

**Hillsborough Township
Board of Adjustment Minutes
March 20, 2013 Meeting**

Madam Chairman Fenwick called the Board of Adjustment meeting of March 20, 2013 to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the courtroom of the Municipal Complex.

Madam Chairperson Fenwick announced that the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ROLL CALL

Michael Volpe – Absent
John Stamler – Present
Helen Haines, Vice Chairman – Present
Marian Fenwick, Chairman – Present
Walter Dietz – Present

Frank Valcheck – Present
Shawn Lipani (#7) – Present
Frank Herbert (Alt. #1) – Present
Curtis Suraci (Alt. #2) – Present
Kenneth Hesthag (Alt. #3) – Present
Michele Horst (Alt. #4) – Absent

Also in attendance were Mark Anderson, Esq., Board Attorney (Woolson Sutphen Anderson, P.C.); William H. R. White, III, PE, Engineer, Maser Consulting; David Kois, Zoning Officer/Assistant Planner/Board of Adjustment Administrative Officer/Secretary; and Lucille Grozinski, CCR.

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

Thomas and Sandra RICCARDO – File #BA-12-12 – Block 142, Lot 32 – 196 Route 206 South.

Mr. Lipani made a motion to amend the resolution for BA-12-12, with the following change, removal of page 5, 1.(k) regarding the soil samples, which was seconded by Mr. Stamler.

Votes in Favor: Mr. Valchek, Mr. Herbert, Mr. Dietz, Mr. Stamler, Mr. Lipani, Vice Chairperson Haines and Chairperson Fenwick.

Votes Against: None

Mr. Lipani made a motion to approve the resolution for BA-12-12, as amended, which was seconded by Vice Chairperson Haines.

Votes in Favor: Mr. Valchek, Mr. Herbert, Mr. Dietz, Mr. Stamler, Mr. Lipani, Vice Chairperson Haines and Chairperson Fenwick.

Votes Against: None

William FARKAS – File #BA-12-14 – Block 173, Lot 27 – 326 Zion Road.

Mr. Lipani made a motion to approve the resolution for BA-12-14, which was seconded by Mr. Valchek.

Votes in Favor: Mr. Valchek, Mr. Lipani, Mr. Herbert, Mr. Suraci, Vice Chairperson Haines and Chairperson Fenwick.

Votes Against: None

BOARD OF ADJUSTMENT BUSINESS

None

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING - APPLICATIONS

Patrick DeNapoli, Jr. – File BA-12-10 – Block 58, Lot 29 - 154 Johanson Avenue.

Madam Chairperson Fenwick indicated that the application is adjourned to April 3, 2013 with notice.

Rena and Jay FLEISCHMAN – File #BA-13-02 – Block 177.10, Lot 12 – 332 Homestead Road.

Jay Fleischman, Applicant was sworn in.

Mr. Fleischman indicated that his family has grown and he needs more space.

Mr. Stamler asked for the measurements of the brick patio.

Mr. White indicated that the brick patio is 12x10.

Mr. Fleischman indicated that a deck and brick patio will be removed to accommodate the proposed sunroom.

Vice Chairman Haines asked for the distance of the existing deck from the fence.

Mr. Fleischman indicated that it is approximately 15 feet.

Vice Chairman Haines asked about the negative impact of drainage
Mr. Fleischman noted that he believes that the drainage will be better when everything is removed.
Mr. Lipani asked if the gutters will direct the water to catch basins.
Mr. Fleischman explained that his neighbor along the fence installed a drain, not shown on plan, approximately a foot onto his property. He would like to attach to the existing drain.
Mr. Dietz asked where the water is being directed.
Mr. Fleischman indicated that the drain leads to the road.
Vice Chairman Haines asked if impervious coverage can be reduced.
Mr. Dietz indicated that the existing house and driveway alone, exceeds the impervious coverage limit to no fault of the Applicant. Further, he believes the subject property was part of a court settlement agreement. The driveway was stone and considered 50% impervious coverage. Further, he indicated that he does not know why the Township does not raise the impervious coverage limit on these types of developments to make it functional for the property owners.
Mr. Kois indicated that there is a Brandywine development that is a court mandated development; however the subject property is located within the Brandywine at Homestead development which is not a court mandated development. Further, Brandywine at Homestead was located in the CR Zone prior to 1978, approved in 1977. The zoning was changed after it was approved as a cluster development, which made it nonconforming. The CR permits 30% today.
Mr. Lipani indicated his concerns over the drainage.
Mr. Dietz asked how large of a rain garden would mitigate the proposal.
Mr. White noted the challenges associated with enforcing such a condition and that the overall impact of the proposal (40 SF) is de minimus. As long as the resident takes care of his lawn and has healthy vegetation, impacts are likely to be offset.
Mr. Fleischman explained that his home is located on a corner lot and is setback farther than the surrounding homes.
Vice Chairperson Haines asked about the possibility of relocating the shed onto the driveway.
Mr. Fleischman noted that he will if the Board requires him to.
Several Board members indicated that they don't believe the relocation of the shed is needed.
Mr. Lipani made a motion to approve the application for FLEISCHMAN, with the condition of submission of a grading plan if required by the Engineering Department, which was seconded by Mr. Stamler.
Votes in Favor: Mr. Valcheck, Mr. Dietz, Mr. Lipani, Mr. Stamler, Mr. Herbert, Vice Chairman Haines and Madam Chairman Fenwick.
Votes Against: None.

The AVALON at Hillsborough – File #BA-13-03 – 393 Amwell Road.

Mr. Lipani recused himself.
William B. Savo, Attorney for the Applicant introduced the application.
Donald Pellegrino, Applicant was sworn in.
Mr. Pellegrino explained the need for additional parking.
Mr. Pellegrino indicated that when the facility received approval the model of the business was based on social model with medical support,
Mr. Pellegrino further explained that the health care continuum has changed and is moving away from social to medical/social. The average used to be 82 and now it is 88. They have found that people coming in need more assistance with their activities of daily living now, need to provide more assistance, more need driven rather than a social model. The need for additional support, visiting nurses coming in as people transfer to the sub-acute unit at Brdigeway next door.
Mr. Pellegrino noted that more people have in with comprised situations which have resulted in a need for additional staffing which requires additional parking spaces.
Mr. Pellegrino indicated that they have monitored the parking during the day, 32 primary staff, which does not include support service (8:00AM to 4:00PM) plus 5 residents have their cars on site. There are only 41 parking stalls.
Mr. Pellegrino noted that the proposed parking spaces would be specifically for the residents and visitors, given the close proximity of the side entrance.
Mr. Pellegrino described the location and details of the parking spaces. He indicated that the tree will remain in the general area, but be relocated to make room for the proposed parking stalls.
Mr. Pellegrino addressed a concern in the Zoning Report regarding 10 parking spaces in a previous resolution and indicated that 9 of the ten were constructed on the adjoining property.
Mr. Pellegrino distributed photos and described them.

The following exhibits were marked into evidence:

- A1: Proposed Parking Stall Area
- A2: Proposed Parking Stall Area
- A3: Proposed Parking Stall Area

Vice Chairperson Haines inquired about other possible locations.

Mr. Pellegrino indicated that there are limitations to the alternative locations.

Mr. Dietz expressed his concerns about the limitation of parking.

Chairperson Haines asked if there is a need to add additional handicap parking.

Mr. Pellegrino indicated that they are not required to add additional handicap parking and do not feel the need at this time.

Mr. Kois indicated his concern regarding a passive recreation area on a previous site plan.

Mr. Pellegrino indicated that there has not been a demand on passive recreation area due to the resident type and a gardening area was provided as an alternative.

Mr. Dietz made a motion to approve the application for AVALON with the Engineer's comments, which was seconded by Vice Chairperson Haines.

Votes in Favor: Mr. Valcheck, Mr. Dietz, Mr. Stamler, Mr. Herbert, Mr. Suraci, Vice Chairperson Haines and Madam Chairperson Fenwick.

Votes Against: None.

EXECUTIVE SESSION

The Board went into executive session to discuss litigation and attorney client privilege matters regarding ROTH.

ADJOURNMENT

The meeting adjourned at 8:50 P.M.

Respectfully submitted by:

David Kois

Zoning Officer/Assistant Planner

Board of Adjustment Administrative Officer/Secretary