

**HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT**  
**PUBLIC MEETING MINUTES**  
**February 3, 2016**

Chairman Dr. Sireci called the Board of Adjustment meeting of February 3, 2016 to order at 7:33 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

**ROLL CALL:**

Frank Herbert – Present  
John Stamler – Present  
Helen Haines, *Vice Chairman* – Present  
Curtis Suraci – Present  
Fred Gladstone - Present

Frank Valcheck – Present  
Dr. Steven Sireci, Jr., *Chairman* – Present  
Steve Monte (Alt. 1) – Present  
John Shockley (Alt. 2) – Present  
Philomena Cellilli (Alt.3) – Present  
John Torok (Alt. 4) – Present

Also in attendance: Jolanta Maziarz, Esq., Board Attorney (Woolson Sutphen Anderson, P.A); Paul Niehoff, P.E., Board Engineer (Maser Consulting, P.A.); David Maski, PP, AICP, Planning Director/Board of Adjustment Secretary; and Lucille Grozinski, CCR.

**NOTICE OF MEETING**

Chairman Dr. Sireci announced the meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 (“Sunshine Law”).

**EXECUTIVE SESSION**

There was a motion and a second to go into executive session to discuss the following:

- Attorney-client privilege matters
- Hillsborough Towne Center Associates, LLC v. Board of Adjustment of the Township of Hillsborough
- BA-15-09 Christian Community Chapel

**Roll call:** Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Suraci – yes; Mr. Gladstone – yes; Mr. Stamler – yes; Vice Chairman Haines – yes; Chairman Dr. Sireci – yes. Motion carries.

**ACCEPTANCE OF MEETING MINUTES**

- January 20, 2016

Motion to approve as written, seconded. All eligible – aye. Motion carries.

**ACCEPTANCE OF RESOLUTIONS**

- BA-15-09 Christian Community Chapel (So Branch Rd)

There was a motion to approve as written which was seconded.

**Roll call:** Mr. Valcheck – yes; Mr. Herbert – yes; Mr. Stamler – yes. Motion carries.

**BUSINESS FROM THE FLOOR**

- None

**PUBLIC HEARING - APPLICATIONS**

**The Shoppes at Wood Tavern (Hillsborough Towne Center)** – File BA-10-13 – Block 163.22, Lots 33 & 34 (*formerly Block 163*) – Intersection of Route 206 & Amwell Road. Applicant seeking d(3) use variance for deviation from the standards for a conditional use and other such variances, waivers, and approvals required to permit construction of a new multi-building mixed-use development with offices, retail and residential units while retaining the existing two-story office-retail building on the property in the TC District. **REMANDED**

1. Mr. Gladstone recused himself from the application.
2. Alex Fisher, Esq, Mauro Savo Camerino Grant & Schalk, Attorney for the Applicant, gave a history of the application.
3. Mr. Fisher noted that the previous hearings from 2011 are part of the testimony.
4. Mr. Fisher reiterated that this is a bifurcated application and site plan approval would be sought if the use and bulk variances are approved.
5. Mr. Fisher gave a detailed overview of the application, including the effect of the Appellate Division’s decision on the application.
6. Ms. Maziarz noted that she already offered her legal interpretation of the decision to the Board and Mr. Fisher’s does not significantly differ.
7. Ms. Maziarz discussed the bulk variances requested.
8. Bob Heibell, PE, PP, was sworn in and his qualifications were accepted. He testified during the original hearings.
9. It was noted that all exhibits to be presented were the same from the original application.
10. The following exhibits were marked.
  - **Exhibit A-1:** Proposed use variance plan
  - **Exhibit A-2:** Existing conditions
11. Mr. Heibell testified that nothing has changed from the proposal in 2011 and that these are the same exhibits.
12. Using the exhibits, Mr. Heibell described the neighboring properties.
13. Mr. Heibell testified that a joint driveway is proposed with Petrock’s to create a singular access onto Amwell Road.
14. Mr. Heibell described the three proposed buildings.

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15. There was discussion about the proposed joint driveway for which there was a letter of intent.
16. There was discussion about the residential number of units permitted on the site.
17. There was discussion about the Master Plan road that would be the rear access to this property.
18. Mr. Heibell testified that there will be a stormwater detention basin but details would be presented during site plan.
19. Mr. Heibell testified that public utilities are available.
20. There was a discussion about the pedestrian friendliness of the application compared to the Master Plan.
21. There was a question about residential parking.
22. Mr. Heibell testified it has the adequate number of parking spaces according to the ordinance but there is no designated parking for residents versus commercial uses.
23. Mr. Heibell testified there are no loading spaces proposed.
24. There was a lengthy discussion on parking.
25. Mr. Fisher reminded the Board that this is a bifurcated application and many of their questions would be answered during the site plan portion.
26. Open to the public.
27. John Senker, Resident, asked for clarification on parking spaces.
28. There was further discussion about parking, loading spaces, and the impact of the eventual Route 206 Bypass.
29. The following exhibit was marked:
  - o **Exhibit A-7:** parking spaces.
30. Mr. Heibell called this a "what if" plan, depicting which parking spaces would be removed when the Master Plan road is created.
31. No further questions for this witness.
32. David Gardener, Principal of the Applicant, was sworn in.
33. Mr. Gardener testified that when the Master Plan road is built, the appropriate land would be given to the Township and the parking spots would be rearranged accordingly.
34. Mr. Gardener was confident they would be able to maintain the number of parking spaces required.
35. Mr. Gardener testified that the parking spots in front of the businesses would remain.
36. Mr. Gardener read a portion from an existing lease regarding parking for the tenants.
37. There was a lengthy discussion about tenants, leases, and parking.
38. There was discussion about economic viability of the property in regards to the parking configuration.
39. Mr. Gardener testified that office businesses are interested in being located on the first floor.
40. There was discussion on office spaces on the first floor, which is not permitted in this zone.
41. No questions from the public. No further questions for this witness.
42. Robert Larsen, Architect, was sworn in and the Board accepted his qualifications. He testified during the original hearings.
43. The following exhibits were marked:
  - o **Exhibit A-5a:** rendering of largest of new buildings
  - o **Exhibit A-5b:** front elevations of two smaller structures
44. Mr. Larsen described the proposed buildings' floorplans and architectural features.
45. Mr. Larsen described the access to the residential units. One building would have a lobby and others would have direct access to the outside.
46. The following exhibits were marked:
  - o **Exhibit A-4a:** Photograph of existing building associated with Amwell Road, one photo of what was existing seven plus years ago ("before") and one of it under construction ("after")
  - o **Exhibit A-4b:** Existing building associated with Route 206, a photo of what was existing some years ago ("before") and a photo proposed or nearly finished final version ("after")
47. Mr. Larsen described the architectural features of the second building that make it appear as a two story building to compensate for the fact that it would not be feasible to create an actual second floor.
48. There was discussion on altering the ground floor façade for office spaces that require more privacy. Mr. Larsen testified there would be no changes without Board approval.
49. Mr. Larsen testified that there is no office spaces proposed on the second or third floors of the new proposed buildings.
50. No public questions.
51. Mr. Larsen testified that if an office were to go on the first floor, they would maintain a retail shopfront appearance.
52. Chairman Dr. Sireci noted that the application will be continued to the May 4<sup>th</sup> meeting without further notice.
53. Mr. Fisher agreed to an extension if one is necessary.

**BOARD OF ADJUSTMENT BUSINESS**

- None

**CORRESPONDENCE**

- None

**ADJOURNMENT**

The meeting adjourned at 10:20p.m.

*Respectfully Submitted by: Caitlin Davis, Planning & Zoning Clerk / Reviewed by: David Maski, PP, AICP, Planning Director/Board of Adjustment Secretary*