

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**  
**PUBLIC MEETING MINUTES**  
**January 05, 2012 Regular Meeting**

Chairman Sireci called the regular Planning Board meeting of January 05, 2012 to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the courtroom of the Municipal Complex.

Chairman Sireci announced the meeting has been duly advertised according to the Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

**ROLL CALL**

Deputy Mayor Gloria McCauley - Present  
Greg Burchette - Present  
Committeeman Frank DelCore - Present  
**Steve Cohen, Vice Chairman** - Present  
Tod Mershon, *Secretary*- Present  
Neil Julian - Present

Sam Conard - Absent  
**Steven Sireci, Jr., Chairman** - Present  
Marian Fenwick - Present  
Daniel Marulli (Alt. #1) - Present  
Robert Peason (Alt. #2) - Present

Also present were Robert Ringelheim, P.P., A.I.C.P., Township Planner; David Kois, Zoning Officer/Assistant Planner; Eric M. Bernstein, Esq., Attorney (Eric M. Bernstein & Associates); William H.R. White, III, P.E., P.P., C.M.E., Board Engineer (Maser Consulting, P.A.); John Jahr, P.E., (Maser Consulting, P.A.); and Lucille Grozinski, C.C.R.

**ACCEPTANCE OF MINUTES**

December 01, 2011

A motion to approve was made by Mr. Burchette, seconded by Dr. Marulli.

**Roll Call:** Dr. Marulli – yes; Mr. Mershon – yes; Ms. Fenwick - yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Mr. Burchette – yes; Deputy Mayor McCauley – yes. Motion carries.

**ACCEPTANCE OF RESOLUTIONS**

Bryan and Donna Loniewski – 11-PB-08-MJV – *Revised Resolution*

Board Attorney, Eric Bernstein, Esq. said the Board previously adopted the resolution. It was not until after that I heard from the applicant regarding some issues. The resolution has been revised but does not change the overall agreements in the original resolution.

A motion to approve was made by Mr. Burchette, seconded by Dr. Marulli.

**Roll Call:** Ms. Fenwick - yes; Mr. Burchette - yes; Mr. Mershon – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

Fortunato RITORTO 11-PB-15-MSR

A motion to approve was made by Ms. Fenwick, seconded by Dr. Marulli.

**Roll Call:** Ms. Fenwick - yes; Mr. Burchette - yes; Mr. Mershon – yes; Dr. Marulli – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes. Motion carries.

General Tool Specialties, Inc. 11-PB-17-MSR

A motion to approve was made by Mr. Mershon, seconded by Mr. Burchette.

**Roll Call:** Ms. Fenwick - yes; Mr. Burchette - yes; Vice Chairman Cohen – yes; Mr. Mershon – yes; Dr. Marulli – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes. Motion carries.

**Planning Board Business**

Contract Resolution – Board Attorney (Eric M. Bernstein & Associates)

A motion to approve was made by Mr. Burchette, seconded by Dr. Marulli.

**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Burchette – yes; Dr. Marulli – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

Contract Resolution – Board Engineer (Maser Consulting, P.A.)

A motion to approve was made by Mr. Burchette, seconded by Dr. Marulli.

**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Burchette – yes; Dr. Marulli – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

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Contract Resolution – Alternate Board Engineer (Carroll Engineering)

A motion to approve was made by Mr. Burchette, seconded by Dr. Marulli.

**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Burchette – yes; Dr. Marulli – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

Contract Resolution – Court Reporter (Lucille Grozinski, C.C.R.)

A motion to approve was made by Mr. Burchette, seconded by Dr. Marulli.

**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Burchette – yes; Dr. Marulli – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

Contract Resolution – Videographer (Premier Media, LLC)

A motion to approve was made by Mr. Mershon, seconded by Ms. Fenwick.

**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Burchette – yes; Dr. Marulli – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

**SPECIAL COMMITTEE REPORTS**

None

**BUSINESS FROM THE FLOOR**

None

**CONSIDERATION OF ORDINANCES**

None

**PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS**

**Pat Richard, LLC – Phase III** – File #11-PB-18-SR – Block 142, Lot 23.10 (C.0006) (formerly known as Block 142, Lot 23.B) – 330 Roycefield Road. Applicant requesting D(4) Conditional Use with preliminary and final site plan for Phase III to allow a medical transportation company to occupy proposed Building 6.

Lawrence A. Vastola, Esq. appearing for the applicant introduced Robert B. Heibell of Van Cleef Engineering.

Robert B. Heibell, P.E., L.S. was sworn in and gave the following testimony:

This is a fairly simple application for a conditional use and preliminary and final site plan on a property on the east side of Roycefield Road at Roycefield Trade Park. The Board has previously granted site plan approval for the entire trade park. The applicant has recently added an existing conditional use for Able Medical Transportation. The stipulation for that use is that they come before the Board for site plan approval. There are no site plan changes from the prior approval.

We have Mr. Ringelheim's report which sites the facts of the application. We have the approval of the SCPB without any conditions. We have an existing approval from the Somerset-Union Soil Conservation District. We have the letter from the Fire Marshal. His comments are similar to his previous comments which the applicant has agreed to comply with in totality.

Our office, Mr. Ford in particular, as spoken with Mr. White about his 01-02-12 engineering report. Mr. White questioned whether the ambulances will be parked in the front 15 parking spaces. All will be parked to the rear of the building. The applicant was previously granted a waiver for lighting. Since the ambulances will be parked in the back; we now agree that there should be lighting and we will submit a lighting plan to Mr. White for his approval. Some maintenance of the ambulances will be done at the site but it will all be internal, not outside, including washing the vehicles.

The site itself complies with all of the requirements of the conditional use

Gregory Scott, President of Able Medical Transportation was sworn in and gave the following testimony:

Currently we have 10 ambulances and 20 wheelchair vans at our location in Somerville. That yields us roughly 125 trips a day. We operate 24 hours, 7 days a week.

Mr. Julian asked if the cleaning of the ambulances was part of the Stormwater Management Plan.

Mr. Heibell said it would have if we were doing it outside but one of the conditions of approval is that it will be done internally. We have an existing stormwater detention basin.

Mr. Julian said the only other concern I have is the contamination coming out of the ambulances. Where is that water going?

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Mr. Scott said to ease your concerns, 99.9% of decontamination is done at the hospital, then we move it back to our yard so it is a different story.

Open to the Public

**Marilyn Rodriguez** – Elmendorf Circle

Ms. Rodriguez asked if the ambulances will be running their sirens in the area.

Mr. Scott said we do respond to emergencies but do not use the lights and sirens for every call. We primarily service nursing homes and assisted living housing which generally are a more controlled and have nurses and staff to take care of the patient. We do not use the lights and sirens as a general policy so you should not be woken up by us. We currently operate out of Somerville and no one has complained. 85 to 90% of our work is scheduled.

Close Public

A motion to approve application 11-PB-18-SR was made by Mr. Burchette, seconded by Mr. Julian.

**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Burchette – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

***PSE&G – Sunnymeade Road Substation*** – File #11-PB-19-MSRV – Block 182, Lot 7.01 – Access easement off of Sunnymeade Road (between Hamilton Road and Falcon Road). Applicant requesting Minor Site Plan Approval.

David Richter, Esq. representing PSEG Services Corporation. The application is for upgrades at our Sunnymeade substation which will provide more reliable service to Hillsborough and the surrounding area.

Eugene Porzio, P.E. of Altran Solutions was sworn in, provided his qualifications and gave the following testimony:

The expansion would include a breaker and some other equipment that requires a small 20 ft. x 14 ft. expansion of the existing control house associated with the outdoor equipment that is being added. The addition will be on existing paved or gravel areas so there would be no increase in stormwater runoff. The height of the expansion will match the existing control house height and general footprint. The equipment being added is basically stationary equipment and will not make any noise. We are adding some lights but they are at a low level, approximately 9 ft. above grade and local to the equipment to allow safe operation. They will only be on when maintenance is required in the yard, not on 24-7. The in service date for this facility is June 01, 2012, which means we need a start date of the beginning of February to accomplish the improvements in order to be able to accommodate peak summer usage. The addition of the breaker provides extra reliability, protecting the equipment there.

Noreen Merainer, P.P., A.I.C.P. of PSE&G was sworn in, stated her qualifications and gave the following testimony:

The triangular shaped lot is actually along an existing transmission easement, our Brunswick to Branchburg transmission line. The lines were built in 1960; in 1974 we built the Sunnymeade Substation. We have been back before Hillsborough a number of times since then, as provided in your packets. We are in the Light Industrial District which allows public utilities permitted by right. We are asking for a front yard setback. This lot is odd shaped, isolated with the driveway 1,000 ft. off of Sunnymeade Road. Our neighbors are New York Central Railroad, north of that is an industrial trucking facility and to the west is Glen-Gary. We are entirely surrounded by industrial uses. The zone that surrounds us is the Mining Zone, there are no residences. We wish to put our control house 22 ft. from the front yard which in this case is the point to the triangular lot. We need to have the proposed control house near the existing control house. If we go to the right we have a septic field, to the south or west would put it in the middle of equipment, leaving the only room to the north which requires a variance. I would like to point out that there is already a reduced front yard for our piece of equipment that is 21 ft. from the setback. We are asking for the bulk variance because it meets the hardship and exceptional situation standard of the MLUL. This piece of property has been used solely for public utility uses for the past almost 40 years and is suited as such because of the transmission line. That allows PSE&G an easy way to move the power around.

Open to the Public

No comments/questions.

Close Public

Mr. Bernstein asked that the applicant agree on the record to any and all conditions, requirements, etc. in any of the professionals' letters.

Mr. Richter agreed and asked if the resolution could be expedited in order to be able to accommodate the June 1<sup>st</sup> construction deadline.

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Mr. Ringelheim agreed to inform the Construction Official that this application has been approved without conditions in order for the plan to be reviewed.

A motion to approve application 11-PB-19-MSRV was made by Mr. Burchette, seconded by Committeeman DelCore.  
**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Burchette – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

**EXECUTIVE SESSION**

RE: Green Village – File #11-PB-11-SR - The Board will convene to discuss potential litigation and attorney-client privilege matters.

Eric Bernstein, Esq. stated he has so advised the Board to go into executive session to discuss the aforementioned application.

A motion and second were made. All were in favor.

Mr. Bernstein said the minutes of this session will become public once approved by the Board and once the matter has been concluded.

Executive Session: 9:05 p.m. to 9:51 p.m.

A motion and second were made to come out of executive session. All were in favor.

Mr. Bernstein reviewed those present in executive session are now present in the courtroom and that no formal action need be taken at this time. The appropriate measure is to move into the application.

Chairman Sireci said the application will be heard until 10:00 p.m. at which point we will set a time to continue the hearing. After which, we will have some Planning Board business.

***GREEN VILLAGE*** – File #11-PB-11-SR (*previously referenced as 11-PB-11-MJFSR*) – Block 141, Lot 30 – Route 206 North. (***AMENDED Application***) Applicant requesting Preliminary and Final Major Site Plan approval. *Carried from December 01, 2011 without further notice.*

William B. Savo, Esq., appearing on behalf of the applicant stated this is a continuation of the hearing from December 01, 2011. Previously Mr. Heibell reviewed the entire application. We held off on traffic because we had had some discussions with County traffic officials and the Township's traffic consultant. We indicated at that time that we would be phasing the project.

Gary Dean, P.E., P.P. of Dolan and Dean, qualified by the Board and gave the following testimony in response to Mr. Savo's questioning:

I have done the traffic study for this project and have had a lot of meetings with the State, County and Township's traffic consultants. Our analysis represents the culmination of 10 to 12 years of effort reviewing the Route 206 corridor, the long planned and scheduled improvements to what I refer to as the "missing link section" across the subject property which is the section that extends from Brown Road where the dualization had finished to where the Bypass will terminate near Old Somerville Road. DOT had referred to this 3 1/2 mile project as "15N" which extends the 2-lanes in each direction with a center barrier and jughandles as you have in Somerville. When the right-of-way discussions began, it seemed imminent that the project would start. The applicant met with DOT in the late 1990's to discuss the right-of-way acquisitions. Somewhere in the process the funding for the 15N Project had been deferred, the right-of-way was never acquired and the DOT abandoned their negotiations with the applicant to acquire that property leaving a questionable means of ingress and egress to the property, at least in an interim phase.

In 2009 my office was retained to pursue a form of access with DOT. We planned for 15N which we were told was deferred but it investigated a suitable means of ingress and egress under an interim condition. We reviewed a variety of options with DOT in looking at how to provide access to that property. The culmination of that effort was DOT issuing last year a "concept review approval" which is a binding approval on part of the State as well as the applicant to a certain set of geometric improvements and highway improvements to accommodate the traffic for a particular piece of property. That design is reflected on the plans shown as Exhibit A2 from 12-01-11 entitled Exhibit Site Plan. The access scheme contemplates a full movement driveway at the southwest corner of the property aligning opposite the driveway of the equipment rental facility. Taking advantage of the widening that DOT completed which provides a center 2-way left turn on the highway. Through some restriping and some very modest improvements it allows us to create a dedicated left turn lane for movements to come into the subject property. The driveway also provides for right turn ingress coming northbound and separate lanes for a right or left turn onto Route 206. We recognize that with the amount of frontage a second means of ingress and egress would be desirable. A second driveway to the north is proposed that would be restricted to right turn entering and right turn exiting only.

The Board may recall the approval of the Gateway project which is to the top left-hand side of this exhibit. That project

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required that applicant to provide an emergency only access that comes through the subject property and out to Route 206. That emergency access has been constructed, an access permit was issued. At the time it was issued, it was issued with the expectation its location was precisely where DOT had designated access to this site as part of the Route 15N Project. So all of the elements of the State plan, the Gateway project and this project were considered in keeping that driveway on the highway in the same location as was envisioned in the 15N Project. The State approved it without a traffic light. Through our efforts, the State determined that with the signals synchronized with Valley Road to the north and Partridge Road/K-Mart driveway to the south, there would be disruptions on a regular occurrence in the Route 206 traffic creating breaks or gaps in traffic that would allow the projected volumes from this site at full build-out to operate. We all know making that left-hand turn will take a long time. We believe the applicant has exhausted all remedies with the State to get a signal. The State made their decision that the scheme you have before you will be approvable for full project build-out.

Throughout our discussions with the Board's engineering traffic consultant as well as the County engineer, it was expressed that full build-out with essentially a STOP sign controlled driveway, notwithstanding the DOT approval, was likely to give great concern for safety. The phasing of this project then ensued as to allowing a certain build-out under the scheme the DOT approved. Our initial effort was to delay all of the commercial components such as the hotel and retail which depending on the peak hour, represented about half of the traffic from the project. By deferring those two components alone we would substantially reduce the impacts and potential of people turning left onto Route 206. Throughout our discussions with the Board and County professionals, a maximum traffic ceiling was presented as 199 total peak hour trips or movements. That number was selected for a very particular reason. That is a threshold used by DOT. Exceeding that number puts it into a whole different category of permit review, which requires mitigation and project improvements. We took that number as an ultimate development ceiling for traffic projections to come up with an estimated number of units that could be accommodated at or below that threshold. We came up with a threshold of 333 units out of 469 at which we would not exceed that trip level.

We identified 3 means (options) of mitigation: (1) that the State comes in and solves all of our issues with the 15N Project. It is my understanding it has now been funded for design but we cannot predict what DOT will do; (2) if we were able to secure a permit for a traffic signal from DOT at the driveway which we have been told 'no' to initially; (3) the movement of turning left from the site onto Route 206 would be restricted through barriers and road restrictions.

Safety has always been paramount for this site. The applicant has further committed to a traffic monitoring program as the project is constructed as residents move in and start to generate traffic. Statistically, we wanted to make sure that there was enough of a critical mass so when we measure the traffic, it will be representative of how we can expect the balance of the project to similarly operate. After discussing the phasing we felt the monitoring should be done at the 180 units mark. We are expecting long delays in making a left onto Route 206 since at this point in time the State has said they cannot give us a signal.

John Jahr, Board Traffic Consultant, said as stated, we have had a lot of meetings and interaction with not only the applicant's engineer but the County's engineer as well, working diligently to come up with a way of ensuring what is going to be constructed here and how these driveway accesses are going to work safely and efficiently. Because we are in this process; we are allowed to have our comments with the State and be involved but at the end of the day we cannot control what DOT does. We are trying to work together with the developer and County engineer to come up with a safe and efficient driveway design that will be monitored and gradually come into place as the building progresses. We will be able to monitor the traffic and have safe measures in place so that should there become unacceptable traffic conditions, the town will be protected. That has been the main focus with our team, the developer's team and the County. The numbers the traffic engineer has set forth are very good milestones to go by. I think the Board can feel comfortable that doing the study at 180 units is going to give us a good sampling of what the trip rate for those units are. Once we determine what that trip rate is, we will be able to know at what point that driveway is going to become a problem, if it already has not become one.

Chairman Sireci said the trip rate we are talking about here is at peak use.

Mr. Jahr said the peak hour is what is used as our analysis period. It is the heaviest one-hour either during the morning, evening or on Saturday that we expect to have at this driveway entrance. That gives us the best barometer of how we can design things. In this case it is going to be the P.M. peak for this development and will design our geometric design to meet those numbers. One thing that was not included in the traffic engineer's presentation I would like to mention for your consideration is that I think we should have an accident limit. Although we hope there are no accidents, I think we should have some protection. The MUCD uses 5 accidents as a barometer for certain installations of traffic signals. I would say 5 accident limit within 1 year at the driveway entrance could be another trigger for some mitigation or improvements to come online to protect us.

Mr. Dean said I am hearing this for the first time. It is something we need to consider but I want to make differentiate an accident from a deer jumping out or from someone using their cell phone is not attributed to this driveway. I think an accident occurs at this site driveway even though there is no site. I do not think the applicant should be penalized for icy road conditions; that is a different scenario.

Chairman Sireci said this can be discussed further amongst yourselves prior to coming back for the next hearing. Mr. Dean has made a fair comment that an accident can be attributed to a number of reasons. The study will be done at 180 CO's. When will the next trigger be?

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Mr. Jahr said the study at 180 units will give us the next trigger. Traffic Engineers use the *Trip Generation Manual* produced by the ITE which is a great handbook that gives a lot of guidance but does not have the best data available for this type of use because Route 206 is a difficult road; we are a little concerned about using the national standard in this case. It gives us the idea to get to the 180 mark but our site specific will tell us how our site really works and what the trip rate is in Hillsborough, not where the national study was done.

Mr. Dean said these are all safeguards. The applicant's intent is to work with the County and the Board's consultants to get us to a point where we do not even need to do these studies because we have a light or if the 15N Project is eminent. Our intention is to accelerate our efforts with DOT again revisit the issue with your support and endorsement which is something we did not have previously.

Chairman Sireci said Hillsborough has experience of waiting decades for the Bypass to be built so it may be the same for 15N. but who knows. We do need another plan in the meantime.

Mr. Savo said we offered to do this light as an interim and relocate it but our offers seem to fall of deaf ears. With some more help we hope to achieve the light.

Mr. Jahr said clearly the traffic is a primary concern for this application. We are summing the traffic up in 10-15 minutes but we have had hours and hours of discussions and meetings and put in very hard work outside of here. As the Board's traffic consultant, I am very concerned that the left turns for this site could become a problem on Route 206. We know there is already a high level of accidents where there are traffic lights. We are going to have a new stop controlled intersection probably with people who are not familiar with Route 206. We have been working very hard to come up with a great list of assurances to make sure as much as we can that the traffic matters are going to be mitigated.

Chairman Sireci asked at what point can the State back out of the agreement? I would like to hear from both traffic experts on this.

Mr. Dean said the purpose of a concept review is to give a future applicant for a driveway a degree of assurance from the State of a specific form of access; whether you will get a light or not, whether certain off tract improvements are necessary and the scope of those improvements. It is a process designed to investigate in specificity all of the traffic impacts of a project but to not have to undertake the substantial costs of designing these improvements. The outcome of these efforts is a binding Resolution of approval from DOT subject to the applicant submitting fully engineered access plans within 2 years. Could the State go back on its word? I believe the language in the Code says it is binding. Things change over time but as long as the general parameters are the same; it is a matter of going under a technical review. My experience is that a concept review is binding with both parties as long as the applicant agrees to submit that application. It is a handshake.

Mr. Jahr said I have done more than my fair share of work with DOT, developers and townships. A concept approval is a way a developer who is going to spend millions of dollars can get some level of assurance from the State they are going to be given access. In my experience it is rare that the actual concept approval given to DOT that they agree to is actually ever built the way it is. The concept review offers broad lines. It has not been easy for this applicant to deal with DOT for the last 10 years; I give them credit. The concept plan is just that. I do not believe there is anything binding about it. I believe the language says the DOT can renege on it but if they tell you that you are going to get access, you will get access. DOT has agreed to give this applicant 2 driveways. As far as the design of the access, that could change as per DOT approval. Should DOT grant a jughandle and traffic signal down the road, the concept plan will be forgotten.

Chairman Sireci reviewed that access with 2 driveways is approved. How it will actually look could change.

Mr. Jahr added the concept approval is for full build-out. DOT makes the rules on their roads. The only way it would change is if the town got behind it. Typically DOT will work with townships.

Deputy Mayor McCauley asked if the benchmark of 180 units is reasonable.

Mr. Jahr said I am very comfortable with 180 units being the point at which we do the study because the study will take 2 or 3 days. We will make sure the 180 units are fully occupied, do our study and after a few days know how we stand traffic wise. The other number we have just touched upon is 199. If the total trips in and out of the site is 199 I think we are going to be ok. I believe the left hand turn is going to be difficult from the very first day. I am not saying it will be good but it will be safe. I do not believe there will be any unacceptable safety considerations until we get to that point but I have concerns.

Chairman Sireci said the 199 is at peak hour. It works out to a little more than 3 movements in either direction, going in or coming out of that access. But those 3 movements are taking place when the highway itself is at its busiest, in between 2 traffic lights. Of course that has to be very well studied. If it turned out that the peak hour of these residents was at a peak hour different than the rest of us, there would not be a problem but if their peak hour is the same as everyone else then we have to see how that works.

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Mr. Savo said the applicant will be paying for the study.

Chairman Sireci asked how the study will be done at the 180 benchmark.

Mr. Jahr said we will go out in the AM and PM, possibly a Saturday but I have to discuss that with the applicant's traffic consultant. We will do a traffic count for the peak 7 – 9, 4 – 6 on a Tuesday, Wednesday and Thursday. We will know the number of units and the number of cars in and out of the site. We will establish the trip booking by simply dividing the numbers. We will then take that trip rate and multiply it by the total number of units to find out where the 199 is. The County engineer is also in agreement with this method.

Dr. Sireci asked once you determine what number brings you up to the 199, what happens then?

Mr. Jahr said at that point one of these other access alternatives must come into play before the applicant can build out the rest of the units. The mitigation alternatives discussed are the installation of the traffic signal and a jughandle which would be the best thing possible; the other is the elimination of the left turns out of the site, implementing a concrete barrier so people cannot make the left turn. The left turn out is the one that is going to create the problems and accidents.

Chairman Sireci asked if left-hand turns in are being considered?

Mr. Dean said they are absolutely being considered. 60 ft. south of our driveway is a 2 way center left turn aisle created by DOT. We would be looking to bring that farther north with restriping to have a full dedicated left-hand turn lane coming into the site and the thru traffic would continue south in their own lane. This is part of the plan submitted to DOT from the beginning.

Chairman Sireci asked if traffic got to be too much, would left turn in be forbidden too?

Mr. Dean said should 15N go in there would be a barrier in the center of the roadway. Until such time, we are confident that the signals at Valley and Partridge will allow breaks in the traffic. We have not had any discussions to restrict that left-hand turn. If you prohibit it, it would cause illegal turns or turning around in Partridge which would create secondary impacts that the applicant does not want to create.

A Board member asked who will be doing the traffic study.

Mr. Dean said the applicant will bear the cost of the monitoring study. In deference to Mr. Jahr's comments, my intention is to do the study over a 1 or 2 week period with automated machines rather than having people out there. That would give us all of the trends of traffic. It gives us a much greater sampling over a couple week period. We do not do the study when there are aberrations in traffic flow. We get a typical standard workday to eliminate any debate over the representative nature of the counts.

#### Open to the public

##### **Michael Avolio – Owner of United Rental**

Mr. Avolio said I have been pulling in and out of the driveway directly across from this site for the past 25 years. At times it has taken 5 to 8 minutes for one vehicle to cross over and head north. The peak period at that intersection right now is between 8 a.m. and 9:15 a.m. during which time the traffic does not let up, north and south. Did the applicant offer to develop that intersection and the State said no?

Mr. Dean said we approached the State about putting a traffic signal somewhere on the site frontage, either at the northern driveway or southern driveway. One of them was aligning across from your driveway and essentially providing you with a signal.

Mr. Avolio said we move our trucks out every morning and have to make a right and turn around. We very rarely turn left out but when we do it takes time. How are the vehicles from 180 units turn south? I went to the Police Department and found out within 2010 and 2011 from my store going down there were 63 reported accidents. How do you stack all of the cars turning in? The road is only 34 ft. wide. It is a recipe for disaster as far as I am concerned unless there is a light. Right now you have the lane to turn in but the vehicles are flying by trying to make the light. If the developer is willing to make remediations on that intersection on their dime; I would like to see the township look into it further with the State.

Chairman Sireci asked the Board's traffic engineer to review why the State would have said no initially.

Mr. Jahr said NJDOT has a rule book. In it they have spacing criteria for that area on Route 206 of 2,000 feet. Looking at that they initially said no. There is no doubt we are going to be exploring that further with the State. A traffic light would solve the problems at both your driveway and the developer's driveway.

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Mr. Avolio said it is literally about 2 ½ hours in the morning and about the same at night that traffic is a problem. I have to consider the safety of my men and my customers.

**Marilyn Rodriguez - Elmendorf Circle**

Ms. Rodriguez said Elmendorf Circle is off of Valley Road. The peak hours for a left turn on Valley Road from Route 206 is 7 a.m. – 9 a.m. and 4 p.m. – 6 p.m. Route 206 is a one lane road from Brooks Blvd. to Triangle Road. It is not appropriate for residents in the area to have that much traffic. Doing the counts at 180 units is hardly representative of what the units will be at full occupancy since that is only 30% of build-out. Good luck making a left turn onto Route 206. That will not happen because as it is now, Route 206 is a parking lot from Monday to Saturday. There is no way anyone is going to be able to make a left turn from the site so they will be forced to make a right turn. Once they make the right turn they may come down Valley Road and make a U-turn in our development.

I am surprised at the committee. I am getting the impression that you are almost an advocate for the developer as opposed to an advocate for the township. At best the committee should be neutral so that the developer can defend his position as to why this would be a benefit to our township. I do not believe they have done that.

Chairman Sireci said we all take offense to your statement. We are here trying to consider what is best for this township. We would point out to you that the developer owns the property and has constitutional rights to develop their private property under the boundaries of the State law, the Land Use Act and the ordinances of the township. One of the things you cannot do is sit here and say you cannot develop your land; it is seized and will remain trees forever. That violates their rights. If a government had that power they could violate anyone's rights to their private property in the same way. We listen to the presentation and consider every application under the provisions of the law. Secondly, one of the things included in this application is 117 affordable units. This application is one of the things that would allow the township to meet its affordable housing obligation under the Mt. Laurel decision of the State Supreme Court. We may not agree with that decision but that is the law of the State. This township has a mandate to establish affordable units. The only way it is allowed to be done is by working with developers to have those needs for affordable housing met. You cannot just get to it "someday." The Court does not accept that and would tell you you are not in compliance. They would then begin to hear lawsuits from developers who look to break your zoning and build unlimited numbers of housing. There is a developer who owns 350 acres of land or more in Hillsborough who would like nothing more than to have a lawsuit and break our zoning and build 2,000 units. You cannot just say no. There are parts of this that are beneficial, a hotel and retail with tax ratables. I understand the apartment units may have children who put more of a strain on the school system. Often times apartments tend to have adults without children. The tax ratables will help everyone's taxes, not to mention the jobs that will be generated to help the economy. If the Board was to be arbitrary, capricious and unreasonable and just said no, no matter what the expert testimony or the science is in the presentation; we would get sued over this application and would lose in court. The tax payers would then pay money for a lawsuit that was lost and we might end up with a judgment that may not look this good. All of that goes through our minds. We have to judge a lot of things that you do not think about at home because you are not involved in this process. As it states on the first page of the Municipal Land Use Law, our first priority is to the health, safety and welfare of the people. I will leave your challenges of what this means in terms of traffic to the applicant's traffic expert.

Committeeman DelCore asked Mr. Dean to clarify how the counts are determined.

Mr. Dean said traffic engineers talk in terms of a "peak hour" which is the 60 minutes when traffic is busiest. That is not to say that in the hour before it may not be 95% as busy and the hour after 90%, but we isolate 60 minutes when it is worst for the site and highway traffic. We do so by counting every car that comes in or out of the site from 7 a.m. to 9 a.m., sometimes even a little further. From that data we figure out when it is its worst and determine the "peak hour." I will not debate for a moment that it is busy on route 206 from 7 a.m. to 9:30 a.m. and from 4:30 p.m. to 6:30 p.m. but for all of the engineering studies that are done, we focus on the 60 minutes when it is busiest. The benchmark of 180 units was chosen because it gives me enough statistical basis to then forecast the balance of the site so that we will know at full build-out what the actual traffic number will be and more importantly, at what unit build-out we will reach this 199 limit.

Mr. Savo we have a plan to build but we know there are issues. Practically speaking, we have to be able to market the project. If it does not work then we have a problem. We want to make this work for the community and for the project.

Committeeman DelCore asked for further review of the benchmarks.

Mr. Dean said the first benchmark is to do a study. The second benchmark that is determined from the first benchmark is to then implement an action which will either be a corrective measure or we will reach the first phase limit of the project, whichever comes first. It is giving the municipality a safeguard and is giving the applicant a surety that he can build a certain sized project with a certain number of units. It is intended to give the township and your professionals a full understanding. We need to figure out what is the realistic limitation before we have to take a corrective measure. Instead of guessing in 2012; we will have a plan at 180 built-out units. That gives us a statistical sample that is valid to extrapolate and forecast into the future with a much higher degree of certainty that we are doing today.

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Dr. Sireci said so then the study is to get a ratio number by which you calculate the point of mitigation.

Mr. Dean agreed.

The Board voted to extend the application hearing to 10:20 p.m.

#### **Pamela Booth – Sunnymead Road**

Ms. Booth said she appreciates the efforts put in. What happens after the 180 units study?

Chairman Sireci reiterated what was previously explained about how the peak number is derived. Once that number of units is built, the mitigation must be done before there is any more building. That number is not known yet because it is the ratio that will be determined from the traffic study.

Ms. Booth asked is the mitigation plan attached to numbers that come out of that study?

Deputy Mayor McCauley said yes. The three mitigation options have been discussed. We cannot say which remedy it will be.

Mr. Bernstein said the problem is because this is a State road, no matter what we want; the State has to approve it. As the experts have indicated, if by the time we get to that number of 199 trips, if the State is in the interim of the 15N Project then that will be the solution. The preferred solution from an engineering point of view is a signal at that driveway, subject to getting DOT approval, which we would also like to see. If the State turns that down then we are going to have to go to another mitigation but something will have to be done before the project can go forward from that point. The State has ostensibly said at the moment, no to the traffic light. We are hoping to convince them otherwise.

Chairman Sireci said if this were a township road we could do it here with this approval and have the mitigation done. A Developer's Agreement would be done but with the State involved, we have to instead have one of three defined options pending what the State will ultimately permit or do.

Mr. Bernstein stated the public hearing should be closed and reopened at the continuation hearing.

Close public

After discussion a motion to carry the application to March 01, 2012 without further notice was made and seconded. All in favor.

#### **PLANNING BOARD BUSINESS**

Request to Endorse Priority Growth Areas and Local Growth Areas as Part of Somerset County's Strategic Plan Update and as Part of the Somerset County Business Partnership's Comprehensive Development Strategy Initiative

Robert Ringelheim, Township Planner, reviewed that the recently released Draft State Strategic Plan is the latest version of the State Plan using new guiding principles, goals, objectives and strategies based on what is called the Garden State Values which includes concentrating development and mixed uses, increasing job and business opportunities in so called Priority Growth Investment Areas, as well as providing for healthy communities through environmental protection and enhancement and protect, restore and enhance agricultural, recreational and heritage lands. Among the goals and objectives contained in the Draft State Strategic Plan is the identification of these so called Priority Growth Investment Areas, as well as Preservation Areas.

The Somerset County Planning Board has undertaken the preparation of an updated County Strategic Plan to be consistent with the draft State Strategic Plan. The handout provided, dated December 2011, is a presentation by the SCPB and reviews what the updated County Plan seeks to do. The County is looking to identify the Priority Growth Investment Areas (PGIAs) and Local Priority Areas (LPAs) in the County. The intent is to use these PGIAs and LPAs that are deemed acceptable by municipal planning boards as the framework for the identification of growth areas in the county Plan, as well as the framework for the identification of the projects that spur job growth and private sector investment as part of the Somerset County Business Partnership's Comprehensive Economic Development Strategy (CEDS).

The SCPB has requested the Board review the proposed PGIAs and LPAs being proposed for Hillsborough and indicate support, if there is such, in preparation of the County Strategic Plan Update so that it can move forwards. There are 2 proposed PGIAs and 2 proposed LPAs located in Hillsborough.

The 2 PGIAs in Hillsborough are:

One area centered around Route 206 and Amwell Road that includes Town Center and the Gateway areas and Transit Oriented Development area that was in the 2005 Master Plan Amendment – Phase 2.

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Hillsborough Road/Route 206 Bypass Area that includes the new LI District south of the Town Center, as well as portions of the HS and C1 commercial districts and the RD District as created by the Redevelopment Plan for a portion of the Belle Mead GSA Depot.

The 2 proposed LPAs in Hillsborough are:

VA Depot Area includes the entire complex across from Brown Avenue extending south along Route 206 to include the industrial areas by Camplain Road and Old Camplain Road.

Glen Gery Quarry/North Hillsborough Industrial Area, including the industrial area along Sunnymead Road, centered on the Sunnymead Landfill and the Glen Gery Quarry.

These are general areas at this time. If the Board approves this general concept of having these growth areas in Hillsborough, which seems to coincide with our Master Plan, then we would send a letter of general approval to the County. The County would then begin to work on the specifics as to each of these areas and come back to us before they adopt any plan in order to be certain we approve of what they are proposing at each stage. This is more of a concept or general approval in order to let them get to the next step.

For clarification, a PGIA is a Priority Growth Investment Area where the State wants to concentrate job growth, employment growth, non-residential growth, to bring in rates, jobs and business to the State. These are major or semi-major areas where development would occur. This is the first phase of a two-phase project. The first phase is to identify these growth areas so that the second phase would be identifying the preservation areas. The LPAs are the more minor growth areas. The County would work on improvements and investments with the local municipalities in terms of moving these areas forward as secondary employment centers and secondary growth areas.

Deputy Mayor McCauley said I was on the SCPB through many of the COAH years. The criteria they used, in my opinion which has since been proven, was terrible information. If we were to approve this general plan, would their authority be over that of the township to tell us where they want these areas to be?

Mr. Ringelheim said the State lays out these priority areas. Under the State criteria of the State Plan, Hillsborough does not meet that criteria. In order for Hillsborough to have a PGIA is to get it through the County Plan. The County would then designate it making it consistent with the State Plan. A PGIA is an area the State would be investing their funds such as transportation improvements for future funding for growth in these areas. Our local zoning would still govern these areas. If the State lives up to its word, eventually it would funnel State funding to these areas in terms of traffic improvements and roadways.

Committeeman DelCore expressed his concern in losing some of the say as to what might be decided.

Mr. Ringelheim said by approving this we would gain the ability for extra funding by being part of this. If we don't then the State will not recognize us as a future growth area and the funding will not flow to us.

Ms. Fenwick asked if PGIAs and LPAs are the equivalent to growth areas in the old State Plan.

Mr. Ringelheim said no. The previous plan areas will no longer exist. A municipality with a center designation would be part of a growth area. Hillsborough never got a center designation so we are not eligible to be considered under that criteria. So now the only way we can be recognized for a growth area is to go through the County Plan.

Chairman Sireci gave an example that once the Bypass is completed, the State may vacate that section of Route 206. If that area is designated as a PGIA area then the State might be able to provide us with funding to help us improve that section as a boulevard or main street.

Mr. Ringelheim said this designation may also help with what was the rail line to be utilized as bus service. This designation might make this more likely than not, although not a guarantee.

Chairman Sireci offered the completion of the Bypass might also become more of a priority if within the PGIA.

Mr. Ringelheim said that would be the reason for doing this.

Chairman Sireci said it might also make the 15N Project higher on the list if that area is one the State might give some consideration to.

Mr. Ringelheim agreed and said that and the traffic situation of Brown Avenue. Again, we do not lose any zoning powers or enforcement. It is just perhaps a way to move some of the funding to these projects rather than have them sit for many more years.

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Chairman Sireci asked if we should make it known to the County that we are looking for the Belle Mead Depot area as a recreation area, not as a business area.

Mr. Ringelheim said in agreeing to proceed with the study, the County has said they will work with us to draw a line so we would be able to put in comments like the one just mentioned. A letter was provided with the package in support of these four designations and move forward with the County to come up with a plan and the details. We would authorize the Chairman to sign the letter of support at this conceptual stage. This is not a final document.

Chairman Sireci said however, we could be left out of State investment and the Bypass area and our downtown area if we don't do this.

Vice Chairman Cohen said this is the first step in a series of many steps, before even money is discussed. We can still pull out along the way before we get to the final plan.

Mr. Ringelheim agreed.

Deputy Mayor McCauley asked for clarification of where the funding is designated.

Mr. Ringelheim said as I read the plan, it goes to the infrastructure being public roadways, sewers, waterlines, sidewalks, rail transit improvements, etc.

Deputy Mayor McCauley again expressed her concerns and asked for further clarification on the matter.

Mr. Ringelheim said we would be agreeing with the County's conceptual proposals for growth areas so that if the County Plan was to move forward and be more detailed on its way to be finalized, we still will have opportunity to provide input and either agree or disagree with the plan.

Committeeman DelCore asked once we give them an approval on the conceptual, are we able to say which areas we want developed?

Mr. Ringelheim said as long as the Plan asks for municipal support; we control our destiny.

Committeeman DelCore said I do not want municipal support, I want municipal discretion. I do not want to get left out for funding of areas we want to develop but want to make sure those areas are ones we are targeting. An example would be the Wastewater Management Plan. For that everything had to go through the County. At the end of the day, we could not get anything in or out of that. Want to be sure we are not getting into a similar scenario.

Mr. Ringelheim said that was controlled by DEP and the State. This is merely a County Plan in which they are coming to the towns to see if they agree with these general areas at this time so that we can move forward to get more detail. The consistency with the State Plan is something that will happen if and when the County Plan is adopted. As far as I see, there is discretion on the part of the town to say yes we agree or no we do not agree. If we agree, the County will provide more details and come back to us with a second round and wish to adopt the Plan.

Deputy Mayor McCauley said the fact that the areas to be studied are already listed is a little disconcerting.

Mr. Ringelheim said I included some specific areas only to show the Board members where these areas might be.

Chairman Sireci added the chart seems to set up the criteria for the areas.

Mr. Ringelheim said the criteria has already been reviewed by municipal planners in order to establish the checklist of what should be included.

A motion to agree to send the letter as the first step in order to move forward was made by Vice Chairman Cohen, seconded by Mr. Julian.

**Roll Call:** Ms. Fenwick – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Burchette – yes; Dr. Marulli – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor McCauley – yes; Chairman Sireci – yes. Motion carries.

## **CORRESPONDENCE**

Annual Planning Board Report - 2011

Mr. Ringelheim said there is nothing scheduled to the next two meetings of January 12<sup>th</sup> and 26<sup>th</sup>. February 2<sup>nd</sup> is the next time there is something scheduled to the agenda.

A motion to cancel both meetings was made and seconded. All in favor.

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**ADJOURNMENT**

The meeting adjourned at 10:55 p.m.

Submitted by:  
Debora Padgett  
Planning Board Clerk

Approved