

Borough of Millstone
Planning Board
January 25, 2011 Meeting
Reorganization and Regular Meeting

Chairman Dorschner called the meeting to order at 7:33 pm. There were twenty (20) members of the public present.

Chairman Dorschner read the following statement:

"The regular meeting of the Millstone Borough Planning Board will please come to order. Adequate notice of this meeting has been noticed to the Courier News and posted at Borough Hall. If any member of this body believes this meeting is being held in violation of the Open Public Meetings Act, please state your views at this time, stating the reason for which you feel the notice is improper. Hearing none, we will proceed to the next item on the agenda."

Mayor Heck swore in Mr. Pat Grieco as a new Class IV Board Member and Mr. Clint Bowers, Mr. Dan Dixon and Mr. Gene Grimshaw as new alternate Board Members. The Mayor also swore in existing Board Members Ms. Christine Fung, Mr. Dick McDermott, Mr. Keith Dorschner and Mr. Dan Devoti.

Roll Call:

Present:	Clint Bowers	Dan Dixon
	Dan Devoti	Keith Dorschner
	Christine Fung	Pat Grieco
	Gene Grimshaw	Mayor Ray Heck
	Carl Kestner	Richard McDermott

Also present: Gerald J. Muller, Esq – Planning Board Attorney
Carter Van Dyke – Planning Consultant
Denise Piskowski, Board Secretary

Absent: Alan Kidd Don Roden

Mr. Dorschner asked the Board for nominations for Chairperson. Ms Fung nominated Mr. Dorschner and the motion was seconded by Mr. Kestner. Mr. Devoti nominated Ms. Fung and the motion was seconded by Mr. Dorschner. Roll call was taken Mr. Dorschner and Mr. Devoti voted for Ms. Fung and all of the remaining Board members voted for Mr. Dorschner. Mr. Dorschner was elected as the new Board Chairman for 2011

Mr. Dorschner then nominated Ms. Fung for Vice-Chairperson and the motion was seconded by Mr. Kestner. With an aye vote by all Ms. Fund was elected as Vice-Chairperson for 2011.

APPLICATIONS

**Hillsborough Reformed Church, 11 Amwell Road, Block 6, Lots 11 & 12
Minor Subdivision, 3 C-Variances and a D-Variance**

Mr. Muller explained that Christine Fung and Dick McDermott were ineligible to vote on this application as they were within 200 feet of the applicant property and that the governing body are not members of the Zoning Board of Adjustment. Ms. Fung and Mayor Heck, Dick McDermott will recuse themselves. Mr. Muller stated that Mr. Devoti and the other members of the Board were eligible to vote on this application

Mr. Muller explained that this application was carried without further notice from the previous Board meeting.

Mr. Robert Foley, attorney representing the applicant, introduced himself and explained that the church acquired the adjoining property located at 11 Amwell Road, Block 6 Lot 12, and they are requesting a minor subdivision so that the church could use a portion of the property for parking and keep the home on a separate lot.

Mr. Foley introduced, Mr. Robert Heibell, engineer, Mr. Mark Yarrington, architect, Reverend Fred Mueller. Mr. Muller swore in all.

Reverend Mueller explained to the Board that the church was in desperate need of additional parking and when this adjoining property became available it was the perfect solution to this issue. Reverend Mueller gave the Board a brief history of the church.

Mr. Foley asked Mr. Heibell to explain to the Board the application. Mr. Heibell explained that the current church property is located on Block 6 Lot 11 and they would like to put a parking lot on the newly acquired Lot 12. They are requesting for a D-variance, a minor subdivision and a preliminary and final site plan for the parking lot. The minor subdivision would put the residential home currently on Lot 12 onto its own lot and have the remaining portion of Lot 12 subdivided and included on the existing Lot 11. They are asking for a driveway easement that would be 10 feet wide with 5 feet being given to the adjoining property owner Mr. LaValva, 15 Amwell Road, Block 6 Lot 13.

They are required by the County to give a portion of the property along Amwell Road to be used for road widening. If the Board approves the application the church would like to eventually offer to deed the residence to the Borough of Millstone. They are requesting to merge the remaining 8,512 sf with lot 11 so that the church could then put in a parking lot. They do not require approval from DRCC due to the size of the lot and the County has already given approval with conditions, if the application is approved.

Mr. Heibell informed the Board that they had submitted their application before the Historic District Commission (HDC) and the HDC has approved the northerly wing and western wing being removed and leaving the original structure. The HDC issued a report dated 12/14/10 approving the proposal to take off the two wings of the home. The church would keep the residential lot if the Borough Council does not accept their offer.

Mr. Heibell read from the County report regarding the parking lot stating that the lot should be buffered from the adjoining properties.

Mr. Heibell reviewed the plans for the parking lot with the Board. The plan is for an 18 foot wide 2-way driveway onto Amwell Road with a stone parking area. They would like to plant 20 5-foot high junipers as a buffer along the Lot 13 property line with a 6 foot high fence as shown on the plans. They will also plant junipers along the northern property line. There would be 20, 10-foot wide by 18 foot parking spaces and a concrete wheel stop at 16 ft would be put in each parking space. A slate sidewalk would be installed from the new parking lot to the existing

sidewalk that runs along Amwell Road to the south of the property. They are also proposing 2 lights along the west property line with a house side shield and 2 lights on the church side.

Mr. Heibell reviewed Mr. Van Dykes report from 12/7/2010 and stated that the plans will be revised to include 4 shade trees as required in Mr. Van Dykes report. Mr. Heibell further reviewed Mr. Van Dykes report and the applicant agrees with item 1a. which identifies a 2005 Master Plan goal of 'protecting and enhancing the villages historic character by preservation of the aesthetic and structural fabric of historic buildings'. Mr. Heibell also stated that there is no septic system to the property.

Mr. Heibell informed the Board that the C-variance is for the creation of the separate lot for the existing home, there is currently an existing non-conformity on the east side and the D-variance is for the creation of the parking lot on the remaining portion of Lot 11 that is in non-institutional zone.

Mr. Heibell stated that because the remaining portion of Lot 11 is adjoining the existing church property and there are no environmental constraints, this is in conformance with the Master Plan and is in keeping with the Borough's historic district and also creates parking for the safety of the residents. Mr. Muller asked about the sanitary sewer system for the home, what is the home to be used for. Mr. Heibell stated that the church had received feedback from the building official that the home should be demolished or restored. He stated that the church would like to have the exterior of the home protected without the two additions. The home will be offered to the Borough Council so he can't say what will be done with the home at this time. Mr. Muller asked if a septic system would be viable on the property. Mr. Heibell stated that it would not be viable. Mr. Heibell stated that if they can find the current septic system it will be filled in. The Board discussed the septic issue. Mr. Muller asked about the HDC Review and Comments letter to the Board dated 12/14/2010 of 'Expanding the proposed lot containing the structure should be considered' as a condition by the Zoning Board of Adjustment. Mr. Heibell stated that he was not aware of this. Mr. Muller also asked about the HDC recommendation regarding mothballing the home. Mr. Heibell stated that the windows would be covered with plywood, siding would be added on the north and west sides once those portions were removed and it would be painted Wedgewood Gray as recommended by the HDC.

Mr. Van Dyke asked about handicapped parking spaces. Mr. Heibell stated that the church discussed this and there are already handicapped spaces along the street in front of the church. If the Board requires a handicapped space then paving would have to be done on the handicapped space which would also be required to be 16 feet wide. Mr. Van Dyke recommends that the Department of ADA review the plans for their requirements. Mr. Heibell informed the Board that the applicant already has a section of the parking lot picked out for a handicapped space if the Board requires it. Mr. Van Dyke asked that the parking lot plan be reviewed by the Borough Engineer. Mr. Van Dyke asked about stormwater management for the impervious surfaces. Mr. Heibell stated that the lot is smaller than the required size to have stormwater management. Mr. Van Dyke also stated that if the Board does not grant the minor subdivision would it create a hardship for the church to keep the residential lot. Mr. Van Dyke expressed his reservations about a home that has no septic or utilities and asked if the Borough did not accept the Church's offer to be given the deed for the residential lot would the applicant be acceptable to re-merging the lots. A discussion ensued.

Mr. Kestner asked if there were any potential for long term or overnight parking. The Reverend stated that there was minimal possibility of this and while the parking might be used for evening activities it would mainly be used for Sunday services.

Mr. Van Dyke asked about timing on the lighting, could there be an on/off switch. Mr. Heibell and the Reverend stated that this would not be a problem.

Mr. Devoti asked if the shade trees would interfere with the overhang of the cars. Mr. Heibell stated that they would be put between the wheel stops, not in front.

Mr. Yarrington, architect, stated his qualifications to the Board and the Board accepted him as an expert. Mr. Yarrington explained to the Board the plans for the existing home which would include removing the rear and left side additions and keeping the original 18 x 30 2-story home in accordance with HDC approval. They would also put historic siding on the home, repair the roof, infill the wall areas and stabilize the home. The first floor has two rooms with an entry hall and the 2nd floor has 2 bedrooms. The existing kitchen is in one of the additions and a bathroom was not located by Mr. Yarrington within the rooms he inspected. The current staircase is in the western addition that would be removed so that when the addition is removed there would be no access to the 2nd floor. Mr. Van Dyke asked about patching the roof. Mr. Yarrington stated that the roof would be re-shingled. Mr. Van Dyke expressed his concern that the roof be replaced, not repaired. Mr. Yarrington explained that this would be decided if the Board approves the application. The Reverend stated the church's intention that the exterior of the home be preserved as part of the streetscape and their intention was to maintain the home in accordance with the historic nature of the Borough. The current plan is to cover the windows with plywood and paint them so that they do not look like they are boarded up. Mr. Van Dyke asked for more detail on how the windows would be sealed and what they would look like from the street. Mr. Yarrington stated the intent to seal the house until a decision was made as to what would be done with the home. Mr. Van Dyke asked about the foundation of the home and if it was sound. Mr. Yarrington stated that the foundation would be taken care of. Mr. Grieco asked if there was any possibility of this becoming a residence. Mr. Van Dyke stated that it could not be used a residence without septic and utilities. A discussion ensued.

Mr. Muller asked Mr. Heibell how many parking spaces would be lost to put in a septic system. Mr. Devoti stated that a septic was not viable so did Mr. Heibell, unless it was very small and located in the front yard of the lot for a small office use.

Mr. Dorschner asked what the time frame was for stabilizing the home. Mr. Heibell stated that the home would be stabilized first and then the construction would begin on the parking lot.

Mr. Van Dyke stated his concern that this building would not be used in the near future and stated that, at a minimum, an annual review of the interior of the home be performed. Reverend Mueller assured the Board that the church would make sure that the home was well taken care of.

Mr. Grimshaw asked why it was being boarded up. Mr. Yarrington stated that this was to secure the home and have it stabilized. Mr. Grimshaw asked that if the church maintained ownership of the home would they open it up for use. Reverend Mueller stated that this was a possibility. Mr.

Dixon asked Mr. Yarrington if an inspection had been done for termite or other insect damage. Mr. Yarrington stated that it had not been done at this time, but this would be part of the stabilization process.

Mr. Dorschner asked the Mayor if he could give the Board an idea on if the Borough Council would consider taking the home. The Mayor stated that this still needed to be discussed and these discussions would include the HDC and if the Borough Council were to take the home it would more than likely be used for basic meetings. Mr. Muller asked if they church would let others use the parking lot if the Borough were to take the home. The Reverend stated that this would be acceptable.

Ms. Portia Orton Chair of the HDC, was sworn in by Mr. Muller. Ms. Orton informed the Board that the HDC had given approval for partial demolition of the home and they did not consider the use of the building in their approval. They did impose conditions of weather proofing and sealing the home. Ms. Orton also informed the Board of the other conditions imposed by the HDC in accordance with the Secretary of the Interior's Guidelines of mouthballing historic structures found in Preservation 31 brief. Mr. Dorschner asked if the HDC was agreeable with the boarding up of the windows. Ms. Orton stated that this was acceptable to the HDC. Ms. Orton informed the Board that the HDC is empowered to provide advice to the church to ensure that the home was kept preserved and well maintained. A discussion ensued. Mr. Devoti asked if the HDC had any concerns with the new driveway. Ms. Orton stated that the HDC is concerned with how it will look and they will ask for final drawings before the construction starts. Mr. Heibell stated that the driveway was in accordance with County Planning Board requirements. A discussion ensued.

The remainder of the concrete on the side walk will be removed and replaced with slate and the apron will be paved with asphalt as required by the County. They could pave the apron with concrete with the approval of the County. A discussion ensued.

On a motion by Mr. Dorschner, seconded by Mr. Kestner, the meeting was opened to the public.

Ms. Alison Whitman, 8 Dewitt Lane, Hillsborough, member HDC, asked about ADA access if this was to become a public building. Mr. Heibell stated that there are currently steps in the front of the home and if the home were to be used for public access in the future it would be taken care of at that time. Mr. Muller stated that this could be a condition of the application. A discussion ensued. Mr. Heibell stated that they would move the lot line 3 additional feet just in case this is required.

Ms. Fung, 217 Ann Street, was sworn in and asked Mr. Heibell to explain the County Planning Board requirements for the driveway and the sidewalk. Mr. Heibell explained that there would be a right-of-way easement along Lot 11. The County also asked for the sidewalk to be in their right-of-way. Ms. Fung then asked about the type of fence to be used on the west side of the driveway as a buffer to lot 13. Mr. Heibell stated that they were working with the homeowner on that side and they would get approval from the HDC for the fence. Ms. Fung asked about the mothballing procedures and how the property would be monitored. Mr. Muller informed her that Ms. Orton stated that HDC would provide advice to the church to monitor the status of the house. Ms. Fung asked if the Borough had an ordinance with time limits on how long a building

could be boarded up. Mr. Muller swore in the Mayor. The Mayor stated that at this time there was no ordinance imposing time limits for boarded up homes. Ms. Fung asked the Mayor for a definition of how the home would be given to the Borough Council. The Mayor stated that there is no definition for this and it would be up to the Council to consider and vote on.

Mr. Lawrence Tarantino, 1423 Main Street, was sworn in. He asked about the D-variance and would like an explanation of the hardship. Mr. Muller stated that it was not considered a hardship, but was looked at as being beneficial to the site. Mr. Tarantino stated his opinion that the plan was over ambitious and that there was not enough room for parking and he strongly suggests that the Board deny the plan and that the parking be cut back to a single sided parking lot he also made some suggestions for other parking areas. Mr. Tarantino also stated his opinion that a greater buffer between parking and the cemetery be required and he would like for the future of the home to be ensured by the Board as part of the application. He stated that a Preservation Plan or a Historic Structure Report be required as part of the application and ventilation should be provided if the building were to be boarded up. He is sympathetic to the churches needs, but thinks that the plan should be scaled back. He would also like some more consideration given to the lighting. He presented a sketch to the Board labeled exhibit E-1 showing how he thinks the lighting should be done.

Based on the testimony by Mr. Tarantino, Mr. Van Dyke asked Mr. Heibell about the cemetery bordering the proposed parking lot and asked if there were sufficient room to put in some sort of hedgerow to separate them. Mr. Yarrington stated that as part of the mothballing ventilation would be included. Mr. Heibell informed the Board that this is in the plan submitted. A discussion ensued.

Ms. Pat Morris, HDC member, was sworn in. Ms. Morris asked for an explanation of the variances since the church is on an institutional lot. Mr. Muller explained that the lots will stay residential lots that will be non-conforming. Ms. Morris also expressed that she would like further understating of this application and the buffering is miniscule. Mr. Van Dyke explained that this application was reviewed by his office and this type of buffering is typical for this use. A discussion ensued. Mr. Muller explained that when a use variance is applied for this is a typical standard. Ms. Morris stated her opinion that a similar application was 'put through the ringier' and this application is not being held to the same standard. Ms. Morris also stated that the HDC does not legally serve in a capacity to care for this home if it becomes the property of the Borough.

Jim Nelson, 68 Bennington Pkwy, Franklin Park, a member of the church. Commented that the home has been slowly falling down and the church would like to save it.

Gary Cortelyou, 132 Persinko Street, Manville, a member of the church. Expressed his opinion to the Board that this is the only viable solution for the church.

Lorenzo LaValva, 15 Amwell Road, expressed his opinion that the plan proposed is the best for the community and he would like to see the plan go through and he is satisfied with the buffer proposed bordering his property.

Mr. Devoti asked the applicant why they haven't repaired the roof since they have owned the property for a year and stated his opinion that if they really cared about the house they would have addressed this earlier. The Reverend stated that they are here now and would like to move forward with the plan.

On a motion by Mr. Dorschner, seconded by Mr. Kestner, the meeting was closed to the public.

Mr. Muller explained what the application included and what the Board would be voting on. The Board discussed the application.

Mr. Dorschner made a motion to approve the application as summarized by Mr. Muller with the conditions as stated. The motion was seconded by Mr. Kestner. With an aye vote by all except Mr. Devoti who abstained, the application was approved.

The Mayor addressed the Boards budget for 2011. Ms. Fung asked the Mayor if Council was aware of any special projects they would initiate that the board should know about for 2011. The Mayor stated there were no new projects being pursued at this time.

On a motion by Mr. Devoti, seconded by Mr. Dorschner, the Board agreed to adjourn the meeting at 11:40 pm.

Submitted,


Denise Piszowski
Planning Board Secretary