

**HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT**  
**PUBLIC MEETING MINUTES**  
**January 17, 2018 – Regular meeting**

Chairman Monte called the Board of Adjustment meeting of January 17, 2018 to order at 7:38 pm. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

**NOTICE OF MEETING**

Chairman Monte 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 – Absent
John Stamler – Present	Steve Monte, <i>Chairman</i> – Present
Helen Haines – Present	Philomena Cellilli (Alt. 1) – Present
Curtis Suraci – Present	Paul Kaminsky (Alt. 2) – Present
Fred Gladstone – Present	Sean Horgan (Alt. 3) – Absent
	Raj Deb (Alt. 4) – Present

Also in attendance: Jolanta Maziarz, Esq., Board Attorney (Woolson Anderson Maziarz, P.C.); Patrick Gorman, Assistant Planner/Zoning Official/Board of Adjustment Secretary/Clerk; William H. R. White, III, P.E., C.M.E., Board Engineer (Maser Consulting, P.A.); and Tina Restuccia, CCR.

**ACCEPTANCE OF MEETING MINUTES**

- **December 6, 2017**
  - There was a motion and a second to approve.
  - **Roll Call:** Mr. Stamler – yes, Ms. Haines – yes, Mr. Suraci – yes, Ms. Cellilli – yes, Vice Chairman Herbert – yes, Chairman Monte – yes. Motion carries.

**ACCEPTANCE OF RESOLUTIONS**

- **Spana Contractors, LLC – File BA-17-12**
  - There was a motion and a second to approve as written.
  - **Roll Call:** Mr. Gladstone – yes, Mr. Suraci – yes, Ms. Cellilli – yes, Mr. Stamler – yes, Ms. Haines – yes, Vice Chairman Herbert – yes. Motion carries.
- **Rorschach Gallery, LLC – File BA-17-15**
  - There was a motion and a second to approve as written.
  - **Roll Call:** Mr. Gladstone – yes, Mr. Suraci – yes; Vice Chairman Herbert – yes, Chairman Monte – yes. Motion carries.

**BOARD OF ADJUSTMENT BUSINESS**

- **Board of Adjustment – 2017 Annual Report**
  - There was discussion on the recommendations. Vice Chairman Herbert suggested the Board add the recommendations from the 2016 Annual report as no action had been taken.
  - There was a motion to approve the Annual report with the suggested changes. It was seconded.
  - **Roll Call:** Mr., Suraci –yes, Mr. Gladstone – yes, Mr. Stamler – yes, Ms. Haines – yes, Ms. Cellilli – yes, Vice Chairman Herbert – yes, Chairman Monte – yes. Motion carries.

**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*) *Continued from December 6, 2017 without notice.*
  1. Mr. Gladstone, Mr. Kaminsky, and Mr. Deb noted that they were not present at the December 6, 2017 meeting.
  2. Patrick Cerillo, Esq., Attorney for the Applicant, informed the Board that a bond was obtained as requested.
  3. Mr. Cerillo gave the Board a deadline of December 31, 2019 for the trailer to be removed.
  4. Mr. Hiller, Architect for the Applicant, previously sworn in, described the location and floor plan of the proposed home.
  5. **Exhibit A-3:** House location plan
  6. Mr. Patel, previously sworn, used the exhibit to describe the location of the nearby development, Country Classics.
  7. Mr. Hiller testified that the proposal is still in the architectural phase.

**Board of Adjustment Meeting  
January 17, 2018**

8. Mr. Hiller indicated where the RV will approximately be located during construction.
  9. Mr. Patel testified that he has already met with the Historic Commission regarding the proposed home.
  10. Open to Public questions.
  11. Susan Gulliford, Hunt Club Road, asked for clarification about several aspects of Mr. Hiller's testimony.
  12. Kevin Cavanaugh, Horseshoe Drive, wanted to make comments and was informed that this portion of the hearing is only for questions of the witness.
  13. **Exhibit A-4:** Surety Bond Confirmation Letter
  14. Mr. Patel testified he secured approval for a bond as the Board requested.
  15. Mr. Hiller testified that they are currently on target for the December 31, 2019 completion date.
  16. **Exhibit A-5:** Timeline for house completion
  17. Mr. Hiller described the timeline, testifying that there is buffer time built in to account for delays in permits.
  18. There was clarification that Mr. Patel and his family will stop living in the RV as of December 31, 2019, regardless of whether the house has been completed.
  19. Open to Public comment.
  20. Susan Gulliford, Hunt Club Road, commented that she wanted the Board to consider the scenario of the project stalling. Would the occupants be permitted to live there without actively trying to build the proposed house?
  21. Kevin Cavanaugh, 10 Horseshoe Drive, was sworn in.
  22. Mr. Cavanaugh testified to several ongoing violations on the subject property, though he realized the Board is only here to consider the RV proposal.
  23. Mr. Cavanaugh expressed concern about compliance with the deadline.
  24. Closed to the Public.
  25. Ms. Haines expressed concern about granting a use variance with a deadline.
  26. There was discussion about whether or not the use satisfied the positive and negative criteria regardless of the temporary nature.
  27. The Board discussed possible conditions of approval at length.
  28. Mr. Stamler motioned to approve the application with the condition that the RV no longer be inhabited by December 31, 2019 regardless of the state of the home. It was seconded.
  29. **Roll Call:** Mr. Suraci – no, Mr. Herbert – yes, Mr. Stamler – yes, Ms. Haines – no, Ms. Cellilli – no, Chairman Monte – yes. Motion denied.
- **John SUDIA** – File BA-17-13 – Block 145.02, Lot 32 (formerly Block 145 Lot 20) – 712-714 River Road. Applicant seeking 'c' Bulk Variances for relief from Minimum Lot Size, Minimum Lot Width, Minimum Lot Frontage, Minimum Side Yard Setback, Maximum Impervious Coverage and any other variances, waivers, and approvals required to demolish an existing house and construct a new detached single family dwelling on property referenced in the Historic Preservation Plan Element, Hillsborough Township Master Plan, Adopted April 5, 2001 and located in the RS District. (HPC review: 10-26-17)
    1. Peter Lanfrit, Esq., Attorney for the Applicant, introduced the application.
    2. **Exhibit A-1:** Buy/sell letters sent to two adjoining property owners
    3. Mr. Lanfrit noted that there was no response from either adjoining property owner regarding sale or purchase of the property.
    4. Mr. Lanfrit noted that notice was provided via certified mail to everyone on the 200ft list.
    5. Mr. Gorman agreed that the Planning Office confirmed a certified receipt was present for each name on the list.
    6. Mr. Lanfrit clarified that Mr. Sudia is the applicant and contract purchaser.
    7. Ronald Sadowski, PE, was sworn in, and his qualifications were accepted by the Board.
    8. **Exhibit A-2:** Color rendering of proposed 2 story dwelling with attached 3 car garage
    9. Mr. Sadowski testified that at one point in time that there were two residences on the property but now there is only one.
    10. **Exhibit A-3:** 11 Photographs of existing dwelling
    11. Mr. Sadowski described the existing dwelling, the subject property, and the bulk standards permitted compared to those proposed for the single family dwelling.
    12. Mr. Sadowski proposed an alternate plan that complies with the side yard setback and maximum impervious coverage by reducing the size of the garage and driveway.
    13. Mr. Sadowski testified that the Applicant can comply with all the changes requested in memos by Mr. Gorman and Mr. White.
    14. There was clarification on the variances requested due to the proposed changes to the plan.
    15. **Exhibit A-4:** Architectural renderings for proposed plan
    16. There was discussion on the trees on the property.
    17. Mr. White and Mr. Sadowski discussed the proposed dry well, which Mr. White recommended be removed.
    18. Open to the Public.
    19. John Von Nessen, adjoining property owner, made statements about signing for notice letters.
    20. Ms. Maziarz clarified the legal requirements of notice, which only includes mailing the notice.
    21. Mr. Von Nessen made comments about the small size of the lot versus the proposed large size of the home.
    22. Ms. Maziarz reminded the public that this portion of the hearing is only for questions of the witness.
    23. There was clarification that this application appeared before the Historic Preservation Commission.

**Board of Adjustment Meeting  
January 17, 2018**

24. Colleen Cascia, 1 Carroll Drive, asked about location of the existing trees and the size of the old second dwelling.
25. Ms. Cascia also expressed concern about putting a driveway onto Carroll Drive.
26. There were questions about the septic system.
27. Zahid Khan, 3 Carroll Drive, asked about the appearance of the driveway as compared to the rest of Carroll Drive.
28. Mary Von Nessen, 2 Carroll Drive, asked for the reasoning behind moving the driveway to Carroll Drive.
29. Mr. Sadowski noted that River Road is a higher speed roadway.
30. Mr. Sadowski testified that from an engineering standpoint it is safer to have a driveway off a lower speed road.
31. Mr. O'Brien, PP, was sworn in and his qualifications were accepted by the board.
32. **Exhibit A-5:** NJ Geoweb aerial view of Carroll Drive and River Road intersection
33. Mr. O'Brien detailed the three requested variances.
34. Mr. O'Brien testified that the Historic Preservation Commission voted in favor of constructing the new house oriented towards Carroll Drive.
35. Mr. O'Brien testified that from a planning perspective, it is better for houses to be on the short end of the lot rather than the long end of the lot, particularly for corner properties.
36. Mr. O'Brien testified that there are no negatives to removing trees on Carroll Drive.
37. Mr. O'Brien testified that the application can be granted through a hardship argument by being undersized and a corner lot; the benefits outweigh the detriments for public safety reasons; and that there is no negative impact on Township or the neighborhood.
38. Open to the Public.
39. A member of the public questioned the proposed footprint of the house.
40. Mr. O'Brien testified that the aesthetic choices of the proposed house try to reflect the other homes on Carroll Drive while meeting as many bulk standards as possible.
41. Mr. Khan asked if the application has received approval for the septic system from the County Board of Health.
42. There was clarification that County Board of Health approval is required but has not yet been obtained.
43. Open to Public comments.
44. Dr. Dennis Stanken, 4 Carroll Drive, licensed site remediation specialist with the NJ DEP, was sworn in. His qualifications were accepted by the Board.
45. Dr. Stanken discussed why there is a two-acre requirement for septic systems, which is related to the shale in this area and the possibility for contamination.
46. Colleen Cascia, 1 Carroll Drive, described the old dwelling that burned down. She stated it was a single room stone building.
47. Ms. Cascia expressed concern about building a five-bedroom home on this particular lot because of its small size.
48. **Exhibit O-1:** Photograph of trees on the Carroll Drive side of the property
49. Ms. Cascia expressed concern about the removal of so many trees.
50. Etienne DiPaolo, 720 River Road, commented that River Road is dangerous which is why the driveway should go onto Carroll Drive.
51. Mr. DiPaolo also noted that putting the driveway on Carroll Drive would save a tree that is approximately 17ft in circumference and very old.
52. Closed to the Public.
53. Ms. Haines motioned to approve the revised application with variances for relief from minimum lot size, minimum lot width, and minimum front yard setback with the following conditions: the Board of Health must review and approve the septic; the Applicant must comply with all third party restrictions; and the removal of the proposed stormwater mitigation as it is not needed. It was seconded.
54. **Roll Call:** Mr. Suraci – yes, Mr. Gladstone – yes, Mr. Herbert – yes, Mr. Stamler – yes, Ms. Haines – yes, Ms. Cellilli – yes, Chairman Monte – yes. Motion carries.

**BOARD OF ADJUSTMENT BUSINESS**

- The Board canceled the February 7<sup>th</sup> meeting.

**CORRESPONDENCE**

- None

**ADJOURNMENT**

The meeting adjourned at 10:42 pm.

*Respectfully Submitted by: Caitlin Vaz, Planning & Zoning Clerk*

*Reviewed by: Patrick Gorman, Assistant Planner/Zoning Official/Board of Adjustment Secretary/Clerk*