

Township of Hillsborough – PLANNING BOARD

APPROVED Public Meeting Minutes

July 11, 2024

Chairman Carl Suraci called the Planning Board Regular Public Meeting of July 11, 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, <i>Mayor’s Designee</i>	Present - Bruce Radowitz
Present - Robert Wagner, Jr	Present - Ron Skobo
Present - Deputy Mayor John Ciccarella	Present - Patricia Smith, Secretary
Present - Robert Peason, Vice Chairman	Present - Angelo Vitale (<i>Alt. #1</i>)
Absent - Carl Suraci, Chairman	Absent - Surajit Deb (<i>Alt. #2</i>)
Absent - 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

1. **April 4, 2024, regular meeting** minutes were reviewed.

A motion to approve as written was made by Mr. Skobo, seconded by Ms. Smith.

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

No further comments.

Roll Call:

Yes - Mr. Skobo	Yes - Committeeman Lipani
Yes - Ms. Smith	Yes - Deputy Mayor Ciccarella

Motion carries

2. **April 11, 2024, regular meeting** minutes were reviewed.

A motion to approve as written was made by Mr. Wagner, seconded by Committeeman Lipani.

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

No further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Committeeman Lipani
Yes - Ms. Smith	Yes - Deputy Mayor Ciccarella
Yes - Mr. Vitale (<i>Alt. #1</i>)	Yes - Vice Chairman Peason

Motion carries

3. **May 2, 2024, regular meeting** minutes were reviewed.

A motion to approve as written was made by Ms. Smith, seconded by Deputy Mayor Ciccarelli.
Mr. Bernstein announces the members eligible to vote on the matter.
No further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Vitale (<i>Alt. #1</i>)
Yes - Mr. Skobo	Yes - Committeeman Lipani
Yes - Ms. Smith	Yes - Deputy Mayor Ciccarelli
	Vice Chairman Peason

Motion carries

CONSIDERATION OF RESOLUTIONS

1. **SAI Middlesex Farms LP – File 22-PB-15-MSP**

A motion to approve was made by Mr. Radowitz, seconded by Mr. Skobo.
Mr. Bernstein announces the members eligible to vote on the matter.
No further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Vitale (<i>Alt. #1</i>)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Mr. Skobo	Yes - Vice Chairman Peason
Yes - Ms. Smith	Yes -

Motion carries

2. **Specialty Assays Inc. – File 23-PB-16-SPV**

A motion to approve was made by Deputy Mayor Ciccarelli, seconded by Mr. Skobo.
Mr. Bernstein announces the members eligible to vote on the matter.
No further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Vitale (<i>Alt. #1</i>)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Mr. Skobo	Yes - Deputy Mayor Ciccarelli

Motion carries

3. **G&J Steel and Tubing, Inc. – File 24-PB-01-MSPV**

A motion to approve was made by Mr. Skobo, seconded by Ms. Smith.
Mr. Bernstein announces the members eligible to vote on the matter.
No further comments.

Roll Call:

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

Motion carries

4. **Somerset County Multi-Use Facility – File 24-PB-02-INF**

A motion to approve was made by Deputy Mayor Ciccarelli, seconded by Mr. Skobo.
Mr. Bernstein announces the members eligible to vote on the matter.

No further comments.

Roll Call:

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

Motion carries

5. Campus Associates LLC – 20-PB-13-MSPV (2024 Extension Request)

A motion to approve was made by Committeeman Lipani, seconded by Deputy Mayor Ciccarelli.

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

No further comments.

Roll Call:

Yes - Committeeman Lipani
Yes - Deputy Mayor Ciccarelli

Motion carries

6. Toll Bros., Inc. (RBG/Enclave) – File 21-PB-10-S/MS/SP (2024 Extension

A motion to approve was made by Deputy Mayor Ciccarelli, seconded by Mr. Skobo.

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

No further comments.

Roll Call:

Yes - Mr. Wagner
Yes - Committeeman Lipani
Yes - Deputy Mayor Ciccarelli

Motion carries

7. Recommendation of Ordinance 2024-07 (Revised MUID-1)

A motion to approve was made by Mr. Skobo, seconded by Deputy Mayor Ciccarelli.

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

No further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Vitale (<i>Alt. #1</i>)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Mr. Skobo	Yes - Deputy Mayor Ciccarelli

Motion carries

8. Recommendation of Ordinance 2024-08 (Green Development Checklist)

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

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

No further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Vitale (<i>Alt. #1</i>)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Mr. Skobo	Yes - Deputy Mayor Ciccarelli

Motion carries

9. Recommendation of Ordinance 2024-09 (EVSE and Make-Ready Parking Spaces)

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

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

No further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Vitale (<i>Alt. #1</i>)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Mr. Skobo	Yes - Deputy Mayor Ciccarelli

Motion carries

PLANNING BOARD BUSINESS

● **Master Plan Status Update**

1. Mr. Kois states since the adoption of the Climate Change Hazard Vulnerability Assessment, in December 2023, the Master Plan Subcommittee has been meeting regularly to update the Master Plan. The focus has been developing vision, goals and updating various Master Plan elements.
2. He states there will be an announcement at the next Township Committee meeting introducing software they will be utilizing for engaging the community and obtaining feedback about the Master Plan. He gives a brief summary of some of the software features.
3. Deputy Mayor Ciccarelli asks Mr. Kois to announce the name of the software.
4. Mr. Kois announces the platform will be called Engage Hillsborough, from the company Public Input.

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

CONSIDERATION OF ORDINANCES

- None

APPLICATIONS – PUBLIC HEARING

- **Homestead Road, LLC – File 21-PB-25-MS/MSP(V)** – (TOD: 09-30-24 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)

Participating for the Applicant: Craig Gianetti, Esq. of Day Pitney, LLP; Gary Dean, PE of Dolan & Dean; Edward Kuc, Principal Ecologist of Eastern States Environmental Associates, Inc.; Christine Nazzaro-Cofone, PP, AICP of Cofone Consulting Group, LLC; David Robinson, LSRP of Synergy Environmental; Michael K. Ford, PE, PP, of Van Cleef Engineering Associates, LLC; and Applicant's Representatives: Glenn Stock, Eric Greif, and Kenneth Greif

Participating for the Objectors: Objector #1 - Michael Pisauero, Jr., Esq. of The Watershed Institute, Witness – Clay Emerson, PhD, PE, CMF of Princeton Hydro; Objector #2: Scott Gross, Member Representative of Local Citizens Against Traffic (LCAT), Witness - Kenneth J. Hausman, PE, Traffic Engineer; Objector #3: Brian Tarantino, Member Representative of Stop Warehouses and Trucks (SWAT), and Carlos Rodrigues, PP, FAICP of Design Solutions for a Crowded Planet, LLC; and Objector #4: John Lanahan; Objector #5: Lucy Sandler, Sourland Conservancy Board of Trustees, Advocacy Committee Chair

1. 7:18 pm start of hearing.
2. Mr. Radowitz and Mr. Vitale both recuse themselves from the application.
3. Mr. Bernstein states he has a Certification by Absent Board Member Examination of Record Eligibility to Vote for Mr. Skobo for the April 11, 2024, meeting therefore he is eligible to vote.
4. **Craig Gianetti**, attorney for applicant, introduces himself and states where they left off at the previous meeting. He calls his witness back.
5. **Christine Nazzaro-Cofone** is sworn in.
6. Mr. Bernstein states for the record the Township Committee has been discussing a possible redevelopment of a property unrelated to this application. He states while the Township Committee has received a copy of a proposed redevelopment plan and report from Ms. Cofone's consulting group, the Township of Hillsborough has not retained Ms. Cofone, her company or any of her associates to produce any report or plans.
7. Mr. Bernstein confirms Ms. Cofone was not retained by the Township.
8. The Objectors introduce themselves; **Mike Pisauero, Jr** of The Watershed Institute, **Brain Tarantino** of SWAT, and **Scott Gross** of LCAT.
9. Mr. Gianetti asks the Board and Township professionals if they have questions for Ms. Cofone.
10. Mr. Wagner asks Ms. Cofone to explain how this application meets the vision of the Master Plan.
11. Ms. Cofone discusses how she reviewed the Zone and her findings which lead her to make her determination.
12. Mr. Mayhew asks her to read the stated purpose in the TECD Zone, discuss the metrics she relies on and possible uses.
13. Mr. Mayhew asks if she has encountered any negative criteria in her report.
14. There are no further questions from the Board or Township professionals.
15. Mr. Pisauero and Mr. Gross do not have any questions for Ms. Cofone.
16. Mr. Tarantino asks for her to explain how the site plan complies with the section of the TECD 1881072 F6, he reads it into the record.
17. Mr. Tarantino asks for an explanation and location of the bicycle and pedestrian pathway network.
18. Ms. Cofone discusses the use of aspirational verse required language in the ordinance.

19. There are no further questions from the Objectors.
20. There is a motion and second to open to public question for this witness. All are in favor, motion carries.
21. **Phil Martin**, 237 Hillsborough Rd, asks questions pertaining to the intensity levels, how it compares to the LI District, parking spaces and trailer parking.
22. **Licia Gaber-Baylis**, Hillsborough, states she is not affiliated with any of the Objectors. She asks if she wrote the Community Impact Statement, what the current assessment value of the property is, clarifying questions about the fiscal totals pertaining to impact and if there is a sidewalk to get to the sidewalk along the edge of the property.
23. **Rich Garmin**, 53 Winding Way, states he is not associated with the Objectors. He asks if comfort facilities could be added at a later date and if, since it is a flex-build, the interior can be changed at a later date thus changing its purpose.
24. There are no further questions from the public.
25. There is a motion and second to close public question for this witness. All are in favor, motion carries.
26. Mr. Tarantino asks for her response to the fact that while she testified to no comfort stations, Mr. Valenza testified that there would be comfort stations.
27. Ms. Cofone discusses her definition of a comfort facility.
28. Mr. Gianetti states they have no further witnesses.
29. Mr. Pisauro asks for a brief recess.
30. 8:01 pm Vice Chairman Peason calls for a five-minute recess.
31. 8:06 pm Vice Chairman Peason calls the meeting back into session.
32. Mr. Pisauro calls their first witness.
33. Mr. Bernstein reminds every one of the rules of engagement for this witness.
34. Mr. Gianetti requests he question the witness after the other Objectors.
35. Mr. Bernstein states they will follow the order he stated.
36. **Dr. Clay Emerson** of Princeton Hydra is sworn in and gives his educational and professional background.
37. Mr. Pisauro asks him to state his experience with stream restorations, designing, planning, dam removals, stormwater reviews etc.
38. Mr. Gianetti asks for clarification as to which field(s) Dr. Emerson is to be an expert in.
39. Mr. Pisauro asks Dr. Emerson, having reviewed Mr. Ford's plans from March 2024 and viewing all testimony, if in his opinion the plans meet the requirements of the stormwater regulations.
40. Dr. Emerson explains why he believes it does not meet the stormwater regulations.
41. Dr. Emerson's letters are marked as Exhibit 04, June 2023 letter, and Exhibit 05, June 2024 letter. The Board acknowledges receipt of Dr. Emerson's letters and confirms they are on Civic Clerk.
42. Dr. Emerson reviews and gives his opinion on Mr. Ford's plan dated March 23, 2023.
43. Mr. Pisauro asks detailed questions about the retaining wall, how it is meant to function, drainage and infiltration rates and directs Dr. Emerson to discuss his concerns.
44. Dr. Emerson discusses his concerns with but not limiting to porous pavement not meeting the definition of green infrastructure, quantity reductions and calculations of peak flow rates.
45. Mr. Mayhew asks for clarification about retaining walls near subsurface infiltration areas and if this type of wall could be compromised by having a surface infiltration system behind it.
46. Vice Chairman Peason asks for better understanding of why a lower flow rate needs a larger retention area.

47. Committeeman Lipani asks if the yellow line on the map is an indicator of a natural flow of water and how far away the bmps should be from a retaining wall to allow for proper infiltration.
48. 9:10 pm Vice Chairman Peason calls for a recess.
49. 9:20 pm Vice Chairman Peason calls the meeting back to order.
50. Dr. Emerson discusses his June 2024 letter, specifically his use of the term 'stream' and the topographic line.
51. Mr. Pisauro asks if the topography suggests that the line was dug, as suggested in Mr. Cook's testimony.
52. Mr. Gianetti objects to this question requesting site to the transcript.
53. Mr. Pisauro reviews and presents transcription then rephrases the question asking if the topography reflects what Dr. Emerson would believe to be man-made or natural occurring line.
54. Dr. Emerson explains why he believes it to be natural occurring and meeting the Township definition of a stream, channel and watercourse.
55. Mr. Pisauro asks him to review Figure Two of his report, an aerial image obtained from Historic Aerials.com of Lot 33.
56. Dr. Emerson explains why he believes the image demonstrates a natural stream.
57. Mr. Mayhew asks him to explain why he would expect to see a natural stream feature in this location. He asks questions pertaining to topography including but not limited to if with four-to-five-foot depth of the water course would he consider it a bank, if so would he consider the bottom of the feature a channel and if the feature has a source.
58. Deputy Mayor Ciccarelli asks for understanding if tie matters if the feature is man-made or natural.
59. Mr. Gianetti asks to hold his questioning and cross-examination until after all the Objectors have questioned the witness.
60. There is a discussion about and clarifying Mr. Gianetti's request.
61. Mr. Bernstein states he stands by his previous position on this issue and the procedure which has been followed throughout this process.
62. Mr. Gianetti begins his question for this witness. His questions include but are not limited to asking if he is a Geotechnical Engineer, designs site plans, submit site plans to planning boards, designs retaining walls, and if he has done objection work for other warehouse applications and clarifying questions about if the stream is natural or man-made.
63. Vice Chairman Peason states it is after 10:00 pm so the application will need to be carried to September 12, 2024.
64. A motion to carry the application to September 12 and November 7, 2024, without further notice and with a Time of Decision extension to November 30, 2024, was made by Mr. Skobo, seconded by Deputy Mayor Ciccarelli.
65. No further comments.

Roll Call:

Yes - Mr. Wagner

Yes - Mr. Skobo

Yes - Ms. Smith

Yes - Committeeman Lipani

Yes - Deputy Mayor Ciccarelli

Yes - Vice Chairman Peason

Motion carries

66. 10:04 pm end of hearing

Mr. Bernstein states the July 25, 2024, business meeting has been cancelled.

A motion to cancel the July 25, 2024, business meeting was made by Mr. Skobo, seconded by Deputy Mayor Ciccarelli. All were in favor, none opposed. Motion carries.

Mr. Bernstein announces the next meeting of this Board shall be September 5, 2024.

ADJOURNMENT

A motion to adjourn was made by Committeeman Lipani, seconded by Deputy Mayor Ciccarelli. Motion carries unanimously.

10:08 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*