

**Hillsborough Township  
Board of Adjustment Meeting  
May 16, 2012**

Chairman Leon Krals called the Board of Adjustment Meeting of May 16, 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 - Present

Frank Valcheck - Present  
John Sheridan – Present  
Frank Herbert (Alt. #1) - Present  
Shawn Lipani (Alt. #2) – Absent  
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 Sue Baber, CCR.

**Acceptance of Minutes**

*April 18, 2012 – Regular Session Meeting*

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

**Acceptance of Resolutions**

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

Mr. Dietz made a motion to approve the resolution for Thomas & Mary ALBENESE / Pemberly, LLC (BA-11-17), which was seconded by Mr. Valcheck.

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

Votes Against: None

*Vera STOY – File #BA-12-02 – Block 147, Lot 52 (formerly known as Block 147.A, Lot 11) – 193 South Branch Road, Flagtown.*

Vice Chairperson Haines made a motion to approve the resolution for Vera STOY (BA-12-02), which was seconded by Mr. Valcheck.

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

Votes Against: None

**Board of Adjustment Business**

None

**Business from the Floor**

None

## **Public Hearing-Applications**

Chairman Krals announced the protocol for Board of Adjustment proceedings.

### **Mark & Lisa KWIA TEK** – *File #BA-12-05 – Block 207.03, Lot 1.01 – 2 Steeple Drive.*

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

Mark Kwiatek and Lisa Kwiatek, Applicants were sworn in.

Mr. Kwiatek indicated that the proposed improvement will provide a benefit to the property. He noted that the property has a high water table and by putting in the additional impervious coverage it gives them the ability to capture the water and push it towards a drainage system that already exists in the back yard.

Vice Chairperson Haines asked for clarification.

Mr. Kwiatek indicated that there are catch drains on the property and the water used to flow correctly to the drainage system. He further noted that over time the land has settled and the drain now sits on higher ground and there is no longer any water flow to the drain. The result is sitting water that occasionally overflows to the neighbor's property.

Mr. Dietz indicated that they want the water to seep into the ground.

Mr. Kwiatek noted that a goal of the project is to get the water to drain correctly and out of the backyard.

Mr. Dietz asked Mr. White and Mr. Kois if the property has wetlands.

Mr. White and Mr. Kois indicated that they did not know.

Chairman Krals asked if the yard is relatively flat.

Mr. Kwiatek noted yes. Further, he noted that there is water in the back yard for multiple days after significant rains.

Mr. Kwiatek indicated the drainage system was installed on the property when the home was constructed to help the water drain. He further noted that they are trying to make the drainage system functional again.

Mr. Herbert asked if the drainage system was approved by the Planning Board in 2004.

Mr. Kwiatek indicated that it was.

Mr. Kwiatek noted that they are currently over the impervious because there was an oversight with the zoning. He indicated that they originally thought they had a limit of 15%, but then discovered they only had 10% because their site survey had the wrong zone indicated on it.

Mr. Dietz asked the applicants if they can buy adjoining property.

Mr. Kwiatek noted that no one is willing to sell them additional property.

Mr. Dietz asked about the existing deck and patio.

Mr. Kwiatek indicated that the patio was done while they were under the impression that they were below the permitted impervious coverage.

Mr. Kwiatek further noted that the patio is used as a dog run because his wife is allergic to the dogs.

Mr. Dietz asked if the driveway is paved.

Mr. Kwiatek noted that they will have the survey corrected to show that the driveway is paved.

Mr. Stamler asked for the dimensions of the pool patio.

Mrs. Kwiatek described the dimensions.

Vice Chairperson Krals asked Mr. White if he had any recommendations regarding the pool patio.

Mr. White noted that pools are generally designed to have at least three feet of patio around the pool in order to service it.

Mr. Sheridan indicated that he does not have problem with the eight feet of patio on the one end of the pool so that they can use it for some chairs and a table.

Mrs. Kwiatek noted that dimensions for the pool patio were recommendations made from the pool company to accommodate a seating area and safe walkways around the pool for her children.

Chairperson Haines asked if the shed could be moved onto the driveway.

Mr. Kois noted that the shed's coverage is 190 square feet.

Mrs. Kwiatek noted the shed would obstruct the garages.

Mrs. Kwiatek indicated that they are willing to modify the pool patio.

Mr. Dietz indicated that driveways used to be considered 50% impervious coverage.

Mr. Dietz noted that houses in the area probably are over the impervious coverage because driveways now count as 100% impervious. Further, he noted that this may be something for the Township Committee to look into.

Mr. Kois provided some clarification regarding the zoning.

Mr. White noted that the scaling on the survey is incorrect regarding the pool patio.

Mr. White indicated that the new calculations are 14.53% of impervious coverage.

Mr. Sheridan asked for the location of the filter.

Mr. Kwiatek indicated that the filter will be located in the back left side within fenced in area and it will be on the corrected survey.

Mrs. Kwiatek asked for clarification regarding specific pool patio dimensions.

Mr. Anderson indicated that it is up to the Board to establish a maximum impervious coverage and it is up to the applicants to determine the dimensions in order to comply.

The Board discussed amending the impervious coverage to 14.58% to accommodate the applicants. No public questions or comments.

Mr. Sheridan made a motion to approve the application for Mark & Lisa KWIA TEK, with a maximum impervious coverage amended to 14.58 %, subject the recommendation of Mr. White which was seconded by Mr. Dietz.

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

Votes Against: None.

### **Correspondence**

None

### **Board of Adjustment Meeting Schedule**

Vice Chairperson Haines made a motion to cancel the next Board of Adjustment Meeting scheduled for June 6, 2012, which was seconded by Mr. Stamler. This was approved unanimously by all members.

Vice Chairperson Haines made a motion to cancel the next Board of Adjustment Meeting scheduled for July 11, 2012, which was seconded by Mr. Stamler. This was approved unanimously by all members.

### **Adjournment**

The meeting adjourned at 8:11 p.m.

Submitted by:

David Kois

Zoning Officer / Assistant Planner

Board of Adjustment Secretary