

**Township of Hillsborough – BOARD OF ADJUSTMENT
APPROVED - Meeting Minutes**

October 4, 2023 – 7:00 pm

Chairman Herbert called the October 4, 2023, Board of Adjustment meeting to order and led the flag salute.

NOTICE OF MEETING

Chairman Herbert announced the 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 2023 Annual Meeting Schedule and additional meeting dates have 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

<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

Frank Herbert, <i>Chairman</i> - Present	Jim Wohlmacher, <i>Vice Chairman</i> - Present
John Stamler - <i>Absent</i>	Frank Valcheck - Present
Helen Haines - Present	Tom Ramsey (<i>Alt#1</i>)- Present
Jarrett Dewelde - Present	VACANT (<i>Alt#2</i>) -
Catherin Payne - Present	

arrived at 7:24

Also in attendance: Marcella McLaughlin, *Zoning Officer/Board Secretary*; Mark Anderson Esq., *Board Attorney (Woolson Anderson Peach, P.C.)*; Mark Mayhew, PE, CME, *Board Engineer (Pennoni Associates)*; Christina Restuccia, CCR, *covering Board Court Reporter*; David Kois, PP, AICP, *Township Planning Director*;

CONSIDERATION OF MEETING MINUTES

- **None**

CONSIDERATION OF RESOLUTIONS

- **1122 River Road (Michael Mueller) – BA-22-15**
 - 1) Chairman Herbert establishes who is eligible to vote.
 - 2) Ms. Haines motions to approve, seconded by Vice Chairman Wohlmacher.

Roll Call:

Yes - Ms. Haines	Yes - Mr. Valcheck
Yes - Mr. Dewelde	Yes - Vice Chairman Wohlmacher
	Yes - Chairman Herbert

Motion carries

- **Michael and Marie Avolio – BA-23-07**
 - 1) Ms. Restuccia states the same members are eligible to vote.
 - 2) Mr. Valcheck motioned to approve, seconded by Vice Chairman Wohlmacher.

Roll Call:

Yes - Ms. Haines	Yes - Mr. Valcheck
Yes - Mr. Dewelde	Yes - Vice Chairman Wohlmacher
	Yes - Chairman Herbert

Motion carries

BOARD OF ADJUSTMENT BUSINESS

- None

BUSINESS FROM THE FLOOR

(Open to public comment for matters not on the agenda)

- 1) Chairman Herbert opens to public comment.
- 2) There is none.

PUBLIC HEARING - APPLICATIONS

- **Midwest Storage Developers - BA-23-01** – (TOD 01/01/24 EXT) – Block 142, Lot 33 – 212 Route 206. Applicant submitted a bifurcated application seeking “d” use variance to permit a multi-building self-storage facility. Should approval be granted, the Applicant would seek any required ‘c’ bulk variances and waivers through submission of a preliminary and final major site plan application, on Property located in the I-1, Light Industrial Zoning District (properties with highway access to route 206 are to follow I-2 Zoning Standards). ***The applicant was carried from their special June 21, 2023, Meeting Agenda with notice. Since then, the Board determined that the applicant must go to EC prior to being heard again. On September 19, 2023, applicant requested to be added to the November 13, 2023 Environmental Commission’s Agenda and carried to a Board of Adjustment Agenda – TBD with notice.***
 - 1) Chairman Herbert states the applicant would like to carry the application to December 6, 2023.
 - 2) Ms. McLaughlin states the applicant will be amending their application to do a site plan.
 - 3) Chairman Herbert calls for a motion.
 - 4) Mr. Valcheck motions to carry the application to December 6, 2023, with notice, seconded by Vice Chairman Wohlmacher. All were in favor, none opposed. Motion carries.

Chairman Herbert states they will be reviewing the two Valley Industrial Partners applications together.

- **Valley Industrial Partners (B 143, L 4) – File BA-23-17 APPEAL (Ref: 23-PB-12-S/MSP)** – Applicant seeking APPEAL of the Administrative Officer’s decision on completeness of the land development application submitted to the Planning Board under file 23-PB-12-S/MSP, seeking minor subdivision; preliminary major site plan; and waivers. Application file 23-PB-12-S/MSP was deemed “incomplete” on July 27, 2023. Subject Property is located on Auten Road and Valley Road, in the GI, General Industrial Zoning District.

AND

- **Valley Industrial Partners (B 143, L 3) – File BA-23-18 APPEAL (Ref: 23-PB-13-MSP)** – Applicant seeking APPEAL of the Administrative Officer’s decision on completeness of the land development application submitted to the Planning Board under file 23-PB-13-MSP, seeking preliminary major site plan with waivers. Application file 23-PB-13-MSP was deemed “incomplete” on July 27, 2023. Subject Property is located on New Center Road, in the GI, General Industrial Zoning District.

Participants: *Bryan D. Plocker, Esq. – Hutt & Shimanowitz, PC – attorney for applicant; John Kainer – Valley Industrial Partners, LLC – Managing Member; Renee Anstiss, PE – Colliers Engineering & Design -Engineer; Joseph Odenheimer, PE – Colliers Engineering & Design – Engineer; Daniel Bloch – Colliers Engineering & Design – Planner; Rick Pratt, AIA – Pratt Design – Architect*

- 1) **Bryan Plocker**, attorney for the applicant, introduces himself.
- 2) Mr. Anderson states there is a request for a conference with him for matters regarding attorney-client privilege and suggests an Executive Session.
- 3) Ms. Haines motions to move into Executive Session, seconded by Vice Chairman Wohlmacher. All were in favor, none opposed, motion carries.

Executive Session begins approximately 7:06 pm.

Executive Session ends at 7:26 pm.

- 4) Ms. McLaughlin states Ms. Payne arrived at 7:24 pm.
- 5) Mr. Plocker states they are here to appeal the Zoning Officers determination for two applications regarding completeness.
- 6) Mr. Plocker states the first application for Block 143, Lot 3 on New Center Road is an application for preliminary major site plan approval for the development of a one-story building consisting of warehouse and office space. He states the second application is for Block 143, Lot 4, located at Valley and Auten Roads which is minor subdivision and preliminary site plan approval and consisting of two lots each containing warehouse and office space. Both properties are located in the towns GI, General Industrial, Zoning District.
- 7) Mr. Plocker states at the time these applications were submitted, June 13, 2023, warehousing was a permitted use in the GI Zone. He states later on June 13, 2023, the governing body of Hillsborough Township adopted the Ordinance 2023-8 which removed warehousing as a permitted use in all Zones.
- 8) Mr. Anderson interjects stating he acknowledges Mr. Plocker's point but states it is not significant in the eyes of this Board as they need to decide based on Mr. Kois decision, not the consequences.
- 9) Mr. Plocker disagrees. He continues with his argument stating that his client should be afforded the benefit of having warehousing as a permitted use pursuant to the Land Use Laws Time of Application rule. Mr. Plocker reads the rule into the record.
- 10) Mr. Plocker states he would like to call his one witness.
- 11) Mr. Anderson states it is his advice to the Board to not allow a witness as it is not appropriate as it is putting into the record something Mr. Kois was not privy to.
- 12) Mr. Plocker asks to confirm for the record that the Board is not permitting him to call a witness this evening.
- 13) Chairman Herbert states correct.
- 14) Mr. Plocker asks the Board's Council if this is based on any legal authority, statute, case law etc.
- 15) Mr. Anderson states it is based on the Statute he referenced but is open to hear if he has a case to the contrary.
- 16) Mr. Plocker states Section 70 & 72 of the Land Use Law which governs these proceedings make no mention of who can or may not testify at an appeal of an administrative officer. They disagree with the Boards conclusion.

- 17) Mr. Plocker states in Mr. Kois' review and the letters he made inferences and interpretations. He states an example is Mr. Kois stating a certain area was not delineated and should have a critical area; Mr. Plocker states his witness was here to explain why there is no critical area there and why one does not exist.
- 18) Mr. Plocker asks if the Board will be permitted to question Mr. Kois.
- 19) Mr. Anderson states he believes the Board should listen to Mr. Kois' explanation for why his decision is correct and the Board should listen to Mr. Plocker's explanation why it is not correct.
- 20) Mr. Plocker states his client did not have the benefit of Mr. Kois' testimony when he filed the appeal and believes his client should have the opportunity to have a professional explain his points.
- 21) Mr. Anderson states he understands, and his thoughts are noted.
- 22) Mr. Plocker states he will move forward and address the points raised by Mr. Kois himself.
- 23) Mr. Plocker clarifies there are two lots being discussed.
- 24) Mr. Kois states his two reports speak for themselves and has nothing additional to add.
- 25) Ms. Haines asks if the AG Zoning near these lots is recent change in zone or has it been AG for some time.
- 26) Mr. Kois states he believes it is not recent, to his knowledge.
- 27) Mr. Plocker asks to mark the Township's zoning map as an exhibit.
- 28) Mr. Anderson states yes.
- 29) Mr. Plocker states for the record the map being used was printed off the Township website and is titled 'Zoning Map Township of Hillsborough, Somerset County, NJ – current as of May 2023'. He states there is an arrow showing Lot 3 and highlights of two zones.
- 30) Mr. Plocker asks if in connection with raising the Agricultural Zone being treated as residential use is mentioned in comment one of both letters.
- 31) Mr. Kois states for Lot 3, yes.
- 32) Mr. Plocker asks if this issue was raised because a 100-foot buffer is needed.
- 33) Mr. Kois states correct.
- 34) Mr. Plocker asks if he relied on a schedule from the Zoning Ordinance to make this decision, that an Agricultural Zone is considered residential in Hillsborough.
- 35) Mr. Kois states correct. The Schedule for Bulk Standards.
- 36) Mr. Plocker states it is marked as 2021.
- 37) Mr. Plocker asks Mr. Kois to read the categories under the zoning districts.
- 38) Mr. Kois reads off the list of categories from the map.
- 39) Mr. Plocker asks if the AG Zone is listed under Residential.
- 40) Mr. Kois states no, not on this zoning map.
- 41) Mr. Plocker asks if there is a more recent zoning map.
- 42) Mr. Kois states no.
- 43) Mr. Plocker asks what the next category is under Residential on this zoning map.
- 44) Mr. Kois reads agricultural conservation; AG/Agricultural OS-CL Open Space-Cultural Landscape.
- 45) Chairman Herbert asks for better understanding of the point of these questions.
- 46) Mr. Plocker states Mr. Kois called out that their application was incomplete because they did not abide by the 100-foot buffer required in the GI Zone from a residential Zone, necessitating a bulk variance. He explains by showing Mr. Kois the zoning map it shows a separation in the districts.

- 47) Mr. Kois states he used the Residential Schedule which pre-dated the Zoning map. He explains the coloring scheme utilized, developed by the previous Planning Director, to distinguish the land use.
- 48) He states the township has classified the AG Zone as a residential zone since long before his time in his position.
- 49) Ms. Payne asks if there are AG property adjacent to this property.
- 50) Mr. Plocker states he has some witness who can testify to this.
- 51) Ms. Payne asks if it is from the map she has not seen.
- 52) Mr. Anderson asks if there is any dispute that the AG zone is adjacent.
- 53) Mr. Plocker states no.
- 54) Ms. Haine states the map is not a legal document.
- 55) Mr. Plocker states he begs-to-differ as the zoning map is adopted by ordinance by the governing body.
- 56) Mr. Anderson asks if he is arguing that Mr. Kois is not interpreting the zoning map and ordinance correctly.
- 57) Mr. Plucker states that is correct and that it relies on his interpretation, which is why he has professionals here to address it but the Board is not letting them testify.
- 58) Mr. Anderson asks if he applied for an interpretation.
- 59) Mr. Plucker states there is no application for an interpretation pending.
- 60) Mr. Anderson asks if he agrees the applicant could have made a request for an interpretation along with an appeal if chosen.
- 61) Mr. Plucker states the applicant chose his strategy and Mr. Anderson advised his Board accordingly.
- 62) Mr. Plucker moves on to discuss item number two on the "Lot Three Letter". He states he has a witness to testify regarding environmental concerns, but he is not permitted to allow him to testify. He states he as a lawyer cannot demonstrate the reasons for the decisions that were made.
- 63) Mr. Anderson states he advised the Board that Mr. Kois' decision must be solely based on information he had, not testimony in the hearing. He states Mr. Plucker is asking for either an interpretation of the ordinance by this Board, which he has not made, or to reconsider Mr. Kois' decision which is not what the statute says.
- 64) Mr. Plucker states he is appealing the decision because they disagree with his determination.
- 65) Mr. Anderson states an appeal has to be based solely on the information Mr. Kois reviewed.
- 66) Ms. Payne asks if there are streams that run through the property as well as wetlands.
- 67) Mr. Plucker states all water-related features are fully disclosed on their plans.
- 68) Ms. Payne asks if they took the streams and wetlands into consideration when make their plans and thus determined they were not a concern.
- 69) Mr. Plucker is not sure what 'concern' specifically means, ie a concern to his client, a concern to DEP. He states he is not a professional engineer so cannot offer testimony to answer this question. He states his client would not have filed this application if they were not 100% sure they could obtain the necessary permits from any and all third parties including the DEP to build the building which are proposed. He states in that regard his client had no environmental concerns on the property, it completed the form.
- 70) Mr. Plucker states the reason they are there this evening is to challenge the completeness determination; the form was filled out, it was complete. He states Mr. Kois was incorrect it is an item of incompleteness. This is his client's position.
- 71) Ms. Payne asks if he is saying it is not incomplete because each question was answered.

- 72) Mr. Plucker states he is addressing the following items, the six completeness review comments in Mr. Kois' letter for Lot 3 and six for Lot 4 along with a comment section titled 'Jurisdiction of Determination'.
- 73) Ms. Payne asks if he is saying since they answered therefore it is not incomplete.
- 74) Mr. Plucker states they filled out, signed, their professionals reviewed the form and felt comfortable with that response; all the environmental 'concerns' are all identified in the site plan set.
- 75) Mr. Plucker reviews comment number three. He states it is not in his domain but can refer them to sheet six of nineteen for Lot Three and sheets nine and ten of twenty-nine for Lot four.
- 76) Mr. Plucker states regarding comment number four, he does not understand how height is a completeness item as they heights were provided on the site plan and the architectural plans. He states is they disagree with the heights or there is a discrepancy that is something to be discussed in a technical review meeting. He reads a portion of Land Use, section 10.3 into the record.
- 77) Mr. Plucker addresses comment number five by stating identifying Use is not a completion requirement; they identified the Use are warehousing.
- 78) Mr. Plucker states regarding the jurisdictional comment about Lot three he states it is a jurisdiction issue, not a completion issue. He states that the submissions for Lot three speak for themselves.
- 79) Mr. Anderson asks if he is implying Mr. Kois misinterpreted the ordinance.
- 80) Mr. Plucker states that is not his position. He states their record satisfies all the appropriate ordinances.
- 81) Mr. Plucker reviews Lot four concerns.
- 82) Mr. Plucker states their soil testing analysis was done comprehensively and located in the Storm Water Report and in the Geotech report both of which are part of this record and included in the submission.
- 83) Mr. Plucker states that is all for his testimony.
- 84) Mr. Anderson states there are two applications here and two questions in each one which he bases on Mr. Kois' memo: specific completeness items and jurisdictional issues. Mr. Anderson states these items are separate and feels it appropriate for the Board to address them separately.
- 85) Mr. Anderson suggests if the Board feels they need to review the specific items a transcript can be made available.
- 86) Ms. Payne asks about the mapping change he referenced earlier.
- 87) Mr. Plucker states he was referring to the ordinance adopted on June 13, 2023 which removed warehouse as an acceptable use from all zones in Hillsborough.
- 88) Ms. Payne asks when they submitted their paperwork.
- 89) Mr. Plucker states prior to that ordinance on June 13.
- 90) Ms. Payne asks when the ordinance went into effect.
- 91) Mr. Plucker states later in the day on June 13.
- 92) Ms. Haines asks Mr. Kois if the AG Zone is listed under residential in their ordinance book.
- 93) Mr. Kois states that is something he would have to look up and review.
- 94) A continuance date is discussed.
- 95) Ms. Payne motions to carry to December 6, 2023, seconded by Mr. Ramsey. All were in favor, none opposed.

8:15 pm - Chairman Herbert calls a five-minute recess.

8:25 pm – Chairman Herbert opens the meeting.

- **Fountain Plaza / Cherry Blossom Montessori School – BA-23-08** (TOD 12/28/23) - Block 163.22, Lot 5 – 425 Amwell Road (West Wing), Hillsborough Township. Applicant seeking “d” Use variance for waiver of non-permitted use of a school on the existing site, proposing to convert the entire one-story building, referred to as the West Wing, into a pre-K through 6th grade school with a proposed playground, modification of the building entrance, new façade sign and renovations to the interior of the building including necessary ADA compliant changes on property located in the TC/Town Center District.

***Participants:** Michael E. Dipple, PE – Edwards Engineering Group and L2A Land Design, LLC; Jay S.. Troutman, Jr, PE McDonough & Rea Associates, Inc. – Traffic and Transportation Consulting; John McDonough, LA, PP, AICP – Professional Planner – John McDonough Associates, LLC; Jeffrey W. Kusmick, RA - Architect; Arthur L. Skaar, Jr. Esq, Applicant an Sole member of Fountain Plaza, LLC.*

- 1) **Arthur Skaar, Jr**, applicant, summarizes the application.
- 2) **Michael E. Dipple** is sworn in and gives his educational and professional qualifications and licenses.
- 3) Chairman Herbert accepts his qualifications.
- 4) Mr. Dipple describes the location of the application. He points out and describes the shared driveways and parking lots, describes the current layout of the office building, and describes where the small playground would be placed. He states the application does not require intense civil engineering; there is no increase in impervious, no change in drainage patterns, there 116 parking spaces (the requirement is 59).
- 5) Mr. Dipple states they are seeking no variances. There is one existing non-conformity for the front-yard setback. They are proposing a sign on the front of the building, privacy fencing, removal of one tree to make room for the playground.
- 6) Ms. Haines asks if the playground is the extent of the outside play area and expresses concern it will not be adequate for the older children.
- 7) Mr. Dipple states the upcoming operational testimony may be able to better address her concerns.
- 8) Mr. Dipple goes into future detail about the school sign and the existing sign on the building for the State Farm business.
- 9) Ms. Haines asks if there are any plans for macadam or a softer substance in the playground area.
- 10) Mr. Dipple states no and references some equipment details.
- 11) Mr. Haines asks what age range the play equipment is geared towards.
- 12) Mr. Dipple states he is not sure then fines the equipment info states it is appropriate for children two – five years of age.
- 13) Mr. Mayhew asks Mr. Dipple to address the Pennoni Letter and if they are in compliance.
- 14) Mr. Dipple states he believes they are in compliance and states they have operational, traffic, and planning testimony coming next. He states in his opinion, he concurs with the planning, zoning and general comments, no increase in impervious coverage; the design theme for the sign is consistent with the type of building and previous signage.
- 15) Mr. Dipple states their proposal for the parking lot is to perhaps leave the islands in their current configuration and replace any of the dying trees. He states they can add a site triangle but overall vision is very good at this site.

- 16) Ms. Paine asks for more detail on the location and layout of the playground, the fencing and the impacts on the site lines.
- 17) Mr. Dipple summarizes the playground area.
- 18) Ms. Haines asks if there will be an asbestos inspection of the interior of the building.
- 19) Mr. Dipple does not know.
- 20) Ms. Haines asks to address Mr. Foley's memo.
- 21) Mr. Dipple states he has not reviewed it fully but it appears they addressed the same State requirement issues in their letter.
- 22) Board members question if the fencing high enough to keep children from climbing over and toys from being tossed out.
- 23) Mr. Dipple states this is a question for operations, but it is his understanding it is supervised play.
- 24) Mr. Anderson asks in reference to the review letter about suggestion for a loading space.
- 25) Mr. Dipple explains there is an appropriately sized loading space there.
- 26) Ms. Haines asks if meals will be served thus requiring box trucks and other similar delivery vehicles for loading.
- 27) Mr. Dipple states it is possible but explains there is plenty of parking space and creating a whole new loading space would be unnecessary.
- 28) Ms. Haines asks Mr. Dipple to address the comments from the County Planning Board that their application was incomplete as of August 2023 and the plans were not accepted for construction.
- 29) Mr. Dipple states they are working on the ADA compliance, specifically the ramps and everything else from the County is easily addressable.
- 30) Ms. Haines asks if the Traffic Impact Study and Circulation Plan has been submitted to the County.
- 31) Mr. Dipple states they are in the process of addressing it, all are minor and easily addressable.
- 32) Mr. Mayhew asks if based on the Ordinance they should be asking for a waiver for the loading spaces.
- 33) Ms. Payne asks if there is a loading dock outlined on the plan.
- 34) There is a discussion about if there is a need or requirement of loading spaces.
- 35) Mr. Mayhew states based on the review letter they need to know details about number of staff members to better determine the parking space needs; Based on information provided and a personal site visit he suggests adding 10-12 trees which he believes can be done without having to change the layout.
- 36) Mr. Mayhew asks if there will be exterior utility work for the required fire line.
- 37) Mr. Dipple states the next witness can answer that question.
- 38) Mr. Mayhew states the Board should consider the material of the fence based on Ordinance for fencing greater than 50 feet in length.
- 39) Ms. Haines asks Mr. Mayhew if the site triangle he is suggesting be added is on Mavis' property.
- 40) Mr. Mayhew states it is a joint access driveway. He would like to make sure the playground and proposed landscaping do not disrupt visibility.
- 41) Mr. Dipple states they agree to comply.
- 42) There is a discussion about location and placement of the State Farm sign and the proposed Montessori sign.
- 43) Mr. Anderson suggests asking the Board for a waiver.
- 44) Mr. Skaar states they touch on this concern in their review letter; the playground subgrade is not overly compact, and the material is permeable.

- 45) Mr. Anderson references the lighting and landscaping comments asking if they will comply.
- 46) Mr. Dipple states they are in compliance with Section 188-164 of the Mitigation Requirements of the Township Ordinance but is proposing to refill the dead trees that are currently in the parking lot islands.
- 47) Chairman Herbert opens the meeting up to questions from the public.
- 48) **Susan Gulliford**, 7 Hunt Club Rd, asks if the area from the playground to Amwell Road is 45 feet.
- 49) Mr. Dipple states he believes he measured it at approximately 47-50 feet.
- 50) Ms. Gulliford asks about decorative bollards.
- 51) Mr. Dipple states it may not be necessary as there is a fair amount of landscaping around the fence.
- 52) Ms. Gulliford asks if there is a cross-access agreement with Mavis.
- 53) Mr. Dipple states yes.
- 54) Ms. Gulliford asks if any of the ADA and/or security improvements will add anything to the impervious.
- 55) Mr. Dipple states it will comply with ADA and they can provide more written information if needed but there are no modifications needed outside.
- 56) Maria Fariello, 15 Lynn Court, asks if the playground will create a drainage issue that will back-up into Lynn Court.
- 57) Mr. Dipple states he does not believe this will be an issue as the playground area pitches towards Amwell Road.
- 58) Ms. Fariello asks if there is any intention of expanding the parking lot any further from what it is currently.
- 59) Mr. Dipple states there are a lot of parking spaces, and they have no intent of increasing the size.
- 60) Ms. Fariello asks if the lawn space between the property and Mavis will ever be considered a road.
- 61) Mr. Dipple states that has never been discussed nor is it part of this application.
- 62) Ms. Fariello asks if any of the proposed trees for removal are part of the tree line at the rear of the property which acts as a natural buffer for the houses on Lynn Court.
- 63) Mr. Dipple states they are not removing any of those trees; they are planning on removing one Evergreen tree at the front of the property which is where they would like to place the playground. He continues by stating if anything they will enhance the natural buffer with additional trees at the back of the parking lot.
- 64) Mr. Skaar call his next witness.
- 65) Donna Fiumara, director of the Cherry Blossom Montessori School, is sworn in.
- 66) Mr. Skaar asks Ms. Fiumara to give a brief history of the school.
- 67) Mr. Skaar asks how many students, teachers and staff do they have at this time.
- 68) Ms. Fiumara states about 90 people; they are a small school with classroom size of 18-21 children; one toddler classroom, three primary classrooms (3-5-year-olds). Their elementary program is meant to be small with lower elementary grades 1st – 3rd together (approximately 20 children) and 4th – 6th grade together (8-10 children).
- 69) Ms. Haines asks if this is what they are proposing for this location.
- 70) Ms. Fiumara states yes.
- 71) Ms. Haines asks what the maximum number of children would be.
- 72) Mr. Skaar states no, there is potential for growth assuming adequate parking, space in the building etc.
- 73) Ms. Haines asks what maximums they are requesting.

- 74) Mr. Skaar states they do not have a plan.
- 75) Ms. Haines states this would be important for their planning with traffic, athletic facilities, state requirements etc.
- 76) Mr. Skaar states he will have to defer parking and the traffic expert.
- 77) Ms. Haines disagrees, stating it is an educational issue as well. She asks what their maximum future growth plan is.
- 78) Ms. Fiumara states they are looking to grow a little bit but not double their program.
- 79) Ms. Payne asks how many classrooms they have on the plan.
- 80) Mr. Skaar states that will be covered by the architect.
- 81) Ms. Fiumara again explains the current classroom breakdown and states there are 13 staff members.
- 82) Ms. Haines asks the state requirement of square footage per student per age group.
- 83) Ms. Fiumara states they are not under NJ Children & Family Services and does not know of any public requirements.
- 84) Ms. Payne asks the current location of their school.
- 85) Ms. Fiumara states they are located in Flagtown next to the current firehouse, in what was the previous firehouse and leased from the fire company.
- 86) Mr. Mayhew asks who the owner is of Cherry Blossom Montessori School.
- 87) Ms. Fiumara states it is Leslie Meldrum.
- 88) Mr. Mayhew asks if that is Meldrum Associates Inc.
- 89) Ms. Fiumara states that is correct.
- 90) Mr. Mayhew asks if their program satisfies the laws for when their student need to continue on to a different school.
- 91) Ms. Fiumara states yes.
- 92) Mr. Mayhew asks if the proposed playground will be used for other things or just as a playground.
- 93) Ms. Fiumara states no, it will be a playground with a toddler section and an older child section.
- 94) Chairman Herbert asks how this would compare to their current playground.
- 95) Ms. Fiumara states this one will be amazing; their current playground is tiny and they make the best they can out of it. They can only have one classroom out at a time and often walk the older classes to Flagtown park for their physical education classes.
- 96) Ms. Payne asks about the entrance into the new facility and playground.
- 97) Ms. Fiumara describes the entrance and path to the playground.
- 98) Ms. Haines asks if the emergency exit will be secured so someone cannot enter into the building.
- 99) Mr. Skaar states the architect will address that.
- 100) Mr. Mayhew asks how drop off and pick up will be handled.
- 101) Ms. Fiumara explains the staggered start times for the grades, how parents generally park and walk their child in, they have a staff member at the door. There will be no line of cars, parents have to walk their child into the classroom or to the staff member at the door. Pick-up works similarly, no line of cars, Ms. Fiumara reviews the pick-up times.
- 102) Mr. Mayhew asks about the special events.
- 103) Ms. Fiumara lists examples of their special events, stating many are during the day but some are in the evening around 6:00 – 7:00 pm, including a couple of Saturday events.
- 104) Ms. Haines asks if any of the teachers are required to have the state certifications along with their Montessori training.

- 105) Ms. Fiumara states they are not required to have the state certifications. She explains they are accredited by the American Montessori Society which requires teachers to have qualifications to their standards.
- 106) Mr. Mayhew asks if the school is willing to make the sign harmonious with the State Farm Sign, simple and not backlit.
- 107) Ms. Fiumara agrees.
- 108) Mr. Mayhew asks if they are willing to do the environmental testing.
- 109) Ms. Fiumara agrees.
- 110) Mr. Mayhew asks if in the playground area there will be activities which include a ball and if all playground play is supervised.
- 111) Ms. Fiumara states they do not permit activities with a ball due to the concern of the ball being lost over a fence and confirms playground play is supervised.
- 112) Ms. Payne asks if classes are ever out there all at the same time.
- 113) Ms. Fiumara states they stagger the times the classes can go out on the playground and the classrooms often bring different types of activities with them in addition to the playground equipment.
- 114) Ms. Payne asks how lunch works.
- 115) Ms. Fiumara explains children eat in their classroom; many bring lunch but they do offer a hot lunch program. They work with Belle Pizza who deliver on the day off so there are no large truck deliveries for food and no storage.
- 116) Ms. Haines asks if they have a registered nurse on site.
- 117) Ms. Fiumara explains they have the non-public nurse from the district who comes ones a week.
- 118) Ms. Haines asks if she is an RN and what happens if a child gets sick or hurt during the week.
- 119) Ms. Fiumara confirms she is an RN, stating it is not required to have a nurse there every day of the week and she and her staff handle any issue when the nurse is not onsite. Every staff member is CPR/First Aid certified. She states parents are aware there nurse is present once a week.
- 120) There is a discussion among Board members about the safety of the playground and other similar facility set-ups.
- 121) Mr. Skaar explains this is an inherently beneficial use.
- 122) Mr. Mayhew asks to clarify that there is no drop off zone in the parking lot, parents must park and walk their children into the school.
- 123) Ms. Fiumara confirms, parents must park and they can either walk them in to their classroom or they can walk them to the entrance where a staff member will be waiting. Drop off and pick up.
- 124) Ms. Haines asks if there is ever a bus.
- 125) Ms. Fiumara says no bus, ever.
- 126) There are no further questions from the Board.
- 127) Chairman Herbert opens to the public.
- 128) There are no questions from the public.
- 129) Chairman Herbert states they are approaching 10:00 pm. There is a discussion about remaining witnesses and possible dates for carrying over.
- 130) Mr. Skaar states he would like to present his traffic witness.
- 131) **Jay Troutman** is sworn in. He states his certifications are in good standing. He is accepted as a witness.

- 132) Mr. Troutman states they did the traffic analysis referenced earlier. He states the existing parking supply is more than adequate to accommodate the staff parking as well as parent parking during drop off and pick up. He explains how this was determined.
- 133) Mr. Troutman states there are two driveways for use for the site generated traffic; they have excess capacity and are currently under-utilized driveways especially during morning peak hours. He states the proposed use peak for the school is different than the peak usage times for the neighboring business, Petrock's, and Amwell Road.
- 134) Ms. Haines asks about when the high school lets out.
- 135) Mr. Troutman states the volume on Amwell Road is still lower than the peak times during those times.
- 136) Mr. Troutman states his support on why this is a good site from a traffic & parking perspective stating they are able to take this pre-existing, unused infrastructure and put it to use without disturbing vacant land somewhere else. He states there is no loading demand for this site but it can support by one loading space which is what the county is requiring them to show.
- 137) Mr. Mayhew asks if his analysis is based on the current 90 member staff and children and no growth.
- 138) Mr. Troutman states no his analysis included a growth to about 105.
- 139) Mr. Mayhew expresses concern about growth and no testimony on maximum capacity.
- 140) Mr. Troutman states he believes before the next meeting the architect and the school operator are going to determine what is the maximum number of students they will accept at that facility. He will then use this number to update his traffic analysis.
- 141) Ms. Haines asks about left turns out of the parking lot.
- 142) Mr. Troutman states the reserve for this property is excellent for Amwell Road. He states there is no issue for the driveways.
- 143) Ms. Haines expresses her concern about left turns being made out of the parking lot.
- 144) Mr. Troutman states the driveway by Mavis is a more suitable driveway to make a left turn out of and recommends the school communicate this to parents.
- 145) Chairman Herbert opens to public comment.
- 146) **Susan Gulliford**, 7 Hunt Club Road, asks if both driveways will be in and out.
- 147) Mr. Troutman confirms both will be two-way driveways.
- 148) Ms. Gulliford asks if the County would allow them to change them to be single direction.
- 149) Mr. Troutman states Mavis is a shared driveway and needs to be two-way as is Petrock's.
- 150) There are no further questions from the public.
- 151) There is a discussion among Board members and Township professionals about a date to carry over to.
- 152) Ms. Payne motions to carry the application to December 6, 2023, without notice, seconded by Ms. Haines. All were in favor, none opposed.
- 153) Motion carries.

ADJOURNMENT

A motion to adjourn was made by Ms. Haines, seconded by Vice Chairman Wohlmacher. Motion carries unanimously.

10:07 pm meeting is adjourned.