

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

June 10, 2010

Vice Chairman Conard called the Planning Board meeting of June 10, 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.

Vice Chairman Conard announced that the meeting has been duly advertised according to the Sunshine Law (Chapter 231, Open Public Meetings Act).

ROLL CALL

Mayor Frank DelCore – Absent
Michael Merdinger – Present
Robert Wagner, Jr. – Present
Steven Cohen, *Secretary* – Absent
Greg Burchette, *Chairman* – Absent
Arthur Stafford-Taylor – Arrived 7:38 p.m.

Sam Conard, *Vice Chairman* – Present
Steven Sireci, Jr. – Present
Marian Fenwick – Present
Douglas Tomson - Present
Tod Mershon – Present

Also present were Robert Ringelheim, P.P., A.I.C.P., Township Planner; Eric M. Bernstein, Esq., Board Attorney; and Lucille Grozinski, C.C.R.

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

None

SPECIAL COMMITTEE REPORTS

Dr. Sireci reported the Master Plan Subcommittee met with the Larken Group (Hillsborough Towne Center Associates, LLC) who owns the property on the corner of Amwell Road and Route 206 which is currently being renovated. We met to discuss their ideas for the property and discussed several concepts, keeping in mind the idea of Towne Center and the Ordinance. The meeting did not reach a resolution but was rather an exchange of ideas for the sake of future planning.

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING – SUBDIVISIONS/SITE PLANS

- **Gateway at Sunnymeade – Conversion Plan** - File # 10-PB-01-CONVERSION - Block 140, Lot 1; Block 141, Lots 2.01 and 7.01 – Falcon Road.

Vice Chairman Conard announced the Gateway at Sunnymeade-Conversion Plan has been adjourned to July 08, 2010 without further notice.

CONSIDERATION OF ORDINANCES

- **Proposed Ordinance – Create the Amwell Road West (ARW) District**

Robert Ringelheim, Township Planner, reviewed that the Planning Board adopted the Hillsborough Township Housing Plan Element and Fair Share Plan on December 04, 2008. It identifies Block 163, Lots 8, 9, 10, 11 and 12 as an appropriate site to contain affordable housing in order to satisfy our Round 3 affordable housing obligations with COAH. The proposed ordinance before you to create the Amwell Road West District will implement those recommendations. Tonight we have our affordable housing consultant, Jennifer Beahm, to explain more.

- Jennifer Beahm, P.P., A.I.C.P., of Birdsall Consulting said I am here to introduce another implementing ordinance from our Affordable Housing Plan. As you recall, there were initially four projects in our plan that were going to meet the Township's Round 3 affordable housing obligation. We had been back before you on a number of occasions for other ordinances and at that time we indicated that subsequent to the submission in 2008, we have been working with the special Court Master in terms of getting our plan certified. Through that process we have managed to take a number of exclusions which has allowed us to reduce our obligation from 650 units to 475 units of affordable housing. As a result, we were able to eliminate a project from the plan. This is the "last piece of the pie". The first two were reviewed over the preceding months; the other from tonight was adjourned to July.
- The proposed involves a 20+ acres piece of property on Amwell Road, currently in the HOO District (Home Occupation – Office). The ordinance before you would rezone the property to the Amwell Road West District which would be an implementing ordinance for this affordable housing site. The site would contain a mix of uses; 45 single

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family houses, and 40 townhouses, all market rate. In addition there will be 20 low to moderate income apartments and 24 special needs housing units. The project will realize 68 affordable housing credits, going against the 475 obligation. We are able to realize 68 credits rather than 44 credits because of the special needs units which are all two bedrooms. Credits are given for each bedroom in these types of facilities.

- The ordinance before you identifies all of the uses just named as permitted uses with the traditional accessory uses you would find in a residential zone such as garbage, basins, recreational facilities, etc. This ordinance is a little more complicated because of the mixed uses on the property. We have identified a minimum tract size of 20 acres and require 700 ft. of frontage along Amwell Road. We have then gone and provided bulk standards such as area, frontage, lot size, width, depth; all your typical bulk standards for each of the individual uses. What has been presented to us with respect to being included in the Affordable Housing Plan is what is going to actually be realized on this property. There would not be an opportunity to deviate from what was in the plan that this Board and subsequently, the Township Committee had adopted in 2008.
- The requirements of each subsection are outlined after the area and location of the tract. In addition, there will be a requirement buffer of 20 ft. around the entire perimeter of the property with typical fencing and landscaping requirements.

Mr. Ringelheim said because of the unique nature of this development, I believe the applicant intends to create a separate lot for each of the four uses. Should this zone be approved by this Board and the Township Committee, the applicant would have to come back to this Board at a later date for a subdivision and site plan approval. I want to make it clear to the public that we will not get to the level of detail of laying out any of the buildings at this meeting. We are only looking to establish the district tonight.

- Ms. Beahm added this ordinance is not providing an approval for the property but providing the guidelines for which the approval process would have to utilize.

Open to the Public

Steve Lucash – Amwell Road

- Mr. Lucash said he lives directly across the street from the proposed project. As I recall, there was a specific lot size of about 80 ft. x 40 ft. discussed at a previous meeting about this property.

Mr. Ringelheim said you seem to be talking about an application which went to the Board of Adjustment, a different board. There have been several applications for this property which the Board of Adjustment has considered and rejected. Up until now, this property has never been zoned for affordable housing. Tonight is a zoning matter, not a site plan matter.

Close public

A motion to recommend the Amwell Road West District Ordinance to the Township Committee for introduction was made by Dr. Sireci, seconded by Mr. Mershon.

Roll Call: Ms. Fenwick – yes; Mr. Tomson – yes; Dr. Sireci – yes; Mr. Stafford-Taylor – yes; Committeeman Wagner – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Vice Chairman Conard – yes. Motion carries.

- **Proposed Zone Boundary Change/Old Camplain Road**

Mr. Ringelheim reviewed there are several lots which front onto Route 206, just south of the railroad by the old Columbia Lumber property extending to Old Camplain Road and Camplain Road. These properties had been rezoned to be part of the Highway Service District (HS) after the Master Plan was adopted in 2005. What we had envisioned with the Master Plan was to create a corridor for commercial uses in this area along Route 206. However, when this site was reviewed further, it revealed that the existing buildings, especially between Camplain Road and Old Camplain Road, could really only accommodate industrial uses. In order to accommodate commercial uses there would need to be major demolition and rebuilding along with the removal of a buffer of trees.

After reconsideration, we are recommending these properties be rezoned back to the I1 District classification. This would better reflect what the property owners there can now do with their properties.

Dr. Sireci commented that since the recession of 2008, many property owners do not have the resources any more to do demolition and then rebuild. In an effort to make ends meet and still have a business; people are looking to renovate what is there. We need to consider it in order to get some productive businesses on the site.

Open to the Public

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Barbara Fleming – Route 206

- Ms. Fleming said I cannot approve anything that is going to add to the non-stop traffic, tractor trailers, noise, pollution and accidents in front of my house every day of the week. I want it on record that I absolutely do not approve this. I do not know if any of you live on or near Route 206 but it is a nightmare. We cannot even get out of our driveways. Anything that adds to that makes me crazy and I want that noted.

Vice Chairman Conard asked Mr. Ringelheim to review the proposed district on the display map.

Mr. Ringelheim said the widening of Route 206 ends at the light at Brown Avenue. From Brown Avenue south is still the old two-lane road. The plan eventually is to widen the entire roadway to four-lanes with the Jersey barrier along the length of Route 206, hooking up with the south where the bypass will come in down by Old Somerville Road. I have not seen the latest engineering as to which lights would remain. Re-evaluation by NJDOT will eliminate some of the access points in terms of what lights remain or are moved as well as the placement of jughandles. At some point in the future, this will become a four-lane divided highway.

Dr. Sireci said this property abuts a State highway; has a railroad next to it; is surrounded by the I1 and ED Zones which are light industrial; and it would connect two adjacent sections of the I1 Zone. It is appropriate to have this property on a state highway with much pre-existing industrial/commercial activity with a major freight railroad rezoned back to the I1 Zone. There is a residential zone nearby which is the history of the zoning map. The people who live there bought their property with a highway and major railroad in place. That is part of what you get when you live in that location.

- Ms. Fleming said fifty years ago we did not have to live in the conditions we have now.

Dr. Sireci said that is true of everyone who lives in the United States because fifty years ago the entire country was a lot less developed everywhere.

- Ms. Fleming said everyone should have a decent place to live.

Dr. Sireci said not only should you have a decent place to live that you can afford but you also need businesses to help pay taxes.

Carol Tammara – Camplain Road

- Ms. Tammara said I live directly across from that property. What is going to be done to sustain our quality of life? We are now going to have a highway widening plus industrial which is going to hurt our lives. The light does not accommodate the traffic going through it. It has not been updated in over twenty years.

Dr. Sireci stated the Board has to take into account the 40,000 people in Hillsborough, not just the couple of people complaining who live across from this zone. To take care of an entire township you have to think about its economy and what is appropriate for planning. What is appropriate is to put industrial/commercial uses along a state highway and next to a railroad. It is also appropriate and necessary for a town to have thriving commercial and industrial uses so that taxes are paid so that residential taxes do not go through the roof.

- Ms. Tammara said I understand that but will there be something done to sustain our quality of life such as putting up a barrier so we do not have to listen to the noise. Once the woods go down, our lives are going to change.

Vice Chairman Conard said any proposal for the development of that property will need to come before this Board. You can have all of the input you wish at that time.

Mr. Stafford-Taylor said this is not a zone change from residential to commercial; the industrial zone has always been there. That entire area has been commercial/industrial as long as I can remember.

Dr. Sireci added at some point, there is always going to be a boundary line between commercial/industrial and residential somewhere. What has to be considered is if you are putting it in an appropriate area. This is not going in the middle of a farm district but rather next to a railroad and highway which is exactly where you would have it. This property was industrial before it was changed to Highway Service (HS).

Steve Lucash – Amwell Road

- Mr. Lucash said I have lived in this area for sixty-nine years and know the entire history of Route 206. With all of the massive development that has gone on over the past fifteen years, am I to understand that if we allow this zoning to go through that our taxes are going to go down?

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Vice Chairman Conard said that is not guaranteed.

Dr. Sireci said let's not be absurd. This is a small piece of property compared to the entire size of the Township. If there were thriving businesses there and everything else was the same, your taxes would go down.

- Mr. Lucash said it is puzzling that with all of the development that has gone on over the past fifteen years that our taxes increase every year.

Dr. Sireci said it is not puzzling because it is not just development that has taken place over the past fifteen years. There have been an awful lot of increases in teacher's salaries, increases in expenses and all sorts of areas for which you pay taxes for. So it is not just a question of development with nothing else going up which should therefore lower your taxes; many other things change too. It is not just Hillsborough but all throughout New Jersey and the built up parts of this Country. Being blind to that is not being realistic. We cannot look at this and say we cannot do it because a few people live nearby. If you did that, you would not do anything right for the Township. You have to think about the whole, not just a little part in isolation.

Close Public

Committeeman Wagner asked what is currently allowed in the HS Zone.

Mr. Ringelheim said the HS Zone allows offices, banks and any commercial development that does not involve retail.

Committeeman Wagner said they are all uses that involve quite a bit of traffic.

Dr. Sireci said ironically, light industry would actually generate less traffic and fuss than what it is right now which is Highway Service.

A motion to recommend the Zone Boundary Change/Old Camplain Road from HS to I1 Ordinance to the Township Committee for introduction was made by Mr. Stafford-Taylor, seconded by Dr. Sireci.

Roll Call: Ms. Fenwick – yes; Mr. Tomson – yes; Dr. Sireci – yes; Mr. Stafford-Taylor – yes; Committeeman Wagner – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Vice Chairman Conard – yes. Motion carries.

- **Revisions to Town Center Regulations**

Mr. Ringelheim reviewed that the Town Center Regulations were adopted after the 2005 Master Plan recommended the creation of Town Center. Since that time I have had conversations with several interested parties who may be interested in developing in Town Center. Some of these developers have brought up a number of valid concerns. I have been able to distill these concerns into three separate amendments to the Town Center Ordinance which I will be recommending tonight. The first is mixed-use buildings. Right now as the Ordinance reads, you can only create a new mixed-use building from scratch. However, my recommendation is that you can take an existing building and create a mixed-use building as long as you meet all of the other criteria in the Ordinance. This would allow an applicant to redevelop an existing building into a mixed-use building.

The second part pertains to the Hillsborough Elementary School. The Board of Education has a current policy that if the elementary school was to be closed and relocated due to a Town Center development, the Board of Education would require the developer to not only provide a new location but to provide the cost of building a new school either by building it themselves or by funding that building. There are many incentives to the Township to encourage that to happen. The first is that the location of the Hillsborough Elementary School is a prime site located on the corner of Amwell Road and Route 206. It encompasses one of the highest value sites in Town Center and would create a great economic stimulus to Town Center if redeveloped as a Town Center development. That far and away is a tremendous incentive for us to encourage the relocation of the school.

We have our Transfer of Development Rights (TDR) potential which we put into the Ordinance that give a developer additional density up to 150 units, in order to preserve land in one of the Agricultural zones or Mountain Zone. This is probably the only other case in Town Center in which we would want to offer incentives to a developer to not only find land for the school but to build the school. In doing so, I have come up with a proposal that would recommend a bonus of three additional dwelling units per acre for the property to be used for the development of the replacement school to be provided in Town Center, in conjunction with the Board of Education. This bonus comes under the existing guidelines of Town Center. The three dwellings per acre would max out under our 150 cap; the cap is not being changed at this time. The developer would not only be able to build the school but do that at no cost to the taxpayers.

Mr. Stafford-Taylor asked for clarification on which site the three credits would be applied to, the Town Center site or the new school site.

Mr. Ringelheim said the credits would be given for the new school site. In preserving that site as open space, the developer would get so many credits under our TDR, depending on what zone they are preserving in. What we are saying here is that

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they will get three dwelling units per acre to not only take the land out of residential development but to build a new school. For instance, if the developer were to build on a 20 acre site, they would get 60 credits from the school site to be applied at the Town Center site. The 60 credits would still be under the 150 cap and they would have to build the same dwelling types as we now allow in Town Center under the transfer which would be townhouses, duplexes and triplexes.

Vice Chairman Conard asked if they would have to replace the same acreage which is at the school site now including the athletic fields.

Mr. Ringelheim said the developer would have to work with the Board of Education to come up with an adequate school site for the school and school facilities.

Mr. Stafford-Taylor asked if there would be any restriction on which zone the new school would be in.

Mr. Ringelheim said it could be anywhere where it is appropriate.

Dr. Sireci said it sort of makes the site of the future school as if it were Agricultural or Mountain Zone land for which you would normally transfer credits. Maybe that site would be on residential property but it would give that site the same privilege because it would be a new school site. It is an incentive to go ahead and do that.

Open to the Public

Susan Gulliford

- Ms. Gulliford asked how many acres is the Hillsborough Elementary School site.

Mr. Ringelheim said I do not know exactly how many acres that site is.

Close Public

Mr. Ringelheim said the final issue in my recommendation addresses temporary signs in Town Center. Currently under the Town Center Ordinance we do not allow freestanding signs because in Town Center you will eventually get mixed-use buildings which will go up to the street. There will be no freestanding signs but signs on the buildings. However, what we are proposing is to allow temporary freestanding signs in Town Center for any property owner up to the point where they become Town Center Development approved. After they get approved, they must remove the freestanding signs.

Vice Chairman Conard asked if this ordinance would take precedence over the Sign Review Committee.

Mr. Ringelheim said the Sign Review Committee would be able to grant variances or waivers from that according to this Ordinance.

Comments from the Public

None

A motion to recommend the Revisions to Town Center Regulations Ordinance to the Township Committee for introduction was made by Dr. Sireci, seconded by Mr. Mershon.

Roll Call: Ms. Fenwick – yes; Mr. Tomson – yes; Dr. Sireci – yes; Mr. Stafford-Taylor – yes; Committeeman Wagner – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Vice Chairman Conard – yes. Motion carries.

Mr. Ringelheim reviewed that the next three ordinances have already been introduced by the Township Committee and are all scheduled for public hearing on June 22, 2010. The Board has previously considered these ordinances and recommended them to the Township Committee.

- **Ordinance 2010-16 – Restaurant Drive-Through Facilities in the C1 District**

Mr. Ringelheim said this ordinance was introduced by the Township Committee on May 25, 2010. This ordinance has to deal with when conditional use provisions were revised in our Zoning Ordinance. The wording was changed to permit freestanding restaurants in the C1 District however; this did not include the drive-through facilities. Since the intent was never to hurt an existing business such as the Wendys' in the K-Mart plaza, we are now recommending that drive-through facilities for restaurants be permitted in the C1 District, subject to our new buffering requirements as in the Highway Service and Light Industrial Districts.

Open to the Public

No questions.

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A motion to recommend Ordinance 2010-16 to the Township Committee for adoption was made by Mr. Stafford-Taylor, seconded by Dr. Sireci.

Roll Call: Ms. Fenwick – yes; Mr. Tomson – yes; Dr. Sireci – yes; Mr. Stafford-Taylor – yes; Committeeman Wagner – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Vice Chairman Conard – abstain. Motion carries.

- **Ordinance 2010-17 – Live/Work Dwelling Units in the HS District**

Mr. Ringelheim reviewed live/work dwelling units are something we passed for the Gateway B and Town Center Districts. We define a live/work dwelling unit as a unit where someone would predominantly work so that the work portion is larger than the live portion which is the opposite of a home-occupation unit. We are proposing to extend this use into the Highway Service District where there are a number of existing residences. This would give those residences yet another option for their existing homes if they would like to start converting a home into a business.

Open to the Public

No questions.

Close Public

A motion to recommend Ordinance 2010-17 to the Township Committee for adoption was made by Mr. Stafford-Taylor, seconded by Mr. Merdinger.

Roll Call: Ms. Fenwick – yes; Mr. Tomson – yes; Dr. Sireci – yes; Mr. Stafford-Taylor – yes; Committeeman Wagner – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Vice Chairman Conard – abstain. Motion carries.

- **Ordinance 2010-18 - Zoning Violations and Penalties**

Mr. Ringelheim said right now, the majority of businesses are good citizens and follow the laws but there are a small number of businesses that are difficult to deal with and do not want to follow the Township laws or what was approved for them. The existing penalties in our statute are so low as to encourage them to continue their non-compliance. We are proposing to increase the penalties and make it a “per occurrence/per day penalty” up to \$1,000 which is at the discretion of the Municipal Judge. This would hopefully serve as a better deterrent to those who find themselves wanting to violate our Zoning Ordinance in the future.

Open to the Public

No questions.

Close Public

A motion to recommend Ordinance 2010-18 to the Township Committee for adoption was made by Dr. Sireci, seconded by Mr. Merdinger.

Roll Call: Ms. Fenwick – yes; Mr. Tomson – yes; Dr. Sireci – yes; Mr. Stafford-Taylor – yes; Committeeman Wagner – yes; Mr. Merdinger – yes; Mr. Mershon – yes; Vice Chairman Conard – abstain. Motion carries.

Mr. Ringelheim advised the Board there is no activity scheduled to the next business meeting of June 24th or the regular meeting of July 1st. Should the Board agree to cancel these two meetings, we will meet again on July 8th.

A motion to cancel the Planning Board meetings of June 24th and July 1st was made by Dr. Sireci, seconded by Mr. Stafford-Taylor. All in favor – Aye.

CORRESPONDENCE

None

ADJOURNMENT

The meeting adjourned at 8:13 p.m.

Submitted by:
Debora Padgett
Planning Board Clerk