

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
APPROVED PUBLIC MEETING MINUTES
July 07, 2021

Chairman Herbert called the Board of Adjustment meeting of July 07, 2021 to order at 7:02 pm. All stood to Salute the Flag.

NOTICE OF MEETING

Chairman Herbert announced, this meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law"). Notice of the 2021 Annual Meeting Schedule has been provided to the officially designated newspapers, the Township Clerk, posted on the Township's Website, and available at the Hillsborough Township Municipal Complex. **Further notice has been provided to the same that as of July 01, 2021, the remainder of 2021 Board of Adjustment meetings will be held in person at the Peter J. Biondi Building. Live virtual participation will no longer be available.**

Application documents have been made available on the Township's website at <https://hillsboroughnj.civicclerk.com/>. Complete applications files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

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 – Present	

Also in attendance: 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; and Michael Lombardozi, CSR, CRR, Board Court Reporter.

CONSIDERATION OF MEETING MINUTES

- October 07, 2020
 - Vice Chairperson Haines made a motion to approve the minutes as written, seconded by Ms. Cellilli. **Roll Call:** Ms. Cellilli – yes, Mr. Valcheck – yes, Ms. Compher – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.
- November 04, 2020
 - Vice Chairperson Haines made a motion to approve the minutes as written, seconded by Ms. Cellilli. **Roll Call:** Ms. Cellilli – yes, Mr. Valcheck – yes, Ms. Compher – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.

CONSIDERATION OF RESOLUTIONS

- Christopher and Amy Parrillo – BA-21-02
 - Vice Chairperson Haines made a motion to approve the resolution as written, seconded by Ms. Cellilli. **Roll Call:** Ms. Cellilli – yes, Mr. Valcheck – yes, Ms. Compher – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.

BOARD OF ADJUSTMENT BUSINESS

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

PUBLIC HEARING - APPLICATIONS

- **Hillsborough Village Center - File BA-21-03** (TOD 07-31-21) - 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. **Application adjourned from June 16, 2021 without further notice. Application WITHDRAWN as per July 07, 2021 Letter.**
- **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 an existing accessory structure (shed) and construct a detached garage in its current location, on Property in the R, Residential Zone. (EC Review: 05-24-21) **Application adjourned from June 16, 2021 with notice.**
 1. Mr. Kois introduced the application.

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2. Mr. Andrew Green and Ms. Julie Van Hook were sworn in.
 3. Mr. Green explained that there are existing environmental constraints located on the property that include that half of his lot is in the wetlands transition area, most notably in the rear and side yard and they have existing vegetation that limits the location of the proposed shed.
 4. There was a discussion of the Board Engineer's report as Mr. Green indicated that they will comply with all of the applicable requirements.
 5. Mr. Green indicated that a portion of the chain link fence in the way of the garage will be removed.
 6. Mr. Green noted that details on the trench drain will be provided to the applicable officials.
 7. Vice Chairperson Haines put on the record that the Environmental Commission had no comments on this application.
 8. No questions or comments from the public. Motion to close was made by Vice Chairperson Haines, seconded by Ms. Cellilli, motion passed.
 9. Vice Chairperson Haines made a motion to approve the application including compliance with the Board Engineer's report, seconded by Ms. Cellilli. **Roll Call:** Ms. Cellilli – yes, Mr. Valcheck – yes, Ms. Compber – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.
- **Douglas and Susan Klein - File BA-21-14** (TOD 08-16-21) – Block 180.09, Lot 10 – 6 McCoy Court. Applicants seeking 'c' bulk variance to construct a patio, on Property in the AG, Agricultural Zone.
 - 1) Mr. Kois introduced the application.
 - 2) Mr. Klein and Ms. Klein were sworn in.
 - 3) Mr. Klein described that his lot is located on the bulb of a cul-de-sac and as a result is an irregular shaped lot with a wider driver than all of his neighborhood contributing to nearly 2.5% (250 sf) of his existing impervious coverage.
 - 4) Mr. Klein indicated that there will be no adverse impact to the surrounding properties.
 - 5) Vice Chairperson Haines noted that she noticed the uniqueness of the applicant's driveway.
 - 6) Ms. Klein described the location of the drainage on and around the property.
 - 7) The applicant agreed to mitigate the impervious coverage exceeding the limit by installing a rain garden.
 - 8) Mr. DiSessa inquired as to whether the proposed patio is raised or on-grade. It was confirmed that it is an on-grade patio.
 - 9) No questions or comments from the public. Motion to close was made by Vice Chairperson Haines, seconded by Mr. Valcheck, motion passed.
 - 10) Vice Chairperson Haines made a motion to approve the application including compliance with the Board Engineer's report and Zoning Officer's report, including the installation of a rain garden to mitigate the impervious coverage that exceeds the limit and protected by an easement, seconded by Ms. Cellilli. **Roll Call:** Ms. Cellilli – yes, Mr. Valcheck – yes, Ms. Compber – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.
 - **Donald and Elizabeth Zobre - File BA-21-15** (TOD 08-16-21) – Block 204.06, Lot 17 (formerly Block 204.F, Lot 51) – 10 Hunt Club Road. Applicants seeking 'c' bulk variances to construct an addition, on Property in the R, Residential Zone.
 - 1) Mr. Kois introduced the application.
 - 2) Mr. Donald Zobre and Ms. Elizabeth Zobre were sworn in.
 - 3) Mr. Zobre provided a summary of the reasons for the addition including providing accessible accommodations for their son-in-law (who lost his leg in an accident) when he visits and to have the opportunity to age in place in the home.
 - 4) Mr. Dennis Kowal, AIA, PP, of Dennis Kowal Architects was sworn in. He provided his qualifications, which the board accepted.
 - 5) Mr. Kowal described the lot as a trapezoid (wedge shape) lot adjacent to open space with a nearby duck pond (retention basin). He noted the reasons for the proposed location of the addition was based on the existing floor plan, size of bathroom, which is due to barrier free requirements and to provide access to the guest bedroom and bathroom to the rest of the house.
 - 6) Mr. Kowal explained that the subject lot is one of the smallest lots in the neighborhood and due to the wedge shape, the setbacks create unusual conditions.
 - 7) Mr. Kowal testified that no harm will be made to public interest, most notably the nearby retention basin as part of the proposal the additional runoff will be mitigated by a new rain garden.
 - 8) Mr. Kowal gave a technical description of rain gardens and agreed that the one proposed will conform to the Rutgers Cooperative Extension Water Resources Program's specifications including the formula to calculate how much water is being mitigated.
 - 9) Mr. Kowal noted that the existing rain garden is 168 s.f. and supports 425 s.f. of runoff. He explained that if you calculate the existing rain garden and the proposed rain garden the impervious coverage is reduced to approximately 12.2%. However, the Township's existing ordinances does not recognize mitigating runoff and is the reason for requesting the variance for exceeding the impervious coverage limit.
 - 10) Mr. Kowal addressed points raised in the Engineer's report and agreed that all of them will be satisfied.

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- 11) Vice Chairperson Haines commended the Zobre's for the initial rain garden in the front yard.
- 12) Mr. Kowal noted that proposing an accessible bedroom/bathroom is a public benefit.
- 13) No public questions were made
- 14) Public comment was opened.
- 15) Donald Mahler, 11 Hunt Club Road was sworn in.
- 16) Mr. Mahler said he also has a rain garden and they work great.
- 17) Ray Walsh, 8 Hunt Club Road Pond was sworn in.
- 18) Mr. Walsh said he has no objections and hopes the board approves the application.
- 19) Motion to close public was made by Vice Chairperson Haines, seconded by Mr. Valcheck, motion passed.
- 20) Vice Chairperson Haines made a motion to approve the application including compliance with the Board Engineer's report and Zoning Officer's report, including the installation of a rain garden to mitigate the impervious coverage that exceeds the limit and protected by an easement, seconded by Ms. Cellilli. **Roll Call:** Ms. Cellilli – yes, Mr. Valcheck – yes, Ms. Compher – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.

ADJOURNMENT

- The Board discussed the upcoming schedule.
- The next meeting will be September 01, 2021, held in person.
- The meeting was adjourned at 8:10 p.m.

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