Township of Hillsborough – PLANNING BOARD
Public Meeting Minutes

October 5, 2023

Chairman Carl Suraci called the Planning Board Regular Public Meeting of October 5, 2023, to order at 7:12 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 -	Bruce Radowitz *(Alt #1)*
Present -	**Robert Peason, *Secretary***	Present -	Committeeman John Ciccarelli
Absent -	Frank DelCore	Present -	Mayor Shawn Lipani
Present -	Ron Skobo	Present -	**Neil Julian, *Vice Chairman***
Present -	Patricia Smith	Present -	**Carl Suraci, *Chairman***

Also in attendance: David Kois, PP, AICP, *Township Planning Director*; Eric Bernstein, Esq., *Board Attorney (Eric M. Bernstein & Associates)*; Michael Lombardozzi, CSR, CCR, *Board Court Reporter.; Dylan Tollefson, Township Videographer (Fuerza Strategy Group)*

CONSIDERATION OF MEETING MINUTES

- None

CONSIDERATION OF RESOLUTIONS

- **Hillsborough 206 Holdings LLC – File 18-PB-07-MSPV** *(2019 Amended Site Plan)* (2023)

  Secretary Peason motions to approve as amended, seconded by Mayor Lipani.
  Mr. Bernstein states who is eligible to vote on the matter.
  There is no further discussion.

  Roll Call:

Yes -	Mr. Peason	Yes -	Vice Chairman Julian
Yes -	Mayor Lipani	Yes -	Chairman Suraci

Motion carries

PLANNING BOARD BUSINESS

- None

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 reminds of the rules, comments only no questions (there will be an additional period for questions), no comments regarding warehousing

direct or indirect*, and there is a five-minute limit per person. He asks that each person state their name and address for the record.
(*warehouse-related comments and questions should be expressed during the designated public hearing portion of the meeting)

None

APPLICATIONS – PUBLIC HEARING

- **Toll Bros., Inc. (RBG / Enclave) – File 21-PB-10-S/MS/SP** – Block 183, Lot 38.01 (201 Hamilton Road) and Block 183.01, Lot 1 (Hamilton Road). Applicant seeking retroactive **one-year extension** through December 09, 2023 to perfect the minor subdivision approval granted by the Planning Board Resolution memorialized June 02, 2022.

  Applicant previously GRANTED minor subdivision approval to subdivide two existing lots totaling approximately 435.33 acres into three lots, two of which will remain as part of the golf course; GRANTED minor site plan approval and waivers (Block 183, Lot 38.01), to reconfigure the existing driveway to a common entrance servicing both the golf course and residential tract, and modify the existing clubhouse parking lot; and GRANTED preliminary and final major subdivision approval and waivers (Proposed Lot 183.01, Lot 2) to subdivide an approximate 130.68-acre residential tract into 181 lots, consisting of 174 single-family lots, six open space lots, and one roadways lot, with all associated improvements; on Property known as Block 183, Lot 38.01 and Block 183.01, Lot 1 on the Hillsborough Township Tax Maps, located on Property commonly known as 201 Hamilton Road and "Hamilton Road" in the RBPRD, Royce Brook Planned Residential Development, with conditions.

  1. The hearing began at 7:15 PM.
  2. Richard Hoff, attorney for the applicant, introduces himself and summarizes the history and timeline of the application and why they are requesting an extension. He states they are not amending any aspect of the major subdivision with this application. He and their engineer will answer questions.
  3. Michael O'Grodnick, attorney for Central Jersey Regional Airport, introduces himself. He states Joe Horner asked him to place information on the record. He states after the Canal Walk subdivision was approved and constructed Central Jersey Regional Airport was receiving frequent complaints about their takeoffs and landings. He states it is his understanding that a requirement of this applicant and developer would require a Planned Real Estate Full Disclosure Act, NJ Statute codified 45:22A-21 and they are asking the Board to impose a condition which provides language under the community information section of the disclosure under subsection 'Location and Uses of Surrounding Property'. He reads the statement into the record.
  4. Mr. Hoff states they have no objection to the language.
  5. Mr. Bernstein asks for the purpose of the record if Mr. O'Grodnick is here on behalf of his client, Central Jersey Regional Airport.
  6. Mr. O'Grodnick states that is correct and will email the letter.
  7. Mr. Bernstein states for the record while Mr. Skobo is present, he is recused from this application.
  8. There is a motion and second to open to public comment. All are in favor. The motion carries.

9. Chairman Suraci opens to public comment, clarifying it is limited to the topic of the extension, not the full application.
10. Susan Gulliford - 7 Hunt Club Road, asks which agencies, per Mr. Hoff's reference, are holding up the process.
11. Mr. Hoff states they are currently awaiting approval of flood hazard from NJDEP and DRCC.
12. Tom O'Donnell – 33 Anne St, Hillsborough, asks if there are provisions in the minor subdivision for the 340 acres that is going to protect remaining acreage as far as use and impervious surface.
13. Mr. Hoff states the minor subdivision had no actual improvements proposed by it but rather proposed by the major subdivision application, which is not the subject of the present request for an extension.
14. Mr. O'Donnell asks if what they are requesting has any governing language that would limit the use of the 304 acres in the future.
15. Mr. Hoff states it does not have limitations on any use because it does not approve a use but merely changes boundary lines of lots.
16. Mr. O'Donnell asks if he understands correctly that the agreement expired on December 9, 2022.
17. Mr. Hoff explains the Municipal Land Use Law allows that date to be extended at any point thereafter when the impediment to recording is removed which in this case is the outside agency.
18. Mr. O'Donnell asks the Board to consider protecting the remaining 300 acres.
19. Doug Eden – 55 Anne Street, asks if the well drilling being done at the golf course today was part of this application.
20. Mayor Lipani states it is not what this application is about.
21. Mr. Hoff states this application proposes no development. He said the drilling has nothing to do with this application.
22. Mr. Eden asks if the stormwater application is current.
23. Mr. Hoff states it is pending.
24. Mr. Eden asks whether granting an extension would impact stormwater issues.
25. Mr. Hoff states it would have no impact as this application does not propose any stormwater regulations.
26. There is a motion and second to close to the public. All were in favor. Motion carries.
27. Chairman Suraci closes public questions.
28. Mayor Lipani states he is concerned about granting an extension of this length without progress reports.
29. Chairman Suraci asks if there are any items the two agencies are waiting to receive.
30. Mr. Hoff states no. NJDEP has all the information they have requested to date but not DRCC is asking for the same information.
31. Mayor Lipani states he would like an update by the end of February.
32. Mr. Bernstein states the initial plan was to have an update by the end of December and the extension run through February.
33. Mr. Hoff complies.
34. A motion to approve is made by Mayor Lipani, seconded by Committeeman Ciccarelli.
35. Mr. Bernstein states for the purpose of the record, this is an extension of the request to perfect the minor subdivision approval through February 28, 2024, with a written update from applicant's council's office to the Planning Directory before December 31, 2023, as to the status of outside agency approvals as well as the resolution will contain the condition

regarding the Central Jersey Regional Airport as requested by Mr. O'Grodnick, on behalf of his client, and agreed to by Mr. Hoff, on behalf of his client.

36. There is no further discussion from the Board.
37. Mr. Bernstein states Mr. Radowitz is being excused from the roll call vote as he was not present for the underlying application.

Roll Call:

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

Motion carries. Hearing concluded at 7:45 PM.

- **<u>Homestead 279 LLC – File 22-PB-05-(S)/MSPV</u>** (TOD: 12-31-23 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. *Further Revised Plans submitted 02-24-23 removes the request for a minor subdivision.*
  (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). ***Application continued from July 13, 2023 without further notice. APPLICANT REQUESTING TO BE ADJOURNED TO A DATE CERTAIN, WITHOUT FURTHER NOTICE.***

1. The hearing began at 7:45 PM.
2. Mr. Bernstein states for the record Committeeman Ciccarelli has recused himself and left the meeting.
3. Mr. Bernstein states for the record Mr. Skobo is officially back in the meeting. All Board members currently present are eligible to participate in this application.
4. Michael O'Grodnick, attorney for the applicant, introduces himself and summarizes the application. He explains why the applicant is requesting an adjournment of this meeting to redesign the project.
5. Joseph Tauriello, attorney on behalf of the Objector, introduces himself.
6. Mr. Tauriello objects to the request for adjournment. He states it undermines the agreement and briefing schedule made, on record, in July. He references the letter by Board attorney dated August 25, 2023, which offers his opinion and asks Board members to vote based on where the application is procedurally.
7. Mr. Tauriello states he believes the Board should vote based upon the recommendations.
8. Mr. O'Grodnick references his letter dated September 26, 2023, and lists requests they complied with. He states it was reasonable for the applicant to seek an alternative design in response to previous comments made by Mr. Hay. He states he does not see a reason why they would be prohibited from going back to the original minor subdivision.
9. Mr. Tauriello states the core concern of his client, which is the need to move the retention basin and not direct the water to his property, was never addressed. He references a 'cease & desist' letter he issued to Mr. Readington and the response received stating the "good

faith efforts" is false. Mr. Tauriello states there have been multiple changes made along the way that are hindering the process.

10. Mr. O'Grodnick disagrees and states the issue of standing is mute if the applicant resorts to the original application and he is prepared to argue the motion. He explains that it makes sense to have two lots and move forward on the subdivision application.
11. Mr. Tauriello disagrees with going back to the original subdivision application. He reads an excerpt from Mr. Bernstein's letter which references a "substantial change" that would require filing of a new application and states tonight's request constitutes another substantial change. He states this is another reason for the Board to dismiss this application.
12. Mr. O'Grodnick notes that this applicant did not withdraw the subdivision application.
13. Chairman Suraci expresses confusion on if this is a subdivision or a proposed condo association with no subdivision. He asks for clarification.
14. Mr. O'Grodnick states the intent, pending tonight's decision, is to move forward with the minor subdivision as originally proposed.
15. Chairman Suraci asks if the site plan, building etc, is changing from the last version they received.
16. Mr. O'Grodnick states they will revert back to the original application concept for the subdivision.
17. Chairman Suraci asks if that is rolling back the changes made at the request of the objector.
18. Mr. O'Grodnick states the intent is a minor subdivision with a separate lot in the rear of the property.
19. Chairman Suraci asks what has changed, from the professional standpoint, since the last meeting.
20. There is a discussion between Mr. Bernstein, Mr. O'Grodnick, Mr. Tauriello and Mayor Lipani about the issue of standing.
21. There is a discussion about scheduling.
22. Mr. O'Grodnick states they are trying to accommodate changes and the Objector even though there is a suggestion of a new application if changes are made.
23. Mr. Tauriello disputes this statement stating his client has not been heard on the core concern.
24. Mr. O'Grodnick states he has not seen the latest plans.
25. Mr. Tauriello states his client's concerns are not addressed but rather they are being exacerbated.
26. Mr. O'Grodnick states the latest site plan addressed all the concerns. He states if Mr. Tauriello will state on the record what the changes are wanted, they will endeavor to accommodate them, but he suspects they are discussing two different site plans.
27. Chairman Suraci asks Mr. O'Grodnick if they would be willing to extend the TOD to the end of the year and has Mr. Kois reviews the Board calendar.
28. Mr. Radowitz asks if the intent with the adjourned hearing date is to have revised plans by the applicant and the Board will make a decision on the standing issue.
29. Mr. Bernstein asks Mr. O'Grodnick if it is possible for his client to provide a set of plans to be reviewed by everybody no later than 4:00 pm on Friday November 29, 2023, including copies to Mr. Tauriello.
30. Mr. O'Grodnick agrees but asks for clarification on substantial. He expresses concern about coming back with changes made and the Board ruling because of the amount of change they do not have standing.

31. Mr. Bernstein summarizes suggesting a motion to continue the application without further notice, to a date and time to be determined by the Board prior to December 31, 2023, a meeting in January 2024, TOD January 31, 2024, at which time the Board will deal with the standing issue and depending on the decision whether to move forward with the application.

Mr. Wagner motions, seconded by Mr. Skobo.

Roll Call:

Yes -	Mr. Wagner	No -	Mr. Radowitz *(Alt #1)*
Yes -	Mr. Peason	Yes -	Mayor Lipani
Yes -	Mr. Skobo	Yes -	Vice Chairman Julian
Yes -	Ms. Smith *(Alt #2)*	Yes -	Chairman Suraci

Motion carries. The hearing concluded at 8:48 PM.

ADJOURNMENT

A motion to adjourn was made by Mr. Wagner, seconded by Mr. Radowitz. Motion carries unanimously.
8:49 pm meeting was adjourned.

Submitted by Robyn Bittle-Abramo
Recording Secretary