Because it is on the existing impervious surface, there is no increase in the total impervious surface for the property.

In order to secure the approval we submitted the Minor Site Plan and showed a building of 56' x 36'. The original building was slightly smaller which came out to the 1,456 sf., which was my error. Everything else is correct on the plan but the actual square footage of the building is 2,016 sf.

We have an approval from the SCPB dated 09-06-13 without any conditions. We have an exemption letter from the Somerset-Union Soil Conservation District, dated 08-01-13. The DRCC issued an exemption letter dated 09-04-13. As for the NJDEP, the easterly 1 acre portion of the tract that has to be officially merged with the remainder 1/2 acre has some freshwater wetlands on it. Since the lots were never merged, we have to go back to the NJDEP for a new LOI. Also, the buffer from the wetlands extends into the area that has the current pavement and stone area. We have also applied for a special activity waiver for redevelopment. The application has been filed but NJDEP has not yet acted on it currently. When we went to the Environmental Commission on September 23rd, they had a concern that that would be a condition of approval. We need to get NJDEP to act on this application that was submitted about 2 weeks ago quickly. We have recently received an application number and just who is doing the review so I will make the necessary contacts.

We have received the report from the Environmental Commission dated 10-01-13. Chief Gwin and I attended the meeting of September 23rd. The Commission was concerned with the fact that we need the NJDEP Permit and secondarily, there is an old monitoring well on the property. We believe it has been sealed in accordance with the Township records and requirements and are checking with Dr. Belnay in that regard. That should also be a requirement of approval because it is going to be beneath the building extension.

I have reviewed Mr. Kois' 09-17-13 report with him on several occasions. His only concern is over the available parking spaces on the property. I did not have that shown on the original submission but have since gone out and measured. There are 16 additional parking spaces on the property which we believe is sufficient. As for the loading space, we want to take the 2 pieces of equipment and put them inside the proposed structure.

The last report is from Mr. White, dated 09-30-13. He is not present today but I did speak with him earlier. He has no issues that will not be addressed. He once again pointed out that we do need the permit from NJDEP. He also wants to make sure the building is in accordance with the ADA requirements, which it will be. As for lighting, I said whatever lighting is there will stay there. I later qualified that by saying any exterior door from the building has to have a light over the door. So there will be a light bulb over the door but will not be a new freestanding structure. In all probability there will also be a light over the garage bay door for safety purposes even though it may or may not be a requirement of the Building Department.

The property is located in the R-1 District which requires 1 acre. This property is 1.48 acres but it falls into a 2 acre requirement if you do not have both public sewer and public water. Because they are on a private well on the northern portion of the property, a variance for lot coverage is required, even though it is an existing nonconformity. The front yard setback is 3 ft. shy at 47 ft. of the required 50 ft. minimum. That will not be affected. We are not increasing the impervious coverage but it is over the allowable. We have also noticed for the existing side yard setback. The requirement is 30 ft., the existing building is 23.5 ft. At its closest portion of the building addition it is 26.5 ft. on the northerly line of the building.

Mr. Julian reiterated the points reviewed by Mr. Heibell concerning the Environmental Commission. There was a previously delineated wetland prior to the 2 lots merging. Now that the 2 lots have been merged the DEP will have to re-delineate the wetlands area which will encroach the 50 ft. buffer transition area waiver. That and the closing of the monitoring well were the only 2 points the Commission raised. Other than that, the Commission supports the application.

Mr. Heibell said the architect is available as well as Chief Gwin if there are any specific questions that the Board would like to ask.

Open to the Public

No comments

Close Public

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A motion to approve 13-PB-12-MSRV with the condition of sealing the well; pending the Transition Area Waiver grant from the NJDEP; and all conditions requested by the Environmental Commission, outside agencies and compliance with the reports of Mr. White and Mr. Kois, was made by Vice Chairman Cohen, seconded by Mr. Wagner.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Conard – yes; Dr. Marulli – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Chairman Sireci – yes. Motion carries.

Chairman Sireci announced there is no business scheduled to the October 10th or October 24th meetings.

A motion to cancel both meetings was made by Vice Chairman Cohen, seconded by Mr. Conard. All were in favor; none were opposed. Motion carries.

CORRESPONDENCE

The New Jersey PLANNER - Volume 74, No. 4 – page 6 – Article on Robert Ringelheim, P.P., A.I.C.P.

Chairman Sireci suggested the Board to take a look at the full page article on Bob Ringelheim in this month's issue of the *Planner*.

A member of the public came up to speak. Chairman Sireci informed her that the floor had been opened to the public and since closed.

ADJOURNMENT

The meeting adjourned at 7:59 p.m.

Submitted by:
Debora Padgett
Administrative Assistant
Planning Board/Board of Adjustment Clerk

APPROVED