

Township of Hillsborough – BOARD OF ADJUSTMENT

Approved - Meeting Minutes

November 2, 2022 – 7:00 pm

Chairman Herbert called the November 2, 2022 Board of Adjustment meeting to order and led the flag salute.

NOTICE OF MEETING

Chairman Herbert announce 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
John Stamler - Present
Helen Haines - Present
Philomena Cellilli - Absent

Jim Wohlmacher, *Vice Chairman* - Present
Frank Valcheck - Present
Kelly Compher (*Alt#1*)- Present
Scott Scherer (*Alt#2*) - Present

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

CONSIDERATION OF RESOLUTIONS

- none

CONSIDERATION OF MEETING MINUTES

- April 6, 2022 regular meeting minutes
 - 1) There was a motion to approve the minutes as written, seconded, all were in favor, none opposed; motion carries.
- June 1, 2022 regular meeting minutes
 - 1) There was a motion to approve the minutes as written, seconded, all were in favor, none opposed; motion carries.
- July 6, 2022 regular meeting minutes
 - 1) There was a motion to approve the minutes as written, seconded, all were in favor, none opposed; motion carries.
- September 7, 2022 regular meeting minutes
 - 1) There was a motion to approve the minutes as written, seconded, all were in favor, none opposed; motion carries.

BOARD OF ADJUSTMENT BUSINESS

- none

BUSINESS FROM THE FLOOR

(Open to public comment for matters not on the agenda)

- no business from the floor

PUBLIC HEARING - APPLICATIONS

- **Fountain Plaza, LLC – BA-22-13 (Request for an interpretation)** – (TOD 2/02/23) – Block 163.22, Lot 35 – 425 Amwell Rd, Hillsborough Township
The applicant requests an interpretation of Use for Commercial Instructional Activities for a proposed Montessori School in the TC, Town Center Zone. ***Applicant carried from October 19, 2022 agenda without notice.***
Participants: Art Skaar, Sole Member of Fountain Plaza, LLC; Leslie S. Meldrum, President of Meldrum Associates, Inc. t/a The Cherry Blossom Montessori School; Donna A. Fiumara, Head of School of The Cherry Blossom Montessori School.

- 1) Chairman Herbert reminds they are still in the open public portion.
- 2) Mr. Skaar states he has no more witnesses but does have some 'housekeeping' matters he would like to discuss.
- 3) Mr. Skaar states he realized after the October 19th meeting that he did not have a copy of the Zoning Officer's memo which had been referenced during the meeting. He since has acquired and read it and asks the Board if there is anything from memo that was not initially addressed so he may now address it.
- 4) Chairman Herbert states for the Board all points were sufficiently covered.
- 5) Mr. Skaar confirms his Zoning Permit Application is part of the record.
- 6) Mr. Skaar address comments from Zoning officer during Oct. 19 meeting regarding Commercial Instructional Activities generally have students accompanied by parents.
- 7) Mr. Skaar asks the Board members if any have children or close family members currently attending The Cherry Blossom Montessori school.
- 8) None do
- 9) Next Mr. Skaar asks the Board members if any of current or previous affiliation with the Flag Town Fire Company.
- 10) None do.
- 11) Chairman Herbert motions to close to the public, motion is seconded. All in favor, none opposed. Motion carries
- 12) Chairman Herbert opens Board discussion.
- 13) Board members express their support of the original decision.
- 14) Ms. Haines motions to not agree with the interpretation requested by the applicant as The Cherry Blossom Montessori School does not fit the ordinance in question the way the Township Committee intended, seconded by Vice Chairman Wohlmacher.
No further discussion
- 15) Mr. Anderson clarifies what voting 'yes' or 'no' means regarding to this motion.

Roll Call:

Chairman Herbert - Yes

Mr. Stamler - Yes

Ms. Haines - Yes

Ms. Cellilli - Absent

Vice Chairman Wohlmacher - Yes

Mr. Valcheck - Yes

Ms. Compher (Alt#1) - Yes

Mr. Scherer (Alt#2) - Yes

Motion carries

- 16) Mr. Skaar asks if this was the only formal action of the Board or if there will be a resolution
- 17) Mr. Anderson states there will be a written resolution.

- **Harnek and Narinder Dhillon-Athwal – BA-22-10** – (TOD 12/22/22) – Block 175.17 (previously Block 175), Lot 15.05 – 1 Danbury Court, Hillsborough Township. Applicant is seeking “c” variance for waiver of impervious coverage to construct a 890-sf. patio walkway. Existing impervious coverage is at 15.03% whereas 15% is allowed and 17.08% is proposed on property located in the ‘R’ Residential Zone. ***Adjourned (not heard) from October 19, 2022 agenda with notice.***
Participant: Dr. Narinder Dhillon-Athwal, Harnek Athwal

- 1) Dr. Dhillon-Athwal and Mr. Athwal are sworn in.
- 2) Dr. Dhillon-Athwal explains their request.
- 3) Mr. Stamler asks how they decided to put the pool at their requested location rather than in the side yard.
- 4) Dr. Dhillon-Athwal states their pool company, National Pools, told them the side yard would not be permitted.
- 5) There is discussion by Board members about if using the side yard is not possible.
- 6) Mr. Stamler recommends pitching the patio toward the driveway as there is more turf there to absorb the run off.
- 7) Mr. Stamler asks for clarification on fencing details and pool accessibility.
- 8) There is discussion by the Board as to the plausibility of pitching the patio to the driveway side.
- 9) Ms. Haines addresses the difference in area measurements between the original house permit and the pool company’s calculation sheet.
- 10) Ms. McLaughlin explains the pool company’s calculation is very current and trusted. If it were an old survey, then the Zoning Department would have to do research to confirm calculations.
- 11) Ms. Compher asks why the patio seems to be an afterthought.
- 12) Dr. Dhillon-Athwal states they had to wait for variance for the pool patio.
- 13) Chairman Herbert opens to the public.
- 14) No public comment
- 15) Ms. Haines asks how quickly they will put up the fence, for safety purposes in regards to the pool.
- 16) Dr. Dhillon-Athwal states as soon as it is allowed and if it is required to be done before the winter.
- 17) Ms. Haines encourages it to get done as soon as possible.
- 18) Chairman Herbert closes to the public.
- 19) Mr. Stamler motions to approve application with his earlier comment to pitch the patio southwest toward the driveway (and to the left), seconded by Ms. Compher. No further discussion

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

- **Salvatore and Bernice Romano – File BA-21-16** – (TOD 12/31/22) (*application originally submitted under William / Gourley*) – Block 8, Lot 19.03 – 3 Sycamore Lane, Hillsborough Township.
Applicant is 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. ***Adjourned from the September 7, 2022 agenda with notice – further requests to be adjourned to January 18, 2023 agenda with notice.***
 - 1) Mr. Stamler motions to move application to January 18, 2023 meeting with notice, seconded by Vice Chairman Wohlmacher. All were in favor, none opposed. Motion carries.
- **Walko Automotive – File BA-22-07** – (TOD 12/9/22) – Block 71, Lot 3 – 2120-2122 Camplain road (2122 Camplain Road located in Hillsborough and 2120 Camplain Road located in Manville, Block 89, Lot 45). Applicant seeking preliminary and final major site plan approval, “c” and “d” variances and waivers for an environmental impact and community impact statements to construct a 1,071 sf. addition to the existing structure and related site improvements to property in the LI, Light Industrial Zone. ***Applicant’s notice deemed deficient – adjourned to January 18, 2023 agenda with notice.***
 - 1) Ms McLaughlin explains what was lacking from the notice.
 - 2) Mr. Stamler motions to move application to January 18, 2023 meeting with notice, seconded by Mr. Scherer. All were in favor, none opposed. Motion carries.
- **o New Centre, LLC – File BA-20-11 (2022 Amended Application)** – (TOD 2/8/23) – Block 148, Lot 25 (formerly Block 149, Lot 1) – 101 Hodge Road, Hillsborough Township.
Applicant seeking approval for the amended Variance Plan dated 6/14/22 to account for County of Somerset right-of-way requirements as to the side yard on New Centre Road (CR 627) and rear yard on South Branch (CR 625) of “C” Bulk variances granted by Resolution BA-20-11, for construction of a single-family modular home with deck on property located the RS, Rural/Suburban Zoning District. ***Applicant’s notice deemed deficient – adjourned to December 7, 2022 agenda with notice.***
 - 1) Ms McLaughlin explains what was lacking from the notice.
 - 2) Mr. Stamler motions to move application to December 7, 2022 meeting with notice, seconded by Vice Chairman Wohlmacher. All were in favor, none opposed. Motion carries.

A discussion was had regarding up-coming applications and scheduling.

ADJOURNMENT

A motion to adjourn was made by Mr. Stamler, seconded by Vice Chairman Wohlmacher. Motion carries unanimously.

7:35 pm meeting is adjourned.