

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

June 04, 2015

Chairman Dr. Steven Sireci, Jr. called the Planning Board Public Meeting of June 04, 2015 to order at 7:37 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 - Absent	Sam Conard - Absent
Michael Merdinger - Present	Dr. Steven Sireci, Jr., Chairman - Present
Committeeman Frank DelCore - Present	Robert Wagner, Jr. - Present
Steve Cohen, Vice Chairman - Present	Robert Peason (Alt. #1) - Present
Dr. Daniel Marulli, Secretary - Present	Shawn Lipani (Alt. #2) - Present
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); William H.R. White, III, PE, CME, Board Engineer (Maser Consulting P.A.); Lucille Grozinski, CCR, Board Court Reporter; and Caz Bielen, Board Videographer(Premier Media, LLC).

DISPOSITION OF MINUTES

None

DISPOSITION OF RESOLUTIONS

- Douglas Van Nuys - File 15-PB-03-MSRV**

A motion to approve was made by Dr. Marulli, seconded by Mr. Merdinger.

Roll Call: Mr. Merdinger - yes; Dr. Marulli - yes; Mr. Peason - yes; Mr. Lipani - yes; Vice Chairman Cohen - yes. Motion carries.

- MAAC Development Group, Inc. (Amended Preliminary) - File 15-PB-01-MJ**

A motion to approve was made by Mr. Merdinger, seconded by Mr. Peason.

Roll Call: Dr. Marulli - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes; Vice Chairman Cohen - yes. Motion carries.

- MAAC Development Group, Inc. (Amended Final) - File 15-PB-02-MJF**

A motion to approve was made by Mr. Merdinger, seconded by Mr. Peason.

Roll Call: Dr. Marulli - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes; Vice Chairman Cohen - yes. Motion carries.

PLANNING BOARD BUSINESS

- Krismic Assoc., LLC - File 14-PB-21-MSR - Extension of Time through 09-30-15 requested

Michael O'Grodnick, Esq., present in the Courtroom and also representing the Krismic Assoc. application, said the Applicant is awaiting NJDOT approval. This Board had indicated it wants to see the NJDOT approval before this application proceeds. NJDOT does not have time restraints like a Municipal Land Use board does. A decision from NJDOT is expected in July or August.

A motion to approve the extension of time was made by Mr. Merdinger, seconded by Mr. Lipani.

Roll Call: Mr. Wagner - yes; Dr. Marulli - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes; Vice Chairman Cohen - yes; Committeeman DelCore - yes; Chairman Dr. Sireci - yes. Motion carries.

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

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CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING - SUBDIVISION/SITE PLAN APPLICATIONS

- ***Richmond Properties, LLC*** - 15-PB-07-MJV - Block 182, Lots 2 & 2.01 - Sunnymead Road & Falcon Road. Applicant seeking Preliminary and Final Major Subdivision Approval and 'c' Bulk Variance for relief from setbacks, to subdivide 14.0739 acres into 5 single family dwelling lots, one of which will contain the existing dwelling and accessory structure (variances required for block shed), on property in the RA, Residential / Agricultural Zoning District and within the AHZ, Airport Hazard Area. (EC Review: 05-18-15). ***ADJOURNED TO JULY 09, 2015 WITH RE-NOTICE.***

Chairman Sireci announced the adjournment of this application to July 09, 2015 with re-notice.

- ***Senior Housing Development, LLC*** - 15-PB-08-SR - Block 182, Lot 37 - 351 Route 206. Applicant seeking Preliminary and Final Major Site Plan Approval with Waivers for parking; stream corridor encroachment; Economic Hardship; and from submitting a Community Impact Statement, for permission to demolish existing structures and construct a 57,157 sf., 2-story, 112-bed extended care facility, with parking and improvements, on property in the HS, Highway Service Zoning District, and within the ASD Overlay Zone District (EC Review: 05-18-15).

Michael O'Grodnick, Esq. of Mauro, Savo, Camerino, Grant & Schalk, represented the Applicant. He said the Engineer, Traffic Consultant, Architect, and Principal of Kaplan were all available for testimony and that all notice criteria had been met.

Mr. O'Grodnick outlined the proposed project as a one-hundred-twelve bed extended care facility, with a memory care wing containing ten memory care suites, totaling twenty-four beds; a proposed assisted living area comprised of forty-three companion suites and two studios, totaling eighty-eight assisted beds. No variances are required. The property contains 8.964 acres. The use is a permitted use in the Highway Service Zone. Design Waivers are being requested for undersized parking and undersized aisle.

Michael Ford, P.E. of Van Cleef Engineering; Stephen Humphreys, L.A. of EGA Architects; Scott Kennel of McDonough & Rea Associates; and Glen Kaplan of the Kaplan Development Group, LLC were sworn in individually for testimony.

Exhibits:

A-1 - Colorized Existing Conditions Display

A-2 - Colorized Site Exhibit Plan with Landscaping

A-3 - Colorized Site Exhibit Plan (With Future Rt. 206 Realignment)

Michael Ford, P.E., Engineer for the Applicant, reviewed Exhibits A-1, A-2 and A-3. The site is located just north of Old Somerville Road and Route 206, just north of the northerly terminus of where the Bypass would intersect with Route 206, near the Firehouse. The alignment of Route 206 would soften the alignment of this property, with the curve pulling Route 206 further away from the west of the property. A dual lane north and south bound roadway with concrete median is planned, similar to the northern section of Route 206 by Dukes Farm. As a result of this realignment, site access in the future would be limited to a right-turn-in, right-turn-out only. The 8.7 acre parcel in the HS District would be serviced by public water and sewer.

The property, in its existing condition, has a tributary to the Royce Brook along the northerly boundary. The stream carries wetlands, flood plains and critical areas which will not be disturbed, but for the outlet structure of the detention basin. A conservation easement would be created around those areas. The existing structures are close to those critical areas. The existing structures and driveway would all be removed as part of the application and those previously disturbed areas would be re-vegetated.

The proposed use is permitted within the zone. One driveway is proposed to access the site, which is proposed to be south of the existing driveway. This would place it beyond any flood plains and beyond the D&RCC stream buffer. An access permit has been submitted to NJDOT. There is an emergency access for emergency vehicles only south of the building. This access is designed in consultation with the Fire Official, rather than looping the fire access road around the building and having it come back to the main driveway. The emergency driveway will circulate around the south side of the building.

Parking is proposed along the driveway as you enter the facility and a parking lot is proposed at the east side of the building. This application meets the criteria for parking. Waivers are being sought for the

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parking stall size and access driveway. A suggestion has been made in one of the professional's reports that the front parking between Route 206 and the front of the building be relocated to an alternate location on the site. There is an opportunity to move eight or nine spaces to an area along the left-hand side of the access driveway near the detention basin, with no net change to the impervious coverage, which the Applicant would be willing to do.

Of the 8.7 acres, less than half will be disturbed by this application. The area existing of woods around the stream as well as portions of the existing wooded area that are within a seventy-five foot buffer setback along the perimeter of the property are not to be disturbed. The infiltration detention basin will be located beyond the rear parking area. The required permits have been submitted.

Mr. Ford addressed the review reports submitted. The Environmental Commission reviewed the application and issued a memo dated 05-26-15, stating there are no issues. A review memo dated 05-06-15 was submitted by the Fire Marshal. There are four points mentioned. The Applicant will agree to all comments as a condition of approval. As reviewed by the Planner's memo, there are four Design Waivers. The third Waiver is for design flexibility to allow for minor intrusions into the stream corridor. For this application there is a portion of the detention basin and a portion of the access driveway along Route 206 that requires a Waiver. An Economic Hardship Waiver is being sought for tree mitigation. The proposal is for two hundred trees which is less than the total calculation for this site. The Applicant does not believe there is a need for sidewalks to be placed along the frontage of the property due to the changes that will take place once the plan envisioned by the State for this area of Route 206 are constructed. The Applicant is willing to do an in-lieu of contribution or place sidewalks elsewhere in the Township, where needed.

Mr. Ford stated that although not all comments made in the Engineering and Planning reports will be mentioned, all will be addressed to their satisfaction. There is no designated employee parking proposed. A seventy-five ft. landscape buffer and preservation of existing trees will be provided to the southerly neighboring residential property. In addition to a landscape buffer, a fence with two gates will be provided.

Ms. Shiffman reviewed remaining comments for the Engineer from her report, not already addressed.

Mr. Ford confirmed the Applicant will provide a bike rack.

Ms. Shiffman said the Township has a policy of designing "complete streets" which provides sidewalks to encourage pedestrian access. There may be a concern regarding the sidewalk along the frontage, knowing that road is going to be improved, but to have the sidewalk go from the building to the front of the property would be useful.

Mr. Ford stated a sidewalk is proposed around the building for the residents.

Ms. Shiffman said the additional sidewalk to the end of the property would be able to connect to a sidewalk along Route 206 in the future.

The matter was discussed further. Mr. Ford said the Applicant would have no objection either way, but does not have a need for the additional sidewalk for the operation of the facility.

Chairman Sireci suggested the sidewalk in front of the relocated front parking area remain but that it be shifted and continue on towards the edge of the property. No one wants the sidewalk along the frontage since that will all be changed with the realignment.

Mr. White addressed the environmental issue that had been brought up in a previous application for this property.

Mr. Ford said the Environmental Consultant at that time, for a different applicant and application, found some issues with the existing conditions with the house. This Applicant is aware of the findings and as part of the purchase of the property, that will be addressed. The clean-up will need to be done to the satisfaction of the LSRP.

Mr. White asked that a copy of the final report be provided to the Township, once signed off on.

Mr. Ford agreed.

Mr. White asked for more details on the retaining wall near the detention basin.

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Mr. Ford stated a modular block wall is envisioned, but that a concrete wall may be considered and that all comments from Mr. White's memo will be addressed.

Mr. White further suggested cast-and-post concrete.

Mr. Ford said that with the relocation of some front parking spaces, perhaps part of the retaining wall will be lowered or no longer be necessary.

Vice Chairman Cohen noted his dislike of white vinyl fences.

Open to the Public

Richard Feldman - Flanders Drive

- Mr. Feldman thanked everyone for keeping the adjacent property owners in mind. He said it was a great use for the property overall, but asked that the fence blend in with the environment. He noted there are pine trees marked on the plan as "standing" but have not standing been since Storm Sandy. He asked that the downed trees on the border line be taken away and that as many tall trees as possible be added to allow privacy.
- Mr. Feldman pointed out the area of downed trees on the aerial map, the photo for which had been taken prior to Storm Sandy.

Mr. Ford said the Applicant would agree to clean up the dead or diseased trees, and supplement with evergreen trees, as a condition of approval. A berm is being proposed beyond that area, but within the seventy-five foot buffer, with plantings on top. Consideration has been given to parking, providing east-west parking, so that the cars pulling in and out will not have their headlights shining on the neighbor's yard. The placement of the detention basin allows to provide for a better green area for the adjacent neighbor with an odd shaped yard. The fence is not a requirement of the ordinance, but could be provided or a more natural delineation of the property line could be made, such as a split-rail fence with plantings.

- Mr. Feldman said having a fence is very important.

Chairman Sireci asked Mr. Feldman what type of fence he would like to see in that area.

- Mr. Feldman said he would like to keep it as natural as possible being there is wildlife that will be affected. He said a solid fence was preferred over a split-rail fence.
- Mr. Feldman asked that the location of the dumpsters be changed to the area of the relocated parking spaces, since the area currently proposed backs up to his pool area.

Vice Chairman said the Code would not allow that.

It was stated that the area will be screened and in an enclosure.

Jeanette Giuliano - Flanders Drive

- Mrs. Giuliano stated she was not in favor of a white vinyl fence but that a wood fence would be preferred so that it looked more natural.

Chairman Sireci said there are materials available that look like wood.

Vice Chairman Cohen said he would prefer the fence not be of wood since it does not age well over time.

- Mrs. Giuliano said if there are other materials that will blend better with nature, it would be more appealing to everyone concerned.
- Mrs. Giuliano asked about the parking for the employees.

Mr. Ford responded there will be ample on-site parking but that the spaces would not be designated as "employee only" parking.

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Chairman Sireci instructed Mr. Ford to work out with Mr. White, the particular fence that is to be used, keeping in mind the request by the neighbors to have a natural looking solid fence.

Mr. Julian asked for details on the drainage for the berm.

Mr. Ford showed the location on the exhibit, and said the berm is far enough away from the property line so that drainage that does drain towards it, will drain around it. It is not so long that it is difficult to do that. It is not proposed along the entire area but just in that area of initial plantings by our closest neighbor.

Scott Kennel of McDonough & Rea Associates reviewed his credentials, was accepted by the Board and provided the following testimony.

Mr. Kennel testified that he provided a Traffic Study, dated 03-19-15, which was reviewed by Mr. White. He said Mr. White's review concurred with the methodology used and conclusions reached. There is only one traffic issue that has not already been discussed, which is the access onto Route 206 and the southbound left-turn movement into the site. This use is identified as a low traffic use, compared to other commercial uses. He stated that we project approximately sixteen trips in the morning peak hour; twenty-five in the afternoon peak hour. The majority of the trips will be employees who are familiar with the driveway and the operations. The projection is five left-turns into the site, during the a.m. and p.m. hours. That would result in a level of service "B". The load number of trips, sight lines along that section of Route 206 and Old Somerville Road were considered. The permitted movements will be dictated by NJDOT, whose comments are expected within a few weeks.

Chairman Sireci asked for clarification on the turn-out of the facility. Mr. Kennel said the left and right turn-out would be permitted. There will be clearing along the site frontage for the sight triangle. Other than right turn-out at the culvert, south of the culvert, along the site frontage, some of the vegetation will be cleared to allow daylighting along the frontage. Today the sight lines are limited because of the vegetation. Plans have been submitted to NJDOT identifying the areas to be cleared to provide the sight distances and sight lines required.

Mr. Lipani said the problem he sees is that Route 206, especially southbound, backs up into a queue during rush hour to the point that there will be no visibility to see northbound traffic. It is difficult to make a left onto Old Somerville Road. It would be virtually impossible for someone to make the left out of the site. Under afternoon rush hour conditions, it is very difficult to make any movement across traffic.

Mr. Kennel responded by saying that will be subject to NJDOT review. Imposing time restrictions for designated periods becomes an enforcement issue.

Mr. Julian said a much safer way is to take the jughandle just down the road and made a right into the property.

Mr. Kennel agreed one would have that opportunity if they choose. Most of the turns out will be made by employees who can self-regulate if they feel more comfortable doing so, in that instance, using the circuitous turns on Falcon Road back to Route 206. Once NJDOT does the widening and dualization, there will be a reverse jughandle at the Triangle Road intersection.

Chairman Sireci asked Mr. Bernstein what jurisdiction the Board has, given that the issue is with a State highway and not a Municipal road.

Mr. Bernstein cautioned the Board that it could make a condition for left-in, left-out however; the restriction would be subject to NJDOT. He said imposing the condition was not against the law, with the understanding that if the State over rules the Board, the State has precedent. He suggested that if the Board wanted the State to understand the feeling of the Board, it could be made a condition of approval for NJDOT to either accept, reject or modify.

Mr. Merdinger spoke of safety concerns for this area, both past and present. He reviewed a past application for an office building on the lot across the way from this property, which the Board denied. That denial had been appealed, with the Court upholding the denial of the Board, based solely on traffic. Mr. Merdinger further expressed the Board's concern for safety, especially in this area. He stated that when that application had been before the Board, the Traffic Engineer stated there was not a problem with traffic in that area. The Board had hired its own Traffic Engineer who said it was the worst curve in the entire State. Mr. Merdinger stated for the record that an application across the street from the current applicant's property had been denied due to traffic.

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Mr. Kennel said he understood the concerns and experiences of the Board and that the matter would be referred to NJDOT, with the considerations of the Board.

Mr. Merdinger reiterated his concerns and noted that the Board had the option of denying the application based on traffic.

Committeeman DelCore said going into the site would be problematic enough, and said he could not see how it could be structured so that one could make a left turn out across Old Somerville Road and Route 206 safely.

Mr. White said modeling is theoretical. The Board's experience trumps modeling.

The matter was discussed further. Mr. White said "right in - right out" will be in place at some point in time with the Bypass, so the Board may want to restrict the movement now.

Mr. O'Grodnick said the Applicant did not have a problem with restricting the movement to "right in - right out" with signage, but that it was jurisdictional with the State.

Chairman Sireci said the Board understood it lies with the State, but that the Board could not approve the application without that condition.

Mr. Merdinger said the Board is to act according to the health, safety, welfare and morals of the public.

Chairman Sireci said traffic on Route 206 is problematic, but that that curve is particularly horrific.

Questions from the Public

Bill Tretheway - Millstone River Road

- Mr. Tretheway asked if it would be possible to design the right-hand exit so that it swept towards the north so that it would not be possible to make a left turn out.

Mr. Kennel said the issue would be the proximity to the stream corridor and wetlands. It is already as far north as possible. In order to be able to accommodate trucks, the driveway would likely need to be shifted 50 feet closer to Old Somerville Road. The driveway was designed to provide as much separation from Old Somerville Road as possible.

- Mr. Tretheway asked if the Board could allow a waiver to allow the improvement to go further into the stream area.

Members of the Board agreed the Board could not.

Mr. Kennel said they could enlarge curve returns and provide striping to encourage the restricted movement.

Mr. O'Grodnick reiterated the Applicant would be agreeable to striping and signage.

Architect, Stephen Humphreys was called.

Mr. Humphreys said he is a licensed Architect in the State of New Hampshire and that the person that will be stamping the plans is licensed in the State of New Jersey.

Chairman Sireci asked if that was legal.

Mr. Bernstein said it is permitted.

Mr. Humphrey said Jerry Meckey stamps and seals all plans and that he is licensed in multiple states.

Exhibits:

A-4 - Colorized All American Assisted Living at Hillsborough - Level One Floor Plan

A-5 - Colorized All American Assisted Living at Hillsborough - Level Two Floor Plan

A-6 - Colorized All American Assisted Living at Hillsborough - Front Entry Rendering

A-7 - Colorized All American Assisted Living at Hillsborough - Elevation Materials - with physical attachments

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(Asphalt Roof Shingles / Vinyl Shingle Siding / Trim and Soffits / Vinyl Clapboard Siding)

Mr. Humphrey reviewed the architectural features displays.

Ms. Shiffman reviewed that the Township has Architectural Design Standards for this zone. The request to have additional elements enhanced and to be designed in keeping with the ADS was discussed.

Ms. Shiffman asked if something could be done to eliminate the utility boxes on the facade

Mr. Humphrey said the P-tech heating and cooling system was specifically selected, keeping in mind the use and costs. The grills are needed for the clean air intake. If they were eliminated, the alternative would be very large roof top units with substantial duct work.

Ms. Shiffman suggested that the units would be hidden under the roof. She asked if that was something that would be considered by the Applicant.

Mr. Humphrey said he did not think so.

Ms. Shiffman said a discrepancy was found with the location of the patio area outside of the dining area.

Mr. Humphrey said the patio shown will have to be pulled back because there is an emergency access road that goes back in that area.

Mr. Ford said the two plans will be made consistent.

Vice Chairman Cohen asked how the entry would be accessed.

The Applicant, Mr. Kaplan, said the building is open during the day and that there is staff in the building 24 hours a day. The building will be locked at night. Anyone looking to enter will ring the bell which is able to be heard throughout the building.

Committeeman DelCore asked if this design is standard or unique to this site.

Mr. Kaplan said this building was designed to be replicated. There are two currently in Massachusetts, this will be the third, and two additional facilities will be going up. This is the first of this type of building in New Jersey.

Mr. Lipani asked if there will be emergency generators on site, and if so, if it is enough to power the whole system.

Mr. Humphrey said it is meant for light safety. It will power lights, and some of the elevator and kitchen. It will be located on the south side next to the trash enclosure.

Committeeman DelCore asked if the other facilities in operation have the same heating and cooling system.

The Applicant gestured that it was.

Mr. O'Grodnick called Glen Kaplan, who had previously been sworn in.

Mr. Bernstein asked Mr. Kaplan to restate his earlier comments for the record.

Mr. Kaplan repeated that the design of the building has been replicated. The other two buildings look identical, down to the last detail. Two are standing in Massachusetts, three are going in the ground this year, one in New Jersey, two in other states.

Mr. O'Grodnick asked Mr. Kaplan to address the Medicaid beds.

Mr. Kaplan said the State of New Jersey requires that a minimum of 10% be Medicaid eligible beds, which is what this facility will have.

Mr. Shiffman asked that the appropriate paperwork be provided to the Township for the Township's Affordable Housing Plan, including information on the facility, and licenses.

Mr. Kaplan agreed. He said they have five other facilities in New Jersey.

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Mr. O'Grodnick noted the Applicant would provide any additional documents needed to fulfill the Round 3 COAH obligation.

Committeeman DelCore asked if there would be any external lighting that would affect the neighbors.

Mr. Ford replied that a site lighting plan was provided which showed there is no spillage onto the neighbors' property.

Close Public

Mr. Lipani said he found the proposal to be a good clean use for this site, given that the application is for a low traffic use and that the Applicant will be addressing the traffic concerns.

A motion to approve with amended restrictions, and all agreement made prior to and post approval, by the Board's professionals, subject to NJDOT reviews and approval as to the right-in / right-out and striping, was made by Mr. Lipani, seconded by Mr. Merdinger.

Roll Call: Mr. Wagner - yes; Dr. Marulli - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes; Vice Chairman Cohen - yes; Committeeman DelCore - yes; Chairman Dr. Sireci - yes. Motion carries.

CORRESPONDENCE

- SCPB letter of 05-19-15 - Proposed Bill A4185/S2424
- Supporting Priority Investments in Somerset County Phase 2 Study Public Meeting #2
- SCPB letter of 05-19-15 - Municipal Impacts of March 10th Supreme Court Decision

Chairman Sireci mentioned that correspondence has been provided. He noted the next meetings scheduled will be held on June 11th and June 23rd.

ADJOURNMENT

The meeting adjourned at 9:02 p.m.

Submitted by:
Debora Padgett
Administrative Assistant / Planning Board Clerk