

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

June 4, 2026

Chairman John Ciccarelli called the Planning Board Regular Public Meeting of June 4, 2026, to order at 7:10 pm. The meeting was held in the Courtroom of The Peter J. Biondi Building. All stood for the flag salute.

NOTICE OF MEETING

Chairman Ciccarelli announced the 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 2025 Annual Meeting Schedule 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 web site

<https://hillsboroughnj.portal.civicclerk.com/> . Complete applications files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

OATH OF OFFICE - Tabled

Chairman Ciccarelli announces the oath of office will be tabled to next and the delay does not impact the Boards ability to proceed this the meeting.

- Jason Flagg – Seat #2 (Class II) (Unexpired Term)
- Jason Smith – Seat #6 (Class IV) (Unexpired Term)

ROLL CALL

Absent - Mayor Catherine Payne

Vacant - Seat # 2

Present - Deputy Mayor Shawn Lipani

Present - Robert Peason, *Vice Chairman*

Present - Carl Suraci

Present - Jason Flagg

Present - Bruce Radowitz, *Secretary*

Present - Angelo Vitale

Present - John Ciccarelli, *Chairman*

Absent - Surajit Deb (*Alt. #1*)

Present - Jason Smith (*Alt. #2*)

Also in attendance: David Kois, PP, AICP, *Township Planning Director*; Samantha Ball, *Assistant Planner / Sustainability Program Manager*; Eric Bernstein, Esq., *Board Attorney (Eric M. Bernstein & Associates)*; Mark Mayhew, PE, CME, *Board Engineer (Pennoni Associates)*; Michael Lombardozzi, CSR, CCR, *Board Court Reporter.*; Alex Pallis, *Township Videographer (Fuerza Strategy Group)*

CONSIDERATION OF MEETING MINUTES

- None

CONSIDERATION OF RESOLUTIONS

- None

PLANNING BOARD BUSINESS

- None

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

Chairman Ciccarelli opens to comments from the public. He reminds of the rules, comments only no questions (there will be an additional period for questions), no comments regarding

warehousing direct or indirect*, and there is a five-minute limit per person. He asks that each person state their name and address for the record.

(*warehouse-related comments and questions should be expressed during the designated public hearing portion of the meeting)

None

CONSIDERATION OF ORDINANCES

- None

APPLICATIONS – PUBLIC HEARING

- **Specialty Assays, Inc. – File 23-PB-16-SPV (2026 Ext.)** – Block 67, Lot 16 – 56 Old Camplain Road. Applicant seeking a one-year Extension for a Minor Site Plan approval; ‘c’ bulk variance; and waiver through July 10, 2027, to construct an approximate 4,869 SF addition to the existing building for use as a research facility and related improvements, on Property located in the I-1, Light Industrial and RA, Residential Agricultural Zones.

Applicant requests to be adjourned to the June 25, 2026 agenda with re-notice.

Attending for the Applicant: Kara A. Kaczynski, Esq. of McNally, Yaros, Kaczynski & Lime, LLC

1. 7:12 pm start of hearing.
2. **Kara Kaczynski** introduces herself and summarizes the previous meeting.
3. Ms. Kaczynski states they have been going through resolution compliance, have changed and submitted their stormwater design and are currently waiting on revised Delaware and Raritan Canal Commission approval. Since their extension request they have received County Planning Board approval in the form of a ‘letter of no interest’ and a request for completed stormwater facilities maintenance agreement from the Township Committee. She states they have completed the Township Committee’s request and will be submitting it for approval.
4. Ms. Kaczynski explains the delays with the D&R CC approval which includes but is not limited to multiple requests for changes or clarification which their engineers are working on. She states this currently does not change the approval the Planning Board has granted. They will submit the approval as soon as it is received and are willing to return for any amendments if needed.
5. Vice Chairman Peason asks for clarification if they are extending through July 2027 due to construction time frame.
6. Ms. Kaczynski confirms and hopes to have everything finalized within the next month.
7. There are no further comments from the Board.
8. There is a motion and second to open to public comments. All are in favor. Motion carries.
9. There are no comments from the public.
10. There is a motion and second to close to public comments. All are in favor. Motion carries.
11. **Motion:** Deputy Mayor Lipani motions to approve the extension of minor site plan approval ‘c’ bulk variance and waiver through July 10, 2027, seconded by Mr. Suraci.

Roll Call:

Yes - Mr. Flagg

Yes - Mr. Suraci

Yes - Mr. Smith (Alt. #2)

Yes - Mr. Vitale

Yes - Deputy Mayor Lipani

Yes - Vice Chair Peason

Yes - Mr. Radowitz

Yes - Chair Ciccarelli

Motion carries

12. 7:18 pm end of hearing.

- **480 Hillsborough RD LLC - File 25-PB-19-SV** (TOD: 08-26-26) – Block 203.10, Lot 29 (f/k/a Block 203, Lot 4.B) – 480 Hillsborough Road. Applicant seeking Minor Subdivision approval; ‘c’ bulk variances; and waivers, to subdivide approximately 4.851 acres into three single-family dwelling lots: new Proposed Lot 29.01 (1.68 acres) and new Proposed Lot 29.02 (1.74 acres) to be served by individual driveways with access from Lydon Drive, with associated improvements; the Reminder Lot, Proposed Lot 29.03 (1.54 acres) to contain the existing single-family dwelling and retain access from Hillsborough Road, on Property located in the R, Residential Zoning District.
1. 7:18 pm start of hearing
 2. **Michael Fedun**, attorney for the applicant, introduces himself and lists his witnesses present.
 3. **Chris Sobieski**, of Savo Schalk law firm, introduces himself as representation for Mr. Fourier, a neighboring property owner at 48 Beverly Drive. He states there are concern about the application he would like raised specifically the applicant’s notice. He reads into the record reasons they believe the notice was defective which include but are not limited to: inconsistent and inaccurate notations regarding lot width and the Board professionals’ memos were released yesterday with a number of concerns raised which does not allow for adequate opportunity for the public to digest the information or seek advice.
 4. Mr. Sobieski states for the record, he respectfully requests the hearing be adjourned giving the applicant time to cure the notice deficiency and give his client and other members of the public an opportunity to retain professional guidance of their own.
 5. Mr. Bernstein asks if he is seeking Objector status and who he represents.
 6. Mr. Sobieski confirms and states he is representing William Feuer, owner of property at 48 Beverly Dr., block 203.10 / lot 25, which borders the subject property to the west.
 7. Mr. Bernstein asks Mr. Fedun to speak to the concerns raised.
 8. Mr. Fedun argues the notice is accurate and sufficient, stating the objector is present so enough notice was given. He states he is prepared to address the Board professional’s memos.
 9. Mr. Bernstein asks to view a copy of the notice published in the newspaper.
 10. Mr. Fedun states the notices were deemed adequate and accurate by the staff.
 11. Mr. Bernstein states the issue is not if he found it accurate but rather accurate for the purposes of the raised issues. He asks Mr. Sobieski to specify which section is inaccurate.
 12. Mr. Sobieski states subsection B, the variances and waivers area, reads it into the record and explains how it does not accurately describe the relief that is being sought.
 13. There is a discussion between Mr. Sobieski, Mr. Bernstein and Mr. Fedun clarifying the section with in question and determining the accuracy.
 14. Mr. Kois states for clarity that his April correspondence pertained to ‘completeness’ and the report dated June 3rd is the full planning and zoning review.
 15. Mr. Bernstein states there is a second Objector and invites them forward to state their objection.
 16. **Marcy Green**, Beverly Court, introduces herself, states they are in the process of obtaining a lawyer. She states the application should not be approved as the applicant has not proved the bulk variances won’t detrimentally affect the neighbors or the public good;

the application has not addressed all the criteria in the application. She states they request the applicant pay in escrow to the Board to allow for the professional review of the water management calculation.

17. Mr. Bernstein states for the purpose of the record that she is 'objector status' and explains what that affords. He asks her to confirm she understands and to clarify who she, as an objector, represents and how her legal representation is.
18. Ms. Green confirms understanding and states she represents herself and her previous statement included information from the lawyer she is in the process of detaining, Corey Gray.
19. Mr. Bernstein asks questions pertaining to when she was in receipt of the notification.
20. Ms. Green explains it arrived on May 23, 2026, the Saturday of Memorial Day weekend.
21. Ms. Ball asks for her address and Ms. Green provides it
22. Mr. Fedun states his affidavit indicates Lorette Green, at that address, was sent the notice on May 21, 2026.
23. Mr. Bernstein asks if she is the owner of the property.
24. Ms. Green explains she resides there along with her mother who owns the property.
25. Mr. Bernstein asks if her mother is present this evening and if Ms. Green is speaking on her behalf.
26. Mr. Green confirms.
27. Mr. Bernstein acknowledges her objection. He explains there are two issues objected; the notice is incomplete or inaccurate and the notice is untimely.
28. Mr. Fedun objects, stating he believes Ms. Green was saying the receipt of the notice did not offer enough time to retain a lawyer, that that it was untimely.
29. Mr. Bernstein asks Ms. Green to confirm which.
30. Ms. Green states both meanings apply.
31. Mr. Bernstein states that under the MLUL there is no requirement that notice be given in sufficient time to allow parties to retain counsel and this is issue is not enough to put off this application.
32. Mr. Suraci asks for clarification if the number days required for notice refers to business-days.
33. Mr. Bernstein states it is 10-calendar days and tonight is the 12th night. He discusses what he refers to as the 'bigger issue' which is if the contents of the notice are sufficient enough to give the parties an understanding as to what the applicant is seeking. He states his office reviews the notices and discusses what they review.
34. Mr. Bernstein states that it is his recommendation to the Board that this application be heard. He says Judge Mennen may find review this at a later date.
35. Mr. Suraci states he agrees they should move forward with the hearing.
36. Chairman Ciccarelli asks if a vote is necessary.
37. Mr. Bernstein states for the record the objectors' comments relative to the issues are so noted.
38. Chairman Ciccarelli thanks the Objectors for their statements and reminds they will be able to question witnesses after testimony if they choose.
39. Mr. Bernstein explains how this works and notifies Ms. Green only she may ask question on behalf of herself and her mother.
40. Michael Ford, planner and engineer for the applicant, is sworn in and states her educational and professional background.
41. Mr. Bernstein provides opportunity for the Objectors to asks questions of Mr. Ford pertaining to his credentials prior to the Board accepting him as an expert witness.
42. The Board has no questions for Mr. Ford.

43. Mr. Sobieski asks if his licenses are current and in good standing as a planner and engineer in the state of NJ.
44. Mr. Ford confirms.
45. Mr. Sobieski states no objection.
46. Ms. Green has no questions regarding Mr. Ford's credentials.
47. Mr. Bernstein asks if the Board has any objection in qualifying Mr. Ford as an expert in the field of engineering.
48. Chairman Ciccarelli states there are no objections.
49. Mr. Ford describes the property, summarizes the application and explains their proposal. He states additional details to share included all three lots would be serviced by public water and sewer, the application has been submitted to the County Planning Board, Somerset Union Soil Conservation District as well as 'will serve letters'.
50. There is a conversation about if Mr. Ford is testifying as just an engineer or an engineer *and* planner.
51. Mr. Ford explains their intent was both.
52. Mr. Ford continues describing the reports submitted and the overall proposal.
53. Deputy Mayor Lipani asks for clarifying purposes, if they are looking to subdivide into three lots.
54. Mr. Ford confirms.
55. Deputy Mayor Lipani asks how is the Board to consider what will be built on the lots if the homeowners have to submit new plans when they each decide what they want to build. He states the testimony being given about drainage, amenities and etc. seems inappropriate for a simple line adjustment and it seems what is really being asked for is a site plan approval.
56. Mr. Ford disagrees stating a permission to construct a single-family dwelling on a residential lot does not require site plan approval however the application includes those elements to demonstrate how adequate stormwater management can be provided on both of the proposed lots.
57. Deputy Mayor Lipani asks if he is asking for them to review proposed site plan with buildings where they are currently proposed or just the possibility of where the buildings would be.
58. Mr. Ford confirms and states the subdivision would carry with it the limitations that all of the zoning criteria for the future construction of the dwelling would have to comply with the township criteria and compares it to a 100-lot subdivision plan.
59. Mr. Fedun asks if there is a 15% impervious coverage limitation, noting anything in excess would require variances and that nothing described exceeds 15%.
60. Mr. Ford confirms.
61. Mr. Fedun asks if any proposal one of the lots would have to comply entirely with the development of a single-family home on a single lot or would require variances.
62. Mr. Ford confirms.
63. Mr. Fedun suggests reviewing the memos to touch base on the other issues.
64. At approximately 8:25 pm Chairman Ciccarelli calls for a five-minute recess to do with some technical issues.
65. At approximately 8:33 pm Chairman Ciccarelli calls the meeting back into session.
66. Mr. Bernstein asks since they are seeking variances, are they planning to have a planner testify.
67. Mr. Fedun states no, Mr. Ford is providing that testimony.
68. Mr. Bernstein reminds that Hillsborough has a 10-day requirement for planners to submit their reports in advance of a hearing and ask if there is a report from Mr. Ford.

69. Mr. Fedun states they do not have a report from Mr. Ford and explains they are not significant variances.
70. Mr. Bernstein states Mr. Ford can testify in an engineering capacity but with a report he cannot testify to planning.
71. Mr. Fedun, Mr. Bernstein and Mr. Kois discuss this decision.
72. Mr. Ford discusses the review letters and the conservation easement on the church property. The map and recorded conservation easement are marked as Exhibit A-1.
73. Mr. Fedun states his office obtained the recorded conservation easement from public record via the Somerset County Clerk's office.
74. Mr. Bernstein points out, despite being referred to, the Zoning Board resolution approving the application is not included with the document and explains why it is needed.
75. Chairman Ciccarelli states the Board would like to review a copy of the resolution.
76. Mr. Ford states their suggestions are that Lydon Road not be physically extended and the utility entities that have jurisdiction be utilized. He states they comply with all other recommendations in the review memo.
77. Chairman Ciccarelli asks Mr. Ford to discuss their plans for runoff.
78. Mr. Bernstein marks Exhibit A-2 - sheet four of the plan provided to the Board as part of the application and confirms Mr. Ford is the author.
79. Mr. Ford confirms he is the author and it is revised dated March 11, 2026. Discussing the document he states it the property generally drains from east to west which is towards the lots fronting on Beverly Dr. and explains they propose the stormwater management system to be placed at the rear of these lots. He discusses the function of the small- scale infiltration basins.
80. Chairman Ciccarelli asks if the driveway will be porous pavement and if so, what will prevent future homeowners from paving over it.
81. Mr. Ford confirms and explains a deed restriction would be required to be filed for the on-site stormwater management facilities which would include a maintenance manual, a restriction that it be maintained and annual reporting of inspections will be required by Township code requirement. He discusses the porous pavement options.
82. Mr. Mayhew introduces Exhibit B-1, a screenshot from NJ GeoWeb page which he captured today. He describes it as delineating roadways, partials or lots with block and lot numbers and red notations which were added by his office. It shows the proposed three lots 2901, 2902, and 2903 and the adjoining religious establishment.
83. Mr. Mayhew states his office strongly suggests that any application be contingent on the applicant providing the required 50-foot right-of-way through their subject lot. He discusses the reasons they believe providing the right-of-way and roadway is good planning and good engineering even if never extended. Mr. Mayhew states he takes exception to the applicant's testimony with regard to the conservation easement and discuss the "grantor's obligations" as stated on page two, paragraph number five of the easement. He reads the last sentence into the record and explains how this easement does not forever prohibit any improvement. He states he spoke with the Hillsborough MUA and they strongly support extending the existing sanitary line, Lyndon Drive, through lot 29 to a manhole at the end of lot 29 and to provide services off the extended line. He discusses their suggestion that a temporary K-turn easement which will allow emergency vehicles to safely exit, be provided at the end of the dead-end.
84. Mr. Ford states the applicant has no objection to general comment number four.
85. Mr. Fedun asks if the street were to be extended what would be required regarding streetlights.

86. Mr. Mayhew states his office and the Township office try very hard to respect the night sky view and to minimize night glare so his office's opinion would be for no streetlights on this section.
87. Vice Chair Peason asks for clarification on the what the Lydon Drive 50-foot-wide right-of-way and 30-foot wide cartway with curbs entail.
88. Mr. Mayhew explains 50-foot is the legal right of way which matches the existing right-of-way and meets RSIS; the 30-foot is the recommended roadway width from curb to curb which meets RSIS criteria and matches the existing cartway. He states they are only recommending putting sidewalk on one side and would match the current sidewalk. They recommend the new sidewalk to allow new residents to safely travers up.
89. There is a discussion about the details of this suggestion.
90. Mr. Mayhew states he has covered general comments number three, four, five and utility comments four and five.
91. Chairman Ciccarelli asks the Objectors if they have any questions for the witness.
92. Mr. Sobieski asks for an explanation of how lot 29.01 will be graded or if it will be sloped.
93. Mr. Ford states they are not substantial changing the drainage patterns and the site generally drains from east to west, from the property toward the rear of the lots fronting Beverly, and refers to Exhibit A-2.
94. Mr. Sobieski asks if the lot will be sloping down towards the adjacent lots to the west, and his client's property.
95. Mr. Ford confirms.
96. Mr. Sobieski asks what the plan is for facility maintenance after the lots are sold.
97. Mr. Ford states the individual lot owners would be responsible for the maintenance and explains the Township requires owners of such facilities provide inspection reports to the Township Engineering annually to demonstrate adequate maintenance.
98. Mr. Sobieski asks what kind of enforcement mechanisms are in place or penalties if neglected.
99. Mr. Ford states he does not know.
100. Mr. Mayhew explains in order for the application to be approved the applicant will have to submit a deed agreement to stormwater management maintenance which allows the Township to inspect the site and take action if the homeowner refuses to address any issues.
101. Mr. Sobieski asks if pervious pavers are strong enough to handle 'daily pressure'.
102. Mr. Ford confirms stating they are appropriate for vehicles.
103. Mr. Sobieski asks if the applicant will be willing to agree to place deed restrictions on the subdivision deed indicating the use of proposed underground detention system and the existence of pervious pavers.
104. Mr. Mayhew explains it will be recorded with each individual deed.
105. Mr. Sobieski asks if the applicant would be willing to agree to submit an as-built survey post construction that includes the stormwater management components depicted on the survey.
106. Mr. Ford confirms stating it is a Township requirement.
107. Mr. Sobieski asks if he is aware of the cul-de-sac on the other terminus of Lyndon Drive to the east of the subject lot, being adjacent lot 31 and if so asks if he believes adding a cul-de-sac in front of proposed lots 29.01 and 29.02 would be a safer alternative to creating two new driveways off that terminus.
108. Mr. Ford states he is aware, explains how a k-turn is being proposed and the RSIS recognizes both standards. He states both alternatives meet the turning safety criteria.

109. Mr. Sobieski asks Mr. Ford to explain how certain driving scenarios would function and to discuss the proposed landscaping bordering the existing residential lots, specifically his client's lot. He asks if they would be willing to provide additional trees.
110. Mr. Ford states it is something the applicant can consider.
111. Mr. Mayhew points out how with the driveway curve and low landscaping, headlights shining into windows of homes may become a problem. He states extending the road and putting the driveways straight into the road would eliminate the headlight issue.
112. Mr. Sobieski states he has no other questions at this time.
113. Ms. Green asks what analysis confirmation that is increased in the discharge volume does not worsen the condition for the properties that already flood on Beverly Drive.
114. Mr. Ford states the stormwater management requirements require that they address and attenuate peak discharges and reduce them for the two, ten and 100-year storms; these are for rain events that are substantially different than what was done a few years prior for rain events up to 12 inches in a 24-hour period. He states they have complied with all of the regulations.
115. Ms. Green asks Mr. Ford to comment on the fact the D&R Canal Commission application is stated as 'incomplete' and 'does not recommend approval at this time' for both the basins and groundwater modeling analysis. She states the actual seasonal high ground water value valuation cannot be determined; soil logs, emitted ground surface evaluation required in item two, runoff quality, water quality, recharge and non-structural compliance – all require additional information to confirm.
116. Mr. Ford states they recognized that they received the D&RCC review memo and will need to address all of the comments to their satisfaction.
117. Ms. Green states "the model analysis of 1.49 acres are approximately 4.7 acre site, routed to a single point. Pennoni's notes that the report omits the disturbance area and impervious coverage increase and development CN calculations for stormwater A1 to AD. She asks can the applicant state on record that no drainage from the unanalyzed 3.2 acres reaches lots 23, 24, and 25; can he show the on the grading plan with flow arrows where the remaining acreage drains and confirm whether any of its flow towards Beverly Drive of lots 23, 24, and 25.
118. Mr. Ford states the analysis for stormwater management, the responsibility is for the areas that being disturbed which the areas not being disturbed are not being changed so therefore the runoff would not change.
119. Mr. Mayhew suggests he provide at least two more points of analysis, one to the rear of Ms. Green's property to document existing and proposed runoff to her property and one to Mr. Foyer's rear yard.
120. Mr. Ford states he thinks they can take it under advisement.
121. Mr. Mayhew explains Mr. Ford's office will calculate how much water is running off onto Ms. Green's property currently and how much if the site is approved.
122. Ms. Green asks since the proposed plan is removing 123 trees and replacing only 23, is the loss of the trees, rainfall interception and ground water uptake considered or does the module reflect only the change in the ground surface cover.
123. Mr. Ford states the analysis does take into consideration the existing trees and the impact of them being removed. He discusses the mitigation plantings,
124. Ms. Green discusses concern regarding her property's history with basement flooding and asks what the distance from each basin to the nearest foundation on the lots 23, 24 and 25 that will provide the dimension exhibit confirming those homes and new basements lie outside the mounting influence.

125. Mr. Ford explains the mounting analysis is done under both of the subsurface infiltration basins, assessing the impact on the ground water beneath the infiltration basins.
126. Ms. Green states for the record that they have pictures of the amount of water that sits for weeks in the yard and pictures of the water in the basement when there is not area flooding. She explains they had a basement company add various measures to deal with the water issue; the water has created a crack in their foundation which is visible from the outside and shows the water line. She further states the water in between properties freezes over rather than absorbing into the ground. Ms. Green would like to submit these pictures to the record so everyone is aware of the impact they already have from small amounts of water.
127. Mr. Bernstein asks Ms. Green if she has copies of the pictures for both councils and the Board for their records. And states she will need to be sworn in as a witness in order to provide testimony.
128. Ms. Green states she sent some Mr. Kois pictures today.
129. There is a conversation between Ms. Green, Ms. Ball and Mr. Bernstein. It is agreed Ms. Green will submit the other pictures to Ms. Ball who will distribute them to the appropriate parties and upload them to Civic Clerk.
130. There is a discussion about if Ms. Green's pictures pertain to Mr. Ford's testimony and to give Mr. Ford time to review the pictures prior to responding.
131. Mr. Ford describes the drainage being proposed.
132. Mr. Bernstein asks if the property is currently wooded and if so when, if ever, the applicant proposes to cut the trees and install the basins.
133. Mr. Ford confirms it is currently wooded and that action on the trees would not begin until after a construction permit is issued for the dwellings.
134. Mr. Bernstein asks if correct in understanding this could take months or even years before occurring.
135. Mr. Ford confirms.
136. Ms. Green states that last year applicant started removing trees and digging holes one of which he pumped out after it filled with water. They complained to the Zoning office and Mr. Kois came out to instruct the applicant to stop. She does not believe the tree removal etc. will be delayed as long as Mr. Bernstein speculated.
137. Mr. Ford disagrees with her statement, saying what she is referring to was not construction but rather site soil testing; the state requirements are more elaborate than a perk test.
138. Ms. Green asks if the soil test fails, who is responsible.
139. Mr. Ford refers back to discussion about the Township engineer having responsibility and enforcement action that can be taken.
140. Ms. Green asks if the documented exiting flooding on the neighboring lots considered in the hydraulic analysis in any way.
141. Mr. Ford states the analysis requires that they treat or address the stormwater runoff from the area that's being disturbed; an existing drainage problem on a neighbor's property is not something that would on the onus directly to an applicant to correct.
142. Ms. Green asks when the developers and the LLC dissolves after the build out, who is legally and financially responsible for maintaining these basins and what binding, funded mechanism, bond, escrow and HOW guarantee.
143. Mr. Ford states the property owner would be responsible.
144. Ms. Green asks what happens when the property owner cannot afford it.
145. Mr. Ford refers to the enforcement action conversation.

146. Ms. Green has no further questions.
147. Mr. Bernstein instructs Ms. Green to work with Ms. Ball after the meeting to determine which of her photos need to be sent to the Zoning office.
148. 9:50 pm Chairman Ciccarelli notes the time suggesting the move to public comment.
149. Mr. Sobieski asks a procedural question regarding the photos he has.
150. Mr. Bernstein asks when and by whom the photos were taken.
151. Mr. Sobieski states they were taken by his client on July 25, 2023.
152. Mr. Kois confirms he will distribute all photos submitted to the appropriate parties.
153. Vice Chairman Peason, referencing page three of the key map, asks Mr. Ford if the information is correct where it says maximum building height 35-ft / 2 ½ story, existing condition is under 35-ft and proposed greater than 35-ft.
154. Mr. Ford states no, it is not correct and that they would have to comply with the height restriction.
155. Vice Chairman Peason asks if there is a variance that will be needed and if not, can this be corrected.
156. Mr. Ford states they will not be requesting a variance, and it can be corrected.
157. There is a motion and second to open to public questions. All are in favor, none opposed. Motion carries.
158. Mr. Bernstein reminds the public that if they are represented by one of the Objectors, they cannot ask Mr. Ford questions as that is the purpose of their representatives.
159. **David Warner**, Beverly Dr, asks if he is correct in understanding that at 4:30 pm *today* he became aware of the 650-foot environmental easement at 490 Hillsborough Road.
160. Mr. Ford states that is not correct and that Mr. Fedun referenced the easement.
161. Mr. Warner asks if he was already aware of the easement.
162. Mr. Ford explains after receiving the review memos in the last 24-hours they were prompted to research in an effort to develop answers to all the comments. It was during that research they came to believe the church had a restriction on the development on the rear of the property. They did not become aware of a reported conservation easement until today. The project plans they have from the church do not show the easement.
163. Mr. Warner asks for clarification and understanding of the timeline, being he was made aware of the easement at 4:30pm today, two-and-a-half-hours prior to tonight's meeting and then gave testimony regarding the development of Lynden Road which concluded the road could not be completed because of the easement.
164. Mr. Ford acknowledges last minute information and discusses what happens when an easement is recorded. He states at 9:00 pm the Board Engineer presented testimony about would could or could not be done which was new knowledge to Mr. Ford. He comments on tree preservation.
165. Mr. Warner asks if the church was not permitted to build in the back of the property in an effort to preserve the trees, then how can the lot next store be developed.
166. Mr. Ford references the church's original Zoning Board application for a not-permitted use in the area.
167. Mr. Warner acknowledges this stating he attended that meeting and asked a similar question. He defers to the achieved recording of the meeting then summarizes the answer he was given that the church could not develop the road, but the Township could reserve the right at any point in the future to develop that road weather through the easement or the property at 480. He asks who is responsible if the road if it were to be extended, the township or the applicant.

168. Mr. Ford states typically the construction of a public road is the applicant's responsibility but ultimately would be turned over, as any public road, to the Township as their responsibility for perpetual maintenance.
169. Mr. Bernstein explains it is a Township option to accept a proposed road as a municipal road and in the absence of a Township Committee approved acceptance, it would then be a private road as built by the developer.
170. Mr. Warner states that is similar to what the attorney at the 2021 meeting stated.
171. Mr. Bernstein states that would have been the Board of Adjustment's attorney, Mr. Anderson. He explains that Board attorney statements are statements and not necessarily binding on their client which is why the current Planning Board may need to review the 2022 resolution approving the project.
172. Mr. Warner asks if this dead-end road with two driveways is a common design and if there are others in the Township.
173. Mr. Ford explains each project must stand on its own, they have presented on behalf of the applicant, multiple options have been discussed this evening and it's the Board's decision.
174. Mr. Warner has no further questions.
175. **James Magic**, Fern Way, states his property makes of most of the southern lot and asks what they will be doing to alleviate the water that currently runoff into his yard.
176. Mr. Ford states currently the proposal is not to disturb the rear portion of the lot and explains to provide stormwater improvement there they would have to disturb additional trees. He acknowledges his comment and states they can evaluate it.
177. Mr. Magic asks how far back off Lyndon Drive will the home be set; what is the depth off Lyndon Drive for the property to be developed.
178. Mr. Ford states the depth is approximately 330 feet and based on topography there is a drainage break where a portion of the lot would drain toward Mr. Magic's property, a portion would drain toward Lyndon and all the activity is proposed in the area that drains toward Lyndon.
179. Mr. Magic has no further questions.
180. There are no more questions from the public.
181. Chairman Ciccarelli notes it is 10:00 pm.
182. There is a discussion about scheduling and Mr. Fedun's client's ability to provide a planning report 10-days prior to the next meeting. A date of September 3, 2026 is agreed upon. Mr. Bernstein reminds that any reports must be received by August 20th so everyone has adequate time to review; he tells Ms. Green this includes any council she retains.
183. **Motion:** Mr. Radowitz motions to extend the application to September 3, 2026, without further notice and extension of the time of decision to October 31, 2026, seconded by Mr. Suraci.
- Mr. Bernstein explains to the members of the public this means they will not be receiving any notice in the mail prior to this next meeting, unless Mr. Fedun has a new set of plans.

Roll Call:

Yes - Mr. Flagg	Yes - Mr. Vitale
Yes - Mr. Suraci	Yes - Deputy Mayor Lipani
Yes - Mr. Smith (Alt. #2)	Yes - Vice Chair Peason
Yes - Mr. Radowitz	Yes - Chair Ciccarelli

Motion carries

184. 10:17 pm end of hearing

Chairman Ciccarelli reminds this is a meeting next week and Mr. Bernstein states there are two resolutions, an ordinance and one application currently on the agenda. Mr. Bernstein and Mr. Kois discuss what each of their offices has received thus far from the applicant. Mr. Bernstein states he will send Mr. Kois what his office has received.

ADJOURNMENT

A motion to adjourn was made by Deputy Mayor Lipani, seconded by Mr. Radowitz. Motion carries unanimously.

10:18 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*