

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

January 15, 2025 – 7:30 pm

Chairman Herbert called the January 15, 2025, Board of Adjustment Meeting to order at 7:30 pm and led the flag salute.

NOTICE OF MEETING

Chairman Herbert stated this 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 2025 January Meeting schedule has been provided to the officially designated newspapers, the Township Clerk, posted on the [Township’s website](https://hillsboroughnj.portal.civicclerk.com/) and available at the Hillsborough Township Municipal Complex. Application documents have been made available on the Township’s website at <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, Vice Chairman
Present - Tim Lockburner	Present - Jim Wohlmacher
Present - Helen Haines	Present - Robert Movshin (<i>Alt#1</i>)
Present - Jarrett Dewelde	Present - Mildred Molina (<i>Alt#2</i>)
Present - Marguerite Gladstone	

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

CONSIDERATION OF MEETING MINUTES

- None

CONSIDERATION OF RESOLUTIONS

- None

BOARD OF ADJUSTMENT BUSINESS

- **2024 Board Annual Report**
 - Chairman Herbert asks if there are any comments on the 2024 report.
 - Ms. Haines said it was done well. She suggests holding the vote until the next meeting so as to give time for review.
 - There is a brief discussion off mic.
 - Vice Chairman Ramsey motions to approve the 2024 Annual Report, seconded by Mr. Dewelde. There were no further comments from the Board

ROLL CALL:

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

Motion carries.

- **Harvestate Group, LLC – BA-23-11** – Applicant was carried from the **November 6, 2024** meeting agenda to the January 15, 2024 regular meeting agenda to be scheduled to an approved 2025 meeting to be continued without further notice.
 - The attorney for the applicant asks for the new members of the Board to review the transcripts from the previous meeting.
 - Chairman Herbert states those members have been provided copies for review.
 - One member states they have already completed their review and submitted their form.
 - The attorney explains they have eliminated most of the design waivers they previously asked for; took out a retention basin and increased the aisle without changing the size of the building. He states at the next meeting they will have their planner and engineer in attendance and will have all new plans submitted by two-weeks before February 5, 2025.
 - Ms. Haines motions to carry the application to February 5, 2025 without notice, seconded by Mr. Wohlmacher.

ROLL CALL:

Yes - Chairman Herbert
Yes - Mr. Lockburner
Yes - Ms. Haines
Yes - Mr. Dewelde

Yes - Ms. Gladstone
Yes - Vice Chairman Ramsey
Yes - Mr. Wohlmacher
Yes - Mr. Movshin (*Alt. #1*)
Yes - Ms. Molina (*Alt. #2*)

Motion carries.

- **Yasir Farooq & Saba Yasir Farooq - BA-23-26** - Applicant was carried from the December 4, 2024 meeting agenda to the January 15, 2025 regular meeting agenda to be scheduled to an approved 2025 meeting to be continued without further notice.
 - Ms. Haines asks if they will be adjusting anything as it pertains to their well situation.
 - Ms. McLaughlin answers off mic.
 - Ms. Haines asks for clarification of the Time Of Decision extension.
 - There is a discussion about carrying the application.
 - Ms. Haines motions to carry the application to March 5, 2025 without notice, seconded by Mr. Wohlmacher.

ROLL CALL:

Yes - Chairman Herbert
Yes - Mr. Lockburner
Yes - Ms. Haines
Yes - Mr. Dewelde

Yes - Ms. Gladstone
Yes - Vice Chairman Ramsey
Yes - Mr. Wohlmacher
Yes - Mr. Movshin (*Alt. #1*)
Yes - Ms. Molina (*Alt. #2*)

Motion carries.

- **Chick-fil-A - BA-24-05** - Applicant was carried from the **December 4, 2024** meeting agenda to the January 15, 2025 regular meeting agenda to be scheduled to an approved 2025 meeting to be continued without further notice.

- Mr. Wohlmacher motions to carry to March 5, 2025, without notice, seconded by Mr. Lockburner.

ROLL CALL:

Yes - Chairman Herbert
Yes - Mr. Lockburner
Yes - Ms. Haines
Yes - Mr. Dewelde

Yes - Ms. Gladstone
Yes - Vice Chairman Ramsey
Yes - Mr. Wohlmacher
Yes - Mr. Movshin (*Alt. #1*)
Yes - Ms. Molina (*Alt. #2*)

Motion carries

Chairman Herbert discusses his personal 2025 goals for not interjecting on witnesses during their testimony.

Vice Chairman Ramsey asks if the application already planned into the Board scheduled included the application which have already been reschedule.

Chairman Herbert and Ms. McLaughlin confirm.

BUSINESS FROM THE FLOOR

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

- None

PUBLIC HEARING - APPLICATIONS

- **Phoenix Carriage Farm, LLC – BA-24-07 (TOD 3/31/25 EXT)** - Block 200.10, Lot 4 (Formerly Block 200.B, Lot 4) – 2 Clerico Lane. Applicant seeking Preliminary and Final Major Site Plan Approval; ‘d’ use variance; ‘c’ bulk variances; and waivers to construct 4 walk-up restaurants in cargo containers with seating on the roofs, a 200 sf. bathroom facility building, 46 two-story townhouse style apartments over four buildings; an amphitheater, and expanded parking, patios, lighting and pedestrian pathways around the site, on Property located in the GC, Gateway ‘C’ Zone. Property is also identified in the *Historic Preservation Plan Element, Hillsborough Township Master Plan, Township of Hillsborough Somerset County, Adopted April 5, 2001*, as located within the Proposed Clerico Lane Historic District, and listed as Hillsborough Historic Site #36 (“Van Nuys House”). ***Applicant requested to be adjourned to a date TBD in 2025 as their notice was not sufficient to be heard on January 15, 2025.***
 - 1) Chairman Herbert summarizes why the applicant has asked to be carried. He states there currently is no new date for their hearing. He states they will have to re-notice.
 - 2) Ms. Haines asks if there is a Time of Decision for this application.
 - 3) Ms. McLaughlin explains how the TOD will be reviewed and revised with the application. She states the Zoning office is trying to work with the applicant.
 - 4) Mr. Wohlmacher motions to carry the application, seconded by Ms. Haines.

ROLL CALL:

Yes - Chairman Herbert
Yes - Mr. Lockburner
Yes - Ms. Haines

Yes - Ms. Gladstone
Yes - Vice Chairman Ramsey
Yes - Mr. Wohlmacher

Yes - Mr. Dewelde

Yes - Mr. Movshin (*Alt. #1*)

Yes - Ms. Molina (*Alt. #2*)

Motion carries

ADJOURNMENT

There is a motion and second to adjourn. Motion carries unanimously.

7:44 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*