

TOWNSHIP OF HILLSBOROUGH – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

February 21, 2024 – 7:00 pm

Chairman Herbert called the February 21, 2024, 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

Present - Frank Herbert, Chairman
Present - John Stamler
Present - Helen Haines
Present - Jarrett Dewelde
Present - Marguerite Gladstone

Present - Tom Ramsey
Present - Jim Wohlmacher, *Vice Chairman*
Present - Vivek Rao (*Alt#1*)
Present - Tim Lockburner (*Alt#2*)

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

OATH OF OFFICE

Mr. Anderson administers the Oath of Office for Vivek Rao (Alt. #1).

CONSIDERATION OF MEETING MINUTES

- **December 6, 2023**, Regular meeting
 - Chairman Herbert points out a few corrections.
 - There was a motion to approve the minutes as amended, seconded, all were in favor, none opposed, motion carries.
- **January 17, 2024** – Reorganization Meeting
 - There was a motion to approve the minutes as written, seconded, all were in favor, none opposed, motion carries.
- **January 17, 2024** – Regular Meeting
 - There was a motion to approve the minutes as written, seconded, all were in favor, none opposed, motion carries.

CONSIDERATION OF RESOLUTIONS

- **Fountain Plaza (Cherry Blossom Montessori) – File BA-23-08**
There is no further discussion
Mr. Stamler motions to approve, seconded by Mr. Ramsey

Roll Call:

Yes - Mr. Dewelde
Yes - Mr. Ramsey

Yes - Mr. Wohlmacher
Yes - Chairman Herbert

Motion carries

- **Hillsborough RB – File BA-23-15 Appeal**

There is no further discussion.

Mr. Stamler motions to approve, seconded by Mr. Wohlmacher.

Roll Call:

Yes - Mr. Dewelde

Yes - Mr. Ramsey

Yes - Mr. Wohlmacher

Yes - Chairman Herbert

Motion carries

- **Valley Industrial Partners – File BA-23-17 Appeal**

There is no further discussion.

Mr. Stamler motions to approve, seconded by Mr. Wohlmacher.

Roll Call:

Yes - Ms. Haines

Yes - Mr. Dewelde

Yes - Mr. Ramsey

Yes - Mr. Wohlmacher

Yes - Chairman Herbert

Motion carries

- **Valley Industrial Partners – File BA-23-18 Appeal**

There is no further discussion.

Mr. Stamler motions to approve, seconded by Mr. Wohlmacher.

Roll Call:

Yes - Ms. Haines

Yes - Mr. Dewelde

Yes - Mr. Ramsey

Yes - Mr. Wohlmacher

Yes - Chairman Herbert

Motion carries

BUSINESS FROM THE FLOOR

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

- None

BOARD OF ADJUSTMENT BUSINESS

- None

PUBLIC HEARING - APPLICATIONS

- **Bina and Brijesh Patel - BA-23-19** - (TOD 5/1/24) Block 203.23, Lot 38 (*Formerly Block 203, Lot 15.C*) - 14 Ivy Lane. Applicant seeking "c" bulk variance relief from maximum impervious coverage, where 16.2 % is existing, 17.1% is proposed, and 15% is permitted; minimum front yard setback, (Wetherell) where 45.75 feet is proposed, and 50 feet is required; and reaffirm the existing nonconforming minimum side yard setback, where 28.1 feet is existing and proposed, and 30 feet is required, to retain existing improvements and construct a 305 SF. addition, on a corner property, located in the R, Residential Zone. ***Extension of Time provided through May 01, 2024. APPLICATION ADJOURNED TO MAY 01, 2024 WITH RE-NOTICE.***

- 1) Chairman Herbert asks why this application will not be heard this evening.

- 2) Ms. McLaughlin explains while the newspaper did publish the notice in time the information was inaccurate. The reschedule date will be May 1, 2024.
- **PSE&G (Gas M&R Station) – File BA-23-22** (TOD 4/5/24) - Block 177, Lot 24.13 – 105 Mountain View Road. Applicant seeking 'd'(2) Use variance; 'c' Bulk Variances; and waivers to demolish the existing 576 SF Regulating Building to construct a new one-story 1,642 SF Regulating Building, to contain new process/mechanical equipment for distribution. Additional improvements proposed include replacement of some above and below grade process/mechanical equipment, pipes; placement of a new natural gas generator; and replacement of the existing fence, all to be contained within the existing Station yard, on Property in the R, Residential Zone.

Participants: Ryan Brennan, PE, PMP - PSE & G Project Manager; Chris Barros, PE – Project Engineer, ODIN; Katherine L Hering, PE, PP – Planner, E2PM; Michael T. Conaway, PE - Ostergaard Acoustical Associates; Chris Cirrotti, PE (Langan)-Stormwater/ SCD.

- 1) **Jennifer Porter**, attorney with CSG Law on behalf of the applicant, introduces herself and asks if the Board attorney received a copy of their affidavit.
- 2) Mr. Anderson states he has reviewed it, and it is in order.
- 3) Ms. Porter summarizes the application. She notes the three pre-existing, non-conforming site conditions which they will be seeking to continue. The three conditions are the lot area of 0.852 acres where one acre is required; the lot width of 50 feet where 150 feet is required; impervious coverage of 74% where 15% is permitted; rear-yard setback of 9.8 feet.
- 4) Ms. Porter reviews the witnesses they will be calling.
- 5) **Ryan Brennan** is sworn in, states his employer, educational and professional background.
- 6) Chairman Herbert asks if he is being given as an expert witness.
- 7) Ms. Porter states no, he is a fact witness.
- 8) Ms. Porter asks Mr. Brennan to describe the project and application.
- 9) Mr. Brennan describes the proposed upgrades. He gives a brief explanation of the purpose of an MMR station and how it operates.
- 10) Ms. Porter presents the Locus Map, sheet L-1, and asks Mr. Brennan to describe some of the conditions and aspects of the site.
- 11) Mr. Brennan describes features including but not limited to the three primary structures on site, one which is not being changed, the second which will be demolished and reconstructed and the third which have internal upgrades but no change to main footprint.
- 12) Mr. Stamler asks which of the three buildings all the noise comes from.
- 13) Mr. Brennan states the backup generator will be located near the first building and noise admittance will be coming from the other two buildings.
- 14) Chairman Herbert asks if they will be utilizing gas off the pipeline.
- 15) Mr. Brennan states yes, they will be utilizing one of the pipelines through that area.
- 16) Chairman Herbert asks if they can do this while working on the buildings.
- 17) Mr. Brennan states there will be a short station outage to facilitate construction, however they have a contingency system set up to supply gas while construction is going on or if delayed.
- 18) Vice Chair Wohlmacher asks about the equipment at the rear of the property.

- 19) Mr. Brennan states it is an existing natural gas heater that is not being changed as part of this project.
- 20) Mr. Brennan states the operation of the facility will not change for its current use; while it operates 27/7 the station will remain un-manned except for maintenance activities and routine checks (about once a week), no change in traffic on the property.
- 21) Ms. Porter asks to describe the proposed upgrade to the station specific to the building.
- 22) Mr. Brennan states the middle building will be demolished along with associated underground piping; new building along with associated underground piping will be constructed; the regulate building will contain equipment for pressure regulation gas distribution and the building at the front of the site will retain it's footprint while internal equipment will be upgraded and replaced for gas quality measurement, system communications and plume measurement. He reviews additional improvements. He states there is no expected change to site circulation or fire access.
- 23) Ms. Porter asks if the proposed design is reasonably necessary for the provision of safe, adequate and reliable natural gas service.
- 24) Mr. Brennan states yes.
- 25) Ms. Porter asks how the facilities will be installed and how long it will take.
- 26) Mr. Brennan states if approved the work is scheduled to begin April 2024 and be completed by the first quarter of 2025. He explains the work that will be required.
- 27) Mr. Brennan explains they will comply with work ordinances though there will be times requiring work extended hours beyond Township ordinances but will work with the Township to coordinate the limited scope.
- 28) Ms. Porter asks how they will stage construction vehicles during construction.
- 29) Mr. Brennan explains how they will be utilizing an offsite laymen area they have procured down the road; prefabrication activities, material storage, and construction trailers will be located here. He states they expect approximately 15 people on the primary work site and they will be parking along the driveway of the PSE&G property. Construction material will be delivered on standard trucks during regular working hours. If there is anything larger than normal required, they will coordinate with police and Township officials for traffic control.
- 30) Ms. Porter asks him to describe the proposed security in connection with the station as well as fencing.
- 31) Mr. Brennan states the site will be secured with new pruner fencing, security cameras and remote monitoring, it will be closed to the public and weekly checks will be performed by the gas operations team.
- 32) Ms. Porter asks about fire access.
- 33) Mr. Brennan states Chief Weniger has found the site access to be acceptable for fire access purposes.
- 34) Ms. Porter states this concludes their project management testimony.
- 35) Vice Chairman Wohlmacher asks where the transmission pipe that feeds the station is located.
- 36) Mr. Brennan points it out on the site plans.
- 37) Vice Chair Wohlmacher asks if any of the excavation will be near the underground high-pressure areas.
- 38) Mr. Brennan states everything they will be doing will be within the property lines of the site.
- 39) Vice Chair Wohlmacher asks if any excavation will be done around the building where the pipeline comes in.

- 40) Mr. Brennan states not precisely and that most of the excavation will be done around the regulatory building they are proposing.
- 41) Mr. Ramsey asks if the project has gone through an internal hazard review with PSE&G.
- 42) Mr. Brennan states yes.
- 43) Mr. Ramsey asks where the safety valves will vent to if there was an over pressurization.
- 44) Mr. Brennan states they are designed to vent to the atmosphere, straight up.
- 45) Chairman Herbert opens to questions from the public. There are none.
- 46) Mr. Mayhew asks if the security cameras will be set up in a way as to not violate the privacy of neighboring residential properties.
- 47) Mr. Brennan states their best practice is to have them focused only on the site internals.
- 48) Ms. Porter calls their next witness, Chris Barrows, the site engineer.
- 49) **Ronald 'Chris' Barros** is sworn in, states his current employment and reviews his educational and professional background.
- 50) Mr. Barros explains what his role has been with the project, describes the current condition of the site and demolition plan. He discusses the proposed design, construction details and security, egress, sound emissions and traffic turning plan. Mr. Barrows also gives updates of the status of outside agency approvals.
- 51) Chairman Herbert asks if they have any security concerns about having this potentially sensitive information available for public access such as through Civic Clerk.
- 52) Ms. Porter states they wanted to make sure they provided the Township with all the information they might need and understands the Chairman's concern.
- 53) Chairman Herbert suggests removing some of the plans from Civilclerk after the meeting.
- 54) Ms. Porter agrees.
- 55) Mr. Anderson agrees there is no reason not to do so.
- 56) Mr. Mayhew refers to the February 5, 2023 letter and the increase in runoff asking if they agree to work on that issue.
- 57) Mr. Barros agrees.
- 58) Mr. Mayhew asks if this is an unmanned facility and if so when a technician does come on site, where do they park.
- 59) Mr. Barros confirms it is an unmanned facility.
- 60) Ms. Porter states Mr. Brennan can answer the parking question.
- 61) Mr. Ramsey asks if they looked at ways to decrease the impervious coverage which is five times over the limit.
- 62) Mr. Barros states he believes they will be decreasing direct impervious. He explains how they will be "refreshing" the compacted ground adding in stone impervious areas.
- 63) Mr. Ramsey asks if the Board required them to decrease by 20% what would they do.
- 64) Mr. Mayhew explains that currently gravel is considered impervious and points out some areas which can be considered impervious.
- 65) Chairman Herber opens to questions from the public.
- 66) **Susan Gulliford**, 7 Hunt Club Road, asks if there will be any type of buffer, vegetation or berms around the edge of the property.
- 67) Mr. Barros states there is an existing tree line to the south that will not be altered.
- 68) Ms. Gulliford asks what they plan to use for the siding/exterior look of the buildings since it is in a residential area.
- 69) Mr. Barros states they are in the process of purchasing the building which will be metal and tan in color.
- 70) There are no further questions from the public or Board for this witness.
- 71) Ms. Porter recalls Mr. Brennan

- 72) Mr. Brennan addresses the previous vehicular access question, explaining the construction vehicles that will be utilized during construction and staging/parking location will be and how it will be used.
- 73) Chairman Herbert asks if they will need to dig up any portion of the road.
- 74) Mr. Brennan points out where they will need to do some excavations.
- 75) Mr. Mayhew asks if the generator is for emergency usage or if it will be running all the time.
- 76) Mr. Brennan states it is for emergencies only.
- 77) There are no further questions for Mr. Brennan.
- 78) Ms. Porter calls her next witness, their acoustical consultant.
- 79) **Michael Conaway** is sworn in. He states his current employment status, educational and professional background.
- 80) Mr. Conaway explains the acoustical analysis for the site.
- 81) Mr. Stamler asks the decibel level of the back-up generator.
- 82) Mr. Conaway states he believes it is 65 DBA at 23 feet and it will only be tested during daytime hours. He does not know the spectral content but believes it is on the lower frequency.
- 83) Mr. Conaway reviews the acoustical model, figure 5 of the Future Site Exhibit, per Mr. Mayhew's request.
- 84) Mr. Mayhew points out an area where the decibels exceed 50 DBA. He suggests if the Board approves a waiver be required or the applicant look into sound insinuating features along the property line in that area.
- 85) Mr. Conaway states the ordinance states it is at or within the property line; his analysis focuses on the location of reception.
- 86) Chairman Herbert asks how a pipe can cause the most noise.
- 87) Mr. Conaway explains there are valves in the pipeline and noise is produced when there is a change in pressure.
- 88) There are no further questions.
- 89) Ms. Porter calls their planner.
- 90) Katherine Hering is sworn in. Ms. Hering states her current employment and describes her educational and professional backgrounds.
- 91) Mr. Anderson asks if she is being offered as a Professional Planner.
- 92) Ms. Porter states that is correct.
- 93) Ms. Hering is accepted as a witness.
- 94) Ms. Porter asks Ms. Hering to describe her role with regard to this application and if she is fully aware of the application.
- 95) Ms. Hering states she is fully aware of the application and that she has helped prepare the site plan application, reviewed the Board's Planner and Engineer review letters, the Township Land Use Ordinance, and the Master Plan Re-examination Reports.
- 96) Ms. Porter asks Ms. Hering to describe the property and the relief being sought.
- 97) Ms. Hering describes the property and states it is her opinion there is a need for PSE&G to replace and upgrade equipment at the station which is reaching the end of its life cycle and to modernize the control system. She continues, stating the upgrades will increase the safety and reliability of PSE&G's gas service to its customers and service and inherently beneficial use to the public. Ms. Hering summarizes the Environmental Statement. She states while the station is not a permitted Use in the Residential Zone, the Use of the station nor its physical footprint are being expanded. She reviews the criteria. She states her opinion is the setbacks do me the criteria.

- 98) Mr. Stamler asks if there is any buffering being added around the edge of the property to protect the residential neighbors.
- 99) Mr. Mayhew states he believes the applicant should address this question as he had asked that they include a chain-link or privacy fence, but this brought up an issue.
- 100) Chairman Herbert opens to questions for the public. There are none.
- 101) Mr. Brennan addresses the question of a buffer. He states it is not their practice landscaping buffers as it can encourage climbing and exploring rather than steering people away from the property. They do, however, plan to work with their sound consultant and the Township Engineer to address some of the noise concerns. He reviews fence options they could utilize.
- 102) Mr. Anderson asks what a realistic goal for reduction of noise for the closest residence would be.
- 103) Mr. Brennan states without reviewing the options his best estimate is a three-decibel reduction.
- 104) Mr. Anderson asks if there is anything realistic that can be done to attenuate the sound closer to the source and if so would it be more effective to do something at the source versus putting up more fence.
- 105) Mr. Brennan states there is but he is unsure if they can do anything to the equipment as it is not PSE&G equipment. He states both options are valid but without knowing more about what is possible with the equipment, fencing seems the easier option.
- 106) Vice Chair Wohlmacher asks if one of the buildings acts as a shield to sound.
- 107) Mr. Brennan states that it does.
- 108) Chairman Herbert asks what his estimate is for the noise coming off of Hwy 206 for the neighboring house.
- 109) Mr. Brennan states they did do measurements in that area but does not have his notes, he recalls it being around the high 40s or 50s decibel range.
- 110) Ms. Porter summarizes the witnesses' testimonies and states she requests the Board vote to grant the release.
- 111) Chairman Herbert closes the public and opens Board discussion.
- 112) Mr. Anderson gives his notes on the testimonies, proposing the Board consider a condition of no parking on adjacent streets during construction and time limit for generator tests.
- 113) Mr. Stamler motions to approve the application to include D-2 variance, Bulk-C Variance, Existing Non-conforming to lot area, lot width, side-back, minimum yard, maximum total impervious surface, with condition to work with the Township Engineer on the storm water, and sound barrier, seconded by Vice Chairman Wohlmacher.
- 114) Ms. Haines states it should be noted this facility has been in place for 50 years.

Roll Call:

Yes - Mr. Stamler

Yes - Ms. Haines

Yes - Mr. Dewelde

Yes - Ms. Gladstone

Yes - Mr. Ramsey

Yes - Vice Chairman Wohlmacher

Yes - Chairman Herbert

Motion carries

ADJOURNMENT

A motion to adjourn was made by Mr. Stamler, seconded by Mr. Ramsey. Motion carried unanimously.

8:38 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*