

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

April 23, 2015

Chairman Dr. Steven Sireci, Jr. called the Planning Board Public Meeting of April 23, 2015 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	Sam Conard - Absent
Michael Merdinger - Present	Dr. Steven Sireci, Jr., Chairman - Present
Committeeman Frank DelCore - Present	Robert Wagner, Jr. - Present
Steve Cohen, Vice Chairman - Absent	Robert Peason (Alt. #1) - Present
Dr. Daniel Marulli, Secretary - Present	Shawn Lipani (Alt. #2) - Absent
Neil Julian - Absent	

Also present: Marcia Shiffman, PP, AICP, LLA, Planning Consultant (Maser Consulting P.A.); Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein, & Associates); Lucille Grozinski, CCR, Board Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

ACCEPTANCE OF MINUTES

April 02, 2015

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

Roll Call: Dr. Marulli - yes; Mr. Merdinger - yes; Mr. Peason - yes; Deputy Mayor Burchette - yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

- Township Committee Resolution - Block 163.05, Lot 101, 102, 103, 104 and 105 ("The Study Area")
- Township Committee Ordinance 2015 - 04 - Block 163.05, Lot 101, 102, 103, 104 and 105

Chairman Sireci read the titles of each, acknowledging each document for the purposes of the record.

Board Attorney, Eric Bernstein, Esq. stated The Township Committee had introduced Ordinance 2015-04 at its April 14th meeting. He noted it is on the TC Agenda for second reading and adoption on May 12th. The Ordinance is being returned to the Planning Board for review and endorsement.

No comments by the Board.

A motion to recommend Ordinance 2015-04 back to the Township Committee for adoption was made by Mr. Merdinger, seconded by Deputy Mayor Burchette.

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

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

Michael Sopko, Jr. - Camplain Road

- Mr. Sopko informed the Board of activities he said he had observed through the months of January and February at the Copart property. Mr. Sopko stated he had informed the Police of such activity as the gate to the site had been left open 24 /7; parking lot lights had been illuminated until early morning; truck tire tracks had damaged his lawn; Saturday and Sunday deliveries continue throughout the night; and personnel had been present on weekends.

Mr. Bernstein inquired whether Mr. Sopko had contacted any other Township department regarding his complaints.

PLANNING BOARD MEETING MINUTES
April 23, 2015

- Mr. Sopko confirmed he had only informed the Police Department.

Mr. Bernstein suggested Mr. Sopko make contact with the Township Administrator on the matter.

Committeeman DelCore stated he would inform the Administrator of the information provided and encouraged Mr. Sopko to do the same. Committeeman DelCore said the Zoning Officer would need to go out to observe the site for enforcement.

Chairman Sireci concurred that the Board would not be able to handle the enforcement of any violations but that Township officials would, perhaps the Police as well. He said, we have not yet approved the Resolution for this application so there is still one more act for the Board to be finalized. It is good to be able to hear this information ahead of time.

Mr. Bernstein asked Mr. Sopko if he had any photos he could share.

- Mr. Sopko said he had some at home.

Mr. Bernstein requested he forward the photos to Township Administrator, Anthony Ferrera.

- Mr. Sopko stated he would.

The Board thanked Mr. Sopko for providing the update.

CONSIDERATION OF ORDINANCES

- Draft Ordinance: AN ORDINANCE AMENDING CHAPTER 188, (LAND USE AND DEVELOPMENT), ARTICLE V (DESIGN DISTRICTS AND STANDARDS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO CREATE THE GC, GATEWAY C ZONE DISTRICT AND TO CHANGE THE ZONE DESIGNATION FOR SEVERAL PROPERTIES IN THE TRANSIT READY DEVELOPMENT / EAST AMWELL GATEWAY AREA: BLOCK 200.01, LOT 2 (FRONT PORTION) FROM THE C1 DISTRICT TO THE GA DISTRICT; BLOCK 200.01, LOTS 3, 4, 5, 6, 7, 8 FROM THE HOO TO THE GA DISTRICT; BLOCK 200.01, LOTS 2 (REAR PORTION), 9, 10, 11, 12 FROM THE R DISTRICT TO THE GA DISTRICT; BLOCK 199, LOTS 9, 10.01 (PORTION), 48 FROM THE R DISTRICT TO THE GA DISTRICT; BLOCK 200.10, LOTS 1.01, 1.02, 1.03, 2, 3 (PORTION) FROM THE R DISTRICT TO THE GA DISTRICT; BLOCK 199, LOTS 2, 3, 4, 5, 6, 6.01, 7, 8.01, 43.01, 44.01, 45, 46, 47, 49, 50.01, 51, 52 FROM THE HOO TO THE GA DISTRICT; BLOCK 199, LOT 42 FROM THE R DISTRICT TO THE GA DISTRICT (PORTION) AND THE REMAINDER OF THE LOT REMAINING IN THE R DISTRICT; BLOCK 199, LOT 43 FROM THE HOO DISTRICT (PORTION) AND THE R DISTRICT (PORTION) TO THE GA DISTRICT (PORTION) AND THE REMAINDER OF THE LOT REMAINING IN THE R DISTRICT; BLOCK 199, LOTS 37, 37.01, 38.01, 38.02 (PORTION), 39, 40, 41 (PORTION) FROM THE HOO DISTRICT TO THE R DISTRICT; BLOCK 199, LOTS 80, 81, 82 FROM THE HOO DISTRICT TO THE R DISTRICT; BLOCK 199, LOTS 20.01, 141, 142, 143, 144, FROM THE HOO DISTRICT TO THE CR DISTRICT; BLOCK 200.10, LOTS 8, 9, 10, 10.01, 11.01, 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08 (PORTION), 12 (PORTION) FROM THE R DISTRICT TO THE TECD DISTRICT; BLOCK 200.10, LOTS 3 (PORTION), 12 (PORTION), 12.01, 12.02, 13, 14 FROM THE R DISTRICT TO THE GC DISTRICT; BLOCK 200.10, LOTS 22.01, 22.02 FROM THE LI DISTRICT TO THE GC DISTRICT; BLOCK 200.10, LOTS 4, 15.01, 15.02, 16, 20.01 FROM THE CDZ DISTRICT TO THE GC DISTRICT.

Mr. Bernstein introduced the Draft Ordinance for the record.

Chairman Sireci reviewed for the Board, in 2005 the Township adopted a major Master Plan Amendment which we call the Town Center Plan. A new core concept was established which extended outwards to the southern and eastern ends of the Township. The Gateway Districts were established as a step down area in development density and such, going from a center, to a transition, to more peripheral areas. Along with that was the creation of the Highway Service Zone for uses that are appropriate along a State highway. The area south of Homestead and Hillsborough roads was to be a green area, realized through zoning that area as the Agricultural Zone.

One of the items to consider when doing a Master Plan Examination is the transportation. At the time in 2005, there was a plan on the table for another 2 tunnels across the Hudson River to commuter trains. Townships were then asked to plan for their train stations. The train line that would have been reactivated

PLANNING BOARD MEETING MINUTES
April 23, 2015

for commuter purposes would have been the West Trenton Train Line which would have followed the freight train line towards the eastern edge of the area now being rezoned.

The Township's response to the location of the train station was to locate it by Amwell Road because we were going to have an interchange with the Bypass there, also proposed at that time. The logical place to have the train station was by that interchange, which would have become a major interchange of the Bypass once the reconfiguration was completed. What was to be put around the train station was a planning concept called the Transit Oriented Village which provides an area with some commercial, some office and some apartment development that is adjacent to a train station, basically a neighborhood for commuters.

As we now know, the train tunnels came under dispute due to their cost and were later canceled. With the cancellation of the train tunnels, the possibility of adding more commuter train lines went away and with it, the concept of having a train station at that location as well. In the meantime, the Bypass was started, Amwell Road was reconfigured and the State completed its acquisition of properties along the Bypass through the eminent domain process.

In 2013, after it was clear the train tunnels were gone and the State was now thinking of a commuter bus station, our former Planner, Robert Ringelheim came up with a plan to change the Master Plan to have zoning that would be more

practical to a bus station. It would take this HOO area, which is now obsolete, and modernize the zoning to be consistent with the Town Center concept but alter it from the concept of 2005 to accommodate the fact that the transit system changed. A Master Plan Amendment, with a map as shown on the middle display, was adopted in 2013. He said we did not follow with the Ordinance after the Master Plan Amendment due to the passing of Mr. Ringelheim, who had been leading the charge to make this adjustment to the zoning. Mr. Ringelheim's concepts were recently refined with the assistance of our Planning Consultant, Marcia Shiffman, and brought forward what was intended to happen two years ago to put the concept into effect.

Chairman Sireci continued, the display map on the left shows just how much area is owned by the State (NJDOT), shown in pink. The area of development is reduced once you subtract the area owned by the State and not by private interests. The Ordinance will establish a Gateway C Zone which did not previously exist, and also transfers properties from whatever their current zone is, be it the R, GA or TECD District.

Marcia Shiffman, P.P., A.I.C.P., L.L.A., Board Planning Consultant, highlighted some of the changes for the Board. Ms. Shiffman reviewed the GC Zone District standards, as to provide a mixed-use of residential, limited retail and office commercial uses to support the transit facility, with a key permitted use being a mixed-use building, which permits retail on the first floor only with residential or office above. She said later in the Ordinance you will see it allows up to 3-story buildings, but restricts the footprint of the mixed-use buildings to not more than 20,000 sf. The intent is to keep the size of the buildings and the type of retail limited. A critical point of interest is that the mixed-use will only be constructed after the transit center is in existence, thereby providing a certain phasing for the mixed-use buildings. The blocks and lots of the 14 plus acres contained within 4 or 5 properties near the train station, to the west of the rail line, are specifically called out in the Ordinance. These blocks and lots are now within the proposed GC Zone that could be developed. The remainder of the property in the proposed GC Zone, west of the railroad, is owned by the State.

Ms. Shiffman said there are a wide variety of uses permitted in this zone. A critical component is that residential uses would only be permitted in a mixed-use development; the property must be a minimum of 10 acres, it has the limitation of when it can be constructed, that being only after the transit facility is established; and it allows for a certain type of residential flats or lofts in a mixed-use building, 1 for every 1,000 sf. of retail in the building. Freestanding residential uses are allowed as part of a planned development for townhouses of 8 units per acre, and multi-family units, not to exceed 10 per acre. For those standards we used the recommendations of the *Sustainable New Jersey Transit Oriented Development Guidelines*. With these standards, the Township would get credit for its Transit Ready Development, in terms of Sustainable Jersey, which the Township is a participant in. We have written in another limitation in terms of density, which is to limit the total number of dwelling units in freestanding buildings to a maximum of 100. This limit is consistent with the recommendations in the Master Plan. We did not want to encourage just freestanding residential buildings on these lots so there is a limitation of not more than 70% of the total residential units that can be planned within that development. This area is geared for smaller living units, not 3-bedroom or greater housing.

Ms. Shiffman said other commercial uses are also outlined. Existing single family detached dwellings can remain, in compliance with Section 188-66 to expand the building itself, but not to build new detached single-family dwellings; thereby grandfathering these existing single-family dwellings.

PLANNING BOARD MEETING MINUTES
April 23, 2015

Chairman Sireci added it is important to know that those existing single-family homes remain conforming; you would not need to go to the Board of Adjustment to remain. It prohibits anyone in this district from providing a new tract of single-family homes.

Ms. Shiffman continued, noting that the accessory uses were outlined on page 5 and 6 of the Draft. She stated the only conditional use specified is a parking deck. That use may happen when and if the transit center is built. The height of such a structure may be no higher than the principal permitted building; it must be compatible with the surrounding buildings; and must be screened from the right-of-way.

The bulk standards require a minimum of 2 acres; however that does not apply to mixed-use development which requires 10 acres; the front yard and side yard are consistent with the Town Center standards for more of a walkable urban center rather than a suburban center. She explained the minimum height is 2 stories in order to encourage a more sizable building but shall not exceed 3 stories. Ms. Shiffman said it is important to note that the footprint is limited to 20,000 sf. which would eliminate any big-box store from coming in. Based on that, the maximum square footage in a non-residential or mixed-use building could be 50,000 sf. The length of the building is limited to 200 linear feet.

The parking requirements outlined in the Draft are consistent with other zones. Supplemental regulations for affordable housing are consistent with State and Township regulations. Section "I" of the Draft outlines the development standards, 1a. specifically naming those lots which are adjacent to the transit facility.

Chairman Sireci added, those would be the only lots that could have the development of freestanding residential units, in those lots next to what would be the bus facility.

Ms. Shiffman resumed by saying there would be procedures for submitting an application for a permitted use. A Concept Plan would first be submitted to the Planning Board, to include what needs to be done in terms of phasing and design regulations. The standard of the Architectural and Site Design Overlay Zone will apply, except as otherwise provided for in the GC District requirements. We recommend a change to that ASD table and map as well. Those regulations are consistent with what you currently have in place for the Town Center, Gateway A, Gateway B and Highway Services zones. However, there are quite a few pages in the Draft which outline specific design standards for the GC Zone, including those for roadways as an example. Many of these standards are similar to those in other zones. The Draft continues to outline other kinds of accessory uses and design elements that would be part of the design of this center, so to create a high quality mixed-use development within the future transit center.

The following have been amended, as provided in your packets, to include the GC Zone: Schedule for Nonresidential Zones - Attachment 3; Sections 188, Attachment 11, Table 2; Section 188, Attachment 6; and Section 188-170B of the Township Code have been amended, as shown.

Chairman Sireci said the last few sections provided are part of the detailed work that has to be done when creating a new zone to cross-correlate it with all of the existing ordinances, tables, maps, etc. Marcia has had to do that cross correlating to make sure it fits in with everything else and that the Transit Village is appropriately removed from everywhere else. The many pages of standards was the vision of Bob Ringelheim. Although there are a lot of standards in the Architectural and Site Design Standards, Bob wanted to make sure there were standards in this ordinance as well. Anything that was missed here, you would go to that ordinance to find the quality standards for development there.

Chairman Sireci said the main features of this zone are that residential development is limited to lofts above retail or to small apartment buildings or townhouses that will only be in the area, just south of where the bus station would be, along the railroad. Gateway A and the TECD zones are not mentioned in this ordinance because they are already established zones. This ordinance simply changes the map to put properties in the GC Zone which were previously in other zones. It is important to note again that if you currently have a single-family home in the GC Zone, it would not become a non-standard use.

Chairman Sireci thanked Ms. Shiffman for the detailed work provided. Chairman Sireci said the way the calculations have been done would allow for a maximum of 100 freestanding units. The zone requirements were written specifically with that piece of property in mind as being the only place this type of zoning could happen, and what it would entail.

Mr. Merdinger said he had compared this Draft to the 2005 Master Plan, the 2013 modification to, and to the Gateway A District. He said he found it to be very comprehensive and thorough.

PLANNING BOARD MEETING MINUTES
April 23, 2015

Dr. Marulli looked to Chairman Sireci for confirmation that the access to the GC Zone would not be from the Bypass but from the spur.

Chairman Sireci agreed. He said it is only at the point that the bus station is developed that development of this zone becomes practical. Gateway A and the TECD already have access. The long residential lots either border on Hamilton or Amwell Road. The particular lot that is south of the bus station will be improved once the bus station is done in order to make that area accessible. The problem with gaining access from Raider Blvd. by the area of the Movie Theater and Powerhouse Gym is intervening wetlands, and State ownership of the property where the Bypass would be going through. Therefore, Steinmetz would be the access to the south of Amwell Road. The TECD Zone is not for intense development, more for warehousing and would not yield intense traffic in that area. Gateway A is similar to what is along Route 206, which has access to Amwell Road, Hamilton Road and the Bypass Interchange along Hamilton.

Committeeman DelCore commended the vision of all of the contributors. He said they have provided for a much cleaner flow of development. The GC Zone creates a nice balance of flexibility as to what can be done yet provides limitations as to how we think it should get built out, while staying consistent with surrounding zones.

Chairman Sireci said this is the vision which was started by Bob in 2013. We have a situation here where there is a county highway, state highway and railroad next to Town Center. "Smart Growth", as defined by the State is the concept where the growth is denser in the center and much less in the periphery. The growth area is where the major arteries of transportation are located.

Deputy Mayor Burchette said he had been on the Planning Board for 12 consecutive years and part of the Master Plan Subcommittee. He said he was in favor of seeing this area recognized in this way, stating it is something that has been a long time coming.

Chairman Sireci asked for confirmation from Mr. Bernstein that changing the zoning would not eliminate the prior approvals and permissions of variances or conditions of approval previously granted, and that the Resolutions granting approvals remain in force.

Mr. Bernstein concurred, adding as long as you meet the time frames established by the approvals and/or appropriate statutes or ordinances.

Ms. Shiffman said in addition to the maps displayed, the ASD Map should be changed to the ordinance. She also recommended that a correction be made to Item 14(a) should be changed to Section 188-113.6 "I1" instead of H1. on page 2 of 25 of the Draft.

Comments from the Public

David Liedl - Easton, PA. - Property Owner of Block 200.10, Lot 22

- Mr. Liedl stated his company is owner of Block 200.10, Lots 14, 22.02 and 22. He said Lot 22, as shown on his tax bills, is not represented but believed to be within the area of consideration, being that Lot 22.01 is included.

Chairman Sireci said the matter would be looked into.

An audience member asked for a copy of the Draft.

Mr. Bernstein said the Draft was not released prior to action by the Board. Only after action by the Board, sending it on to the Township Committee for consideration and potential action, would it become public record.

Ed Clerico - Clerico Lane

- Mr. Clerico said he owns 2 Clerico Lane and 60 Clerico Lane. He said he recalled a time when the Transit Village District was discussed that both properties would be included. He showed on the display map that 60 Clerico Lane is on both sides of the brook. He asked for consideration to include that property in the GC Zone.

Board members had discussion with Mr. Clerico as to what easements, if any, were on the property.

PLANNING BOARD MEETING MINUTES
April 23, 2015

Mr. Bernstein said the Master Plan Amendment does not call for that portion of that property to be included in a different zone than it currently is in. Therefore, if it were to be added to this Ordinance, it would require adoption by the governing body with a different make up of voting since it would not be in conformance with the Master Plan. It would require the Master Plan to be re-reviewed or can be done by a separate ordinance.

Chairman Sireci referenced a change in lot size that did not require amending the Master Plan.

Mr. Bernstein clarified there is a difference to lot size as to zone change, which is what the matter is here.

Ms. Shiffman said Mr. Clerico raises an interesting idea. It is not known if the matter was discussed prior to the action taken in 2013. To do that kind of zone change, we would need to look at a bigger area, not just to focus on that one small piece, but look at how it affects the zoning area below, noting the display map was limited.

Chairman Sireci said no one seems to be opposed to drawing a boundary at an unbridgeable wetlands area but that the matter would need to be pursued through other means.

Mr. Bernstein said if the Board is so inclined to have the Planner take a look at the TECD Zone, and make recommendations regarding it; that would need to be addressed as a second ordinance.

Chairman Sireci said the matter can certainly be looked into further.

A motion to recommend the Draft Ordinance, as amended with the minor corrections suggested by the Planner and with the inclusion of Lot 22, to be forwarded to the Township Committee for consideration for introduction, was made by Deputy Mayor Burchette, seconded by Mr. Wagner.

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

Mr. Bernstein reviewed the next matter would be to request that the Planner review the lot just to the south of the GC District, currently in the TECD District, owned by Mr. Clerico, to see whether or not a recommendation should be made as to the zoning on that Property and related properties, including those with impassible wetlands.

A motion was made by Mr. Merdinger.

There was discussion between Board members and Mr. Clerico as to ownership of the property to the east and west of the property in question.

Mr. Liedl stated, the property west of the railroad belonged to him.

A second to the motion was made by Deputy Mayor Burchette.

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

CORRESPONDENCE

- SCPB - Together North Jersey Regional Planning Initiative
- NJ Planner

Chairman Sireci suggested the Board members review the correspondence provided.

Mr. Bernstein informed the Board there was no business scheduled to the meeting of May 7th.

A motion to cancel the meeting of May 7, 2015 was made by Deputy Mayor Burchette, seconded by Mr. Merdinger. All were in favor; none were opposed. Motion carries.

Chairman Sireci advised the next meeting will be held May 14th.

ADJOURNMENT

The meeting adjourned at 8:43 p.m.

Submitted by:
Debora Padgett
Administrative Assistant / Planning Board Clerk