

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
March 6, 2019 – Regular meeting

Chairperson Haines called the Board of Adjustment meeting of March 6, 2019 to order at 7:03 pm. All stood to salute the flag. The meeting took place in the Courtroom of the Municipal Complex.

NOTICE OF MEETING

Chairperson Haines announced the meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 (“Sunshine Law”).

ROLL CALL:

Frank Herbert, <i>Vice Chairperson</i> – Present	Frank Valcheck – Present
John Stamler – Present	Steve Monte – Present
Helen Haines, <i>Chairperson</i> – Present	Paul Kaminsky (Alt. 1) – Present
Curtis Suraci – Present	Janine Erickson (Alt. 2) – Absent
Philomena Cellilli – Present	

Also in attendance: Mark Anderson, Esq., Board Attorney, (Woolson Anderson, P.C.); Robert Yuro, PE, CME, Board Engineer (T&M Associates); William H.R. White, PE, CME, Board Engineer (Maser Consulting, P.A.), Patrick Gorman, Zoning Official/Assistant Planner/Board Secretary; and Tina Restuccia, CCR.

ACCEPTANCE OF MEETING MINUTES

- **February 6, 2019**
 - It was requested two points be added to the minutes regarding Mr. Anderson’s discussion of the bylaws.
 - There was a motion and a second to approve with those amendments.
 - All eligible aye, none opposed. Motion carries.

ACCEPTANCE OF RESOLUTIONS

- **Brian CHIN – File #BA-18-11**
 - There was a motion and second to approve as written.
 - **Roll Call:** Mr. Valcheck – yes, Mr. Kaminsky – yes, Mr. Herbert – yes, Chairperson Haines – yes. Motion carries.
- **Hillsborough Crossings, LLC – File #BA-18-13**
 - There was a motion and second to approve as written.
 - **Roll Call:** Mr. Valcheck – yes, Mr. Monte – yes, Mr. Stamler – yes, Mr. Herbert – yes, Ms. Cellilli – yes, Mr. Kaminsky – yes, Chairperson Haines – yes. Motion carries.

BUSINESS FROM THE FLOOR (For Matters not on the Agenda)

- None

PUBLIC HEARING - APPLICATIONS

- **Leslie LEE** – File BA-18-20 – Block 205.15, Lot 61 – 13 Raddel Court. Applicant seeking ‘c’ Bulk Variances for relief from Minimum Side Yard Setback and Maximum Impervious Coverage and any other variances, waivers, or approvals required to construct an in-ground pool and patio on property located in the RA District.
 1. Mr. Gorman introduced the application.
 2. Peter Lanfrit, Esq., Attorney for the Applicant, summarized the variances requested and witnesses to testify.
 3. Leslie Lee, Applicant and property owner, was sworn in.
 4. Ms. Lee described her property and the neighboring properties.
 5. Ms. Lee testified that the neighboring property on the side where the setback variance is requested is open space.
 6. No public questions for this witness.
 7. Robert Burdic, PE, PP, Applicant’s Planner, was sworn in and his qualifications were accepted by the Board.
 8. Mr. Burdic described the angle of the house and the side entrance garage, which used a lot of impervious coverage and didn’t leave space in the rear of the property for a pool.
 9. Mr. Burdic testified that the proposed pool meets the required setbacks to one side and the rear.
 10. Mr. Burdic addressed the Board Engineer’s report.
 11. There was discussion on the grading, retaining wall, and fence.
 12. Mr. Burdic testified that the increase in impervious coverage is de minimis.
 13. Mr. Gorman clarified that the setback is measured from the water line of the pool, not the patio.
 14. No public questions for this witness.
 15. No public comments.
 16. There was a motion to approve this application with the condition that it meets all the Engineer’s concerns. It was seconded.
 17. **Roll Call:** Mr. Monte – yes, Mr. Valcheck – yes, Mr. Suraci – yes, Mr. Stamler – yes, Ms. Cellilli – yes, Mr. Herbert – yes, Chairperson Haines – yes. Motion carries.

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- **Belle Mead Hot Glass, Inc.** – File BA-18-18 – Block 180.01, Lot 3 (formerly Block 179) – 884 Route 206. Applicant seeking Preliminary and Final Major Site Plan Approval, ‘d’ Use Variance, ‘c’ Bulk Variance, and any other variances, waivers, or approvals required to construct a glass manufacturing building that was previously destroyed by fire on property located in the C-1 District. (EC Review: 1-28-19)
 1. Mr. Gorman introduced the application.
 2. Peter Lanfrit, Esq., Attorney for the Applicant, summarized the request and witnesses to testify.
 3. Robert Kuster, Owner of the Business, was sworn in and described the property and business.
 4. No public questions for this witness.
 5. Kevin Wilkes, Architect for the Applicant, was sworn in and his qualifications were accepted by the Board.
 6. **Exhibit A-1:** Site plan sheet labeled C-100 with modifications
 7. Mr. Wilkes described the proposal.
 8. Mr. Wilkes referenced sheets A-101 and A-120 from the application to describe the floorplan.
 9. **Exhibit A-2:** Sheet A-201, elevations of the proposed construction
 10. Mr. Wilkes also described the exterior of the proposed building.
 11. There was discussion on the fire that took place and how the new building will address potential fire hazards.
 12. Mr. Wilkes addressed the architectural comments in Mr. Gorman’s report and clarified that waivers are requested.
 13. Mr. Wilkes discussed the differences between the exhibits and the original plans submitted as part of the application.
 14. No public questions for this witness.
 15. Wayne Ingram, PE, PP, was sworn in and his qualifications were accepted by the Board.
 16. Mr. Ingram described the site and the overall reduction in impervious coverage.
 17. Mr. Ingram described the parking lot changes and landscaping.
 18. Mr. Ingram addressed comments from the Environmental Commission letter.
 19. There was discussion on the use variance, bulk variance, and waivers requested.
 20. Mr. Ingram testified that the Route 206 Bypass would not impact this property.
 21. Mr. Ingram testified that the benefits to the site include improved circulation, widening driveways, and improving the aesthetics with no detrimental impacts as the use already legally existed.
 22. No public questions for this witness.
 23. No public comments.
 24. There was a motion to approve with all the engineering conditions mentioned and all requested waivers. It was seconded.
 25. **Roll Call:** Mr. Monte – yes, Mr. Valcheck – yes, Mr. Suraci – yes, Mr. Stamler – yes, Ms. Cellilli – yes, Mr. Herbert – yes, Chairperson Haines – yes. Motion carries.
- **Faustino VASQUEZ** – File BA-18-02 – Block 198, Lot 4 – 295 Amwell Road. Applicant seeking Amended Major Site Plan Approval, ‘d’ Use Variance, ‘c’ Bulk Variance, and any other variances, waivers, or approvals required to expand the existing landscaping business previous approved by BA-07-30 on property located in the CDZ District. (EC Review: 10-22-18)
 1. Mr. Monte noted for the record that Jay’s Landscaping is his landscaper but he has no conflict.
 2. Mr. Gorman introduced the application.
 3. Mr. Schatzman, Attorney for the Applicant, described the request and the witnesses that will testify.
 4. There was a brief discussion on the variances being requested.
 5. Christopher A. Melick, PP, was sworn in and his qualifications were accepted by the Board.
 6. Mr. Melick described the business at length and testified to the positive criteria.
 7. There was discussion on the mulch pile.
 8. There was discussion on the hours of operation.
 9. Mr. Melick testified that an onsite detention basin was created to mitigate the runoff and the Applicant will comply with all of the Board Engineer’s comments otherwise they will be back before this Board.
 10. Mr. Melick discussed all the structures on the property that are non-conforming.
 11. There was discussion on the agricultural use on the property.
 12. **Exhibit A-1:** Turning template for the firetruck
 13. Mr. Melick testified that Exhibit A-1 had not been provided to the Fire Marshal but will comply with his memo.
 14. Mr. Melick provided testimony regarding the comments from Mr. Gorman’s report.
 15. No public questions for this witness.
 16. There was discussion on outdoor storage at the rear of the property.
 17. Anthony Agresti, Noise Expert, was sworn in and his qualifications were accepted by the Board.
 18. Mr. Agresti testified that the noise for the tub grinders would emit sound louder than permitted but would not impact the residential structures or nearby businesses.
 19. Mr. Anderson asked several clarifying questions about the noise report.
 20. Mr. Agresti testified that the numbers in his report were calculated via a computer model as well as “by hand” based on his personal and professional knowledge.
 21. No public questions for this witness.
 22. This application was carried to April 3, 2019 without further notice.

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BOARD OF ADJUSTMENT BUSINESS

• Board of Adjustment Bylaws discussion

1. Chairperson Haines summarized the Bylaws Subcommittee meetings that took place.
2. Mr. Anderson explained that he encouraged the Subcommittee to remove paraphrasing of the MLUL and Open Public Meetings Act to prevent confusion.
3. Chairperson Haines noted that any questions or comments can be emailed to the Planning Office or legal questions can be sent to Mr. Anderson in advance of the April meeting.
4. There was a lengthy discussion about the paraphrasing of the MLUL in the existing Bylaws.
5. There was further conversation on the differences between the existing Bylaws and the proposed Bylaws.

ADJOURNMENT

The meeting adjourned at 10:33 pm.

Respectfully Submitted by: Caitlin Vaz, Planning & Zoning Clerk

Reviewed by: Patrick Gorman, Zoning Official/Assistant Planner/Board of Adjustment Secretary

Approved