

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
December 08, 2016

Chairman Lipani called the Planning Board Public Meeting of December 08, 2016 to order at 7:33 pm. 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
Seat #5 – Vacant
Neil Julian, Vice Chairman - Present

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

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

DISPOSITION OF MINUTES

■ November 10, 2016

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

Roll Call: Deputy Mayor Suraci – yes; Mr. Peason – yes; Ms. Becorena – yes; Chairman Lipani – yes. Motion carries.

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December 01, 2016

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

Roll Call: Mayor DelCore – yes; Mr. Wagner – yes; Deputy Mayor Suraci – yes; Mr. Peason – yes; Vice Chairman Julian – yes; Ms. Becorena – yes; Chairman Lipani – yes. Motion carries.

DISPOSITION OF RESOLUTIONS

Glen Gery (GG RE Co.) – 15-PB-04-MR

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

Roll Call: Vice Chairman Julian – yes; Mr. Wagner – yes; Deputy Mayor Suraci – yes; Mr. Peason – yes; Ms. Becorena – yes; Chairman Lipani – yes. Motion carries.

PLANNING BOARD BUSINESS

Review of 2017 Annual Meeting Schedule

Mr. Bernstein said the annual schedule is normally part of the reorganization proceedings. However, since there is a need to schedule applications into the New Year, the schedule is being presented for the Board's consideration tonight. This Board can vote on it and if the new Board decides to make changes to it, it can do so.

Mr. Bernstein said the schedule for review is the same as has been; regular meetings the first and second Thursdays of the month; the business meeting on the fourth Thursday.

There was discussion as to whether or not the Board would want to have the first regular meeting on the following Thursday or keep it the same night as the reorganization meeting. The decision was to keep the meetings together for now. The matter can be discussed further at the reorganization meeting.

A motion to approve the meeting dates as noted, with the 2018 reorganization and regular meetings to be held on January 04, 2018, was made by Mr. Wagner, seconded by Vice Chairman Julian.

Roll Call: Mr. Peason – yes; Vice Chairman Julian – yes; Deputy Mayor Suraci – yes; Mayor DelCore – yes; Mr. Wagner – yes; Ms. Becorena – yes, Chairman Lipani – yes. Motion carries.

Mr. Bernstein said the adoption of the schedule now provides affirmed scheduling dates for the applications before the Board tonight.

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

Danielle LEVATINO – File 16-PB-13-MRV – (TOD: 01-12-17) - Block 205.05, Lot 45 – 621 Hillsborough Road. *Continued from November 03, 2016 without further notice. REQUEST TO ADJOURN to a date to be determined (time of decision runs to 01-12-17).*

Lisa Leili, Esq., of Vella, Singer and Martinez, P.C., representing the Applicant, said the application was last before the Board November 30th. There were certain issues the Board wanted to have addressed with respect to the subdivision application before coming back. Ms. Leili said she wanted to give the Board an update on the progress and request a continuance for completion on one portion of it.

Ms. Leili said as requested by the Board, a grading plan has been submitted to the Engineering Department. The Board also requested to have sampling testing, which was done last Thursday. However, the results are not back in at this time. The expectation is that the results will be available within a weeks' time. Ms. Leili requested a continuance date of January 05, 2017.

Chairman Lipani asked if the report from those samples need to be reviewed by the Environmental Commission.

Mr. Maski said that was not discussed at the last meeting, but can certainly be done. Mr. Maski confirmed Assistant Township Engineer, Tom Belanger has received the grading plan and is satisfied with it. He said members of the Engineering Department were at the site when the soil samples were taken. As mentioned, the results have not yet been submitted. Mr. Maski said the Environmental Commission could review the results, but if they are negative, they are negative.

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Vice Chairman Julian, Environmental Commission Liaison to the Board, requested the Commission be given time to review the results of the sample, since these matters had not been brought up to the EC at the review meeting, in terms of the grading, soil testing and stockpile on-site.

Mr. Maski clarified who was to receive the plans and reports and where they should be sent.

Chairman Lipani reminded Ms. Leili that the Board also requested to have the Applicant present.

Mr. Bernstein stated he had a discussion with Mr. Singer shortly after the last hearing. He confirmed he informed Mr. Singer the Applicant would not need to appear before such time that the hearing was to proceed.

Ms. Leili said Ms. Levatino is happy to be available to the Board at any time.

Ms. Leili granted the extension of time through February 28, 2017, as suggested by Mr. Bernstein.

Mr. Bernstein gave guidance that the motion would be to continue the application to February 02, 2017 without further notice, subject to Environmental Commission review prior to the meeting. He said the intension is to have the application reviewed at the 01-23-17 EC meeting.

Ms. Leili asked if Ms. Levatino would be required to appear at the EC meeting.

Vice Chairman Julian noted he was not under the impression that Ms. Levatino knew much about the soils brought onto the property.

Mr. Maski said in order to meet at the 01-23-17 EC meeting, the additional materials would need to be provided at least ten days in advance of that meeting date.

A decision was made that Ms. Levatino would not need to be present at the EC meeting, only at the next PB meeting.

Chairman Lipani questioned whether or not notice should be provided.

Mr. Bernstein said the neighbors had been notified that the application would be carried until tonight.

Chairman Lipani noted there was a neighbor here earlier but left after learning the application would not be heard.

After discussion the Board agreed the Applicant should be required to notice.

A motion to carry the application to February 02, 2017 with re-notice, and a time of decision date through February 28, 2017, was made by Deputy Mayor Suraci, seconded by Mr. Wagner.

Roll Call: Mr. Peason – yes; Vice Chairman Julian – yes; Deputy Mayor Suraci – yes; Mayor DelCore – yes; Mr. Wagner – yes; Ms. Becorena – yes, Chairman Lipani – yes. Motion carries.

 **Green Village** – File 16-PB-12-MJV – (TOD: 02-01-17) - Block 141, Lot 30 – Easterly side of Route 206 Highway. *Adjourned from October 13, 2016 without further notice - REQUEST TO ADJOURN TO FEBRUARY 02, 2017 WITHOUT FURTHER NOTICE / Extension for time of decision through 03-31-17 provided.*

Michael O'Grodnick, Esq. of Mauro, Savo, Camerino, Grant & Schalk, representing the Applicant, requested an extension through 03-31-17. The time of extension had previously been submitted to the Planning Office. Mr. O'Grodnick said the application will be handled by his colleague, Alexander Fisher, Esq. going forward. He said his understanding is that there have been some scheduling conflicts with the professionals.

Mr. Maski confirmed receipt of the extension request.

After a discussion about notice, a motion to adjourn the application to February 02, 2017, with re-notice, and an extension of time through March 31, 2017, was made by Mr. Peason, seconded by Mayor DelCore.

Roll Call: Mr. Peason – yes; Vice Chairman Julian – yes; Deputy Mayor Suraci – yes; Mayor DelCore – yes; Mr. Wagner – yes; Ms. Becorena – yes, Chairman Lipani – yes. Motion carries.

 **Krismic Associates, Inc.** – File 14-PB-21-MSR – (TOD: 12-08-16) - Block 152.06, Lot 30 (formerly known as Block 152, Lot 25) – 230 Route 206. (Previously adjourned from September 10, 2015 until further notice, with re-notice). **Update on status (time of decision runs through 12-08-16).**

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Michael O'Grodnick, Esq. of Mauro, Savo, Camerino, Grant & Schalk, also appearing for Krismic Associates., Inc.

Mr. Bernstein reviewed for the Board that the application has been carried several times over the past year. He said Mr. O'Grodnick had been informed that the Board instructed the application be scheduled to the December 1st meeting, with re-notice. Due to Mr. O'Grodnick's illness, notice had not been provided, nor would it be able to be provided for December 8th. Mr. Bernstein said he offered Mr. O'Grodnick three options in order to satisfy the Board, Mr. O'Grodnick chose to appear tonight to advise the Board where the application is and the possible scheduling of this hearing.

Mr. O'Grodnick said the application had been filed back on October 14, 2014. He said when they received the Planning review memorandum dated December 10, 2014, which reads:

"The Applicant has applied to NJ DOT for a secondary access permit (the subject of the current application); that permit is pending and has not yet been approved or disapproved.

Township Staff have been in contact with various NJ DOT Staff regarding this application. The Applicant in December of 2000 was aware of NJ DOT intentions to pursue Valley Road Spur Connector at this location, anticipated Route 206 widening, and a median divider on Route 206. Township Staff are concerned that as those State DOT initiatives continue to move forward, that not only will the Applicant's proposed exit driveway, but also the parking claimed by Applicant in December 2000 as being unnecessary but subsequently installed by Applicant, will interfere with the State plans for this segment of Route U.S. 206 known as Section 15N.

It is the Staff's opinion that any affirmative action by the Planning Board should only occur after NJ DOT provides: (a) written communication to the Township approving the Applicant's driveway, and (b) identifies what effect this driveway onto Route 206 at an existing signalized intersection would have on NJ DOT's intentions for this segment of Route 206 (Section 15N). "

Mr. O'Grodnick said he has been in touch with the Applicant's Engineer, Bob Heibell from Van Cleef Engineering as well as the Traffic Engineer, Gary Dolan, from Dolan & Dean. Both were involved with the Green Village application. He said his understanding is that they met with members of NJDOT at the site. As of yesterday, they approved the as-builts for that section; they have taken over control of it; released the bonds; and have told the professionals that they should have a decision in about fifty days. NJDOT is looking to see what Green Village does to that intersection. NJDOT has no deadline in which they have to answer this application.

Mr. O'Grodnick said since it is so core to the NJDOT jurisdiction and intersection at Section 15N, the request is to adjourn. However, the Applicant has no objection to moving forward with the application, if the Board so prefers, and have the approval contingent on the outside NJDOT approval. Mr. Maski asked if the Applicant would rather withdraw the application.

Mr. O'Grodnick said the Applicant does not want to withdraw. Pursuant to the directive received December 10, 2014, it makes sense to wait for DOT to give a decision. Mr. O'Grodnick said he is not all that confident it will be decided in fifty days. DOT is looking to see the impact of the (Green Village) development to the area once it gets completed. Mr. O'Grodnick said the Applicant will comply with whatever the Board wants to do.

Mr. Bernstein suggested the Board schedule the application to the March 2nd meeting, at which time the application will be able to proceed, or Mr. O'Grodnick will come back to update the Board on the status. An extension for the time of decision through March 31, 2017 would be required. Mr. Bernstein said when the application does go forward, it will be with notice.

A motion to schedule the application to March 2, 2017 with re-notice, and a time of decision through March 31, 2017 was made by Mayor DelCore, seconded by Mr. Wagner.

Roll Call: Mr. Peason – yes; Vice Chairman Julian – yes; Deputy Mayor Suraci – yes; Mayor DelCore – yes; Mr. Wagner – yes; Ms. Becorena – yes, Chairman Lipani – yes. Motion carries.

CORRESPONDENCE

None

Chairman Lipani said the next meetings are scheduled for January 05, 2017 – reorganization meeting at 7:00 pm; the regular meeting at 7:30 pm, at which time the Yannuzzi application will proceed.

Mr. Maski reviewed the schedule of applications for 2017 as currently scheduled.

Chairman Lipani announced Board Member, Sam Conard who was not able to attend the night's meeting, will be retiring and not returning to the Board next year. Mr. Conard's term expires at the end of this year. Chairman Lipani praised Mr. Conard for his years of dedicated service to this and various other boards for Hillsborough Township.

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Mr. Bernstein recommended the Planning Office prepare a dedication for the Board, to be presented at a future date.

Mayor DelCore echoed Chairman Lipani's sentiment and further expressed his appreciation on behalf of the Township. He said Mr. Conard will be recognized for his time on the Board.

Mr. Maski informed the Board that the proposed definition of utilities, previously reviewed with the Board, had also been distributed to the Board of Adjustment and Environmental Commission. No comments have been received to date. Mr. Maski reviewed the options before the Board as to any action they may wish to take.

Chairman Lipani said the Board could submit the recommendations, as it was distributed, to the Township Committee consideration, and come back to the Board with any changes or modifications.

Vice Chairman Julian said the Environmental Commission discussed the matter at the last meeting and had some recommendations. The recommendations will likely be provided soon from Chairman Boyea.

ADJOURNMENT

A motion to adjourn was made and seconded. All were in favor; motion carries.

The meeting was adjourned at 7:56 pm.

Submitted by:
Debora Padgett
Administrative Assistant / Planning Board Clerk

Approved