

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

January 11, 2024

Chairman Carl Suraci called the Planning Board Regular Public Meeting of January 11, 2024, to order at 7:15 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 2024 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 - Committeeman Shawn Lipani, <i>Mayor’s Designee</i>	Absent - Frank DelCore
Present - Robert Wagner, Jr	Present - Ron Skobo
Present - Deputy Mayor John Ciccarelli	Absent - Patricia Smith, Secretary
Present - Robert Peason, Vice Chairman	*Present - Bruce Radowitz (Alt. #1)
Present - Carl Suraci, Chairman	- Vacant (Alt. #2)
- Vacant (seat #6)	

* Mr. Radowitz recused himself at approximately 7:40 PM for the Homestead Road, LLC - File 21-PB-25-MS/MSP(V) application.

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

- **Toll Bros., Inc. (RBG / Enclave) – File 21-PB-10-S/MS/SP - Extension**

Mr. Bernstein stated which members are eligible to vote.

A motion to approve was made by Mr. Wagner, seconded by Committeeman Lipani.

No further comments from the Board.

Roll Call:

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

Motion carries.

- **Resolution of the Planning Board of the Township of Hillsborough Adopting a Climate Change-Related Hazard Vulnerability Assessment to the Land Use Element of the Township of Hillsborough's Master Plan.**

Mr. Bernstein stated that this is a memorialization of the action taken at the December 14, 2023.

Mr. Skobo motions to approve the resolution, seconded by Mr. Wagner.
No further comments.

Roll Call:

Yes - Mr. Wagner

Yes - Deputy Mayor Ciccarelli

Yes - Mr. Skobo

Yes - Mr. Radowitz (*Alt. #1*)

Yes - Chairman Suraci

Motion carries.

PLANNING BOARD BUSINESS

- **Draft of 2023 Planning Board Annual Report**

Mr. Kois stated that the report shows the actions the Planning Board made during 2023 and is presented for the Board to consider.

Vice Chairman Peason motions to approve the 2023 Planning Board Annual Report as presented and for Mr. Kois to formalize, seconded by Mr. Skobo.

Roll Call:

Yes - Committeeman Lipani

Yes - Mr. Wagner

Yes - Deputy Mayor Ciccarelli

Yes - Mr. Skobo

Yes - Mr. Radowitz (*Alt. #1*)

Yes - Vice Chairman Peason

Yes - Chairman Suraci

Motion carries.

- **Hillsborough Township Board of Education – Sunnymeade Elementary School (Pavilion) – File 23-PB-20-INF** – Block 129, Lot 1.01 – 55 Sunnymeade Road (“Sunnymeade Road” per Tax Records). Applicant seeking informal review by the Planning Board pursuant to N.J.S.A. 40:55D-31 and 18A: 18A-16, to construct an accessory structure for an approximate 30’ x 40’ pavilion on a 36’ x 46’ concrete pad, on Property located in the RA, Residential/Architectural Zone.
 1. Mr. Kois indicated that under N.J.S.A. 40:55D-31 and 18A: 18A-16 it is required that school district projects be submitted to the local Planning Board for courtesy review and any recommendations by the Board are technically non-binding.
 2. Elio Qorri, from Land Associates, is sworn in. He described the proposed open-air pavilion project which will be located approximately 125 feet to the rear of the school and 11 ½ feet to the closest point to the fence line. No utilities will be provided to the pavilion.
 3. Mr. Qorri confirms no utilities at all. He explains there is currently nothing in this area besides grass and some old railroad ties.
 4. There are no further comments from the Board.

5. Mr. Mayhew asks if they will be obtaining an LOI due to the nearby wetlands as noted on the plans.
6. Mr. Qorri explains the wetlands are from the National Inventory, they have not received any request to do any delineation, so they currently are not planning to.
7. Mr. Mayhew recommends the Board ask for an LOI for the area of construction.
8. There was a discussion between Board members about if they requested an LOI when Sunnymead did the expansion to the parking lot.
9. With no additional questions from the Board there is a motion to open to public comment, seconded. All were in favor.
10. Susan Gulliford - 7 Hunt Club Road: Ms. Gulliford asked what the proposed use is of the pavilion and if there will be a path leading to it.
11. Mr. Qorri stated the proposed use is for general shelter for the children to provide cover in case of light rain and shade from the sun in warmer weather. There will not be a path of any kind.
12. With no further questions from the public there was a motion to close to public comment, seconded and all were in favor.
13. Mr. Bernstein asks if the Board has any other recommendations beyond Mr. Mayhew's LOI request and reminds the application is still subject to the Commission of Education.
14. There are no further recommendations.
15. Mr. Skobo motioned for non-binding recommendation as per Mr. Mayhew's request, seconded by Deputy Mayor Ciccarelli.

Roll Call:

Yes - Committeeman Lipani
Yes - Mr. Wagner
Yes - Deputy Mayor Ciccarelli

Yes - Mr. Skobo
Yes - Mr. Radowitz (Alt. #1)
Yes - Vice Chairman Peason
Yes - Chairman Suraci

Motion carries.

- **Hillsborough Township Board of Education – Triangle Elementary School (Playground Extension) – File 23-PB-21-INF** – Blook 129, Lot 42 – 156 South Triangle Road (“South Triangle Road” per Tax Records). Applicant seeking informal review by the Planning Board pursuant to NJSA 40:55D-31 and 18A: 18A-16, to construct a playground extension to contain an approximate 1,608 SF wood chip playground mulch surfacing; playground equipment; a 750 SF concrete walk; and 72 LF / 175 LF of railroad ties to border the area, on Property located in the R-1, Residential 1 Zone.

1. Chairman Suraci reminds Mr. Qorri he is still under oath.
2. Mr. Qorri gives a description of the proposal.
3. Mr. Mayhew has two suggestions. The first, due to a Roycebrook Tributary running along the property he suggests the Hillsborough Stream Corridor buffer be listed on the drawings; the proposed work appears to be outside the buffer but he believes it would be beneficial to have it listed on the drawings for future reference. The second suggestion, to help mitigate for the impervious coverage proposed he recommends the subbase to be scarified prior to placing the wood mulch play area which will help promote infiltration of run off into the playground area.
4. Mr. Kois has nothing to add.

5. Committeeman Lipani asks if any new play structures, i.e. jungle gyms, are proposed for the area.
6. Mr. Qorri states there are two pieces of playground equipment they are proposing.
7. Committeeman Lipani reminds that any such structure with footings & such is subject to inspection by Township officials.
8. There is a motion and second to open to public comment. All were in favor. Motion passes.
9. Maria Janucik – 720 East Frech Ave., Manville (residence) / 2155 Camplain Road, Hillsborough (property owner): Ms. Janucik asks if information was provided about wetlands or stream on the property.
10. Mr. Qorri states no, not near this project.
11. Ms. Janucik asks what is being done about the 750 square feet of impervious coverage specifically in terms of flooding.
12. Mr. Qorri states to his knowledge this area does not experience flooding and based on state and local regulations they are not required to do any storm water control for a project of this size.
13. There are no further questions from the public.
14. There is a motion and second to close public comment. All were in favor, motion carries.
15. Committeeman Lipani motioned for non-binding recommendation as per Mr. Mayhew's request, seconded by Deputy Mayor Ciccarelli.

Roll Call:

Yes - Committeeman Lipani	Yes - Mr. Skobo
Yes - Mr. Wagner	Yes - Mr. Radowitz (<i>Alt. #1</i>)
Yes - Deputy Mayor Ciccarelli	Yes - Vice Chairman Peason
	Yes - Chairman Suraci

Motion carries.

CONSIDERATION OF ORDINANCES

- None

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

Chairman Suraci opens to comments from the public. He asks the public to state their name and address, refrain from commenting, directly or indirectly, on current warehouse and states there is a five-minute limit per person.

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

- Ms. Janucik asks if the JMJ, Abeel LLC applications were withdrawn from the Planning Board's agenda after the properties were approved for purchase by the Township Committee in October 2023.
- Mr. Bernstein states they have not yet been withdrawn as the matter has not yet been concluded. They are still on the Planning Board's agenda, but no action has been taken pending the outcome of the Township Committee's actions related to the two properties.
- No further public comments.
- Mr. Radowitz announces his recusal for the application about to be heard.
- Mr. Bernstein asks for a recess to discuss a matter with Mr. Kois.
- Chairman Suraci calls for a recess at 7:40 pm.
- Chairman Suraci calls the meeting back into session at 7:47 pm.

APPLICATIONS – PUBLIC HEARING

Homestead Road, LLC – File 21-PB-25-MS/MSP(V) – (TOD: 02-01-24 w/Ext.) - Block 200.10, Lots 32 & 33 – 203 Homestead Road and 189 Homestead Road. Applicant seeking preliminary and final major subdivision approval (determined a minor subdivision); preliminary and final major site plan approval; 'c' bulk variances; and waivers, to consolidate the two lots and then subdivide into two reconfigured lots; and demolish all existing structures to construct two warehouse/office buildings, with associated stormwater, parking, and site improvements, on Property in the TECD, Transitional Economic Development District. (EC Review: 03-28-22) *Revised plans/report submitted 04-21-22 and 04-28-22/ Additional plans/exhibits/documents submitted 06-24-22 / Additional submission 11-28-22. Applicant, no longer seeking 'c' bulk variances per revised plans/reports/documents submitted 02-17-23. Copy of NJDEP application received 03-31-23. (PB agendas: 05-12-22; 07-07-22; 10-06-22 adjourned; 12-08-22; 01-12-23 – no testimony – for scheduling only; 03-02-23; 04-06-23 – canceled, rescheduled to 04-13-23; 04-13-23; 05-25-23; 06-22-23; 09-07-23; 09-14-23; 12-14-23). Application continued from December 14, 2023 without further notice.*

Participating for the Applicant: Craig Gianetti, Esq. of Day Pitney, LLP; Gary Dean, PE of Dolan & Dean; Edward Kuc, Principal Ecologist of Eastern States Environmental Associates, Inc.; Christine Nazzaro-Cofone, PP, AICP of Cofone Consulting Group, LLC; David Robinson, LSRP of Synergy Environmental; Michael K. Ford, PE, PP, of Van Cleef Engineering Associates, LLC; and Applicant's Representatives: Glenn Stock, Eric Greif, and Kenneth Greif.

Participating for the Objectors: Objector #1 - Michael Pisauero, Jr., Esq. of The Watershed Institute, Witness – Clay Emerson, PhD, PE, CMF of Princeton Hydro; Objector #2: Scott Gross, Member Representative of Local Citizens Against Traffic (LCAT); Objector #3: Brian Tarantino, Member Representative of Stop Warehouses and Trucks (SWAT), and Carlos Rodrigues, PP, FAICP of Design Solutions for a Crowded Planet, LLC; and Objector #4: John Lanahan; Objector #5: Lucy Sandler, Sourland Conservancy Board of Trustees, Advocacy Committee Chair.

1. The hearing began at 7:47 PM.
2. Mr. Gianetti, Esq., introduced himself.
3. The objectors presented themselves in attendance for the record:
4. Objector #1 - Michael Pisauero, Jr., Esq. of The Watershed Institute, Objector #2: Scott Gross, Member Representative of Local Citizens Against Traffic (LCAT); Objector #3: Brian Tarantino, Member Representative of Stop Warehouses and Trucks (SWAT), Objector #4: John Lanahan, and Objector #5: Lucy Sandler, Sourland Conservancy Board of Trustees, Advocacy Committee Chair.
5. Mr. Bernstein, indicated Mr. Peason has certified that he has reviewed the materials and is eligible to hear the application.
6. Mr. Lanahan asked about the status of the standing issue related to the pending litigation
7. There was an extensive discussion about standing between the attorneys and the objectors.
8. Mr. Lanahan asked about Enhanced Acquisitions and how it is connected to the Applicant.
9. Mr. Gianetti indicated that Enhanced Acquisitions is an affiliate of the Applicant.
10. Mr. Bernstein indicated that he was still awaiting the documentation of the lawsuit between applicant and owner to be sent to him.
11. Mr. Gianetti made an objection about Mr. Tarantino's cross examination and noted a number of tactics he believed Mr. Tarantino was utilizing to filibuster the application. He further stated that the Chairman has the authority to limit cross examination in a reasonable manner.
12. Mr. Tarantino objected to Mr. Gianetti's representations

13. The Board advised Mr. Tarantino to keep his questions concise.
14. Mr. Gary Dean, PE of Dolan & Dean, Applicant's Traffic Engineer, was re-sworn in.
15. Mr. Dean explained how research was conducted that supports the answers he is giving.
16. Mr. Tarantino asked if there could be anything stopping the operator from exceeding the 320 trips per day.
17. Mr. Dean answered yes.
18. Mr. Dean indicated that he used AASHTO related to stopping site distance.
19. Mr. Gross asked about the impacts of security boards and checkpoints.
20. Mr. Dean indicated that has not evaluated it because it is not proposed.
21. Mr. Dean indicated that not a sound level expert and cannot answer questions related to engine braking.
22. Ms. Sandler asked about the impact of the proposed development's traffic on wildlife corridors
23. Mr. Dean said the studies do not examine that impact.
24. No questions from remaining Objectors
25. Opened to the public and a series of questions were asked.
26. Mr. Dean indicated that he is unaware of any Hillsborough Township prohibition on J breaking.
27. Mr. Dean explained the process of using data, estimating traffic generation on a per foot basis and proportional generally to the size of the building.
28. Mr. Dean indicated that the number of loading bays generally increases as the building's size increases. He further noted that the traffic estimates are based on the size of building, not the number of the loading docks.
29. Mr. Dean indicated that if a security gate is proposed in the future, approval would be needed from the Board.
30. Adjourned for recess from 9:05 PM to 9:18 PM.
31. A series of questions continued.
32. There was a discussion related to the schedule.
33. A motion was made by Mr. Skobo to continue the hearing to January 25th, 2024, and February 8th, 2024 and for extension of time to February 29th, 2024, seconded without further notice to Jan 25 and February 8th with extension, seconded by Vice Chairman Peason.

Roll Call:

Yes - Committeeman Lipani
Yes - Mr. Wagner
Yes - Deputy Mayor Ciccarelli

Yes - Mr. Skobo
Yes - Vice Chairman Peason
Yes - Chairman Suraci

Motion carries.

ADJOURNMENT

A motion to adjourn was made by Mr. Skobo, seconded by Vice Chairman Peason. Motion carries unanimously. 10:21 PM meeting is adjourned.