

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

June 5, 2024 – 7:00 pm

Chairman Herbert called the June 5, 2024 Board of Adjustment meeting to order and led the flag salute.

NOTICE OF MEETING

Chairman Herbert announced the meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 (“Sunshine Law”). Notice of the 2024 Annual Meeting Schedule and additional meeting dates have been provided to the officially designated newspapers, the Township Clerk, posted on the Township’s website and available at the Hillsborough Township Municipal Complex.

Application documents have been made available on the Township’s website <https://hillsboroughnj.civicklerk.com/>. Complete applications files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

ROLL CALL

Present - Frank Herbert, Chairman	Present - Tom Ramsey
Present - John Stamler	Present - Jim Wohlmacher, <i>Vice Chairman</i>
Present - Helen Haines	Present - Vivek Rao (<i>Alt#1</i>)
Present - Jarrett Dewelde	Present - Tim Lockburner (<i>Alt#2</i>)
Present - Marguerite Gladstone	

Also in attendance: Marcella McLaughlin, *Assistant Director / Zoning Official / Board Secretary*; Mark Anderson Esq., *Board Attorney (Woolson Anderson Peach, P.C.)*; Mark Mayhew, PE, CME, *Board Engineer (Pennoni Associates)*; Christina Restuccia, CCR, *covering Board Court Reporter*.

CONSIDERATION OF RESOLUTIONS

- **Pankaj and Kirtikumari Amin – BA-21-01**

There is no further discussion

Vice Chairman Wohlmacher motions to approve, seconded by Mr. Ramsey.

Roll Call:

Yes - Mr. Stamler	Yes - Mr. Rao (<i>Alt. #1</i>)
Yes - Ms. Gladstone	Yes - Mr. Lockburner (<i>Alt. #2</i>)
Yes - Mr. Ramsey	Yes - Vice Chairman Wohlmacher
	Yes - Chairman Herbert

Motion carries

CONSIDERATION OF MEETING MINUTES

- **April 3, 2024 meeting**

- There was a motion to approve the minutes as written, seconded, all were in favor, none opposed; motion carries.

- **May 1, 2024 meeting**

- There was a motion to approve the minutes as written, seconded, all were in favor, none opposed; motion carries.

BOARD OF ADJUSTMENT BUSINESS

- **None**

BUSINESS FROM THE FLOOR

(Open to public comment for matters not on the agenda)

- **None**

PUBLIC HEARING – APPLICATIONS

- **Irv Cyzner – BA-21-20 (2024 EXT)** – (TOD 8/13/24) Block 11, Lots 44, 44.01 and 44.02 - Applicant received minor subdivision approval and use variance approval from the Board of Adjustment on March 15, 2023, as per memorialized Resolution referenced BA-21-20, adopted on May 3, 2023 to consolidate the three existing three lots with access on Mill Lane and Amwell Road into two new lots, to be known as Block 11, Lots 44.03 and 44.04 to be recorded by November 9, 2023. Due to the unforeseen delays in outside agency approvals relating to sewer access, the Applicant was unable to record the subdivision deed within 190 days of approval. Applicant therefore seeks an extension of time to record the subdivision consolidation of two new lots deed for a period of one (1) year, as provided for in N.J.S.A. 40:55D-52(a), to November 9, 2024 on property located in the AG/Agricultural Zone/District.

Participants: Rachel L. Koutishian, Esq., Applicant's Attorney – Nehmad Davis & Goldstein, PC.; Paul Christopher, PE, Applicant's engineer – Van Cleef Engineering; Mark Gorda, Applicant's Project Manager – Cyzner Properties; Irv Cyzner, Applicant.

- 1) 7:06 pm start of hearing.
- 2) **Rachel Koutishian**, attorney for the applicant, introduces herself and summarizes the application. She lists the outside agencies involved which included Somerset County Planning Board (the County), Delaware Raritan Canal Commission (DRCC), Somerset Valley Sewage Authority (SVSA), explains why they are seeking an extension and introduces their witnesses.
- 3) Mr. Anderson asks for clarification on what they are looking for extension on.
- 4) Ms. Koutishian states they are looking for an extension on the time to file the deed pursuant to the subdivision approval and are only waiting on DRCC approval.
- 5) Mr. Anderson explains why the Board cannot approve an extension without approvals from outside agencies.
- 6) There is a discussion about if they may pursue under subsection G and the Board's ability to review the application.
- 7) **Paul Christopher**, applicant's engineer, is sworn in and is accepted by the Board as an expert witness in the field of engineering.
- 8) Mr. Stamler asks how many months extension they are looking for.
- 9) Ms. Koutishian states approximately five months.
- 10) Mr. Anderson asks Mr. Christopher if the delays were in the control of the applicant.
- 11) Mr. Christopher states they were not in the control of the applicant and explains the bulk of the delay is due to the sewer service.
- 12) Mr. Mayhew states they expect the DRCC Conservation Easement would extend and cover any of the Hillsborough stream corridor areas.
- 13) Mr. Christopher states he would need to confirm it.
- 14) Mr. Mayhew gives him a copy of the subdivision for review.
- 15) After reviewing, Mr. Christopher states he is comfortable with adding the area to the easement.
- 16) Mr. Stamler motions to approve till November 9, 2024, seconded by Ms. Haines.

Roll Call:

Yes - Mr. Stamler	Yes - Mr. Rao (<i>Alt. #1</i>)
Yes - Ms. Haines	Yes - Mr. Lockburner (<i>Alt. #2</i>)
Yes - Mr. Dewelde	Yes - Vice Chairman Wohlmacher
Yes - Ms. Gladstone	Yes - Chairman Herbert
Yes - Mr. Ramsey	

Motion carries

17) 7:19 pm end of hearing.

- **Geoffrey and Kathleen Schwint – BA-24-02** – (TOD: 07/09/24 -)- Block 151.05, Lot 2 – 25 Fine Road. Applicant seeking two “c” bulk variances for side yard and front yard (corner lot) waivers to construct an in-ground swimming pool on property located in the “AH” Zone/Affordable Housing District. ***Applicant was adjourned from the May 1, 2024, agenda with re-notice.***

- 1) 7:19 pm start of hearing.
- 2) Geoffrey Schwint summarizes the application and explains the reasons for the variance requests.
- 3) Mr. Stamler asks for clarification on fencing heights and location, expressing concern for privacy.
- 4) Ms. Haines asks how their property is unique from the other homes in the neighborhood.
- 5) Mr. Schwint explains it is comparable to the other houses.
- 6) Mr. Stamler asks for more specifics on the location of the pool.
- 7) Mr. Schwint states the pool will be 10 feet into the 25-foot requirement, leaving 15-foot setback and a three-foot walkway around the pool.
- 8) Chairman Herbert states a hardship needs to be proven and offers Mr. Schwint the hardship categories for review and asks which he feels applies.
- 9) There is discussion about hardship categories, size of the area and possible alternative layout options.
- 10) Mr. Mayhew states the Board seems concerned about encroachment and suggests turning the layout of the pool 45 degrees to help minimize the set-back.
- 11) Mr. Stamler suggests moving it closer to the deck and adding a locking gate.
- 12) There is a discussion about allowing the applicant time to consider suggestions and redesign the layout and adjourning the application.
- 13) Mr. Stamler motions to adjourn to July 17, 2024, without notice, seconded by Vice Chairman Wohlmacher. All were in favor, none opposed. Motion carries.
- 14) 7:42 pm end of hearing.

- **Yasir Farooq and Saba Yasir Farooq - BA-23-26** - (TOD 8/14/24) - Block 40, Lot 8 - Vacant lot on Corner of Clawson Ave and Sixth Street. Applicant seeks three "c" bulk variances for waiver of (1) minimum lot size of .53 acres where two acres is required for vacant land without public water supply; (2) Front yard setback on Sixth Street of 35.35 feet where 40 feet is required; and (3) minimum lot width of 110 feet where 120 feet is required to build a new Single-family home on property located in the CR/Central Residential Zone/District.

Participants: Jordan S. Friedman, Esq. , Applicant’s attorney - Vastolla & Sullivan; Ashraf

M. Ragab, AIA., Architect – Amrarch Design Studio; Henry Hinterstein, LLA, PP, Professional Planner; Pam Mathews, PE, LS. Engineer – Van Cleef Engineering; Yasir Farooq and Saba Yasir Farooq – Applicant.

- 1) 7:43 start of hearing.
 - 2) **Jordan Friedman**, attorney for applicant, introduces himself, references the adjournment request they submitted before noon today and explains the reasoning for it.
 - 3) There is a discussion regarding a date for rescheduling.
 - 4) Mr. Mayhew discusses their review letter and recommends the applicant present a hydro-geologic report showing the location of other wells in the neighborhood, spacing needed, and possible groundwater issues. He suggests reviewing the Township Ordinance discussing water supply for better understanding of what would be appropriate for a hydro-geologic report.
 - 5) Mr. Stamler motions to adjourn application to September 4, 2024, without notice, seconded by Mr. Dewelde. All were in favor, none opposed. Motion carries.
 - 6) 7:50 pm hearing ends.
- **Anthony and Lisa Germana - BA-24-03** (TOD 8/13/24) - Block 174, Lot 164 - 16 Biggs Lane. The applicant is requesting two "c" bulk variances for waiver of (1) front-yard setback to Biggs Lane where 150' is required and 144' is proposed and (2) waiver for existing non-conforming impervious coverage of 6.75%, where 5% is permitted and 6.75% total is proposed, to construct a 360-sf. sunroom on property located in the MZ/Mountain Zone District.
 - 1) 7:52 pm hearing starts.
 - 2) **Anthony and Lisa Germana** introduce themselves.
 - 3) Mr. Germana summarizes the application and explains the reasoning for the request. He describes their large, 1,300 sq. ft gravel driveway and discusses the impervious coverage.
 - 4) Ms. Haines asks if they have considered a dry well to help compensate for some of the overage.
 - 5) Mr. Germana gives reasoning why a water catchment system option may not be best and discusses a rain garden.
 - 6) Mr. Mayhew explains how a low-point will need to be created for the rain garden to work properly and discusses another option mentioned in their review letter dated May 13, 2024, which is converting a portion of their driveway to porous pavement.
 - 7) Mr. and Ms. Germana and Mr. Mayhew discussed the plausibility of this option.
 - 8) There is a discussion of all options.
 - 9) Ms. McLaughlin reminds of the requirements for a rain garden, including plan approval.
 - 10) Mr. Mayhew discusses adjusting the mitigation.
 - 11) Mr. Stamler motions to approve the application as presented with the condition no asphalt / pavement, etc. will ever be installed in the driveway, seconded by Vice Chairman Wohlmacher.

Roll Call:

Yes - Mr. Stamler
Yes - Ms. Haines

Yes - Mr. Rao (*Alt. #1*)
Yes - Mr. Lockburner (*Alt. #2*)

Yes - Mr. Dewelde
Yes - Ms. Gladstone
Yes - Mr. Ramsey

Yes - Vice Chairman Wohlmacher
Yes - Chairman Herbert

Motion carries

12) 8:11 pm hearing ends.

ADJOURNMENT

A motion to adjourn was made by Mr. Stamler, seconded by Ms. Haines. Motion carries unanimously.

8:12 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*