

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**  
**PUBLIC MEETING MINUTES**  
**December 07, 2017**

Chairman Shawn Lipani called the Planning Board Regular Public Meeting of December 07, 2017 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 Carl Suraci - Present  
Robert Wagner, Jr. - Present  
Committeeman Frank DelCore -Present  
Robert Peason - Present  
Stephanie Forrest - Present  
**Neil Julian, Vice Chairman** - Present

Sally Becorena -Arrived 7:35 pm  
**Shawn Lipani, Chairman** - Present  
**Kenneth Hesthag, Secretary** - Present  
Ron Skobo (Seat Alt. #1) - Present  
Sam Weinstein (Seat Alt. #2) - Present

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

**DISPOSITION OF MINUTES**

- October 12, 2017

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

**Roll Call:** Ms. Forrest - yes; Mr. Wagner - yes; Mr. Hesthag - yes; Mr. Skobo - yes; Mr. Weinstein - yes; Vice Chairman Julian - yes; Committeeman DelCore - yes; Mayor Suraci - yes; Chairman Lipani - yes. Motion carries.

- November 02, 2017

A motion to approve was made by Mr. Peason - yes; seconded by Mr. Hesthag.

**Roll Call:** Mr. Peason - yes; Mr. Wagner - yes; Mr. Hesthag - yes; Mr. Skobo - yes; Vice Chairman Julian - yes; Committeeman DelCore - yes; Mayor Suraci - 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**

**Ordinance 2017-20**

- AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY, AMENDING CHAPTER 188 "LAND USE AND DEVELOPMENT", ARTICLE V "DISTRICTS AND STANDARDS", SECTION 188-113.1 "GA GATEWAY A DISTRICT" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, BY AMENDING SECTION 113.1 TO ADD NEW SUBSECTIONS J "MULTI-FAMILY INCLUSIONARY OVERLAY DISTRICT"

Chairman Lipani noted the arrival of Ms. Becorena at 7:35 pm.

Planning Director, David K. Maski, PP, AICP, stated the ordinance was introduced by the Township Committee in November and in accordance with the Municipal Land Use Law, has referred it to the Planning Board for comments.

Mr. Maski said the proposed amendment would create a multifamily overlay option within the Gateway A District. It would allow construction of up to 126 units of which 31 units would meet affordability criteria, thereby helping the Township meet its affordable housing obligation.

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Mr. Maski referred to an exhibit map and oriented the Board and audience as to the surrounding properties. He said the three lots show in the middle area totals 9.3 acres.

Mr. Maski said the GA Zone stays in tact underneath the overlay. If the owner of the tract wished to invoke the overlay, they could. The GA Zone currently allows residential units but only in a mixed-use development. Mr. Maski said this ordinance would allow the residential uses to go in without a mixed-use component.

No questions from the Board.

Open to the public

**Susan Gulliford** - Hunt Club Road

- Ms. Gulliford asked why the change is being made.

Board Attorney / Township Affordable Housing Attorney, Eric M. Bernstein, Esq. said the Township's affordable housing obligation tries to maximize the affordable housing that could be gained on the site, which would include a residential component rather than a mixed-use that would not necessarily get the Township a maximum return.

**Bob Kennedy** - Steinmetz Road Resident

- Mr. Kennedy voiced his complaints against the amount of noise and number of dump trucks disturbing the Steinmetz neighborhood. He said having a three-story building next to a residential neighborhood creates an invasion of privacy for the development. He spoke in favor of having two-story structures, in keeping with the development of property on Amwell Road. He said up until recently, Steinmetz neighborhood has been a quiet place to live and raise a family but that the neighborhood does not seem to "catch a break" anymore.

**Katie Votter** - Steinmetz Road

- Ms. Votter said the map does not accurately depict Steinmetz Road since it does not run directly in front of her house; it is a right-of-way access.

**Nick Markey** - Steinmetz Road

- Nick Markey expressed his concerns with flooding and the displacement of the red fox and deer. He said the neighbors all have basements with sump-pumps, and have wells. He asked how the residents are going to be able to get out of their neighborhood with 126 units coming in. He questioned the impacts to the schools, taxes and education system.

Chairman Lipani addressed Mr. Markey's concerns by informing him that a fully engineered stormwater remediation plan will need to be submitted for development of the (subject) property. That developer cannot make the (water) condition any worse than what it is now, by law. The developer would have to come up with a plan so that the neighbors do not have an increase in water as a result of development of the property. That plan would need to be approved by the Township Engineer, as well as the County and State Engineers.

Chairman Lipani commented that affordable housing units are intended to offer housing for people who are not making a wage that would afford them to live in Hillsborough, the opportunity to do so. The Township is obligated by the State to provide affordable housing units within the Township. He said although the cluster housing may not be ideal as to what one wishes to see in your back yard; the Township is trying to work with developers to plan as best we can to meet this obligation.

- Mr. Markey suggested having three large homes built on the property instead of multi-units.

Committeeman DelCore said the Township has an affordable housing obligation that has to be met. The units being built on Route 206 satisfy just a fraction of what needs to be done. The State has mandated at the Supreme Court level, that each municipality has a certain obligation. Hillsborough has not yet been given a specific number, but in the prior Round, the total number of units was in the neighborhood of 485 affordable units. That number will change with the most recent Round. Committeeman DelCore stated there will be a number of developments going in across the municipality in order to help meet the

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requirements. If the Township were to choose not to comply, the Court would simply pick a developer and allow them to build whatever they want, as long as there are affordable units within the development, and the Township would lose all control. The obligation is being dealt with in a systematic way so that there is not an impact to any particular neighborhood. The number of units to be built is greater than it would be, absent the requirement. Committeeman DelCore agreed the schools will be impacted somewhere down the road as a result of the requirement.

Committeeman DelCore said there will be similar types of ordinances over time that will be implemented in order to help the Township meet its obligations.

- Mr. Markey asked if the property is owned by the owner of the auto parts store. Mr. Bernstein said the ownership of the property has no impact on the matter before the Board. He said the Township is looking to address its obligation. If the Board recommends and the Township Committee adopts the ordinance, the property owner would need to come before the Board with a compliant plan to address many of the issues raised. The property owner is not before the Board at this time.

Mr. Maski stated that the Gateway A District was put into place several years ago. It is a high intensity zone and is not a single-family zone anymore. As it is zoned now, substantial office buildings and commercial buildings can be built in the zone. The proposal is to have a residential overlay zone within the Gateway A Zoning District.

- Mr. Markey asked why a three-story structure is allowed to be built.

Mr. Bernstein said the intent is to maximize the situation with as little impact to the overall property as possible.

Mayor Suraci said the State Legislature is not doing its job right now so the Courts took over. The former Assembly Speaker did not post bills that would have rectified the situation. Hillsborough is not unique to this. There are surrounding municipalities that have obligations that are well over 1,000 units. The way the law is written, only 10-20 percent has to be set aside. This means you take that number and multiply it by four or five to come up with the total number of units being built in some of the surrounding communities.

Mayor Suraci commented that Fair Share Housing is not concerned with infrastructure, wildlife, schools, or essentially anything. It makes no difference to them that Hillsborough is one road in/ one road out. Their only concern is getting the affordable housing units in. The municipalities do not get to build the developments. The Township is trying to work with the owners and developers who present plans to the Township to help meet those needs.

Mayor Suraci said the deadline has not yet been set but if Hillsborough does not meet whatever the final obligation is by the deadline, the Township will lose all control of planning. It happened to Hillsborough back in the late 90's when the obligation was not met for Round 2. Hillsborough fought it and lost, and as a result is under a Court Master for the Round 2 obligation. The Township is trying to make the best of the situation to avoid not meeting the obligation for the next Round. Mayor Suraci said no one is happy with what is going on.

Mayor Suraci said "low income housing" is not the same as "section eight housing." He said he has Round 1 housing in his development and has had no issues. Mayor Suraci said in order to qualify for affordable housing one not only has to have a limited income but must have excellent credit in order to be eligible. He said the matter before the Board is not for a 100% affordable housing unit; 24% would be affordable, 76% would be market-rate units. Mayor Suraci suggested placing a call to the State Legislature Representative in an effort to get them to force the Senate President and Assembly Speaker to post those bills to straighten this out, to take this out of the hands of the Courts and Fair Share Housing whose sole purpose is to build as many affordable housing units in the suburban and rural areas of the State as possible.

Chairman Lipani added that the Township is trying to maximize the usage in order to disturb less sites. He said the Township is working to plan development to areas that makes sense, as best it can.

- Mr. Markey suggested it be built in the area designated for the Bypass.

Chairman Lipani said that property is owned by the State. He suggested Mr. Markey contact the State with his ideas.

Close public

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Mr. Bernstein stated the motion is to approve that Ordinance 2017-20 be referred back to the Township Committee for consideration on second reading.

Chairman Lipani said although he empathizes with the public and the impacts on the housing being in their back yard, but the situation as discussed is the only control the Township can have to try to create affordable housing developments using better planning.

A motion to approve, as discussed, was made by Chairman Lipani, seconded by Committeeman DelCore.

**Roll Call:** Mr. Peason - yes; Ms. Becorena - yes; Ms. Forrest - yes; Mr. Wagner - yes; Mr. Hesthag - yes; Mr. Skobo - yes; Mr. Weinstein - yes; Vice Chairman Julian - yes; Committeeman DelCore - yes; Mayor Suraci - yes; Chairman Lipani - yes. Motion carries.

**Ordinance 2017-21**

- AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY, AMENDING THE "REDEVELOPMENT PLAN BELLE MEAD GSA DEPOT", SECTION VI "LAND USE PLAN AND DESIGN GUIDELINES", SUBSECTIONS B "PERMITTED PRINCIPAL USES", C "ACCESSORY USES", E "AREA, YARD AND BULK REGULATIONS", AND F "SUPPLEMENTARY REGULATIONS"

Planning Director, David K. Maski, PP, AICP, stated the ordinance was introduced by the Township Committee and referred to the Planning Board, not under the MLUL but under the Local Redevelopment and Housing Law since this is a Redevelopment Plan.

Mr. Maski displayed the map from the Redevelopment Plan, adopted 2008. He oriented the Board and public with the area and noted the subject of the Redevelopment Plan was shown in white. Mr. Maski said the area north of the area in white and up to Amwell Road is the area of the remediation project where all of the dirt is being taken out and replaced. Mr. Maski said that is not the subject property. The ordinance under review only affects the area show in white, which is owned by Somerset County.

Mr. Maski said the Redevelopment Plan adopted in 2008 allowed certain uses. It is a Research and Development Zone so it is not specifically a park zone. It is zoned for recreation purposes as well as research and development type facilities. A large portion of it has already been developed as a park.

Mr. Maski said indoor recreation facilities, including inflatable bubbles, are currently permitted. However, there are no regulations in the Plan to govern such a facility. The main purpose of this amendment is to introduce standards to govern such a facility into the Redevelopment Plan. Mr. Maski said the amendment will address what can be inside the facility, not just regulations on the facility itself. For instance, 20% of the facility can be used for the sale of retail goods related to on-site activities, such as sports equipment, t-shirts; daycare service for the people using the facility; food and beverage concessions; medical offices and clinics; meeting space; etc.; all of which would be subordinate to an indoor recreation facility.

Mr. Maski said the ordinance would further define what is meant by "height" and how it is measured. The existing plan is somewhat open ended. The Plan caps height at three-stories and 40 feet. The cap would not change; however, the 40 feet would be an average measurement from the grade at ground level adjoining the exterior walls.

Mr. Maski said the biggest change is introducing standards for the inflatable dome. The dome would have to be constructed as part of a public or private recreational facility. It would have to be ancillary to a permanent indoor structure; it could not just be a dome, but would be part of a larger recreational complex. There would be a limit of two domes per facility, only one of which could be higher than the 40 foot average; it could go up to 75 feet at the top of the dome, but for no more than 2 ½% of the dome-roof surface. Domes are a parabolic shape; the dome would slope down from the very top of the dome. In order to be able to go to that height, the dome would need to be at least 125 feet from the property line, and would need to be located so as to minimize visibility from neighboring properties and residential streets.

Mr. Maski said the amendment also better defines the parking regulations so that in addition to the 5 spaces per 100,000 square feet of usable floor area that is now required, they would also need to provide for non-recreational accessory uses, such as associated daycare, retail services, etc. within the facility. The parking requirement would also add 40 spaces for each athletic field that might get built.

Mr. Bernstein informed Chairman Lipani that Board Member, Mr. Weinstein informed him of a possible conflict for him with this amendment. Mr. Bernstein said he recommended Mr. Weinstein excuse himself from the conversation.

Mr. Weinstein stepped down from the dais at 8:11 pm.

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Mr. Maski said the amendment to the ordinance is not for a specific application at this time. If and when someone did come to the Township to develop such a facility, they would have to go through a few steps beforehand, since this property is within a redevelopment plan. First, the Township Committee would need to designate that entity as the official Redeveloper of whatever piece of this property they will develop; second, the Developer would need to enter into an agreement with the Township; and third, they would need to go before the Planning Board for site plan approval. This amendment fills in some regulatory gaps but in no way approve any particular application proposal at this time.

Ms. Becorena asked for clarification on the proposed dome height maximum.

Mr. Maski said the dome height is determined to some extent by what is housed underneath it. For instance, a regulation field would need to have a certain height for the ball to go up; it appears 75 feet is that height. A facility built on the lower portion of the subject property would neighbor Oxford, Arthur and Mountain View Road. Oxford Place is 400 – 500 feet away.

Ms. Becorena commented that there are many one-level homes on East Mountain Road.

Mr. Maski said the property is several hundred acres. He said the notice to property owners was given to those well beyond the standard 200 feet from the subject property line. However, 200 feet barely touched on Oxford Place, which gives a sense of how far away 200 feet is. If a dome was built, it would need to be 125 feet away from the property lines, and would need to provide buffering. The requirement is that it minimizes any visibility from a public road or from any residential property. The Board would have an opportunity at the time of a site plan application, in terms of actual site design, layout, buffering and the sort.

Open to the public

**Greg Werner – 37 Arthur Road**

- Mr. Werner asked for a visual reference on the display as to where the dome could be built. He asked that the distance from the property line be moved back from 125 feet to 200 feet. Mr. Werner said there is a traffic problem with vehicles exiting the park now. He asked that the Board take that into consideration.
- Mr. Werner commented that he is not against the park, but would prefer to not be able to see the dome.

Mr. Maski said a traffic study would need to be done at the time of application. He said the 2008 Plan allows for research and development facilities, which are typically fairly large.

- Mr. Werner said he has concern with that as well.

Mr. Maski said there is a possible access to Amwell Road. There are many things that will need to be taken into consideration at the time of site plan approval.

- Mr. Werner said it is only a problem when everyone is leaving at once. He said he is looking for something to help relieve that situation.

**John Anderson – 39 Oxford Place**

- Mr. Anderson showed the location of his house on the map. He said the subject property is being worked on for over a year now. He asked where on the park-like property the dome might be located.

Mr. Maski explained that the property that has been cleared is being remediated. He told Mr. Anderson that the access drive behind his property is not in the area shown in white on the map. The subject area is between his house and the remediation property.

- Mr. Anderson asked what the plan is for the replanting of the trees in the remediation area.

Mr. Maski said he was not certain of the plan at this time.

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Committeeman DelCore said the remediation area is still private property.

Close public

Chairman Lipani asked Mr. Maski if he was familiar with the soccer center in Franklin, and if so, if he knew the height of that particular dome, as a reference.

Mr. Maski said the height is approximately 40 - 50 feet. He noted he had spoken with the owner who mentioned that the height of the domes is problematic when there is snow since they are more flat than round on top. The owner suggested the higher the better in terms of height so that there is a slope which allows the snow to slide off.

Mr. Maski said the dome for the Flemington Health Quest is approximately 60 - 70 feet high. The dome at Rutgers is 80 feet high. There is a dome in Pennsylvania that is 85 feet high.

Chairman Lipani said he is aware that the soccer center dome has collapsed several times because it is too flat.

Mr. Maski said he was told domes should be deflated in snowstorms so that they do not collapse.

Mayor Suraci noted he was also aware of the issues with the height of the dome at the soccer center.

Close public

A motion to approve Ordinance 2017-21 to be referred to the Township Committee for consideration and possible adoption, was made by Committeeman DelCore; seconded by Mayor Suraci.

Mr. Maski asked if the Board intended to make the suggestion for the change for a minimum setback from 125 feet to 200 feet.

Board members agreed. The motion was amended by Committeeman DelCore, to include the recommendation for a change to the minimum setback for a dome. Mayor Suraci agreed.

**Roll Call:** Mr. Peason - yes; Ms. Becorena - yes; Ms. Forrest - yes; Mr. Wagner - yes; Mr. Hesthag - yes; Vice Chairman Julian - yes; Committeeman DelCore - yes; Mayor Suraci - yes; Chairman Lipani - yes. Motion carries.

**PUBLIC HEARING - SUBDIVISION/SITE PLAN APPLICATIONS**

None

**CORRESPONDENCE**

None

Chairman Lipani mentioned the next meeting is scheduled for December 14.

Mr. Maski noted the reorganization meeting is scheduled for January 11 at 7 pm; the regular meeting is scheduled for 7:30 pm.

Chairman Lipani extended condolences to Mr. Bernstein and his family, and expressed the Board's appreciation for his commitment to the Board by attending the meeting.

**ADJOURNMENT**

A motion to adjourn was made. All were in favor, none opposed; motion carries.

The meeting adjourned at 9:39pm.

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