

**HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT**  
**PUBLIC MEETING MINUTES**  
**May 1, 2019 – Regular meeting**

Chairperson Haines called the Board of Adjustment meeting of May 1, 2019 to order at 7:01 pm. All stood to salute the flag. The meeting took place in the Courtroom of the Municipal Complex.

**NOTICE OF MEETING**

Chairperson 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”).

**ROLL CALL:**

Frank Herbert, <i>Vice Chairperson</i> – Present	Frank Valcheck – Present
John Stamler – Present	Steve Monte – Present
Helen Haines, <i>Chairperson</i> – Present	Paul Kaminsky (Alt. 1) – Present
Curtis Suraci – Present	Janine Erickson (Alt. 2) – Present
Philomena Cellilli – Present	

Also in attendance: Mark Anderson, Esq., Board Attorney, (Woolson Anderson, P.C.); Robert Yuro, PE, CFM, Board Engineer (T&M Associates); Patrick Gorman, Zoning Official/Assistant Planner/Board Secretary; and Tina Restuccia, CCR.

**ACCEPTANCE OF MEETING MINUTES**

- **April 3, 2019**
  - There was a motion and a second to approve as presented.
  - All eligible aye, none opposed. Motion carries.

**ACCEPTANCE OF RESOLUTIONS**

- **Faustino Vasquez – File BA-18-02**
  - There was a motion and second to approve as written.
  - **Roll Call:** Mr. Valcheck – yes, Mr. Monte – yes, Mr. Suraci – yes, Mr. Stamler – yes, Ms. Cellilli – yes, Vice Chair Herbert – yes, Chairperson Haines – yes. Motion carries.
- **Belle Mead Hot Glass – File BA-18-18**
  - There was a motion and second to approve as written.
  - **Roll Call:** Mr. Valcheck – yes, Mr. Monte – yes, Mr. Suraci – yes, Mr. Stamler – yes, Ms. Cellilli – yes, Vice Chair Herbert – yes, Chairperson Haines – yes. Motion carries.
- **Marian and Jadwiga GAWLOWSKI – File BA-18-19**
  - There was a motion and second to approve as written.
  - **Roll Call:** Mr. Valcheck – yes, Mr. Monte – yes, Mr. Suraci – yes, Mr. Stamler – yes, Ms. Cellilli – yes, Vice Chair Herbert – yes, Chairperson Haines – yes. Motion carries.
- **Joseph and Fern SMITH – File BA-18-22**
  - There was a motion and second to approve as written.
  - **Roll Call:** Mr. Valcheck – yes, Mr. Monte – yes, Mr. Suraci – yes, Mr. Stamler – yes, Ms. Cellilli – yes, Vice Chair Herbert – yes, Chairperson Haines – yes. Motion carries.
- **Signature Detailing, LLC – File BA-19-06**
  - There was a motion and second to approve as written.
  - **Roll Call:** Mr. Valcheck – yes, Mr. Monte – yes, Mr. Suraci – yes, Mr. Stamler – yes, Ms. Cellilli – yes, Vice Chair Herbert – yes, Chairperson Haines – yes. Motion carries.

**BOARD OF ADJUSTMENT BUSINESS**

- None

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

- None

**PUBLIC HEARING - APPLICATIONS**

- **Green Care Farms (Interpretation)** – File BA-19-03 – Applicant seeking an Interpretation of the Hillsborough Township Ordinance 188-3 to determine if Dementia Care Home fits the definition of nursing home.
  1. Mr. Gorman introduced the application.
  2. David Singer, Esq., Attorney for the applicant gave a brief introduction and listed the witnesses to present.
  3. Mr. Anderson clarified for the Board what to consider during this application.
  4. Rajiv Singh and David Barile, Co-owners of Green Care Farms, were sworn in.
  5. The applicants gave brief descriptions of their backgrounds especially as it relates to medicine.
  6. Dr. Barile described what a dementia care home is and how it differs from a traditional nursing home.
  7. There was clarification that a nursing home and dementia care home require different licenses from the state.
  8. The applicants noted that many nursing homes have a dementia care wing.

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9. There was discussion on the definition of nursing home by the state agency.
  10. The applicants presented a conceptual plan for what a dementia care home may look like.
  11. A hard copy of the slide show presented is marked as **Exhibit A-1**.
  12. It was clarified that the presentation is for example purposes only and the Board is not considering a site plan or a specific property with this application.
  13. No public questions.
  14. Wayne Ingram, Applicant's Planner, was sworn in and his qualifications were accepted by the Board.
  15. Mr. Ingram gave his professional opinion of the definition of nursing home in the ordinance and that a dementia care home fits in with that definition.
  16. There was discussion on the part of the definition of nursing home that requires a person to be "aged or sick" and whether dementia patients fit that definition.
  17. The Board discussed the application.
  18. There was a motion to interpret a dementia care home as a nursing home as nursing homes are defined in the Township ordinance. It was seconded.
  19. **Roll Call:** Mr. Valcheck – yes, Mr. Monte – yes, Mr. Suraci – yes, Mr. Stamler – yes, Ms. Cellilli – yes, Vice Chair Herbert – yes, Chairperson Haines – no. Motion carries.
- **Absolute Property Management, LLC (Parking Lot Expansion)** – File BA-19-01 – Block 202, Lot 19 – 170 Township Line Rd. Applicant seeking Preliminary and Final Major Site Plan Approval, 'd' variance, and 'c' variance for expansion of a parking lot on property located in the AG Zone. (EC Review: 4-29-19)
    1. Mr. Gorman introduced the application.
    1. Roberto Creagh, Esq., Attorney for the applicant described the variances required.
    2. Michael Ford, Applicant's Engineer, was sworn in and his qualifications were accepted by the Board.
    3. **Exhibit A-1:** Site Plan
    4. Mr. Ford described the property using the exhibit and stated that no uses are changing on the property.
    5. Mr. Ford indicated the parking lot expansion is to provide more parking closer to the existing childcare use.
    6. There was brief discussion on the lighting and landscaping in the proposed expansion area.
    7. Mr. Ford discussed how this proposal impacts the stormwater runoff and neighboring properties.
    8. There was brief discussion on the proposed porous pavement.
    9. There was clarification that the request for impervious coverage would not exceed 20.1%.
    10. Mr. Ford discussed the Environmental Commission's report and how the applicant will comply with their concerns.
    11. Mr. Ford testified he would meet all conditions from the Engineering report.
    12. There was clarification that no buffer is required for the expanded parking.
    13. Mr. Ford testified that the applicant will not apply for an LOI.
    14. Mr. Ford gave testimony to support the d(2) variance, stating the intensity of the non-conforming use will not change as a result of this application.
    15. Mr. Ford stated that the existing parking lot could not be reconfigured to keep the existing impervious coverage while still adding parking spots where they are most needed.
    16. No public questions or comments.
    17. There was a motion to approve the application for the requested variances and waivers with the conditions as discussed by the Board. It was seconded.
    18. **Roll Call:** Mr. Valcheck – yes, Mr. Monte – yes, Mr. Suraci – yes, Mr. Stamler – yes, Ms. Cellilli – yes, Vice Chair Herbert – yes, Chairperson Haines – yes. Motion carries.
  - **Syed Faisal & Ume Fawa ZAIDI** – File BA-19-07 – Block 175.17, Lot 15.02 – 4 Danbury Ct. Applicant seeking 'c' Bulk Variance for relief from Maximum Impervious Coverage to permit construction of a patio around a proposed inground pool, a covered patio, addition to the dwelling, and a driveway expansion on property located in the R District.
    1. Mr. Gorman introduced the application and explained the nature of the variance requested.
    2. Syed Faisal Zaidi, Applicant, described the proposal.
    3. Robert Kiser, PE, PP, professional for the applicant, was sworn in and his qualifications were accepted by the Board.
    4. **Exhibit A-1:** Aerial of the property
    5. **Exhibit A-2:** Site plan showing proposed improvements
    6. There was brief discussion on the existing driveway.
    7. Mr. Kiser testified that the existing stone portion of the driveway will be removed.
    8. There was discussion on how the existing impervious coverage is over the maximum.
    9. Mr. Kiser described the proposed seepage pits and agreed to design them to the satisfaction to the Board Engineer.
    10. The Board discussed the percentage requested and expressed that the proposal may be too high.
    11. The Board discussed seeing water pooling on the property.
    12. Mr. Zaidi was sworn in.

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13. Mr. Zaidi testified that there is no flooding on his property and that the pooling water the Board indicated is on his neighbor's property.
14. Mr. Zaidi testified that the proposed covered patio could be redesigned to be pervious.
15. Mr. Zaidi also agreed he could change some of the pavers to stone.
16. The Board suggested Mr. Zaidi provide a revised plan.
17. The Board continued this application to July 17, 2019 with notice.

**ADJOURNMENT**

The meeting adjourned at 9:31pm.

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

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

Approved