

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**

**PUBLIC MEETING MINUTES**

**April 12, 2018**

Chairman, Shawn Lipani called the Planning Board Public Meeting of April 12, 2018 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**

Committeeman Carl Suraci - Absent

Robert Wagner, Jr. - Present

Committeeman Frank DelCore - Arrived at 7:35pm

Robert Peason - Present

Stephanie Forrest - Present

**Neil Julian, Vice Chairman** - Present

Sally Becorena - Absent

**Shawn Lipani, Chairman** - Present

**Kenneth Hesthag, Secretary** - Absent

Ron Skobo (Alt. #1) - Present

Sam Weinstein (Alt. #2) - Present

Also present: David K. Maski, PP, AICP, Planning Director; Frank Puccio, Esq., Attending Board Attorney (Eric M. Bernstein & Associates); William H.R. White, III, PE, CME, Board Engineer (Maser Consulting P.A.); Lucille Grozinski, CCR, Board Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

**DISPOSITION OF MINUTES**

None

Chairman Lipani noted the arrival of Committeeman DelCore at 7:35pm.

**DISPOSITION OF RESOLUTIONS**

- **Hillsborough Gardens Associates, LLC (Clubhouse) - File 17-PB-14-MSP**

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

**Roll Call:** Mr. Wagner - yes; Ms. Forrest - yes; Mr. Weinstein - yes; Vice Chairman Julian - yes;

Committeeman DelCore - Abstain; Chairman Lipani - yes. Motion carries.

**PLANNING BOARD BUSINESS**

- Hillsborough Estates Homeowners Assoc., LLC - File 17-PB-09-MS  
Extension - Time of Decision through May 31, 2018 (compliance matters)

Mr. Maski informed the Board there are still some compliance issues that are being worked out so the Applicant has provided another extension.

So noted, per Chairman Lipani.

**SPECIAL COMMITTEE REPORTS**

None

**BUSINESS FROM THE FLOOR**

None

**CONSIDERATION OF ORDINANCES**

None

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

- **Dr. Joseph MARTINS** - File 17-PB-15-SV - Block 202, Lots 8 & 8.01 - 132 & 134 Hillsborough Road. Applicant seeking minor subdivision approval, and multiple "c" bulk variances to subdivide property (original subdivision Deed not found within County records), with Proposed Lot 8 to contain approximately 1.016 acres (existing Cats Only Inn structure to remain), and Proposed Lot 8.01 to contain 9.604 acres for a new single-family dwelling, driveway, pole barn, and horse barn, on property in the AG, Agricultural Residential Zoning District. (EC Review: 03-26-18).

Peter Lanfrit, Esq. appearing on behalf of the Applicant, stated the property was subdivided in 1965 by way of an application made by Daniel Ludwig. He entered into evidence, **Exhibit A-1** - Copy of the stamped "Approved Minor Partition by the Planning Board of Hillsborough Township, dated 09-02-65".

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Mr. Lanfrit said the subdivision being sought is to ratify that subdivision from 1965. He said from 1965 forward, the properties in question have been carried on the Tax Maps of the Township of Hillsborough as two separate properties. Unfortunately, there is no record of the subdivision in Somerset County. Therefore, there needs to be a subdivision so that subdivision deeds can be filed to ratify what was done in 1965.

**Joseph S. Martins** was sworn in and gave the following testimony in response to questions asked by Mr. Lanfrit:

Dr. Martins, living on Torbet Road, stated he is a Veterinarian with his practice in Hillsborough. He acknowledged he signed two contracts for purchase of the subject properties in 2016. The attorney representing him conducted a title search, which found there was one communal deed for the properties but that the property was being taxed as two separate properties. Although two separate contracts for purchase were signed for two separate pieces of property; without a subdivision, that transaction cannot go forward.

Dr. Martins said one of the lots has existing structures containing the Cats Only Inn, which is a cat boarding facility, detached garage, and small barn. He acknowledged that business was approved by the Board of Adjustment some thirteen years ago. The rest of the property is vacant and farmland assessed. If the subdivision were to be approved, the cat boarding facility would remain. Dr. Martins said he would build a house on the remaining 9.6 acres for his personal use.

No questions from the Board.

Open to the public.

No questions.

**Michael K. Ford, PE of Van Cleef Engineering** was sworn in, accepted by the Board, and gave the following testimony:

Mr. Ford said he agreed with the statements provided on the history of the property. He said he found no additional information on the 1965 subdivision plan.

Mr. Ford said the property is currently in the AG, Agricultural Zoning District. One lot is just over one acre; the other 9.6 acres. The zone has a 10 acre minimum. He acknowledged a bulk variance would be needed for lot size for the larger lot, which is under the 10 acre minimum. He confirmed the lot lines being sought with this application are identical to those from 1965.

**Exhibit A-2** – Minor Subdivision Plan, dated 12-07-17

Mr. Ford said Exhibit A-2 is a copy of the subdivision plan submitted to the Board, with a colorized aerial view of the existing conditions superimposed on it. The property is located on Hillsborough Road. The Cats Only Inn is situated on the smaller property in the middle; the larger 9.6 acre property runs around the one acre parcel. He said virtually all of the property around the Cats Only Inn is an agricultural use. The Martins would continue that in the areas beyond that which is needed for the proposed single-family house. The property is surrounded by one of the Van Nuys properties, which was set into farmland preservation. He said the same is true for the property to the east of this site. This property is just to the west of the area of the Bypass signalized intersection, in an area where there is no public water or sewer. The house will be built with a well and septic system. The soil testing for the septic system has already been done, which was overseen by Dr. Belnay.

Mr. Ford said there are two comments from Mr. White's report, dated 04-05-18 he would like to discuss. He said all of the requests to comply with the specific plot and grading plan; stormwater management; and tree mitigation would all be done as part of the Building permit application, should the Board act favorably on this application. He said the subdivision would be subject to the Shade Tree Ordinance, which requires the planting of trees along the roadway. Mr. Ford said the Applicant would be willing to comply but suggests a waiver may be appropriate since it is in a rural area. There are existing trees to the west of the Cats Only Inn, and one in front of the building.

Mr. Ford said requests have been made from the Environmental Commission and professionals to submit to DEP for a Letter or Interpretation. The property is entirely disturbed today. He said, on the DEP website, GEO-Web there is a suspected area of wetlands at the extreme rear of this property (lot 7), most of which is on the neighboring property to the south. Mr. Ford said, as the Board is aware, DEP has no time limit in which to complete its review. The proposed location of the house from that rear property line is over 300 ft.

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away; the barns are over 200 ft. away from those property lines. The Applicants would like the ability to file for a Building permit and proceed with construction, albeit at their own risk, while the application is being reviewed by DEP. He said the primary focus is the residential dwelling. He acknowledged there are no other issues with outside agency approvals.

Mr. Ford confirmed the application had been presented to the Environmental Commission. He said the Commission was supportive of the application and made good suggestions about the agricultural farm operation, for directing roof runoff from the barns in an area that are in keeping with good farm practices. Dr. Martins would agree to do all of those things as part of his farming operation. The Applicant also agrees to comply with the comment of the Fire Marshal. Chairman Lipani said the plan shows a horse barn with hay; a riding stable, and a house with grass around it. He asked if the rest of the property is going to be farmed.

Mr. Lanfrit said the remaining 5 acres will be farms so as to stay in farmland assessment.

Mr. Ford said some of the agricultural area can be converted to a fenced pasture for the horses.

Chairman Lipani asked if the potential wetlands area is currently being farmed.

Mr. Ford said the suspected 50 ft. buffer is being farmed, and can be continued.

Vice Chairman Julian (Environmental Commission Liaison to the Planning Board) said he did not recall the stormwater being discussed with the Environmental Commission.

Mr. Ford responded that immediately upon the Board's approval, the details required for the Building permit would be prepared, which would include the stormwater management analysis, coupled with the plot grading and drainage plan for all of structures.

Vice Chairman Julian asked if the stormwater management plan would be reviewed by Maser at that point.

Mr. White said most likely, the Engineering Department would defer the review to Maser.

Vice Chairman Julian indicated that would be satisfactory as long as it is reviewed beforehand.

Mr. Ford said the Applicants will comply with all of the suggestions noted in the Environmental Commission's report. The only issue was the timing of the Freshwater Wetland LOI.

Vice Chairman Julian said moving forward without the LOI is at the risk of the Applicant.

Mr. Ford agreed.

Open to the public.

No questions.

Mr. Maski summarized, Proposed Lot 8, which contains the existing Cats Only Inn, is an existing nonconformity, so if the Board chose to approve the subdivision, there would be a variance for lot area; lot width at setback; minimum front yard setback; minimum side yard setback; and maximum impervious coverage for the existing building, and also a minimum side yard variance for an existing accessory structure. The lot in the back (Proposed Lot 8.01) would require bulk variances for minimum lot area; and minimum lot width at setback. There also is a waiver requested from providing street trees.

Chairman Lipani suggested an "in lieu of" contribution be made, should the Board agree that the trees need not be planted to maintain a more rural look.

Mr. Wagner agreed.

Mr. Lanfrit said they have no objection.

Chairman Lipani confirmed proceeding prior to receipt of the LOI would be at the Applicants' risk.

Mr. Lanfrit agreed.

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A motion to approve, with all provisions discussed, was made by Committeeman DelCore, seconded by Ms. Forrest.

**Roll Call:** Mr. Peason – yes; Ms. Forrest – yes; Mr. Wagner – yes; Mr. Skobo – yes; Mr. Weinstein – yes; Vice Chairman Julian – yes; Committeeman DelCore – yes; Chairman Lipani – yes. Motion carries.

- **US 206 - Hillsborough Self Storage LLC (Ref: Raia Self Storage)** – File 05-PB-24-SRV (2018 Extension Request). Applicant seeking a three-year extension for preliminary and final major site plan approval, granted for application 05-PB-24-SRV, Resolution dated July 12, 2007, on property in the HS, Highway Service Zoning District (formerly in the I-1 Zoning District, following I-2 Zoning District Standards due to highway approach).

Glenn Pantel, Esq. of Drinker Biddle & Reath, LLP, appeared representing the Applicant. Mr. Pantel confirmed the application is for extension of a preliminary and final application for construction of a self-storage facility on Lock 65, Lot 12.02, to June 30, 2019, under the Permit Extension Act. He said the vesting under the previously granted approval was valid until June 30, 2016. He said under the MLUL, the Board may grant up to three one-year extensions

Mr. Pantel proposed having testimony related to the request and presentation of the architectural plans. He said a very substantial investment has been made in this project from the applicant and his predecessor since the time of approval to obtain all of the permits issued in order to obtain Building permits; but in fact, a Building permit was issued in 2009, but due to economic circumstances, the project was not built at that time. Mr. Pantel said in the Permit Extension Act, the Legislature specifically found and declared that there existed a state of national recession, which has severely affected the real estate sector in New Jersey. Developers in New Jersey experienced an industry-wide decline as a result of the process. The process for obtaining approvals can be difficult, time consuming and expensive. The changes in the law can render these approvals, if expired or lapsed, impossible to renew or obtain, and that many landowners were seeing their life's work destroyed due to the real estate crisis.

Mr. Pantel said often one of the drivers for a project like this is demand, often by multi-family development in the surrounding area. Mr. Pantel referenced the users are often those living in luxury apartments and multi-family development, as is being built in Hillsborough and Somerville over the past few years.

Mr. Pantel said his client has a substantial record in developing public storage facilities throughout the state, under the Hampshire name. The Applicant intends to build a "Class A" facility, referencing the rendering to be displayed. He said a number of conditions were imposed in the Resolution of Approval, which the Applicant will comply with. He noted the hours of operation will comply with the hours of operation within the hours of 7am to 7pm Monday through Friday, and 8am to 5pm on Saturday and Sunday. There would be no storage of highly flammable materials or weapons. The project would be designed in a way to accommodate future Route 206 improvements, which can be discussed further by the project engineer. There will be a payment of \$12,600 to the township sidewalk fund. Provision of a cross-access easement to allow access to the site, in the event DOT builds a jug handle at this location. There is an affordable housing fee, equal to 2% of the assessed value, which the Applicant estimates at \$200,000, which the Applicant is prepared to pay prior to the issuance of a new Building permit. Lastly there is a condition to cooperate with the Police and Fire Department to alleviate and radio communication issues following a radio test on the premises.

Mr. Pantel said the property is currently in the HS, Highway Service Zoning District, which allows business service establishments and personal service establishments. He said as the Board may be aware, self-storage facilities typically have a very low traffic impact; virtually no noise or air pollution issues. He said this project is not one of the much larger "big box" storage facilities.

Mr. Pantel said he was prepared to present his witnesses.

Chairman Lipani suggested testimony might not be needed after questions are taken.

Mr. Maski noted the zone has changed since it was approved from I-1, following I-2 zoning requirements, to HS, Highway Service. He said the purpose of an extension is to continue whatever approvals were granted at that time. If an extension is granted, the change in zoning would not affect this property.

Chairman Lipani said it sounds as though the project is ready to go, just waiting on timing.

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Mr. Pantel agreed. He said they would need to acquire a new Construction permit. He claimed the construction plans have already been approved. Mr. Pantel confirmed the Applicant will comply with all of the conditions of the prior approval.

Committeeman DelCore asked for clarification on the timing of the approval and when it would extend to.

Mr. Pantel stated the resolution was approved July, 2007, which was during the protection period of time afforded by the Permit Extension Act. Under the Permit Extension Act, which was extended a few times, ran through June 30, 2016. The Applicant is requesting three one-year extensions, to June 30, 2019, which is allowed by the MLUL for a final site plan approval. The extension would vest the approval through June 30, 2019.

Vice Chairman Julian asked at what stage the project has to be at that time.

Mr. Pantel said the intension would be to pull a Building permit by then and presumably proceed with construction.

Chairman Lipani said otherwise, the Applicant would need to come back to reapply.

Chairman Lipani called for a motion based on the summary provided by Mr. Pantel.

A motion to grant a three-year extension of time, through June 30, 2019, was made by Mr. Weinstein, seconded by Mr. Skobo.

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

**CORRESPONDENCE**

None

Chairman Lipani said the next meeting is scheduled to April 26.

Mr. Maski informed the Board there is no business scheduled.

A motion to cancel the meeting of April 26, 2018 was made and seconded. All were in favor; motion carries.

Mr. Maski said the May 3 meeting will be a continuation of the Apex hearing. The Applicant has also requested that the May 10 meeting be reserved, should an additional meeting be needed.

**ADJOURNMENT**

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

The meeting was adjourned at 8:13pm.

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