

## HILLSBOROUGH TOWNSHIP PLANNING BOARD

### APPROVED PUBLIC MEETING MINUTES

March 03, 2022

Chairman Carl Suraci called the Planning Board Regular Public Meeting of March 03, 2022 to order at 7:30 p.m. The meeting was held in the Courtroom of The Peter J. Biondi Building. All stood for the Pledge of Allegiance.

Chairman Suraci announced: This meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law"). Notice of the 2022 Annual Meeting Schedule has been provided to the officially designated newspapers, the Township Clerk, posted on the Township's Website, and available at the Hillsborough Township Municipal Complex.

Application documents have been made available on the Township's website at <https://hillsboroughnj.civicclerk.com/> and complete applications files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

#### ROLL CALL

Mayor Shawn Lipani – Present  
Robert Wagner, Jr. – Present  
Committeeman Frank DelCore – Arrived 7:36pm  
Robert Peason – Present  
**Carl Suraci, Chairman** – Present  
**Neil Julian, Vice Chairman** – Present

Nathan Santaromita – Present  
Ron Skobo – Absent (Recused)  
**Kenneth Hesthag, Secretary** – Absent  
John Ciccarelli (Alt. #1) – Present  
Patricia Smith (Alt. #2) – Present

Board / Township Professionals: David K. Maski, PP, AICP, Township Planning Director; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Drew Di Sessa, PE, CME, Board Engineer (Pennoni Associates); Michael Lombardozi, CSR, CCR, Board Court Reporter; and Caz Bielen, Township Videographer (Premier Media).

#### CONSIDERATION OF MEETING MINUTES

- December 17, 2020

A motion to approve was made by Mr. Santaromita, seconded by Mr. Wagner. No comments.

**Roll Call:** Mr. Wagner – yes; Mr. Peason – yes; Mr. Santaromita – yes; Mr. Ciccarelli – yes; Mayor Lipani – yes; Vice Chairman Julian – yes. Motion carries.

- October 14, 2021

A motion to approve was made by Mr. Ciccarelli, seconded by Mr. Peason. No comments.

**Roll Call:** Mr. Peason – yes; Mr. Santaromita – yes; Mr. Ciccarelli – yes; Mayor Lipani – yes; Vice Chairman Julian – yes. Motion carries.

- December 09, 2021

A motion to approve was made by Mr. Santaromita, seconded by Mr. Peason. No comments.

**Roll Call:** Mr. Wagner – yes; Mr. Peason – yes; Mr. Santaromita – yes; Mr. Ciccarelli – yes; Mayor Lipani – yes; Chairman Suraci – yes. Motion carries.

- February 03, 2022

A motion to approve was made by Mr. Wagner, seconded by Mr. Santaromita. No comments.

**Roll Call:** Mr. Wagner – yes; Mr. Peason – yes; Mr. Santaromita – yes; Ms. Smith – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

#### CONSIDERATION OF RESOLUTIONS

None

#### PLANNING BOARD BUSINESS

None

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

Chairman Suraci opened comments from the floor and advised the Board has adopted a five-minute timeframe for such.

Chairman Suraci noted the arrival of Committeeman DelCore at 7:36pm.

**Maria Janucik** – 720 East Frech Ave., Manville, and Hillsborough property owner of 2155 Camplain Road

Ms. Janucik said she had submitted an OPRA for the JSM of Hillsborough hearing of 12-09-21. She commented that the attorney for the applicant, Douglas Wolfson, Esq. had been abrasive and disrespectful to her. She expressed her disappointment that no one on the Board had reprimanded him for his treatment of her.

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Ms. Janucik noted her concerns with the transcript provided and her finding that the transcript was not a verbatim transcript.

Chairman Suraci advised Ms. Janucik contact the Township Clerk in reference to the response provided for the OPRA request. He stated the court reporter is highly competent.

Ms. Janucik again stated the transcript provided is fraudulent.

Committeeman DelCore said the Board understands the comment but will not accept the claim of fraud.

After a brief back-and-forth, Chairman Suraci advised Ms. Janucik to go to the Somerset County Prosecutor's office in the morning.

Mayor Lipani noted that the meeting video is available on the Township's You Tube channel if she would like to watch the meeting again.

No further comments from the public.

**CONSIDERATION OF ORDINANCES**

None

**APPLICATIONS - PUBLIC HEARING**

- **Toll Bros., Inc. (RBG / Enclave) – File 21-PB-10-S/MS/SP** – (TOD 03-31-22) - Block 183, Lot 38.01 (201 Hamilton Road) and Block 183.01, Lot 1 (Hamilton Road). Minor subdivision approval granted December 02, 2021 to subdivide the two existing lots totaling 435.33 acres into three lots. Applicant **seeking preliminary and final major subdivision approval** to subdivide Proposed Lot 183.01, Lot 2, totaling 130.68 acres, into 181 lots of which 174 will be single-family lots, 6 open space lots, and 1 roadways lot; **minor site plan approval** to provide a common entrance servicing the golf course and residential tract, and construct modifications to the existing clubhouse parking lot to relocate six parking spaces; and **waivers**, on Property located in the RBPRD, Royce Brook Planned Residential District. (EC Review: 11-15-21) ***Application continued from February 03, 2022 without further notice.***

**Exhibits from 12-02-21 Hearing:**

**Exhibit A-1** – Overall Aerial of Project Site – Existing Conditions for the Enclave at Hillsborough, dated 11-15-21

**Exhibit A-2** – Colorized P/F Major Subdivision Plan, dated 11-15-21

**Exhibits from 02-03-22 Hearing:**

**Exhibit A-3** – Plan One – Modern Farmhouse (55-Foot Product) - 2 sheets

**Exhibit A-4** – Plan One – Classic (90-Foot Product) - 3 sheets

Board Attorney, Eric M. Bernstein, Esq. stated for the record that certification forms had been provided to the Planning Department from Chairman Suraci and Ms. Smith for the December 02, 2021 hearing, and from Mr. Ciccarelli for the February 03, 2022 hearing. Therefore, all members of the Board present are eligible if there is to be formal action.

Chairman Suraci advised all present on the cutoff times for testimony and the hearing.

**Richard Hoff, Esq. of Bisgaier Hoff LLC**, representing the Applicant, confirmed this is a continuation of the hearing on February 03, and that the only witness yet to be presented is the Traffic Engineer.

**Karl Pehnke, PE of Langan Engineering and Environmental Services** was sworn in, provided his credentials, was accepted by the Board, and gave the following testimony:

Mr. Pehnke confirmed his office had prepared the 05-04-21 Traffic Impact Study, and subsequent response dated 02-04-22. He said the standard procedures were followed, and explained the methodologies for gathering information and modeling procedure. Traffic data had been collected dating back to 2017, 2019, and as current as 2021. Utilizing the data published by the Institute of Transportation Engineers, projections have been made as to the amount of traffic during the peak hours that we anticipate to be generated by the 174 residences. We would expect about 96 morning peak hour trips leaving this site over the course of an hour, and a little over 100 peak hour trips in the evening.

Mr. Pehnke said Mr. Kruse has already done a great job explaining the site layout and internal circulation system. We are proposing to share the existing access to the golf course, and will be relocating that access to the east about 100 to 150 feet, and reconstructing it as a boulevard entrance and exit. From a traffic engineering standpoint, that is good planning in that you are not creating a new point of conflict on Hamilton Road. The driveway has been designed to extend the left-turn lane that exists today, but has been lengthened, and a right-turn lane will continue to be provided. Based upon the modeling and analysis done, the driveway is projected to operate at levels of service "C" or better with very little delay or

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queue and will not impede traffic flow along Hamilton Road. We are improving the geometry and sight lines. That intersection will continue to be safe. We found that the existing traffic signal at Somerset Courthouse Road and Hamilton Road needed some updating with the timing. The County has agreed with our findings and would modify the operation of the signal to provide a little more green time to the Hamilton Road approach. Overall that intersection operates at levels of service "C" or "B" and will continue to do so to accommodate the traffic generated by this project. We anticipate that the adjacent roadways do have the capacity to accommodate the traffic associated with this project. This driveway will operate safely and efficiently.

Committeeman DelCore asked if there will be both left and right-turn lanes turning out to Hamilton Road.

Mr. Pehnke said the single lane approach will be maintained and found to be adequate. We are not anticipating significant cues internally.

Board/Township Engineer, Drew Di Sessa, PE stated there were a few comments issued in the original Pennoni report that were addressed in the February 04 letter, so we are good with the responses.

Chairman Suraci asked Mr. Pehnke to give a quick summary of what the levels of service mean.

Mr. Pehnke said the modeling procedures that Traffic Engineers use calculate capacity ratios and delays experienced by vehicles. Traffic Engineering Institute has established "levels of service" which translates the delay calculations. The levels of service are somewhat along the order of a grade school report card, A through F. Level "A" is for no delays; level "C" means you might have to wait a little bit to make a turn at an intersection but do not experience significant queues or operations. We generally design for "C" level service. Level of service "F" does not mean there is a complete collapse of the roadway system. An example of that might be when queueing at a traffic signal and do not make it through the green light within the same signal.

Mr. Ciccarelli asked if the modeling and studies included any observations about the frequency of events at the golf course.

Mr. Pehnke said not specifically. Generally event-type traffic occurs during off peak periods when you have more capacity in the roadway systems. We modeled the existing traffic based upon the existing 36-hole golf course and modeled the standard traffic coming in and out for 60 to 80 vehicles an hour. Level "C" traffic allows for those types of event times.

Mr. Ciccarelli said the study seems to have been done to the east. He asked if the study included traffic to the west, specifically where Sunnymead Road comes into Hamilton Road.

Mr. Pehnke replied that the volumes are below 50 vehicles in a peak direction. Study locations are generally established when you are seeing 100 or more vehicles. Only 40% or so of the traffic was heading in that direction so we felt it was appropriate to pick up the closest signal, and do not anticipate a significant level of traffic to the west.

Mr. Peason asked for more information of the level "D" movement.

Mr. Pehnke said there is a specific movement within the signal. The overall intersection is operating at a level "B" service and has a lot of capacity. The specific movement we are looking to have time added to is the left-turn at level "D".

Open to the public.

#### **Georgianne Belski – 25 High Acre Drive**

- Ms. Belski said anyone who lives in that area knows that if you go right to Sunnymead there is a backup any time of day. When the train is going by you cannot make a left or right. She said with all of the development going on, there is going to be more than 100 cars on that road. She asked who accounts for all of the houses coming at the Glen Gery site.

Mayor Lipani said the answer to your immediate question is that their job is to analyze just the project they are proposing. If and when a future developer comes to the Board with an application, the traffic for that development would be addressed.

#### **Anthony Galuppo - 44 Franklin Drive**

- Mr. Galuppo said there is a very little window for all of the residents coming out of Claremont to get onto Millstone River Road. When you are accelerating the traffic and closing the gaps, you are affecting that window. There are few homes on Hamilton Road right now, so any traffic study would have to be incorporated of the whole impact to the surrounding areas. You have to leave room for the residents of Claremont to be able to make a left-turn out; it has to be factored in. The studies from 2019 or currently does not represent what it is going to be in a year and beyond as things start to recover. The 2017 study is the only one that would account for the traffic at that

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time before the end of 2019.

- Mr. Galuppo said they are going to present a plan that is the minimum scope of what is required by law, which is wrong. He said it is up to the Board to ask the questions of what the impacts will be to everybody around. It is already difficult when you look at how many people are trying to make those turns in and out of those surrounding neighborhoods.

Mayor Lipani reminded the public this time is specifically for questions on the testimony.

Chairman Suraci added, there will be a time for general comments at the end of the hearing.

Mr. Peason asked if he could address the timing of the lights.

Mr. Pehnke said the timing adjustment at the signal would not affect the gapping that is occurring in any material way. The real gaps occur because of the changeover of the signal from the main line to the side street; that will not change.

Chairman Suraci noted that it is up to the County's approval, and their responsibility to see any type of ripple affect down that County road. The County would have to analyze the impact.

Mr. Pehnke said the County had reviewed the TIS and made the same conclusion that we recommended.

Mayor Lipani asked for more information on the numbers used from 2017 and 2019.

Mr. Pehnke agreed that the last few years have been challenging, and we are not sure where things are going to end up. He said we believe there is going to be a reset but that the volumes are going to be lower because of the change in workplace policies that are happening. The 2017 data had been collected in May, 2017, and State date, collected pre-Covid in 2019 was used to basically verify the 2017 date. We went back out in 2021 during Covid to sample turning movements. The pre-Covid data used is probably conservative and it may be several years until we get back to that level.

**Bob Lysyj - 37 Onka Drive**

- Mr. Lysyj asked the number being used to come up with the traffic volume. He asked how many cars are going to be in this development.

Mr. Pehnke explained there is a nationally published database called trip generation which is maintained by the Institute of Transportation Engineers; it is the source document that transportation planning professionals use. Is it an accumulation of actual traffic counts that have been done at similar communities and creates the ability for us to create a relationship between the number of units being developed and the anticipated traffic generation based upon that ratio. In terms of residential development, it has been found to be fairly predictive and accurate. This project is proposing 174 homes, all with two-car garages and driveways. Mr. Kruse testified probably 565 spaces will be available. We anticipate approximately 96 vehicles entering or exiting the site over the course of an hour based upon the data. Not everyone leaves for work at the same time. That characteristic has been proven true in all of the data studies that have been documented through the years.

- Mr. Lysyj asked for information specifically on this development.

Mr. Pehnke said residential developments have been down 20-30%, and confirmed they had monitored the Claremont Development at Franklin, Claremont, and Anne Street. In 2021 we observed 27 vehicles coming in or out at peak hour from those approximate 98 homes.

- Mr. Lysyj disagreed with that data. He asked if the traffic was studied from the corners of Craig, Onka, Claremont, and Franklin, and further the time frame of anyone trying to make a left-hand turn at rush hour, morning and night.

Mr. Pehnke said he had been to those intersections at various times of the day including peak hours, but had not specifically studied and calculated delays for those locations. He said basically, the level of traffic we would be adding to those locations did not warrant a detailed analysis at those locations. Our analysis focuses on our driveway which is where our traffic is concentrated, and under the jurisdiction of this Board.

- Mr. Lysyj asked if counts had been done as to how many vehicles have gone through Millstone River Road past Onka Drive or Craig Drive.

Mr. Pehnke said they had not counted those two intersections.

- Mr. Lysyj questioned the traffic study.

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Mr. Pehnke reiterated the study done was for this Board's jurisdiction, which includes the design and access of the driveway which is where the traffic for this development is concentrated.

- Mr. Lysyj said his concern is the traffic flow on Onka which will be impacted by the traffic flow of this development.

#### **Chris Melick – 30 Onka Drive**

- Mr. Melick asked if the trip generation data had been from the tenth generation and if that is the most recent edition.

Mr. Pehnke confirmed the tenth generation had been used. He said we are now just recently into eleventh edition. The data for the tenth edition is very similar, and in some cases it is lower. It is the same data, only with additional data added, so there really is no difference.

- Mr. Melick asked about the trip distribution at the driveway.

Mr. Pehnke said they project about 45% of our traffic to be oriented to and from the west on Hamilton Road; about 30% of the traffic from the north on Millstone River Road; and about 25% of the traffic to head south on Somerset Courthouse Road down to Amwell Road.

- Mr. Melick asked how the trips to the different routes were determined for the morning peak trips to work.

Mr. Pehnke said they utilize the "journey to work" demographic data as to where people are traveling to. We have not carried it further once they get on Route 206 to get the localized distributions since we did not study those locations. As indicated, we had the opportunity to monitor the Claremont Estates to see how it compares. There is some variation throughout the day but it is very similar to the broad distributions that we worked.

- Mr. Melick said as others have mentioned, the volumes on Millstone River Road are an issue. He said Millstone River Road is a County road with 11 foot wide lanes and very narrow shoulders; it is not safe for pedestrians or bikes. Mr. Melick asked that Board that if there is a favorable action on this application that the Traffic Engineer be required to analyze the volume of trips along Millstone River Road, and look at the different intersections at Onka, Craig, Franklin, Claremont, and all of the intersections that currently do not have good sight distance and are not properly designed intersections. Although not along the frontage of this subject site, there is an impact from this site.
- Mr. Melick asked Mr. Pehnke if he had done the study for the 198 homes to the west on Hamilton Road.

Mr. Pehnke said he had not.

- Mr. Melick asked Mr. Pehnke if he agreed that all of these developments, especially in route to Route 287, will have a cumulative effect on Millstone River Road, in that there will be a continued increase in traffic along that corridor.

Mr. Pehnke said there are growth projections that we incorporate in the traffic study based upon regional analysis. Growth is always occurring in our system and we take that into account, along with a variety of other information.

- Mr. Melick asked about the additional traffic report.

Mr. Pehnke said the Board Engineer had two questions/comments that we addressed in our supplemental report.

- Mr. Melick said part of that revision was that you underestimated the evening peaks by 44 cars.

Mr. Pehnke said it is a different interpretation of reading of the data points. We updated the analysis.

- Mr. Melick asked if the updated analysis had been submitted to Somerset County.

Mr. Pehnke said not directly, but we are still continuing to use what we have provided.

- Mr. Melick asked how the timing change at the signal would be affected by the additional 44 trips.

Mr. Pehnke said it would not impact the recommendation we have made.

- Mr. Melick asked how many cars can currently queue up in the left-turn lane for the intersection at Millstone and Hamilton.

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Mr. Pehnke replied he had not specifically measure that.

- Mr. Melick said he thought it was relevant, and that there is information missing from the report, especially for the cars headed to Route 287.

Mr. Pehnke said there will be about 29 vehicles, about one car every two minutes in the morning. We do not anticipate submitting the supplemental traffic report to the County because it is not materially different than what they have already reviewed.

- Mr. Melick further expressed his concerns with traffic and asked that the applicant be required to study the area along Millstone River Road and mitigate some of those impacts.

**Joan Shuttner** – 30 Maple Terrace, Millstone

- Ms. Shuttner asked if the school buses were factored into the traffic study.

Mr. Pehnke confirmed school buses were incorporated in the base traffic data.

- Ms. Shuttner pointed out that the intersection at Hamilton is heavily traveled by school buses.

Mr. Pehnke said school buses are factored in but are not treated in any special manner; they are a vehicle on the roadway.

**Susan Gulliford** – Hunt Club Road

- Ms. Gulliford asked if the 96 trips include those to the golf course or just for this development.

Mr. Pehnke said that is just the added traffic associated with the residential units. The traffic from the golf course is background traffic.

- Ms. Gulliford asked for clarification on extending the left-turn lane

Mr. Pehnke said the testimony is that the existing left-turn lane will continue to exist. Because we are shifting the driveway it is physically getting extended. We are also recreating the right-turn lane. There will be a right-turn into and a right-turn from Hamilton Road into the development.

- Ms. Gulliford referenced an issue with motorists cutting through the Claremont Development. She asked if the signs restricting that are still in effect.

Mr. Pehnke said he did not note any such signs.

- Ms. Gulliford asked about the lack of an emergency exit.

Mr. Pehnke confirmed there is no emergency exit. He said it is designed with a boulevard entrance which provides for the emergency accommodation in accordance with the governing design standards.

- Ms. Gulliford asked if the school bus stops will be internal.

Mr. Pehnke said the bus routes are determined by the School Board. The roads are designed to accommodate the entry of buses to the community.

Chairman Suraci asked if the applicant will be speaking with the School Board in reference to the bus stops.

Mr. Hoff confirmed he had reached out directly to the Superintendent and to Transportation and am awaiting their response.

Chairman Suraci asked Mr. Bernstein if the Board can impose a condition that they bus stops be within the development, not on Hamilton.

Mr. Bernstein said to the extent we can have an impact on the Board of Education, yes; but we cannot tell them they have to pick up inside, no.

Committeeman DelCore said they can talk to the Board of Education and hope they will be accommodating. That is a long stretch to walk to get to a bus stop.

Mr. Hoff said they will accommodate however they determine.

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Chairman Suraci suggested being proactive and suggest some bus stop areas.

Mr. Hoff agreed to reach out again to get some direction.

#### **Tim Veracco – 3 Franklin Drive**

- Mr. Veracco asked if the data is compiled and goes into a data base where they can look at density of traffic flow and consider adjusting speed limits. He asked how the safety concern can be addressed regarding the speed limit.

Mr. Pehnke said speed limits are at based on engineering study; they are not randomly set. The speed at which vehicles comfortably travel is reported and the speed limit is set at 85% of that average peak speed.

Chairman Suraci referenced the reduction of the speed limit by 5 mph through the Dukes Estate area after a study had been done.

- Mr. Veracco noted the speed limit down the road in Millstone is 35 mph; our area is 45 mph.

#### **Bob Lysyj - 37 Onka Drive**

- Mr. Lysyj asked if you are only looking at the traffic for this development, how do you tell how much traffic is on Millstone River Road and Hamilton Road.

Mr. Pehnke said that is done by recording the existing traffic data. We considered the seven days of data done by the State in 2019, and did an additional seven days of data to compile the data and validate each.

- Mr. Lysyj asked how the data was collected.

Mr. Pehnke explained there are two methods available. In this case the automatic traffic reported (ATR) data that was collected for a period of a week was collected by road tubes. The operation of the traffic signal on Hamilton Road and Somerset Courthouse Road was done by video recording for turning counts.

- Mr. Lysyj asked for the specific dates.

Mr. Pehnke said in 2017 it was done between May 11 and May 18; in 2019 it was done between June 04 and June 07, 09, and 10; and in 2021 it was done between January 04 and January 12.

- Mr. Lysyj questioned the data acquired during the pandemic.

Mr. Pehnke confirmed it is skewed, which is why the pre-pandemic data was used to update the current data and to validate.

- Mr. Lysyj asked if there was any chance of doing it again.

Mr. Pehnke answered no; the current times are still down and probably will be for another year or two.

- Mr. Lysyj commented that the traffic in 2022 is almost back to that of 2019.

Mr. Pehnke reiterated that 2017 and 2019 counts were used in the data. He said we are finding current traffic counts are still off by 20% to 30% from where we were pre-pandemic. Growth is factored in; 5% for this development by the time this development comes online.

#### **Maria Janucik – 720 East Frech Ave., Manville, and Hillsborough property owner**

- Ms. Janucik asked how much traffic there is for the golf course every day.

Mr. Pehnke said this type of use is seasonal, so it is not necessarily every day and in winter volumes are lower, except for traffic associated with their event space. We factored into our morning and evening peak hour traffic what would be anticipated to come in and out of a golf course of this size.

- Ms. Janucik asked about the shared access.

Mr. Pehnke replied that the proposal is to relocate the existing golf course access reconstructed with improved geometry as a boulevard, and to have that access serve both the golf course and the new residential community as was testified to. The access is designed in a boulevard fashion, which means it has a median separating the inbound and outbound traffic.

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- Ms. Janucik asked if the golf course is agreeable to this redesign.

Mr. Hoff confirmed the owner has signed off on the application and provided consent as part of this application.

- Ms. Janucik asked for more information on the access for both uses.

Mr. Pehnke explained the use of the roundabout and exhibit in more detail.

Mayor Lipani asked for confirmation on the golf course for the traffic counts.

Mr. Pehnke said the golf course was conservatively counted as a 36-hole golf course, but it will be reduced to 18-holes.

No more questions for the Traffic Engineer.

Mr. Hoff stated he had no more witnesses to present in support of the application.

Mr. Maski and Mr. Di Sessa confirmed their questions and comments had been resolved at the previous hearings.

Mayor Lipani asked if anyone would be addressing the Community Impact Statement.

Mr. Hoff said it was submitted with the application but we did not anticipate putting on any affirmative testimony. He said if there are questions, we have people available to answer. The CIS was submitted for informational purposes.

**Susan Gulliford – Hunt Club Road**

- Ms. Gulliford said a CIS always has an analysis of students coming in, how much it costs, and how much taxes the homes here will be paying to sort of offset the cost of the students. She asked if the proposed Redcom warehouse lowers the values of the homes near it, if that would affect the property taxes, but still have the same number of students.

Mr. Hoff said all of the assumptions in the CIS are exactly that; just assumptions. There will be changes in the community that will impact the assessment, the assessed value, as well as the tax assessment. The population projections are based on demographic data provided. We used the best available data in compiling the report, but if you change one of the variables, the math will change.

- Ms. Gulliford reference the number of private school students factored in. She asked if that is based on the price range of the homes determined that demographic.

Mr. Hoff said he did not know the answer but could provide a witness that would.

**Hannah Mazzaccaro, PP, of ESE Consultants** was sworn in, briefly provided her credentials, and gave the following testimony in response to questions asked by Mr. Hoff:

Ms. Mazzaccaro confirmed she had prepared the Community Impact Statement. She addressed the question asked by the member of the public. Ms. Mazzaccaro said the projection is based on other studies we have done throughout New Jersey. Some school districts have readily available data on the percentage of students that attend private schools. We did not find that specifically for Hillsborough for recent years. We have seen a slight increase in private school enrollment over the past few years during Covid. This data is based on data that we have seen in other districts throughout the State.

- Ms. Gulliford noted ESE is wholly owned by Toll Brothers now.

Ms. Mazzaccaro agreed.

- Ms. Gulliford asked if all of the data being used is from Toll Brothers developments, or do you study or work for other developments.

Ms. Mazzaccaro replied we work only for Toll Brothers, but we are our own consulting company that competes with other consulting companies for work within Toll Brothers.

Committeeman DelCore restated the question.

Ms. Mazzaccaro said they use statewide data that has been prepared by the Rutgers University Center for Urban Policy Research. They basically created fiscal impact analysis in 1978 and what all planners use as the standard today. They created these demographic multipliers that are based on census data. The data had been updated every 10 years with the 1980, 1990, and 2000 census. Now we have the benefit of the American Community surveys that are updated every year,



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and more robustly every five years. The data used in this analysis is actual census data from similar homes; four to five bedrooms, higher value homes built throughout New Jersey within the last 20 years. The averages; average household size, and average number of children within each age grouping were used in the study.

Committeeman DelCore asked if that also includes data for the anticipated number of private school kids.

Ms. Mazzaccaro said it does. The Rutgers' data has tables for school-aged children and also has tables for public school children. We use the public school numbers to project how many children will be in public schools.

Committeeman DelCore said the difference then being private schools or home schooled.

Ms. Mazzaccaro agreed.

Mayor Lipani noted the report provides that 80% of school-aged children will attend public schools.

Chairman Suraci called for any additional questions for the witness from the public.

No further questions.

Chairman Suraci informed the public that the floor was now open for general comment or questions on the application.

#### **Doug Eden – 55 Anne Street**

- Mr. Eden questioned a response given at a previous hearing and spoke on the benefits of hooking into the existing trunk line to the Claremont sewer system, which is a force main and pressurized. He offered a report done by Maser Engineering for the Township.
- Mr. Eden said they are still receiving responses on OPRA requests, and said they are finding some inconsistencies. He requested that this application be continued to another meeting to address the wells and stormwater concerns.

Chairman Suraci asked Mr. Eden to state those concerns for the record.

- Mr. Eden said he would like the Engineer to explain why he feels they cannot hook into our system. He said he had shared the engineering design with Mr. Minami from Roycebrook to see if they could hook into our system. He took a look at it and sent it to their Engineer, Jim Majewski. When he finally got back to me he said they plan to take another route. The emails we have received via the OPRA's indicate that Mr. Minami offered Hillsborough \$1.3 million to hook into the Claremont system, but they turned it down. That was never brought to the attention of the residents of Claremont; we are still paying for the public sewer. The email also stated that the MUA felt they should design their own system, without giving a reason. Mr. Eden said I would like someone to answer that for me.

Mr. Hoff said Mr. Kruse offered extensive testimony over the course of two hearings, and went through the sewer issues. As Mr. Kruse indicated, we have been working in conjunction with the Township MUA as to the design of our system, where it discharges into the existing system of both the Township and the County. We are comfortable with the design and have had positive feedback from the MUA. This application is subject to outside agency approvals that we anticipate getting. We are not changing the sewer design for the project.

- Mr. Eden commented further and said there are issues with the sewers, ponds, and wells in the Claremont Development. He asked if Toll Brothers owns the property.

Mr. Hoff said Toll Brothers is the contract purchaser.

- Mr. Eden told the Board, we need to clarify things with Roycebrook and need additional meetings to do so. He spoke on the wells and shared information he said had been provided to him regarding test wells. He commented that the emails exchanged confirm that Billy Casper Golf / Roycebrook did not do what they were supposed to do. As residents, we have a lot of questions for Roycebrook, and are asking the Board to give us the opportunity to do so.
- Mr. Eden questioned the testimony given on the drainage area.

Mr. Hoff stated the stormwater had been gone over at great length at the last hearings, and restated some of the details previously testified to. He advised there will be a reduction in flow, and understand you do not believe it will alter it. We can only offer the testimony of our engineers who have studied it at length and believe the improvements being made to that area adjacent to the Claremont section will be improved, as agreed to by the Environmental Commission.

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- Mr. Eden said we requested a written confirmation from Dr. Obropta that his numerous concerns have been satisfied.

Mr. Hoff said he was at the Environmental Commission meeting. As indicated the Commission makes recommendations and a memo was issued. Mr. Kruse addressed the conflict between the charts at the previous hearings and clarified with Mr. Di Sessa that the data was being read correctly. Mr. Hoff confirmed responses were provided to each of the recommendations in the Environmental Commission in Mr. Kruse's testimony.

Committeeman DelCore clarified that Dr. Obropta does not have the authority to issue a letter on his own on behalf of the Environmental Commission.

Mr. Bernstein added, the Environmental Commission has provided to this Board its summary report. Whether one or more members agree or disagree, or if there are issues relative to such, the Environmental Commission has rendered their report. The Environmental Commission is advisory and makes recommendations. The Planning Board is bound by none of the recommendations by law, but do take them into account on an ongoing basis.

Vice Chairman Julian said I believe Dr. Obropta's concerns were addressed. He said he was at the EC meeting and at these meetings, and can advise the concerns were taken into consideration and addressed.

Mr. Di Sessa said he did not have any further concerns and feel those comments were addressed at the last testimony. Whether it was confirmed by Dr. Obropta or not, I think they were clearly addressed.

- Mr. Eden again said they have concerns and questions for Billy Casper Golf / Roycebrook about the test wells. He also raised his concerns with fractured shale and impacts on their wells.

Mr. Hoff commented he was unclear about the concern being that the project will have public water.

- Mr. Eden spoke on his concerns with fracturing the shale.

Mr. Hoff said the environmental studies have been provided. He advised that inspections will be done throughout the construction process by the Township. If any concerns are raised during construction they will be addressed under the supervision of Township professionals.

- Mr. Eden referenced a letter from the Hillsborough Township Health Department dated 01-21-21 to Mr. Minami. He said there are serious concerns here that the property owner has not addressed. He again suggested having a meeting where Billy Casper Golf / Roycebrook can address these issues.

Break 9:25pm – 9:35pm

Chairman Suraci called for remaining comments from the public. He noted the Board meeting end time is 10:30pm.

#### **Tim Veracco – 3 Franklin Drive**

- Mr. Veracco expanded on Mr. Eden's comments, saying they are still compiling documents from the OPRAs. He said as per the 1994 resolution that approved the golf course, that resolution spelled out that a monitoring well was to be placed in proximity to the adjoining Claremont Development on Anne Street. Mr. Veracco also referenced the 2021 Health Department letter. He stated the monitoring well required was never installed, further confirmed by correspondence by Mr. Bernstein.
- Mr. Veracco shared his concerns on the lack of the monitoring wells being in place to track any contaminants, and further spoke against proceeding with the application until all of the issues and concerns of the residents have been addressed.

Mr. Hoff said a water quality check and analytical report was done in connection with out hydrologic evaluation, dated April 2021 and submitted with the application. Appendix C is a background water quality report. In that water quality report it has an analytical test well where it was drilled for the purpose of testing water quality and also has a list of all private wells in the area. The reports came back clean and were submitted in support of the application. The background water quality study has been on file with the application. Mr. Hoff said I do not know what Billy Casper's separate responsibility is. My understanding is that they have also submitted their background water quality test that they were required to submit. He said it is important that the record reflect the information was provided, whether or not it was reviewed by members of the public.

- Mr. Veracco said that is good to know, and questioned who looks at that information to see if it is accurate. Who is the advocate for the residents?

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Chairman Suraci said all of that information is reviewed by the Board Engineer's firm.

Mr. Di Sessa confirmed Pennoni had reviewed the reports and looked at the conclusions. We cannot say we are hydrological experts, but we review the reports and conclusions and are relying on methodology. Normally if we find something that is a problem or indicates there is a problem, we bring it to the Board's attention. As indicated, the water quality studies were done and monitoring wells were installed along that eastern property line and tested. It was a thorough study and we did not identify any problems.

Chairman Suraci asked for Mr. Di Sessa's confirmation that the information provided was from licensed professionals.

Mr. Di Sessa said yes.

- Mr. Veracco asked if there is some sort of a guideline that shows what to look for and the levels that are acceptable.

Mr. Di Sessa said the State of New Jersey has limits for contaminants that they provide for drinking water. There is an acceptable limit of concentration of each contaminant, which is what is compared by the lab and determined whether or not it is acceptable.

- Mr. Veracco again reiterated his concerns that nothing had been done by the golf course to address the required monitoring wells. He said there should be something put in writing to indemnify the residents that someone else is going to pay for all of the connections should the drinking wells go bad.
- Mr. Veracco reinforced his comments from previous hearings and again questioned the data used for the stormwater and referenced the Governor's Executive Order 100.
- Mr. Veracco spoke again on comments provided in the Environmental Commission and DRCC memos.

**Bob Lysyj - 37 Onka Drive**

- Mr. Lysyj said his main concern for attending was to address the traffic, and the impact from this and other developments being built on Millstone River Road. He commented that the Committee should do a complete traffic study of the town and look at different ways to address all of the issues.
- Mr. Lysyj asked when the zoning changed to allow this type of development.

Mr. Hoff said August 11, 2020.

Mr. Maski added the golf course was a combination of CDZ large corporate development, and O-5 large office complexes. It has been changed to planned residential. Adjoining neighborhoods are R, and RA for residential development.

- Mr. Lysyj asked for information on the current zoning,

Mr. Maski said the Royce Brook Planned Residential Development is a tract development, where the minimum is 180 acres.

- Mr. Lysyj again expressed his concerns on the increase in traffic for the area.

**Chris Melick – 30 Onka Drive**

- Mr. Melick asked if the rezoning for this property also affected the property Redcom is advertising for the warehouse.

Mr. Maski said no. That lot and the Cemetery lot were outliers left over from the O-5 Zone.

- Mr. Melick asked if there is a plan to rezone those two small lots.

Mr. Maski said he understood the question but it was outside the purview of this application.

- Mr. Melick said the 07-30-21 letter from the SCPB deemed the application incomplete. He asked if that had changed.

Mr. Hoff said they resubmitted and the application is pending review. This application will need approval from all outside agencies, including the County.

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- Mr. Melick asked for more information on the resubmission made and response from the County.

Mr. Hoff pointed out that testimony had been closed.

Chairman Suraci noted that any application the Board may approve is contingent on approval from all applicable external agencies. A status of “pending” with an outside agency would not hold up a vote by the Board since approval of outside agencies is a condition of approval.

- Mr. Melick again asked the Board that any approval include a requirement for additional traffic studies and possibly additional improvements along Millstone River Road.

Mr. Bernstein said for the record that the Law prohibits off-tract improvements being requested of an applicant where the improvements do not directly affect the application, as a condition of approval. That ruling is as per the Legislature and New Jersey Courts; not of this Board or any action thereof.

- Mr. Melick said they have frontage on Millstone River Road.

Mayor Lipani said there is no ingress or egress there.

Committeeman DelCore added the road is not part of their tract.

Chairman Suraci said improvements to the ingress or egress to the property can be requested, but not to an adjacent road. The Legislature put that in the Law essentially to stop bribes.

- Mr. Melick asked if the signal proposed at Falcon and Sunnymead is being funded by developer money.

Mayor Lipani said that is part of the development on that road.

- Mr. Melick said that development does not have frontage on Sunnymead, so the improvement he is asking for is no different. He commented that as long as it can be justified from a traffic standpoint, there can be improvements required to mitigate impacts.

Mr. Bernstein said only if the applicant agrees. He said he wanted the record to be clear that the traffic light on Sunnymead and Falcon is part of a donation given by the applicant. If this applicant wants to donate money towards signalization they may do so, but the Board cannot impose it as a condition of approval. Mr. Bernstein said if the Board determined there was a need for signalization at the entrance to the subject site, that is one thing; but off-site improvements are up to the applicant. The Board cannot impose a requirement for an additional traffic study and road improvements for a road that is not directly in front of the property.

Committeeman DelCore pointed out Millstone River Road is not our road; it is a County road.

- Mr. Melick asked what improvements are to be made on Hamilton Road.

Chairman Suraci said none.

- Mr. Melick asked why.

Mr. Di Sessa said Hamilton Road meets the Township’s standards, so there is no jurisdiction for widening it.

- Mr. Melick said there is curbing to the west of the site and it would make sense to continue the curbing on the frontage of the site to coincide with the access treatment. He asked why that is not being pursued.

Mr. Bernstein said if it is on their property and recommended by the Municipal Engineer, but it is not being required.

- Mr. Melick commented that other developments in Hillsborough have had to comply. He asked to have curbing and drainage improvements installed along Hamilton Road.

Mr. Bernstein said other developments are immaterial. The Board Engineer has not recommended to the Board for consideration that there be additional improvements on the roadway in front of the project.

- Mr. Melick shared his concerns further and asked that the resolution reflect that there were a host of safety related traffic comments by the residents that were disregarded.

Mayor Lipani said this hearing is being recorded and there will be a transcript so it is all in the record.

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**Susan Gulliford – Hunt Club Road**

- Ms. Gulliford shared a brief history on the home owned by a family member in the Claremont Development and on the golf course. She asked that the resolution include something about well testing, and referenced a 2020 Health Department memo, and noted the golf course will still be the owner of a piece of the existing property. She asked for monitor testing and that the deeds include a requirement for the rain gardens and basins.

**Joan Shuttner – 30 Maple Terrace**

- Ms. Shuttner asked for consideration of the Millstone River Watershed which she said encompasses five counties and 26 municipalities. She spoke about flooding and said all of the development is having a negative impact on the surrounding area.

**Tony Galuppo - 44 Franklin Drive**

- Mr. Galuppo said he is directly affected and asked that the Board not approve this application. He spoke further about his concerns on traffic and stormwater. He said consideration has to be given to accumulated impacts from back-to-back storms.
- Mr. Galuppo said there are extenuating circumstances that need to be considered.

Chairman Suraci addressed the time.

Committeeman DelCore made a motion to extend the hearing until 11:00pm. The motion was seconded (inaudible) and all were in favor; motion carries.

**Allison Whitman - 8 DeWitt Lane**

- Ms. Whitman said she grew up in Millstone and agreed with everything said by those who spoke before her regarding the water. She said she had served on behalf of Millstone on the Raritan-Millstone Rivers Flood Control Commission and learned a lot about the flooding.
- Ms. Whitman said if the bus stop is on Hamilton Road, there will be nowhere for the parents to park. She questioned having only one access point for all of those homes and other related safety concerns for the boulevard design. She asked that the Board not approve this application and stated it is not an appropriate location for the scale of this development. She asked that development be kept closer to Route 206 and Hillsborough a little more bucolic. Ms. Whitman said keep the smart growth, which this is not, closer to the main corridor and stop burdening the homes.

**Maria Janucik – 720 East Frech Ave., Manville, and Hillsborough property owner**

- Ms. Janucik referenced an OPRA she filed for a copy of the Settlement Agreement and the response she received, and questioned block and lot numbers identified. She commented on the affordable housing component of the application.

Mr. Bernstein confirmed the affordable housing contribution is going to affordable housing; it is part of our affordable housing trust fund and part of our Plan.

Committeeman DelCore added, the reference to “in part” means that that amount is in part of the municipal funds.

- Ms. Janucik asked how this application benefits the surrounding community which has serious flooding issues. She referenced several documents and said environmental constraints should be considered, and stated this application should be denied.

**Tim Veracco – 3 Franklin Drive**

- Mr. Veracco referenced a statement within the Court Agreement and implied there was a conflict of interest for the Planning Board.

Mr. Bernstein stated for the record that the composition of the Planning Board is established by State statute. The membership and who comprises it clearly established by Law. Secondly, the “cooperation” issue is that we will not take any action contrary to the applications being made. If NJDEP or any other outside agency turns the application down, the applicant will have to come back. There is no conflict that the Township entered into an agreement that said the Township would cooperate. State statute identified the Class I Member as the Mayor or designee; and a Class III Member, who will be a member of the Township Committee. There is no conflict regarding such; there is no conflict relative to the Settlement

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Agreement in regard to the composition of the Planning Board.

**Doug Eden** – 55 Anne Street

- Mr. Eden said the Planning Board members have the right by Law to be able to turn the application down.

Mr. Bernstein said all of the members have the right to vote against the application, and understand the consequences of doing so.

- Mr. Eden read a statement from Tom O'Donnell, a member of the Claremont Community, asking the Board to continue this application to another hearing to allow time to review the information provided via the OPRA requests made. Mr. Eden commented that some of the information has to do with our wells, which is very concerning, and noted the Claremont Community is the one that is going to be impacted the most from this development.

Chairman Suraci said he had been briefed on the OPRA request and stated for the records so that it is not mischaracterized that the response had been provided on February 07. He said the Township Clerk, Ms. Borek, had the right to deny that request since it was severely deficient and not in compliance with the Law. It was a request to do a lot of research and generalities. The OPRA Law is to request specific documents not to go on expeditions or searches. That is what caused the delay; it was a wide, broad request. It was to Ms. Borek's credit that she provided the information and did not deny it.

Close public.

Chairman Suraci called for questions from the dais.

Mr. Ciccarelli asked Mr. Maski if there will be any requirements for monitoring of groundwater, or stormwater, or runoff, or environmental, during the construction process.

Mr. Maski said during construction, there are regular inspections by the Building and Engineering departments, and Health Department if need be. Whatever the standard inspection practices would be would apply.

Mr. Ciccarelli asked if a monitoring well was standard.

Mr. Maski said we would have to check with the Health Department on that.

Mr. Peason asked if the applicant would be willing.

Mr. Hoff said no. He stated for this application we prepared and submitted both a Phase I and Phase II under licensed professionals, and none revealed the need for any monitoring wells. We provided the monitoring data and understand that the golf course owner, in response to the letter from Mr. Bernstein, did provide the requested information. So to the extent that it is an enforcement issue, that has obviously been overtaken and the golf course owner would need to continue to put in those monitoring wells where they need to be. Neither of the studies warranted any further investigation related to pesticides, herbicides or any other potential contaminants on the site to be disturbed by this application.

Committeeman DelCore asked Mr. Bernstein if part of any approval would include the proof that the letter issued by the Health Department was addressed and the testing is confirmed from the prior approval.

Mr. Bernstein replied that the issue is the applicant is here for an application based upon what is before you, but not necessarily what the requirements are for Roycebrook as part of their application.

Mr. Ciccarelli clarified his question was not about what has taken place but about two years from now during construction, could the water be tested once ground has been broken to a certain degree.

Mr. Bernstein said somebody from the Township or the State has to trigger the issue. This application provided a Phase I and Phase II environmental studies for this project that does not appear to require further testing. If during construction or prior to it, it is required because either it is part of Roycebrook's responsibility, some of which may fall upon this applicant depending on where the requirements are, as it relates to this project, and/or it is determined there is a need for such, then you can put that condition, but you cannot mandate it without a precedent or reason.

Mr. Ciccarelli asked if the Phase I takes into account how this project is going to be constructed and that there will be basements.

Mr. Hoff clarified the Phase I tests the soils for the contaminants that have been raised as a concern.

Mr. Di Sessa said a Phase I is kind of a due diligence study which would identify if there is potential for contamination or

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areas of concern on the property. They went the next step which would actually look at those areas of concern through some testing and then determine whether or not there was any contamination there. The Phase I was done and it said a Phase II should be done. The Phase II was done and there were no areas of concern that were found for contamination. Normally it would end there but if during construction there is a condition identified that is a potential contamination issue, then that would trigger some additional testing at that point. Right now they will have their Soil Conservation District permit, which within it is a stormwater permit also issued by the District, and they will have their NJDEP permits. All of those constraints with the construction activities would be in those permits. They would operate unless field conditions change something.

Mr. Bernstein added, the only change to that would be if the requirements as to the Roycebrook Golf application that was approved by this Board in 1996 requires certain things to be conducted within the confines of the proposed development. He said he did not recall exactly where the wells are, but if any of those happen to be on this (subdivided) property, they will have to do the necessary compliance, either themselves or Roycebrook on their behalf. Roycebrook still has obligations on an ongoing basis to conform to the 1996 approval and the follow ups that Mr. Carr and my office are engaged in.

Committeeman DelCore said if they did not do the follow up to provide the information then we have to figure out how to get that monitoring continued and processed, whether that is with Roycebrook or another.

Mr. Bernstein said this applicant's obligation, if the requirements do not fall in the confines of the proposed development. If they fall within a portion of the Roycebrook (Golf) development which is outside of this development, it is still Roycebrook's obligation. If it falls within theirs (Toll) then it becomes theirs by the acquisition of the property at the time of purchase. As Mr. Hoff has stated, Toll Brothers is the contract purchaser at this time. So, to that extent it can be part of the application condition; one is an on-site situation, and to the extent that the prior Roycebrook approval impacts this development. You cannot necessarily, since there is no basis, require the applicant to do anything more than what has been previously discussed relative to its application per se, unless Mr. Maski, Mr. Di Sessa, or the Heath Department recommend something different at this time.

Chairman Suraci said in other words, the obligation may end up transferring depending.

Mr. Bernstein said the monitoring wells are Roycebrook's responsibility; they may transfer to the applicant depending upon where the responsibility lies as it relates to their property. The applicant (Toll) would get to acquire it unless they make a deal with Roycebrook, which we would need to be advised of, that it remains Roycebrook's obligation.

Mr. Hoff agreed.

Chairman Suraci spoke on affordable housing. He said the Board had an affordable housing application about a year ago for which the Board felt a few of our ordinances were not being met and that application was denied based on not meeting local ordinances, not saying that this is similar here. As Mr. Bernstein alluded to, the applicant sued and the Judge instructed the Township to make the problem go away, so the applicant got to come back. The Judge said in no uncertain terms that Hillsborough will lose its protection if you do this again, meaning this town would have been opened up to all kinds of Builder's Remedy lawsuits, and we would have lost complete control of the planning process. The State Supreme Court has basically taken control of affordable housing. Some things were said about traffic, and taking holistic reviews, but Fair Share Housing is the non-profit group that gets the affordable housing into all of these towns does not care about the infrastructure. Our professionals have presented the case that we are a one road in-one road out town, but they do not care, nor do they care about environmental concerns. As was pointed out, the zoning got changed here because we had intervenors and had to meet an affordable housing obligation. The Board has to judge by what the State statute, Municipal Land Use Laws, given to us by the Legislature allow. We need to continue to work to have our State Legislators change that. The State Supreme Court has said to the Legislators to "fix" the Law. We are all feeling frustration at this point with the nonsense of the Legislature. Chairman Suraci said it is really in the power of our State Representatives to fix this problem and address the concerns you have. He said I understand the point raised on the 1999 date, but these are the issues that are facing this State. Affordable Housing has the State Supreme Court behind them. We have to judge this application based on the tools we have been provided at this point in time.

A member of the public spoke out and was called up to the microphone to be heard.

#### **Doug Eden – 55 Anne Street**

- Mr. Eden said they reached out to Governor Murphy and Congressman Malinowski about this issue. Our President showed up in Manville and took some pictures; it was supposedly a big issue, but when we reached out, we got no response.

Mr. Bernstein said this is the issue of the 1999 date. It is State Law that the applicant is required to meet the conditions in effect at the time of application; it used to be the time of decision. It has been stated many times throughout this hearing, that if the rules change before Mr. Hoff's clients get their application in and get approved by NJDEP; they will be bound by whatever NJDEP regulations are in effect at the time. Whether the date is out of date, as indicated by members of the

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public, or not, is immaterial to what the State will ultimately do. Whether Governor Murphy has issued an Executive Order, ultimately he is the one responsible for the regulations getting through NJDEP, because NJDEP reports to him. For the purposes of this record and this time, you are bound by the rules that exist as of this moment.

Committeeman DelCore made a motion to extend the hearing by 15 minutes, and seconded. All members were in favor; motion carries.

Committeeman DelCore added, if you do not get the sense that we appreciate the concerns you have, then that is on us, because I can assure you we do and deal with it every application that comes in, and in particular those that are affordable housing related. As Chairman Suraci stated, when we found one application that did not make sense after hearing from the public, we were very quickly smacked down and told to “get it done” or you will lose your immunity. That would mean we would essentially lose control of any parameters; it would be tenfold worse throughout the Township. Any developer could get whatever they want just by saying the magic words, “affordable housing”. We will continue to do what we can to make sure things like your well water is preserved, and flooding implications that we deal with all throughout the town.

Committeeman DelCore said I believe the applicant has done a pretty good job of trying to mitigate the water issues with their stormwater, much better than they had to. They could have submitted a lesser stormwater plan and still met the NJDEP requirements. They are trying to improve it to the best they can. These are not easy decisions that have to be made and we appreciate the public coming out and all of the feedback. It is important to hear from you and we do understand. Unfortunately, there are some things that from a legal perspective override certain things that might take precedence at certain times.

Members of the public spoke out from the audience.

Mr. Peason said I have been on this Board for some time and have asked the question why we have to have any development; why can't we just say no and zone everything for farmland. Unfortunately, it is not that simple. The members of the Board do this voluntarily. It is hard to say yes in this case, the owner of the land has rights to do things with it. How is the Board supposed to say no in this case without any contradicting testimony from qualified experts? It is disheartening and disappointing, but it is reality. Mr. Peason thanked the public for coming out to express their passion for their community. He said we have said no in the past and gotten smacked down because of it.

Members of the public spoke out from the audience.

Mayor Lipani responded saying, Ida was an extreme storm; people that never flooded had flooding. When your development was built in the 1960's, they did not do stormwater management; they just rushed everything to the creeks. Our job as the Planning Board when an application comes before us, is to rely on our engineers and the NJDEP and DRCC to look at the application and deem that it is appropriate under the laws at that time. As a Board, we rely on that testimony of that engineer to say it is better or no worse than the existing condition. Mayor Lipani said in my opinion, leaving the golf course as it is, is not helping you at all. This applicant is coming in and attempting to reduce to amount of flow onto your property by developing a plan. Whether you want to believe it or not, the officials at the NJDEP will be the ultimate judge of that. Mayor Lipani said he remembers when Hamilton was a dirt road and when most of the developments were cow fields, but that is progress, and why people move into town. Mayor Lipani shared he had three feet of water in his basement from Ida and drove through it to get home. He said my development was built in 1969; I cannot change what was built. The water flows right across my property, so I understand what you are going through. What we can try to do as a Planning Board is to make sure what is being built today is Best Management Practices.

Mayor Lipani said I will speak with the County to see if any mitigation can be done about the traffic on River Road. He said I cannot make that decision, but can advocate for you, and talk about the speed limit and request a light. Mayor Lipani said as Chairman Suraci advised, all of that is not considered when it comes to affordable housing.

A member of the public spoke from the audience.

Mayor Lipani said the wells are being monitored per the resolution. As Mr. Bernstein has said, if any of those wells become part of the property, they will continue to have to monitor those; that does not go away.

Members of the audience continued to speak out.

Mr. Bernstein advised what the MUA did or did not do, or will or will not do, does not impact this application. The applicant has come in with the sewer connections as they have proposed; that is what is before this Board.

Mayor Lipani clarified the HTMUA is a separate entity; that Board is not part of Hillsborough Township.

Mr. Bernstein advised that the motion would be to confirm the previously approved minor subdivision into two lots. A member of the audience spoke out.

Committeeman DelCore stated we are not in public comment.



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Mr. Bernstein confirmed the subdivision was approved at the first hearing.

Mr. Bernstein continued with the summary of the application. Approval would be to subdivide the proposed lot into 181 lots of which 174 will be single-family lots; six open space lots; and one runway lot; minor subdivision approval to provide common interest servicing the golf course and residential, servicing the residential tract to construct modifications to the existing clubhouse parking lot to relocate six parking spaces; and waivers on the property known as the Royce Brook Planned Residential Development; along with all of the comments of the Board Engineer, Board Planner/Township Planning Director, Fire Marshal, all State, Township and County approvals that are in effect at this time; with the application subject to the ultimate approval by the New Jersey Department of Environmental Protection and all State, County, and local agencies, as well as any and all conditions that have been placed on the record and/or agreed to by the applicant during the pendency of the application.

Mr. Hoff added without the comment of the Fire Marshal for a secondary access.

Chairman Suraci asked to add a condition that the Homeowners Association would have to approve any improvements on any of those lots, to maintain a record to ensure the impervious does not exceed 35%. If at any point it does look to exceed 35% that the stormwater management plan or system be reevaluated to go beyond 35%.

Mr. Hoff stated the allowable impervious coverage for the lot is 45%.

Chairman Suraci said it was designed for 35%. He said I am not asking for it to be a deed restriction, but that the HOA is responsible to monitor that.

Mr. Hoff agreed.

A motion to approve Application 21-PB-10-S/MS/SP as stated was made by Committeeman DelCore, seconded by Mr. Wagner.

**Roll Call:** Mr. Wagner – yes; Mr. Peason – yes; Mr. Santaromita – yes; Mr. Ciccarelli – yes; Ms. Smith – yes; Committeeman DelCore – yes; Mayor Lipani – yes; Vice Chairman Julian – yes; Chairman Suraci – yes. Motion carries.

Chairman Suraci noted the next meeting will be March 10.

**ADJOURNMENT**

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

The meeting adjourned at 11:28 p.m.

*Submitted by:*  
*Debora Padgett, Planning Board Clerk*