

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

May 4, 2023

Chairman Carl Suraci called the Planning Board Regular Public Meeting of May 4, 2023, to order at 7:06 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
Present - Frank DelCore (7:10 pm)	Present - Mayor Shawn Lipani
Absent - Ron Skobo	Present - Neil Julian, Vice Chairman
Absent - 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

- None

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 there is a five-minute limit per person. He instructs the public not to comment or ask questions pertaining to warehouse applications at this time as it could impact the applications.

- There are no comments from the public.

CONSIDERATION OF ORDINANCES

- **Ordinance 2023-05** – An Ordinance Amending Chapter 188 “Land Use and Development”, Article I “Title; Purpose; Definitions”, Section 188-3 “Words and Terms Defined” and Article IV “Design and Performance Standards”, Section 188-83 “Sign Design Standards and Criteria”, of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey

Mr. Kois reads his April 11, 2023, memo into the record which discusses the ordinance pertaining to billboard advertising. He states the ordinance lays out how a billboard could be modernized and has very specific standards for how to do that.

There are no comments or questions from the Board.

A motion to create a resolution to move it to the Township Committee for adoption ‘as is’ is made by Mayor Lipani, seconded by Mr. Wagner.

No comments.

Roll Call:

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

Motion carries

Chairman Suraci explains to the public the Board did not modify or revise the Ordinance. They made a recommendation to the Township Committee to do so as only the governing body makes revisions and/or pass Ordinances.

APPLICATIONS – PUBLIC HEARING

- **County of Somerset (Locatell) – File 23-PB-01-SV** – Block 169, Lot 56 – 510 Long Hill Road. Applicant seeking minor subdivision approval and ‘c’ bulk variances, and waivers to subdivide approximately +/- 13.889 acres into two lots: Proposed Lot 56.01 (5.889 acres) to retain the existing single-family dwelling, accessory building, and improvements; Proposed Lot 56.02 (8.0 acres) to be purchased by the County as part of the preserved opens space and passive parkland of the Sourland Preserve, on Property in the MZ, Mountain Conservation District. (PB Agenda: 05-04-23)

Participating: Sarah Fitzpatrick, Esq. of Schaffer Shain Jalloh; and Pamela Mathews, PE, PLS of Van Cleef Engineering Associates

Sarah Fitzpatrick, attorney for Somerset County, summarizes the application. She states the lot is in the Mountain Conservation Zone District of which the stated purpose is to preserve and protect the fragile eco system and preserve the rural character of the Sourland Mountain. She states this is what they are intending to accomplish. She states the purpose of the application is to subdivide into two lots to preserve eight acres as county-owned Open Space.

Ms. Fitzpatrick describes the lot.

Ms. Fitzpatrick states they are seeking minor subdivision approval and no new development is proposed in this application. She states they will need bulk C variances; are seeking to create lot 56.01 which will be 5.889 acres and contain existing improvements and lot 56.02 which will be the eight acres of Open Space.

Ms. Fitzpatrick reviews the variances they are requesting, the April 25, 2023, letter from the Board Engineer and discusses the minor driveway encroachment. She next reviews the letter from the Township Planner stating the applicant will agree to the 13.5 right-of-way request. Ms. Fitzpatrick addresses the variance issue of the lot not abutting a street by stating they do not believe this variance is necessary because the section provides that no permit for the erection of any building or structure shall be issued unless the lot abuts a street and there is no development proposed for this application. She states the property will stay in its natural state; the County may put in some walking trails in the future but is not the plan at the moment.

Ms. Fitzpatrick reviews her witness list.

Thomas Boccino, Preservation Planner for the Somerset County Office of Planning, Policy and Economic Development and lead of the County Open Space Program and licensed Planner, is sworn in.

Mr. Boccino states his educational and professional background and licenses. The Board accepts him as a witness.

Mr. Boccino gives background on the project, why it is a property Somerset County would like to maintain and preserve as Open Space and the process of how it came about. He describes exhibits A-1 and A-2 and explains the properties have frontage on Long Hill Road, Montgomery Road and Pschorn Lane.

Mr. Fitzpatrick asks Mr. Boccino to confirm the County does not plan to do any development in the eight acres.

Mr. Boccino states there is no plan for development but there is a possibility for a trail network crossing the property as the Sourland Trail Network grows. He states there will not be any permanent structures and passive recreation only.

Ms. Fitzpatrick asks for his opinion as a Planner as to the positive and negative aspects of the variances they have requested.

Mr. Boccino states with regard to lot 56.01 since there is no proposed development on the portion of the property to be acquired by the County, it is not believed that any of the non-conformances will be intensified and would not create any substantial detriment to public good. He continues to read his statements into the record regarding support for the variance request. He has no negative comments. He explains the County's goal in acquiring this property is to preserve by continuing to expand on the Sourland Preserve.

Ms. Fitzpatrick asks if, in his opinion, the proposal poses any detrimental impacts to the zoning in the Zone Plan or the Master Plan.

Mr. Boccino states it does not believe it does.

Mr. Boccino gives further details about the frontage of the property.

Mr. Hay states his department does recommend establishing where the right-of-way could take place.

Ms. Fitzpatrick states they are willing to offer right-of-way dedication.

There is a motion to open the meeting to public comment; seconded. All were in favor. Motion approved.

There are no public comments.

There is a motion to close to public comment; seconded. All were in favor. Motion approved.

Ms. Fitzpatrick summarizes the application by stating they believe it is a good application serving the purposes of the Zone of preserving and protecting the Sourland Mountains without any detrimental impacts, will be adding eight acres to Open Space and advances numerous purposes of zoning set forth in the MLUL. She respectfully requests it be approved.

Committeeman Ciccarelli asks if there are any long-term plans for the front piece that is remaining.

Ms. Fitzpatrick states there is no change.

Chairman Suraci asks Mr. Bernstein to summarize a resolution.

Mr. Bernstein states the resolution will approve the application submitted with the conditions agreed upon by the parties and set forth in the testimony of the witness and reports of Mr. Hay and Mr. Kois.

Mr. Kois states since his report will become record to the resolution, he would like to bring attention to the driveway encroachment and ask the Board take that into consideration and think about where it should go. He states the reason it was listed is to help protect the situation with the other property owner. He suggests considering a condition for the agreement to be formally put into place.

Ms. Fitzpatrick states when the current owner purchased the property 37 years ago the driveway was in place and there were no problems between the two property owners during that period of time. She states in their opinion it would be a hardship to rip up the driveway and does not know if the other owner would be willing to sign a formal agreement, but her client is willing to explore that option. Ms. Fitzpatrick states there is some legal precedent for the concept that after 20 years of adverse use of it, an easement has already been created by law.

Mr. Kois states he raised this issue so the resolution also isn't saying it is all compliance but rather to ensure everyone is on the same page.

Mr. Bernstein asks what Mr. Hay and Mr. Kois are recommending.

Mr. Hay states based on his experience he believes it would be best if the Board consider a condition where the applicant makes every effort to come up with a non-descriptive easement or covenant to protect the driveway on the other property in case the property changes hands.

Ms. Fitzpatrick states they can agree to make those best efforts.

Chairman Suraci states the resolution would have these additional conditions added.

Committeeman Ciccarelli motions to approve application with conditions, seconded by Mayor Lipani.

Roll Call:

Yes - Mr. Peason
Yes - Mr. DelCore
Yes - Mr. Wagner
Yes - Mr. Radowitz (*Alt #1*)

Yes - Ms. Smith (*Alt #2*)
Yes - Committeeman Ciccarelli
Yes - Mayor Lipani
Yes - Vice Chairman Julian
Yes - Chairman Suraci

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*). Revised plans/reports/documents submitted 03-10-23; further revised plans /reports / documents received 04-21-23. ***Application continued from May 04, 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; Michael K. Ford, PE of Van Cleef Engineering Associates; Steve Radosti, AIA of Perez & Radosti Architecture; Thomas Auffenorde, PE of EcolScience; Peter Downham, LSRP of Roux Associates; Gary Dean, PE, PP, of Dolan & Dean Consulting Engineers, LLC; 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.

Mr. Bernstein states for the purpose of the record that they have received a Certification of Absent Board Member Examination of Record Eligibility to Vote from Vice Chairman Julian for the February 2 and March 23, 2023, meetings of which he reviewed the videos; one from Committeeman Ciccarelli for the March 23, 2023, meeting reviewed by video; and one from Mr. Radowitz for the March 23, 2023, meeting reviewed by transcript. He states they are all eligible to participate in tonight's application.

Michael O'Grodnick introduces himself and describes the application.

Mr. Bernstein interjects stating it is his understanding there may be changes to the last plan submitted to the Board at the last hearing and suggests to Mr. O'Grodnick to focus on discussing that for the purpose of this hearing.

Mr. O'Grodnick introduces his witness, Michael Ford, and states his intent to also present his witnesses for Operations and Traffic.

Michael Sinkevich, one of the attorneys for the Objector, introduces himself and raises the jurisdictional issue of which they submitted a letter last night.

Chairman Suraci lets him know he has read it but allows him to continue.

Mr. Sinkevich explains the letter is regarding Block 187 Lot 7, the small rectangular property which is entirely encompassed by the subject property. He states the issue is they need landowner consent for the property owner of Lot 7 to move forward with the application. He summarizes the reasons for this. Mr. Sinkevich continues stating another issue is that this property is the subject of foreclosure pending in Somerset County and explains why it is important that consent is obtained.

Mr. O'Grodnick argues that there is no recorded easement for Lot 7, and he objects on procedural grounds that this issues was raised last night and not ten days prior.

Mr. Sinkevich argues there is no standing issue but rather a question of whether the Board can take jurisdiction.

Mr. Bernstein comments on his receipt of the letter late last night and ask Mr. O'Grodnick if he would like to amend his response.

Mr. O'Grodnick states does not.

Mr. Bernstein states his office will review the letters and render an opinion to the Board in advance of the next meeting.

Chairman Suraci states they will wait for Mr. Bernstein's opinion and in the meantime will continue forward with who is present this evening.

Michael Ford is sworn in and states there have not been changes to his credentials since he was last before the board.

Mr. Ford reviews their April 21, 2023, submittal which identifies their resubmittals to the Somerset County Planning Board, the Soil Erosion Semi-Control District and Delaware-Raritan Canal Commission and actions taken subsequent to comments and directives received at the last hearing.

Mr. Hay discusses the issues he needs address before being able to close out the site issues. Those issues include but are not limited to needing clarification on if the site is in the sanitary sewer area, clarification of changes to paving, proposed work in the adjacent right-of-way and economic hardship request.

Mr. Ford states they will comply and states he can show the sanitary sewer connection through the site.

Mr. Hay asks that a thorough plan review is done so they know what the implications are so no additional constraints are needed.

Mr. Kois asks Mr. Ford to address his May 2, 2023, report.

Mr. Ford states the entirety of the report is regarding the tree mitigation plan and as Mr. Hay commented that he would like them to revisit the landscaping, they will include Mr. Kois' comments as part of that effort.

Mr. Bernstein asks if they will be calling a landscape architect.

Mr. O'Grodnick says now the landscape design is done by VanCleeef Engineering and so will be included in Mr. Ford's testimony.

Mr. Bernstein discusses his experience at another town's Planning Board meeting with a landscape architect's projection presentation of what trees would look like on the property at various year intervals to show the tree growth and how it will act as a natural buffer over time. He suggests this Board may like to see something similar to address the issue of view and related items.

Mr. O'Grodnick states the applicant will comply with a request for a rendering.

Mr. Bernstein interjects clarifying it was not a simple rendering but rather a series of slides showing elapsed time for the purpose of showing what the growth would look like.

Mr. O'Grodnick re-emphasizes the green areas on the current plan are not grass but rather forest areas which shall remain forest and block the front elevation from view. He states they will still comply.

Mr. Kois addresses the on-site estimates from his report and asks if they will provide backup for the estimated cost of the building to help show how that number was provided.

Mr. Ford clarifies his earlier agreement to comply was intended for the entirety of Mr. Kois report.

Jordan Asch, attorney for Hearthstone Homeowners Association, introduces himself.

Mr. Asch asks when the current storm water management rules were adapted.

Mr. Ford states the State rules were amended in April 2021 regarding green infrastructure and there are now published changes which are to be implemented.

Mr. Asch asks if the April 2021 amendments are what controls this application.

Mr. Ford explains periodically overtime the BMP manual is updated in different sections.

Mr. Asch asks about NJAC 7:8.

Mr. Ford states the BMP manual is the stormwater regulations within the DEP above and beyond or providing more specific guidance than NJAC 7:8.

Mr. Asch asks if he is familiar with the applicable stormwater management rules.

Mr. Ford states yes.

Mr. Asch asks when, in Mr. Ford's opinion, did this site plan come into compliance with the rules.

Mr. Ford states the oversight from the mechanical treatment device suppliers is the one corrective action that they have made since the last hearing but prior to that they change they have made since the November hearing were efforts to go well beyond and above the stormwater regulations including the separate Downstream Analysis.

Mr. Asch states to clarify on the most recent amendment they also added two points of analysis to correct the peak flow analysis.

Mr. Ford states he would not characterize it as a correction but rather a clarification to make it clear it is their responsibility, which is what they endeavored to represent in the last Point Analysis. Mr. Ford explains in detail.

Mr. Asch asks where the four acres go now.

Mr. Ford states the four acres he referenced are a portion of the site that drains to the pipe in existing condition enters Basin C.

Mr. Asch asks if this basin is the one, they initially thought was going to the Hearthstone Community but now goes somewhere else.

Mr. Ford correct.

Mr. Asch asks where that water goes.

Mr. Ford states currently it goes into a ditch along Weston Road then it enters a pipe which runs through the Hearthstone Project and discharges at a watercourse that is beyond what is on the plan.

Mr. Asch asks if the discharge point is on the Hearthstone property.

Mr. Ford states yes.

Mr. Asch asks if in his April submission he also submitted additional data to support his recharge analysis.

Mr. Ford asks if he is talking about soil data and then explains the soil data is not to support the recharge analysis but rather done out of an abundance of caution to demonstrate the reclassification of the soils from C to D is warranted as has been acknowledge by Mr. Hay.

Mr. Asch asks if there is currently a pending approval with the Delaware-Raritan Canal Commission (D&R CC).

Mr. Ford states since the revised plans were done, they made the submissions to the D&R CC, the Soil Erosion and Sediment Control District and the County.

Mr. Asch asks if they have received any feedback or response from the D&R CC.

Mr. Ford states they have not and are under the impression it is on a list of pending plans for review.

Mr. Asch asks if any application has been made to the DEP for the required permits.

Mr. Ford states no.

Mr. Asch asks when they plan to submit.

Mr. Ford explains it is being handled by the applicant's Environmental Consultant.

Mr. Asch states the original plans for the site were dated February 1, 2022, and asks if, the NRCS HGS soil characterization of C and included recharge are where a part of this site.

Mr. Ford states correct.

Mr. Asch asks if in January 2022 he had been to the site one time to do soil logs and collected about 22 logs.

Mr. Ford states he does not know the exact number but believes they were out there in February 2022.

Mr. Asch asks if he agrees the collected data at that time was consistent with the NRCS mapping of sea soils.

Mr. Ford states he believes the misunderstanding is that since that time they have been to the site at least three other times and the conclusion of the multiple tests, over 80, supports the D soils.

Mr. Asch asks what the 22 tests told him.

Mr. Ford states it told him they didn't have a single successful base and blood test which is required for supporting the BMP unless an alternate test is used. He explains why they went back to attempt additional basin flood tests and how none passed. He states this tells him this is not only an issue with seasonal high groundwater table within 24 inches that supports the D soil classification there's also a lack of permeability to support an infiltration type of BMP.

Chairman Suraci calls a 10-minute recess.

At 8:40 Chairman Suraci calls the meeting back to order.

Mr. Asch asks if the basin flood testing was not done until November 2022.

Mr. Ford confirms and states to his recollection the site conditions in February 2022 didn't support even an attempt of a basin flood test.

Mr. Asch asks what specific conditions prevented a basin flood test.

Mr. Ford states groundwater infiltration was the issue and explains. He states it is moot. They have been to the site many times since and now at over 80 logs they have concluded the Board engineer agrees with.

Mr. Asch asks if he believes it is moot that in January 2022 only four of the 22 tests were consistent with these logs.

Mr. Ford states that is not his opinion. He states their endeavors at the beginning of the project, with any project, is to identify a suitable location for recharge; that is what the tests were intended to do.

Mr. Asch asks Mr. Ford to talk about the process of a basin flood test.

Mr. Ford explains how a basin flood test works and states at the conclusion of the process you do not get a specific permeability rate like you do with pit bail test, but you get the ability to use 0.5 inches per hour for any infiltration BMP design.

Mr. Asch asks if all soil with 0.5 inches per hour equate to D soils.

Mr. Ford explains any soil that does not have a passing basin flood test doesn't support an infiltration BMP design. He states their results the concluded the reclassification of D soils was based on the depth to groundwater. He reiterates in the pit bail test, the 13 that did not pass further support that the site is not suitable for an infiltration BMP.

Mr. Asch asks questions pertaining to the March 2023 site visit and collection which was discussed at the previous hearing.

Mr. Ford states since the last hearing they did an additional 22 tests and more than double the amount of tests required by the BMP to reclassify the soil as D soils.

Mr. Asch asks if the purpose of this visit was only to confirm and collect additional data in support of the proposed change from the HSG mapping from C soils to D soils.

Mr. O'Grodnick objects to the form of the question stating he is mischaracterizing the prior testimony and instructs his witness not to answer the question.

Mr. Asch defers to Mr. Bernstein.

Mr. Bernstein suggests to the Board they move on, and Mr. Ford's answering or non-answering will be addressed accordingly when the Board makes its decision.

Mr. Asch asks if when they went to the site in April 2023, they were prepared to redesign the site yet again to include recharge if the newly collected data instead supported the NRCS mapping and the initial soil logs.

Mr. O'Grodnick objects by stating it is an argumentative question.

Mr. Bernstein suggests the witness answer the question.

Mr. Ford states it generally is irrelevant what the purpose or objective is of doing the soil testing because the results are what they are, they support one conclusion or another.

Mr. Asch asks why the 29 tests conducted by November of 2022 were not sufficient.

Mr. Ford states no because they had heard, through this and other applications, the concerns about using alternate methods of doing permeability tests and so since they did not have any conditions that supported the conducting of basin flood test, they went back out to attempt to do basin flood tests.

Mr. Asch asks if he has been aware of the public opposition to this project.

Mr. O'Grodnick objects to the form of the question and states it is irrelevant. He instructs his witness not to answer.

Mr. Bernstein instructs Mr. Ford to answer the question.

Mr. O'Grodnick questions its relevance.

Mr. Asch states he will move on to the next question. He asks if at any time during the preparation or leading up to the six soil sampling events he considered inviting a representative of the opposition or the Board to observe.

Mr. Ford states that would not have been his decision to make and suggests another witness or the applicant could answer that question. Mr. Ford states he would have had no objection to the invitation and states in his 30 years as an engineer there have not been many development applications received with open arms. His job is to help a property owner develop their property in accordance with the regulations and implement proper engineering subjects to review by multiple agencies.

Mr. Asch asks if he was present for the soil logs and what he did to verify them.

Mr. Ford states no and explains the data was reported by their field technician.

Mr. Asch asks if a project that complies with the stormwater management rules still causes or exacerbate flood conditions.

Mr. Ford states that are not his purview explaining he is given regulations to follow and if those regulations don't address that it is not his issue.

Mr. Asch asks if it is his opinion that the regulations create flood proof development.

Mr. Ford states his opinion is that there is a misconception about what the regulations do and that the impoundment of water and basins because of the perception that just reducing the peak doesn't achieve its goal.

Mr. Asch asks Mr. Ford if he was aware of prior flood conditions at the Hearthstone Community.

Mr. Ford states yes and that he discussed it at the previous hearing explaining how he was contacted by and met with the then President of the HOA and walked the site with several residents after Hurricane Ida. He discussed the results of that visit. He states he was not asked to do any more consulting after the visit and did not issue an invoice.

Mr. Asch asks if he can testify today that this project will not worsen or exacerbate the flood conditions at the Hearthstone Community.

Mr. Ford states another application which the Board is familiar with, there was a request to do a downstream analysis and while it is not required by the rules they did a downstream analysis in this case and determined as a result of this application the on-site stormwater management facilities which are twice the size of what the current regulations and twice the size of the original submittal and designed in accordance with the future rainfall events would result in a discharge or a reduction in the peak flow within the community. He states that was done by OPRA-ing copies of the drainage reports which were done as part of the Hearthstone Project by that engineer and basically replicating their data with this site implemented as it always had drained to that site both in the existing condition and in the future condition; so, the peak flow reduces.

Mr. Asch asks if based on the off-site stormwater analysis that he did, he is able to testify that this will not cause or exacerbate flooding.

Mr. Ford states that are not something they are required to analyze and explains they analyzed it in a way that was suggested on another project that demonstrated that there was a reduction in a peak flow. He explains the peak flow.

Mr. Asch states he will give Mr. Ford one more chance to answer, 'yes' or 'no'.

Mr. O'Grodnick objects stating it has been asked and answered and instructs his witness not to answer.

Mr. Bernstein disagrees and instructs the witness to answer the question.

Mr. Ford explains how the peak flow analysis results show the water level would be reduced.

Mr. Asch asks if he can address anything about the wetlands LOI or the flood hazard verification.

Mr. Ford states only that there was a prior DEP issuance of a LOI and flood hazard verification that we represent on their plans.

Mr. Asch asks if the applicant is intending to rely first on the LOI.

Mr. Ford states they are relying on it as has been shown on the plans.

There is questioning regarding who was issued the LOI, the Flood Hazard Verification documentation and riparian zone limits.

Mr. Asch asks on sheet two of the site plans why there is an existing 20-foot-wide access easement to block 187 lot 7.

Mr. Ford states that is from the Township tax records and survey from the property.

Mr. Asch states he has no further questions currently.

Mr. Bernstein suggests to Chairman Suraci as he opens the meeting to public questioning to remind the public only individuals not represented by Mr. Asch and Mr. Sinkovich are permitted to do so and will be required to indicate they are not represented by them on the record. He also reminds to limit questions to the testimony from Mr. Ford and examinations by Mr. O'Grodnick and Mr. Asch. There will be time later for questions relative to the overall aspect of the application once all the testimony has been provided.

There is a motion and second to open to public. All are in favor, none opposed. Motion carries.

Maria Walsh - 7 Onka Drive

- Ms. Walsh states she is not represented by anyone present.
- Ms. Walsh asks the witness to answer in laymen's terms if this construction will exasperate the current flooding issues going on in Hillsborough.

Mr. Ford states even the downstream analysis they did where they demonstrated the peak flow reduces by 13/14 CFS, it's not significant in the realm of major regional flooding so he does not think there will be any appreciable difference one way or the other even though he is saying they are reducing the peak flow, acknowledge that is not a significant enough change to really change regional flooding. He states there really needs to be a more regional approach to it.

- Ms. Walsh ask if what he is saying is that we need to work on this as a region and states that is where she looks at the Board.

Chairman Suraci interjects stating her comments are best directed to the Township Committee.

Tim Conlon - 109 Michelle Lane

- Mr. Conlon states he is not represented by anyone present.
- Mr. Conlon asks if Mr. Ford said he revised the stormwater calculations based on the pending regulations from the state DEP.

Mr. Ford states yes, they made the change since the November 2022 hearing.

- Mr. Conlon asks if those are the proposed regulations which have not been published yet.

Mr. Ford states they were published in the NJ Register in December 2022, received public comment until February 2023 and he believes it is currently in the hands of DEP as to when they publish for adoption. He explains how they obtain the published drafts.

- Mr. Conlon asks if the regulations were to change again before they were actually adopted would he be willing to update the calculations and revise the design again to meet the regulations if they become more stringent.

Mr. Ford states yes, they would consider it and would have to discuss that with the applicant regarding what the impacts would be.

Brian Tarantino – 235 Fairfield Lane

- Mr. Tarantino states he is not represented by anyone present.
- Mr. Tarantino asks if the total volume of water being discharged from the site increasing or decreasing and by how much.

Mr. Ford states it is increasing, does not know the number off hand but it is in their report and that is not something they analyze per the DEP regulations. They are required to reduce the peak storm rain events such that for the two-, 10- and 100-year storm the discharge at their property boundary is reduced by 50%, 75%, and 80% and they are well below that.

- Mr. Tarantino asks if the total volume of water being discharged from the site is increased.

Mr. Ford states explains how this leads to a misconception and that the volume is not the aspect that the regulations have them address but rather the peak flow.

- Mr. Tarantino asks if they are working to establish that this property classification D soils.

Mr. Ford states yes, they have already demonstrated that.

- Mr. Tarantino asks if “D soils” means it does not percolate well; water doesn’t seem to be in it very well.

Mr. Ford states the D soils are reclassified based on the depth to groundwater and he explains groundwater recharge.

- Mr. Tarantino asks if the rate of flow of water impacts the infiltration into the ground.

Mr. Ford states he may not be understanding the engineering concepts he is trying to explain and states if the existing conditions have poor permeability soils, that affects the runoff in the existing conditions.

There is a discussion to understand this concept.

- Mr. Tarantino asks if the reduction of the peak flow matters that much for soils that don't percolate well in large rain events or is it just the total volume that really matters in terms of flooding.

Mr. Ford states it is about what the regulations believe and that is what they have complied with.

There are no more questions from the public.

Mr. O'Grodnick introduces his next witness, the proposed tenant, to discuss the submitted memo dated February 16, 2023.

Ahad Arif is sworn in.

Mr. O'Grodnick asks Mr. Arif to give some background about himself, his company, and their customers.

Mr. Arif states he came to the United States at age five from Pakistan. In 2019 he launched Miracle Brand which is an online store that sells bed sheets and towels and their target consumer is American online shoppers. All product is shipped via US Postal Service, UPS, FedEx and DHL.

Mr. O'Grodnick asks if the textiles he is importing require onsite manufacturing.

Mr. Arif states there is no manufacturing to be done at the proposed location; everything is finished, packaged goods coming from Pakistan and India.

Mr. O'Grodnick asked about their current operations.

Mr. Arif states they are currently in a 3PL warehouse that is 140,000 square feet; a shared space with other companies and a service provider which handles the packaging and shipping.

Mr. O'Grodnick ask about the growth of the company since 2019.

Mr. Arif states they launched in 2019 and by 2020 they had 2,900% growth with continued growth over the next two years and project 100% growth for 2023.

Mr. O'Grodnick asks why he chose New Jersey as a distribution point.

Mr. Arif states he lives in Franklin so the closeness of this location is appealing, and he believes it is a great opportunity to create jobs and there is room for growth into wholesale distribution.

Mr. O'Grodnick asks if there are any plans for retail sales from this location.

Mr. Arif states there are no plans for retail sales.

Mr. O'Grodnick asks Mr. Arif how many employees he has at his current location, and how many parking spaces and loading bays they utilize.

Mr. Arif states about 60-65 employees and some are contractors and part-time; about 90 parking spaces and 13 loading bays.

Mr. O'Grodnick asks if the proposed site has adequate parking.

Mr. Arif states yes.

Mr. O'Grodnick asks him to describe the shipping of the textiles.

Mr. Arif states their finished goods come from overseas in floor-loading containers each with 2,000-4,000 cartons; a considerable amount of manpower is required for unloading. They anticipate four to ten containers daily. He states it can take a couple hours to unload a container so there will often be containers staged there awaiting unloading.

Mr. O'Grodnick asks if there is a proposal for outdoor storage if all items will be housed in the building and if there will be hazardous chemicals or materials.

Mr. Arif states there will be no outside storage and no hazardous chemicals for materials.

Mr. O'Grodnick asks about their current hours of operation and what is proposed for the site.

Mr. Arif states currently it is 7:00 am to 10:00 pm and weekends are from about 9:00 am to 5:00 pm. He believes the projected hours for the proposed site would be similar, peak hours could change but that depends on the overall business.

Mr. O'Grodnick asks to describe anticipated truck traffic over the course of the day.

Mr. Arif states outbound trucks could be about six to ten trucks with orders going out.

Mr. O'Grodnick has no further questions for the witness.

Mr. Hay states everything the applicant spoke about in terms of traffic is reflected in testimony for the traffic engineer. He states there are open traffic letters which need to be addressed that he believes the applicant will be providing to the traffic engineer. He has no objects or questions for this witness.

Mr. Kois states he has no questions at this time but emphasizes he wants to make sure the testimony provided is consistent with what has been provided previously to support in terms of what is being proposed for the Use.

Mayor Lipani asks if the outbound deliveries via UPS/DHL/etc will be in box trucks or tractor trailers.

Mr. Arif states they are larger tractor trailers, usually 53 foot, which are taking pallets of small boxes to their regional centers for 'last mile' delivery.

Mayor Lipani asks everything is done inside the building, no loading activity outside, so the trucks back up to the bays.

Mr. Arif states this is correct, no outside activity.

Mayor Lipani asks when the tractor trailers drop off to, they unhook and leave the trailers.

Mr. Arif states usually the trailers are dropped off for a day or two to provide enough time to unload. It takes a decent amount of manual labor to unload so it can take several hours. He states usually the truck will drop off a trailer and pick up another one.

Mayor Lipani asks what the peak times are that they might need extended hours.

Mr. Arif states it is difficult to say but possibly 12 am but very unlikely; usually in the fourth quarter around November/December time, before the holiday season.

Mayor Lipani asks what the shifts are/when the staff comes in.

Mr. Arif states he is unsure and that it will take a couple of years to figure out.

Mayor Lipani asks what the shifts are like now at his current location.

Mr. Arif states it is a 3PL Warehouse right now so he does not have control over this but they do have two shifts.

Mr. DelCore ask at the proposed site do they expect to have onsite, internal employees working late into the evening and/or truck deliveries at that time.

Mr. Arif states ports are usually closed; you cannot pick up after hours. He says he anticipates most trucks to arrive in the 9:00 am to 6:00 pm timeframe with the possibility of traffic delays. Most of the later hours will be spent inside the warehouse with internal employees.

Chairman Suraci asks where the company and fulfillment center are currently physically located.

Mr. Arif states right now the fulfillment center is in Jacksonville, FL and the company is in Franklin Park, NJ with a mailing address in Jersey City.

Chairman Suraci asks if they will still be offering laundry detergent sheets out of this location and if so how will they be produced.

Mr. Arif states they will be offering them from this location, and they are produced mailing in China; it is only about 1-2% subset of their business. He explains it is not liquid but rather a sheet, like a dryer sheet, and it is not hazardous.

Chairman Suraci asks if any of the trailers on site will be used as storage.

Mr. Arif states the plan is not to use any trucks as storage.

Chairman Suraci asks if they contract all their trucks and if any will be staying overnight.

Mr. Arif states yes, they contract trucks, and some may stay overnight as staging, locked, if they have not yet been unloaded. These would not be trucks owned by them.

Mr. Bernstein asks how the operations of his company are currently being handled in Florida; how large is the facility and how many other businesses do they share it with.

Mr. Arif states the facility is about 140,000 square feet and that he does not know how many companies share it.

Mr. Bernstein asks if he knows how large his operations are within that 140,000 square feet.

Mr. Arif states they have a couple thousand pallets but does not know the exact number and can get back to him with that number.

Mr. Bernstein asks how many loading docks are in the current facility.

Mr. Arif states he believes around 13.

Mr. Bernstein asks how many for the proposed facility.

Mr. Arif states he does not know the exact number. Mr. Ford informs him it is 20.

Mr. Bernstein asks how many trucks are stored on a daily basis at his current facility.

Mr. Arif states it depends but speculates the number of trucks servicing his business could be an average of five to six.

Mr. Bernstein asks how many floating docks his business is using at the current facility in a given day.

Mr. Arif states an average of five to six.

Mr. Bernstein asks why 18 loading docks are required for truck traffic of four to six inbound and six to ten outbound.

Mr. Arif states they are a growing company and are anticipating further growth and

wholesale opportunity.

Mr. Bernstein asks if they need more square footage in their current facility even with the growth they have experienced.

Mr. Arif states yes but does not know the exact number but can get back to him with it.

Mr. Bernstein asks if he has looked at any warehouse spaces the currently exist in Franklin Park and Somerset.

Mr. Arif states this was an opportunity that came to them.

Mr. O'Grodnick and Mr. Bernstein discuss if this is an appropriate question.

Mr. Bernstein asks what led Mr. Arif to believe a site further away from its current location was more suitable than close ones that are currently empty.

Mr. Arif states this would allow more control in design and is close to his home.

Mr. Bernstein asks if he is going to be the owner or tenant of this building.

Mr. Arif states he would be both.

Mr. Bernstein asks him to explain.

Mr. Arif states if it were to be approved, he is part of the application as well.

Mr. Bernstein asks if he is part owner of this proposed application.

Mr. Arif states correct.

Mr. Bernstein asks how much of an owner.

Mr. Arif states 33%.

Mr. Bernstein asks if that is listed anywhere on the application.

Mr. O'Grodnick states he does not know the answer to this and would have to check the application.

Mr. Bernstein asks Mr. Arif if he is seeking to house this company in Hillsborough because he would be part owner in this building.

Mr. Arif states correct, it allows more control.

Mr. Bernstein states Mr. Arif has no idea, at this time, the hours of operation he is seeking or the exact number of employees he would need for the operation.

Mr. Arif states correct.

Mr. Bernstein states Mr. Arif has no idea the number of shifts that will be needed for this operation.

Mr. Arif states they do not know because if this application goes through it would take a couple of years to build so his goal is to focus on the growth of the business and anticipate for future.

Mr. Bernstein asks if in can translate what the percentage of growth he testified to earlier really translates to in terms of dollars.

Mr. Arif states he does not want to answer as it feels confidential to his business.

Mr. DelCore agrees.

Mr. Bernstein withdraws the question and asks how many hours of shifts and days of week at the facility in Florida.

Mr. Arif states about 9:00 am to 6:00 pm, six days a week Monday through Saturday.

Mr. Bernstein asks the earliest time a truck delivers to the shared site.

Mr. Arif states usually by 9:00 am and the last truck leaves by 4:00 pm.

Mr. Bernstein asks if he has done an analysis as part of his business plan as to where the trucks are going to go when they leave the site.

Mr. Arif states he believes that is a question for traffic.

Mr. Bernstein asks how many employees are currently working in Florida and how many are full-time vs seasonal.

Mr. Arif states around 55 – 65 people with about 45 working full-time, 40 hours per week.

Mr. Bernstein states he has no further questions.

Chairman Suraci asks if Mr. Arif is involved in any other business ventures at this point.

Mr. Arif states yes, he does have other business ventures.

Chairman Suraci asks if there is a possibility any of them could move to this site since it appears to be excess capacity.

Mr. Arif states no and the others are not related to e-commerce or direct to consumer. He explains Nameless Venture owns Miracle Brand and while the plan originally was to launch other e-commerce business it grew so tremendously, they decided to just focus on Miracle Brand.

Mr. Sinkevich asks what percentage of owner he is of Miracle Brand and how many other owners are there.

Mr. Arif states it is 33% and there are two other owners.

Mr. Sinkevich asks him to explain who the owners are of Weston Road LLC and Miracle Brand.

Mr. O'Grodnick objects to this question and states they have complied with the statute requiring applicants to disclose owners of on behalf of the applicant with 10% or greater interest.

Mr. Sinkevich asks if there is currently a lease in place between Weston Road LLC and Miracle Brand.

Mr. Arif states no.

Mr. Sinkevich asks if he envisions that there will be if this is approved.

Mr. Arif states yes.

Mr. Sinkevich asks if there have been discussions about what the terms of the lease would be.

Mr. Arif states possibly but much of it depends on where this goes.

Mr. Sinkevich asks if he anticipates needing all 130,000 square feet of the warehouse at the outset.

Mr. Arif states yes.

Mr. Sinkevich asks if he plans on leasing or subleasing to any other companies.

Mr. Arif states no.

Mr. Sinkevich asks how many people at the current warehouse are doing work for Miracle Brand.

Mr. Arif states he does not know exactly because he is not there.

Mr. Sinkevich asks if he could explain in general terms what the 55 employees proposed in the application will be doing at the proposed warehouse.

Mr. Arif states he is not sure of the exact number of employees and states he would have a warehouse manager, admin staff, people working in inbound, outbound, pickback and storage. He goes on to say he is not sure what the overall structure would be.

Mr. Sinkevich asks how he arrived at his projection of 55 employees in this application.

Mr. Arif states worked with someone to help understand it.

Mr. Sinkevich asks how he arrived at the proposed number of parking spaces for this

application.

Mr. O'Grodnick states this is an engineering question.

Mr. Sinkevich asks how he envisions the company growing over the next few years.

Mr. Arif states they currently only sell online but do anticipate selling to big-box retailers and internationally, this will require more space and storage.

Mr. Sinkevich asks how long they envision using USPS, UPS etc. like they do now for shipments.

Mr. Arif states they do not anticipate that.

Mr. Sinkevich asks if there are trucks parked overnight outside.

Mr. Arif states they have containers which are parked but no actual truck. The Containers are parked at bays and truck spaces.

Mr. Sinkevich asks if the containers parked in the truck spots are filled with goods.

Mr. Arif states they could be but they prefer not to have goods sitting in them; it is best to unload containers as quickly as possible so as not to be charged added fees.

Mr. Sinkevich asks if he projects Miracle Brand ever outgrowing this facility.

Mr. Arif states he does not know.

Mr. Sinkevich asks how many employees are at the Franklin Park location.

Mr. Arif states everyone is remote but there are 55 associated with Franklin Park.

Mr. Sinkevich asks if they all will come to the Hillsborough facility.

Mr. Arif states some might and some will stay remote.

Mr. Sinkevich has no further questions.

Mr. Arif is asked what a 3PL is.

Mr. Arif states it is Third Party Logistics which is a service provider that helps with inbound and outbound order volume.

Mayor Lipani asks if all these containers come to the US by ship and if so how often does the ship come in.

Mr. Arif states ships are coming every day, constant inflow and outflow.

There is a motion to open the meeting up to public comment, seconded. All were in favor,

none opposed.

Grant Comer – 144 Taylor Ave.

- Mr. Comer states he is not represented by anyone present.
- Mr. Comer asks if he is correct in understanding the Mr. Arif and the other named owners on the applicant have a vested interest in Miracle Brand and the warehouse as growing a space.

Mr. Arif agrees.

- Mr. Comer asks if their projected increase growth comes with added trucks and traffic; is it fair to say with growth comes increase in traffic and employees.

Mr. Arif states possible but there is a limitation with the total square footage of the warehouse too.

- Mr. Comer asks if he is aware of how many employees typically work in a 135 square foot warehouse.

Mr. Arif states not exactly, it depends what is going on inside the warehouse.

Brian Tarantino – 235 Fairfield Lane

- Mr. Tarantino asks if the inbound trucks would be used for outbound.

Mr. Arif states it would be different trucks.

- Mr. Tarantino asks when the four to ten future growth is for.

Mr. Arif states it is for a couple years from when the project is finished.

- Mr. Tarantino reviews the number of trucks discussed and asks if it is estimated 40 trucks a day.

Mr. O'Grodnick objects to the question and advises his client not to answer. He states they have a logistics consultant they will make available at a future hearing for these questions.

- Mr. Tarantino asks how much trouble it will be to relocate from Jacksonville to Hillsborough.

Mr. Arif states it shouldn't be too difficult.

- Mr. Tarantino asks if this means it will be easy for them to move out of Hillsborough once they have reached their growth maximum for the facility.

Mr. Arif states he can't answer that question since he doesn't know the overall growth of the company.

Chairman Suraci interjects and suggests Mr. Tarantino save this line of questioning for the

logistics consultant.

Chairman Suraci states they have reached their hard-stop time and instructs Mr. O'Grodnick to have his witness available for the next hearing.

There is discussion about carrying to the next meeting.

Mr. Wagner motions to carry to May 11 week without further notice, seconded by Committeeman Ciccarelli.

Roll Call:

Yes - Mr. Peason
Yes - Mr. DelCore
Yes - Mr. Wagner
Yes - Mr. Radowitz (*Alt #1*)

Yes - Ms. Smith (*Alt #2*)
Yes - Committeeman Ciccarelli
Yes - Mayor Lipani
Yes - Vice Chairman Julian
Yes - Chairman Suraci

Motion carries.

ADJOURNMENT

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

10:06 pm the meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*