

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED - Meeting Minutes

November 6, 2024 – 7:00 pm

Chairman Herbert called the November 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 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
Absent - John Stamler
Present - Helen Haines
Present - Jarrett Dewelde
Present - Peggy Gladstone

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

Also in attendance: 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

- **September 18, 2024** regular meeting
 - There is no comment.
 - Vice Chair Wohlmacher motions to approve the minutes as written, seconded by Mr. Lockburner, all were in favor, none opposed.
Motion carries.
- **October 2, 2024** regular meeting
 - There is no comment.
 - Mr. Dewelde motions to approve the minutes as written, seconded by Vice Chair Wohlmacher, all were in favor, none opposed.
Motion carries.

CONSIDERATION OF RESOLUTIONS

- **Heather and Mark Marso – BA-24-09**

There is no comment.

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

Vice Chair Wohlmacher motions to approve, seconded by Mr. Dewelde.

There were no further comments from the Board

Roll Call:

Yes - Mr. Dewelde
Yes - Ms. Gladstone
Motion carries.

Yes - Vice Chairman Wohlmacher
Yes - Chairman Herbert

BOARD OF ADJUSTMENT BUSINESS

- **Board Sub-Committee for Bi-Laws Review**
 - Chairman Herbert recommends Vice Chair Wohlmacher, Ms. Haines and Mr. Ramsey for the sub-committee and the Vice Chair to run the meetings.
 - The subcommittee is to report back with suggestions next month.

BUSINESS FROM THE FLOOR

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

- **None**

PUBLIC HEARING - APPLICATIONS

- **Christopher and Jamie Nardo - Ba-24-04** (TOD 1/17/25) - Block 182, Lot 32 - 15 Old Somerville Road. Applicant is seeking two "c" bulk variances to keep improvements on the property for impervious coverage where 15% is allowed and 19.3% currently exists as a result of a three-season room addition that was approved with a Zoning permit issued with conditions to remove 1) a greenhouse - 252 sf.; 2) walkway - 20.5 sf.; 3) a patio - 446 sf. and 4) driveway reduction of 751.26 sf. and also seeking a side yard setback of 11.25' to keep an existing shed on the nonconforming location where a 15' 5" feet side yard setback is required for an accessory structure, on property located in the Hillsborough Township R Zone / Residential District.
 - 1) 7:05 pm start of hearing.
 - 2) **Christopher & Jamie Nardo** are sworn in.
 - 3) Ms. Nardo discussed the areas of the property they feel improve habitability and concerns with impervious coverage requirements.
 - 4) Chairman Herbert asked if they knew the impervious coverage requirements were a condition of the building permit.
 - 5) Ms. Nardo states yes.
 - 6) Mr. Nardo states the required removals they have made thus far which include the greenhouse, rear patio and one side walkway. He states they would like to keep the other side walkway which leads to the driveway. He explains drainage work they have done thus far.
 - 7) Ms. Haines asks if they agreed to remove the shed and reduce the driveway.
 - 8) Mr. Nardo states just reduce the driveway initially.
 - 9) Ms. Nardo explains how they were unaware of the shed violation until they applied for the variance for impervious coverage.
 - 10) Ms. McLaughlin explains the violation and the initial agreement.
 - 11) Ms. Haines asks if they considered a dry well.
 - 12) The Nardos state there is already a dry well at the end of the driveway.
 - 13) Ms. Haines asks if it is big enough to compensate for the missing pervious area of their lot.
 - 14) Mr. Mayhew refers to the review letter dated October 15, 2024, and discusses the mention of allowable impervious coverage for the R Zone and the dry-well recommendation as there is not a dry-well on the property.
 - 15) Mr. Nardo discusses their existing dry well and asks if the recommendation in the review letter considers the foundation drains around 50% of the structure.
 - 16) Mr. Mayhew explains how that does not help the situation and discusses the goal is to capture, control and recharge the excess run-off.
 - 17) Ms. Haines asks for clarification as to what % impervious coverage is the goal for this property.

- 18) There is a discussion about filing an easement notice.
- 19) Vice Chair Wohlmacher motions, seconded by Ms. Haines, to approve variance with conditions of a drywell is installed to reach 15% impervious coverage with satisfaction of the Township Engineer and filing the dry-well easement with the appropriate government offices, and grant shed set-back variance.

Roll Call:

Yes - Ms. Haines	Yes - Mr. Rao (<i>Alt. #1</i>)
Yes - Mr. Dewelde	Yes - Mr. Lockburner (<i>Alt. #2</i>)
Yes - Ms. Gladstone	Yes - Vice Chairman Wohlmacher
	Yes - Chairman Herbert

Motion carries

- 20) 7:24 pm end of hearing.

- **Harvestate Group, LLC - File BA-23-11** (TOD 11/14/24) - Block 180.01, Lots 44 & 45 - Vacant Property on Route 206. Applicant to consolidate two lots totaling 8.635 acres. Applicant seeking Preliminary and Final Major Site Plan Approval; 'd' variance; 'c' bulk variances; and waivers to construct a 105, 663 sf. one-story building footprint including an interior drive-thru, for use as a temperature controlled self-storage 678-unit facility and 850 SF office space, with associated stormwater, parking, lighting, landscaping, septic system, utilities and improvements, on Property located in the HS, Highway Service Zone, also located within the ASD, Architectural Site Design Overlay District.

Participants: Richard Schatzman, Esq – Schatzman Baker, Applicant's attorney; David J. Schmidt, PE, D.S. Engineering, PC, Applicant's Engineer.; Ben Burkhart, BKB Properties - Self-storage Advisor and owner of storagestudy.com; John McDonough, professional planner of state of New Jersey; Stephen Patron, Applicant's representative.

- 1) 7:25 pm start of hearing
- 2) **Richard Schatzman**, attorney for the applicant, introduces himself and asks if his affidavit of service and publication are in order giving The Board jurisdiction.
- 3) Chairman Herbert confirms.
- 4) Mr. Schatzman reviews his list of witnesses
- 5) **David Schmidt**, engineer for the applicant, is sworn in and states his educational background and professional qualifications.
- 6) Mr. Schmidt reviews the application and the display map which is marked as Exhibit A-1.
- 7) Ms. Haines asks if, as per the information on the back of the 2021 DEP approval, they submitted the six required items.
- 8) Mr. Schatzman and Ms. Haines discuss the items submitted.
- 9) Mr. Mayhew asks for clarification of the size of the stream corridor.
- 10) Chairman Herbert asks Mr. Schmidt to show and discuss where the stream flows around and out of the property.
- 11) Mr. Schmidt reviews the details of the proposed building, landscape package, property access, signage and utilities.
- 12) There is a discussion about the incorrect block number on the plans.
- 13) Mr. Schmidt reviews the letters from the Environmental Commission and Fire District and regulations that were in effect at the time of the plan's creation.
- 14) Ms. Haines asks where the highway entrance will be in relation to the 'dip' in the highway.

- 15) There is a discussion about excessive rainfall and flooding concerns for the area Ms. Haines referenced.
- 16) Mr. Schmidt reviews the stream corridor comments in the Peoni letter.
- 17) Mr. Mayhew discusses the waivers to ensure the Board has a full understanding of their purpose.
- 18) Mr. Schmidt discusses Exhibit A-2, The Exhibit Plan aka Grading Plan, Exhibit A-3 and Exhibit A-4.
- 19) Mr. Mayhew clarifies the difference between the two waivers and what they apply to.
- 20) Mr. Schmidt states he believes they should not have to meet the Ground Water Infiltration due to the proposed retention basis functioning as projected.
- 21) Mr. Mayhew discusses why they require Ground Water Infiltration.
- 22) Mr. Schmidt expresses concern over the request to 'add more trees' into what appears to be the stream corridor area.
- 23) Ms. McLaughlin states this is something that needs to be reviewed.
- 24) Mr. Schmidt continues reviewing the letter comments.
- 25) There are no further questions from the Board.
- 26) Mr. Mayhew states they would like to add an additional request of the applicant, which is to help minimize off-site glare, remove the wall packs at the rear of the building and add extra poles on the drive aisle with a shield on the house-side.
- 27) Mr. Schmidt states that is not a problem.
- 28) Ms. Haines asks for clarification of the height of the poles.
- 29) Ms. McLaughlin asks for clarification of the number of proposed storage units.
- 30) Chairman Herbert opens to public questions for this witness.
- 31) **Zack Pliner** asks if there has been a tree count as he believes there are other species besides Ash Trees in that area; how the top of the pipe run bank is defined; how does the gate for emergency vehicles open.
- 32) Mr. Schmidt states there has been a tree count, a majority that were out there were Ash. He states there is a significant amount of trees still out there which have been identified in their existing features plan.
- 33) Mr. Schmidt discusses the functionality of the gates.
- 34) **Ricky Puldio** asks where, on the color rendering, the stream corridor intersects with rte. 206, what does it pick-up and where does it drain; Will there be a gate at the emergency access point, was a noise control plan created.
- 35) Mr. Mayhew asks for clarification that Mr. Schmidt agreed there are more evergreen plantings in the southwest property line and is there a reason for the driveway paving in the small area near where they are discussing.
- 36) Mr. Puldio asks if there was consideration made for the neighboring residents, is the 105,633 sq ft the total square footage for the building, did they do a wildlife impact. Study and are the parking lot lights 24-hour, if not what are the hours they will be on.
- 37) **Ben Burkhart**, self-storage advisor, describes his profession.
- 38) Mr. Schatzman verifies his qualifications.
- 39) There is discussion regarding Mr. Burkhart's qualifications and ability to render an opinion based on the rules of the Board for witnesses.
- 40) Mr. Schatzman states he is not asking to qualify him as an expert.
- 41) Mr. Burkhart states he considers himself an expert.
- 42) Mr. Burkhart states his educational and professional qualifications.
- 43) Mr. Anderson gives the Board guidance as to how to decide if Mr. Burkhart is an expert in his field.
- 44) Mr. Burkhart discusses why he was retained to be a witness for this application.

- 45) Mr. Mayhew states they are concerned about the potential for moving vehicles adjacent to storage sheds which have mixed traffic flow and recommends maintaining the safe zone next to the storage units.
- 46) There is a discussion between Mr. Mayhew, Mr. Anderson and Chairman Herbert regarding the safety zone.
- 47) Ms. Haines states she supports Mr. Mayhew's recommendation.
- 48) Ms. Haines asks for clarification on when the exterior lights will be on, specifically Sundays.
- 49) Mr. Burkhardt states their proposed operating hours are 6am to 9pm including Sundays with the exterior lights on till 10pm. The facility would be open to tenants seven days a week.
- 50) Mr. Anderson asks for clarification regarding how seasonal light changes impact the lighting schedule.
- 51) Mr. Burkhardt states their lights will be off dusk to dawn and tries to explain the lighting plan in a general manner. He agrees to not turn the lights on before 6am and off by 9pm.
- 52) Mr. Burkhardt discusses how employees and tenants access the property and units and security.
- 53) Ms. Haines asks if there is anything that would stop a tenant from sleeping in a unit since they are climate control.
- 54) Mr. Burkhardt discusses rules in the lease agreement, how employees review access logs, security cameras and patrol daily, and camera functionality including video storage.
- 55) Ms. Haines asks if they looked at other locations for this application.
- 56) Mr. Burkhardt states no.
- 57) Chairman Herbert states it is past the 10:00 pm limit.
- 58) Chairman Herbert opens to public question for this witness.
- 59) **Ricky Puldio** asks what turns the photocell light off.
- 60) **Mr. Burkhardt** states a timer turns it off and explains how it can be both.
- 61) Mr. Puldio asks if there is a noise ordinance in Hillsborough.
- 62) Mr. Anderson states there is a State noise ordinance and believes Hillsborough maintains that standard.
- 63) Mr. Puldio asks whose jurisdiction is to monitor the noise ordinance and how does he find out the restrictions of the ordinance.
- 64) Mr. Anderson discusses noise levels and enforcement.
- 65) Mr. Mayhew states the Hillsborough ordinance is available online.
- 66) Vice Chairman Wohlmacher asks if there is an alarm or noise associated with the opening and closing of the rear doors.
- 67) Mr. Puldio asks if there is a way for them to monitor the access points after hours for the safety of the neighboring residences.
- 68) Chairman Herbert asks for clarification on the management company and how they function.
- 69) **Steve Patron**, applicant, asks to speak. He discusses his time concerns.
- 70) There is a discussion about when to schedule the next hearing.
- 71) Ms. Haines motions, seconded by Mr. Rao, to carry without notice to January 15, 2025.

Roll Call:

Yes - Ms. Haines	Yes - Mr. Rao (<i>Alt. #1</i>)
Yes - Mr. Dewelde	Yes - Mr. Lockburner (<i>Alt. #2</i>)
Yes - Ms. Gladstone	Yes - Vice Chairman Wohlmacher
	Yes - Chairman Herbert

Motion carries

72) 10:31 pm end of hearing.

ADJOURNMENT

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

10:32 pm the meeting was adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*