

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

March 7, 2024

Chairman Carl Suraci called the Planning Board Regular Public Meeting of March 7, 2024, to order at 7:11 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.

OATH OF OFFICE TO NEWLY APPOINTED MEMBERS

Mr. Bernstein administered the Oath of Office two members:

- Seat #7 (Class IV) – (from alternate) **Bruce Radowitz**
- Alternate # 1 - **Angelo Vitale**

ROLL CALL

Present - Committeeman Shawn Lipani, <i>Mayor’s Designee</i>	Present - Bruce Radowitz
Present - Robert Wagner, Jr	Present - Ron Skobo
Present - Deputy Mayor John Ciccarelli	Present - Patricia Smith, Secretary
Present - Robert Peason, Vice Chairman	Present - Angelo Vitale (<i>Alt. #1</i>)
Present - Carl Suraci, Chairman	Present - Surajit Deb (<i>Alt. #2</i>)
<i>Vacant (seat #6)</i>	

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

- **Hillsborough Center, LLC – File 23-PB-14-SP**
Motion to approve made by Deputy Mayor Ciccarelli, seconded by Mr. Skobo.

Roll Call:

Yes - Mr. Wagner	Yes - Committeeman Lipani
Yes - Mr. Radowitz	Yes - Deputy Mayor Ciccarelli
Yes - Ms. Smith	Yes - Vice Chairman Peason
Yes - Mr. Deb	Yes - Chairman Suraci

Motion carries

PLANNING BOARD BUSINESS

- **Resignation of Frank DelCore, Seat #7 (Class IV)**
Chairman Suraci acknowledge Mr. DelCore time and work on the Planning Board.
- **303 Amwell Road JMJ4 ABEEL, Inc. – Fire 21-PB-17-MSPV**

Mr. Kois states he has nothing to report and does not have them on the schedule.

Mr. Bernstein recommends the Board pass a motion scheduling the application for May 9, 2024.

Committeeman Lipani motions to schedule 303 Amwell Rd JMJ4 ABEEL, Inc. for May 9, 2024 at 7:00 pm, seconded by Mr. Skobo.

Mr. Bernstein reviews the members eligible to vote on the matter.

Roll Call:

Yes - Mr. Wagner	Yes - Committeeman Lipani
Yes - Mr. Radowitz	Yes - Vice Chairman Peason
Yes - Mr. Skobo	Yes - Chairman Suraci
Yes - Ms. Smith	

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 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)

Grant Kolmer - 144 Taylor Ave

- Mr. Kolmer thanks the Board members for their time, dedication and work they put forth as Board members. He expresses his disappointment that at the end of last week's meeting the public comment portion was seemingly skipped, points out how this periodically happens at meetings and expresses desire for the public to have an opportunity to comment at the end of applications, no matter how major or minor.

Mr. Bernstein explains as it pertains to the last application at the previous meeting, that it will be returning to continue testimonies.

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

- Ms. Janucik asks in regards to the Municipal Land Use Laws, what is the obligation of an applicant towards property owners within 200 feet of the applicant's subject property.

Mr. Bernstein explains the obligation of notice that is required.

There is a discussion between Mr. Bernstein, Ms. Janucik and Mr. Kois about what notification has taken place and what is required as it pertains to the Sherman Tract application.

- Ms. Janucik expresses concern that properties in her neighborhood are not matching their permitted use.

APPLICATIONS – PUBLIC HEARING

- **Sherman Tract - Phase II (M&M at Camplain Road LLC) - File 23-PB-18-MSP** - (TOD: 05-17-24) - Block 86, Lot 21.02 (formerly Block 86, Lot 21) - Camplain Road ("Estelle Street" per HT Tax Records). Applicant seeking Preliminary and Final Major Site Plan Approval, and waivers, to construct a residential development consisting of 88 affordable townhome units, with stormwater, roadways, landscaping, lighting, and associated improvements, for a Property Governed by the Sherman Redevelopment Plan, Adopted March 13, 2019. (EC Review: 02-26-24) ***APPLICATION ADJOURNED TO APRIL 11, 2024 WITH RE-NOTICE (per Applicant's request).***

1. Mr. Bernstein explains the applicant asked for an adjournment from the Planning Department, which was granted, and will be re-noticing all parties.
2. Mr. Radowitz motions to adjourn to April 11, 2024, with re-notice, seconded by Deputy Mayor Ciccarelli.

Roll Call:

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

Motion carries

7:34 pm Mr. Radowitz recuses himself from the upcoming applicant and leaves the meeting.

- **Homestead Road, LLC – File 21-PB-25-MS/MSP(V)** – (TOD: 04-01-24 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; 01-11-24; 01-25-24). Application continued from January 25, 2024, without further notice.

1. 7:35 pm start of hearing.
2. **Craig Gianetti**, attorney for the applicant, introduces himself.
3. The Objectors introduce themselves; **Michael Pisauro**, of the Watershed Institute, **Suzanne Ochs**, representative of SWAT on behalf of Brian Tarantino, **Scott Gross**, representative of LCAT, **Lucy Sandler**, representative of Sourland Conservancy, and **John Lanahan**.
4. There is a discussion between Mr. Gianetti, Ms. Ochs and Mr. Bernstein about Ms. Ochs membership in SWAT and her role in today's hearing.
5. Mr. Gianetti summarizes the application.
6. There is a discussion regarding the permissibility of an updated report.
7. Mr. Gianetti's first witness, **Edward Kuc** is sworn in.
8. Mr. Kuc discusses areas of the property he considers of critical ecological significance including tributaries and a northern section of the property which does not have alien invasive species.
9. Mr. Kuc states his recommendations which includes to protect the Royce Brook tributary corridor, protect the smaller tributaries by avoiding disturbances to them and increasing the buffer zone, utilize existing disturbed areas to the greatest extent possible, and incorporate contiguous habitat post project. He explains how the applicant did incorporated his recommendations.
10. Mr. Pisauro objects to portions of Mr. Kuc testimony claiming hearsay.
11. Mr. Kuc discusses the ditch, if the stream corridor ordinance were imposed on it and stormwater management. He confirms he believes this ditch to be a point of source of degradation to Royce Brook from an ecological perspective but does not consider it a separate habitat. He explains why.
12. Mr. Mayhew asked questions pertaining to the proposed encroachments within the Hillsborough Stream Corridor.
13. Mr. Mayhew asks if it is possible to develop lot 33 with improvements that remove the existing disturbances within the stream corridor if it was imposed on the water feature in question.
14. Mr. Gianetti objects due to speculation and advises his witness not to answer.
15. Mr. Kois asks what things would be put into place to help protect the habitat and show it would continue, i.e. conservation easements, maintenance plans etc.
16. Mr. Kuc explains his management plan recommendations which includes a large contiguous area of the property to remain so as not to be fragmented by buildings.
17. Mr. Gianetti states they would agree to that as a condition of approval.
18. Mr. Deb asks how maintenance of the habitat area will be administered.
19. Deputy Mayor Ciccarelli asks for clarification on his statements about the 150 ft corridor, ditch and existing house & facilities.
20. Mr. Pisauro asks questions pertaining to stormwater management and environmental buffers.
21. Chairman Suraci calls for a brief recess.
22. 9:00 pm the meeting reconvenes.
23. **Suzanne Ochs** asks including but not limited to increases made to the buffer, when Mr. Kuc visited the site, possible former wetland areas, and jurisdiction of the wetland.
24. **Scott Gross** begins his questions pertaining to the witnesses December 21, 2021, report.

25. Mr. Gross asks questions pertaining to air quality analysis, noise evaluation including noise generated from the facility and NJ State Guidelines for Sighting Warehouse.
26. Mr. Gianetti objects to questions about the NJ State Guidelines for Sighting Warehouse reminding the Nj Planning Commission document is recommendations, non-binding and not to be used by Planning Boards as part of considering applications.
27. Mr. Gross asks if Mr. Kuc has any technical evidence which supports a noise analysis of impact on the community.
28. Mr. Kuc states he does not.
29. Mr. Gross has no further questions.
30. **Lucy Sandler** begins her questions.
31. Ms. Sandler asks why their reports focused specifically on Grassland Birds, if they have concerns that developing the project will reduce habitat for traveling animals, and why it makes ecological sense to degrade an area labeled as an “action region” by the state which means habitat and wildlife corridors are deteriorating in those areas.
32. Mr. Kuc discusses the characteristics of the site, water resources and possible more negative alternatives that may happen to the site if they do not develop it.
33. Ms. Sandler asks if he is aware the Sharp Shinned Hawk, as referenced in his original report, is considered a species of special concern by the state and what the logic is when deeming the project not detrimental to wildlife and if the hawk were deemed endangered would that change his recommendations of the site.
34. Mr. Kuc explains the wildlife discussed in his report was found in the stream corridor and states his recommendations would not change.
35. Ms. Sandler asks as a series of questions about the wildlife species listed in Mr. Kuc’s original report including bald eagles which nest in trees. Ms. Sandler asks how many trees will be cut down for development and how they determined
36. Mr. Kuc states he does not know the number of trees and explains the habitat is too small to attract a bald eagle but if it were it would be the stream corridor area.
37. Ms. Sandler has no further questions.
38. There is a motion and second to open to public questions. All were in favor, motion carries.
39. Chairman Suraci reminds this portion is for public not represented by one of the Objectors and states there will be a hard stop at 10:00 pm.
40. **David Brook** - 7 Winding Way
41. Mr. Brook asks questions pertaining to but not limited to Mr. Kuc’s professional experience, the identity of the applicant, the absence of the ditch area in his reports, attendees at DEP meetings, the change in identification of the relevant wetlands, hydrophilic plant life, and wetlands boundaries.
42. 10:00 pm – Chairman Suraci calls time. There is a discussion as to carrying this witness over to another meeting, possible dates and adjusting Time of Decision.
43. Mr. Lanahan asks if the Board will be requesting the applicant provide certain documents as recommended by Mr. Bernstein in his letter dated March 5, 2024.
44. Mr. Bernstein addresses the question explaining the information they are waiting on or sorting through.
45. **Mr. Pisauro** asks if it would be possible to have Princeton Hydro visit the site to review the ditch and site.
46. Mr. Gianetti states no they will not consent to that.
47. **Mr. Skobo** motions to continue to April 11, 2024, without further notice and a Time of Decision of May 1, 2024 , seconded by **Mr. Deb**.

Roll Call:

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

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

Motion carries

ADJOURNMENT

A motion to adjourn was made by **Committeeman Lipani**, seconded by **Mr. Deb**. Motion carries unanimously.

Approximately 10:05 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*