

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
February 07, 2019

Chairman Carl Suraci called the Planning Board Regular Public Meeting of February 07, 2019 to order at 7:38 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Hillsborough Township Municipal complex.

Chairman Suraci announced the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ROLL CALL

Mayor Frank DelCore - Absent
Robert Wagner, Jr. - Present
Committeeman Shawn Lipani - Present
Robert Peason - Present
Carl Suraci, Chairman - Present
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 Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Michael Lombardozzi, CCR, Covering Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

CONSIDERATION OF MEETING MINUTES

- January 10, 2019 - Reorganization Meeting

A motion to approve was made by Mr. Wagner, seconded by Secretary Hesthag. No further comments.
Roll Call: Mr. Skobo - yes; Mr. Hesthag - yes; Mr. Wagner - yes; Committeeman Lipani - yes; Vice Chairman Julian - yes; Chairman Suraci - yes. Motion carries.

- January 10, 2019 - Regular Meeting

A motion to approve was made by Mr. Skobo, seconded by Committeeman Lipani. No further comments.
Roll Call: Mr. Skobo - yes; Mr. Hesthag - yes; Mr. Wagner - yes; Committeeman Lipani - yes; Vice Chairman Julian - yes; Chairman Suraci - yes. Motion carries.

CONSIDERATION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

Planning Director, David K. Maski, PP, AICP, recognized introduced Robert (Bob) Yuro, PE, CME of T&M Associates, seated in the audience.

The Board welcomed Mr. Yuro and thanked him for his attendance.

- Resignation of Sally Becorena (Seat #7)

Chairman Suraci noted the resignation of Board member, Sally Becorena.

Committeeman Lipani thanked Ms. Becorena for her years of service to the Board and extended the Board's best wishes.

Chairman Suraci concurred.

- Board Alternate Engineer - Professionals / Resolution(s)

Mr. Maski explained that the Board had originally appointed Suburban Engineering as the Alternate Board Engineer. It has since come to light they have a conflict and will be stepping down. The suggestion is that the Board appoint the two remaining firms who applied for the position; Banc3 Engineering, and Bright View Engineering.

A motion to appoint both firms, each as Alternate Engineer to the Planning Board, was made by Secretary Hesthag, seconded by Mr. Skobo. No additional comments.

Roll Call: Mr. Peason - yes; Mr. Skobo - yes; Mr. Hesthag - yes; Mr. Wagner - yes; Committeeman Lipani - yes; Vice Chairman Julian - yes; Chairman Suraci - yes. Motion carries.

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- Planning Board Professionals' Agreements / Contracts
Board Attorney / Board Engineer / Board Alternate Engineer / Board Court Reporter / Board Videographer

A motion to approve all professional Contracts was made by Committeeman Lipani, seconded by Vice Chairman Julian. No additional comments.

Roll Call: Mr. Peason - yes; Mr. Skobo - yes; Mr. Hesthag - yes; Mr. Wagner - yes; Committeeman Lipani - yes; Vice Chairman Julian - yes; Chairman Suraci - yes. Motion carries.

- Maser Consulting, P.A. - Resolution to Extend Professional Services Agreement

Chairman Suraci said the resolution is to extend Maser's involvement with some applications they are in the middle of working on.

Mr. Maski added the resolution authorizes Maser to work for the Board under the same fee schedule as last year. This allows Maser to finish out certain applications started last year.

A motion to extend the 2018 Maser Professional Services Agreement was made by Mr. Wagner, seconded by Mr. Skobo. No additional comments.

Roll Call: Mr. Peason - yes; Mr. Skobo - yes; Mr. Hesthag - yes; Mr. Wagner - yes; Committeeman Lipani - yes; Vice Chairman Julian - yes; Chairman Suraci - yes. Motion carries.

- Signature Detailing (S.A.I. Middlesex Farms, LP) 18-PB-08-SPCU - Extension of Time provided through March 8, 2019

Mr. Bernstein said the extension was provided in conjunction to the scheduling of the application on the March 7 Planning Board agenda.

A motion to extend the time of decision, as submitted, was made by Committeeman Lipani, seconded by Vice Chairman Lipani. No additional comments.

Roll Call: Mr. Peason - yes; Mr. Skobo - yes; Mr. Hesthag - yes; Mr. Wagner - yes; Committeeman Lipani - yes; Vice Chairman Julian - yes; Chairman Suraci - yes. Motion carries.

- 2018 Board of Adjustment Annual Report (*Distributed as per MLUL 40:55D-70.01*)

A motion to accept the Board of Adjustment report was made by Mr. Wagner, seconded by Secretary Hesthag. No additional comments.

Roll Call: Mr. Peason - yes; Mr. Skobo - yes; Mr. Hesthag - yes; Mr. Wagner - yes; Committeeman Lipani - yes; Vice Chairman Julian - yes; Chairman Suraci - yes. Motion carries.

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

- **Ordinance 2019-02**

Chairman Suraci said the Township Committee has provided Ordinance 2019-02 to the Board for review and comment. It is a review of design and performance standards for solar energy systems and small wind energy systems. The revision is for usage on public lands.

Mr. Maski said the ordinance amendment is a clarification of an existing ordinance regarding solar facilities. Right now the ordinance permits them in conjunction with residential, commercial, and industrial buildings. By omission, it would therefore not be permitted in any other type of building. This revision adds an additional paragraph that explicitly allows it on publicly owned property.

Vice Chairman Julian said this ordinance is in keeping with the Master Plan in that it will help promote the Green Buildings and Environmental Sustainability Plan Element as well.

A motion to accept and approve Ordinance 2019-02, and send back to the Township Committee for second reading, was made by Mr. Skobo, seconded by Vice Chairman Julian. No additional comments.

Roll Call: Mr. Peason - yes; Mr. Skobo - yes; Mr. Hesthag - yes; Mr. Wagner - yes; Committeeman Lipani - yes; Vice Chairman Julian - yes; Chairman Suraci - yes. Motion carries.

APPLICATIONS

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- **3 Ronson LLC (Hillsborough Centre Residential)** - File 18-PB-16-INF - Block 200.10, Lots 5.01 & 5.02 - 649 Route 206. Applicant seeking Informal Review for preliminary and final major site plan application to demolish an existing standalone commercial building at the northeast corner of the center to construct a multi-family residential building and associated parking, on the site of an existing shopping center, on property located in the TC, Town Center Zone, within the Mixed-Use Inclusionary Overlay District.

Chairman Suraci said the Town Center Ordinance requires an informal application prior to submission of a formal application to the Board.

Mr. Maski stated that since this is an informal review, nothing the Board or Applicant says is binding at this point.

Donna Jennings, Esq. from Wilentz, Goldman & Spitzer, P.A., representing the Applicant, said the proposed residential building is part of the Township's Affordable Housing obligation. It is for a 44-unit rental apartments building, with a 25% set-aside of 11 units for low and moderate income. Two reports have been received in review of the informal; one from T&M, the other from Mr. Maski. Both the Architect and the Engineer are present to provide the Board with a better understanding of the project and discuss comments.

Ms. Jennings said they are very proud of the project and believe the Board will find it to be a nice addition to the facility and existing shopping center. She stated her clients bought the shopping center two years ago. They have since revitalized the shopping center to full occupancy, the latest being the recent use variance from the Board of Adjustment for the Veterinarian Hospital to be going up in the last unoccupied space. This shopping center is now very active and vibrant. This proposal addresses the last vacant portion of the shopping center, which is the former daycare facility, which will be demolished to allow for construction of the new residential building.

Thomas Decker, PE, of Van Cleef Engineering Associates, Site Engineer for the project, reviewed the following:

The hand-out provided is a slightly different version than previously submitted. Mr. Decker oriented the Board with the location of the site.

Mr. Decker said there is currently an office building in place, which will be demolished as part of this application to construct the 44-unit apartment building. Additional sidewalks have been added to address pedestrian access. Sidewalks will be around the building itself with a courtyard in the middle. The landscaping will be provided at the time of site plan. There are existing sidewalks along the retail. As part of the Starbucks approval, sidewalks connect that site to the supermarket. Mr. Maski previously commented that there needs to be connectivity throughout the site to Route 206. They are proposing to modify the landscaped aisles to the west by making them wider, with sidewalks and crosswalks. That would connect Starbucks to the end of the end unit for the retail to the north, currently occupied by Chipotle, which will provide circulation around the parking lot, with proper signage.

Mr. Decker said they are also proposing a connection in the northwest corner of the retail, across and eventually tying into the controlled intersection, shared at the driveway that crosses over into the Bottle King parking lot, and before that the access to Nelson's Corner to the north. There is still some engineering to be done but that is the anticipated route which will allow all of the residents in the apartment building to access all of the retail uses in the complex by foot and controlled intersection.

Mr. Decker said the northeast parking area will be reconfigured but will still be in the limits of the existing impervious coverage. Some grass areas will be exchanged with asphalt, and vice-versa. The complex was originally approved in the 1980's. No changes will be needed to the stormwater management system.

Mr. Decker said they are required to have 85 parking spaces for the 44 units; they are proposing 88. Some retaining walls will need to be added to accommodate grade difference to the north. The parking area behind what will be the veterinarian hospital. Fifteen spaces are needed in that area for employee parking, leaving 3 spaces available to be used for the residential use. In total, there are 45 non-ADA parking spaces in the back area, which will allow each of the units to have an assigned parking space. In addition to the surface parking, there are twelve garages. In addition, there will be one parking space in front of each of the garages, which gives a total of 59 parking spaces in the rear, including two ADA

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compliant spaces. The remaining 26 parking spaces would be picked up in the general parking area for the shopping center. Overall, 340 parking spaces are required for the total site; 359 are proposed.

Committeeman Lipani asked if the spaces essentially being borrowed from the retail, are available based on the calculation for the retail.

Mr. Decker answered yes. The required 340 parking spaces includes all of the retail, the veterinarian hospital, the Starbucks, the bank, and the residential.

Vice Chairman Julian asked about the impervious coverage maximum.

Mr. Decker said as far as the permitted impervious, the zone permits 85% maximum coverage under the new Town Center ordinance. He said he did not recall what it was, but stated after construction of the Starbucks, the shopping center is at 46.75% impervious coverage. When the complex was originally designed, they had 47.5% impervious, and now with the proposed, at 46.96%, still well under the maximum. He said as long as they are in the existing maximum coverage area, that does not trigger changes to the stormwater management. The entire subject site was either occupied by a parking lot or building.

Chairman Suraci said if the residents have more than one car, they would need to park one of them in the shared middle parking area. He said there is not a great foot traffic area there to the apartments. He asked if there was a way to connect the aisles in that area as well.

Mr. Decker said as part of the veterinary hospital application, an additional crosswalk and sidewalk were included.

Chairman Suraci said the parking spaces closest to the retail buildings will be the ones taken up first.

Mr. Decker said there is a detention basin to the northeast and environmental areas which constrain that area from providing additional parking.

Chairman Suraci suggested creating a marked pedestrian crosswalk in the area of the veterinary hospital.

Mr. Decker said he can take a look at how wide that area is.

Mr. Maski asked Mr. Decker to address the parking spaces to the Chipotle. He said 10 are reserved and four are handicap spaces. He asked if that could be an issue when the building is fully tenanted. These are prime spaces and half of them are not available as per signage.

Mr. Decker said they are the prime spaces for the retail to the north. Four spaces are reserved in the western portion of the parking for Chipotle, 4 ADA spaces in the center of that parking bank, and two on each of those sides. As part of the veterinarian hospital, there will also be two designated spaces for animal drop-off; the remaining spaces unrestricted. He said the owner has had no complaints from the existing tenants on parking.

Mr. Maski said the more spaces you reserve for the retail, the further away you push people away from the apartments. The more spaces you reserve for this use or that, the more circulation problems you can have. He recommended that spaces stop being reserved.

Committeeman Lipani asked about the parking in the back closest to the residential units. He asked if there will be a free for all to get a parking space or if one will be assigned.

Mr. Decker reiterated there will be one dedicated parking space per unit; some will have two, counting the space in front of the garage.

Mr. Wagner said some developments have assigned parking spaces that are numbered, and then have spaces marked for visitors or unassigned spots. He asked if there is any reference to those types of spaces.

Mr. Decker said he believes that would be only where available. There will be more opportunity to park closer to the apartment building later at night because the shopping center is not functioning as much.

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Mr. Wagner said later at night is subjective because most people do their shopping at night after work. Mr. Wagner asked for information on the circulation plan for truck deliveries and garbage removal for the super market and veterinary hospital.

Mr. Decker said they will function as they do now through the circular drive. There will be a dumpster specifically dedicated for the residents. Trucks are depicted on the plan for the grocery store to show that area. The veterinary hospital does not get large delivery trucks. The deliveries to the grocery store and garbage pick-up will circulate through the site as it does now.

Mr. Peason asked if there will be sidewalks provided for pedestrian traffic walking to the north, rather than have them walk on the roadway with vehicular traffic. He said there is a sidewalk to the south, heading towards the movie theatre, but one would need to work their way through this site to get to it.

Mr. Decker said there is a controlled signal at the entrance of this site, which is ideally where pedestrians should cross. He said they do not want to encourage crossing anywhere other than at the light so they do not plan on adding additional sidewalks to the north. Mr. Decker said they talked about extending the existing sidewalk to the south, but are not able due to grading issues and environmental restraints.

Committeeman Lipani asked if they have been in contact with the Board of Education to determine where the bus stops would be, if they would come into the site or have the bus stop on Route 206.

Mr. Decker said they have not yet had that discussion with the BOE.

Vice Chairman Julian asked if the sanitary sewer has to be reworked in any way to accommodate the residential use.

Mr. Decker said not in a capacity standpoint. The sewer lines in that area are 8" and circle the site. There will be some modifications to the existing drainage, sanitary water lines, and other utilities, just by way of the layout of the buildings. The sanitary sewer lines are more than adequate in size.

Chairman Suraci said there is a difficult sight triangle by the Chipotle that will become more difficult once there is traffic behind that building. He asked if there is a possibility to add speed bumps in that area to help slow the traffic down. He said you need to go into the intersection to be able to see what is to the right.

Mr. Decker said they can look into adding speed humps, similar to those recently put in at the Shop Rite center.

Committeeman Lipani asked if it was possible to make the back access one way, since the circulation goes around the site now anyway.

Mr. Decker said they can talk with the traffic consultant. He said there are positives and negatives to doing that.

Secretary Hesthag addressed his concerns with the shared parking in the existing common parking area. He said consideration needs to be provided for the business owners as well. He said residents taking up 15 spaces could push the business parking back a few rows, which may be a concern for the businesses.

Mr. Decker said the comments offered by the Board raise valid concerns. He said they will be discussing the issues and address them the best they can.

Mr. Decker reiterated the parking spaces in back of the veterinary hospital will be for the employees.

Vice Chairman said he was concerned with the lighting and traffic for the 24-hour veterinary hospital.

Mr. Decker said his recollection from the Board of Adjustment hearing is that the later hours are for emergencies only; it is not part of regular scheduling. There will be minimal staffing during that time to serve emergencies.

Lawrence Appel, AIA, Principal of Appel Design Group, Architect for the project reviewed the following:

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Mr. Appel put up a revised display for reference. He said there will be four units per floor and three stories. The buildings were designed this way to create a courtyard, and to create a better sense of scale. The buildings were stepped to allow garages at the back side wherever possible. Not every unit will have a garage. The rendering shows a typical elevation of the building. All of the elevations are designed to be the same; there is no front and rear side.

Mr. Appel showed a revised drawing, which he said was identical to what was submitted, the difference being the heights being measured from average grade to the high point of the roof. Mr. Appel said when they read the ordinance, they understood the height to be to the roof eve, not the high point. He said they have since been informed that the intent of the ordinance is to measure to the high point of the roof. He said the building as measured from average grade to the high point of the roof is 48 feet, which is 3 feet above the maximum. He explained there are many things that are calculated: 9 ft. high ceilings; 18 in. floor thickness; and 6-on-12 roof pitch, as required by the ordinance. The buildings are rather narrow, being only 59 feet from front to rear, as opposed to 70-75 ft. deep, which is typical for apartment buildings. Adding up all of these pieces, they add up to more than the maximum allowed. The buildings cannot be manipulated any more due to grading considerations for ADA access. There is an approximation of 1 ft. 4 in. for average grade.

Mr. Appel passed out display SK-08 for discussion. He said one compromise was to take the lofts out. The lots were put in to make the most use of the space, but since the height is a problem, the lofts can be removed. Alternate Display SK-09 lowered the height of the building, but creates issues with the design not being a 6-on-12 roof pitch. Mr. Appel went over more issues with the alternate displays, and asked the Board for guidance as to preferences. Mr. Appel said the issues with the roof are in conflict with the TC Ordinance.

Mr. Maski said the height of a building is typically measured at the front of the building. This is not a typical building.

Mr. Appel said if he had to pick a front yard, the most logical would be the courtyard side.

There was further discussion on height, roof pitch, and Displays SK-09 vs. SK-08. It was confirmed that the lofts would be eliminated.

Mr. Maski said if they are not able to meet the height when submitting the formal application, a 'c' bulk variance would be required, and up to the Board.

Committeeman Lipani inquired about the accent structures on top of the roof.

Mr. Appel confirmed they are only for design. He asked if consideration could be given for the definition of an "eve", as described in the ASD Overlay Zone.

Mr. Maski said the language in the TC District would prevail. The ASDO are design guidelines. Variation from ASDO standards warrants a waiver. Noncompliance with the TC District would require a variance. Mr. Maski confirmed the height of a building is measured to the top of the ridge line.

Chairman Suraci asked Mr. Maski how this compares to other structures in the TC District.

Mr. Maski said most of the existing buildings were constructed prior to the TC Ordinance. Most are preexisting, nonconforming one-story structures. The TC District requires a building be at least two-stories, and a maximum of three at 45 ft. in height. All new construction in the zone will be similar.

Committeeman Lipani asked Mr. Appel if he knew the height of the buildings in the shopping center, which these buildings would be behind. He asked if there would be a significant height difference in the buildings which would make these buildings stand out at a distance from Route 206.

Board members commented that the existing buildings might be close to the maximum height, and therefore somewhat mask the additional height.

Mr. Appel said he agreed, but did not measure the existing buildings, only walked the property and took photos.

Committeeman Lipani suggested removing the architectural structures on top of the roofs to make the buildings appear to be more conforming.

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Mr. Appel went on to discuss the COAH units. He said the affordable units are stacked for now, but pretty well integrated so you will not be able to discern which units are which from the exterior.

After further discussion on the roof, Mr. Appel said he can provide the measurements for the shopping center, but thought it would be beneficial from an architectural standpoint to have a difference in the residential vs. retail.

Chairman Suraci said he believed the roofline would not be tucked in with the retail, but would like to see how much above the existing, the new construction would be.

Committeeman Lipani offered his opinion, that he thought the design is esthetically pleasing, and the accessibility for the residence is great. He said his concerns are with the school bussing, and that the exceeding height will not be too high.

Mr. Bernstein raised his concern that the one-bedroom plus den units will not turn into two-bedroom units. He also asked if one-bedroom plus den will also be offered in the affordable housing units.

Mr. Appel said they are not offering the one-bedroom plus den for the affordable units. The "den" is designed to provide extra space, but not a bedroom. He said they typically design these areas to have wider openings, and without a closet and window.

Mr. Bernstein said none of which necessarily guarantees discouragement.

Mr. Appel said understood. He said they do a lot of apartments. What they find is that this area is often used as a dining area or home office nook. The rooms are not large, typically 9-10 ft. wide. Most do not have windows, but if on an end unit, there could be.

Chairman Suraci asked Mr. Bernstein if there is any way to put a restriction into the lease.

Mr. Bernstein said the issue is enforcement. It is best that the design discourage it. A 10' x 10' room could potentially turn into a bedroom, with or without windows. The concern is that there will be more people living in these units as originally intended.

Chairman Suraci agreed.

Mr. Appel oriented the Board with the site on the display. He mentioned all sides will look the same so there is not a plain back of the building.

Committeeman Lipani noted the building only has steps, no elevator. He asked if the units are ADA compliant.

Mr. Appel said the Fair Housing Act requires that the ground floors of each of the buildings have accessible units.

Either from the courtyard side or garage side. The right-hand pod has a number of steps in the rear, but the front side is accessible. All of the other units would be similar in configuration, but would have to be accessed via stairs.

Committeeman Lipani asked if there is a requirement as to the number that have to be ADA compliant.

Mr. Appel said there is not, but that approximately 1/3 of the total units are ADA accessible.

The informal concluded.

Mr. Maski informed the Board there is no business scheduled to the February 14 meeting, but that the business meeting should remain scheduled for the 28th for a possible ordinance review.

A motion to cancel the 02/14/19 meeting was made by Mr. Peason, seconded by Secretary Hesthag. All were in favor, none opposed; motion carries.

ADJOURNMENT

A motion to adjourn was made by Mr. Wagner, seconded by Committeeman Lipani. All were in favor, none opposed; motion carries.

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The meeting was adjourned at 9:09 p.m.

Submitted by:
Debora Padgett
Planning Board Clerk

APPROVED