

HILLSBOROUGH TOWNSHIP PLANNING BOARD

APPROVED PUBLIC MEETING MINUTES

June 02, 2022

Chairman Carl Suraci called the Planning Board Regular Public Meeting of June 02, 2022 to order at 7:31 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 2022 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.

Application documents have been made available on the Township's website at <https://hillsboroughnj.civicclerk.com/> and 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
Committeeman Frank DelCore – Present
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
Patricia Smith (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 Lombardozzi, CSR, Board Court Reporter; and Caz Bielen, Township Videographer (Premier Media).

CONSIDERATION OF MEETING MINUTES

- March 03, 2022

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

Roll Call: Mr. Ciccarelli – yes; Ms. Smith – yes; Mr. Santaromita – yes; Mr. Peason – yes; Mr. Wagner – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

CONSIDERATION OF RESOLUTIONS

- Toll Bros., Inc. (RBG/Enclave) – File 21-PB-10-S/MS/SP

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

Roll Call: Mr. Ciccarelli – yes; Ms. Smith – yes; Mr. Santaromita – yes; Mr. Peason – yes; Mr. Wagner – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

- ZP Builders, LLC – File 21-PB-18-SV

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

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

PLANNING BOARD BUSINESS

None

CONSIDERATION OF ORDINANCES

None

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

None

APPLICATIONS - PUBLIC HEARING

- **KD Hillsborough 441, Inc. - File 22-PB-02-SV** – (TOD 06-30-22) - Block 182, Lot 50.01 (formerly Lot 50) and Block 182.01, Lot 1 – **315 Route 206** and 30 Falcon Road. Applicant seeking minor subdivision approval and 'c' bulk variances to subdivide Block 182, Lot 50.01 containing approximately 52.90 acres into two lots, to separate the Lowe's building and associated parking directly in front of the building into Proposed Lot B to contain approximately 14.11 acres, leaving the remainder (Proposed Lot A), Lot 50.01 with 38.85 acres. No physical changes to the site are proposed, on Property in the O-2, Office District Zone.

Jason R. Tuvel, Esq. of Prime & Tuvel, representing the Applicant, confirmed there will be no changes to the site, and that the purpose of the application is to have the Lowe's portion of the site to be on its own tax lot. The site will function exactly as it does today. Cross-access and all easements will continue to exist. Currently Lowe's is on a land lease where they maintain the property, which will also continue as it is. There are a number of parking spaces dedicated to the park

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and ride, and will remain. After the subdivision, the Mother Lot of the Promenade will be 38.85 acres, and the proposed Lowe's lot at 14.11 acres.

Mr. Tuvel stated they had reviewed the comments in the Planning and Engineering reports and are agreeable to comply with all items.

Exhibit A-1 – Colorized Aerial Map, Dated 01-13-22

Exhibit A-2 – Minor Subdivision Plan, Sheet 3 of 4, dated 01-13-22

James E. Henry, PE, PP of Dynamic Engineering was sworn in, provided his credentials, was accepted by the Board, and gave the following testimony:

Mr. Henry described Exhibit A-1. He said Route 206 is along the westerly property line; Lowe's is to the south easterly corner of the property; and Kohl's to the east. This is a technical subdivision required for financing purposes. The Lowe's property will remain as part of the overall center, and is looking to subdivide off the existing building and associated parking spaces in accordance with their current lease. The 279 park and ride spaces will remain unchanged.

There are a number of existing conditions on the site, mainly regarding impervious coverage, loading zones, and parking. There is existing access from Route 206 and two access points to Falcon Road, all of which will be maintained as part of this application. The existing separate lot in the upper right-hand corner is separate and will remain the same. Kohl's is on its own lot. The overall shopping center will continue to function as one site. The total for all parcels is 57.83 acres, which is just under the required 60 acres for the zone. There is an existing cross-access agreement between all tenants, which includes ingress and egress, parking, maintenance, and signage for the overall Center.

Mr. Henry described Exhibit A-2 and highlighted the new parcel. There are 2,700 parking spaces provided throughout the Center, where 2,665 spaces are required. The parking plan will be maintained under the proposed conditions. There is one variance created by the proposed subdivision; the other variances are for existing conditions that are not going to be changed. Proposed Lot B would be 14.1 acres, where 60 acres is required in the zone. If approved, you would not see a difference when visiting the site.

Mr. Maski clarified there will be two variances created by this application since both lots would be undersized.

Mr. Henry concurred.

Mr. Henry provided the positive and negative criteria for the granting of the application. He said there would be no substantial detriment to the public in granting the subdivision given this being such a unique property. This type of subdivision has been done for the Kohl's property, without detriment.

Mr. Henry agreed with statements made by Mr. Tuvel in reference to the overall lot size of the Center, and the continuation of easements and maintenance agreements. He agreed that the benefits of granting the two new variances would substantially outweigh any detriments.

Mr. Henry acknowledged he had reviewed the memos dated 05-27-22 and 04-01-22 from the Board's professionals and has no issue complying with all of the comments.

Mayor Lipani asked if there was any plan to bifurcate the maintenance of the property or if all of the parcels would all be under one umbrella.

Mr. Tuvel said Lowe's is under the ground lease, so Lowe's is responsible for the maintenance of its property, which is part of the reason for the subdivision. The rest of the Center is under Kimco. That will not change with the subdivision.

Mr. Maski asked for clarification for the maintenance, giving the example of striping the parking lot.

Mr. Tuvel said the striping could be coordinated. He said if there was a pothole in the Lowe's lot, Lowe's would have to fix their pothole. If there is a pothole in front of Applebee's, Kimco has to fix that pothole. The same goes for snowplowing; that is how it is now. Kohl's is on its own as of the 2008 subdivision. A copy of all of the easements and agreements can be provided.

Mr. Maski asked if Kimco can enforce that maintenance be done.

Mr. Tuvel said he would review that, but that there are usually self-help provisions in the leases for fee-title owners in the event that the tenant does not perform. A copy can be provided to Mr. Maski and Mr. Bernstein.

Committeeman DelCore said so there will be three maintenance agreements on four lots that originally was one property under one maintenance agreement.

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Mr. Henry clarified there were two lots originally due to the roadway.

Mr. Di Sessa asked if the underground maintenance will remain the same.

Mr. Tuvel said we are not asking for any amendments to the site plan that was approved by the Board.

Mr. Wagner said, so the subdivision would not affect the basins.

Mr. Henry confirmed there is an agreement that requires all the owners to maintain the stormwater collectively.

Mr. Wagner mentioned that there is a split-rail fence in disrepair along the cricket field that is in need of being replaced.

Mr. Tuvel said he can look into whether it is the responsibility of the Applicant or not.

Mr. Henry identified that area on Exhibit A-1 and said that is part of the overall property.

Open to the public.

No questions.

Close public.

Mr. Tuvel concluded.

Mr. Bernstein summarized a motion to approve the minor subdivision and bulk variances requested, subject to all of the provisions of the review letters of Mr. Di Sessa and Mr. Maski, and any and all conditions agreed upon by the Applicant during the course of the testimony.

A motion to approve as stated was made by Committeeman DelCore, seconded by Mr. Skobo. No comments.

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

Mr. Maski reviewed the schedule of upcoming applications.

ADJOURNMENT

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

The meeting adjourned at 8:03 p.m.

Submitted by:

Debora Padgett, Planning Board Clerk