

**Hillsborough Township
Board of Adjustment Meeting
February 15, 2012**

Chairman Leon Krals called the Board of Adjustment Meeting of February 15, 2012 to order at 7:30 p.m. The meeting took place at the Municipal Building in the Courtroom.

Pledge of Allegiance

Notice of Meeting

Chairman Krals announced that the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975.

Roll Call:

Joseph Jaghab - Absent
John Stamler - Present
Helen Haines - Present
Leon Krals - Present
Walter Dietz - Absent

Frank Valcheck - Present
John Sheridan – Absent
Frank Herbert (Alt. #1) - Present
Shawn Lipani (Alt. #2) – Present
Curtis Suraci (Alt. #3) - Present
Michael Volpe (Alt. #4) – Present

Also in attendance are Mark Anderson, Esq., Board Attorney, Woolson Sutphen Anderson, P.A; William H. R. White, III, PE, Engineer, Maser Consulting; David Kois, Zoning Officer / Assistant Planner; and Lucille Grozinski, CCR.

Board of Adjustment Business

Bylaws of Board of Adjustment – Proposed Revisions by Subcommittee

Board of Adjustment Site Walk Form

Vice Chairperson Haines reported the proposed revisions by the subcommittee.

The Board discussed the proposed revisions to the bylaws and the site walk form with comments from Mr. Anderson.

Vice Chairperson Haines made a motion to approve the proposed revisions to the Bylaws of Board of Adjustment, which was seconded by Mr. Lipani.

Votes in Favor: Mr. Valchek, Mr. Herbert, Mr. Stamler, Mr. Lipani, Mr. Suraci, Mr. Volpe, Vice Chairperson Haines and Chairman Krals.

Votes Against: None.

Business from the Floor

None

Public Hearing-Applications

Thomas & Mary ALBENESE / Pemberly, LLC – File #BA-11-17 – Block 173, Lot 7 – 15 Wertsville Road.

Chairman Krals informed the applicant's representatives that at some point the Board expects the applicant to go before the Historic Preservation Commission (HPC) for recommendations.

Mike O'Grodnick, Esq., Attorney for the applicant noted that the subject property is not on a historic site list, but is eligible. They prefer to proceed with the hearing tonight and go to the HPC after.

David Kois, Zoning Officer / Assistant Planner verified that the subject property is on the Hillsborough Historic Preservation Listing.

Chairman Krals cautioned the applicant's representatives that there may be insufficient time to hear the application at this meeting.

Vice Chairperson Haines raised a concern regarding the agricultural easement and the listing of the subject property on Somerset County's Recreation and Open Space Inventory (ROSI). She requested documentation from Somerset County or Green Acres that provides clarification.

Mr. O'Grodnick suggested that the deed is the controlling document.

Mr. Kois noted that Mr. Ringelheim, Township Planner looked into the matter and discovered that the County has incorrectly listed the subject property on the ROSI.

Vice Chairperson Haines indicated that the County should explain why the subject property is on the ROSI.

Chairman Krals noted that if the subject property is on the ROSI then the Board has to abide by that.

Mr. O'Grodnick noted that they have been approved by the Somerset County Planning Board.

Mr. Anderson indicated that he does not know if the County Planning Board has the authority to waive the inclusion on the ROSI.

Mr. O'Grodnick indicated that they will consent to adjournment without further notice for March 21, 2012 in order to address the issues raised.

Ian and Courtney PROGIN – File #BA-12-01 – Block 36, Lot 10 – 28 First Street.

Mr. Kois introduced the application.

Jennifer Fleischer, Esq., Attorney for the applicant described the application.

Courtney Progin, Applicant was sworn in.

Ms. Fleischer proceeded to ask Mrs. Progin questions regarding the application.

Mrs. Progin described her home and the reasons for the application.

Mrs. Progin described the neighborhood. She noted that they attempted to sell the home and described the deficiencies of the property.

Mrs. Progin indicated that her family has gone through some medical issues in the past year. She noted that having additional space will help with the treatment process.

Mr. Anderson cautioned the applicant that issues that deal with the family personally are not issues that affect the land. The case has to involve the use of the land and not an individual's circumstances.

Chairman Krals noted that any personal circumstances cannot be considered as part of the decision.

Mrs. Progin indicated that she has been informed by realtors that her home is not in a desirable location because their home is across the street from a firehouse.

Mrs. Progin noted that there is no current drainage problem associated with her home and she does not believe the addition will adversely affect the drainage in the area. She further noted that the proposed addition is not creating any new impervious coverage beyond what is permitted.

Mrs. Progin indicated that the proposed addition height will be approximately 30 and 35 feet.

Mr. Anderson asked if there will be an increase of water consumption with the proposed addition.

Mrs. Progin indicated that she did not know.

Mr. Anderson indicated that the lot is severely undersized given it is on well water.

Mr. Anderson asked if the applicant investigated if the water supply is sufficient and what kind of impact the proposed addition will have on the neighborhood.

Mrs. Progin answered no.

Vice Chairperson Haines asked if there is a history of any wells going dry in the neighborhood.

Mrs. Progin answered no.

Mr. White asked if there will be any renovations to the existing bathroom to reduce water consumption.

Mrs. Progin indicated that the bathrooms were updated by the previous owner.

Mr. Lipani asked if they plan on staying in the home or plan to sell it.

Mrs. Progin indicated that they intend to stay in the home.

No questions from the public.

Randall Sinclair, Contractor and father of Mrs. Progin was sworn in.

Mr. Sinclair indicated that the height of the addition will be approximately 30 feet, no higher than 35 feet.

Mr. Sinclair noted that all the drainage from the house currently goes towards the rear of the home. He further indicated that the flow of water from the gutters will not change.

Mr. Sinclair indicated that the current drain located in the driveway will be removed. He noted that there is no longer a need for the drain.

Mr. Sinclair noted that a grading plan will be submitted.

Michael Merdinger, President of Volunteer Fire Company #1 commented that the Progin's are great neighbors and the fire company supports their application.

Vice Chairperson Haines made a motion to approve the resolution for Ian and Courtney Progin subject to the requirements of Mr. White's Report. The motion was seconded by Mr. Stamler.

Vice Chairperson Haines noted that the application will enhance the neighborhood.

Votes in Favor: Mr. Valcheck, Mr. Herbert, Mr. Stamler, Mr. Lipani, Mr. Suraci, Vice Chairperson Haines and Chairman Krals.

Votes Against: None.

Guy and Bridget BUZZONI – File #BA-11-14 – Block 144, Lot 16.01 – 407 New Centre Road.

Mr. Kois introduced the application.

Howard Apgar, Esq., Attorney for the applicant informed the Board that the applicant re-noticed and they will restart testimony.

Mr. Apgar described the application in detail.

Guy Buzzoni, Applicant was sworn in.

The following Exhibits were marked into evidence:

- A1 – Aerial View of Google Earth of subject property (Representative of existing conditions)
- A2 (a-d) – Photos, Plans & Shadow Report Illustration

Mr. Buzzoni described the location of the home on the property and referred to Exhibits A1 and A2.

Mr. Buzzoni described the front of the property as having three riding rings. He noted that the optimum location for the solar array is in the riding ring closest to New Centre Road. They chose an alternative location because they wanted to be sensitive to the 75 foot front yard setback.

Mr. Buzzoni described the solar report illustration in Exhibit A2. He described the screening proposed.

Mr. Stamler asked about moving the panels closer to the home.

Mr. Buzzoni noted that they did not consider moving it any further back because the array fits best where proposed while maintaining the maximum use of the riding ring.

Vice Chairperson Haines suggested reducing the number of panels so that the array can be moved closer to the home.

Mr. Buzzoni explained that the number of panels proposed is compatible with the consumption history of the house.

Mr. Stamler asked if the solar array can be reconfigured into two rows.

Chairman Krals noted that based on the solar report illustration provided, it appears the panels can be moved closer to the home if the fences are removed.

Mr. Buzzoni indicated that they are not proposing a location closer to the home because it would diminish the current use of moving his livestock from the barn to the riding rings.

Mr. Buzzoni described the trees located at the rear of his lot and on the adjoining properties.

Mr. Stamler asked Mr. Buzzoni if he is willing to propose another location.

Mr. Buzzoni responded that the array will not fit because the riding ring gets smaller towards the home.

Chairperson Haines inquired about the possibility of reconfiguring the array to multiple rows.

Mr. Buzzoni indicated that by setting up the array in rows there will be shadows from the arrays and it will take up a larger area.

Mr. Stamler indicated that he would like to see what a reconfiguration with rows would look like.

Vice Chairperson Haines asked about lowering the height of the array.

Mr. Buzzoni noted that it was considered.

Mr. Herbert asked about the distance between the array and the screening.

Mr. Buzzoni indicated that as shown on the plan the measurement between the solar array and the fence is 10 feet, however he is now proposing that it will be 15 feet. The screening on the sides would be increased to accommodate the increase.

Paul Joyce, REC Solar Consultant was sworn in and described his qualifications as a solar panel expert.

Mr. Joyce indicated that the solar array is 3 panels deep and 15 panels wide. He noted that it is an appropriate sized array for the subject property.

Mr. Joyce addressed the idea of changing the proposed configuration of the array.

Mr. Joyce explained that if the depth of the panels is increased then they become higher, therefore the tilt has to be changed making it less efficient and requiring more panels.

Mr. Joyce indicated that the optimum tilt in New Jersey is 30 degrees.

Mr. Joyce noted that when the depth of the panel is increased then the array is too high and when the tilt is lowered to make the array shorter then production is lost. As the tilt is changed more modules would be required to compensate for the loss of efficiency.

Chairman Krals asked about other configurations.

Mr. Joyce indicated that the system can be divided into two arrays, however because of the height of the arrays the two rows would have to be separated by at least 15 feet taking up more space.

Vice Chairperson Haines indicated that the problem is that this is in the front yard and the Board wants to minimize the impact.

Mr. Joyce noted that Mr. Buzzoni's house and trees shades the entire back parcel of the property. He further noted that the options for solar for this property are all in the front yard unless the trees are cleared.

Mr. Stamler asked Mr. Joyce if he would recommend solar for this property.

Mr. Joyce responded yes.

Mr. Stamler asked Mr. Joyce is there is another proposal to move the panels closer to the home.

Mr. Joyce noted that he would like to see the array in the front riding ring. He noted that Johnson and Johnson in Raritan Township installed ground mount solar panels along Route 202.

Vice Chairperson Haines noted that there does not appear to be a compromise position.

Chairman Krals asked for the optimal technical location.

Mr. Joyce noted that the optimal technical location would be in the area closest to the road, but the Buzzoni's do not want it located there.

Mr. Joyce indicated that the next best place would be the location proposed.

Mr. Herbert asked how many feet would be gained if the array was reconfigured to two rows and moved closer to the home.

Mr. Joyce noted that 30 feet would be gained. He further noted that by making the array into two rows the neighbors would see more of the screening from the side with that design then from the one proposed.

Mr. Krals asked if there can be a berm or trees on the berm.

Mr. White indicated that a suitable berm would be 30 feet wide. He expressed his concerns for the grading.

Mr. Anderson asked for clarification regarding the amount of space between the fence screen and the panels.

Mr. Joyce indicated that 15 feet is appropriate.

Mr. Stamler inquired about the possibility of putting one panel all the way across in the front pasture along the road with box-wood screening.

Mr. Joyce noted that if the panel was 3 feet off the ground with a 30 degree pitch the panel would be about 3 feet high.

Mr. Apgar made his closing statements.

Vice Chairperson Haines described her concern for the visual impact.

Mr. Herbert indicated that based on testimony, the best location for the panels in terms of view for the neighbors may be what is proposed.

Mr. Stamler indicated his concerns are for the visibility and the placement of the panels.

Mr. Lipani suggested a different kind of fence accompanied by shrubbery.

Mr. Valcheck noted that stockade fences are ugly so put up trees.

Chairman Krals noted that he is concerned that the Board was not given any other options.

Vice Chairperson Haines asked if the applicant is willing to put up some kind of evergreen instead of or in combination of a fence.

Mr. White shared his concerns about planting evergreens next to each other and that nature never plants trees in a row.

Mr. Anderson asked if the applicant would like to carry the application to another meeting.

Chairman Krals indicated that he prefers that there be some tree and fence combination buffer.

Vice Chairperson Haines made a motion to carry the application without further notice to March 7, 2012 which was seconded by Mr. Stamler. All members approved the motion.

Votes Against: None.

Acceptance of Minutes

Vice Chairperson Haines made a motion to approve the reorganization session minutes of January 18, 2012, which was seconded by Mr. Stamler. This was approved unanimously by all eligible members.

Mr. Stamler made a motion to approve the regular session minutes of January 18, 2012, which was seconded by Mr. Volpe. This was approved unanimously by all eligible members.

Mr. Stamler made a motion to approve the executive session minutes of January 18, 2012, which was seconded by Vice Chairperson Haines. This was approved unanimously by all eligible members.

Acceptance of Resolutions

Mr. Volpe made a motion to approve the resolution for John LAZORCHAK (BA-11-07), which was seconded by Mr. Suraci.

Votes in Favor: Mr. Valchek, Mr. Suraci, Mr. Herbert, Mr. Stamler, Mr. Volpe, Vice Chairperson Haines and Chairman Krals.

Votes Against: None.

Correspondence

None

Adjournment

The meeting adjourned at 10:30 p.m.

Submitted by:

David Kois

Zoning Officer / Assistant Planner

Approved