

Township of Hillsborough - Planning Board

Approved Public Meeting Minutes

November 2, 2023

Chairman Carl Suraci called the Planning Board Regular Public Meeting of November 2, 2023, to order at 7:10 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 - Mayor Shawn Lipani	Absent - Frank DelCore
Present - Robert Wagner, Jr	Present - Ron Skobo
Present - Committeeman John Ciccarelli	Present - Patricia Smith
Present - Robert Peason, Secretary	Present - Bruce Radowitz (<i>Alt #1</i>)
Present - Carl Suraci, Chairman	Vacant (<i>Alt #2</i>)
Present - Neil Julian, Vice Chairman	

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 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

- Resolution setting the 2024 Meeting Schedule
- There is a motion by Mayor Lipani, seconded by Mr. Skobo to approve the 2024 Meeting Schedule as proposed. Motion passed.

CONSIDERATION OF ORDINANCES

None

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

None

APPLICATIONS - PUBLIC HEARING

- **303 Amwell Road (JM4 ABEEL LLC) - File 21-PB-17-MSP(V)** – (TOD: 12-31-23 w/Ext.) - Block 198, Lot 2.03 (formerly Lot 2.B) – 303 Amwell Road (f/k/a as 301 Amwell Road). Revised Application 10-06-23: Applicant seeking preliminary and final major site plan approval; 'c' bulk variance; and design waivers, to construct an 85,348 80,000 square foot industrial building with revised associated stormwater management, parking, lighting and improvements, on Property in the

CDZ, Corporate Development Zone. (EC Reviews: 08-15-22 & 10-23-23 - adjourned) Revised document/plans/reports submitted 12-22-22 / New items submitted 03-31-23 / Further revised plans, reports, documents submitted 10-06-23. (PB Agendas: 09-08-22; 01-12-23; 04-06-23 – canceled, rescheduled to 04-13-23; 04-13-23; 07-13-23 – adjourned to 11-02-23). Application adjourned from July 13, 2023 without further notice. ***Applicant requesting to be ADJOURNED without further notice, to a date to be determined by the Board, per Mr. O’Grodnick’s 10-16-23 letter.***

Applicant’s Counsel: Michael O’Grodnick, Esq., Savo, Schalk, Corsini, Warner, Gillespie, O’Grodnick & Fisher, P.A. – letter dated 10-16-23 submitted.

Objector: Craig Berlin

1. Mr. Bernstein explained the proposal by the Township to acquire the subject property, 303 Amwell Road and 1170 Millstone River Road.
2. Mr. Bernstein noted that the application will be back on the agenda for December 14th if the extension is not granted by the Applicant beyond December 31, 2023. The same condition would apply to the Millstone River Road property. The Planning & Zoning Department has been asked to reach out to the Applicant before Thanksgiving.
3. A motion to carry this matter until December 14th without further notice was made by Mr. Skobo, seconded by Ms. Smith.

Roll Call:

Yes - Mr. Wagner
Yes - Mr. Peason
Yes - Mr. Skobo
Yes - Ms. Smith

Yes - Mr. Radowitz (*Alt #1*)
Yes - Mayor Lipani
Yes - Vice Chairman Julian
Yes - Chairman Suraci

Motion passed.

- **KAAS, LLC / Severino – File 23-PB-08-SV** – (TOD: 01-29-24) – Block 12, Lot 32.01 (55 East Mountain Road) and Lot 32.02 (701 Mill Lane). Applicants seeking minor subdivision approval and ‘c’ bulk variances for a lot line adjustment to reduce Lot 32.01 from 2.05 acres to 1 acre, and thereby increase Lot 32.02 to 4.58 acres. Proposed Reconfigured Lots 32.01 and 32.02 will retain the existing improvements without changes, on Property in the AG, Agricultural District (Lots 32.01 & 32.02) and R, Residential Zone (Lot 32.01 – split zone).

Participating for the Applicant: David Singer, Esq. of Porzio Bromberg & Newman; Richard Ruchalski, PE of Richard G. Ruchalski, CPL Partnership, LLC; and Alfred Severino, Jr., Applicant

1. Mayor Lipani recused himself and left the meeting.
2. Mr. Singer, Esq., the Applicant’s attorney introduced the application. He emphasized that no improvements are being proposed for the lot line adjustment. Additionally, he indicated that the Applicant, in light of Mr. Mayhew’s review letter, that they are now proposing to comply with the impervious coverage.
3. Richard Ruchalski, CPL Partnership, LLC, the Applicant’s Licensed Surveyor was sworn in.
4. Mr. Singer introduced Exhibit A-1, last revision November 2, 2023 to address Mr. Mayhew’s review letter to show that the buildings are existing addressing notations. Mr. Singer will provide the Planning & Zoning Department with the plans.
5. Chairman Suraci asked for clarification regarding the Applicant’s proposal to revise the proposal to now be in conformance with the impervious coverage limit.

6. Mr. Mayhew indicated he had no additional comments and was in agreement with the Applicant's proposal to comply with impervious coverage limit.
7. Mr. Kois also agreed.
8. No questions from the public.
9. Mr. Alfred Severino, Jr., the Applicant was sworn in.
10. Mr. Peason asked for the purpose of the subdivision request.
11. Mr. Severino provided history regarding the prior and proposed subdivisions. He explained the reason he is subdividing it now is that he wishes to keep the wooded area. He also has concerns regarding the potential that a neighbor could build a home occupation and outdoor storage.
12. Public question portion was closed.
13. Mr. Singer asked the Board to approve the application.
14. A motion to approve the application with the conditions discussed made by Mr. Skobo, seconded by Mr. Peason.

Roll Call:

Yes - Mr. Wagner
 Yes - Mr. Peason
 Yes - Mr. Skobo
 Yes - Ms. Smith

Yes - Mr. Radowitz (*Alt #1*)
 Yes - Committeeman Ciccarelli
 Yes - Vice Chairman Julian
 Yes - Chairman Suraci

Motion passed.

PLANNING BOARD BUSINESS - CONTINUED

- Mayor Lipani returned after recusing himself for the prior application.
- Mr. Bernstein handed out an article entitled "Planning Board: County Should Bar Trucks From Some County Roads" from the Franklin Reporter & Advocate by Bill Bowman, dated November 1, 2023, for which he provided some background.
- Mr. Bernstein, Esq. recommended that the Planning Board consider passing a resolution with a similar request that Franklin Township made to Somerset County. He indicated that Somerset County stated that it would need a request from the Township. A resolution can be prepared for consideration for the next meeting or in December.
- Mr. Lipani indicated that it is a good idea and made a motion for a resolution to be prepared, seconded by Mr. Wagner. All in favor. Motion passed.

EXECUTIVE SESSION

- Mr. Bernstein, Esq. indicated that he requested an executive session to discuss the following litigation and attorney client privilege: Harvard Way / JMJ4, LLC, M&M Realty, Homestead Road, Hillsborough RB, LLC 1 and Hillsborough RB, LLC 2.
- Chairman Suraci asked about a resolution.
- Mr. Bernstein, Esq. said that a motion will suffice, but asked Mr. Kois to check with Ms. Padgett in the Planning & Zoning Department.
- Motion to go into executive session pursuant to NJSA 10:4-12B7 to discuss attorney-client privilege regarding pending or anticipated litigation for Harvard Way, Hillsborough RB LLC, Homestead Road, LLC and M&M Realty Partners, LLC, made by Committeeman Ciccarelli, seconded by Mayor Lipani at 7:51 PM. All in favor. Motion passed.
- The Board returned from executive session at 9:10 PM.
- Mr. Bernstein, Esq. announced that the record shall reflect that all members that were present at the commencement of the executive session and re-commencement of the public meeting were present along with the professionals.

- Mr. Bernstein, Esq. further noted that he gave a lengthy discussion of the ongoing litigation involving the Planning Board as it related to warehousing and affordable housing. He answered questions where applicable. No formal action is needed. Future executive sessions may be needed.

ADJOURNMENT

Motion to close by Mr. Wagner, seconded by Mr. Skobo. Motion carries, meeting adjourned at 9:12 PM.

*Submitted by David Kois
Planning Director*