

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

March 9, 2023

Chairman Carl Suraci called the Planning Board Regular Public Meeting of March 9, 2023 to order at approximately 7:21 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 announced 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 2023 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

Present - Robert Wagner, Jr	Present - Patricia Smith (Alt #2)
Present - Robert Peason	Present - Committeeman John Ciccarelli
Absent - Frank DelCore	Present - Mayor Shawn Lipani
Present - Ron Skobo	Present - Neil Julian, Vice Chairman
Present - Kenneth Hesthag, Secretary	Present - Carl Suraci, Chairman
Present - Bruce Radowitz (Alt #1)	

Also in attendance: David Kois, 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.*; Dylan Tollefson, *Township Videographer (Fuerza Strategy Group)*

CONSIDERATION OF MEETING MINUTES

None

CONSIDERATION OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

- 2022 Board of Adjustment Annual Report, adopted March 1, 2023
- Mr. Kois states the Board of Adjustment sent over a courtesy copy of their annual report.

Chairman Suraci states no action needs to be taken.

Mr. Bernstein confirms only acknowledgement is required.

CONSIDERATION OF ORDINANCES

None

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

Chairman Suraci opens comments from the public reminding the public this time is for matters not on the agenda, and this does include direct or indirect comments with regards to warehouses;

comments regarding warehouses should be held till the public portion of the appropriate application so comments will be on the record with the application. He asks the public to state their name and address and reminds there is a five-minute limit per person.

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

- Ms. Janucik states her concern that there are no environmental issues listed on the Homestead Road LLC applications which was heard at the March 2, 2023, Planning Board meeting and questions the quasi-judicial nature of those associated with the Board who signed the application. She states there are environmental concerns.

Chairman Suraci reminds these are ongoing applications so they will not be commenting in it but in general at the time of the signing of the documents the signees understood the information to be true. They now understand there is an active DEP investigation on the properties in question.

- Ms. Janucik asks to submit copies of her concerns to the Board.

Chairman Suraci tells Ms. Janucik that would not be fair to the applicant and instructs her to give her statement to Mr. Bernstein for review.

Grant Kolmer - 144 Taylor Ave

- Mr. Kolmer asks the procedural question of why was comment not opened to the public at the end of the Bryson application at the March 2, 2023, meeting, prior to final approval.

Mr. Bernstein and Mayor Lipani explain why it was not required.

David Brook - 7 Winding Way

- Mr. Brook expresses concern with the Board limiting the content of public comment. He feels it raises issues of censorship and reads into record the First Amendment of the Constitution. He asks Mr. Bernstein to assist the Board in rephrasing the introductory comments as it relates to public comments and removing any language that imposes content restrictions on the public portion of each Planning Board meeting. He states the goal is to encourage active public participation, not censor it. He continues by stating from a Constitutional point of view this Board is prohibited from intruding upon the First Amendment free speech.

Chairman Suraci clarifies that he was not prohibiting public from commenting on warehouse applications but rather stated when it is appropriate for those comments and why. He states it is his obligation to ensure everyone's due process.

- Mr. Brook states he agrees in regard to due process but disagrees with regard to rules. He states there is no written rule as has been presented to the public and asks if the Board is going to change the rules to please do so when they adopt them at the beginning of the year.

Chairman Suraci tells Mr. Brook his five minutes have been reached.

Mr. Bernstein states there are a couple of procedural issues before starting the public hearing

portion. Firstly, Mr. Ciccarelli is recused from this application.

Mr. Ciccarelli leaves the meeting at approximately 7:15 pm.

Mr. Bernstein continues, secondly, they received an executed certification by absent board member Examination of Record of Eligibility to Vote from Mr. Hashtag regarding reviewing the transcript and/or video recording of the November 3, 2022 and February 9, 2023 Planning Board meetings which makes him eligible to participate in this application. They also received a signed certification from Vice Chairman Julian having viewed the video recording of the February 9, 2023, meeting making him eligible for participation in this application.

Chairman Suraci invites the Objectors forward.

APPLICATIONS – PUBLIC HEARING

- **Homestead 279 LLC – File 22-PB-05-(S)/MSPV** (TOD: 06-30-23 w/Ext.) - **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. a second 132,750 SF warehouse building on the subject lot, with internal office space, associated parking, loading spaces, 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 / **Further Revised Plans submitted 02-24-23 removes the request for a minor subdivision.** (EC Review: 07-25-22 / Revised packet routed 09-19-22) (PB agendas: 09-01-22; 11-03-22 – adjourned without further notice; 01-12-23 – NO testimony – for scheduling only; 02-09-23). **Application continued from February 09, 2023, without further notice.****

Participating for the Applicant: Michael O’Grodnick, Esq., Savo, Schalk, Corsini, Warner, Gillespie, O’Grodnick & Fisher, P.A.; Joshua Tiner, PE of Redcom Design & Construction LLC (Civil Engineer); Roberto Martinez, RA, Redcom Design & Construction LLC (Architect); John McDonough, PE of John McDonough Associates, LLC; and Greg Redington Managing Member of Homestead 279, LLC and Redcom Design & Construction LLC, Applicant Representative.

Participating for the Objector: Joseph C. Tauriello, Esq. of The Law Offices of Joseph C. Tauriello, Esq., P.C. (Opposing Counsel); Christopher A. Melick, PLS, PP (Opposing Witness).

Michael O’Grodnick, attorney for the applicant, introduces himself and the application and gives a summary of the application hearings thus far and subsequent revisions to the application. He states this application complies with all but one of the bulk standards in the LI Zone which is an existing non-conformity related to the minimum buffer on the non-residential where 20-feet is required, and 16.3-feet is existing which is under 1807-107-E1. He reviews the permitted Use, size requirements and Impervious Use. He reviews the potential architectural and site design overlay standards identified by the Board Planner. He states their architect will review their redesign. Mr. O’Grodnick summarizes the seven identified design waivers. He states among his witnesses this evening is Greg Redington the principal on behalf of the applicant. He states the owner’s authorization, with respect to the removal of the subdivision, was submitted via email earlier today.

Mr. Bernstein asks Mr. Tauriello to introduce himself.

Joseph Tauriello, attorney for Objector Sandra Aiello, introduces himself and Christopher Melick, witness for the Objector.

Mr. Bernstein explains a Standing Issue which has arisen. He explains how, based on the insufficient email his office received today, the purported builder does not own or have control of the property. He continues stating the assumption of a subdivision is the individual will assume the ownership of the property but there is no indication in the original application that this is not the case. They are unaware and have no paperwork that Mr. McNally, who is the owner of the property, was engaging in a relationship with Redcom for the purpose of building a second building on the second property for his use. There is no indication as to how this property is going to be owned or how a building is going to be built in relation to ownership. Mr. Bernstein states we now have an applicant who does not have control of the property and an unsigned, unnotarized document that doesn't confirm or conform on an issue of Standing.

Mr. Bernstein states it is his opinion the Board should not be moving forward on an application where the applicant is not the property owner.

Chairman Suraci states he is concerned the authorization is not signed.

Mr. O'Grodnick states it does not matter since they submitted an application with an owner's affidavit. He explains why this applicant has Standing and states they were only made aware of the Standing issue less than three hours ago. He states if the Board decides not to hear this application based on this recent Standing issue it opens itself up to serious Constitutional damages. He asks to be allowed to proceed.

Chairman Suraci asks Mr. Kois why the initial memo with checklist is now inadequate.

Mr. Kois explains that typically when an application is updated to this extent the applicant submits an updated application, which has a signature line for the owner, and updates the application narrative. He explains the implications of a not updated narrative.

Chairman Suraci asks if there was no addendum to the application.

Mr. Kois states there was a cover letter provided and an updated narrative that was received today after the concerns were raised and explains the concern with the lack of acknowledgment on the record from the owner.

Mr. O'Grodnick asks Mr. Kois to give examples of other applications that have required a new owner's affidavit mid-application when an applicant makes changes to a plan.

Mr. Bernstein disagrees with 'change of plan' and states the issue is who is developing the property and explains why which includes but is not limited to the removal of the subdivision line.

Mr. O'Grodnick argues that Mr. McNally consents to the amendment.

Chairman Suraci states it is his opinion that Mr. McNally will need to submit something more formal and recommends to Board members they not allow him, at this time, to testify as an applicant until there are some legal documents in place.

Mayor Lipani explains it is an issue that they do not know the terms of the agreement between Mr. McNally and Mr. Redington.

Mr. O'Grodnick suggests moving on to Engineering and states Mr. Redington will discuss the issue at hand with Mr. McNally and they will try to get something in writing within the next hour.

Mr. Bernstein acknowledges Mayor Lipani's comments and agrees it is imperative for the Board to understand how the agreement between Mr. McNally and Mr. Redington is being handled since it is no longer an applicant who is buying a property to then subdivide. He states it seems someone is building a second building on somebody's property and Board, Objector and public need to understand exactly what the terms and conditions are for this agreement.

Mr. O'Grodnick asks how it is relevant and if it is private and argues there seem to be different rules for warehouse applications.

Mr. Bernstein states for the record and with explanation that with this change in application Mr. McDonough's testimony from the February 9, 2023, meeting is not applicable to any future application as to this property as it pertains to a subdivision.

Chairman Suraci asks Mr. Tauriello if he has any comments.

Mr. Tauriello states they identified the same Standing issue earlier today and were planning to discuss tonight and they are also uncomfortable with email/text message from the applicant and would like to better understand the nature of the relationship, i.e., lease, sale etc., and conditions.

Mr. Tauriello challenges the applicant's complaints regarding undue delay in the process and provides a written statement verifying a witness's availability at a time when the applicant delayed proceedings claiming the witness was not available. He offers to submit the statement.

Chairman Suraci reviews the situation and states he is inclined to allow the engineering testimony to move forward with the understanding it does not change or have any bearing on anything related to who may be the owner and/or applicant and that the engineering testimony cannot change going forward once owner/applicant is established. However, he does not think that will happen tonight as they need a better understanding of the business relationship at hand.

Chairman Suraci asks the Board if they agree.

Mayor Lipani states he would agree they could move on with relative items subject to the building and the engineering.

The Board agrees.

Mr. O'Grodnick states they will submit any type of certification/affidavit related to very general, non-confidential, non-privileged terms related to the contract purchase and the ultimate sharing of the property, should the application be approved.

Chairman Suraci asks if there is a purchase as it is his understanding they are not subdividing.

Mr. O'Grodnick corrects stating two buildings on one lot which is permitted by the ordinance.

There is a discussion about process.

Mr. O'Grodnick calls **Joshua Tiner** as engineer.

Mr. Tiner is sworn in and states his qualifications are still intact and in good standing since his last testimony.

Mr. Tiner states he will be going over Exhibit A4 which is titled R-1 Aerial Exhibit and dated March 9, 2023.

Mr. Bernstein asks for the purpose of the record if the purposed application relies on this exhibit.

Mr. Tiner confirms.

Mr. Tauriello asks when these items were submitted as they have not received or reviewed a copy.

There is discussion between Chairman Suraci, Mr. Kois and Mr. Tiner regarding this being the first time the documents are being present as for a hearing exhibit.

Mr. Bernstein asks Mr. O'Grodnick if Mr. Tiner will be available at the next hearing for questions from the public as to his testimony which was not on Civic Clerk.

Mr. O'Grodnick agrees.

Copies of Exhibit A4 are distributed among the Board members and township professionals.

Mr. Tiner reviews the property.

Mr. Tiner reviews Exhibit A5, rendering number two which includes but is not limited to property description, compliances, water quality treatment and tree mitigation, architectural requirements of the proposed building, parking and signage, and design waivers.

Mr. Tiner states they will comply with the Fire Marshal memo dated October 31, 2022. He reviews the areas of the Pennoni Engineering memo dated March 6, 2022, in which they are in compliance or will be able to comply with and reviews the Geotechnical Testing.

Chairman Suraci asks Mr. Hay if there is anything he would like to add.

Mr. Hay asks if the applicant, pending approval, would provide a point-by-point response letter for all of the other compliance items that may be set by the Board as well as Board professionals. He also asks the traffic engineer be prepared to address the items in the letter.

Mr. Tauriello asks for a short recess.

Chairman Suraci calls a five-minute recess.

Chairman Suraci calls the meeting back into session at approximately 8:35 pm.

Mr. Tauriello asks, in regard to Mr. Tiner's report dated February 15 with revision on October 19, 2022, about Drainage Area 2 in Exhibit A5 if the runoff as it currently exists travels across the property in a northerly direction.

Mr. Tiner estimates north by northwest.

Mr. Tauriello asks if there are currently any swales on the property.

Mr. Tiner states there are what he would call undulations which can tend to appear to be a swale.

Mr. Tauriello asks for confirmation there are no swales in Drainage Area Two.

Mr. Tiner states there does not appear to be.

Mr. Tauriello asks for confirmation there are no ditches in Drainage Area Two.

Mr. Tiner states he does not see any ditches.

Mr. Tauriello asks if the topography in Drainage Area Two is flat.

Mr. Tiner states it has a general slope in a north-westerly direction.

Mr. Tauriello asks if there are berms or depressions in that area.

Mr. Tiner states he does not see any obvious berms or depression.

Mr. Tauriello asks if he is familiar with his client's property.

Mr. Tiner states yes.

Mr. Tauriello asks if his client's properties drain to the north.

Mr. Tiner states they probably drain to the north.

Mr. Tauriello asks him to explain what Time of Concentration.

Mr. Tiner explains how sometimes rainfall on properties can create watershed areas which the rain concentrates to, and the Time of Concentration is the longest period of time for the

highest raindrop to hit the point of analysis and then concentrate. The calculation is done through engineering methods.

Mr. Tauriello asks what the Time of Calculation is he used to calculate the runoff from the existing drainage area.

Mr. Tiner states he does not have the information handy and confirms it is in his report.

Mr. Tauriello asks the purpose of the larger wall being constructed along with conservation easement.

Mr. Tiner explains the retaining wall is there because the proposed grades in and around the building and the fire lane are proposed to be at a higher elevation than the existing grades to the conservation easement.

Mr. Tauriello asks the distance between the wall and the conservation easement and the height of the wall in the corner by the warehouse.

Mr. Tiner states the distance is three feet and the height is approximately 8.4 feet.

Mr. Tauriello asks how much the ground is being raised at the northerly corner of the warehouse.

Mr. Tiner states approximately 7.8 feet.

Mr. Tauriello asks for the calculation for the amount of fill needed under the loading area and behind the retaining wall.

Mr. Tiner states while they have done earth analysis of the area it is not to the specific location and is unable to tell the amount of fill proposed for that area. He makes speculative estimates.

Mr. Tauriello asks if under the proposed conditions with the warehouse roof and loading area it is reasonable to deduce water will flow in a westerly direction.

Mr. Tiner states the water captured by the roof of the structure will be placed in pipes that flow in a westerly direction to the Stormwater Management features.

Mr. Tauriello asks if the warehouse roof and loading area are considered impervious.

Mr. Tiner states yes.

Mr. Tauriello asks if it is fair to say all the proposed impervious cover is being directed to the large-scale bioretention basin located next to his client's property.

Mr. Tiner states a significant percentage of it is going to the stormwater management feature after going through either small-scale retention for surface drivable areas or the roof does go directly to it, yes.

Mr. Tauriello asks how the basin functions.

Mr. Tiner explains in detail.

Mr. Tauriello asks if Basin 15 was designed to infiltrate storm water.

Mr. Tiner explains how it allows for the infiltration of storm water.

Mr. Tauriello asks if soil testing was performed to determine if the subsurface soils are capable of infiltrating the required bonding around.

Mr. Tiner states yes, a Bain Flood Test was performed and explains in further detail.

Mr. Tauriello asked if they calculated the increase in the volume of water that will be infiltrated between the current condition and the proposed condition.

Mr. Tiner states there is no calculation that identifies this but offers some speculation.

Mr. Tauriello asks with respect to the existing conservation easement if it is true that a portion of the wetland that was delineated for this project extends beyond the limit of the conservation easement.

Mr. Tiner states yes.

Mr. Tauriello asks if he is aware of Hillsborough Township's requirement to permanently preserve critical features such as wetlands.

Mr. Tiner states he is not fully aware of the requirement.

Mr. Tauriello asks why a new conservation easement to preserve the wetlands and the transition area is not shown.

Mr. Tiner explains why it is only necessary to get a permit for the modification of the wetlands as they have evolved over time.

Mr. Tauriello asks if a portion of the retaining wall is being constructed in the transition area of the onsite wetlands.

Mr. Tiner states yes.

Mr. Tauriello asks if they are proposing a wetland reduction area and compensation area to address the encroachment into this transition area and if it is located in the existing conservation easement.

Mr. Tiner confirms.

Mr. Tauriello asks if this area is already preserved.

Mr. Tiner explains it is a conservation easement that currently doesn't have wetlands features within it.

There is discussion about preserved area verse conservation easement.

Mr. Tauriello asks a series of questions pertaining to the fire retention Basin 15 including but not limited to details around the outflow pipe and labeling of the conservation easement on the plans submitted to NJ DEP.

Mr. Tiner is unable to fully answer all the questions based on the documents he had with him.

Mr. Tauriello inquires about asking questions pertaining to Mr. Tiner's September 12, 2022, response letter to Mr. Hay from the Environmental Commission August 30, 2022 letter.

There is some time spent establishing which letter Mr. Tauriello is referencing and finding a copy and marking it as Exhibit O-3.

Mr. Tauriello points out bullet point 12 and reads it into the record along with Mr. Tiner's 'without merit' response to this bulletin point.

Mr. Tiner explains why he responded, 'without merit'.

Chairman Suraci opens it up to Board questions.

Vice Chairman Julian reads from the Environmental Commission's letter dated November 3, 2022, which was a response to Mr. Tiner's September 12, 2022 letter. As a result of what he read, he requests Geotechnical testing done on November 4, 2022, be reviewed by the Environmental Commission.

Mr. Bernstein asks for Exhibit A-4 to be displayed and asks if the Uses at Lots 11, 9, 8 and 7 are all Industrial Use.

Mr. Tiner states they are industrial in nature.

Mr. Bernstein asks if there is any indication of residential use.

Mr. Tiner states he is not aware of any indication of any residential use.

Mr. Bernstein asks for Exhibit A-5 to be displayed and asks questions about the loading docks including but not limited to how many loading docks, why that number, why are they facing north which is more residential rather than south which is industrial.

Mr. Tiner states there are 23 loading docks, he defers to the company architect as to why 23 and explains the direction of the docks as it pertains to the slop of the property as per industry standard.

There is discussion about who designed the 23 loading docks and how this decision was come to.

Mr. Bernstein asks if it is possible the property was designed with 23 loading docks because that is the maximum number that property could handle.

Mr. Tiner states that is a reasonable statement.

Mr. Bernstein asks how the size of the building was determined.

Mr. Tiner states the size has evolved based on the location of the subdivision line and trying to maximize compliance with the ordinance requirements.

Mr. Bernstein asks questions regarding the design of the building.

Mr. Wagner motions to open the meeting to the public, seconded by Mr. Peason. All were in favor.

Chairman Suraci opens the meeting to the public reminding them to state their name and address for the record.

Mr. Bernstein states for the record for the public's reference that Mr. Tiner will also be available for a testimony at the next meeting to discuss any items that were not placed on Civic Clerk more than 10 days prior to tonight's meeting.

Brian Tarantino – 235 Fairfield Lane

- Mr. Tarantino asks if Mr. Tiner has submitted any documents into the record showing White Stone is a reputable firm.

Mr. Tiner states no.

- Mr. Tarantino asks if Mr. Tiner's company retained White Stone.

Mr. Tiner states they are a subconsultant and they went through a Request for Proposal (RFP) process and selected White Stone from the proposals submitted.

- Mr. Tarantino asks if he was concerned the Environmental Commission state his consultant produced fraudulent data.

Mr. Tiner states he was bothered by the statement.

- Mr. Tarantino asks by what he was bothered.

Mr. Tiner states he was bothered because engineering firms and engineers commit to an ethical standard where they would not besmirch other engineers based on the other engineer's engineering opinions and so the Environmental Commission does not consist of engineers who would hold themselves to that standard but engineering firms would not be critical of someone else who is putting their license on the line with respect to their opinions over engineering issues.

- Mr. Tarantino asks if he is saying unless you are an engineering firm you cannot criticize an engineering firm.

Mr. Tiner states no, people can do whatever they want.

- Mr. Tarantino asks if he is at all concerned there is something wrong with White Stone based on the criticism from the Environmental Commission.

Mr. Tiner states he is comfortable with White Stone's work and has worked with them before. He goes into more specific detail about why he trusts them.

- Mr. Tarantino asked if he conducted an investigation when he learned of the Environmental Commission's accusation of fraud.

Mr. Tiner states he had a conversation with someone from White Stone about it and trusted his engineering ethics.

- Mr. Tarantino asks if the conversation was documented.

Mr. Tiner states traces of the conversation may have been documented based on his responses to various things that were submitted but he probably does not have a record of the conversation.

- Mr. Tarantino questioned Mr. Tiner about his earlier comments regarding time stamps on a report.

Jo O'Connell – 20 White Meadow Road

- Ms. O'Connell asks if they looked for historical data pertaining to why they would want to change the conservation easement and wetlands.

Mr. Tiner explains how a Wetland Consultant reviews current conditions to delineate where wetlands exist but do not look at historical information.

- Ms. O'Connell asks if they asked adjoining properties if they had reason to be concerned with storm water flow and what ramifications there may be if the Conservation Easement was minimized.

Mr. Tiner explains the restriction of a Conservation Easement is that nothing can be constructed on it and this application has avoided any construction on it. He states the Conservation Easement's location is deeded part of the property so they cannot minimize it.

Grant Kolmer - 144 Taylor Ave

- Mr. Kolmer asks for clarification and better understanding of Mr. Tiner's earlier statement about 6000 reductions as it pertains to storm water.

Mr. Tiner states the Quantity Reduction in the NJ Stormwater Regulations means you don't necessarily have to reduce the quantity of stormwater leaving your site in any given storm event but you have to reduce the Peak Flow Rates. He explains how some stormwater is retained by infiltrating soils and rock which will infiltrate into the ground thus reducing the quantity of stormwater that leaves the site.

- Mr. Kolmer asks if the water is currently getting infiltrated on the ground and if so how is the water moving in the area and how the building is going to help that.

Mr. Tiner the water by be infiltrated if there is a low spot and explains how water infiltrates.

- Mr. Kolmer asks where the water pocket is on the property.

Mr. Tiner states there is no water pocket in their area of disturbance. The water is currently going over the surface into the river.

- Mr. Kolmer asks how important is the volume calculation for the impervious coverage relative to any inevitable flooding event that is going to occur; how is the volume they are calculating help to mitigate any flooding.

Mr. Tiner states they calculate the volume then capture it in what's called a stormwater management facility or basin (BMP). In this case, the one that handles the largest quantities of stormwater is called the large-scale bio-retention basin; the basin captures the stormwater then the outlet control structure allows it come out slowly over time back to the same river the water used to go to.

- Mr. Kolmer asks if that is within 100 feet of a residential property.

Mr. Tiner states it is within the buffer of the property.

- Mr. Kolmer asks what considerations were given during the team's development of the water quality feature relative to any adjacent residential property in the development; "why put it there".

Mr. Tiner explains being that water rolls downhill, this is a lower portion conducive to being able to capture and could be engineered around the project so stormwater would successfully comply with the requirements and create a safe and effective stormwater management system.

- Mr. Kolmer asks if any adverse effects where discussed during the team discussions.

Mr. Tiner explains things considered during the planning process.

- Mr. Kolmer asks if it is fair to say during their team's development no consideration was given for any water quality feature relative to the residential property in the back.

Mr. Tiner states he does not think that is a fair statement.

- Mr. Kolmer asks if it is fair to say there were some discussions within the team's development to say this water quality feature would be best placed adjacent to a residential property.

Mr. Tiner states he does not think they spoke about it to that degree.

David Brook - 7 Winding Way

- Mr. Brook ask in regard to the Whitestone test Mr. Tarantino spoke about, did they go back and retest those original test beds to confirm the information (the information that was called into question).

Mr. Tiner states he is having a hard time recalling but believes the ones that were called into question were a whole new series of tests based on when flood testing was done. He explains how there is a discrepancy in the Basin Flood Testing Criteria in the BMP manual, how you go about it and how you can prove adequate infiltration to a rate which is acceptable for your design criteria.

- Mr. Brook asks in regard to the report the Environmental Commission was concerned about, did he or Whitestone repeat any of those tests in order to verify the information.

Mr. Tiner states as of the last submitted Whitestone report there has been no additional testing and then explains how basin flood testing works and why it is done by one person with similar testing times. He does not recall testing the exact same locations.

- Mr. Brook asks for clarification; they did retest with the same test or they did not retest with the same test.

Mr. Tiner states basin flood testing was done twice – two separate mobilizations for basin flood testing.

- Mr. Brook asks if the second set of tests is available for the public to view and if they show the same results as the first.

Mr. Tiner states they are available and that different results were found and explains how it is similar to a pass-fail test.

There is discussion about how a reading is taken and about how Mr. Tiner thinks the Environmental Commission did not understand how the reading is taken.

- Mr. Brook asked if he memorialized the conversation he had with Whitestone regarding the Environment Commissions concerns.

Mr. Tiner states there is no documentation of the conversation.

- Mr. Brook asked what details he remembers who he spoke with and what their role in the project is/credentials.

Mr. Tiner states he spoke with Kyle Kopez who he understands to be the project manager and is a licensed, geo-technical engineer.

- Mr. Brook asked how he know the information on the readings in question were accurate.

Mr. Tiner states he trusts the results of the consultant that provides the expert data as he is a licensed engineer who follows the best practice standards.

- Mr. Brook asks if he is aware of any complaints filed against Whitestone with the NJ Board of Engineers.

Mr. Tiner states he is not aware of any.

- Mr. Brook asks in regard to the large-scale retention basin where does the water go when

it infiltrates.

Mr. Tiner states it goes into the ground.

- Mr. Brook asks if it just goes down or if it also goes sideways.

Mr. Tiner speculates when it is mounted at a certain elevation some could go sideways into the side of the berm, but it would not be conducive to do that since it is not a soil that is intended or designed to infiltrate the same way the basin bottom is designed to; the soils at the bottom are designed to go through while the hill have whatever native soil was there.

- Mr. Brook asks how deep below the current grade is the infiltration basin excavated to.

Mr. Tiner, reviewing the architectural drawings, states at the south end it goes from an existing approximately 106 down to 98 which makes it eight foot deep, deeper than the existing grade at that end. The other end is at the surface elevation, approximately, with a 98 contour bottom of the basin which cuts through there; so they can build a berm that holds the water behind it at that end.

- Mr. Brook clarifies by asking if they are taking into account the slope, raising one side and cutting into the ground on the other side.

Mr. Tiner states it did not have to be that way and explains how the area gets excavated.

- Mr. Brook asks if that means water can then infiltrate sideways and downwards.

Mr. Tiner states inside fill water can move in any direction but obviously gravity brings it down.

- Mr. Brook asks if the water pressure builds up it will go any way it can.

Mr. Tiner states head pressure can push water in a sideways direction, but the sides of the berms are not the same material as the bottom and are less conducive to infiltration.

- Mr. Brook asks if the water goes sideways or down it could flow into the direction of a nearby weakness and end up in a basement.

Mr. Tiner explains the mounding analysis which is a requirement of the application.

- Mr. Brook asks if any calculations were made regarding adjacent properties.

Mr. Tiner states they did the mounding analysis required by the VMP manual.

- Mr. Brook states this did not answer his question and asks if they looked at if it would have any impact on the adjacent property.

Mr. Tiner states he does not think it has impact.

- Mr. Brook asks what he bases that on.

Mr. Tiner states the mounding analysis they did tells him this is not the case.

- Mr. Brook asks if he did calculations to confirm that.

Mr. Tiner states his office did the mounding analysis calculations.

- Mr. Brook asks if that identified that the water would not go to the west.

Mr. Tiner states it is a safe and effective BMP as proposed.

- Mr. Brook states there seems to be concern for the location of that particular basin and asked if he stated earlier the location was chosen because it is downhill.

Mr. Tiner states it is low enough that it can create a successful system and could not have been done if it was uphill.

- Mr. Brook asks if the prevalent flow of the drainage is towards the area where you cannot build.

Mr. Tiner agrees.

Chairman Suraci interrupts stating it is 10:10 pm and allows Mr. Brook one more question.

- Mr. Brook asks if there is any reason why they cannot put the berm to the right with a building redesign.

Mr. Tiner states different designs are possible.

Chairman Suraci concludes the hearing.

Chairman Suraci asks Mr. Bernstein how to handle making sure the names on applications already made to governmental agencies are still applicable and do not render the permits void.

Mr. Bernstein states he believes that will be addressed in the material as to who the applicant is per se and will figure out if there is a potential issue after he sees it.

Chairman Suraci asks that everything is resolved, including the traffic report, 10 days before the next hearing so it is in Civic Clerk in time.

Mr. O'Grodnick asks on behalf of the applicant that Mr. Kois or Mr. Hay bullet point any specific information they need to supply the Board.

Chairman Suraci agrees.

Vice Chairman Julian asks that the Environmental Commission get a copy of the geotechnical testing.

Mr. Hay suggests getting an update on the Wetlands status and a revised traffic report.

There is discussion regarding dates of the next meetings.

ADJOURNMENT

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

Approximately 10:11 p.m. the meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*