

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
May 12, 2016

Chairman Shawn Lipani called the Planning Board Public Meeting of May 12, 2016 to order at 7:33 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 - Absent
Robert Wagner, Jr. - Present
Deputy Mayor Carl Suraci - Present
Robert Peason - Absent

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

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

Also present: David K. Maski, PP, AICP, Township Planning Director; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein, & Associates); Brian Boccanfuso, PE, CME, Alternate Board Engineer (CME Associates); Lucille Grozinski, CCR, Board Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

DISPOSITION OF MINUTES

□ May 05, 2016

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

Roll Call: Mr. Wagner - yes; Mr. Hesthag - yes; Ms. Becorena - yes; Ms. Forrest - yes; Chairman Lipani - yes. Motion carries.

DISPOSITION 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

- **Hillsborough Realty LLC** (Ref: Wiseman Enterprises LLC 04-PB-25-MJ) - File 16-PB-05-RES-Block 175.17, Lot 15.05 (formerly known as Block 175, Lot 15 prior to subdivision) - 1 Danbury Court. Applicant requesting amendment to the original subdivision approval, Resolution 04-PB-25-MJ, dated 05-12-05 for Block 175, Lot 15, as to the "finding of fact" which read that the existing house "would remain". The new owner is proposing to demolish the existing house and replace it with a new house, within the previously approved building envelope with no variances, on property in the R, Residential Zoning District.

Francis P. Linnus, Esq., representing the Applicant stated in 2004, the original owner / developer requested to create four new building lots and rent out the existing house. The new owner /developer is under contract for Lot 15, which requires the demolition of the existing structures and construction of a new home. The Applicant is seeking relief from the "finding of fact" in the Resolution of 04-PB-25-MJ.

Felice Tanga of Hillsborough Realty, LLC was sworn in and stated the following:

Mr. Tanga confirmed Hillsborough Realty, LLC is the owner of the property and is under contract for construction of a new home on Lot 15, to be delivered on or about September, 2016.

Mr. Linnus said the request is to construct a new single family dwelling that is consistent with the Zoning Ordinance; no bulk variances will be sought.

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Mr. Tanga agreed.

Mr. Tanga said the previous owner rented the house. The house has been vacant for the past nine years since assuming ownership.

Chairman Lipani asked Mr. Tanga if he had filed for a demolition permit prior to receiving approval from the Board.

Mr. Tanga said he had.

Chairman Lipani inquired about the timeline for the demolition.

Mr. Linnus stated the matter would not have been before the Board if not for the standard condition in all resolutions which states that all findings of fact are conditions of approval. Mr. Linnus said there is no reason to keep the existing house in existence. The owner is not violating anything.

Mr. Bernstein said technically, the Applicant did. The prior finding of fact which became a condition of approval was based upon four new lots and the current dwelling. The Chairman's question is whether or not the Applicant was aware at the time of purchase of the property that there was a condition as to the house remaining in its current condition.

Mr. Tanga said he was aware of the condition, but not that the house could not be demolished.

Mr. Bernstein asked if the new house would be built in the footprint of the current house.

Mr. Tanga said the existing house is not in the building envelope. The new home would be built on the same lot.

Chairman Lipani said but not necessarily in the same footprint.

Mr. Linnus asked if the new house would be consistent with the four lots in the subdivision.

Mr. Tanga said it would.

Mr. Bernstein asked if it would meet all requirements and setbacks in the zone and for the lot.

Mr. Tanga said it would.

Open to the Public.

No questions.

Mr. Bernstein asked the status of the taxes.

Mr. Linnus said the taxes were paid today. A copy of the receipt was presented for the application file.

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

Roll Call: Mr. Conard - yes; Mr. Wagner - yes; Mr. Hesthag - yes; Ms. Becorena - yes; Ms. Forrest - yes; Vice Chairman Dr. Marulli - yes; Deputy Mayor Suraci - yes; Chairman Lipani - yes. Motion carries.

- **Meadow Brook at Hillsborough** - File 16-PB-02-MJSR - Block 163.05, Lots 101, 102, 103, 104 & 105 (Proposed Lots 101.01 and 101.02 after subdivision - Proposed Lot 101.02 subject of application) - currently 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 seeking preliminary and final major subdivision approval; preliminary and final major site plan approval; relief from maximum tract area for single-family dwellings (*identified*); and Hardship Waiver from the Tree Preservation Ordinance, to subdivide Proposed Lot 101.02 (17.166 acres) into 46 lots: 44 lots for single-family detached homes; 1 multi-family lot (2.49 acres) to construct 30 multi-family townhomes situated within three buildings; and 1 open space lot (6.06 acres) to contain the stormwater basin; and all necessary parking, roadways, utilities, and improvements, on property in the ARW, Amwell Road West Zoning District. This project is governed by the provisions of the *New Amwell Redevelopment Plan. Revised Plans submitted 04-15-16. (Subdivision Deeds filed 04-18-16 for Lots 101.01 and 101.02).* (EC Reviews: 04-25-16 and 05-23-16).

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Francis P. Linnus, Esq., represented the Applicant and contract purchaser, K.Hovnanian, said the technical aspects of the application will not be reviewed at this meeting. Mr. Linnus stated his plan was to provide a broad overview at this meeting and come back with the professionals at a later date.

Mr. Linnus said the property was designated as an area in need of redevelopment and later the subject of the redevelopment plan established in 2014. Once that guidelines which govern how the subject property were to be used was in place, applications were filed for the development of the property. An application was submitted in June 2015 from RPM Developers for a subdivision of the entire property and the development of the front three acres. K.Hovnanian is the contract purchaser and hopefully the developer of the remaining 17 acres. The Applicant will be seeking preliminary and final major subdivision and preliminary and final major site plan approval.

David Fisher, Vice President of Governmental Affairs for K.Hovnanian was sworn in and gave the following testimony in response to questions asked by Mr. Linnus:

Mr. Fisher said K.Hovnanian is the contract purchaser since August, 2014. He said they have been working with the property owner and RPM to coordinate engineering work and the applications before the township.

Mr. Fisher said the overview given was accurate. He added that the K.Hovnanian application was submitted prior to the subdivision of the five lots being finalized. RPM recorded the Deed of Subdivision on April 18, 2016 which created the two new lots, the 17 acre parcel being the subject of this application. As the Board is aware, RPM will be developing 54 affordable housing units, 14 of which will be set aside for special needs housing, in support of the Township's Mount Laurel Compliance Plan.

Mr. Fisher said K. Hovnanian is also supporting the COAH plan in that K. Hovnanian will be required to pay an in-lieu of fee of 1% of the value of each home to the Township's Affordable Housing Trust Fund.

Mr. Fisher noted that the RPM development was for a simple site plan application for two buildings, and they established a main entrance road through the center of the development to ultimately connect to the K.Hovnanian development. That road will have shared access.

Exhibits

A-1 - Meadow Brook - 11 x 17 Exhibit Handouts

A-2 - General Location Map

Mr. Fisher said Exhibit A-2 shows the general location plan with both the RPM and K. Hovnanian developments superimposed onto the site plan since the front property is integral to the rear property. Renate Drive is an unimproved right-of-way which services the established townhouse complex behind the K.Hovnanian property. He said they do not intend to create a vehicular access but NJ American Water has requested the water line be looped to the existing water line location, which is reflected in the plans.

Mr. Fisher said the Royce Brook tributary runs along the northern end of the property, with associated wetlands, regulated by the NJDEP. The flood hazard area is regulated by the DRCC and pursuant to the stream corridor buffer regulated by the Township of Hillsborough.

A-3 -Subdivision and Site Plan Rendering

Mr. Fisher said the redevelopment plan called for up to 45 single family dwelling lots and 30 three-story townhome units. This application reflects that plan, minus one single family dwelling lot. The subdivision portion of the application is to create the single family dwelling lots. The site plan application is for the townhomes with tot-lot area. The stormwater basin will be located in the northeastern portion of the property because that is the lowest part of the site. It will be a wet pond, in accordance with the State wide stormwater management regulations.

Mr. Fisher noted the density will be about 4 single family dwelling units per acre; about 12 units per acre for the townhomes site plan, which comes out to less than 4.5 homes per acre overall. K. Hovnanian is not seeking any variances or waivers but there is an area for the single family dwellings that will need to be discussed further during testimony.

A-4 - Rendering of Haddonfield SFD Model

A-5 - Rendering of Brookdale SFD Model

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Mr. Fisher said there are about 4 single family dwellings that range in size from about 2,250 sf. up to about 2,900 sf. All homes are just under 40 ft. wide with varying depths. Mr. Fisher said the largest model is the Brookdale at 2,933 sf. There are typically at least two elevation options for each to create differences.

A-6 - Rendering of Townhomes

Mr. Fisher said this is a perspective rendering of the three-story 8-unit stacked townhouse building. Stacked townhouses provide a little more density. All will have a one car garage and single wide driveway. There are four components of the townhouse. There are two townhomes within the width; one has the living on the first level with their bedrooms on half of the second level; the upper unit has a walk-up to the living space with their bedrooms on the third floor. The lower 2-bedroom units are about 1,600 sf; the upper 3-bedroom units are about 2,100 sf.

Mr. Fisher reviewed the common areas. He said the streets will be private, not public since they do not connect to any public right-of-way; all streets will be 28 ft. wide, in accordance with the RSIS requirements, with sidewalks on both sides; the street line will become part of the associations responsibility to maintain and create reserves for the ultimate repair and replacement of the streets, along with other components of the common area landscaping, tot lot play area, benches, and bicycle racks and storm drainage basin. The total open space is about 6 acres, which is about 35% of the site. An operations and maintenance manual will be provided to the Township. K.Hovnanian will set up a public offering statement for the two components of the single family homes and townhomes, with the required by-laws and budget and reserves to establish a community such as this. About 1/3 of the property is already vacant but will require some tree clearing.

Mr. Fisher said K.Hovnanian attended the Environmental Commission meeting on April 25th and later walked the site with some of its members that weekend. A report was issued dated May 6th which is being reviewed. Other reports received are from the Fire Marshal, Planning Director, and Conflict Engineer all of which will be reviewed. Outside approval will also be required by the Hillsborough MUA for the sanitary sewer, which then has to go to NJDEP for treatment works approval; the Delaware-Raritan Canal Commission needs to review and approve the stormwater management plan and development area around the flood hazard area; the Somerset County Planning Board; Somerset-Union Soil Conservation District; and NJDEP. Not all applications have been submitted to NJDEP yet but have submitted for a flood hazard verification. There is already a stream delineation done by FEMA along the tributary but NJDEP's jurisdiction is a bit different.

No questions from the Board's professionals until such time of more detailed testimony of the application.

Mr. Maski added that there are quite a number of comments throughout the various reports provided. It would be beneficial to have the plans revised as needed to address some of the issues ahead of time and perhaps allow time for the professionals to provide revised reports.

Mr. Linnus said they have no issue doing so and that a meeting has been scheduled with Mr. Boccanfuso to review all of the comments.

Mr. Maski stated the development is governed by the redevelopment plan. The Applicant will be required to enter into what is called a redeveloper's agreement with the Township, through the Township Committee. Ideally, this agreement should be in place prior to the Board making a final decision, but the Board could instead make it a condition of approval. Those agreements are currently being prepared for review by both parties.

Mr. Hesthag asked for clarification of the interior roadways and if one access road would be able to sustain all those who live within the development.

Mr. Fisher said according to the traffic engineer, it can. Testimony will be provided at a meeting in the future. The traffic engineer, Dolan & Dean, also did the traffic study for the front property so they are familiar with the site and characteristics of the area. They will be able to demonstrate the levels of service are adequate to get traffic in and out of the site.

Mr. Hesthag asked if there would potentially be a need for a light at that corner.

Mr. Fisher said the traffic expert did not come to that conclusion.

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Mr. Linnus said the Board will hear extensively from the traffic consultant; the Traffic Impact Statement has been submitted to the Board for review.

Mr. Conard said he walked the property. He said he was aware of an old cemetery in that area and asked if it was on this property.

Mr. Fisher said he was not aware of a cemetery and did not come across anything during the site-walk of the property with the members of the Environmental Commission. He said he would make an inquiry with the property owners. If there is a cemetery, it would be way back in the woods.

Mr. Conard said he thought it was in the vicinity of the northeast corner of the property. He asked that the matter be clarified at the next meeting. Mr. Conard asked for the submission of the wetlands study.

Mr. Fisher said the Environmental Commission asked for that as well. The owner secured various LOIs for various parts of the property; one for three lots the other for two lots. The one about to expire was renewed, but only for the two lots. The other will need to be renewed mid-year. Copies of the maps and letters can be provided.

Vice Chairman Dr. Marulli asked about the access through the professional building to the east.

Mr. Fisher explained there is a cross-access easement in place.

Vice Chairman Dr. Marulli asked if any modifications would need to be made in order to handle the traffic from the development.

Mr. Fisher said there would not be.

Vice Chairman Dr. Marulli said the Board wants to be sure the cross-access is fully discussed due to its unusual set up, volume of traffic from the development, and concern with left-hand turns out of the site.

Mr. Linnus said the matter will be reviewed by the traffic expert.

Mr. Hesthag said Pleasant View, across the street, which leads to AVM Park is a very busy street. The two together can increase the danger.

Vice Chairman Dr. Marulli said that issue was addressed with the RPM application but now there would be a greater volume and more potential left-hand turns.

Deputy Mayor Suraci asked if the homeowners association will also include the street lighting and cost for maintaining them.

Mr. Fisher said sometimes townships will accept street lighting as long as they fit the normal PSE&G or JCP&L model. If not, they will be privately owned and maintained.

Deputy Mayor Suraci asked about the fire hydrants.

Mr. Fisher said they typically see the water department or MUA. He said NJ American Water may want to maintain jurisdiction over the hydrants.

Deputy Mayor Suraci said they will maintain them, but there is a yearly charge associated.

Mr. Fisher said he will look into it.

Mr. Maski said the developer agreement will spell everything out as to who is paying for what.

Open to the Public

Joe Cusmano - Bridgewater

- Mr. Cusmano said he is the owner of the property. He stated the graveyard is not on his property, which he has owned for over 20 years.

Jennifer Lastella - Gemini Drive

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- Ms. Lastella asked how much of the property will be developed and how much will be open space.

Mr. Fisher said the entire property is 20 acres; the back lot is 17 acres. Of that 17 acres, 11 acres will be developed. There will be open space along the stream and where the detention basin is located.

- Ms. Lastella stated the stream floods, almost up to the condos.

Mr. Fisher said the condos are fairly close to the stream.

- Ms. Lastella asked how close the new units will be to the condos on Gemini.

Mr. Fisher said they are on the opposite side of the stream. The actual distance can be scaled after the meeting. The civil engineers will be able to give testimony at the next meeting.

Mr. Maski asked Mr. Fisher to show on the display where the property lines are.

- Ms. Lastella asked if there is an ordinance which requires a certain percentage of property to be saved as open space.

Mr. Bernstein said there are requirements for setbacks and buffers regarding neighboring properties, and the homes within the lots themselves. There is no specific ordinance which states that every property within the township needs to retain "x%" of open space. The percentage noted here has been set forth in the zoning ordinance relative to this development.

Mr. Boccanfuso added, there are also environmentally constrained areas associated with the stream in the back, in which the developer cannot build. The environmental restrictions limit the amount of development.

- Ms. Lastella said she is concerned with the overflow if additional construction will affect her property.

Mr. Boccanfuso said their engineer will be providing substantial testimony on that to satisfy your concerns.

Amadeo D'Adamo - Renate Drive

- Mr. D'Adamo asked if there will be an access from this development to Renate Drive.

Mr. Fisher said there would not be a direct connection.

- Mr. D'Adamo asked about the tree removal.

Mr. Fisher said there will be testimony from a landscape architect at a future meeting. Testimony will be given on how we comply or deviate with the Township's tree mitigation plan.

- Mr. D'Adamo asked about the graveyard.

Mr. Fisher said the property owner just stated the grave stones referred to are not on this property.

Mr. Fisher was asked to confirm that to be the case.

Mr. Fisher said they have only been under contract for two years. There is likely a way to confirm that by GPS. He said he is not looking to spend a lot of money confirming the existence of grave stones that are not on their property, but it could be done.

- Mr. D'Adamo asked for an assurance that at least some of the heavily wooded treed area near Renate Drive will remain.

Mr. Fisher said at the next hearing we can describe for you what parts near your home will be cleared vs. not be cleared, given your address. Some of the buildings are attached to open space, some are not.

- Mr. D'Adamo asked how many school aged children will be coming into the school system due to this development.

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Mr. Fisher said a Community Impact Statement has been prepared and submitted to the Township. Expert testimony will be provided. The CIS identifies the number of school-aged children associated.

- Mr. D'Adamo continued with comments, but said he did not wish to be sworn in to offer testimony.

Lorraine Chambers - Dover Court

- Ms. Chambers asked who owns the property to the west between the new units and condominiums, and if there are plans for future development.

Mr. Fisher said the owners should be listed on the plan as part of the 200 ft. area. He said he was not aware of development but that they are zoned for home office / occupation.

Susan Gulliford - Hunt Club Road

- Ms. Gulliford asked if the tot lot will be shared with the RPM properties development on the front property.

Mr. Fisher said it is not proposed to be.

- Ms. Susan Gulliford said the adjacent professional building parking lot is to be the secondary exit. She asked if the parking lot aisle will be used as a driveway, and if there are different requirements for a parking lot aisle vs. a driveway.

Mr. Fisher said their traffic engineer or design engineer will be able to provide the answer. He said he was uncertain whether or not it rises to the level of a street.

Vice Chairman Dr. Marulli said he had a similar concern for the front development. The cross-access is not an aisle; it is a street and separated from the parking area.

Chairman Lipani reiterated that the questions should only be for the generic testimony given. There will be more testimony provided at the next meeting.

Brandon Williams - Amwell Road

- Mr. Williams asked if this is simply the first phase of the development.

Mr. Fisher said what you see in this application is all that is under contract. K.Hovnanian will not be expanding to any adjacent property.

- Mr. Williams said he is to the west of this property and was looking to find out if the rest of the wooded lots would be up for redevelopment at some point.

Mr. Fisher said that area is not included in the redevelopment plan, but would be up to the township.

Close public

Mr. Linnus said a broad overview and factual presentation was provided tonight. The Applicant will be returning for a full hearing to prove their case for this application. It is clear the Applicant is willing to work with the Board's professionals, as evidenced by meeting with the alternate engineer, and make adjustments to the plan as it currently exists, and would like to return as soon as possible.

Mr. Maski said there are a few things to consider when determining the date: the Applicant will be meeting again with the Environmental Commission on May 23rd; the developer's agreement is being drafted and will require the approval of the Township Committee; and the Applicant will be revising the plans to some degree. The time of decision runs through July 14th.

Mr. Linnus agreed to an extension through July 31st, and a scheduling date to the July 14th agenda.

A motion to continue the application to July 14, 2016 without further notice, and that the Applicant is granted an extension for the time of decision at least to July 31, 2016 was made by Vice Chairman Dr. Marulli, seconded by Mr. Conard.

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Roll Call: Mr. Conard – yes; Mr. Wagner – yes; Mr. Hesthag – yes; Ms. Becorena – yes; Ms. Forrest – yes; Vice Chairman Dr. Marulli – yes; Deputy Mayor Suraci – yes; Chairman Lipani – yes. Motion carries.

Chairman Lipani asked that the exhibits be left with the application.

CORRESPONDENCE

None

Mr. Bernstein noted there was no business scheduled to the May 26th meeting.

A motion to cancel the May 26, 2016 business meeting was made by Deputy Mayor Suraci, seconded by Mr. Conard. All were in favor, none opposed. Motion carries.

ADJOURNMENT

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

The meeting adjourned at 8:37 p.m.

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

APPROVED