

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

June 8, 2023

Chairman Carl Suraci called the Planning Board Regular Public Meeting of June 8, 2023 to order at 7:05 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 (<i>Alt #2</i>)
Present - Robert Peason	Present - Committeeman John Ciccarelli
<i>Absent</i> - Frank DelCore	Present - Mayor Shawn Lipani
Present - Ron Skobo	<i>Absent</i> - Neil Julian, Vice Chairman
<i>Absent</i> - Kenneth Hesthag, Secretary	Present - Carl Suraci, Chairman
<i>Absent</i> - Bruce Radowitz (<i>Alt #1</i>)	

Also in attendance: David Kois, PP, AICP, *Township Planning Director*; Eric Bernstein, Esq., *Board Attorney (Eric M. Bernstein & Associates)*; Mark Mayhew, PE, CME, *Board Engineer (Pennoni Associates)*; Michael Lombardozi, CSR, CCR, *Board Court Reporter.*; Dylan Tollefson, *Township Videographer (Fuerza Strategy Group)*

CONSIDERATION OF MEETING MINUTES

- **January 12, 2023**, Reorganization meeting minutes were reviewed.
A motion to approve as written was made by Mr. Skobo, seconded by Committeeman Ciccarelli.
No comments.
Roll Call:

Yes - Mr. Wagner	Yes - Committeeman Ciccarelli
Yes - Mr. Peason	Yes - Mayor Lipani
Yes - Mr. Skobo	Yes - Chairman Suraci
Yes - Ms. Smith (<i>Alt #2</i>)	

Motion carries
- **January 12, 2023**, regular meeting minutes were reviewed.
A motion to approve as written was made by Mayor Lipani, seconded by Mr. Skobo.
No comments.
Roll Call:

Yes - Mr. Wagner	Yes - Committeeman Ciccarelli
Yes - Mr. Peason	Yes - Mayor Lipani
Yes - Mr. Skobo	Yes - Chairman Suraci
Yes - Ms. Smith (<i>Alt #2</i>)	

Motion carries

- **February 9, 2023** meeting minutes were reviewed.
A motion to approve as written was made by Mr. Skobo, seconded by Mr. Wagner.
No comments.

Roll Call:

Yes - Mr. Wagner	Yes - Committeeman Ciccarelli
Yes - Mr. Peason	Yes - Mayor Lipani
Yes - Mr. Skobo	Yes - Chairman Suraci
Yes - Ms. Smith (<i>Alt #2</i>)	

Motion carries

- **March 9, 2023**, meeting minutes were reviewed.
A motion to approve as written was made by Mayor Lipani, seconded by Mr. Skobo.
No comments.

Roll Call:

Yes - Mr. Wagner	Yes - Committeeman Ciccarelli
Yes - Mr. Peason	Yes - Mayor Lipani
Yes - Mr. Skobo	Yes - Chairman Suraci
Yes - Ms. Smith (<i>Alt #2</i>)	

Motion carries

- **March 23, 2023**, Reorganization meeting minutes were reviewed.
A motion to approve as written was made by Mayor Lipani, seconded by Mr. Skobo.
No comments.

Roll Call:

Yes - Mr. Wagner	Yes - Committeeman Ciccarelli
Yes - Mr. Peason	Yes - Mayor Lipani
Yes - Mr. Skobo	Yes - Chairman Suraci
Yes - Ms. Smith (<i>Alt #2</i>)	

Motion carries

CONSIDERATION OF RESOLUTIONS

- None

CONSIDERATION OF ORDINANCES

- None

PLANNING BOARD BUSINESS

- July 20, 2023 – Request for Special Meeting – Royce Brook Golf LLC (Ref: 93-PB-31-SRCU), File 23-PB-04-RES

There is a discussion between Chairman Suraci, Mr. Kois and Mr. Bernstein about scheduling.

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

Roll Call:

Yes - Mr. Wagner	Yes - Committeeman Ciccarelli
Yes - Mr. Peason	Yes - Mayor Lipani
Yes - Mr. Skobo	Yes - Chairman Suraci

Yes - Ms. Smith (*Alt #2*)
Motion carries

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

Chairman Suraci opens comments from the public; asks public to state their name and address and reminds commentary directly or indirectly about warehouses is not permitted; thoughts and questions regarding warehouses may be expressed during the public comment portion of the hearing for the corresponding application; there is a five-minute limit per person.

- No public comment

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; 03-09-23; 05-11-23 - adjourned).* **Application adjourned from May 11, 2023 without further notice. APPLICANT SEEKING FURTHER ADJOURNMENT TO A DATE TO BE DETERMINED BY THE BOARD.**

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.

Michael O’Grodnick, attorney for the applicant introduces himself. Mr. O’Grodnick states they are seeking an adjournment. They have taken previous comments by the Board, Township professionals and the public under consideration and have been working on a redesign and would like additional time to make changes to the site plan.

Chris Melick, planner for the Objector, introduces himself.

There is a discussion about scheduling and ensuring there is enough time to meet the review deadline of 10 days prior to date of hearing.

A Time of Decision (TOD) is selected for July 31, 2023.

Mayor Lipani motions to extend the hearing to Thursday, July 13, 2023, at 7:00 pm, with updated plans needing to be in the Planning Office by 4:00 pm on Monday, June 26, 2023, and a TOD extension to July 31, 2023, seconded by Mr. Wagner.

There is no further discussion.

Roll Call:

Yes - Mr. Wagner

Abstain - Committeeman Ciccarelli

Yes - Mr. Peason

Yes - Mayor Lipani

Yes - Mr. Skobo

Yes - Chairman Suraci

Yes - Ms. Smith (*Alt #2*)

Motion carries

- **Weston RD, LLC (Guastella) – File 22-PB-03-MSPV** (TOD: 06-30-23) - Block 185, Lot 1 – Weston Road. Applicant seeking preliminary and final major site plan approval; ‘c’ bulk variances; and waivers, to construct a 135,000 square foot warehouse building with stormwater, parking, and associated improvements, on Property located in the I-1, Light Industrial District and in the Airport Hazard Zone Area Overlay District. (EC Review: 10-24-22) (Mtg. history: 11-10-22; 01-12-23 – NO testimony – for scheduling only; 02-02-23; 03-23-23; 05-04-23; 05-11-23). Revised plans/reports/documents submitted 03-10-23; further revised plans/reports/documents received 04-21-23. ***Application continued from June 01, 2023 without further notice.***

Participating for the Applicant: Michael O’Grodnick, Esq. of Savo, Schalk, Corsini, Warner, Gillespie, O’Grodnick & Fisher, P.A.; Jeffrey Chang, Esq. of Fox Rothschild LLP; Gary Dean, PE, PP, of Dolan & Dean Consulting Engineers, LLC; Thomas Auffenorde, PE of EcolScience; James Scott (Operations); Steve Radosti, AIA of Perez & Radosti Architecture; Michael K. Ford, PE of Van Cleef Engineering Associates; Peter Downham, LSRP of Roux Associates; Keenan Hughes, PP, of Philips Preiss LLC; and Ahad Arif, Owner of Miracle Brands (prospective tenant).

Participating for the Objector: Michael Sinkevich, Esq. of Lieberman, Blecher & Sinkevich, PC (Land Use matters), and Jordan Asch, Esq. of Riker Danzig, LLP (Environmental matters), representing Hearthstone at Hillsborough; Clay Emerson, PhD, PE, CFM, of Princeton Hydro; Paul Gleitz of L&G Planning, LLC; Hal Simoff, PE of Simoff Engineering Associates Inc.; Pamela Grigas, Richard Couzzi, and James Vonderhorts of Member representatives of Hearthstone at Hillsborough.

Michael O’Grodnick, attorney for the applicant introduces himself and reviews their witness list.

Mr. O’Grodnick introduces **James Scott**, Operations, stating it is his understanding he is still under oath from the previous meeting.

Mr. Bernstein suggests the public ask their questions relating to his previous testimony then continue with his additional testimony from Mr. O’Grodnick.

Mr. O’Grodnick agrees.

There is a motion to open to the public and seconded. All were in favor, none opposed. Motion carries.

Elaine Welsh – 1210 Orchard Drive

- Ms. Welsh asks if there will be dedicated inbound and outbound doors on the warehouse.

Mr. Scott states no, he does not expect so.

- Ms. Welsh asks if a mule will utilized on-site for moving trailers around.

Mr. Scott states it is his understanding they would not have one of their own.

- Ms. Welsh asks if there is an inbound trainer that needs to be parked in a parking space, how will it be moved to a door.

Mr. Scott states that would be handled by the trucking company.

- Ms. Welsh asked in regards to internal movement of packages if there will be any conveyors that are electrical or will roller sections be utilized.

Mr. Scott speculates they will have a limited degree of conveyor but the majority will be “pick and pack” forklift, palletized, packing stations, this is not a fully automated facility.

- Ms. Welsh asks if her understanding is correct that when shipments come in from Port Elizabeth they will be stacked package by package from top to bottom.

Mr. Scott confirms.

- Ms. Welsh asks about the ergonomics for workers.

Mr. Scott states he cannot speak to the ergonomics of the employees.

- Ms. Welsh asks if the outbound stuff will be given to local carries to be taken away.

Mr. Scott states primarily, yes and gives a brief description.

- Ms. Welsh asks who the current carriers are in the Florida operation.

Mr. Scott states he cannot speak to that.

Susan Gulliford - 7 Hunt Club Road

- Ms. Gulliford asks what the safety precautions will be in the parking lot in case of leak.

Mr. Scott states he cannot speak to that, and reminds the product is textiles, not toxic substances.

- Ms. Gulliford asks if none of Miracle Brands other products will be on site.

Mr. Scott asks if she can be more specific.

- Ms. Gulliford states their website mentions degreaser and someone else in the hearings mentioned dryer sheets and other items liquids/chemicals of some type. She asks what their precautions will be for possible leaks and spills from the trucks.

Mr. Scott states he believes all best practices for applicable guidelines will be followed but to his knowledge there is no hazardous product.

- Ms. Welsh asks about the fire suppression plan.

Mr. Scott states he believes that is a question for the architect.

There are no further questions from the public.

Mr. O'Grodnick offers supplemental testimony to Mr. Arif's testimony in previous meetings.

Chairman Suraci asks why it will take 3-4 years for their construction begin.

Mr. O'Grodnick states this is his experience with Resolution Compliance in Hillsborough and gives a brief explanation.

There is a discussion about what the possible delays will be.

No further questions from the Board.

Mr. O'Grodnick states he finds it offensive the Board has been questioning the applicant's ability to hire correct professionals to load and unload boxes into a truck. He believes the focus should be on the Use.

Mr. O'Grodnick quotes *Saratoga v Boro of West Patterson*, *Stokal v Planning Board of Edison Township* and *Shem v Washington Township Planning Board*. He states he believes they provide sufficient testimony showing the Use will be a typical warehouse use.

Mr. Bernstein states it was his understanding there would be additional testimony.

Mr. O'Grodnick states he made their professional available for additional questions. Chairman Suraci asks Mr. Kois if he has the portion of the Township Code readily available which states what the applicant is supposed to be providing as a description for operations.

Mr. Kois states he does not have it in front of him but can pull it up. It is Section E, which he stated in his reports. He states they are supposed to describe the nature operations as related to the hours of operations, number of employees, traffic etc., all the parts in terms of what the Use to give a better idea the level of intensity of the operation. This will help them to ensure it is within the Permitted Use.

Mr. Bernstein states for the purpose of the record that he has a Certification by Absent Board Members Examination of Record of Eligibility to Vote, signed by Mr. Peason regarding viewing the May 11, 2023 meeting.

Mr. O'Grodnick introduces the next witness.

Steve Radosti, architect for the applicant, is sworn in.

Mr. Radosti introduces himself providing his educational experience and licenses.

Mr. Radosti presents colorized building elevations, sheet SK2, dated March 2, 2023.

Mr. Bernstein labels them Exhibit A5

Mr. Radosti reviews the details of the elevations.

There are no questions from the Board.

Mr. Mayhew asks the elevation of the finished floor.

Mr. Radosti states the finished floor, while he does not have the engineering drawings with him, will be approximately four feet above the grade at the loading docks, so the finished floor will be almost the same as what the grade is in the front of the building.

Mr. Mayhew asks to clarify as he has a grading plan which shows the finished floor around elevation 78 and he asks what the grade is at the front of the building currently.

Mr. Radosti states the question is best asked to the Site Engineer who did the grading plan.

Chairman Suraci asks how many tenants he designed the building for.

Mr. Radosti states the building is currently designed for one tenant.

Chairman Suraci asks if there is a possibility for subdivision.

Mr. Radosti states while there is no possibility of subdivision it technically could be subdivided.

Chairman Suraci asks if there is one set of offices or two.

Mr. Radosti states there is one set of offices in one corner of the building.

Mayor Lipani asks Mr. Radosti to discuss the fire suppression system he designed for the building.

Mr. Radosti explains how a warehouse Use Group is determined and that this warehouse is classified as S1, Modern Hazard Storage. He explains Modern Hazard Storage means typical non-hazardous items that are possibly flammable, things such as garments and

paper. Once the Use Group is determined the building will be fully sprinklered to comply with what is required for its Use Group. He states the sprinklers for Si Use Group would be water, designed to meet NJUCC.

Mayor Lipani asks if the office area which will have electronics and such will have water sprinklers as well.

Mr. Radosti states it will be water also.

Mayor Lipani asks if the walls are concrete with metal trussing for the roof.

Mr. Radosti states the walls are typically concrete sandwich panels. He gives a description of what this consists of and states the walls add up to a three-hour fire rating and are non-combustible. The roof is open web steel joists then metal deck and insulation above that.

Mayor Lipani asks if all the mechanicals will be on the roof or on the ground.

Mr. Radosti states the warehouse is not going to be air conditioned so in the warehouse there will be radiant heaters and ventilation fans and, in the office, there will be air conditioning with the unit on the roof.

Mayor Lipani asks if he is testifying that the roof would be designed for future solar which is part of the NJ statute for warehouses to be solar-ready.

Mr. Radosti states yes it is designed to be solar-ready,

Mayor Lipani asks if the floor is poured concrete to support the weight.

Mr. Radosti states that is correct.

Mayor Lipani asks if he is involved in designing the interior rack system.

Mr. Radosti states they do not design the rack system.

There is a discussion about the rack system.

Mr. Bernstein asks what he defines as “substantially distant from the road way” and how is it being addressed to minimize the impact to the neighboring properties.

Mr. Radosti states it is set back about 160 feet and it is perpendicular to the road so as to reduce its visual impact from the road.

Mr. Bernstein asks if there is a design plan showing its relationship to the road.

Mr. Radosti offers a floor plan.

Mr. Bernstein asks how long the frontage is.

Mr. Radosti states it is 275 feet wide.

There is a conversation reviewing the details of the set-back.

Michael Sinkevich and **Jordan Asch**, councils for the Objector, introduce themselves.

Mr. Sinkevich asks if it would be possible from a design standpoint to build a 35-foot high warehouse at this property.

Mr. Radosti states yes it would be physically possible.

Mr. Sinkevich asks if there are any topographical features on the property that would prohibit a 35-foot warehouse as opposed to a 38.4 foot warehouse.

Mr. Radosti states no.

Mr. Sinkevich asks Mr. Radosti to speak about the reasoning for the 38.4-foot height.

Mr. Radosti explains they wanted to maximize the interior height and explains in detail how they came to the 38.4-feet figure.

Mr. Sinkevich asks if there is anything that requires that height.

Mr. Radosti states there is not, it is to make the interior more efficient.

Mr. Sinkevich if he designed or had anything to do with the parking lot layout or the lighting in the parking lot.

Mr. Radosti states no, he only designed the building itself.

Mr. Sinkevich asks if there was anything in his design that was done to minimize noise that would be heard from the outside.

Mr. Radosti states he believes the construction type they are using does help to minimize noise and explains.

Mr. Sinkevich asks if there would be anything done in the summer to help cool the warehouse area since it will not have air conditioning, specifically will the bay doors be kept open.

Mr. Radosti states no because newer hours have mechanical ventilation which will help to keep it cool in the summer. They may also have ceiling fans etc.

Chairman Suraci calls for a motion to open to the public.

Mr. Skobo motions to open to public questions, seconded by Mr. Wagner. All were in favor. Motion carries.

Susan Gulliford - 7 Hunt Club Road

- Ms. Gulliford asks how many square feet would be added to the building if the corner near the office were to be squared-off.

Mr. Radosti clarified which corner she was referring too and states it is 85' 9" x 85', 7301.5 feet.

- Ms. Gulliford asks if the corner is designed the way it is because of the proximity to lot 7, which is currently not owned by the applicant.

Mr. Radosti states he believes it is.

- Ms. Gulliford asks if this includes the buffer.

Mr. Radosti states he designed the building and is not the site engineer.

- Ms. Gulliford asks if the applicant acquired lot 7 and the building would be larger, could they have additional parking.

Mr. Radosti states that is not a question he can answer.

- Ms. Gulliford asks if there is a break room and enough bathrooms to allow the drivers to use them.

Mr. Radosti states the office has not been designed yet; the design process will begin upon approval of the application however plumbing will meet the National Standard Plumbing Code which is the code in NJ. He states based on standards, yes there would be bathrooms for use in the warehouse and bathrooms for use in the offices.

- Ms. Gulliford asks if this includes use for the drivers.

Mr. Radosti states yes, there will also be a break room.

- Ms. Gulliford asks how they will account for the health and safety of warehouse workers specifically to prevent overheating in non-air-conditioned areas.

Mr. Radosti states they will have de-stratification fans which help to circulate the heat and air along with ceiling fans and code requirements including regulated number of air changes per hour.

Elaine Welsh – 1210 Orchard Drive

- Ms. Welsh states, based on the specs the front of the building is one football field wide and the depth of the building is three football fields.
- Ms. Welsh asks why they are not anticipating the bay doors open for ventilation in the peak of summer.

Mr. Radosti states the doors are required to be operable. He states designs the building but is not in charge of if the doors are opened. He states they are designing the building to meet current codes, have air changes and fans so it is more comfortable than most warehouses.

- Ms. Welsh asks if he anticipates a noise issue if the doors are open for the comfort of the workers, and will the noise carry over into Hearthstone.

Mr. Radosti states they are going to design it the bests they can so as it won't be necessary to open the doors.

- Ms. Welsh asks if the utilities will be public water and sewer or well and septic.

Mr. Radosti states it will be public.

- Ms. Welsh asks the elevation of the roadway in front compared to the elevation of the office building floor.

Mr. Radosti states that is a question for the site engineer.

David Brook - 7 Winding Way

- Mr. Brook asks in regards to the floor plan if there is any component of the design that would block or absorb noise of the trucks.

Mr. Radosti states he can speak to the design of the building.

- Mr. Brook asks if it is possible to design a building that would have noise barriers or some way to reduce the sound of trucks pulling in and out.

Mr. Radosti states he does not know if that is something he could do since it pertains to the outside of the building.

- Mr. Brook asks, as an example, if it is possible to put a sound barrier where the ramps are.

Mr. Radosti states if the Board wanted them to they could raise the height of the walls at the ramps to perhaps reduce visibility and block some noise but it would not be a sound barrier.

- Mr. Brook asks if he previously designed buildings that would provide sound barriers associated with the design.

Mr. Radosti states usually a sound barrier is not part of a building but rather walls on the side of the road for example.

- Mr. Brook asks if the consumer goods come wrapped in plastic.

Mr. Radosti states he assumes some would be wrapped in plastic.

- Mr. Brook asks how they prevent items from becoming mildewy in the heat.

Mr. Radosti states the building is designed to be dry and have ventilation and there will be fans. This is the modern standard.

- Mr. Brook asks if he has consulted the FAA regarding the height of the building being acceptable when adjacent to a runway (Central Jersey Airport).

Mr. Radosti states it is not an overly tall building and has not consulted the FAA. The building is not considered a high rise.

- Mr. Brook asks if he has designed buildings near airports.

Mr. Radosti states yes.

- Mr. Brook asks if he is aware he needs to consult with the FAA as an adjacent property owner building a structure adjacent to an airport runway.

Mr. Radosti states he has not heard of that before.

Grant Kolmer - 144 Taylor Ave

- Mr. Kolmer asks an estimate of how many warehouses he has designed.

Mr. Radosti states he has probably designed roughly 800-1000 buildings and 40 warehouses.

- Mr. Kolmer asks what the typical Uses he has seen for a building of this size and shape.

Mr. Radosti states this is typical size and shape for a building of an S1 or S2 Use Group which is for combustible or non-combustible, non-hazardous materials.

- Mr. Kolmer asks if the design allows for external use to come in and out in the future.

Mr. Radosti states a warehouse is designed for internal storage.

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

- Ms. Janucik asks if he has designed a warehouse of this size before.

Mr. Radosti states yes.

- Ms. Janucik asks what the walls are made of.

Mr. Radosti states they will be made up of tilt up concrete sandwich panels. He goes into detail about the different options.

There is a serious of questions about the difference in options.

- Ms. Janucik asks about the roofing material.

Mr. Radosti goes into detail about the roofing material including structure, weight, capacity, live load and dead load.

- Ms. Janucik asks if he knows of an incident where the walls broke or cracked.

Mr. Radosti states not in one of his buildings.

- Ms. Janucik asks if there are no windows.

Mr. Radosti states there will be clear story windows which are windows up high to give natural light, there will also be a series of windows near the office area.

- Ms. Janucik asks if there are other entrances & exits out of the building and inquires about the lighting.

Mr. Radosti states the building will be designed to meet the NJUCC which is the building code in NJ, and gives a summary of what is included in the design. He explains the 'panic hardware' on the emergency exits. He gives details about the High Bay LED lighting which have occupancy sensors.

Elaine Welsh asks if she may speak again.

Chairman Suraci allows her one more minute of time.

- Ms. Welsh asks if, aside from the front office area where the elevation is ground-level, the rest of the perimeter of the building is four feet elevated.

Mr. Radosti states no and explains where the one area is that is below four feet and the rest are ground-level.

- Ms. Welsh asks if there is design at this point to put in large overhead doors allowing trucks to drive into the building.

Mr. Radosti states no.

- Ms. Welsh asks from a building point of view should the Use of the building change, could be that be altered in the future.

Mr. Radosti states yes, someone would be hired in the future to make those changes.

- Ms. Welsh asks where he foresees bathrooms being placed.

Mr. Radosti states there would be two sets, one set for office employees and one set for warehouse works. He states "set" is a currently undetermined number in the design but will meet code.

- Ms. Welsh asks if he foresees the warehouse bathrooms being located up near the offices in the front, specifically where the plumbing is located.

Mr. Radosti states he is not sure yet where it would be and explains the two schools of thought; put it near the plumbing or put it near the users.

- Ms. Welsh states her concern about placing the bathrooms near the office instead of near the warehouse workers.

Mr. Kois asks if this building will comply with the statute regarding Solar Ready.

Mr. Radosti states yes it will.

Mr. Kois asks if there are any plans to put solar on at this time.

Mr. Radosti states it has not been discussed yet but will be designed in such a way that the roof structure is strong enough to support future solar panels.

Mr. Kois asks if he is familiar with the term 'heat island effect' and if he took into consideration the design of the building to try to lower the impact of heat island effect. Mr. Kois heat island effect is, depending on materials used, impervious coverage, colors of roofing materials etc., when heat is created from the materials used.

Mr. Radosti states he is familiar with it and they have designed the roof yet but his intention is that it will be a cool roof.

Mr. Kois asks if he is aware of the requirement in the Airport Hazard area, section 180-118 the vertical development and obstruction which includes a formula.

Mr. Radosti states he was not aware of the requirement.

Mr. Kois asks if he is aware if the applicant showed any documentation to show compliance with the standard.

Mr. Radosti states he is not sure and would have to talk to the site engineer.

Chairman Suraci calls for a 10-minute recess.

At 8:50 pm Chairman Suraci calls the meeting back to session.

Mr. O'Grodnick calls next witness, Tom Auffenorde of EcolScience.

Tom Auffenorde is sworn in and states his education background, work experience and licenses.

Mr. Auffenorde summarizes the Environmental Impact Statement and reviews the environmental features and endangered species on or near the property including but not limited to endangered bats, soil impacts and silt fencing.

Mr. Mayhew asks if it would be a good practice to try to maintain the functionality of the wetlands on the site, after construction.

Mr. Auffenorde states yes.

Mr. Mayhew asks if one practice would be to try to maintain the hydraulic conditions that support the wetlands.

Mr. Auffenorde states yes and the hydraulic connectivity is maintained so the road crossings will have a pulp, pipe or culvert that maintains the hydrologic connection between the two sides of the road.

Mr. Mayhew clarifies he is referring to wetland area C. He states some of the drainage areas to the wetlands are being impacted by the proposed construction.

Mr. Auffenorde states yes and suggests maintaining that to the extent that is practicable.

Mr. Mayhew asks if they are decreasing the stormwater and groundwater flow to the front wetland.

Mr. Auffenorde states the flexibility of these permits allows for the fact there may be some outside of the wetlands impacts which are acceptable as are the permits.

Mr. Mayhew asks that based on the proposed stormwater management and grading of the site are we decreasing the current flow to wetland A in the proposed condition.

Mr. Auffenorde states he does not know.

Mr. Mayhew asks if he agrees a good practice to try to maintain the existing flow to LNA in order to maintain the functionality of that wetland.

Mr. Auffenorde states these kinds of impacts and permits are routinely reviewed and fit within the DEP's purview to approve regulated activities.

Mr. Mayhew asks if it could be done would he be agreeable to directing some of the proposed run off to Wetland A in order to try to mimic the hydrologic conditions in the existing condition.

Mr. Auffenorde states he is not sure he knows what he is proposing.

Mr. Mayhew states he would leave it up to him and his Civil Engineering.

Mr. Auffenorde states yes, they would however there are water quality issues with the runoff and provided they can meet the water quality requirements for stormwater management.

Mr. Kois asks if there is another alternative to potentially lessen the environmental impact in terms of providing access to the township landfill property.

Mr. Auffenorde states he supposes there are always alternatives that can be considered. He states he is not a site plan engineer.

Committeeman Ciccarelli asks if he can testify as to the air and sound elements in his report.

Mr. Auffenorde states yes, an air quality firm prepared a letter that was also supplied to the Board. He explains the National Ambient Quality Air Standards.

Mr. Auffenorde states the project will comply with Hillsborough's sound ordinance.

Committeeman Ciccarelli asks if there is any impact from light at night.

Mr. Auffenorde states there should not be and explains all the site lighting is box lighting directed downward.

Mayor Lipani asks who decides where is the delineation of the areas of disturbance to minimize the impact on surround areas.

Mr. Auffenorde states it is primarily designed by the engineer with some input from them in terms of what permitting may be required.

Mayor Lipani asks who marks the area before construction.

Mr. Auffenorde states it is done by surveyors usually associated with the engineering firm.

Mayor Lipani asks if the area is maximized to be preserved or maximized for the area to be constructed.

Mr. Auffenorde states it is a balance between the two. The owner has an economic interested but he also needs to comply with existing environmental rules and critical areas.

Mayor Lipani asks if there is an oversite to make sure it is put in properly by the DEP.

Mr. Auffenorde states the plans are drawn taking into account the permitting available from NJDEP and meeting the permitting conditions.

Mayor Lipani asks if after the area is delineated it is inspected to make sure that it's where it's supposed to be.

Mr. Auffenorde states it is supposed to be, yes.

Mayor Lipani asks if a final assessment will be done after construction is completed.

Mr. Auffenorde states they do not typically do that.

Mayor Liani asks how we would know it's been maintained and directs the question to Mr. Mayhew.

Mr. Mayhew states they would need to submit an S Build drawing to the township when they are done so they could confirm the limits of construction versus the limited disturbance that was approved.

Mayor Lipani asks if the road that goes to the wetlands could be designed with something other than blacktop driveway to be something more permeable, i.e. permeable pavers or grass stone.

Mr. Auffenorde states yes it could be and agrees that would be better. He does state

whatever is back there may need to be pulled up to be rebuilt.

Mr. Nash asks what the purpose is of the Environmental Impact Statement.

Mr. Auffenorde states the purpose is to document that environmental conditions and considerations have been taken into account in the project planning and in construction and impacts are mitigated to the extent they can be.

Mr. Nash asks if he would agree that a Critical Analysis is necessary.

Mr. Auffenorde states yes.

Mr. Nash asks the purpose of the alternative analysis as part of the EIS.

Mr. Auffenorde states it is to show that other alternatives were considered and why they were rejected.

Mr. Nash asks how many alternatives are normally considered as part of this analysis.

Mr. Auffenorde states a couple.

Mr. Nash asks if his EIS considered two alternatives.

Mr. Auffenorde states yes, the no-build alternative and the previous approved project for a light industrial development on small lots.

Mr. Nash reads Hillsborough Code requirement 160-5 into the record and asks if he is familiar with the requirement.

Mr. Auffenorde states yes.

Mr. Nash asks if it is his testimony that their alternative satisfies this requirement.

Mr. Auffenorde states it does not address cost.

Mr. Nash asks if it provides a rationale for acceptability or non-acceptability of each alternative.

Mr. Auffenorde states it does.

Mr. Nash asks if it provides an objective evaluation of the alternatives that might avoid some or all of the adverse impacts.

Mr. Auffenorde states yes.

Mr. Nash asks him to point out where is the analysis in his EIS report.

Mr. Auffenorde asks which one he is referring too.

Mr. Nash suggests they go over all of them. Mr. Nash and Mr. Auffenorde proceed to review each.

Mr. Nash asks if it is his testimony that the alternative analysis satisfies the alternatives requirement in the Hillsborough Code 160-5.

Mr. Auffenorde states yes, it is similar to others they have provided, and which were accepted.

Mr. Nash asks if it is his opinion that the site complies with the stormwater management rules.

Mr. Auffenorde states while it is not his area of expertise yes, that is his understanding.

Mr. Nash asks if it is his conclusion that the site plan will not have an adverse impact on the groundwater resources.

Mr. Auffenorde states yes.

Mr. Nash asks if he relies on the stormwater management report to make that conclusion.

Mr. Auffenorde states that he does.

Mr. Nash asks if he has reviewed the DRCC feedback most recently provided to his client.

Mr. Auffenorde states he has not.

Mr. Nash asks if his opinion would change if the DRCC report says the stormwater management report does not satisfy their requirements.

Mr. Auffenorde states it is not his area of expertise.

Mr. Nash asks if the submission to the NJDEP for fresh water wetlands permit has been made yet.

Mr. Auffenorde confirms it has not been made yet.

Mr. Nash for explanation of Phase II of this project.

Mr. Auffenorde suggests he ask the engineer.

Mr. Nash asks if the applicant intends to begin building on the site before getting their DEP approvals.

Mr. Auffenorde states absolutely not.

Mr. Nash asks if this application to DEP will require DEP to review the stormwater management system.

Mr. Auffenorde states he is unsure at this time.

Mr. Nash asks if it is his testimony that this development will not impact the Indiana Bat species.

Mr. Auffenorde states with the timing restriction for clearing, yes that is his testimony.

Mr. Nash asks if it is correct that they do not yet know what restrictions Fish & Wildlife might impose.

Mr. Auffenorde states that is correct.

Mr. Nash asks if the LOI dated January 14, 2022 was issued to this current applicant.

Mr. Auffenorde verifies it was to the property owner.

Mr. Nash asks if he is aware of the LOI itself and the relevant regulations at NJAC 7: A7 A-4.6 and reads the regulation into the record.

Mr. Auffenorde states yes but DEP approval and LOI run with the land so if the property is sold the LOI goes to the new owner.

Mr. Nash asks if the current owner is relying on the LOI issued to another person.

Mr. Auffenorde states that is correct and that it is very common, even routine.

Mr. Nash asks the same of the flood hazard area verifications, dated June 11, 2020.

Mr. Auffenorde confirms.

Mr. Nash reads from the November 7, 2022 Environmental Commission report. He asks if he relies on the Bogner report to confirm the referenced analysis has been done.

Mr. Auffenorde confirms the Bogner report and the publicly available monitoring results.

Mr. Nash asks how the Bogner report addresses the concern regarding the possible effect on those with respiratory issues in the over 55 community.

Mr. Auffenorde states he will have to ask Mr. Bogner.

Mr. Nash asks if it is correct that they do not have any analysis of the impact to the immediately surround area.

Mr. Auffenorde states he believes the Bogner report addresses that.

Mr. Nash reads from the Bogner report and asks if it is his testimony the Bonger report's conclusion is regarding the immediate surrounding area.

Mr. Auffenorde states yes.

Mr. Nash asks if he would agree with him that the Bogner report relies on the traffic analysis to make its conclusions.

Mr. Auffenorde states its taking that into consideration, yes.

Mr. Nash asks if per his EIS the site can be expected to create an increase in decibel level from a high range of 57 to 85.

Mr. Auffenorde states that is correct.

Mr. Nash asks if he is aware the Township municipal code includes a maximum permissible residential noise level of 65 decibels between the hours of 7 am and 10 pm and 50 decibels between 10 pm and 7 am.

Mr. Auffenorde states yes and reminds the noise ordinance does not apply to public roadways.

Mr. Nash notes the time and stops his questioning.

Mr. O'Grodnick states they have one more witness remaining, the Objectors case in chief, and then they reserve their right to reintroduce Mr. Ford.

There is a discussion about the date of the next meeting and the Time of Decision.

Mr. Mayhew states with regard to the calculations concerning the height of the building and the proximity to the airport, he suggests the Board ask the applicant to confirm in writing with the airport whether or not FAA approval is required.

Chairman Suraci calls for a motion to extend.

Mr. Skobo motions to continue the application without further notice to Thursday, July 6, 2023, with TOD rule extended to July 31, 2023, seconded by Committeeman Ciccarelli.

Roll Call:

Yes - Mr. Wagner

Yes - Committeeman Ciccarelli

Yes - Mr. Peason

Yes - Mayor Lipani

Yes - Mr. Skobo

Yes - Chairman Suraci

Yes - Ms. Smith (*Alt #2*)

Motion carries

Mr. Bernstein asks if someone from Bogner will be coming to testify in support of the report.

Mr. O'Grodnick states they were not anticipating another expert for air quality but he will consult with co-counsel and client.

There is a discussion regarding availability of Board members and staff for the July 27, 2023, Business meeting.

ADJOURNMENT

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

At 10:04 pm the meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*