HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
APPROVED PUBLIC MEETING MINUTES
June 2, 2021 – Zoom Meeting

Chairman Herbert called the ***Board of Adjustment virtual Zoom meeting*** of June 2, 2021 to order at 7:02 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, *Chairman* –Present
John Stamler – Absent
Helen Haines, *Vice Chairperson*- Present
Curtis Suraci – Absent
Philomena Cellilli – Present
Frank Valcheck – Present
Jim Wohlmacher – Present
Jim Vinchur (Alt. 1) – Absent
Kelly Compher (Alt. 2) – Present

Also in attendance via Zoom: Mark Anderson, Esq., Board Attorney, (Woolson Anderson Peach, P.C.); Drew DiSessa, PE, Board Engineer (Pennoni Engineering); David K. Maski, PP, AICP, Township Planning Director; Fred Kinzler, IT Department; and Christina Restuccia, CCR, Covering Board Court Reporter.

BOARD OF ADJUSTMENT BUSINESS

- Appointment of Acting Board Secretary

Mr. Maski noted David Kois is already the Deputy Zoning Officer for the Township and would be able to serve as the Interim Board Secretary.

A motion to appoint David Kois, PP, AICP as Interim Board Secretary was made by Vice Chairman Haines, seconded by Mr. Valcheck.
Roll Call: Ms. Cellilli – yes; Mr. Valcheck – yes; Mr. Wohlmacher –yes; Ms. Compher – yes; Vice Chairman Haines – yes; Chairman Herbert – yes. Motion carries.

- Chair Herbert noted email sent by Township Clerk asking for volunteers to help with the June 26th Fun Day activities planned for Hillsborough Township's 250th Anniversary Celebration.

CONSIDERATION OF MEETING MINUTES

- **January 20, 2021** – Reorganization Meeting
    - A motion to approve as written was made by Ms. Cellilli, seconded by Mr. Valcheck.
    - All were in favor, none opposed; motion carries.
- **January 20, 2021** - Regular Meeting
    - A motion to approve as written was made by Mr. Valcheck, seconded by Ms. Compher.
    - All were in favor, none opposed; motion carries.
- **February 03, 2021**
    - A motion to approve as written was made by Ms. Cellilli, seconded by Mr. Valcheck.
    - All were in favor, none opposed; motion carries.

- **March 03, 2021**
  - Vice Chair Haines asked that the March 3, 2021 minutes be amended to include "The applicant's engineer erroneously testified" at the beginning of #11.
  - A motion to approve as amended was made by Vice Chair Haines, seconded by Mr. Valcheck.
  - All were in favor, none opposed; motion carries.
- **March 17, 2021**
  - A motion to approve as written was made by Mr. Valcheck, seconded by Ms. Cellilli.
  - All were in favor, none opposed; motion carries.
- **April 07, 2021**
  - A motion to approve as written was made by Ms. Cellilli, seconded by Mr. Valcheck.
  - All were in favor, none opposed; motion carries.
- **May 05, 2021**
  - A motion to approve as written was made by Mr. Valcheck, seconded by Ms. Cellilli.
  - All were in favor, none opposed; motion carries.

CONSIDERATION OF RESOLUTIONS

- **0 New Centre, LLC – File BA-20-11**
  - A motion to approve as written was made by Vice Chair Haines, seconded by Ms. Cellilli.
  - **Roll Call**: Ms. Cellilli – yes; Mr. Valcheck – yes; Mr. Wohlmacher –yes; Ms. Compher – yes; Vice Chair Haines – yes; Chairman Herbert – yes; motion carries.
- **Nicholas and Deborah Petrock - File BA-21-05**
  - A motion to approve as written was made by Mr. Valcheck, seconded by Ms. Cellilli.
  - **Roll Call**: Ms. Cellilli – yes; Mr. Valcheck – yes; Mr. Wohlmacher –yes; Vice Chair Haines – yes; Chairman Herbert – yes; motion carries.

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

- None

PUBLIC HEARING – APPLICATIONS

- **Christopher and Amy Parrillo - File BA-21-02**– Block 174, Lot 94– 225 Zion Road. Applicants seeking 'c' bulk variances for relief from maximum impervious coverage; minimum lot area; and minimum front yard setback (existing nonconforming), to construct an addition, new front porch, deck and inground swimming pool with patio and walkway, on Property in the MZ, Mountain Conservation Zone. (EC Review: 02-22-21)

  Participating for presentation of the application: Mark Wetter, Esq. of Random & Wetter; Michael K. Ford, PE of Van Cleef Engineering Associates; William Doran, RA of 3D Architecture; and Christopher Parrillo, Applicant.

1) Mr. Maski introduced the application.
2) Mr. Anderson reminded the public that virtual meetings require anyone giving testimony to be considered by the Board must appear both by audio and video.
3) Mr. Wetter, attorney for the applicant, summarized the application and gave testimony as to the property.
4) Mr. Parrillo, the applicant, was sworn in and gave testimony regarding the variances requested giving a brief review of the proposed interior and exterior changes to the dwelling.
5) The Board asked Mr. Parrillo questions regarding the existing circular driveway and interior floorplan.
6) Mr. Parrillo gave testimony as to the existing floor plan and proposed family room addition.

7) No questions from the public.
8) Michael Ford, applicant's Engineer, was sworn in and his credentials accepted by the Board.
9) Mr. Ford shared the proposed site plan, gave an overview of the proposed project, variances requested - addressing drainage, storm water management and noted no wetland concerns.
10) The Board asked if the applicant is aware of the existing business operation next to their property.
11) Mr. Ford confirmed the applicant is aware and they have a significant buffer area between properties.
12) Discussion about impervious coverage and possible ways of reducing same continued.
13) No Board or public questions for this witness.
14) Mr. Anderson brought up the proposal to add a rain garden.
15) Chair Herbert asked Mr. Di Sessa, Board Engineer, if all of his questions have been addressed by Mr. Ford.
16) Mr. Disessa confirmed he does not see a problem with the drainage as it is a small increase of impervious.
17) Chair Herbert added that the applicant will also meet conditions by filling the pool with trucked in water.
18) No questions from the public.
19) William Doran, applicant's architect was sworn in and his qualifications accepted by the Board.
20) No Board or public questions for Mr. Doran.
21) Mr. Wetter, applicant's attorney, asked Mr. Anderson if exhibits need to be moved into evidence.
22) Mr. Anderson confirmed exhibits have been posted in Civic Clerk and considered already marked.
23) Mr. Wetter concluded by thanking the Board and asking to grant approval.
24) No questions from the public.
25) There was a motion to approve the application with the various conditions including: the rain garden, the impervious coverage reduced to 7.04%, engineering comments to be addressed and the pool filled with truck in water. Motion seconded.
26) **Roll Call**: Ms. Cellilli – yes, Mr. Valcheck – yes, Mr. Wohlmacher – yes, Ms. Compher – yes, Vice Chair Haines – yes, Chairman Herbert – yes; motion carries.

McDonald's USA, LLC – File BA-20-13 (TOD 07-31-21) – Block 161, Lot 13 – **410**-412 Route 206. Applicant seeking preliminary and final major site plan approval; 'd' variance; 'c' variances; and waivers, to renovate the building interior to include a new seating layout, and upgrade exterior finishes, redesigned the parking lot, signage, and related improvements; and to construct a side-by-side drive thru, on Property in the GA, Gateway 'A' Zone, and in the ASD, Architectural and Site Design Overlay District. ***Application adjourned from May 05, 2021 agenda with re-notice.***

Participating for the Applicant: Scott Lippert, Esq. of Pashman Stein Walder Hayden, P.C.; Alexander Lomei, PE of Bohler Engineering; Robert C. Goldman, AIA, of Chesapeake Design Group; John McDonough, LA, PP, AICP, and Brian Seidel, LLA, NJPP of John McDonough Associates, LLC; Paul Going, PE of Atlantic Traffic & Design Engineering, LLC; and David Singelyn, Operator.

1) Mr. Maski introduced the application.
2) Mr. Lipper, applicant's attorney, summarized the variances requested and noted MacDonald's renovation and re-branding program started several years ago and is now expanding in New Jersey.
3) Mr. Lomei, applicant's engineer, was sworn in and qualifications accepted by the Board.
4) Mr. Lomei shared an aerial exhibit and gave overview of existing property and proposed renovations.
5) Discussion about conforming use, lot size and how applicant seeks relief from both continued.
6) Mr. Lomei gave testimony as to existing and proposed traffic flow, parking lot, sidewalk and drive-through improvements incorporating dual lanes with associated digital menu boards.
7) Discussion about how many vehicles can be accommodated with the new plan versus existing.
8) Mr. Lomei testified that efficiency in order taking will increase 100% with the new layout.
9) Discussion began regarding "ADA" parking spaces and reconfiguration of parking spaces in general.
10) Discussion continued about the drive-through order lanes and access to the bypass lane.
11) Mr. Lomei testified to existing lighting and drainage, existing building conditions versus the proposed.
12) Discussion continued about proposed drive-through dual lanes and stacking of cars.
13) Discussion about the new menu boards and the effect of the new audio and visual technology followed.
14) Mr. Lomei continued with testimony about proposed asphalt driveway, sidewalk and "ADA" parking.
15) Mr. Lomei testified as to the existing exterior lighting; proposed LED lighting and decorative lighting.
16) The Board asked how the new lighting will affect neighboring properties.

17) Mr. Lomei testified as to the proposed lighting, landscaping and privacy of the buffer area noting the chain-link fence will remain - in addition to the proposed landscaping to the buffer area.
18) Discussion about the buffer area, fence and increased "headlight" traffic continued.
19) Mr. Lipper asked Mr. Lomei to address the trash disposal area and the buffer requirement there.
20) Mr. Lomei testified as to the existing buffer area and proposed layout for the trash enclosure area.
21) Discussion and testimony continued including the designated delivery area.
22) It was noted that deliveries are made on Monday's at 11:30 pm and Friday's at 1:30 pm.
23) Mr. Lomei testified about grading/drainage and proposed reduction of impervious coverage.
24) Mr. Lomei testified regarding pedestrian pathways and crosswalks along with paving markings.
25) Mr. Lomei testified to the number of directional signs, free-standing signs, building signage.
26) It was noted that the number of signs proposed on the exterior of the building is excessive.
27) Discussion about the proposed signage and mobile ordering parking spaces continued.
28) Mr. Lomei testified to the landscaping and tree requirements along the front of the property.
29) Chair Herbert asked about intricate aspects of proposed exterior lighting. Mr. Lomei responded.
30) No questions from the Board. Open to questions from the public.
31) Susan Gulliford, Huntclub Road, asked about the mobile order stations, employee parking, options for buffer area fence, number of parking spaces, trash pick -up schedule and pedestrian crosswalks.
32) David Collins, 118 Meadowbrook Drive, asked about the proposed rooftop kitchen equipment, dog walking area and noted his preference of fence and landscaping to decrease noise level of drive-through traffic.
33) No further questions from the public.
34) The Board adjourned for a ten-minute break.
35) Robert Goldman, applicant's architect, was sworn in and qualifications accepted by the Board.
36) Mr. Goldman testified to the proposed interior and exterior improvement renovations.
37) Discussion continued about the number of proposed exterior signage and reduction of same.
38) There was a discussion about the "ASDO Overlay Zone" criteria and standards.
39) Mr. Goldman confirmed that the two exterior signs can be eliminated.
40) No more questions from Mr. Wetter. No more questions from the Board.
41) Open to questions from the public.
42) Lisha Gaber Baylis of Huff Lane asked if a rain garden was considered.
43) Mr. Lomei testified that they are meeting DRCC requirements for storm water runoff.
44) No more questions from the public.
45) Paul Going, applicant's traffic engineer, was sworn in and his qualifications accepted by the Board.
46) Mr. Going testified to traffic circulation and parking noting no significant impact on area traffic.
47) Mr. Going further testified as to the DOT giving them a letter of no interest.
48) The Board asked Mr. Going if the previously discussed proposed widening of the entrance lane by two feet would alleviate possible backup onto route 206. Mr. Going noted it would be a good idea.
49) The Board asked how they will address the future median addition to Route 206.
50) Mr. Going testified to the fact that they would have to provide additional road signage.
51) Open to the public for this witness. No questions from the public.
52) Brian Seidel, applicant's professional planner, was sworn in and qualifications accepted by the Board.
53) Mr. Seidel testified to the applicant's "d" variances sought in relation to non-conforming use and testified to the "c" variances related to non-conforming bulk relief for non-conforming conditions.
54) No questions from the Board. No questions from the public.
55) Open for statements from the public.
56) David Collins, 118 Meadowbrook Lane, was sworn in.
57) Mr. Collins noted for the record that he would like to see a solid, sturdy fence along the north and east border; the roof fans completely enclosed on all sides to reduce noise; a designated dog walking area.
58) Mr. Maski requested that Mr. Collins concern about the rooftop fan enclosure be addressed.
59) Mr. Goldman testified the roof slopes towards the back of the building proposing a raised solid roof screen allowing water to drain towards the downspouts in addition to regular fan maintenance.
60) The Board and applicant agreed that a solid fence without a masonry wall would suffice.
61) No further comments from the public.
62) Motion to approve application with conditions agreed by the applicant: widen the bypass lane; enhance the buffer by replacing the chain link fence with a solid six-foot high wood fence on both the north and east sides the full length of abutting residential properties; the impervious surface of the employee parking spaces; revise pedestrian circulation throughout the site and crosswalks at the Route 206 entrances; a dedicated dog walk area on the west side of the parking lot area; reduce the number of wall signs; provide a solid screen on the roof to further silence the equipment; the lighting would be 3,000 KW; adding more deciduous trees along the front of the site. Motion seconded to approve with waivers, variances and agreed conditions.
63) **Roll Call:** Ms. Cellilli – yes; Mr. Valcheck – yes; Mr. Wohlmacher – yes; Ms. Compher – yes; Vice Chair Haines – yes; Chair Herbert – yes. Motion Carries.

ADJOURNMENT

- The Board discussed the upcoming schedule.
- The next meeting will be June 16, 2021, held virtually
- The meeting was adjourned.

Respectfully submitted by: Marie Kane, Planning and Zoning Clerk