

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
October 4, 2017

Vice Chairman Herbert called the Board of Adjustment meeting of October 4, 2017 to order at 7:41 pm. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

NOTICE OF MEETING

Vice 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").

ROLL CALL:

Frank Herbert, <i>Vice Chairman</i> – Present	Frank Valcheck – Present
John Stamler – Present	Dr. Steven Sireci, Jr., <i>Chairman</i> – Absent
Helen Haines – Present	Steve Monte (Alt. 1) – Present
Curtis Suraci – Present	Philomena Cellilli (Alt. 2) – Present
Fred Gladstone – Present	Paul Kaminsky (Alt. 3) – Present
	Sean Horgan (Alt. 4) – Present

Also in attendance: Mark Anderson, Esq., Board Attorney (Woolson Anderson Maziarz, P.C.); William H. R. White, III, P.E., C.M.E., Board Engineer (Maser Consulting, P.A.); Patrick Gorman, Assistant Planner/Zoning Official; and Lucille Grozinski, CCR.

BOARD OF ADJUSTMENT BUSINESS

- Oath of Office – Seat Alternate #4: Sean Horgan
 - Mr. Anderson administered the oath to Mr. Horgan.

ACCEPTANCE OF MEETING MINUTES

- September 6, 2017
 - There was a motion to approve as written. It was seconded.
 - **Roll Call:** Mr. Valcheck – yes, Mr. Suraci – yes, Mr. Gladstone – yes, Mr. Monte – yes, Ms. Cellilli – yes, Mr. Kaminsky – yes, Vice Chairman Herbert – yes. Motion carries.
- September 20, 2017
 - There was a motion to approve as written. It was seconded.
 - **Roll Call:** Mr. Valcheck – yes, Mr. Monte – yes, Ms. Cellilli – yes, Mr. Stamler – yes, Ms. Haines – yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

- None

BUSINESS FROM THE FLOOR (*For Matters not on the Agenda*)

- None

PUBLIC HEARING - APPLICATIONS

- **NATURALLY NURTURING, LLC** – File BA-17-01 – Block 205.11, Lot 48.05 – 1878 Millstone River Road. Applicant seeking 'd' Use Variance to live in a motorhome as a primary principal use on a property located in the MVH and RA Districts. (*EC Review: 9-25-17*) (*HPC Review: 9-28-17*) **Adjournment requested.**
 - Pat Cerillo, Esq., Attorney for the Applicant, explained the request for an adjournment to December 6, 2017.
 - Mr. Cerillo noted that the Applicant will supply plans for the proposed house.
 - There was discussion on the timeline of this application.
 - Yash Patel, Applicant, was sworn in and described the order of events and his appearance in front of the Somerset County Agricultural Board.
 - There was a motion to carry this application without further notice to December 6, 2017. It was seconded.
 - **Roll Call:** Mr. Valcheck – yes, Mr. Suraci – yes, Mr. Gladstone – yes, Mr. Stamler – yes, Ms. Haines – yes, Mr. Monte – yes, Vice Chairman Herbert – yes. Motion carries.
- **Steven POTAMIS & Nonna AKOPYAN** - File BA-17-09 – Block 180.09, Lot 62 – 39 Boehm Way. Applicant seeking 'c' Bulk Variance for relief from Maximum Impervious Coverage and any other variances, waivers, and approvals required to construct paver walkways and a patio with an outdoor kitchen on property located in the AG District. **Carried from September 6, 2017.**
 1. Robert Spangler, Esq., Attorney for the Applicant introduced the application.
 2. Daniel W. Caruso, Applicant's Engineer was previously sworn in and still under oath.
 3. Mr. Caruso testified about his prepared report of drainage calculations.
 4. **Exhibit A-3:** Map of properties within drainage area 1
 5. **Exhibit A-4:** Map of properties with no impact on the drainage areas
 6. **Exhibit A-5:** Map of properties with some sort of impact

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7. **Exhibit A-6:** Map
 8. Mr. Caruso described the exhibits and the proposal.
 9. Mr. Caruso testified that the proposal will not affect the drainage area.
 10. There was discussion on the surrounding properties' impervious coverage amounts.
 11. There was discussion on the date of the aerial images was taken.
 12. No public questions.
 13. Roger DeNiscia, PP, Planner for the Applicant, was sworn in.
 14. **Exhibit A-7:** Photographs of the site and google aerial photo
 15. Mr. DeNiscia testified to the odd shape of the lot.
 16. Mr. DeNiscia discussed the side driveway design of the lots in the subdivision and the impact that has on impervious coverage.
 17. Mr. DeNiscia discussed the slope of the lot and the proposed patio.
 18. Mr. DeNiscia suggested impervious coverage limits are in place to both control drainage and aesthetics.
 19. Mr. DeNiscia testified that the proposal will be aesthetically pleasing.
 20. Mr. DeNiscia clarified that the applicant is not seeking a hardship variance but instead a flexible variance where the Board will look at benefits from the application and comparing it to any substantial detriments.
 21. Mr. DeNiscia testified that it this application has aesthetic benefits and has no substantial detriments.
 22. No public questions.
 23. There was lengthy discussion on the benefits of the application.
 24. No public comments.
 25. The Board discussed the high impervious coverage request but noted that the drainage does not appear to be a problem.
 26. There was a motion and second to approve as submitted
 27. **Roll Call:** Mr. Valcheck – yes, Mr. Suraci – yes, Mr. Gladstone – yes, Ms. Cellilli – yes, Mr. Kaminsky – yes, Vice Chairman Herbert – yes. Motion carries.
- **SPANNA CONTRACTORS, LLC** – File BA-17-12 – Block 66.01, Lot 2 (*formerly Block 66A*) – 95 Old Camplain Road. Applicant seeking 'd' Use Variance and Minor Site Plan Approval to operate a contractor facility, construct a garage and storage area, and maintain the existing residence on property located in the I-1 District. (*EC Review: 9-25-17*)
 1. Francis Linnus, Esq., Attorney for the Applicant introduced the application.
 2. Mr. Linnus noted that the existing residence is a pre-existing non-conforming use having been built in the 1900s.
 3. Mr. Linnus added that the contractor facility is a permitted use.
 4. Deborah D'Amico, PE, Applicant's Engineer described her qualifications which were accepted by the Board.
 5. Ms. D'Amico noted that the plans she will refer to have previously been submitted to the Board.
 6. Ms. D'Amico described the surrounding properties.
 7. Ms. D'Amico described the proposed site work and use.
 8. Ms. D'Amico discussed on site circulation and parking.
 9. There was discussion on the storage bins on the plan which are actually stone spaces that are not enclosed.
 10. There was discussion on lighting.
 11. Ms. D'Amico testified that the Applicant will meet all of Mr. White's comments.
 12. There was discussion on the buffer between the parking spaces and the neighboring residential property.
 13. The Board requested that the Applicant supply additional plantings on the outside of the fence in the buffer area.
 14. Open to the public.
 15. Jane Schmeling, 103 Old Camplain Road, asked about the remediation of the existing dwelling and the hours of operation.
 16. It was clarified that this witness cannot answer questions about operations.
 17. There was brief discussion about environmental concerns.
 18. Edwin Diaz, Principal of Spanna Contractors, was sworn in.
 19. Mr. Diaz described the business, hours of operation, and items to be stored on the property.
 20. Open to the Public.
 21. Jane Schmeling asked about trucks to be parked on the property.
 22. There was brief discussion on parking.
 23. William Masters, Applicant's Planner, was sworn in and was accepted by the board as an expert.
 24. Mr. Monte recused himself from the application.
 25. Mr. Masters testified that the application meets the requirements for d(2) variance relief.
 26. Open to public comments.
 27. Jane Schmeling was sworn in and asked for zoning clarification.
 28. The Applicant requested a waiver from curbing requirements.
 29. There was a motion to approve with the following conditions: waivers for lights, paved parking lot, and curbing; some method of retaining the gravel; approval of the seepage pit by the Engineer; no outside storage of materials; no major repairs of vehicles on the property; the following hours of operation: Weekdays 5am to 9pm, Saturdays 6am to 8pm, Sundays on an emergency basis; and modifications to the home to be completed within one year. It was seconded.
 30. **Roll Call:** Mr. Valcheck – yes; Mr. Suraci – yes; Mr. Gladstone – yes; Mr. Stamler – yes; Ms. Haines – yes; Ms. Cellilli – yes; Vice Chairman Herbert – yes. Motion carries.

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CORRESPONDENCE

- Ordinance 2017-07 – Adopted 09-12-17 by Township Committee

ADJOURNMENT

The meeting adjourned at 10:10 pm.

*Respectfully Submitted by: Caitlin Vaz, Planning & Zoning Clerk
Reviewed by: Patrick Gorman, Assistant Planner/Zoning Official*

Approved