

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

September 8, 2022

Chairman Carl Suraci called the Planning Board Regular Public Meeting of September 8, 2022 to order at 7:30 pm. The meeting was held in the Courtroom of The Peter J. Biondi Building. All stood for the flag salute.

NOTICE OF MEETING

Chairman Suraci announce the 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 web site <https://hillsboroughnj.civicclerk.com/>. 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	Nathan Santaromita - Absent
Robert Wagner, Jr - Present	Ron Skobo - Present
Committeeman Frank DelCore - Present	Kenneth Hesthag, Secretary - Present
Robert Peason - Absent	John Ciccarelli (Alt #1) - Present
Carl Suraci, Chairman - Present	Patricia Smith (Alt #2) - Present
Neil Julian, Vice Chairman - Present	

Also in attendance: David K. Maski, PP, AICP, *Township Planning Director*; Eric Bernstein, Esq., *Board Attorney (Eric M. Bernstein & Associates)*; Todd Hay, PE, CME, *Board Engineer (Pennoni Associates)*; Michael Lombardozzi, CSR, CCR, *Board Court Reporter.*; Caz Bielen, *Township Videographer (Premier Video)*

CONSIDERTION OF MEETING MINUTES

- No minutes for consideration

CONSIDERATION OF RESOULTIONS

- Resolution of the Hillsborough Township Planning Board Requiring Planning Reports from Applicant’s Planners Prior to Testimony Before the Board

Mr. Bernstein explained this resolution was adopted at the end of the September 1, 2022 meeting and this is a memorialization that requires planning testimony be provided at least 10 days in advance of an application hearing as is done for other professionals of an applicant.

A motion to adopt the resolution was made by Mayor Lipani, seconded by Mr. Wagner. No comments.

Roll Call:	Mayor Lipani	Yes	Chairman Suraci -	Yes	Mr. Ciccarelli (Alt#1) -	Yes
	Mr. Wagner -	Yes	Vice Chairman Julian -	Yes	Ms. Smith (Alt#2) -	Yes
	Mr. Skobo -	Yes	Secretary Hesthag -	Yes		

Motion carries.

PLANNING BOARD BUSINESS

- No business

BUSINESS FROM THE FLOOR *(public comment for matters not on the agenda)*

Chairman Suraci opened comments from the public with a five-minute limit. He reminds the public it is for comment and not a question and answer session.

Craig Berlin – 1 Allshouse Street

- Mr. Berlin addresses Mr. Maski stating at last week's meeting he had been pushing for the Environmental Committee's report. He received a copy of the report yesterday, September 7th and notes the response was dated September 6th, thus giving him one day to review the report. He pleads with the Board to give him/the public a fair chance to review reports and possibly consult his attorney if necessary.
- Mr. Berlin then reads from an article in today's New Jersey Biz entitled "State Adopts Updated Guidance for Locating Warehouses". He then asks if the Board is planning to give this Guidance any consideration. He states it is a lengthy document but he believes it "hits right on the head" and while not mandatory it allows for guidance. He asks if the Board has had time to give the Guidance a full review and digest it.

Approximately 7:35 pm Committeeman DelCore arrives.

Mr. Maski states he is familiar with the document, has read the draft and has started reading the final. He states there are many good ideas in there and reminds it is guidance. He explains a lot of it applies to long-range planning going forward, Master Planning and subsequent zoning ordinances that follow the Master Plan which is all future based.

- Mr. Berlin replies there are also very specific guidance on borders and suggestions for getting neighboring communities involved. He is unaware if the township has spoke to Manville or other neighboring communities about dumping traffic into their areas. He feels theses are important things to consider.

Mr. Maski says there are certain recommendations/suggestions in the document he will bring to the Board's attention in terms of potential conditions on this and any other warehouse applications. He states this application, in accordance with the municipal land use law, has already been processed so cannot change the rules at this point and have to operate under the current zoning ordinance.

- Mr. Berlin asks Mr. Maski if the Board sees many applications that go from application to the Planning Board and through the environmental Board in six weeks' time.

Mr. Maski responds yes but clarifies this application was submitted in September of 2021 but was incomplete then goes on to explain the applicant withdrew it, it came back, there were more revisions, ownership changed, the Environmental Commission saw it in August 2022 and was posted prior to August 1 on Civil Clerk and reminds the Environmental Commission only meets once a month.

- Mr. Berlin would like the minutes to reflect he is asking for “a moratorium on all of these warehouses” and continues to express his concern the guidances and impact on the public are not being considered enough.

Chairman Suraci interrupts to say Mr. Berlin’s points have been made and are well taken.

Mr. Bernstein interrupts saying he contacted the Planning Department today when he became aware the Guidelines had been adopted, to ask the department to circulate a copy of the adopted Guidelines to all the Board members. He says the Board can take the Guidelines into consideration. He also says he expects this application will not be finished tonight so if Mr. Berlin needs more time he is most likely going to get the extra time. He assures him the Board is not going to make a quick and fast decision. Mr. Bernstein then states there cannot be a moratorium on this or any other type of application

- Mr. Berlin interrupts to argue that a moratorium can be done and has been done elsewhere.

Mr. Bernstein states that just because it has been done does not mean it is legal. He explains there needs to be a scarce resources situation which there is not in this case.

- Mr. Berlin thanks the Board for their time.

Chairman Suraci reminds the public testimony will not be heard after 10:00 pm and the meeting has a hard stop at 10:30 pm

Brain Tarantino – 235 Fairfield Lane

- Mr. Tarantino asked Mr. Ciccarelli if he could give a general reason why he recused himself from the Sept. 1, 2022 hearing.

Mr. Ciccarelli stated he had a conflict of interest with some of the parties on the application, as he does for tonight as well.

- Mr. Tarantino asked if he could elaborate on the conflict of interest.

Mr. Ciccarelli said no.

Committeeman DelCore explains based on the rules Mr. Ciccarelli is under no obligation to disclose the information and he is doing what is appropriate.

David Brook – 7 Winding Way

- Mr. Brook states it is his understanding there was a Stop-Work Order issued by the township as it relates to Homestead Road LLC and there were people out there cutting down trees and “farming”. He then asks, now that the land has changed in it’s appearance how does that have a bearing upon the application since there is no clear indication of what was left.

Mr. Bernstein states to Chairman Suraci he recommends the Board not answer the question but he will. Mr. Bernstein states they will be in communication with the applicant's council and will advise them of the Stop-Work Order if they have not been and believes it will probably come up in the discussion when the applicant comes back in October.

- Mr. Brook asks if Mr. Bernstein is suggesting the Board will request an update with regards to the change of land.

Mr. Bernstein says his office is going to request the applicant to respond to the Stop-Work Order at the next Board meeting.

- Mr. Brook says there was information that they were encroaching upon stream corridors and asks if the DEP is involved.

Mr. Bernstein says yes, DEP has been notified. The township requested DEP take a look and they are waiting to hear back.

- Mr. Brook states no one puts 57 truck bays in on spec, a building is built based upon its use and a building's use can have tremendous impact on the community. He asks why isn't the Board asking the applicant, all applicants, what they intend to do with a building.

Mr. Bernstein reminds Mr. Brook the usage question was asked by the Board at the previous meeting and the applicant's professional answered during testimony that it was a spec warehouse. The Board will have to decide if that answer does or does not meet certain requirements of the township ordinances and state law.

EMERGENCY BREAK IN SESSION

At approximate 7:51 pm a Hillsborough Police officer speaks off mic to Chairman Suraci and Mayor Lipani.

Chairman Suraci announces he has been informed there is a gas leak in one of the boilers, the fire department is on their way and the police have asked they exit the building in an orderly fashion.

RETURN TO SESSION

At approximately 8:15pm the meeting continues.

Mr. Suraci states either the leak was found or the offending device was turned off and the meeting is back in session. He reminds they are still in the Business from the Floor, for matters not on the agenda, section. And despite the small delay the 10:30 pm hard stop still stands.

Niyati Shah – 3 Deer Run

- Ms. Shah asks, in reference to Mr. Berlin's questions, what recourse does one have if worried about the financial harm stemming from potentially lower property values.

Chairman Suraci states no one on the Board is in position to give legal advice but thinks seeking legal advice may be what she would need to do.

- Ms. Shah asks if that is something that would fall under the umbrella of trying to push forward a resolution.

Mr. Bernstein interjects and states if Ms Shah has proof, real evidence, for the Board to consider as part of any application relative to diminution of value the Board will consider it at the appropriate time and place.

- Ms. Shah asks what would count as valid evidence.

Mr. Bernstein says he cannot give legal advice and leaves it up to her to determine. He clarifies he could tell what the Board will consider but cannot say what will constitute what it will consider.

Umang Patel – 15 Lucas Drive

- Mr. Patel states he would like to voice concerns regarding traffic as it pertains to 303 Amwell LLC

Mr. Bernstein states now is not the time.

Chairman Suraci explains concerns pertaining to 303 Amwell LLC can be voiced at the appropriate time during testimony. He states the applicant will have a traffic engineer testifying.

- Mr. Patel asks for clarity as to when that will happen.

Chairman Suraci says at some point during the hearing but does not know if they will get to the traffic engineer tonight.

Mayor Lipani explains there will be various witnesses to testify and at end of that testimony is when the public can express their concerns regarding 303 Amwell LLC.

Maria Janucik – 720 E. French Ave., Manville (resident) / 2155 Camplain Road (property owner)

Mayor Lipani interrupts to ask Mr. Brook to stop handing out pamphlets and return to his seat. He reminds him the public was warned about such actions at the previous meeting.

Mr. Brook argues from audience.

Chairman Suraci reminds Mr. Brook this is a quasi-judiciary Board which he runs. He warns Mr. Brook if he is disruptive and trying to distract Board members it is within his authority to ask Mr. Brook to leave and take his business outside the room.

Mr. Brook continues to argue from the audience.

Mayor Lipani reminds Mr. Brook the Board ask the public at the last meeting to not pass a petition or have anyone sign anything during the meeting but they could take it outside.

Mr. Brook continues to argue from the audience, questioning the Board's authority.

Chairman Suraci states he does have the authority and warns one more comment from the floor will result in Mr. Brook's removal.

Nothing further from Mr. Brook

Mayor Lipani and Chairman Suraci apologize to Ms. Janucik for the interruption.
Chairman Suraci states she can have her time back.

- Ms. Janucik states she was present at the Sept 1, 2022 meeting and questions the availability of letters of insufficient notice discussed.

Mr. Bernstein reminds her Mr. Fisher, the applicant's council, was present at the meeting and spoke to why the applicant believed the notice was sufficient.

- Ms. Janucik further questions the issue of the insufficient notice letters.

Mayor Lipani clarifies Mr. Fisher was advised and he chose to proceed at his own peril.

- Ms. Janucik asks if that was the usual procedure for the Board to let an applicant gamble whether or not the application will be approved.

Chairman Suraci states it was a two-prong approach; first they were given the option but indicated they'd like to proceed and second the Board took a vote as to whether or not they felt the notice was sufficient or not. The Board was unanimous in the affirmative that it felt sufficient.

Susan Gulliford – Hunt Club Road

- As a follow up to Mr. Tarantino's question about the recusal, Ms. Gulliford asks if the recusal applies to all the Redcom applications and will it apply to any Executive Sessions or discussion involving any Redcom applications.

Chairman Suraci states it would be Mr. Cicarelli's decision at the hearing, if there is a next hearing, or Executive Session.

No further public comment

CONSIDERATION OF ORDINANCES

None for consideration

APPLICATIONS – PUBLIC HEARING

- **303 Amwell LLC (JM)4 ABEEL LLC) – File 21-PB-17-MSPV** – Block 198, Lot 2.03 (*formerly Lot 2.B*) – 301 Amwell Road (*referenced by Applicant as 303 Amwell Rd*). Applicant seeking preliminary and final major site plan approval; 'c' bulk variance; and waivers, to construct an 85,348 square foot warehouse, with associated stormwater management, parking, lighting and improvements, on Property in the CDZ, Corporate Development Zone. (EC Review: 08-15-22)

Participating: Michael O'Grodnick, Esq., Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A.; John Manilio, PE of ManTERRA Design LLC (Civil Engineer); Douglas Polyniak, PE

of Dolan & Dean Consulting Engineers, LLC (Traffic Engineer); John McDonough, PE of John McDonough Associates, LLC; Roberto Martinez, RA, Redcom Design & Construction LLC (Architect.); and Nick Braco, PP/LLA and Greg Redington, PE of Redcom Design & Construction LLC, Applicant Representatives.

Objector: Craig Berlin

Mr. Ciccarelli recuses himself.

Chairman Suraci accepts the recusal and Mr. Ciccarelli leaves the meeting.

Mr. O'Grodnick, counsel for the applicant introduces himself, the application and describes he location of the property to the Board.

Mr. O'Grodnick states a tenant has not yet been identified for the proposed building

Mr. O'Grodnick references Mr. Maski's memo dated July 25, 2022 which recognized the applicant respects all the use area and bulk standards of the CDZ Zone and states no bulk variances or use variances are required.

Mr. O'Grodnick then states they have identified a series of 'c' bulk variances; the first pertains to a new ordinance for Make-Ready electric vehicle parking spaces or electric charging spaces. He states the applicant has agreed to comply with this requirement and thus eliminates this 'c' bulk variance. The next variance pertains to the tree mitigation, he explains the township code in the CDZ Zone prevents the removal of more than 60% of the existing trees. The application initially called for the removal of over 61% of existing trees but after further considerations the applicant has made adjustments eliminating the need for this variance and has agreed to pay the deficit identified in the planner's report with a cash contribution of \$81,575.

Mr. O'Grodnick states with the two mentioned changes all the variances will be eliminated from the application and the application will not seek any variance relief.

Mr. O'Grodnick explains the three identified design waivers requests.

Mr. O'Grodnick explains the potential waiver as it pertains to the crossing of the pipeline which he states the applicant intends to demonstrate the crossing of the pipeline is the only reasonable way to provide access to the warehouse which will eliminate the waiver.

Giovanni "John" Manilio, PE of ManTERRA Design LLC (civil engineer), is sworn in. Mr. Manilio presents his qualifications.

Chairman Suraci asks if there have been any gaps in his license.

Mr. Manilio says no.

No comments from the Board so Chairman Suraci accepts Mr. Manilio's credentials.

Mr. Manilio begins with the Aerial Exhibit with a date of August 25, 2022

Chairman Suraci states they are marking the Aerial Exhibit as A-1.

Mr. Manilio explains the aerial photo, the zones appearing in the area and describes the lot. He states the lot area is 11.31 acres with 80% wooded areas and the remaining 20% consisting of tall grasses, fields and minor impervious and gravel. He states there is also a small curb cut and parking area and some small encroachments from the neighbor to the east all of which will be removed with this application.

Next Mr. Manilio explains the Site Rendering dated August 25, 2022 including the Flood Hazard Area Plan, pointing out the wetland features and stream/drainage swale. Mr. Manilio states the LOI was approved for the site on January 5, 2022 and so they believe the limits of the stream are valid.

Mayor Lipani asks if they will be abiding by the Township's Stream Corridor.

Mr. Manilio confirms and begins to explain further about a 150 foot buffer.

Mr. Bernstein interrupts instructing he mark the Flood Hazard Area Plans as "A-3".

Mr. Hay informs the board there is an additional sheet in their packet which gives more in depth detail in terms of wetland transition areas as well as the steep slopes. Mr. Hay next raises some questions addressed in the Environmental Commissions letter regarding the State Open Water and how the 150 foot buffer is applied.

Vice Chairman Julian states it is his understanding of the Environmental Commission letter they wanted to do a site visit to further review their concerns.

Mr. Manilio states they will address the concerns and make labeling adjustments on a new set of plans and will rely on the Board and their feeling on the stream corridor.

Vice Chairman Julian asks Mr. O'Grodnick if he would honor the Environmental Commissions request to do a site visit.

Mr. O'Grodnick states he believes they have already been in touch with them and that it will not be a problem.

Mr. Manilio states even though there is a State Open Water component the state only requires a 50 foot riparian buffer on that feature. It does not have a flood hazard component to it since it drains less than 50 acres (closer to 25 acres). Mr. Manilio continues to describe the rest of the Flood Hazard Area Plan, exhibit A-3.

Mr. Manilio goes back to the Site Rendering (A-2) and goes into further detail about the site.

Mr. Hay asks Chairman Suraci if the applicant's engineer can address the Environmental Commission's letter as well as his letter, specifically which items they have concerns with.

Chairman Suraci instructs Mr. Manilio to address the letters.

Mr. Manilio asks for clarification if he should comment on the letters or go through each item line by line.

Mr. Hay states he would like to address items which they have concerns.

Vice Chairman Julian states there is a lot to the Environmental Commission letter so he would like Mr. Manilio to go over each item.

Mr. Manilio complies starting with the Environmental Commission letter dated September 7, 2022 specifically page two and the groundwater recharge. He states he testified to the soils, majority of the site has "c" soils. They have done five soil borings, 20 test pits and did 10 infiltration tests throughout the site. All results came back 0.2 inches per hour or less.

Chairman Suraci asks if his testimony was based off the Whitestone Report.

Mr. Manilio clarifies there were three rounds of tests done, one the Board may not have the results for yet but they will submit soon.

Vice Chairman Julian states the Environmental Commission only saw the plan with six test pits which they said was not extensive enough. He asks Mr. Manilio if they can get the updated reports to the Environmental Commission so they may review it.

Mr. Manilio states they have no objection to that.

Mayor Lipani asked when the other report was done.

Mr. Manilio states they think it was done the end of August and he received it this week.

Mr. Bernstein asked why the Board or it's professionals do not have a copy yet.

Mr. Manilio clarifies his office received it yesterday or the day before.

Chairman Suraci says this is not an excuse and it should have been over-nighted.

Mr. Manilio agrees and states they will submit the information.

Mr. Bernstein clarifies that Mr. Manilio is proposing testimony to a report that no one has seen.

Mr. Manilio states the results are similar to reports the Board has received and they will submit the information.

Mr. Bernstein asks Mr. O'Grodnick why his client is testifying to material that the Board nor anyone else has seen in order to verify a) what he is testifying to is correct and b) as to the veracity of the report in and of itself.

Mr. O'Grodnick states he received the report today and his understanding is all reports the applicant intends to rely upon must be submitted to this Board no less than ten days. He continues, this was a supplemental investigation done in response to the Environmental Commission meeting and the report was not available tens prior to this meeting.

Mr. Bernstein asks why the applicant didn't simply submit it to the Planning Department for distribution when they became aware of report, no matter when it was.

Mr. Manilio states he can't produce a report they don't currently have in their possession.

Mr. Bernstein continues to explain to Mr. Manilio the report should have been submitted by the applicant as soon as it was received and his client shouldn't be testifying before the Board as to a report that no one has seen.

Mr. Manilio says he understands and offers to submit the report now.

Chairman Suraci states they are going to table this part of the testimony.

There is discussion among Board members, Mr. Bernstein and Mr. Manilio regarding what in the Environmental Commission's letter Mr. Manilio is now able to testify to.

Committeeman DelCore asks if Whitestone actually exists. The Board has had issues with them in the past and he thinks it may be beneficial for them to appear before the Board to discuss their reports.

Mr. Manilio states they have had extensive retesting at the request of the Environmental Commission and believes the Board will be surprised to hear of the results from Whitestone. Mr. Manilio testifies to how much they have worked with Whitestone and not have an issue and states they have no problem having their professionals from Whitestone testify if appropriate. Mr. Manilio reiterates they are doing their best to comply with the Environmental Commission's request, it took several day to do the extra testing, they only just received the report and are not trying to hide anything.

Mr. Hay states he thinks the constraints that need to be shown on the map to address the Environmental Commission's comments will solve a lot of the variances that are being sought. He recommends the applicant come back with the revised plan showing the Stream Corridor and the adjustments that are going to be made with respect to the grading and any hardscape features they are proposing.

Chairman Suraci says ok.

Vice Chairman Julian asks about the remaining storm water issues and re-noticing issues.

Mr. Manilio suggests moving to page three as page two focuses on soil testing and reclassification and then addresses the questions about predevelopment storm water management calculations.

Mr. Manilio next states in reference to the re-noticing issue they will be re-noticing as directed hopefully within the next week or two.

Mr. Manilio next moves to page four and states during his site visit with two Environmental consultants he was unable to find the oil tanks that were shown. They have no issue with walking to site again with a member of the Environmental Commission and member of the public who took the photos in question to find the oil tanks and following state regulations regarding removal and remediation if any are found.

Mr. Manilio states they will update the Phase One environmental report.

Mr. Hay asks if Phase One recommended doing any further site investigation or archive work.

Mr. Manilio states there was no recommendation for further investigation.

There is discussion about when the township will received a copy of Phase One report.

Mr. Manilio next addresses the traffic, air quality concerns and spill trays and drains. He states he is not familiar with the term 'spill trays'.

Mr. Hay explains spill trays refers to a drainage system which would control any storm that may hit a concrete pad associated with loading bays.

Mr. Manilio states it will be like any other parking lot with contamination from vehicles.

Mr. Hay asks if whatever does get into the system would be pre-treated by water quality systems that would be established.

Mr. Manilio confirms it would go through the bio-retention soil, sand layer and gravel layer.

Mr. Manilio states they have no issues with the air quality comment and will comply.

Mr. Manilio states the possible vernal habitat will be studied in the spring, conducted with the DEP and findings will be provided to the Environmental Commission.

Mr. Hay elaborates on the latter issue for the Board's consideration.

Mr. Manilio states they will comply with the stream and tree concerns and bat habitat.

Mr. Hay elaborates on the bat habitat issue for the Board's consideration.

Mr. Manilio states they are still waiting to receive the letter from the County Planning Board but once they received it they will submit to the town as well.

Mr. Manilio states if it is required and applicable they will submit the application for review to the Historic Preservation Commission.

Mr. Manilio says they have no objection to submitting a copy of the design approval from Enbridge, the owner of the transmission line easement, to the Environmental Commission.

Chairman Suraci expresses concern that it appears all traffic into the site will be going over these gas lines.

Mr. Hay adds in his experiences gas companies will look at this situation and require encasements and restrictions across easements and he would like to see this depicted on the plans so it may be signed off on.

Mr. Manilio states Enbridge had requested an excavator to find out how deep the lines were since they do have minimum depth requirements. In the process they noticed one of the pipes was less than 36 inches.

There are comments made from the public and Mr. Bernstein reminds them there will be an appropriate time for their comments and to refrain from doing from the audience and until that time.

Mr. Manilio explains the test pits that were completed and states they will be able to raise the driveway to comply with the requirement. He points out the vehicle that would be entering their site are the same size vehicles that currently drive up Amwell Road.

Chairman Suraci explains the surface area difference between their driveway and Amwell Road.

Mr. Manilio explains further that Enbridge also required them to submit documents of any vehicle that will cross the crossing during construction and the life of the development. He said they were given feedback on one of the vehicles they submitted and were given conditions that would have to be put on the plans, which they will do.

Mr. Hay asked that those conditions be added to the revised plan and then submitted back to the Board.

Mr. Manilio agreed.

Mr. Manilio next moves to the Board Engineer's letter dated September 6, 2022. He goes over the items they would like to work with the Board Engineer on. He starts on page two, general comments number four, pavement cross-sections. The specs mentioned in the letter the requirements of the County and they would like to follow the County's requirement.

Mr. Hay states he has no issue with that.

Next Mr. Manilio addresses general comments number five, the concrete driveway apron which he believes this falls under the County specs of which they would like to follow.

Mr. Hay states he has no issue with that.

Mr. Manilio moves on to page three, item number two regarding grading of the fire lane and a maximum 5% slope. They currently have it at 8% and would prefer to keep it as such but would ask the fire chief to review the requirement. If the fire chief confirms it is correct at 5% then they will comply.

Mr. Hay reminds that any changes should be added to a new plan and submitted to the Board for review and testimony.

Mr. Manilio next moves to the section with lighting and landscaping. They are asking for waivers on some of those items.

Chairman Suraci asks him to specify what items they would like waivers on.

Mr. Manilio states they are looking for waiver on height at 20 ft vs 15 ft. They are willing to work with the Board Engineers where they can but some areas they would prefer the higher height for proper illumination.

Mr. Hay offers further explanation as to the reasoning for the lighting height but says he could support this.

Lastly he moves to page four, number five minimum soil depth for the fire retention basin. They are proposing 24 inches as they believe that is the requirement and so would like DEP to review it. If the DEP allows for 18" they will comply.

Mr. Hay states he has no issue with that.

Mr. Manilio states they should be able to comply with everything else from the letter.

Mr. Hay tells Chairman Suraci that he feels if the applicant revises the plans fully address all the issues so they have one complete set it will put the Board at ease.

Mr. Maski asks Chairman Suraci if Mr. Manilio can address the Fire Marshal's memo of August 3, 2022.

Mr. Manilio says yes. He states they are fine with all comments on the memo except the request for a second emergency access. It is their concern the means of egress or ingress will disturb more trees and have to go through the environmentally sensitive areas. He expressed these concerns to the Fire Marshal who deferred to the Board.

Mr. Hay asks if they will review the fire lane to make sure that will comply with the potential revision they will have to make.

Mr. Manilio says yes.

Mr. Maski asks for clarification if they did discuss this with the Fire Marshal.

Mr. Manilio says yes and the Fire Marshal said he released his recommendation to the Board to make a decision if it's required. Mr. Manilio told him he would still like to have a meeting with him to discuss, go over the other items and see what he wants.

Chairman Suraci asks Mr. Bernstein with regards to the recommendations from the Fire Chief if the Board decided to ignore them what jeopardy does that cause.

Mr. Bernstein tells Chairman Suraci the Board can choose to accept, reject or modify based on what evidence is before them regarding the site.

Chairman Suraci states it may be worthwhile to show a way or disprove there is no second area.

Mr. Manilio states there is a second way but it comes with sacrifice with more tree removal or additional permitting.

Chairman Suraci states if the applicant can show the options they can wait.

Mr. Hay states this is not something that can be shown as options because it has to be done with trade-offs the Board has to consider.

Mr. Maski states they have covered all the points from his memo.

Mr. Hay suggests to Chairman Suraci they hear testimony regarding the number of employees and shifts as he stated in his letter. He is not sure if this is the correct witness but it needs to be reviewed.

Chairman Suraci agrees.

Chairman Suraci calls for questions and comments from the Board.

Mayor Lipani asks about the orientation of the building and why the bays are facing East.

Mr. Manilio states this was due to the wetlands. They wanted to have the driveway on the same side as the loading bays and not have to cross-over the environmentally sensitive areas.

Mayor Lipani asked since it is designed as a spec building, why are there 15 bays designed as opposed to seven or ten.

Mr. Manilio states he has done many of these around the state and it is about how many the end user is going to use, what can fit on there and what can be approved.

Mayor Lipani asks if he is essentially asking for the maximum.

Mr. Manilio does not want to say maximum but he is not sure what less loading bays would result in; its not less traffic because traffic is not based on number of loading bays.

Mr. Hay tells the Board that in his experience less bays often results in more trailers being parked outside of the bays.

Mr. Maski asks the Chairman if it is a good time to go through the suggestions in the state Report.

Chairman Suraci agrees but first calls a five minute recess.

9:40 pm – the Board convenes for recess

9:45 pm – the Board reconvenes.

Chairman Suraci defers to Mr. Maski to go over the state Planning Commission Warehouse Siting Guidance.

Mr. Maski goes over a few key conditions, not requirements, the Board could impose. They include, establishing a gate management plan to prevent queuing on affected roads,

Chairman Suraci interrupts to ask if the Township could impose a condition on a County road.

Mr. Maski believes the municipality could do something like this.

Mr. Maski continues offering conditions including but not limited to, establishing specific truck routes and posting signage, restricting all off-road diesel-powered equipment from being in the on position for more than 10 hours per day, requiring all on-road heavy-duty haul trucks be the model 2010 or newer, and requiring early compliance with the NJ ACT rule.

Mr. Maski concludes by saying he brings up these conditions to give the Board and the applicant the sense of the type of recommendations in the report to start thinking about.

Mr. Hay states he thinks it may be appropriate for some of the items to be incorporated into the revised plans.

Motion: Committeeman DelCore motions to open to the public with second by Vice Chairman Julian. All were in favor.

Motion passes.

Chairman Suraci addresses the public setting the ground rules for public comment. Members of the public may have one turn, there will no time limit on everyone getting the opportunity to question but the last question will be taken at 10:30 pm. Only questions pertaining to Mr. Manilio's testimony are permitted. This witness will be back if someone should not get the chance to ask their question.

Open to public

Robert Kralovich – 291 Amwell Rd

- Mr. Kralovich asks if Mr. Manilio has ever had dealings with a pipeline

Mr. Manilio says no

- Mr. Kralovich asks how they will address the issue of the grade for the raised pipeline in situations such as trucks getting stuck in the snow.

Mr. Manilio states it is his understanding the shallowest pipeline is the furthest from Amwell Road.

- Mr. Kralovich corrects him saying it is the second one in and about 12 feet into Amwell Road and proceeds to explain the height the grade is at and how it will be a problem for a truck on a snowy day.

Mr. Manilio states they are addressing the comments they received from Enbridge for their approvals and will maintain the 36 inch clearance.

There is discussion between Mr. Kralovich and Mr. Manilio about how and where the pipelines traverse Amwell Road. Mr. Manilio brings up the site plan to point out survey markings.

- Mr. Kralovich talks about how all the pipelines cross Amwell Road, the old age of the pipes and links along these lines in nearby towns. He states the pipeline is too old for these types of trucks to cross. He suggests calling Embridge and asking how many repairs they have had to make to these lines.
- Mr. Kralovich, in reference to an additional fire access lane, he complains about, damage done and trees taken down during drilling and surveys and points out the access used for this could be used as an additional fire access lane.
- Mr. Kralovich also voices his frustration with Mr. Manilio not being able to find the oil tanks which he says are obvious.

Mr. O'Grodnick objects to the line of questioning stating Mr. Kralovich does not have permission to enter the applicant's property.

- Mr. Kralovich begins to challenge the objection.

Chairman Suraci stops the exchange and asks Mr. Kralovich to keep to questions regarding Mr. Manilio's testimony.

Chairman Suraci takes a moment to remind the public that once all testimony is complete and just before the Board takes a vote, everyone will have another chance to have one last opportunity at the mic to express their opinion for or against application.

Mr. Bernstein confirms with Mr. Kralovich that he provided pictures of the site to the Board, Environmental Commission and the Planning Department.

- Mr. Kralovich confirms.

Mr. Bernstein confirms the pictures have also been provided to the applicant.

Mr. O'Grodnick confirms.

Mr. Bernstein tells them to see if he can testify to the pictures Mr. Kralovich provided.

Mr. O'Grodnick asks Mr. Kralovich to tell them where the tanks are located.

- Mr. Kralovich gives a brief history of the property, his and another neighboring property and discusses how concrete from the Amwell Road bridge was dumped into the wetlands and how he has seen photographs of this.

Mr. O'Grodnick objects to the line of questioning as there is no foundation. They have seen Mr. Kralovich's photographs but none others that he is referencing.

Mr. O'Grodnick asks again if Mr. Kralovich can show them where the tanks are.

Mr. Maski interrupts to remind everyone of the earlier conversation with Mr. Julian about an additional site visit of the Environmental Commission where they will also be looking for the oil tanks.

- Mr. Kralovich asks the Board if the land, with topsoil or any kind of dirt, is it considered contaminated if the land is loaded with concrete, rebar and asphalt.

The Board does not respond.

Mr. Bernstein states that is really a question for the applicant's engineer.

Mr. Manilio states it depends. They will have their LSRP take a look at it but will recommend Mr. Kralovich provide some sort of sketch on one of their plans before their site visit. He states he did see the pipes, he did find an old pool ladder and some concrete debris but did not

see the oil tanks. He would appreciate Mr.Kralovich's assistance in letting them know the general location of the oil tanks.

- Mr. Kralovich explains how he has been notifying owners of this property about the oil tanks and the environmental problems since the 1980s. He expresses his concern how these environmental problems are or will be effecting their water.

Mr. Manilio agrees with his concern and would like to comply with the remediation regulations.

Mr. Hay reminds the Board when a Phase I Environmental Site Assessment is done tank situations are usually found. This is why he has asked previously if a further investigation would be done. He said the applicant stated they will have a Licensed Remediation Professional look at the site to determine what kind of tank may be there and recommend how it could be disposed.

- Mr. Kralovich asked if the 50-foot required buffer is to be an undisturbed buffer.

Mr. Manilio reads the requirements of the 50-foot buffer.

- Mr. Kralovich asks if they are not removing vegetation out of the buffer at any point and will only be adding to it.

Mr. Manilio reads the details of their plan for the east and west ends of the buffer.

- Mr. Kralovich ask to clarify that they are not going to disturb anything 50 feet from the east and only add more plantings, ie excavating, running machines over, destroying what is already there.

Mr. Manilio states this is correct and they agreed to add more plantings in certain areas.

- Mr. Kralovich next states he has issue with the lighting and specifically asks if there will be the red and green blinking lights directing the trucks.

Mr. Manilio does not know the answer to this and states it is an architectural element which he defers to the architect to testify to.

- Mr. Kralovich asks for confirmation from Mr. Maski that this is an architectural issue.

Mr. Hay explains any wall-mounted, security lights, illuminated lights (i.e. flashing lights directing trucks) would have to be added to the site plan.

Mr. Manilio accepts this and states they will add it to the plans.

- Mr. Kralovich restates his lighting question to Mr. Manilio.

Mr. Manilio states he does not know the answer to this and needs to find out from the applicant and architect.

Mr. Hay states the mounting heights should also be shown on the plans especially for the security lights.

Conversation continues regarding red and green lights on warehouses.

- Mr. Kralovich asks if they are moving or stopping the creek and expresses his concern moving or stopping the creek will cause flooding in his and other properties.

Mr. Manilio states per their testimony and LOI there is no creek that goes through their property.

A member of the public shouts comments from the audience.

Members of the Board stop the chatter and warn that this is the last time before they are asked to leave.

Mr. Manilio continues and clarifies Mr. Kralovich is asking where the runoff goes from the east to the west.

- Mr. Kralovich clarifies underground water which is a spring-fed creek.

Mr. Manilio states he is not aware of underground water traversing the property so he explains the runoff from east to west.

- Mr. Kralovich suggests the Environmental Commission take a look at this.

Mr. Hay reminds the Board the applicant has shown they are meeting the attenuation rates mandated by the state. And he speaks to not seeing an underground stream on any reports.

Chairman Suraci offers an apology to the objector because he forgot to let him speak first.

The objector states from the audience he has a lot to comment on and so suggest to let others continue to speak and let him go first next time.

Niyati Shah – 3 Deer Run

- Ms. Shah asks in reference to the second fire access lane if the applicant can make the building smaller so a second fire access lane can be put in without taking down more trees.

Mr. Manilio states that is a good suggestion but he does not think that will solve the problem.

- Ms. Shah asks if the endangered species are found does that mean the application cannot move forward.

Mr. Manilio says no, that is not what it mean and explains some of the requirements that would be placed on them if the endangered species is found. All of which they would comply with.

- Ms. Shah asks in regards to the streams, wetlands etc the applicant mentioned comply with local and state regulations but what about federal regulations regarding Waters of the US. Do these fall under Waters of the US.

Mr. Manilio states they do not.

Steve Pongratz – 293 Amwell Rd

- Mr. Pongratz asked where on their plan do they show the septic system.

Mr. Manilio points it out in the far east corner of the property.

Bob Hollingshead – 31 Winding Way

- Mr. Hollingshead asks about the variance for the lighting in comparison to the Homestead Road application

Mr. Manilio states he is not familiar with that application so he can not testify to their plan and how they made it work.

David Brook – 7 Winding Way

- Mr. Brook asks for clarification on which pipeline is less than 36 inches deep.

Mr. Manilio does not have it in his notes but believes it is the furthest one away from Amwell Road which is the 42 inch line.

- Mr. Brook asks what the frontage on Amwell Road is.

Mr. Manilio states the proposed frontage is 614.9 feet.

- Mr. Brook asks how many feet of the frontage does the pipeline comprise.

Mr. Manilio states he does not have the exact number but the easement is roughly 100 feet along the property line.

- Mr. Brook asks if it is possible to enter the property without crossing the pipeline easement.

Mr. Manilio states he would have to look at that but now that they have the stream corridor buffer it may not be possible anymore.

Craig Berlin, Objector – 1 Allshouse Street

- Mr. Berlin states he would like a visual representation, not a chart, as to what it would look like for residence of Roycebrook Estates and the residents on the opposite side. He states it needs to be considered the houses are two-story and the trees low to the ground are not going to offer an appropriate sound buffer for bedroom windows.

There is discussion as to what Mr. Berlin means by a visual representation.

Mr. Hay explains an elevation of a neighboring home to give context as to what the home looks at, a cross-sectional view and an elevation view is often offered.

Mr. Manilio has no issue with providing that.

- Mr. Berlin states when their house was originally built the builder, Toll Brothers, had them sign an agreement stating their knowledge of where the pipeline was and agree it would remain “100% undisturbed”, nothing was to be put over it. He expresses his concern the applicant is now planning to let dump trucks and such drive over it. Mr. Berlin asks who has changed that it is allowed to be disturbed.
- Mr. Berlin also asks if they are waiting on an easement and if they had to provide the weight of trucks, and have they taken into consideration the wetlands. Mr. Berlin asks is there a permit involved, and who did they apply to.

Mr. Manilio states it is a permission from the utility that owns the easement so it is a process and describes what they have done so far and where they are at in the process.

- Mr. Berlin asks if the application is posted. And if they can get a copy of it because he would like to see the projected weight of trucks.

Mr. O’Grodnick says they will discuss it.

Mayor Lipani clarifies that they have to apply to the utility and if the pipeline says no, they cannot proceed.

Mr. Manilio says correct.

Chairman Suraci states the time is 10:29 pm and directs the next member of the public to keep it to a yes/no question.

Maria Janucik - 720 E. Frech Ave., Manville and Hillsborough property owner

- Ms. Janucik asks what the landsize requirement is in the CDZ zone.

Mr. Manilio states for this use is five acres and they are at proposed 11.314

- Ms. Janucik asks if this is new because she believed it to be 50 acres

Mr. Maski confirms the applicant is correct, it is five acres and explains 50 acres relates to corporate office parks.

Chairman Suraci ends the public portion due to time and discussion begins regarding the next available date. The Board allows Mr. Berlin to come to the mic to discuss issue with next date.

Mr. Maski suggests January 12, 2023 after the reorganization and asks the Objector if that fits for him. He states he will make it work.

Mr. O'Grodnick after conferring with his client states they respectfully ask that the meeting be held as scheduled despite the Objector's availability.

Mr. Berlin explains the hardship if he has to attend the meeting as schedule but he will do it.

Mr. O'Grodnick says they defer to Mr. Bernstein.

Mr. Maski polls the Board for two other alternate dates.

Mayor Lipani points out that come January there could be new members to the Board who have not heard all the information.

Mr. Bernstein calls a date of January 12, 2023.

Motion: Mr. Skobo motions to carry to January 12, 2023 at 7:30 pm or soon there after with notice by the application with time and decision extended to January 31, 2023, seconded by Vice Chairman Julian.

Roll Call:	Mayor Lipani	Yes	Chairman Suraci -	Yes	Mr. Skobo -	Yes
	Mr. Wagner -	Yes	Vice Chairman Julian -	Yes	Ms. Smith (Alt#2) -	Yes
	Committeeman DelCore -	Yes	Secretary Hesthag -	Yes		

Motion carries.

Mr. Bernstein advises Mr. O'Grodnick as soon as he can to get the paperwork in so it can be posted to Civic Clerk.

Chairman Suraci asks Mr. Maski to confirm the next meeting on September 22.

Mr. Maski confirms and states there are two ordinance for review and the continuation of M&M GlenGery who have just submitted new information.

ADJOURNMENT

A motion to adjourn was made by Mr. Skobo, seconded by Mr. Wagner. Motion carries unanimously.

At approximately 10:44 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*