

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

May 08, 2014

Chairman Sireci called the Planning Board Public Meeting of May 08, 2014, to order at 7:31 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

Chairman Sireci announced the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ROLL CALL

Deputy Mayor Greg Burchette - *Present*
Michael Merdinger - *Present*
Committeeman Frank DelCore - *Present*
Steve Cohen, *Vice Chairman - Present*
Tod Mershon, *Secretary - Absent*
Neil Julian - *Present*

Sam Conard - *Present*
Steven Sireci, Jr., *Chairman - Present*
Robert Wagner, Jr. - *Present*
Daniel Marulli (Alt. #1) - *Present*
Robert Peason (Alt. #2) - *Present*

Also present: Bruce Rydel, P.P., AICP, Planning Director; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Lucille Grozinski, Certified Court Reporter, and Caz Bielen, Videographer (Premier Media, LLC).

DISPOSITION OF MINUTES

April 10, 2014

Mr. Merdinger pointed out a correction to the word "stacks" on page 4 to read "are stacked".

A motion to approve as amended was made by Mr. Conard, seconded by Mr. Merdinger.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Conard – yes; Dr. Marulli – yes; Mr. Merdinger – yes; Mr. Peason – yes; Vice Chairman Cohen - yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carries.

DISPOSITION OF RESOLUTIONS

Hillsborough Youth Sports, Inc. (Jr. Raiders) – 14-PB-04-RES

A motion to approve was made by Deputy Mayor Burchette, seconded by Mr. Merdinger.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Conard – yes; Mr. Merdinger – yes; Vice Chairman Cohen - yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carries.

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

Country Classics – 4D – Amended Preliminary– File 14-PB-07-MJ-Amended – Block 205, Lots 17, 18, 18.02, 26.02, 26.03 – (Lucas Drive) Millstone River Road.

William B. Savo, Esq. of Mauro, Savo, Camerino, Grant & Schalk, P.A., attorney for the Applicant, introduced the application. He said when the application was originally filed, the Applicant was seeking to modify the open space plan with the intent of merging certain parts of the open space with adjacent properties, maintained, owned and operated by part of the Van Cleef family, which we have since amended.

Mr. Savo stated part of this property has been in farmland since Colonial times. The Van Cleef family has been farming it for over 100 years. He said the open space would remain if the farming activity that is presently in operation on the site could remain; the board would have to agree to that. Mr. Heibell will discuss the changes. Then it would be up to the governing body to enter into an agreement with the tenant farmer to allow the farm to continue on the open space.

Robert B. Heibell, P.E., L.S was sworn in, accepted as an expert and provided the following testimony:

Mr. Heibell reviewed the pre-marked exhibits: A-1 and A-2. He said the highlighted green portion is the last portion of the open space from Country Classics, approximately just over 25 acres. The original application filed was going to request the southern 7 acres of land, currently farmed by Jack Van Cleef, be merged with three adjacent lots along Millstone River Road, owned by members of the Van Cleef family. That portion of the application was withdrawn after meeting with Mr. Rydel and Mr. Bernstein on April 24th.

Mr. Heibell continued that the present request is that Mr. Van Cleef be able to use those approximate 7 acres as he is currently using them, which would ultimately be an agreement with the Township Committee. Mr. Van Cleef has 2 horse paddocks on the northern portion of the 7 acres, with 6 acres used for hay for his horses.

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Mr. Heibell said the preliminary plan originally proposed a walkway with landscaping from Van Lieu Court directly north, going past the detention basin and out to Millstone River Road. It is now proposed that a portion of the walkway be eliminated and that the walkway be extended out to the public road about 400 ft. Approximately 800 ft. of a 5 ft. wide cinder walkway would be eliminated and a relocation of previously shown landscaping would be off set by a dollar amount to a designated Township account.

Mr. Heibell said that if the board approved the application, a construction cost estimate for the eliminated 800 ft. of walkway, the 8 benches and associated landscaping. He said the Township Engineer, Mr. White, came up with an estimate of \$20,780.00 which was about 5 or 6 thousand more than expected but would be paid. Dedication of the open space to the Township will be provided. This is the last remaining open space for Country Classics which would be dedicated within 30 days of a resolution of acceptance by the Planning Board as it is memorialized. The Applicant would agree to that and also to assign whatever amount of money, in this case over \$20,000, to the Township within the same timeframe.

Mr. Heibell stated the application was presented to the Environmental Commission on April 28, 2014. The Commission issued a report dated May 05, 2014 recommending that the Planning Board approve this request. There was a recommendation from the Historic Commission dated April 24, 2014, Mr. Rydel's report which sums up the application and also the report from the Fire Marshal which states the need for fire hydrants along the street that are agreed to.

Mr. Heibell reviewed the report from the SCPB which he said has no engineering items. There is a request for fees for the GPS monument and to file the map in the county clerk's office.

Mr. Rydel noted for the record that Mr. Heibell had provided evidence of the easement to staff.

Mr. Bernstein said Mr. Heibell accurately summarized the meeting that took place.

Deputy Mayor Burchette commented in favor of having the walkways more than 100 ft. away from property owners' backyards.

Mr. Conard applauded the farming of the property.

Open to the public

Susan Gulliford – Hunt Club Road

Mrs. Gulliford asked if Mr. Van Cleef stopped farming the 7 acres or ceased to use it as paddocks, would it revert to being open space?

Mr. Heibell answered that since the land would be deeded to the Township, the Township will own it as open space.

Mr. Savo asked if the board had any questions from Mr. Van Cleef regarding the farming of the property.

No questions or comments.

Close public

Mr. Bernstein stated that the Board would need to have two separate votes; one for the amended preliminary application and one for the final.

A motion to approve 14-PB-07-MJ, amended preliminary, was made by Deputy Mayor Burchette, seconded by Vice Chairman Cohen.

Mr. Bernstein pointed out that all of the standard conditions and requirements of the board's professionals and the testimony of Mr. Heibell apply.

Roll call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Conard – yes; Dr. Marulli – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carries.

Country Classics – Phase 4D – Amended Final – File 14-PB-03-MJF – Block 205, Lots 17, 18, 18.02, 26.02, 26.03 – (Lucas Drive) Millstone River Road.

Mr. Savo stated that the Applicant is seeking the approval of the amended final which is consistent with the

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preliminary application.

Mr. Heibell said the only change in the final subdivision application is that the Applicant has agreed to deed over the 25 acres not with 4D within 30 days of memorialized Board action, and cited book and the page number will be provided on the final plat.

Vice Chairman Cohen asked if the dedication would occur only after the Township Committee granted approval for Van Cleef to continue farming to which Mr. Heibell said that the dedication of land to the Township would occur no matter what.

Mr. Bernstein said the intended dedication of open space is a finalization of the 1998 resolution regarding the land in question.

Open to the public

No questions or comments.

A motion to approve 14-PB-03-MJF, amended final, was made by Deputy Mayor Burchette, seconded by Mr. Conard. **Roll call:** Mr. Wagner – yes; Mr. Julian – yes; Mr. Conard – yes; Dr. Marulli – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carries.

South Branch Estates – FINAL – File #14-PB-05-MJF – Block 13.01, Lot 8 – South Branch Road.

William B. Savo, Esq. of Mauro, Savo, Camerino, Grant & Schalk, P.A., attorney for the Applicant, introduced the application for a final of the preliminary application formerly known as the Worden subdivision.

Chairman Sireci noted the application is now South Branch Estates. North Bridge Developer is the new owner with no changes in the preliminary; a letter from the engineer agrees to comply.

Mr. Heibell said an affidavit was prepared and provided for review. He confirmed that the Board signed the preliminary plans several weeks ago. This is an application for the same property for final subdivision which involves the preparation of the final subdivision plat and all of the required metes and bounds descriptions.

Mr. Heibell stated that he has complied with all 11 comments on the mapping portion of Mr. White's letter of April 22, 2014. He stated Mr. White also reviewed all 7 of the metes and bounds descriptions and found all 7 acceptable. There are no outstanding issues with the County other than the required fees.

No comments or questions from Mr. Rydel or Mr. Bernstein.

Mr. Julian asked the age of the original application.

Mr. Savo indicated the preliminary was from 2009.

Mr. Heibell added that the road in contention turned out to be a private road due to the issues with access that was resolved with Somerset County.

Mr. Julian asked if there were any environmental issues; an LOI.

Mr. Heibell said there was an LOI. There is wetland that is on a separate lot which has to be maintained by the homeowners' association. That is still valid.

Open to the public

No questions or comments.

A motion to approve 14-PB-05-MJF was made by Mr. Conard, seconded by Mr. Merdinger.

Roll call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Conard – yes; Dr. Marulli – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carries.

CORRESPONDENCE

NJ COAH Proposed Rules – Special Roundtable

Mr. Rydel briefly noted that the COAH rules have changed and that the Township obligation has likely increased. He reminded the board that Hillsborough is a Court mandated town, not a COAH town but still exists. There are various

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phase-in provisions. We are looking for counsel to provide us with further details.

After discussion amongst board members, Mr. Bernstein reminded the board that these are draft rules rendered by the Supreme Court last Fall and open for comment at these type of roundtables, as scheduled.

Mr. Rydel informed the board there is no business scheduled to the business meeting of May 22nd.

Chairman Sireci called for a motion and second to cancel that meeting. All were in favor; none opposed. Motion carries.

Chairman Sireci announced the next meeting will be held on June 5th.

ADJOURNMENT

The meeting adjourned at 8:03 p.m.

Submitted by:
Debra Padgett
Administrative Assistant
Planning Board Clerk

Approved