

HILLSBOROUGH TOWNSHIP PLANNING BOARD

APPROVED PUBLIC MEETING MINUTES

July 28, 2022

Chairman Carl Suraci called the Planning Board Public Meeting of July 28, 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 7:37pm
Robert Peason – Present
Carl Suraci, Chairman – Present
Neil Julian, Vice Chairman – Present

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

Board / Township Professionals: David K. Maski, PP, AICP, Township Planning Director; Brian Hak, Esq., Covering Board Attorney (Eric M. Bernstein & Associates); Todd Hay, PE, CME, Covering Board Engineer (Pennoni Associates); Michael Lombardozzi, CSR, Board Court Reporter; and Caz Bielen, Township Videographer (Premier Media).

Chairman Suraci welcomed Mr. Hay for covering as the Board Engineer.

CONSIDERATION OF MEETING MINUTES

None

CONSIDERATION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

None

CONSIDERATION OF ORDINANCES

None

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

Chairman Suraci opened the floor to the public and reminded all there is a five minute time limit per visit to the mic.

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

- Ms. Janucik asked if there is a settlement agreement for the JSM application.

Mr. Maski said no, not to my knowledge.

- Ms. Janucik asked why there is no settlement if an affordable housing application.

Mayor Lipani said the paperwork is still in the process and not signed and approved by all parties. Until that is done, it is not officially on the record.

Mr. Maski said for a project to have affordable housing in it, it does not have to have a settlement agreement. The project itself has not gone through the full compliance.

- Ms. Janucik said there was a zone change done specifically for this property.

Mr. Maski said that is correct.

- Ms. Janucik asked if there was a deed of consolidation of the lots yet.

Mr. Maski said the application is still going through compliance.

- Ms. Janucik asked whose responsibility it is to see that everything needed to be is done.

PLANNING BOARD MEETING MINUTES
July 28, 2022

Mr. Maski said there are various departments and Township and Board professionals that would need to sign off.

- Ms. Janucik asked whose responsibility it is to file the consolidation.

Mr. Maski said it is the applicant's responsibility to file it.

- Ms. Janucik asked similar questions about compliance matters for the JSM application.
- Ms. Janucik asked if the zone change filing has been done with the County.

Mr. Maski said quite some time ago.

Chairman Suraci noted for the record that Committeeman DelCore arrived at 7:37pm.

David Brook – 7 Winding Way

- Mr. Brook said at the July 07 Planning Board meeting there was a discussion on the subdivision being that the property currently has more than one owner. He noted Mr. O'Grodnick had offered a written legal decision. Mr. Brook questioned why the Board would go into an executive session and said that matter should be discussed in the open.

Chairman Suraci said there are many reasons why you can go into an executive session.

- Mr. Brook asked that that discussion be held in public because he did not see the justification for holding it privately.

Mr. Ciccarelli said Mr. Bernstein reserved the right to go into executive session for matters not named.

Committeeman DelCore said we cannot discuss a hypothetical. If an executive session is called and you would like to contest it, you can do so at that meeting.

- Mr. Brook said the matter of discussion was said to be about the subdivision being under two different ownerships. He said the difficulty will be objecting to the Board going into executive session at the September meeting.

Mr. Hak said although I was not present and do not know the circumstances, Mr. Bernstein knows the law, so if there is a basis for going into executive session at some point on the matter, a reason will be articulated under the law.

Michelle Conklin – 3 Aldrin Court

- Ms. Conklin said she lives near Hamilton Road and Flanders Drive, and wanted to speak out about this development.

Chairman Suraci advised this is not the time for comment on the application scheduled to the agenda. There will be time during the application hearing for public questions and comment.

Mr. Maski advised the public that this portion is for matters not on the agenda. The hearing for the application scheduled will begin shortly at which time the applicant's witnesses will provide testimony. The public will have an opportunity to ask questions of that witness on their testimony. Once the applicant ends their case, the Chairman will again open it up to the public for any public comment or questions to put on the record. We may not finish tonight. You will be told at the end of the meeting when the next meeting will be for this application.

Chairman Suraci said we do not start testimony from new witnesses after 10pm, and will end sharp at 10:30pm.

Meryl Bisberg - 4 Hickory Hill Road

Ms. Bisberg said she listened to the July 07 meeting and heard Mr. Bernstein say the executive session would be about the subdivision under attorney-client privilege, and asked the Board to vote on two dates, September 01 and 08, and that is exactly what the Board did.

Ms. Bisberg questioned there being an executive session and said the neighbors should not be shut out of the discussion.

Chairman Suraci said no one will be shut out; if there is a vote it will be done in public. The Board voted on the possibility of having an executive session. If there is one, a resolution will be read. We will not be straying from the Open Public Meeting Act.

PLANNING BOARD MEETING MINUTES
July 28, 2022

Ms. Bisberg said the State Planning Commission has come out with documentation on warehouse site guidance that has a deadline for public comment on the 29th. She asked if the Planning Board is aware of this documentation, and if so, has anyone provided comments to the State.

Mr. Maski said he had read it; it is basic planning principles that you can use when you amend your master plan or zoning ordinance. They lay out various categories of warehouses and what they entail; it is sound guidance.

Ms. Bisberg asked if we are dedicated to following this guidance.

Chairman Suraci pointed out it is guidance, not a law. He said if Trenton were serious about it, they would enact some legislation rather than just given the appearance of concern, providing guidance.

APPLICATIONS - PUBLIC HEARING

- **M&M Realty Partners at Hillsborough, LLC (West Tract) - File 21-PB-16-MSV** – (TOD: 09-15-22) - Block 182, Lot 11.01 (formerly Lot 11) – 95 Hamilton Road. Applicant seeking preliminary and final major subdivision approval; 'c' bulk variances; and waivers to subdivide the approximate 209.59 acres ("Western Tract") of the former Glen-Gery Quarry, into 200 lots: 198 single-family building lots of varying sizes, and two open space lots, with associated roads, stormwater, lighting, and improvements, for Property in the R8A, Residential 8A Zone. (EC Review: 06-13-22) ***Application adjourned from July 14, 2022 with renote.***

Chairman Suraci announced the application and asked the Township's Planning Director, David Maski, PP, AICP, to speak on the affordable housing component of this application.

Mr. Wolfson asked for confirmation that the notice has been deemed acceptable.

Mr. Hak confirmed the notice reviewed was in order.

Mr. Maski stated this project is subject to a Court settlement between the Applicant, M&M Realty and the Township. Pretty much everything you see in the ordinance and to some extent as you will hear through testimony in the application, is supposed to be compliant with that Settlement Agreement. The rezoning for this project was directly tied to a Court settlement.

Testimony will be given that there are 380 units in the overall Glen Gery site, with no on-site affordable housing. Eighty-eight affordable units will be built on what we refer to as Phase II of the Sherman Property, directly associated with this application.

Douglas Wolfson, Esq. of The Weingarten Law Firm, LLC, representing the Applicant, M&M Realty, confirmed the settlement for 380 units on the Glen Gery tract. This application is not for the entire tract, only for the west tract which is for 198 lots. The application is essentially variance free, with some issues for pass-through lots. There are issues related to the east tract, which is why we are not presenting them together. We are trying to resolve those issues with NJDEP with regard to the sewer service area. Mr. Wolfson gave assurance that that delay will not result in any slowdown in the submission and construction of the 88 units that will go on the Sherman Tract. We will do those in accordance with the COAH regulations and phasing would be subject to any condition of approval this Board would grant, in accordance with Judge Miller's Court Order.

Craig Hermann, PE, of Paulus Sokolowski & Sartor (PS&S) was sworn in, provided his credentials, was accepted by the Board, and gave the following testimony in response to questions asked by Mr. Wolfson:

Exhibit A-1 – Colorized Aerial Plan, dated 06-10-22

Mr. Hermann confirmed he had been involved with the preparation of the plans. The exhibit shows the property between Falco Road to the north and Hamilton Road to the south. The tract is 209.6 acres to be subdivided into 198 lots. Three different neighborhoods are proposed. The site is the existing Glen Gery site and disturbed with man-made steep slopes along the Hillsborough Promenade with soil stockpiles. On the south end along Hamilton Road is the existing quarry operations which include the site infrastructure; the buildings, parking areas, dirt trails, open meadow spaces, wood meadow dirt, and impervious and open space areas. The site is constrained by a flood hazard area, the Delaware and Raritan Canal Commission (DRCC) and Hillsborough Township stream corridor buffers. There is approximately 79 acres of wetlands and transition areas; 80 acres of flood hazard area, and about 116 acres in combination of flood hazard area and the DRCC stream corridors. The site generally slopes from west to east towards the Roycebrook. We have the LOI from the NJDEP for the delineation of wetlands. We also have a flood hazard verification and site-wide RAO. Mr. Hermann said I am not an environmental engineer, but basically, that means it has been released from the NJDEP and there are no issues with any contamination on the site.

Mr. Wolfson said the unlimited RAO means it is safe for residences.

PLANNING BOARD MEETING MINUTES
July 28, 2022

Mr. Hermann agreed.

Mr. Hermann continued and said on the south end along Hamilton Road we have “Hamilton West” which is 68 lots; two neighborhoods to the north along Falcon Road, “Falcon East” which is 15 lots, and “Falcon West” which is a total of 115 lots. He acknowledged the lot sizes are consistent with the ordinance and settlement agreement. There are no variances needed for lot size, density, or setbacks. The subdivision includes a stormwater management plan with a stormwater collection conveyance system with focus on green infrastructure that includes the construction of eight above-ground bioretention basins and supporting water quality treatment devices.

Mr. Hermann said we did a substantial geotechnical investigation which included over 110 test pits and over 110 basin flood tests. We found there is rock present throughout the site at a depth ranging from about 1 ½ feet to 10 feet on the site. Of the eight bioretention basins throughout the entire site (north and south), seven are large scale bioretention basins which are green infrastructure best management practices (BMPs) for stormwater. The large bioretention basins are proposed for water quantity control with supporting manufactured treatment devices, Filterra units. The one small scale bioretention basin will control for water quality and water quantity requirements. These BMPs are a system where water will flow through some sort of media. The bioretention basins include a 24-inch soil media which includes a planting bed, and then six-inches of sand, and at the bottom is a six-inch perforated drain stone layer and directed to these bioretention basins. The runoff is allowed to filtrate through the ground which helps remove the total suspended solids and nutrients from the water that flows off the roadway system. The large Filterra units are essentially a concrete vault that is attached to the inlets. The water flows into the inlet and to the top of the soil media which will have plantings in it, and then seeps through that soil media and is then cleaned. At that point it then flows out into the stormwater conveyance system and then to the bioretention system. The small-scaled bioretention basin will be for both water quantity control and water quality control, as per the NJDEP regulations, and allows the water to seep through that system.

Mr. Hermann said because we were aware there would be rock on this site, it was anticipated there would be very little recharge. As part of the geotechnical evaluation, they looked at the characteristics of the soil and coordinated with the NJDEP to make a conclusion. These are the new regulations, so we are still working with the NJDEP to figure out what we need to do to meet the requirements. The conclusion was that the soils found on this site are the characteristics of a “D” soil. That means there is no groundwater recharge happening in the existing condition. Because of that, there is no deficit in groundwater recharge, so we are not providing any groundwater recharge facilities for this project.

Mr. Hermann addressed the stormwater comments in the Pennoni engineering report, dated July 12, 2022 (pages 5 and 6). He said most are statements or comments we can comply with. As stated, the recharge calculations were based on the site having a “D” soil; however, the other calculations, including water quantity calculations, we based that off of “C” and “D” soils, depending on how the site was mapped. We will work with the Board Engineer working through that, but it is our interpretation of the BMP Manual that it is a more conservative approach that we use the “B” and “C” soils, which is how we anticipate we will work that out. Paragraph eight indicated the groundwater recharge analysis provided confirms the groundwater requirements have been met.

Mayor Lipani asked covering Board Engineer, Mr. Hay if a change in the classification of the soils from a “C” to a “D” affects how large a retention / detention basin has to be.

Mr. Hay said it does change the criteria; it depends on how the hydrographs are run and how we interpret the report. Our contention is in our letter and noted in the Environmental Commission letter published today, so we are going to have to work with the applicant to make sure we understand there is an agreement. If you read the regulations, you are supposed to take a more conservative approach. Mr. Hermann has talked with me and we will look at that further to address all of the concerns.

Vice Chairman Julian, Liaison to and member of the Environmental Commission, referenced the Environmental Commission letter dated July 27, 2022 from EC Chairman Folli, and read:

Dr. Chris Obropta (EC) was not able to attend the meeting, but provided comments to Mr. Folli who read his comments at the meeting as follows: According to the USGS Soil Survey, only 14.8% of the proposed developed site is classified as Hydrologic Soil Group “D.” The remainder of the soils are classified as “C.” According to the developer consultant, the “C” soils should really be classified as “D,” therefore all the soils on the site are “D” soils and no groundwater recharge is required. Here is what this means from a downstream increase in stormwater runoff volume. According to the Hydrograph Summary Report for the 2-year design storm that is presented in Appendix B for existing conditions and Appendix C for proposed conditions of the Stormwater Report, because of developing this parcel of land, the stormwater runoff volume increases by 19,565 cubic feet or 146,346 gallons (a combined runoff volume at POI#1 and POI#2). If the developer was required to satisfy the groundwater recharge requirement, stormwater management systems would have to be put in place to recharge this amount of stormwater runoff (146,346 gallons). But because the developer is claiming the soils are wrongly classified as “C” soils when they should be “D” soils, during the 2- year storm an additional 146,346 gallons of stormwater runoff will be discharged from the site to flood downstream

PLANNING BOARD MEETING MINUTES
July 28, 2022

residents.

Vice Chairman Julian said this is a huge issue and not something we should take lightly. Dr. Obropta is one of the most renowned stormwater management professionals in the State, so I wanted to be sure that was in the record.

Mr. Hay said we want to make sure the regulations are being followed but also from a practical standpoint, we are going to make sure that we ensure the safety of the Township.

Committeeman DelCore asked the rationale for classifying the “C”s as “D”s.

Mr. Hermann said the rationale is consistent with the rock underneath, so when the water seeps through the top layer of soil, it is not going anywhere. There is no infiltration or recharge now, so we furthered that geophysical study. Based on the protocol from the NJDEP, the Geotechnical Engineer did analysis and concluded that the soils out there had the characteristic of a “D” soil. Based on that, the spreadsheet from the NJDEP calculates the deficit in pre-verses-post groundwater recharge, there is no deficit because the soils are acting as a “D”, consistent with the fact that there is rock.

Mr. Hay said when he read the report, he is not certain they really looked at the geotechnical consequences, which is why we have to really enforce what the rules say. He said I will work with Mr. Hermann but what we are going to be specific as to what the regulations state. From a practical standpoint, I understand what the issue is, but from a regulations stance, it is pretty straightforward.

Vice Chairman Julian said I want to make sure that whatever procedures were taken were not slanted one way or the other. He said geotechnically speaking, most parts throughout this area in Somerset County is hit or miss with rock verses sand. At this particular site, looking at the geotechnical report, there is a case to be made, but following the regulations is what we are going to end up having to do.

Vice Chairman Julian noted the disparity between the “C”s and the “D”s is a large body of water.

Mr. Hay agreed, saying extremely large.

Mr. Wolfson said they are very sensitive to that issue. The engineers are not only working with each other but with the NJDEP to make sure everyone is on the same page. We are going to make sure this is a compliant project with the NJDEP. The NJDEP has its own regulations and check everything the engineer says to be correct, as well as the Board Engineer.

Mr. Hermann agreed. He said there is another layer too in that the DRCC, which is an offshoot of the NJDEP, will also be reviewing it for the same stormwater attributes.

Chairman Suraci asked if there could be a design change after this meeting.

Mr. Hay stated yes. He said issues have been raised in the EC’s report, as well as some of the reviews. With respect to the RAO, I would like to understand what the soil and the groundwater issues are. When you have a RAO, you may have a slow capping issue, whether it is historic fill or if there happens to be some type of soil remediation, that would also put it to that particular classification. Mr. Hay suggested the Applicant give a full understanding of the RAO and what the implications are of both the soil and the groundwater. Not only is it inherent for the stormwater issue but also for the public, so the public knows is this site going to be capped for instance; is there an active groundwater remediation project going to be done; or a simple monitoring. We need to know these types of things to better understand that the stormwater system may be limited because of that as well.

Chairman Suraci said because of the sensitivity of stormwater runoff, until we know exactly the engineered system, the Board is not going to be in a position to make an informed decision one way or the other.

Mr. Maski asked Mr. Hay to explain what RAO stands for.

Mr. Hay said RAO stands for Remedial Action Outcome. It is what the NJDEP constitutes in past years as what is considered as a “no further action letter”. About 10 to 13 years ago, the NJDEP allowed professionals to essentially go ahead and approve sites under the Licensed Remediation Professionals Act. That allowed for professionals to be certified under the NJDEP guidance to issue what is known as remedial action outcomes, which essentially took the place of the no further action letter. It will state the areas of concerns have been addressed and remediated to the NJDEP’s satisfaction. As the covering engineer, I am not familiar with any concerns with the groundwater and soils but if both are issues that would limit what would happen with groundwater recharge. You are not going to get groundwater recharge at quarry sites, but it would also address why there are seeking the soil classification they are. Mr. Hay said I was surprised that information was not in the Environmental Impact Statement, but we may be asking for a revision of that too so that it is better clarified to the Board and Environmental Commission.

Mr. Maski noted there will be testimony later in the hearing on the remediation efforts.

PLANNING BOARD MEETING MINUTES
July 28, 2022

Vice Chairman Julian asked that the comment on page 3 of 6 in the Environmental Commission's letter be addressed: *Table 8 is incorrectly labeled in the Stormwater Report. It is not "quantity reduction" but rather "peak flow reduction."*

Mr. Hermann said peak flow reduction is the requirement that we are to meet. As far as quantity reductions where the NJDEP stormwater regulations are concerned, there are three different methods you can use to prove you meet the quantity reduction requirements of that rule; one of them is peak flow reduction, which is at the peak flow of the events. For the 2-year storm, that flow is half of what it was previously, which we have proven in our hydrographs and in the report.

Mr. Hay said we do have a comment on page six of our letter concerning making sure the rough rates and the volumes are calculated separately so we get a better understanding of what we are looking at in terms of how the hydrographs are developing. We will work with Mr. Hermann on that.

Mr. Hermann agreed. He said they do separate out hydrographs for the pervious and impervious areas and add them in together at the end. We will work with Mr. Hay to clarify what we need to in the report to make sure they are in agreement with our calculations.

Chairman Suraci asked Mr. Hay if that could lead to a redesign.

Mr. Hay said there absolutely could be numerous types of revisions. There are NJDEP approvals that are still necessary. The NJDEP retains some jurisdiction to some degree, but we will review and make any comments accordingly.

Mr. Wolfson noted anything the Board does is subject to the NJDEP approval. He said we recognize that if the NJDEP changes its view regarding the classification of the soil which requires changes in the detention basin, we realize we would have to come back.

Mayor Lipani asked who performed the soil sample testing.

Mr. Hermann said we had a consultant, AEL do the testing, as referenced in the report.

Mr. Hay confirmed AEL is one of the largest in the State.

Mr. Hermann said he had no more testimony on the stormwater.

Vice Chairman Julian said there are other issues in the Environmental Commission report that the Engineer should address, although not related to stormwater.

Mr. Wolfson said he planned to call Mr. Aulenbach to address all of the other comments in the Pennoni report that are not technical in nature.

Mr. Maski pointed out now would be the time to ask any general engineering questions. The engineering testimony is not limited to stormwater.

Chairman Suraci asked if the project has been engineered for the maximum of 40% impervious coverage.

Mr. Hermann stated it was; we meet the ordinance requirements.

Mayor Lipani asked if any room was left for the homeowners to be able to add patios, etc., or did you max out at 40%.

Mr. Hermann said we left room for the homeowners to construct driveways and such.

Committeeman DelCore asked if that is already built into the stormwater plan.

Mr. Hermann said yes.

Mayor Lipani restated the question and asked if you take the driveways and walkways is the engineering maxed at 40%, or is it allowing a resident to add a patio on the back.

Mr. Hermann stated that the stormwater calculations were prepared based on the 40% coverage.

Mayor Lipani said you are not necessarily building at 40% but the stormwater management is based on 40%.

Mr. Hermann said that is correct.

PLANNING BOARD MEETING MINUTES
July 28, 2022

Vice Chairman Julian referenced the Environmental Commission report (page 4 of 6) and read:

There have been approx. 250,000 tons of materials brought on-site for the mine reclamation between 1997-2008. It is the EC's understanding that materials imported to the Site include wastewater treatment residuals, excess construction soils, thermally treated soils, pipeline cuttings, and dredge material. The EC requests the limits and quality of this material brought on site be provided as this needs to be understood before residential properties are developed on this site. The EC asked if a Phase 1 or Preliminary Assessment had been conducted for the site. David Robinson (Applicant LSRP) responded "no". The EC requests a Phase 1 and Preliminary Assessment be provided. In addition, the EC requests that the applicant's LSRP provide a separate review of the imported mine reclamation material and determine if the imported material meets the NJDEP's current residential soil remediation standards pursuant to NJAC 7:26D.

Mr. Hermann said he is not the registered LSRP for the site.

Mr. Hay said the question of that goes back to the RAO. At the old Glen Gery quarry, a RAO was done way back when. If there was a remedial action work plan, the next step for the LSRP or remedial action professional would be to take that actual work plan, look at each of those areas of concern and address that. Once each was addressed, that is when the RAO would be issued. The final report would have addressed each of those items. If it is not in there, the licensed remedial professional could supplement that and provide a separate level. If there was a transfer, which it sounds like there was, that issue may have been taken care of under the old "no further action" (NFA) process. The licensed professional is only looking at the areas of concern that they identified when they took over the property. We would want to see what those items are. That should be simple to provide since they have already been issued.

Vice Chairman Julian said he understood, but that it was reasonable to look at the Phase I or Preliminary Assessment.

Mr. Hay said a preliminary assessment is only going to tell so much because it was done prior. If they did get an NFA, there is no reason why they cannot go and get that information if it was done under a separate "no further action".

Mr. Wolfson said we are the contract purchaser. The owner of the property got the RAO, so we do not have any of that information or materials.

Mr. Hay said to provide it.

Mr. Wolfson said he was not sure how they can get them.

Mayor Lipani referenced a 2015 Maser memo from the LSRP which talked about the RAO, dated 11-24-14. The questions were asked at that time and the answers were no further action or monitoring required.

Mr. Hay said the question is what type of controls were there and the stormwater. The Board should have that information.

Mr. Maski said the Mayor brought up a report in relation to the 2015-2016 subdivision of this property. It was an application by Glen Gery to consolidate various parcels into what you are seeing today. Mr. Maski read from the Maser review memo, dated 09-14-16:

Based upon our review of the data we found the results of the testing were at acceptable levels based on the requirements that were in place at the time. In addition, NJDEP had no concerns with the results of the sampling and in fact directed the closure of the monitoring wells.

Our office recommends that the Board consider conditioning any approval on the requirement of additional environmental investigation to occur at the time that the site is proposed for development.

Mr. Maski said it was a condition of the original subdivision that they do additional testing.

Mr. Hay said if that was a condition of the subdivision, it would require additional work now. It may or may not require a preliminary assessment, but would identify the issues in terms of site controls that will be needed if there is to be extensive earth work, as well as any type of disturbance with the groundwater.

Mr. Maski said it is a concern of the Board and residents that single-family homes are to be built on this property. If everything was done right, then fine. Comment 13 in my letter says that the applicant should provide a fairly thorough summary of what was done in 2014 with the fairly large RAO report. The standards have changed over time. At the time of the subdivision there was no proposed reuse of the site; it was just an abandoned quarry. As pointed out in Mr. White's letter, if they came back to actually build something on the site, the Board wanted assurances that everything was still in compliance.

Mr. Hay said because there is an Environmental Impact Statement requirement, that requirement probably also promotes that any of that information be supplemented to the NJDEP. It is very important that we have a full context of the environmental impacts on the site.

PLANNING BOARD MEETING MINUTES
July 28, 2022

Mr. Wolfson argued they are not responsible since they were not involved with this property in 2014. He said our obligation is to obtain the NJDEP approval, a RAO and to make sure that we satisfy the stormwater regulations as amended, that we get our LOI and wetlands permits. It is the Board's obligation to protect themselves by making any approval that agrees subject to those approvals.

Chairman Suraci said, but some things we want to know and not have things happen in the dark. There are outside agencies that get to review this, but when we make a decision here, we want to be sure that we have the facts to make an informed decision.

Mr. Wolfson said that is not how it is supposed to work. The Board is to make a decision first, then it goes to the NJDEP. If they require we change something, then we have to come back.

Chairman Suraci said if we are not sure what the current engineering has proposed, I do not think the Board would be in a position to make an informed decision.

Mr. Wolfson argued that even if our engineer and the Board's engineer were in agreement, we would still need to go to the NJDEP and they could change it. The idea of doing that investigation before the NJDEP has acted is inefficient and double work. Even if you disagree, the outside agencies have the final say in what is their jurisdiction. Mr. Wolfson said this is not what we expect of the Board; we expected the engineers would work together to satisfy the obligations of the NJDEP. If we couldn't then that is our problem, but either way, the Board and the public are protected because we would have to make any changes to satisfy the NJDEP.

Chairman Suraci reiterated, the Board and the public would like to know what we are signing up for and be satisfied that it is going to pass the muster. Part of our obligation is to take recommendations from our professionals very seriously. We would not be doing our fiduciary duty if we ignored a recommendation and the comments of Mr. White to take under consideration at a future date, and today is that future date.

Mr. Maski said there was quite extensive testimony at that hearing because of the history of the site. It is not a matter of whether to make the detention basin bigger or smaller; it could have major consequences. It is a health issue, a safety issue, and the Board needs all the information it can. If everything is fine, great, but the Board wants to hear that.

Mr. Hay said a supplemental summary complete report is probably the best thing talking about the soil and the groundwater so the Board can make a determination, and the public can examine the report to know that the Board has done a thorough job, and have looked at those issues. It is incumbent upon the Board to find that information out so you know and can ensure the public there is not going to be something that would be detrimental to public health and safety.

Mr. Wolfson asked for a recess.

Break 8:45pm – 9:05pm.

Mr. Wolfson thanked the Board for the time to consult. He said based on the comments and questions of the Board and its professionals, we are not prepared to address the concerns in detail that would be appropriate to satisfy Mr. Maski, Mr. Hay, and the Board. We have asked your consultants to instruct us as to the things they are most concerned about for which they need data and testimony in order for them to support that we have done what we need to do in order to protect the Town and the Board from any future problems, separate and apart from what the NJDEP may or may not do at some later date.

Mr. Wolfson said rather than hear testimony from our other professionals, we are asking for continuation to a date certain within the next 30-45 days; this is a priority case under the Settlement Agreement.

Mr. Maski noted the application had been scheduled two weeks earlier but had to be adjourned for insufficient notice.

Mr. Wolfson agreed.

Mr. Maski provided the Board with the status of the agendas through October.

Mr. Wolfson commented that a special meeting would need to be provided since October-November was too long to wait.

Chairman Suraci suggested that other witnesses testify tonight to make use of the time.

Mr. Hay reiterated the need for the summary previously noted, and asked the applicant to make sure we do not have any issues with water and sewer. The capacity may be there but we still need to understand in terms of calculations. I also have some issues with the landscaping and the status of the permitting with the NJDEP with respect to freshwater wetlands. As stated in some of the reports, there may be some transition areas that will be created as a result of this that usually requires mitigation and landscaping that might be placed. The Board should hear the status of that and see what that is, and put it

PLANNING BOARD MEETING MINUTES
July 28, 2022

on the record. Most of those will be around the stream corridor areas. In light of any design variances being sought, it is very important to understand the full scope of the landscaping. Lastly, it is incumbent on the applicant to talk about the lighting in critical areas within the subdivision.

Chairman Suraci said it sounds like testimony from the engineer and architect are not a good idea at this time. He asked Mr. Hay if there could be any changes with the traffic related to these issues or if we could hear from the traffic engineer tonight.

Mr. Hay said the traffic engineer may be ready, but we had stated that they need to provide updated counts since 2015. Waiting would allow the traffic engineer to be more prepared in terms of what type of volumes are going to come out of this other vision. Therefore, I am not recommending testimony at this time.

Mayor Lipani spoke in favor of scheduling to the September business meeting.

Mr. Maski advised we will have two ordinances to discuss so that should take an hour or so. If we schedule the application there, it is likely they will not finish.

Referencing the Environmental Commission, Vice Chairman Julian said he planned to address the 10 feet of soil to be imported not being factored into the original stormwater calculations, and the 1,955 trees being removed, which would require 4,462 replacement trees. He asked that the applicant be prepared to address those as well at the next hearing.

Mr. Hay said that would be in concert with the NJDEP freshwater wetlands permit they are seeking.

Mr. Wolfson said all of our consultants are available for the September 22 meeting.

Mr. Maski asked for a time of decision extension.

A motion to continue the M&M Realty Partners at Hillsborough, LLC (West Tract) - File 21-PB-16-MSV application hearing to September 22, 2022, with an extension of time through September 30, 2022, without further notice, was made by Mayor Lipani.

Mr. Maski explained for all members of the public present that no additional advertisement or notices will be provided to those within 200 feet of this property.

Mr. Santaromita made a motion after stated by Chairman Suraci, Mayor Lipani seconded that motion. No comments.

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

Mr. Maski reminded the Board there are no meetings in August. The next meetings will be September 01 and 08.

ADJOURNMENT

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

The meeting adjourned at 9:43 p.m.

Submitted by:
Debra Padgett, Planning Board Clerk