

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES

June 19, 2013

Chairman Fenwick called the Board of Adjustment meeting of June 19, 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 – Absent	Frank Valcheck – Present
John Stamler – Absent	Shawn Lipani (#7) – Present
Helen Haines, Vice Chairman – Present	Frank Herbert (Alt. #1) – Present
Marian Fenwick, Chairman – Present	Curtis Suraci (Alt. #2) – Present
Walter Dietz, III – Absent	Kenneth Hesthag (Alt. #3) – Present
	Michele (Horst) Boronkas (Alt. #4) – Absent

Also in attendance: 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

May 15, 2013

A motion to approve was made by Vice Chairman Haines, seconded by Mr. Herbert.

Roll Call: Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Suraci – yes; Mr. Hesthag – yes; Vice Chairman Haines – yes; Chairman Fenwick – yes. Motion carries

ACCEPTANCE OF RESOLUTIONS

None

BOARD OF ADJUSTMENT BUSINESS

Chairman Fenwick spoke words of recognition for the dedication and professionalism of the Township Planner, Robert Ringelheim, who passed away on June 06, 2013. A respectful moment of silence was taken.

BUSINESS FROM THE FLOOR

None

EXECUTIVE SESSION

The Board moved to convene to discuss attorney-client privilege matters.

A motion and second was made. All were in favor; none were opposed. Motion carries.

Executive Session 7:36 p.m. – 7:57 p.m.

PUBLIC HEARING - APPLICATIONS

Scott and Deborah WARNER – File #BA-13-11 – Block 149.03, Lot 21 – 8 Cedar View Court.

Zoning Officer/Assistant Planner, David Kois introduced the application.

Deborah Warner, applicant and Mark Swanson, builder, were sworn in.

Mrs. Warner began saying we are looking to convert the rear portion of our sundeck to a sunroom. We are applying for 3 variances. We purchased the house in 2011. The house currently has a 21 ft. x 16 ft. deck with two staircases. We are looking to reduce the deck to 18 ft. x 16 ft. and remove one of the staircases to accommodate a 16 ft. x 16 ft. sunroom. The impervious coverage maximum for this section of Rohill is 15%. The neighborhood has moderate sized homes on undersized lots. We have neighbors on both sides so we do not have an opportunity to purchase property. Behind us is open space township property. We are proposing 22.9% impervious coverage. We also require a 'c' bulk variance for a principal structure on an undersized lot. The third variance needed is for minimum rear yard setback; 40 ft. is required, 34 ft. is proposed.

Mr. Swanson added the Warner's house is the first house on the cul-de-sac so there are no line-of-sight problems. We are not channeling any more water for the addition. We put gutters and downspouts on our enclosures. The property gently slopes to the rear. This will be an unheated room with single pane glass and screen meant to be used 8 to 9 months of the year. The walls are 80% glass. The existing deck is roughly 30 in. off grade. We will beef up the deck to support the room. The deck will be reduced after the project is done along with one set of stairs. There will be no additional hard cover pathways to get to the sunroom. You enter and exit from the house; there is no exit from the sunroom.

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Mr. Lipani asked how the structure of the deck will be enforced to support the sunroom.

Mr. Swanson said the joists are 2' x 8' with a double girder; there are 6 footings there now. By cutting off 2 ft. of the right hand side of the deck we will put a double joist on that side.

Mr. White said that plan would need to be approved by the Building Department.

Vice Chairman Haines asked how large the driveway is.

Mrs. Warner said we have a 2 car garage and a 2 car driveway.

Mr. Swanson said it is a total of 27 ft.

Vice Chairman Haines asked if the shed can be moved onto already existing impervious surface.

Mrs. Warner said there is no room in the driveway for that.

Mr. Kois noted that the Rohill development was part of litigation. It consists of larger houses on smaller lot throughout.

Vice Chairman Haines asked are you planning on keeping the paved portion.

Mrs. Warner said yes, there is a very small patio at the end of the stairs to the right of the deck.

Vice Chairman Haines asked if there is any way to reduce the impervious coverage.

Mrs. Warner said we could remove the patio since it is not a necessity like the shed. The sidewalk is a small paver pathway to the house.

Mr. Herbert asked for clarification on the sunroom being impervious.

Mr. White stated adding the roof causes rainwater to run off. It cannot be absorbed by the ground directly underneath it.

Mrs. Warner said we can remove more of the decking outside of the sunroom.

Mr. Hesthag asked why the existing impervious percentage is so high already.

Mrs. Warner said I understand we are over already. I just think it is because the house which is a 4 bedroom colonial with a 2-car garage is on an undersized lot.

Mr. Kois noted this development was built under 1976 - 1978 standards. It is safe to say that the home and driveway would have complied at that time for it to be constructed. The Zoning Department is responsible for the oversight of allowing the shed since impervious coverage calculations are not required for sheds up to 100 sf. The deck is not impervious, the patio is but we do not show a permit for it.

Mr. Swanson said the sunroom is 246 sf. The Warners' are willing to remove the concrete slab that is about 10' x 10'.

Mr. Lipani said being this addition is being put on an existing structure and that the lot backs up to open space which is an area that will not be generating any additional run-off, and the fact that the applicants are willing to remove the concrete patio as a concession, I believe this is a good application.

Open to the public
No questions/comments

A motion to approve with the removal of the concrete patio, and in agreement with all reports by the professionals, was made by Mr. Lipani, seconded by Mr. Hesthag.

Roll Call: Mr. Valcheck – yes; Mr. Lipani – yes; Mr. Herbert – yes; Mr. Suraci – yes; Mr. Hesthag – yes; Vice Chairman Haines – yes; Chairman Fenwick – yes. Motion carries.

Belle Mead Tire (LaRue) – File #BA-12-13 – Block 180.01, Lot 2– 882 Route 206. **AMENDED APPLICATION - Adjourned from May 15, 2013 with re-notice.**

Mr. Kois introduced the application.

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Richard Schatzman, Esq., attorney for the applicant stated this is an amended application where we unbifurcated the original application. I have filed an affidavit of publication and affidavit of service. Mr. Anderson confirmed the notices have been reviewed and determined to be consistent with the application.

Mr. Schatzman said we will be hearing from David Schmidt, P.E., previously sworn, to review the changes in the plan since the previous hearing and any other engineering aspects of the application. The architect, Steven S. Cohen, previously sworn, will provide how the building has changed. Mr. Coppola, P.P. will give the reasons for the variances and lack of negative criteria. Mr. LaRue will also come back up to make some comments. Mr. Rea was not able to attend tonight but already gave his testimony on March 6th that this use is less intensive than any other use in the C-1 District.

A motion and second to open the public hearing was made. All were in favor, none were opposed. Motion carries.

David Schmidt, P.E. of D.S. Engineering, stated I was previously sworn in on March 6th and gave the following new testimony in response to questions asked by Mr. Schatzman:

Exhibit A-1 Colorized Display Map (03-05-13)
Exhibit A-2 Architectural Plan
Exhibit A-3 Colorized Display Map (Revised 06-18-13)
Exhibit A-4 Updated Architectural Plan

There were very few changes made to the site. The biggest issue we had was stormwater management. The changes from A-1 to A-3 is that the A-1 Exhibit shows the entrance close to the property line. We adjusted the entrance so that the entrance is 30 feet from the property line. We amended the dumpster location from the rear of the building to be 20 ft. away from the building and found acceptable by the Fire Marshal. The building was reduced by 5 ft. in the rear, moving the parking area off of the property line. The proposed building is now 7,529 sf. with a porch of 546 sf. for a total of 8,075 sf. which is a reduction of 250 sf. The dimensions of the building are 50 ft. x 150 ft. 7 in. with a 9 ft. 6 in. porch in the front. The building height maximum is 30 ft. The building floor area is 7,529. In the workshop area there is a 1,200 sf. mezzanine that will be above the car area. Mr. Cohen will address the changes in the architectural plans but the main difference in A-4 from A-2 is that Mr. LaRue has decided he may want to go with a stone facade rather than metal siding which may dent easily.

Our report dated May 20, 2013 prepared by Kleinfelder Omni demonstrates that we meet the stormwater management regulations. This report was submitted to Bill White and the Board and has been reviewed. We are proposing 2 small bioretention basins on the site; one small half foot basin in the front of the building, the other is a 3 ft. deep basin in the rear. These basins have been designed to handle water quantity run-off, stormwater quality and they meet the Hillsborough, State and the Canal Commission regulations.

I would like to note that the existing site has a gravel drive, dwellings and garage that have no water quality treatment or no stormwater management. The proposed stormwater management compensates the stormwater not captured. The quantity of the site that is generated is completely controlled by the 2 bioretention basins. The issue Mr. White has is with the area in the very front that I cannot achieve getting the water from the first 20 to 30 ft. of the entrance drive into the property detention basin. I may be able to capture more by putting an inlet in but will not be able to capture 100% of it. As a result, I will be asking for a **design waiver**.

The light fixtures proposed are shoebox type lighting on the property. Light fixtures will be on a pole mount that will be flush. These lights will go out at 8:00 p.m. There are 2 lights that will be on all the time for security reasons. They will be on motion sensors. The Landscape and Lighting Plan shows we will be mitigating trees we are cutting down and proposing landscaping throughout the site. There will be a lighted sign in the front that will go off at 8:00 p.m. A landscape schedule and tree mitigation schedule were submitted on the plans.

The wastewater will discharge to a sanitary manhole located at Route 206 or a sanitary sewer at Brook Drive. As discussed with Gary Nucera of the MUA, we have two options. The first is to pump the wastewater to a manhole at Mountain View Road. Since we are purchasing land from Mr. Nittolo who owns the property of Lot 17, the second option may be to go down the property line to a sanitary manhole at Brook Drive. We are exploring the second option and have arranged for a surveyor to study both. The potable water is anticipated to 500 gallons per day.

We have addressed all of the comments in the March 04, 2013 Fire Marshal memo. Mr. Weniger issued another memo dated June 04, 2013 where he sites that he basically approves the plans and has no additional comments. The only issue I have from Mr. White's memo dated June 19, 2013 is the matter of collecting 100% of the water at the front 20 to 30 ft. by the entrance, as previously discussed. All other comments are minor and we can address them all if this application is approved.

We provided a grading plan that shows the grading works in accordance with the Township's standards.

Mr. Schatzman said you were the engineer for the Belle Mead Animal Hospital and for the car wash. Was all of the water

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picked up from the entrance drives there that flowed to Route 206?

Mr. Schmidt said no, they were not. What we did for those sites is to calculate the volume, capture the water so we decrease the volume. That run-off runs on its own; it does not go to a detention basin. Both sites are quite a bit larger than this site.

Mr. Schatzman said we agree to comply with Mr. Kois' memo regarding the shade tree requirements.

Mr. Schmidt said there are no sidewalks along Route 206 in this area so it would be pointless to add 150 ft. of sidewalk on this site. I provide a buffer on the plans which shows a 15 ft. wide buffer from the residential property line. The basin is within that buffer.

Mr. Herbert asked for clarification of the stormwater management basins.

Mr. Schatzman said since we are over we have a sophisticated system where the water quality and water quantity, except for what you testified to at the entrance, it is as if it were 45% impervious.

Mr. Schmidt agreed. We are not allowed to increase stormwater management. We are just not having the water at the entrance go into a detention basin; we cannot capture it. We are over compensating the water that runs off and deducting it from what we are allowed so the basins are holding more water.

Vice Chairman Haines asked why this Board should grant a design waiver on that point.

Mr. Schmidt said most entrance drives do not have the first 15 – 20 ft. If you do not have a stormwater detention basin where you can get pipes to back pitch water to the basin it is impossible. It is not a significant amount of water.

Vice Chairman Haines asked the Board Engineer if there are any other solutions.

Mr. White said basically overall he is compliant but with respect to how the Ordinance is written, it speaks of every point that discharges from the site. While the points that run out the back and this may eventually come together in a stream, they do not come together and meet up on-site which is how the Ordinance is written. The water from the front yard has to make its way to the back yard which theoretically is not going to happen. It will all co-mingle and eventually end up in the same watershed, whether that is 100 ft. or half a mile down the road. He may be able to capture a little more with another inlet.

Mr. Herbert asked at what point does the detention fail?

Mr. Schmidt said these basins are designed up to the 100 year storm event which is now 8.2 ft. in. a 24 hour period. It would be a significant amount that these basins would start overflowing. It is designed to hold the water and then be dry within 72 hours as per the DEP requirement. The run-off coming off this site is a lot less than what it is now. If this is approved, Mr. White has in his letter that he will want to see a construction manual on how it is built, maintenance manual and a maintenance plan.

Mr. White said there will be an easement that contains these facilities. It will be up to the property owner to maintain it. If they do not, the town may possibly go in and mitigate for it and lien the property.

Mr. Anderson asked for clarification on the lighting schedule.

Mr. Schmidt said the lights are noted on the plans to go off at 8:00 p.m. I would like to have one light in the front and one in the back on a motion sensor for security reasons.

Mr. Hesthag suggested a 7 p.m. cut-off time during standard time.

Chairman Fenwick noted the nearest residential property is a ways away. There is nothing in the back of the building in terms of a residential property.

Mr. White said the shoebox lighting proposed is very efficient and focuses the light downward.

Mr. Kois asked for clarification on the landscaping and tree plan.

Mr. Schmidt said I modeled what I did next door at the carwash. 1 shade tree is equivalent to 2 evergreens. We are trying to provide screening in the rear so we have a lot of evergreens at the perimeter. I did a straight 2 to 1 ration.

Mr. Kois said the shade trees are actually separate from the trees you have to mitigate. You came up with the calculations of 46 but are proposing 42 plus you have a note that 27 shade trees will be planted off site. There is a requirement for non-residential lots that more than 60% of trees cannot be removed. If 60% is removed it requires a 'c' bulk variance.

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Mr. Schmidt said we have 15 evergreen shade tree equivalents, proposing 6 shade trees, that's 21. I note that the total shade trees required is 48 so the 21 and 27 is the 48.

Mr. Kois said so 27 of the 42 are being planted off-site.

Mr. Schmidt agreed. We are going to comply with the Ordinance.

Mr. Kois reviewed the Ordinance for the trees height vs. caliper with Mr. White.

Mr. White said the Ordinance calls for 8 ft. in height which is equivalent to a 2 to 2 1/2 in. caliper tree so your trees will need to be taller.

Mr. Schmidt said we will comply with that.

No questions from the public.

Break

Steven S. Cohen, Architect, stated he was sworn on March 6th and offered the following new testimony in response to questions asked by Mr. Schatzman:

Exhibit A-4 is the same form of the building offered last time but we are looking to use a decorative block in beige and tan rather than a metal siding. The building will be a lot more durable. We wanted to get rid of the metal roof because it would be noisy. As mentioned, we made the building 5 ft. shorter.

I met with the Fire Marshal. Mr. Weniger was concerned with turning the truck around so that he did not have to back out onto Route 206. We have provided on-site the ability to back the truck into the front parking area and come out forward. The Fire Marshal is very comfortable with that.

Mr. Kois asked about the visibility of rooftop equipment.

Mr. Cohen said other than a vent, there is no rooftop equipment.

Vice Chairman Haines asked if the building could be further reduced without impacting the activity of the business.

Mr. Cohen said if we take more than the 5 ft. we have already taken, the function in the back is not going to work right. We toyed with eliminating the porch since that puts us over but it is a nice architectural feature from the street. The porch is now only across the front and does not wrap around the building.

Mr. Herbert said my understanding from the previous testimony is that you are compensating for the additional impervious coverage with the stormwater management.

Mr. Kois noted one of the significant design criteria in this section encourages auto repair shops to put their doors facing towards the side as opposed to facing the street. He asked Mr. Cohen to speak about how the porch addresses the scale of the building.

Mr. Cohen said we have a higher element over the showroom and then a higher element in the shop. The porch creates an intermediate roof which breaks the scale of the building.

No questions from the public.

Richard Coppola, P.P., of Coppola and Coppola Associates was sworn in, reviewed his credentials, was accepted by the Board and gave the following testimony in response to questions asked by Mr. Schatzman:

The property is very long and narrow containing .8673 acres, within the C-1 District which allows retail uses.

(Note: Only new information given by Mr. Coppola that was not previously provided by other witnesses will be noted in the minutes).

At the rear of the building the closest residential property is developed with a single family dwelling in the Residential District with vehicular access at the corner of Arthur and Brook Drive. The back of that house to the subject property is approximately 400 to 500 feet.

This property is somewhat remote from the concentration of retail on the Route 206 corridor. The closest multi-use lot of any note is the Walgreens center. Although the C-1 District does allow a lot of diversity in the commercial type land uses that are permitted, a tire center is not one of them and thus requires a 'd'(1)Use Variance. The 5 'c' variances: lot area - .

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867 acres vs. the required 2 acres – this is significant in being able to meet all of the requirements of the Ordinance; lot width - 100 ft. vs. the required 200 ft. – all of the setback requirements are geared to the 200 ft. minimum; side yard setbacks – 50 ft. on both sides of the property – 10 ft. on the north side, 39.76 ft. on the south; building coverage of 21.374% proposed with the open front porch vs. the 20% maximum allowed – without the porch would bring that to 19.39% which would meet the Ordinance; impervious surface coverage of 62.94% is proposed vs. the maximum 45% permitted.

Use Variance: Unless the subject use is deemed to be inherently beneficial, which this is not, the applicant must demonstrate special reasons which may include the advancement of one or more purposes for zoning listed in the MLUL. The Medici Decision states that the applicant must prove that the proposed site is particular suitable for the proposed use.

Bulk Variances – Positive Criteria: The ‘c’(1) variance is for hardship, which this property warrants. The ‘c’(2) variances will enable the development of the property to advance the purpose of the MLUL to promote a desirable visual environment.

Bulk Variances – Negative Criteria: The applicant must demonstrate that the granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purposes of the Zone Plan and Zoning Ordinance.

Use Variance: The property is unique, long and narrow and has very little frontage on Route 206. Of the 6 lots south of Mountain View Road it is the only lot in need of redevelopment and the only lot not currently developed with a commercial use. In my opinion this lot is not favorable for typical retail permitted in the C-1 District because if it were a multi-tenant use, many of the businesses would not be visible from Route 206 and there would not be room to have parking in the front. The limitations of the property make it particularly suitable for the proposed tire center. For this use the only needed visibility from Route 206 is the end of the building and a sign identifying the use.

Bulk Variances: The lot area is only 43.36% of the required 2 acres and the lot width is only 50% of the required 200 ft. Both are existing conditions and there is no ability to annex lands to the subject property. The surrounding properties are already developed. Annexing residential land to the commercial property does not gain that much and probably would have a negative affect on your Zone Plan.

Vice Chairman Haines asked Mr. Coppola to explain his last statement.

Mr. Coppola said as a planner for the towns I represent, I would never encourage annexing lands in a residential zone for use for commercial purposes. In my opinion that sets a very bad precedent.

Mr. Herbert said it would solve the undersized lot issue as well as the impervious coverage matter.

Mr. Coppola said statistically it would but practically it would not make a difference at all. If the performance of the property and improvements to the property are not changed, you have satisfied a statistic but infringed on a residential zone with a commercial use.

Vice Chairman Haines noted her disagreement with the statement.

Mr. Coppola continued saying the impervious surface coverage is proportionate to the differential and the size of the lot from what exists and from what is required. Some variance for side yard setback would be necessary regardless of what is constructed on the property due to the narrowness of the property. The total of the side yard setbacks is half of the requirement which is in proportion to the lot which is half the required width. The impact of the narrower 10 ft. side yard abutting the car wash property is mitigated by existing vegetation on that property. The 39.6 ft. southerly setback is 2 times the existing setback as it exists today.

With the applicant removing 5 ft. from the rear, the applicant would meet the lot coverage standards if the porch was taken off. I think the front porch is an attractive element for the street scape along Route 206. The variance for impervious surface coverage would be necessary even if the 20% building coverage was met due to the relatively small size of the property. Better than 37% of the property will remain landscaped and as open space. The ‘c’ (1) variance allows for exceptional narrowness or irregularity of shape as considerations for hardship.

This is a unique property on the Route 206 corridor. I do not think the approval of this application sets any precedent.

Mr. Herbert said one of the most difficult things to balance in zoning is when a residential property abuts a non-residential property, especially one that is noisy. We discussed Lot 17 that is far away but we did not mention Lot 4 which is not developed at this time. Could there come a time when there is a residential dwelling on that property?

Mr. Schatzman said I drew the deed restriction for that lot. There is a conservation easement in place so it cannot be developed. To lift that restriction one would have to go back before the board that imposed the restriction to have the restriction released. You would also have to go to the Chancery Division of the Superior Court to start what is known as a

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Quiet Title Action to show a judge that there are certain changed conditions since the time the restriction was made.

Mr. Anderson noted Mr. Schatzman comments are correct. The restriction was imposed because of the car wash. If the car wash use changed I would not want to hazard a guess as to whether the restrictions could be changed. That lot is used for detention.

Chairman Fenwick commented that there is also a stream that runs through those properties.

Mr. Anderson asked Mr. Coppola to speak more on his previous comments, notice that the annexation of the residential property to a commercial property is the same condition that existed with the car wash.

Mr. Coppola said I do not believe so. I believe there it was an allowance to use residential property for a detention basin. Detention basins are allowed in residential zones so there was not a change in zoning. That is different than having someone buy land to make it commercial to meet a required number.

Further discussion took place regarding the annexation of land between Mr. Anderson, Mr. Schatzman and Mr. Coppola.

Mr. Anderson asked Mr. Coppola whether he agreed with the premise that impervious coverage is an imposition on every applicant to own more land than they can use.

Mr. Coppola said he would never disagree with that statement.

Similar discussion continued.

Mr. Herbert said if the applicant bought property from Lot 17, thereby increasing the lot size, perhaps the detention basin would not be needed.

Mr. Coppola said I believe it would because the water does not flow that way.

John LaRue, applicant stated he was sworn at the May 6th meeting and gave the following new testimony in response to questions asked by Mr. Schatzman:

In response to Mr. Kois' comments regarding outside work and outside storage, Mr. LaRue said that is why the building is the size it is. The building was designed to look like an office building from Route 206. You would see no activity from the front. As far as noise, we have one door in the back and two doors on the side which will be used for the cars to drive in and pull into a building that is 50 ft. wide. When a car is down we can push it to the side inside the building. We do not need to store it outside.

The front area will have 4 parking spaces, 2 of which are handicap. This is the area available for the fire truck to turn around in. That area is for drop off. We can have a shuttle guy move them to the back. This will be a clean operation. I am willing to work with David to meet any requirements that need to be done.

I like the soft yellow lights that put off light but there is no affect of lighting up the neighborhood. Customers cannot always make it in during business hours so what we do now is put the vehicle outside for the customer to pick up as per their schedule. The motion sensor lights will provide lighting when needed.

Mr. LaRue reviewed how vehicles enter and exit the building as he did at the March 6th meeting. The doors will be open in the summer. The noise of running air tools will not leave the building. We changed to the decorative block because it is more efficient with a lot less noise. The shingle roof will not be as noisy as a metal roof. The noise where I am now does not leave the shop. The people at the gas pumps cannot hear the air tools.

We can shave 3 ft. off the front porch, not that it would make much of a difference but we can go from 9.6 ft. to 6.6 ft. I can also try to shave 2 ft. off of the showroom, shaving off another 5 ft. total.

Chairman Fenwick said being someone who has come from Planning to Zoning and having drafted the original Architectural Site and Design Standards, this is exactly the style building that we envision. I do not want to see you give up the porch because that makes the character of that building. This is a very attractive building.

Vice Chairman Haines asked have you looked into getting a cross easement in the back of the property?

Mr. LaRue said the cross easement was shot down because we cannot come into the car wash. We are only going to have 30 cars a day. Most people drop off their cars at night so the traffic will be a lot less. In my business now most people either pick up at lunchtime or at 7 or 8 at night. We will not be running a full staff on Saturdays. Our Saturday hours are proposed 8 to 3 but will most likely be 8 to 1.

Mr. Lipani asked if the plan shows a fence along the property line near the Hot Glass building.

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Mr. LaRue said I would like to put a white vinyl fence up along the back of the property but it does not accomplish anything on the side. We have a retention basin that needs to be maintained. I do not want to have white pines anywhere near the retention basins because they are dirty trees. There are trees existing on the property now with 30 to 40% life and a lot of brush. I want to plant trees that are low maintenance and attractive. I would like to work with David to come up with a better solution on some of those trees.

Chairman Fenwick said we do have basins in Hillsborough that have plantings in them. This is the direction that things are going in.

Chairman Fenwick announced that due to the hour of 10:30 p.m., the application for the Muslim Center will have to be carried to a future date. We will finish up with Mr. LaRue and then address the Muslim application.

Mr. LaRue said I would like to conclude by saying I am not going to do anything that is not in the best interest of the community.

Mr. Hesthag asked for further information on parking due to the issue of cars being left outside for pick-up.

Mr. LaRue said I want to keep most of the cars inside. We can have 8 cars on lifts and 8 underneath. The building will hold 20 cars, no problem. I usually only have 1 guy doing simple services for consumers that want to wait. Most of our customers drop off. We specialize in things that most places cannot fix.

No questions from the public.

Motion to close public.

Mr. Lipani said I have personal knowledge of Mr. LaRue on how he runs his business. This lot is limited to very few businesses. Although I understand the Board's concern with the impervious, I cannot see what more can be done to make it functional. I think they have addressed the stormwater run-off successfully. The design of the building is very attractive.

A motion to approve was made by Mr. Lipani, seconded by Mr. Herbert.

Roll Call: Mr. Valcheck – yes; Mr. Lipani – yes; Mr. Herbert – yes; Mr. Suraci – yes; Mr. Hesthag – yes; (Vice Chairman Haines said while I think Mr. LaRue is going to have a very well run business, I still have concerns with the intensity of the use on this site.); Vice Chairman Haines – no; Chairman Fenwick – yes. Motion carries.

MUSLIM CENTER OF SOMERSET COUNTY – File #BA-13-12 – Block 152.06, Lot 27 (*formerly known as Block 152, Lot 27.C*) – 256 Route 206.

Chairman Fenwick announced that the Muslim Center application will be carried to July 17, 2013 without further notice.

A motion and second was made. All were in favor; none were opposed. Motion carries.

ADJOURNMENT

The meeting adjourned at 10:39 p.m.

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