

HILLSBOROUGH TOWNSHIP PLANNING BOARD
APPROVED PUBLIC MEETING MINUTES
March 04, 2021

Chairman Carl Suraci called the Planning Board public meeting of March 04, 2021 to order at 7:30 p.m. and announced: This meeting will be conducted virtually. The public will be given an opportunity to participate remotely through the advertised Zoom link or choice of phone numbers identified in the public meeting notice. Members of the public should use the "raise hand" feature in Zoom, or *9 if participating by telephone, to indicate you would like to be recognized to speak.

Meeting and application documents have been made available at <https://hillsboroughnj.civicclerk.com/> in accordance with the public meeting notice.

Applicants will be presenting remotely and will identify themselves before testifying.

SALUTE TO THE FLAG

All stood for the Pledge of Allegiance.

ANNOUNCEMENT OF MEETING NOTICE

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 2020 Annual Meeting Schedule has been provided to the officially designated newspapers, the Township Clerk, posted on the bulletin board at the Hillsborough Township Municipal Complex, and posted to the Township's Website.

Additional notice has been provided to communicate that this meeting is being conducted according to the Governor's Executive Orders and pursuant to P.L. 2020,c.11, which allows for meetings to be conducted electronically; and pursuant to the local Finance notices recently established.

ROLL CALL

Board Members: All marked "present" participated via Zoom

Mayor Shawn Lipani - Present

Robert Wagner, Jr. – Absent

Deputy Mayor Frank DelCore - Present

Robert Peason – Present

Carl Suraci, Chairman – Present

Neil Julian, Vice Chairman – Present

Nathan Santaromita – Absent

Ron Skobo – Present

Kenneth Hesthag, Secretary – Present

John Ciccarella (Alt. #1) – Present

Curt Emmich (Alt. #2) – Present

Board / Township Professionals participating: David K. Maski, PP, AICP, Township Planning Director; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Robert Yuro, PE, CME, Board Engineer (T&M Associates); Michael Lombardozi, CSR, Board Court Reporter; and Fred Kinzler, Technology Staff.

CONSIDERATION OF MEETING MINUTES

None

CONSIDERATION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

- April 01, 2021 – meeting status

Chairman Suraci said no business is scheduled to the April 01 agenda. He called for a motion to cancel the meeting.

A motion to cancel the April 01, 2021 meeting was made by Mr. Peason, seconded by Mr. Skobo. No comments.

Roll Call: Mr. Emmich – yes; Mr. Ciccarella – yes; Mr. Skobo – yes; Mr. Peason – yes; Secretary Hesthag – yes; Deputy Mayor DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

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

Maria Janucik – 720 East Frech Ave., Manville and Hillsborough Property Owner of 2155 Camplain Rd.

- Ms. Janucik asked if Block 86, Lot 21 owned by Hillsborough Township had been sold to the Developer yet.

Chairman Suraci advised that question is not for the Planning Board. He advised Ms. Janucik reach out to the Township Administrator.

Ms. Janucik said her property abuts that property so she gets notified of applications made. She asked if a response had been received from the NJDEP.

PLANNING BOARD MEETING MINUTES
March 04, 2021

Mr. Maski said he would need to research it.

Ms. Janucik asked why plans and documents for the RPM subdivision shows Lot 21, not the new Lot 21.01.

Chairman Suraci advised Ms. Janucik bring her paperwork into the Planning Department to address any questions.

No further questions/comments.

CONSIDERATION OF ORDINANCES

None

APPLICATIONS

- **CP East Brunswick, Inc. (Cyzner) – File 20-PB-05-MSPV** (TOD: 03-31-21) - Block 178, Lots 2 and 3.01 (formerly Lot 3.A) – 420 and 430 Amwell Road. Applicant seeking preliminary and final major site plan approval; 'c' bulk variances; and waivers, to construct two 2-story mixed-use buildings, each approximately 6,600 sf., a clock tower, 45 parking spaces, access driveways connecting to Lot 3.01, and site improvements, on Property in the TC, Town Center Zone, and within the ASD, Architectural and Site Design Overlay District. (EC Review: 08-17-20) ***Application hearing continued from January 14, 2021 without further notice.***

Exhibits (01-28-21):

Exhibit A-1 - Exhibit List (1 page)

Exhibit A-2 - Witness List (1 page)

Exhibit A-3 - Existing Features Plan, dated 12-05-19 (1 sheet)

Exhibit A-4 - Site Plan Rendering (1 sheet)

Exhibit A-5 - Conceptual "Main Street" Rendering Post Improvements (1 sheet)

Exhibit A-6 - Architectural Elevations (3 sheets)

Exhibit A-7 - Building Rendering (1 sheet) (Identified as the older version – see Exhibit A-11)

Exhibit A-8 - Tower Clock Rendering (1 sheet)

Exhibit A-9 - Sign Schedule (1 page) – pre-marked by the Applicant's Attorney but not referenced

Exhibit A-10 - Sign Exhibit (6 pages)

Exhibit A-11 – Updated Building Rendering (2 sheets)

Cheryl Lynn Walters, Esq. of Nehmad Davis & Goldstein, PC, representing the Applicant asked if Deputy Mayor DelCore had reviewed the January 14 hearing since he had been absent at the previous meeting.

Deputy Mayor DelCore confirmed he had reviewed the January 14, 2021 hearing and submitted the paperwork to the Planning Department earlier in the day.

Mr. Maski stated Secretary Hesthag had also submitted the paperwork that he had reviewed the previous hearing.

Ms. Walters gave a brief overview of the application and subsequent submissions provided to the Township. She said a new sign plan was submitted along with additional pre-marked exhibits (Exhibit A-12 through Exhibit A-17) in advance of this hearing and have been made available on the Township's website. Ms. Walters referenced the new exhibits submitted, noting the clock tower no longer shows signage on it.

Ms. Walters said testimony will be provided tonight by our Traffic Engineer, Architect, sign expert, the Applicant, and Planner. She said our environmental expert is not on the meeting but could be available if needed.

Exhibits (03-04-21):

Exhibit A-12 - Revised Exhibit List

Exhibit A-13 - Clock Tower Elevation - revised 2-11-21

Exhibit A-14 - Clock Tower Rendering - revised 2-11-21

Exhibit A-15 - Retail Tenant Sign Standards

Exhibit A-16 - Retail Tenant Sign Rendering - Building 1

Exhibit A-17 - Monument Sign Detail

Gary Dean, PE of Dolan & Dean was sworn in, provided his credentials, was accepted by the Board, and gave the following testimony:

Mr. Dean confirmed he had prepared a traffic study dated 03-05-20. He stated traffic counts had been done pre-Covid conditions in November, 2019. Prior to that, the applicant had considered an alternative development of the property that did not quite match the Town Center vision, and not pursued.

Mr. Dean said they had attended a meeting with NJDOT to discuss the nature of ingress and egress to the subject

PLANNING BOARD MEETING MINUTES
March 04, 2021

Property. At that time the concept was for a restaurant property, but the same ingress and egress concerns apply. NJDOT favorably considered the overall concept for the access to the site, which would allow for a restriping of the highway across from Nelson's Corner to provide a left-turn lane to come into the site. This site would be afforded a direct means of ingress from both north and south on Route 206. However, all parties felt it was advisable to restrict left-turn movements, given the fact traffic can come out to Amwell Road. Those pre-application meetings occurred in 2017. As the project evolved to what is now before the Board, we updated the traffic counts, which is contained within the appendix of our report. Route 206 carries the highest volume, with roughly 1,800 or so vehicles per hour. Amwell Road is not quite as busy, with roughly 1,200 to 1,300 vehicles per hour.

Given the size of the retail spaces, this development will have low volume generators that are not traditionally chain businesses but those that cater to the local community. However, the data was based on this being multi-tenanted shopping center type uses. Morning traffic is expected to be about one dozen vehicles being that most retail businesses are not open early in the morning. Evening trips are about 40 per hour; 36 in and 46 out. Typically traffic with 100 trips could impact the roadway systems. This site is well below that threshold and determined to have levels of service B and A on Amwell Road, and levels of service C on the highway for coming in and out of the property during peak hours. Most importantly, there would be no detrimental impact to the neighboring driveways. Due to the minimal impact of this site, there would be no change in the levels of service to the Bottle King retail site driveways.

This plan features a tertiary access to the adjoining Bank of America property by way of an existing easement for the bank and partial parking area, which is part of this site. Cross-connection has been featured to allow traffic to exit out to the Bottle King site. Our access application had been submitted to NJDOT and deemed complete in mid-December and anticipate review comments shortly. The review by the County wishes to restrict lefts out onto Amwell Road. We have challenged the County on that given that all of the driveways along that area of Amwell Road permit direct left-turn ingress and egress. We will continue to pursue that with the County. Traffic within the site has to meander throughout the site; there is not one straight shot to Route 206 or Amwell Road, so low speed travel within the plaza is expected. There is a commitment to add a bicycle rack to the plans. The architectural style prevents vehicles from overhanging onto the curb so that there will be adequate pedestrian circulation. While the traffic study has assumed all of that traffic we have today on Route 206; it is the expectation in the future that volumes on the highway will decrease substantially once the Bypass opens. The vision of the Township converting Route 206 into more of a boulevard or a Main Street is fulfilled with this project in terms of the building setbacks and ability to integrate fully. Beyond that, this is a very low impact type of use, and the ingress and egress is safe and efficient.

Ms. Walters asked Mr. Dean to address any impacts to the ingress and egress and circulation for this site should the Bank of America lot not be available for access.

Mr. Dean said there is a benefit to having an internal connect to allow the ability to travel between commercial sites. However, the study was done without the assumption that that tertiary connect would be in place, and determined to have favorable levels of service.

Mr. Emmich asked what would happen if you are not successful with the County to allow for left-turns, and not able to have the tertiary access.

Mr. Dean said the County made that suggestion because of the tertiary access. The County felt the traffic from this site has the ability to exit through the Bank of America and Bottle King's parking lots to get to the traffic signal. We have taken exception to that. Mr. Dean said if the tertiary access goes away, I am absolutely confident that the County would give us full ingress and egress with no restriction.

Mr. Yuro asked Mr. Dean if it is his professional opinion that traversing over two eastbound lanes, a third dedicated left-turn lane going east, and then two westbound lanes is still a safe traffic movement.

Mr. Dean said I do. He said there are a number of other driveways along that area that permit left-turns. He said from our review of Police Department records, no one has indicated that that is a problematic movement. Mr. Dean said in my opinion, the County has unfairly discriminated against this one particular site. He said all of the uses from the light on Route 206 to the Bottle King light are busier than I would expect this particular site to be. That is why we continue to pursue it with the County. Mr. Dean said I have not evaluated site distance of safety, but knowing the applicant controls the vegetation currently overhanging on Amwell Road; I am confident that left-turn movement can be made safely without question.

Open to the public.

Maria Janucik – 720 East Frech Ave., Manville and Hillsborough Property Owner of 2155 Camplain Rd.

Ms. Janucik asked for more information on the easement mentioned.

Mr. Dean said his understanding is that when the easement was originally agreed to, Bank of America owned this lot as

PLANNING BOARD MEETING MINUTES
March 04, 2021

surplus property. It was retained for some overflow parking

Ms. Walters showed Exhibits A-3 and A-4 for reference.

Ms. Janucik commented she could not see the exhibits being she was on the phone.

Mr. Dean explained that parking easement that allows access runs with the land. It allows the traffic from the subject property to circulate among the adjoining commercial sites.

Ms. Janucik asked for clarification on the lot numbers related to the easement.

Ms. Walters said the subject property we are proposing to develop is Lot 2; Lot 3.01 is the adjoining lot for the Bank of America building. The reason for including both lots is due to the proposal for an exit driveway in that easement area. The easement exists but the physical driveway currently does not. Aside from that exit driveway, we are not proposing any other improvements on Lot 3.01, with the exception of a potential sidewalk along the Route 206 frontage which is being pursued at the request of the Board. Lot 2 is now owned by CP East Brunswick and has the benefit of the access easement to Lot 3.01.

No further questions for Mr. Dean.

Ms. Walters recalled Mr. Roncati for architectural testimony.

Conrad Roncati, Jr., RA of Architectura was re-sworn, acknowledged he was present virtually at the January hearing, and recognized by Chairman Suraci on behalf of the Board.

Mr. Roncati described the revisions to the plans since the last hearing. He said his client asked him to remove the proposed signage on the clock tower, which had been previously presented on two of the sides. The revised plans dated 02-22-21, shows all four elevations of the clock tower without signage. Exhibit A-13 was shown. The stacked windows in transom were repeated in place of the sign area so that all four sides are the same. The clock face is on the north and south, or front and rear sides. Half round shaped detail is on the remaining two sides. All other aspects of the clock tower remain the same as previously presented. Exhibit A-14 shows the revision made to the clock tower for the rendering, dated 02-11-21. Everything else in the rendering is exactly the same as previously presented.

Mayor Lipani asked if the clock tower is hollow all the way up.

Mr. Roncati said they are proposing a ceiling above the archway on the lower level and that the area where the windows are located would not be open to the pedestrian level.

Mayor Lipani asked if the clock would have chimes or bells that would ring on the hour, or if it would be a quite clock.

Mr. Roncati said that had not been discussed.

Ms. Walters said she would work on getting an answer on that.

Mr. Maski said this is going to be one of the higher points in the Town Center. He said at some point, it may be considered a great site for a 5G small cell antenna. He asked if the clock tower was designed in a way that could accommodate an antenna inside without showing.

Mr. Roncati said the cupola at the top could certainly function in that manner. He said he was not averse to taking a look at the materials for that.

Chairman Suraci called for questions for the Architect.

Maria Janucik – 720 East Frech Ave., Manville and Hillsborough Property Owner of 2155 Camplain Rd.

- Ms. Janucik asked the purpose for having the clock tower and its height.

Mr. Roncati said it is for aesthetics. Having a clock tower at the center of this site reinforces the idea that this area as being part of the “downtown” community. The tower would be 42 ft. in height.

No further questions for Mr. Roncati.

Ms. Walters recalled the sign expert.

Richard Crawford of Bartush Signs was re-sworn, acknowledged for his previous testimony and recognized

PLANNING BOARD MEETING MINUTES
March 04, 2021

by Chairman Suraci on behalf of the Board.

Mr. Crawford addressed the revisions made to the tenant and monument signs. He said refinements were made to the sign package. Exhibit A-15 shows a tenant sign where the maximum of 22 sf. is outlined in red, within the 32 sf. staging area. Any logo a tenant may have would fit within that 22 sf. area outlined. Mr. Crawford showed examples from a West Windsor site where these same types of signs were used. The applicant is not asking for a 32 sf. sign, but for a 22 sf. sign, and that the 32 sf. staging panel not be considered as part of the sign area. The staging panel is a structure, not a sign area. If the staging area were a contrasting color, we would recognize the entire area to be 36 sf. The architectural detail for the signs is white on white. The wiring and LED power supplies are inside the staging panels.

Exhibit A-16 shows what these signs might look like on the building. These signs are all complementary to the design and architecture of the building. Signs are shown at the top for the upstairs tenant, but we do not know if that will be for one tenant or two.

Ms. Walters clarified they are allowed up to one sign per tenant, for a possible five tenants per building; three on the lower level and two on the upper level of each building.

Mr. Crawford agreed.

Ms. Walters said we are proposing 22 signs between the two buildings, where 10 tenant signs are permitted. Not all of those signs sizes exceed the size limitation.

Mr. Crawford said that is correct. He said 10 signs are proposed for Building #1 closest to Route 206. Of those 10 signs, six are compliant; four are what we are calling the 22 sf. signs on the first floor. All of the other tenant signs are compliant for size at 15 sf. Building #2, closest to Amwell Road, has 12 potential signs, of which eight are compliant and four are not.

Mr. Crawford addressed the monument signs. He said the monument signs were revised to make them uniform by making them smaller and lower. Both would be 50 sf. With the copper roof the height is 7 ft. 4 in. The roof is a design element but could be taken off if the Board prefers. The tenant inserts are shown with an opaque dark green background and white lettering. The top is not white but shown as having halo lit channel letters with backlighting. The revised sign is adequate to give identification to the tenants on both roadways. The tenant signs will be internally lit with LED lighting.

Mayor Lipani asked if the size of the signage would stay the same if there were less than 10 tenants.

Mr. Crawford said the dividers are removable so we can reconfigure things. If the center starts out with 10 tenants, this is what you will have (Exhibit A-16), but if it starts out with eight, it can be reconfigured before and after construction.

Mayor Lipani asked if the size of the signs would still be compliant if the number of tenants is less.

Ms. Walters said the sign itself is not a permitted sign.

Mr. Crawford said there are two ways of addressing it. Either each sign could get a bit larger, or the owner stays with the 10 tenants sign and has blanks.

Mayor Lipani said the Board is being asked to approve the monument signs. He asked if the signs within that sign are further regulated. If the sign for Tenant 1 and Tenant 3 were combined, would that be an issue?

Mr. Maski said if the Board is going to permit a sign that is prohibited within this zone; the Board can decide what the standards are going to be. He said my report provides how monument signs are permitted in other zones.

Ms. Walters asked that the sign be considered as presented.

Mayor Lipani asked if only the letters, as shown on the exhibit, will be illuminated at night; the backing will stay dark.

Mr. Crawford said that is correct. The background is blank.

Deputy Mayor DelCore asked if there will always be three signs on the lower level.

Ms. Walters said the signs would be commensurate with the number of tenants.

Mr. Maski asked for information on the number of signs. He asked where the other 14 of the 22 signs mentioned are located.

PLANNING BOARD MEETING MINUTES
March 04, 2021

Ms. Walters showed Exhibit – A6.

Mr. Crawford described the signs proposed.

Mr. Maski asked for the size of the upper level signs, noting that the two signs shown appear to touch to create one 30 sf. sign.

Mr. Crawford said they will be mounted so that they do not touch.

Mr. Maski clarified for the Board that the way our ordinance is interpreted, the tenant signs on the lower level are 36 sf. If this applicant wants an interpretation on the signs, they need to go to the Board of Adjustment. The signs require variances because they are over 20 sf.

Ms. Walters acknowledged the need for variances.

Mr. Maski said all that has been done for the signage from the last hearing is that the signs were removed from the clock tower and the two monument signs were made to be uniform and slightly smaller. The signage on the buildings remains the same. You did not reduce the number or the size of the signs on the building that the Board commented on.

Ms. Walters said that is correct.

Mr. Maski referred to his March 01 supplemental memo.

Mr. Crawford said the lighting illumination will comply. The lettering and trim on the monument signs is going to be white. The tenant signs on the building are uniform but each tenant will have their own individual names and fonts.

Ms. Walters said Mr. Cyzner will testify next and can address that the monument signs will be landscaped.

Mr. Maski said there is supposed to be conformity on the site, so more than three colors for tenant signs would require a waiver.

Ms. Walters asked if the three colors are per sign or per site.

Mr. Maski explained whatever the Board approves for signage will become the sign manual for this site, and the standards by which you will be held to. Any request for a waiver should be addressed now.

Mr. Emmich asked Mr. Maski if the signs on the top floor are conforming.

Mr. Maski said no, they are not supposed to be above the sill of the second floor.

Mr. Emmich asked if there is a distinction as to the type of tenants that can be on the second floor.

Mr. Maski said he did not believe there is a restriction as long as the building is fully commercial. As per the testimony all of the tenants would be identified on the monument and tenant signs.

Mr. Emmich asked if any of the second floor signs face Route 206 or Amwell Road, or if they are all internal.

Mr. Crawford said two of the second floor signs face Amwell Road and two face Route 206.

Mr. Emmich said as previously shared, the architecture is so thoughtfully designed. The signs on the second floor are not complimentary.

Chairman Suraci called for questions from the public.

Susan Gulliford – Hunt Club Road

- Ms. Gulliford asked if there will be any restriction on tenants propping up signs in their windows that can sometimes detract from the aesthetics.

Ms. Walters said that can be answered by Mr. Cyzner.

Maria Janucik – 720 East Frech Ave., Manville and Hillsborough Property Owner of 2155 Camplain Rd.

- Ms. Janucik asked what signs were referenced as being prohibited.

PLANNING BOARD MEETING MINUTES
March 04, 2021

Ms. Walters said that comment was in reference to the monument signs; one at the entrance at Amwell Road and the other at the entrance from Route 206. Freestanding monument signs are not permitted in this zone so a variance has been requested.

- Ms. Janucik asked how many tenants can be accommodated, and how many are permitted.

Ms. Walters said as per the building design, a maximum of 10 tenants can be accommodated; five in each building. The zoning does not limit the number of tenants permitted.

- Ms. Janucik asked if the number of tenants will be known when the project is approved.

Ms. Walters said not at the time of approval; that will be determined by market considerations. The concept for the project is for three spaces on the bottom floor and two spaces on the second floor for each building.

No more questions for Mr. Crawford.

Ms. Walters called the Applicant to testify.

Break 9:00pm – 9:10 pm

After returning from the break, and waiting for the witness to reconnect to the meeting, Mr. Maski listed the **variances** identified as: minimum lot area – Lot 2; minimum lot width – Lot 2; maximum front yard setback – Lot 3.01; maximum height – Lot 3.01; noncompliance for tree removal at 100% where 60% is permitted and 19 trees replaced where 160 trees are required ; no more than 20 cars on a double-sided lot, where 21 are proposed; and front facades not facing the street. Sign variances identified as: two freestanding signs proposed are non-permitted; an excessive number of façade signs where only one is permitted per tenant; signs located above the second-story sill; and signs in excess of 20 sf. **Waivers** identified: deficiency in parking stall size where 10 ft. x 18 ft. is proposed; parking lot exceeds 30% of the frontage on both roads; no loading spaces provided where two are required; deficient parking buffer from the property line where 30 ft. is required and 0 ft. is proposed; parking for more than 10 cars in a row; two ASDO waivers for the window sill height and the window size; and the arcade (canopy) width and height.

Ms. Walters asked about the loading spaces.

Mr. Maski said one per building is required.

Ms. Walters noted the two comments that were addressed were the LEED certification and the pavers instead of the patterned concrete.

Mr. Maski agreed.

While waiting for Mr. Czynier to reconnect, Ms. Walter said she had talked with her client during the break, and that he suggested the two second story signs that face to the inside of the property be removed from each building. Thereby eliminating four tenant signs, all above the second story. The two facing the streets would remain on each building.

Secretary Hesthag said he agreed it might be nicer without it and was going to point out that other developments do not have a second story sign when there is a directory sign. He asked Mr. Crawford if each of the first floor tenant signs would be the same, noting many shopping complexes throughout town have the same look.

Mr. Crawford said no. They will all be uniform in design and lighting but each tenant will bring with them their own logo or colors. The style will be the same but the fonts or letter styles will be different.

Since Mr. Czynier was having trouble logging back into the meeting, Ms. Walters called for testimony from the Planner.

Leah Furey-Bruder, PP, AICP, of LFB Land Planning, was sworn in, provided her credentials, was accepted by the Board, and gave the following testimony:

Ms. Furey-Bruder confirmed she had been present at the January hearing and heard all of the testimony. She summarized the application and spoke on the benefits of the development. She noted this applicant is among the first to propose a two-story mixed-use commercial development that meaningfully applies the Town Center standards. Though this lot is small, it is vital to the Towns Center vision. This application is substantially compliant with the standards that were crafted to guide development in the area, but requires some flexibility to enable development of this site. The variances requested will allow the site to be developed in a way that is feasible and advances the overall intent of the Town Center District. The applicant will focus on uses with small spaces that will benefit from this central location and evolving Main Street dynamic. Although some variances are needed to make the site work, the use and design are well suited to the property, and in keeping with the overall goals set forth in the Master Plan and for the

PLANNING BOARD MEETING MINUTES

March 04, 2021

Town Center District.

Ms. Furey-Bruder noted the vast variety of items she had reviewed in preparation and confirmed that she had visited the site. She said she would focus her testimony on the Town Center District standards found in 188-113.5 of the Township Code, and ASDO standards found in 188-167 through 175.

As outlined by Mr. Maski, the existing conditions for which variances are required are: minimum lot size for Lot 2, where (point).96 acre is existing where 2 acres is required; minimum lot width for Lot 2, for 125 ft. where 150 ft. is required; maximum front yard setback for the existing Bank on Lot 3.01, where 149.8 ft. setback and 176 ft. setback exists where 5 ft. is permitted; and maximum height for the Bank building on Lot 3.01, which is one-story where two-stories is required.

The existing conditions for Lot 2 are factors that contribute to the need for some of the new variances. The waivers were testified to by other professionals and just laid out by the Township Planner. We believe the waivers requested are reasonable and practical given all of the site conditions and proposed site design. The waivers will allow the site to be designed in a way that is consistent with the overall purposes of the Town Center.

Ms. Furey-Bruder spoke on the Town Center ordinance. She said the architectural design of this development will help raise the bar and streetscape; however, new variances are required to make the project viable. The TC Zone requires buildings to be oriented to the street to include the front facades at a minimum. The proposed development does not comply being that the short sides face the streets. If the buildings and driveways were turned 90 degrees, this site would not work. Two buildings are better than one for this site since there are two primary frontages. All sides of the buildings are designed with architectural detail that reflects the same frontage that will front toward the streets. So while the short sides of the buildings will face the streets, they will have windows, doors, and gathering areas to begin to frame that streetscape. All entrances will be clearly marked and accessible from the sidewalk.

The ordinance allows for no more than 60% tree removal from a lot, where the applicant proposes to clear the lot. Given the small size of the lot and two street frontages, it is not commercially practical to develop this site in a manner that preserves trees. Town Center encourages compact development. Preservation of 40% of trees on site would make development impractical. Tree replacement requires 160 trees, based on the size of the trees being removed and the calculations by the Board Engineer. The applicant will install as many replacement trees as will fit on the site without compromising the health of the new plantings. The applicant will comply with any trees beyond that number (contribution).

Ms. Furey-Bruder addressed the variances for signage. As described in detail, the staging area panels are 36 sf. and the signable area is 22 sf., where tenant signs are not to exceed 20 sf. The tenant signs will vary in size, but in all cases will fit within the 22 sf. rectangle. The signs will be large enough to identify the businesses and proportionate to the building where they will not overpower the facades. The consistent design will assure the signs will not create visual clutter. One first floor tenant will have a second façade sign on Building #1 because the outdoor seating area will be for that one tenant. The signs will allow motorists to identify the uses depending on their vantage point. When and if other sites are redeveloped, there may be pedestrians coming from other vantage points as well.

The ordinance allows for one tenant sign per use. As discussed at length, the tenants may vary but the maximum number of tenants will be 10. Up to eight signs are proposed on Building #1, and up to 10 signs on Building #2. There will be one façade sign for each use on the store front at its principal entrance, and one second sign for the tenant that faces Route 206. The sign design and size is such that can be replicated on future buildings in the surrounding area. The signs will be the same type with the same lighting and style, but will have flexibility with the font and colors. That flexibility allows diversity of uses and character. Consistency in color and font is not desirable in a downtown center.

The location of the signs higher than the sills of the second story windows require a variance. The signs for the second story businesses will be on the gable end as shown on the architectural elevations. They are moderately sized and are placed in that location since that is where they interfere the least with the architecture of the building.

Only signs affixed to a building are permitted in Town Center. The applicant is proposing two monument signs; one at the Amwell Road side and the other at the Route 206 side of the site. The proposed clock tower is a design element intended to blend with the building design. At this time this area is still automobile oriented. The proposed signs reflect the architectural character of the new buildings and the area overall, and are meant to communicate the presence of the site and the uses passing by. The monument signs will allow the developer to invest in the site in a manner consistent with the overall goals and objectives of the Town Center plan, while the area is in transition. As the transformation takes hold and the balance shifts from automobile oriented to pedestrian oriented, the applicant agrees that the monument sign along Route 206 will no longer be necessary. A true "downtown" does not have signs to identify each individual property. The applicant is requesting approval of the monument signs as described, but is willing to agree that at such time as the Main Street improvements are installed along Route 206, to include grass medians, on-street parking, and the widened sidewalks, that the monument sign would be removed along Route 206.

PLANNING BOARD MEETING MINUTES
March 04, 2021

Ms. Furey-Bruder supplemented what she referred to as her “practical” explanation with variance criteria related to the Municipal Land Use Law (MLUL). She stated the tree clearing percentage, building orientation towards the street, and existing variance conditions can all qualify as c(1) hardship variances; and all of the variances are justifiable under the c(2) criteria. Ms. Furey-Bruder said it is my professional opinion that the requested variances advance the purposes of the Municipal Land Use Law, and that the benefits substantially outweigh any of the detriment, and went on to further explain her findings in support of the variances and waivers requested. She concluded by saying the granting of the variances and waivers will not be detrimental to the zone plan, to the surrounding properties, or the Township Zoning Ordinance; the benefits of the proposal will outweigh any perceived detriments.

Ms. Walters said Mr. Maski reviewed the waivers required earlier, and added we will not comply with Mr. Maski’s comments for 3(c), so a waiver will also be required for that. We will comply with the landscaping, lighting, and a maximum of three colors per sign.

Ms. Walters asked the applicant’s Planner to provide testimony on the waivers.

Ms. Furey-Bruder said the waivers relate to the constraints and the needs of the proposed uses and that the waivers can be granted and the site can still meet the intent of the zoning district. She said all of the waivers have been addressed by the professionals who testified before me. The site will be functional despite the design waivers, and the grant of the waivers will enable the site to be developed in a manner otherwise consistent with the overall purposes of the Town Center. The waivers related to the parking and loading space are site specific to the constraints of the lot and the needs of the proposed use. The waivers related to the driveways and side parking relate to the width of the lot. Mr. Roncati addressed the larger windows and the arcade.

No questions from the Board.

Chairman Suraci opened the floor to the public for questions for the witness.

Maria Janucik – 720 East Frech Ave., Manville and Hillsborough Property Owner of 2155 Camplain Rd.

Ms. Janucik said there are so many variances and waivers associated with this application, and asked how this property is conforming.

Ms. Furey-Bruder said the zoning ordinance standards for the Town Center Zone are 30 pages; it is a very lengthy and detailed district. We comply with everything else but the ones that have been listed. She confirmed that the number of standards the proposal meets far exceeds the number it does not.

Ms. Janucik restated her question for a more detailed answer.

Ms. Walter said all of the uses are permitted; the buildings and their locations are generally permitted but there is some deviation from the zoning requirements. There are some site constraints that require variances and waivers. The Board has all of the testimony it needs to understand what relief is required.

Ms. Janucik commented further.

No further questions.

Ms. Walters noted Mr. Cyzner had been able to rejoin the meeting around 9:25pm.

Irv Cyzner, Principal of CP East Brunswick, Inc., was sworn in and provided the following testimony in response to questions asked by Ms. Walters:

Mr. Cyzner confirmed he is owner/operator of many mixed-use developments across the State of New Jersey and provided some background as to his 40 plus years of development experience and projects created. He said he had come in a few years ago to provide for a Panera store, but at the time did not understand the Town Center concept. Mr. Cyzner spoke to the design and quality of the proposed project. This area is very competitive so we have to provide an edge. The exposure will allow us to attract quality businesses.

Ms. Walters asked if the clock on the tower will chime on the hour or provide sound.

Mr. Cyzner said it will not have sound. Also, a question was asked about paper signs in the windows; we do not allow paper signs or sandwich signs. We have a very strict documents that our tenants have to sign and accept the rules and regulations that we institute. He said we actually have the ability to fine our tenants if they do not do what they are supposed to do. Mr. Cyzner said we also control the off hours delivery and trash pick-up schedules, and institute these rules throughout our approximate 75 projects. He said we are a family business that maintains our properties; we do not sell them.

PLANNING BOARD MEETING MINUTES
March 04, 2021

Mayor Lipani asked about adding bike racks.

Mr. Cyzner spoke in favor of adding bike racks. He said they usually have them by the sidewalk areas.

Mr. Cyzner confirmed he is still working on reaching out to the Bank of America regarding the sidewalk connection requested by the Board. He explained that the Bank of America has 140,000 branches, so it is difficult reaching someone; everyone is working remotely these days.

Ms. Walters noted Mr. Cyzner sent a letter to Bank of America as a follow up after several attempts to reach out in other methods had not been successful. That letter had been submitted as part of the application file.

Mr. Cyzner confirmed he had only been able to speak in person with the Branch Manager at the Hillsborough location so far.

Ms. Walter said so you are working on the sidewalks and willing to put the bicycle racks in.

Mr. Cyzner agreed.

Mayor Lipani asked if there is a plan to put in a charging station in the parking lot.

Mr. Cyzner said he would like to have at least two EV charging stations on the site.

Mayor Lipani complimented Mr. Cyzner on the architectural design.

Mr. Maski asked for an update on the potential cross-access with the Bottle King property.

Mr. Cyzner shared that they have not made any progress. He said his understanding is that that property owner is looking to come before the Board in the future with a large apartment project. The issue is that the Bank's easement does not have any metes and bounds descriptions, so it is basically anywhere and all over their site. He said I am hopeful there will be a resolution to work with the Bank, and meet with the objector. We would be amenable to work with the Bank and the Bottle King owner to create an exit to the traffic signal that conforms to what they envision on their project down the road. He said I really want that driveway to the traffic light as an exit. That is an important aspect to make it a user-friendly site.

No more questions from the Board.

No questions from the public for the witness.

Ms. Walters said that concludes our testimony in favor of the application. She asked that all of the exhibits be entered into the record.

Vice Chairman Julian asked about the soon to expire GP6 Permit. He asked if a new permit was applied for.

Mr. Cyzner confirmed they have.

Vice Chairman Julian asked Mr. Bernstein if his office had a chance to verify the Migratory Bird Act Ms. Walters brought up at the last meeting.

Mr. Bernstein said his office had not.

Ms. Walters clarified that the previous statement was not that they do not have to comply, but that the regulations and new rules going into effect indicate that commercial development constitutes an incidental taking which is not subject to limitations on periods of clearing. In other words, we are certainly subject to the Act, to the extent that there is not an exception. However, the exception to the requirement is for incidental taking. The new rules and regulations define "incidental taking" as an exclusion, and defines that to include clearing due to commercial development.

Vice Chairman Julian said you are going to clear those trees outside of the time frame you normally would be restricted to.

Ms. Walter said the limitation was from April 1 to August 31. She said depending on what happens tonight, it may be possible for the clearing to occur prior to April 1. Technically they could clear the site at any time; they do not need a land development improvement approval, but we have been waiting for this to go through.

Mr. Bernstein said his office will confirm the Act.

PLANNING BOARD MEETING MINUTES
March 04, 2021

Chairman Suraci called for public comment.

Maria Janucik – 720 East Frech Ave., Manville and Hillsborough Property Owner of 2155 Camplain Rd.

- Ms. Janucik questioned why an outside agency application within this application file was in the name of Jeremy Jaffe C/O CP Princeton Junction.

Ms. Walters explained that Mr. Jaffe was an employee of Mr. Cyzner's parent company, Cyzner Properties, Inc. CP Princeton Junction is another affiliate company owned by Mr. Cyzner; Mr. Jaffe is no longer with the firm. The permit was issued relative to the property and runs with the land. Ms. Walters said we can confirm with EcolSciences if a change in the title is required.

Ms. Janucik further questioned the application.

Ms. Walters offered to have their witness from EcolSciences testify. She noted most of the testimony had been covered by Mr. Ford at the first hearing. A representative from EcolSciences was at that meeting but not called on to testify.

Ms. Janucik commented that the application was confusing due to the names on the documents.

Mr. Walters mentioned again that both lots had been owned by the Bank of America. Since the time of the document referenced, Lot 2 was purchased by the applicant. She noted the NJDEP approval is outside the jurisdiction of the Board, as well as other outside agencies. That information is submitted to the Board for further analysis, but NJDEP has control over that permitting process.

Ms. Janucik questioned other information on the application forms submitted.

Ms. Walters responded that Fleet Bank is now owned by Bank of America. A document was submitted for the file to support the chain of ownership. The attorney noted is obviously no longer presenting the application.

Ms. Janucik questioned the change in attorney.

Ms. Walters advised that is a private matter made by the applicant. A document had been provided identifying that Fleet Bank is now Bank of America, which is part of the file.

Ms. Janucik spoke further on the importance of NJDEP approval.

Ms. Walters asked Mr. Bernstein to speak to the fact the outside agency approvals do not need to be in hand at the time of Board approval.

Mr. Bernstein confirmed outside agency approvals are conditions of approval for this Board. If the applicant cannot meet the conditions of approval, they cannot go forward with construction.

Richard Stewart, Esq. of Lasser Hochman, LLC, identified himself as representing **Weland Hillsborough Associates, LP**, owner of Lot 3 where the Bottle King shopping center is located. He noted that the Board alluded to there being a dispute regarding the proposed easement over the Bank of America property on Lot 3.01, and confirmed a portion of that easement crosses over Lot 3. Mr. Stewart said to the extent that this application provides for the utilization of our client's property in any manner; we object to the application. Our client has not granted any consent for the utilization of its property. The easement in question was granted by our client's predecessor. That access permitted access over our client's property at Lot 3, but was granted specifically to Lot 3.01, the Bank of America property. As a matter of law, that easement cannot be utilized by any property other than the so-called "dominant estate" which is Lot 3.01, the Bank of America property without our client's consent, which has not been granted. No one ever approached our client to request consent before this application was filed. Mr. Stewart stated clearly our client's consent is required in connection with this application. We would request that if the Board looked favorably upon this application that they would approve it without that easement that is in contention.

Ms. Walters said what is in dispute is the extent of the application of the easement. The argument made to the Board today is a technical argument and really not before the Board; that is a private dispute not to be determined or interpreted by the Board. What we do know is that there is an easement of record that allows access and egress from the original Bank of America lot through Mr. Stewart's client's lot. The original lot at one time incorporated my client's lot. My client has an easement with Bank of America to allow the egress driveway shown on the plan. There are easements that have been recorded that allow what we are proposing. To the extent that the Bottle King property owner disagrees with whether or not we can use the easement is a private dispute. The easements are of record. Testimony has been provided that with or without that egress, our property will operate safely. We suggest to the Board that as a condition of approval that in the event the applicant cannot secure the right to utilize the existing easement between Lots 3 and 3.01 the way we are showing, then we would eliminate that egress driveway from the plan.

PLANNING BOARD MEETING MINUTES
March 04, 2021

However, at this point, the Board has before it recorded easements and a plan that shows the egress driveway on Lot 3.01 that supports the flow of traffic as proposed. We ask the Board to not get involved in the private dispute between the two property owners. Ms. Walters stated I do not believe Mr. Stewart's client's consent is required because the easement provides that consent. If the Board feels comfortable in doing so, it can impose that condition of approval.

Mr. Stewart said I agree this is a private dispute not within the jurisdiction of the Board, except under the Land Use Law an owner's consent to an application is required if that owner's property is being considered part of an application, which this clearly is. If this application can proceed without that easement, it would be in everyone's best interest because this could result in prolonged litigation.

Mr. Bernstein said Ms. Walters suggested a condition for the approval which is if the easement is ultimately not permitted it will be stricken from her client's application and from the plans. He asked Mr. Stewart if he had any objection to that.

Mr. Stewart said he did, being that at what point does it become conclusive that it cannot be granted. We prefer the reverse; that it not be part of the application, but if the parties can reach an agreement then it becomes part of the application and approved accordingly.

Ms. Walters said the property owner's consent rule applies if improvements are being constructed, which is why we provided consent for the Bank of America lot since we are constructing this egress driveway within the easement area. Property owner consent is not required where an easement exists to access another lot. No improvements are proposed for that third lot. Ms. Walters stated she disagrees with Mr. Stewart that his client's consent is required. She said we do not agree to not include the driveway on the approved plan. If we cannot use it then it would be removed from the plan at that time as a condition of approval.

After further discussion, Ms. Walters said we are asking for the plan to be approved as submitted with a condition; we can work out the language on the condition with Mr. Bernstein.

Mr. Bernstein said the Board has a right to approve the plan as drafted with a condition relative to the access. He suggested Ms. Walters and Mr. Stewart work on the language during the time his office drafts the resolution for the rest of the application, assuming approval is granted. He advised he does not want to get involved in what is ostensibly a private dispute.

Ms. Walters concurred and reiterated, if approved, the plan would be approved as shown, and will agree to a condition that will not require my client to come back for further approval.

Mr. Bernstein advised Mr. Lombardozzi will prepare the transcript, so all that has transpired will be part of the record.

Ms. Walters and Mr. Stewart agreed to discuss the matter further privately to come up with the acceptable language.

Susan Gulliford – Hunt Club Road

- Ms. Gulliford asked if the egress through the easement were eliminated if Mr. Dean would need to revise his traffic study.

Mr. Bernstein deferred to Mr. Yuro.

Mr. Yuro said a revised traffic study would not be necessary since Mr. Dean testified that he ran his traffic study and driveway movements without that cross-access to the Bank of America.

No further questions.

Close public.

Deputy Mayor DelCore thanked Mr. Cyzner for providing an application that meets the Downtown vision. He said the second floor signage is still an issue with some of the Board members. Deputy Mayor DelCore spoke in favor of the project but asked if the second floor signage could be eliminated.

Mr. Ciccarelli noted it was mentioned several times that the second floor would be for office space, so there is no need to have signs for marketing. It seems like a natural fit to have the sign for the second floor at the staircase.

Mayor Lipani also spoke in favor of eliminating some of the signage. He noted there are other offices in that area that are only identified on the directory sign.

Mr. Cyzner said they can remove the two signs in the parking lot and to the rear of each building, but keep the second

PLANNING BOARD MEETING MINUTES
March 04, 2021

story signage facing Route 206 and Amwell Road. He said they can put the name of the office on the upper floor on the door to the stairs. We are trying to have an edge to offer to a second floor customer.

Mayor Lipani said that sounds fair.

Deputy Mayor DelCore said he was hoping to have all second story signs removed since there did not seem to be a need, but that he was willing to agree to that. He complimented Mr. Cyzner and his team on the aesthetics of the project.

Mr. Maski again noted that whatever the Board approves for the signage will become the sign manual for this project. The resolution should define how many signs per tenant are permitted, the maximum size, and second floor issue. The details for the two freestanding signs will also need to be laid out.

There was further discussion on the signage, as previously discussed.

Mayor Lipani made a motion to approve Application File 20-PB-05-MSPV with the restriction discussed regarding the signage; with the variances and waivers; language to be worked out between the two attorneys on the egress driveway; and any and all outside agency approvals.

Mr. Bernstein stated, as well as all waivers, conditions and agreements.

Mr. Emmich added with the EV spaces and bike racks.

Mayor Lipani concurred.

Mr. Skobo complimented the design and seconded the motion. No further comments.

Roll Call: Mr. Emmich – yes; Mr. Ciccarelli – yes; Mr. Skobo – yes; Mr. Peason – yes; Secretary Hesthag – yes; Deputy Mayor DelCore again thanked Mr. Cyzner, and voted – yes; Mayor Lipani also thanked Mr. Cyzner and voted – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

Mr. Bernstein advised the timing for drafting and scheduling the resolution.

Ms. Walters thanked the Board and professionals.

Mr. Maski noted the application scheduled to the next agenda.

ADJOURNMENT

A motion to adjourn was made by Mayor Lipani, seconded by Mr. Ciccarelli. All were in favor; motion carries.

The meeting adjourned at 11:00 p.m.

*Submitted by:
Debora Padgett
Planning Board Clerk*