

HILLSBOROUGH TOWNSHIP PLANNING BOARD
APPROVED PUBLIC MEETING MINUTES
February 04, 2021

Chairman Carl Suraci called the Planning Board public meeting of February 04, 2021 to order at 7:37 p.m., announcing: This meeting will be conducted virtually. The public will be given an opportunity to participate remotely through the advertised Zoom link or choice of phone numbers identified in the public meeting notice. Members of the public should use the “raise hand” feature in Zoom, or *9 if participating by telephone, to indicate you would like to be recognized to speak.

Meeting and application documents have been made available at <https://hillsboroughnj.civicclerk.com/> in accordance with the public meeting notice.

Applicants will be presenting remotely and will identify themselves before testifying.

SALUTE TO THE FLAG

All stood for the Pledge of Allegiance.

ANNOUNCEMENT OF MEETING NOTICE

This meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 (“Sunshine Law”). Notice of the 2020 Annual Meeting Schedule has been provided to the officially designated newspapers, the Township Clerk, posted on the bulletin board at the Hillsborough Township Municipal Complex, and posted to the Township’s Website.

Additional notice has been provided to communicate that this meeting is being conducted according to the Governor’s Executive Orders and pursuant to P.L. 2020,c.11, which allows for meetings to be conducted electronically; and pursuant to the local Finance notices recently established.

OATH OF OFFICE TO NEWLY APPOINTED MEMBERS:

- Seat #7 - Nathan Santaromita
- Seat #9 - Kenneth Hesthag - absent

Board Attorney, Eric M. Bernstein, Esq. administered the Oath of Office to Mr. Santaromita.

ROLL CALL

Board Members: All marked “present” participated via Zoom

Mayor Shawn Lipani - Present

Robert Wagner, Jr. – Absent (Recused)

Deputy Mayor Frank DelCore - Present

Robert Peason – Present

Carl Suraci, Chairman – Present

Neil Julian, Vice Chairman – Present

Nathan Santaromita – Present

Ron Skobo – Absent (Recused)

Kenneth Hesthag, Secretary – Absent

John Ciccarella (Alt. #1) – Present

Curt Emmich (Alt. #2) – Present

Board / Township Professionals participating: David K. Maski, PP, AICP, Township Planning Director; Eric M. Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Robert Yuro, PE, CME, Board Engineer (T&M Associates); Michael Lombardozzi, CSR, Board Court Reporter; James Haurey, Technical Director; and Fred Kinzler, Technology Staff.

CONSIDERATION OF MEETING MINUTES

None

CONSIDERATION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

Vice Chairman Julian asked for an acknowledgement to his email that the Environmental Commission be provided with the updated policy on the Migratory Bird Act, as referenced by Counsel for the CP East Brunswick application before they are back before the Board.

Mr. Maski said he would follow up.

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

Maria Janucik – 720 E. Frech Avenue and Hillsborough property owner of 155 Camplain Road

- Ms. Janucik asked for information on an Ordinance, but could not hear the response.

PLANNING BOARD MEETING MINUTES
February 04, 2021

CONSIDERATION OF ORDINANCES

None

APPLICATIONS

- **Campus Associates, LLC (Weiss) – File 20-PB-13-MSP** (TOD 02-28-21) - Block 58, Lot 1.05 – 4 Campus Drive. Applicant seeking preliminary and final major site plan approval, 'c' bulk variance; and waivers, to construct a multifamily development consisting of four 3-story, 24-unit residential buildings, and a club house, with associated parking, lighting, landscaping, utilities, stormwater and improvements, on Property in the Multifamily Inclusionary Overlay District within the I-3 Light Industrial Zone. (EC Review: 11-09-20) ***Application hearing continued from the January 14, 2021 meeting agenda without further notice.***

Exhibits from December 03, 2020 Hearing:

Exhibit A-1 – Existing Features Plan, dated L/R 09-30-2020

Exhibit A-2 – Proposed Conditions – Site Plan

Exhibits from January 14, 2021 Hearing:

Exhibit A-3 – Unit Breakdown

Exhibit A-4 – Floor Plan

Exhibit A-5 – Clubhouse Floor Plan

Exhibit A-6 – Typical Residential Building Elevation

Exhibit A-7 – Schematic Clubhouse Elevation

Exhibit A-8 – EcolScience Letter, dated January 13, 2020

Marc Policastro, Esq. of Giordano, Halleran & Ciesla, PC, representing Campus Associates, LLC noted he would be calling only one witness, Thomas Auffenorde.

Mr. Bernstein informed the Board that the Special Master has indicated she would like the opportunity to make a statement.

Elizabeth McManus, Special Court Master appointed by the Honorable Thomas Miller, of the Superior Court, for Hillsborough Township's declaratory judgement action.

Elizabeth McManus, PP, of Kyle McManus Associates, LLC was sworn and reviewed her qualifications. Ms. McManus offered comments on the process. She explained this site has a long history within the community, but most recently began in 2015 when the Township started its Mount Laurel Affordable Housing Litigation. Subsequent to that, Campus Associates was granted intervention in the Township's case. As part of that, Hillsborough was obligated to mediate with Campus Associates, which they did no less than five times. During these meetings, both parties reviewed a concept plan, discussed ordinance provisions, and many other settlement terms. These discussions led to a settlement agreement dated May 15, 2019 between Hillsborough Township and Campus Associates. The concept plan is substantially similar to the site plan before the Board tonight. It also included an ordinance that is consistent with the zoning for the site, and included many other terms about the roles and responsibilities of Campus and Hillsborough Township. That settlement agreement was subject to a fairness hearing on August 28, 2019. That settlement agreement was then approved by the Court via an order dated September 13, 2019.

The purpose of this settlement agreement was to first resolve the litigation between Campus Associates and Hillsborough Township. Secondly, it was to ensure the construction of the development and to see that it was consistent with the concept plan attached to that settlement agreement. The settlement agreement also established some other terms such as timing for ordinance adoption; cooperation on this site plan approval process to facilitate development of the property, and several other terms that are specific to affordable housing, and are essentially intended to ensure the Township gets affordable housing credit for the affordable units that will be built on this site.

The other aspect of the Township's litigation that is important to understand is its settlement with Fair Share Housing Center, as executed on March 27, 2020. That too was approved by the Court and subject to a Fairness Order also issued by Judge Miller. That settlement agreement is structured differently and has a bit of a different purpose, but principally what it does is it identifies the municipality's affordable housing obligation and how it will be satisfied. Importantly, that satisfaction includes the 23 affordable units from this site. Now that the township has gotten through this process, the Planning Board is faced with the site plan approval for this application. Site plan approval of this project means it will be in compliance with the settlement agreement with Campus Associates, and the settlement with Fair Share Housing Center. This means the Township will be on track to receive Court approval of its housing plan, which is forthcoming. The approval of that is clearly what is intended by the settlement agreement. While this is true, it does not mean that the developer is released from doing what is necessary to obtain approval. While the developer has significant advantages with the settlement agreement, they are of course required to request relief for anything that may be necessary and to address the necessary criteria for that relief.

PLANNING BOARD MEETING MINUTES

February 04, 2021

The alternative outcome, one of a denial, is much more complicated and it carries with it, risk for the municipality. Typically denial of a site plan outside of this inclusionary housing or affordable housing process may result in a challenge by developer which can lead to one of a few outcomes, such as having it remanded back to the Board, or of course having the Board's action upheld. However, in a situation like this with inclusionary housing subject to a developer settlement agreement and subject to the Fair Share Housing Center settlement agreement, carries with it additional risk. Denial of the site plan would be in violation of the Township settlement agreement with Campus. It would also be a violation of the Township settlement agreement with Fair Share Housing Center, as the 23 units for that site are addressed in that settlement agreement.

Based on case law for other municipalities; I have some concerns with how this might play out. Certainly the Court could overturn the Board's denial, or simply remand the application back to the Board. If that were to occur, there could be limitations imposed on the timing, or conduct, or site operation process intended to expedite the hearing process. Alternatively, the Court could appoint a special hearing officer to hear a remanded application. What that means is instead of remanding the application back to the Planning Board for consideration, the Court would remand it to one person, the special hearing officer, who is typically a land use attorney, to hear the application and decide. That one person essentially takes the place of the municipal planning board. The Court could also decide to assign a Mount Laurel implementation monitor. That person oversees and reviews all applications for development and has the power to demand changes from a developer with or without agreement from the township. In general they have the ability to ensure implementation of the township's housing plan and their settlement agreement. There can also be overtures about enjoying further development in the municipality, suspending land use and zoning related legislative activity, and some other actions. Most alarming, could be a loss of immunity for builders' remedy and litigation. All of these consequences are really painful for any municipality, and something I look to avoid for the townships I work with, either as their Special Court Master or municipal or board planner.

Mayor Lipani asked if the application is still subject to all regulatory and NJDEP, NJDCA requirements, which must be met regardless of the plan.

Ms. McManus said there is no aspect of the settlement agreement that would overrule or take jurisdiction over environmental issues that are normally part of NJDEP's jurisdiction.

Deputy Mayor DelCore asked, should there be an issue that is non-compliant with either NJDEP or other regulatory agencies, do the same actions as at the end of the process still apply. If for whatever the reason the application could not move forward, either that approval was granted but could not meet the environmental restrictions or could not come to an understanding; all of the scenarios described would still be applicable.

Ms. McManus said if the question is the applicant is unable to comply with outside agency standards, such as NJDEP or NJDOT, that would typically happen in municipal approvals, is that those approvals are subject after the Planning Board approval. If the developer is unable to obtain those outside agency approvals, to no fault of the municipality or more specifically of the Planning Board, I would not foresee the municipality having any negative consequences imposed upon it, if the developer was unable to satisfy any outside agency approvals.

Vice Chairman Julian asked if that would include state and municipal ordinances.

Ms. McManus clarified she did not see any negative consequences on the municipality, as for outside agency approvals. If the development cannot move forward because of a municipal standard that cannot be satisfied, or that the municipality will not grant relief for, at that point, some of those consequences could come into play.

Vice Chairman Julian said at what point as a planner do you say we want to see the approval before we make it a condition. There could be a lot of repercussions if that approval is not obtained. It is not just a matter of obtaining an LOI; there is more substantial work needed here.

Ms. McManus said generally speaking, she would strongly encourage anything that is subject to an outside agency, be allowed by the board to fulfill that role rather than the board inserting itself in that process. If the outside agency requires substantial amendments to the plan, the applicant will be required to come back before the board for an amended approval.

Vice Chairman Julian asked if it is permissible to say the project cannot begin until the approvals are in place.

Ms. McManus said typically a project cannot begin until they have been able to satisfy all of the conditions of their resolution.

Mr. Ciccarelli asked the impacts of an outside agency requiring a change to the plan, for instance, a reduction in the number of units to be able to meet a standard.

Ms. McManus said a reduction of affordable housing units would require mediation once again with Campus Associates

PLANNING BOARD MEETING MINUTES
February 04, 2021

to identify what a new site plan concept plan could look like. It would also require remediation with Fair Share Housing Center, presuming it would create a gap in the township's third-round obligation.

Mr. Policastro asked what would happen if a township applies an ordinance incorrectly and therefore illegally.

Ms. McManus said assuming the condition cannot be satisfied, and the ordinance was erroneously imposed, and presuming the Court agreed; there would be similar remedies as imposed before. It would be a violation of the settlement agreement and a violation of the Fair Share Housing Center agreement as well.

Mr. Policastro said it would be a breach of the agreement.

Ms. McManus agreed.

Vice Chairman Julian asked Ms. McManus if she had ever seen where a municipal law takes precedence over a state law, or vice-versa.

Ms. McManus gave an example of a municipality imposing that a new LOI be obtained, which the Court did not agree with.

Mr. Bernstein advised the floor be open to the public to question Ms. McManus on the statements made.

Open to the public.

Michael Folli – 38 Garretson Lane

- Mr. Folli asked about New Jersey being a “home rule” state, and which approval comes first, outside agency approval or local approval.

Ms. McManus said in a lot of scenarios the municipality may not regulate less than what the state regulates. For instance, state wetland buffers. The State requires not less than 50 feet for any wetlands buffer. The municipality does not have the ability to reduce that to 25 feet. There are areas where the municipality may go above and beyond that of the State for regulation. It depends on what regulation we are referring to.

The majority of site plan approvals issued by municipalities across the state, where there are outside agency approvals required as part of that municipal approval. Municipalities may not hold up a developer until they received all outside agency approvals before they decide to grant an approval. Because of that, it is very typical to read a resolution of approval with certain conditions of approval for outside agencies.

Marianne Sawade – 142 Johansen Avenue

- Ms. Sawade said our objection to this application has nothing to do with affordable housing, but has everything to do with stormwater, runoff, and preserving our properties. Who is responsible for making sure this stormwater runoff is going to be adequate. The township is the one who has to determine whether this development is going to negatively impact my neighborhood through this stormwater runoff and what is existing and what is not.

Ms. McManus said that is correct.

Susan Gulliford – Hunt Club Road

- Ms. Gulliford said she delivered a lot of technical information in her comments.

Ms. McManus said her comments were not to say, that should Hillsborough deny this application, these things will happen. The question is if the Judge would move directly to the items stated, or would he consider the reasonableness of the Board's decision. Yes, the Judge would definitely consider the reasonableness of the Board's decision. The only reason a Judge would remand an application or any of the other consequences, is if they consider the denial to be improper. So only if the Judge found the denial to be improper would negative consequences be imposed on the municipality.

- Ms. Gulliford said, but if there is a change the Judge would uphold the denial.

Ms. McManus said that is a possibility anytime there is a site plan, and conversely, the Judge can uphold the challenge of the developer.

PLANNING BOARD MEETING MINUTES
February 04, 2021

- Ms. Gulliford asked if Ms. McManus had any insight to something simply, such as a sign waiver, that could easily be changed by the developer, but instead request a variance.

Ms. McManus said technically a court could overturn any ordinance a municipality adopts, no matter how consequential.

No more questions for Ms. McManus.

Mr. Policastro called Mr. Auffenorde to testify.

Thomas Auffenorde of EcolSciences, Inc., still under oath, reminded the Board of his qualifications, and provided the following testimony, in response to questions asked by Mr. Policastro.

Mr. Auffenorde gave a brief summary of the site, as stated at the last meeting. He stated he had received an email from NJDEP confirming the 50 foot Riparian Zone, which applies to the water features on the property.

Mr. Policastro asked how NJDEP regulates buffers.

Mr. Auffenorde said NJDEP is imposing a 50 foot buffer because there are no significant ecological components that would require imposition of a larger buffer. The stream's features do not drain to a category one water, which would require a 300 foot riparian zone; they do not drain to a trout production water or trout maintenance water; and they do not flow through a documented habitat for endangered or threatened species that are critically dependent on the regulated water for their survival on site or within a mile downstream. Any of those three things would require a position of a 150 foot buffer. If not, the 50 foot riparian zone is applied.

Mr. Policastro asked how it handled when the local ordinance exceeds that of NJDEP.

Mr. Auffenorde said one of the stated purposes of the stream corridor protection ordinance is to complement the existing state, regional, and county stream corridor protection and management regulations and initiatives. Another expressly stated purpose of the stream corridor protection ordinance is that it is not intended to conflict with any applicable regulations from the New Jersey Department of Environmental Protection (NJDEP) which shall govern. So in the event of a conflict, NJDEP's regulation governs.

Mr. Policastro asked which would apply, the 50 foot NJDEP requirement, or the 150 foot township ordinance.

Mr. Auffenorde said the 50 foot NJDEP Riparian Zone would apply. The imposition of a 150 foot buffer would not complement the existing state management regulations and initiatives, but rather would conflict with applicable NJDEP regulations. The Township ordinance states "shall govern". Not only would imposition of 150 foot buffer be inconsistent with and contrary to NJDEP's determination that a 50-foot buffer is required; a 50-foot buffer accomplishes the other purposes of the stream corridor protection ordinance of the township.

Mr. Policastro said, so then you do not believe the ordinance applies in this case.

Mr. Auffenorde said no.

Mr. Policastro asked if the 150-foot buffer is necessary or useful in this case.

Mr. Auffenorde said no. The ordinance speaks to the purpose of ensuring that appropriately placed development on a property will not increase danger to human, plant or animal life, and that it represents an acceptable use of the land in relation to the hazards involved. The NJDEP is the agency charged with protection of these concerns, has extensive regulatory programs in place to specially protect wetlands waters and riparian zones, and administers those programs to limit development in sensitive areas including stream buffers. Here the NJDEP as the agency with the expertise and charged with protection of the natural resources has identified that the appropriate size buffer for protection of the water body and the surrounding areas in context of the contemplated use is 50 feet. Accordingly, a 50-foot buffer is sufficient for protection of human life and natural resources.

Mr. Policastro asked Mr. Auffenorde to focus on the 50-acres.

Mr. Auffenorde said there has to be some guideline as to where the ordinance applies. The guideline recognized in Hillsborough is a 50-acre drainage area. If the drainage area to the stream feature is greater than 50 acres, the stream corridor ordinance would apply. If less than 50 acres, the stream corridor ordinance does not applied.

Mr. Policastro asked to hear from Mr. Yuro on the matter regarding his previous comments.

Chairman Suraci called on Mr. Yuro for comment.

PLANNING BOARD MEETING MINUTES
February 04, 2021

Mr. Yuro said based on the testimony provided, there is one point of clarification to be made. He stated his involvement with Hillsborough has only been for the past two years, so he cannot speak historically how Hillsborough has applied its stream corridor ordinance.

Mr. Yuro said he agreed with Mr. Ford on the classification of that feature as a drainage feature or a swale, and not as a stream. With that, NJDEP's determinate that it is a State open water with a 50-foot buffer applies, and therefore a 150-foot stream corridor buffer would not be applicable.

Open to the Board.

Vice Chairman Julian stated he had been one of the Environmental Commission members who walked the site between the last meeting and this meeting. Referencing the January 26, 2021 Environmental Commission memo, Vice Chairman Julian said they saw a stream there and saw enough water that we would classify it as such. The LOI does not use that regulation to classify streams; they use it to classify wetlands. The water feature is definitely not a drainage ditch. You can see by the pictures that it also has been identified as a stream previously on some historical mapping on the Dukes Brook Tributary, the RW2, and other historical technical information.

The classification of a "river" is really determined under the flood hazard control act. When the applicant originally went to NJDEP to submit that permit; that permit was pulled back. In our opinion, that would be the real way to classify if that waterway is a river or not; not under the Wetlands Protection Act, but under the Flood Hazard Control Act. You should submit that permit again to NJDEP, under the Flood Hazard Control Act and really get a determination whether that is a river or not. In my opinion, you can see in the site-walk pictures that was not a drainage ditch. The other members that attended spoke at the last hearing and have similar expertise as Mr. Auffenorde.

Mr. Auffenorde said regardless of what he thought about the water feature, the NJDEP confirmed via an email, that they were going to regulate that feature as a stream that would have a 50-foot riparian zone.

Vice Chairman Julian asked if they had obtained the permit for that.

Mr. Policastro said we will get the permit, and will comply with state and any national requirements that there are. This Board does not have jurisdiction to tell us what we need to do for the NJDEP, EPA or any national regulatory agencies.

Mr. Yuro asked Mr. Auffenorde to elaborate on the application to NJDEP that was later withdrawn.

Mr. Auffenorde said we hope to resubmit shortly. The application was to combine freshwater wetlands application and flood hazard area application. The flood hazard area application portion was withdrawn. The freshwater wetlands application portion is still active. The flood hazard area application was because as you know, there are several ways that one can calculate the extent of the floodplain. In their review, the NJDEP indicated that we should use a different method than we had applied with. We had to withdraw the application because those applications run on a 90-day clock. We are close to being ready to resubmit.

Mr. Yuro asked Mr. Auffenorde if he anticipates that with the resubmission of the FHA with new calculations from the floodplain, that that determination will be changing, and if so, could NJDEP possibly be imposing greater buffer requirements.

Mr. Auffenorde said he did not anticipate that changing.

Mr. Yuro said it will still be under the jurisdiction of the NJDEP; they still need to render their decision.

Mr. Auffenorde said yes.

Chairman Suraci asked Mr. Auffenorde who from the NJDEP authored the email referenced.

Mr. Auffenorde said the Environmental Reviewer, Mark Harris.

Mr. Yuro asked if that document was submitted January 13, 2021.

Mr. Auffenorde said it was.

Vice Chairman Julian said an application as important as this should wait for a determination from NJDEP, under the Flood Hazard Control Act, as to a river or not a river.

Mr. Policastro asked if it is the Board's requirement that it procures outside agency approvals before approval of the

PLANNING BOARD MEETING MINUTES
February 04, 2021

application.

Mr. Bernstein responded, historically it is not.

Vice Chairman Julian said there are two other topics he would like to discuss; the stormwater and a Phase 1 recommendation. The stormwater calculations were based on a hypothetical situation of water draining into a pipe that it does not drain into now. The EC felt there should be a lot more technical review based on a realistic scenario rather than the hypothetical one. The water is not draining into that pipe from that property. If you are going to put the additional stormwater into a pipe that is not collecting any stormwater now, that's a hypothetical. We (EC) thought there should be a more robust review done.

Mr. Policastro said that question would be for Mr. Ford.

Mr. Bernstein asked Mr. Policastro if it would make sense that the municipality, the Board, and your client to have a more accurate set of figures relative to runoff from the site and its current situation, that in reality, your project did not only not reduce, but in fact increased.

After some back and forth, Mr. Policastro said they would be prepared to give direct answers to those questions.

Vice Chairman Julian noted there was a "mound of soil" at the site. A Phase I was requested.

Mr. Policastro said they do not believe they need a full Phase I Report, but will comply with NJDEP regulations.

No further questions by Board members.

Questions from the public.

Nancy Guancione - 58 Campbell Road

- Ms. Guancione said there was mention in one of the exhibits about this property being a foraging habitat for the Great Blue Heron and the American Kestrel. She asked if there was more information on both.

Mr. Auffenorde said the Great Blue Heron is not an endangered species. They forage along waterways. The habitat for the Great Blue Heron is mapped on the property. The project is going to have some very limited wetland impact, but the vast majority of the wetlands on the property, which are substantial, are going to remain and be undisturbed. There will still be habitat for the Great Blue Heron, to the extent it uses the property. The American Kestrel, which is a State threatened species. It is not mapped on this property but on the Duke Farm's property. The American Kestrel is a small hawk that uses habitats with open fields and large trees for cavity nesting. There is no appropriate habitat for the American Kestrel on this property.

John Tutunjian – 150 Johansen Avenue

- Mr. Tutunjian asked Mr. Auffenorde if he considers the water to be a stream or a swale.

Mr. Auffenorde said the NJDEP has told us it is a stream.

- Mr. Tutunjian asked how the salt and runoff from vehicles will affect the habitat.

Mr. Auffenorde said the stream and associated riparian zone is not going to be paved over or disturbed at all. The road runoff will be directed into the stormwater management system. It will not be discharged into the wetlands; it has to be treated first to improve water quality and also be detained. The road is curved so it will not run straight off.

- Mr. Tutunjian again questioned how runoff will not be going directly into the stream given the road will be built over it.

Mr. Yuro clarified that the proposed driveway is going to cross over the top of an existing 18-inch corrugated metal pipe. The road is not transitioning over any of that stream/waterway. The roadway will be curved. All of the runoff will be contained within the pavement area collected by the proposed drainage system, deposited into the underground detention system and then through a mechanical treatment device for water quality purposes.

- Mr. Tutunjian questioned Mr. Auffenorde further on how it would affect the habitats if any of the salt, oil, gas, contaminants, etc. gets into the wetlands.

Mr. Auffenorde said he did not think that would happen to any degree that would have an effect.

PLANNING BOARD MEETING MINUTES
February 04, 2021

Mr. Policastro said the question is beyond the scope as to what Mr. Auffenorde testified to.

Chairman Suraci said that question can be directed to Mr. Ford.

Marianne Sawade – 142 Johansen Avenue

- Ms. Sawade said all of the runoff from this development is supposed to go into the stormwater system which is not verified; that is a problem. I do not understand how the Board can make a decision when we do not know how the stormwater is going to be diverted. The inlets have been recently dug up, so obviously they have not been working, and that is what the applicant is going to tie into. All of the runoff has been going to the stream, the Duke's Brook Tributary, and running down the other state open waterway, the swale that collects all of the runoff that I maintain on my property.

Mr. Bernstein advised this period of time is for questions of the witness, not for general comments.

- Ms. Sawade asked about the NJDEP application being withdrawn.

Mr. Policastro said that question had been asked and answered, and objected to the question being asked again.

- Ms. Sawade asked for clarification on the "different method" to be used for calculation.

Mr. Auffenorde said it is a different method of calculating the floodplain. The calculations are done by the engineer.

Chairman Suraci said that will be another question for Mr. Ford.

- Ms. Sawade said she had seen the email referenced, and had submitted OPRA requests to NJDEP, which she has not yet received answers to yet. She asked if the author of the email, Mark Harris, or members of his team have actually walked this property, or do they just rely on the information provided.

Mr. Bernstein said we have no knowledge as to whether or not the NJDEP intends to answer or not, or how they do. We can indicate that you have made that request, but there is nothing before the Board for consideration at this time.

Mr. Auffenorde said he checked the Letter of Interpretation (LOI) received in July, 2017. Mark Harris was the reviewer on that application and did conduct a site inspection.

- Ms. Sawade asked the month the site visit was conducted.

Mr. Auffenorde said he did not know.

- Ms. Sawade said it is important because this is an intermittent stream; dry in the height of summer and filled with water and filtering water from Fall to Spring. So if he were there in July or August, the feature may have appeared to be of minimal significance.

Mr. Bernstein advised the Board, in the absence of information before you; he asked that no one speculate as to when Mr. Harris did or did not walk the site, what conditions he found, and what was out there at the time. If something comes before you and this application is still pending, then obviously that is a different issue.

Mr. Ciccarelli noted the letter attached dated July, 2017, indicates that site inspections were made by the division on September 15, 2016, November 07, 2016, and January 13, 2017.

Mr. Auffenorde concurred.

Break 9:12pm – 9:20pm

Roll Call after returning from the break: Mr. Emmich – here; Mr. Ciccarelli – yes; Mr. Santaromita – here; Deputy Mayor DelCore – here; Mayor Lipani – here; Mr. Peason – here – Vice Chairman Julian – here; Chairman Suraci – here. All professionals were also present.

Return to questions from the public for the witness.

Christopher Obropta, PhD, PE – 605 Cornwall Court

- Dr. Obropta said he is a member of the Environmental Commission and had walked the site with other members of the Commission. He asked Mr. Auffenorde if he was in agreement with NJDEP that this water

PLANNING BOARD MEETING MINUTES
February 04, 2021

feature is a stream.

Mr. Auffenorde said he agreed.

- Dr. Obropta said if it is a stream, then the ordinance should apply. You have talked about two of the five purposes. He asked if it could be argued that the township was complimenting that state's recommendation by increasing that buffer by 100 feet to 150 feet, to further protect the waterway.

Mr. Auffenorde said I think you are conflicting with that determination.

- Dr. Obropta said the town cannot be less stringent than NJDEP, as confirmed in Ms. McManus' testimony. So couldn't that purpose be put in the ordinance because of just that; we as a town did not want to be less stringent than NJDEP, meaning not intended to conflict. The buffer that the town is recommending of 150 feet cannot be smaller than NJDEP's recommendation.

These purposes can be read different ways depending on which side of the table you are sitting on. The town believes our waterways are important, and therefore passed the ordinance that requires all streams to have a 150 foot buffer, that even if NJDEP recommends a 50-foot buffer, we can complement that by increasing it to 150 feet, provided we do not go less than 50 feet.

Mr. Policastro said that is really a legal question, as to which entity is in control.

- Dr. Obropta said New Jersey is a home-rule state.

Mr. Policastro said there is a notion of preemption and the state agency ultimately has jurisdiction, and gave an example.

Mr. Policastro said we understand the position of the Environmental Commission but believe we have one of the best consultants that testified, and are confident that the Judge sees it the way we have presented it.

Mr. Kinzler informed Chairman Suraci that Mr. Ford is now in the meeting.

Marianne Sawade – 142 Johansen Avenue

- Ms. Sawade asked for more information on the drainage and stormwater system.
- Ms. Sawade was asked to wait for Mr. Auffenorde to finish before Mr. Ford testifies.

Maria Janucik – This member of the public could not be heard due to technical issues on her end.

Vice Chairman Julian said, so this is a legal issue; home rule, township ordinances. He asked the Board's professionals if the town can enforce its 150-foot buffer.

Mr. Bernstein said he would hold his comments until all witnesses have testified.

Mr. Maski said he would defer to Counsel.

Chairman Suraci asked if the 50-foot buffer is a recommendation or a requirement minimum, maximum, or absolute.

Mr. Auffenorde said it is a requirement. There are three levels; 50-feet, 150-feet, and 300-feet. Every stream is one of those three.

Mr. Policastro said NJDEP has opined on the matter and checked the 50-foot box.

Chairman Suraci asked again if that was a minimum, maximum, or absolute.

Vice Chairman Julian said it depends on the classification of the waterway.

Mr. Auffenorde agreed, adding a 50-foot riparian zone is the classification.

Vice Chairman Julian said if it were a C-1 waterway, it would have a 300-foot buffer.

Mr. Auffenorde said streams are classified at various levels and this stream is a non-trout water that does not drain to threatened and endangered species habitat. Therefore it has a 50-foot riparian zone.

PLANNING BOARD MEETING MINUTES
February 04, 2021

Chairman Suraci said the question of whether it is a minimum, maximum, or absolute has not been answered.

Vice Chairman Julian said it is an absolute based on the classification of the stream, but what we are saying is we also have a township ordinance that compliments that; that is the legal issue.

Mr. Policastro said testimony has been given by Mr. Auffenorde that it is not necessary. As you know, we have applied hypothetically. If it were to apply, we have noticed for a waiver of this requirement. This witness has said the increased buffer is not needed based on his expertise. We have covered all bases; (a) it is not required, and (b) if it is required, a waiver is justified because it is not necessary.

Mr. Maski asked if the applicant is requesting a waiver from the stream corridor ordinance.

Mr. Policastro said under an abundance of caution, we did notice for a waiver, but do not believe it is necessary. The witness has testified that the buffer requirement is unnecessary.

Mr. Policastro agreed to call Mr. Ford to address the specific questions raised this evening regarding stormwater.

Michael K. Ford, PE, PP of Van Cleef Engineering, still under oath and previously qualified, gave the following testimony, in response to questions asked by Mr. Policastro.

Mr. Policastro noted Mr. Auffenorde's testimony had been given and that they will not be bringing him back.

Mr. Bernstein advised Mr. Ford that an issue has been raised as to the current stormwater discharge off the property in its current condition. The issue is, what if anything does the applicant propose to do to more accurately measure the various storms for runoff, to give all of the parties the understanding as to what the current runoff is so we can measure that against your client's application, that they will under the stormwater regulations, not produce any more water off the site that is currently coming off the site, and in fact less. There really has not been a full analysis of same.

Mr. Ford informed the Board that he had not heard what transpired this evening being that he was in another virtual meeting. He said he had presented to the Board back in December. There was no dispute of our stormwater analysis, even before the presentation to the Planning Board. We made a presentation to the Environmental Commission before coming to the Planning Board. We are reducing the peak flows from the site for the 2, 10, and 100-year storm, not just inches below what is required, the 50, 75, and 80% reductions, but significantly below that. We presented numbers to that affect at that time, which the drainage report bears that out. During the December presentation we acknowledged there were concerns from the public about whether we connect to the existing township drainage system that runs along the rear of the property or the state open waters. Right now our plans call for a direct connection to that piping system. We agree with the Board Engineer that that would be the best engineering solution, but would defer to the Board to connect either directly to that drainage system or the open waters. Both are at the rear of our property at the easterly property line. We have presented calculations that not only comply with the township standard but also the state standard. We acknowledge that NJDEP will be reviewing this as part of our FHA Permit. We also acknowledged at the last hearing that the residents to the east of us have a drainage problem. We understand and have heard about their drainage problem, and can even identify and see it easily on the Federal Flood Plain Mapping, that shows the entire section of Dukes Parkway East flooded because of the Raritan River, downstream of us, during major flood events.

Half of our 13-acres is not being developed because of wetland constraints. Even if a single drop of water was not discharged from our site with stormwater control, we would not be able to correct that regional issue that resulted from development over the years, perhaps including these properties back in the 60's or 70's when there was not a knowledge of flood plains as there is today, and certainly of the Raritan River. Our position as stated is that we will comply with each and every issue and comment of Mr. Yuro to his satisfaction.

Mr. Yuro said he concurred with Mr. Ford and have reviewed his drainage report. They do meet the Township's stormwater requirements for retention of the peak rate of runoff, and it does coincide with the State requirements. He is also providing the necessary methods for meeting the standards for water quality.

Mr. Bernstein asked Mr. Yuro if he has a comfort level in the calculations provided, that we have a current accurate picture of runoff from this site as it currently exists.

M. Yuro said based on the mapping and plans that have been submitted it appears that that water course drains from the Campus Parkway cul-de-sac area through the site and then discharges into the State open water ditch on the easterly property line. Based on the information that has been submitted as part of this application, there is flow based on the contours of the property and the mapping that shows the runoff exists in the existing conditions, gets into that ditch on the eastern property line and eventually gets collected into the 42-inch pipe via a headwall further downstream. Mr. Ford's plan continues to follow that same drainage pattern with the discharge in that northeast corner of the property.

PLANNING BOARD MEETING MINUTES
February 04, 2021

Mr. Bernstein said assuming that this application is ultimately approved by this Board, I anticipate that residents of the neighborhood will at some time in the future come to the Governing Body or this Board, and say that things in my neighborhood are worse than they were before this application was built. He asked Mr. Yuro if we have the basis now to be able to do an analysis down the road as to whether or not that is quantifiably correct or not.

Mr. Yuro said no, we cannot tell that based on the information submitted today. All that can be said is they are meeting the requirements of the ordinance, and reducing the rate of runoff from the property. How that impacts the overall drainage on the regional level would require an overall regional drainage analysis prepared, which will be much larger than the 17 or 20 acres included in this design.

Mr. Bernstein asked if there was anything that the Board or municipality could obtain at this time that could address that issue in the future.

Mr. Yuro said a downstream pipe analysis could be performed.

Mr. Bernstein said, which would not necessarily impact this application per se, correct.

Mr. Yuro said that is correct.

Vice Chairman Julian restated his previous comments about walking the site, and his observations on the pipe and the grate. He said it is hard to determine what is going into the pipe, so therefore we felt more analysis should be done.

Mr. Ford said since the December hearing, we have provided sources from the Township Engineering's office that identify the 42-inch pipe that was installed in the 70's which included open grates that would allow for open drainage from this site into it. The lack of maintenance on behalf of whoever might be responsible, ultimately even beyond that, those plans that we provided also identify that the 42-inch pipe with the State open water that runs along the easterly side of the subject property, all enters the same system within a short distance downstream of the site, and identifies they are all part and parcel of the same system. We are comfortable with our on-site drainage system that reduces the peak flows in accordance with the State and Township standards. Beyond that, since the last hearing, we have not only identified the Township's plans for the drainage improvements that were installed not for our property, but to improve drainage for the neighbors because of historic issues with the development of the residential properties east of this tract. We have also provided documentation from other sources including NJDOT for Route 206 that identify the drainage on Route 206 does not flow to our property or to Lot 104 to the west of us, but that flows under Route 206 toward the west of us. The Board Engineer has seen those documents and agrees with what NJDOT intended with that drainage. We are comfortable with the storm drainage. Regardless of whether this project proceeds or not, will not rectify the ongoing drainage issues, that includes flooding along Dukes Parkway East because of the Raritan River.

Vice Chairman Julian said you are designing a system to go into the pipe. It is a better idea to have it go into the pipe but the issue is we do not know because there is nothing going into the pipe right now that we saw. My point is based on that, it is kind of a hypothetical.

Mr. Ford said from an engineering standpoint, it does all go into that pipe. Whether it goes into a grate immediately behind the site for the lack of maintenance or non-lack of maintenance; or goes directly into that pipe. Literally within 100-feet north of the site by direct connection of a headwall into that pipe system, it all happens now.

Vice Chairman Julian said perhaps some downstream analysis would be worthwhile.

Mr. Ford said the lack of drainage or the disconnect that you may have witnessed within the last couple of months of some drainage from this site to the east, to that existing swale, is not because of action from this applicant or natural occurrences of the property we are talking about, but because of action by others, which may include the Township or HTMUA, with the connection of storm drainage and/or sanitary sewer pipes that run along the easterly tract boundary of the site, which effectively bermed drainage from this site into that swale.

Vice Chairman Julian said he was not sure he would agree with that statement; it is a matter of interpretation.

Mr. Ford said he does not see it as a natural occurrence. That berm right over top of storm and/or sanitary sewers that have been installed. The Board should know there is not just one sanitary sewer line but two that run along the back of this property.

Vice Chairman Julian said it runs the corridor, almost into Manville.

Mr. Ford agreed, saying these are a 27 inch line and a 24 inch line that service a good portion of Hillsborough Township. We have gone to great lengths to not secure mapping from our office, but from the Township Engineering Department for the 1970's improvements for the 42 inch line, and the mapping for the drains along Route 206. We have also secured and made part of the record, the HTMUA's mapping for their improvements for those sanitary sewer

PLANNING BOARD MEETING MINUTES
February 04, 2021

lines. They identify the existing 42 inch line and identify the manholes over that 42-inch line with open grates. If a storm sewer line is not intended to receive overland flow it would not have an open grate.

Vice Chairman Julian asked if Campus will maintain those grates.

Mr. Ford said that is a legal question because the storm sewer easement that runs along the easterly property of this site was not really for the benefit of this site or applicant. It was to the benefit of the residents to the east of this and the community to try to provide a storm sewer pipe that would bypass their community, run through this site and directly to the north side of Dukes Parkway East. The responsibility of that drainage easement and drainage system maintenance is a legal question as to who is responsible to maintain it.

Mr. Bernstein asked Mr. Ford if he could comment on the question raised earlier regarding the mound.

Mr. Policastro said that question is not for Mr. Ford but for Mr. Weiss.

Robert Weiss, Principal of Campus Associates, was sworn and gave the following testimony, in response to questions asked by Mr. Policastro.

Mr. Weiss said approximately 18-20 years ago when we started this project, we cleared the property to the wetland buffer line. All of the trees you see out there are actually a second growth. At the same time we also stripped the topsoil to start an office-flex building, which is what we had approval for prior to this application. He said he did not want to testify as to everything out there, but in general when you strip topsoil, you put it into piles in an area where they are not going to get in your way. Stripping 8-10 inches of topsoil over six acres yields a lot of topsoil. The piles are probably uneven and in different locations.

Vice Chairman Julian asked about a Phase I.

Mr. Policastro said they did not think it was necessary, but would comply with whatever regulations are applicable.

Mr. Ford said there are photos available on Google that show the time period Mr. Weiss testified to, where there was site clearing.

Mr. Bernstein asked Mr. Weiss, in the past 20 years, have any of the mounds been tested.

Mr. Weiss said you do not test soil coming off your property. It was never a farm or anything else that would give cause to test it; it was just straight topsoil. We did not test anything and really have not been on that property. All of the trees have grown back. It is basically an overgrown site that has been sitting for the past 20 years.

Vice Chairman Julian asked if there was any outside fill that was brought onto the site.

Mr. Weiss said he was not aware of that.

Mr. Emmich asked if they plan to use that topsoil as part of their development.

Mr. Weiss said yes. He said you usually spread about 6 inches of topsoil wherever you can, and take the rest off the site. The mound is essentially a stockpile.

Mr. Emmich asked Mr. Ford, there was some discussion on the reduction of peak flows. Can you confirm that after the site is developed the runoff will be less in terms of a controlled peak hour or is it more?

Mr. Ford said there are township and State standards that have to be followed, and offered an example on the 2-year storm. The runoff will be less after it is developed.

Mr. Yuro concurred.

Mr. Ciccarelli asked for more information on the HTMUA plans.

Mr. Ford said they provided it to the Township and it is posted in CivicClerk. He elaborated on how he obtained the plans referenced. Mr. Ford clarified he had not referenced any "future" HTMUA plans. He elaborated further and said the manholes for the wastewater collection system protrude substantially up out of the ground. The manholes are elevated 3 to 4 feet out of the ground. From an engineering standpoint, that is done on purpose so that they do not collect overland runoff. A resident had showed pictures of these manholes that clearly identified them as "sanitary sewer" manhole.

Mayor Lipani asked Mr. Ford to explain the difference in the calculations for resubmission of the NJDEP permit.

PLANNING BOARD MEETING MINUTES
February 04, 2021

Mr. Ford said there is a current pending NJDEP permit for wetland impacts. That has not changed. There is a buffer averaging for some averaging of the wetland buffer for the project and some minor intrusions into the wetland areas for connections to the stormwater at the easterly portion of the property. With regards to the flood hazard area verification, there was a question from NJDEP about the analysis of the flood hazard area. For the existing State open water along that watercourse that coincides along our easterly boundary with the neighbors to the east. Albeit a man-made drainage feature, it may have a drainage area over 50 acres and require a detailed engineering analysis. That detailed engineering analysis is what is happening right now. That analysis may end up identifying a flood area that impacts their properties and the western portion or the eastern portion of this site that is wetlands.

Mayor Lipani asked when Mr. Ford anticipates that being finished.

Mr. Ford said prior to the end of this month. It may not impact this project because we are over 200 feet from that drainage feature. That analysis is a detailed analysis with stream cross sections and hydrologic study that will be submitted to NJDEP by the end of this month.

Mr. Yuro said that study is on the State open water ditch on the easterly property line.

Mr. Ford concurred.

Mr. Yuro asked if it will include any calculations or anything to do with the 42-inch storm sewer pipe that runs parallel to that ditch.

Mr. Ford said to the extent that the 42-inch line relieves some of the runoff within that State open water, yes. Back in the Fall, one of NJDEP's immediate responses was that they would rather we not take any credit for the Township improvement for drainage provides for that State open water.

Mr. Yuro said, so it is a worst-case analysis for that ditch.

Mr. Ford agreed.

Mr. Emmich asked if test pits had been done yet to determine if you have the necessary distance from groundwater for the recharge, to be sure you can use that type of system on this site, especially with close wetlands.

Mr. Ford said part of the stormwater analysis includes on-site soil testing.

Mr. Yuro confirmed his firm had reviewed the analysis, which meets the requirements. Based on all of the discussion, we will look it over a second time just to confirm.

Mr. Ford said he did not object to Mr. Yuro taking a second look.

Questions from the public.

Marianne Sawade – 142 Johansen Avenue

- Ms. Sawade asked how the new stormwater regulations affect this project.

Mr. Bernstein said the ordinance will be adopted this month or next.

Mr. Ford said he had not reviewed the new stormwater ordinance, but it is his understanding that if it is consistent with what NJDEP is proposing, it is primarily related to water quality, not water quantity. Quantity is always the concern with regards to flooding or adverse drainage impacts on neighbors. The State's standards would require water quality measures to be enhanced but not water quantity. Any new ordinance cannot be applied to an application that has been deemed complete.

- Ms. Sawade reiterated that the water quantity is the issue for her neighborhood.

Mr. Bernstein said the new stormwater ordinance is to put into place the stormwater regulations that the State adopted approximately a year ago, in which municipalities were supposed to have introduced and adopted these ordinances. They ostensibly deal with water quality, not quantity. The language is clearly set forth in the model ordinance as exactly who it does and does not apply to, in terms of pending or existing applications. The Township will be governed accordingly.

Mr. Policastro acknowledged the question had been answered.

- Ms. Sawade said she has a petition going with 2,086 supporters against this project.

PLANNING BOARD MEETING MINUTES
February 04, 2021

Mr. Bernstein advised any item for the Board's consideration should be provided no less than 10 days in advance. He further stated all correspondences received have been provided to the Board and its professionals, to Mr. Policastro and to Ms. McManus.

Mr. Policastro acknowledged receipt.

Christopher Obropta, PhD, PE – 605 Cornwall Court

- Dr. Obropta asked Mr. Ford about the berm that seems to be obstructing flow from getting to the 42-inch pipe and/or drainage ditch. He said he had reviewed the calculations and concurs that the peaks for the storms will be appropriately reduced. The assumption is that with the pre-existing conditions, the water is all going to that drainage system. He said he was not sure that is an accurate assumption because of the way the land mass is, the way that berm is built, and the way the existing pipe and open top manholes were covered up until recently. He asked if there was any concern of a backwater effect and flooding onto Johansen Ave.

Mr. Ford said all of our drainage goes to the east. The fact that there was a lack of maintenance on whoever's part of the existing drainage system, the deficiency of maintenance would not change my view in that our drainage drains to the east.

- Dr. Obropta asked if there would be a benefit for the Township to do a further investigation of the system to truly understand the capacity of that system behind those homes, and how that additional flow might affect that.

Mr. Policastro said it is not related to this development. He advised Mr. Ford to answer if he knows.

Mr. Ford said we are meeting the standards but are not interested in, to the extent that any project, can improve an existing problem for any resident. In this case the project is regional; it is not isolated or small. Perhaps just like the Township recognized in the 70's that a drainage existed for an existing residential community, and took it upon themselves to construct a 42-inch pipe that basically diverted drainage from around that community onto other people's property through this applicant's property, and lands to the south of us, acquiring easements to do so, that is perhaps something that the Township can consider, to the Environmental Commission's credit.

- Dr. Obropta said when we look at development we look at an individual site. But this application has exposed regional issues that I would strongly encourage the Township to look into further. Whether this development goes in or not, there is going to be flooding in this area. I am not sure if this development is going to increase or decrease that. There needs to be additional studies here that hopefully the Township will look into.

Mr. Ford said unfortunately, it may not be in the Township's hands. The FEMA Map which is the flood insurance maps for this area identify that Duke's Parkway East is flooded. Some of the residents within that community identified houses with over a foot of water in them, and the community being cut off from road access. Unfortunately, that is a result of flooding from the Raritan River.

- Dr. Obropta said there is an opportunity to do something more regional back there to prevent some of that water that is coming from the other developments into behind these houses and protect these homeowners' interests.

John Tutunjian – 150 Johansen Avenue

- Mr. Tutunjian asked Mr. Ford if he or anyone from his Firm had walked the property prior to starting your assessment.

Mr. Ford said Van Cleef Engineering has been involved in the development planned exploration for this property for many years, and was part of the development of the plans for the previously approved industrial building proposed for this property over 20 years ago.

- Mr. Tutunjian asked if the assessment from 20 years ago was used.

Mr. Ford said he was trying to give a perspective of not only for this project but that our office has been involved for more than 20 years with the development plans for this property, including site inspections from various employees.

- Mr. Tutunjian asked when the most recent site-walk was done on this property.

Mr. Ford said within the last 30 days.

PLANNING BOARD MEETING MINUTES
February 04, 2021

- Mr. Tutunjian stated others have provided a different accounting as to the conditions of the grates, and expressed his view on when the physical inspection of the site should have been done.

Mr. Ford said we are not looking at the condition on a particular day but looking at it over time and the assessment of what it was intended. We have established a historical record starting back in 1970 when the Township installed the storm drainage 42-inch pipe along the rear of this property with open grates rather than manholes that would include flow. All that aside, the 42-inch drainage pipe and open ditch that runs along the properties at the rear of Johansen all connect just feet downstream of this site, so they are all part of the same system. So from an engineering standpoint, we are not looking at a little area; we are looking at a much more substantial overall drainage area, and considering it all.

- Mr. Tutunjian gave an accounting of the flooding in his neighborhood. He again stated the water is not currently going into the 42-inch main and that needs to be taken into consideration.

Mr. Ford again stated all of the drainage from this property drains to the east, toward the rear of our property. Without this project in the current state, the peak runoff from the site would be greater than when we develop the project and have to meet those reductions.

- Mr. Tutunjian asked why the water cannot be run under Route 206 where there are no flooding problems.

Mr. Ford said the drainage flows in that direction today and that is what we meet the criteria for. It is my understanding from the FEMA Map that there is flooding problems on Route 206 just north of this site. From an engineering standpoint, our drainage analysis is for the drainage areas that currently exists. I have said it multiple times in different ways that we are meeting or exceeding the criteria.

- Mr. Tutunjian asked his question again.

Mr. Yuro said the drainage is to the east. The Township ordinance pretty much states you have to follow the existing drainage patterns. The water does not flow to the west today, so you cannot change the drainage flow and make the proposed go in a westerly direction. Otherwise you run the potential of creating impacts in the other drainage areas to the west or further north of the property. The intension of the drainage scheme is to continue to follow the existing drainage patterns as to where it goes in the existing conditions.

- Mr. Tutunjian asked if there has been any project that has changed the flow.

Mr. Yuro said not to my knowledge. I have only been involved with this Board for the past two years.

The Board agreed to continue with the proceedings until 11pm.

Michael Folli – 38 Garretson Lane

- Mr. Folli stated he is a member of the Environmental Commission. He asked Mr. Ford if the existing plans used for stormwater calculations analysis were based on previous as-built plans as opposed to previous construction approval plans, because they are different.

Mr. Ford said they have updated their as-builts. Site specific tree location information had been provided to the Environmental Commission. Site specific survey data and analysis has been done since the prior approvals some 20 years ago.

- Mr. Folli asked if that includes existing grate elevations.

Mr. Ford said yes. He said during the course of this application, Mr. Yuro has asked for updated confirmed records of what is out there today. There have been site visits by Mr. Yuro and of the Environmental Commission. He confirmed the survey work has been updated.

- Mr. Folli asked Mr. Weiss if there will be additional topsoil added to the pile.

Mr. Weiss said the site has to be cleared before you can see what you have left. It has not been farmed or tilled so I do not think this topsoil is going to grow. He said he was not qualified to answer the question.

Marianne Sawade – 142 Johansen Avenue

- Ms. Sawade again expressed her concerns with flooding. She said a crew had recently been out to measure on the 13 acres, but did not measure the levels of our storm drains on Johansen and beyond.

PLANNING BOARD MEETING MINUTES
February 04, 2021

- Ms. Sawade asked Mr. Weiss to speak more on the mound of dirt on the site.

Mr. Weiss said he had answered the question, and restated his previous answer on how the site was cleared and the mound of topsoil came to be.

Mr. Policastro advised to keep the questions to the current application.

- Ms. Sawade expressed her dissatisfaction with the application.

Mr. Policastro advised all of the direct witnesses had testified.

Mr. Bernstein noted another meeting date was needed.

Mr. Policastro requested the possibility of a special meeting.

Mr. Maski advised on the available meeting dates.

Mr. Policastro selected the February 25 business meeting. He said Mr. Auffenorde would not be testifying further.

Mr. Bernstein advised for a motion to continue this hearing to February 25, 2021 without further notice. For all those listening, if you have anything else you would like to provide the Board in anticipation of your statements on the night of the 25th, the deadline for submission is the close of business on Tuesday, February 16 due to the holiday. All will be shared with Mr. Policastro and Ms. McManus.

A motion to continue Application 20-PB-13-MSP to February 25, 2021 without further notice was made by Mayor Lipani, seconded by Deputy Mayor DelCore. All were in favor, none opposed; motion carries.

ADJOURNMENT

A motion to adjourn was made by Mr. Peason, seconded by Mayor Lipani. All were in favor; motion carries.

The meeting adjourned at 10:57 p.m.

*Submitted by:
Debora Padgett
Planning Board Clerk*