



Township of Hillsborough

PLANNING & ZONING DEPARTMENT
PETER J. BIONDI MUNICIPAL BUILDING
379 SOUTH BRANCH ROAD
HILLSBOROUGH, NJ 08844
www.hillsborough-nj.org
(908) 369-4313

Sent via regular and email

May 2, 2019

Peter U. Lanfrit, Esq.
Borrus, Goldin, Foley, Vignuolo, Hyman and Stahl, P.C.
2875 US Route 1
North Brunswick, NJ 08902

Re: Memorialized Resolution
Belle Mead Hot Glass, Inc
Block 180.01, Lot 3
Site Location: 884 Route 206
Our File #**BA-18-18**

Dear Mr. Lanfrit:

Enclosed please find a copy of the memorialized Resolution for the above-referenced application adopted at a public meeting of the **Board of Adjustment** held on Wednesday, May 1, 2019. The Notice of Decision has been requested to appear in the Hillsborough Beacon on Friday, May 10, 2019.


The Applicant should now submit an **affidavit of compliance** and one set of revised plans directly to each of the following staff/consultants for sign-off, in accordance with the Resolution of Approval:

- **Robert Yuro, PE, CFM**, T&M Associates, 11 Tindall Road, Middletown, NJ 07748 – *Complete packet including all Plans/Deeds/Easements*
- **Patrick Gorman**, Assistant Planner/Zoning Official, Hillsborough Township Municipal Complex, 379 South Branch Rd., Hillsborough, NJ 08844 – *Complete Packet including all Plans/Deeds/Easements*

The submitted documents will be reviewed for compliance with the resolution and if deemed acceptable, an additional 9 copies will be required for signatures and final approval. After the plans have been signed and all requirements/conditions have been met, you may then file for all necessary permits with our Zoning, Engineering, and Building departments.

Please do not hesitate to contact our office should you have any questions.

Sincerely,


Caitlin Vaz
Planning and Zoning Clerk

Enclosures

cc with enclosures:

Robert Kuster, Applicant – via email
Wayne J. Ingram, PE, PP, Applicant's Engineer – via email
Mark Anderson, Esq., Board Attorney – via email
Robert Yuro, PE, CFM, *Board Engineer* – via email
Thomas Belanger, *Assistant Township Engineer*
John Fiedler, *Construction Official*

**RESOLUTION OF BOARD OF ADJUSTMENT
TOWNSHIP OF HILLSBOROUGH
SOMERSET COUNTY, NEW JERSEY**

**BELLE MEAD HOT GLASS
APPLICATION: BA-18-18**

Applicant: Belle Mead Hot Glass

Property: 884 Route 206

Tax Lot: Block 180.01, Lot 3 (Formerly Block 179; Lot 3)

Hearing Date: March 6, 2019

Request: Preliminary and Final Major Site Plan Approval, "d" use variance, "c" impervious coverage variance

District: C-1, Neighborhood Shopping Zone and the Architectural Site Design Overlay District

Relief Requested:

Preliminary and Final Major Site Plan Approval, "d" use variance for manufacturing use not permitted in the C-1 zone and "c" impervious coverage variance to reconstruct a glass manufacturing building that was previously destroyed by a fire.

Relief Granted:

Preliminary and Final Major Site Plan Approval; "d(2)" use variance for expansion of manufacturing glass products in the C-1 zone where existing conditions of the lot area is 0.944 acres, where 2 acers is required and where the existing lot width is 100 feet, where 200 feet is required; "c" variance for 57.39% impervious coverage where 45% is permitted in C-1 zone; and design waivers as noted below.

Plans and Documents Submitted:

Plans entitled "Belle Mead Hot Glass Major Site Plan, 884 Route 206, Block 180.01, Lot 3, Hillsborough Township, Somerset County, New Jersey" prepared by Engineering & Land Planning Associates, Inc, dated October 17, 2018 consisting of nine pages.

Architectural Plans entitles, Renovation To: Belle Mead Hot Glass, 884 Route 206 South, Hillsborough, NJ" Wilkes Architects, dated May 1, 2018, last revised September 27, 2018 consisting of eleven pages.

Environmental Impact Statement, prepared by Engineering & Land Planning Associates, Inc, dated October 17, 2018.

Copy of Hillsborough Township District Development Application received January 16, 2019, consisting of a development application, project narrative, site inspection permission form, environmental impact statement checklist, soil erosion and sediment control application and four black and white photos (not dated).

Stormwater Management statement prepared by Engineering & Land Planning Associates, Inc, dated October 27, 2018.

NJDEP Letter of Interpretation: Presence/Absence Determination, dated August 21, 2018.

Letter from the County of Somerset Planning Board dated November 29, 2018.

Copy of a Deed between Robert Payton and Helen Payton, h/w and CJ Real Estate Holdings, LLC dated November 1, 2004.

WHEREAS, Applicant has applied to the Hillsborough Township Board of Adjustment for Preliminary and Final Major Site Plan Approval; "d" use variance for manufacturing use not permitted in the C-1 zone; and "c" impervious coverage variance for the Relief Requested; and for design waivers as noted below; and

WHEREAS, a public hearing on the Application was held by the Board on the Hearing Dates, at which time the Applicant appeared and was given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the Board considered the following reports submitted by its experts:

Memorandum of Patrick Gorman
Township Zoning Official/ Assistant Planner
February 26, 2019

Memorandum of Robert F. Yuro, PE, CME
Township Zoning Board Engineer
February 26, 2019

Memorandum of Deborah A. Boyea, Chairperson
Township Environmental Commission
February 25, 2019

Memorandum of Christopher C. Weniger, Chief Fire Marshal
Township Fire Commissioners, Bureau of Fire Safety
January 24, 2019

; and

WHEREAS, no members of the public appeared to speak with regard to the Application.

; and

WHEREAS, Peter Lanfrit, Attorney for the Applicant presented testimony to the Board as more fully set forth on the record from the following individuals:

Kevin Wilkes, Architect

Wayne Ingram, Professional Engineer, Professional Planner

; and

WHEREAS, the following exhibits were presented at the hearing dates:

A-1 Site plan sheet labeled C-100 with modifications

A-2 Sheet A-201, elevations of the proposed construction

; and

WHEREAS, Kevin Wilkes, AIA, Architect, was sworn, qualified and testified in part as follows:

Kevin Wilkes, testified and described Exhibit A-1, Site plan sheet labeled C-100 with modifications. Mr. Wilkes described the proposal. Mr. Wilkes referenced sheets A-101 and A-120 from the application to describe the floorplan. Mr. Wilkes then testified and introduced Exhibit A-2, Sheet A-201, elevations of the proposed construction.

Mr. Wilkes described the exterior of the proposed building. Mr. Wilkes described the fire that took place and testified how the new building will address potential fire hazards. Mr. Wilkes addresses the architectural comments in Mr. Gorman's report and clarified that waivers are requested.

Mr. Wilkes testified to the differences between the exhibits and the original plans submitted as part of the application.

; and

WHEREAS, Wayne Ingram, PE and PP, was sworn, qualified as a Professional Engineer and Professional Planner and testified in part as follows:

Wayne Ingram testified and described the site and the overall reduction in impervious coverage. Mr. Ingram described the parking lot changes and landscaping. Mr. Ingram addressed comments from the Environmental Commission letter.

Mr. Ingram discussed the use variance, bulk variance, and waivers requested. Mr. Ingram testified that the Route 206 Bypass would not impact this property. 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.

; and

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The property is a 0.944-acre tract, located on Route 206 in the C-1 (Neighborhood Shopping Center) Zone District. The subject property currently contains two non-conforming uses in two buildings, a two and a half story frame dwelling located along Route 206, and an approximately 5000 square foot, one story block building to the rear of the property, as well as associated asphalt and paved driveways and parking/loading areas and multiple sheds and storage containers.
2. The Applicant is seeking preliminary and final major site approval for the reconstruction of the one-story block manufacturing building that was damaged by fire. The Applicant is proposing a 5,361 square foot building with associated curbing, asphalt driveway and parking/loading areas, utilities and minimal landscaping. The residential dwelling at the front of the property will remain.
3. The proposed application requires a "d" use variance for manufacturing use not permitted in the C-1 zone, and a "c" variance for 57.39% impervious coverage where 45% is permitted in C-1 zone.
4. The Applicant's proposed Site Plan requires the following design waivers: general building designs, roofs and roof materials, façade treatment and façade materials, lighting, landscaping and street trees, driveways and parking lot designs, stormwater basin landscape design, and recycling and trash enclosure.
5. The Board finds pursuant to N.J.S.A. 40:55D-70d that in this particular case, and for the special reasons demonstrated on the record, the requested departure from the Hillsborough

Development Regulations Ordinance is appropriate, and that the "d" variance to permit the proposed use can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and the Hillsborough Development Regulations Ordinance.

6. The Board finds pursuant to N.J.S.A. 40:55D-70c that for reasons demonstrated on the record the strict application of the Hillsborough Development Regulations Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the Applicant, the requested "c" variance is proper, can be granted without substantial detriment to the public good, and will not substantially impair the intent and the purpose of the zone plan and the Hillsborough Development Regulations Ordinance.
7. The Board finds pursuant to N.J.S.A. 40:50D-51 that the requested design waivers are reasonable and within the general purpose and intent of the provisions for site plan review and approval, and that the literal enforcement of the requirements of the Hillsborough Development Regulations Ordinance would be impracticable or would exact undue hardship.
8. The Board finds that the application for Preliminary and Final Site Plan approval, together with the requested design waivers, can be properly granted.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Board of Adjustment does hereby GRANT the Relief Granted as noted above, subject to the following conditions:

1. The Applicant is required to comply with Applicant's representations to and agreements with the Board of Adjustment during the hearing on this Application.
2. There will be no sign changes. The Applicant shall provide for a site triangle if required by the Board Engineer, and move the sign directly back if needed.
3. The Applicant shall comply with all of the recommendations in Board Planner Patrick Gorman's Memorandum of February 26, 2019 to the satisfaction of the Board Planner, with the exception of #7.
4. The Applicant shall comply with all of the recommendations in the Board Engineer Robert F. Yuro's Memorandum of February 26, 2019 to the satisfaction of the Board Engineer.

5. The Applicant shall comply with all of the recommendations in the Environmental Commissioner Deborah A. Boyea's Memorandum of February 25, 2019 to the satisfaction of the Board Planner.
6. The Applicant shall comply with all of the recommendations in the Township Chief Fire Marshal Christopher C. Weniger's Memorandum of January 24, 2019 to the satisfaction of the Chief Fire Marshal.
7. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the Township of Hillsborough Land Use and Development Ordinance, other Township Ordinances, or the requirements of any Township agency, board or authority, except as specifically stated in this Resolution.
8. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.
9. The Applicant is required to remit applicable development fees required by the Municipal Code of the Township of Hillsborough and/or the Hillsborough Township Development Regulations Ordinance, including but not limited to affordable housing fees, prior to any construction.
10. All fees assessed by the Township of Hillsborough for this Application and the hearing shall be paid prior to any construction.
11. The Applicant shall contact the New Jersey One Call System, "Call Before You Dig", at 811 or 1-800-272-1000 at least three business days prior to construction.

BE IT FURTHER RESOLVED, that this Resolution, adopted on May 1, 2019, memorializes the action of the Board of Adjustment taken on the Hearing Date with the following vote: Yes: Monte, Valcheck, Suraci, Stamler, Cellilli, Herbert, Haines. No: None; Absent: Erickson; Not Eligible: None.

RESOLUTION DATE: 5-1-19

ATTEST:

Patrick Gorman
 Patrick Gorman,
 Zoning Officer/Assistant Planner
 Board of Adjustment Secretary

Helen Haines
 Helen Haines
 Chairman

VOTE ON RESOLUTION					
MEMBERS	YES	NO	NOT ELIGIBLE	ABSTAINED	ABSENT
Chairperson Haines	X				
Vice Chairperson Herbert	X				
Mr. Stamler	X				
Mr. Suraci	X				
Mr. Monte	X				
Ms. Cellilli	X				
Mr. Valcheck	X				
Mr. Kaminsky, Alt #1			X		
Ms. Erickson, Alt. #2			X		