Township of Hillsborough – BOARD OF ADJUSTMENT
APPROVED - Meeting Minutes

February 19, 2025 – 7:00 pm

Chairman Frank Herbert called the February 19, 2025, Board of Adjustment meeting to order at 7:03 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 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*	Present	- Tom Ramsey, *Vice Chairman*
Present	- Tim Lockburner	*Absent*	- Jim Wohlmacher
Absent	- Helen Haines	Present	- Robert Movshin *(Alt#1)*
Present	- Jarrett Dewelde	Present	- Mildred Molina *(Alt#2)*
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 S. Mayhew, PE, CME, *Board Engineer (Pennoni Associates)*; Christina Restuccia, CCR, *Covering Board Court Reporter.*

CONSIDERATION OF MEETING MINUTES

- **January 15, 2025 - Reorganization Meeting minutes**
    - Chairman Herbert notes a correction to Mildred Molina's term expiration date – should be 12/31/26.
    - Vice Chairman Ramsey motions to approve the minutes as amended, seconded by Mr. Lockburner. All were in favor, none opposed, motion carries.

- **January 15, 2025 – Regular Meeting minutes**
    - Chairman Herbert notes a correction to the motions for application BA-23-11 and BA-23-26, both were to be carried without notice.
    - Vice Chairman Ramsey motions to approve the minutes as amended, seconded by Mr. Dewelde. All were in favor, none opposed, motion carries.

CONSIDERATION OF RESOLUTIONS

- **Harvestate Group, LLC – BA-23-11**
    - Chairman Herbert opens to Board discussion. There is none.
    - Vice Chairman Ramsey motions to approve, seconded by Mr. Movshin. There were no further comments from the Board. Ms. Restuccia reviews who is eligible to vote on the matter.

Roll Call:

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

Motion carries.

BOARD OF ADJUSTMENT BUSINESS

- Chairman Herbert states Chick-fil-A BA-24-05 has asked to be removed from the schedule for an undetermined amount of time while they meet with the State DOT and review the Master Plan changes.
  - There is a discussion as too whether to remove it entirely from the calendar or to carry it
  - Vice Chairman Ramsey made a motion to extend to the April 2, 2025 meeting, seconded by Ms. Gladstone.

Roll Call:

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

Motion carries.

BUSINESS FROM THE FLOOR *(Open to public comment for matters not on the agenda)*

- None

PUBLIC HEARING - APPLICATIONS

- **John Lazorchak - File BA-24-12** (TOD 03/04/25) - Block 11, Lot 18 – 703 Amwell Road. Applicant seeking "c" bulk variances and waivers to remove the existing shed; renovate and construct an addition to the existing single-family dwelling; construct a new patio and driveway; construct a new septic system, and associated improvements, on Property located in the AG, Agricultural Zone within the Neshanic Historic District (Site #26 on the National Register of Historic Places Inventory).

  1) 7:13 pm - start of hearing.
  2) Chairman Herbert asks the applicant if they have made a decision.
  3) John Lazorchak, owner of property, explains they are not yet ready to present to the Board.
  4) There is a discussion as to when to reschedule.
  5) Vice Chairman Ramsey motions to carry without notice to March 5, 2025, seconded by Ms. Gladstone. All are in favor, none opposed. Motion carries.
  6) 7:15 pm - end of hearing.

- **Anthony Marucci – File BA-23-03** (TOD 5/02/25) - Block 204.06, Lot 112 (formerly Block 204F, Lot 68) - 54 Francis Drive. Application seeks four "c" variances for 1) exceeding the maximum impervious limit, where 15% is permitted, 23.6% percent was existing and 27.8%

percent was constructed, 2) reaffirm the pre-existing nonconforming lot width at setback where 125 feet is required and 116.5 feet is existing, 3) an accessory structure (gazebo) located in a front yard on Willow Road, and 4) the deck encroaching on the required front yard setback from Willow Road where 50 feet is required and 35.3 feet is existing on property located in the R / Residential Zone District.

<u>Participants</u>: Matthew Flynn, Esq., Corsini, Warner, Gillespie, O'Grodnick & Fisher P.A.- Applicant's Attorney; Michael K Ford, PE, PP, Van Cleef Engineering Associates, LLC,- Applicant's Engineer.

1) 7:15 pm – start of hearing.
2) **Matt Flynn**, attorney for applicant, introduces himself, summarizes the application, lists his witnesses and asks Mr. Anderson to confirm the Board's jurisdiction over the matter.
3) Mr. Anderson states based on his review the Board has jurisdiction.
4) **Michael Ford** is sworn in and confirms his licenses are up to date.
5) Chairman Herbert clarifies he will be testifying as an engineer.
6) Mr. Ford confirms and gives an overview of the Plot and Grain Plan dated June 20, 2022, prepared by his office and approved by the Township on June 22, 2022.
7) Mr. Flynn clarifies that the patio was over on impervious coverage prior to the initial extension.
8) Mr. Anderson and Mr. Flynn discuss the relevance of this.
9) Mr. Ford next reviews the Variance Plan, dated December 8, 2022, and revised April 10, 2024, submitted as part of the application. He discusses the impervious difference between a deck without a roof, a patio and a patio with a gazebo.
10) Mr. Ford begins to discuss the findings of impervious coverage for neighboring homes.
11) Mr. Anderson states this is irrelevant.
12) Mr. Flynn argues as part of the negative criteria they have to demonstrate that if the entire neighborhood is non-conforming then going slightly over the threshold would not be a substantial detriment.
13) Mr. Ford theorizes the original restrictions.
14) Mr. Anderson states it will need to be proved.
15) Mr. Ford discusses the history of the property, the current residential criteria and reads a portion into the record, cluster developments, and community wastewater.
16) Ms. Mclaughlin clarifies which Hillsborough development has the community wastewater facility, has the 35% impervious coverage - not like this applicant's development which has 15%, and explains how the impervious coverage table percentage were not forgotten or missed but are the same as non-cluster.
17) There is a discussion about past zoning and how it is impacting the application, properties in the neighborhood within 15% impervious coverage and if this is a primary issue with this application.
18) Mr. Ford reviews the February 12, 2025 Review Memo

19) Mr. Anderson asks the purpose of limiting impervious coverage, if there is a pay or primary purpose to limit or eliminating downstream flooding.
20) Mr. Ford discusses impact to surrounding properties and locations of old and regional detention basins.
21) Vice Chair Ramsey asks for clarification if the gazebo is the driver for the 23.6 – 27.8.
22) There is a discussion regarding the ADA access and if it is still necessary.
23) Mr. Mayhew discusses flood plain impact, the landscape garden area and the potential to be a rain garden, and stormwater management. He states they cannot offer an opinion at this time as they have not researched what may have potentially been the impervious cover when the site was originally designed. They leave it to the Board to decide what the appropriate square footage to mitigate backwards.
24) Chairman Herbert opens to questions from the public for this witness. There are none.
25) **Paul Ricci,** planner for the applicant, is sworn in and states his educational and professional background.
26) The Board accepts him as a witness.
27) Mr. Ricci reviews his exhibit which includes an aerial photograph, on-site photos he took, and tax maps. He states he considers the lot slightly over-sized but it was his understanding it was a 'legal' size. His review includes but is not limited to the character of the area, positive and negative criteria, impervious coverage areas, states he believes stormwater management is an engineering issue, rear and front yard setbacks, variances and conforming lot vs cluster lot. He expresses his belief that it is reasonable to have an amenity in ones yard.
28) Chairman Herbert asks if the gazebo would be legal if there was residential property instead of Willow Road behind this house.
29) Mr. Ricci confirms.
30) Mr. Anderson reviews the four variances with Mr. Ricci for clarification.
31) Chairman Herbert opens to questions from the public for this witness. There are none.
32) Vice Chair Ramsey asks all the houses slope and drain towards the Willow Road.
33) Mr. Ford states he does not have topographic information so is unable to answer that.
34) Vice Chair Ramsey expresses concern over past flooding in that area.
35) Mr. Ford discusses a neighboring retention basin and pipe drainage system.
36) Mr. Ford submits and discusses and Exhibit A-3, Existing Conditions Exhibit A-3 dated December 8, 2022 which shows the existing condition used to determine the 23.6%.
37) Mr. Anderson asks Mr. Mayhew to clarify comments & suggestion on page 3 regarding grading and draining.
38) Mr. Mayhew discusses the possibility of setting precedence.
39) There is a discussion regarding the ADA aspect of the application, the previous need vs current.
40) Chairman Herbert opens to comments from the public. There are none.
41) Mr. Flynn requests a short recess to discuss Mr. Mayhew's comments with his client.
42) At approximately 9:02 pm Chairman Herbert calls for a five-minute recess.

43) Upon return Mr. Flynn states as a condition of approval they would be willing to work with the Board Engineer to utilize this area shown on plan from Mr. Mayhew to mitigate the desired area's 7-8%. They would be requesting the full variance for 27% but implementing a rain garden or other system to mitigate the increase.
44) Chairman Herbert closes the hearing and opens Board discussion.
45) Chairman Herbert states his concern regarding the mitigation.
46) There is no further discussion
47) Mr. Movshin motions to approve pending the approval from the Engineer with mitigation at 20%, seconded by Mr. Dewelde.
There were no further comments from the Board.

Roll Call:

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

48) Motion carries
49) 9:09 pm – end of hearing

ADJOURNMENT

A motion to adjourn was made by Vice Chairman Ramsey, seconded by Mr. Lockburner. Motion carries unanimously.

9:10 pm meeting is adjourned.

Submitted by Robyn Bittle-Abramo
Recording Secretary