

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

October 2, 2024 – 7:00 pm

Chairman Herbert called the October 2, 2024 Board of Adjustment meeting to order and led the flag salute at approximately 7:00 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 - 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: 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

- None

CONSIDERATION OF RESOLUTIONS

- None

BOARD OF ADJUSTMENT BUSINESS

- None

BUSINESS FROM THE FLOOR

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

- None

PUBLIC HEARING - APPLICATIONS

- **Philip & Preva Gopaul – BA-24-06** (TOD 12/20/24) Block 150.06, Lot 9 – 6 Gulick Court. Applicant seeking “c” variances for impervious coverage where 25% is allowed, 26.6% exists and 29% is proposed to build a 16’ x 19x, three-season room, a new 16’ x 18’8” deck and side a rear setback to keep the two existing sheds in nonconforming locations – on property located in the Hillsborough Township R / Residential District.

- 1) Approximately 7:02 pm start of hearing
- 2) Chairman Herbert states for the record Vice Chairman Wohlmacher arrived to the meeting.

- 3) **Preya & Phillip Gopaul** introduce themselves and explain their request along with the need for it.
- 4) Mr. Stamler states he visited the property and expresses concern for where the water runoff will go.
- 5) Mr. Mayhew states per their review letter dated September 9, 2024, they recommend the applicant capture and recharge the increase in the two-year storm volume for the area of impervious coverage exceeding the zoning allowance. He discusses the lack of contour or topography shown.
- 6) There are no further questions from the Board.
- 7) Chairman Herbert opens to public questions.
- 8) There are no questions from the public.
- 9) Mr. Stamler motions to approve the application with the condition of a rain garden or dry well be added and shown on the final plan for approval, seconded by Ms. Gladstone.

Roll Call:

Yes - Ms. Haines	Yes - Mr. Ramsey
Yes - Mr. Stamler	Yes - Mr. Rao (<i>Alt. #1</i>)
Yes - Mr. Dewelde	Yes - Vice Chairman Wohlmacher
Yes - Ms. Gladstone	Yes - Chairman Herbert

Motion carries.

- 10) 7:10 pm end of hearing.

- **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. Applicant carried from the September 18, 2024, agenda without notice.

Participants: *Duncan M. Prime, Esq. – Prime Tuvel & Miceli, Applicant's Attorney; John Martinez, - Chick-fil-A, Applicant; Vincent Kelly, PE – Colliers, Applicant's Engineer; Corey Chase, PE – Dynamic, Traffic Engineer for Applicant; Dan Block, PP-Colliers, Applicant's Planner.*

- 1) 7:10 pm start of hearing.
- 2) **Duncan Prime**, attorney for the applicant, introduced himself and reviews their witness list. He passes out a handout.
- 3) Mr. Stamler asks about traffic flow exiting onto Triangle Road and if they were instructed it should be right only.
- 4) Mr. Prime discusses Exhibit A-4, Alternate Layout Overlay Exhibit dated October 2, 2024, the impacts of storm water, the proposed flagpole and flag and general traffic flow onto Triangle Road.
- 5) **Corey Chase** is sworn in and states his education and professional background.
- 6) Mr. Chase discusses the access circulation and parking on Exhibit A-4.
- 7) Ms. Haines asks for clarification on the number of parking spaces for customer use, asks if the quantity will suffice and what their plan is if a busy point exceeds capacity.

- 8) Mr. Chases discusses Chick-fil-A's procedure for having the employees stationed in the parking lot encouraging customers to use the app or drive-thru.
- 9) Mr. Wohlmacher asks if the DOT will be requiring a physical median on Triangle Road and if not, what discourages people from ignoring directional queues and cutting left.
- 10) Mr. Chase discusses MUTCD compliant signage, granting Title 39 on the property and ticket-able offences.
- 11) Mr. Prime confirms the property owner will give consent for Title 39 on the property.
- 12) Mr. Wohlmacher asks for understanding about the proposed stop sign and clarification of how many cars fit in the driveway.
- 13) Mr. Chase states they are happy to work with Zoning to meet their signing requests.
- 14) Ms. Haines expresses concern over the multiple lanes converging at the exit.
- 15) Mr. Wohlmacher expresses concern over the possibility of traffic backing up onto Hwy 206.
- 16) Mr. Kois states for the Board's understanding there have been Resolutions that have had Title 39 as a required condition of approval.
- 17) There is a discussion between Mr. Kois and Board Members as to how this would work.
- 18) Vice Chairman Wohlmacher asks if their on-site contingency plan is an admission of an expectation of regular over-flow traffic.
- 19) Mr. Chase reminds the contingency plan is for the first two-weeks after opening and discusses the use of bringing in experienced employees for the opening weeks.
- 20) Mr. Stamler asks if there is a plan to prevent customers from parking in the shopping center lot and walking over.
- 21) Mr. Chase explains how they are bound by the states vision for the Hwy 206 corridor and assume people will utilize the traffic devices put in place by the state.
- 22) Mr. Mayhew states he believes those walking would not take the long way around to Triangle Road and so asks if they would be open to adding a short sidewalk for people potentially walking from adjoining shopping center, crossing the pick-up window exit area and connecting to the internal side-walk system.
- 23) Mr. Chase states they can accommodate but suggests extending the fence they are proposing and then providing a sidewalk along their property line at the west, along the drive-thru and then across to the front of the store.
- 24) Mr. Mayhew asks if he can point out where in their study they analyze the level of service for the ingress from Triangle Road.
- 25) Mr. Chase states it is on page 11, chart 6 and they calculated it as a Level of Service A with an average vehicle delay of approximately 10 seconds.
- 26) Toni Ambrano, Triangle & Farm Roads, asks how they propose to prevent people from making the sharp turn from Triangle Rd into the parking lot.
- 27) Mr. Chase explains they will be designing the driveway in such a way that it precludes someone from making the turn.
- 28) Ms. Ambrano asks when they did their traffic counts.
- 29) Mr. Chase discusses how their goal is to make traffic flow better than it does today; he states traffic counts were done in July and found based on historical volumes data that July is an average month and presented it to NJDOT who agreed the volumes are not low.
- 30) Susan Gulliford, 7 Hunt Club Road, asks if they have done traffic counts at other Chick-fil-A, if so, did they do Flemington and if not have they reviewed it to understand why it failed and what changes are being made.

- 31) Mr. Chase states they have done traffic counts at other Chick-fil-A's but is not sure if they did Flemington and he discusses the difference in capacity between the sites.
- 32) Ms. Gulliford asks clarifying questions about the Title 39 process, if Chick-fil-A will be the property owner and asks what happens to the Board of Adjustment approval if the Township Committee refuses.
- 33) Mr. Chase discusses convenientory uses.
- 34) Tom Beers Lane, asks if they have investigated why other cities are currently having Chick-fil-A traffic problems and expresses concern that current traffic issues on Hwy 206 will get worse.
- 35) Mr. Chase states Chick-fil-A is aware of the issue and this is a result of that, larger site being an example and reiterates that Chick-fil-A will not open the store until the DOT has completed their Hwy 206 improvements.
- 36) Chairman Herbert asks if they are aware of the issue of having to wait through multiple light rounds while traveling east to west on Hwy 206.
- 37) Mr. Chase states this is a result of the current configuration not being complete.
- 38) Mr. Chase states they reviewed future to future of the intersection with or without the restaurant to show what their impact is, but he agrees with Chairman Herbert that they could have provided a comparison to how it is now, how bad is it to how it looks with the improvements and how much better it is.
- 39) There is a discussion on when to carry the application to.
- 40) Mr. Perry and Mr. Chases discuss what they would like to present at a future meeting.
- 41) Mr. Stamler motions to carry the application to December 4, 2024 without further notice and extended Time of Decision to December 31, 2024, seconded by Mr. Dewelde. All are in favor, none apposed. Motion carries.
- 42) 8:50 pm end of hearing

ADJOURNMENT

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

8:51 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*