

**HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT**  
**PUBLIC MEETING MINUTES**  
**July 15, 2015**

Chairman Haines called the Board of Adjustment meeting of July 15, 2015 to order at 7:31 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

**ROLL CALL:**

Frank Herbert – Present  
John Stamler – Present  
Helen Haines, *Chairman* – Present  
Curtis Suraci – Present  
Fred Gladstone - Present

Frank Valcheck – Present  
Kenneth Hesthag, *Vice Chairman* – Absent  
Steve Monte (Alt. 1) – Present  
Sally Becorena (Alt. 2) – Absent  
John Shockley (Alt.3) – Arrived at 7:55pm  
John Torok (Alt. 4) – Present

Also in attendance: Jolanta Maziarz, Esq., Board Attorney (Woolson Sutphen Anderson, P.A.); Richard Brown, P.E., Alternate Board Engineer (Carroll Engineering) David Kois, P.P., Deputy Planning Director/Zoning Official/Board of Adjustment Secretary/Clerk; and Lucille Grozinski, CCR.

**NOTICE OF MEETING**

Chairman Haines announced the meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 (“Sunshine Law”).

**ACCEPTANCE OF MEETING MINUTES**

- June 3, 2015

A motion to approve as written was made by Mr. Stamler, seconded by Mr. Valcheck.  
All in favor – Aye; Opposed – None. Motion carries.

**ACCEPTANCE OF RESOLUTIONS**

- Vinay AGARWAL – File #BA-15-05

A motion to approve as written was made by Mr. Monte, seconded by Mr. Herbert.

**Roll Call:** Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Suraci – yes; Mr. Gladstone – yes; Mr. Stamler – yes; Mr. Monte – yes; Chairman Haines – yes. Motion carries.

**BUSINESS FROM THE FLOOR**

None

**PUBLIC HEARING - APPLICATIONS**

**NY SMSA LP (Hillsborough DD SC)** – File #BA-15-04 – Block 199, Lot 60 – 409 Route 206. Applicant seeking Interpretation as to which entity has authority to review the proposed request; and subsequent ‘d’(1) Use Variance for a non-permitted use in the zoning district, should the Board not be in agreement that the request can be handled through Administrative Approval, and other such variances, waivers, and approvals required to provide a “small network node” facility, on property located in the TC, Town Center District (within the ASD Overlay Zoning District).  
*EC Review: 06-22-15*

- John Torok recused himself.
- Kevin Jones, Esq, Attorney for the Applicant, withdrew the request for Interpretation and introduced the application for the use variance.
- The Applicant agreed to add shrubs at grade, at the request of the Environmental Commission.
- James Murawski, Applicant’s Engineer, was sworn in and described the site in detail.
- Mr. Murawski indicated that the Applicant will hand dig at the location of the footings because of an existing underground storm water piper.
- There was a question about placement/side of building and Mr. Murawski provided clarification by indicating that the node will be on the south side (parking lot side).
- Sean Haynberg, Radio Frequency Expert, was sworn in and gave an overview of the federal regulations
- Complies with FCC regarding FR requirements and state emissions standard
- Haynberg described the coverage gap in detail and introduced **Exhibit A-1:** Map of existing sites without Hillsborough DD SNN site.
- **Exhibit A-2:** Map of existing sites with Hillsborough DD SNN site
- Described proposed service area
- Mr. Monte asked about overlap coverage with a nearby proposed tower.
- Mr. Murawski explained overlap coverage in detail and noted that one existing tower has reached capacity, which has resulted in lost and slow service.
- Chairman Haines asked about capacity.
- Mr. Murawski indicated that in 3-5 years, another facility will be needed.

**Board of Adjustment Meeting  
July 15, 2015**

- There was a discussion about the site acquisition process.
- David Karleback, PP, Applicant's Planner was sworn in and began to describe a photo simulation report, introduced **Exhibit A-3**: Photo of existing conditions, photo of proposed equipment area.
- Mr. Karleback provided testimony regarding the Township's Telecommunications Ordinance, Federal and State Law. Further he indicated that there would be no substantial impairment to Master Plan and Zoning Ordinance.
- Mr. Monte asked about the proposal's compatibility with the Town Center Zone.
- Mr. Karleback indicated he reviewed the ordinance and believes the proposal is compatible with the Town Center Zone.
- There was a discussion about RF emissions.
- Mr. Jones, Esq. noted that there is a 25 year lease.
- Mr. Jones, Esq. summarized the application.
- Mr. Stamler motioned to approve the application, which was seconded by Mr. Valcheck.  
**Roll Call:** Mr. Valcheck – yes; Mr. Herbert –yes; Mr. Suraci – yes; Mr. Gladstone – yes; Mr. Stamler – yes; Mr. Monte – no; Chairman Haines – yes. Motion carries.

**Stephen and Marlana DOHERTY** – File #BA-15-08 – Block 203.16 (*formerly 203I*), Lot 21 – 40 Michelle Lane. Applicant seeking 'c' Bulk Variance for relief from Maximum Impervious Coverage and other such variances, waivers, and approvals required to build a patio and walkway, on property located in the R District.

- Stephen and Marlana Doherty, Applicants, were sworn in.
- The Applicants described the application in detail.
- There was a lengthy discussion about the total impervious coverage proposed.
- Mr. Kois explained the history of the development as it relates to the impervious coverage.
- The Board adjourned for 10 minutes.
- Mr. and Mrs. Doherty amended their request to include a reduced request of 21.2% (4,494 SF).
- Mr. and Mrs. Doherty explained how they will attempt to distribute the impervious coverage.
- Mr. Stamler motioned to approve the application with a maximum of 21.2% (4,494 SF) which was seconded by Mr. Valcheck.
- **Roll Call:** Mr. Valcheck – yes; Mr. Herbert –yes; Mr. Suraci – yes; Mr. Gladstone – yes; Mr. Stamler – yes; Mr. Monte – yes; Chairman Haines – yes. Motion carries.

**BOARD OF ADJUSTMENT BUSINESS**

None

**CORRESPONDENCE**

None

**ADJOURNMENT**

The meeting adjourned at 9:15 p.m.

*Respectfully Submitted by:* David Kois, P.P., Deputy Planning Director/Zoning Official/Board of Adjustment Secretary/Clerk