

Township of Hillsborough – BOARD OF ADJUSTMENT
APPROVED - Meeting Minutes

June 4, 2025 – 7:00 pm

Frank Herbert, Chairman called the June 4, 2025, Board of Adjustment meeting to order at 7:00 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>)
<i>Absent</i> - 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

- **April 2, 2025 regular meeting**
Mr. Wohlmacher motioned to approve the minutes as written, seconded by Vice Chairman Ramsey, all were in favor, none opposed; motion carries.

CONSIDERATION OF RESOLUTIONS

- **Yasir and Saba Yasir Farooq – BA-23-26**
There is no further discussion.
Vice Chairman Ramsey motions to approve, seconded by Mr. Wohlmacher.
Ms. Restuccia states the members eligible to vote on the resolution.

Roll Call:

Yes - Mr. Lockburner	Yes - Vice Chairman Ramsey
Yes - Ms. Haines	Yes - Mr. Wohlmacher
Yes - Mr. Dewelde	

Motion carries.

BUSINESS FROM THE FLOOR

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

- None

EXECUTIVE SESSION

“ Executive Session, closed to the public, for discussion with the Board Attorney of matters falling within the attorney-client privilege.”

- Chairman Herbert states the Board needs to discuss matters privately with Mr. Anderson.

Mr. Movshin motioned to enter executive session, seconded by Mr. Wohlmacher. All in favor, none opposed. Motion carries.

7:03 pm Board enters into executive session.

7:22 pm Board returns.

PUBLIC HEARING - APPLICATIONS

- **John Lazorchak - File BA-24-12 (TOD 09/30/25 EXT)** - 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. (Property is identified in the *Historic Preservation Plan Element, Hillsborough Township Master Plan, Township of Hillsborough Somerset County, Adopted April 5, 2001*, as located within the Neshanic Historic District (Site #26 on the National Register of Historic Places Inventory). HPC meeting 12-19-24. ***Adjourned from the March 5, 2025 Agenda without further notice. Requested further adjournment to July 16, 2025 without further notice.***
 - 1) Chairman Herbert states the applicant was not ready for the meeting and requested adjournment to July 16, 2025.
 - 2) Ms. Haines motions to approve adjourning to July 16, 2025, seconded by Vice Chairman Ramsey. All are in favor, none opposed. Motion carried.
- **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 April 2, 2025 agenda with re-notice. 5/22/25 Requested to be further adjourned to July 16, 2025 with notice.***
 - 1) Chairman Herbert states the applicant has substantial changes that require renote so it needs to be carried to next month.
 - 2) Ms. Haines motions to carry to July 16, 2025, with notice, seconded by Mr. Wohlmacher. All were in favor, none opposed. Motion carries.
- **Kevin and Jacqueline Carfagno - BA-24-10 - (TOD 6/30/25 EXT)** Block 46, Lot 1, 750 Clawson Avenue. Applicant is seeking ‘d’ use variances and Minor Site Plan approval to construct a 4,000-sf. pole barn and 3,600 second driveway on site for storage of Septic and Drain Cleaning equipment and trucks associated with their septic and drain cleaning

business on single-family dwelling property located in the CR Zone/ Central Residential District. ***Adjourned from the May 7, 2025 Agenda, with re-notice.***

Participants: Matthew R. Flynn, Esq., Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher PA. – Applicant's Attorney; Frank Antisel, PE & PP, Accurate Engineering PC. – Applicant's Engineer; Kevin Carfagno – Applicant/Owner.

- 1) 7:26 pm start of hearing.
- 2) **Matt Flynn**, attorney for the applicant introduces himself. He summarizes the application and the purpose for the request.
- 3) Mr. Flynn reviews his witnesses.
- 4) **Kevin Carfagno**, applicant, is sworn in and confirms his residence. He explains his Septic and Drain Cleaning business including number of employees, business hours and types of work.
- 5) Mr. Flynn asks him to describe what happens when he receives an emergency call.
- 6) Mr. Carfagno describes the process involved with an emergency call and explains how it would be helpful to have easy access to his vehicles.
- 7) Mr. Flynn asks if ease of access to his vehicles is a central purpose for this application and if they will be seeking to subdivide the property
- 8) Mr. Carfagno confirms that it is the main purpose and no they will not be requesting a subdivision.
- 9) Mr. Carfagno discusses what will be kept in the pole barn which includes but is not limited to quads (2), lawn mowers (2), snow mobiles (2), snow mobile trailer, open-signal action trailers (2), and septic trucks. He explains why it is necessary to store septic trucks indoors.
- 10) Mr. Flynn asks if the exterior of this structure will coordinate aesthetically with their home.
- 11) Mr. Carfagno confirms and describes the look and the proposed materials.
- 12) Ms. Haines asks for clarification of the number of trucks. She expresses concern about the overall size and asks how much of the 4,000 square feet will be used for the trucks.
- 13) Mr. Carfagno estimates about 2,500 sq ft and explains his experience with a pole barn on their previous property.
- 14) Ms. Haines asks where his vehicles are currently being kept.
- 15) Mr. Flynn asks if he would relinquish the lease on the current rented truck storage location.
- 16) Mr. Carfagno confirms.
- 17) Ms. Haines asks how and where he empties the sewage from his trucks.
- 18) Mr. Carfagno states he utilizes two locations, Somerset County sewage facility and a facility in Newark/Passaic Valley.
- 19) Ms. Haines asks if he has experienced leaks.
- 20) Mr. Carfagno states no and to clarify truck size he explains his trucks are non-CDL.
- 21) Ms. Haines asks more clarifying questions regarding the size, length and tank size of the trucks.
- 22) There is a discussion about the size of the trucks and usage of the remaining storage space in the pole barn.
- 23) Mr. Flynn clarifies they are not representing the pole barn is solely for the business but rather it is a residential garage plus space for a commercial business.

- 24) Mr. Anderson asks for clarification the applicant is asking to conduct a commercial business from the property.
- 25) Mr. Flynn confirms.
- 26) Ms. Haines asks if there will be a business office.
- 27) Mr. Carfagno explains there will be office space for storage of paperwork in the pole barn but business will be done from an office space in the house.
- 28) Ms. Haines asks for clarification of who the employees are and he foresees hiring additional employees.
- 29) Mr. Carfagno explains their employees consist of some family and friends and perhaps one day they may need one or two additional employees but not currently.
- 30) Ms. Haines asks where these employees who are not family living on-site park.
- 31) Mr. Carfagno explains three have company vehicles they drive to and from work, then two of those trucks are work trucks that are on calls throughout the day.
- 32) Ms. Haines asks if vehicles are washed on site and what the water source is.
- 33) Mr. Carfagno explains sometimes he uses his garden hose to clean trucks on-site but often utilizes a car wash in Raritan.
- 34) Ms. Haines asks if the inside of the tanks need cleaning.
- 35) Mr. Carfagno states no.
- 36) Mr. Wohlmacher asks who tends to the late-night emergency calls.
- 37) Mr. Carfagno explains he delegates to employees who have company trucks at their residence.
- 38) Mr. Wohlmacher asks if they would need any of the trucks stored on-site.
- 39) Mr. Carfagno explains it depends on the call and explains where those employees would park if they needed to pick-up a truck from on-site.
- 40) Mr. Mayhew asks if there are any utilities proposed to the pole barn.
- 41) Mr. Carfagno states only electricity.
- 42) Mr. Mayhew asks him if any of the vehicles have back-up notifiers and if so what kind.
- 43) Ms. Haines asks for clarification of the types of properties bordering and directly neighboring his property.
- 44) Mr. Mayhew asked if there would be exterior lighting and if so what kind.
- 45) Mr. Carfagno confirms there is.
- 46) Mr. Mayhew suggests making a condition, if there is an approval, that the lighting plan be reviewed by his office so as to assure it is a residential scale lighting.
- 47) Mr. Mayhew states he has a memo from Somerset County regarding a planned trail to be created on the old railroad right-of-way and is requesting a consideration for a piece of land from this property.
- 48) Mr. Flynn asks to table the issue to be tabled for Mr. Anderson to address.
- 49) Mr. Mayhew asks about the width of the driveway and what is driving the above average width.
- 50) Mr. Carfagno explains the need for maneuvering vehicles and storage.
- 51) Mr. Mayhew suggested the Board consider a T-shaped driveway and discuss with the applicant's engineer.
- 52) Chairman Herbert opens to public questions. There is none.
- 53) **Frank Antisel**, applicant's engineer, is sworn in and offers his educational and professional background.
- 54) Chairman Herbert states they accept the witness.
- 55) Mr. Antisel presents and summarizes a colorized version of the proposal, marked as Exhibit A-1. He points out the railroad right-of-way, discusses the history of Clawson

Ave and explains how the stretch in front of this property was never properly dedicated to Hillsborough Township. He states the Township professionals have requested they dedicate the road right-of-way back to Hillsborough Township as part of this application. Mr. Antisel proposes that if approved, his office would submit a Deed of Dedication with a metes and bounds for Mr. Anderson's approval, the roadway would be improved to Township standards, dedicated to Hillsborough Township and recorded with the county.

- 56) There is a discussion about the railroad right-of-way and acreage size with and without the dedication.
- 57) Mr. Mayhew asks if their plan includes connecting First Street to Clawson Ave and if his client would be open to that dedication as well, if there is an approval.
- 58) Mr. Anderson points out this would create a subdivision.
- 59) There is a discussion on how to deal with the right-of-way issues and concerns surrounding it.
- 60) Mr. Antisel continues describing the site.
- 61) Mr. Mayhew suggests a T-shaped driveway. He and Mr. Antisel discuss changes which could be made to accommodate this.
- 62) Mr. Antisel submits and discusses Exhibit A-2, a Google aerial image
- 63) Mr. Anderson asks if the other commercial use in the area is a permitted use or if they are in appropriate zones.
- 64) Mr. Antisel discusses their tree removal plan stating they positioned the pole barn in a way that was least impactful to the trees.
- 65) Mr. Mayhew and Mr. Antisel discuss reconfiguring the driveway to include space for a curb cut, parking to the side and landscaping.
- 66) Mr. Mayhew and Mr. Antisel discuss the County's desire to obtain an easement to the right-arm of the property and how to accommodate.
- 67) Mr. Mayhew suggests to the Board that if an approval is granted, the applicant would need to grant a 20 or 25 foot-wide trail easement through that piece of property also conditioned on Lot One's approval.
- 68) Mr. Carfagno, Mr. Antisel and Mr. Flynn have a brief off-the record discussion.
- 69) Mr. Flynn states Mr. Carfagno would provide the easement.
- 70) Mr. Anderson asks for clarification on a curb line vs the extent of the right-of-way.
- 71) Mr. Antisel moves on to discussing planning aspects. He states there are no bulk variances but there are five D-1 variances which included: the septic contractor facility business, a second principal use on one lot, overnight parking of commercial vehicles with gross vehicle weight exceeding 10,000 lbs is prohibited, no more than one commercial vehicle shall be stored or maintained on any residential property, garaging more than three cars may not be erected on a single lot. Mr. Antisel discusses each variance.
- 72) Mr. Antisel discusses removal of existing sheds, positive and negative criteria.
- 73) Mr. Anderson asks for clarification regarding this property becoming a commercial use.
- 74) Mr. Antisel states it would be dual, residential and commercial.
- 75) Mr. Anderson asks how the Board can keep such a dual use from getting out of hand.
- 76) Mr. Antisel offers condition suggestions such as number of stored vehicles permitted on the site, the square footage used for commercial purposes and/or type of business permitted.
- 77) There is a discussion about possible restrictions, legal issues surrounding them, and the rail easement.

- 78) Chairman Herbert opens to public questions. There are none.
- 79) Mr. Flynn summarizes the intent of the application by stating their goal is to be a partner to the town and work with Mr. Anderson to deal with any 'title issues' existing on the property; the Carfagno's desire to improve their family business while maintaining their well-kept property; asks for approval of requested variances.
- 80) Chairman Herbert asks about the waiver for the EIS.
- 81) Mr. Antisel stated they did submit the waiver request, reviewed FEMA maps and the soil survey which showed they are not in flood zone or the steep slope areas and total disturbance on the site is just over 12,000 sq. ft. He states the proposed improvements are in an established lawn area and they are only requesting to remove four trees which are clumped together.
- 82) Ms. Haines states she believes the Board will need to have discussions moving forward about requesting to waive environmental variances.
- 83) Mr. Ramsey asks for clarification on the limitations for vehicles on the property.
- 84) Mr. Anderson states it was not summarized as it was an offer not a decision.
- 85) Mr. Wohlmacher states that while he does not oppose, he would like to hear the restrictions and have them confirmed before making a decision.
- 86) Mr. Flynn states the controls on the use would be: the owner must be the sole proprietor of the enterprise while residing on the property; any future use would be restricted to similar uses as defined in the zoning code; a limitation of three single-axle-vehicles with no additional vehicles stored on-site; no expansion of building footprint, use intensity or impervious areas.
- 87) Ms. Haines asks the square footage of the pole barn which would be used for the trucks.
- 88) Mr. Anderson believes trying to define a particular area within the structure is an enforcement nightmare.
- 89) Mr. Haines confirms this does not mean tractor trailers are permitted.
- 90) Mr. Flynn confirms, stating single-axel trucks only.
- 91) Mr. Anderson asks for confirmation that all the trucks will be stored in the barn.
- 92) Mr. Antisel confirms.
- 93) Mr. Flynn agrees a condition should be that all commercial vehicles are stored inside.
- 94) Ms. Haines asks about bathroom facilities.
- 95) Mr. Antisel confirms there is no water or sewer proposed and there is no gas nearby to be added; electricity is the only utility proposed.
- 96) Mr. Wohlmacher asks if the building will be heated.
- 97) Mr. Antisel confirms it would have electric heat and is insulated which will also help with reducing noise.
- 98) Ms. Molina asks the type of trailer they anticipate storing.
- 99) Mr. Antisel states it is a residential trailer, not a commercial trailer, specifically used for hauling his quads.
- 100) Ms. Haines states her concern for the long-term that it opens a door to, for example, a larger trucking company.
- 101) Mr. Anderson states he is satisfied that the conditions discussed will prevent it from growing out of control.
- 102) Mr. Flynn again states their desire to work with the Board.
- 103) There is a discussion about restrictions for vehicle parking with regard to back-up noise for late night calls.
- 104) Ms. Restuccia clarifies who is eligible to vote.

- 105) Mr. Wohlmacher motions to approve with conditions discussed, seconded by Mr. Lockburner.

Roll Call:

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

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

Motion carries.

- 106) **9:22** pm end of hearing

ADJOURNMENT

There is a motion and a second to adjourn. All are in favor, none opposed. Motion carries unanimously.

9:24 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*