

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
February 06, 2013

Chairman Fenwick called the Board of Adjustment meeting of February 06, 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 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 – Present
John Stamler – Absent
Helen Haines, Vice Chairman – Present
Marian Fenwick, Chairman – Present
Walter Dietz, III – Present

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

Also in attendance: David Kois, Zoning Officer/Assistant Planner/Board of Adjustment Administrative Officer/Secretary; and Lucille Grozinski, CCR.

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

None

BOARD OF ADJUSTMENT BUSINESS

None

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING - APPLICATIONS

Chabad Jewish Center of Greater Hillsborough, Inc. – File #BA-12-07 – Block 162, Lot 20.01 (26 New Amwell Road – Rear Lot), and Block 162, Lot 20.02 (22 New Amwell Road – Front Lot). Amended Application. ***ADJOURNED TO APRIL 03, 2013 WITHOUT FURTHER NOTICE.***

Chairman Fenwick announced that the meeting had been adjourned without further notice. However, members of the Board objected.

Mr. Kois explained that the Planning Office received a call from Rabbi Krinsky the morning prior, requesting an adjournment due to new counsel. A letter from Mr. Linnus' office followed requesting adjournment to April 03, 2013 without further notice.

Mr. Dietz raised his objections that the Applicant was not present.

Mr. Kois suggested the Applicant be reminded on the record of the Board's requirements concerning adjournment.

Vice Chairman Haines stated that 4 meetings have been reserved solely for this Applicant; 3 of which were adjourned.

Chairman Fenwick reminded the Board that it was intended that this agenda would have an Executive Session with Mr. Anderson regarding the Roth litigation. Mr. Anderson just informed me yesterday that we did not need to have closed session. He will discuss that with us at a later date. First the Judge needs to clarify his decision.

Members spoke of the possibility of a cost for last minute cancellation.

Chairman Fenwick said there should be communication between Mr. Anderson and Mr. Linnus that the application will need to proceed on April 3rd since the Applicant may not be given the same courtesies with adjournment requests going forward.

Members of the Board again made their opinions known against the Applicant being able to adjourn at the last minute.

Chairman Fenwick stated the Board was brought in so that the application could be adjourned without further notice.

Vice Chairman Haines said it is my understanding that because there is new counsel, Mark Anderson, Esq. leaned toward allowing the Applicant to adjourn.

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Mr. Lipani said I believe the Applicant should be required to provide new notice.
Mr. Dietz agreed as did Chairman Fenwick.

Chairman Fenwick said Mr. Anderson noted that once Mr. Linnus has an opportunity to fully review the application he will probably realize the need to re-notice. Another reason for the formality of proceeding with this meeting was for the benefit of the public who might come out and not see the notice of adjournment on the doors or website.

A motion to adjourn to April 03, 2013 with re-notice was made by Mr. Lipani, seconded by Mr. Dietz. All were in favor; none opposed. Motion carries.

CORRESPONDENCE

Notice of Appeals – Memorandum dated 01-30-13

Mr. Kois explained this matter involves Hercules Enterprises for 321 Valley Road. This application is currently incomplete. Copart has a lot of inoperable vehicles being stored on that property they say are from Superstorm Sandy. Both Hercules, which is the landlord and Copart, which is the tenant, have been issued summonses. Hercules is appealing certain decisions that I have made as the Zoning Official specifically to do with the summonses.

We will have all of that information to give to you but for now the purpose of the memo is just to let you know we have received it. The Applicant needs to get all of the required information in.

Chairman Fenwick stated that there was a fire call at 1:30 a.m. on December 03, 2012 to that site. Upon arrival it was discovered that several of the cars were on fire which totaled over 20 cars. Our volunteer fire companies arrived not knowing what they were going into. There was gas, chemicals and all sorts of things there. They had to scale a berm in order to get to the vehicles and put out the fire.

Mr. Kois said I am hesitant to go into any more details at this time. As per the MLUL, the notice has been filed with the Zoning Officer and I in turn am letting you know about it. The Applicant is then technically supposed to file an application.

The last appeal that we received today is requesting a stay of the proceedings. We are working with the Township 's attorneys to figure out the details.

Mr. Dietz asked about the coverage on the land.

Mr. Kois said it is not a paved surface, it is dirt.

Mr. Dietz commented any leakage is going directly into the ground.

Chairman Fenwick again gave the Board a sense of the situation the night of the fire. She said I feel they put a lot of peoples' lives in danger.

Mr. Kois stated Ordinance 188-25 allows a fine of \$1,000 per day per vehicle. One of the things they are appealing is that each vehicle is a separate violation. You will get all of the details at a later date.

Chairman Fenwick noted the next meeting is March 6th.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

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