

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
January 09, 2014

Chairman Sireci calls the Planning Board Public Meeting of January 9, 2014 to order at 7:30 p.m. All stand for the Pledge of Allegiance. The meeting takes place in the Courtroom of the Municipal Complex.

Chairman Sireci announces that 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

Deputy Mayor Greg Burchette - *Present*
Michael Merdinger - *Present*
Committeeman Frank DelCore - *Present*
Steve Cohen, *Vice Chairman - Present*
Tod Mershon, *Secretary - Present*
Neil Julian - *Present*

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

Also present: Bruce Rydel, P.P., AICP, Township Planner; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); William H. R. White, III, PE, Board Engineer (Maser Consulting, P.A.); Lucille Grozinski, C.C.R. and Caz Bielen, Videographer (Premier Media, LLC).

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

Professionals' Contract Resolutions

Board Attorney
Board Engineer
Board Alternate Engineer
Board Court Reporter
Board Videographer

A motion is made and seconded for each position. All in favor – Aye; Opposed – None. Motions carry.

Planning Board – 2013 Annual Report

A Motion is made and seconded. All in favor – Aye, Opposed – None. Motion carries.

Board of Adjustment – 2013 Annual Report

Dr. Sireci notes there is no action to be taken on this report.

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATION

Hillsborough Lawn and Garden (Skillman) – File 12-PB-11-SRV – Block 178, Lots 19 (702 Route 206) and Block 178, Lot 20 (706 Route 206). Application Approved 11-07-13. All matters with the Fire Marshal have been addressed - hearing for application is complete.

Chairman Sireci introduces the application.

Mr. Bernstein indicates to the Board that the Applicant and the Planning Office have addressed and resolved the issues that were brought up at the end of the last meeting. Therefore, there is no need for the Applicant to appear in front of the Board.

WSH Enterprises – Amended Preliminary - File # 06-PB-08-MJ (Submitted 11-07-13) – Block 148, Lot 24 – Beekman Lane. Carried from December 05, 2013 without further notice.

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WSH Enterprises – Amended Final Plat - File #08-PB-15-MJF (Submitted 11-07-13) – Block 148, Lot 24 – Beekman Lane. **Adjourned from December 05, 2013 without further notice.**

Chairman Sireci introduces the two applications together because they are connected.

Mr. Bernstein notes that Committeeman Burchette is excused from the Board having not had an opportunity to review the prior hearings. He notes both Alternates are eligible to vote on this matter. Francis P. Linnus, Attorney for the Applicant, briefly summarizes the reason for this hearing, specifically addressing storm water management. Van Cleef Engineering proposed revisions based on the suggestions of Mr. White.

Mr. Bernstein adds that a legal counsel had been representing a group of objectors. Mr. Lieberman would not be appearing at this hearing as he believes their concerns have been addressed.

Mr. Bernstein reads the letter Mr. Lieberman submitted, informing the Board the Mr. Lieberman is no longer involved in this matter.

He further clarifies that if any members of the public or BLOC (the group of objectors to the proposal) may speak during the public portion without professional representation.

Chairman Sireci and Mr. Bernstein discuss this briefly and inform the Board that any witness called by Mr. Lieberman at past hearings, sworn in at the time, are still under oath if they choose to speak at today's meeting.

Mr. Linnus calls his only witness, Mr. Heibell, still under oath.

Mr. Heibell explains that he requested and reviewed a transcript of the previous meeting. The transcript was forwarded to Mr. White.

Mr. Heibell notes that Mr. White asked him to address 6 different items. He testifies that after initial changes, only 2 of the items needed to be modified further. He explains the Applicant is willing to comply.

Mr. Heibell testifies new storm drainage piping was added and one pipe was increased in size. He states Mr. White has seen and approved these changes.

Mr. Heibell further discusses the storm water basin and impervious coverage.

He testifies that should the homeowners maximize their impervious coverage, there is no increase in flow to the southeast corner of the property.

He notes that objections made by three homeowners were addressed, though they were all concerned about existing drainage problems, not something that may be caused by the Applicant. There is no flow now nor will there be in the future from the property owned by WSH Enterprises onto any of the lots of these three homeowners.

The Applicant was waiting on three reports that have now been received:

- D&R Canal Commission supplied a jurisdiction determination that the property is exempt.
- Somerset County Planning Board approved the engineering aspects of the project with two monetary-related conditions.
- SUSCD had one comment which will be incorporated into the plan.

Mr. Linnus asks Mr. Heibell to address Ordinance 2011-19 regarding who controls the storm water basin.

Mr. Heibell testifies there will be a Home Owner's Association that will maintain the storm water basin but there is a developer contribution for the maintenance of the detention basin.

Chairman Sireci asks about the objecting homeowners. While their properties are uphill from Lot 24, is there anything obstructing water leaving those properties?

Mr. Heibell testifies nothing is being done to obstruct the water.

He clarifies that water from the back yards get to Beekman and not onto the adjoining property.

A Board Member wants clarification that problematic calculations were re-examined.

Mr. Heibell testifies yes and speaks at length about state regulations and engineering calculations.

Mr. White recommends that, if this application is approved, the Applicant should submit a final storm water management report and plans that comply with his suggestions.

The Board and Mr. White discuss water quality treatment.

Mr. White testifies that each issue has been addressed to his satisfaction.

No comments from the public for this witness or about the application in general.

Mr. Linnus makes a brief closing statement.

Mr. Bernstein clarifies the two applications must be decided on separately.

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Resolution for the approval for the amended Preliminary, #06-PB-08-MJ, with all stipulations agreed to by the Applicant and agreements between the Board and its professionals and the Applicant, and pending approvals of all other agencies with jurisdictions is motioned and seconded.

Roll Call: Mr. Wagner – yes, Mr. Julian - yes, Mr. Mershon – yes, Dr. Marulli, Mr. Merdinger – yes, Mr. Peason- yes, Vice Chairman Cohen – yes, Committeeman Del Core – yes, Chairman Dr. Sireci – yes. Motion carries.

Mr. Linnus makes another short closing statement about the Final Plat, #08-PB-15-MJF.

Mr. Heibell summarizes his previous testimony and notes there is one additional easement that needs to be added to the Final Plat.

No comments or questions from the Board professionals.

Motion for a resolution to approve amended final plat with all stipulations as made including Mr. Heibell's comments, agreements between the Board and its professionals and the Applicant, and pending approvals of all other agencies with jurisdictions. Motion seconded.

Roll Call: Mr. Wagner – yes, Mr. Julian - yes, Mr. Mershon – yes, Dr. Marulli, Mr. Merdinger – yes, Mr. Peason- yes, Vice Chairman Cohen – yes, Committeeman Del Core – yes, Chairman Dr. Sireci – yes. Motion carries.

CORRESPONDENCE

None

ADJOURNMENT

The meeting adjourned at 8:12 p.m.

Submitted by:
Caitlin Davis
Planning and Zoning Clerk

Reviewed by:
Debra Padgett
Administrative Assistant
Planning Board/Board of Adjustment Clerk

APPROVED