

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

April 2, 2025 – 7:00 pm

Chairman Frank Herbert called the April 2, 2025, Board of Adjustment meeting to order at 7:01 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, <i>Chairman</i>	Present - Tom Ramsey, <i>Vice Chairman</i>
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*; 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

- **February 19, 2025** - regular meeting
 - There was a motion to approve the minutes as written, seconded, all were in favor, none opposed, motion carries.
- **March 5, 2025** – regular meeting
 - There was a motion to approve the minutes as written, seconded, all were in favor, none opposed, motion carries.

CONSIDERATION OF RESOLUTIONS

- **Anthony Marucci – BA-23-03**

There is no further discussion.
Ms. Restuccia states who is eligible to vote on the matter.
Mr. Ramsey motions to approve, seconded by Ms. Molina.

Roll Call:

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

Motion carries.

- **Community Options, Inc. – BA-25-08**

There is no further discussion.

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

Roll Call:

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

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

- **372 Zion Road/ Roberts Road 21 LLC - BA-23-12** - (*TOD 07/31/25 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 non-conforming .725-acre property with a shared driveway from Zion Road located in the MZ/Mountain Conservation District.
Carried from the February 5, 2025 agenda without further notice – needs to be adjourned revisions to plan received 3/24/25 requiring re-notice.

Participants: Jordan S. Friedman, Esq., Vastola & Sullivan – Applicant’s Attorney

- 1) 7:05 pm start of hearing
- 2) Chairman Herbert states this application cannot be heard this evening.
- 3) **Jordan Friedman** explains he is taking over for a colleague and that the matter is being carried for administrative issues. He states it is his understanding they should be requesting formally for an adjournment of the application.
- 4) Chairman Herbert states it is his understanding new notice is required due to impervious surface increase.
- 5) Mr. Friedman agrees.
- 6) Chairman Herbert states the Township received an email from the County Open Space Committee regarding an inquiry into the property.
- 7) Mr. Friedman states he is aware of a correspondence but is not yet fully informed on the matter, however he is authorized to request an adjournment.
- 8) There is a scheduling discussion.
- 9) Chairman Herbert expresses concern about how long an appraisal may take.
- 10) Mr. Friedman states they will contact Ms. McLaughlin’s office with an update about the appraisal.
- 11) Ms. Haines motions to carry with notice to June 2025 or possibly later, seconded by Mr. Ramsey. All were in favor, none opposed. Motion carries.

12) 7:08 pm end of hearing.

- **Kevin and Jacqueline Carfagno - BA-24-10** - (TOD 6/13/25-EXT) Block 46, Lot 1, 750 Clawson Avenue. Applicant is seeking 'd' use variances to construct a 4,000-sf. pole barn on the site for storage of Septic and Drain Cleaning equipment and trucks associated with their business on property located in the CR Zone/ Central Residential District. – ***Needs to be adjourned – notice not sufficient additional 'd' variances required - applicant needs to re-notice.***

Participants: Matthew R. Flynn, Esq., Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher PA

- 1) 7:09 pm start of hearing.
 - 2) Chairman Herbert explains there were notice issues so the application will not be heard this evening.
 - 3) There is a scheduling discussion.
 - 4) Chairman Herbert states it is necessary to discuss the EIS, Environmental Impact Statement, for the site.
 - 5) Ms. McLaughlin clarifies the Board needs to determine if they will grant the requested waiver.
 - 6) Ms. Haines states she believes the Board should discuss the EIS tonight.
 - 7) Mr. Anderson explains the Board's options.
 - 8) Chairman Herbert suggests waiving an EIS.
 - 9) Ms. McLaughlin asks Mr. Anderson if the Board can grant the waiver for the completion portion of the application, then hear the application with the option of making it a condition of approval.
 - 10) Mr. Anderson explains the Board may decide tonight or at the next meeting.
 - 11) Mr. Carfagno asks the definition of an EIS.
 - 12) Mr. Anderson states it is an Environmental Impact Statement which is defined by ordinance.
 - 13) There is a discussion to adjourn to May 2025.
 - 14) Mr. Ramsey motions to carry with notice May 17, 2025, seconded by Mr. Wohlmacher. All were in favor, none opposed. Motion carries.
 - 15) 7:16 pm end of hearing.
- **Yasir Farooq and Saba Yasir Farooq - BA-23-26** - (TOD 04/30/2025-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). ***Carried from the March 5, 2025 agenda without further notice.***

Participants: *Jordan S. Friedman, Esq., Vastola & Sullivan - Applicant's attorney; Ashraf M. Ragab, AIA., Amrarch Design Studio - Architect –Applicant's Architect; Henry Hinterstein, LLA, PP, Professional Planner; Pam Mathews, PE, LS. Van Cleef Engineering – Applicant's Engineer; Yasir Farooq and Saba Yasir Farooq – Applicant.*

- 1) 7:17 pm start of hearing.
- 2) Chairman Herbert summarizes where last month's hearing left off and states they will now have a Board discussion and make a decision.
- 3) Chairman Herbert opens Board discussion stating he would like to create a framework for the discussion around six issues/concerns;
 1. Impact on nearby wells
 2. Stormwater runoff on the property
 3. Number of bedrooms actually in the house
 4. Size of the house for the neighborhood
 5. Is the Koval's garage on the property
 6. Koval's gravity drain which runs onto the property.
- 4) Mr. Mayhew summarizes a discussion he had earlier in the day with Mike Carr, of Hillsborough Township Health Department, regarding the number of bedrooms. Mr. Carr pointed out to him the definition of a bedroom, as stated in Hillsborough Code Section 350 - Water Supply, is any room on the second floor. Despite what an architect may label it, Mr. Carr stated he will be using it as a bedroom in his calculations.
- 5) Chairman Herbert clarifies the calculations would be for the interference test.
- 6) Mr. Mayhew confirms. He continues explaining the flow demand in an interference test is based on the number of bedrooms.
- 7) Mr. Mayhew states they next discussed the basement which is not defined in the ordinance. He explains Mr. Carr requested if the Board was inclined to approve the application and inclined to require interference testing, he would support the Board classifying the basement as another bedroom since it has a proposed full bathroom and separate, independent entrance. This would bring the total of bedrooms to be used in the demand flow rate calculation to six. Mr. Mayhew explains he and Mr. Carr agreed that perhaps there are some changes that can be made to the proposed basement plan, such as removing the full bathroom, that could eliminate the possibility of calling the basement a bedroom.
- 8) Chairman Herbert lists the neighbors with the closest wells and summarizes a conversation he had with Mr. Carr about how to know these wells will not be impacted. He states Mr. Carr said the interference test will have to be run on all five wells, as per Township Ordinance, and all five have to pass. Mr. Carr also recommended putting a limit on the well depth to 120 feet so as not to pull from the other wells from below.
- 9) Chairman Herbert next moves on to stormwater runoff stating the goal is to make sure the existing 'wet spots' don't get worse.
- 10) Mr. Mayhew states the applicant has not submitted a detailed design on the PMB but their engineer stated they would agree to address the Townships comments.

- 11) Mr. Mayhew discusses the three components to stormwater runoff; volume of runoff, water quality, and peak rate of flow.
- 12) Ms. Haines notes the increased frequency of 100-year storms.
- 13) Chairman Herbert asks which is more important the peak rate or volume.
- 14) Mr. Mayhew states both are important and will impact the neighborhood.
- 15) Chairman Herbert suggests putting a pin in that issue and moving on to the number of bedrooms issues and size of the house. He believes it should be considered a six-bedroom house.
- 16) Ms. Haines states there are zoning rules on size for a reason.
- 17) Chairman Herbert states the zone puts no limit on the size of the house but rather a limit on the envelope and height of the house.
- 18) Mr. Anderson reminds this is a variance application and discusses the services that are in the neighborhood and house and lot sizes.
- 19) Ms. Haines asks how the Board could potentially say 'no' to other half-acre lots in Flagtown.
- 20) Mr. Anderson reminds Boards of Adjustment do not establish precedence but rather interpret ordinances which may in-turn create a precedence. He expresses the Board will be potentially interpreting ordinance and so may set precedence.
- 21) Mr. Wohlmacher asks if the only distinction in the ordinance between the two-acre size and the smaller size is the absence of public utilities, in this case public water, can it be assumed that was the purpose for making a lot two-acres in size.
- 22) Mr. Anderson explains because of the practicalities the Board will decide if the lot size is appropriate and the Township Committee was correct in creating the two acre requirement.
- 23) Mr. Wohlmacher asks if this zone extends to areas besides Flagtown.
- 24) Chairman Herbert suggests requiring an easement for the Koval's garage and gravity drain issues so as to avoid future problems.
- 25) Ms. Haines wants to discuss the interference tests further, suggesting the tests are all done within a certain time frame.
- 26) There is a discussion about how to handle testing.
- 27) Mr. Ramsey states when reviewing the six issues from the risk management perspective, he feels like they are trying to stitch on too many things and he is not really comfortable with what he has heard so far.
- 28) Ms. Haines states she has major concerns; she is concerned about the size of the house does not fit with the neighborhood, is not comfortable with the Board being responsible for interpreting what the Township Committee intended when the applicant could go to the Township Committee and ask for a clarifying amendment and is concerned this will open them up to many more $\frac{1}{2}$ and $\frac{1}{4}$ acre applications.
- 29) Mr. Wohlmacher states with regard to waterflow and water mitigation, he is concerned with one neighbor being responsible for the rest of the neighborhood. He states he does not feel it is the Boards job to question why Township Planners require two acres.

- 30) Ms. Gladstone states her concern is on the impact to neighboring wells and believes they need to live by what is in front of them and not speculate.
- 31) Mr. Bernstein explains the Board's options.
- 32) There is a discussion as to how to word a motion and what the applicant's options will be if there were a denial.
- 33) Mr. Wohlmacher motions to deny without prejudice, seconded by Ms. Haines.

Roll Call:

No - Chairman Herbert	Yes - Mr. Dewelde
Yes - Mr. Lockburner	Yes - Ms. Gladstone
Yes - Ms. Haines	Yes - Vice Chairman Ramsey
	Yes - Mr. Wohlmacher

Motion carries.

- 34) 7:56 pm end of hearing.

ADJOURNMENT

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

7:57 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*