Township of Hillsborough – BOARD OF ADJUSTMENT
APPROVED - Meeting Minutes

July 6, 2022 – 7:00 pm

Chairman Herbert called the July 6, 2022 Board of Adjustment meeting to order and led the flag salute.

NOTICE OF MEETING

Chairman Herbert announced the 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 2022 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.

Application documents have been made available on the Township's website 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	Jim Wohlmacher, *Vice Chairman* -	Present
John Stamler -	Present	Frank Valcheck -	Present
Helen Haines -	Present	Kelly Compher *(Alt#1)*-	Present
Seat #4	*vacant*	Scott Scherer *(Alt#2)* -	Present
Philomena Cellilli -	Absent		

Also in attendance: David Kois, PP, AICP, *Deputy Zoning Officer/Co-Board Secretary*; Marcella McLaughlin, *Zoning Officer/Co-Board Secretary*; Mark Anderson Esq., *Board Attorney (Woolson Anderson Peach, P.C.)*; Drew Di Sessa, PE, *Board Engineer (Pennoni Engineering)*; Christina Restuccia, CCR, *Covering Board Court Reporter.*

CONSIDERATION OF MEETING MINUTES

- May 4, 2022 regular meeting minutes were approved as written on motion by Ms. Haines, seconded by Mr. Scherer. Mr. Valcheck abstained. Motion carried unanimously.

CONSIDERATION OF RESOLUTIONS

- **Carriage Farm LLC (2022 Extension Request) – File: BA-03-07**
  - No comments or discussion from Board members.
  - Ms. Restuccia confirms who is eligible to vote.
  - **Motion:** Vice Chairman Wohlmacher motions to approve with second by Mr. Scherer.
    Roll Call:

Chairman Herbert -	Yes	Vice Chairman Wohlmacher -	Yes
Mr. Scherer (Alt.#2) -	Yes		

    Motion carries

- **Nassau Dog Daycare (Amended Resolution) - File: BA-21-01**
  - No comments or discussion from Board members.
  - **Motion:** Mr. Stamler moved to approve with second by Ms. Haines.
    Roll Call:

Chairman Herbert -	Yes	Vice Chairman Wohlmacher -	Yes
Mr. Stamler -	Yes	Mr. Valcheck -	Yes
Ms. Haines -	Yes	Ms. Compher *(Alt#1)* -	Yes
Ms. Cellilli -	Absent	Mr. Scherer (Alt.#2) -	Yes

    Motion carries

- **Rakesh and Seema Kabra – File: BA-22-03**
  - No comments or discussion from Board members.

- Ms. Restuccia confirms who is eligible to vote.
- **Motion:** Mr. Scherer moved to approve, seconded by Vice Chairman Wohlmacher.
  Roll Call:

Chairman Herbert -	Yes	Vice Chairman Wohlmacher -	Yes
Mr. Valcheck -	Yes	Mr. Scherer (Alt.#2) -	Yes

  Motion carries

- **<u>Timothy P. and Mary McKeown – File: BA-22-04</u>**
  - No comments or discussion from Board members.
  - Ms. Restuccia confirms who is eligible to vote.
  - **Motion:** Mr. Valcheck moved to approve with second by Mr. Scherer.
    Roll Call:

Chairman Herbert -	Yes	Vice Chairman Wohlmacher -	Yes
Mr. Valcheck -	Yes	Mr. Scherer (Alt.#2) -	Yes

  Motion carries

<u>BOARD OF ADJUSTMENT BUSINESS</u>

- Chairman Herbert states the subcommittee met prior to the meeting to discuss Bi-Law changes. There are four small changes for review. The changes discussed will be typed and distributed to the Board for their review for discussion at the next meeting.

<u>BUSINESS FROM THE FLOOR</u>

- No comments from the public.

<u>PUBLIC HEARING - APPLICATIONS</u>

- **<u>856 Hillsborough, LLC (c/o John Chafos)– File: BA-21-11 (TOD 7/29/22)</u>**
  Block 177, Lot 24.02/C0001 – 856 Route 206, Unit A, Hillsborough Township. Applicant is seeking a "D" use variance to convert the existing 2nd floor office areas into (8) residential apartments, on property located in the 'C-1', Neighborhood Shopping Center Zone.
  Participants: John Chafos – applicant; James E. Stahl, Esq. – applicant's attorney, Borrus Goldin, Foley, Vignuolo, Hyman & Stahl, P.C.; Mark E. Yarrington, AIA – applicant's architect, Yarrington Architectural Group; John T. Chadwick, IV – applicant's planner; John H. Rea, PE – Traffic Engineer, McDonough & Rea Associates, Inc.

1) **James Stahl** gives a summary of application and explains why the applicant has changed the plan to residential apartments.
2) Discussion on the impact of changing from office space to residential in a business zone.
3) At approximately 7:15 pm Mr. Stahl asks to speak with his client, the applicant, who had just arrived.
4) Mark Anderson states for the record he understands the Board's interest in the assessment issue and what building permits may have been issued but reminds the Board this should not affect their decision. Board is here to hear a zoning issue. No record has been found the area is approved for residential use.
5) **John Chafos**, applicant, is sworn in.
6) Mr. Stahl questions Mr. Chafos confirming ownership of the property. He then questions him about the condition of the property when he acquired it. Mr. Stahl and Mr. Chafos next discuss Mr. Chafos attempts to rent or lease the spaces. Mr. Chafos confirms he is here to gain approval for the eight residential units on the second floor, converting six of those spaces from office spaces. Mr. Stahl has Mr. Chafos explain the status of the first-floor rentals and if he has had inquiries about residential renting for the second-floor spaces. Mr. Stahl states he is finished with his questioning.
7) Chairman Herbert opens it up to the Board for questioning.
8) The Board asked questions about COAH obligations and current conditions of the building.
9) Chairman Herbert opened it up for public questions. No questions from the public.

10) **Mark Yarrington**, applicant's architect, is sworn in.
11) Mr. Yarrington testifies to his credentials. The Board accepts his qualifications.
12) Mr. Yarrington gives a brief explanation of the architectural plan and describes how many total bedrooms there are for the plan. He explains the minor exterior changes and answers questions about the sprinklers and alarms.
13) The Board asks questions about handicap accessibility, utility access, emergency exits, roof lines and other architectural details.
14) Chairman Herbert opened it up for public questions. No questions from the public.
15) **Michael Ford** is sworn in to testify as an engineer.
16) Mr. Ford describes their analysis of the project plan and explains and answers questions pertaining to the parking needs. He discusses access to surface roads for residents and emergency vehicles. The board discusses with Mr. Ford the easement in place due to the gas line. The board expresses concern about the safety around the gas line and Mr. Ford states the expressed safety questions are out of his area of expertise as a site Civil Engineer.
17) Mr. Ford next answers questions about sewage and other utility service access to the units.
18) Chairman Herbert opened it up for public questions. No questions from the public.
19) **John Rea**, Traffic Engineer is sworn.
20) Mr. Rea testifies to his credentials. The Board accepts his qualifications.
21) Mr. Rea gives testimony regarding parking and explains the shared use parking in building A.
22) Chairman Herbert opened it up for public questions. No questions from the public.
23) **John Chadwick IV**, applicant's Planner, is sworn in.
24) Mr. Chadwick testifies to his credentials. The Board accepts his qualifications.
25) Mr. Chadwick testifies to the benefits of a mixed-use development. He addressed the emergency access questions and gas line concerns.
26) There is discussion regarding the township owned open space, the suitability of this site for mixed use and the safety of residential units near a pipeline.
27) Mr. Kois asks Mr. Chadwick to clarify his reference to the 2018 Master Plan.
28) Chairman Herbert opened it up for public questions. No questions from the public.
29) **Susan Gulliford**, Hunt Club Road, asks if they have talked to the Transportation Department in regards to possible bus stops in a commercial parking lot.
30) Mr. Chadwick does not know what the policy is for bus stops. They have not spoken with anyone from the Board of Education regarding this matter.
31) Ms. Gulliford continues asking if there is any kind of Historic Designation for the pipelines.
32) Ms. Gulliford asks for clarification if the application is a question of rezoning.
33) Discussion with Mr. Chadwick continues about the viability of mixed-use zoning for the property.
34) Ms. Gulliford asks if this is spot-zoning. Mr. Anderson confirms and explains how it is not.
35) Mr. Stahl affirms they are asking for a use variance not rezoning.
36) Ms. Gulliford asks if the other buildings decided to move to residential use for their second-floor units at what point would it become a zone.
37) Mr. Anderson states the application is for this building alone and any other building would have to submit their own application for review. Mr. Anderson clarifies the board decisions on applications do not establish a precedent.
38) No further questions from the public.
39) The board requests to speak to Mr. Yarrington again who is reminded he is still under oath.
40) Mr. Stahl asks Mr. Yarrington to explain the residential exits. Mr. Yarrington explains there five units which only exits out the front of the building. The other three units have secondary exits leaving the back of the building.
41) There is discussion about the safety requirements of emergency exits in apartments and specifically apartments near a pipeline. Mr. Yarrington states he did some research but did not find regulations specific to such circumstances.
42) The board members are having difficulty finding all the exits on the plans and ask Mr. Yarrington to point out exactly where they are. Mr. Yarrington explains where they are and reminds them it was all done to code.
43) The board asks Mr. Chafos to return.

44) Mr. Stamler asks Mr. Chafos if he would have an issue putting a disclosure statement on rental agreements regarding the four pipelines.
45) Mr. Chafos said he would not have an issue.
46) Mr. Stamler asks if he would be willing to consider adding rear fire exits for each apartment unit.
47) Mr. Chafos said yes.
48) A discussion was had regarding firewalls.
49) Mr. Stahl summarizes the application.
50) Mr. Scherer states he is not comfortable voting on the plan at this time. He would like to see more research regarding residential fire safety near a pipeline. The board discusses the matter further.
51) Members discuss the merits of putting residential where it was not initially planned.
52) No further questions or comments from the board.
53) **Motion:** Mr. Stamler moved to approve the application with the following conditions - include the three waivers requested (Environmental Impact Statement, Committee Impact statement, Drainage Calculations statement), include the condition no recreational vehicles or trailers will be permitted in the parking lot; parking waivers; add disclosure statement to rental agreements regarding existence of pipe line; provide access to fire exits in the rear of all units. Second by Mr. Valcheck.
Roll Call:

Chairman Herbert -	Yes	Vice Chairman Wohlmacher -	Yes
Mr. Stamler -	Yes	Mr. Valcheck -	Yes
Ms. Haines -	Yes	Ms. Compher *(Alt#1)* -	Yes
Ms. Cellilli -	Absent	Mr. Scherer (Alt.#2) -	Yes

Motion carries

- **<u>Salvatore and Bernice Romano – File: BA-21-16 *(application originally submitted under William/Gourley)*– (TOD 7/30/22 Ext)</u>** – Block 8, Lot 19.03 – 3 Sycamore Lane, Hillsborough Township. 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)*
  - A discussion was had regarding the need for an executive session.
  - **Motion:** Mr. Stamler motioned to enter Executive Session, seconded by Mr. Scherer. Motion carried

<u>EXECUTIVE SESSION</u>

<u>RETURN TO REGULAR SESSION</u>

- **Motion:** Mr. Scherer motioned to carry Romano application to September 7th meeting, seconded by Mr. Wohlmacher. Motion carried.

<u>ADJOURNMENT</u>
A motion to adjourn was made by Mr. Stamler, seconded by Ms. Compher. Motion carries unanimously.

Meeting is adjourned at 10:05 pm.

Submitted by Robyn Bittle-Abramo
Recording Secretary