

**Hillsborough Township  
Board of Adjustment Meeting  
March 21, 2012**

Chairman Leon Krals called the Board of Adjustment Meeting of March 21, 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 - Absent  
Helen Haines - Present  
Leon Krals - Present  
Walter Dietz - Present

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**

None

**Business from the Floor**

None.

**Executive Session**

A Closed Session was conducted by the Board.  
The matter of Jeffery Roth

Chairman Krals indicated that the Board will conduct a Closed Session.

Mr. Anderson noted that the Executive Session will include discussion of Attorney-Client issues involving the new resolution for the Roth matter.

**Acceptance of Resolutions**

Mr. Anderson explained that the judge remanded the Roth Matter back to the Board for the purpose of providing further explanation in the resolution regarding only the conditions that were imposed. The Board discussed potential revisions.

Mr. Dietz made a motion to approve the resolution for Jeffrey ROTH (BA-06-43) – [Revised] with the date of July 1, 2012 added to two blank places in on page 19, Item 1 and adding the words “turning left” after the words “total length” on page 17, Item 17, which was seconded by Ms. Haines.

Votes in Favor: Mr. Valchek, Mr. Dietz, Vice Chairperson Haines and Chairman Krals.

Votes Against: None.

Mr. Lipani made a motion to approve the resolution for Ian and Courtney PROGIN (BA-12-01), which was seconded by Mr. Suraci.

Votes in Favor: Mr. Valchek, Mr. Herbert, Mr. Lipani, Mr. Suraci, Mr. Volpe and Chairman Krals.

Votes Against: None.

**Public Hearing-Applications**

Chairman Krals explained the protocol for the following proceedings.

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

Mr. Kois, Zoning Officer / Assistant Planner introduced the application.

Mr. Dietz indicated that he put the addition (sunroom) on the house many years ago. He asked the applicant's attorney if he had any issues with him being on the Board for the application.

Michael O'Grodnick, Esq., Attorney for the applicant responded that he has no objections and proceeded to describe the application.

Mr. O'Grodnick described a letter from Bill Cooper, Esq., Somerset County dated February 21, 2012 in regards to issues raised by the Board at the previous hearing.

Mr. O'Grodnick described a letter from the Historic Preservation Commission dated March 9, 2012.

Mr. O'Grodnick indicated that the application received the following approvals by the Somerset County Planning Board, Delaware & Raritan Canal Commission, and Somerset-Union Soil Conservation.

Mr. O'Grodnick noted that the applicant will meet the requirements of Hillsborough Fire Safety and the Hillsborough Health Department.

Mike Ford, PE, PP, Van Cleef Engineering Associates was sworn in.

Mr. Ford described the application.

Mr. Ford noted that the existing septic system for the house is in the stream corridor.

Mr. Ford noted that a benefit of the project to the existing conditions is that the septic system will be in front of the house and outside the stream corridor.

Mr. Dietz asked if it will be a mound system.

Mr. Ford described the location of the proposed septic system. He noted that because of the grade the septic won't be a visible mound in front of the house.

Mr. Ford noted that soil testing was witnessed by the Health Department for the proposed septic systems.

Mr. Dietz asked for further clarification regarding the design of the septic system retaining the visual integrity of the property.

Mr. Ford noted that the system is filling in a part of the land that had been excavated at some point.

Vice Chairperson Haines asked about the trees being cleared for the septic system.

Mr. Ford noted that the location of the septic for the caretaker's home is in a portion of the property that was exempted from the agricultural use area.

Mr. Ford explained that the intended use of the owners is to have horses on the property.

Chairman Krals asked about the trees being removed.

Mr. Ford indicated that the tree preservation ordinance does not apply to the project.

Mr. Ford noted that residents planted over 50 shade trees along the driveway.

Mr. Ford indicated that a waiver is being requested for intrusion within the stream corridor because the existing dwelling already there.

Mr. Ford noted that because of the historic significance and the architectural element the addition is proposed on the west-end of the house that is in the stream corridor. It is an area that is a disturbed streambed area with maintained lawns.

Mr. Ford indicated that they are proposing to reduce the stream corridor in one area and expand the stream corridor in another area that is undisturbed.

Mr. Ford noted that there is hardship element because the addition needs to go where it is proposed to respect the other aspects of the project namely the historic significance of the house.

Mr. Ford indicated that the carriage barn will replace the falling down garage. The carriage barn will have 6 garage doors; however three of the bays are smaller and are intended for farm equipment rather than cars.

Mr. Dietz asked if a variance is required for the barn to be in the front yard of the caretaker's house.

Mr. Ford noted that it does not require a variance because the barn is behind the primary residence.

Mr. White indicated that the front yard is established by the existing principle structure.

Mr. Ford indicated that the granting of a 'd' variance will not alter the character of the neighborhood. He acknowledged that as part of the conservation easement a second residence was permitted, however it excluded subdivision.

Mr. Ford noted that the existing septic will be upgraded and moved out of the stream corridor. The architectural element will be preserved for the main house. No wetlands, floodplains and buffers will be disturbed as part of this application.

Mr. Ford indicated that the proposed caretaker's residence will provide an opportunity for a walk to work type of living arrangement as opposed to living off site and traveling back and forth to the property.

Mr. Ford noted that the second residence on the lot is not a detriment to the zoning ordinance from a density standpoint.

Mr. Ford indicated that there will be a restriction that it has to be a caretaker in the proposed residence as indicated in the deed.

Mr. Ford noted that the Historic Preservation Commission recognized that the investments being made with the proposed project will help it continue rather than to deteriorate.

Mr. Dietz asked about excluding the caretaker's house from becoming a rental/income property.

Mr. Ford agreed that the caretaker's house can only be for a caretaker of the farm and not a rental property.

Vice Chairperson Haines asked if the applicant would agree to an inspection of the property to an onsite inspection to make sure it is not a rental property.

Mr. O'Grodnick agreed to the condition to be imposed in the resolution.

Chairman Krals asked how the front yard was determined in regards to the proposed barn.

Mr. White indicated that the barn is in front yard.

Chairman Krals indicated that the barn is in the front yard and would require a variance.

Mr. Ford agreed with the Chairman

Mr. Ford indicated that the measurements of 1,402 and 1,409 indicated on the survey are to the Wertsville Road ROW.

Mr. Ford indicated that the property will not be a detriment to the public good, or a substantial detriment to the Master Plan, Zoning Ordinance or Mountain Conservation zone. The 'd' variance is worthy of approval by the Board.

Opened to public for questions.

Susan Reliford asked how many residents will be living in the caretakers home in regards to the septic system capacity.

Mr. Ford noted that the size of the system is based on the number of bedrooms. The minimum sized septic that complies with the code is for a two bedroom unit.

Vice Chairperson Haines asked what is proposed for the second floor of the caretaker's home.

Mr. Ford said if it is finished it could be a second bedroom.

Mr. White asked Mr. Ford various questions.

Mr. Ford testified that the 12 year old survey reflects the current conditions as it exists today.

Mr. Ford indicated that there is a well for the caretaker's house and a plan will show the water line extending from the well to the caretakers house.

Mr. Ford noted that the applicant will comply with all five statements/requirements conditions that they comply with as noted in Mr. White's memorandum dated February 14, 2012.

The Board took a 5 minute break.

Maximillian James Hayden, III, Architect was sworn in.

He described the house as it is currently.

Exhibits added:

- A1 through A5

Mr. Hayden noted that the sunroom will be removed.

Mr. Hayden described the proposed addition. He noted that the intent is to restore the house.

Mr. Hayden described the carriage barn and described the proposed second floor recreation room as having a powder room and a kitchenette.

Mr. Hayden described the horse barn as having two stables.

Mr. Hayden described the original conservation easement as having a driveway that separated before where the proposed carriage barn is located. However, the project was designed to have a shared driveway to make the property look like one complex rather than separate houses.

Chairman Krals asked about the use of the cupola.

Mr. Hayden noted that the cupola is decorative.

Mr. Hayden described the caretaker's house.

Mr. Hayden indicated that there is no plan to develop the upstairs but it could be used as a bedroom at some point.

Mr. Hayden indicated that the applicant would like to have the opportunity to have the second bedroom in case the future caretaker has a family and requires additional space.

Mr. Hayden indicated that the space above the garage would be an attic and not usable living space per the building code.

Mr. Anderson asked some questions regarding the plan, A1 which was submitted in the original application.

Mr. Hayden noted that the plan requires corrections such as labeling and doorways and it will be corrected.

Mr. Kois asked the applicant if they are willing to further restrict the use of the carriage barn from being used as a dwelling.

Mr. O'Grodnick indicated that the applicant is willing to add as a condition that the recreation room will not be used as a bedroom or dwelling.

Vice Chairperson Haines asked if there will be a stove.

Mr. O'Grodnick noted that there will be no stove, there will be a wet bar, refrigerator and microwave.

Mr. O'Grodnick made his closing remarks.

Mr. Dietz made a motion to approve the resolution for Thomas & Mary ALBENESE / Pemberly, LLC, subject to the requirements of Mr. White's comments, Fire Department recommendations regarding the driveway, Health Department requirements for the septic systems, the caretakers cottage limited to one bathroom and one bedroom, the caretakers house restricted to employee use only and rental of the unit is prohibited, the carriage barn's recreation room is limited to a kitchenette, no stove and the rental of the carriage barn is prohibited, which was seconded by Vice Chairperson Haines.

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

Votes Against: None.

### **Acceptance of Minutes**

Mr. Lipani made a motion to approve the reorganization session minutes of February 15, 2012, which was seconded by Mr. Herbert. This was approved unanimously by all eligible members.

Mr. Lipani made a motion to approve the regular session minutes of March 7, 2012, which was seconded by Mr. Dietz. This was approved unanimously by all eligible members.

**Correspondence**

None

**Board of Adjustment Meeting: April 4, 2012**

Vice Chairperson Haines made a motion to cancel the next Board of Adjustment Meeting scheduled for April 4, 2012, which was seconded by Mr. Lipani. This was approved unanimously by all members.

**Adjournment**

The meeting adjourned at 9:12 p.m.

Submitted by:

David Kois

Zoning Officer / Assistant Planner

Board of Adjustment Secretary

Approved