Township of Hillsborough – BOARD OF ADJUSTMENT
APPROVED Meeting Minutes

March 1, 2023 – 7:00 pm

Chairman Herbert called the March, 2023 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 2023 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	Tom Ramsey *(Alt#1)*-	Present
Jarrett Dewelde -	Present	Scott Scherer *(Alt#2)* -	Absent
Catherine Payne -	Present		

Also in attendance: Marcella McLaughlin, *Zoning Officer/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.*

CONSIDERINGATION OF MEETING MINUTES

- **December 7, 2022 Meeting minutes**
  - Mr. Stamler motions to approve the minutes as written, seconded by Mr. Valcheck. All were in favor, none opposed; motion carries.

- **January 18, 2023 Reorganization Meeting minutes**
  - Mr. Stamler motions to approve the minutes as written, seconded by Mr. Valcheck. All were in favor, none opposed; motion carries.

- **January 18, 2023 Regular Meeting minutes**
  - Mr. Stamler motions to approve the minutes as written, seconded by Ms. Payne. All were in favor, none opposed; motion carries.

CONSIDERATION OF RESOLUTIONS

- **Dog Days Daycare Center – File: BA-22-07**
  Ms. Restuccia states who is eligible to vote on this Resolution.
  Mr. Stamler motions to approve, seconded by Ms. Haines

  Roll Call:

Yes	- Ms. Haines	Yes	- Vice Chairman Wohlmacher
Yes	- Mr. Stamler	Yes	- Chairman Herbert
Yes	- Mr. Valcheck		

Motion carries.

- **0 New Center LLC – File: BA-22-11** (2022 Amended Application)
  Ms. Restuccia states who is eligible to vote on this Resolution.
  Mr. Stamler motions to approve, seconded by Vice Chairman Wohlmacher.

  Roll Call:

Yes - Ms. Haines	Yes - Mr. Valcheck
Yes - Mr. Stamler	Yes - Mr. Ramsey *(Alt. #1)*
Yes - Mr. Dewelde	Yes - Vice Chairman Wohlmacher
Yes - Ms. Payne	Yes - Chairman Herbert

  Motion carries.

BOARD OF ADJUSTMENT BUSINESS

Chairman Herbert states Board members received a memo from Mr. Anderson regarding the Open Public Records Act (OPRA). He proposes an Executive Session at the next meeting so they may have a tutorial refresher on OPRA. Mr. Stamler seconds his proposal.

Mr. Stamler proposes the creation of a subcommittee. There is a brief discussion. Mr. Stamler, Ms. Haines, and Chairman Herbert volunteer.

Chairman Herbert motions to create the Standing Subcommittee, seconded by Ms. Haines. All were in favor, none opposed. Motion carries.

- **2022 Board of Adjustment Annual Report**
  - Mr. Stamler motions to approve, seconded by Ms. Payne. All were in favor, none opposed. Motion carries.

BUSINESS FROM THE FLOOR

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

- None.

PUBLIC HEARING - APPLICATIONS

- **Milena Neves & Scott Gamache – File: BA-22-14** – Block 150.05 Lot 12, 8 Yost Drive. Applicants seeking three 'c' bulk variances for construction of an inground pool in the rear yard with proposed rear setback of 20 feet and a side yard setback of 20 feet where 25 feet is permitted; waiver for additional 1,981 sf. Impervious coverage for the associated pool, patio, front walkway and pool equipment for a total proposed impervious coverage of 24.47%, where 16.31% currently exists and 15% is permitted on property located in the "R" Residential Zone/District.

  Participants*: Milena Neves & Scott Gamache, applicants*

  1) Ms. Neves and Mr. Gamache are sworn in.
  2) Ms. Neves gives brief description of the property, their plan and their intent.
  3) Mr. Stamler expresses concern about the small size of the yard, the amount of impervious surface area created by the pool and patio, location of the pool and the possible impact on the swell.
  4) Mr. Stamler asks if they had an engineer review the location of the swell and the plans.

5) Ms. Neves states they did have an engineer and explains their initial plan to put in a dry well.
6) Mr. Gamache discusses the location of the pool.
7) Mr. Stamler suggests, as a means to reduce impervious coverage, eliminating the patio. He suggests a deck around the pool.
8) Ms. Haines expresses concern about run off.
9) Suggestions are made to move pool closer to the house and change the shape of it.
10) There is a discussion regarding placing the pool on the left side.
11) Ms. Payne asked if elevating the pool is an option.
12) Ms. Neves and Mr. Gamache explain how rain impacts the property and how water will potentially flow with the proposed work and dry-well.
13) Chairman Herbert asks where the water would go if there were a heavy rain.
14) There is a discussion on various design options.
15) Mr. Anderson reminds he is legal advisor, not a Board member. He explains the purpose of the Board. He explains to Ms. Neves and Mr. Gamache they need to convince the Board there is good reason for them to approve the three requested variances: side yard variance, rear yard variance and impervious coverage variance.
16) Mr. Anderson points out the proximity to Open Space for this property.
17) Mr. Anderson recommends Ms. Neves and Mr. Gamache read the memo from the Assistant Planner.

Mr. Stamler motions to carry without notice, assuming any new variances to not require notice, to April 19, 2023, seconded by Ms. Haines. All were in favor; none opposed. Motion carries.

- **<u>Walko Automotive – File: BA-22-02</u>** – *(TOD 04/28/23)* 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 I1, Light Industrial Zone. Adjourned from January 18, 2023 agenda with notice.

  Participants: *John Sullivan, Esq, applicant's attorney; Andrew Walko, applicant; Deborah D'Amico, Professional Engineer; Cory Fernandez, AIA, applicant's architect; Paul Gleitz or Michael Pessolano, Professional Planners.*

1) **Jordan Freedman**, attorney to the applicant introduces himself, gave a brief description of the property and the application and reviews their witness list.
2) Chairman Herbert asks Mr. Anderson if the fact that part of the property is in Manville will bring any complications.
3) Mr. Anderson states not for the Board. The Board should still give due consideration to what is on the other side. The applicant will have to confer with Manville Borough for the portion of the property changes on the Manville side.
4) **Andrew Walko** is sworn in.
5) Mr. Freedman asks what Mr. Walko's connection is to Walko Automotive Services.
6) Mr. Walko states he has been the sole proprietor for 46 years. He offers a brief family history upon Mr. Freedman's request as his father owned the shop prior to him.

7) Mr. Freedman asks some basic details about the business; hours of operation, number of employees, general schedule and routine.
8) Mr. Walko answers and explains how they function as an appointment only operation.
9) Mr. Freedman asks if it is a well-controlled site.
10) Mr. Walko states yes, they have written processes and procedures.
11) Mr. Freedman asks Mr. Walko to describe what they are proposing to construct at the site.
12) Mr. Walko explains how his company has a focus on hybrid vehicles, the work they do on them and the new needs they have to safely service the larger hybrid vehicles that are becoming more common.
13) Mr. Freedman asks if it is correct the additional will be 1,071 square feet.
14) Mr. Walko states yes and explains how the vehicle bays will be placed in the addition.
15) Mr. Freedman asks if there is anything Mr. Walko would like to say about the aesthetic improvements.
16) Mr. Walko states they are going to match the existing aesthetics of the building. They try to keep and plan to continue to keep the aesthetics and cleanliness at a high level.
17) Ms. Haines asks how the impervious coverage percentage got so high.
18) Mr. Walko confirms it is due to the paved area which once housed gas pumps many years ago. The pumps, tanks, lines and area have since been cleaned and cleared out; had professional witnesses come to test the soil at the time. All tests came back clean.
19) Mr. Freedman asks if having an approval on the improvement project absolutely necessary for the benefit of his business.
20) Mr. Walko states yes, he would like to be able to cater to the independent contractor of the larger sprinter-type-vans, which are becoming more common, so they have a local shop to have these vehicles serviced. He also wants to still be able to accommodate the overflow of small vehicles as well.
21) Ms. Haines asks if they have had any environmental-related problems with the township over the years.
22) Mr. Walko states no but explains a one-time incident of water runoff going through his property from Copart.
23) Ms. Haines asks if they any flooding issues after Hurricane Ida.
24) Mr. Walko states no, they did not.
25) There are no further questions from the Board. Chairman Herbert opens to the public for questions.
26) There are none.
27) **Deborah D'Amico** is sworn in and states her qualifications and licenses as a professional Engineer.
28) Mr. Freedman asks Ms. D'Amico if she prepared the site plan.
29) Ms. D'Amico states she did and gives a description of the plan.
30) Chairman Herbert asks Mr. Di Sessa about his report.
31) Mr. Di Sessa states the questions in his report pertained to ADA required parking, signage, drainage measures and lighting.
32) Ms. D'Amico addresses the lighting question explaining there is no night-time use in the property as the business closes at 5:00 pm and employees are gone by 5:30 pm. The only lighting need in the evening is strictly for security purposes and the current security lighting is adequate for the property; no need to add more.
33) Ms. McLaughlin states they will need to request a waiver for the deficient isle width in the rear and one for general parking design for curbs, paving requirements etc.
34) There is discussion about the parking space requirements.

35) **Corey Fernandez** is sworn in and states his qualifications and licenses as an architect.
36) Mr. Fernandez gives a brief description and spoke to the size of the addition.
37) Mr. Freedman asks if he can speak to the interior of the addition.
38) Mr. Fernandez discusses the 'behind-the-scenes' office space, employee bathroom and interior aesthetics.
39) Mr. Freedman asks if the project is able to accommodate moving the onsite oil tank indoors.
40) Discussion continues about where the oil tank can and will be placed.
41) **Paul Gleitz** is sworn in and states his educational and professional background as a Planner.
42) Mr. Gleitz discusses the addition as it relates to the LI Zone, the variances being requested, the need for the expansion of this business and the long-term impact of the expansion and addition. He reviews the negative criteria, general land use patterns, site impact and continued usage, existing improvements, and current accessory sites.
43) Mr. Anderson asked for clarification for areas which belong to Copart and if Mr. Gleitz sees any negative impacts from the proposal as it relates to Copart.
44) Mr. Gleitz states he sees no negative impacts.
45) Mr. Anderson asks if he sees any negative impact from the proposal with respect to the residential neighbors or the Manville properties' boundary.
46) Mr. Gleitz discusses the buffers to the property lines and states he believes the neighborhood is used to the Use so it will not cause any issues.
47) Mr. Anderson states the impervious coverage is over the limit and asks if the proposal is to not change it.
48) Mr. Gleitz states that is correct.
49) There are no further question from the Board.
50) There are no questions from the public.
51) Mr. Freedman states that was their last witness and gives a closing statement.
52) No further statements from the Board members
53) There is a motion to close to the public, seconded. All were unanimously in favor, motion carries.
54) Mr. Stamler motions to approve site plan, waiver, and variances, seconded by Vice Chairman Wohlmacher.

Roll Call:

Yes - Ms. Haines	Yes - Mr. Valcheck
Yes - Mr. Stamler	Yes - Vice Chairman Wohlmacher
Yes - Mr. Dewelde	Yes - Chairman Herbert
Yes - Ms. Payne	

Motion carries.

ADJOURNMENT

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

8:39 pm meeting is adjourned.

Submitted by Robyn Bittle-Abramo
Recording Secretary
APPROVED 4/19/23