

Township of Hillsborough – BOARD OF ADJUSTMENT

APPROVED Meeting Minutes

July 16, 2025 – 7:00 pm

Chairman Frank Herbert called the July 16, 2025, Board of Adjustment meeting to order at 7:02 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>
Absent	- Tim Lockburner	Absent	- Jim Wohlmacher
Present	- Helen Haines	Present	- Robert Movshin (<i>Alt#1</i>)
Present	- Jarrett Dewelde	Present	- Mildred Molina (<i>Alt#2</i>)
Absent	- 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 (Pennonni Associates)*; Christina Restuccia, CCR, *Covering Board Court Reporter*.

CONSIDERATION OF MEETING MINUTES

- **June 4, 2025** Regular Meeting Minutes
 - Ms. Haines motions to approve the minutes as written, seconded by Vice Chairman Ramsey, all were in favor, none opposed; motion carries.
- **June 4, 2025** Executive Session Meeting Minutes
 - Mr. Dewelde motions to approve the minutes as written, seconded by Vice Chairman Ramsey.
All were in favor, none opposed.
Motion carries.

CONSIDERATION OF RESOLUTIONS

- None

BOARD OF ADJUSTMENT BUSINESS

- **Consideration to cancel the scheduled September 17, 2025 Board of Adjustment meeting**
 - Chairman Herbert explains there is currently nothing on the schedule for September 17 and is now too late for anything to be added.
 - Ms. Haines motions to approve cancellation of the September 17, 2025 Board of Adjustment meeting, seconded by Vice Chairman Ramsey. All were in favor, none opposed. Motion carries.

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 10/31/25 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 sf. single family dwelling and associated driveway on non-conforming .725-acre property with a shared driveway from Zion Road located in the MZ/Mountain Conservation District. ***Adjourned from the June 4, 2025 Agenda without further notice. To be further adjourned to the September 3, 2025 Agenda.***
 - 1) Ms. McLaughlin explains while the applicant has made a few revisions, they did not notice accurately and asked to be adjourned to September.
 - 2) Chairman Herbert confirms they will be on the September 3, 2025 agenda.
- **John Lazorchak - File BA-24-12** (TOD 12/31/25 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 June 4, 2025 Agenda without further notice. To be further adjourned to the November 5, 2025 Agenda.***
 - 1) Chairman Herbert asked if the applicant is waiting for a report from the DEP.
 - 2) Ms. McLaughlin confirms and states he asked to be adjourned to the November 5, 2025 agenda.
 - 3) Chairman Herbert asks Mr. Anderson if notice should be required.
 - 4) Mr. Anderson explains that notice is not necessary in this situation.
 - 5) Ms. Haines motions to carry the application to November 5, 2025 without notice, seconded by Vice Chairman Ramsey.
All were in favor, none opposed.
Motion carries.
- **Brickner & Mravcak Variance – BA-25-02** (TOD 8/19/25) – Block 174, Lot 36 – 279 East Mountain Road. Applicant seeking one 'c' bulk variance for relief of impervious coverage where 5% is permitted, 7.57% currently exists, and 7.907% is proposed to construct a 477 sf. "L" shaped covered porch on the front and side of the existing single-family dwelling located in the MZ Zone/Mountain Zone.

Participants: Kristen Brickner and Sally Mravcak - applicants; Daniel Fortunato, AIA – applicant's Architect; Todd Beach, East Coast Construction - applicant's contractor.

- 1) **Sally Mravcak**, applicant, and **Daniel Fortunato**, architect, are sworn in.

- 2) Ms. Mravcak summarizes the reason for their application.
- 3) Mr. Fortunato gives his professional and educational background.
- 4) Chairman Herbert states he is accepted as a professional.
- 5) Mr. Fortunato discusses the architectural plan for the porch and reviews the impervious coverage. He states the current driveway is taking up a majority of the impervious coverage.
- 6) Mr. Mayhew discusses a report from his office dated July 9, 2025. He begins with a discrepancy in the proposed impervious coverage shown on the submitted plan vs the submitted impervious coverage calculation form. He asks if approved for a condition of clarification of correct total of impervious coverage.
- 7) Mr. Fortunato states that the site survey shows size of the porch as 477 sf.
- 8) Mr. Anderson states he was not aware of the discrepancy and states the Board is not able to prove a percentage more than that which has been noted. He asks if the proposal is the actual proposal.
- 9) Mr. Fortunato clarifies they will be holding to 7.91% total impervious coverage for the lot.
- 10) Mr. Mayhew next discuss wetlands. He states he has driven past the site and, based on his visual observation, there does not appear to be any wetlands in the immediate area of the proposed work. He states his office would be comfortable for the application to move forward without having to submit any submittals to the DEP.
- 11) Mr. Mayhew next discusses the stream corridor comments and arial photos purchased by the Township showing topographical features. He reviews waiver potentials in the stream corridor standards, section 188-64 letter D – stream corridor protection and standards.
- 12) Chairman Herbert asks if the concern is flooding or keeping the stream in its natural state.
- 13) Mr. Mayhew explains one of the goals is to preserve natural features along the sides of streams to aid with water quality, habitat and etc. and states the proposed work would occur on the far side of the existing driveway.
- 14) Mr. Mayhew next discusses stormwater stating there is currently no management system on the site. Due to the lack of current system and the proximity to the stream corridor, he recommends some stormwater management be implemented on site to address the increase in impervious coverage above the allowable zoning limitation. He says they would be happy to work with the applicant to develop an appropriate BMP, of which there are several options. The review letter recommends all the increase above the zoning allowable be captured and recharged.
- 15) There is a discussion between Mr. Fortunato and Mr. Mayhew about how to capture stormwater from driveway runoff. Mr. Mayhew offers a suggestion and Mr. Fortunato asks if he may work with him directly outside the meeting. Mr. Mayhew confirms pending approval of the application.
- 16) Mr. Mayhew discusses the final comment from his review letter pertaining to adding Hillsborough Earth Disturbance notes to their plan.
- 17) Mr. Ramsey asks Mr. Mayhew why he would like to capture the complete overage from the 5% in this case.
- 18) Mr. Mayhew states his concern comes from the proximity of the impervious coverage to the water course. Capturing recharge would be beneficial for the health of the water course and it will help decrease the velocity of run-off from the site.
- 19) 7:16 pm – Mr. Movshin arrives to the meeting.
- 20) Mr. Movshin brings up the issue of hardship.

- 21) Mr. Mayhew suggests the applicant and the applicant's expert offer some thoughts as to what would currently be considered a normal amenity to a home with regard to the entry.
- 22) Ms. McLaughlin discusses pertaining to hardship accommodations and what constitutes a hardship from a zoning standpoint.
- 23) Chairman Herbert asks the applicant if they have observed the stream during heavy rains.
- 24) Ms. Mravack states she has and describes it functioning normally.
- 25) Ms. Haines asks if the ditch is maintained by the Township.
- 26) Mr. Mayhew explains the feature in question runs perpendicular to the road; it approached the road and flows into a 24" diameter concrete pipe which goes under the road.
- 27) Mr. Ramsey asks Mr. Mayhew if he is correct in understanding that they are not very concerned about the stream corridor or stop-storm-water as they see it.
- 28) Mr. Mayhew confirms, they would have no concern if the Board decided to grant the waiver.
- 29) Chairman Herbert opens to public comment – there is none.
- 30) Mr. Anderson suggests Mr. Movshin, while able to participate in the discussion, should not vote on the matter as he arrived mid-hearing.
- 31) Ms. Haines motions to approve granting the waivers as recommended by Mr. Mayhew with the condition of the applicant working with Mr. Mayhew on the stormwater management system, seconded by Mr. Ramsey.

Roll Call:

- Yes - Chairman Herbert
- Yes - Ms. Haines
- Yes - Vice Chairman Ramsey
- Yes - Ms. Molina (*Alt. #2*)

Motion carries.

- 32) 7:34 – end of hearing.

Chairman Herbert reminds there are no meetings in August, next meeting is September 3 and the September 17, 2025, meeting is canceled.

ADJOURNMENT

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

7:34 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*