

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**  
**PUBLIC MEETING MINUTES**  
**November 08, 2012**

Vice Chairman Cohen called the Planning Board meeting of November 08, 2012 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.

Vice Chairman Cohen 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**

Deputy Mayor Gloria McCauley - Present  
Greg Burchette – Present  
Committeeman Frank DelCore - Absent  
**Steve Cohen, Vice Chairman** - Present  
Tod Mershon, *Secretary*- Present  
Neil Julian - Present

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

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

**ACCEPTANCE OF MINUTES**

September 06, 2012

After confirmation of a statement in question, a motion to approve the minutes as written was made by Mr. Burchette, seconded by Mr. Conard.

Mr. Bernstein noted the related resolution will come with conditions relative to escrows and related items before it is approved.

**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Burchette – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Peason – yes; Deputy Mayor McCauley – yes; Vice Chairman Cohen – yes. Motion carries.

October 11, 2012

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

**Roll Call:** Ms. Fenwick – yes; Mr. Burchette – yes; Mr. Mershon – yes; Mr. Conard – yes; Dr. Marulli – yes; Deputy Mayor McCauley – yes; Vice Chairman Cohen – yes. Motion carries.

**ACCEPTANCE OF RESOLUTIONS**

None

**PLANNING BOARD BUSINESS**

None

**SPECIAL COMMITTEE REPORTS**

None

**BUSINESS FROM THE FLOOR**

None

**CONSIDERATION OF ORDINANCES**

**2012-28** - An Ordinance Amending Chapter 188 (Development Regulations), Article V (Districts and Standards) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to Permit Restaurants in the GB and LI District

David Kois, Zoning Officer/Assistant Township Planner reviewed the ordinance as follows:

The Board has been provided with the memo previously prepared by the Township Planner, Robert Ringelheim; the change made by the Township Committee; and my memo addressing the change. In my memo I tried to explain the difference between a 'restaurant' and a 'free-standing restaurant' and the language which would make it consistent with other zone. With the ordinance just stating 'restaurants' and eliminating 'free-standing restaurants' as a conditional use, technically, it would have made a free-standing restaurant a non-permitted use. This would allow a free-standing restaurant as a principal permitted use, as well as a 'restaurant'. The ordinance was changed back in the 80's to have a specific definition of a 'free-standing restaurant'.

Mr. Julian asked if the warehouses by the Hillsborough Cinema could be considered restaurants.

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Mr. Kois said I suppose if the entire warehouse was one giant restaurant, that would be considered a free-standing restaurant. Technically if you look at the definition, a free-standing restaurant would be one you would see in a shopping center parking lot. The idea is to allow restaurants and free-standing restaurants as well. As for the warehouse scenario, the way our ordinance is organized, a restaurant can go into a space in the warehouse but cannot be by itself in an individual building.

The last page of my memo details all of the different was in which restaurants are described in applicable zones. For the sake of consistency, I am recommending language that is consistent with a number of the zones.

Mr. Mershon asked if there is an application spurring this change.

Mr. Kois said I am not aware of one at this time.

Mr. Bernstein suggested taking a look at Mr. Ringelheim's original March 09, 2012 memo. One of the reasons for this ordinance is the 'dine-around' cinema concept, as with the Bridgewater Cinema which is a growing concept in the movie industry. That would not be permitted in Hillsborough without a change in the ordinance.

A motion to approve the ordinance, as amended, to the Township Committee was made by Mr. Conard, seconded by Mr. Burchette.

**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Burchette – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Peason – yes; Dr. Marulli – yes; Deputy Mayor McCauley – yes; Vice Chairman Cohen – yes. Motion carries.

**PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS**

**RFDC REALTY, LLC (De Canto)** – File 12-PB-09-MR – Block 182, Lots 38.01, 38.02, 38.03 – Route 206 and Doctors Way.

Vice Chairman Cohen announced this application has been adjourned to December 13, 2012 with re-notice.

**CORRESPONDENCE**

None

Vice Chairman Cohen led the congratulatory applause for Mr. Burchette winning the open Township Committee seat for the term starting January, 2013.

**ADJOURNMENT**

The meeting adjourned at 7:41 p.m.

Submitted by:  
Debora Padgett  
Planning Board Clerk