

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

April 02, 2015

Vice Chairman Steve Cohen called the Planning Board Public Meeting of April 02, 2015 to order at 7:42 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

Vice Chairman Cohen 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 - Absent
Steve Cohen, Vice Chairman - Present
Dr. Daniel Marulli, Secretary - Present
Neil Julian - Present

Sam Conard - Present
Dr. Steven Sireci, Jr., Chairman - Absent
Robert Wagner, Jr. - Absent
Robert Peason (Alt. #1) - Present
Shawn Lipani (Alt. #2) - Present

Also present: Marcia Shiffman, PP, AICP, LLA, Planning Consultant (Maser Consulting P.A.); Christine Faustini, 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).

ACCEPTANCE OF MINUTES

□ February 26, 2015

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

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

ACCEPTANCE OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING - SUBDIVISION/SITE PLAN APPLICATIONS

- ***MAAC Development Group, Inc.*** - File 15-PB-01-MJ - Block 204.04, Lot 24 (*formerly known as Block 204, Lot 50*) - Hillsborough Road and Extension of Shelburne Place - Applicant seeking Amended Preliminary Major Subdivision Approval of the Preliminary Approval granted for File# 05-PB-16-MJ (*Application known as Platinum Developer Group, LLC*), Resolution of Approval dated March 9, 2006, to subdivide 8.2333 acres into five single-family dwelling lots, on property in the R, Residential District. (*EC Review: 02-23-15*) ***Adjourned from March 05, 2015 (inclement weather) with re-notice.***

Kathryn Koop, Esq. of The Law Office of Peter U. Lanfrit, LLC, appeared on behalf of the Applicant. Ms. Koop stated the Applicant is requesting a re-approval due to some site changes required to the Stormwater Management Plan. Ms. Koop called the Applicant's engineer up to discuss the changes proposed.

Robert B. Heibell, PE, LS of Van Cleef Engineering was sworn. Mr. Heibell gave a brief overview of the preliminary approval from 2006 for the benefit of those board members not present at the time of the application. Mr. Heibell pointed out the following changes:

- The original Applicant, Platinum Developer Group, experienced financial difficulty and therefore was not able to provide the associated fees for agency approvals, namely approval from the D&R Canal Commission, prior to the implementation of the new stormwater requirements. Subsequently,

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that Applicant filed for bankruptcy and the bank took over the property. MAAC Development Group purchased the property from the bank.

- The block and lot have since been changed by the Township, as noted by the Vice Chairman.
- We proceeded with filing the associated fees for agency approvals with the plan previously submitted but as expected, approval was not able to be acquired due to the change in stormwater regulations. A revised plan was filed with the DRCC in accordance with the new regulations along with the appropriate fees, which was approved in October, 2014 for an underground stormwater detention system with perforated piping and a drainage easement. A Home Owners Association is now proposed, which was not part of the original application.

Mr. Heibell continued, due to the Permit Extension Act, all other approvals were still valid. The revised plan with all approvals was then submitted to Bill White for compliance review. After consultation with Mr. White, Mr. Bernstein and Mr. Rydel, it was decided that this was a major change to the plan that would require board approval, hence applications for amended preliminary and amended final major subdivision were submitted in January, 2015. A new application was then filed with the SCPB and SUCCD. A new approval has been provided from the SCPB, the only condition being the fees to be paid. We have an unconditional approval from the SUCCD. In addition, we have made some minor revisions as suggested by Mr. White in his March 24th report, for the purpose of the maintenance agreement. We do not object to any item in Mr. White's report.

Mr. Heibell reiterated that all other approvals are still valid due to the Permit Extension Act, including the LOI for the property. There are wetlands in the northeast corner which will be placed within a conservation easement.

Mr. Heibell stated the amended applications were reviewed by the Environmental Commission.

Mr. Julian asked for further review of the matters of interest for the Environmental Commission, as outlined in the review report.

Mr. Heibell briefly discussed the groundwater recharge requirements and stated the stormwater has met all of the NJDEP requirements. The report for the DRCC has since been provided. He stated the Home Owners Association will be maintaining the underground stormwater detention system.

Mr. Merdinger asked if this underground detention basin will be the first in the township.

Mr. Heibell said this is the first one of this type.

Mr. Merdinger asked if there will be any problems with the shale underneath or with silt building up.

Mr. Heibell said we did the percolation tests, which Mr. White reviewed. Some slight modifications were then made to the plan.

Mr. White stated for the record that a deed restriction is necessary to protect the stormwater to prevent trees from being planted in that area.

Open to the public

Susan Gulliford - Hunt Club Road

- Mrs. Gulliford stated she was present at the time of the initial hearings. Of concern at that time for property owners on Shelburne was the water from that area coming down on to their property. She asked if the new plans will meet the modifications made at that time.

Mr. Heibell confirmed the modifications are still in place.

Mr. Heibell elaborated that his former client, Platinum Developer Group, had pulled a permit to build one home on the property and poured a foundation. That foundation still stands so the current applicant will apply for a demolition permit to demolish that foundation.

Close public

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A motion to approve application 15-PB-01-MJ was made by Deputy Mayor Burchette, seconded by Mr. Conard.

Roll Call: Mr. Julian - yes; Dr. Marulli - yes; Mr. Conard - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes; Deputy Mayor Burchette - yes; Vice Chairman Cohen - yes. Motion carries.

- ***MAAC Development Group, Inc.*** - File 15-PB-02-MJF - Block 204.04, Lot 24 (*formerly known as Block 204, Lot 50*) - Hillsborough Road and Extension of Shelburne Place - Applicant seeking Amended Final Major Subdivision Approval of the Final Approval granted for File# 09-PB-03-MJF (*Application known as Platinum Developer Group, LLC*), Resolution of Approval dated September 10, 2009, to subdivide 8.2333 acres into five single-family dwelling lots, on property in the R, Residential District. (*EC Review: 02-23-15*). **Adjourned from March 05, 2015 (inclement weather) with re-notice.**

Mr. Heibell stated the final subdivision for this property was approved in 2009. We needed to file an amended final because we needed the amended preliminary approval. The only change to the final plat is the placement of the easement for the Home Owners Association.

Open to the public
No questions / comments

Close public

A motion to approve 15-PB-02-MJF was made by Deputy Mayor Burchette, seconded by Mr. Merdinger.

Roll Call: Mr. Julian - yes; Dr. Marulli - yes; Mr. Conard - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes; Deputy Mayor Burchette - yes; Vice Chairman Cohen - yes. Motion carries.

- ***Douglas VAN NUYS*** - File 15-PB-03-MSRV - Block 201, Lot 8 - 219 Hillsborough Road. Applicant seeking Minor Site Plan Approval and "c" Bulk variance relief for a permanent farm stand exceeding 2000 sf.; Waiver for proposed gravel parking area without curbing; Waiver for no on-site lighting; and Waiver for the absence of landscaping or buffering, to construct a permanent 4,000 sf. two-story farm stand with an attached 448 sf. lean-to and 1,248 sf. porch, parking area, trash enclosure and septic bed, on property in the AG, Agricultural District. (*EC Review: 03-23-15*)

Joan Dowling, Esq., representing the Applicant, called the first witness, property owner Douglas Van Nuys. Mr. Van Nuys was sworn in and gave testimony in response to questions asked by Ms. Dowling.

Mr. Van Nuys stated the farm on Hillsborough Road has been his family farm since 1867. The farm was preserved 4 or 5 years ago with exception areas.

Exhibits: **A1** - Colorized Overall Site Plan for Hillsborough Farm
A2 - Site Plan for Hillsborough Farm
A3 - Colorized Architectural Elevations of farm stand

Mr. Van Nuys answered questions related to the exhibits. He noted the exception areas in Exhibit A1 as the original farm exception area and the 2 acre exception area for the proposed farm stand.

Mr. Van Nuys said the current tents used for the farm stand is approximately 4,000 sf. He said my research has shown that farm stands which are 4,000 sf. or larger prove to be economically viable. The profitability of the farm stand has an impact on the viability of the farm itself.

Vice Chairman Cohen stated that the Board does not consider financial viability for an application.

Mr. Van Nuys stated that a farm stand of this size is necessary to offer a sufficient variety of products, about 75% of which are grown on our farm. We intend to have 3 or 4 employees at the farm stand, depending on business. We currently have 2 to 3 on any given day. There may be an occasional truck delivery but other than our own trucks, there would be no truck traffic to speak of. We are hoping to be open from around Easter time, running through Christmas. This farm stand will replace the tents currently being used.

Mr. Van Nuys said the existing wood engraved sign for "Hillsborough Farm" will remain. The "Hillsborough Farm - Country Market" sign, to the right of the current driveway, will be removed and a similar sign will be added to the entrance to the market. We are proposing a sign possibly on the front reverse gable and on the entrance of the building itself. No freestanding signs are proposed.

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Mr. Van Nuys explained we are not proposing any landscaping since we want the farm to look as rustic and farm like as possible. Hopefully the agriculture use will be enough of a landscaping buffer. We will farm right up to the parking lot. The split-rail fence is not proposed on the west side since the farm product growing in the fields will be enough of a barrier so that one cannot drive off.

Mr. Van Nuys said we intend to have restrooms. Although not represented on the architectural plan submitted, the plans are being worked on.

Mr. Julian noted the application was reviewed by the Environmental Commission and that the EC was in support of the application, as presented.

Mr. Lipani asked the hours of operation for the proposed farm stand.

Mr. Van Nuys said we presently operate 10 am to 6 pm but are looking to operate 9am to 7 pm, 7 days a week from Easter time through Christmas.

Open to the public
No questions / comments

Close public

Michael Ford, P.E., of Van Cleef Engineering was sworn in and gave the following testimony:

This application is for a permitted accessory use in the AG District. It is for a more formal farm stand which would replace the informal farm stand that have been on the property for a number of years, which is susceptible to bad weather. The application is in compliance with the ordinance, except for the size of the building - 4,000 sf. where 2,000 sf. is allowed. The restrooms and areas for the function of the farm stand are included within the 4,000 sf., not in addition to. It is worth noting that a farm stand could have been placed within the preserved land. The 2 acre exception area allows for the farm stand without the scrutiny of the preserved land.

The access driveway is at a crest on Hillsborough Road that has been determined to have the best visibility in and out of the farm stand. Although we have requested a waiver for the gravel parking area, we will provide paving within that throat driveway, so that gravel will not be tracked out onto Hillsborough Road. Paving will also be done for the 2 handicap parking spaces. There will be enough parking for 44 spaces, where 34 is required. We have allowed for complete circulation around the building. Except for the handicap parking which will be in front of the building, the parking spaces will not be delineated with striping.

The bathrooms warrant an on-site well and on-site septic system. The on-site systems will be immediately adjacent to the farm stand. The design of the septic system has been submitted to the Health Department for review.

We have asked for a waiver for the on-site lighting. The only exterior lighting proposed is a for PSE&G lighting at the driveway. Despite the hours and seasons being limited, the Applicant would be agreeable to add additional lighting at either end of the building, if the Board gives such direction.

Outside agency approvals have been received. We have no objections to the Maser Memorandum dated 03-23-15. There will be a trash enclosure and waste hauling area at the northeast corner of the parking area for trash that cannot be reclaimed. We anticipate that much of the trash would be recycled in the form of compost.

Vice Chairman Cohen raised the issue of lighting.

Mr. White indicated the lighting proposed is adequate for this type of use.

Vice Chairman Cohen asked how the lighting would be addressed off-season.

Mr. Ford said the building mounted lights at the door entrances can be motion-sensor security lighting.

Ms. Shiffman indicated that additional lighting may be necessary for the fall and winter seasons when it gets dark earlier in the evening.

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Mr. Ford said the Applicant is open to providing additional building mounted lighting that will provide lighting beyond the doorways. We can provide those details and illuminations to Mr. White's satisfaction.

Ms. Dowling clarified that the waiver from lighting is for light poles. We realize adequate lighting is needed for the building and area immediately next to it.

Mr. White suggested having every other bollard to be lighted.

Mr. Ford acknowledged Mr. White's comments but suggested having lighting under the eaves may yield a less commercial looking appearance, as the bollards would.

Vice Chairman Cohen commented that poles were not necessary for this site.

Ms. Shiffman asked for more details on the PSE&G lighting, suggesting that PSE&G may be able to provide lighting more in keeping with the farm.

Mr. Ford said that light will be in the right-of-way but that he would be willing to investigate it further.

Mr. Lipani asked about heating and air condition.

Mr. Ford said there will not be air conditioning. Propane will be the source for heating, the tank for which is depicted on the plan.

Open to the public
No questions / comments

Close public

Ms. Shiffman asked for clarification on the signage and the 'c' bulk variance requested.

Mr. Ford reviewed the signage for this application, noting that the existing "Hillsborough Farm" sign is not part of this application. He said the Applicant would like to put a sign above the front entry gable that says "Hillsborough Country Store - Established 1868" which would fit in that space.

Mr. Ford went on to review the size of the building, noting that although the ordinance has a limit of 2,000 sf., it does not preclude the number of buildings allowed. The Applicant could have built two 2,000 sf. buildings but chose to design the farm stand as one. We believe the design and size of the farm stand is in keeping with the part and parcel of the farm. The size of this farm stand would not have an adverse affect on the ordinance or on the Master Plan. The ordinance allows 8% impervious coverage; we are less than 4% for the entire farm. The permanent farm stand is more attractive and closer to the road for access than the tents currently being used at the end of a long driveway.

A motion to approve application 15-PB-03-MSRV was made by Mr. Conard, seconded by Mr. Merdinger to include the variance and three waivers.

Roll Call: Mr. Julian - yes; Dr. Marulli - yes; Mr. Conard - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes; Deputy Mayor Burchette - yes; Vice Chairman Cohen - yes. Motion carries

CORRESPONDENCE

None

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Submitted by:
Debora Padgett
Administrative Assistant / Planning Board Clerk