

HILLSBOROUGH TOWNSHIP BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES
May 04, 2016

Chairman Dr. Sireci called the Board of Adjustment meeting of May 4, 2016 to order at 7:30 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* – Absent
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) – Absent

Also in attendance: Jolanta Maziarz, Esq., Board Attorney (Woolson Sutphen Anderson, P.A.); William H. R. White, III, P.E., C.M.E., Board Engineer (Maser Consulting, P.A.); David Maski, PP, AICP, Planning Director/Board of Adjustment Secretary; and Michael Lombardozi, 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").

ACCEPTANCE OF MEETING MINUTES

- April 20, 2016

Motion to approve as written, seconded.

Roll Call: Mr. Herbert – yes; Mr. Suraci – yes; Mr. Gladstone – yes; Mr. Valcheck – yes; Mr. Monte - yes; Ms. Cellilli – yes; Chairman Dr. Sireci – yes. Motion carries.

ACCEPTANCE OF RESOLUTIONS

- BA-15-28 Vincent & Barbara LIPANI

Motion to approve as written, seconded.

Roll call: Mr. Shockley – yes; Ms. Cellilli – yes; Mr. Monte, – yes; Mr. Valcheck – yes; Mr. Stamler – yes; Mr. Herbert – yes; Chairman Dr. Sireci – yes. Motion carries.

- Resolution Authorizing the Award of a Professional Services Agreement to Bruce A. Eisenstein, Ph.D., P.E., Under a Non Fair and Open Selection Process

Mr. Herbert and Mr. Suraci recused themselves. Motion to approve as written, seconded. All aye, none opposed. Motion carries.

BOARD OF ADJUSTMENT BUSINESS

- Agreement for Professional Services between The Township of Hillsborough Board of Adjustment and Bruce A. Eisenstein, Ph.D., P.E.

Motion to approve and seconded. All aye, none opposed. Motion carries.

EXECUTIVE SESSION

- Motion to go into executive session to discuss the Christian Community Chapel litigation and attorney-client privilege matters. It is seconded. All aye, none opposed. Motion carries.

BUSINESS FROM THE FLOOR (For Matters Not on the Agenda)

- 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 Continued from February 3, 2016**

1. Alex Fischer, Esq, Attorney for the Applicant introduced the witnesses.
2. Bob Heibell, PE, PP, was sworn in.
3. **Exhibit A-8:** Use variance plan including 2 loading docks, dated 4/14/16
4. **Exhibit A-9:** Future contingent site plan, dated 4/7/16
5. Mr. Heibell described the parking on the two exhibits.

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6. There was a lengthy discussion on when the future contingent plan, Exhibit A-9, would be implemented.
7. Mr. Heibell discussed the proposed Master Plan service road.
8. No public comments.
9. Jay Troutman, PE, Applicant's Traffic Engineer was sworn in and his qualifications were accepted.
10. Mr. Troutman testified that there is a letter of no interest from NJDOT relating to Route 206.
11. Mr. Troutman testified that Somerset County has jurisdiction on Amwell Road, and promotes interconnections between properties.
12. There was lengthy conversation on the proposed enter and exit drives to the property.
13. Mr. Troutman testified that a traffic study would be submitted and crosswalks and walkways would be addressed during the site plan application.
14. No public questions.
15. Art Bernard, PP, Applicant's Planner, was sworn in and his qualifications were accepted.
16. Mr. Bernard detailed the required variances.
17. Mr. Bernard testified that the Applicant cannot single handedly implement the Master Plan vision.
18. There was a lengthy discussion about offices on the first floor of the proposed buildings.
19. The Board talked about freestanding office building requirements in the TC District.
20. Mr. Bernard testified that it isn't feasible to add a second story to the existing single story "Decanto" building.
21. Mr. Bernard testified that the proposed buildings conform to height requirements, proposed uses are permitted in the zone, and the proposal is bringing in residential uses and affordable housing wanted by the Master Plan.
22. Mr. Bernard testified that the 'c' bulk variances requested are for existing non-conforming setbacks and moving the existing parking or buildings would cause extreme practical difficulties for the existing tenants.
23. Mr. Bernard testified that the benefits of the proposal include: creation of an architectural theme, giving the Township a portion of what will be the Master Plan road, putting utilities underground, removing a curb cut on Amwell road, and adding types of uses the Master Plan envisions in terms of housing and affordable housing.
24. There was further discussion on the proposed office space on the first floor.
25. There was a discussion on what would need to take place before the Applicant can enact the future contingent plan.
26. David Gardner, Applicant, was sworn in.
27. Mr. Gardner testified that they would agree to no more than 30% office space on the first floor of the proposed buildings.
28. Ms. Maziarz noted that the Board may make that a condition of approval but all members of the Board must agree.
29. There was discussion on the different types of offices.
30. Mr. Bernard testified that the 'd' variances required are not related to use, only the location of the use.
31. He testified there is no substantial negative impact of the propose configuration because traffic and parking will be unchanged and the proposed site construction will be less disruptive to existing tenants than if the buildings had to be torn down or gutted.
32. Mr. Bernard continued that the application promotes the Town Center zoning by making the right-of-way available for Amwell/New Amwell Road connection, reducing number of curb cuts on Amwell Road, providing an architectural theme, proposing a mixed use concept, bringing housing and affordable housing to downtown, keeping utilities underground, and providing plan for future removal of parking.
33. Mr. Bernard testified to the positive criteria for placing offices on the first floor of mixed-use buildings in that it would increase probability that project will be successful.
34. There was discussion on the surrounding properties.
35. No public questions.
36. There was further discussion on standalone office buildings.
37. No public comments.
38. Ms. Maziarz summarized the Board's options.
39. No offices on first floor of existing buildings that front Route 206 and Amwell Rd
40. There was clarification that the 30% of office space would be calculated by the linear frontage of the building.
41. The Board discussed how the future contingent plan would be completed and if the Applicant would enter into a contract with the Township.
42. The Board suggested the initiation of the future contingent plan after full completion of Bypass and conversion of existing Route 206 to Main Street and construction of the portion of the Master Plan access road network behind the parcel in question.
43. Chairman Dr. Sireci noted that there is nothing particularly unique about the property because the surrounding properties are all similarly structured and would likely present the same proofs.
44. Mr. Fisher noted that Mr. Bernard testified to a flexible 'c' (2) variance in which the proofs required are only that the benefits outweigh the detriments of the proposal.
45. Chairman Dr. Sireci opined that this proposal is not a realization of the Master Plan or the zoning.
46. Mr. Stamler made a motion to approve with the discussed conditions: limiting the offices on the first floor of the new buildings to 30% of linear frontage; no office space on first floor of existing buildings; an agreement

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with the Township to enact the proposed future contingent plan upon completion of the bypass, route 206 revamping and service road cut through from Route 206 to New Amwell and Amwell extending to the back of the property; and approval of the five bulk variances and 3 'd' variances. It was seconded.

47. **Roll Call:** Mr. Valcheck – no; Mr. Herbert – yes; Mr. Suraci – no; Mr. Stamler – yes; Mr. Monte – no; Mr. Shockley – no; Chairman Dr. Sireci – no. Motion denied.

CORRESPONDENCE

- None

ADJOURNMENT

The meeting adjourned at 11:32pm.

Respectfully Submitted by: Caitlin Davis, Planning & Zoning Clerk

Reviewed by: David Maski, PP, AICP, Planning Director/Board of Adjustment Secretary

Approved