Township of Hillsborough – PLANNING BOARD
Approved Public Meeting Minutes

April 4, 2024

Chairman Carl Suraci called the Planning Board Regular Public Meeting of April 4, 2024, to order at 7:08 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 -	Committeeman Shawn Lipani, *Mayor's Designee*	Absent -	Bruce Radowitz
Absent -	Robert Wagner, Jr	Present -	Ron Skobo
Present -	Deputy Mayor John Ciccarelli	Present -	**Patricia Smith, *Secretary***
Absent -	**Robert Peason, *Vice Chairman***	Absent -	Angelo Vitale (*Alt. #1*)
Present -	**Carl Suraci, *Chairman***	Present -	Surajit Deb *(Alt. #2)*
Present -	James Vander Vliet		

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

- **June 22, 2023, regular meeting minutes were reviewed.**
  Mr. Bernstein states which Board members are eligible to vote.
  A motion to approve as written was made by Mr. Skobo, seconded by Ms. Smith.
  No further discussion.

  Roll Call:

Yes -	Mr. Skobo	Yes -	Committeeman Lipani
Yes -	Ms. Smith	Yes -	Deputy Mayor Ciccarelli
		Yes -	Chairman Suraci

  Motion carries

- **July 6, 2023, regular meeting minutes were reviewed.**
  Mr. Bernstein states which Board members are eligible to vote.
  A motion to approve as written was made by Mr. Skobo, seconded by Committeeman Lipani.
  No further discussion.
  Roll Call:

Yes -	Mr. Skobo	Yes -	Committeeman Lipani
Yes -	Ms. Smith	Yes -	Deputy Mayor Ciccarelli
		Yes -	Chairman Suraci

  Motion carries

- **July 13, 2023, regular meeting minutes were reviewed.**
  Mr. Bernstein states which Board members are eligible to vote.
  A motion to approve as written was made by Committeeman Lipani, seconded by Ms. Smith.
  No further discussion.
  Roll Call:
  Yes - Ms. Smith
  Yes - Committeeman Lipani
  Yes - Chairman Suraci

  Motion carries

- **July 20, 2023, regular meeting minutes were reviewed.**
  Mr. Bernstein states which Board members are eligible to vote.
  A motion to approve as written was made by Committeeman Lipani, seconded by Ms. Smith.
  No further discussion.
  Roll Call:
  Yes - Ms. Smith
  Yes - Deputy Mayor Ciccarelli
  Yes - Committeeman Lipani
  Yes - Chairman Suraci

  Motion carries

<u>CONSIDERATION OF RESOULTIONS</u>

- **Coherent Corp – File 23-PB-15-SPV**
  Mr. Bernstein states which Board members are eligible to vote.
  A motion to approve was made by Mr. Deb, seconded by Mr. Skobo.
  No further discussion.
  Roll Call:
  Yes - Mr. Skobo
  Yes - Ms. Smith
  Yes - Mr. Deb *(Alt. #2)*
  Yes - Committeeman Lipani
  Yes - Deputy Mayor Ciccarelli
  Yes - Chairman Suraci

  Motion carries

<u>PLANNING BOARD BUSINESS</u>

- None

<u>CONSIDERATION OF ORDINANCES</u>

- None

<u>BUSINESS FROM THE FLOOR</u> *(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** (2024 Extension) – Block 183, Lot 38.01 (201 Hamilton Road) and Block 183.01, Lot 1 (Hamilton Road). Applicant seeking further retroactive extension beyond the prior extension granted by Planning Board Resolution memorialized January 12, 2024, for a recording deadline for the Minor Subdivision until June 30, 2024, originally granted by 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.
  Participating for the Applicant: Richard J. Hoff, Jr., Esq., of Bisgaier Hoff, LLC; and Daniel Giacobbe, PE of ESE Consultants.

  1. 7:15 pm start of hearing.
  2. **Richard Hoff**, attorney for applicant, introduces himself and explains the subdivision, summarizes the application, gives status update on outside agency approvals and asks, with explanation, to extend the recording deadline for the Minor Subdivision to July 9, 2024.
  3. Mr. Mayhew and Mr. Kois have no comments.
  4. Mr. Bernstein suggests, if approved, the Board request an update or potential appearance from Mr. Hoff on June 13, 2024.
  5. Mr. Hoff states they can agree to this.
  6. Mr. Bernstein recommends the eligible members to vote should be the three Board members who were on the Board at the time of the original application and extension.
  7. There is a motion and second to open to public questions. All were in favor, motion carries.
  8. There are no questions from the public.
  9. There is a motion and second to close to public questions. All were in favor, motion carries.
  10. Committeeman Lipani motions to extend the filing of the minor subdivision as occurred previously on this site up to and through July 9, 2024, with Mr. Hoff to provide update on June 13, 2024, with or without notice depending on the status of the application, seconded by Deputy Mayor Ciccarelli.

Roll Call:
Yes - Committeeman Lipani
Yes - Deputy Mayor Ciccarelli
Yes - Chairman Suraci

Motion carries.

11. 7:20 pm end of hearing.

- **Weston RD, LLC (Guastella) – File 22-PB-03-MSPV** (TOD: 04-30-24) - Block 185, Lot 1 – Weston Road. Applicant seeking preliminary and final major site plan approval; 'c' bulk variances; and waivers, to construct a 130,418 square foot warehouse building with associated parking and loading, walkways, trash dumpster enclosure area, landscaping and lighting, utilities, stormwater management, and site 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; 06-01-23; 06-08-23; 07-06-23; 10-12-23; 02-01-24). Revised plans/reports/ documents submitted 03-10-23; further revised plans/reports/documents received 04-21-23; further revised plans/reports/documents received 10-02-23. Application continued from February 01, 2024, without further notice.

Participating for the Applicant: Michael O'Grodnick, Esq. of Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A.; Jeffrey Chang, Esq. of Fox Rothschild LLP; Jack Zybura, PE, INCE Bd. Cert. Lewis S. Goodfriend & Associates; Glenn Bodnar, PE of Bodnar Engineering LLC; Michael K. Ford, PE of Van Cleef Engineering Associates; Gary Dean, PE, PP, of Dolan & Dean Consulting Engineers, LLC; Thomas Auffenorde, PE of EcolScience; James Scott (Operations); Steve Radosti, AIA of Perez & Radosti Architecture; Peter Downham, LSRP of Roux Associates; Keenan Hughes, PP, of Philips Preiss LLC; and Ahad Arif, Owner of Miracle Brands (prospective tenant).

Participating for the Objector: Michael Sinkevich, Esq. of Lieberman, Blecher & Sinkevich, PC (Land Use matters), and Jordan Asch, Esq. of Riker Danzig, LLP (Environmental matters), representing Hearthstone at Hillsborough; Clay Emerson, PhD, PE, CFM, of Princeton Hydro; Paul Gleitz of L&G Planning, LLC; Hal Simoff, PE of Simoff Engineering Associates Inc.; Pamela Grigas, Richard Couzzi, and James Vonderhorst of Member representatives of Hearthstone at Hillsborough.

1. 7:21 pm start of hearing.
2. **Michael O'Grodnick**, attorney for applicant, introduces himself.
3. **Michael Sinkevich** and **Jordan Asch**, attorneys for Objector, introduces themselves.
4. Mr. Bernstein states Mr. Deb and Mr. Vander Vliet have not submitted the necessary paperwork to make them eligible to vote on the matter. He states they may remain on the Daus and lists who makes up the quorum.
5. Mr. Sinkevich introduces their Planner to continue testimony.
6. **Paul Gleize** is sworn in.
7. Mr. Sinkevich asks Mr. Gleize to review some of the points from his previous testimony
8. Mr. O'Grodnick objects to Mr. Gleize's reference to Ordinance 2023-08, stating he believes it is inappropriate for the Board to consider the Ordinance as it is ineffective for this application, time of application rule applies.

9. Mr. Bernstein states the ordinance post-dates the submission of the application and is currently being litigated by several other parties. Mr. Gleize can give testimony, but the Board needs to be aware of the fact his testimony in relation to the application of the 2023 Township Committee on warehousing does not in and of itself have a binding impact upon this Board in deciding whether to grant this application.
10. Mr. O'Grodnick states his concern about the prejudicial effect on the Board in considering zoning standards that are not applicable to this application.
11. Mr. Gleize's that both the Township Committee and the Planning Board have made certain findings about use in this Zone through the adoption of the ordinance. He states his planning testimony is about an analysis that has been done in general about the appropriateness of the use Zone.
12. Mr. Bernstein tells the Board Mr. Gleize's testimony as it relates to what came before the last change in the ordinance and subsequent to the last change in Zone does have appropriate impact as it relates to the overall application.
13. Mr. Sinkevich and Mr. Gleize give highlights of his testimony from the prior meeting.
14. Mr. Gleize reviews site plan considerations including but not limited to the extra parking the site provides in comparison to the number of on-site workers, inconclusive and inconsistent traffic testimony, concerns about Use and tenant/owner turnover, and buffering and tree retention.
15. Mr. O'Grodnick objects to the speculative nature of his traffic testimony as he is not a traffic engineer.
16. Mr. Gleize discusses his opinion on the bulk variance testimony provided which is that it is not an appropriate location for this use.
17. Mr. O'Grodnick objects based on mischaracterization of testimony.
18. Mr. Sinkevich asks if he believes the applicant the criteria for the C-variance.
19. Mr. Gleize states he does not believe the applicant meant to burden necessary for the granting of the C2 variance.
20. Mr. Gleize comments on the design waivers and discusses what information is lacking. He states he believes the proposal is inconsistent with several goals and objectives of the Master Plan and Circulation Plan Element and the testimony for the height variance and the waivers failed to satisfy the requisite criteria, that the application will impair the zone plan and zoning ordinance from a result in substantial impact on the public good. He concludes the application should be denied.
21. Mr. Kois has no questions for Mr. Gleize.
22. Mr. Mayhew asks Mr. Gleize to be more specific in his opinion regarding the change in the definition of warehousing in the past 40 years.
23. Mr. Gleize explains in the early 1980s warehousing was associated with on-site production or smaller scale distribution to wholesalers and how mail-order then the internet and then covid has changed this causing smaller facilities to turn into larger facilities in order to serve the global commerce. He discusses the traffic routes.
24. Mr. Mayhew asks if, in Mr. Gleize's opinion, this is an example of poor planning based on the fact it is on a local road a considerable distance from a state highway.
25. Mr. Gleize discusses why he believes it is one of the least desirable locations.
26. Mr. Mayhew discusses Manville's truck route plan for the Boro as it was submitted to DOT, which Mr. Gleize was not aware of.
27. Mr. Gleize & Mr. Mayhew discuss the elevation of Weston Road and truck traffic routes.
28. 8:24 pm Chairman Suraci calls for a short recess.
29. 8:35 pm Chairman Suraci calls the meeting back into order.

30. Mr. Bernstein states he is asking for a 15-minute Executive Session at 9:45 pm over matters just brought to his attention which he needs to advise the Board on.
31. Chairman Suraci confirms they will oblige.
32. Committeeman Lipani asks Mr. Gleize what he believes the zoning for that area should be.
33. Mr. Gleize states he does not have an issue with the commercial zoning but rather the light industrial and explains what he finds acceptable for the area.
34. Deputy Mayor Ciccarelli asks him to discuss how he defines 'intensity' regarding 'intensity of a site' and how is it measured.
35. Mr. O'Grodnick begins his line of questioning. He asks questions pertaining to Mr. Gleize's current employment. He asks if he agrees the front façade of the building is conforming to the 35 feet and if he was aware the town has reinterpreted the definition of the height for this application.
36. Mr. Gleize states he agrees it conforms to the 35 feet and was unaware of the definition change.
37. Mr. O'Grodnick questions him about the densely vegetate area along the north-easterly frontage along Weston Road, front-yard set-back, bulk standard compliance, measure of intensity and principal use.
38. Mr. O'Grodnick asks if this is a truck depot or a warehouse.
39. Mr. Gleize states it is a warehouse.
40. Mr. O'Grodnick asks how zoning ordinance that removes warehousing is relevant to this application.
41. Mr. Gleize discusses how warehouses are no longer appropriate for these zones and should be prohibited in an effort to protect the health, safety and welfare of the community.
42. They discuss what, if any, regulations would be violated if this application was approved.
43. Mr. O'Grodnick has Mr. Gleize discuss the elements, process and requirements for a Master Plan re-examination report and the start of the "warehouse boom"
44. Mr. Sinkevich asks rebuttal questions.
45. Mr. Mayhew asks for Mr. Gleize's thoughts on the Ordinances' appropriate use criteria for this site in terms of parking spaces (43), loading dock bays (5) and trailer storage spaces (none specified) vs. what is proposed in the site plan which is 99 parking spaces, 20 loading bays and 28 trailer storage spaces.
46. Mr. Gleize agrees, and states it was part of his analysis that the site plan has much more parking, loading bays and trailer storage spaces than is required and this is something that could lead to expanded use. He states he also believes a single set of bulk standards lacks specificity for multiple uses.
47. Mr. Mayhew asks if, from a planning standpoint and based on the parking spaces, docks and trailer storage differences, the bulk standards anticipate a certain intensity of use but that what is proposed is far more intensive.
48. Mr. Gleize agrees. He and Mr. Mayhew discuss how municipalities must work to keep up with their codes and Planning Boards have to monitor applications for their appropriateness and safety for the area while still progressing with the times.
49. There is a discussion as to when to carry the application to and extending the Time of Decision to.
50. Mr. Skobo motions to carry the application to June 6, 2024, without further notice and a Time of Decision extension to June 30, 2024, seconded by Ms. Smith.

Roll Call:

Yes -	Mr. Skobo	Yes -	Committeeman Lipani
Yes -	Ms. Smith	Yes -	Deputy Mayor Ciccarelli
		Yes -	Chairman Suraci

Motion carries

51. 9:49 hearing ends.

EXECUTIVE SESSION

- Mr. Bernstein asks for an Executive Session with the Board under the provisions of 10; 4-12 B7 to discuss an opinion recently rendered in the Diamond Chip Realty v. Township of Sparta Planning Board case as it relates to various applications before the Board. He estimates 15 minutes of time is needed; no formal action will need to be taken but they will need come out of Executive Session to close the general meeting.

  Mr. Skobo motions to go into to executive session, seconded by Committeeman Lipani.

  Roll Call:

Yes -	Mr. Vander Vliet	Yes/No -	Mr. Deb *(Alt. #2)*
Yes -	Mr. Skobo	Yes/No -	Committeeman Lipani
Yes -	Ms. Smith	Yes/No -	Deputy Mayor Ciccarelli
		Yes/No -	Chairman Suraci

Motion carries

9:50 pm Board enters into Executive Session

RETURN TO REGULAR SESSION

- 10:10 pm Mr. Skobo motions to come out of Executive Session, seconded by Mr. Deb.

  Roll Call:

Yes -	Mr. Vander Vliet	Yes/No -	Mr. Deb *(Alt. #2)*
Yes -	Mr. Skobo	Yes/No -	Committeeman Lipani
Yes -	Ms. Smith	Yes/No -	Deputy Mayor Ciccarelli
		Yes/No -	Chairman Suraci

Motion carries

Mr. Bernstein states for the record all members of the Board present at the commencement of the Executive Session are present at the recommencement of the Open Session including the Board attorney and the Township professionals.

Mr. Bernstein gives a summary of the general topic of the Session and states no executive action was taken so the appropriate motion at this time is a motion to adjourn this meeting.

ADJOURNMENT

A motion to adjourn was made by Mr. Deb, seconded by Mr. Skobo. Motion carries unanimously.
10:12 pm meeting is adjourned.

Submitted by Robyn Bittle-Abramo
Recording Secretary