Township of Hillsborough – BOARD OF ADJUSTMENT
APPROVED - Meeting Minutes

December 4, 2024 – 7:00 pm

Chairman Herbert called the December 4, 2024 Board of Adjustment meeting to order at 7:04 pm and led the flag salute.

ANNOUNCEMENT OF MEETING NOTICE

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.portal.civicclerk.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	Absent -	Jim Wohlmacher, *Vice Chairman*
Absent -	Helen Haines	Present -	Vivek Rao *(Alt#1)*
Present -	Jarrett Dewelde	Present -	Tim Lockburner *(Alt#2)*
Present -	Peggy 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 MEETING MINUTES

- **November 6, 2024,** regular meeting minutes
  - Mr. Stamler motioned to approve the minutes as written, seconded by Mr. Dewelde, all were in favor, none opposed, motion carries.

CONSIDERATION OF RESOLUTIONS

- **Christopher and Jamie Nardo – BA-24-04**

  There was no further discussion from the Board.

  Mr. Stamler motions to approve, seconded by Mr. Ramsey.

  Roll Call:

Yes -	Mr. Stamler	Yes -	Mr. Rao *(Alt. #1)*
Yes -	Mr. Dewelde	Yes -	Mr. Lockburner *(Alt. #2)*
Yes -	Ms. Gladstone	Yes -	Chairman Herbert
Yes -	Mr. Ramsey		

Motion carries.

- **Philip and Preya Gopaul – BA-24-06**
  There was o further discussion from the Board.

  Mr. Stamler motions to approve, seconded by Ms. Gladstone.
  Roll Call:

Yes -	Mr. Stamler	Yes -	Mr. Rao *(Alt. #1)*
Yes -	Mr. Dewelde	Yes -	Mr. Lockburner *(Alt. #2)*
Yes -	Ms. Gladstone	Yes -	Chairman Herbert
Yes -	Mr. Ramsey		

  Motion carries.

<u>BOARD OF ADJUSTMENT BUSINESS</u>

- **Resolution of Appreciation – John Stamler**
  Chairman Herbert reads the Resolution of Appreciation for John Stamler for his 15 years of service to Hillsborough Township Board of Adjustment. Mr. Stamler has retired from his service to Hillsborough Township Board of Adjustment.

- **Bylaws Subcommittee read out**
  Mr. Ramsey states the subcommittee met on November 22, 2024, and recommends amending the Board of Adjustment bylaws to allow a sixth-year consecutive appointment of a member to be chosen as Chairperson.

  Mr. Stamler motions to approved, second by Mr. Dewelde. All are in favor, none opposed, motion carries.

<u>BUSINESS FROM THE FLOOR</u>
(Open to public comment for matters not on the agenda)

- None

<u>PUBLIC HEARING - APPLICATIONS</u>

- **<u>Chick-Fil-A - BA-24-05</u>** (TOD 12/31/2024 EXT)) Block 152.03 (previously Block 152), Lot 14 (previously Lot 36A) - 296 Route 206 (corner of Triangle Road and Route 206). Applicant seeks "c" bulk and "d" use variances to construct a 6,100- sf. Chick-fil-A, a quick service restaurant with dual drive-through lanes on the current “Exxon” gas service station location, on property located in the Hillsborough Township OLC/Office Light Commercial Zone District. ***Applicant carried from the October 2, 2024, agenda without notice***.
  Participants: *Duncan M. Prime, Esq.- Prime Tuvel & Miceli, Applicant’s Attorney; John Martinez, - Chick-fil-A, Applicant; Vincent Kelly, PE - Colliers, Applicant’s Engineer; Corey Chase, PE – Dynamic, Traffic Engineer for Applicant; Dan Block, PP- Colliers, Applicant’s Planner.*

  1) 7:10 pm start of hearing.
  2) Chick-fil-A Attorney introduces himself and states he is seeking to adjourn the application to March.

3) There is a discussion between Chairman Herbert and Mr. Anderson about how to carry this application since the 2025 Board schedule will not be announced until the January 2025 meeting.
4) Mr. Stamler motions to extend the application to 2025, without notice, with specific date to be determined on January 15, 2025, seconded by Mr. Ramsey. All are in favor, motion carried.
5) 7:13 pm end of hearing

- **Yasir Farooq and Saba Yasir Farooq - BA-23-26** - *(TOD 01/31/2025 Ext)* - Block 40, Lot 8 – The property is currently vacant land in Flagtown, on the corner of Sixth Street and Clawson Avenue. The applicant proposes to construct a 2,397-sf. detached single-family residence and 1,056-sf. driveway and 583-sf. of walkways on .53 acres in the CR- Central Residential zoning district. The proposal requires three, "c" variances. The first "c" variance is for the front yard setback to Sixth Street where 35.25 feet is proposed and 40 feet is required. A second "c" variance is required for the existing non- conforming Minimum Lot Width at setback where 110 feet is proposed and 120 feet is required. The third "c" variance is for the construction of the detached single-family residence on an undersized lot without both public water and sewer (property would have well water) where .53 acres is proposed and 2 acres is required (Per Chapter 188, Attachment 2, note 2). ***Applicant was adjourned from the September 4, 2024, canceled agenda with re-notice.***

  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) 7:14 pm start of hearing.
2) **Jordan Friedman**, attorney for applicant, introduces himself, the applicants and summarizes the application.
3) Mr. Friedman calls the applicant **Yasir Farooq**.
4) Mr. Friedman asks Mr. Farooq about himself and his family, how long and where they live in Hillsborough, when they acquired Block 40 Lot 8 and if they intend to live at this property or sell it after construction of a house.
5) Mr. Farooq confirms they plan to live there.
6) Mr. Friedman submits Exhibit A-2 a letter to Koval Family.
7) Mr. Friedman asks Mr. Farooq to speak to the Board to importance of the application.
8) Mr. Farooq discusses his several years struggles with buying a house in the current market and his decision to purchase property instead.
9) Mr. Stampler asks if he did any due diligence regarding researching the property prior to purchase.
10) Mr. Farooq summarizes his conversations with the seller's agent which includes mention of other potential buyers.
11) Mr. Stamler asks if they have done anything to the property since purchase.
12) Mr. Farooq confirms they have not.
13) Mr. Stamler asks if they have considered selling it to one of the other two interested parties.
14) Mr. Stamler asks if well testing has been done.
15) Mr. Friedman discusses the June 18, 2024, supplemental letter.

16) Mr. Friedman asks Mr. Farooq to speak to his conversation with an engineer willing to do the well work.
17) Mr. Farooq states the quote for the work is over $2000.
18) Mr. Friedman discusses the neighbor letter from Mr. Cuomo.
19) Mr. Anderson asks if he knew the property was undersized when he purchased it.
20) Mr. Farooq states no.
21) Mr. Anderson asks if they have decided not to do the recommended well interference test due to the cost.
22) Mr. Farooq states and discusses a conversation with their financial lender.
23) Chairman Herbert opens to public question for the applicant.
24) **Santiago Urosa** asks if no one had explained to him about purchasing and building on a piece of property in Hillsborough worked.
25) Mr. Friedman objected to the question stating his conversations with advisors will not change the testimony.
26) **Adrin Dziwak** asks how they will know the availability of water for neighboring houses will not be impacted by the addition of a 4,000+ sq ft. house.
27) Mr. Friedman objects to the question as they have professionals who can answer it.
28) There are no further questions from the public for this witness.
29) Mr. Friedman brings in his next witness.
30) **Ashraf Ragab,** architect for the applicant is sworn in and states their educational and professional background.
31) Mr. Friedman asks him to describe the property and discuss his renderings. He asks if when creating his design if he made note of all of the relevant portions of the Township's code.
32) Mr. Ragab states he was not aware of the variance or the fact there was no public water on the property and the lack of public water is what makes it undersized. He discusses minor changes that could be made to adjust the size of the house.
33) A member of the Board asks for clarification on the square footage.
34) Mr. Ragab states 2,397 sq ft is the foot print of the house.
35) Mr. Mayhew asks for clarification on the number of bedrooms.
36) Mr. Ragab states there are a total of four bedrooms which includes the guest suite on the first floor.
37) Mr. Anderson asks if the design is based solely on clients' request and no professional judgment added in.
38) Mr. Ragab discusses the work they did to make sure the house was within the setback lines and under the building coverage to make sure the house fits the property.
39) Mr. Anderson asks if there was a discussion of a smaller house.
40) Mr. Ragab states no, initially it was much larger.
41) Mr. Anderson asks if there is any practical reason the sitting room space on the second floor could not be used as a bedroom.
42) Mr. Ragab states it was designed as a sitting room.
43) There is discussion about the sitting area and the possibility of it being a bedroom.
44) Chairman Herbert asks for details if they are able to move the stoop back so as to remove a variance.
45) Mr. Anderson asks if the lot is undersized due to current circumstances.
46) There is a discussion about the lot size.
47) There is a discussion about what the process within the Zoning Department would be if the applicant or future owner wanted to convert the sitting room.

48) Chairman Herbert opens to questions for the public for this witness.
49) **Santiago Urosa** asks if when visiting the lot location he noticed any other comparable sized houses in the area.
50) Mr. Friedman objects to the question pre-supposing the house is inappropriate for the area.
51) Mr. Urosa asks if he suggested to his client to reduce the size knowing the lot size was too small.
52) Mr. Friedman explains that they did reduce the size of the house.
53) Mr. Urosa asks if it is possible to reduce it further to three bedrooms, one or two bathrooms and a "manageable size" around 1,600 or 1,700 square feet.
54) Mr. Friedman objects on a matter of relevance.
55) There are no further questions from the public.
56) Mr. Friedman calls his next witness.
57) Chairman Herbert calls for a 10-minute recess.
58) Chairman Herbert calls the meeting back into session.
59) **Pamela Matthews**, engineer for applicant, is sworn in and states her educational and professional background.
60) Mr. Friedman asks her to review the plans and reports she has prepared for this meeting.
61) Mr. Anderson asks if these items are on file in the Planning office.
62) Mr. Friedman states they are not; they are presenting them tonight in response to the Pennoni report issued after the June 2024 meeting.
63) Mr. Anderson states his concerns to this information not being on Civic Clerk.
64) Mr. Anderson and Mr. Friedman options as to how and when to present Ms. Matthews information.
65) There is a short recess while Mr. Friedman speaks with his client and Mr. Anderson speaks to Chairman Herbert.
66) Mr. Friedman states they are opting to adjourn for the evening so Ms. Matthews reports may be properly submitted.
67) There is a discussion regarding the date of next meeting.
68) Mr. Stamler motions to carry to the Reorganization meeting on January 15, 2025 without notice at which time a date for the hearing will be determined, seconded by Mr. Ramsey.

    Roll Call:

Yes -	Mr. Stamler	Yes -	Mr. Rao *(Alt. #1)*
Yes -	Mr. Dewelde	Yes -	Mr. Lockburner *(Alt. #2)*
Yes -	Ms. Gladstone	Yes -	Chairman Herbert
Yes -	Mr. Ramsey		

    Motion carries.
69) 8:46 pm end of hearing.

<u>ADJOURNMENT</u>

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

8:46 pm meeting is adjourned.

Submitted by Robyn Bittle-Abramo
Recording Secretary