

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

September 18, 2024 – 7:00 pm

Chairman Herbert called the September 18, 2024 Board of Adjustment meeting to order and led the flag salute at approximately 7:02 pm.

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 2024 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.portal.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 -	Tom Ramsey
Present -	John Stamler	Present -	Jim Wohlmacher, <i>Vice Chairman</i>
Absent -	Helen Haines	Absent -	Vivek Rao (<i>Alt#1</i>)
Present -	Jarrett Dewelde	Absent -	Tim Lockburner (<i>Alt#2</i>)
Present -	Peggy Gladstone		

Also in attendance: David Kois, PP, AICP / *Planning Director / Deputy Zoning Official*; Marcella McLaughlin, *Assistant Director / Zoning Official / 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

- **July 17, 2024, meeting minutes**

Mr. Stamler motions to approve the minutes as written, seconded by Vice Chairman Wohlmacher. All were in favor, motion carries.

CONSIDERATION OF RESOLUTIONS

- **Geoffrey and Kathleen Schwint – BA-24-02**

There were no further comments from the Board

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

Ms. Restuccia states who is eligible to vote on the matter.

Roll Call:

Yes -	Chairman Herbert	Yes -	Mr. Ramsey
Yes -	Mr. Stamler		
Yes -	Mr. Dewelde		

Motion carries.

BOARD OF ADJUSTMENT BUSINESS

- **Phoenix Carriage Farm – BA-24-07- application scheduling, TOD 12/27/24.**

Chairman Herbert explains based on applicant request for full hearing, the application has rescheduled for January 2025.

- Chairman Herbert states if the Chick-Fil-A – BA-24-05 applications runs long this evening it will be carried over to the October 2, 2024, meeting.

BUSINESS FROM THE FLOOR

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

There are none

PUBLIC HEARING - APPLICATIONS

- **Heather Marso - BA- 24-09** - (TOD 11/15/24) - Block 147, Lot 9.01 - 1296 Orchard Drive.
Applicant seeks "c" variances for a side yard and rear yard setback to reconstruct the existing barn/accessory structure in the same location, on property located in the Hillsborough Township CR Zone / Central Residential District and South Branch Historic District.
 - 1) 7:05 pm start of hearing.
 - 2) Ms. McLaughlin read the application description.
 - 3) **Heather Marso**, property owner, is sworn in.
 - 4) **Cindy Boerner**, architect for the applicant, is sworn in.
 - 5) Ms. Marso gives a summary of the need for the application.
 - 6) Ms. Boerner gives her educational and professional background.
 - 7) Chairman Herbert states the Board accepts her qualifications as an expert witness architect.
 - 8) Ms. Boerner reviews the architectural renderings. She states they will be reconstructing the barn in the same footprint of the existing barn plus one foot longer to accommodate a modern car; it will be a three-car garage with a workshop area in the rear and stairs to a second floor which is one large open space. They will be reducing the size of the current lean-to structure on the side as it over the property line.
 - 9) Ms. Boerner states they have received approval from the Hillsborough Historic Preservation Commission.
 - 10) Mr. Stamler asks about stormwater runoff.
 - 11) Ms. Boerner states the construction drawings will have more details about stormwater runoff including the location of downspouts.
 - 12) Ms. Boerner reviews the variance they are requesting, emphasizing they are rebuilding, improving and where possible preserve the historic nature of the original structure.
 - 13) Chairman Herbert opens to questions from the public for this witness.
 - 14) There are none.
 - 15) Mr. Mayhew referencing the letter written by his office, reiterates their suggestions about the location & direction of downspouts, grading, and not rebuilding the shed/chicken coop.
 - 16) There is a discussion about why they are suggesting to not rebuild the shed/chicken coop and a possible compromise of shifting the entire building to create a three-foot set-back.
 - 17) Vice Chairman Wohlmacher asks how they are proposing drainage for the deck.
 - 18) There is a discussion to understand the drainage plan.
 - 19) Chairman Herbert opens to public questions.
 - 20) There are none.
 - 21) Chairman Herbert opens to public comment.
 - 22) **Tom & Patty Letz** are sworn in.
 - 23) Mr. Letz explains the drainage issues when it rains and expresses support for the applicant's plan.

- 24) Ms. Letz concurs Mr. Letz comments & support and expresses appreciation for the Marso's as neighbors and their efforts at preserving the historic integrity of the property.
- 25) Mr. Stamler motions to approve the application with three-foot setback, downspouts directed inward and grading plan approved by the Township engineer, seconded by Vice Chairman Wolhmacher.

There were no further comments from the Board

Roll Call:

Yes - Mr. Stamler	Yes - Mr. Ramsey
Yes - Mr. Dewelde	Yes - Vice Chairman Wolhmacher
Yes - Ms. Gladstone	Yes - Chairman Herbert

Motion carries.

- 26) 7:36 pm hearing ends [

- **Chick-Fil-A - BA- -24-05** (TOD 10/31/24 EXT)) Block 152.03 (previously Block 152), Lot 14 (previously Lot 36A) - 296 Route 206 (corner of Triangle Road and Route 206). Applicant seeks "c" bulk and "d" use variances to construct a 6,100- sf. Chick-fil-A, a quick service restaurant with dual drive-through lanes on the current "Exxon" gas service station location, which consists of four service bays and 8 fueling stations on property located in the Hillsborough Township OLC/Office Light Commercial Zone District. 7/10/24 - Applicant was adjourned from the July 17, 2024, agenda with re-notice.

- 1) 7:37 pm start of hearing
- 2) **Duncan Prime**, attorney for applicant, introduces himself and summarizes the application, variances and demo request and lists his witnesses.
- 3) **John Martinez**, Development Manager with Chick-Fil-A, is sworn in. He gives a summary of his professional experience within Chick-Fil-A and summary of Chick-Fil-A history.
- 4) Mr. Martinez discusses the Flemington location in comparison to the plan for the Hillsborough location and reviews the details and functionality of plan for Hillsborough. He discusses their franchise model.
- 5) Mr. Prime asks him to clarify the hours of operation.
- 6) Mr. Martinez states their operating hours 6:30 am – 10:00 pm, Monday through Saturday, drive-thru and inside. Closed Sunday.
- 7) Chairman Herbert expressed concern for back-up drive-thru traffic spilling onto Rt. 206 and asks how they will handle that.
- 8) Mr. Martinez states this is an issue and concern they are aware of and have been considering. He states they are looking into cross access with the shopping center neighbor, have spoken to them and are developing options. He states the shopping center is open to a temporary, two-year connection but Chick-Fil-A would like to come up with a long-term solution.
- 9) Mr. Stamler asks the reason the DOT will not allow Chick-Fil-A to offer a right-turn [out of their parking lot] option onto Rt. 206.
- 10) Mr. Martinez states DOT's concern is people attempting to cross lanes over to the far left-hand lane. He states they have adjusted plans which will align and flow with the DOT roadway plan.
- 11) Mr. Stamler expresses concern about signage and asks why the shopping center is not allowing them to add to their signage.

- 12) Mr. Martinez discusses Chairman Herbert's initial question about how to prevent back-up traffic from spilling into the highway. He discusses their 'traffic ambassadors' who aid in managing cars when/if drive-thru line is getting too long and their practice of working with local police if it becomes necessary to wave customers off. He explains the initial influx of customers upon opening and their experience with how this reduces after the first few weeks of opening.
- 13) Mr. Prime asks him to discuss the historically large lot size for Chick-Fil-A.
- 14) Mr. Anderson asks him to clarify the plan for Rt. 206 and discuss cross-access.
- 15) Mr. Prime states cross-access would be a fair condition if both parties were present to agree to.
- 16) Chairman Herbert asks if the gas station will continue to operate until the start of constructions.
- 17) Mr. Martinez states that is his understanding.
- 18) Chairman Herbert opens to public questions.
- 19) **Susan Gulliford**, 7 Hunt Club Road, asks for clarification of how 50 cars fit in their drive-thru lanes; do they plan to utilize a 'large-order pull-off spot' similar to what the McDonalds recently added; will their 25 employees park on site thus utilizing their parking space; how would they stop customers from cutting through the parking lot to avoid their right-in/right-out onto Triangle Rd.
- 20) **Joseph Covacks**, 43 Durling Way, asks what will be stopping people from making a left onto Triangle Road.
- 21) **Rick Grosso**, owner of Triangle Shopping Center, states he did not receive notification of the meeting. He expresses concern for traffic onto Rt. 206 and Triangle. He states currently the traffic lines do not line up with entry points into parking.
- 22) Mr. Ramsey asks if there is a fence between properties to prevent people from parking in the shopping center and walking over to Chick-Fil-A.
- 23) There are no more questions for this witness.
- 24) **Vincent Kelly**, civil engineer with Colliers Engineer, is sworn in and states his educational and profession background.
- 25) Mr. Kelly reviews Exhibit A-1, an arial exhibit which depicts the current conditions of the site and Exhibit A-2, a colorized version of the site plan and landscaping plan dated September 18, 2024. He states they have an application in to DOT and anticipate comments back by the end of next month.
- 26) Mr. Kelly explains how the multi-lane drive-thru functions.
- 27) Vice Chairman Wohlmacher asks about what appears to be a 'pinch point' in the traffic flow design and expresses concern over the flow layout as it relates to Triangle Road.
- 28) Mr. Kelly describes the proposed traffic devices will adjust traffic flow. He also describes how the 'geo-positioning' works for orders placed through the app.
- 29) Chairman Herbert asks him to review impervious surface projections.
- 30) Mr. Kelly and Mr. Mayhew discuss impervious coverage and stormwater management.
- 31) Mr. Anderson and Mr. Kelly discuss how the Board makes sure the on-property traffic plan/food delivery system stays in place.
- 32) Mr. Anderson asks about parking layout and space size.
- 33) Mr. Mayhew states his office suggest they use the smaller space size.
- 34) Chairman Herbert states a main concern of the Board is traffic backing up into the roads.
- 35) Mr. Prime states they would be agreeable to a condition to take measures as described by Mr. Martinez to actively turn away cars if it becomes necessary to prevent over-flow into the roads.

- 36) Mr. Kelly discusses how tractor trailer deliveries and trash removal via garbage trucks will be handled, landscaping plans including buffer requirements, lighting, signage and flag pole.
- 37) There is a discussion about the requested flagpole height and flag size.
- 38) Mr. Kelly discusses the three proposed fire retention basins.
- 39) Mr. Kelly discusses Exhibit A-3, a color rendering elevation of the proposed building for the site. He reviews building color,
- 40) Mr. Mayhew discusses the issues listed in the August 28, 2024, review letter which includes but is not limited to decreasing lightening and mitigating headlights in the drive-thru lane.
- 41) Mr. Stamler
- 42) There are no further questions from the Board.
- 43) Chairman Herbert calls for a ten-minute recess.
- 44) Ms. McLaughlin discusses the Planning and Zoning report.
- 45) Mr. Kois states they agree with the applicant that the feasibility of access is not reasonable and so would like to redact that from their recommendation to the Board.
- 46) Mr. Anderson observes the monument seems to be far removed from visibility.
- 47) Chairman Herbert opens to public question for this witness.
- 48) **Joseph Covaks**, 43 Durling Way, asks for clarification on the Triangle Road exit as it pertains to the entrance/exit into Triangle Shopping Center and expresses concern about the amount of activity on that corner.
- 49) Mr. Kelly states the traffic engineer can go into further detail about the line of site of this area.
- 50) **Susan Gulliford**, 7 Hunt Club Road, asks questions pertaining to pedestrian access off Hwy 206, quantity of proposed parking spaces, porous pavement maintenance, and signage height.
- 51) **Joseph Covaks**, 43 Durling Way, asks about their water retention plan and if they are aware of the serious flooding potential in the corner of the property.
- 52) Mr. Kelly states the area he is referencing is part of the DOT improvement plan.
- 53) Mr. Prime brings Mr. Martinez back to answer a previous public question.
- 54) Susan Gulliford, 7 Hunt Club Road, ask the percentage of customers using drive-thru vs eat-in seating with regards to parking and stacking.
- 55) Mr. Martinez discusses the intensive studies done surrounding this as it has changed considerably since COVID. He states currently 55% goes through the drive-thru, 15% are dine-in customers, remaining 30% are combination of mobile orders or third-party orders, i.e. Uber Eats, DoorDash etc.
- 56) Mr. Prime asks him to discuss how the third party (DoorDash) orders work.
- 57) Mr. Prime asks Mr. Martinez to give testimony to the importance to the company surrounding the height of the flagpole.
- 58) There is a discussion between Mr. Martinez and Chairman Herbert about flagpole heights.
- 59) Ms. McLaughlin states for perspective based on regulations she believes the flagpole on-site at the Municipal Building is 40-feet in height.
- 60) Mr. Prime states they have two more witnesses.
- 61) There is a discussion as to if to start a witness or carry to the next meeting.
- 62) Mr. Prime states for the record notice was provided to the adjacent property owner and he can provide copy of the document.
- 63) Mr. Stamler motions to carry without notice to October 2, 2024, seconded by Vice Chairman Wohlmacher. All were in favor, none opposed. Motion carries.
- 64) 9:54 pm end of hearing.

ADJOURNMENT

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

9:55 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*