

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
October 07, 2010

Chairman Burchette called the Planning Board meeting of October 07, 2010 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 Burchette announced that the meeting has been duly advertised according to the Sunshine Law (Chapter 231, Open Public Meetings Act).

ROLL CALL

Mayor Frank DelCore – Present
Michael Merdinger – Present
Robert Wagner, Jr. – Present
Steven Cohen, *Secretary* – Absent
Greg Burchette, *Chairman* – Present
Arthur Stafford-Taylor – Arrived 7:35 p.m.

Sam Conard, *Vice Chairman* – Arrived 7:32 p.m.
Steven Sireci, Jr. – Present
Marian Fenwick – Present
Douglas Tomson – Present
Tod Mershon – Present

Also present were Robert Ringelheim, Township Planner; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); William H.R. White, III, P.E., P.P., C.M.E., Board Engineer (Maser Consulting, P.A.); and Christina Restuccia, C.C.R.

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

None

BUSINESS FROM THE FLOOR

None

SPECIAL COMMITTEE REPORTS

None

PUBLIC HEARING – SUBDIVISIONS/SITE PLANS

- **Thomas Mascia / SONIC** – File #10-PB-07-SRV – Block 177, Lot 22B (New: Block 177, Lot 22.02) – 838 Route 206.

Donald B. Whitelaw, Esq. of Graziano, Piasecki, Whitelaw & Simko, LLC reviewed this is the continuation of the application for Thomas Mascia for preliminary and final major site plan approval for a proposed Sonic restaurant, located on Route 206 at the old Brikens location which is currently used as a karate facility.

Mr. Whitelaw, Esq. recalled Brett Skapinetz, PE for testimony.

Prior to testimony, Ron S. Gasiorowski introduced himself as an attorney from Red Bank, N.J. I have been retained by residents of the community who are objectors to this project. I want to put my name on the record. I have spoken earlier with the board attorney. I have some procedural objections which I wish to make but I can wait until the applicant completes his case.

Eric Bernstein, Esq., board attorney, asked Mr. Gasiorowski to spell his name and state who you represent for the record.

Mr. Gasiorowski, Esq. said I have been retained by citizen, Denise Acocella and three or four other residents whose names I will provide you with by the end of the evening. Ms. Acocella is my contact person.

Mr. Bernstein, Esq. told Chairman Burchette that we will allow Mr. Whitelaw to continue his application. Mr. Gasiorowski is allowed to cross-examine the witnesses on behalf of his clientele. Any presentation he wishes to make can come after the conclusion.

Mr. Whitelaw, Esq. asked to have a few minutes to speak with Mr. Gasiorowski. If his objection is a procedural issue, I would rather not spend the time and expense if there is going to be defective claims.

Chairman Burchette said to take fifteen minutes while we move onto the zoning matter on the agenda.

CONSIDERATION OF ORDINANCES

- Amend Zone Designation for Block 65, Lot 21

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Robert Ringelheim, Township Planner, said in keeping with the Township policy, informal notice of this proposed zone change was provided to all residents within 200 ft. of the property in order to gain input prior to Township Committee action which will be formally noticed, as required by law.

In reviewing the Zoning Map, an inconsistency was found in the zone boundary separating the R, Residential District, from the I-1, Light Industrial District. This involves Block 65, Lot 21 which is located west of the Borough of Manville municipal boundary, south of the freight rail line and north of Camplain Road.

It is a wedge-shaped piece of property which is presently zoned R, Residential, although it occupies the rear portion of a larger property which is otherwise located in the I-1, Light Industrial District. The extension of the R District into an otherwise conforming I-1 District creates a split zone lot that requires a 'd' use variance for any further improvements.

It is recommended that Block 65, Lot 21 be rezoned from R, Residential, to I-1, Light Industrial based on the following: (1) the existing R District is split by the freight rail line; (2) the existing residential development in the R District has all occurred north of the freight rail line; (3) Block 65, Lot 21 is located south of the freight rail line; and (4) it is located at the rear of the existing industrial property which is otherwise conforming in the I-1 District which would create a split zone for that property and would require a 'd' use variance for any future improvements requested.

Questions from the Board

None

Open to the Public

No questions/comments

Close Public

Dr. Sireci said this makes perfect sense to do this. How did the line get drawn this way originally?

Mr. Ringelheim said I do not know the reason why it is there. We just recently found it in going through the Zoning Map. It came up when working in that area with some of the property owners.

A motion to recommend Block 65, Lot 21 to be rezoned to the I-1 Zone to the Township Committee for further action was made by Dr. Sireci, seconded by Mr. Stafford-Taylor.

Roll Call: Mr. Tomson – yes; Ms. Fenwick – yes; Dr. Sireci – yes; Vice Chairman Conard – yes; Mr. Stafford-Taylor – yes; Mr. Wagner – yes; Mr. Merdinger – yes; Mayor DelCore – yes; Chairman Burchette – yes. Motion carries.

Chairman Burchette announced a 10 minute recess.

- **Thomas Mascia / SONIC** – Continued

Mr. Whitelaw, Esq. said I have had a conversation with Mr. Gasiorowski who raised several issues, several of which I do not agree with, but he did raise an Ordinance question that I am not familiar with so I will need to do a review on that. It has to do with the jurisdiction of this board vs. the Board of Adjustment. I advised that I prefer to request an adjournment of this application and resolve this issue. We consent to an extension of time through the end of January. We discussed with your counsel the next meeting date of December 9th at which time we should either have the problem worked out or the Applicant will make a decision on how to proceed.

Mr. Gasiorowski, Esq. said those representations are correct. I have no objection to Mr. Whitelaw's request for an adjournment and we will discuss where we go from here. What will happen is that he will decide to go forward and come back to the Planning Board or in the alternative; he may decide that my position is correct and then make an application to the Board of Adjustment. We are proceeding on the basis that we will be coming back here and will leave that date open.

Mr. Ringelheim announced this application will be next heard on December 09, 2010 without any further notice.

Mr. Bernstein, Esq. noted for the record that Mr. Whitelaw has signed an extension through January 31, 2011 on behalf of his client.

A motion to carry this matter to December 9th without further notice was made by Mr. Stafford-Taylor, seconded by Dr. Sireci. All in favor – aye; opposed – none. Motion carries.

ADJOURNMENT

The meeting adjourned at 7:47 p.m.

Submitted by:
Debora Padgett
Planning Board Clerk