



PLANNING MEMO

TO: *Hillsborough Township Planning Board*

FROM: *Christine A. Nazzaro-Cofone, AICP, PP*

DATE: *September 26, 2022*

RE: *Homestead Road, LLC*

The following is a report that covers the anticipated professional planning testimony for the Homestead Road, LLC application as well as provides a response to the April 29, 2022 review letter issued by David. K. Maski, PP, AICP, Planning Director. This report was requested from Eric M. Bernstein, Esq., Board Attorney, in a September 19, 2022 letter.

The proposed Preliminary and Final Subdivision results in two conforming lots, does not require any relief, and is therefore a by-right plan.

The proposed Major Site Plan requires design waivers, but no variances. The justifications for the required design waivers are provided below.

Response to April 29, 2022 Maski letter

The Applicant has eliminated all variances as noted in the April 29, 2022 Maski letter, including:

- Relief from 188-107.2.F.(1)(b)[3][a]: The maximum width of curb cuts shall be: [ii] Twenty-four feet for two-way drives.
- Relief from 188-107.2.F.(1)(a)[2] - The primary entrance of each building shall accommodate pedestrian access from the streets as well as from the parking lots.



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- Relief from 188-107.2.F.(3)(e) - Where over 50 parking spaces are provided, pedestrian pathways identified with smaller-scale pavement treatment (pavers or scoring) oriented toward the principal building entrances shall be provided.

The Maski letter also requests if the application will comply with various ordinance requirements, and if not, variances would be required. The application complies with all other ordinance requirements as stipulated in the Maski letter.

Therefore, no variances are required.

Required Design Waivers

The following design waivers are stipulated in the Maski letter:

- Two freestanding monument signs are proposed on Lot 32 - one at each entrance. Only one sign is permitted; therefore a waiver is required.
 - **RESPONSE:** This is for enhanced safety and circulation clarity to support the operations. Two are also provided given the length of the site frontage. This is a reasonable request given the nature of the permitted use.
- Directional signs are limited to two square feet each. The proposed signs - two on Lot 32 and one on Lot 33 - are 9.3 square feet each and require waivers.
 - **RESPONSE:** This is for enhanced safety and circulation clarity to support the operations, and is a reasonable request given the nature of the permitted use.
- The proposed access roads to the warehouse on Lot 32 would cross the Township Stream Corridor. The applicant must demonstrate that there are no other reasonable alternatives for the proposed crossings and request the applicable waivers.
 - **RESPONSE:** The proposed access roads crossing the Township Stream Corridor are necessary for secondary fire access in accordance with the Township code and for compliance with the requirements of the Township

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Bureau of Fire Safety, per an April 28, 2022 letter from Christopher C. Weniger, Chief Fire Marshall. There is no other reasonable alternative.

Design Waiver Standard

The Board has the power to grant design waivers as “exceptions” from the requirements of the Township’s Land Use Ordinance as part of site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of the peculiar conditions pertaining to the land in question.

Applicant of Design Waiver Standard

As professional planner, it is my position that the Board can grant the required design waivers pursuant to N.J.S.A. 40:55D-51(b) as the the literal enforcement of the ordinance requirements are impracticable or will exact undue hardship because of the peculiar conditions pertaining to the land in question. The proposed conditions are reasonable, in accordance with N.J.S.A. 40:55D-51(b), and within the purposes of the ordinances.

Conclusion

The Board can grant the required design waivers in accordance with N.J.S.A. 40:55D-51(b). I reserve the right to supplement this report through expert testimony.