

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

November 3, 2022

Chairman Carl Suraci called the Planning Board Regular Public Meeting of November 4, 2022 to order at approximately 7:00 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 - Present
Robert Wagner, Jr - Absent	Ron Skobo - Present
Committeeman Frank DelCore - Absent	Kenneth Hesthag, Secretary - Absent
Robert Peason - Present	John Ciccarelli (Alt #1) - Present
Carl Suraci, Chairman - Present	Patricia Smith (Alt #2) - Present
Neil Julian, Vice Chairman - Present	

Also in attendance: David Kois, PP, AICP, *Interim Planning Director/Deputy Zoning Official*; 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)*

Chairman Suraci asks the Board’s permission to alter the order of events in this meeting due to a change with one of the applications.

Vice Chairman Julian states he feels it is important to summarize, for the Board, and talk about the October 24th Environmental Commission meeting.

Mr. Bernstein interrupts to recommends, since the events of the Environmental Commission meeting pertain to the Homestead application, reading the application into the record, bringing up Mr. O’Grodnick then proceeding with the Environmental Commission meeting discussion.

APPLICATIONS – PUBLIC HEARING

- **Homestead 279 LLC – File 22-PB-05-S/MSPV** (TOD: 09/21/22) – Block 200.02, Lot 12 (Formerly Block 200.B, Lot 28) – 279 Homestead Road. Applicant seeking minor subdivision approval; preliminary and final major site plan approval; ‘c’ bulk variances; and waivers, to subdivide 17.11 acres into two lots: Proposed Lot A to front on Homestead Road and contain 5.41 acres to retain the existing commercial use and improvement; and Proposed Lot B to contain 11.7 acres and the subject of the major site plan application, to construct a 137,413 sf. warehouse with internal office space, associated parking, lighting, stormwater, and improvements, on Property in the LI, Light Industrial Zoning district. *Revised plans / reports submitted 08-08-22.*

REVISED plans/documents dated October, 2022 (EC Review: 07-25-22 revised packet routed 09-19-22). Continued from September 01, 2022 without further notice.

Participating for the Applicant: Michael O'Grodnick, Esq., Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A

Participating for the Objector: Joseph C. Tauriello, Esq. of The Law Offices of Joseph C. Tauriello, Esq., P.C. (Opposing Counsel)

Mr. Ciccarelli states he is recused from this matter but would like to know if the issues from the Environmental Commission meeting are specific to the Homestead application or general.

Vice Chairman Julian states it is general but there was an incident that happened to the applicant which needs to be brought to light and it is the generalization of the conduct of the meeting he wants to talk about.

Mr. Bernstein states Mr. Ciccarelli can remain for the discussion about the conduct of the meeting but when the discussion turns to specifics of the application he will have to recuse himself for the remainder of the application.

Michael O'Grodnick introduces himself and states they are seeking an adjournment due to the unavailability of their planner. He explains his absence from the Sept. 1, 2022 meeting and insures he has since reviewed the recording of the hearing. He understands the Board's calendar is very busy and selecting a new date may be difficult.

Mr. Bernstein suggests a new date of January 12, 2023, after the reorganization.

Chairman Suraci clarifies for the public there will not be any testimony.

Mr. Bernstein suggests they attend just to hear whatever has to be said.

January 31, 2023 is agreed on for the new Time of Decision (TOD).

Mr. Bernstein clarifies the January 12, 2023 meeting would be without further notice; TOD extension to January 31, 2023 and with the understanding from all parties that this matter will not be heard on January 12 but at least potentially establish the next date.

Mr. O'Grodnick states for the record the agreement on dates has been signed and memorialized.

A motion to carry this application to January 12, 2023 without notice at which time a calendar date and time will be established and the Time of Decision date extended to January 31, 2023 is made by Mr. Peason, seconded by Mayor Lipani. No comments.

Roll Call:

Mayor Lipani -	Yes	Chairman Suraci -	Yes
Vice Chairman Julian -	Yes	Committeeman DelCore -	Absent
Secretary Hesthag -	Absent	Mr. Skobo -	Not Eligible
Mr. Wagner -	Absent	Mr. Santaromita -	Not Eligible
Mr. Peason -	Yes	Mr. Ciccarelli (Alt #1) -	Recused
		Ms. Smith (Alt #2) -	Yes

Motion carries

Mr. O'Grodnick begins reviewing legal issues with respect to the street variance as it relates to Mr. Bernstein's request in the Sept. 1, 2022 meeting asking Mr. McDonough to draft a planning memorandum addressing the relief necessary. He reads the statute pertaining to the lot not abutting the street to explain how it offers two different remedies for relief.

Mr. O'Grodnick states while he agrees planning testimony would be helpful and meaningful for the idea of practical difficulty and unnecessary hardship, his position is the Board needs to hear the entire case before voting because of the second section of subsection D35 and 35. He references and exchange between his colleague, Mr. Fisher, and Mr. Maski, in which they discussed if there is a variance and explains how he has looked into this issue further. Mr. O'Grodnick references the case of Lakewood Realty Associates vs. Zoning Board of Adjustment of Lakewood, reads a portion of the decision and gives a brief description of the property. He offers copies of the case for Mr. Kois and Mr. Bernstein's consideration.

At approximately 7:48pm **Committeeman DelCore** arrived.

Mr. O'Grodnick moves on to his next argument and respectfully states he does not think it is proper for the Board to act on the application without hearing the application. He states it was his impression upon listening to the September 1, 2022 meeting, the Board wanted Mr. McDonough, the applicant or the owner to testify to the issue of the hardship. He argues it is impossible to look only at the variances and the relief needed and questions whether a board can bifurcate an application or is required to hear the entire application before voting. Mr. O'Grodnick asks the application not be heard in pieces but rather all the testimony be put on the record before the Board votes on either the subdivision or the site plan. In conclusion Mr. O'Grodnick reads into the record quotes from *Centennial Land v Medford*, *Learned Treatise*, and *Geiger v Levco*.

Joseph Tauriello requests a copy of the Lakewood case referenced. Mr. Tauriello argues the cases Mr. O'Grodnick referenced mentioned all evidence but not evidence to the entirety of the case. He continued cases are bifurcated all the time especially in the case of a subdivision.

Mr. Bernstein does not have any comments for the record at this time.

Mayor Lipani answers a question regarding public comment from the audience. He states the public can make comment on items not on the agenda, when the meeting reaches the public comment portion, so since this application is listed on the agenda it is not open to public comment at this time.

Chairman Suraci states no more shouting from the floor and affirms there is no public comment on this application as the application is not being heard tonight. He clarifies the attorneys are not the witness.

Chairman Suraci turns it over to Vice Chairman Julian for his report and concerns from the October 27, 2022 Environmental Commission meeting.

Vice Chairman Julian states the EC was inundated with people. The meeting was overcrowded in an undersized room, people were emotional and frustrated and Commission members were at a

loss for how to handle the situation. They did not know how to contact a fire marshal, the police and almost shut down the meeting multiple times. The Environmental Commission would like to ask for support for being better prepared to handle similarly toned meetings in the future. Vice Chairman Julian states this seems to be the new normal.

Chairman Suraci interrupts stating he doesn't expect this to be the new normal and is outraged the public would be behaving in that way. But he does hear what Vice Chairman Julian is saying.

Vice Chairman Julian states the Environmental Commission needs to have the mechanisms in place to have the ability to react appropriately to a crowd. He continues that despite members being on the Commission for a number of years they could not get ahold of the right people and did not know what to do. He does not want other Commissions to be put in similar positions so he is asking to have somebody go over the protocol and how to handle similar situations with the various Commissions. He does not want the Commissions and volunteers to be put in another similar potentially volatile situation without knowing their authority and understanding how to handle it. Vice Chairman Julian stated someone from the applicant approached him after the meeting to tell him they felt threatened during the meeting. Vice Chairman Julian states this is not acceptable behavior or atmosphere for a Commission meeting.

Chairman Suraci states he is embarrassed this has happened but this is how things get restricted.

Vice Chairman Julian states it is good to include the public but the room and the set-up for the Commission was not sufficient for the size of the crowd. He suggests perhaps a larger room and/or setting the Commission up behind a podium. He is not sure of the answer but felt strongly the subject needed to be brought it.

Chairman Suraci states he will yield to Mayor Lipani to respond since he is administration but unfortunately, he thinks a police presence may be necessary moving forward.

Mayor Lipani reminds the public the members of the Environmental Commission are volunteers who live in Hillsborough and are giving their time freely. He continues, it is truly an advisory panel that has no way of voting for or against the application, they advise the Planning Board. He continues by expressing his disappointment in those who mistreated the members of the Commission and applicant. He says if he needs to limit the number of people in the room during a Commission meeting he will, if it means keeping his volunteers safe. He says it is up to the public to behave and present themselves in a respectable manner.

Committeeman DelCore states he thinks the township allows for as much public comment as possible, the meetings are held in public because it is required but there has to be a certain level of expectation on how those meetings are conducted and volunteers feeling threatened is not acceptable. Protection will be put into place to ensure the safety of the township volunteers.

Mr. Bernstein asks the record to reflect Mr. DelCore arrived at 7:48 pm and that Mr. Ciccarelli is back on the dais since the issue regarding the refusal is not before the board at this time.

- **1170 Millstone LLC (REDCOM) – File 22-PB09-MSPV** (TOD: 02-28-23) Block 18.01, Lot 40 – 1170 Millstone River Road. ***Application rescheduled to December 1, 2022 agenda with notice (later requested to be adjourned to a 2023 date to be determined, with notice).***

A motion to reschedule the application to the January 12, 2023 regular meeting was made by Mr. Peason, seconded by Mr. Skobo.

No comments.

Roll Call:

Mayor Lipani -	Yes	Chairman Suraci -	Yes
Vice Chairman Julian -	Yes	Committeeman DelCore -	Yes
Secretary Hesthag -	absent	Mr. Skobo -	Yes
Mr. Wagner -	absent	Mr. Santaromita -	Yes
Mr. Peason -	Yes	Mr. Ciccarelli (Alt #1) -	
		Ms. Smith (Alt #2) -	Yes

Motion carries.

CONSIDERINGATION OF MEETING MINUTES

- September 22, 2022 regular/business meeting minutes were reviewed.

Mr. Bernstein states who the eligible members are for voting.

A motion to approve as written was made by **Mr. Skobo**, seconded by Ms. Smith.

No comments.

Roll Call:

Mayor Lipani -	Yes	Chairman Suraci -	Yes
Vice Chairman Julian -	Yes	Committeeman DelCore -	Yes
Mr. Ciccarelli (Alt #1) -	Yes	Mr. Skobo -	Yes
Ms. Smith (Alt #2) -	Yes		

Motion carries

CONSIDERATION OF RESOULTIONS

- Revision of Resolution – Application Number 98-PB-24-MR (Peter & Elizabeth Drenchko)
Mr. Bernstein states this item has been placed on the agenda at the request of the County regarding the removal of a condition on an old application regarding a regulation on the term of any future development of the site. The condition is being proposed to be removed with the subject condition that any development on the site has to come back to this Board for future action.

A motion to make that condition was made by Mayor Lipani, seconded by Mr. Santaromita.

No comments.

Roll Call:

Mayor Lipani -	Yes	Chairman Suraci -	Yes
Vice Chairman Julian -	Yes	Committeeman DelCore -	Yes
Secretary Hesthag -	absent	Mr. Skobo -	Yes
Mr. Wagner -	absent	Mr. Santaromita -	Yes
Mr. Peason -	Yes	Mr. Ciccarelli (Alt #1) -	
		Ms. Smith (Alt #2) -	Yes

Motion carries.

PLANNING BOARD BUSINESS

- None

CONSIDERATION OF ORDINANCES

- None

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

Chairman Suraci opened comments from the public.

David Brook – 7 Winding Way, Hillsborough

- Mr. Brook reads a written statement to the Board expressing his concern over the Township Engineer seemingly, at times, advising the applicants best interest rather than the Township's and a lack of civility often addressed to the public in these meetings. Mr. Brook offers one suggestion for everyone, the Board, the staff, the applicant and the public, which is a proceeding that respect each person's opinions and ideas and everyone is civil and respectful. He also reminds the Board the public is not their enemy but rather their friends and neighbors and they all want the same thing, a community that is safe and enjoyable to live in, keeps some green spaces between, is developed in a way that respects everyone, with a cohesive town center and ultimately provides a place all wants to call home.

Committeeman DelCore states the Township Engineer is paid by the Township and works as the Township's advocate his job is to make sure the applicant is doing the engineering tasks in compliance with the law which protects Hillsborough ordinances and regulations. The Township Engineer is not the enemy of the applicant; there are always opportunities for planning that make sense and because there are applications some residents do not want or the Board thinks is not appropriate for Hillsborough, that does not mean the applicants should be treated in a way that is counter to smart and important planning aspects. We should not be antagonistic to these applicants and in many cases, it make ultimate sense for the Township Engineer to work with the applicant's engineer to get to the right resolution. We should not always assume applicants are going to be adversarial.

Mr. Hay states he would first like to dispel any reservations the public may have and protect the firm he works for by clarifying they have no relationship with this applicant. Secondly, his role is to educated the Board, the applicant and the public as well as advise. In the matter of the application in question, the applicant needs to provide certain results to convince the Board. And if an application does not have the necessary proofs, he will call it out as he has done in the past with other applications. He would like the public to understand a lot of the applicants coming before the Board, he feels, need to be educated because they are not bringing things to light that are extremely important to the environment of the community.

Brian Tarantino – 235 Fairfield Lane

- Mr. Tarantino states he does not think the public is saying Mr. Hay is partial but rather the concern is with the appearance. He appreciated how, at the Harvard Way meeting, Chairman Suraci told the applicant Mr. Hay "is not your consultant" and offered this as an example how the boundaries can be blurred at times. He feels if the applicant is not prepared it is up to them to be prepared. But he appreciates the professionalism and impartiality the Board shows.
- In regards to the Environmental Commission meeting, Mr. Tarantino states while he was not present, he offers perhaps if there is wide-spread interest in an application a larger room for related meetings would be more appropriate and maintain access. He urges the Board to consider this rather than restricting access to a meeting which would be counterproductive.

Nick Grigas – 71 Weber Avenue

- Mr. Grigas states he was at the Environmental Commission meeting and what Vice Chairman Julian said was partially true. Many of the people who came were seniors from his development who felt threatened because they thought they were going to lose their homes or live next to a warehouse for the remains of their days. They did not understand the rules of the meeting but their concerns were not handled well either. They did take action and he is here speaking on behalf of them to apologize for the masses and say it will not happen again.

Vice Chairman Julian states he understands, he felt the emotion there too. He did not want to bring it up but felt it was his obligation to in an effort to help prevent something from potentially happen in the future.

Maria Janucik – 720 East French Ave., Manville (residence) / 2155 Camplain Road, Hillsborough (property owner)

- Ms. Janucik formally requests verbatim transcripts be provided on Civic Clerk for public hearings in time for the second public hearing on an application.

Meryl Bisberg – 4 Hickory Hill Road,

- Ms. Bisberg asks for understanding as to why the large meeting room is not used for Environmental Commission meetings.

Chairman Suraci states the Environmental Commission meetings generally are not well attended.

Mr. Bernstein interjects stating that decision is not within the Board's purview. The Committee members present along with the interim Planning Director will address the issue with Hillsborough Township Administration. This Board does not schedule where or how the Environmental Commission meets or how it conducts its meetings. It is an advisory entity to this Board.

Committeeman DelCore clarifies for the general public that Environmental Commission meetings on average have less than 10 people present and what transpired on October 20th was unique. For future meetings if there is a change in circumstances that warrant a change in venue it will be taken under consideration.

- Ms. Bisberg states she thinks it is wonderful there is so much public interest in what's happening within Township planning and would like to for participation not to be limited.
- Ms. Bisberg asks if the resolution passed in September with regards to notifying warehouse applicants to submit testimony descriptions applies to the first application meeting and has the Weston Road LLC been notified.

Mr. Bernstein states it applied to all applications where there is going to be planning testimony.

- Ms. Bisberg asks if there is an assumption there will be no testimony.

Mr. Bernstein states if there is not a report 10 days before the meeting then either won't be planning testimony or it won't be allowed to be heard.

- Ms. Bisberg asks how the applicant is notified

Mr. Bernstein says it is a public notification and the law firm handling it is well aware.

- Ms. Bisberg states on September 22, 2022 the Planning Board passed a motion for the Township Committee to review the Light Industrial Zone in light of the new state planning warehouse guidelines. Ms. Bisberg asks 'what about the other Zones' and how many variances can an applicant get before it is clear the application doesn't fit the zone and how many can they skip even asking "with a wink and a nod of the Planning Board".

Chairman Suraci Ms. Bisberg's comments.

Committeeman DelCore interrupts stating "wink and nod" is the type of comments the Board addressed earlier imply the Board is doing something nefarious and does not understand why Ms. Bisberg is going down that path.

- Ms. Bisberg states residents were the ones who pointed out the issue with the bike lanes and sidewalks.

Members of the Board ask Ms. Bisberg to explain what is meant by her "wink and nod" comment.

- Ms. Bisberg states it means the Planner did not require a variance for this and it wasn't acknowledged. The public brought it back up in the July meeting.

Chairman Suraci asks why Ms. Bisberg did not state it this way initially and states using passive aggressive terms such as the "wink and a nod" comment is what inflames the general public and causes these type of situations and scenarios at meetings. It is words like these that will cause the limitation in access for the public. And reminds the Board just went over civility.

- Ms. Bisberg states the remark was not uncivil. She continues by stating she thinks residents are reading these Zones more.

Mayor Lipani interrupts clarifying it is not as simple as look at a Zone and change it as a change in one Zone could trickle down to all the other Zones. It is a long process, which the Board started in May, to look at all the Zones. It is not the fact the public brought it to the Board's attention, the Board is studying all the TEC Zones and Alley Zones. It is not something done with a wink or a nod or even just the changing of a word. The Board does not want to change one Zone and have it affect 10 other Zones in a negative way. The Board has been looking at these for awhile, the public just was not aware of it.

- Ms. Bisberg asks how is this plan going to accrue to stopping the five current applications.

Multiple Board members say it can't.

Chairman Suraci states he is going to stop the discussion and reminds that because of the five active applications they shouldn't be discussing anything that could impact them while still in process.

Committeeman DelCore states, to clarify to everyone, regulations and ordinances are in place at the time an application is submitted. Not when it is approved or when it clears third-party approvals; it is at the time the application gets submitted.

- Ms. Bisberg comments on the lack of information when the applications came out.

Mr. Bernstein reminds what the state recently issued are guidelines, recommendations and suggestions to municipalities for consideration for the zoning going forward. The legislature changed the law a number of years ago from a time of decision rule to a time of application rule. No matter what the state promulgates almost all legislature approved by changes is prospective in nature and rarely retrospective in nature. So the changes coming are not going to affect any application currently before the Board and potentially any application that comes before the Board between now and the ultimate promulgation. He wants the public to understand these applications are going to rise and fall on what is in existence right now. As to what was or was not brought up by the public, these applications are reviewed in an ongoing basis by multiple departments and these departments are greatly appreciative when the public brings something up. It does not mean they are not already aware of the issue.

- Ms. Bisberg asks if the number of waivers or variances an applicant can ask for open-ended.

Mr. Bernstein says yes, it is open-ended. The Municipal Land Use Law does not restrict the number of variances or waivers permitted to apply for an application. It does impact which board, Planning or Zoning, hears the application.

Committeeman DelCore adds the Board, Mr. Bernstein, Mr. Kois or Mr. Maski have no authority to deny an application because it has variances in it. The application gets submitted and it gets heard on its merits. It's the process the Board has to go through and they have tried to explain many times.

- Ms. Bisberg request the Board does everything they can to look at all aspects and continue to allow the public come in and be heard.

Mr. Bernstein states this Board will consider everything placed before it by whoever places it. However certain testimony has more weight than others, it doesn't mean it won't be considered. Every application is considered in that matter whether it is a warehouse application or an application for a minor subdivision of a residential community. The rules of engagement are no different. The applicant has to prove the variances, waivers, underlying conformance of the zoning and the Board decides if it fits the situation. Every application is looked at in its own light.

Mr. Hay states in reference to the warehouse guidelines he was going to ask applicants to address certain guidelines if he does not see them already in the applications.

Mr. Kois states it is really important to have a comprehensive approach when looking at warehousing and all the different Zones. There are many different types of Zones and types of Uses that are permitted. It is very complex and not something that could be right away quickly fix. All decisions are interconnected so it is very important this is done behind the scenes and all the right information is collected. At the same time the Planning and Zoning Departments are working on applications and talking to applicants which is an opportunity for the Township to talk to them about things out there like the guidance and encourage them to consider doing different things in the application. As the professionals reviewing this applications we take great pride in being the guard in terms of looking at all the requirements in the ordinance. Ultimately when it comes to Planning and Zoning we are looking at the general safety, health and welfare for the community.

Mr. Kois continued by saying when they work with applicants they try to bring to their attention different situations where it could ultimately help the Township. As licensed professionals they take great pride in what they do, what they represent and the people they serve. And hopes the public respects the job they do as professionals.

- **Niyati Shah – 3 Deer Run**

Ms. Shah asks if an application is denied and the applicant resubmits, is that considered a new application or a continuation of an existing application.

Chairman Suraci says it is a new application but most likely an applicant will go to court before they submit a new application.

- Ms. Shah next asks how the public can be part of the zoning discussions the Board started in May.

Committeeman DelCore states they will become part of public hearings, eventually being discussed in Township Committee meetings.

- Ms. Shah asks if the public has an idea for a new zone how should they bring it up.

Mayor Lipani says he doesn't think a new zone has ever been created that way but if the public has an idea about one they can contact the Planning Department with whatever idea they have.

- **Joyce Eldridge-Howard – 75 Weber Avenue**

Ms. Eldridge-Howard apologizes for the community or the perception the Board has of the community. She states her community is made up of ages 65+ and for them to make the effort to come out to a meeting took a lot. Many were scared and unsure about what may happen to their community. They were all upset, many were calm and their concern for what was going to happen to their community was their primary focus. They did not intend to make a spectacle. They apologize.

Vice Chairman Julian states there was no need to apologize and he agrees most people were well behaved. But the incident with the applicant and what he shared with him needed to be addressed.

- **Jim Vonderhorst – 88 Weber Avenue**

Mr. Vonderhorst states he is the President of the Hearthstone at Hillsborough Home Owners Association and was in attendance at the Environmental Commission meeting in question. He says one of the things they are doing with their Community this week is educated them about what are the proper procedures in meetings such as this. He hopes the next meeting will be less "energized".

- Mr. Vonderhorst continues by stating the size of the room was an issue and there will be more people at the next Environmental Commission meeting because the Hearthstone Community is energized about this issue. He states it would be beneficial, if possible, for the next EC meeting to be in a larger.

- **Susan Gulliford – Hunt Club Road**

Ms. Gulliford states she was at the Environmental Commission meeting and that there was

no microphones, no attorney support, no stenographer and no video. People were setting up chairs behind where the Environmental Commission members were sitting. She suggests the Board consider setting the EC members up on the dais/on the stage. She understands it is hard to determine how many people from the public will be attending a meeting thus making it hard to decide when to relocate a meeting. She feels there was some confusion with the public who despite the process of the meeting being explained still did not quite understand. She likes the 'Guide to Meetings' the Township has on their website and suggest moving it somewhere more visible or easily found.

Committeeman DelCore states we all know where the fair levels of decorum are and the Board has noted the suggestions about notifying people about what is expected.

- Ms. Gulliford next asks for clarification on the status of Harvard Way, specifically the ability and timeline involved with appeal, as many people seem to believe since it has been denied it is over.

Mr. Bernstein states the Resolution has to be created in a period of time and once adopted and published, the applicant has 45 days to file a 'complaint in lieu of prerogative writ' with the Superior Court of NJ.

- **Licia Gaber-Baylis – 22 Huff Lane**
Ms. Gaber-Baylis asks if applicants include misleading information in their application does the Board work to fix that.

Mayor Lipani asks for clarification.

- Ms. Gaber-Baylis references Community Impact Statements.

Mayor Lipani states it is up to the Township professionals to determine if they, the Community Impact Statements, are incorrect and he believes it is done through a basic program.

Mr. Hay states yes there is a calculation program that's used. It ways the community benefit verses the non-benefits. Community Impact Statements are signed sealed by professionals and attested to by professionals when they go through technical review.

- Ms. Gaber-Baylis explains the discrepancy in understanding and calculation in the Community Impact Statement as it pertains to projected surplus estimate with projected school age children. And expresses concern in how the use of the word "surplus" is going to impacted school board budgets. She understands school board budgets is not this Board's concern but asks to brainstorm about what they can do to adjust the usage of this term in Community Impact Statements.

Committeeman DelCore states he may not understand what Ms. Gaber-Baylis is seeing. He states the surplus may not be in the calculation of how the school has to apply their budget but that is not what it is intended to do.

- Ms. Gaber-Baylis further explains the calculations.

Committeeman DelCore states he thinks Ms. Gaber-Baylis' issue is with the school funding formula and the way the schools get funded as opposed to Impact Statement which is simply a mathematical calculation stating what is expected tax revenue and what is expected services cost.

- Ms. Gaber-Baylis states this would be fine if the correlation between the two was taken out; take out that part which makes it look like there is going to be a surplus.

Committeeman DelCore states the piece he thinks Ms. Gaber-Baylis is missing the marginal cost that ultimately determines what the true incremental cost is for all of the additional students. But he agrees there are problems in the way our schools are funded.

- Ms. Gaber-Baylis asks if the Board sees how the CIS says there is a surplus as it pertains to school budgets.

Various Board members say no and disagree.

Chairman Suraci considers closing the question to Mr. Bernstein.

Mr. Kois addresses the issue stating since the last round of Community Impact Statements came in, he and Mr. Maski met with the Mr. Eckert the School Board Business Administrator who, as representative of the Board of Education, is responsible for commenting on these statements. Mr. Eckert also shared some of wording developers had put in those statements as Ms. Gaber-Baylis pointed out. They agreed moving forward he would be looking at the statements and responding to them. They have not seen Mr. Eckert's responses yet but the Planning and Zoning Department plans to review the responses and try to find a way to communicate the needed clarifications to the developers.

- Ms. Gaber-Baylis asks if developers would go back to fix pending Community Impact Statements or would the Planning and Zoning Department give them comments with what to update.

Mr. Kois says they have not yet received comments from Mr. Eckert's review of the statements. Mr. Kois reiterates they are in communication but has no update at this time.

Chairman Suraci confirms what is up-coming meetings, November 10 and December 1, 2022. There is no business meeting scheduled due to Thanksgiving.

Mr. Bernstein states M&M is returning on December 1st and explains for the record, the verbatim transcripts exist because his office orders and pays for them. And he believes he caused Mr. Wolfson's indignation. He reminds the Board and the public that what is on Civic Clerk is what is provided to the Board by the applicant, by the public and by the Board's professionals. The agreements for affordable housing are not necessarily provided by any of those groups.

ADJOURNMENT

A motion to adjourn was made by Mr. Peason, seconded by Mayor Lipani. Motion carries unanimously.

At approximately 9:13 meeting is adjourned.