

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
December 01, 2016

Chairman Lipani called the Planning Board Public Meeting of December 01, 2016 to order at 7:32 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Hillsborough Township Municipal Complex.

Chairman Lipani announced 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

Mayor Frank DelCore – Present
Robert Wagner, Jr. – Present
Deputy Mayor Carl Suraci – Present
Robert Peason - Present
Seat #5 - Vacant
Neil Julian, Vice Chairman - Present

Sam Conard – Absent
Shawn Lipani, Chairman – Present
Kenneth Hesthag, Secretary – Present
Sally Becorena (Alt. #1) – Present
Stephanie Forrest (Alt. #2) – Absent

Also present: Patrick Gorman, Zoning Officer / Assistant Planner; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein, & Associates); William H.R. White, III, PE, CME, Board Engineer (Maser Consulting P.A.); Susan Baber, CCR, Covering Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

DISPOSITION OF MINUTES

■ **September 08, 2016**

A motion to approve was made by Mr. Wagner, seconded by Mr. Hesthag.

Roll Call: Mr. Peason – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Vice Chairman Julian – yes; Deputy Mayor Suraci – yes; Mayor DelCore – yes; Chairman Lipani – yes. Motion carries.

■ **November 03, 2016**

A motion to approve was made by Mr. Peason, seconded by Deputy Mayor Suraci.

Roll Call: Mr. Peason – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Ms. Becorena - yes; Vice Chairman Julian – yes; Deputy Mayor Suraci – yes; Chairman Lipani – yes. Motion carries.

DISPOSITION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

- ***Norma NORZ (Giraldi)*** – File 16-PB-14-MRV – Block 13.01, Lots 5 (938 River Road) and Lot 5.37 (940 River Road). Applicant seeking Minor Subdivision Approval; and 'c' Bulk Variances for relief from minimum lot width at setback (Reconfigured Lot 5); and minimum side yard setback for accessory structure (each for: livestock (bull) barn, hay barn, livestock barn, and silo), to reconfigure lot lines to add 2.8055 acres from Lot 5 to Lot 5.37, (Reconfigured Lot 5: 16.58 acres proposed; Reconfigured Lot 5.37: 6 acres proposed), thereby changing Lot 5.37 from a flag lot to a traditional lot, on Property in the RS, Rural / Suburban Zoning District (EC Review: 11-28-16).

Robert B. Heibell, PE, LS of Van Cleef Engineering, presenting the application, and Applicant **Norma Norz**, representing herself without counsel, were sworn in.

Mr. Heibell said Norma and her husband Jim, now deceased, were before the Board in 2012 for a subdivision. The purpose of that subdivision was to create a 3-acre flag lot in the middle of the property where there is an existing house and accessory structures. The Board granted that subdivision.

Mr. Heibell said Norma's grandson, Chris, and his family reside in that house. Norma would now like to increase the size of that property for several reasons, one being that the existing barn, which is at the back of the property, remains on the large

PLANNING BOARD MEETING MINUTES
December 01, 2016

lot. Since Chris uses that barn for his own purposes, Norma would like Chris to have the barn on his property, just in case the larger piece is ever sold.

Mr. Heibell said he looked to see how the lot could be configured with the least amount of variances, given that all of the farm structures are existing. The proposed lot lines provide more land in the back of Chris' house, as well as in the front of River Road to create a 6-acre lot. The proposal effectively takes 2.88 acres of land from Norma's lot, Lot 5, where she resides in the house built after the previous subdivision, and add it to the Giraldi lot. There are no improvements associated with this application whatsoever.

Mr. Heibell said he appeared earlier in the week to the Environmental Commission to present this application. One of the actions from the Board in 2012 was not to require a formal LOI; a waiver was granted. Wetlands are shown on the map, in compliance with the New Jersey I-maps. Secondly, there is a tributary which under the ordinance is a stream corridor which would have required a 150-ft., for which the Board granted a waiver for the previous application. Mr. Heibell said since no improvements are proposed, the same waivers are requested as from the 2012 application.

Mr. Heibell said the Environmental Commission blessed that action at the meeting. He said the 11-29-16 report states that if in the future there is another type of subdivision with improvements, at that point, depending on the nature of that application, a formal LOI would be required and the stream corridor would need to be put back. There is no intention for development at this time so the Applicant would not disagree. Mr. Giraldi is looking to have some additional land and use the existing garage.

Mr. Heibell explained because of the existing structures, the lot line goes in between the accessory structures. The best that could be done was to have 4 variances - minimum setbacks from the internal lot lines to those structures do not meet the ordinance. For some of the structures, the required distance is 1 1/2 times the distance away from the lot line. However, if a farm structure has livestock and/or combustible material or storage hay inside, the setback increases to 100 ft. Two of the structures require 100 ft.; one due to livestock, the other due to hay storage. The variances are all internal; no buildings are being built and none will be taken down. The Norz family has owned the property for 104 years.

Mr. Heibell said the application was submitted to the SCPB. In 2012 the Applicant gave the County an easement for a culvert along River Road. The SCPB report dated 11-17-16 lists no conditions; approval was granted. The subdivision will be filed by two revised Deeds, not by plan.

Mr. Heibell said the 11-21-16 Fire Marshal report lists no comments or conditions. Mr. Maski report dated 11-22-16 outlines the four variances described. There is an additional variance needed for lot frontage for the Norz lot, Lot 5 now 126 ft. where 150 ft. is required. The Giraldi lot, Lot 5.37 is no longer a flag lot, and will consist of six acres.

Mr. Heibell said the last report is from Mr. White, dated 11-28-16. He said as long as the Board is able to abide by the Applicant not having to have an LOI and not having the stream corridor, the Applicant can abide by all other comments. There is also an access easement for the driveway that will need to be extended. There is only one driveway on River Road. The original house and the newer house will both utilize the existing driveway via an Access Easement.

Mr. Heibell said Mr. Giraldi spoke before the Environmental Commission and is present for testimony if requested by the Board.

Mr. White asked about the access driveway.

Mr. Heibell confirmed they will extend the length of the access easement to allow for access to include access to the back structures.

Mr. Gorman said based on the testimony, the Applicant would need to request and reaffirm the waiver for the stream corridor due to the lot line change.

Mr. Heibell reiterated the waiver request.

Mayor DelCore asked for clarification on the need for an LOI.

Mr. Heibell said it may not be required, but is recommended when there is building proposed. There is a significant fine from the State if you disturb the wetlands so he always recommends getting it when looking to do construction.

Vice Chairman Julian reiterated the Environmental Commission did not object to the waivers at this time since no development is proposed. Should there be construction proposed in the future, the Applicant would need to apply for a LOI and adhere to the stream corridor requirements.

Testimony from Mr. Giraldi was not requested by the Board.

PLANNING BOARD MEETING MINUTES
December 01, 2016

Chairman Lipani summarized the proposal is for setback variances; environmental waivers regarding LOI and stream corridor; all professionals' comments and reports; and filing by Deed.

Mr. Bernstein asked that the owners of the properties state ownership on the record.

Norma Norz acknowledged she is the owner of the property at Block 13.01, Lot 5 and that her grandson, Christopher Giraldi, is the owner of Lot 5.37.

Open to the Public

No questions / comments.

Close Public

A motion to approve Application 16-PB-14-MRV with all conditions, was made by Mr. Wagner, seconded by Mr. Hesthag. **Roll Call:** Mr. Peason – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Ms. Becorena - yes; Vice Chairman Julian – yes; Deputy Mayor Suraci – yes; Mayor DelCore – yes; Chairman Lipani – yes. Motion carries.

Mr. Bernstein noted the Resolution will be submitted for review and memorialization in the upcoming weeks.

Mr. Bernstein said the Krismic Assoc. application had previously been scheduled to the agenda prior to this evening, now not on the agenda. The Board had previously asked for Krismic Associates to notice for an appearance before the Planning Board. The Planning Office had been notified by Mr. O'Grodnick, representing Krismic Assoc., that such notice had not occurred in a timely fashion, nor would it occur for the next Board meeting for next Thursday.

Mr. Bernstein said his office offered Mr. O'Grodnick three options, of which he chose to appear before the Board next Thursday night to relay what has occurred, a need for another extension, and what the current plans are related to the property in question and why another extension needs to be granted. Based on my response, the application was pulled from tonight's agenda.

Mr. Bernstein said the time of extension is coming to an end. Mr. O'Grodnick will be updating the Board on where they are with NJDOT related to the project, which is what is holding the project up.

CORRESPONDENCE

None

ADJOURNMENT

A motion to adjourn was made and seconded. All were in favor; motion carries.

The meeting was adjourned at 7:56 pm.

Submitted by:
Debora Padgett
Administrative Assistant / Planning Board Clerk