Township of Hillsborough – PLANNING BOARD
APPROVED Public Meeting Minutes

January 25, 2024

Chairman Carl Suraci called the Planning Board Regular Public Meeting of January 25, 2024, to order at 7:01 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.

Mr. Deb was sworn in.

ROLL CALL

Present -	Committeeman Shawn Lipani, *Mayor's Designee*	*Absent* -	Frank DelCore
Present -	Robert Wagner, Jr	Present -	Ron Skobo
*Present -	Deputy Mayor John Ciccarelli	Present -	Patricia Smith, ***Secretary***
*Present -	Robert Peason, ***Vice Chairman***	**Present -	Bruce Radowitz (*Alt. #1*)
Present -	Carl Suraci, ***Chairman***	Present -	Surajit Deb *(Alt. #2)*
-	*Vacant (seat #6)*		

**Deputy Mayor Ciccarelli and Vice Chairman Peason recused themselves and left the meeting at 8:03 PM for the* Homestead 279 LLC *and returned at 8:45 PM for Homestead Road, LLC - File 21-PB-25-MS/MSP(V) application.*
*** 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

- January 11, 2024 – Reorganization Meeting

A motion to approve was made by Vice Chairman Peason, seconded by Mr. Skobo.

Roll Call:

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

Motion carries.

- January 11, 2024 – Regular Meeting

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

Roll Call:

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

Motion carries.

CONSIDERATION OF RESOLUTIONS

- **KAAS / Severino – File 23-PB-08-SV**

A motion to approve was made by Mr. Wagner, seconded by Secretary Smith.

Roll Call:

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

Motion carries.

PLANNING BOARD BUSINESS

- **2023 Board of Adjustment Annual Report – Adopted January 17, 2024**

  Mr. Kois stated that the report was approved by the Board of Adjustment and is being shared with the Planning Board, no action is required.

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.

APPLICATIONS – PUBLIC HEARING

- **Coherent Corp. – File 23-PB-15-SPV** (TOD: 03-18-24) – Block 200.06, Lot 19 (Lot 18 referenced) – 132 Stryker Lane (126 Stryker Lane referenced). Applicant seeking Minor Site Plan Approval; 'c' bulk variances; and waivers, to install an additional 6,000-gallon LN2 above-ground storage Tank on a concrete base pad, on Property in the LI, Light Industrial Zone.

  1. The hearing began at 7:20 PM.
  2. Mr. O'Grodnick, Esq., of Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A., Attorney for the Applicant introduced the application.
  3. Mr. O'Grodnick indicated that the variance requested to place the outdoor storage in the front yard was eliminated due to the portion of Raider Boulevard having been vacation in 2019, but not filed until earlier in the year.
  4. Paul Foeldvari, Facilities & EHS Manager, for the Applicant was sworn in.

5. Mr. Foeldvari explained the current operations and how often deliveries are for the liquid nitrogen. He further explained that a second tank would prevent potential delays in production.
6. Mr. Foeldvari described the surroundings as heavily wooded in the rear of the outdoor storage area and that it is only visible from the parking lot.
7. Mr. Foeldvari answered questions about additional equipment such as the evaporator and ac units in the storage area.
8. Open to the public.
9. There were a series of questions related to noise from the facility.
10. Mr. Foeldvari explained the noise is from the blowers, but to his knowledge it does not exceed the noise limits.
11. There were a series of questions related to safety.
12. Mr. Foeldvari indicated that there was an Industrial Site Recovery Act (ISRA) study that concluded there was no detectable lead found.
13. Joseph Freda, PE of Falcon Engineering, Engineer for the Applicant was sworn in and qualifications accepted.
14. Mr. Freda described the proposal.
15. Mr. Freda indicated that the Applicant will have screening via the fence slats.
16. Mr. Freda agreed to comply with the condition in the Planning Memo #1 that two trees will be planted on the site at the direction of the Board's professionals.
17. There was a discussion regarding the location of the stormwater facility
18. Mr. Freda addressed #3 in the Pennoni memo and agreed the Applicant will comply with the condition.
19. Vice Chairman Peason motioned to approve the application with the agreed upon conditions and the professionals' recommendations in their reports, seconded by Mr. Skobo.

Roll Call:

Yes -	Committeeman Lipani	Yes -	Mr. Radowitz (*Alt. #1*)
Yes -	Mr. Wagner	Yes -	Mr. Deb (*Alt. #2*)
Yes -	Deputy Mayor Ciccarelli	Yes -	Vice Chairman Peason
Yes -	Mr. Skobo	Yes -	Chairman Suraci
Yes -	Secretary Smith		

Motion carries. The hearing concluded at 8:03.

- **Homestead 279 LLC – File 22-PB-05-S/MSPV** (TOD: 01-31-24 w/Ext.) - Block 200.02, Lot 12 (Formerly Block 200.B, Lot 28) – 279 Homestead Road. Applicant seeking preliminary and final major site plan approval; 'c' bulk variances; and waivers, to construct 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. (EC Review: 07-25-22 / Revised packet routed 09-19-22 / Further revised plans, documents, and reports received 06-28-23 through 06-30-23. *(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; 06-08-23 – adjourned; 07-13-23; 10-05-23 – adjourned with discussion – 12-14-23 for scheduling only – without further notice; 12-14-23 - scheduled)*. ***Application continued (rescheduled) from December 14, 2023 without further notice.***

1. The public hearing began at 8:03 PM.

2. Deputy Mayor Ciccarelli and Vice Chairman Peason recused themselves and left the meeting at 8:03 PM.
3. Mr. O'Grodnick, Esq., of Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick &
4. Fisher, P.A., Attorney for the Applicant introduced the application.
5. John Malchow, Esq. of Simon Law Group, Attorney for the Applicant entered himself on the record.
6. Mr. O'Grodnick indicated that they await jurisdictional determination. He further noted that if the Board finds that they have jurisdiction, plans would be finalized based on the Concept that was submitted.
7. There was discussion citing case law between the attorney's regarding the standing issue, all of which asked for the Board to take a vote on the matter.
8. Mr. Bernstein asked that the Applicant provide the proposed deed of sale with metes and bounds that is proposed for the acquisition by the Applicant.
9. A motion was made by Committee Lipani that the Board has determined the Applicant has standing and that the Applicant shall submit the proposed deed of sale within 30 days, seconded by Mr. Skobo. Mr. Bernstein announced Mr. Deb is not eligible to vote.

Roll Call:

Yes -	Committeeman Lipani	Yes -	Mr. Radowitz
Yes -	Mr. Wagner	Yes -	Secretary Smith
Yes -	Mr. Skobo	Yes -	Chairman Suraci

Motion carries.

10. Committeeman Lipani asked the Applicant to submit new plans in a timely manner so the Board's professionals can conduct a review.
11. A motion was made by Mr. Sobo to continue the hearing without further notice to May 9th, 2024, seconded by Mr. Skobo. Mr. Bernstein announced Mr. Deb is not eligible to vote.

Roll Call:

Yes -	Committeeman Lipani	Yes -	Mr. Radowitz
Yes -	Mr. Wagner	Yes -	Secretary Smith
Yes -	Mr. Skobo	Yes -	Chairman Suraci

Motion carries. The hearing on the matter concluded at 8:30 PM.

- **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. (PBagendas: 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**.*

1. The hearing began at 8:45 PM.
2. Mr. Bernstein announced that Mr. Radowitz recused himself and left the meeting.
3. Craig Gianetti, Esq. of Day Pitney, LLP representing the Applicant introduced himself.
4. The objectors presented themselves in attendance for the record:
5. Objector #1 - Michael Pisauro, 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.
6. Mr. Bernstein indicated Ms. Smith has certified that she has reviewed the materials and is eligible to hear the application.
7. Mr. Edward Kuc, Principal Ecologist of Eastern States Environmental Associates, Inc. representing the Applicant was sworn in and qualifications accepted.
8. Mr. Kuc described a ditch as a man-made feature.
9. Mr. Pisauro objected.
10. Mr. Bernstein indicated that Mr. Kuc needs to establish a foundation as to why he is calling the ditch man made.
11. Mr. Kuc described the ditch as linear, narrow, consisting of invasive vegetation of mugwort. He further noted that the ditch does not show up on any maps or aerials he has seen. He said that Mr. Shockley told him the ditch was man made.
12. Mr. Kuc indicated that Van Cleef Engineering did not request the ditch in question as a jurisdictional wetland when it submitted the materials to NJDEP. Since then, NJDEP, based on field observations, determined that the ditch needs to be included and classified as an ordinary resource. He indicated that it is not considered a regulated water way, no riparian or flood hazard area.
13. Mr. Kuc described the Hillsborough Township Stream Corridor as a vague definition.
14. Mr. Pisauro objected to the testimony as no report has been submitted by Mr. Kuc on the subject.
15. Mr. Gianetti indicated that M. Kuc should be allowed to elaborate through testimony.
16. There was a discussion between the attorneys and objectors related to objections of the testimony.
17. The Board adjourned from 9:30 PM to 9:35 PM.
18. Mr. Kuc started to describe work he has done in Hillsborough Township related to determining regulated areas, such as Iron Peak (APEX) and the Brown Avenue Extension. He explained that he was directly working for the Township, but for the company that was hired for the project.
19. Mr. Bernstein indicated that the testimony related to Mr. Shockley's belief that the ditch is man-made is hearsay. He also said he had concerns about Mr. Kuc's statements about doing work in Hillsborough and what in his estimation has been or has not been considered a stream.
20. The Board adjourned from 9:41 PM to 9:47 PM.
21. Mr. Bernstein indicated that there is a potential conflict for Mr. Kuc related to testimony he is providing about the Brown Avenue Extension project since it is a project for the Township and active.
22. There were a series of questions from Mr. Mayhew related to drainage of the runoff from the parking area.

23. Mr. Kuc indicated that he believed the origin and source of the water is from the pipe. He further explained that there is no indication of concentration of overland flow.
24. Mr. Mayhew asked if the inlets were closed or clogged, where would the water flow.
25. Mr. Kuc indicated that the water would follow the topography and into the ditch.
26. There was a discussion related to the schedule.
27. A motion was made by Mr. Skobo to continue the hearing to March 7th, 2024, no hearing on the matter on February 8th, 2024 and for extension of time to April 1st, 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 - Secretary Smith
Yes - Vice Chairman Peason
Yes - Chairman Suraci

Motion carries. The hearing on the matter concluded at 10:21 PM.

ADJOURNMENT
A motion to adjourn was made by Committeeman Lipani, seconded by Vice Chairman Peason. Motion carries unanimously. 10:22 PM meeting is adjourned.

Submitted by David Kois, Planning Director