

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

February 5, 2025 – 7:00 pm

Chairman Frank Herbert called the February 5, 2025, Board of Adjustment Meeting to order at 7:00 pm and led the flag salute.

NOTICE OF MEETING

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 Board of Adjustment 2025 Annual Schedule of meetings has 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 application files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

ROLL CALL

Present - Frank Herbert, **Chairman**
Absent - Tim Lockburner
Present - Helen Haines
Present - Jarrett Dewelde
Present - Marguerite Gladstone

Present - Tom Ramsey, **Vice Chairman**
Present - Jim Wohlmacher
Present - Robert Movshin (*Alt#1*)
Present - Mildred Molina (*Alt#2*)

Also in attendance: Marcella McLaughlin *Assistant Director / Zoning Official / Board Secretary*; Mark Anderson, Esq. *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

- **December 4, 2024** regular meeting
 - Ms. Gladstone motioned to approve the minutes as written, seconded by Vice Chairman Ramsey.
 - All were in favor, none opposed.
 - Motion carried

CONSIDERATION OF RESOLUTIONS

- **None**

BOARD OF ADJUSTMENT BUSINESS

- **None**

BUSINESS FROM THE FLOOR

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

- **None**

PUBLIC HEARING - APPLICATIONS

- Harvestate Group, LLC - File BA-23-11 (TOD 02/28/25)- Block 180.01, Lots 44 & 45 - Vacant Property on Route 206. Applicant to consolidate two lots totaling 8.635 acres. Applicant seeking Preliminary and Final Major Site Plan Approval; ‘d’ variance; ‘c’ bulk variances; and waivers to construct a 105, 663 SF one-story building footprint including an interior drive-

thru, for use as a temperature controlled self-storage 678-unit facility and 850 SF office space, with associated stormwater, parking, lighting, landscaping, septic system, utilities and improvements, on Property located in the HS/Highway Service Zone District. ***On November 6, 2024, the applicant was heard and carried to the January 15, 2025 agenda for scheduling to the February 5, 2025 agenda.***

- 1) 7:03 pm start of hearing
 - 2) **Richard Schatzman**, attorney for the applicant, asks for confirmation enough members qualify for voting on the matter. He polls three members
 - 3) Vice Chairman Ramsey, Ms. Molina and Mr. Movshin all confirm they have reviewed previous meetings.
 - 4) Mr. Schatzman introduces his first witness, stating he was sworn-in at the previous meeting.
 - 5) **David Schmidt** states for the record that he understands he is still sworn in.
 - 6) Mr. Schmidt reviews the site plan dated January 15, 2025, and the display map dated January 23, 2025 which include but is not limited to operational details, bio-retention details, storm-water management, design waivers and tree mitigation.
 - 7) Mr. Mayhew explains the confusion over storm-water recharge issue and states the item has been satisfied. He discusses the stream corridor waivers and states they do not take any exceptions.
 - 8) Ms. Haines asks clarification of which waivers have been minimized and if Mr. Mayhew approves.
 - 9) Chairman Herbert opens to questions from the public.
 - 10) **Scott Kennel**, traffic specialist, is sworn in and states his educational and professional background.
 - 11) Chairman Herbert states they accept his qualifications.
 - 12) Mr. Kennel discusses traffic generation and trip rates.
 - 13) Chairman Herbert asks how this use would compare to that of a hotel which is also a permitted use.
 - 14) Chairman Herbert opens to questions from the public. There are none.
 - 15) **John McDonough**, project planner, is sworn in and states his educational and professional background.
 - 16) Chairman Herbert states they accept his qualifications.
 - 17) Mr. McDonough discusses the characteristics of the property, permitted land usage for the zone and elements of proof.
 - 18) Chairman Herbert expresses his concern when non-residential is adjacent to residential properties and asks him to discuss how it compares to other permitted uses with similar building heights.
 - 19) Mr. Wohlmacher asks if there is any special needed consideration for being located next to a cemetery.
 - 20) Chairman Herbert opens to questions from the public for this witness. There are none.
 - 21) Mr. Schatzman states he has nothing further.
 - 22) Chairman Herbert opens to public comment. There is none. Public comment is closed.
 - 23) Ms. Haines states that while there are a few minor negatives it is a better option than a busier business.
 - 24) Mr. Wohlmacher asks for clarification of exterior lighting.
 - 25) Mr. Wohlmacher motions to approve the application, seconded by Ms. Haines.
- Roll Call:**

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

Yes - Vice Chairman Ramsey
Yes - Mr. Wohlmacher
Yes - Mr. Movshin (*Alt. #1*)

Motion carries.

26) 8:00 pm end of hearing.

- **Community Options, Inc. BA-24-08** (TOD 4/28/25 Ext.)- Block 199, Lot 11.01 - 32 Hamilton Road. Applicant seeking two “c” bulk variances for maximum impervious coverage, where 15% is required and 24.4% is proposed and minimum lot width, where 150 feet is required and 120.99 feet is proposed, to demolish the existing one-story dwelling and construct a one-story, four-bedroom Group home with associated site improvements on property located in the R/Residential Zone District.
 - 1) 8:01 pm start of hearing.
 - 2) **Reggie Jenkins**, of Trenk Isabel Siddiqi & Shahdanian P.C., attorney for the applicant introduces himself.
 - 3) Mr. Jenkins gives a summary of Community Options’ mission, application and history of the property.
 - 4) Mr. Wohlmacher asks if the donation of the property came with any terms and conditions.
 - 5) Mr. Jenkins states his witness will be able to address that question.
 - 6) **Tracy Mendola** is sworn in and states her position and responsibilities with Community Options.
 - 7) Ms. Mendola confirms Mr. Jenkins summary of their mission and discusses the proposed services and operations for this group home. She states it will be the third group home in Hillsborough, discusses conditions of individuals eligible to live in the home, methods of travel including details about accessible vehicles and staffing, including shift schedules.
 - 8) Ms. Mendola discusses the deed restriction which came with the donation of the land.
 - 9) Mr. Anderson asks if the staff sleeps at the group home.
 - 10) Ms. Mendola states no, it is an “awake staff” 24-hours a day and shares that the residents do have jobs and activities and are generally out most of the day.
 - 11) Mr. Mayhew asked for clarification of parking and number of vehicles required.
 - 12) There are no further questions from the Board.
 - 13) Chairman Herbert opens to questions from the public for this witness. There are none.
 - 14) **Brittany Klimm**, architect for the applicant, is sworn in and states her educational and professional background.
 - 15) Mr. Jenkins presents Exhibit A-1 which was prepared by Ms. Klimm.
 - 16) Ms. Klimm discusses drawings, dated February 23, 2024, A-2.01 which shows the single-story building, A-4.00 which is floor elevation showing front, rear, left and right of the building, and Exhibit A-1, colorized exterior elevations for front and left.
 - 17) Mr. Jenkins asks if this will be a sprinkler building.
 - 18) Ms. Klimm confirms it will be and specifies the height.
 - 19) There are no questions from the Board or members of the public.
 - 20) **Adnan Khan**, engineer to the applicant, is sworn in and states his educational and professional background.

- 21) Mr. Khan reviews the site plan including the proposed dry-well system and impervious coverage.
- 22) Mr. Mayhew discusses their initial concern over a parking spot being too close to the property line.
- 23) Mr. Khan discusses contributing factors to impervious coverage.
- 24) There are no further questions from the Board or members of the public.
- 25) Mr. Anderson discusses the fact c-bulk variances are being requested and if a testimony is essential.
- 26) Mr. Anderson asks Mr. Jenkins if he is familiar with the deed for the property and if the Board denies the application if there is a use for this property under the Boards transfer of ownership agreement.
- 27) Mr. Jenkins reviews the deed and states there is a provision stating that the land should be utilized solely for the development & construction of not less than four units of supportive and special needs rental housing/low-moderate housing.
- 28) Mr. Anderson advises the Board of how to proceed in consideration of this provision.
- 29) Mr. Wohlmacher asks if Community Options does any housing for individuals without disabilities.
- 30) Mr. Jenkins states it is their mission to assist individuals with disabilities.
- 31) Chairman Herbert opens for public comment on the application. There is none.
- 32) Mr. Anderson summarizes the conditions which were discussed.
- 33) Mr. Jenkins confirms that revised plans will be submitted for confirmation of conformance.
- 34) Ms. Haines motions to approve the application, seconded by Mr. Wohlmacher.

Roll Call:

Yes - Chairman Herbert	Yes - Vice Chairman Ramsey
Yes - Ms. Haines	Yes - Mr. Wohlmacher
Yes - Mr. Dewelde	Yes - Mr. Movshin (Alt. #1)
Yes - Ms. Gladstone	

Motion carries.

- 35) 8:42 pm end of hearing.

- **372 Zion Road/ Roberts Road 21 LLC - BA-23-12** - (TOD 04/28/25 EXT) Block 173, Lot 51, 372 Zion Road. The applicant is requesting "c" variances to demolish the existing dilapidated dwelling on the property and construct a new 1,967 sf. single family dwelling and associated 1,068 sf. driveway on a non-conforming .725-acre property with a shared driveway from Zion Road located in the MZ/Mountain Conservation District.

- 1) 8:57 pm start of hearing.
- 2) **Jordan Freedman**, attorney for the applicant, introduces himself and summarizes the application, location and witness list. He discusses the results of their buy-sell letters.
- 3) Ms. Haines inquires as it if he was contacted by Somerset County regarding possible purchase.
- 4) Mr. Freedman states he has no information on the County. making such outreach but were told by the County that County Planning Board action is not required.
- 5) Ms. McLaughlin states this week she heard from Tom Buccino at the County. regarding this property. She forwarded the owner's information if they wanted to open a conversation with them.

- 6) Mr. Wohlmacher asks if the Board will be given copies of the buy-sell letters.
- 7) **Marc Marion**, architect for the applicant, is sworn in and states his educational and professional background. The Board accepts him as a witness.
- 8) Mr. Marion discusses the unsalvageable state of the current dwelling. He discusses his architectural plans.
- 9) Mr. Mayhew asks about the width and depth of the existing house and the proposed house, pointing out the proposed will be approximately double the width.
- 10) Mr. Marion confirms and reminds they are adding a garage.
- 11) Mr. Mayhew asks if he has designed houses that are not as wide and gives his thoughts as to what would be a reasonable size for the site.
- 12) Mr. Wohlmacher asks if other designs were considered.
- 13) Mr. Marion explains it is a design the property owner selected.
- 14) Ms. Haines asks if they tried to fit the house into the undersized lot.
- 15) Chairman Herbert opens to questions from the public for this witness. There are none.
- 16) **Steve Parker**, engineer for the applicant, is sworn in and states his educational and professional background.
- 17) Mr. Parker describes the lot and discusses Country approvals received.
- 18) Ms. Haines expresses knowledge of the Country being interested in discussing purchase with the owner and having communicated this interest.
- 19) Mr. Marion states he is not aware of the communication or interest she speaks of. He states possible interest should not preclude them from moving forward with reviewing the application.
- 20) Mr. Wohlmacher asks questions pertaining to the slope of the property he noticed during a visit in comparison to Mr. Parker's comments implying it is flat.
- 21) Mr. Parker reviews Mr. Mayhew's February 3, 2025, letter.
- 22) Mr. Mayhew asks questions pertaining to impervious coverage and possible future surface additions. There is a discussion about possible future sidewalks, patios etc. and the potential for needing to come back before the Board.
- 23) Mr. Marion states he would like to take all revisions being put on the discussion table to his client before moving forward.
- 24) Mr. Anderson suggests they finish with Mr. Parker.
- 25) Mr. Parker continues reviewing Mr. Mayhew's letter.
- 26) There is discussion about where the wetlands buffer is located, how this impacts the well and details regarding the well and its location.
- 27) Mr. Parker discusses proposing a dry well or similar structure/system and asks who would need to review the plot plan.
- 28) Mr. Mayhew explains why they require this to be addressed at the current stage.
- 29) Mr. Parker states he believes they can adjust the location of a dry well or similar system to protect the downhill properties and are happy to work with the Township for approval.
- 30) Mr. Parker next reviews the letter from the Planning Department with a revision date of January 21, 2025.
- 31) Chairman Herbert states his concern for it being a landlocked property.
- 32) There is a discussion about property access.
- 33) Mr. Marion states he would like to speak to his client about the issues raised.
- 34) Chairman Herbert opens to questions from the public for this witness.
- 35) **Chris Kozar**, Zion Rd, states they are owners/residents of an adjacent lot. He asks how they propose to deal with the water run off with consideration of increased size of house and impervious coverage.

- 36) Mr. Marion objects to the question presuming without proof of a condition.
- 37) Mr. Anderson reminds items Mr. Kozar made in statement versus question cannot be considered by the Board.
- 38) Mr. Mayhew asks Mr. Parker when reviewing the drywell and discharge to make sure to address the runoff from the proposed driveway as currently it seems they are only considering roof runoff.
- 39) There are no further questions from the public.
- 40) There is a discussion of possible carry-over dates.
- 41) Mr. Marion asks for leeway of determination to notice for his client.
- 42) Mr. Wohlmacher motions to carry the application to April 2, 2025 without notice unless initial request changes, seconded by Mr. Movshin. All are in favor, none opposed. Motion carries.
- 43) 10:23 pm end of hearing.

ADJOURNMENT

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

10:24 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*