

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**  
**PUBLIC MEETING MINUTES**  
**September 03, 2015**

Vice Chairman Cohen called the Planning Board Public Business Meeting of September 03, 2015 to order at 7:34 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").

Mr. Bernstein announced the arrival of Chairman Sireci at 7:35 p.m.

Chairman Sireci continued the meeting.

**ROLL CALL**

Deputy Mayor Greg Burchette - Present	Sam Conard - Present
Michael Merdinger - Present	<b>Dr. Steven Sireci, Jr., Chairman</b> - Arrived 7:35
Committeeman Frank DelCore - Absent	Robert Wagner, Jr. - Present
<b>Steve Cohen, Vice Chairman</b> - Present	Robert Peason (Alt. #1) - Present
<b>Dr. Daniel Marulli, Secretary</b> - Absent	Shawn Lipani (Alt. #2) - Present
Neil Julian - Absent	

Also present: David K. Maski, PP, AICP, Township Planning Director; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein, & Associates); William H.R. White, III, PE, CME, Board Engineer (Maser Consulting P.A.); Susan Baber, CCR, Covering Board Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

**DISPOSITION OF MINUTES**

☐ **June 11, 2015**

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

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

☐ **June 25, 2015**

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

**Roll Call:** Mr. Wagner - yes; Mr. Peason - yes; Chairman Sireci - yes. Motion carries.

☐ **July 09, 2015**

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

**Roll Call:** Mr. Wagner - yes; Mr. Merdinger - yes; Mr. Conard - yes; Mr. Peason - yes; Vice Chairman Cohen - yes; Deputy Mayor Burchette - yes; Chairman Sireci - yes. Motion carries.

☐ **July 23, 2015**

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

**Roll Call:** Mr. Wagner - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes; Vice Chairman Cohen - yes; Deputy Mayor Burchette - yes; Chairman Sireci - yes. Motion carries.

**DISPOSITION OF RESOLUTIONS**

None

**PLANNING BOARD BUSINESS**

Mr. Bernstein informed the Board that an Acting Secretary would need to be appointed for the purpose of signing final application plans, in the absence of Secretary Marulli.

A motion to nominate Mr. Peason was made and seconded. All were in favor. Motion carries.

☐ **Glen Gery (GG RE Co.) - File 15-PB-04-MR** - Extension of Time through December 31, 2015

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

**Roll Call:** Mr. Wagner - yes; Mr. Conard - yes; Mr. Merdinger - yes; Mr. Peason - yes; Mr. Lipani - yes ; Vice Chairman Cohen - yes; Deputy Mayor Burchette - yes; Chairman Sireci - yes. Motion carries.

☐ **Krismic Associates, LLC - File 14-PB-21-MSR** - Extension of Time through January 07, 2016

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

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**Roll Call:** Mr. Wagner – yes; Mr. Conard – yes; Mr. Merdinger – yes; Mr. Lipani - yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Deputy Mayor Burchette – yes; Chairman Sireci – yes. Motion carries

**BUSINESS FROM THE FLOOR**

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. **Revised Plans submitted 06-23-15** (EC Review: 05-18-15). **Continued from July 09, 2015 without further notice. (TOD: 09-30-15).**

**Dominic Cerminaro, Esq.**, representing the Applicant, stated that additional documentation had been provided by both Mr. Agovino, and Mr. Ford, in an effort to satisfy the Board’s questions, as raised at the initial hearing of June 23<sup>rd</sup>.

Mr. Bernstein noted for the record that Mr. Lipani had signed he had reviewed the 06-23-15 hearing and was eligible to vote on the application.

**Exhibit A-1** – Colorized Preliminary Subdivision Plat

**Michael K. Ford, PE, PP**, of Van Cleef Engineering, still under oath, provided the following testimony:

Mr. Ford said the two existing lots, located in the RA District, will be consolidated and reconfigured into five new proposed lots. The existing public water along Sunnymead Road will be utilized. There is an existing trunk line along the westerly side of the Roycebrook, at the rear of the property. The trunk line will be extended to provide sewer to the five proposed lots. The Roycebrook and a substantially wooded area are at the rear of three of the proposed lots that will be placed in a conservation easement to include the wetlands and wetland buffers. The only intrusion into that area will be for the proposed public sewer extension. The extension would include boring under the Roycebrook. An application to the HTMTA has been submitted and approved. That application has been forwarded on to the SRVSA for approval. An application to the NJDEP has also been made for the wetlands disturbance for the sewer extension.

No new road is proposed. The impervious coverage submitted is for the proposed dwellings and on-site porous pavement driveways and drywells. Landscaping is proposed to address the Tree Mitigation Ordinance, although very few trees will be disturbed. Additional plantings are proposed to help mitigate stormwater runoff, by returning a grass area to a wooded area. At the opening hearing, comments were made that the property was within the Airport Hazard Zone, as per the Township’s broad mapping. Van Cleef performed additional boundary surveying using GPS and other sources, and has determined that the Airport Hazard Zone does not encroach on the property. This means the house on the southerly lot can now be located in line with the other proposed dwellings along Sunnymead Road.

Mr. Merdinger asked that the changes submitted in the EIS be addressed to see if a five-lot subdivision is justified before the details of the subdivision are reviewed.

Mr. Merdinger asked Mr. Ford if the original EIS was discovered to be inaccurate being that a supplemental EIS was submitted along with a revised plan.

Mr. Ford said clarifications and expansions of the EIS were provided.

Both Chairman Sireci and Mr. Merdinger expressed their concern with the changes to the numbers from the original to the supplemental EIS report.

Mr. Ford stated Mr. Agovino prepared the report, so he would be better suited to address any question related to the EIS.

Mr. Merdinger asked Mr. Ford to walk the Board through the critical areas for each lot.

Mr. Ford stated the individual lot calculations for each lot are shown on the plan.

Mr. Merdinger said the right-of-way needs to be deducted.

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Mr. Ford said the right-of-way was already deducted prior to doing any calculations and pointed out the right-of-way references on the map.

Mr. Merdinger further questioned Mr. Ford on the calculations for the critical areas. He asked whether each of the lots meet the minimum 2 acre requirement, without the inclusion of the right-of-way.

Mr. Ford said that is correct.

Mr. Ford continued his testimony by reviewing the professionals' reports. He said the Applicant will agree to comply with each of the comments made in Mr. White's July 9, 2015 report, as a condition of approval. The Applicant is not proposing sidewalks along Falcon Road or Sunnymead Road but would be willing to provide an in-lieu-of contribution for the cost of those sidewalks.

The Board agreed.

Mr. Ford suggested that rather than spend the money on sidewalks, the in-lieu-of contribution instead be used to extend the sewer line approved by the HTMUA and extend it to Sunnymead Road so that the sewer is more readily accessible. The easement will be provided for the sewer line but it is not required for these five lots. The Applicant would take on the expense of constructing that sewer line instead of constructing the sidewalks or contributing to the fund, to the satisfaction of the Board's Engineer.

Mr. Merdinger said that is more than reasonable and has been done in areas having septic systems.

Mr. Ford said the Applicant is not physically making connections. The 8" line this Applicant puts in will have adequate capacity for well beyond the five lots this Applicant is proposing. It was envisioned to bring it out to Sunnymead, given the proposal for the right-of-way. The applicant would put it out to Sunnymead Road but would not be making connections for other people's property yet. If agreeable to the Board, the Applicant would amend the applications to the HTMUA and SRVSA.

Mr. Merdinger explained they would install "T's" where the hook-up would be. It would then be up to the individual homeowners in the area if they want to hook up.

Deputy Mayor Burchette asked if the line keeps getting extended, if there would be an impact on the volume.

Mr. Merdinger, stating he was a member of both the HTMUA and SRVSA, that the line was sized at the MUA so that it would be a collector line. There are plenty of lots in town that need it.

Mr. Ford clarified the application would still be to service five lots. However, the physical improvements would be such that it would have the capacity to service more, and be more readily accessible to those property owners.

Chairman Sireci reviewed, any sewer project in the area would not have to build that connection, which would be large enough to serve the purpose. It would facilitate the next project but would not automatically approve the next project in that area.

Mr. Ford addressed the Planner's report, stating the Applicant would agree to all of Ms. Shiffman's comments. However, there is one the Applicant would like to review. The Applicant will be providing for a conservation easement around the rear wooded area, where the critical area is. The area will not be touched. Signage will be provided along the limit of it to make homeowners aware and a deed restriction will be filed. The Applicant prefers not to enclose the area with fencing, but rather leave it in its natural state.

The Board agreed to have no fence in the conservation easement.

Mr. Lipani asked if the boundary on the lowest lot would be made straight or kept the way it is.

Mr. Ford confirmed it would be kept the way it is.

Mr. Ford reviewed the variances, saying there is one existing brick house on the two lots. The Applicant is already in the process of fixing that house. The house would remain in its current location, and as such, would require a front yard variance for an existing condition. There is also a detached structure,

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referenced as a shed, which has no existing nonconformities today but would require a variance for the side yard setback once the property is subdivided. It was suggested that landscaping be provided to buffer the shed, which is of considerable size. The Applicant will be looking to renovate the structure as a garage for the existing residence. If the Board chose not to approve the variances, the Applicant would then take them down and start with a new structure on the corner.

Open to the Public

**Susan Gulliford** - Hunt Club Road

- Ms. Gulliford asked who would own the property within the conservation easement.

Mr. Ford explained the homeowners would own the property which would be deed restricted.

- Ms. Gulliford asked how large the conservation easement would be.

Mr. Ford said the area would be a little over four acres, split over three lots.

**Vincent Agovino, Ph.D.** of A.V. Agovino Associates, LLC was sworn in, accepted by the Board and provided the following testimony:

Mr. Agovino apologized for the calculation error and pointed out that the mistake was corrected in the supplemental EIS.

Mr. Merdinger expressed his thoughts on the supplemental EIS report provided.

No comments from the public.

Close Public

A motion to approve application 15-PB-07-MJV with all stipulations, conditions and agreements, was made by Mr. Merdinger, seconded by Deputy Mayor Burchette.

**Roll Call:** Mr. Wagner - yes; Mr. Conard - yes; Mr. Merdinger - yes; Mr. Lipani - yes; Mr. Peason - yes; Vice Chairman Cohen - yes; Deputy Mayor Burchette - Chairman Sireci - yes. Motion carries.

Deputy Mayor Burchette commended the Applicant for getting together with the neighbors.

**CORRESPONDENCE**

- SCPB Memorandum - Cover letter dated 08-21-15
- NJDEP letter dated 08-25-15

Chairman Sireci noted the correspondence and stated the next meeting will be held September 10<sup>th</sup>.

**ADJOURNMENT**

A motion to adjourn was made and seconded. All were in favor, none opposed. Motion carries.

The meeting adjourned at 8:17 p.m.

*Submitted by:*  
*Debora Padgett*  
*Administrative Assistant / Planning Board Clerk*