

## HILLSBOROUGH TOWNSHIP PLANNING BOARD

### APPROVED PUBLIC MEETING MINUTES

July 07, 2022

Chairman Carl Suraci called the Planning Board Regular Public Meeting of July 07, 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 7:43pm  
Robert Peason – Present  
**Carl Suraci, Chairman** – Present  
**Neil Julian, Vice Chairman** – Absent

Nathan Santaromita – Absent  
Ron Skobo – Present – Absent  
**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 Lombardozzi, CSR, Board Court Reporter; and Caz Bielen, Township Videographer (Premier Media).

#### CONSIDERATION OF MEETING MINUTES

- June 09, 2022

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

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

- June 23, 2022

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

**Roll Call:** Mr. Wagner – yes; Mr. Peason – yes; Ms. Smith – yes. Motion carries.

#### CONSIDERATION OF RESOLUTIONS

- Hillsborough 206 Holdings LLC – File 18-PB-07-MSPV (2019 Amended Site Plan) (2022 Request)

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

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

- 44 Woods-Ken, LLC – File 21-PB-02-RES (Ref: 07-PB-29-MR)

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

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

#### PLANNING BOARD BUSINESS

None

#### CONSIDERATION OF ORDINANCES

None

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

**Robert Harris** – 13 Hunt Club Road

- Mr. Harris asked about the plans for Main Street in the Town Center.

Mayor Lipani said the Township does not own Route 206 yet. The next step is the transfer so that it becomes a local road. Before we do that, all of the improvements need to be made so that we inherit a complete road. New construction would then need to follow the ordinance.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

**Don Huff** – 33 White Meadow Road

- Mr. Huff questioned whether the (site plan) application scheduled should be going forward being that a subdivision has not been approved yet, and the property is not owned by the same entity.

**Maria Janucik** – 720 E. Frech Avenue, Manville and Hillsborough Property Owner 2155 Camplain Road

- Ms. Janucik asked if there will be a time for public comment on the application before the meeting is adjourned.

Chairman Suraci said as with all applications, the public will be given an opportunity to cross-examine each witness and once the applicant concludes, there will time for open public comment, be it pro or con.

Mayor Lipani added the public comment portion may not come tonight, but at a future meeting at which the applicant will conclude the presentation and testimony.

- Ms. Janucik commented that she had submitted an OPRA requesting a copy of the resolution of denial for the Campus Association application and have not received anything. She asked Mr. Bernstein why there was not a resolution for the denial.

Mr. Bernstein said a resolution had been drafted but was never approved by the applicant so the Board never took action on it. The Planning Board is not going to adopt a resolution for an action that has already been overturned by the Court and a subsequent resolution approving the application.

- Ms. Janucik asked what was given to the Judge.

Mr. Bernstein said a draft of the resolution of denial had been given to the Court. He said he will look into the status of Ms. Janucik's request for a copy being that the document exists.

Mr. Maski reiterated the Board never took action on the denial. If you submitted an OPRA for the memorialized resolution for the denial, it does not exist, only the draft.

- Ms. Janucik said she will submit an OPRA for the draft resolution then.

**David Brook** – Winding Way

- Mr. Brook asked if the Homestead Road application is a perfected application, and if not, the Board has a right to reject it. He said having two owners for a subdivision is not just a technicality but legality. He referenced a letter submitted by Mr. Huff and asked if it was possible that the Board discuss and vote on the matter of whether or not the application should be heard, before opening the application hearing.

Mr. Bernstein advised at this point of the meeting, the Board is not taking any action. There will be an opportunity for discussion once the public hearing begins.

**Natalie Gahrmann** – 53 Winding Way

- Ms. Gahrmann asked the Board if they look at an application on its own, or look at an application as an aggregate to flooding and other impacts.

Chairman Suraci said it is all guided by the Municipal Land Use Laws. Most of it is on the merits of the application and the zoning around it, but there are some things this Board cannot do legally.

- Ms. Gahrmann said so each one is singular.

Chairman Suraci said, for the most part.

**APPLICATIONS - PUBLIC HEARING**

- **Homestead Road, LLC – File 21-PB-25-MS/MSPV** – (TOD: 07-31-22) Block 200.10, Lots 32 & 33 – 203 Homestead Road and 189 Homestead Road. Applicant seeking preliminary and final major subdivision approval (determined a minor subdivision); preliminary and final major site plan approval; 'c' bulk variances; and waivers, to consolidate the two lots and then subdivide into two reconfigured lots; and demolish all existing structures to construct two warehouse/office buildings, with associated stormwater, parking, and site improvements, on Property in the TECD, Transitional Economic Development District. (EC Review: 03-28-22) *(Revised*

PLANNING BOARD MEETING MINUTES  
July 07, 2022

*plans/report submitted 04-21-22 and 04-28-22/ Additional plans/exhibits/documents submitted 06-24-22).*  
**Application continued from May 12, 2022 without further notice.**

**Exhibits from May 12, 2022:**

**Exhibit A-1** – Colorized Existing Features Exhibit Plan, dated L/R 03-02-22

**Exhibit A-2** – Proposed Conditions, dated L/R 04-28-22

Chairman Suraci advised all those in attendance on the procedures for hearing and the time at which questions for cross-examinations will be taken.

**Michael O’Grodnick, Esq. of Savo, Schalk, Corsini, Warner, Gillespie, O’Grodnick & Fisher, P.A.,** representing the Applicant, gave a brief overview of the application for the continuation of the hearing.

Mr. Bernstein advised there are now two objectors to the application, and should introduce themselves for the record.

**Michael Pisauero, Esq.** introduced himself as the **Policy Director for The Watershed Institute** located in Pennington, NJ.

**Scott Gross of White Meadow Road** introduced himself as a member of a committee of residents concerned with negative impacts of truck traffic, calling themselves **Local Citizens Against Traffic (LCAT)**.

Mr. Bernstein explained the role of an objector to an application, for the benefit of the public. He said the objectors have come before the Board as such and have the right to question witnesses before the public and present testimony and witnesses on behalf of their parties, and have the right to have their witnesses cross-examined, produce reports and the like, in a status different from an individual member of the public. That does not prevent the public from producing items to the Board, but it is in a slightly different status, and they take on the ability to object to testimony and/or to take on other avenues that the individual members of the public would not necessarily do.

Mr. Bernstein said prior to the close of the last hearing, we were at the point where Mr. Ford, the Civil Engineer was being cross-examined by members of the public.

Mr. O’Grodnick agreed.

Mr. Bernstein advised the Board that Mr. O’Grodnick sent a legal opinion via email, which he received at 4:56pm and had not had a chance to review. He noted that submissions are to be made no less than seven to ten days in advance to allow the Board’s professionals time to review. The subject of the opinion by Mr. O’Grodnick is on the subdivision, copies of which were handed out. Mr. Bernstein said irrespective of Mr. O’Grodnick’s opinion, he had not yet formed an opinion and would like an opportunity to review council’s comments and possibly others as well before advising the Board on where we are on the subdivision issue. He advised either Mr. Ford can be brought up for cross-examination from the May 12 hearing, or the hearing tonight could continue until such time as I and the Board and the objectors have had an opportunity to review Mr. O’Grodnick’s opinion letter, address it accordingly, and go from there.

Mr. O’Grodnick responded by saying he had sent several emails on the matter of the subdivision, which he did not think was an issue, and not previously identified as such in the review memos. He said these two properties are under contract.

Mr. Bernstein said the fact that you are addressing it now makes it an issue. He said that before we get to the underlying application, we have the issue of the subdivision. The issue is whether or not the applicant who apparently has the approval of the current property owners qualifies for the subdivision, and if so, if it qualifies. What the Board wants to hear before the Board makes a decision whether to grant it or deny it. Before we get to the issue of going forward with any further testimony beyond Mr. Ford’s.

After some discussion between Mr. Bernstein and Mr. O’Grodnick on the two separate requests being asked of the Board under the same application, Mr. O’Grodnick agreed the subdivision should be acted on prior to the site plan. He said however, the subdivision is fully conforming and does not require variances and that there is no jurisdictional requirement that we cannot move forward with the subdivision at the same time as the site plan, which is specifically contemplated in the Hillsborough Township Ordinance.

Mr. Bernstein reiterated his advice to the Board.

**Michael K. Ford, PE, PP of Van Cleef Engineering Associates, LLC,** was resworn.

Mr. Bernstein informed the Board that questions from the objectors would be taken before the public.

Chairman Suraci called for the first objector.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

**Michael Pisauro, Esq., Policy Director for The Watershed Institute** said he had filed his notice as an **objector** last week, but was not included on the email or letter that came out this afternoon. He acknowledged Mr. Bernstein had given him his hard copy tonight.

Mr. Pisauro said he had a lot of questions on the stormwater management plan. He asked if the plan as designed requires any variances or waivers.

Mr. Ford said no.

Mr. Pisauro asked if there would be any impacts to downstream properties.

Mr. Ford said that is correct.

Mr. Pisauro asked if Mr. Ford had taken a look at the hydrologic and hydraulic analysis to show that there is no increase as compared to the preconstruction conditions and the peak runoff rates or an increase in volume so as to cause impacts downstream or on-site.

Mr. Ford said we comply with that quantity reduction requirements of the State Code referenced, not the volume reduction requirements.

Mr. Pisauro said for quantity, you are talking about a peak rate reduction.

Mr. Ford agreed.

Mr. Pisauro said as you increase impervious cover you are going to increase the volume that comes off the site.

Mr. Ford agreed.

Mr. Pisauro asked if any analysis was done to show what that increased volume will do downstream.

Mr. Ford said no, that is not required by the Code.

Mr. Pisauro said as a professional engineer, you have an ethical duty not to impose detrimental impacts to the community in your designs.

Mr. Ford said and to comply with the regulations.

Mr. Pisauro asked Mr. Ford if he was familiar with the Cornell Study from November that assessed that the realistic 2, 10, and 100 year storms were about one inch higher than what the regulations are calling them at.

Mr. Ford said subsequent to the last hearing there was some indication that the State was about to enact an emergency order regarding stormwater management, but that did not move forward. One of the aspects of that was a reference to the rainfall data. He said I have looked at that and our office is already preparing to implement that rainfall data on projects and fully expect that regulations will change to require that.

Mr. Pisauro said the study he was referring to was the one which was the basis of those emergency rules. He said your designs here do not include increased rainfall data.

Mr. Ford said no, they follow the current standard.

Mr. Pisauro said your design does not take into consideration the new numbers.

Mr. Ford said the new numbers are not new numbers yet. He said if the new numbers were implemented, it would be new numbers for both the predeveloped condition analysis as well as the post developed condition analysis. Therefore, the allowable release rates would be based on the pre-developed condition, so that would go up as well.

Mr. Pisauro said all of the piping in the system is based on a 25-year storm.

Mr. Ford said yes, it is based upon the standard for the collection system.

Mr. Pisauro asked if the 25-year storm is being under-represented, what happens to the additional volume.

Mr. Ford said it is the flow rate, the cubic rate per second (cfs), not the volume. It would surcharge a system and flow along the gutters and curbs.

Mr. Pisauro said it would not go through the pipes.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

Mr. Ford said it depends on how much bigger it gets. We often get rainfalls greater than the 25-year storm you are designing for and there is not a surcharge of pipe flow.

Mr. Pisauro referenced specific drainage areas.

Mr. Ford said that information would be in the drainage report.

Mr. Pisauro said he had a number of questions related to drainage area calculations and the size of those basins from the April 04 Stormwater Report. He asked if the proposed drainage area map on sheet 5 of 5 shows Area I as 20.66 acres and how much of that is regulated motor vehicle surface.

Mr. Ford said the total impervious coverage in that area is 15.5 acres which includes the building. That runoff goes to the rain garden and basin in the back.

Mr. Pisauro said the Stormwater Regulations require that a rain garden be no more than 2 1/2 acres per drainage area.

Mr. Ford said that is with regards to water quality. Water quantity does not have a maximum. The basin at the back is for water quantity. Quality measures are treated with individual small areas. In this case we have utilized proposed porous pavement or filterra mechanical treatment devices; it depends on the area. There are two porous pavement areas for Warehouse I; one in the front and one in the back.

Mr. Pisauro asked the contributory drainage area for each of those porous pavement areas.

Mr. Ford referenced the Pervious Drainage Area Map and stated PP7 is .91 areas, PP1 is 1.58 acres, and PP3 is 3.88 acres. The porous pavement area has to be a certain percentage of the motor vehicle surface that runs to it. It has been designed for the three-to-one ratio. He said I do not know if the exact number is in the report, but visually it is.

Mr. Pisauro asked if Mr. Ford had any maps or documents to show where the soil pits or soil bores are.

Mr. Ford said we have a soil report or soil exhibit that was shown at the back of this map, and submitted a supplemental report. We have also been requested by the Township Engineer in his memorandum to provide additional supplemental geotech work, which we agreed to at the last hearing. Any and all testing that is required or believed to be in dispute or where supplemental testing has been asked to confirm, we have already agreed to do that.

Mr. Pisauro asked if that will be done before the next hearing or before an approval.

Mr. Ford said normally we address all comments by the Board Engineer as a condition of approval. If we can't, then we do not satisfy the approval.

Mr. Pisauro asked the infiltration rate for the PP7.

Mr. Ford said that would be addressed by their geotechnical department. He said we have been asked to do supplemental testing and have agreed to do so.

Mr. Pisauro asked the depth of the seasonal high water table.

Mr. Ford said that is also in the geotechnical report. He said I am not a geotechnical expert but can provide any and all data that is necessary.

Mr. Pisauro said that information is important because you cannot have a basin that intercepts the seasonal high water table, or if you are doing infiltration, it has to have a two foot separation.

Mr. Ford said it depends on the BMP you are proposing, but that is correct. Should the porous pavement for water quality be in dispute, an alternative to that is infiltrra or other GI mechanical treatment device.

Mr. Pisauro referenced Drainage Area 2D. He asked if all of the 2.48 acres is going for water quality.

Mr. Ford said yes. He noted the 2.5 acres does not include the basin itself.

Mr. Pisauro asked if the drainage area calculations include the basin.

Mr. Ford said the 2.88 acres we just described includes the basin.

Mr. Pisauro asked if you subtract out the basin, what is the area. Where are those calculations?

Mr. Ford said it would be less than the 2.5 acres. The data is there.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

Mr. Pisauro asked for similar details for Drainage Area 2C.

Mr. Ford said that is the easterly driveway and will not be receiving water quality; it will be going to the road.

Mr. Pisauro said the overall project is a major development and all the pervious surface needs water quality treatment.

Mr. Ford said that is correct.

Mr. Pisauro referenced Drainage Area 2A in the raingarden as being over 12 acres. That includes the footprint of the infiltration basin and over 7.61 acres of impervious draining into that system for water quality treatment.

Mr. Ford said Basin 2A is for quantity control. The motor vehicle surfaces in that area are with the porous pavement and can be addressed with mechanical treatment devices or by other systems approved by the NJDEP.

Mr. Pisauro said that would be determined by the additional soil testing and infiltration first, which has not been done yet.

Mr. Ford said they agreed to do the testing.

Mr. Pisauro said to the extent that basins were tested, we would know where the seasonal high water table mark is.

Mr. Ford said correct. We have agreed to comply in each and every regard with those comments the Board Engineer included in his report.

Mr. Pisauro asked, as of today, do you know if there were any test pits in that basin.

Mr. Ford said we have a soil log exhibit the last page in the drainage report so there was soil testing done there. The seasonal high water table is two feet below the bottom of the basin.

Mr. Pisauro asked what that statement is based on.

Mr. Ford said Soil Log 4 on the exhibit referenced has a seasonal high water table at 67.23 acres and 2-3 of which is more than two feet above.

Mr. Pisauro questioned the number of test pits.

Mr. Ford said there may have been more test pits done and not recorded and provided as data because they were not referenced for design. He said I do not know what the number of exploratory tests would be.

Mr. Pisauro and Mr. Ford discussed the soil log exhibit further.

Mr. Ford said the exhibit plan is not the full logging of each and every horizon. The required details would be in the soil report or the geotechnical report we have already provided.

Mr. Pisauro asked the area of the two roadways leading to the warehouses.

Mr. Maski asked for the specific plan being referenced.

Mr. Ford said these are the plans in the rear of the Drainage Report, Appendix I, which references the drainage area maps and soil exhibit, last revised April 04, 2022, prepared by Van Cleef Engineering.

Mr. Pisauro restated his question.

Mr. Ford said that area is included in Area 2B. He said it also includes the basin.

Mr. Pisauro asked for clarification on what appeared to be a raingarden.

Mr. Ford said 2A is an infiltration basin; 2B is a bioretention system with an underdrain.

Mr. Pisauro asked why it was designed with an underdrain.

Mr. Ford said we are dealing with it as water quality and not counting on it for infiltration. However, that does not mean it does not permit infiltration. On a smaller scale it is referred to as a raingarden but on a larger scale I would refer to it as a bioretention system.

Mr. Pisauro asked if any part of the basin, berm or structure is in the Township's Stream Corridor.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

Mr. Ford said the discharge pipe in the basin extends into the stream corridor in order to extend down to the stream.

Mr. Pisauro looked at the plan and determined he was looking at the easterly basin.

Mr. Ford said we can refer to it as Basin 1; the other two are Basins 2A and 2B.

Mr. Pisauro asked if any part of that basin enters into the Township's stream corridor.

Mr. Ford said no; that's the intent.

Mr. Pisauro said if it were to encroach, you would move it out.

Mr. Ford said that is correct.

Mr. Pisauro asked if Mr. Ford was using a weighted average curve number as part of his calculations for any of the drainage areas.

Mr. Ford said no; for the CN, we are separating out the impervious coverage and the open space, so the hydrographs are run separately.

Mr. Pisauro asked if different kinds of impervious surfaces are being combined.

Mr. Ford said we are not considering the porous pavement with a smaller CN number.

Mr. Pisauro had no more questions.

**Scott Gross** of White Meadow Road, **Member/ Representative for Local Citizens Against Traffic (LCAT), Objector**, said most of the focus of LCAT is with the traffic. Mr. Gross read a brief statement and asked Mr. Ford what guarantees will be provided that the downstream residents of the facility will not have exacerbated flooding.

Mr. Ford said the standards require peak flow reductions for the 2, 10, and 100-year storms, which we've complied with. There is not a requirement to study the stream downstream or at any point downstream. It is controlled on-site by a pretty good margin. The peak flow permitted for the 2-year storm is 13cfs; our analysis shows it is at 5cfs, which is less than half of what the allowable would be. For the 10-year storm, the allowable is 44cfs; we are at 17cfs, so it is substantially below what is permitted to be discharged. For the 100-year storm the allowable is 100cfs; we are at 80cfs. Those standards are set for us by the regulatory agency, the NJDEP, to reduce the peak flow from the site in the existing condition. It is the purview of the NJDEP to set the standards so that they are working towards addressing drainage overall regionally. Mr. Ford said I am well aware of drainage issues with older developments but the standards keep becoming more and more stringent.

Mr. Gross addressed the Board by saying our area has seen unprecedented flooding, especially after Ida. This project provides the potential for further imbalance in stormwater; that area cannot handle it. He said you are putting an undue risk on the public, and local and downstream residents by approving this project.

**Richard Garmin – Winding Way**

- Mr. Garmin asked for clarification as to why the parcels are shown as vacant land when one has a residence and four businesses.

Mr. Ford said the plans show the existing conditions. One of the lots is agricultural, so it is normally referred to as vacant. We have acknowledged the other lot has an existing residence and commercial operation, and both lots are represented that way on the plans.

- Mr. Garmin asked for details on the parking design.

Mr. Ford said the report we received from the Township referencing the plans. The westerly warehouse on Lot 32 has 96 parking spaces, and 188 spaces on Lot 33.

- Mr. Garmin asked about the drive-in bays.

Mr. Ford said that question would be for the architect.

- Mr. Garmin said the loading of trucks is permitted, but only in an enclosed bay. Therefore the enclosed bays are the only ones that should be used. He commented further.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

Mr. O'Grodnick said that was speculative.

- Mr. Garmin asked the difference between a bioretention basin and a regular retention basin, and a filterra.

Mr. Ford said the regular detention basin you may be referring to as a manicured lawn and a concrete low flow channel down the middle of it. The changes in the regulations have basically made those obsolete. All of the higher level regulatory requirements call for different types of basins. Bioretention is a basin that has a planting bottom, with different types of landscape materials, so it is not a basin that is mowed every day. The landscaping is there to promote the absorption of the water and enhance the water quality. The infiltrerra refers to a specific type of device by a supplier. There are devices that get places in advance of catch basins where the water flows into the catch basins that capture the lower water quality storm to help treat the water surface coming off of what we call the motor vehicle surface. It is a water quality measure.

- Mr. Garmin asked if the runoff in the infiltration system will eventually bleed through into the ground.

Mr. Ford said all of these could allow stormwater to run through them and into the ground, except that the devised described in front of a catch basin are self-contained.

- Mr. Garmin asked the possible impacts to well water in that area.

Mr. Ford said one of the aspects of stormwater management is water quality treatment. These devices are intended to provide that treatment where 10-15 years ago, the regular detention basins did not consider that.

- Mr. Garmin asked about the outflow pipes that will extend into the stream.

Mr. Ford said the question was in reference to the Hillsborough Township Stream Corridor. The Somerset-Union Soil Conservation District is one of the regulatory agencies we need to seek approval from. They deal with the stability of the discharge points. Those basins have a discharge pipe that leads to a stream where there is a device to manage and prevent erosion.

- Mr. Garmin asked in the event of an Ida, those pipes will be covered and there will be no outflow.

Mr. Ford said hydraulically, not necessarily.

- Mr. Garmin asked how long those basins are going to hold it if you have an extended three or four day rain. Are they going to overflow?

Mr. Ford said part of the analysis is the hydraulic analysis and the adequacy of that discharge pipe. We provided that in the stormwater management report.

- Mr. Garmin said my concern is if we get a week of rain, the water will go over the sides, down the hill, and exasperate flooding.

Mr. Ford said our analysis takes into consideration the rainfall data that is dictated to us by the NJDEP for the 100-year storm, which is the most severe storm we are designing for now. That includes the hydraulic capacity of the basin and how it functions during that rainstorm. Every basin has an emergency spillway so if there was a clog in the structure, the discharge from the basin is in a controlled manner.

- Mr. Garmin asked how the pervious asphalt underneath the parking be maintained.

Mr. Ford said part of the compliance with the regulations is that we provide an operation and maintenance manual. That was not a requirement 10-15 years ago. That manual includes how the owner is to maintain all of these stormwater management facilities. The Township now requires that all operations and maintenance manuals to be recorded with the deed for the property, so if this owner were to sell the property, a title search with the County Clerk's office would also include a discovery of the operations and maintenance manual. There are safeguards in place to ensure the owner knows what his responsibilities are. The Township also has an ordinance that requires annual inspections of these basins to be provided to the Engineering Department. There are safeguards in place to ensure that maintenance that were not in place twenty years ago.

- Mr. Garmin asked if these basins have a lifespan.

Mr. Ford said NJDEP does not dictate a lifespan but part of that operation and maintenance manual is to address all of the elements of the basin so that it continues to operate.

- Mr. Garmin referenced the Line of Sight Plan added. He said what the drawing lines up is not reality. Mr. Garmin



**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

said I can see the lights on at that house from my house, and it is substantially further away than the warehouse is proposed.

Mr. Ford said we did not request relief for the mounting height of the poles for the lights; they were kept at 15 feet with that issue in mind. We also provided landscaping including the landscaping along the easterly portion of the property towards your house, which includes pulling existing disturbance close to that tree line further back. To the extent we can provide additional landscaping in working with the Board's Engineer in that area to provide a landscape buffer in accordance with the ordinance, we agree to comply with that.

- Mr. Garmin asked if the revenue numbers had been adjusted to reflect the elimination of the third building proposed.

Mr. Ford said he did not do the fiscal impact.

**Bill Martin – 237 Hillsborough Road**

- Mr. Martin asked about the driveways being widened for emergency vehicles.

Mr. Ford said we are proposing 30 feet on either side of the building, as opposed to 24 feet, and requesting a design waiver.

- Mr. Martin asked if an 18-wheeler were to make a turn into that driveway, would it be able to make it without the driveways being widened.

Mr. Ford said we have shown turning templates. He said with regards to truck maneuverability and circulation, I would defer to our traffic engineer.

- Mr. Martin asked if the driveways encircle the warehouses.

Mr. Ford said there is a driveway around the entire warehouse on the easterly lot and around every portion of the westerly building except for the north end. There is an emergency access lane around the north end. The traffic engineer can talk more about the circulation.

**Brian Tarantino - 235 Fairfield Lane**

- Mr. Tarantino said the line of sight plan provided required 40-foot trees in order to block the line of sight. He asked if those are deciduous trees or Evergreens.

Mr. Ford said we are proposing a mixture of plantings and there is a mixture of trees in the existing woods too. The landscaping would not include 40-foot at planting, but eventually they would be that size.

- Mr. Tarantino said right away though, the neighbors there would be directly in the line of sight of this warehouse building, especially in the winter.

Mr. Ford said it is quite a distance to the building. Our goal is to comply with the Township ordinance with regards to that required landscape buffer. The required buffer is 100 feet to the residential properties where we are more like 200 feet from any disturbance and even further from the building. Within that area we are providing for the landscaping in accordance with the Township's standard and to the extent that there are additional plantings being requested, of which we may find better placement along the residential properties, we would do that in compliance with whatever your Board Engineer requests.

- Mr. Tarantino said, so you would be in agreement to moving the placement for some of the trees closer to the residences to block the line of sight.

Mr. Ford agreed. He said we are not just looking to comply with the landscape requirement but address those areas where there is a particular concern.

- Mr. Tarantino said the purpose of the line of sight plan was to address the concerns raised by the residents at the May 12 meeting. The analysis shows that to mitigate that line of sight, you need trees that are 40 feet tall.

Mr. Ford said the landscape buffer is for the parking. You would likely still see the top of the building. With regards to the activity being the parking, circulation, truck traffic, and sight lighting at 15 feet that would be mitigated.

- Mr. Tarantino said then there is no mitigation for the residents to see this gigantic building in their back window. The plan looks as though you are mitigating the line of sight, but actually you are not.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

Mr. Ford said buffering the top of the building is not what is required to my understanding.

- Mr. Tarantino said it is obviously a concern for us as neighbors.

Mr. Ford noted the design and materials for the buildings can be addressed by the architect.

- Mr. Tarantino asked if there is a planned or prospective buyer for the facility.

Mr. Ford said that is not a site engineering question.

- Mr. Tarantino noted testimony had been provided as to the suitability of the use for that location. He again asked the kind of warehousing activity that is going to be occurring in that location.

Mr. Ford said that was not what he testified to as to the use of the building. There are other witnesses here that can address your question.

- Mr. Tarantino asked who would be able to answer his questions.

Mr. O'Grodnick said there is no tenant at this time. The proposed use would be consistent with the ordinance.

Chairman Suraci said there will be a time when we get to the point about operation hours. We have had applications where there were not tenants and we have set parameters around those in absence of a tenant. That will probably be addressed towards the end of the application.

- Mr. Tarantino said his concerns go beyond the hours, and include the type of materials that are going to be allowed to be stored there.

Chairman Suraci reiterated there will be a time to address all of those questions.

- Mr. Tarantino referenced the February, 2016 warehouse fire that burned for three days and described the damage and impacts to the community. He asked in what ways this warehouse design goes beyond the bare minimum to prevent the reoccurrence of a catastrophic event like this.

Mr. Ford said the architect will be able to answer those questions.

- Mr. Tarantino asked how these buildings that do not provide access for the public be in keeping with the intent of the TECD Zone.

Mr. Ford said his recollection of the discussion from the last hearing was that we are not proposing that because it is not practical at this location, but if the Board felt it was appropriate for us to provide that access out to Homestead Road, we would. We are deferring to the Board as to whether there is a need to provide sidewalks from the building out to Homestead Road. There are no sidewalks on Homestead Road. Mr. Ford commented further on the same.

- Mr. Tarantino asked that every part of the TECD requirement be fully complied with. The notion of the TECD is that it is supposed to be a transition from the light industrial to the residential zone.

Mr. O'Grodnick said he planned to address this in his opening, but as for the variances that were identified and requested at the last hearing; we are going to defer to the Board and present this application variance free. There is also a variance for pedestrian pathways when there is over 50 parking spaces; we will defer to the Board for those and for the waivers for signage. The one waiver we are presenting with is the 30 foot drive aisles width. We are going to present this application with no variances and only the one waiver.

- Mr. Tarantino asked when the revised plans would be provided.

Mr. O'Grodnick said that would be added as part of compliance and reviewed by Mr. Di Sessa to add the sidewalks and crosswalks.

- Mr. Tarantino asked about interconnecting access.

Mr. Ford said the access driveways to Homestead Road are minimized. There is not an appropriate situation where there would be interconnection between these two buildings. There are environmental constraints and stream corridors that would need to be crossed in order to provide the driveway between the two sites.

- Mr. Tarantino said the ordinance states interconnected entrances shall be provided, and therefore you will need a variance.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

Mr. Ford said he would defer to the Board's professionals as to whether we do or do not comply. We could provide an easement for an area that could be provided but it would add impervious cover for no good reason and would not be appropriate. He said we have provided adequate parking for each building independently.

- Mr. Tarantino asked how you know if the parking is adequate if you do not know the use.

Mr. Ford said the Township standard has a required number of parking spaces for the type of generic use. Even if there was a specific user here, there is nothing to preclude the owner from selling the property sometime down the road to another use. The ordinance is designed to address that dynamic.

- Mr. Tarantino pointed out there may not be a need now, but there could in the future, which is why you should stick with the strict requirements of the TECD. If you need a variance, then put it in as such. He said I understand this is a sensitive site rich with wildlife. Putting more pavement is exactly what the site does not need.
- Mr. Tarantino said it is appropriate for you to revise the site plan so the public can see it and comment on it now, not at some point in the future.
- Mr. Tarantino asked why there is not a comprehensive network of sidewalks, as required by the ordinance.

Mr. Ford said we feel we have shown the sidewalks where they are appropriate. There is no place for a sidewalk in the loading area at the back of each building. Sidewalks are provided in the parking area to the entrances of the buildings.

- Mr. Tarantino said you need a variance then.

Mr. O'Grodnick pointed out Mr. Ford is the Civil Engineer, not the Planner.

- Mr. Tarantino and Mr. O'Grodnick exchanged further comments on the same.

Break 9:23pm – 9:33pm

Chairman Suraci reconvened the hearing and advised the public the Board's 10:30pm end time.

**David Brook – Winding Way**

- Mr. Brook said at the May 12 meeting there was a request to present a visualization of what these buildings would look like from the different neighborhoods that exist.

**Exhibit A-3 – Site Section, date June 20, 2022**

Mr. Ford showed the Section Exhibit from the Township's website, which was entered in as Exhibit A-3.

- Mr. Brook said that is not what he expected; that does not help to visualize what we are going to see to understand the impact.
- Mr. Brook asked if the LSRP will be testifying.

Mr. O'Grodnick replied no.

- Mr. Brook asked if anyone is going to be testifying as to the environmental concerns on the Shockley property.

Committeeman DelCore asked Mr. Brook to ask questions of Mr. Ford on his testimony.

- Mr. Brook said there were areas of concern discussed.

Mr. O'Grodnick said those documents have been uploaded as well.

- Mr. Brook asked if no one is going to testify, how are we going to get the information.

Chairman Suraci asked Mr. Ford if he had provided those documents.

Mr. Ford said the documents referenced were requested by one of the Board members as a result of the Environmental Commission meeting where this particular topic was discussed. Those documents have been provided and available on CivicClerk as well. We provided those documents 10-days in advance of this hearing, and have not received any requests for additional information.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

Chairman Suraci said since Mr. Julian made that request, the applicant should be prepared next time to speak to those documents.

- Mr. Brook said as you go back in time, the Health Department probably received hundreds of complaints with regards to odors, dumping, and oil spills on the larger Pinter property.

Mr. O'Grodnick objected to the form.

- Mr. Brook asked Mr. Ford if an environmental study has been done for the Pinter property.

Mr. Ford said that was not his area of expertise so he did not know the answer.

- Mr. Brook asked if there will be anyone to provide information as it relates to the Pinter property.

Mr. O'Grodnick said if the Board requests testimony from our environmental professionals then we will provide it. The reports have been provided and available on CivicClerk.

Mayor Lipani pointed out there is a Phase I and Phase II report posted in CivicClerk.

**Carmel Meyer** - 266 Fairfield Lane

- Ms. Meyer referenced the TECD ordinance, and said this use is permitted, but within a completely enclosed building. She asked how the building design accommodates that.

Mr. Ford said that was raised by another speaker as well. The architect can address that.

**Jo O'Connell** – 20 White Meadow Road

- Ms. O'Connell said her house is the original farmhouse in that area and is over 200 years old and the topography of the land seems to amplify the sounds. She said this seems to be the type of operation that could run 24-7. She asked if there was any way to mitigate the noise, pollution, and anything coming down to the neighborhoods.

Mr. Ford said anybody that occupies the facility would be required to adhere to.

- Ms. O'Connell noted comments made at the Environmental Commission. She said this particular area is particularly vulnerable to flooding.

Mr. Ford again said we are bound by the regulations, have complied with and far exceeded them to the extent referenced. Stormwater from this site would flow into the streams between this site and that site in order for any water to get from this property to you. It would have to cross White Meadow Road which does not seem conceivable.

- Ms. O'Connell shared her experiences with flooding.

Mr. Ford reiterated they design according to the regulations and have far the requirements.

- Ms. O'Connell referred to another warehouse where time restrictions had been placed. She said the trucks lined up early in the morning and blocked the side streets. She asked what would be done here to prevent that sort of thing from happening.

Mr. Ford deferred to the Traffic Engineer.

**John Lanahan** - 43 Winding Way

- Mr. Lanahan asked how the houses were selected as the reference points for the visual exhibit.

Mr. Ford said the one view is from White Meadow and the other is from Winding Way. We selected the closest residence.

- Mr. Lanahan asked why a visual simulation was not created for all of the surrounding houses.

Mr. Ford said I do not recall there being a request for every house.

- Mr. Lanahan agreed there was no identified property. He said there are a lot of trees for the house selected. The one above it shows the gap. He said we can see the light and hear the sounds all year round. It is disappointing not to be able to see a visual that takes into account the rest of the neighborhood. Mr. Lanahan asked the Board to consider a revised simulation to show the impact on the rest of the surrounding neighborhood.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

**Brian Tarantino - 235 Fairfield Lane**

- Mr. Tarantino questioned the lack of on-site pedestrian circulation throughout the site.

Mr. Ford said he would defer to the Planner.

- Mr. Tarantino asked for information on berms and plantings.

Mr. Ford said he was not aware of any noncompliance but would defer to the Landscape Architect to address the landscaping. After further questioning, Mr. Ford said we have agreed to comply with all landscape buffering. The buffering along the residential area is 100 foot width and we far exceeded that. We have provided planting and not disturbing the existing plantings.

- Mr. Tarantino again raised the issue of a 4-foot berm.

Mr. Ford said he did not recall there being no other option, but that the issue will be raised with the Landscape Architect.

- Mr. Tarantino said he did not see a 4-foot earthen berm on the plan where there is parking and loading, between that and the residential areas.
- Mr. Tarantino asked how the size and scale of these buildings is in keeping with the district.

Mr. Ford said he would defer to the Planner.

**Susan Gulliford – Hunt Club Road**

- Ms. Gulliford said there was a statement made earlier that there were more test pits done, but not recorded. She asked why that is.

Mr. Ford said when you are doing test pits, you would not record it if you are not using the data or reporting it.

- Ms. Gulliford said at the March 28 Environmental Commission meeting, the applicant's LSRP, Mr. Robinson, mentioned that he had 25 areas of concern, mostly where the trucks park by the large pole barns. There is a large area that has eroded behind the barn closest to the road. She asked if the stormwater management will take care of that area of erosion and stop it from going into the stream.

Mr. Ford said the short answer is yes; we are not proposing any discharges there. There would be a curved driveway there to capture the runoff and send it to the rear where the basin is proposed. There are disturbances closer to the stream there today from the current activity that would be removed and the area revegetated would include that area of erosion.

- Ms. Gulliford asked about contamination from the areas of concern going into the stream.

Mr. Ford said the contamination issues and how the existing environmental concerns on that property are being addressed would be a question for the LSRP.

- Ms. Gulliford asked if the LSRP will be testifying.

Mr. O'Grodnick said the environmental conditions will be cleaned up before this project is constructed. This will be an improvement over the existing environmental conditions for the areas of concern identified in both the Phase I and Phase II reports.

- Ms. Gulliford said the LSRP could not present his report the evening of the Environmental Commission meeting because it had not been submitted to the Township yet. She asked now that it has been submitted, will the LSRP be testifying in front of the Environmental Commission again? The Commission is an extraordinary group that would understand the report much more than the rest of us would. In fact one of the members of that commission is an LSRP.

Mr. Ford said we submitted the reports because the Environmental Commission requested it. It would be a Township decision as to whether or not we need to go back.

- Ms. Gulliford said I hope they do decide that.

**Licia Baylis – Huff Avenue**

- Ms. Baylis asked about storing water in very large underground pipes.

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

Mr. Ford said you are probably referring to an underground basin. We have three above-ground basins in this case. The underground provides volume just like the above-ground basin, so in this case we are providing the volume; it's just not hidden under a paved surface.

- Ms. Baylis asked if that was acceptable to the Environmental Commission, they did not request the underground?

Mr. Ford said not that I recall.

**David Brook – Winding Way**

- Mr. Brook questioned Mr. O'Grodnick's statement that the site will be cleaned up before the building is constructed.

Mr. O'Grodnick said he is not the witness and did not have to answer the question.

- Mr. Brook posed the question to Mr. Ford.

Mr. Ford said he did not know the timing of the cleanup, but knows the applicant has engaged an LSRP to look at the existing environmental concerns.

- Mr. Brook said groundwater contamination can take years to clean up. He asked Mr. Ford if he was aware if there is groundwater contamination at this site.

Mr. O'Grodnick said Mr. Ford would have to defer to the LSRP and the reports prepared.

Mayor Lipani asked Mr. O'Grodnick to have the LSRP at the next hearing to answer questions.

Mr. O'Grodnick agreed.

- Mr. Brook expressed his concern with how Mr. O'Grodnick responded and pointed out that he is not the witness.

**Bob Hollingshead - 31 Winding Way**

- Mr. Hollingshead asked if the site of the larger warehouse is 100 feet above some of the residences.

Mr. Ford referenced Exhibit A-3 and said the house is at elevation 80 and the proposed building is at 100 so that is a 20 foot difference.

- Mr. Hollingshead asked if the 15 foot lighting would then be 35 feet above some residences.

Mr. Ford said the exhibit shows the light with the line of sight from that residence that is 550 feet away from the building. You would have to look to see the top of the light and the vegetation it goes through.

- Mr. Hollingshead asked how they are going to handle plantings along the 175 foot wide pipeline easement, which is against all of our backyards. We can currently see this site and beyond.

Mr. Ford referenced the gap on the exhibit as that easement. He said there is a substantial amount of landscaping beyond both sides of the Texas Eastern Pipeline.

- Mr. Hollingshead said when those residents that live along the pipeline look towards the site from their backyards; they look through the site and beyond. There is nothing in between and nothing can be planted.

Mr. Ford said that is correct; the pipeline easement would preclude plantings.

Chairman Suraci called for final questions for this witness.

**Michael Pisauro, Esq., Policy Director for The Watershed Institute** (representing the Objector), said they had been discussing the soil test pits for the stormwater management system. He said that data has not been provided but I understand it will be provided. He asked for a commitment that Mr. Ford be available at the next meeting to answer any questions we may have after the soil logs have been reviewed.

Chairman Suraci said that is a reasonable request.

Mr. O'Grodnick agreed. He said likewise, if there are any professional reports submitted by the objector, that they submit at least 10 days prior to the hearing, consistent with other objectors. We reserve our right to reintroduce Mr. Ford or any

**PLANNING BOARD MEETING MINUTES**  
**July 07, 2022**

other witnesses that would be able to adequately address comments made by the objectors.

Mr. Pisauro said they will comply in reference to providing a report from Dr. Emerson. The hesitation being if the applicant submits a report or revision 10 days ahead of time, we would not have sufficient time to submit under that timeframe but would submit in advance of the meeting.

Mr. Bernstein said the general rule is 10-days before. If there becomes an issue, we will discuss it. The same applies for Mr. Gross.

Mayor Lipani noted for the public that even though Mr. Ford's testimony has closed, there will still be an opportunity to ask questions or make comments at the very end of this application's hearings.

Close public.

Mr. Bernstein stated, subject to possible reopening as per the discussions on the record.

Chairman Suraci said there will be no new witnesses for tonight since we are past 10pm.

Mr. Maski advised on the next available meeting dates.

After discussion, Mr. O'Grodnick agreed to October 06. He said they have witnesses coming in from out of town. Mr. Ford will not be available so we will try to get through our traffic engineer and planner testimony that night.

Mr. Bernstein asked that the Board authorize an executive session at either the September 01 or September 08 meeting so that I can go over with the Board my thoughts on the subdivision and other issues prior to the next hearing; attorney-client privilege.

A motion to authorize an executive session for September 01 and September 08 was made by Committeeman DelCore, seconded by Mayor Lipani.

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

Mr. Bernstein advised for a motion to October 06, 2022 without further notice and asked Mr. O'Grodnick for an extension through October 31, 2022.

Mr. O'Grodnick agreed.

A motion to continue the Homestead Road LLC, File 21-PB-25-MS/MSPV application hearing to October 06, 2022, with an extension of time through October 31, 2022, without further notice, was made by Mayor Lipani, seconded by Mr. Peason. No comments.

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

Chairman Suraci noted the next meeting is July 14.

**ADJOURNMENT**

A motion to adjourn was made and seconded. All were in favor; motion carries.

The meeting adjourned at 10:21 p.m.

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