

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

July 08, 2010

Vice Chairman Conard called the Planning Board meeting of July 08, 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.

ROLL CALL

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

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

Also present were Robert Ringelheim, P.P., A.I.C.P., Township Planner; Wendy Wiebalk, Esq., Eric M. Bernstein & Associates, Board Attorney; Joseph Venezia, P.E., Maser Consulting, P.A., Board Engineer; and Lucille Grozinski, C.C.R.

ACCEPTANCE OF MINUTES

- **May 13, 2010**

A motion to approve was made by Mr. Cohen, seconded by Ms. Fenwick.

Roll Call: Ms. Fenwick – yes; Dr. Sireci – yes; Mr. Cohen - yes; Mr. Mershon – yes. Motion carries.

- **June 10, 2010**

A motion to approve was made by Mr. Stafford-Taylor, seconded by Mr. Tomson.

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

Vice Chairman Conard announces the Gateway at Sunnymeade-Conversion Plan has been adjourned to September 16, 2010 without further notice.

PLANNING BOARD BUSINESS

None

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

ACCEPTANCE OF RESOLUTIONS

- Hillsborough Farms – Preliminary 08-PB-04-MJ
- Hillsborough Farms – Final Plat 08-PB-05-MJF

Robert Ringelheim, Township Planner, reviewed both applications were approved for denial without prejudice at the last meeting. Since that meeting we have not only received the outstanding escrow due but correspondence indicating that the new applicant who has taken the project over is now extending the MLUL clock through the end of the year. Their representation is present to support this. My recommendation is to deny both resolutions so that the applications can continue to toll.

Michael O'Grodnick, Esq. of Mauro, Savo, Camerino, Grant & Schalk representing the applicant of Hillsborough Farms. We are here requesting reinstatement and an extension through December 10, 2010, as suggested by the Board's secretary. There was a dispute between the applicant and the owner. The owner is now taking over the project and will be submitting a revised owner certification as well as the application documents to reflect the new applicant, Kevin Lydon. The other issue was the outstanding escrow. Last week we submitted an additional \$10,000 to cover the \$3,500 owed and additional invoices going forward. We ask that the Board reinstate the application and extend it through the end of the year and deny any adverse decisions against these applications.

Hillsborough Farms – Preliminary 08-PB-04-MJ

Comments from the Board

None

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Open to the Public

No comments/questions.

A motion to reject the resolution for 08-PB-04-MJ 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; Mr. Cohen – yes; Mr. Mershon – yes; Vice-Chairman Conard – yes. Motion carries.

Hillsborough Farms – Final Plat 08-PB-05-MJF

Comments from the Board

None

Open to the Public

No comments/questions.

A motion to reject the resolution for 08-PB-05-MJF was made by Mr. Stafford-Taylor, seconded by Mr. Cohen.

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

CONSIDERATION OF ORDINANCES

• **Ordinance 2010-21 – Amend Zone Designation (Old Camplain Road) from HS to I-1**

Mr. Ringelheim reviewed Ordinance 2010-21 was introduced by the Township Committee pursuant to review and recommendation by the Planning Board at the June 10th meeting. This ordinance is scheduled for a July 13th public hearing by the Township Committee. The establishment of the Highway Service District along sections of Route 206 was based on the recommendation in the 2005 Master Plan Amendment – Phase II. The HS District includes portions of the old HOO District as well as under utilized sections of the Light Industrial Districts. The idea was to create a well designed commercial corridor leading to Town Center. After further review of the Route 206 frontage, specifically on the east side between the railroad overpass and Camplain Road, it was determined that most of the existing buildings are industrial in nature and that there is still a demand to utilize these buildings as industrial, rather than for commercial purposes, as permitted in the HS District. Therefore; it was recommended that the area encompassing Block 66, Lot 1C and Block 67, Lots 1, 2, 3 and 4 should be changed in designation from HS to the I1 District, as it was originally zoned.

A motion to recommend Ordinance 2010-21 back to the Township Committee was made by Ms. Fenwick, seconded by Dr. Sireci.

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

• **Ordinance 2010-22 – Create the Amwell Road West (ARW) District**

Mr. Ringelheim Ordinance 2010-22 has been introduced by the Township Committee pursuant to review and recommendation by the Planning Board at the June 10th meeting which was noticed informally pursuant to Township policy. This ordinance is scheduled for a July 13th public hearing by the Township Committee. The Hillsborough Township Housing Plan Element and Fair Share Plan was adopted 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 the Round 3 Affordable Housing obligation of the Township. The proposed ordinance creates a new district to be known as the Amwell Road West District in order to implement the recommendations contained in the 2008 Housing Plan Element and Fair Share Plan.

The ARW District permits the following mix of residential dwelling types: 45 market-rate detached single dwellings; 40 townhouses; 20 affordable multi-family units; and 24 affordable special needs and alternate living arrangement facility units. It is noted that the Township will actually receive a total of 68 affordable housing credits based on the rules that have been established.

Vice-Chairman Conard asked Mr. Ringelheim to update the Board on the latest COAH regulations.

Mr. Ringelheim said our affordable housing counsel will be meeting with the Court Master on Monday to discuss the deadline for submitting the revised Affordable Housing Plan, taking into account the new sites that have been designated and deleting the site that was previously discussed. We will know on Monday what course we will have to take. The Plan will need to be adopted sooner than later.

A motion to recommend Ordinance 2010-22 back to the Township Committee for a public hearing was made by Dr. Sireci, seconded by Mr. Tomson.

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

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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 – **Adjourned to September 16, 2010 without further notice.**
- **County of Somerset/Constructural Dynamics, Inc.** – File #10-PB-03-MRV – Block 174, Lot 155 – Long Hill Road.

Bill Robertson, Esq. of Miller, Robertson and Rogers, appearing as Deputy County Counsel on behalf of the County of Somerset. The County is seeking capital review in connection with the proposed subdivision or lot line adjustment related to the acquisition of approximately 396 acres as part of the Sourland Park Preserve.

Constructural Dynamics is the owner of approximately 1200 acres, 905 of which is in Hillsborough Township, the remaining approximate 200 acres is in Montgomery Township. The property is currently being used as a quarry operation and has an existing forest site. It has frontage on County 601 in Montgomery Township. The County has entered into an agreement with the owner to acquire approximately 396 acres of the property located in Hillsborough Township and approximately 145 more acres of the portion located in Montgomery Township. This land is being acquired with Open Space and Farmland Preservation Trust Fund monies. It will be deed restricted in perpetuity and intended to be merged with the Sourland Park Preserve.

With me tonight for testimony are Tom Bocchino, Somerset County Engineer Department; Richard Matthews from Stires Associates; and a representative of the owner, Sean Erwin; as well as an attorney representing the owner, Mr. O'Grodnick.

There are three areas on the proposed map which constitutes approximately 62 of the 396 acres proposed as part of the subdivision which indicate they are to be conveyed at a future date. The agreement between the owner and the County is such that those areas require a bit more evaluation. The owner is not yet prepared to convey them immediately and do not desire to come back before the Board at a later time. We are looking to include them in the subdivision at this time however; to make a notation as a condition of approval that those lots may be formally conveyed at a later time.

There are also three areas of the map noted as "exceptions". Those had to do with the title search. There was some question as to some title issues but I believe they have been resolved to the satisfaction of the County and do not believe they are an impediment to the conveyance.

The other issue raised in both the Planning and Engineering memos deal with the fact that you are technically creating a land-locked lot (155) because the area that is to be conveyed to the County includes frontage along the roadway, just to the west of the parcel. The County does not believe this is an issue because that property belongs to a larger piece which extends into Montgomery Township with existing access onto County Road 601 which will remain. The quarry does not have access to the Hillsborough road. This is a wooded area which is to be dedicated as open space and preserved in perpetuity. The access remains; there is no intended development or construction.

The County is seeking a minor subdivision of two lots. The exhibit shows a dark green area which is to be conveyed immediately to the County of Somerset. That area will be merged with the existing Lot 80.01 which is part of the Sourland Mountain Park Preserve. There would be no new lot, simply the merger into an existing preserved lot. The remaining area would remain "as is" as existing Lot 155. The light green area indicated on the display is the area to be included in the conveyance to the County however; the owner is not in a position to convey that portion immediately. That portion would be merged with the existing Lot 80.01. We would agree to the condition that this lot only be conveyed to the County and only be merged with Lot 80.01.

The lot located just east of Long Hill Road between Zion Road and Dutchtown-Zion Road, is located partially in the Mountain Conservation District partly in the Quarry District.

Mr. Stafford-Taylor asked for an explanation for the delay in the conveyance of the third lot requested in this request for subdivision.

Mr. Robertson, Esq. said this is an unusual request. The owner is not in a position to fully convey out those portions which are expected to be conveyed. The County is looking for the Board's suggestions on the method of conditioning the approval so that this area can be conveyed only to the County and only for purposes of open space.

Vice-Chairman Conard asked the Board's counsel for a recommendation.

Wendy Wiebalk, Esq., noted as stated, this is an unusual request. Why are they not subject to being conveyed now?

Mr. Robertson, Esq. said he believes there are financial issues and property value issues and also some testing evaluation that is ongoing. The agreement, as I understand it, is that those portions will be conveyed within the next five years as the maximum time period.

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Ms. Wiebalk, Esq. asked if there was any other reason, other than inconvenience, as to why the County cannot wait on the three pieces.

Mr. Robertson, Esq. said not that I am aware of but that would require that we come back to the Planning Board. The County does not want to lose the opportunity to be sure we have the ability to subdivided area included.

Dr. Sireci asked how one lot has two owners.

Mr. Stafford-Taylor added there used to be that this area had environmental issues. I do not know if they have all been resolved or not as part of the remediation when 3-M owned the quarry. I was part of the original technical advisory committee that examined those issues. Although I have not been in touch with this for years; I would be a little leery if that is one of the reasons why one of these parcels is not being conveyed immediately.

Mr. Robertson, Esq. said one suggestion I could make is that those areas be included and conveyed to the County within 190 days which is the timeframe within which the MLUL permits for the perfection of the deed for minor subdivision. If that portion is not conveyed within that timeframe then under the MLUL, unless extended or reconfirmed, the approval as to that portion would be void and require the applicant to come back before the Board.

Mr. Stafford-Taylor said that is a more reasonable timeframe than five years but is the County comfortable with the fact that these parcels are environmentally remediated? Is the issue of conveyance solely on the applicant's side?

Mr. Robertson, Esq. said to the best of my knowledge; that is the case.

Mr. Stafford-Taylor asked if the County has examined the environmental issues.

Mr. Robertson, Esq. said I have not been involved with that aspect of it but will find out.

Dr. Sireci reviewed the County would be doing a subdivision approval now for the areas marked in dark green on the display and a conditional approval for the three areas shown in light green to perfect their deal within 190 days. If the subdivision for these areas has not been perfected within the 190 days, the conditional approval expires so that there is never a situation where two owners own different pieces of the lot. The approval plus conditional approval would all be under the conditions of the MLUL.

Ms. Wiebalk, Esq. agreed and said this is much more reasonable than conveying this property within five years.

Dr. Sireci said if the County thinks they will be able to conduct their business in less than 190 days than that seems reasonable but an indefinite time does not.

We reviewed the 3-M property some seven years ago. As I recall the environmental issues do not involve ration active materials; they involve quartz dust. The remediation was to not dump quartz dust into the stormwater. I imagine the County knows this very well and can figure out if the property is too dusty.

Mr. Stafford-Taylor asked if the new owner has taken over the burden of the remediation and if so, what the status is.

Dr. Sireci said anything legally required passes on with the change of ownership.

Open to the Public

Peg Van Patton – 472 Long Hill Road

- Ms. Van Patton said I sit on the Technical Advisory Committee and we do still meet. Just to add to the discussion, the area in green at the bottom of the display we refer to as the "Mother of all wetlands". It is an important wetland. If you remember, there are three kinds of wetlands and this one is of exceptional value. Dave Dander who is still with the County has identified the threatened and endangered Barred Owl as having been sighted and heard there. I cannot vouch for the other areas but some of the wetlands at the top of the site forms the headwaters of Roaring Rocks. There are two basins at the bottom that have to be improved with Montgomery Township; one involving a dam area where one has to come down and one go up. There is also an important landmark area which Art Taylor is aware of which is Fort Hans which dates back to Revolutionary times when most of those woods were not there. There were outcroppings of rocks where Washington's men used to spot Hessian soldiers all the way down past Blawenburg by Washington's well. Fort Hans is right at the foot of the quarry.
- I applaud Tom and all those working for the County who have worked diligently to put together a plan for a Greenway. Hillsborough is so blessed to have the Sourland Park Preserve which has been called the "Jewel in the Crown" of open space in all of New Jersey.

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- Ms. Van Patton pointed out the area of Fort Hans on the display map. She said I had the opportunity to speak briefly with the new owners and real estate people before the meeting and I have a good sense that they are anxious to identify these areas and to make sure they are included, preserved and protected in anything they do.

Robert Massey – Montgomery Township Resident

- Mr. Massey said I live on Dutchtown-Zion Road. With regard to the landlocked parcel and having only one access from County Road 601, will there be any negative impact on the number of vehicles and traffic on Route 601 going into the Gibraltar Rock facility?
- Mr. Ringelheim said right now there is no access to the quarry from any road in Hillsborough. The access is from Montgomery which is not changing. The fact that the County is taking property along the roadway creates a technical variance in terms of this lack of frontage. It never was and never will be accessed because as it was stated, that is all wooded land there.

Close Public

Dr. Sireci said it looks as though we have resolved the legal question and have a mechanism that fits within the State Law and common sense for property ownership.

Mr. Stafford-Taylor noted the applicant may not be done with the presentation.

Mr. Robertson, Esq. said Mr. Bocchino is available to answer any questions the Board may have.

A motion to approve application #10-PB-03-MRV with agreements and stipulations as made at this hearing was made by Dr. Sireci, seconded by Mr. Stafford Taylor.

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

- **Hillsborough Towne Center Assoc., LLC – The Shoppes at Woods Tavern** – File #10-PB-04-MSR – Block 163, Lots 33 & 34 (new: Block 163.22, Lots 33 & 34) – Route 206 and Amwell Road.

Michael O'Grodnick, Esq. of Mauro, Savo, Camerino, Grant & Schalk in Somerville said Bob Heibell of Van Cleef Engineering and David Gardner from Hillsborough Towne Center Associates will provide testimony as to the proposed project. In summary, this is the property located at the intersection of Route 206 and Amwell Road. We are seeking minor site plan approval for in essence, a pedestrian plaza. We are looking to improve the area with paver walkways, bluestone walkways, benches, a sign, ornamental trees, and other esthetically pleasing landscape features.

Robert B. Heibell of Van Cleef Engineering was sworn in and gave the following testimony:

Mr. Heibell said it is a little unusual that I am here as the engineer for the applicant. I did the paperwork but the plan was actually done by the Chester, Ploussas, Lisowsky Partnership but I am familiar with the application. The application started about two months ago when we were at the Master Plan Committee meeting on a separate matter. We presented this proposal to place a sign on one side with the name of the project, "The Shoppes at Woods Tavern" and a plaque on the other side representing the historic values of Woods Tavern. We do not have the wording for the plaque yet. We also proposed three flag poles, three benches and a landscaping plan. It was suggested that it was in keeping with the Town Center Zone and that we should proceed directly to the Planning Board to seek a minor site plan since we are not proposing any new buildings or parking spaces. We are seeking a waiver because currently free-standing signs are not allowed in the Town Center Zone. I understand an ordinance may be introduced soon that would allow one but as of this evening, a free-standing sign is not allowed.

The display on the left which was prepared by the Chester Partnership shows the proposed improvements in front of the existing parking. The next display shows a rendering of the sign as you would see catty-corner from the intersection of Route 206 and Amwell Road. On the top of the sign on the opposite side is a plaque representing Woods Tavern. We will be going to the Historic Commission on July 29th. One of the items they will be discuss is the wording on the sign. We are open minded. The actual area for the sign is 9 ft. long so we will have a lot of space to put whatever they want on the plaque on that side.

The application was submitted to Soil Conservation. The total land disturbance is 4,400 sq. ft. so we are exempt from SCS. The only issue of construction is that both Mr. Ringelheim and Mr. White have asked for an extension of the proposed paver walkway between the proposed area out to the existing sidewalks on Amwell Road. The applicant is agreeing to that this evening. This extension bumps us up to 3,000 sq. ft. but still under the 5,000 sq. ft. requirement for SCS approval. I received a report from Mr. White's office this afternoon which reviewed some small technical items for the Chester Partnership. I have been in contact with them and they would agree to each and everyone of the comments. With that, I do not believe there are anymore outstanding issues at this time that I am aware of.

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Mr. Ringelheim said as Mr. Heibell has mentioned, the applicant is willing to appear before the Historic Preservation Commission. I would just like to recommend to the Board that any condition of approval in the Board's Resolution be predicated such that any conditions that the Historic Commission may impose should also be incorporated as part of the approval.

Mr. Cohen asked Mr. Ringelheim to discuss the comment made about a potential change to the sign ordinance.

Mr. Ringelheim said this is something that has been introduced by the Township Committee which I believe was discussed here as well. Right now, there are no free-standing signs allowed in Town Center because eventually we want to have all of the buildings built to the street with the signs on the facades. There will be no room on the sidewalks for free-standing signs. With the way Town Center is structured, not being an eminent domain situation; I am recommending that temporary free-standing signs can be used in the interim by existing property owners as they develop their properties which may take a period of time. The temporary free-standing sign which can be a maximum of 30 sq. ft. would remain until the point where they get an approved Town Center Plan; then it would have to be removed.

Mr. Heibell pointed out that the proposed sign would be a permanent sign, not temporary.

Mr. Stafford-Taylor said my only general issue is that in allowing temporary permanent signs you may be taking away some of the incentive for people to come up to our standards of Town Center although you want businesses to be able to have signage.

Dr. Sireci said with this applicant, they are getting a sign and are also beautifying the area with a Woods Tavern sign.

Mr. Stafford-Taylor said I have no issue with this applicant here that this will look nice but in general, it may impede our incentives to redevelop those parcels in Town Center.

Mr. Cohen said I am opposed to combining something historic with "stores". If you are going to make a historic sign then it should say "The Historic Woods Tavern" to acknowledge the historic nature of the site and then put a sign for the stores somewhere else. It is like putting a store at the Lincoln Memorial or Confederate Battlefield. Combining a commercial use at a historic site does not seem to be appropriate. I am hopeful that the Historic Commission will do their job and change the wording on that sign.

Mr. Heibell said the intension is to use the word "Shoppes" not stores.

Dr. Sireci said remember that Woods Tavern was not a battlefield sanctified by soldiers' blood; it was a bar. There is plenty of history there but I would not equate it to a battlefield. Let's let the Historic Commission figure it out.

Ms. Wiebalk, Esq. asked if the applicant is willing to be bound by what the Historic Commission wants in terms of the language on the sign. You indicated they are not presently satisfied and this group is talking about making it conditional based upon the recommendation of the Historic Commission.

Mr. Heibell said we have not yet appeared before the Historic Commission. We are giving them the chance for what goes on the plaque.

Mr. Cohen asked if the Board will get to review what the sign says after the Historic Commission makes its recommendation.

Ms. Wiebalk, Esq. said if you vote on the application tonight, you are done.

Open to the public

Paul Drake – Balmoral Court

- Mr. Drake said he has been involved with working on this site for the past twelve years; ever since we first did the Town Center concept plan. Part of the whole concept of Town Center was in relation to this very property. Woods Tavern which is also known as Halls Tavern is one of the buildings on the farm map of 1860 displayed out in the hallway. On the map it says "Halls Hotel" which is the same building as Woods Tavern. That building burned down around the 1930's. The significance of this site in relation to Hillsborough's history cannot be understated. It was originally a tavern back at the time of the Revolutionary War which had a couple of additions added. It existed at the old road to Princeton which is now Route 206 and Amwell Road. It was critically linked between all of the farmers coming from the west to bring their produce to New Brunswick and to those bringing their produce to Princeton and then back to Somerville. Putting the Town Center at this crossroads makes perfect sense because this is where it belongs.
- Some interesting history on Woods Tavern; Forest Greeley who was running for President of the United States gave a speech during his campaign at Halls Hotel/Woods Tavern. What we are seeing here tonight is an effort to put some symbolism back into this property because had it not been historic, it is certain that NJDOT would have widened Amwell Road and widened Route 206. Because it was historic, the Environmental Impact Study (EIS) stopped them

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from doing this. The EIS for Route 206 clearly indicates that the archeological remains of Woods Tavern still exist underground at that site. All I would like to emphasize tonight is that whatever happens that it be done with the most care in relation to the Town Center and important significance of the history of this particular corner as the crossroads of Hillsborough's history.

- The design shown here today is fairly simple. I do not know to what extent the ground would have to be excavated. There are concerns that if you disturb the archeological remains that they could be lost. There are ways it can be removed. Sometimes they say it is best just to leave it there but to acknowledge it so that it is not inadvertently removed by some haphazard event that might happen. I think there is at least an effort to acknowledge the site with a monument of sorts with a wall that would allow the history to be told but I do not know if a simple plaza does it justice. Perhaps there are designs that the Historic Commission might want to come up with. It seems that this application could be approved tonight subject to the Historic Commission but I do not want to see this done quickly and then lose the opportunity to put forward enough emphasis on the historic significance of the site and then not have the opportunity to go back and look at it again.

Vice-Chairman Conard said agreed. The Board has always had great faith in the Historic Commission and we are confident they will come up with a good plan for this site. They have done great work for this Township for years.

- Mr. Drake said I am here as a resident and citizen of the town and do not represent anyone here. Seeing the plan here for the first time tonight, it has potential to be a gathering place. Are you going to take this and give it to the Historic Commission to go through and come up with whatever adjustments need to be made?

Vice-Chairman confirmed the involvement of the Historic Commission.

Dr. Sireci said the Board would concede to the Historic Commission on the wording of the sign but the matter of the site plan involving the trees, pavers, design, etc., along with the variance for the sign is what the Planning Board is deciding.

Dr. Sireci stated that to me, archeological remains underground are most wrecked by tree roots as the trees grow bigger and dig down and through the archeological remains underneath. One of the best things to be done to preserve archeological remains is to mow the ground so that trees do not grow. If you worry about the remains underneath, you would want less trees, not more. Otherwise aside from a handful of people in town that are experts on Hillsborough's history, most people do not know what that piece of grass is and wonder why there is just a piece of grass there. I think it is nice to have something done. Since this is private property and the private property owner is the one doing this, essentially what we are doing is coming up with a compromise between what a business man is willing to do and what we would like to see. I suppose if the Township wanted to completely direct the appearance of the site they would actually have to do an eminent domain on this historic piece and take it away from the owner and do it ourselves. If we leave it in private hands then we are in a negotiation in a way as to what the business owner is willing to do and what we are willing to accept. Nothing in this has to be permanent. There is not such an investment here or such an amount of work where it would not be reversible sometime in the future. I do not think this involves any deep construction that would disturb the archeological remains.

Mr. Heibell said Ms. Fenwick actually asked this question at our previous Master Plan meeting. So we went out and surveyed and placed a lath in the location of the three flag poles along both sides of the monument because they have footing that will go three feet deep. We have already dug the holes and found no debris.

- Mr. Drake said although the historic nature of this site is well documented with the NJDOT in the EIS but it is not well documented here. I would like to encourage the Board to have some type of recording mechanism so that whether it be in the approval of the application or resolution; that there is record that remains exists. To the extent that you take something and build on top with pavers and do not disturb the subsurface, you are essentially preserving the area in tact underground for future discussions.

Vice-Chairman Conard noted if you go back in history, there have been other buildings on that site since.

- Mr. Drake said the carpet store was built on a slab on top of that ground. There is an indication by NJDOT that the foundation for Woods Tavern still exists underground. You could also discover privy pits where different kinds of waste were disposed of. My primary concern is that the history of Hillsborough be reflected. I will look to attend the Historic Commission meeting and add my input there as well.

Mr. Cohen asked if there is a way in which we can install a mechanism for the Historic Commission to add some kind of acknowledgement of the exact location at the site and education.

Dr. Sireci said that speaks to the content of the plaque. I would like to point out that Mr. Ringelheim's report includes a NJ Office of Cultural and Historic Preservation Services two page Individual Structure Survey Form report so it will be in the documentation of this hearing that this information has been submitted for our review. We can make a recommendation to the Historic Commission but I do not think we need to because I know they are going to make sure that what is under the ground is acknowledged there.

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Mr. Heibell reviewed the “plaque” involves a 9 ft. flat area with the plaque being about 8 ft. long and about 1 ½ ft. high to work with. That is what we are going to be discussing with the Historic Commission.

- Mr. Drake said if you read Ursula Brecknell’s book on the history of Hillsborough, she talks about how the farmers used to come out of the fields to Woods Tavern and have fistfights in 1820 that people would bet on. It is all recorded in her book.

Ms. Fenwick said if you look back at the Bicentennial in 1971, I believe there is something there as well about Woods Tavern. There is also a rendition in Ursula Brecknell’s book of what Hall’s Hotel / Woods Tavern looked like. There was a barn across the street where the gas station now sits. I know we have had discussions over the years about what is under the ground and how to preserve and protect that site for maybe a future archeological dig. I raised this issue with Bob at the Subcommittee meeting because I am concerned with the digging that has already occurred on this site. It is important that we keep the disturbance marginal. Going back to the Hillsborough Promenade application, the NJDOT put the brakes on and said Route 206 could not be widened there because of this historic site. This site has been very well preserved and protected for many years since that tavern burned down.

George Redington – Historic Preservation Commission Chairman

- Mr. Redington said I am here in my capacity as the current Chairman of the Historic Preservation Commission. I am very glad to hear you will be giving us some time to review the details of this application and meet with the applicant on July 29th. We may have a few people we will ask to come and if Paul Drake could make it then, we would appreciate that too. We do not have a meeting in August and really cannot rush this but we will work on it. This is an important site and a cornerstone piece of property in this town. I spent many years wondering why I was coming to a place called “Woods Tavern” instead of Hillsborough when we moved here with my children.
- I believe the electricity that will go to the lighted flagpoles will be underground. I do not what the requirements are for the trenches but want to point out there is another example of some digging that we have not already talked about. Thank you for allowing us the opportunity to make our recommendations.

Vice-Chairman Conard asked about the timeframe of the application.

Mr. Heibell said if the application needs to be continued for the Historic Commission then it has to be continued. We thought the Historic Commission might look at the layout a bit differently. As for the plaque, if for whatever reason that the Historic Commission came up with a name we did not like, we would probably need to reappear before this Board because ultimately, this is the name of the project.

Vice-Chairman Conard said “understood”.

Close public

Mr. Cohen asked if the vote could be postponed until after the review by the Historic Commission.

Ms. Wiebalk, Esq. said that seems to make more sense.

Mr. Ringelheim reviewed that the MLUL clock expires on August 13th. In order for us to continue this matter to our next meeting of September 2nd, we would need an official extension before we go ahead.

David Gardner of Larken Associates (Hillsborough Towne Center Associates, LLC) said they will meet with the Historic Commission on July 29th and will work with you in terms of anything you want to put on the plaque. I would love to have you write it up and design it and then we will pay to have it made. The only reason why I am hesitant is because we are moving forward with the project as you can see. We started construction on the second building at 415 and are going to be going hard all summer to get the tenants in that building. We are about to resurface the front parking lot of the bigger building at 438 and was looking to landscape and do all of this together. If this gets pushed into September or October, we should be done by then.

Mr. Cohen asked if the applicant can pave the parking lot but wait on the corner area.

Mr. Gardner said they need to lay conduit under the pavement before paving. There is not that much; we are really only talking about a 3” – 4” trench that has to go about 20 ft. from the parking lot to the flagpoles for some lighting. We did take pictures of the holes we dug. The trenches needed to not need to go below the frost line.

Is there a way in which we can get the site plan portion of this approved as we work with the Historic Commission on the name and content of the plaque? That would be better from our perspective but if you are not willing to do so, we will have to extend and go forward. Our challenge was to bring this whole project together in the next three months or so.

Mr. Stafford-Taylor said the problem with that is what happens if you come to a deadlock on the name and plaque with the Historic Commission.

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Mr. Gardner said if we cannot work out something reasonable then we would have to come back to the Board. I am willing to take a shot at it that we can work it out with them.

Vice-Chairman Conard said I do not believe there is any disagreement with the plan you have presented; the only question is the sign.

Mr. Gardner said we really wanted to call this site the "Hillsborough Town Center" but Neil has used that name at a building that is not at Town Center at the other part of town.

Dr. Sireci suggested that if the members of the Board are only worried about the wording on the sign, you could approve up to that point and make the applicant appear after meeting with the Historic Commission with a proposal for the sign.

Mr. Cohen asked if the Board can legally approve the site plan without the sign variance.

Mr. Ringelheim said it is all part of one application. I do not know that the MLUL allows you to bifurcate the sign variance from the site plan.

Mr. Gardner asked if there is a chance the Historic Commission will come back and say they do not want the sign there.

The Board further discussed what might happen if an agreement cannot be reached with the Historic Commission how that would effect the approval and resolution.

Mr. Mershon said the Historic Commission may decide they do not want any other sign there but a memorial to the historic site. Everyone knows there are shops there and each will have its own sign above the entrance to the store.

Ms. Wiebalk, Esq. said Mr. Redington can speak for himself since he is here but I would note that the memo he prepared to the Historic Commission does not just address the language of the sign. It suggests that there be a site visit and a discussion generally speaking. It certainly sounds as though the consideration is larger than just the language on the sign.

Dr. Sireci said if you do want to give the Historic Commission the opportunity to review that as well, then you have to postpone until September to allow them to also review the site design and anything else. If you are only interested in allowing them to review the language of the sign then you can do a condition of approval for the language that will go into effect once they reach that agreement.

Mr. Heibell said he has decided to grant the extension since it is becoming too complicated otherwise.

Mr. Ringelheim stated the extension will be to the September 02, 2010 meeting with the extension itself lasting through the end of September which we will need a signature from the attorney.

A motion to continue the application to September 2nd without further notice was made by Dr. Sireci, seconded by Mr. Stafford-Taylor.

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

Mr. Ringelheim reminded the Board there will be a business meeting on July 22nd at which time there will be a presentation by our consultants to summarize the study that was done on the Transfer of Development Rights (TDR). We did receive several grants from the State and they are requesting we wrap things up in order to close out the grants. At the end of that meeting there will be options given to the Board as to whether to accept the report and proceed with TDR which requires Master Plan Elements to be adopted OR the Board can choose to push it off to another date OR decide it is not interested so there will be options available to the Board. There will also be piece that the Board may decide to move on rather than the whole TDR plan.

CORRESPONDENCE

None

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Submitted by:
Debra Padgett
Planning Board Clerk