

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

September 20, 2023 – 7:00 pm

Chairman Herbert called the September 20, 2023, 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 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

<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 - *Absent*
Jarrett Dewelde - Present
Catherin Payne - *Absent*

Jim Wohlmacher, *Vice Chairman* - Present
Frank Valcheck - Present
Tom Ramsey (*Alt#1*)- *Absent*
VACANT (*Alt#2*) - 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

- None

BOARD OF ADJUSTMENT BUSINESS

- **Midstate Storage Developers – BA23-01**

Ms. McLaughlin states the applicant has requested postponement as the plans are not yet ready.

There is a motion by Mr. Stamler to carry to December 6, 2023 with notice seconded by Mr. Valcheck. 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

- **Steven & Erica Glowinski – BA-23-09** (TOD 11/29/23) – Block 203.15, Lot 11 – 11 Regina Drive, Hillsborough Township. Applicant requests on “c” variance for relief from impervious coverage – where 15 % impervious coverage is permitted, 14.79% currently exists,

and 17.7% is proposed to construct an in-ground pool and associated patio on property located in the "R"/Residential Zone. **Applicant's notice was deemed insufficient by the Board Attorney – applicant has been rescheduled to the November 1, 2023 agenda with re-notice.**

- **Meredith Ramsey – BA-23-10** – (TOD 11/20/23) – Block 204, Lot 7.11 – 189 Fairfield Lane, Hillsborough Township. Applicant requests one "c" variance for relief from impervious coverage to construct a concrete patio and walkway associated with a new in-ground pool – where 10% impervious coverage is permitted, 11.25% currently exists and 13.2% is proposed on property located in the RA/Residential Agricultural Zone.
 - 1) Chairmen Herbert states he is recusing himself from this application. He turns the meeting over to Vice Chairman Wohlmacher and leaves the meeting.
 - 2) Alex Fisher, attorney from the law firm *Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher*, introduces himself and states he is the attorney for the applicant.
 - 3) Mr. Fisher introduces the application and reads into the record Resolution BA-2017 which discusses the issue of 10% impervious coverage.
 - 4) Mr. Anderson asks if the Resolution is for this lot.
 - 5) Mr. Fisher states it is for the neighboring lot.
 - 6) Ms. McLaughlin confirms and states it discusses Laureldale Estates.
 - 7) Mr. Anderson advises the Board since it is not for this particular lot that the Resolution is not relevant to this application.
 - 8) Mr. Fisher states he respectfully disagrees and calls Ms. Ramsey as his first witness.
 - 9) Meredith Ramsey is sworn in.
 - 10) Mr. Fisher asks if she is the owner of the property and if so when did she purchase it.
 - 11) Ms. Ramsey confirms she is the owner and she purchased it in June of 2016.
 - 12) Mr. Fisher asks how long she has lived in Hillsborough.
 - 13) Ms. Ramsey states 53 years.
 - 14) Mr. Fisher asks if she hired a pool company to build a pool at some point.
 - 15) Ms. Ramsey confirms she hired Pool Town.
 - 16) Mr. Fisher asks if they contacted the Zoning Office at the time and if so, what did the Zoning Office say.
 - 17) Ms. Ramsey states they did contact the Zoning Office and her husband received a letter specifying 14% from the Zoning Office specifically Eva Hewitt. She states she also has an email.
 - 18) Vice Chairman Wohlmacher asks Mr. Anderson if she could read the email into the record.
 - 19) Mr. Anderson states if what she is suggesting is that someone in the municipality made a mistake, that is not relevant to whether the Board should grant a variance.
 - 20) Mr. Fisher states he thinks it will give some background as to why they are here.
 - 21) Mr. Stamler states he is aware of the different situations they are referring to but suggestions focusing on the current details.
 - 22) Mr. Fisher states he would like to call the engineer for the project as his next witness.
 - 23) Vice Chairman Wohlmacher opens to the public for questions for Ms. Ramsey.
 - 24) There are none.
 - 25) Michael Ford is sworn in.
 - 26) Mr. Ford submits Exhibit A-1 which is a colorized version of the variance plan at 1"=40 scale for the plan portion of the project as it helps to highlight the project and the

- surrounding areas. It includes an ariel image is in color depicting existing characteristics of the existing site and the surrounding area.
- 27) Mr. Ford states his qualifications; licensed Engineer and Planner in the state of New Jersey, both licenses are current and in good standing and he has appeared before this Board as a professional Engineer and Planner in the past.
 - 28) Vice Chairman Wohlmacher accepts his qualification.
 - 29) Mr. Ford states the property fronts on Fairfield Lane, is just over 1 acre in size and is in characteristic of the R Zone. He gives a brief approval history of the development.
 - 30) Mr. Ford states what is being proposed in this application is a 2% increase in impervious coverage on the site which is the result of a new inground pool with surrounding concrete walkway and pool equipment. He explains where walkway connections are being proposed to provide better access to the pool that does not require use of as many steps for aging family.
 - 31) Mr. Stamler asks if the stormwater run off goes to the rear of the property.
 - 32) Mr. Ford states that is correct and explains how it goes toward the back, in the direction of the northeast corner of the property and not to the property that is existing development or that would be harmed by runoff. He states with a 2% increase in impervious coverage there will be no appreciable runoff change from this site.
 - 33) Mr. Stamler asks if there is a lot of area to soak up the water.
 - 34) Mr. Ford states yes there is a significant distance between where the pool area is proposed and the rear property line for runoff to have an opportunity to infiltrate into the ground.
 - 35) Vice Chairman Wohlmacher asks if the wooded lot behind the property, which is in a conservation easement, is municipally owned.
 - 36) Mr. Ford states not it is not a municipal property.
 - 37) Vice Chairman Wohlmacher asks if it is privately owned and not owned by the county.
 - 38) Mr. Ford states this is correct and already has an easement which restricts development on it.
 - 39) Mr. Ford states the property to the north has access to Willow Road and it appears the development was designed in accordance of the RA Standard with the two-acre lot size. It also has the ability to have 10% impervious coverage. He points out other properties in this area with pools.
 - 40) Mr. Ford states this fits in with the character of the neighborhood and not having any substantial detriment to the public good or the underlining zoning of the property. He references similar houses in the area.
 - 41) Mr. Ford goes over the Review Reports. In the August 25, 2023 memo from the Zoning Official page one outlines the principle elements of the application and the documents reviewed and page two references the bulk standards. For Comments and Considerations there is a suggestion to consider some time of storm water management.
 - 42) Mr. Ford states they discuss with the applicant the suggestion of stormwater management and the applicant is not included to agree to provide such stormwater management. He states from an engineering stand point they feel it is not necessary and would carry potential adverse impacts, specifically long-term maintenance issues for this particular property.
 - 43) Mr. Ford moves to the Board Engineers memo dated September 8, 2023, with understanding it supersedes the September 5, 2023, memo. He states it is two pages in length outlining the substance of the application. He states Item Four on page two of the report references the requirement for soil erosion and semi-control approval. He

- states they have been granted approval by the Somerset Union Soil Conservation District, which was dated July 24, 2023 and submitted to the Municipal Planning Board, Engineer, the Hillsborough Township Construction Office and his office.
- 44) Mr. Ford states Item Three of this report references the second recommendation of consideration of a stormwater management feature which he has spoken to.
 - 45) Mr. Stamler states, in regards to stormwater management, he visited the site and considering the amount of land around the property and the amount of impervious requested, he would not even suggest it.
 - 46) Mr. Anderson asks if the property is served by a septic system and a well.
 - 47) Mr. Ford states no, that is an error the property is serviced by public water and sewer.
 - 48) Mr. Ford states there is another clarification he would like to bring to the Board's attention and that is the porch across the front of the house which is 240 square feet. He explains it was not included in the existing conditions calculations. He states the numbers in the impervious coverage summary would be adjusted in both the proposed and existing condition by 240 square feet. The existing condition would be 13.74% total impervious coverage.
 - 49) Mr. Anderson asks to speak to Mr. Fisher briefly, with the Vice Chairman's permission.
 - 50) Vice Chairman Wohlmacher and Mr. Fisher agree.
 - 51) Vice Chairman Wohlmacher calls for a 5-minute adjournment
 - 52) The meeting reconvenes.
 - 53) Mr. Anderson states the request that has been made exceeds what is in the notice. He states he explained to Mr. Fisher the Board is limited to the impervious coverage percentage, or square footage as the case may be, that is in the notice to the public. Mr. Anderson states Mr. Fisher spoke with his client.
 - 54) Mr. Fisher states they would like to re-notice for the extra .5%.
 - 55) There is a discussion about the next possible available date.
 - 56) Vice Chairman Wohlmacher calls for a motion.
 - 57) Mr. Stamler motions to carry to the October 2023 meeting, seconded by Mr. Valcheck. All were in favor, none opposed.
 - 58) The motion carries.
 - 59) Vice Chairman Wohlmacher opens to public comment.
 - 60) There is none.
 - 61) Vice Chairman Wohlmacher closes to public comment.

ADJOURNMENT

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

7:47 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*