

HILLSBOROUGH TOWNSHIP PLANNING BOARD

Approved PUBLIC MEETING MINUTES

October 14, 2021

Vice Chairman Neil Julian called the Planning Board public meeting of October 14, 2021 to order at 7:30 p.m. The meeting was held in the Courtroom of The Peter J. Biondi Building. All stood for the Pledge of Allegiance.

Acting Chairman Julian announced: This meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law"). Notice of the 2021 Annual Meeting Schedule has been provided to the officially designated newspapers, the Township Clerk, posted on the Township's Website, and available at the Hillsborough Township Municipal Complex. Further notice has been provided to the same that as of July 01, 2021, the remainder of 2021 Planning Board meetings will be held in person at the Peter J. Biondi Building. Live virtual participation will no longer be available.

Application documents have been made available on the Township's website at <https://hillsboroughnj.civicclerk.com/>. Complete applications files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

ROLL CALL

Mayor Shawn Lipani – Present

Robert Wagner, Jr. - Absent

Deputy Mayor Frank DelCore - Absent

Robert Peason – Present

Carl Suraci, Chairman – Absent

Neil Julian, Vice Chairman – Present

Nathan Santaromita – Present

Ron Skobo – Present

Kenneth Hesthag, Secretary – Present

John Ciccarelli (Alt. #1) – Present

Curt Emmich (Alt. #2) – Present

Board / Township Professionals: David K. Maski, PP, AICP, Township Planning Director; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Drew Di Sessa, PE, CME, Board / Township Attorney (Pennoni Associates); Robert Yuro, PE, CME, Covering Board Engineer (T&M Associates); Michael Lombardozi, CSR, CRR, Board Court Reporter; and Caz, Bielen, Township Videographer (Premier Media).

CONSIDERATION OF MEETING MINUTES

None

CONSIDERATION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

None

BUSINESS FROM THE FLOOR *(For Matters Not on the Agenda)*

Open to the public.

Maria Janucik - 720 E. Frech Avenue and Hillsborough Township property owner

- Ms. Janucik said she had requested NJDEP Permits as per OPRA forms. She noted the information she had been given was not what she was looking for. She said she was also interested in obtaining NJDEP documents for the Campus Associates application.
- Ms. Janucik asked if Pennoni Associates was doing a stormwater study for the Township and if so, the cost.

Mr. Bernstein said he was not aware if any of the documents are available.

Mayor Lipani said Pennoni is still conducting the study. Payment will be made by the Township via the American Rescue Plan (ARP) funds provided by the Federal Government. The study is not specific to the Campus application project but is holistic to the drainage area. It will contain the downstream analysis we asked for.

- Ms. Janucik noted there were restrictions on the public's input for the Campus application. She asked if that was true for the procedures tonight.

Mr. Bernstein advised last week's restrictions were per a Court Order. There are no such restrictions on the applications scheduled tonight.

Mayor Lipani clarified there would be no reason to ask questions about the Campus application since action has been taken. You can ask questions on the applications scheduled tonight.

- Ms. Janucik continued to ask questions about the Campus Associates applications and how the hearing last week had been conducted.

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Close public.

CONSIDERATION OF ORDINANCES

None

APPLICATIONS

- **Sharanga, LLC (Moe's Southwest Grill) – File 21-PB-03-MSPV** – (TOD: 11-05-21) - Block 177, Lot 22.02 – 838 Route 206. Applicant seeking preliminary and final major site plan approval; 'c' bulk variances; and waivers, to construct an addition for a drive-through window, on Property in the C-1, Retail Commercial Zone (EC Review: 09-27-21)

James Mitchell, Esq. of Hambro & Mitchell, representing the applicant briefly introduced the application.

Acting Chairman Julian said he was aware this application was not able to be heard by the Environmental Commission due to scheduling issues.

Mr. Mitchell replied that the Commission provided its comments, which will be addressed during testimony.

Mr. Mitchell stated the use is permitted and no new variances are being sought. He said Moe's is considered to be a fast casual restaurant; not a fast-food restaurant. Moe's overall model does not include a drive-through. Only 12 of approximately 750 existing locations incorporate them. Those that do are low intensity. Living in Covid times makes the need for a drive-through a much more urgent matter. The drive-through can be accommodated without any additional impervious coverage on the site; without any new variances; and without changes to the driveways.

Michael K. Ford, PE, PP of Van Cleef Engineering Associates, P.A., was sworn, was accepted by the Board and gave the following testimony:

Exhibit A-1 – Colorized Site Plan, Plan Sheet #3 dated L/R 02-2021

Showing Exhibit A-1, Mr. Ford said a modest 327 sf. addition to the southern face of the existing building is proposed to accommodate the drive-through. The site is at the intersection of Oxford Place and Route 206, which is just south of signalized Hillsborough Road. There will be no changes to the existing driveway entrance points. There are two driveways off of Route 206 and one off of Oxford. As a requirement of the C-1 Zone, a drive-through is to have a vegetated buffer along any common residential zones. There is a residential zone to the rear, or easterly boundary, and a small tract to the south. The applicant will provide for the minimum 60 foot vegetated requirement. While there is not a residence to the south, the zone requires the same 60 foot buffer, which will be provided. That buffer will be placed in a conservation easement.

There will be a reduction in the impervious coverage. The small gravel area to the rear of the restaurant will be completely removed; thereby converting it from gravel to lawn. The area from the closest parking space to the residential buffer at the rear will be more than twice the requirement. Parking spaces will be added at the rear of the parking lot and some minor striping will be done to accommodate the drive-through lane.

The drive-through will be accessed at the northerly driveway off of Route 206 and will circle around the existing restaurant in a counter-clockwise fashion. The two-way driveway immediately parallel to Oxford Place will become a one-way access with a drive-through lane and a pass-through lane. Part of the improvements along Oxford Place will be a reduction in the pavement and increase green space. The existing parallel parking spaces will be removed. The applicant is agreeable to add some shrubs within that green space, not just lawn, as recommended by the Board's professional. The existing pavement will remain throughout the site but there will be some restriping. Parallel parking will be added along the southerly boundary to make up for the spaces being taken away parallel to Oxford Place.

The restaurant does not have a designated loading space currently. We have asked for a waiver to continue that existing condition. Right now deliveries are occasionally made with large trucks that can circulate through the site. Deliveries would continue to be made on off times when the restaurant is not open to the public. Right now the restaurant is open from 11am until 10pm, so there is ample time for deliveries. The operation will remain the same.

The site pavement does not have curb along the edges. As stated, the overall impervious coverage will be reduced from 51.5%, where 45% is allowable; that is an existing non-conforming condition. In the proposed state, the impervious coverage will be reduced down to 42.7%. That reduction will improve the stormwater runoff for the site. The additional spaces are proposed without curbing along the edge. Non-curbed parking would allow for sheet flow of runoff, and help to promote recharge and groundwater infiltration from the runoff once it passes over the paved area. The existing facility is serviced by public sewer and water. Those utilities would be advanced to the addition through the existing building.

Mr. Ford addressed outside agency approvals. He said we are less than a total acre of new disturbance. Letters of non-

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applicability have been acquired from Somerset County, dated March 10, 2021; and from the DRCC, dated March 23, 2021. The SUSCD has approved the soil erosion and sediment control plan, dated March 19, 2021. A Freshwater Wetland Letter of Interpretation footprint of disturbance presence or absence has been requested. Approval from NJDEP would be to confirm that no wetlands or wetland buffers have been impacted in the area of disturbance. Mr. Ford said he has had conversations with NJDEP staff approver Mark Harris, who shared that his field visit indicated an absence. There are wetlands beyond this property.

Acting Chairman Julian asked for clarification on the conservation easement.

Mr. Ford said the LOI requested is for a footprint of disturbance; it is not a delineation. We are confirming we are not impacting any regulated areas under the jurisdiction of NJDEP. The conservation easement will be 60 feet from our boundary to the portions that coincide with a residential zone.

The Environmental Commission memo also requested verification from the DRCC, which has since been issued, dated March 23, and will be provided. That memo verifies this project is exempt from DRCC review. The Environmental Commission suggested the installation of additional landscaping. We did not provide any new landscaping as part of this application, but as described, we will be providing shrubs along the northerly boundary. We are requesting a waiver from providing shade/street trees along the frontage.

The application also includes waivers for existing and proposed conditions regarding the parking space sizes. The parking spaces are 9 ft. where 10 ft. is required. There is also an abundance of access aisles between the parking spaces. The existing are in excess of the 30 ft. minimum required by the Township. A waiver is being requested for parking to be setback a minimum of 30 ft. from the front property line.

This site had undergone review of the lighting when it was converted from a Stewarts to Moe's. A lighting plan had been submitted at that time and reviewed by the Township's professionals. That approved lighting was installed at this site; no changes are proposed for the lighting. To the extent that the existing lighting requires a waiver, we would make that request. There is no lighting for the existing gravel area at the rear of the building which will be converted to lawn. All of the parking areas are remaining the same, just being re-stripped. The lighting plan provided is the same plan as part of the original CO about five years ago.

There is an existing area where the trash dumpsters sit on existing paved surface at the southwest corner of the site. We show that area will remain as is. One of the comments received is that that area does not comply with the ordinance for screening of the area, and is located in an area that might inhibit circulation. To address this, we will provide a formal trash enclosure area just beyond the last parking space. The enclosure will be on a concrete pad and will be fenced with a 6 ft. high solid wood fence with gates and buffered according with the ordinance. The enclosure will be in the same vicinity as it is today but will be pushed back a bit so not to impede circulation.

The site as it exists today has 29 parking spaces, where 26 spaces are required. We propose retaining 29 parking spaces with re-stripping, of which two spaces will be handicap spaces. The handicap spaces are proposed to be next to each other as opposed to be across from one another. The parking will be addressed as per the satisfaction of the Board's Engineer.

Mr. Ford addressed the Pennoni engineering report, dated October 06, 2021. He stated all of the other items not specifically testified to already by either request for a waiver or already described, would be addressed to the satisfaction of the Board's Engineer as a condition of approval.

Mr. Di Sessa asked for testimony on the access for the driveway off of Oxford Place.

Mr. Ford said another aspect of the application is to provide additional site signage. There is an existing freestanding sign on Route 206. Below that sign would be a sign identifying that the facility has a drive-through. Signage would be added on both the Route 206 and Oxford Place facades to identify the facility has a drive-through. Small entrance signs were proposed at the three access points for "Moe's Southwest Grill" with the words "Drive-thru". Mr. Pennoni pointed out that the drive-through only effectively works from the northerly driveway. Therefore, the proposed signage at the other two driveways will be eliminated.

Mayor Lipani asked if an entrance at Oxford Place is necessary. He asked if it could be made into an exit only or even blocked off completely to eliminate any confusion at the drive-through.

Mr. Ford said the Fire Truck and larger trucks are accommodated off of Oxford. Vehicles can enter from Route 206 at the northerly drive, park, and exit onto Route 206, but cannot exit onto Oxford. The on-site traffic pattern will reduce traffic onto Oxford Place. The idea of eliminating the access would be a detriment from a traffic circulation and emergency access circulation.

Mr. Di Sessa agreed with Mr. Ford's assessment. He said NJDOT likes to see an alternate access, and also an access for

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emergency vehicles.

After some discussion, Mayor Lipani suggested having the Oxford Place access as an exit only, which would still allow for it to be used for emergency vehicles. He said most of the drive-through restaurants in town have queued up considerably of late.

Mr. Ford said the existing conditions include lot area; lot width; and front yard setback for the building. There is a side yard setback for the addition. This variance is a result of the unique position of the building on the site, the circulation, and the traffic patterns to accommodate the drive-through lane. The small narrow addition is not meeting the side yard setback and is a technical variance. Relief is also required for signage. The freestanding sign is in compliance but would not be with the additional signage for the drive-through below it. That is also true for the sign on the building facing Oxford. Relief had previously been given by the Sign Review Committee for the height of the freestanding sign on Route 206; the height is not being changed. Sheet 8 identifies the signage proposed, including the drive-through signage. The existing freestanding sign is 40 sf. The additional 6.75 sf. to identify the drive-through requires relief. The driveway entrance signs exceed the permitted square footage. As described previously, that relief is now being reduced from three driveways to one. The existing signage does not comply with the requirement that internally lit signs have a black background with light lettering. The signage has a yellow background with black lettering. The applicant is proposing to continue with the existing for continuity. To that extent any relief required from the overall architectural design standards is being sought.

Acting Chairman Julian asked for clarification on the number of waivers being requested.

Mr. Ford stated waivers are requested for the existing front sign; side frontage on Oxford; and directional signage at the northerly entrance, where 4 sf. is permitted and 9 sf. is proposed, all to accommodate signage for the drive-through.

Mr. Mitchell noted the applicant is requesting waivers so that they do not have to tear down perfectly good signage to accommodate additional lettering for the "drive-through".

Mr. Ford agreed. He said the exterior façade is not changing. The addition is being designed to blend into the existing architecture. So to the extent we do not comply with design standards, such as the pitch of the roofs, or windows; we would require waivers.

Mr. Maski asked for more details on the landscaping.

Mr. Ford said the boundary line is right at our curb line (Route 206). The center green shown on the exhibit is within the Route 206 right-of-way. He said landscaping could be provided on the side property lines and under the freestanding sign. The application does not require a NJDOT permit. The applicant maintains and mows the green space now in the right-of-way, so to the extent, they could maintain it and perhaps add some shrubs in that area (right-of-way).

Mr. Ciccarelli commented that landscaping might present more of a danger when making a left out of the Route 206 exits.

Mr. Ford said if provided, it would be something low, such as shrubs.

Mr. Di Sessa asked for more testimony on the southern driveway. He questioned how vehicles could circulate around the building if those parking spaces were full.

Mr. Ford said they would have to go around and exit onto Route 206. He said we would like to maintain the existing flexibility for access to the front parking.

Mr. Di Sessa addressed the lighting. He said there are levels that are much lower than Township's standards.

Mr. Ford said the dimmer was part the CO process.

Mr. Di Sessa pointed out some of the parallel spaces show "o" level lighting.

Mr. Mitchell said the applicant has the ability to make the lighting brighter but have not because they believe they are limited by the prior approval. As we understand it, it was intended so that the neighbors not have a brightly lit facility near a residential area. There has not been any problem in the past five years.

Acting Chairman Julian asked if the lighting should be kept as is or increased to the Township's standards.

Mr. Bernstein referenced the Board application prior to Stewarts, where one of the concerns of the neighbors was that the site would be brightly lit.

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Secretary Hesthag asked about lighting at the rear of the building.

Mr. Ford said there is an existing site light that will accommodate the proposed parking at the rear.

Mayor Lipani suggested eliminating a few parking spaces to allow for a pass-through area to allow a car on one side to get to the other. He also expressed his concern that small bushes and shrubs on the Oxford side would be destroyed from snowplowing. Perhaps the buffer should be eliminated there, or small trees should be planted. A small berm could be created there to get the landscaping up off the ground.

Mr. Skobo said he was in favor of keeping the lighting as is since the applicant had not had any issues over the past five years. If need be, an adjustment could be made after the drive-through is in.

Mr. Peason asked for more information on the buffering from the headlights as the vehicles circulate through the drive-through.

Mr. Ford said a drive-through in the C-1 Zone requires a 60 ft. vegetated buffer. The buffer to the rear is twice the requirement. To address the comment on the Oxford side landscaping, he said perhaps they could provide some trees in the Township's right-of-way. There are no sidewalks there now so that gives a little more room. The area under the trees could be maintained as lawn. Mr. Ford said we looked at having a connection from one side to the other, but the existing conditions make it not easy to accommodate.

Mr. Maski suggested bulking up the area of the new lawn area with some Evergreens. The Evergreens would help shield the headlights in the wintertime.

Mr. Ford agreed to add Evergreens at the rear of the site.

Mr. Emmich asked if there will be dedicated parking for pick-ups.

Mr. Ford said there is not.

Mr. Emmich asked if there would be a space reserved for the drive-through for someone who has a large order. Rather than hold up the entire line and have vehicles idling, that driver could pull off to wait for their order.

Mr. Ford agreed they could accommodate. Someone would have to bring out the order then.

Mr. Mitchell confirmed that is acceptable to the applicant.

Open to the public.

Susan Gulliford – Hunt Club Road

- Ms. Gulliford asked the location of the drive-through speakers.

Mr. Ford showed them on the exhibit as being behind the building.

- Ms. Gulliford asked if the speakers will adjust to ambient noise levels, so that they are not as loud at certain times.

Mr. Ford said they did not know the answer to that at this time.

- Ms. Gulliford asked if the outdoor seating area will be eliminated to accommodate the drive-through.

Mr. Ford said the outdoor seating area will remain, and will be just in front of the addition.

Jim McDonald – 12 Oxford Place

- Mr. McDonald said he is not concerned with the lighting but with the noise from the outside speakers. He asked if a study had been done as to how many decibels the noise generated will be.

Mr. Mitchell noted the speaker is to allow the person inside to communicate with the person ordering. There will not be additional outside speakers, such as on a car lot.

Mr. Ford said the speaker will be on the menu board, similar to any other drive-through. We would have to comply with the Township's sound ordinance.

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Mr. Maski confirmed the Township does have a noise ordinance, but the only way to check it is if someone went out with a meter during operating hours.

Mr. Emmich suggested the applicant order a system that can be variable to allow for any changes necessary.

Mr. Ford agreed.

Mr. Mitchell said the applicant was present to testify if needed. He said if the Board would like to hear from the Traffic Engineer, they would have to come back for a second hearing, being that their traffic witness had a conflict for tonight's meeting. Mr. Mitchell added that the traffic report had been submitted some time ago for review. He suggested the opening of the bypass significantly reduced traffic in this area.

Acting Chairman Julian asked how the bypass affects the traffic.

Mr. Mitchell said it is his understanding that it increases the capacity of the road by removing traffic from it, but defer to the Board's professionals.

Mr. Di Sessa said our review of the study only made suggestions to update trip distribution, and the traffic collected based on the opening of the bypass. We had no concerns on the impact analysis of the trip generation on Route 206; just to update the counts based on bypass.

Mr. Mitchell confirmed the y will comply.

Mayor Lipani said having both handicap spaces on one side could present an issue only because of the restriction of how you can only get to one side or the other. If a car went into the wrong side, it would need to go out and into the other side to be able to get to the handicap parking.

Mr. Ford acknowledged the Mayor's comment and said they could leave it so that there is one on each side, for a total of 28 parking spaces.

Mr. Mitchell acknowledged that is acceptable to the applicant.

Secretary Hesthag asked if there was a decision on changing the parking design to allow for access from one side to the other.

Mr. Ford said the applicant prefers to leave the parking as is because the monument sign between the parking areas inhibits the ability to connect the two. By leaving the circulation the way it is, it allows the ability to enter and exit the front of the site the way they do today. If they do not find a space, they would exit that way. Limiting it to a one-way would cause more confusion and issues since you would have to circulate through the entire site to get to the 13 spaces on the other side.

Secretary Hesthag said there could be more confusion based on the popularity of the drive-through.

Mr. Ford said the site as it currently exists has an access aisle that is much wider than would normally be. It is more on the order of 35 ft. here 30 ft. is required. Lessening the aisle width would allow more room to accommodate someone making a K-turn if there are cars parked in all of the spots.

Board members did not have any questions specifically for the application. No other witnesses were called.

Acting Chairman Julian called for comments from the public.

No questions/comments.

Close public.

Mr. Bernstein advised on a motion to approve, to include all testimony provided, as well as comments and memos from the professionals, Environmental Commission, Fire Marshal, and all outside agencies.

A motion to approve Application 21-PB-03-MSPV as stated was made by Mr. Skobo, seconded by Mr. Peason.

Roll Call: Mr. Emmich – yes; Mr. Ciccarelli – yes; Mr. Skobo - yes; Mr. Peason – yes; Mr. Santaromita – yes; Secretary Hesthag – yes; Mayor Lipani – yes; Acting Chairman Julian – yes. Motion Carries.

Break 8:55pm – 9:00pm

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- **JSM at Hillsborough, LLC – File 20-PB-09-MSPV** - (TOD: 12-31-21) – Block 155.01, Lot 66 & Lot 67 (formerly Block 155, Lots 66 & 67) – 390 Route 206, and (vacant land) Andria Avenue. Applicant seeking preliminary and final major site plan approval; 'c' bulk variances; and waivers, to merge Lots 66 and 67 to construct a mixed-use development consisting of a 3-story, 118-unit multifamily building to the rear of the site (Lot 66 portion); and renovate two existing commercial buildings and construct a drive-through restaurant on the front portion of the Property (Lot 67 portion), with associated parking, lighting, landscaping, utilities, stormwater and improvements, on Property in the Mixed-Use inclusionary Overlay District within the GA, Gateway 'A' Zone, and in the ASD, Architectural and Site Design Overlay District. (EC Review: 11-09-20) (Previous hearing: December 17, 2020 / Adjourned from: February 11; March 11; May 06; June 10, 2021; and July 08, 2021). REVISED SITE PLANS submitted – L/R 05-27-21 - REVISED ARCHITECTURAL PLANS submitted - L/R 06-01-21. **Application adjourned from July 08, 2021 Agenda with re-notice.**

Exhibits from December 17, 2020 Hearing:

- **Exhibit A-1** - Aerial Plan, dated 10-30-20
- **Exhibit A-2** - Colorized and Rendered Overall Site Plan, Sheet C301.

October 14, 2021 Exhibits

- **Exhibits A-3** – Colorized Rendering of the Overall Site Plan - Revised Sheet C-1, 05-27-21.
- **Exhibit A-4** – Proposed Architectural Rendering of Residential Building - Sheet A-008
- **Exhibit A-5** – Proposed Rendering of Existing Commercial Site - Sheet A-009

Douglas Wolfson, Esq. of The Weingarten Law Firm, representing the applicant, asked Mr. Bernstein to state on the record his findings on the new notice served for this hearing.

Mr. Bernstein acknowledged he had reviewed the notice and found it to be acceptable.

Mr. Wolfson recalled that at the last hearing of December 17, 2020, testimony had been provided from the applicant's representative of the company, Mr. Aulenbach; civil engineer, Mr. Bohler; and traffic engineer, Mr. Pehnke. He said the Board had asked a lot of questions and made several comments at the last hearing. In response, the plans have been revised. The footprint of the building changed slightly, crosswalks have been added, and the parking shortage has been addressed, among other items.

Mr. Wolfson asked if all members present were on the Board in 2020 and eligible to vote.

Mr. Bernstein confirmed all members present were eligible to vote.

Bradford Bohler, PE, of Bohler Engineering, NJ, LLC was re-sworn and provided the following testimony in response to questions asked by Mr. Wolfson:

Mr. Bohler showed **Exhibit A-3**. He said the major change was made to the footprint of the residential building. The southern leg of the building is now parallel with the other two legs. The building footprint has been reconfigured to accommodate about a 12,000 sf. increase in footprint area of the residential building. The number of units has not changed. The setbacks to Deanna Drive and Andria Avenue have not changed by more than a two or three feet differential. The parking lot has been reconfigured to the west and the east. Parking has been added to the lower level of the building so there is now understory parking at the back of the residential building. The grade remains the same as with the original plan. The overall residential parking went from 232 parking spaces to 237, which exceeds the 229 requirement as per RSIS standards. If the Board so chooses, an additional 14 parking spaces could be gained in the area shown as green space (banked parking). By adding 18 spaces and removing 4 to create a drive aisle, the net would be 14, for a total of 251 parking spaces in that area. Otherwise, the (triangular) green space would remain.

As part of the proposal we have re-striped the number of parking spaces in the front commercial area, creating 9 ft. x 18 ft. and 10 ft. x 18 ft. commercial parking spaces, where the ordinance requires 10 ft. x 20 ft. spaces. We allowed for the 18 ft. spaces with overhangs. The 9 ft. spaces allow for less turnover parking, and the 10 ft. allow for higher turnover parking. The spaces in the middle of the parking field for the larger commercial building would be 10 ft. wide. By going to the 18 ft. spaces we were able to add more parking. The net yield to the commercial parking is 29 spaces for a total of 167 spaces for the commercial side. This does not include the banked parking. The commercial parking is still deficient but closer to the requirement.

Crosswalks have been added at the eastern side of the residential building to the eastern side of the commercial building, and sidewalk that runs along that portion of the property. It is now fully connected and ADA accessible. Loading spaces were reconfigured at the rear of the commercial building to provide a little more ease of access for the trash enclosures, and to allow for additional parking spaces for employees in those areas.

Mr. Bohler addressed the engineering comments in the T&M memo, dated 10-06-21. He said in large part, they can comply with most of the comments. He noted item #4 for a no left-turn.

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Mr. Yuro said Mr. Pehnke testified at the last hearing that there would be a 30% reduction in traffic on Route 206 once the Bypass is opened. He said deferring to Mr. Pehnke that that statement is to be the case; he is okay with keeping the full movement. Mr. Yuro also noted the applicant has since acquired approval from NJDOT.

Mr. Bohler agreed.

Acting Chairman Julian asked what the reduction in traffic on Route 206 was based on.

Mr. Yuro noted it was based on Mr. Pehnke's professional opinion. There are no counts at this time. Between the Bypass and Covid, it will probably be a year or two before we can realize those actual numbers. Based on conversations with Township staff, there has been a slight reduction already on Route 206 traffic in that area. Mr. Yuro confirmed he had no objection to the proposed movements at the driveways as proposed.

Mr. Yuro said a total of 431 parking spaces are required across the entire project for the residential and commercial. The parking is now deficient by 27 parking spaces, without constructing the banked parking. If the banked parking were constructed, the parking would only be deficient by 13 spaces for the overall site. Looking at it separately, there is now an excess of residential parking and a deficit of 35 parking spaces for the commercial, without factoring in any banked parking.

Mr. Maski commented that the triangular piece offered as possible banked parking could serve as a buffer between the commercial and residential. The Board will have to decide if they want more parking in that area or let that undeveloped area serve as a buffer to the loading and trash area for the commercial building.

Mr. Wolfson noted although the relief is still being sought, the shortfall of parking has been made much less than from that of the original plan.

Mr. Emmich questioned if the Township allows for shared parking.

Mr. Wolfson said they intend to have employee parking at the rear of the commercial buildings.

Mr. Maski said the Township generally encourages shared parking to eliminate being over-parked.

Mr. Wolfson reiterated the applicant had picked up 29 parking spaces since the last hearing, not including the banked parking.

Mr. Maski said the Board has had conversations with other applicants as to the size of the parking spaces. The Board will need to decide whether or not the smaller parking spaces make sense, based on the type of tenants. A supermarket is not proposed.

Mr. Bohler said if all commercial spaces were 9 ft. x 18 ft., there would be a gain of 11 spaces on top of the 29 added for this submission.

Mr. Bohler continued with his responses to the T&M Memo. He said a turning template will be provided as requested. We will comply with all of the comments for sections C, D, E, F, and G. Regarding Section H, there are a number of variances and waivers noted for lighting and landscaping that Ms. Cofone will talk about further in her testimony. We will comply with Section I, and outside of Section J, we will comply with the comments on page 16.

Mr. Yuro said he was okay with that testimony. There had been an issue with drafting where some of the layers had been turned off with some of the grading shots and some pipe information. As indicated, that information will be provided in any revised plans. Mr. Yuro said I am confident it will not alter the design or intent of their engineering design as we move forward.

Mr. Bohler said they will comply with all ten bullet points in the Fire Safety memo, dated 10-05-21.

Mr. Wolfson indicated that concludes the testimony of Mr. Bohler, along with the testimony previously provided. Following Mr. Bohler will be Mr. Aulenbach to testify as to architectural plans, followed by Ms. Cofone.

Mr. Maski noted the Applicant will need to make clear which of the parking proposals the Board is being asked to vote on.

Mr. Wolfson advised the applicant is agreeable to any of the options offered, at the Board's discretion.

Mayor Lipani asked how the parking was calculated for the restaurant, given that 43.9 parking spaces are required. He asked if that number was for the drive-through restaurant alone or included the existing restaurant.

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Mr. Bohler stated the 43.9 space was for the drive-through restaurant. The existing restaurant was counted as retail, but later corrected his statement that the existing was also counted as a restaurant.

Mayor Lipani asked if the 10,967 sf. includes the existing restaurant and the drive-through.

Mr. Bohler said it did.

Mr. Maski said at the moment, the applicant does not know who the tenants will be. If another restaurant were added, that would increase the parking requirement.

Mr. Bohler agreed.

Mr. Ciccarelli asked how the Applicant would address the banked parking if the Board decided to require it.

Mr. Bohler said if the Board elects to approve the banked parking, we would change the plans to show that area as curbed asphalt with sidewalk, etc. If the Board elects to defer it to a later time to have it installed, it would become a lawn area for now. Our stormwater calculations already take into account that area being paved.

Mr. Maski said if they install parking there, it re-triggers the variance for not screening the residential building from the commercial building. If they screen it properly, they do not need a variance; if they put parking in, they need a variance for not having a buffer. He said although this is a shared site, the ordinance separates out the residential from the commercial. Technically they are meeting the RSIS standards for the residential portion. You could make the argument that the parking shortage is specifically related to the commercial.

Mr. Wolfson agreed.

Open to the public.

Susan Gulliford - Hunt Club Road

- Ms. Gulliford asked how the residential parking would be allocated.

Mr. Wolfson said that will be addressed in Mr. Aulenbach's further testimony.

- Ms. Gulliford asked if there would be an issue with a resident of the complex bringing home a commercial vehicle.

Mr. Maski said there is a Township ordinance to address commercial vehicles. A commercial vehicle over 10,000 GVW minimum has to be owned by the resident.

Maria Janucik - 720 East Frech Avenue, Manville and Hillsborough property owner

- Ms. Janucik inquired about the letter from Mr. Yuro that was referenced.

Mr. Wolfson noted the letter was part of the record.

- Ms. Janucik said this application has been postponed over and over, and a lot of time has gone between hearings, so it is hard to remember what has been said. She asked to have more discussed on environmental issues.

Acting Chairman Julian asked Ms. Janucik if she had any questions for the witness, Mr. Bohler.

- Ms. Janucik asked why the commercial site is being combined with the residential. She said these are two separate lots.

Mr. Maski stated the lot merger is part of this application.

Mr. Bernstein said testimony had been given at the December 17, 2020 hearing. He said my understanding is that the various reports have been on the Township's site prior to this evening, with the exception of some color renderings. Mr. Bohler's testimony does not mean this is the end of the application or if the applicant has made its proofs. The predominant issue is parking but Mr. Bohler can answer questions as to any of his testimony. There are also other witnesses that may or may not be addressing those issues as well.

Mr. Wolfson clarified that Mr. Bohler is an engineer, and is able to answer questions as such. He then advised on the subject of the remaining witnesses.

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- Ms. Janucik questioned why affordable housing is being combined with commercial. She asked for information on the settlement of litigation on this matter.

Mr. Maski stated the Zoning ordinance was amended to require a mixed-use development. This property is in an overlay district.

Acting Chairman Julian asked for any more questions for the witness, Mr. Bohler.

- Ms. Janucik asked about the use of the term “bank”.

Mr. Wolfson clarified there is an area, as Mr. Bohler identified on the exhibit, that can be reserved for future parking, if the Board thinks it is needed in the future. Mr. Bohler pointed out the area in question.

- Ms. Janucik asked if there was a traffic study.

Mr. Bohler said Mr. Pehnke testified at the last hearing.

Mr. Wolfson noted there had been some time since the last hearing due to the time needed to revise the plans.

- Ms. Janucik asked about the specific “sections” referenced in Mr. Yuro’s letter.

Mr. Bohler highlighted the area in green on the exhibit, which he said shows the riparian buffer. The flood hazard area is off the property. He said we are not touching the back area by the stream. We have a NJDEP permit in hand from Land Use.

- Ms. Janucik asked about Section H, Lighting and Landscaping.

Mr. Wolfson noted Ms. Cofone will be providing testimony as to the relief being sought.

- Ms. Janucik asked if the contamination on this site has been remediated, and if so, if there are records on file with NJDEP.

Mr. Wolfson said the answer is yes. Mr. Aulenbach will provide further testimony.

- Ms. Janucik asked about Section J.

Mr. Bohler said Section J noted general miscellaneous comments that did not fall into those areas of title.

Mr. Wolfson identified the titles of each section of Mr. Yuro’s letter. He noted the site will be served by public utilities, as testified to by Mr. Bohler.

- Ms. Janucik asked if someone will be able to discuss the requirement of the settlement of litigation.

Mr. Bernstein advised there was no settlement of litigation in this case. This was a change in the zoning to permit the applicant to come in for an application that can combine both the residential and commercial needs, of which there is an affordable housing component to it, because of the number of units being proposed to be built in the residential area.

- Ms. Janucik questioned if JSM at Hillsborough, LLC was an Intervenor.

Mr. Bernstein said they were not.

Acting Chairman Julian again asked for questions for the witness. He advised comments can be addressed towards the end of the hearing.

Donna Marie Yost - 8 Meadowbrook Drive

- Ms. Yost asked if the fencing along the rear of the Property would be replaced. She stated that she and her neighbor had gotten permission to have 8 ft. fencing to block their view of the shopping center and the goings on.

Mr. Bohler stated they would not be removing any fencing. They will only be repairing some of the fencing on this property or infill where there are gaps in the fencing.

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- Ms. Yost said the some of the fencing is 6 ft. and some of it is 8 ft., and that will remain the same. Mr. Bohler confirmed that to be the case.

- Ms. Yost asked if landscaping would be added in that area.

Mr. Bohler replied that the landscaping along the rear area was not in good condition, and will be replaced with landscaping that is fuller than what is currently along the fence line abutting to the Meadow Brook development.

Acting Chairman Julian addressed the time.

Ronald Aulenbach, PE, Director of Engineering for Edgewood Properties, LLC was re-sworn.

Mr. Wolfson asked Mr. Aulenbach to address comments in Mr. Yuro's letter related to the architectural plans.

Mr. Aulenbach introduced **Exhibit A-4**, Architectural Rendering of a Residential Building – Sheet A-008. He described the exhibit as a prospective view of the residential building, coming off of Andria into the site, and identified the types of materials to be used. Mr. Aulenbach said the lower rendering was a prospective view of the courtyard area showing the pool and amenity area, leasing office and residential units.

Mr. Aulenbach testified that there is a cabana and a maintenance shed provided for the pool area. The maintenance shed would be for storage of chairs and pool equipment in the wintertime. In response to paragraphs twenty (20) and twenty one (21) of Mr. Yuro's letter of May 27, 2021, Mr. Aulenbach stated that the Applicant provides on-site maintenance staff and leasing staff for the residential and commercial areas. This represents one of the two courtyards. A cabana will serve the residents and for pool equipment. A maintenance shed will be located in the other courtyard for pool equipment and storage of chairs and such during the winter.

Mr. Aulenbach again stated we (Edgewood Properties) own and maintain all of our properties. This is an investment property, so we would have on-site maintenance and on-site leasing staff for both the residential and commercial.

Addressing Mr. Yuro's memo, Mr. Aulenbach said a monument sign is proposed for the retail portion, and a monument sign for the entrance off of Andria onto the site. The colors will be matched to the building façades; both signs will be brick. The signage will conform to the ordinance. The sign along Route 206 will be double-sided and will sit perpendicular to Route 206. The entry wall sign off of Andria will be a one-sided sign that arches and faces the entrance as "The Edge at Hillsborough." Halo or backlit lighting will be used for both the commercial and residential signage.

Mr. Wolfson asked that Mr. Aulenbach address tree removal, funds, and types of shrubs.

Mr. Aulenbach said as Mr. Bohler testified to, we believe we have a substantial landscaping plan to increase the buffers around the perimeter. When we changed the plans to go to more E-shaped building where everything was parallel and perpendicular, it freed up an area, as Mr. Maski pointed out, would serve as a buffer between the residential and commercial. The use of pavers was raised earlier, but pavers would not function properly in this area and as Mr. Maski mentioned, would not count towards a buffer area. It is at the Board's discretion whether or not to use that area for banked spaces to install now or at a later date, if needed.

Mr. Aulenbach said as identified on the site plans, there are 40 one-bedroom units; 72 two-bedroom units; and 6 three-bedroom units. The 6 three-bedroom units are all associated with the affordable housing component of the site.

Mr. Aulenbach introduced **Exhibit A-5**, Proposed Rendering of Existing Commercial Site - Sheet A-009. He said the rendering shows the existing building after redoing the architectural façades. The top view shows the perspective from Route 206; the lower view shows what you would see looking left driving up Andria Avenue. The façades will be a mix of brick, cast stone and block with more glass. The same architectural treatments will be carried throughout the site, including the small restaurant pad.

Mayor Lipani pointed out that the façade on the restaurant pad appears to be different than the other commercial buildings; they should be the same. Further, the façades for the commercial and residential are not the same. They should be more cohesive.

Mr. Aulenbach stated they can carry the same materials and colors over onto the smaller pad. The rendering shows the same type of materials, only in different colors, but if the Board prefers to carry the same color theme over, we can accommodate. The residential has a different block material. We are open to the Board's suggestions if other materials are preferred, as long as the materials are long-term maintenance free.

Mr. Maski stated the residential plans went from a traditional architecturally interesting building on the first proposal, which was fairly in conformance with the ASDO standards, to a brick box.

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Mr. Aulenbach said the ownership changed some of the materials. The mansard roofs would hide some of the mechanical equipment and break up having one long flat roof. If the Board feels strongly we can make some minor adjustments to their satisfaction.

Mr. Maski said the original design was much more in conformance with what the Town was looking for, particularly in relation to the Architectural Site Design Overlay (ASDO). This new design to the residential buildings is vastly different.

Mayor Lipani commented that he liked the changes to the front commercial buildings. We are trying to keep more of a cohesive look throughout the site.

Mr. Maski said there was an issue on the way the building height had been calculated. With the newest architectural plans, the height of the buildings range from 47.3 ft. to 57.3 ft. As the Board knows, if the height exceeds the allowable by 10 ft. or 10%, that is a matter for another board.

Mr. Aulenbach confirmed the building will be 45 feet.

Mr. Emmich asked how that difference would be addressed.

Mr. Aulenbach stated if they change back to the original architectural plans the mansard roofs go away.

Mr. Maski shared the idea of putting in a crosswalk in the area of the bridge on Andria to get to your side of the street. This would be an off-site improvement.

Mr. Aulenbach agreed to put in a pedestrian crosswalk at that location.

Mr. Aulenbach addressed questions raised earlier by members of the public. He said we typically do not assign parking, unless it becomes an issue with our residents. The number of parking spots allotted is found within the lease agreements, based on the number of bedrooms. It is stipulated in our lease that the residents are not permitted to have commercial vehicles on site.

Mr. Maski asked if any EV charging stations would be installed.

Mr. Bernstein stated that the new law required charging stations.

Mr. Aulenbach said testimony had been provided at the last hearing that 3 to 4 charging stations would be provided. He confirmed they would comply at a minimum, if not in excess.

Mayor Lipani asked if the charging stations go on the residential or commercial side.

Mr. Aulenbach said the state mandates residential only, but we would put them in both.

Mr. Bernstein asked to address the counts for the residential units.

Mr. Aulenbach stated the chart on the residential plans is incorrect.

Mr. Bernstein said the count includes 5 studio units; 18 one-bedroom market units; 5 one-bedroom affordable units; 68 two-bedroom market units; 18 two-bedroom affordable units; and 6 three-bedroom affordable units. He asked if the one or two-bedroom units will have a den.

Mr. Aulenbach said the chart on the architectural plans is wrong; the chart on the civil plans dictates and is correct. He confirmed there will be 54 two-bedroom market rate units; 35 one-bedroom market units; and no three-bedroom market rate units. There will be no studio units and no units with a den.

Acting Chairman Julian asked for questions for the witness, Mr. Aulenbach.

Maria Janucik - 720 East Frech Avenue, Manville and Hillsborough property owner

- Ms. Janucik asked for information on the number of affordable units.

Mr. Wolfson noted all of the three-bedroom units will be affordable; none will be market rate.

Mr. Aulenbach answered there will be 18 two-bedroom affordable units and 5 one-bedroom affordable units. He said the affordable breakdown is correct on the architectural plans; it is the market rate breakdown that is in error. He confirmed the architectural plan shows one building.

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- Ms. Janucik asked about contamination on the site.

Mr. Aulenbach stated that everything on the site has been cleaned up according to NJDEP standards. He said they have a “no further action” letter for everything but the groundwater. The groundwater remediation is ongoing. The approval to the NJDEP is to what they call “natural attenuation” which allows the water to dissipate over time. There are 14 monitoring wells on the site that we have to monitor and report to NJDEP on a quarterly basis. Mr. Aulenbach stated they inherited some of the conditions when they bought the property in 2013. He said it is an ongoing issue that they are addressing.

- Ms. Janucik asked for more information as to when this contamination occurred.

Mr. Aulenbach said we were required to do a Phase 1 and Phase 2 report on that site, which is when the contamination on this site was brought to our attention. We were required to report it to NJDEP and are the responsible party now being the property owner.

- Ms. Janucik commented further and asked what other issues were required to be remediated.

Mr. Aulenbach said there were a few underground storage tanks that were removed, cleaned up, and closed out. There was also an above-ground oil tank that was removed and cleaned out.

- Ms. Janucik asked about the contamination from the dry cleaning business.

Mr. Aulenbach stated that was all addressed and cleaned up for the former Gems Cleaners according to NJDEP’s standards and satisfaction. The only open issue is the groundwater.

- Ms. Janucik asked if there are records from the NJDEP that all other contamination was remediated to their satisfaction.

Mr. Aulenbach said that is correct.

- Ms. Janucik questioned why the write-up on the agenda did not identify this application as having affordable housing units.

Mr. Maski said the details of the application had been available for almost a year.

Mr. Skobo commented that the architectural rendering in A-009 was not very attractive. He said he had hoped to see canopies and architectural interest that draws you in. He noted the rendering on A-010 looked better.

Mr. Aulenbach described the differences in the two renderings. He said it is at the discretion of the Board.

Mr. Bernstein said to Mr. Maski that the applicant can work with the Township relative to frontage, signage, canopies, and architectural design, etc.

Mr. Wolfson acknowledged the applicant would need a continuation date for testimony by their Planner.

After review of the schedule, December 09 was decided on.

A motion to continue Application 20-PB-09-MSPV without further notice was made by Mayor Lipani, seconded by Mr. Skobo. All were in favor, none opposed; motion carries.

ADJOURNMENT

A motion to adjourn was made by Mr. Skobo, seconded by Secretary Hesthag. All were in favor; motion carries. The meeting adjourned at 10:34 p.m.

*Submitted by:
Debora Padgett
Planning Board Clerk*