

**HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
December 1, 2021**

Chairman Herbert called the Board of Adjustment meeting of December 1, 2021 to order at 7:01 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, *Chairman* – Present
John Stamler – Present
Helen Haines, *Vice Chairperson* – Present
Curtis Suraci – Absent
Philomena Cellilli – Present

Frank Valcheck – Present
Jim Wohlmacher – Present
Dr. Britting (Alt. 1) – Absent
Kelly Compher (Alt. 2) – 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; Marcella McLaughlin, Zoning Official, and Christina Restuccia, CCR, Covering Board Court Reporter.

CONSIDERATION OF MEETING MINUTES

- None

CONSIDERATION OF RESOLUTIONS

- Matthew and Nicole Brokaw – File BA-21-18
 - Mr. Stamler made a motion to approve the resolution as written, seconded by Vice Chairperson Haines. **Roll Call:** Mr. Stamler – yes, Mr. Valcheck – yes, Mr. Wohlmacher – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.
- Sudhir Kittur – File BA-21-19
 - Mr. Stamler made a motion to approve the resolution as written, seconded by Vice Chairperson Haines. **Roll Call:** Mr. Stamler – yes, Mr. Valcheck – yes, Mr. Wohlmacher – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.

BOARD OF ADJUSTMENT BUSINESS

- Mayor Lipani announced that Franck Valcheck would be recognized for his years of service to the Township at the December 14th Township Committee meeting.

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

- None

PUBLIC HEARING - APPLICATIONS

- **Salvatore and Bernice Romano** (*Application originally submitted under William / Gourley*) – **File BA-21-16** (TOD 12-31-21) – Block 8, Lot 19.03 – 3 Sycamore Lane. Applicants seeking 'c' bulk variances, and waiver from proposed disturbance within the Hillsborough Township Stream Corridor, to construct a new single-family dwelling, garage and associated improvements, on Property in the AG, Agricultural Zone. (BOA Agenda: 11-03-21).
 1. Mr. Kois introduced the application.
 2. Mr. James Stahl, Esq., requested adjournment without further notice to January 19, 2023. Need to extend TOD. Mr. Sahl extended to 2/28/22.
 - Ms. Cellilli made a motion to adjourn the application without further notice, seconded by Vice Chairperson Haines. All were in favor, none opposed; motion carries.

**Board of Adjustment Meeting
December 1, 2021**

- **Outfront Media, LLC – File BA-21-10** (TOD 11-30-21) – Block 65, Lots 19 & 20 – 151 Route 206 & Route 206. Applicants seeking “d” and “c” bulk variances and waivers to remove existing billboards and construct a new single pole double-faced LED multi-message billboard on Property in the HS, Highway Service Zone.
Application continued from the November 3, 2021 Agenda without further notice.

Participating: Louis L. D’Arminio, Esq. of Price, Meese Shulman & D’Arminio, PC; Tiago F. Duarte, PC. of Dynamic Engineering; George W. Williams, PP, of Nishuane Group; Justin Taylor, PE, Dynamic Traffic; Ron Tourtellot and Jon Antal of Outfront Media, Applicants.

1. Mr. Kois introduced the application.
2. Louis D’Arminio, Esq. provided the Board a summary.
3. Tiago F. Duarte of Dynamic Engineering, who was previously sworn in, described Exhibit A16, the anticipated Route 206 widening.
4. There was a lengthy discussion about the ownership of the subject property between the attorneys.
5. Mr. D’Arminio, Esq. indicated that he will provide a signed affidavit and Mr. Anderson indicated he will review and then advise the Board.
6. A question was raised about the merger of the lots and Mr. D’Arminio, Esq. the lots may have been merged by operation of law or deed.
7. Chairman Herbert asked about what happens if NJDOT changes the widening plans.
8. Vice Chairperson Haines indicated that she is concerned that the application is proposed based on NJDOT draft design and that these plans are not yet finalized.
9. Mr. D’Arminio, Esq. noted that the applicant is assuming the risk.
10. There was a lengthy discussion regarding the procedures for coming back to the Board if the NJDOT design changes.
11. Mr. D’Arminio, Esq. noted that the lease for the billboard is for 10 years from first operation.
12. Mr. Duarte described the proposed landscaping which will include evergreen and deciduous shrubs ranging from 6-8 ft.
13. Justin Taylor, PE, of Dynamic Traffic, was sworn in and his qualifications accepted.
14. Mr. Taylor began to refer to studies when Mr. Anderson, Esq. indicated his concerns regarding the experts’ qualifications on perception studies and hearsay.
15. There was a lengthy discussion between the attorneys about which reports and testimony are admissible.
16. Mr. D’Arminio, Esq. noted that they will provide all the studies to the Board.
17. Mr. Anderson, Esq. indicated that the Board Engineer has not reviewed studies, in order to proceed, all reports referenced will be marked into evidence and Board later to determine if they are acceptable.
18. No questions or comments from the public. A motion to close was made by Mr. Stamler, seconded by Vice Chairperson Haines to carry the application to 1/19/22 without notice and TOD extended to 2/28/22. All were in favor, none opposed; motion carries.

Mr. Anderson announced that the Board was about to go into Executive Session for the purpose of attorney client matters.

There was a motion to go to closed session by Vice Chairman Haines and seconded by Mr. Stamler. All were in favor, none opposed; motion carries.

Closed session commenced at 8:34 pm.

ADJOURNMENT

- The next meeting will be January 19, 2022 (Immediately following reorganization meeting).
- The meeting concluded at 9:25 p.m.

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

Approved 9/7/2022