

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
February 04, 2016

Chairman Lipani called the Planning Board Public Meeting of February 04, 2016 to order at 7:31 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Hillsborough Township Municipal Complex.

Chairman Lipani 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

Mayor Frank DelCore - Present
Robert Wagner, Jr. - Present
Deputy Mayor Carl Suraci - Present
Robert Peason - Present

Sam Conard - Present
Shawn Lipani, Chairman - Present
Kenneth Hesthag - Present
Sally Becorena (Alt. #1) - Present
Stephanie Forrest (Alt. #2) - Present

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

Also present: David K. Maski, PP, AICP, Township Planning Director; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein, & Associates); Christina Restuccia, Substitute Board Court Reporter; and Caz Bielen, Board Videographer(Premier Media, LLC).

Chairman Lipani called for a moment of silence in honor of fellow Board member, Michael Merdinger, who passed away January 18, 2016.

DISPOSITION OF MINUTES

None

DISPOSITION OF RESOLUTIONS

- KDC Solar GRQ, LLC (*Application known as: Gibraltar Quarry / KDC Solar*) - File #12-PB-01-SR

A motion to approve was made by Mr. Conard, seconded by Vice Chairman Marulli.

Roll Call: Mayor DelCore - yes; Mr. Wagner - yes; Vice Chairman Dr. Marulli - yes; Mr. Conard - yes; Chairman Lipani - yes. Motion carries.

- William Haney, File #15-PB-12-MRV

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

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

PLANNING BOARD BUSINESS

- Glen Gery (GG RE Co.) - Extension of Time through 03-31-16

Board Attorney, Eric Bernstein, Esq., stated he had spoken with the attorney for Glen Gery, John Marmora, Esq., earlier in the week. Mr. Marmora indicated he would be looking to set up a meeting in the near future with Mr. Maski to discuss the ongoing nature of this application.

Planning Director, David K. Maski, PP, AICP, confirmed he also had spoken with Mr. Marmora. A meeting date will be arranged for next week. According to Mr. Marmora, it is the intention of this Applicant to move the application forward for a minor subdivision.

A motion to approve the extension through 03-31-16 was made by Mr. Wagner, seconded by Vice Chairman Dr. Marulli.

Roll Call: Mr. Peason - yes; Mr. Hesthag - yes; Mr. Julian - yes; Mr. Conard - yes; Deputy Mayor Suraci - yes; Mayor DelCore - yes; Vice Chairman Dr. Marulli - yes; Mr. Wagner - yes; Chairman Lipani - yes. Motion carries.

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

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None

Mr. Julian asked for clarification on the Haney Resolution in reference to the concern expressed at the hearing for the eagles.

Chairman Lipani noted that Condition "C" requires the Applicant to address that matter, as a condition of a building permit.

PUBLIC HEARING - SUBDIVISION/SITE PLAN APPLICATIONS

- **AMWELL COMMONS (RPM Development, LLC** - File 15-PB-09-MSRV/SR - Block 163.05, Lots 101, 102, 103, 104 & 105 (formerly known as Block 163, Lots 12, 11, 10, 9, & 8) - 495 Amwell Road (Lot 101); (Q Farm) Amwell Road (Lot 102); 503 Amwell Road (Lot 103); 505 Amwell Road (Lot 104); and 507 Amwell Road (Lot 105). Applicant requesting additional 120 days to perfect subdivision; to Amend Condition of Approval of Resolution dated July 09, 2015, pertaining to the demolition of existing structures; and to amend to façade of Building 'A' by moving two doors to the back of the building,, on property in the ARW, Amwell Road West Zone District, in the New Amwell Redevelopment Area.

Michael O'Grodnick, Esq. of Mauro, Savo, Camerino, Grant & Schalk, representing the Applicant, RPM Development, LLC, stated since there is already an "Amwell Commons" in Hillsborough, the Applicant has been asked to change the name of the project development. The new name will be "Westering Place."

Mr. O'Grodnick stated proper notice has been provided.

Mr. Bernstein clarified for the record, that there was an issue brought to his attention for one of the 180 notices sent. The notice had been sent to the property address in Hillsborough rather than the owner address on record at the time. Sufficient documentation has been provided affirming that notice was served to the owner. Therefore, adequate notice was provided.

Mr. O'Grodnick said on June 25, 2015, this Board approved the subject application, in accordance with the Township's Fair Share Housing Plan. The Resolution was adopted July 09, 2015. The Property is 20.909 acres along the northerly side of Amwell Road, County Road Route 513. The Property currently contains four residential structures, all of which are proposed to be demolished to allow for the construction of the two buildings. The Resolution of Approval, granted in July, approves a Minor Subdivision which will consolidate the five lots of the subject tract, and subdivide the consolidated property into two lots. Proposed Lot 101.01 will have frontage along Amwell Road and consist of 3.74 acres. Proposed Lot 101.02, the northerly lot, will consist of 17.16 acres and is not proposed to be approved at this time. Access to the rear lot will be provided through a 50 ft. wide access easement extending through the front lot of Amwell Road.

Mr. O'Grodnick reviewed more of the details of the development, as approved.

Mr. O'Grodnick said the purpose of this application is twofold: (1) to request an extension to May 28, 2016 to perfect the subdivision; and (2) to be able to perfect the subdivision prior to the demolition of the existing structures, currently required by Resolution. The proposal is to have demolition completed within 90 days of the filing of the subdivision deeds. A minor change has also been requested in the façade of Building 'A', moving an exit door and a maintenance door to the back of the building for logistical and esthetic reasons. The MLUL generally provides for a two-year extension for these types of approvals, with an additional one-year extension.

Mr. O'Grodnick said this project is heavily contingent on financing. Although the application was approved in June, and Resolution in July, the actual funding has not been available until November, 2015, which has slowed the process down.

Mr. O'Grodnick called his first witness

Brendan McBride, Vice President of RPM Development, LLC, was sworn in and gave the following testimony:

Mr. McBride said in July, 2015, an application was submitted to the State Housing Mortgage Finance Agency for the majority of the funding to build the development. It is a competitive process in which you compete with projects and towns across the State. A limited number of projects are awarded funding. RPM

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learned that funding had been awarded from the HMFA in November, which came in the form primarily of 9% low income tax credits. Equity from which is what is used to fund and build the project. RPM is now putting everything into motion to get to the construction start date. Since the funding only became available in November, there is not a lot of time left in order to perfect the subdivision. The property is currently owned by someone other than RPM, from whom the property will be purchased. The rationale for subdividing first and demolishing after, is that the current owner of the property does not want RPM demolishing structures on his property before RPM purchases it. At the same time, RPM's investors do not want funds being used to demolish structures on property RPM does not own. RPM is looking to realign the timeline to demolish the structures once it owns the property, and commence construction as soon as RPM has secured Construction approvals.

Mr. O'Grodnick asked Mr. McBride to update the Board as to the status of the tenancies on the property.

Mr. McBride said there are four structures on the property; one was badly damaged in a fire, and two of the structures had tenants, both of whom found other places to live. All structures are now vacant. Once RPM can move forward with the process, all will be demolished.

Mr. Peason asked Mr. McBride if the tenant referenced in the January 22, 2016 letter had since vacated the property.

Mr. McBride confirmed that tenant has since moved.

Chairman Lipani asked for clarification on the subdivision.

Mr. McBride said the five tax lots were consolidated into a single entity. RPM will be purchasing a portion of that subdivided property from that entity. RPM is under contract for purchase.

Mr. Julian asked Mr. McBride for additional information on submission of the review of any environmental impacts on the property, once RPM becomes the owner, as discussed at the Environmental Commission meeting.

Mr. McBride said shortly before the hearings, RPM had a consultant finalize the Phase I Environmental Assessment. Additional investigation has been made into the houses. Mr. McBride said he did not recall if there were further aspects of an Environmental Impact Statement that needed to be completed.

Mr. Julian asked if any changes were discovered since the time of the Environmental Commission.

Mr. McBride said there had not.

Mayor DelCore asked if the intention is to perfect the subdivision and complete the demolition by the end of May.

Mr. O'Grodnick said RPM is seeking time to perfect the subdivision until May 28, 2016 and then once they own it, the agreement is to have the structures demolished within 90 days of the filing of the subdivision deeds, or by August 28, 2016.

Mr. McBride said he did not think it would take anywhere near that length of time being that RPM is looking to move as quickly as possible.

Vice Chairman Dr. Marulli asked that the comments of the Fire Marshal be addressed.

Mr. McBride said they will be looking to have their Construction Manager set up a meeting with Chief Weniger to make sure all of his concerns are addressed.

Open to the Public
No questions.

Mr. O'Grodnick called his next witness.

Alex Merlucci, RA, AIA, was sworn in, reviewed his credentials, was accepted by the Board, and gave the following testimony:

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Mr. Merlucci said two doors will be relocated from the Amwell Road frontage to the parking frontage, both for esthetic and functional purposes. This creates a more uniform esthetic and allows for easier access to a storage room. Mr. Merlucci noted the display used was Exhibit A from the letter provided.

Mayor DelCore asked if revised plans will be provided.

Mr. Merlucci said a full set of revised plans, including any changes that may come from the meeting with the Fire Marshal will be provided.

Open to the Public
No questions.

Mr. Bernstein asked Mr. O'Grodnick if his client was willing to agree to several conditions, starting with a requirement of demolition of the dwellings within 90 days following acquisition of title, or August 28, 2016, whichever is earlier.

Mr. O'Grodnick agreed. He said he would frame it for the filing of the deeds.

Mr. Bernstein continued, that any and all taxes on all of the lots, for 1st quarter, 2016 must be paid prior to the adoption of the Resolution memorializing this matter.

Mr. O'Grodnick agreed.

Mr. Bernstein said the Applicant is to comply with any and all requirements pursuant to Chief Weniger's Fire Marshal

Report, and any and all of the Board's consultants.

Mr. O'Grodnick agreed.

A motion to approve was made by Mr. Conard, seconded by Mayor DelCore, with all provisions noted.

Roll Call: Mr. Peason - yes; Mr. Hesthag - yes; Mr. Julian - yes; Mr. Conard - yes; Deputy Mayor Suraci - yes; Mayor DelCore - yes; Vice Chairman Dr. Marulli - yes; Mr. Wagner - yes; Chairman Lipani - yes.
Motion carries.

Mr. Bernstein said there was no business scheduled to the February 11th meeting, but that the February 25th meeting was scheduled.

A motion to cancel the February 11th meeting was made and seconded. All were in favor, none opposed.
Motion carries.

Mr. Maski informed the Board that the Capital Planning Committee will be meeting on February 8th to discuss the proposal requests. The recommendations will be provided in advance of the next Planning Board meeting.

ADJOURNMENT

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

The meeting adjourned at 8:03 p.m.

Submitted by:
Debora Padgett
Administrative Assistant
Planning Board Clerk