

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**

**PUBLIC MEETING MINUTES**

**March 14, 2013**

Chairman Sireci called the Planning Board meeting of March 14, 2013 to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the courtroom of the Municipal Complex.

Chairman Sireci announced that 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  
Michael Merdinger – Present  
Committeewoman Gloria McCauley – Present  
**Steve Cohen, Vice Chairman** - Present  
Tod Mershon, *Secretary*- Present  
Neil Julian – Arrived 8:33 p.m.

Sam Conard - Present  
**Steven Sireci, Jr., Chairman** - Present  
Robert Wagner, Jr. - Present  
Daniel Marulli (Alt. #1) - Present  
Robert Peason (Alt. #2) - Present

Also present: Robert Ringelheim, P.P., A.I.C.P., Township Planner; Phillip George, Esq., Board Attorney (Eric M. Bernstein & Associates); Lucille Grozinski, C.C.R. and Caz Bielen, Premier Media, LLC, Videographer.

**ACCEPTANCE OF MINUTES**

None

**ACCEPTANCE OF RESOLUTIONS**

None

**PLANNING BOARD BUSINESS**

**Extension Request – Belle Meade GSA Interim Remediation (HP) – File #12-PB-10-SR**

Chairman Sireci noted the extension is to May 15, 2013.

Mr. Ringelheim said the applicant is scheduled for April 4<sup>th</sup> as the next hearing subject to them entering an agreement with the County or not.

A motion to grant the extension was made by Mr. Peason, seconded by Mr. Wagner.

**Roll Call:** Mr. Wagner – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Peason – yes; Dr. Marulli – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Chairman Sireci – yes. Motion carries.

**Extension Request – WSH Enterprises, Inc. – Final Plat File #08-PB-15-MJF**

Mr. Ringelheim said this applicant received preliminary approval. There are objectors on the final due to some drainage issues. I am not certain if that has ever been resolved. There is now litigation so both sides need to notify the other of any adjournment, action or anything that has to be done before the Board. Both are now agreeing to the extension.

Chairman Sireci said this is for that triangular piece of property next to the Rohill development off of Beekman Lane.

A motion to grant the extension to October 01, 2013 was made by Mr. Conard, seconded by Mr. Mershon.

**Roll Call:** Mr. Wagner – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Peason – yes; Dr. Marulli – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Chairman Sireci – yes. Motion carries.

**Master Plan Amendment / Resolution**

Township Planner, Robert Ringelheim said this is a public hearing on the Master Plan Amendment – Land Use Element for the Transit Ready Development District and Circulation Plan Element Update. This Master Plan Amendment was already reviewed by the Master Plan Subcommittee of both the Planning Board and Board of Adjustment. The comments they made are reflected in the final document before you.

In the 2005 Master Plan Amendment there was a recommendation to create a Transit Oriented Village adjacent to Town Center and centered around a new passenger rail station which would be part of the West Trenton Rail Line Restoration Project. This was to be located near the intersection of Amwell Road and the Route 206 Bypass. The Transit Oriented Village was originally envisioned as a mixed use development to support rail usage with office development, limited retail and residential uses, with development intensity decreasing away from the station.

The Transfer of Development Rights Plan (TDR) was drafted in 2010. This further enhanced the residential intensity in the proposed Transit Oriented Village. However, the TDR Plan was never adopted by the Board. Another issue that came into effect shortly after the ability of the West Trenton Line to provide additional capacity into New York City. Part of the solution was the Arch Tunnel under the Hudson Rive which was de-funded. That has created uncertainty as to the ability

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to restore passenger rail service to the West Trenton Line in a reasonable time frame. As a result, it was determined that a Master Plan Amendment was to be prepared to provide comprehensive recommendations for this area.

### The Planning Framework

New planning and development opportunities have been identified in the proposed Transit Ready Development District based partially on the following:

The existing zone limits propose a mix of uses. The HOO District in particular has been the subject of a number of variance requests resulting in development approvals which lack a comprehensive vision.

Potential land speculation and legal challenges based on the progress of the construction of the Bypass and noting that recommendations for the Transit Village in the 2005 Master Plan Amendment have never been implemented. That leaves us with a hole in our Ordinance legally.

An opportunity to establish additional Gateway areas. The existing zoning map has Gateway areas into Town Center from the north and south along Route 206 and from the west on Amwell Road. This is east of Town Center.

A comprehensive network of 'Complete Streets' has been identified to provide better connectivity and access.

### The Study Area

The study area is bounded generally by Hamilton Road to the northern edge; Town Center and Piney Woods development to the west; the rail line which generally runs around the easterly boundary except for the Carriage Farm and adjoining properties; the LI District and Stryker Lane to the south. The Route 206 Bypass will dissect the property roughly in a north/south direction; Amwell Road bisects this area in an east/west direction. There are 2 new properties that were not included in the 2005 Master Plan Amendment that are recommended in this study; the Carriage Farm property and adjoining properties on the east side of the railroad and the property on the southern end. The reason being is that there are wetlands that run along the property line which creates an issue of not being able to access the very zone it is located in. The access would have to come through the new district. The Zoning Board has already approved a mixed-use development on the Carriage Farm property so that makes this a primary area when the new Transit facility would be located adjacent to or on the opposite side of the rail line.

The DOT also owns Lot 3 which spans from Stryker Lane to the rail line. Part of that will be the Bypass, part will be the exit ramp onto Amwell Road and part will be a transit facility near the rail line. The new alignment of Amwell Road bows slightly to the south with the part that was Amwell Road renamed. There is no direct access into that area now; the direct access is through a light that will be at the ramp of the exit for the Bypass to Amwell Road. DOT has been re-landscaping a lot of their property, especially to the west of the Bypass and on the island that was created by the new alignment.

### Existing Land Uses

There are 90 total properties in this TRD District, 63 of which are residential representing 70% of the area and consisting of 145 acres; 11 properties are commercial representing 12% of the area and consisting of 45 acres; the 8 DOT properties make up almost 75 acres; the Hillsborough Rescue Squad facility on Hamilton Road is about 2 1/2 acres; and there are 6 vacant lots totaling over 36 acres.

There are 5 existing zones within the TRD District: the HOO District, the R District, the CDZ Zone, TC District, and LI District.

A slide show presentation showed pictures of a sampling of properties currently existing.

### Planning Considerations

We looked at the location of a potential transit facility; the incorporation of 'Smart Growth' development that is trying to cluster a development to create a pedestrian friendly area; a new street network which will connect both to Town Center and the proposed Transit Development District with the existing street network and surrounding areas; appropriate buffering that would be developed to buffer from any existing residential areas adjacent to this district; the development of business areas; the concentration of mixed-use development near the transit facility; employment based uses away from the transit facility; and reduced auto use and congestion.

### Master Plan Concept

The concept is to incorporate 'Smart Growth' principles to concentrate uses that generate employment, making the mixed-use the focal point near the transit facility.

Having detached single family residences next to the Royce Brook Development as a transitional buffer to the remainder of the TRD District.

To have some housing permitted in support of the transit facility that will be timed with the improvements to create such a facility.

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Goals and Objectives

Without going specifically going through each of the goals and objectives of this Master Plan, it is noted that the goals and objectives are in conformance with those expressed in the 2005 Master Plan Amendment in the areas of land use management; community design; housing; economic development; community facilities and utilities; and a new Transit Ready Development District to promote economic development in this part of the Township.

New Transit Ready Development District

The goals of the TRD District are to create a mixed-use development within a reasonable walking distance of the future transit facility, with special emphasis on compact pedestrian-oriented environment that reinforces the use of public transportation, not dissimilar from Town Center but on a much smaller scale.

To introduce land uses within the proposed mixed-use development that includes offices, general and commuter-oriented retail, limited multi-family dwellings, childcare and related land use activities.

To incorporate special features like a public plaza, art and special paving treatments to be coordinated with and complimentary to the other proposed uses.

Summary and Recommendations

It is recommended that the TRD District be divided into land use sub-areas that are bisected by the Bypass and Amwell Road. There are 4 distinct areas we are creating: Residential, Gateway/Retail Commercial; Transitional Economic Development District; and Gateway/Mixed-Use Development.

In the proposed future zoning, we would extend the Residential District which would have a lesser density than the CR District that exists in the Royce Brook Development; Gateway A or Retail Commercial District; Transitional Economic Development District; and the remaining area would encompass the mixed-use retail/commercial district.

We are proposing specific zoning for the R District where the R District is in the northerly half and the HOO is on Amwell Road; Gateway A District which is mostly HOO with some of the R District; the TEC District which is now the R District will be established down below Steinmetz; the Gateway C District which would be the mixed-use near the transit facility and the remainder would be a combination of mixed-use. The mixed-use area would be a fairly small area overall. Instead of having huge office parks, this zone would concentrate on smaller office development, medical offices and that type; not the corporate development the CDZ Zone calls for.

Circulation Plan Update

The last was adopted as part of the 1996 Plan. Many of the assumptions and policies contained in the 1996 Circulation Plan Element have changed. The Circulation Plan Element Update is focused on 3 specific areas: it supports the timely completion of the Route 206 Bypass; it supports the transit facility that is presently under consideration by NJ Transit; and it provides for a recommended road network that would connect Town Center and Transit Ready Development District following the NJDOT's 'Complete Streets' policy and promotes alternative access. Furthermore, the 2005 Master Plan Amendment – Phase 2 links the Route 206 Bypass with the future creation of Town Center.

Goals and Objectives

The Plan is to improve the street system; provide connectivity and better access; avoid strip frontage development; promote the development of future passenger rail and bus service; promote transit alternatives; and encourage pedestrian activities and bike paths while maintaining roadways for vehicular travel. The concept is that the completion of the Bypass shall provide the impetus for creating a complete Main Street in Town Center, a transit facility, and new through access. It is important to note that no through access will be permitted in existing residential neighborhoods between Amwell Road and Hamilton Road; new through roads will be provided.

Circulation Plan Concept

All road improvements are designed as complete streets and that includes vehicular traffic, pedestrian traffic and bicycle traffic. Extending Raider Boulevard to Steinmetz Road, forming a southern loop is important for access. However, the wetlands restrictions that occur may make this improvement cost prohibitive but if it can be done, we want to emphasize that it should be done.

A Transportation Improvement District is recommended to fund necessary street improvements. The utilization of existing street right-of-ways is encouraged to accommodate the proposed street improvements, wherever practical. Proposed new streets should be cited to encourage additional business opportunities with frontage on both sides. Buildings should be designed to front on all streets within the Town Center and Transit Ready Development Center.

Summary and Recommendations

The Route 206 Bypass will bisect the Transit Ready Development District. The completion of this road will enable a portion of the existing Route 206 to be converted into 'Main Street' in Town Center. A transit facility is proposed near the interchange between Amwell Road and the Route 206 Bypass adjacent to the existing rail freight line. A number of service roads are recommended in conjunction with the development of the proposed Town Center and Transit Ready District. All

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proposed roads will be 'complete streets' with the appropriate improvements. Improvements are also recommended to change a portion of existing Route 206 into Main Street through Town Center. Amwell Road through Town Center would be similarly improved subject to concurrence by Somerset County. The recommended new roadways and roadway improvements are intended to provide connectivity, as well as a pedestrian friendly environment in both the Town Center and TRD District. The recommended road network will serve to further encourage new development opportunities.

The new street network would provide roads from Hamilton to Amwell on both sides of the Bypass as well as cutting through Steinmetz, hopefully in the future all the way down to Stryker, if possible. Steinmetz would be improved as a service road for the new businesses and uses. There would be a new service road that would connect to Town Center that would create a bypass off of Piney Woods so that Piney Woods would no longer connect directly to Amwell Road so that the people living there would not get traffic intended for new businesses.

Chairman Sireci said this is what you would call a 'visioning process' for future development. It is not in and of itself zoning. Adopting this does not adopt any zones; it adopts a recommendation or vision for the future. Any zones would have to be adopted by the Township Committee and recommended by the Planning Board. The other thing to consider is that we have a Master Plan that is no longer appropriate in this area. The Master Plan now calls for a Transit Oriented Village across this whole area and is something that looks very different than this. It was predicated upon the tunnels across the Hudson River and the reactivation of the West Trenton Line. Once that was canceled, that previous vision was canceled with it along with all of the zoning and Transfer of Development Rights. We have to replace it with something; we cannot leave it the way it is. We are working with the Master Plan Subcommittee to replace that with something that acknowledges the future presence of the Bypass, the improvements to Amwell Road, the land owned by the State, and the proximity to Town Center.

Mr. Peason asked if any pedestrian bridges are proposed at the Bypass.

Mr. Ringelheim said we can have that discussion with DOT but given all of their funding issues we would rather see the Bypass completed at this point. If there is money left over we can talk about pedestrian access.

Chairman Sireci said there are a lot of 'nice to haves' that the DOT will not do.

Mr. Conard asked for clarification on the R District.

Mr. Ringelheim said we are looking at 1 acre lots. The CR District right now is 17,500 sf. lots. The lot size increases to approximately 40 lots. The R Zone that exists now would just be brought down to Amwell Road where the HOO Zone is along the frontage. The mixed-use will probably be something similar to what Town Center is.

Mr. Mershon asked if there is a realistic chance of getting a bus station.

Mr. Ringelheim said we are in negotiations with NJ Transit and Suburban Bus. The hold up is NJDOT who at one point promised part of their property to Transit for a rail station and now seems to be backing off somewhat on the bus proposal. Hopefully we will work that out.

Chairman Sireci said the real viability of all of this is linked to the Bypass.

Mr. Ringelheim said we have a Resolution that was prepared. The Board can adopt the Plan and the Resolution. The Master Plan is adopted by the Planning Board. It is in the Board's powers to do that. The zoning ordinance that will implement that eventually will be prepared and reviewed by the Board but the Township Committee will have the power to approve the zoning regulations.

Chairman Sireci said the zoning ordinances get into the details of what it looks like, which we do not do here in this envisioning process.

Mr. Ringelheim reiterated, 3 of the 4 zones are the same as existing zones. It is a matter of designating lots for these particular zones. The new 4<sup>th</sup> zone will require new zoning regulations.

Mr. Cohen gave some examples of pedestrian flow on trains vs. buses. He said I believe it will be 10 years before anything happens.

Mr. Ringelheim said it will probably take that long for the redesign. This may take 20 years for the rail part of this to be approved which is why we are proposing a somewhat scaled back version. The other reasoning is that without the TDR plan, the TDR plan proposed over 2,000 dwelling units in a Transit Oriented Village. That is not going to happen anymore. There is a very limited area where residential development may occur so there are far less units and much more economic development activity occurring than what had been previously proposed.

Mr. Cohen said my point was that because the ARC Tunnel was canceled, other projects that were shelved are coming to the forefront. There is a better chance of getting NJ Transit to put bus routes there which would help the growth of the area.

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Mr. Ringelheim said we are trying to work on commuter bus service into Manhattan. It is a much more possible outcome in the near future.

Mr. Peason asked for more information on the Royce Brook area.

Mr. Ringelheim said this would be a transitional area. Instead of putting businesses next to them, we put more residential development which is similar in nature to what is already there. It is at a lower density than what they have now.

Chairman Sireci said what you are resolving is that this is a Master Plan Amendment that envisions future ordinances to set up the zones and the future action to put in the mass transit facility. You are delineating that mixed-use development is in it; talking about the transition to the northwest; resolving that there will be bicycle and pedestrian links to Town Center; saying the access to the roads serving Royce Brook can be reversed to Hamilton and the access to Amwell closed; building heights a maximum of 3 stories, probably only in Gateway C; and encouraging green buildings.

Mr. Merdinger said I believe this is a good evolution of Hillsborough's Master Plan.

A motion to approve was made by Mr. Merdinger, seconded by Mr. Conard.

Mr. Conard thanked Mr. Ringelheim for his work on the Amendment. He said this is not what we envisioned for that area when we first started this but with circumstances being what they are, this is an excellent proposal.

**Roll Call:** Mr. Wagner – yes; Mr. Julian – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Mr. Conard – yes; Dr. Marulli – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Chairman Sireci – yes. Motion carries.

**Curtis Westover – File #12-PB-03-MRV – Discussion of Condition in Resolution**

Mr. Ringelheim said 2 meetings back I had brought up that the applicant, through his engineer, Mr. Heibell, requested a change in the condition that requires a Phase I Study to be done. They submitted a Soil Study that Mr. Julian and Mr. Merdinger reviewed. Mr. Merdinger was to speak with the person who prepared it, Mr. Sorge.

Mr. Merdinger said I researched the frozen soil sample and the summary done on the Westover property. I found out there are 3 items of concern in the frozen soil. Sampling frozen soil requires special planning in the sampling methods and in the preservation of the sample, specifically obtaining the sample with the methodology that was used here. It is not probable that this would give you a representative sample. It has a high probability of giving inaccurate results. Almost every state has its own rules for soil sampling. A uniform boring to the appropriate core depth is the right kind of sample to get a representative sampling in frozen soil. A pick, spade or in this case, a backhoe will not give accurate results.

The second issue is that a frozen sample will usually show a higher level of karons. It did not turn out to be anything bad right now but it indicates that you have a problem with accurate results and certain metals. Lastly, the preservation of the volatile organic sample has to be handled with special considerations. The report by Sorge does not address these concerns however; the conclusion is that it should be remediated and there should be post excavation sampling. It achieves the same results of what we are looking for, the acceptance of the fact that there is something there that needs to be cleaned up. I did not walk the property as the Environmental Commission did. If you accept this report in lieu of a Phase I, it leave is open for the rest of the property. I did not call Mr. Sorge because I anticipated it would just be a debate between Licensed Site Remediation professionals. I have collaborated with Mr. Julian on this and he will review our conclusion.

Mr. Julian stated, as Mr. Merdinger said, it will be remediated and they will perform post remediation samples. That being said, my thought is that there still should be some additional requirements. We initially talked about a Phase I but I believe we can do a limited Phase I. I remember talking to Sorge and he said they did not see any other environmental impacts on the site besides the oil contamination. There is probably a lot of information that is not needed but I would like for the consultant, in this case Sorge, to say that they surveyed the site, and besides the discharge there were no other environmental impacts or concerns. Another stipulation would be that the remediation itself would be conducted in accordance with all regulatory requirements and that there are no other findings of significant impact.

Mr. Merdinger said this would cover us because the consultant would have to put it in writing and sign off on it. This is for the entire 5.9 acres. The Resolution should reflect a Limited Phase I as noted by the Environmental Commission or write it in total as part of the Resolution.

Mr. Julian said the applicant came to the Environmental Commission and then that (Board of Adjustment) application was pulled.

Mr. Merdinger suggested not mentioning the Environmental Commission.

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Board Attorney, Phillip George said I believe that would not only be cleaner but would match the concerns of the Board raised at the hearing. I recall there being extensive criticism of the methodology. Also, rather than rely on the Environmental Commission's lack of findings, you have established findings here and spell out the specific conditions that you require.

Mr. Conard asked for clarification on the current request in the draft Resolution for a Phase I.

Mr. Ringelheim reiterated that the original draft calls for a full Phase I but the applicant is requesting less than that.

Mr. Merdinger said this is giving the applicant a break but the environmental professional still has to sign off and say it is clean, which is key.

Mr. Julian said I walked the site. I believe some of the requirements of a Phase I might not be applicable.

Mr. Merdinger said it will be remediated and the post sampling will occur when the ground is not frozen.

Chairman Sireci said the motion would be to instruct Mr. Julian and Mr. Merdinger to work with our Planner and counsel to reword the Resolution to substitute their proposal for Condition #10.

A motion was made by Mr. Conard, seconded by Mr. Wagner.

**Roll Call:** Mr. Wagner – yes; Mr. Julian – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Mr. Conard – yes; Dr. Marulli – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Chairman Sireci – yes. Motion carries.

**SPECIAL COMMITTEE REPORTS**

None

**BUSINESS FROM THE FLOOR**

None

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

None

**CONSIDERATION OF ORDINANCES**

Accessory Uses in the MZ District

Mr. Ringelheim said this ordinance has not been presented to the Township Committee yet. The purpose is to gauge the Board's interest or lack thereof. In reviewing the permitted accessory uses in the MZ District, it was determined that off-street parking and loading, home occupations, private garages and sheds are permitted. This means that some common uses accessory to single family dwellings such as swimming pools, are not permitted. In order to be fair to those that live in the MZ Zone, I thought it might be better to amend the MZ District 'accessory uses' to allow the common accessory uses for residences in other zones. We are not changing the requirements in any other way.

If everyone is in agreement then we would proceed to the next step at with the Township Committee.

A motion to recommend the draft Ordinance to the Township Committee for introduction was made by Mr. Mershon, seconded by Mr. Julian.

**Roll Call:** Mr. Wagner – yes; Mr. Julian – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Mr. Conard – yes; Dr. Marulli – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Chairman Sireci – yes. Motion carries.

**CORRESPONDENCE**

Clifton Bill on Cluster Developments  
Somerset County Historic Preservation Symposium

Mr. Ringelheim said there is some correspondence for your review. There is a Cluster Development Bill that is passing through the Legislature that would replace TDR with a lot less issues, as we did to the Hillsborough Chase development.

As for the symposium, members can attend if they would like. Copies were also provided to the Historic Preservation Commission. The next meeting is April 4<sup>th</sup>.

**ADJOURNMENT**

The meeting adjourned at 8:40 p.m.

Submitted by:  
Debora Padgett  
Planning Board/Board of Adjustment Clerk