

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

July 10, 2014

After experiencing some technical difficulties, Chairman Sireci called the Planning Board Public Meeting of July 10, 2014, to order at 8:00 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 - <i>Present</i>	Sam Conard - <i>Absent</i>
Michael Merdinger - <i>Absent</i>	Dr. Steven Sireci, Jr., <i>Chairman - Present</i>
Committeeman Frank DelCore – <i>Present</i>	Robert Wagner, Jr. - <i>Present</i>
Steve Cohen, <i>Vice Chairman - Absent</i>	Dr. Daniel Marulli (Alt. #1) – <i>Present</i>
Tod Mershon, <i>Secretary - Present</i>	Robert Peason (Alt. #2) – <i>Present</i>
Neil Julian - <i>Present</i>	

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

Before attending to the matters on the agenda, Chairman Sireci called for a moment of silence out of respect for Jesse Conard, son of Planning Board member Sam Conard, who passed away earlier in the week.

DISPOSITION OF MINUTES

- May 08, 2104

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

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon - yes; Dr. Marulli – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carries.

DISPOSITION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

- **Glen Gery Corporation – 14-PB-01-MR – Extension Request**

A motion to accept the extension provided through September 30, 2014 was made by Deputy Mayor Burchette, seconded by Mr. Mershon.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon - yes; Mr. Peason – yes; Dr. Marulli – 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

- **Glen-Gery Corporation** – File 14-PB-01-MR – Block 182, Lots 10, 11, 12, 45, 46 – 45 Hamilton Road. ***Adjourned with re-notice.***

Chairman Sireci announced the adjournment to September 04, 2014.

- **RETS Partners, LLC (Kiddie Academy)** – File 14-PB-08-INF – Block 178.02, Lot 421 – 716 Route 206.

Michael O'Grodnick, Esq. of Mauro, Savo, Camerino, Grant & Schalk appeared on behalf of the Applicant. Mr. O'Grodnick said the application is for an 8,500 sf. childcare center facility; Kiddie Academy. The site is located across from the Walgreens Pharmacy. The corner is a signalized intersection. The property

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currently has a Coldwell Bankers office on the front of the lot which is 1.9958 acres, where 2 acres are required.

Robert B. Heibell, P.E., L.S., of Van Cleef Engineering, was called upon to review the conceptual review application. Mr. Heibell reviewed the property is at the southwest intersection of Route 206 and Raider Boulevard. The real estate office is approximately 4,100 sf.. There is a driveway leading out to Raider Boulevard which is a right-hand only exit.

The proposal is to create a driveway directly opposite the Walgreens driveway and cut into the island to allow full access onto Raider Boulevard. The Applicant would put an 8,500 sf. Kiddie Academy on the site with a play area on the side and room for parking. He said this lot is unique in that to the west of this site is Greenfields Lane which is a private roadway that goes into the Huntington Park residential community. There are two front yard setbacks with the subject lot; one from Route 206, the other from Raider Boulevard. In addition, the Township Planner believes there may also be a front yard setback from Greenfields Lane. He said there is no right-of-way there so if there is a setback he would have to measure from the curb line. This property is in the GB Zone for which the minimum front yard setback is 50 ft. The Walgreens across the street is in the GA Zone and north of that is the TC District for which the maximum front yard setback is 10 ft. however; the Walgreens is back further than 10 ft. He said we would be looking for a threshold variance for the front yard. Mr. Heibell said the plan shows 20 ft. but in talking with Kiddie Academy today, they will be looking for 25 ft. to accommodate a sidewalk. The setback would then be half of the required, 25 ft. from the right-of-way line on Raider Boulevard. The right-of-way dedications came partially from this property which now makes the property slightly under 2 acres, thereby requiring a variance.

Mr. Heibell said most childcare centers want to be a minimum of 8,000 to 10,000 sf. This is the smallest building Kiddie Academy would want to put on this property. Absent the front yard variance, there would not be enough room to put this building on the site and still have an adequate play area. Waivers would also be sought. A common waiver usually asked for is a 25ft. for parking aisles. Board Engineer, Bill White suggests a 30 ft. wide aisle directly in front of the childcare center for safety purposes, to which the Applicant agrees to adhere to. Mr. Heibell said the Applicant is not appearing with all of the details but is aware of the need to provide some type of a porous pavement area. The front yard setback variance holds the key as to whether or not this application goes forward, according to Mr. Heibell.

Township Planner, Bruce Rydel, P.P., referenced the Planning report and Engineering report submitted for review. He said it is up to the Board to decide whether the setback would pertain to both Raider Boulevard and Greenfields Lane or just Raider Boulevard.

Mr. Heibell addressed the proposed stormwater for the site. He said because this is a small lot, he would propose the same type of storm drainage operations utilizing porous pavement as with the JK Design application which received approval from all required agencies, including the Planning Board. Those details would be outlined in the preliminary and final site plan application.

Mr. Rydel questioned whether or not the soils suggest that the porous pavement would have the same effect here as they do elsewhere in the town.

Mr. Heibell stated we would have to do a soil log for that application, as with any application.

Mr. Bernstein asked if this would be a relocation of the business or a second site for the Applicant.

Mr. Heibell said he did not represent the Applicant but a Kiddie Academy center was approved at the site of Valley Road and Route 206. Construction was started there but had since been abandoned. Mr. Heibell introduced Mr. Berlant.

Robert Berlant, member of RETS Partners, LLC, stated he believed there was some disagreement with terms and lease agreements for the Route 206 at Valley Road site. Mr. Berlin indicated Kiddie Academy is no longer interested in leasing that site so discussions have been terminated. He said he had spoken with the owner of the property who confirmed the property is available for lease.

Mr. Julian asked if there were any environmental issues related to flood plain.

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Mr. Heibell stated this site does not have a flood plain or flood hazard area. He stated the stream across the street does not come into this property.

Mr. Mershon asked about the Kiddie Academy on Stryker Lane.

Mr. Berlant said that was a Kiddie Academy at one time. He said the previous owner had 12 Kiddie Academy franchises and sold them all to Bright Horizons.

Committeeman DelCore asked if the building could be flipped.

Mr. Heibell said he tried to rotate the building at a 90 degree angle but could not accommodate parking that way.

Chairman Sireci said the setback is the technical matter but of concern is the intersection that will be created across from Walgreens. Discussion followed by members of the Board. Chairman Sireci asked Mr. Heibell if something different would be proposed if the setback with the private road was not an issue.

Mr. Heibell responded no. He said if it turns out to be a variance, the building would be about 45 ft. from the cartway.

Mr. Peason asked how this property would transition from the Gateway properties across the street and beyond.

Mr. Heibell pointed out on the display the properties just past Amwell Road which are in the TC Zone District and have a maximum front yard setback of 10 ft. He said the rest of the properties up to Raider are in the GA Zone which is also 10 ft. Once you get to Raider Boulevard, it jumps to a 50 ft. setback.

Chairman Sireci said the Walgreens has its own style which does not conform to the standards. That site was approved by the Board of Adjustment several years ago.

Mr. Bernstein stated that consensus appears at the moment that the Board does not have any issues with a potential variance regarding front yard setback. Obviously the Applicant has to be aware that depending on the application and other professional considerations, this is not a guarantee that the Board will ultimately approve an application with a 25 ft. setback.

Chairman Sireci said the Board is always more concerned with water issues and traffic.

Mr. Berlant provided the Board with photos of some examples of fencing at other Kiddie Academy locations and asked the Board if there was any preference.

After discussion by the Board, Mr. Rydel said it is entirely possible that the Applicant may need to consider standards for the fence with regards to the Architectural Site Design Standards which apply to the TC, GA and GB Zone Districts.

Mr. Heibell reiterated that should there be an application for preliminary and final major site plan, fully engineered plans detailing the site including the fencing, stormwater, etc. will be provided. A traffic study would also be included.

The conceptual review application concluded.

CORRESPONDENCE

- Sustainable Land Use Pledge
- Somerset County Planning Board – Updated County Master Plan Elements
- Notice of Application for NJDEP Flood Hazard Area Permit – Route 206 Bypass, Sections 14A & 15A
- Gibraltar Quarry / KDC Solar 12-PB-01-SR – D&R Report dated 04-15-14

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Chairman Sireci noted the correspondence provided to the Board.

Mr. Bernstein added the Gibraltar Quarry / KDC Solar application has asked for an extension through December 31 2014 which was provided after the last meeting in May; the time frame had run out prior to tonight's meeting. He said Mr. Schatzman provided a time of decision extension recognizing that an automatic approval was not in order.

Chairman Sireci referenced the *New COAH Regulations Released – Public Comment Begun* document.

Mr. Bernstein stated regulations have been promulgated with the New Jersey Register. The comment period is through the end of August. Mr. Bernstein updated the Board on the current standings and related litigation.

Chairman Sireci informed the Board there was no activity scheduled for the July business meeting.

A motion and second was made to cancel the meeting of July 24, 2014. All were in favor; none were opposed.

Chairman Sireci announced there were no meetings scheduled in August, reminding the Board the next meeting was scheduled for September 4th.

ADJOURNMENT

The meeting adjourned at 8:43 p.m.

Submitted by:
Debra Padgett
Administrative Assistant
Planning Board Clerk

APPROVED