

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**  
**PUBLIC MEETING MINUTES**  
**May 02, 2019**

Vice Chairman Neil Julian called the Planning Board Public Meeting of May 02, 2019 to order at 7:35 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Hillsborough Township Municipal complex.

Acting Chairman Julian 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  
Committeeman Shawn Lipani - Present  
Robert Peason - Present  
**Carl Suraci, Chairman** - Absent  
**Neil Julian, Vice Chairman** - Present

Sam Weinstein - Absent  
Ron Skobo - Present  
**Kenneth Hesthag, Secretary** - Present  
Surajit Deb (Alt. #1) - Absent  
Vacant (Alt. #2)

Also present: David K. Maski, PP, AICP, Planning Director; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Robert Yuro, PE, CME, Board Engineer (T&M Associates); Michael Lombardozi, CSR, CRR, Covering Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

**CONSIDERATION OF MEETING MINUTES**

- March 14, 2019

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

**Roll Call:** Mr. Peason - yes; Mr. Wagner - yes; Secretary Hesthag - yes; Committeeman Lipani - yes; Mayor DelCore - yes; Acting Chairman Julian - yes. Motion carries.

**CONSIDERATION OF RESOLUTIONS**

None

**PLANNING BOARD BUSINESS**

None

**BUSINESS FROM THE FLOOR**

None

**CONSIDERATION OF ORDINANCES**

- **Ordinance 2019-10** - Amending GA, Gateway A District to add new subsection K "Mixed-Use Inclusionary Overlay District"

Township Planning Director, David Maski, PP, AICP, stated the Township Committee introduced the amendment at its April 23 meeting and forwarded it on to the Planning Board for comment. The proposed ordinance would amend the Gateway A zone to create a Mixed-Use Inclusionary Overlay District. The district would be applied to Lots 66 and 67 in Block 155.01, also known as the Cost Cutters site, at the southwest corner of the intersection of Route 206 and Andria Avenue.

The amendment would add single-use multi-family residential buildings and drive-through restaurants to the list of permitted uses but only when constructed as part of a mixed-use development. The amendment would include appropriate design controls for all such uses within the overlay district.

The total number of dwelling units in the overlay district would be capped at 118 in combination with a minimum of 50,000 square feet of commercial space. As this would be an inclusionary district, 24% of the dwelling units, or 29 of the total units, would be required to meet affordability standards.

The primary purpose of this ordinance is to stimulate the redevelopment of the former Cost Cutters shopping center. In addition, the inclusionary requirements will contribute to the Township's efforts to meet its court-imposed affordable housing obligation. The Board is being asked to comment. The public hearing at the Township Committee is tentatively scheduled for May 28.

Acting Chairman Julian asked for more information on the uses and development.

Mr. Maski explained the overlay would permit a drive-through restaurant, retail, and residential dwelling units. The former Cost Cutters shopping center is in the front lot; the back lot is vacant land. Apartments

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would be constructed behind what is now the shopping center, and allow some flexibility to repurpose, retrofit, and redevelop the front part of the site. The Developer would not be prohibited from demolishing the existing buildings and build new, or they can rehabilitate the existing building.  
Mr. Peason asked the current uses allowed for the property.

Mr. Maski said the property is zoned for commercial uses. A single-use multi-family building is currently not permitted. Now, residential units can be built in the GA Zone but they must abut the TC Zone.

Secretary Hesthag said the maximum height at 3 ½ stories would be consistent with other developments in town, it would not be higher.

Mr. Maski agreed.

Open to the public.

**Joseph Maloney - 27 Stonewyck Drive**

- Mr. Maloney expressed his concerns and asked if there was an overall plan for development or if "Downtown" will just be a hodgepodge.

Mr. Maski said there will always be a hodgepodge of development because the township cannot force any owner to tear down a building. New development occurs when properties become available or are assembled like the application before the Board tonight. The township can only put options out through the ordinance. The owner of the subject property of this ordinance can come in with a plan under the GA District. The overlay provides a little more flexibility for what should be a positive repurposing of the entire site.

- Mr. Maloney asked about the drive-through restaurant and when the public can see the plans.

Board Attorney, Mr. Bernstein responded, the plans will be available when an application has been filed to the Board. This overlay offers another option to develop the site. If this ordinance is recommended by the Planning Board, and adopted by the Township Committee; then at some point an applicant will come before this Board seeking an application, complete with plans of what the restaurant might look like.

**Susan Gulliford - Hunt Club Road**

- Ms. Gulliford asked for more information on the acreage.

Mr. Maski said the overlay calls for a minimum of 10 acres. If at some point the developer wants to subdivide the tract, it cannot be subdivided into more than two lots. The two lots are currently under one ownership.

- Ms. Gulliford asked the current impervious on the lots.

Mr. Maski said he did not have the information in front of him.

- Ms. Gulliford comments some people are already having issues with wet backyards in that area.
- Ms. Gulliford asked the distance the building can be from the neighbor's property line.

Mr. Maski said the buildings have to be at least 30 feet from the boundary, and there are also buffer requirements.

Close public.

Mr. Bernstein said a motion to approve would recommend the ordinance to the Township Committee for adoption with or without conditions, as determined by the Board. The recommendation is to adopt as proposed.

A motion to approve, as stated, was made by Secretary Hesthag, seconded by Mr. Peason.

**Roll Call:** Mr. Skobo - yes; Mr. Peason - yes; Mr. Wagner - yes; Secretary Hesthag - yes; Committeeman Lipani - yes; Mayor DelCore - yes; Acting Chairman Julian - yes. Motion carries.

**APPLICATIONS**

- **LD Construction, LLC (Hillsborough Village Center)** - File 18-PB-17-MSPV - Block: 178, Lots 4 through 11, 636 - 658 Route 206; and Block 178, Lot 12.01, 450 Amwell Road. Applicant to consolidate Lots 4-11; and is seeking preliminary and final major site plan approval; 'c' bulk variances; and waivers, to construct a mixed-use development, creating 191 total apartment units and 28,000 sf. of retail space. The property is located in the Mixed-Use Inclusionary Overlay District within the Town Center Zone, and ASD, Architectural and Site Design Overlay District (EC Review: 02-25-19). **Carried from April 04, 2019 without further notice.**

04-04-19 Exhibits:

- A-1 - Color Photos - Amwell Mall Renovation 2015 (Larken Associates)
- A-2 - Color Rendering of Mixed-Use Buildings from Route 206 (CPL) (Front Elevation)
- A-3 - Building Plans (CPL)
- A-4 - Colorized Garage Apartments (CPL)
- A-5 - Colorized Mixed Use (CPL)
- A-6 - Colorized Mixed Use Apartments (CPL)
- A-7 - Colorized Signage Package, dated 05/30/2018 (CPL)  
(Per reference at 5-2 hearing, 4-4 hearing provided exhibits through A-9)
- A-8
- A-9

**05-02-19 Exhibit A-10 (4 sheets):**

- Sheet 1 - Colorized Site Exhibit, dated 09-14-18, last revised 04-26-19
- Sheet 2 - Colorized Site Exhibit, dated 09-14-18, last revised 04-26-19 (Showing "Alternative Access Driveway")
- Sheet 3 - Landscaping Plan
- Sheet 4 - Colorized Off-Site Tree Mitigation Exhibit dated 04-16-19

**Ronald Shimanowitz, Esq. of Hutt and Shimanowitz, representing the applicant, acknowledged** he had not been able to attend the previous hearing but that Michael O'Grodnick, Esq., of Savo, Schalk, Gillespie, O'Grodnick & Fisher, presented the majority of the case, with testimony from their Site Engineer, Architect, and Traffic Engineer. He said one of the issues that came up was the concern over the access through the park-and-ride. That issue and the issues of tree removal and replacement will be addressed.

**Michael K. Ford, PE of Van Cleef Engineering Associates,** still under oath, confirmed his credentials, distributed hard copies of Exhibit A-10, and provided the following testimony:

Mr. Ford said Sheet 1 of Exhibit A-10 shows the project as originally proposed. It shows an expanded view, including the park-and-ride area, and north to the traffic signal by the Post Office on Amwell Road. Sheet 2 shows the proposal for an alternative access driveway. Sheet 3 is the current landscaping proposal. Sheet 4 provides more detail for the off-site mitigation proposal. This exhibit shows how the tree mitigation can be accomplished in total, without a request for a hardship waiver. As stated at the last hearing, 782 mitigation trees are required. The trees would be provided on-site as well as off-site.

Mr. Ford said at the last hearing, the Board expressed its concerns with the direct access to the rear parking area of Amwell Mall and traffic circulating through what is a commercial parking lot. He said they discussed some alternatives, and came up with the alternate access. To the north of the Amwell Mall site is property, Lot 3.02, owned by the Township. This lot was constructed as a park-and-ride with a bus stop and 40 parking spaces. Currently it is being used by Hillsborough High School, where students can park and walk to the High School. Sheet 2 presents a new configuration of the park-and-ride lot, with three less parking spaces, and still maintain the ability for it to be utilized as such. The site would be modified to provide a direct driveway from the applicant's site through the rear of the park-and-ride directly to the driveway that leads to the traffic signal at Amwell Road across from the Post Office. The modification would impact 15 parking spaces at the rear of the park-and-ride. Three spaces would be brought back at the south side, and eight immediately adjacent to the bus stop. The spaces directly adjacent to the bus stop would be restriped to allow for one additional space. As part of the improvements, the park-and-ride lot would be seal coated and restriped, and any damage to the pavement restored. Some of the 782 trees would be landscaped on the park-and-ride site. Mr. Ford said traffic would only be allowed one-way, as an exit only from the site to the park-and-ride lot. The access driveway itself is sized for two-way traffic. No parking spaces are proposed along the access driveway at the park-and-ride lot.

Mayor DelCore asked if there would be a stop at the aisle.

Mr. Ford said yes; you would have to stop and either make a right or left.

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Mayor DelCore said the access originally proposed going into the Amwell Mall lot is now completely blocked off on either side.

Mr. Ford agreed. He stated the connection to the Bottle King lot is also blocked off now, so there would be no through traffic to the Bottle King site. He said they felt that was a safety enhancement to an existing condition. There are access points where a right or left can be made.

Mayor DelCore asked about pedestrian circulation from the park-and-ride.

Mr. Ford said although the originally proposed driveway access has been completely disconnected, the original pedestrian connection has been maintained. A designated pedestrian crossing has been included at the Amwell Mall site, at a stop condition. That would lead from the front of the Amwell Mall to the existing sidewalks along Amwell Road. There is a stormwater management basin along the front of the park-and-ride site so you cannot walk on the depression in the lawn. Pedestrians would need to go to either side of the driveway to get to the sidewalk.

Secretary Hesthag asked how closing off the access behind Bottle King would impact truck traffic for that site.

Mr. Ford pointed out the property line for the municipal property. He said trucks should still be able to circulate around to get to either traffic signal. The alternative access design allows flexibility to maintain that driveway. Instead of having the one stop, there may be three stop locations.

Secretary Hesthag said he was in favor of blocking the access, but wondered how it would impact truck circulation. He said if the residents of the development would now only have access from Route 206.

Mr. Ford said with the access (to the municipal lot) being completely one-way, the only access into the site would be from Route 206. He said if the Board allowed the small throat from the Amwell Mall to be two-way, residents could have a second access, but the applicant is fine with having it be one-way.

Acting Chairman Julian said if you were entering from the light at the Post Office, you would not be able to enter the development.

Mr. Ford agreed. He said there would be a DO NOT ENTER sign posted. He said they heard the concerns of the Board members loud and clear, and came up with the alternative access driveway plan to minimize the pedestrian and traffic interaction to the greatest extent possible.

Mr. Maski asked Mr. Ford, if the Board were to approve the alternative driveway, if he would work with Mr. Yuro on the proper signage.

Mr. Ford agreed.

Mr. Maski asked Mr. Ford to review the number of parking spaces for both sites for the alternative plan.

Mr. Ford said they are required to have 461 parking spaces on the main site. The prior proposal had 471, rather, 468 parking spaces. The alternative plan necessitated the reconfiguration of the small parking area immediately adjacent to the park-and-ride lot; the main site would be down about seven parking spaces. He said they would end up with 463 spaces on the main site, two more than required. He said if the connection to the south were to be allowed, they would lose another two spaces, bringing the total down to 461, which meets the required parking spaces. He said they would demonstrate all of this to Mr. Yuro's satisfaction on the final site plan. The exhibit shows the 463 on site and even the detail of the connection to the lot to the south, Lot 16, and goes from eight to six spaces along that small area. The plan will be totally compliant, with no relief required as to parking.

Secretary Hesthag asked if the parking spaces would be the same size.

Mr. Ford said they would on the main site. He said since the last meeting, they did a detailed survey of the park-and-ride lot. He said the spaces are not striped well at this time, the handicap especially. Spaces along the bus stop are not consistent; some are nine, some are ten feet wide. They would all be made nine feet wide, with the exception of the handicap spaces, which is consistent with the parking spaces with the entire parking area immediately adjacent to Amwell Road.

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Mr. Peason asked what the red lines on the exhibit plan denote.

Mr. Ford said the red denotes different landscaping planned.

Mayor DelCore asked if there could be a maintenance agreement put in place for the aisle way (Lot 3.02) so that in the future, continued repaving of that aisle would be a project responsibility, not a responsibility of the township.

Mr. Ford agreed and said they would work with the Township Committee.

Mr. Bernstein said the entire proposal (park-and-ride) would require Committee approval.

Mr. Ford addressed the landscaping. He said there has been no substantive change since the last presentation. The 792 trees proposed would be provided in accordance with the tree mitigation ordinance; 566 would be planted on-site, 216 would be accomplished off-site. The off-site trees would be planted at other properties throughout the township owned by the applicant. He said Sheet 3 is the Landscaping Plan, which is identical to the rendered version. Sheet 4 is an illustration of how the off-site plantings would be accomplished at the Hillsborough Business Park on Raider Boulevard, Jill Court, and Stryker Lane. The applicant owns and controls those properties. The plan shows detailed landscaping, which would be subject to review of the Board's professionals. Some of the plantings would be placed in the median areas on Raider Boulevard, from the movie theater to Hillsborough Business Park, to help enhance that entire area. About 30-33 trees are also proposed on the park-and-ride lot. As any condition of approval the Board may grant, the details would be to the satisfaction of the Board's professionals. Mr. Ford said if it is determined that not all of the landscaping plantings fit; the applicant would offer to provide the contribution to the township for the balance of trees, in accordance with the ordinance.

Mr. Ford said as a detail of the tree mitigation ordinance, the maximum number of trees to be removed for a residential property development is 20%; and 60% for a commercial site. This is a mixed-use development, albeit in the TC District, where the Board has some discretion as to tree removal. He said technically, a variance would be required from the tree mitigation ordinance for the maximum percent for on-site trees to be removed. Two-hundred-fifty-eight of the 308 trees, which is 84% of the trees, would need to be removed.

Mr. Wagner asked who would be responsible for maintenance of the off-site trees at the park-and-ride lot and in the medians on Raider Boulevard.

Mr. Ford said this would be similar to any other development, where there is a two-year guarantee for landscaping. After that two year period, it would come off the bond and become a township maintenance responsibility.

Mr. Wagner asked Mr. Maski if that is consistent with other development.

Mr. Maski said most developments are required to provide street trees, which are not allowed to be counted toward the mitigation. In some cases, over time, the maintenance does become the responsibility of the township. The responsibility for maintenance would be up to the Board.

Mr. Wagner asked being that there are already trees existing in these areas, how the township would be able to determine which are the responsibility of the township, and those of the developer. He said if a tree were to fall in the road; that would be a safety issue so the township would address it. However, as the trees mature, they will need maintenance. He asked how that would be addressed.

Mr. Ford said for the sake of practicality; any tree planted on the owner's property would be their responsibility in perpetuity. It would also carry with it a two-year replacement. The trees planted at the park-and-ride, or center median of a public road such as Raider Boulevard; once off the two-year maintenance, the responsibility would fall to the township.

Mr. Wagner asked about the trees on Stryker Lane.

Mr. Ford said if the trees are in the township right-of-way, it would be the township's responsibility; but if on the applicant's property, it would fall to the applicant to maintain.

Mr. Wagner asked for input from the Board's professionals.

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Mr. Bernstein said the trees are to address a mitigation issue related to an economic hardship. The concept provided by Mr. Ford is on behalf of his client, but does not have to be accepted by the Board. Ultimately the issue of who will be responsible for the trees planted within the municipal right-of-way would be up to the Board. The applicant would then be able to agree or find other areas to fulfill the obligation. The planting of trees on Raider Boulevard is not a requirement; it is a proposal by the applicant, as a way to address a related issue to obligation to tree mitigation on this site.

Acting Chairman Julian said the tree count would need to be redone.

Mr. Maski stated street trees are not allowed to be included in the count.

Mr. Ford said they are not set on planting trees on Raider Boulevard, just thought it would be an enhancement.

Mr. Wagner said while he understood the beautification aspect of the proposal, there would be additional maintenance associated.

Mr. Ford said they could find another place for the trees on Raider Boulevard. With regard to the trees along the industrial park, the applicant maintains them now so they would be fine continuing to maintain the existing and any new trees.

Committeeman Lipani said if the Board determines it does not want the trees planted off-site, the applicant would then pay the in lieu of fee.

Mr. Ford agreed they would need to mitigate in that way.

Mr. Wagner asked if that would be the same for the park-and-ride.

Mr. Ford agreed.

Mr. Wagner asked if the applicant would agree to provide the maintenance for the trees at the park-and-ride site or prefer to pay into the fund.

Break.

After discussion with his client, Mr. Ford said the applicant would agree to maintain the trees on the park-and-ride lot. He said they would find another place for the trees proposed on Raider Boulevard.

Mr. Wagner said he appreciated the additional trees and agreement for maintenance at the park-and-ride site.

Open to the public.

**Susan Gulliford** - Hunt Club Road

- Ms. Gulliford referred to Exhibit A-10, Sheet 2. She asked Mr. Ford to confirm whether or not the rear exit into the park-and-ride site would be one way.

Mr. Ford said it would be one-way.

- Ms. Gulliford asked if there was an emergency on Route 206 and the entrance in was blocked, could the rear exit accommodate two-way traffic for emergency purposes.

Mr. Ford said it could. He offered the Board could make a piece of that section now for two-way traffic.

Members were not in favor of allowing two-way traffic, except in the case of an emergency.

Committeeman Lipani said the egress is required to be wide enough to accommodate emergency vehicles.

Mr. Ford agreed.

Mr. Shimanowitz called the applicant's Planner.

**Arthur Bernard, PP**, was sworn in, reviewed his credentials, was accepted by the Board, and gave the following testimony:

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Mr. Bernard said there are two existing nonconformities. The existing shopping center has a footprint of 20,292 sf., the ordinance permits up to 20,000 sf. The existing length is 212 sf., where 200 sf. is permitted. The ordinance permits a setback of 5 ft., where the existing has a 171.57 ft. setback. The applicant is not doing anything to exacerbate these existing conditions.

Mr. Bernard said there are two new variances required. A variance is required for the height of the mixed-use buildings along Route 206. The ordinance permits a height of 45 feet; the applicant is proposing 49 feet. The applicant is also seeking relief from the section of the ordinance that limits the number of trees allowed to be removed from the site at 20%.

Mr. Bernard provided testimony regarding the positive criteria for relief. He said the ordinance reads that when an ordinance fronts on a street, the height is measured from the grade at the front of the building to the peak. This site drops off to the street so the front elevation is lower than the remaining portion of the building. He said if you were to measure around the building, it would comply, except at the front where the elevation drops off toward the street. The elevation at the front is at 49 ft., which is not in compliance. He said the request for relief is based on the slope of the property, and is therefore justified based on the "c(1)" criteria. Without the relief, a hardship would be incurred. The building would need to be redesigned with a flatter roof, which is in conflict with the Town Center ordinance.

Mr. Bernard said with regard to the trees, the relief can again be based on the physical characteristics of the site because the middle of the property is full of trees. The hardship would be that without the relief, the developer would not be able to build your inclusionary development and promote your Town Center concept. He said relief can also be justified by "c(2)" criteria. He said the benefit of the entire proposal further promotes your Master Plan goal of creating a Town Center and also makes a significant contribution towards the township's affordable housing obligation. Mr. Bernard went on in further detail to provide testimony on the benefits for granting the variances.

Mr. Bernard addressed the negative criteria. He said he found no substantial detriment to the public good in granting the two variances, and went on to explain his conclusion. He said he would urge the Board to grant the relief.

Mr. Maski asked if additional testimony would be offered on the design waivers, or if the applicant would be relying on the testimony already provided.

Mr. Bernard said they were relying on the previous testimony.

Mr. Maski said there was an exhibit on signage shown at the last hearing. He said the Town Center Zone does not allow freestanding signs. There are two freestanding signs proposed, which would require a variance.

Mr. Bernard said he was not prepared to testify on the signs.

Mr. Shimanowitz said if the Board was prepared to act on the application and the witness was not prepared to offer justification for the freestanding sign at this time, they would withdraw the sign request at this time, if confirmed by the application.

Break

After the break, Mr. Shimanowitz said he would like to finish up the public portion with the Planner on the variances discussed. He said their Architect is in a position to present the signage and address the justification for the variance.

No questions from the public for Mr. Bernard.

**Robert Larson, AIA, of Chester, Ploussas, Lisowsky Partnership, LLC**, still under oath, confirmed his credentials, and provided the following testimony:

Mr. Larson said their goal was to have the signage be comprehensive so that the project would be identifiable to circulate through and know which building you are going to, and have vibrant and appropriate signage on the buildings. He said they had overlooked Item C of the Town Center District standards, that all permanent signage shall be affixed to a building facade. Mr. Larson displayed Exhibit A-7 which had been presented at the April 4 hearing, further describing Signs "A", "B" and "C". Mr. Larson said Sign "A" is a 57 sf. freestanding sign which is the primary sign for the development. It is comprised of

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materials that are complimentary to the mixed-use structure. It would stand at about 7 ft. tall, and be 8 ft. long. He said it is not massive or overbearing but is appropriate for the site. It is a project verification sign readable at the entrance of the project. Sign "B" is associated with the old connection between the office/retail complex behind. The sign would be located appropriately to be adjacent to the entrance behind, but may become null and void if the Board does not see that access as an entry. He said they would seek relief for Sign "B" if the Board felt it was appropriate to help navigate connection to the park-and-ride lot. Sign "C" will be found in various locations. He said his experience in working on larger developments is that wayfinding signs are very helpful to navigate through the site. It helps to create safe navigation for visitors and for emergency responders to efficiently get through the site.

Mr. Larson said relief for the freestanding signs Sign "A" along Route 206 was sought, and also for Sign "B" if the Board thought it was necessary to identify the development at the throat of the project in the rear.

Mr. Maski clarified the wayfinding signage does not require relief.

Committeeman Lipani said if the Board decides the rear access would be a one-way out, there would not be a necessity to have Sign "B".

Mr. Larson said the main entrance sign along Route 206 is not oversized for a project of the size, especially one with a four foot grade change. He said the sign would be appropriately placed and would provide a number or whatever information the Board felt was necessary to identify the project.

Committeeman Lipani asked how the entrance sign would be illuminated.

Mr. Larson said he believed they would use HALO lighting behind channel mounted lettering.

Acting Chairman Julian asked about the placement.

Mr. Larson said the sign would be two-sided and set perpendicular to Route 206, visible for northbound and southbound traffic.

Mr. Peason asked if the size of the sign was in compliance.

Mr. Maski said since freestanding signs are not permitted in this zone, there is no criteria for the size of the sign. In other areas of town where freestanding signs are permitted, it varies; up to 15 ft. high, 40 sf.; down to 4 ft. high, 20 sf., depending on the zone. Seven feet high is not excessively high.

Mayor DelCore asked how far it will be from the building, and asked if it would be clearly visible going north.

Mr. Larson said Mr. Ford could more accurately represent the distance, but that it appeared to be about 20 feet. The front line is set with the front line of the building so you would have a bit shorter view of it coming from the south heading north, but still visible. There would be more sight recognition when traveling north to south.

Mr. Shimanowitz noted the main entry sign would be in the grassed area by building "G". He noted the location of the sign needs to be modified since the exhibit plan shows it in the middle of the driveway.

Mr. Ford said the driveway could be an option for location, and would be beyond any sight line of the aisle driveway.

Mayor DelCore asked if the turn was restricted to right-turn in.

Mr. Ford clarified the DOT permit allows for a left-turn in movement, but no left out.

Mr. Larson said placement in the driveway aisle works for the sign. He said he would defer to Mr. Ford as to the appropriate sight view and placement. Whether it was placed on the side or on the median; it would be out of all necessary sight lines for vehicles.

Mr. Yuro said Mr. Ford would need to provide more sight-line information. He said his concern was that if placed in the center driveway aisle, there may be a visual blockage looking northbound on Route 206, due to the mass of the sign. He suggested Mr. Ford also check with NJDOT to check on their parameters and limitations, and jurisdiction over the island.

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Mr. Bernstein said the issue with the sign is twofold: (1) If the Board is in favor of granting the variance for the freestanding sign, and (2) a condition of approval would be that it would have to meet the approval of the Township Engineer and other professionals, as well as NJDOT.

Secretary Hesthag commented the sign was a possibility to him but wondered if it was consistent with signs in front of other developments in that area. He said he would not want it to be much bigger than others.

Mr. Maski said most of the older centers probably have freestanding signs.

Mr. Yuro said those signs may be pylon-style signs, where this would be a ground-mounted brick wall, about half the size of a car. He said there is a concern for visibility when looking left, if locating that sign in the driveway aisle.

Mayor DelCore spoke in favor of having an entrance sign, and having it located in the lawn area rather than in the driveway aisle.

Committeeman Lipani agreed.

Mr. Larson pointed out the location on the display.

**Susan Gulliford** - Hunt Club Road

- Ms. Gulliford asked if Sign "A" was proposed to provide just the name of the development, or if it would also be a business directory sign.

Mr. Larson stated it is designed to provide just the name of the development. It is not intended to have individual tenants on it.

- Ms. Gulliford asked if the businesses facing Route 206 will have their own signage.

Mr. Larson confirmed they will.

- Ms. Gulliford said at the last meeting, it was not known at that time if the businesses would go through to buildings in the front, or possibly be divided and have another business at the back. She asked if there will be any directory signage considered for the businesses in the back.

Mr. Larson said building mounted signage for each tenant will be apparent, but no directional tenant sign is proposed.

- Ms. Gulliford asked if they anticipate that a business to the back of a mixed-use building, that they would also want signage on Route 206.

Mr. Larson said they were not at this time.

Mayor DelCore requested additional information on how a tenant entering at the rear of the building inside the development would be identified.

Mr. Larson said not every tenant may be a through tenant; some may be accessed through the rear.

Mayor DelCore asked if those businesses would only have signage at the rear, or if they would also have signage visible from Route 206.

**David Gardner, Principal** for the project, was sworn in. He said they envision this to be similar to their property (at Route 206 and Amwell Road), for the building next to Five Guys, where all of those spaces go through, with businesses at the front and at the back. Mr. Gardner said they have interest, but do not have any tenants set up for the (subject) site. He said this site will not have a monument sign with the names of the businesses listed. He said more likely than not, the tenants will go through, and have signage on the Route 206 side and on the back side.

Mayor DelCore clarified the concern is not so much for that as much as it is for if you have a different tenant on the backside without Route 206 frontage. He asked where there signage would sit.

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Mr. Gardner said he would hope they could fit their sign in on the Route 206 side so that they would have the exposure, and also have a sign on their side, but at the moment, they are not certain how it will work out. Kumon, at the other location, does not have visibility on Route 206. Mr. Gardner said if they do not have room to provide signage on Route 206, they would not provide it on the Route 206 side. The intent is to make this a beautiful luxury project. The signage is challenging because of the mixed-use.

Mayor DelCore asked to have someone speak on the record as to whether the change in the proposed access creates a change to the decision making, or any of the grading as it relates to the traffic.

**Jay Troutman, PE, of McDonough and Associates**, still under oath, confirmed his credentials, and provided the following testimony:

Mr. Troutman said the new access still provides for exit capabilities. There will be no change in grading. There may be additional traffic entering from Route 206 but it would not affect the level of service or present a capacity issue what so ever. There would be no significant impact to the traffic calculations.

Committeeman Lipani asked if anything had been addressed since the last hearing regarding the school bus stops.

Mr. Shimanowitz said they had not developed that issue any further. If the Board were inclined to approve the application, the applicant would need to work that through as a condition. He said the Board could provide its recommendation but it would ultimately be up to the Board of Education.

Board members agreed the bus stop(s) needed to be within the development, not on Route 206.

Mr. Bernstein said the Board could place a preference as a condition. The applicant would need to work out a bus stop location within the development with the Board of Education.

Mr. Maski reminded the Board of recent projects where the Board of Education has agreed to have the bus stop within the development, be it at the Clubhouse or another location within the project.

Close public.

Mr. Maski summarized the relief sought. He said there are three bulk variances: (1) for the height; (2) for tree clearance greater than 20% and 60%; and (3) for the freestanding sign. The following waivers have been requested: (1) parking stall size; (2) aisle width; (3) lack of a loading space; (4) parking buffer; (5) landscaping around the refuse collection; and (6) for off-site tree planting. Mr. Maski explained the ordinance allows an option to contribute to the fund or give trees to the Parks and Recreation Department. There is no other option of planting trees on another property so this would be considered a waiver.

Mr. Shimanowitz noted additional waivers provided during the testimony of the Architect: (7) for maximum window percentage, 75 vs. 100; (8) height of the sills for the retail, 26"- 36" vs. the proposal of 18"; (9) roof slope, 4/12 proposed vs. 6/12 required; (10) for greater than three materials/textures/colors on a façade; and (11) for pigmentation of concrete required vs. stamped asphalt proposed.

Mr. Ford added (12) for spacing of some of the on-site lighting.

Mr. Bernstein said the motion would be for approval with the granting of the variances and waivers requested according to the testimony; the condition of the school bus stop; the need for an agreement with the Township Committee relative to the park-and-ride site; and all other requirements and requests by the professionals and applicable officials, to approve this application as proposed.

Mr. Maski said the approval was to include the final tree mitigation arrangement would need to meet the approval of the Township Engineer and Township Planning Director.

Committeeman Lipani raised the issue of the one-way road.

Mayor DelCore noted that would then render proposed Sign "B" unnecessary.

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Mr. Bernstein summarized the additional comments to include the lack of necessity for the freestanding driveway sign and for the access point from the property to the park-and-ride site to be one-way out toward Amwell Road.

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

**Roll Call:** Mr. Skobo – yes; Mr. Peason – yes; Mr. Wagner – yes; Secretary Hesthag – yes; Committeeman Lipani – yes.

Before voting, Mayor DelCore said this area has been targeted for the township’s Town Center area for quite some time. We have been working for a long time to get to a development that meets the Town Center plan. He thanked Mr. Gardner and the professionals for their work on the project, and for the accommodation on the access. He said the plan presented at the meeting was significantly improved from that previously proposed.

**Roll Call (continued):** Mayor DelCore - yes; Acting Chairman Julian – yes. Motion carries.

**ADJOURNMENT**

Mr. Bernstein informed the Board no applications were scheduled to the next meeting, however; the Board could meet for consideration of resolutions.

After some discussion, the Board chose to keep the scheduled.

Mr. Bernstein confirmed the next meeting would proceed on May 9 provided a quorum was present. The following meeting was scheduled for May 23.

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

The meeting was adjourned at 9:20 p.m.

*Submitted by:  
Debra Padgett  
Planning Board Clerk*

APPROVED