

Township of Hillsborough – BOARD OF ADJUSTMENT
APPROVED - Meeting Minutes

June 21, 2023 – 7:00 pm

Chairman Herbert called the June 21, 2023, Board of Adjustment meeting to order at 7:00 p.m. 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 2023 Annual Meeting Schedule **and additional meeting dates** have 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 at <https://hillsboroughnj.civicclerk.com/>. Complete application files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

ROLL CALL

Frank Herbert, Present <i>Chairman -</i>	Jim Wohlmacher, <i>Vice Chairman</i> - Present
John Stamler - Present	Frank Valcheck - Present
Helen Haines - Present	Tom Ramsey (<i>Alt#1</i>)- Present
Jarrett Dewelde - Present	Scott Scherer (<i>Alt#2</i>) - Absent
Catherin Payne - Present	

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

CONSIDERATION OF MEETING MINUTES

- None

CONSIDERATION OF RESOLUTIONS

- **Salvatore and Bernice Romano – BA-21-16**
No discussion from the Board.

Mr. Valcheck motioned to approve, seconded by Mr. Ramsey.

Roll Call:

Yes - Ms. Haines	Yes - Mr. Valcheck
Not Eligible - Mr. Stamler	Yes - Mr. Ramsey (<i>Alt. #1</i>)
Yes - Mr. Dewelde	Not Eligible - Vice Chairman Wohlmacher
Not Eligible - Ms. Payne	Yes - Chairman Herbert

BOARD OF ADJUSTMENT BUSINESS

- None

BUSINESS FROM THE FLOOR (*Open to public comment for matters not on the agenda*)

- None

PUBLIC HEARING - APPLICATIONS

- **Midwest Storage Developers - BA-23-01** - (TOD 7/25/23) - Block 142, Lot 33 - 212 Route 206. Applicant submitted a bifurcated application seeking "d" use variance to permit a multi-building self-storage facility. Should approval be granted, the Applicant would seek any required 'c' bulk variances and waivers through submission of a preliminary and final major site plan application, on Property located in the I-1, Light Industrial Zoning District (*Properties with highway access to Route 206 are to follow I-2 Zoning Standards*). ***At the May 3, 2023, Board of adjustment meeting, the applicant was rescheduled from the July 19, 2023, Agenda to this added meeting with notice.***
 - 1) Bob Smith, the attorney for Midwest Storage introduces himself and gives a summary of the application. He explains bifurcated use.
 - 2) Mr. Smith reviews his witness list.
 - 3) Ms. Haines expresses her concern with there not being a site plan to review.
 - 4) Mr. Stamler agrees and states he would not feel comfortable voting without viewing a site plan.
 - 5) There is a discussion between Mr. Smith and Board members regarding how bifurcated applications are handled in other towns and the Board of Adjustment's comfort level with them in the current climate. There is concern about going beyond the scope of the application or the applicant selling.
 - 6) Mr. Smith states anything beyond what is stated in the application would require the applicant to come back before the Board.
 - 7) Ms. Haines states she is uncomfortable approving the Use Variance, which is a big legal step.
 - 8) Mr. Anderson agrees.
 - 9) Ms. McLaughlin asks Mr. Anderson to confirm that everything that is testified to but is not on a site plan is still binding.
 - 10) Mr. Anderson states if there is an approval including what is placed into the resolution.
 - 11) Mr. Anderson states he is hearing the Board is concerned it does not have sufficient detail related to a site plan or details for a site plan to grant a Use Variance. He states legally speaking the Board is entitled to ask for any information which is reasonably necessary for them to decide on the Use Variance.
 - 12) Mr. Smith asks to confer with his client.
 - 13) There is a short recess.
 - 14) Mr. Smith states he spoke with his client, and they ask the Board to take fifteen minutes and listen to their engineer and what they have given the board and then will ask what the Board would need to move forward with the Bifurcated Use so they can come back with what the Board needs.
 - 15) Chairman Herbert asks if they were to approve this Use, is it for a general thing or for exactly as it is shown.
 - 16) Mr. Smith states it would be for this Use as it is shown.
 - 17) Mr. Anderson states what Mr. Smith is asking is appropriate.
 - 18) **Joseph Odenheimer** is sworn in. He states his educational and professional credentials.
 - 19) The Board accepts him as a witness.

- 20) Mr. Smith asks, per the Board's concerns, what information he has presented and the sufficiency of it.
- 21) Mr. Odenheimer reviews Exhibit A-1, a color rendering of the site plan and conceptual Use variance plan. He also explains security access for tenants, parking, stormwater systems, utilities, and lighting.
- 22) Ms. Haines points out the variances and waivers being asked for.
- 23) Mr. Odenheimer states if the Use is something the township would welcome, they will come back with a stormwater design. They want to work with the township to come up with a design they will be happy with.
- 24) Board members express concern with granting approval then the property being sold and used for something other than self-storage.
- 25) Ms. Payne asks about the size of the side yard.
- 26) Mr. Smith states the 25-foot measurement is the width of the pavement.
- 27) Mr. Odenheimer states the 42.2 is from the building corner to the property line. He states for buffering they would have to provide a landscaping plan.
- 28) There is discussion about the side yard setbacks and buffering.
- 29) Ms. Payne asks if there is external parking for storage.
- 30) Mr. Odenheimer states there is not.
- 31) Chairman Herbert asks if there is space for emergency vehicles to maneuver and turn-around.
- 32) Mr. Odenheimer states he has a letter from the Fire Marshal giving specifics on their trucks which they used to run tests on the site, and they could get through the circulation drive.
- 33) Ms. Payne asks if they tested in-between.
- 34) Mr. Odenheimer states they did not, but it can maneuver around the facility.
- 35) Ms. Payne asks how they access the internal units.
- 36) Mr. Odenheimer states there are doors in between the buildings.
- 37) Ms. Payne expresses concern regarding emergency access to the middle building and internal units.
- 38) Mr. Odenheimer reviews some options on how to make it more accessible.
- 39) Mr. Smith asks if there is anything in the Fire Marshals report they will not be able to comply with.
- 40) Mr. Odenheimer states no, he does not believe there is.
- 41) Ms. Haines asks the maximum size of a unit.
- 42) Mr. Odenheimer states the largest unit is 10 ft. x 30 ft.
- 43) Ms. Haines asks if they can be expanded.
- 44) Mr. Odenheimer states no, that is the biggest unit they offer.
- 45) Mr. Ramsey asks the rational for why the buildings do not all have the same number of floors and why is the highest building in the front.
- 46) Mr. Odenheimer states he as an engineer does not have an answer for that, but their design person may.
- 47) Mr. Smith asks what other documents they submitted as part of the application.
- 48) Mr. Odenheimer states they submitted the Use Variance Plan, architectural elevations, and what the buildings would look like.
- 49) Mr. Smith asks if there was anything in any of the professionals' reports that they had issue with.
- 50) Mr. Odenheimer states there was not in the reports he has seen.
- 51) Mr. Smith asks if there is anything else he would like to add in terms of the sufficiency of the information provided.

- 52) Mr. Odenheimer states no, he believes that covers everything but there are things they would submit with site plans.
- 53) Mr. Anderson asks where people who will be loading and unloading items into units are expected to park, as he assumes it is not in the 11 spaces out front.
- 54) Mr. Odenheimer states typically people with ground level garage units pull up right in front of their garage; the three-story building has spots along side and the roadways around the buildings are wide enough for parking and passing by. He states typical practice in self-storage facilities is for people to park near an entrance door while loading and unloading.
- 55) Mr. Anderson reads from the Fire Marshall's letter about the requirement of fire zones along the edge of certain driveways and points out it is inconsistent with what Mr. Odenheimer just explained.
- 56) Mr. Odenheimer explains how fire trucks will not be parking directly in front of active buildings.
- 57) Mr. Anderson thinks this does not sound in compliance with what the Fire Marshall is requesting and suggests the Board request Mr. Odenheimer consult the Fire Marshall. Mr. Anderson expresses his concerns that yellow lines marking the zones will be ignored.
- 58) Mr. Anderson asks where cross-access is provided per the Fire Marshall's letter.
- 59) Mr. Odenheimer states he believes they do not have cross-access with any of the neighboring properties only easements on their property.
- 60) Ms. Payne asks if there is a creek between the property and the business park.
- 61) Mr. Odenheimer points out an access property line. Mr. Odenheimer discusses opportunities around the property for access.
- 62) Ms. Payne states she thinks the Fire Marshall's letter is a good starting point for the list of what the Board would need from the applicant.
- 63) Mr. Anderson asks if it is possible for the entire proposal to be shifted to the rear of the property where the railroad edges the property so buffering would most likely not be a concern.
- 64) Mr. Odenheimer states if this is something the Board would like to see they can entertain it and try to incorporate into their design.
- 65) There is discussion about shifting the buildings on the property.
- 66) Chairman Herbert opens to public question for this witness.
- 67) Janet Leopardo asks if there will be a fence along the property line.
- 68) Mr. Odenheimer states yes, a chain-link or wrought iron for example but are open to Board suggestions and explains where the fence would be.
- 69) Ms. Leopardo asks if there will be windows on the third floor.
- 70) Mr. Odenheimer states there would not and shows the architectural plan so Ms. Leopardo may see.
- 71) Ms. Leopardo asks if there is a dumpster area.
- 72) Mr. Odenheimer explains they usually do not offer a dumpster area for public use.
- 73) There is a discussion among Board members as to if they should move forward with testimony or finalize their list of requirements.
- 74) There is a discussion about a continuance.
- 75) Ms. Payne asks about the 'faux doors' listing on the third floor.
- 76) Mr. Smith states they get the impression from the board they are not liking the third floor so they think the revised plan will have two two-story buildings and one single story building and asks if this is the right direction.
- 77) Ms. Payne states yes.

- 78) Mr. Mayhew suggests the Board give direction to the applicant regarding side yard setback and if buffering is needed.
- 79) Ms. Payne suggests making the three buildings narrower and expresses concern about the space in-between buildings.
- 80) There is a discussion among members about distance.

Mr. Stamler motioned to carry to October 4, 2023, with notice and a TOD extension to Oct. 31, 2023, seconded by Ms. Payne.

Roll Call:

Yes - Ms. Haines
Yes - Mr. Stamler
Yes - Mr. Dewelde
Yes - Ms. Payne

Yes - Mr. Valcheck
Yes - Mr. Ramsey (*Alt. #1*)
Yes - Vice Chairman, Wohlmacher
Yes - Chairman Herbert

ADJOURNMENT

A motion to adjourn was made by Ms. Haines, seconded by Mr. Stamler. Motion carries unanimously.

8:34 p.m. meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*