

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
May 02, 2013

Mayor Frank DelCore called the Planning Board meeting of May 02, 2013 to order at 7:30 p.m.

ROLL CALL

Mayor Frank DelCore - Present
Michael Merdinger – Present
Committeewoman Gloria McCauley - Present
Steve Cohen, Vice Chairman - Absent
Tod Mershon, *Secretary*- Absent
Neil Julian - Present

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

All stood for the Pledge of Allegiance. The meeting took place in the courtroom of the Municipal Complex.

Mayor DelCore called for nominations for Acting Chairman being that the Chairman and Vice Chairman were not in attendance.

A motion to elect Sam Conard as Acting Chairman was seconded. All were in favor/none opposed.

Acting Chairman Conard 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”).

Also present were David Kois, Zoning Officer/Assistant Township Planner; Jeffrey Ziegelheim, Esq., Board Attorney (Eric M. Bernstein & Associates); and Lucille Grozinski, C.C.R.

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

Curtis and Joyce WESTOVER – File 12-PB-03-MRV

Mr. Julian said Mr. Merdinger, Mr. Ringelheim and I came up with some guidelines for the environmental issues. Condition #10 in the ‘Whereas’ is ambiguous. We did not indicate the applicant needed a Phase I, but rather a Limited Phase I. The wording, “shall permit” seems inappropriate; rather “shall perform” might be more accurate.

Board attorney, Mr. Ziegelheim said the issue becomes what was the contemplation of the Board at the time you entered into the vote of approval which gives rise to the Resolution. If there is a confluence in the memory of the Board as to what was originally voted, then perhaps the Resolution should be tabled, the transcript reviewed again and then if there is a concern that Mr. Julian’s concerns are not being met then the issue can be revisited. There is a significant difference in the language Mr. Julian is suggesting.

After further discussion, the Board agreed to table the vote on the resolution at this time.

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

Gibraltar Quarry /KDC Solar – 12-PB-01-SR – Extension Request

A motion to accept was made by Mr. Merdinger, seconded by Mayor DelCore. All were in favor/none opposed. Motion carries.

GSA Belle Mead Interim Remediation (HP) – 12-PB-10-SR – Extension Request

A motion to accept was made by Mr. Merdinger, seconded by Mayor DelCore. All were in favor/none opposed. Motion carries.

CONSIDERATION OF ORDINANCES

Ordinance 2013-10 - Revised Solar Energy Systems Requirements

Zoning Officer/Assistant Planner, David Kois reviewed the ordinance saying presently, all roof and ground mounted solar energy systems are considered accessory uses in Hillsborough. The State Agriculture Development Committee (SADC) has

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recently adopted rules for permitting solar energy systems. This ordinance was designed to be in accordance with those regulations. The proposed ordinance makes the distinction between those ground-mounted solar installations which constitute an “accessory use” and those which would otherwise not be permitted in Hillsborough. It is noted that the Planning Department has received a number of inquires regarding these systems on a scale that is intended to serve more than the energy needs of the property owner, raising questions of how these systems should be treated locally.

Therefore, the following ordinance is recommended which provides that any ground-mounted solar energy system for residential, commercial and industrial buildings is to be accessory uses subject to compliance with bulk and buffer requirements. Ground mounted solar energy systems for farms are also accessory uses if they comply with the SADC requirements. If these requirements are exceeded, the system is not permitted. In addition, a minimum 100 ft. buffer is required around any ground mounted solar energy system located on a farm property.

Solar energy systems will continue to be allowed on roofs.

Dr. Marulli asked for clarification on an inoperable system as to when it would have to be removed.

Mr. Kois said I do not believe there is a timeframe included in this amendment. There is a section on enforcement which provides a timeline for removal of wind turbine systems and VAWT systems but I will have to research if it applies to solar energy systems.

Dr. Marulli said we should have a timeline for removal.

Mr. Julian asked for clarification on item (7) regarding impervious coverage.

Mr. Kois said it is a State law that provides there is no impervious coverage requirement for solar energy systems. This has been added to the MLUL within the last 2 or so years.

Committeewoman McCauley pointed out item (7) (d) which states a property owner is required to remove the solar energy system when no longer operational.

Mr. Ziegelheim said if there is an enforcement provision in the ordinance that would cover the solar panels then you are covered and it does not specifically need to be stated within the ordinance. The options are that you can amend the ordinance before you this evening or you can amend the enforcement provision to include solar if it is a concern of the Board.

Mayor DelCore said perhaps we will leave that “as is” and proceed with the understanding that Planning will take a look to see if an adjustment either in the ordinance or in a reasonable timeframe for resolution, with a recommendation made to the Township Committee.

Comments from the public

Susan Gulliford – Hunt Club Road

Ms. Gulliford asked for clarification on the permitted zone for solar energy systems.

Acting Chairman Conard said most properties are generally in one zoning district.

Ms. Gulliford said although the solar panels are considered pervious, it is not the same as rain falling on a field. You can see the erosion between the panels. Is the Conservation District or some other agency in charge of monitoring the erosion?

Mr. Kois said I am not certain how the Soil Conservation District handles that but I can confirm that the MLUL states that solar ground mounted panels are not impervious.

Ms. Gulliford asked if the 1% of land use allowed, as noted in 6 (h), includes the buffers or not.

Mr. Merdinger said the installation itself if limited to 1% which does not include the buffers.

A motion to recommend Ordinance 2013-10 to the Township Committee was made by Committeewoman McCauley, seconded by Dr. Marulli.

Roll Call: Mr. Julian – yes; Mr. Merdinger – yes; Dr. Marulli – yes; Mr. Peason – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Acting Chairman Conard – yes. Motion carries.

Ordinance 2013-14 Accessory Uses in the MZ District

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Mr. Kois said when Mr. Ringelheim and I were taking a look at all of the zones in our Code; we noticed that when it came to the zones that permitted residential, there is usually a section under accessory uses that has the following language: *'...uses customarily associated with the above uses, provided that such accessory uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.'*

We found that this language is noted for each district that allows residential except the MZ District. Mr. Ringelheim is recommending to add this language so that such things as garages, swimming pools, tennis courts, and storage sheds, which is consistent with the rest of the residential zones.

Comments from the public
None

A motion to recommend Ordinance 2013-14 to the Township Committee was made by Dr. Marulli, seconded by Committeewoman McCauley.

Roll Call: Mr. Julian – yes; Mr. Merdinger – yes; Dr. Marulli – yes; Mr. Peason – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Acting Chairman Conard – yes. Motion carries.

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

Hillsborough Township Volunteer Fire Co., #3 – File #13-PB-04-MSRV – Block 205, Lot 37 – 324 Woods Road. Applicant seeking Minor Site Plan Approval with 'c' Bulk Variance from Maximum Impervious Coverage to construct a 2,075 sf. addition to the existing building, on property in the RA District.

Chief Christian Fulmino of the Hillsborough Township Volunteer Fire Co. #3 was sworn in and gave the following testimony:

The last expansion we did on the firehouse was in 1996 when we added a third engine bay as well as a members' room. Since then our area has grown considerably with a number of new houses, a new school has been added and our membership has grown about 25% with 49 active members. We have added several new services including a water rescue team; trained in vehicle extrication; and added a ladder truck to our firehouse. All of this equipment and new members now completely occupies the space we currently have so we are asking the Board for permission to expand our current facility.

William B. Edwards, President of Edwards Engineering Group in Somerville was sworn, reviewed his qualifications and gave the following testimony:

This project has a base bid and an alternate bid project based on how the bids come in and the available money. The application, in terms of bulk information on the plan pertains to the alternate bid which is more restrictive in terms of area size, etc. There are a few variances we are seeking tonight, one of which is a side yard variance. The firehouse is situated on the southern end of the property. We are not really sure why it was built where it is but it is already over the side yard setback. We are seeking to enlarge the building forward of that footprint which will maintain that 20 ft. setback.

Exhibit C-1 – Application Plan was marked and reviewed. The addition is towards the street but not over the front yard setback. Back in 1996 this property was already granted an impervious coverage variance to go to 31%. This application will increase the impervious coverage to 34.7%. The existing parking spaces used by the firemen are slightly undersized by today's requirements. The stalls are 9' x 16' vs. 10' x 20'; the main aisle is undersized as well. We believe it is reasonable to allow the parking area to remain the way it has been for the past 20 years.

For the alternate bid, we are removing a few parking stalls up front and removing the barrier free stall from the opposite side of the lane over in front of the building for a barrier free entrance. Mr. White had a concern that the bollard near the doorway would impede wheelchair movement. I believe it will not. We are maintaining the striping which makes the spaces like parallelograms, not rectangles, leaving approximately 4 ft. of clearance between the nose of any vehicle and the nearest bollard. We do have a 2% slope towards the building and a 1.8% slope towards the aisle with the existing stall; and about a 1% slope for the new stall. Mr. White suggested we lower the height of the handicap sign but we would like to leave the height at 7 ft. in accordance with the Manual of Uniform Traffic Control Devices. Mr. White indicated a de minimis impact which did not trigger the Stormwater Management Ordinance.

We have made an application to the Somerset County Planning Board which is still pending. We are not on a County road, changing parking or affecting a county drainage facility so I do not foresee a problem. We just received approval from the Somerset-Union Soil Conservation District. We have a plan to keep the site damp during construction in order to control dust and put hay bales around inlets so that sediment is not transported into inlets and carried into nearby streams and water courses.

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Originally back in 1996, the impervious coverage was approved at 31.1%. The existing is 34.6%. The increase seems to be due to the addition of a small memorial garden with paver bricks.

Open to the Public

None

Close Public

A motion to approve was made by Mr. Merdinger, seconded by Dr. Marulli.

Roll Call: Mr. Julian – yes; Mr. Merdinger – yes; Dr. Marulli – yes; Mr. Peason – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Chairman Conard – yes. Motion carries.

GSA Belle Mead Interim Remediation (HP) – File #12-PB-10-SR – Block 175, Lot 39.02 and Block 177, Lot 23.02 – Mountain View Road. ***Adjourned to June 06, 2013 with re-notice.***

Acting Chairman Conard stated there is no business scheduled to the next 2 Planning Board meetings. A motion and second was made to cancel the May 9th and May 23rd meetings. All were in favor/none opposed.

CORRESPONDENCE

None

ADJOURNMENT

The meeting adjourned at 8:14 p.m.

Submitted by:
Debra Padgett
Planning Board Clerk

APPROVED