

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
May 06, 2010

Chairman Burchette called the Planning Board meeting of May 06, 2010 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 Burchette announced that the meeting has been duly advertised according to the Sunshine Law (Chapter 231, Open Public Meetings Act).

ROLL CALL

Mayor Frank DelCore – Present	Sam Conard, <i>Vice Chairman</i> – Absent
Michael Merdinger – Absent	Steven Sireci, Jr. – Absent
Robert Wagner, Jr. – Present	Marian Fenwick – Present
Steven Cohen, <i>Secretary</i> – Present	Douglas Tomson - Present
Greg Burchette, <i>Chairman</i> – Present	Tod Mershon – Present
Arthur Stafford-Taylor – Arrived 7:38 p.m.	

Also present were Robert Ringelheim, P.P., A.I.C.P., Township Planner; Eric M. Bernstein, Esq., Board Attorney; William H.R. White, III, P.E., P.P., C.M.E., (Maser Consulting, P.A.) Board Engineer; and Lucille Grozinski, C.C.R.

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

None

Eric Bernstein, Esq. asked Chairman Burchette to carry the Planning Board business matter until after the Gateway at Sunnymead public hearing.

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING – SUBDIVISIONS/SITE PLANS

Gateway at Sunnymead – Conversion Plan - File # 10-PB-01-CONVERSION - Block 140, Lot 1; Block 141, Lots 2.01 and 7.01 – Falcon Road – Carried from April 22, 2010.

William B. Savo, Esq., appearing on behalf of the Applicant said this is a continuation on a public hearing of a conversion application. At the last meeting the applicant finished his testimony and witnesses had been questioned. I believe the Board was ready to open the meeting to the Public for comment.

Mr. Savo, Esq. said you may recall at the first meeting, your special COAH counsel requested an amended settlement agreement be drafted so that should the Board decide to approve the conversion, the agreement would become part of your approval. As of this date, this has not been accomplished. I am requesting that at the end of the public session that this hearing be carried until sometime in June. We will then see where we are at that time.

Public Comments

Susan Gulliford – Hunt Club Road

- Ms. Gulliford said she looked at the Planning Board meetings from December 2003. The (original) resolution reflected “up to 698 units”. Can the Board approve the conversion but change the number of units in lieu of the family units or are you required to have the conversion go to 698 units?

Eric Bernstein, Esq. said the law does not indicate how many units a conversion may have only that the conversion cannot have more units than previously approved. Ultimately, if there is a conversion, it will depend on how many units may be lost in such a conversion. I believe the applicant's comments are that they plan on converting at least half of the existing units and keep the other half age-restricted. Ostensively there will be no increase and no decrease. That would have to be reviewed by the applicable parties prior to the ultimate approval.

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- Ms. Gulliford asked if this subdivision was the one divided in September, 2003. Part of it Gateway, the other part being what is being referred to as “Green Village” on Route 206 that is being rezoned.

Robert Ringelheim, Township Planner, said it is but is a separate matter that is being considered elsewhere.

- Ms. Gulliford asked if the other committee that is considering it elsewhere has postponed its decision pending this committee’s decision.

Mr. Ringelheim said he does not speak for the Township Committee.

Mayor DelCore said the Township Committee wanted to understand and take a look at the whole picture before deciding anything about it. Right now it has been tabled. The two are not necessarily tied but we did want to understand the Planning Board action before moving forward on Green Village.

- Ms. Gulliford said so you do not know if the Gateway conversion would change part of the approval for the Green Village.

Mayor DelCore said he did not know if it would change. However; the two are separate projects. It should not have any bearing as far as changing it. We are trying to understand what is transpiring.

- Ms. Gulliford said what she does not understand is why Green Village was tabled if there really is no tie-in.

Tom Rodriguez - 18 Grouse Road

- Mr. Rodriguez said he fully supports the conversion of the new site plan versus the old one. My home is right next to where they were going to place the multi-story units, less than 100 feet from my home. Partridge Run is a little oasis in the middle of the Master Plan zone. We want to keep it an oasis. Our quality of life matters too. We have been able to negotiate some nice agreements with the developer. He is willing to work with the neighbors to make things more appeasable to us. The new plan is less invasive, much more pleasing to the eye, and allows us more space so that we can have a better quality of life.
- Mr. Rodriguez said I do not want to see any of my tax dollars spent on the developer taking the township to court and possibly winning, allowing more school children than originally planned. I really hope this conversion goes through.

Steve Polson – 25 Grouse Road

- Mr. Polson said I am probably the most impacted because one side of my property faces the Falcon Club, the back of my property faces what was the old horse farm where the trotters used to be trained. I am here supporting the conversion and more importantly, the revised site plan.
- Some of you were here when this whole development first came as part of a builder’s lawsuit. When this Board first approved this development, you were looking to resolve a lawsuit. You put in place a site plan that put a three-story apartment complex right next to my house and my neighbor’s house with very small buffers; about 60 feet. This room is longer than 60 feet. Due diligence was not done at that time.
- The impact to the schools is a concern but some of the Board members here have even said the net impact to the schools will be less with the conversion. You would be able to clear another COAH development off of the books so that it would not need to be built.
- Mr. Polson asked if the Board will be voting on this tonight.

Mr. Savo, Esq. said special counsel, Mr. Bayer, Esq., had requested an amendment to the original agreement you are referring to in order to make sure the record is clear as to what we are proposing going forwards. This agreement would be a condition of the approval, should the Board decide to grant an approval. I suggested that the public comments be completed tonight. We hope to carry the meeting to June 10th and in the interim review the draft agreement from Mr. Bayer. If we need more time, we will address it at that meeting, should the Board grant the meeting continuation. In other words, if the Board were to approve the conversion, it would be subject to an agreement which we have not seen yet. Therefore we are asking that the Board not act on this application tonight.

- Mr. Polson asked if the other development before the Board on the 51 acres will have connecting roadways between Gateway and the adjacent property.

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Mr. Savo, Esq. clarified that the Green Village property is not before the Board but is being reviewed at the Township Committee level. I believe an emergency access is proposed. The Board had requested an emergency access. I believe we show the potential for an emergency access on this site plan.

- Mr. Polson said I know we are not here to talk about the other development but the traffic from that has to empty out onto Route 206 and you have to make improvements there. You cannot bring the traffic through Falcon Road.

Mr. Stafford-Taylor said he would like to make a point of clarification. I happen to be the member of the Planning Board who is also a member of the Environmental Commission. I walked the property with Mr. Hiller, residents and members of the Commission. Despite the fact that this was a lawsuit settlement, there are still ordinances and State law that dictate what is allowed, specifically related to buffers. I personally asked to have the buffer expanded from what was allowed at the time, which I believe was only 25 ft. There was not much we could do with the rest but we did do our "due diligence" and got what we could at the time. This is a great improvement for you and am glad to see it for you.

- Mr. Polson said he did not bring up the history to give anyone a hard time. The facts of the matter are that you see plenty of new developments in Hillsborough. You do not see that close density as we may have experienced with the original plan.

Galen Booth – 107 Sunnymeade Road

- Mr. Booth said this is the third Planning Board meeting he has had the opportunity to attend and take part in. It is eye opening to see the service that goes on here. Thank you one and all for listening to everyone. Obviously, you have some hard decisions to make which will not please everyone.
- Mr. Booth said I can appreciate the concerns of the previous speaker regarding the cosmetics of the development. My neighbor and I have a different concern. Where our properties are, at the northern edge of the tributary at Roycebrook, we have seen uncontrolled run-off coming from that property, going down slope and aggravating the flooding on our property. We have all said that since we have all been here, we have never seen anything like it before the April 2007 storm, after the property was clear-cut, trees removed, and topsoil scraped away and stockpiled in large mounds.
- With that said, at the last meeting, Mr. Hiller agreed to meet and work with us. We have done that and are making progress. I trust on Mr. Hiller's handshake that he is trying to make good on alleviating our fears. We met with Mr. Textores, the site manager, Andy Nowak, myself and two of my neighbors, Mr. Puzio and Mr. Skiendziel. We were given a tour of the property and did see what was clearly evidence of erosion. Mr. Hiller has promised to remediate that. The trench we saw goes into the Roycebrook, not our tributary. However; the tributary behind our homes backs up when the Roycebrook backs up. This is what happened when we got the unprecedented flooding in the April 2007 storm and March 2010 storm.
- At his expense, Mr. Hiller has had a heavier duty sump-pump installed in my basement today. A contractor will put in a new outlet pipe from the sump-pump and tie in two downspouts that are going to a drywell. This was all done on a handshake. So far, we trust him. The rest of this will take place next week.
- I spoke with Mr. White and Mr. Textores this morning. There is a log jammed between the bridge on Sunnymeade Road and Roycebrook Road that everyone is aware of. Because the County is going to be rebuilding that bridge, apparently that cannot be addressed until the County deals with it. I do believe this is something Mr. Hiller and the engineers will attend to.
- My only other comment is to reiterate the concerns about the traffic at the intersection of Sunnymeade and Weston because the southbound traffic, especially school traffic in the morning rush, is going to have a hard time making that left turn. Based on my experience, it will probably only be a problem in that morning rush.
- Mr. Booth said I appreciate Mr. Hiller working with us and appreciate the service the Board puts in for Hillsborough.

Collin Bryan – 10 Partridge Road

- Mr. Bryan said I support the conversion just for my neighbor's sake whose property abuts the project. I think the increased buffer and decreased building height will also be good for them.

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Bob Kwietniak – 17 Grouse Road

- Mr. Kwietniak asked if Mr. Hiller or the township can do anything about the ATVs that are constantly running on this piece of property over the past year. I have mentioned this to Andy Tendler a couple of times.

Mr. Hiller thanked Mr. Kwietniak for bringing this to his attention. I think I will look into putting up some “no trespassing” signs and notify the local Police Department.

- Mr. Kwietniak asked if this was a Police matter and if he should call the Police himself next time.

Chairman Burchette said he should. Hillsborough has an ATV Ordinance.

Mayor DelCore reiterated that this site is private property, not a public park. If there is an issue, report it to the Police Department and they will respond accordingly.

Ms. Fenwick said she was out today on Grouse Road looking at its relationship to the project. I observed about three teenage boys riding on the dirt mounds closest to Grouse.

Paul Schreiber – 35 Partridge Road

- Mr. Schreiber said I am in support of the new plan. I am happy to hear the tone of the meeting which tonight does not sound like we are banning kids from town. From my point of view from where I live, the new plan is perfect. I was not living here when the plan first came out. The woman I bought the house from was pretty involved with the planning and did mention the high-rises. That was a bit of a concern to me but now is absolutely of no concern.

Motion to close public

All in favor – Aye

A motion to carry the Gateway at Sunnymeade application to June 10, 2010 without further notice was made by Ms. Fenwick, seconded by Mr. Stafford-Taylor.

Roll Call: Ms. Fenwick – yes; Mr. Tomson – yes; Mr. Stafford-Taylor – yes; Mr. Cohen – yes; Mr. Mershon – yes; Committeeman Wagner – yes; Mayor DelCore – yes; Chairman Burchette – yes. Motion carries.

Mr. Bernstein, Esq. said based on the determinations made by the Board, the closing of the public hearing and the comments made by the applicant’s attorney that his closing statement will be carried until June 10, 2010, I would ask that the Planning Board pass a motion to go into executive session pursuant to NJSA 10:4-12b 7 – pending or intended litigation regarding Gateway at Sunnymeade and attorney-client privilege. The Board will come out at the conclusion of that executive session and either take a formal action or more probably a motion to adjourn.

A motion to enter executive session was made by Mr. Stafford-Taylor, seconded by Mr. Wagner. All in favor – Aye.

PLANNING BOARD BUSINESS

Executive Session: 7:57 – 8:55

CORRESPONDENCE

None

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Submitted by:
Debra Padgett
Planning Board Clerk