

HILLSBOROUGH TOWNSHIP PLANNING BOARD

APPROVED PUBLIC MEETING MINUTES

June 23, 2022

Vice Chairman Neil Julian called the Planning Board Regular Public Business Meeting of June 23, 2022 to order at 7:30 p.m. The meeting was held in the Courtroom of The Peter J. Biondi Building. All stood for the Pledge of Allegiance.

Acting Chairman Julian announced: This meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law"). Notice of the 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 – Absent
Robert Wagner, Jr. - Present
Committeeman Frank DelCore – Absent
Robert Peason – Present
Carl Suraci, Chairman – Absent
Neil Julian, Vice Chairman – Present

Nathan Santaromita – Absent
Ron Skobo – Present – Present
Kenneth Hesthag, Secretary – Present
John Ciccarella (Alt. #1) – Absent
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); Michael Lombardozzi, CSR, Board Court Reporter; and Caz Bielen, Township Videographer (Premier Media).

CONSIDERATION OF MEETING MINUTES

- May 12, 2022

A motion to approve was made by Mr. Peason, seconded by Mr. Wagner.

Roll Call: Mr. Wagner – yes; Mr. Peason – yes; Mr. Skobo – yes; Secretary Hesthag – yes; Ms. Smith - yes; Acting Chairman Julian – yes. Motion carries

CONSIDERATION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

None

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

Susan Gulliford – Hunt Club Road

- Ms. Gulliford asked whether or not the surrounding neighbors within 200 feet of a subject property being rezoned are noticed.

Mr. Maski said yes.

- Ms. Gulliford asked how the specifics are established, such as the impervious and maximums.

Mr. Maski said when you amend an ordinance you could amend a variety of things, such as a definition, a boundary line, or an entire zone. You can prohibit or permit uses, create conditional uses, etc., so it really depends on what you are doing. The zoning is all up to the township.

CONSIDERATION OF ORDINANCES

- **Ordinance 2022-10** – An Ordinance Amending the Zoning Map of the Township of Hillsborough, Somerset County, New Jersey, to Change the Zone Designation for Certain Lots From CDZ, Corporate Development and O-5, Office/Research to RA, Residential/Agricultural.

Planning Director, David K. Maski, PP, AICP, said Ordinance 2022-10 was introduced by the Township Committee at their June 14 meeting. The ordinance has been referred to the Planning Board in accordance with the Municipal Land Use Law for comment. The public hearing is scheduled for the July 26 Township Committee meeting. The ordinance proposes to rezone certain parcels from CDZ and O-5, to RA, Residential/Agriculture, as illustrated on the map shown and also attached to the ordinance.

The proposed amendment is the first of three recommendations as part of a recently conducted analysis of districts in the vicinity of the Royce Brook Golf Course, the former Glen-Gery Quarry, Central Jersey Airport, and the Mindel Tract. We

PLANNING BOARD MEETING MINUTES

June 23, 2022

looked at the CDZ and O-5 zones to see what they should be rezoned to. That report was distributed to the Board at the June 09 meeting and available in CivicClerk. The analysis illustrated how both districts have been systematically reduced in size and geometry over the years resulting in several disconnected parcels that are no longer reflective of the surrounding land uses or the Township Master Plan. To illustrate that point, we have prepared a map showing how the zones have changed since the 1980's. In 1982 the entire CDZ zone did not exist, it was general industrial. This map shows I-95 running up through Hillsborough. By 1986, the entire GI, General Industrial Zone was transformed into the CDZ, Corporate Development Zone. It was reflective of I-95 coming through Hillsborough where there would be typical corporate campuses on Interstate intersections.

In 2012 that began to change; the entire southern half if not more of the CDZ was changed to a combination of Agricultural, which is mostly preserved farmland, the TECD Zone, and the LI Zone. By 2021, based on a few more amendments, the Royce Brook Golf Course and Glen-Gery site were each rezoned to a residential use, leaving few properties in the CDZ and O-5 zones. In 1986 the CDZ Zone covered 2,600 acres, and is now down to 690 acres in two disconnected parcels. The O-5 Zone started out as 345 acres, and is now down to 141 acres.

Ordinance 2022-10 addresses the first recommendation in the CDZ-O-5 Report, which is to change the zone designations for eight properties in the study area from either CDZ or O-5 to RA Residential/Agricultural. The map shows Sacred Heart Cemetery at the top, and an adjoining landscape contractor where the properties would go from CDZ to RA. Part of the Cemetery is already in the RA Zone. Cemeteries are not permitted uses in the CDZ Zone but are permitted in the RA Zone. This change would be transforming the Cemetery from a nonconforming to a conforming use. The two middle properties are the Saints Peter and Paul Cemetery and a vacant lot. Their entrances are off of Millstone River Road and would go from O-5 to RA. Moving southward, there are three properties currently in the O-5 Zone. One is a vacant parcel owned by the County; the larger parcel, Lot 35 is what was known as the Timko Tract and is vacant; and Lot 1 has a two-family house that fairly recently was granted a nonconforming status by the Board of Adjustment. All three parcels would be joined with the RA Zone. There is a remaining parcel in the CDZ that split the zone in half. Part of the lot is already RA, so the proposal is to make the entire lot RA and get rid of the CDZ Zone in that area.

One of the reasons for picking the RA versus the R zone is that none of these properties are in the sewer service area, so they would need to have a two-acre minimum lot size. The R Zone is a one-acre minimum, so they would be nonconforming. The RA minimum lot size is two acres.

The intention is to rezone those properties to be consistent with the surrounding residential uses and incorporate them into the adjoining zones. These amendments constitute boundary shifts and do not involve any changes to the requirements for the CDZ, O-5, or RA zones. There are no use changes, just changing of the boundaries. The Mindel Tract and the Airport would remain in the CDZ Zone, and a small area would remain O-5. Those parcels are left as recommendations two and three in the report, for the Board to take up at a subsequent meeting as to how to rezone the Airport. We recommend an Aviation-Airport Zone. The Township owns most of the Mindel Tract but there are a scattering of other properties along Amwell. We have suggested a light-commercial zone for those properties.

Mr. Maski said in closing, this ordinance takes those eight properties and joins them with the adjoining RA Zone. There are no changes to the zoning requirements in and of themselves.

Acting Chairman Julian asked if the proposed zone changes are due to an increase in residential rather than industrial being proposed.

Mr. Maski said it is what is appropriate for the area. The CDZ and O-5 zones have been chipped away over the years. I-95 will not be going through Hillsborough, so the CDZ Zone is somewhat antiquated. There would be no interstate to service a large corporate park. You can either zone to keep what is on the ground or zone to shift to a different direction. You need to look at the surrounding areas and the infrastructure, and zone to what is appropriate. The 2005 Master Plan Map showed these areas as primarily residential and some type of corporate development on the Mindel Tract. It is consistent with the last Master Plan, but is also reflective of the surrounding land uses and how functional the zones can or could be, given their current configuration. This is not a reaction to any affordable housing settlement; it is just rezoning that is overdue. This is the final reconfiguring of the CDZ and O-5 zones.

Secretary Hesthag said being consistent makes sense.

Mr. Maski said by ordinance, if you do not have both public water and public sewer, there is a two-acre minimum, which fits with the RA Zone. The RA Zone allows single-family homes and agricultural uses.

Ms. Smith asked the size of Lots 40 and 35.

Mr. Maski said Lot 40 is 17.42 acres and Lot 35 is around 19 acres. Single-family homes or agricultural uses would be permitted, on a minimum of two-acre lots.

Mr. Skobo noted all of the surrounding homes are one acre.

PLANNING BOARD MEETING MINUTES
June 23, 2022

Mr. Maski said he did not know at the moment, but there were probably a mix of one-acre and larger lots. You cannot just do straight math when seeing how many lots you can subdivide to, because you have to have access. There is a general rule that you deduct about 20% for roads and utilities to come up with the amount of acreage that can be developed.

Mr. Peason asked Mr. Maski to talk about zoning to keep apartments and warehouses out.

Mr. Maski said there is nothing stopping it, but it might be challenged. To do some massive rezoning you would first need to redo the Master Plan. There could be a potential of “taking” issues; a property owner’s argument being you have zoned my property out of any valuable use. The 2005-2008 rezoning that occurred resulted in the Agricultural and Mountain zones in the western portion of the Township. There are very strict reasons as to why you have 10-acre and 15-acre minimums.

Mr. Bernstein said significant proofs are required. In the Mountain Zone, for example, a significant amount of the property had been bought up by the County. To some extent, the amount of development that can come about is restricted by the lack of sewer.

Mr. Maski said the RA Zone is one of our lower density zones.

Secretary Hesthag asked if there was any consideration for open space.

Mr. Maski said you cannot zone for open space. Open space acquisitions are different than zoning. You cannot zone something out of use.

Mr. Bernstein said the designation for an agricultural use opens up the opportunity for agricultural purposes, which does not exist for residential. You either buy property for open space or it is taken and put into open space.

Mr. Maski said this is the first in a three-step process to look at this entire section of the Township and rezone it properly, given the history of the area. Tonight’s discussion is about this specific ordinance and the eight properties being rezoned.

Open to the public.

Susan Gulliford – Hunt Club Road

- Ms. Gulliford asked if the two properties that back onto Franklin Drive could hook into the sewer in the Claremont Development.

Mr. Maski said they can apply for an amendment to the sewer service area through the County and the NJDEP.

- Ms. Gulliford asked questions related to ownership/uses for specific properties. She referenced flooding problems in the area and said if the properties were zoned AG, they would be cheaper to buy (open space).

Mr. Maski explained the rezoning is consistent with the surrounding area. Zoning individual properties that are not consistent is considered spot zoning, which is illegal.

Chris Melick – 30 Onka Drive

- Mr. Melick complimented Mr. Maski on the work he had done and the presentation maps provided.

Close public.

Mr. Bernstein gave guidance on the task before the Board. He said the Board is commenting on the ordinance and taking no formal action as to its adoption.

A motion to support Ordinance 2022-10 to the Township Committee for review and possible adoption, as constituted, was made by Mr. Peason, seconded by Mr. Wagner.

Roll Call: Mr. Wagner – yes; Mr. Peason – yes; Mr. Skobo – yes; Secretary Hesthag – yes; Ms. Smith - yes; Acting Chairman Julian – yes. Motion carries

Mr. Maski noted the next Planning Board meeting is scheduled for July 07, and advised the Board’s agendas are currently booked through October.

Mr. Bernstein advised with many of the applications having multiple hearings, the Board is likely booked through the end of the year.

PLANNING BOARD MEETING MINUTES
June 23, 2022

ADJOURNMENT

A motion to adjourn was made by Mr. Wagner, seconded by Secretary Hesthag. All were in favor; motion carries.

The meeting adjourned at 8:05 p.m.

Submitted by:
Debora Padgett, Planning Board Clerk