

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

March 6, 2024 – 7:00 pm

Chairman Herbert called the March 6, 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
Absent - John Stamler
Present - Helen Haines
Present - Jarrett Dewelde
Present - Peggy Gladstone

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

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

- **Marcin & Karolina Skoczylas – BA-23-05**

Mr. Mayhew states he visited the site and spoke with the homeowner while there. He submitted a memo to the Chair and Ms. McLaughlin stating he believes it is important the structure’s downspouts be directed parallel with the property line instead of directed towards the adjoining property. Mr. Mayhew said he also conveyed this to the homeowner who said they understood.

There is no further discussion. Ms. Restuccia reviews who is eligible to vote on this matter Ms. Gladstone motions to approve, seconded by Mr. Dewelde.

Roll Call:

Yes - Chairman Herbert
Yes - Mr. Dewelde

Yes - Ms. Gladstone
Yes - Mr. Ramsey

Motion carries

- **ADTI Housing Corp – BA-23-20**

Mr. Mayhew states he visited the site and submitted a memo to the Chair and Ms. McLaughlin. He states there is a drainage issue in the rear of the property which the

homeowners had pointed out. He believes it is critical they do not increase or aggravate the existing situation and create a drainage plan and a dry well to address the increase in impervious. He states this will not solve the issue but will provide aid.

7:06 pm Vice Chairman Wohlmacher arrives to the meeting.

There is no further discussion. Ms. Restuccia reviews who is eligible to vote on the matter. Mr. Dewelde motions to approve, seconded by Mr. Ramsey.

Roll Call:

Yes - Chairman Herbert	Yes - Mr. Ramsey
Yes - Mr. Dewelde	Yes - Vice Chairman Wohlmacher
Yes - Ms. Gladstone	Yes - Mr. Ramsey

Motion carries

• **Nilesh and Parul Bhatti – BA-23-21**

Chairman opens for discussion; there is none. Ms. Restuccia reviews who is eligible to vote on the matter. Ms. Haines motions to approve, seconded by Mr. Dewelde.

Roll Call:

Yes - Chairman Herbert	Yes - Mr. Ramsey
Yes - Ms. Haines	Yes - Vice Chairman Wohlmacher
Yes - Mr. Dewelde	

Motion carries

BOARD OF ADJUSTMENT BUSINESS

- None

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

- None

PUBLIC HEARING - APPLICATIONS

- **Apple Montessori Schools, LLC – BA-23-24** – (TOD: 05-22-24) – Block 12, Lot 19.01 – 302 South Branch Road. Applicant seeking Minor Site Plan Approval; d(3) use variance, for a conditional use that does not meet all conditions; ‘c’ bulk variances; and waivers, to construct an in-ground swimming pool, 1,000 sf. addition to existing Building “C”, with associated parking, sidewalk, signage, and striping improvements, and private access easement, on Property located in the R, Residential Zone.

Participants: Benjamin Wine, Esq. – Attorney for Applicant; Danielle Selby- Applicant representative & Chief Learning Officer at Apple Montessori Schools for over 20 years; Jim Henry, P.E., P.P. – Project Engineer; Robert Grimaldi – Project Architect, AIA at G141 Architecture, LLC.; Kate Keller, AICP, PP – Project Manager, Principal at Phillips Preiss Grygiel Leheny Hughs LLC

- 1) Mr. Anderson states there was an issue with the Courier News notification he would like to get on the record. He states the issue was through no fault of the applicant but rather the Courier News. He states it is a technicality. He explains the applicant is,

- required by statute, to file an affidavit indicating notice has been given/published and the Courier News, despite it being twelve days since publishing the notification, has yet to provide an affidavit to the applicant thus causing them to be unable to file it.
- 2) Mr. Anderson states the question at hand is not the notice but rather whether the affidavit is jurisdictional. He states he does not believe it is jurisdictional and thus not appropriate to fine the applicant, as long as the affidavit is filed reasonably soon. Mr. Anderson states if for some reason the affidavit is not filed anything done this evening will be of no moment. He does not believe this is likely to happen. He is comfortable for the Board to move forward.
 - 3) **Benjamin Wine** introduces himself and gives a summary of the application. He reviews his witness list which consists of four people, three of whom he intends to utilize three of them.
 - 4) **James Henry** is sworn in and gives his educational and professional background and credentials.
 - 5) Chairman Herbert asks if he is being qualified as an Engineer.
 - 6) Mr. Henry states yes.
 - 7) Mr. Henry submits an ariel map, Exhibit A-1, dated March 25, 2024, into record. He describes the map.
 - 8) Mr. Henry submits a survey, Exhibit A-2, showing boundary and topography of the area dated November 2, 2022, into the record. He describes the survey.
 - 9) Mr. Henry summarizes the existing conditions on the property.
 - 10) Mr. Henry submits Exhibit A-3, a colorized version of sheet four of the site plan set with landscaping plan overlayed, dated March 6, 2024.
 - 11) Mr. Henry summarizes the proposed improvements which include but is not limited to reduce onsite parking, its currently more than they need, and utilize the resulting impervious for a pool (phase I) and a small addition on building C. He also reviews the proposed setbacks, property access, reconfiguration of some parking strips including proposed ADA area, number of parking spaces.
 - 12) Mr. Wine asks if the loading space he referred to is an ADA landing space.
 - 13) Mr. Henry states that is correct.
 - 14) Mr. Henry continues reviewing proposed improvements including but not limited lighting, landscaping, including added trash enclosure, and signage.
 - 15) No questions from the Board.
 - 16) Mr. Anderson if the current signage is internally illuminated and if the proposed signage will be externally illuminated.
 - 17) Mr. Henry states he believes the current sign has internal lighting and confirms the proposed signage will be externally lit.
 - 18) Mr. Anderson asks if there is a connection between the two parking areas.
 - 19) Mr. Henry states there is only a walking connection, no drivable connection.
 - 20) Ms. McLaughlin asks for clarification that the current sign will be removed and the proposed signage will be in different location.
 - 21) Mr. Henry confirms and explains where the proposed sign will be.
 - 22) Mr. Mayhew asks for confirmation there will be no foot candles beyond the property line.
 - 23) Mr. Henry confirms there will be no spillage on to the residential property.
 - 24) Mr. Mayhew asks if there are any comments he would like to address from their review letter dated February 28, 2024.
 - 25) Mr. Henry states there was nothing they needed to address.
 - 26) Chairman Herbert opens to questions from the public. There are none.

- 27) Mr. Wine calls their operations expert.
- 28) **Danielle Selby** is sworn in.
- 29) Mr. Wine states while he believes she is an expert in operations, he would like to have her qualified as a fact witness.
- 30) Ms. Selby states her current job at Apple Montessori Schools.
- 31) Mr. Wine asks her to explain the purpose of the expansion to building C.
- 32) Ms. Selby explains they would like to add on another infant room.
- 33) Mr. Wine asks her to explain the current number of staff and students as it pertains to parking and the impact the proposed infant room will have on it.
- 34) Ms. Selby states they are currently licensed for 122 students and adding an infant room with a maximum capacity of 12 will bring them up to 134 students. She states with 122 students at peak hours they would have about 18 staff members, including administration, on site; adding the infant room will increase staff by three people.
- 35) Mr. Wine states the parking calculation on the submitted plans resulting 39 spaces based on up to 25 staff members and 135 students. He asks if they have no issue with these numbers being the maximum for parking spaces.
- 36) Ms. Selby confirms.
- 37) Mr. Wine asks if she understands if they exceed that in any capacity, they may run into parking variance territory and would have to return to appear before the Board.
- 38) Mr. Selby states she understands.
- 39) Mr. Wine asks her to explain the desire and aspects of the proposed pool including safety and security measures.
- 40) Ms. Selby explains their summer camp and how they offer daily swim lessons. She states the pool would only be used for those eight weeks and only open from 8:30am – 3:00 pm when they are utilizing it.
- 41) Mr. Wine asks if the pool gate would be locked when not in use and if the pool would be covered in the off-season.
- 42) Ms. Selby states yes.
- 43) Mr. Wine asks if they have cameras at the facility and if so would they be able to increase the camera coverage to include the pool area.
- 44) Ms. Selby states yes, they are prepared for that.
- 45) Mr. Wine asks if there will be any operation changes to the facility, i.e. hours of operation, scheduled deliveries, circulation onsite for drop off and pick-up.
- 46) Ms. Selby confirms there will be no operation changes. She explains aside from USPS mail deliveries, they only receive Amazon-type deliveries and all food used at the school comes from the parents, no big box trucks deliveries.
- 47) Ms. Haines asks what the proposed depth of the pool.
- 48) Ms. Selby states the purpose of the pool is for young children to take part in swimming lessons, so it starts off at two feet and increases to five feet.
- 49) Mr. Mayhew asks if the staffing numbers include the lifeguard and swim instructor.
- 50) Ms. Selby states no as they are only there for the eight weeks of summer. There would be three additional staff.
- 51) Ms. Haines asks the age span of the students.
- 52) Ms. Selby states during the school year they range from infant to six years old and in the summer as old as eight years.
- 53) Mr. Mayhew asks if parents are present for the swimming.
- 54) Ms. Selby explains they are not, as they run swimming lessons throughout the day.
- 55) Mr. Anderson asks the current hours of operations and if they will be changing them.

- 56) Ms. Selby states 7:00 am to 6:30 pm are the current hours and they will not be changing.
- 57) Mr. Anderson asks the pool hours they are proposing.
- 58) Ms. Selby states Monday – Friday, 8:30 am to 3:30 pm only during the eight weeks of summer.
- 59) Mr. Anderson asks the current number of students and their proposed maximum.
- 60) Ms. Selby states currently their max number of students 122 and the proposed increase is 134 and staff is currently 18 adults and proposed increase to 21 during the school year and 24 in the summer.
- 61) Chairman Herbert opens to questions from the public. There are none.
- 62) There are no further questions for Ms. Selby.
- 63) Mr. Wine asks if the Board would like to hear from their architect before moving on to their project planner.
- 64) Chairman Herbert declines as no members showed need to hear from the architect.
- 65) **Kate Keller** is sworn in. She states her educational and professional background and status of professional licenses.
- 66) Ms. Wine asks her to review her testimony prospective.
- 67) Ms. Keller explains how churches, childcare centers and preschools are permitted as conditional uses in the R Zone and subject to certain standards. She reviews the consisting nonconformities which include the front yard setback and the impervious coverage. She reviews the D-3 Variance, addresses the negative criteria, reminds of the inherently beneficial use of the business, and waivers. She believes variances can be granted under the C-2 Criteria.
- 68) Mr. Wine asks for the record if the two new bulk variances associated with this application relate to the ADA parking spaces specifically that they will be 8 feet spaces with 5 feet of landing space in-between.
- 69) Ms. Keller confirms and explains why this distinction needs to be made.
- 70) There are no further questions for Ms. Keller.
- 71) Chairman Herbert opens for Board discussion.
- 72) Mr. Wohlmacher Asks for explanation of the use of an apple symbol on the signage.
- 73) Mr. Henry states it is the school's logo and is to designate entrance locations.
- 74) Mr. Wohlmacher asks what the construction material is for the pool fence and how high it will be.
- 75) Mr. Henry states that state law requires pool fences to be four feet high, Apple Montessori has a requirement of one-foot above state standard so it will be five feet high, spacing will meet pool requirements and the material will be black aluminum.
- 76) Mr. Wohlmacher asks if the pool will be visible from the road.
- 77) Mr. Henry states yes.
- 78) Mr. Wohlmacher asks if there will be security cameras around the pool and if they will be monitored on a real-time basis.
- 79) Mr. Henry states based on his discussion with the applicant, yes there will be security cameras around the pool, but he will have to defer the question about how they will be monitored.
- 80) Ms. Selby addresses the question of the apple signs stating the apple sign on the building is to delineate to parents which of the many doors on the building they should use.
- 81) Addressing the security questions, Ms. Selby states no, there is no one overnight, yes the cameras are running in real-time and monitored only during school hours.
- 82) Mr. Wohlmacher asks if there is any sort of alarm on the pool.

- 83) Ms. Selby states the pool will be locked and secured but there will not be an alarm. In her experience there has been little to no need for an alarm on the pool.
- 84) There are no further questions for the witnesses.
- 85) Mr. Wohlmacher motions to approve subject to the lighting expansion plan, seconded by Ms. Haines.
- 86) There is no further discussion of the motion.

Roll Call:

Yes - Chairman Herbert
Yes - Ms. Haines
Yes - Mr. Dewelde
Yes - Ms. Gladstone

Yes - Mr. Ramsey
Yes - Mr. Rao
Yes - Vice Chairman Wohlmacher

Motion carries

ADJOURNMENT

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

8:07 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*