

HILLSBOROUGH TOWNSHIP PLANNING BOARD

APPROVED PUBLIC MEETING MINUTES

September 09, 2021

Chairman Carl Suraci called the Planning Board public meeting of September 09, 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.

Chairman Suraci 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. - Present
Deputy Mayor Frank DelCore - Absent
Robert Peason – Present
Carl Suraci, Chairman – Present
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 Engineer (Pennoni Associates); Michael Lombardozi, CSR, Board Court Reporter; and Caz Bielen, Videographer (Premier Media).

CONSIDERATION OF MEETING MINUTES

- June 03, 2021

A motion to approve was made by Secretary Hesthag, seconded by Mr. Peason. No comments.

Roll Call: Mr. Wagner -yes; Mr. Peason - yes; Mr. Skobo – yes; Secretary Hesthag – yes; Mr. Ciccarelli – yes; Mr. Emmich – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

- June 10, 2021

A motion to approve was made by Mr. Wagner, seconded by Mayor Lipani. No comments.

Roll Call: Mr. Wagner -yes; Mr. Peason - yes; Mr. Skobo – yes; Mr. Ciccarelli – yes; Mr. Emmich – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

- July 01, 2021

A motion to approve was made by Mr. Ciccarelli, seconded by Mr. Peason. No comments.

Roll Call: Mr. Wagner -yes; Mr. Peason - yes; Mr. Skobo – yes; Secretary Hesthag – yes; Mr. Ciccarelli – yes; Mr. Emmich – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

- July 08, 2021

A motion to approve was made by Mr. Peason, seconded by Mr. Skobo. No comments.

Roll Call: Mr. Wagner -yes; Mr. Peason - yes; Mr. Skobo – yes; Secretary Hesthag – yes; Mr. Ciccarelli – yes; Mayor Lipani – yes; Chairman Suraci – yes. Motion carries.

CONSIDERATION OF RESOLUTIONS

- JS Masonry, LLC – File 20-PB-14-MSPV

A motion to approve was made by Mr. Santaromita, seconded by Mr. Skobo. No comments.

Roll Call: Mr. Wagner -yes; Mr. Peason – yes; Mr. Skobo – yes; Secretary Hesthag – yes; Mr. Ciccarelli - yes; Mayor Lipani - yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

PLANNING BOARD BUSINESS

None

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

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING – APPLICATIONS

- **Ernest and Tina Park – File 21-PB-12-S** – Block 205.11, Lot 48.07 (*formerly Block 207, Lot 3*) - 1928 Millstone River Road. Applicants seeking minor subdivision approval; and 'c' bulk variance, to create two lots, one new single-family lot, and one lot for the existing single-family dwelling with accessory structures, on Property in the RA, Residential Agricultural Zoning District, and the MVH, Millstone Valley Agricultural Historic District. Property is identified in the *Historic Preservation Plan Element, Hillsborough Township Master Plan, Township of Hillsborough Somerset County, Adopted April 5, 2001* as located within the Millstone River Road Historic District. (EC Review: 07-26-21)

Exhibit A-1 – Color Rendering of the Minor Subdivision Plan, Dated L/R 07-14-21

Lisa Leili, Esq. of Vella Singer & Associates, representing the Applicants, gave a brief outline on the testimony to be provided, and called the first witness.

Michael K. Ford, PE, PP, of Van Cleef Engineering Associates, LLC was sworn in, provided his credentials, was accepted by the Board, and gave the following testimony in response to questions asked by Ms. Leili:

Mr. Ford said as introduced, the application is for minor subdivision to create one buildable lot of the remaining lands and a lot for the existing dwelling and other structures on it. The property is at the intersection of Amsterdam Drive and Millstone River Road.

Exhibit A-1 shows the entire tract which is 12.5 acres, of which 2.5 acres would be subdivided out to create the new buildable lot on the southern portion of the property. The application complies with all requirements except for the lot width of the proposed lot that fronts on Millstone River Road. This lot would have frontage on two roads. The proposed dwelling would be on that portion of the new lot that fronts on Amsterdam Drive. As that new lot approaches on Millstone River Road, it narrows down to a width of 171.6 ft. where 200 ft. lot width is technically required for a lot along road frontage. However, in this case that would be the rear yard. There will not be access for the new lot from Millstone River Road. Access for the new lot will be on Amsterdam Drive. The potential location for the new dwelling and driveway access is shown on the plan. The applicants intend to have a relative live in the new house while they live in the existing house and continue the agricultural operations, including the grapevines.

Ms. Leili asked Mr. Ford to address whether or not the variance can be granted without substantial detriment.

Mr. Ford said making the lot wider would not serve any additional enhancement to the proposed lot and would just make the lot with the agricultural use smaller. The existing dwelling with its access to Millstone River Road would remain unchanged. There are no site improvements proposed on the remaining lands.

Through-lot requirements suggest that access to the new lot would be from Amsterdam Drive. One of the recommendations in the engineering report is that we restrict access for the new building lot such that it would not be permitted to have access from Millstone River Road. The applicant would agree to such a restriction for the driveway access. The applicant would also agree to preserve and not disturb the trees on what will be the rear of the new lot on Millstone River Road, thus providing a buffer.

An application has been made to the NJDEP for a Freshwater Wetland Letter of Interpretation (LOI). Those wetlands and wetland buffers are shown on the minor subdivision plan. The LOI has been issued by NJDEP. This application was before the Township's Environmental Commission. The Commission requested a copy of the LOI, which has since been provided. The Commission also requested a copy of the Natural Heritage database findings, which was also provided. Only one existing tree is proposed to be disturbed for the new lot.

The applicants have no objections to complying with the general comments, Items #1 - #9 in the engineering report of August 30, 2021. The applicant intends to proceed with construction of the new dwelling as soon as able to, subject to approvals. Now that we have the LOI and know the full extent of the wetlands, there may be a need for a buffer averaging wetland permit from NJDEP. None of the wetlands would be disturbed, but perhaps a portion of the wetland buffer would. We would make the buffer bigger on another portion of the wetlands to comply with the State requirement; subject to NJDEP approval.

Vice Chairman Julian asked why the buffer averaging would be necessary.

Mr. Ford pointed to the wetland shown on the exhibit. He said that wetland requires a 50 ft. buffer, which is close to where the new dwelling is proposed. It is a standard regulated activity to make the buffer in one area and larger in another. The property is bisected by a zone boundary. There is a small portion in the Millstone Valley Historic District and the rest is in the Residential Agricultural Zone. The remaining lands would be just over 10 acres in size; the new lot would be over 2.5

PLANNING BOARD MEETING MINUTES
September 09, 2021

acres. Both residences would be in the RA Zone.

Part of the outside agency approvals would be a soil erosion and sediment control plan for the detailed grading and drainage for the new dwelling, as well as the septic design. We agree to obtain approval by the Somerset Union Soil Conservation District (SUSCD). The applicant agrees to having no access to Millstone River Road for the building lot. We have no knowledge of any easements or restrictions on the property. The proposed subdivision would be filed by deed, not by plat. The metes & bounds descriptions as well as the deeds will be submitted for approval.

Mr. Di Sessa asked for clarification on the water service since the plans showed a water line.

Mr. Ford said the new lot will be serviced by well and septic.

Mr. Di Sessa noted Amsterdam Drive is scheduled to be repaved by the Township this year. Construction should be coordinated with that for the driveway or gas.

Mr. Ford said the electric would probably be overhead until it gets to this property, so the only utility that may be underground is by PSE&G. He said if the timing does not work out with the overlay we could look at gas in Millstone River Road.

Vice Chairman Julian asked for more information on the Endangered Species Database, dated 12, 2020.

Mr. Ford said the database seems to refer to the Bald Eagle foraging. He said I am not aware of any restriction that would preclude the construction of the house or removal of the tree. That one tree may need to be removed for grading and drainage around the new dwelling.

Mr. Emmich asked if there is a foraging area for the Bald Eagle on that property.

Mr. Ford said the foraging areas they are referring to is really the Millstone River and Raritan River.

Mr. Emmich said he had experience on this matter that if there is a foraging area there are restrictions as to when you can disturb that area from January to August when they are nesting.

Mr. Ford reiterated they would only be disturbing one tree. The food they are foraging for is along the rivers. He said from Three Bridges to Neshanic Village there is an overhead power line that crosses the river with an Eagle's nest on it.

Mayor Lipani asked if the new house would be developed by the applicants as the property owners, or if the property would be sold to their relative. If it is being sold, any agreement would need to continue with the new owner.

Mr. Ford confirmed the restrictions would go with the land.

Chairman Suraci asked additional information on Table 2 in the second Natural Heritage report.

Mr. Ford said items in this table would impact limitations with regard to disturbance of riparian zones, flood plains, and wetland areas. Testimony has already been given that we will be applying for a wetland buffer averaging. In this case, none of the endangered or threatened species identified in Table 2 are elevated to the point that the NJDEP would amend the LOI that was issued with an "intermediate" resource value determination for a 50 ft. buffer.

Chairman Suraci asked Mr. Maski if he was aware of any restrictions.

Mr. Maski said if the Board chooses to approve this application, a condition of approval could be that during compliance review all of these questions would be answered.

Mr. Emmich said there appears to be enough land so that the subdivision could be conforming. He asked the reason for not doing so. Is it to avoid making it part of the MVH zone?

Mr. Ford said the jog in the line as referenced would put the entire property in the RA Zone, which would make it cleaner. It was more the desire of the applicant to try to maintain as large a portion of land on the remaining acres that tie into the agricultural use and assessment of the land. To widen the lot out by 20 feet or so would not enhance the buildable area of where the house is being placed. It would bring more of the restricted area of the wetlands on to the new lot.

Mr. Emmich asked if you moved the line on Millstone River Road so that it is conforming, would a portion of the new lot fall into the other zone.

Mr. Ford said he did not think it would have any impact since the setbacks shown for the house are in the RA Zone.

PLANNING BOARD MEETING MINUTES
September 09, 2021

Mr. Emmich asked Mr. Maski if there were any additional approval necessary if a portion of the property were in the MVH Zone.

Mr. Maski said generally speaking you are better not splitting zones. A single-family house is permitted in both zones. The MVH has a higher lot size requirement of five acres. The rest of the bulk standards are basically the same.

Vice Chairman Julian asked if there were any issues with the neighboring property.

Mr. Maski noted that property had issues with the use.

Mr. Ford noted the old right-of-way to Hillsborough Road is between the two lots.

Mr. Peason asked why there was a delay in providing the documents from NJDEP.

Mr. Ford noted it was provided at the request of the Environmental Commission.

Mr. Peason said the only variance for this subdivision is for the 171 vs. 200 in frontage.

Mr. Ford said that is correct.

Open to the public.

No questions from the public.

Ms. Leili said they had no other witnesses and asked that the Board approve the application.

No comments from the public.

Mr. Bernstein summarized the application for minor subdivision and bulk variance with the following conditions: no driveway access for the new lot to Millstone River Road; that the tree line along Millstone River Road is preserved; that all questions raised in the December, 2020 letter from the State of New Jersey Department of Environmental Protection (NJDEP) be answered prior to internal action be taken in the Township; that the conditions of Mr. Di Sessa and Mr. Maski are met; and that any owner, be it this or any future owner, be bound by any of these conditions.

A motion to approve Application #21-PB-12-S as stated was made by Mr. Skobo, seconded by Mr. Santaromita.

Roll Call: Mr. Wagner – yes; Mr. Peason – yes; Mr. Santaromita – yes; Mr. Skobo – yes; Secretary Hesthag – yes; Mr. Ciccarelli – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

- Green Care Farms, LLC / Brzyski – File 19-PB-21-SV– Block 204, Lots 45.01 (“Wood Road”) and Lot 45.02 (201 Woods Road). Applicants seeking minor subdivision / lot line adjustment approval; ‘c’ bulk variances; and waivers, to reconfigure the lot lines, increasing Lot 45.02 to contain the existing single-family dwelling and accessory structure, and to develop a dementia care facility on Lot 45.01, on Properties the RA, Residential Agricultural Zoning District. (EC Review: 07-26-21)

Exhibits

Exhibit A-1 – Minor Subdivision Plan (Sheet 3 of 3), dated 06-09-21

Exhibit Displayed – Green Car Farms Overall Exhibit, dated 09-21-21

Exhibit A-2 - Sheet 4 of 13 of the Development Plans, dated 06-09-21

David Singer, Esq. of Vella Singer & Associates, representing Green Care Farms, LLC, gave a brief overview of the application. He stated the dementia care facility is considered a community residence by Law and a single-family dwelling by the Township; therefore, it does not require site plan approval. The applicant is requesting minor subdivision and relief.

Christopher Nusser, PE, PP, of Engineering & Land Planning Associates, Inc. was sworn in, provided his credentials, was accepted by the Board, and gave the following testimony in response to questions asked by Mr. Singer:

Mr. Nusser displayed **Exhibit A-1** and said Lot 45.01 is the larger of the two lots, just shy of 13 acres. The lot has a peculiar shape with frontage in three areas on Woods Road. The aerial exhibit is an aerial photo that shows the subdivision lines superimposed on top. The generally wooded lot contains an agricultural field across from Petrik Farm Road, a lawn area and solar panels (corner). The solar panels are actually associated with Lot 45. Lot 45.02 is a 1.66 acre lot with an existing residence, garage, and driveway on it. That lot in its current condition is nonconforming in a number of ways; including lot area, rear yard setback, and impervious coverage. The garage for the residence is actually on Lot 45.01. The applicant is the contract purchaser for Lot 45.01. The proposed subdivision reduces Lot 45.01 to 12.28 acres and increases Lot 45.02 to 2.38 acres which would eliminate the rear yard setback issue; reorients the driveway to one access in front of the garage rather

PLANNING BOARD MEETING MINUTES
September 09, 2021

than having a forked entrance; and the garage will then be located on Lot 45.02 for the residence. While Lot 45.02 is being increased, it still exceeds the maximum impervious coverage allowance of 10%, where 15.41% will be existing, and therefore requires variance relief. The overage is largely due to the driveway due to how far back the garage is set back from the roadway. The other variance required for this lot is the location of the existing garage being in the front yard rather than the rear yard. On balance, the subdivision makes this lot far more conforming. There is no negative impact for the relief being requested for matters that have functioned without issue over time.

We are not here for site plan but for waivers associated with the construction of the facility on Lot 45.01. **Exhibit A-2** shows the layout for the facility. The entrance will be located directly across from Petrik's Farm Road. The one-way driveway loop with additional parking was described. The parallel parking stalls are proposed to be 8ft. x 22 ft.; the remaining parking stalls will be 9 ft. x 18 ft., which is conforming with the RSIS standards. The Township ordinance requires 10ft. x 20ft. spaces and a 30 ft. aisle for two-way traffic and a 25ft. aisle for one-way traffic. This is not a shopping center or doctor's office but a low traffic generator. The facility will have permanent residents with some staff to care for them, so this is not a high traffic area where oversized stalls and aisles are necessary. Increasing the impervious to accommodate would require stormwater management. Mr. Nusser further described what he identified as benefits of having the reduced driveway widths, parking stalls, and aisles as proposed. He said the proposed layout is practical for the use, and allows sufficient room for fire trucks to be able to maneuver the site without issue.

Mr. Nusser referenced Mr. Maski's memo, dated 08-16-20. After pointing out this is a residential use, he questioned whether meeting the technical requirement of 188.38 in reference to having a 30ft. buffer was applicable.

Mr. Maski said his interpretation was that it did.

Mr. Nusser said the plan as proposed provides about half that, at 15ft. in the parallel parking area. There is an Evergreen buffer proposed and none of the parking stalls directly face the (neighboring) residence. Headlights will not be streaming into the (neighboring) property. We are providing a buffer, albeit not 30ft. but still ameliorating any nuisance that could come from the parking being close to the property line.

Continuing with Mr. Maski's memo, Mr. Nusser addressed tree mitigation. He said we require a waiver for the removal of trees outside of the critical footprint, which in this case is 40ft. The features in the rear will be agricultural in nature, to include a greenhouse, barn, chicken coop, etc. There will be a detention basin in the rear and another in the front corner. The development was designed so that it predominantly would be located within the existing agricultural field to minimize disturbance to the trees. The removal of trees is less than 20% of the total trees on the lot. Mitigation will be in compliance with the requirements.

Mayor Lipani asked for clarification on why more than the change to the lot lines is being provided.

Mr. Bernstein explained the Board is being asked to approve a lot line change and site approvals for a single-family home that does not require site plan approval by this Board because the State of New Jersey and the Township ordinance identifies this type of facility as a single-family house. Since this is considered a single-family building, the applicant will not be back for site plan to build this, but you do have the right to address the current items that come from the creation of the property, which includes buffers, parking, tree mitigation, etc.

Mr. Maski concurred. He added a perfect example is the previous application which was submitted for subdivision. They did not come in with the details for the new house, but if that proposed house required certain bulk requirements, you would have made a decision on it at the same time.

Mr. Nasser continued with his response to the Planning Memo. He said a waiver had been requested for the lighting, but the plan will be compliant with the ordinance. He noted his testimony was based on the waivers requested but would address any questions on the site plan.

Mr. Nasser addressed the comments section of the memo. He said they are permitted to park one commercial vehicle as long as it meets the GVW, so a waiver is not required. There is no monument sign proposed, only signage for traffic safety. The trash enclosure is proposed to be located closer to the southern property line, but requested to be relocated. It can be relocated to the front parking area on the other side of the detention basin, but would require relief from the Board to do so. We can also get it closer to 16ft. away in the area proposed.

Mr. Maski said he did not have the front yard in mind, but perhaps the location of the trash enclosure can be positioned in another location to increase the distance from the residential property as a condition of approval, to the satisfaction of the Board's professionals.

Mr. Emmich recommended the dumpster be located where the truck can go straight in, not on a curve. Mr. Maski asked Mr. Singer if the applicant agrees to explore other options other than the front yard, for the location of the dumpster, to the satisfaction of the Board's professionals.

Mr. Singer agreed.

PLANNING BOARD MEETING MINUTES
September 09, 2021

Mr. Nusser said the water company has required a hot box be located on the south side of the entrance driveway. We will comply with Mr. Maski's request to provide additional screening in that location.

Mr. Maski said this hot box is now a requirement by the water company so we are asking all applicants to provide appropriate landscaping to minimize the impact. The landscaping would be at the approval of the Board Engineer.

Mr. Maski asked that the parking be addressed further. He said although we do not have specific standards for this, we do have standards for extended care facilities. He asked Mr. Nusser to discuss how the 17 spaces will be enough for what the needs of the facility.

Mr. Nusser said this is a 15-bed facility. Under the extended care facility standards, one parking space is required for every three beds. That yields five spaces for the residents plus one for each of the 12 employees. The applicant can provide further testimony on the operations.

Mayor Lipani asked if the two handicap spaces are based on the same ratio.

Mr. Nusser said technically only one space is required but given the type of facility it is, we feel it is appropriate to have two. The ADA spaces are located by the front entrance.

Mr. Bernstein commented (inaudible), to which Mr. Singer replied, that is correct.

Raj Singh for Green Care Farms was sworn in and provided his affiliation with Green Care Farms. He said unfortunately these facilities do not get a lot of traffic. The 15 residents do not have other homes and do not drive so they will not have cars. At peak time we will have five employees. The patient-to-care ratio is 1:3. Trash removal, food service delivery, and incidental deliveries for patient care will be the only traffic.

Chairman Suraci asked if there are any State requirements for the number of employees or caretakers per resident.

Mr. Singh state the ratio for the average facility is 1:8; we are striving for 1:3.

Mr. Ciccarelli asked the frequency of emergency services for the residents.

Mr. Singh deferred the question to another witness.

Chairman Suraci asked if Mr. Singh is an equal co-owner.

Mr. Singh confirmed the ownership is 50-50.

Mr. Bernstein asked how many facilities Green Care Farms currently operates.

Mr. Singh said this will be the first licensed dementia care facility in Somerset County. Hunterdon County also does not have a facility of this type.

Mr. Bernstein asked what licenses he holds by the State and if the facility itself requires a license.

Mr. Singh said he is licensed as an Assisted Living Administrator. A provisional license has been issued for the facility. The final approval will be coming from the Department of Community Affairs (DCA.). We have a provisional approval from the NJ Department of Health.

Mr. Bernstein asked what triggers DCA approval.

Mr. Singh said DCA reviews the architectural drawings and site plan.

Mr. Bernstein asked if any approval of the Board would need to go to DCA.

Mr. Singh said yes.

Mr. Bernstein said a condition of approval will be that the applicant cannot build the facility unless approved by the applicable State agencies.

Mr. Singer agreed.

Mr. Emmich asked if the DCA also does the building inspections or does it go back to the local for inspections.

Mr. Singh said the municipality does the inspections.

Mr. Peason asked Mr. Maski if there comes a point when this use no longer becomes a permitted use in the zone. Is there a

PLANNING BOARD MEETING MINUTES
September 09, 2021

number of beds or the size of the facility to reference.

Mr. Maski said I believe 15 beds is the maximum. It also has to meet certain qualifications as a licensed facility for it to qualify as a “single-family” use within the zone.

Mr. Peason said so at some point in the future, they will not be back to quadruple the size, add a second story, and the like.

Mr. Maski said that would change it into a different category.

Mr. Di Sessa asked if the building has a sprinkler system.

Mr. Singh said it will.

Mayor Lipani asked if there are plans to develop other portions of the property for any other uses.

Mr. Singh said not at this time. Walking paths are under consideration for the future, and possibly the use of golf carts, but no other construction is planned.

Mr. Bernstein asked if the applicant is willing to agree that any future construction on the site requires Planning Board approval. Any further expansion of the current proposal and/or any use of the property for food other than for the facility, i.e. a further subdivision, or to use the property for other than the facility currently, will trigger Planning Board approval.

Mr. Singer agreed that a subdivision would require Board approval but questioned approval for a fully conforming use.

Mr. Bernstein said the only fully conforming use would be for a single-family house. Short of that would require a site plan.

Mr. Singer said we would adhere.

Mr. Ciccarelli asked who owns the other lot and how are they involved.

Mr. Maski said Lot 45.02 is owned by a family trust.

Mr. Singer said a part of the family is in the audience. They are involved in the purchase to sell.

Open to the public.

Joseph Ketusky – 12 Petrik Farm Road

- Mr. Ketusky asked Mr. Singh if he had applied for this facility in another township.

Mr. Singh stated they applied in Franklin Township and were granted the ‘c’ variance and the resolution had been memorialized for 389 Bennett Lane. He said they decided not to proceed there because they like this property better, but may pursue it in the future being that the property has not been sold yet and the plans are all ready to go.

Edward J. Brzyski – Green Avenue, Belle Mead

- Mr. Brzyski said his parents owned Lot 45.01 and that his Father has since past. He commented that this use is very low impact as opposed to those presented by developers over the years who had approached them. He said most of the lot will remain undeveloped. Mr. Brzyski said he and his Father built the house on Lot 45.02 in 1971. That house has since been purchased by family members. He said the lot was odd shaped since his Father had hoped to put in a cul-de-sac in, but never came to fruition. He spoke further in favor of the application.

Mayor Lipani reminded the public this portion of the meeting is to ask questions of the witness, not provide commentary.

Henry Shu – 6 Lanning Way

- Mr. Shu asked if the LLC making the application is a for-profit organization.

Mr. Singh said it is for public benefit; it is a “B” corporation.

- Mr. Shu asked Mr. Singh why the Franklin Township property was passed over and why the Hillsborough site is preferred.

Mr. Singh said the Franklin property is only five acres and was more undesirable due to the high tension wires, septic, and the need for a retaining wall.

PLANNING BOARD MEETING MINUTES
September 09, 2021

No further questions for Mr. Singh.

Mr. Bernstein noted Mr. Nusser will need to be recalled for questioning after the applicant.

Dr. David Barile of Green Care Farms was sworn.

Mr. Ciccarelli restated his question regarding emergency services to the site.

Dr. Barile said they are looking for residents with mild Alzheimer's dementia. They will be higher functioning and assisted throughout the day. This facility will not be like a nursing home or assisted living facility. Some will age in place and remain there over time and require more medical attention.

Dr. Barile shared he is a Geriatrician and provided some of his background.

Chairman Suraci asked for more information on the operations and security for the site.

Dr. Barile said it will be a locked facility and fenced in. There will be staff on hand to assist if residents wanted to go out. One of the main concepts of this facility is that residents will be able to go outdoors on their own, at least out to the garden space and greenhouse that will be fenced in. The site is architecturally designed to promote wayfinding to reduce stress and anxiety. Every point of interest will be within sight. The "V" shape is designed so that a resident walking in from outside can see their door. It is not designed as one long corridor with sharp turns.

Dr. Barile said what they have found with facilities like this in Europe is that there is less prescribing of psychotropic medications needed to relieve anxiety. Residents will have something purposeful to do; attending gardens, preparing meals, and working in the greenhouse.

We are hoping the residents will be actively engaged and involved in gardening. There will be usual activities for residents, such as art, music and social activities. Most of the activities the residents will be involved in will be food prep, gardening, collecting chicken eggs, and being outdoors.

Mr. Maski asked what would be stored in the barn.

Dr. Barile said materials for gardening, but no livestock or roosters.

Mr. Santaromita asked the minimum number of employees on the facility, and information on staffing times.

Dr. Barile said two staff would be overnight, likely 11pm to 7am.

Open to the public.

No questions for the witness.

Break 9:20pm – 9:30pm

Christopher Nusser, PE, PP, of Engineering & Land Planning Associates, Inc. returned for questions and further testimony.

No comments from the Board on Mr. Maski's memo.

Mr. Nusser addressed Mr. Di Sessa's engineering memo, dated 09-08-21. He said some of the comments are related to a site plan application, without the benefit of having fully engineered site plans.

Mr. Nusser said the impervious lot coverage for Lot 45.02 is going from 15.5% to 15.41%. He said they will comply with the eight comments under subdivision.

Mr. Di Sessa said his comments are very detailed, and advised Mr. Nusser address anything they will not comply with or needs more detail on.

Mr. Nusser noted the application is not for site plan for Lot 45.01, so items #1 and #2 are not necessary under the site plan. section. There may be an opportunity to expand the one-way widths, but does not gain any utility in doing so. Mr. Nusser said the applicant is trying to limit the impervious surface and increase the green space.

Chairman Suraci asked for clarification on the parking stall sizes.

Mr. Nusser showed the exhibit and reviewed there are a total of 12 head-on parking spaces at 9 ft. x 20 ft. Four spaces of the

PLANNING BOARD MEETING MINUTES
September 09, 2021

same size will be at the front entrance area, including two ADA spaces. Five 8 ft. x 2 2ft. parallel parking stalls will be located on the south side of the loop. The total of ten spaces is required when calculating one space per the five employees and one space per three beds. The parallel spaces are additional parking.

Mr. Nusser continued with the engineering report. He said there will be some administrative space within the facility. Mr. Nusser agreed to add additional details into the final plan as requested. He said this project including the stormwater has already been reviewed by the DRCC and conditioned for approval once this application has been approved by this Board.

Mayor Lipani asked for some details on the stormwater.

Mr. Nusser said there will be two bioretention basins on the site; one between the parking lot and Woods Road to the east, and one at the rear of the property to the west. They will provide water quality treatment, quantity, and recharge; everything is surface.

Addressing the landscaping, Mr. Nusser said they will update the tree removal calculation. The bioretention basin has two seed mixes within it; plantings are not proposed on the banks or within the basin. There is no issue with substituting out the trees for another species, as requested.

Mr. Di Sessa said that is acceptable as long as it is in agreement with the BMP Manual.

Mr. Nusser said this project has approval from the SUSCD. The revised plans will be submitted for recertification. The LOI was received from the NJDEP verifying there are no wetlands or transition areas on the property. All outside agency approvals will be provided for the Board's records. Whatever guarantees or inspection escrows required will be provided.

Mr. Di Sessa had no further questions.

Mr. Emmich asked if the 30 ft. buffer had been resolved.

Mr. Nusser said they are requesting a waiver being that Mr. Maski's interpretation is that the 30 ft. buffer is required.

Mr. Emmich suggested the Evergreens be staggered to reduce the glare from headlights for the residential property.

Mr. Nusser agreed.

Mr. Maski clarified that the buffer is required; it is not my opinion. He asked if the plantings in the buffer be to the satisfaction of the Board's Engineer.

Mr. Nusser agreed.

Vice Chairman Julian asked for review of the Environmental Commission's memo, dated 09-01-21.

Mr. Nusser said the contamination is not existing on-site; it is on the adjacent property northwest of the site. There is no concern given the distance away from the other property. This building will not have a basement and will be serviced by public water.

Mr. Singer commented that some due diligence had been done on the property and that no contamination had been found.

Vice Chairman Julian asked what type of due diligence had been done.

Mr. Nusser said he did not know the specifics.

After speaking with his client, Mr. Singer said a Phase I had been done.

Mr. Singh said the Lender required a Phase I be done. He was unclear if a partial Phase II had been done as well.

Mr. Maski noted the Environmental Commission requested details be added to the plan for potential vernal habitat.

Mr. Nusser said it is 800 ft. from the property. The LOI was issued without any transition areas, buffers, or wetlands on the property. The NJDEP would regulate a vernal habitat; that should be sufficient.

Mr. Maski asked that the Natural Heritage Database documentation be provided.

Mr. Nusser agreed. He stated there are no threatened endangered species located on the property mapped by that database.

Mr. Nusser addressed the Fire Safety Memo, dated 08-25-21. He said they will comply with all of the comments and work with the Fire Marshal to his satisfaction.

PLANNING BOARD MEETING MINUTES
September 09, 2021

Chairman Suraci asked if the markings requested will put any of the parallel parking spaces in jeopardy.

Mr. Di Sessa suggested having a fire lane striped around the curbs and around the opposite side of the parallel parking so that no one will park along that curve and block the flow of traffic.

Mr. Nusser said the loop itself does not support the fire truck around. The fire truck would have to make a turning movement to exit the site. He again stated all will be discussed with the Chief Fire Marshal, to his satisfaction.

Mr. Singer asked Mr. Nusser to discuss the waivers requested.

Mr. Nusser said we have requested two variances for Lot 45.02 for the existing single-family home. The maximum impervious coverage is exceeded at 15.41% where 10% is permitted; the second for the accessory building which in this case the detached garage is located in the front yard. Both can be considered under the hardship standards as it related to the lot as to where things were constructed. There is no substantial detriment as the grant of those variances. Those structures have been there for over 40 years and have operated without issue.

The waivers being sought are for the widths of the aisles; 24 ft. for the two-way aisle where 30 ft. is required, and 12 ft. 20 ft., and 24 ft. in some sections are proposed for the one-way aisle where 25 ft. is required. Parking stall sizes at 9 ft. x 20 ft. and 8 ft. x 22 ft. where the ordinance requires 10 ft. x 20 ft. stalls. He noted the RSIS requires 9 ft. x 18 ft. stalls. Relief is requested for the buffer at the property line to the residential property, where 30 ft. is required and 18 ft. is proposed. Lastly, trees are being removed outside of the critical footprint.

Mr. Nusser stated given the intensity of the use, the dimensions of the parking and drive aisles are appropriate. Adjustments will be made to the buffering proposed between the parallel parking spaces in the southern property line to the satisfaction of the Board's professionals. The site complies with not removing more than 20% of the trees and compliance with the ordinance is being made on site.

The State took the power away from boards to control a facility like this. The State went beyond making this use inherently beneficial and said this use supports the public benefit and welfare of the community. This use does it in a way that is respectful to the community. On the whole, there is no substantial detriment and in fact is quite the opposite.

Chairman Suraci asked if there will be a walkway from the parallel parking spaces.

Mr. Nusser said a walkway is not proposed in that area because it is overflow parking. If the desire of the Board, it will increase the impervious coverage and reduce the buffer to the southern property line. There are five visitor spaces closer to the building.

Mayor Lipani asked what will be in the circular area.

Mr. Nusser said it will be landscaped with grass and six deciduous trees in that area.

Mr. Emmich said the comments earlier where on the buffer to the north, but an enhanced buffer to the south is just as critical.

Mr. Nusser agreed.

Open to the public.

Edward J. Brzyski – Green Avenue, Belle Mead

- Mr. Brzyski said the house on the adjacent property belongs to his Aunt, so he will make sure they put enough trees to buffer the headlights.

Joseph Ketusky – 12 Petrik Farm Road

- Mr. Ketusky asked for more information on the impervious.

Mr. Nusser said impervious coverage is being added, which is the reason for the stormwater management. The municipal ordinance would have us put in more impervious surface than what is being proposed. The relief requested by the waivers is to limit the amount of impervious coverage. The percentages stated are for the existing improvements on Lot 45.02.

- Mr. Ketusky asked how much impervious is being added by the new facility.

Mr. Nusser said the compliance is per lot. The proposed lot has a coverage of 9.52% impervious. The development is concentrated in one location but complies with the overall lot size.

PLANNING BOARD MEETING MINUTES
September 09, 2021

Mr. Di Sessa said overall, the impervious is being increased by an acre of new impervious. That acre of new impervious is what is being treated by the stormwater management facilities. There are two basins that will collect that extra runoff from the extra acre of impervious, hold it in there and release it at a slower rate.

No further questions.

Mr. Singer said he had no other witnesses.

Chairman Suraci called for comments.

Joseph Ketusky – 12 Petrik Farm Road

- Mr. Ketusky expressed his concerns regarding the additional impervious for an area that just experienced flooding. He also questioned the need for a traffic study for commercial traffic to the site and brought up the potential for regulations on Petrik Farm Road, if used for more direct access to the site.

Mr. Maski said residential properties are limited to a 10,000 GVW truck for overnight parking.

- Mr. Ketusky commented that if the waivers are not granted the site does not work.

Edward J. Brzyski – Green Avenue, Belle Mead

- Mr. Brzyski said for the most part, this property will be untouched; it is the lowest impact of this property. He further spoke in favor of the use/facility.

Henry Shu – 6 Lanning Way

- Mr. Shu thanked the Board for the availability of documents (CivicClerk). He said his lot, Lot 44.16, is directly adjacent to the west of the proposed development. The satellite image used on the FEMA map is more than 13 years old and therefore does not show his house or the houses for six of his neighbors.
- Mr. Shu said he supports the lot line application but is strongly opposed to all other variances and waivers. He said whether it technically fits under a single-family use, logically it does not. It creates 15 parking spaces, numerous flood lights, and will house 15 residents, so it is not a single-family use. Mr. Shu further spoke against the granting any relief and raised his concerns with the lighting spilling onto neighboring properties and the increased traffic to the site.
- Mr. Shu said this facility seems like a good idea, but in the wrong place. He noted a “B” Corporation is a for-profit organization. He said for them to benefit from being in a quiet neighborhood at the expense of the residents who paid a premium to be there is unfair. He urged the Board not to grant the variances and waivers requested.

Close public.

Mr. Bernstein noted the time.

The Board agreed to continue the meeting time by 30 minutes.

Mr. Bernstein reiterated there should be no further development on this site without further Planning Board review and approval. the Township ordinance considered this to be a single-family residence in accordance with the State Law, as accepted and regulated by various agencies in the State, most notably the Department of Health and the Department of Community Affairs. If the neighbors have a problem with how these things are defined, the individuals to talk to are not within this room. Although not a perfect situation, the State defined this use as a single-family.

Mr. Bernstein summarized the relief being sought and all agreements made on the record.

Mr. Maski and Mr. Di Sessa provided further comments.

Chairman Suraci noted any further comment from the Fire Marshal regarding the fire lane.

Mr. Skobo asked if the lights can be lowered along the driveway.

Mr. Nusser said the lights are full cut-off LEDs at 15 ft. They will be compliant with the ordinance. To do low height lighting along the driveway will increase the number of fixtures. Low lighting in the parking lot could be blocked by a vehicle, so the 15 ft. is a good height to have.

Mr. Maski asked if the lighting can be reduced after a certain hour.

PLANNING BOARD MEETING MINUTES
September 09, 2021

Mr. Di Sessa said there is not a requirement for 24-hour lighting. The applicant may want to have security lighting near the entrance but the lights can be put on a timer to reduce the number of lights after a certain hour.

Mr. Nusser said the applicant's testimony was that they will have two employees for the 11pm to 7am shift, so there will be a shift change around 11pm. There are ways of reducing the illumination or keeping just those lights adjacent to the building on. Those adjustments can be made to the satisfaction of Mr. Maski and Mr. Di Sessa.

Chairman Suraci called for a motion to approve Application #19-PB-21-SV based on the conditions outlined.

Mayor Lipani said he would like to address the concerns of the neighbor that spoke earlier. He pointed out that based on the zone having a two-acre minimum, there could be a potential of six residential houses being built on this property without having to come before the Board. Those homes could have a total impervious beyond the one-acre, and come with all of the impacts to the roads and schools associated, for a small development across from Petrik Farm Road. He said the State precludes the Board from having more control on this development beyond a plot plan. The waivers requested are minimal and the proposed development allows 10 acres to remain undeveloped. Mayor Lipani said the Board is tasked to make the best of any application before it, so it is an improvement to the needs of our Township and the value of our residents as best we can do.

A motion to approve Application #19-PB-21-SV as stated was made by Mayor Lipani, seconded by Mr. Skobo.

Roll Call: Mr. Wagner –yes; Mr. Peason – yes; Mr. Santaromita - yes; Mr. Skobo – yes; Secretary Hesthag – yes; Mr. Ciccarelli – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

Chairman Suraci reminded the Board on the upcoming September 23 meeting.

ADJOURNMENT

A motion to adjourn was made and seconded. All were in favor; motion carries.

The meeting adjourned at 10:47 p.m.

Submitted by:

Debora Padgett, Planning Board Clerk