

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
APPROVED PUBLIC MEETING MINUTES
June 16, 2021 – Zoom Meeting

Chairman Herbert called the **Board of Adjustment virtual Zoom meeting** of June 2, 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 – Absent	Jim Wohlmacher – Absent
Helen Haines, <i>Vice Chairperson</i> – Present	Jim Vinchur (Alt. 1) – Absent
Curtis Suraci – Absent	Kelly Compher (Alt. 2) – Present
Philomena Cellilli – Absent	

Also in attendance via Zoom: Mark Anderson, Esq., Board Attorney, (Woolson Anderson Peach, P.C.); Drew DiSessa, PE, Board Engineer (Pennoni Engineering); David Kois, PP, AICP, Deputy Zoning Official, and Interim Board Secretary; Fred Kinzler, IT Department; and Michael Lombardozzi, CSR, CRR, Board Court Reporter.

BOARD OF ADJUSTMENT BUSINESS

Chairman Hebert moved the Presentation by David Kois, PP, AICP, David Kois, PP, AICP, Deputy Zoning Official, and Interim Board Secretary to after the public hearing – application.

- *A Journey to Zoning in Hillsborough Township: Commemorating the 75th Anniversary of the Adoption of Hillsborough Township’s First Zoning Ordinance (A copy of the presentation is attached)*

CONSIDERATION OF MEETING MINUTES

- None

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

- None

PUBLIC HEARING – APPLICATIONS

- **Andrew Green and Julie Van Hook – File BA-21-12** (TOD: 07-16-21) - Block 152.06, Lot 35 – 32 Valley Road. Applicant seeking ‘c’ bulk variance to relocate the existing shed to construct a detached garage, on Property in the R, Residential Zone. (EC Review: 05-24-21) **APPLICATION ADJOURNED TO JULY 07, 2021 WITH NOTICE.**
- **Hillsborough Village Center - File BA-21-03** (TOD 07-02-21) - Block 178, Lot 4.01 (formerly Lots 4-11) – 630-650 Route 206. Applicant seeking ‘d(1)’ use variance to use approximately 2,500 square feet of the 28,000 square feet of designated retail space, for a physical therapy office, on Property located in the Mixed-Use Inclusionary Overlay District within the TC, Town Center District, and within the ASDO, Architectural and Site Design Overlay Zone. **APPLICANT REQUESTING TO BE ADJOURNED TO JULY 07, 2021 WITHOUT FURTHER NOTICE.**

Extension of Time submitted through July 31, 2021.

Participating: Matthew R. Flynn, Esq., of Savo, Schalk, Gillespie, O’Grodnick & Fisher, P.A

- 1) Mr. Kois introduced the application.

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- 2) Mr. Matthew R. Flynn, Esq., of Savo, Schalk, Gillespie, O'Grodnick & Fisher, P.A, appeared to request that the application be adjourned to July 7, without further notice.
 - 3) A motion to adjourn to July 7, without further notice was made by Vice Chairperson Haines, seconded by Mr. Valcheck. All were in favor, none opposed; motion carries.
- **Niles and Leigh Johnson – File BA-21-08** (TOD 07-02-21) – Block 150.02, Lot 5 – 2 Woodville Terrace. Applicants seeking 'c' bulk variance to retain existing improvements, construct an addition to the existing residence, and install an underground drainage system on Property located in the R, Residential Zone (New Center Village Development is a nonconforming development within the zone).
 - 1) Mr. Kois introduced the application.
 - 2) Mr. Richard Fleischer, Esq. of The Law Office of Fleischer & Fleischer summarized the application.
 - 3) Mr. Niles Johnson was sworn in.
 - 4) Mr. Niles explained that the modifications to the home are to accommodate his mother-in-law.
 - 5) Vice Chairperson Haines asked if the addition will include a separate unit.
 - 6) Mr. Niles clarified that the in-law suite will not include a kitchen and the living area will be inclusive of the home. He then went on to describe the floor plans.
 - 7) A question was raised as to how the property went over on impervious coverage and past policies on what was counted as impervious coverage was discussed.
 - 8) Mr. Niles noted that 200 s.f. of the driveway will be removed to help mitigate the additional impervious coverage proposed.
 - 9) Mr. Niles went on to describe the current drainage on the property noting the corner of the property where the adjoining properties come together there is ponding for 2-3 days after a significant rain event.
 - 10) Vice Chairperson Haines asked the Board Engineer Drew DiSessa if he is satisfied.
 - 11) Mr. DiSessa indicated that the applicant may want to consider another inlet.
 - 12) Mr. Niles explained that the property is unique due to its location, its drainage (ponding from the adjacent properties).
 - 13) Mr. Niles clarified that the proposal is to have five bedrooms in total.
 - 14) Mr. William Scott, PE, of Ensurplan Inc. was sworn in and his qualifications were accepted by the board.
 - 15) Mr. Scott described the existing conditions and noted that the swale system didn't appear to be constructed properly since there is an inefficient slope.
 - 16) He described the solution, which will meet the standards and the drainage will be significantly increased.
 - 17) No public questions.
 - 18) Mr. Anderson inquired as to which testimony was provided to support justification for a(1) or c(2) bulk variance.
 - 19) The board discussed the May 28th Staff Review Report by Patrick Gorman and Mr. Kois provided some clarifications.
 - 20) No questions or comments from the public. A motion to close was made by Mr. Valcheck, seconded by Vice Chairperson Haines. All were in favor, none opposed; motion carries.
 - 21) Vice Chairperson Haines made a motion to approve the application including compliance with the Board Engineer's report and a condition that the home will remain a single family home, seconded by Mr. Valcheck. **Roll Call:** Ms. Comphe – yes, Mr. Valcheck – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.

ADJOURNMENT

- The Board discussed the upcoming schedule.
- The next meeting will be July 7, 2021, *will be held in person at The Peter J. Biondi Building.*
- The meeting was adjourned at 8:37 PM.

Respectfully submitted by: David Kois, PP, AICP, Deputy Zoning Official, and Interim Board Secretary