

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
APPROVED PUBLIC MEETING MINUTES
March 3, 2021 – Zoom Meeting

Chairman Herbert called the ***Board of Adjustment virtual Zoom meeting*** of March 3, 2021 to order at 7:00 pm. All stood to salute the flag.

NOTICE OF MEETING

Chairman Herbert announced the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 (“Sunshine Law”) and additional notice has been provided to communicate that this meeting is being conducted according to the Governor’s Executive Orders and pursuant to P.L. 2020,c.11, which allows for meetings to be conducted electronically; and pursuant to the local Finance notices recently established.

This meeting was conducted virtually. All Board member, consultants and staff participated remotely. The public was given an opportunity to participate remotely through the advertised Zoom link or optional phone numbers identified in the public meeting notice. Application documents were made available for inspection at <https://hillsboroughnj.civicclerk.com> at least 10 calendar days prior to this meeting in accordance with the meeting notice.

Applicants and their professionals presented remotely and identified themselves before testifying.

ROLL CALL:

Frank Herbert, <i>Chairman</i> – Present	Frank Valcheck – Present
John Stamler – Present	Jim Wohlmacher – Present
Helen Haines, <i>Vice Chairperson</i> - Present	Jim Vinchur (Alt. 1) – Absent
Curtis Suraci – Absent	Kelly Compher (Alt. 2) – Present
Philomena Cellilli – Present	

Also in attendance via Zoom: Mark Anderson, Esq., Board Attorney, (Woolson Anderson Peach, P.C.); Robert Yuro, PE, CFM, Board Engineer, (T & M Associates); Drew DiSessa, PE, Board Engineer (Pennoni Engineering); Patrick Gorman, AICP, Zoning Officer/Assistant Planner/Board Secretary; Fred Kinzler, IT Department; and Tina Restuccia, Court Reporter.

ACCEPTANCE OF MEETING MINUTES

- None

ACCEPTANCE OF RESOLUTIONS

- **Paul Oram – File BA-20-14**
 - There was a motion and second to approve as written.
 - **Roll Call:** Mr. Stamler – Yes, Mr. Valcheck - Yes, Mr. Wohlmacher – Yes, Ms. Compher – Yes, Vice Chair Haines – Yes, Chair Herbert – Yes. Motion carries.

BOARD OF ADJUSTMENT BUSINESS

- Board of Adjustment Bylaws - Section 5:3
 - Vice Chair Haines described the requested changes per a recommendation from the Bylaws Subcommittee. The addition is about when alternates are permitted to vote.
 - The change was recommended by the Board Attorney.
 - There was a motion and second to approve.
 - **Roll Call:** Mr. Stamler – Yes, Ms. Cellilli – Yes, Mr. Valcheck - Yes, Mr. Wohlmacher – Yes, Ms. Compher – Yes, Vice Chair Haines – Yes, Chair Herbert – Yes. Motion carries.
- There was brief discussion about pending Board recommendations. It will be addressed at an April meeting.

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

- None

PUBLIC HEARING – APPLICATIONS

Harvesters Gospel Center, Inc. – File BA-19-22 – Block 203.10, Lot 30 (formerly Block 203, Lot 4) - 490 Hillsborough Road. Applicant seeking preliminary and final major site plan approval; ‘d’ variances; and waivers, to construct an addition on the existing residential dwelling for a church and parsonage, with associated stormwater, parking, lighting, landscaping, and improvements, on Property in the R, Residential Zoning District.

1. Mr. Gorman summarized the history of this application and indicated the application requested an adjournment and provided an extension of time.
2. There was a motion and second to adjourn this application to March 17, 2021 with notice. All aye, none opposed. Motion carries.

Emidio and Francine Monaco - File BA-20-09 –Block 151.12, Lot 17 – 5 Shugal Court. Applicants seeking ‘c’ bulk variances for relief from maximum impervious coverage to retain existing patio and walkway; and from minimum rear yard setback to construct an inground pool with walkway, on Property in the R, Residential Zone. ***Application hearing continued from February 03, 2021 meeting agenda without further notice.***

1. Mr. Gorman introduced the application.
2. Emidio and Francine Monaco were sworn in at the previous meeting.
3. Ms. Monaco summarized the changes to the proposed plan to reduce the impervious coverage and lessen the setback variance.
4. There was discussion on the existing walkways in the rear and front of the property.
5. The applicants did not have a professional present.
6. No public questions or comments.
7. There was a motion to approve the application with the revised plan and no removal of the front walkway. It was seconded.
8. Ms. Cellilli watched the previous meeting video and is eligible to vote.
9. **Roll Call:** Mr. Stamler – yes, Ms. Cellilli – yes, Mr. Valcheck – yes, Mr. Wohlmacher – yes, Ms. Compher – yes, Vice Chair Haines – yes, Chair Herbert – yes. Motion carries.

o New Centre, LLC - File BA-20-11 - Block 148, Lot 25 (formerly Block 149, Lot 1) – New Centre Road. Applicant seeking ‘c’ bulk variances for relief from minimum lot size (existing nonconforming); from minimum front yard setback (South Branch Road); and minimum width at setback (Hodge Road), to construct a single-family dwelling with a deck, on Property in the RS, Rural/Suburban Zone. ***Application adjourned from the February 03, 2021 meeting agenda with notice.***

1. Mr. Gorman introduced the application.
2. Angelo Bagnara, Esq, Applicant’s Attorney, summarized the variances requested.
3. Michael K. Ford, PE, PP, Applicant’s Engineer and planner, was sworn in and his qualifications were accepted by the Board.
4. Mr. Ford referenced the variance plan provided with the application.
5. Mr. Ford noted the property is an irregular rectangular and unique in that it has frontage on three roads.
6. Mr. Ford testified that the house will front on Hodges Road with no access from the other two roads and that the proposed size of the dwelling is consistent with houses in the neighborhood.
7. The applicant has received the required outside agency approvals or exemption letters.
8. Mr. Ford testified that the applicant will satisfy all of the requests in Mr. Yuro’s memo, including the planting of trees.
9. Mr. Ford also addressed Mr. Gorman’s letter and testified about the uniqueness of the lot.
10. There are no wetlands on the property.
11. The applicant’s engineer erroneously testified the County did not request a dedicated right-of-way but if requested, the applicant would provide one.
12. The Board expressed concern about the proposal using the maximum impervious coverage permitted, allowing no room for future improvements without subsequent Board approval.
13. There was a lengthy discussion on how to reduce the impervious coverage.
14. The applicant agreed to a Phase I Environmental study, if required.
15. Mr. Yuro asked the applicant to provide a grading plan when submitting for permits and a swale or drainage feature should be incorporated on the easterly property line, common with lot 27.
16. Mr. Gorman stated that site triangles need to be provided at the two intersections and no plantings should be placed in the site triangles.
17. Mr. Ford testified that the proposal requires more than 50% of the trees to be removed but tree plantings per Mr. Yuro’s memo will be provided.
18. Open to Public.
19. Maryse Geller, 103 Hodge Road, asked about the new well. Mr. Ford clarified the applicant would need to get approval from the Health Department to drill the new well.
20. Ms. Geller also asked for clarification on encroachment and debris onto her property. Mr. Ford noted that during the building process, a silt fence will be installed.
21. No further public questions.
22. Mr. Ford clarified that moving the house closer to Hodge Road, a new, very small setback variance will be required from New Center Road.

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23. No public comments.
24. There was a motion to approve the application with the following conditions: provide right-of-way to the County if required, complete a Phase 1 Environmental Study to be satisfactory to the Engineer, move house 15ft closer to Hodge and reduce the driveway length, all Engineer recommendations including grading plan and drainage swale, and 74ft setback to New Center Road, comply with typical site triangles per Township and County requirements. It was seconded.
25. **Roll Call:** Mr. Stamler - yes, Ms. Cellilli - yes, Mr. Valcheck – yes, Mr. Wohlmacher – yes, Ms. Compber – yes, Vice Chair Haines – yes, Chair Herbert – yes. Motion carries.

Kristen and Darnell Wallace – File BA-21-04 - Block 150.06, Lot 6 – 12 Wyckoff Way. Applicants seeking ‘c’ bulk variances for relief from minimum side yard setback and maximum impervious coverage to construct an inground pool with concrete surround, on Property in the R, Residential Zone.

1. Mr. Gorman introduced the application.
2. Mr. Gorman clarified that Drew DiSessa, PE, Pennoni Engineering, will be the Board Engineer for this application and all applications going forward.
3. Mr. Anderson advised the Board on how to review the rear yard setback reduction provision in the Township ordinance that complicates this application.
4. There was discussion on the existing shed which belongs to the neighbor but is over the property line.
5. Kristen and Darnell Wallace, property owners, were sworn in.
6. Ms. Wallace summarized the proposal.
7. There was discussion on the proposed 4ft walkway around the pool.
8. The applicants indicated they would agree reduce the walkway to 3ft wide.
9. Ms. Wallace testified that the existing landscaping buffer will remain.
10. It was further clarified that the encroaching shed is not calculated in the impervious and should be removed.
11. Deborah D’Amico, Applicant’s Engineer, was sworn in and her qualifications were accepted by the Board.
12. Ms. D’Amico testified that there is about 20 sq. ft. of the shed on Wallace’s property.
13. Ms. D’Amico also calculated the total impervious percentage to be 27.7% with the pool walk reduction to 3ft wide and not including the shed.
14. The location for the pool equipment was not shown on this plan.
15. Ms. D’Amico testified that the pool must be located 10ft from the house per the Building Code which is why the applicant cannot meet the standard 25ft rear yard setback.
16. Ms. D’Amico testified that the existing drainage would be maintained.
17. No public questions or comments.
18. There was a motion to approve this application with the maximum of 27.7% impervious, the condition that the pool walkway is reduced to 3ft wide, the drainage will not impact neighboring properties, and finding that the reduced rear yard setback is required. It was seconded.
19. **Roll Call:** Mr. Stamler - yes, Ms. Cellilli - yes, Mr. Valcheck – yes, Mr. Wohlmacher – yes, Ms. Compber – yes, Vice Chair Haines – yes, Chair Herbert – yes. Motion carries.

ADJOURNMENT

- The next meeting will be March 17, 2021, held virtually.
- Mr. Gorman provided information on upcoming meetings.
- The meeting was adjourned.

Submitted by: Caitlin Vaz

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

Approved 06-02-21 as amended by VC Haines.