

**Hillsborough Township
Board of Adjustment Minutes
January 9, 2013 Meeting**

Madam Chairman Fenwick called the Board of Adjustment meeting of January 9, 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.

Madam Chairperson Fenwick 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

Michael Volpe – Absent
John Stamler – Present
Helen Haines, Vice Chairman – Present
Marian Fenwick, Chairman – Present
Walter Dietz – Present

Frank Valcheck – Present
Shawn Lipani (#7) – Present
Frank Herbert (Alt. #1) – Present
Curtis Suraci (Alt. #2) – Present
Kenneth Hesthag (Alt. #3) – Present
Michele Horst (Alt. #4) – Present

Also in attendance were Mark Anderson, Esq., Board Attorney (Woolson Sutphen Anderson, P.C.); William H. R. White, III, PE, Engineer, Maser Consulting; David Kois, Zoning Officer/Assistant Planner/Board of Adjustment Administrative Officer/Secretary; and Lucille Grozinski, CCR.

ACCEPTANCE OF MINUTES

September 05, 2012 – Regular Meeting – Revised

A motion to approve was made by Madam Vice Chairman Haines, seconded by Mr. Herbert.
All in favor – Aye; Opposed – None
Motion carries.

December 05, 2012 – Regular Meeting

A motion to approve was made by Mr. Lipani, seconded by Madam Vice Chairman Haines.
All in favor – Aye; Opposed – None
Motion carries.

December 05, 2012 – Executive Session

A motion to approve was made by Mr. Lipani, seconded by Vice Chairman Haines.
All in favor – Aye; Opposed – None
Motion carries.

ACCEPTANCE OF RESOLUTIONS

Professionals' Contract Resolutions

- Board Attorney
- Board Engineer
- Board Alternate Engineer
- Board Court Reporter

ROLL CALL: A motion to approve was made by Mr. Lipani, seconded by Vice Chairman Haines.
All in favor – Aye; Opposed – None
Motion carries.

Board of Adjustment – 2012 Annual Report

A motion to approve was made by Madam Vice Chairman Haines, seconded by Mr. Stamler.
All in favor – Aye; Opposed – None
Motion carries.

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING - APPLICATIONS

Thomas and Sandra RICCARDO (Add Details)

Frank Linnus, Esq., Attorney for the applicant described the application.

John Riccardo, son of applicant and owner of proposed business, was sworn in.

Mr. J. Riccardo indicated that he has operated his business (Star Contracting: paving, excavating, heavy equipment and contracting) on property since 1996.

Mr. J. Riccardo indicated that economy has been slow and he started to consider changing the business to that of a vehicle service facility.

Mr. J. Riccardo noted that he conducted repairs of his own equipment on the property and decided to start a business to repair others' equipment.

Mr. J. Riccardo described the existing tenants on the site, three buildings are on described.

Mr. J. Riccardo described the addition to building.

Mr. J. Riccardo noted that the business is to service heavy equipment, mostly commercial vehicles, vans, trucks, light tractor trailers, service, welding, brakes, basic heavy service on commercial vehicles; no cars.

Mr. J. Riccardo anticipates 3 to 4 employees, including himself.

Mr. J. Riccardo described the proposed hours of operation: Monday through Friday, 8:00Am to 6:00PM, Saturday, 8:00AM to 12:0PM.

Mr. J. Riccardo indicated that there are 6 bays in the existing building, two bays are rented by landscaper, four bays are currently used by the Riccardo's for storage and work space.

Mr. J. Riccardo acknowledged that all repairs must be inside the building as per ordinance.

Mr. J. Riccardo indicated he will follow all requirements, including repairs inside building and no junk cars to be stored on property.

Madam Vice Chairman Haines noted that during her site visit she observed several inoperable vehicles.

Mr. J. Riccardo indicated that most are waiting for repair. He noted that he has about 15 vehicles waiting to be serviced and it may take a couple days depending on the repairs that have to be conducted.

Mr. J. Riccardo noted that vehicles are currently outside because he does not have the space inside the existing building, but with the addition he will be able to store the vehicles inside.

Mr. Stamler inquired about what is currently in the area where the addition is proposed.

Mr. J. Riccardo explained that he will have three service bays all together. He intends to have 3 to 4 employees, including him. He noted that he has sufficient parking space and it located next to the shop.

Mr. J. Riccardo addressed the lighting on the property.

Madam Chairman Fenwick indicated that during her site visit she observed an abandoned vehicle in the weeds and a vehicle on blocks in front of one of the buildings. Further she inquired about 9 "Predator" trucks on the property.

Mr. J. Riccardo indicated that the abandoned vehicle is not on his property and that his father can address the other concerns raised.

Madam Vice Chairman Haines inquired about the maximum number of vehicles that will be on the property awaiting repair.

Mr. J. Riccardo stated that ne needs 6 spaces for vehicles awaiting repairs.

Mr. Stamler inquired about the oil tank.

Mr. J. Riccardo noted that he has one oil tank used for disposal.

Mr. Linnus, Esq. explained that the applicant will comply with the Environmental Commission's request to relocate the tank.

Madam Vice Chairman Haines inquired about painting of vehicles.

Mr. J. Riccardo indicated that no painting of vehicles will take place, with the exception of priming. He will obtain all necessary permits once he is ready to install a painting booth.

Mr. Dietz asked if there will be an oil separator on the property.

Mr. J. Riccardo indicated that he does not wash customer's vehicles and repairs will take place inside.

Mr. J. Riccardo explained the configuration, and access points of the building.

No questions from the public.

Thomas Riccardo, applicant and owner of property, was sworn in.

Mr. T. Riccardo explained he purchased property in 1996 where a contracting company was operated on the site.

Mr. T. Riccardo described his tenant's hours of operation:

- Advanced Painting (house painting contractor), 3 employees, hours of operation 7:00AM to 8:00PM, they are in out and sometimes off site for long stretches of time.
- Growing Concern Landscaping, two trucks, 4 employees, 7:00AM to 7:00PM, he can't put a time on it, because sometimes they don't come back and it depends on the season.

Mr. T. Riccardo addressed the vehicle on blocks and indicated that it will be removed.

Mr. T. Riccardo explained that he has allowed his friend, the owner of Klein's, to park several "Predator" trucks on his property. He indicated that the Predator trucks will no longer be parked on the property.

Mr. T. Riccardo noted that a fire inspector was on the property and observed the bulldozers being sprayed and asked that the activity stop. He indicated that spraying will no longer take place on the property.

Mr. T. Riccardo indicated that he does not wash cars as a part of his business on the property with the exception of his personal vehicles.

Mr. Stamler inquired about the impervious coverage, including the millings of the property.

The following exhibit was marked into evidence:

- A1: Site Plan, prepared by Fisk Associates dated 12-14-2012.

Mr. T. Riccardo explained that impervious coverage will be removed behind the building and along the roadway as indicated on the plan.

Mr. T. Riccardo explained the millings pile is leftover from his paving business and that he uses it to fill his driveway. He said he is willing to remove it. He noted that as per the requirements he only covers the cap.

Mr. Stamler asked if the millings sit on a slab.

Mr. T. Riccardo noted that the millings sit on top of asphalt.

Mr. White, Board Engineer, indicated that there is no requirement for what millings sit on top of, however they must be capped.

Madam Vice Chairman Haines asked about the dirt piles.

Mr. T. Riccardo indicated that the dirt piles are not on his property and that they have always been there.

The following exhibits were marked into evidence:

- A2: Letter to TNT Realty Associates, LLC., dated December 19, 2012
- A3: Letter to Andrew & Janet Leopardo, dated December 19, 2012
- A4: Letter to Walter G. Streubal & Dorothy Miller, dated December 19, 2012
- A5: Letter to Derelco, Inc., dated December 19, 2012
- A6: Letter to PNJ Realty Co. LLC., dated December 19, 2012
- A7: Letter to Pennsylvania Lines in care of Norfolk, dated December 19, 2012

Mr. Linnus submitted the return receipts to the Board.

Mr. T. Riccardo noted that one of the real estate companies that owns an adjacent lot wanted to sell the entire lot to Mr. Riccardo, but was unwilling to subdivide and sell.

Mr. T. Riccardo indicated that he does not have the money to buy 9 acres of land.

Mr. Dietz explained that the Board does not consider economics.

Mr. Linnus noted that the subject property is not undersized, but does exceed the impervious coverage limit.

Madam Chairman Fenwick indicated that she observed open burning on the property when she visited. She asked if this issue has been addressed.

Mr. T. Riccardo indicated that the Fire Marshal visited the site and they put the fire out. Further, he explained that wood was being burned to keep his son warm.

Madam Chairman Fenwick asked about debris on the property.

Mr. T. Riccardo noted that he will clean up the property.

Mr. Dietz asked where the trailers will be relocated when the addition is constructed.

Mr. T. Riccardo indicated that both trailers will be removed from the property.

Madam Chairman Fenwick asked Mr. Kois if the existing freestanding sign is legal.

Mr. Kois explained that the existing sign does not conform to the requirements.

Mr. T. Riccardo indicated that he is withdrawing the sign waiver request and will comply with the requirements through the permit process.

Mr. Kois asked some questions regarding abandoned equipment and vehicles.

Mr. T. Riccardo provided clarification that the abandoned equipment and vehicles referenced is not his or ever was his property nor did he place it in its current location.

Mr. Kois asked about septic tank.

Mr. T. Riccardo indicated that when the property was connected to the sewer, the septic was cleaned and filled with sand as per the Health Department's requirements.

Vice Chairman Haines inquired about a well on the site.

Mr. T. Riccardo noted that water is connected and agreed to cap the well.

The Board adjourned for 5 minutes.

Vice Chairman Haines asked about the welding business on-site.

Mr. T. Riccardo indicated that it is repair and service, not fabrication.

Robert Gazzale, Engineer for the applicant, Fisk Associates was sworn in.

Mr. Gazzale described location of property and existing conditions.

Mr. Gazzale addressed Mr. White's memorandum.

Mr. Gazzale indicated that there is a waiver request for full environmental impact statement. He explained that the wetlands are contained to the ditch and the addition will not impact the wetland or buffer.

Mr. Gazzale noted that the impervious coverage was identified that could be removed and not impact the operation of the site.

Mr. Gazzale indicated that the existing impervious surface conditions are 82% and they are proposing 65%, he noted that 5% over the maximum does not present a problem with drainage.

Mr. Gazzale does not think additional impervious coverage can be removed.

Mr. Gazzale acknowledged that they need to provide a handicap accessible space in front of the building

Mr. Gazzale will apply to NJDOT for whatever they require.

Mr. Gazzale described the needs and the space on the property.

Mr. Gazzale noted that an oil tank is to be relocated, trailers and dumpster to be removed upon completion of the addition. Further, a trash enclosure will be added per the requirements.

Mr. Gazzale indicated that the proposed site lighting is adequate for the use.

Mr. Gazzale noted that the proposed improvements do not invoke storm water management requirements.

Mr. Gazzale explained that previously, the project was exempt; however they have to go back to Somerset-Union soil conservation district.

Mr. Gazzale noted that the project has received approvals from the rest of the required agencies.

Mr. Gazzale addressed Chris Weniger, Chief Fire Marshal's report. The third bullet needs clarification from the Chief. He noted that they will comply with the requirements.

Mr. Gazzale indicated that the site works for the uses that are on it and that there is adequate room for turnaround of vehicles.

Mr. Dietz asked if the millings were removed if the lot would be in compliance.

Mr. Gazzale indicated that he did not think they can be under the limit. He explained that there is no danger to the public because the pile is capped.

Mr. J. Riccardo noted that he is willing to remove the millings pile, but needs time. The area will become a lawn area.

Mr. Gazzale estimates that by removing the millings, the impervious would be as low as 62%.

Mr. Kois asked about the rear bay and if there is enough room to accommodate incoming and outgoing vehicles.

Mr. Gazzale indicated that there is not enough room for trucks to enter and exit, given where the lawn area is proposed.

Mr. J. Riccardo indicated that he does not need a rear bay door.

The applicant agreed to the following condition, no Certificate of Occupancy to be issued until soil stockpiles are removed.

Mr. Kois asked for clarification if there is any outdoor storage of materials being proposed.

Mr. Gazzale indicated that there is no outdoor storage areas of materials proposed, except for vehicles awaiting repair.

Vice Chairman Haines asked about, phase 1 environmental assessment.

Mr. Gazzale indicated that they are requesting a waiver from an environmental impact statement.

Mr. White provided clarification.

Mr. T. Riccardo noted that he has paper work regarding environmental concerns on the property.

Mr. O'Brian, Planner, AICP, PP, for the applicant, was sworn in.

The following exhibit was marked into evidence:

- A8: Aerial of site dated July 4, 2007

Mr. O'Brian described the application/requests and conditions of subject property.

Mr. O'Brian indicated that since 1964, industrial uses have been on site with approvals and is surrounded by industrial uses.

Mr. O'Brian described the goals of the MLUL, specifically Items: A, G, I, and M.

Mr. O'Brian indicated that the application meets the goals by providing construction jobs, a tax ratable, and permanent jobs which would advance the general welfare. Further, provides space for needed vehicles repairs in a zone that allows the use and is compatible with surrounding uses. Provides a desirable visual environment by locating the commercial use over a 1,000 from the nearest road way and 1,500 feet from the nearest residence.

Mr. O'Brian indicated that the site will accommodate the problems.

Mr. O'Brian noted that the aerial shows that the buffer is not needed because the property is surrounded by commercial/industrial uses, a rail road and deeply wooded areas.

Mr. O'Brian indicated that the property is very unique, particularly suited because it has existed for 50 years and unique as a flag shaped lot.

Mr. O'Brian noted that there is no negative impact to surrounding properties. Further, it can be granted without substantial impairment to the public good and zone plan and ordinance.

There was a short discussion about the existing buffer on an adjacent property.

Mr. Linnus, Esq. gave his closing statements.

The Board discussed possible conditions.

Mr. Lipani made a motion to approve the application for Riccardo, which was seconded by Madam Vice Chairman Haines, with the following conditions:

- meet the requirements of the Fire Marshal
- cover entire pile of millings
- 6 months to remove millings
- predator trucks removed
- trailers and dumpster removed after construction
- Well sealing, unless the Fire Marshal allow use for fire suppression
- Soil stockpile to be removed before CO is issued

Votes in Favor: Mr. Valcheck, Mr. Herbert, Mr. Dietz, Mr. Stamler, Mr. Lipani, Madam Vice Chairman Haines and Madam Chairman Fenwick.

Votes Against: None.

ADJOURNMENT

The meeting adjourned at 10:26 P.M.

Respectfully submitted by:

David Kois

Zoning Officer/Assistant Planner

Board of Adjustment Administrative Officer/Secretary