

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

July 6, 2023

Chairman Carl Suraci called the Planning Board Regular Public Meeting of July 6, 2023 to order at 7:09 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
Absent - Frank DelCore	Present - Mayor Shawn Lipani
Present - Ron Skobo	Absent - Neil Julian, Vice Chairman
Absent - Kenneth Hesthag, Secretary	Present - Carl Suraci, Chairman
Absent - Bruce Radowitz (Alt #1)	

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

- **Resignation of Kenneth Hesthag, Seat #9**
Chairman Suraci explains Mr. Hesthag has officially resigned. He formally thanks Mr. Hesthag for his many years of service with the Planning Board and states he and his experience will be missed.
Mayor Lipani also makes a statement thanking Mr. Hesthag for his service.
- **Election of Board Secretary (previously held by Kenneth Hesthag)**
Chairman Suraci opens to nominations for Board Secretary.
Mayor Lipani nominates Mr. Peason, seconded by Mr. Skobo.
There are no further nominations; Chairman Suraci closes to nominations.

Chairman Suraci called for a roll call to elect **Robert Peason** as the **Planning Board Secretary for the remainder of 2023**.

Roll Call:

Yes - Mr. Wagner
abstains - Mr. Peason
Yes - Mr. Skobo

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

Motion carries

CONSIDERATION OF ORDINANCES

- **None**

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

Chairman Suraci opens comments from the public; asks the public to state their name and address, refrain from comments involving warehouses in general and reminds them there is a five-minute limit per person.

David Brook - 7 Winding Way

- Mr. Brook states he recently attended a Franklin Township Planning Board meeting and was pleased to see they provide speakers with a fixed podium with space to put papers. He states he believes it creates a more inviting and encouraging atmosphere for public comment.
- Mr. Brook states he would like to request the Board and Township provide a podium for the public to use during public comment to encourage a more relaxed environment for members of the public considering coming forward to speak.

Mr. Bernstein states he was also in attendance of the meeting Mr. Brook references and gives a brief explanation of the facilities offered which were provided by the Board of Education, not Franklin Township.

APPLICATIONS – PUBLIC HEARING

- **Weston RD, LLC (Guastella) – File 22-PB-03-MSPV**(TOD: 07-31-23) – Block 185, Lot 1 – Weston Road. Applicant seeking preliminary and final major site plan approval; ‘c’ bulk variances; and waivers, to construct a 135,000 square foot warehouse building with stormwater, parking, and associated improvements, on Property located in the I-1, Light Industrial District and in the Airport Hazard Zone Area Overlay District. (EC Review: 10-24-22) (*Mtg. history: 11-10-22; 01-12-23 – NO testimony – for scheduling only; 02-02-23; 03-23-23; 05-04-23; 05-11-23*). *Revised plans/reports/documents submitted 03-10-23; further revised plans/reports/documents received 04-21-23. Application continued from June 08, 2023, without further notice.*
- 1. Michael O’Grodnick of Savo, Schalk, Corsini, Warner, Gillespie, O’Grodnick & Fisher, P.A. introduces himself, states they previously left off with Tom Auffenorde and asks to reaffirm his swearing in so as to continue with the cross-examination.
- 2. Chairman Suraci asks if there have been any changes to his credentials.
- 3. Mr. Auffenorde, *PE of EcolScience* states there are not. Tom Auffenorde is resown in.
- 4. The Objectors introduce themselves, Jordan Asch and Michael Sinkevich. Mr. Asch states it is his recollection they left off about to start with public comment. He has no further questions for this witness.

5. There is a motion to open to public comment, seconded, all were in favor, none opposed. Motion carries.
6. Richard Onderco - 325 North Main St., Manville
Mr. Onderco asks if this project will adversely impact flooding in Manville or will it improve the runoff situation.
7. Mr. O'Grodnick states that this is an engineering question.
8. Mr. Onderco asks if the project will adversely impact Manville's environment.
9. Mr. Auffenorde states he believes the impacts have been mitigated to the extent that they can be given the zoning etc.
10. Maria Janucik - 720 East Frech Ave., Manville (residence) / 2155 Camplain Road, Hillsborough (property owner)
Ms. Janucik asks if there are any flood hazard areas on the property.
11. Mr. Auffenorde states there is not a regulated flood hazard area.
12. Ms. Janucik asks if there are any areas under the control of the Delaware & Raritan Canal Commission and if so has an application been submitted to the Commission about the proposed work for the property.
13. Mr. Auffenorde states yes to both questions.
14. Ms. Janucik asks if there has been a response.
15. Mr. Auffenorde states there has been a comment letter from the DRCC.
16. Mr. O'Grodnick states the letter is available on Civic Clerk.
17. Ms. Janucik asks for a summary.
18. Mr. Auffenorde states he is not familiar with the details as it is storm-water oriented which the engineer addresses.
19. Mr. O'Grodnick instructs his witness to not answer any further questions about the DRCC letter as it is an engineering issue.
20. Mr. Bernstein states telling the Board to look at Civic Clerk is not an appropriate answer and instructs the witness to answer the question to the best of his ability.
21. Mr. Auffenorde states he has not been asked to address anything from the DRCC and so he interprets this as having no environmental issues.
22. Ms. Janucik asks if there are freshwater wetlands on the property and if so what the importance is of such wetlands
23. Mr. Auffenorde states there are freshwater wetlands on the property and can serve as wildlife habitat, flood storage if in floodplains, and natural attenuation or treatment of runoff waters.
24. Ms. Janucik asks if without them there will be a lot of debris going into the Royce Brook.
25. Mr. Auffenorde states there is a stormwater retention basin that is designed to treat stormwater.
26. Ms. Janucik asks how many permits are required for this application under the NJ Fresh Water Act.
27. Mr. Auffenorde states two permits; a general permit for road crossing of wetlands and a transition area or buffer averaging plan. He explains this process.
28. Ms. Janucik asks if species are displaced from their natural habit when the buffer area is decreased in one place.
29. Mr. Auffenorde states that compensation is provided by increasing in another portion of the wetlands.
30. Ms. Janucik asks if there are any endangered or federal species.
31. Mr. Auffenorde states there are no endangered species, but a US Fish & Wildlife Service screening showed the project could potentially affect Indian Bats and Northern Long-eared Bat which he states is a very common result for any project in northern NJ. Mr.

- Auffenorde states they anticipate the US Fish & Wildlife Service will require a timing restriction for tree clearing.
32. Ms. Janucik asks how the heat, in the summer, from the proposed metal roof will impact the environment, i.e. birds or other agile animals.
 33. Mr. Auffenorde states per regulations a portion of the roof must be designed to accommodate solar generation for electricity which is a positive environmental impact for the roof. He states the portion not used for solar could be a hot roof but more and more roofs are being painted white for maximum reflection.
 34. Elaine Welsh – 1210 Orchard Drive
Ms. Welsh how the Environmental Impact Statement addresses social inputs. She states, based on her notes, this was referenced at the previous meeting.
 35. Mr. Auffenorde states she is not familiar with what she is referring to.
 36. David Brook - 7 Winding Way
Mr. Brook asks about Mr. Auffenorde's role in preparing the Environmental Impact Statement.
 37. Mr. Auffenorde states he oversaw the writing of it, provided a final review and is familiar with the site. He states he has been on the site many times, is familiar with the Hillsborough process and EIS Ordinance.
 38. Mr. Brook asks if any part of the adjacent landfill touches this property or overlap onto it.
 39. Mr. Auffenorde states he cannot speak to that.
 40. Mr. Brook asks if he is familiar with or if his study examined potable wells used for drinking water purposes in the adjacent area.
 41. Mr. Auffenorde states he does not believe so but believes they reviewed the mapping of wellhead protection areas and there is no wellhead protection area on this site.
 42. Mr. Brook asks if, in their study, they identified any of the adjacent potable wells.
 43. Mr. Auffenorde states no.
 44. Mr. Brook asks if they took any samples of ground water at the property.
 45. Mr. Auffenorde states no, it is not required by ordinance at all.
 46. Mr. Brook asks if they took any soil samples.
 47. Mr. Auffenorde states no.
 48. Mr. Brook asks if he, while walking the site, was able to confirm the conditions identified on the mapping as being accurate.
 49. Mr. Auffenorde states yes.
 50. Brian Tarantino – 235 Fairfield Lane
 51. Mr. Tarantino asks if his report addressed air quality issues and if so, did they take any air samples.
 52. Mr. Auffenorde states yes, he testified about it at the last hearing, and they did not take samples.
 53. Mr. Tarantino asks if they did any modeling of emissions and/or take into consideration emissions from the building, ie the HVAC system.
 54. Mr. Auffenorde states no. He states it is not required by ordinance for an EIS.
 55. Mr. Tarantino asks if emissions from a fuel burning source to heat the building contribute to air emissions on the site.
 56. Mr. Auffenorde states perhaps. He states the primary air quality issue is vehicle emissions.
 57. Mr. Tarantino asks what fuel they will be burning for this building.
 58. Mr. Auffenorde states he does not know. He explains his assessment is based on the sampling done by NJDEP across the whole state.
 59. Mr. Tarantino asks if the DEP did sampling on and/or near the site in Hillsborough.

60. Mr. Auffenorde states no. and explains DEP samples air quality all over the state and there are several things they sample for including but not limited to carbon dioxide, sulfur dioxide, carbon monoxide etc, each being within a standard. He states ozone is the only pollutant that NJ has exceeded the standards which typically happen during the summer. He states NJ is getting close to meeting that standard.
61. Mr. Tarantino asks how this assessment is related to the warehouse.
62. Mr. Auffenorde states based on the results of samplings done in Flemington he inferred that ozone would not be an issue in Hillsborough from this development.
63. Mr. Tarantino asks if his report establishes that Hillsborough is like Flemington therefore, he could make the inference based on the Flemington results.
64. Mr. Auffenorde states he is not positive he made that case in his report but is making it in testimony.
65. There are no further public questions.
66. Mr. Kois addresses the question about the social impact of the EIS report by reading into the record EIS chapter 160 G.
67. Mr. Bernstein points out the air quality report referred to has not been testified to and thus will not become part of the determination record for the purpose of the Board.
68. There are no questions from the Board for Mr. Auffenorde.
69. Keenan Hughes, professional planner, is sworn in and provides his qualification for the Board. The Board accepts him as witness. Mr. Hughes gives a summary of his work for the application. He emphasizes from a planning viewpoint the building is oriented so the loading facilities face away from the residential uses across the street and towards an existing industrial use, narrow most façade is facing Weston Road and parking and circulation areas have been oriented away from the frontage of the site. He states from a coverage standpoint the permitted coverage in this zone is 61% and the proposed development is approximately 40%. He reviews the positive and negative criteria. He states that it is his opinion there are no substantial detriments to the public good as it relates to the deviation which is being requested for building height; there is no substantial impairment to the Zone plan of the community. He states he believes they are meeting the intent of the ordinance. He believes the Board can grant the height variance because it satisfies the positive criteria, there are a number of purposes and there will be no substantial detriments to the surrounding area. He states the unusual shape of the property provides the basis for requesting relief and it is impractical to fully conform with the 30-foot buffer. He states in his opinion a waiver or exception is very reasonable. He reviews signage.
70. Mr. O'Grodnick asks what prior approvals are permitted currently on the property.
71. Mr. Hughes reviews the prior approval of a subdivision with a multi-building industrial park.
72. Mr. Kois states he is concerned about what he represents in terms of the height of the building including the grading. He asks Mr. Hughes to clarify the height of the building.
73. Mr. Hughes states the building height is being measured from the finished grade, the building height will be 34 feet.
74. Mr. Kois reads into the record the select Goals and Objectives (#s 3, 9) from the Hillsborough Master Plan Re-Examination done in 2018 asking Mr. Hughes if he believes in his professional opinion that this design meets these objectives.
75. Mr. Hughes states yes to both.
76. Mr. Kois asks if he believes the increase of the building might increase the amount of volume or operation of the site.
77. Mr. Hughes states no.

78. Mr. Mayhew asks if there is a retaining wall proposed along the frontage of the building and if so how high.
79. Mr. Hughes states yes but is unsure of the specifics.
80. Mr. Mayhew and Mr. Hughes discusses the retaining wall and a possible buffer.
81. Mr. Mayhew asks if the loading areas faced the airport and railroad would it minimize impact to Weston Road and the neighbors in Hearthstone.
82. Mr. Hughes states it is a possibility and there is nothing in the ordinance requiring the loading docks to be oriented in that manner and believes the proposed design is appropriate.
83. Mr. Mayhew asks if there are any architectural elements proposed to help screen the loading dock area from Hearthstone.
84. Mr. Hughes states that the building is set back four times greater than what is required, which keeps it significantly separated from the residential community. He reminds it is a permitted use so noise should not be a factor the Board is considering but they will be complying with state noise regulations.
85. Mr. O'Grodnick states the applicant would be amenable to a sound buffering area near the ramp as discussed in the previous hearing.
86. Mayor Lipani asks if he believes the size of the development is appropriate to the property.
87. Mr. Hughes states he does and quotes the permitted and proposed coverage as reasoning. He states there is a considerable portion of the property which will be open space and include sensitive environmental features.
88. Mr. Skobo asks if they investigated the regulations in reference to the building height as it pertains to its proximity to the airport.
89. Mr. O'Grodnick states Mr. Ford gave an update during his testimony stating they did make an application to the FAA. The FAA is reviewing it; they met the standards but may require a red light in one of the corners. He states copies of the application were submitted to the board and they will share results when they receive them.
90. Mr. Bernstein asks Mr. O'Grodnick to allow Mr. Hugues to answer Mr. Skobo's question.
91. Mr. Hughes states he has not done any investigation of building height as it relates to airport hazard regulations.
92. Committeeman Ciccarelli explained the difference between an industrial park and the current development.
93. Mr. Hughes states an industrial park is generally subdivided for more then one industrial user.
94. Committeeman Ciccarelli asks him to elaborate on his comment regarding increase of truck traffic with business growth on page 13 of his report.
95. Mr. Hughes states he believes this is consistent with the operational and traffic engineer testimony they have heard.
96. There are no further questions from the Board.
97. Michael Sinkevich, council for Hearthstone, introduces himself.
98. Mr. Sinkevich asks, in reference to page six of Mr. Hughes' report, how did he conclude it is an industrial warehouse.
99. Mr. Hughes states he believes the operational testimony the Board heard is consistent with what is permitted in the I-1 Zone.
100. Mr. Sinkevich asks if he factored into his analysis how the nature of warehouse development has changed over the last 40 years as the subject ordinance was adopted in 1982.
101. Mr. Hughes states yes and talks of the evolution of warehouses.

102. Mr. Sinkevich asks if he is aware of the state Planning Commission Office of Planning Advocacies guidance document that was issued to municipalities in 2022 and if so did he consider that guidance in his analysis.
103. Mr. Hughes states he is aware of it but did not consider it.
104. Mr. Sinkevich reads into the record the purpose of the I-1 Zone and asks what elements of the proposed development “recognize the existing pattern of small industrial oriented facilities”.
105. Mr. Hughes states the standard of review is if it meets the requirements of the zoning ordinance and states he believes they are fully conforming.
106. Mr. Sinkevich asks if he would describe the proposal as a modest industrial operation.
107. Mr. Hughes states yes, he would in the context of warehouse projects he has worked on over the past 10 years.
108. Mr. Sinkevich asks if any of the lots in the I-1 Zone have active rail sightings.
109. Mr. Hughes states as noted he did not do an extensive analysis of the I-1 Zone as it is a permitted use.
110. Mr. Sinkevich asks him to explain what the approval for the property is.
111. Mr. Hughes states he is aware there was prior approval for what he considers an industrial park, multi-building subdivision of the property to accommodate multiple industrial uses.
112. Mr. Sinkevich asks if he reviewed the definition of ‘truck terminal’ in the Land Development ordinance and reads it into the record.
113. Mr. Hughes states yes.
114. Mr. Sinkevich asks him to explain how this is not a truck terminal.
115. Mr. Hughes explains there is a separate use for warehousing, and he reads this description as pertaining more to a truck stop type of facility.
116. Mr. Sinkevich asks if he would agree this facility is an originating or terminating point for trucks.
117. Mr. Hughes states no, they are picking up or dropping off so does not agree that equates originating or terminating.
118. Mr. Sinkevich asks if the proposed site plan has more parking than is required, for general and truck parking.
119. Mr. Hughes confirms.
120. Mr. Sinkevich reviewed the number of required spaces and proposed. He asks why the plan is so over-parked.
121. Mr. Hughes reminds they are well below the impervious coverage and explains in his experience modern e-commerce warehouse distribution facilities tend to require more truck and trailer parking than the same type of use 20-years ago. He explains how this space is often utilized for staging.
122. Mr. Sinkevich asks if the current design allows for the use to be easily converted into another type of warehouse, perhaps a fulfillment center or last mile fulfillment center.
123. Mr. O’Grodnick objects for the record that the question is speculative but tells Mr. Hughes he may answer.
124. Mr. Hughes states he would have to defer to the operational testimony.
125. Mr. Bernstein asks if he can answer it from a planning standpoint.
126. Mr. Hughes explains how it is an architectural question.
127. Mr. Sinkevich asks if approved, the project will remain a single-tenant warehouse as described on pages three and four of his report.
128. Mr. Hughes states it will remain a permitted use and reminds the Board does not have the ability to impose conditions on that particular permitted use. He defers to legal council

- but states he sees no reason why multiple tenants couldn't be accommodated in this facility as long as it is permitted by the zoning ordinance.
129. Mr. Bernstein references the last sentence on page 10 of Mr. Hughes report and asks if it changes Mr. Hughes testimony.
130. Mr. Hughes states it does not.
131. Mr. Sinkevich asks if his focus of the negative criteria was the height difference they are requesting a variance for.
132. Mr. Hughes agrees.
133. Mr. Sinkevich asks why the focus of the positive criteria was not the positive side of the height difference.
134. Mr. Hughes states it is his understanding he is satisfying the criteria for C2 variants.
135. Mr. Sinkevich reviews the points from Mr. Hughes' report which promote the purposes of the ML-UL. He asks how there are stormwater improvements while the land is vacant.
136. Mr. Hughes states there is no existing storm-water management.
137. Mr. O'Grodnick objects for the record stating the question is asking testimony from a non-expert.
138. Mr. Bernstein disagrees as the witness raised the topic in his report.
139. Mr. Sinkevich asks how they are promoting protecting the wetlands when they are currently already produced by the absence of development.
140. Mr. Hughes states it is the proposed development of the site pursuant to the zoning.
141. Mr. Sinkevich reads subsection H into the record. He asks if there is already access to lot five.
142. Mr. Hughes states his testimony supersedes subsection H. He states he does not know if there is access to lot five.
143. Mr. Sinkevich reviews subsection J including but not limited to tree removal, parking waiver.
144. Mr. Sinkevich has no further questions.
145. Chairman Suraci calls a 15-minute recess.
146. 9:05 pm Chairman Suraci calls the meeting back into order.
147. There is a motion to open to public question, with a second. All were in favor, none opposed. Motion carries.
148. Brian Tarantino – 235 Fairfield Lane
Mr. Tarantino asks how the building will be more efficient with a higher building height and if it translates to more throughput and volume in the building.
149. Mr. Hughes states it is more efficient in terms of efficiency per square foot and translates as more room for product storage.
150. Mr. Tarantino asks if he assessed the impact of higher building height on neighbors.
151. Mr. Hughes states no because the alternative would be to accommodate additional square footage at a conforming building height.
152. Mr. Tarantino asks how the expanded building height has a beneficial impact to the community.
153. Mr. Hughes states the proposed building is a better alternative then trying to accommodate that square footage in an expanded building footprint at a conforming building height.
154. Mr. Tarantino asks if that building design was presented to the Board.
155. Mr. Hughes confirms it was not.
156. Mr. Tarantino asks what standard needs to be met for the waiver to be granted.
157. Mr. Hughes reads the standard into the record.

158. Mr. Tarantino asks how the standard would be unreasonable and provide undue hardship on the applicant as per his testimony.
159. Mr. Hughes explains how it is a limited location.
160. Elaine Welsh – 1210 Orchard Drive
Ms. Welsh asks if there is any way, in Mr. Hughes' opinion, to change the 30-foot waiver.
161. Mr. Hughes states he believes he has answered this question during testimony explaining how it complies with the standard for an exception from the site design standards.
162. Ms. Welsh asks if he agrees that the 16 feet from 30 feet is a 47% change.
163. Mr. Hughes agrees it sounds correct.
164. Nancy Mattei - 6 Cornell Trail
Ms. Mattei states she is a commercial realtor and was previously an industrial manufacturing manager at the Procter Gamble industrial manufacturing plant in Port Ivory, NY.
165. Ms. Mattei asks if Mr. Hughes is required or if he requires himself to drive the immediate area of the installation being studied.
166. Mr. Hughes states yes he has visited the subject property and surrounding area.
167. Ms. Mattei asks if he has driven from hwy 206 to Main Street, Manville which would be a primary route of trucks in the area.
168. Mr. Hughes states it is possible but cannot recall if he has done that specific drive.
169. Ms. Mattei asks if he noticed this building was not customary to the area; noticed most of the industrial locations were very small, with single users and with mostly van and little to no tractor trailer use.
170. Mr. Hughes states as it was a permitted use in the I-1 Zone he did not do an extensive survey of the Hillsborough's industrial properties or industrial market; it was not necessary for the evaluation he was asked to prepare.
171. Ms. Mattei asks if he has considered the egress and ingress of tractor trailers to and from the facility and if he knew the main access road from Manville was a narrow, single lane, winding road.
172. Mr. Hughes states while they submitted a traffic analysis and there was testimony by the traffic engineer, since this is a permitted use the off-site traffic generation of the facility is not pertinent to the site plan review.
173. Ms. Mattei asks if he has studied the flow of traffic within the site, has knowledge of the number of trucks the user is planning to use and is aware of the amount of traffic a facility of this size could generate.
174. Mr. Hughes states no, reiterating he is not the traffic engineer and will not testify to traffic-related aspects of the proposal.
175. Mr. O'Grodnick objects to the form of her questions stating they should be planning related questions.
176. Ms. Mattei asks if he was planning for a tremendous amount of traffic coming into and exiting out of the site generating 480 trucks daily.
177. Mr. O'Grodnick objects to the estimate stating there has been no factual basis to represent a trip generation of that capacity.
178. Ms. Mattei states it takes about a half hour to load/unload a truck, thus on a three-shift basis 24 tractor trailers per bay door which amounts to 480 trucks per day.
179. Mayor Lipani reminds Ms. Mattei this is the public question portion, public comment will be at the end of the hearing.
180. Ms. Mattei asks if there is anything in his planning that addresses large volumes.
181. Mr. Hughes states he is happy to answer questions about his testimony but will not testify to any trip generation or traffic related aspects of the proposal.

182. Bob Hollingshead – 31 Winding Way
Mr. Hollingshead asks if he knows the height of the neighboring building and how it compares to the proposed building.
183. Mr. Hughes states he does not have that information available currently.
184. Nancy Mattei - 6 Cornell Trail
Ms. Mattei returns stating she has a few more questions.
185. Ms. Mattei asks if he is aware of the turning capabilities of a tractor trailer in his planning of the flow around the facility.
186. Mr. Hughes states he would like to answer her questions, but they are traffic-related questions beyond the scope of his expertise.
187. Ms. Mattei asks if he is aware it would be impossible for tractor trailers to make a right or left-hand turn onto the main road without the loss of property due to the need to widen the road.
188. Mr. Hughes states he does not have an expert opinion on that, it is inconsistent with the testimony that was previously provided by the traffic-engineer.
189. Ms. Mattei asks if he has considered the possibility that the roads will need to be significantly widened.
190. Mr. O'Grodnick objects to traffic-related questions.
191. David Brook - 7 Winding Way
Mr. Brook asks how he determined the height of the building.
192. Mr. Hughes states the height, a calculation originally provided by the applicant, was based on the Hillsborough zoning ordinance definition of height, which was checked and confirmed by Township professionals.
193. Mr. Brook asks for more specific details regarding measurements.
194. Mr. Hughes defers the questions for the architect.
195. Mr. Brook asks, in relation to the buffer, if it would be possible to move the building and design 14 feet in a different direction.
196. Mr. Hughes provided the testimony to support why an exception is appropriate given the circumstances.
197. Mr. Brook asks if lot 7 contributed to the constraints put on him or anyone else.
198. Mr. Hughes states while it is clearly a constraint within the site, it does not change his opinion as to why a deviation or exception meets the criteria for ?? in Municipal Land Use Law.
199. Mr. Brook asks if he consulted the neighboring property owner.
200. Mr. Hughes states he did not.
201. Mr. Brook asks if he is familiar with the status of lot 7.
202. Mr. Hughes defers to council.
203. Mr. Brook asks what role Mr. Hughes played in with regards to the building
204. Mr. Hughes states he was not a design professional on this application but rather involved with filing the application, finalizing plans, modifying plans and evaluating the application from a planning perspective with focus on the relief being requested and if that relief satisfies the criteria.
205. Mr. Brook asks if as the planner he became involved in any constraints that would have existed for planning out the building.
206. Mr. Hughes states again that he is not a design professional.
207. Chairman Suraci asks Mr. Brook to move on from this topic as it has been asked and answered multiple times.
208. Nancy Mattei - 6 Cornell Trail
Ms. Mattei asks if they assessed the battery charging situation within the building.

209. Mr. Hughes states no.
210. Maria Janucik – 720 East Frech Ave., Manville (residence) / 2155 Camplain Road, Hillsborough (property owner)
Ms. Janucik asks if when visiting the site he believed the road would be appropriate for the use.
211. Mr. Hughes states that is not something he had to evaluate as this is a permitted use.
212. Ms. Janucik asks if there is a difference between a light industrial zone and a general industrial zone.
213. Mr. Hughes states there could be.
214. Ms. Janucik asks a series of questions about a neighboring warehouse and property; about the prior approval for the property, and parking lot issues.
215. Mayor Lipani asks if the adjacent property owner had been notified thus given the opportunity to be present to ask questions, make comments.
216. Mr. O'Grodnick confirms he was notified and states they have not had any communication from the adjacent property owner.
217. Richard Onderco - 325 North Main St., Manville
Mr. Onderco asks Mr. Hughes to rate the site on a one to ten scale based on his experience as a planner.
218. Mr. Hughes states he cannot do that as it was not part of his evaluation.
219. Mr. Bernstein asks if he relied on the comments of the proposed consultant operator for the project before or after rendering his report and if it was after why was the report not amended to reflect that information.
220. Mr. Hughes states after and it was his understanding the report was required to be filed with the filing of the application as a checklist item and he amended that report through his direct testimony this evening.
221. Mr. Bernstein states the requirement for the report was to permit the Board, the public and the professionals to be able to best deal with his proposed testimony rather than with testimony without any basis upon which the information could be obtained.
222. Mr. Hughes states he is relying on the direct testimony that he provided to the Board this evening to the extent it is amended and elaborated upon anything that is in his planning report. That is the testimony he is submitting to the Board for the record.
223. Mr. Bernstein states the Board can note accordingly.
224. Mr. O'Grodnick asks for clarification.
225. Mr. Bernstein states the requirement was to avoid what happened which was the planner testifying without anybody having knowledge as to what was going to be testified to and to provide a report no less than 10 days prior to their testimony.
226. Mr. Bernstein asks if his direct testimony along with unnumbered paragraph one, on page ten of his report, as to the substantial detriment aspect of a flexible C2 variance.
227. Mr. Hughes states the first aspect of his negative criteria testimony was focused on the impacts of the surrounding area.
228. Mr. Bernstein asks if this includes the birch and maple trees along the front of the property.
229. Mr. Hughes states it includes any proposed screening along the frontage of the property, based on the current plan.
230. Mr. O'Grodnick asks if Mr. Bernstein is implying the planner cannot rely upon his amendments and operational testimony during direct testimony because it predated his report.
231. Mr. Bernstein states no, he is saying the Board has a right to an amended report.

232. Mr. Bernstein asks if this is a variance request irrespective of whether or not it is on Weston Road.
233. Mr. Hughes states it is a variance request for the application that's before the Board.
234. Mr. Bernstein asks which purposes of the MLUL the proposed application meets.
235. Mr. Hughes states A, B, G, I and J.
236. Mr. Bernstein asks how high the building at 113 Weston is.
237. Mr. Hughes states as he explained previously, he has not done a building height calculation.
238. Chairman Suraci states it is past 10:00 pm so they will not be permitting any new testimony this evening.
239. There is a discussion about which witnesses are remaining.
240. Mr. Kois asks for a five-minute recess to bring a scheduling issue to the Board's attention.
241. Chairman Suraci calls a five-minute recess. Chairman Suraci calls the meeting back into order.
242. Mr. Bernstein states based on the discussion among the parties the proposal is to extend to October 12, 2023 with a TOD through the end of October. Mr. Bernstein tells the Objectors their two experts will need to be present.
243. Mayor Lipani motions to continue the application without further notice to October 12, 2023, seconded by Secretary Peason.

Roll Call:

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

Motion carries. Hearing ends at 10:08 PM.

ADJOURNMENT

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

10:09 PM meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*