Township of Hillsborough – PLANNING BOARD
Public Meeting Minutes

September 12, 2024

Chairman Carl Suraci called the Planning Board Regular Public Meeting of September 12, 2024, to order at 7:06 pm. The meeting was held in the Courtroom of The Peter J. Biondi Building. All stood for the flag salute.

NOTICE OF MEETING
Chairman Pro-Tem Peason 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 2024 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*	Present -	Bruce Radowitz
Present -	Robert Wagner, Jr	Present -	Ron Skobo
Present -	Deputy Mayor John Ciccarelli	Present -	**Patricia Smith, *Secretary***
Present -	**Robert Peason, *Vice Chairman***	Absent -	Angelo Vitale (*Alt. #1*)
Absent -	**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)*; Samantha Ball, *Assistant Planner / Sustainability Programs Director*; 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 RESOULTIONS
- None

CONSIDERATION OF ORDINANCES
- None

PLANNING BOARD BUSINESS
- **1170 Millstone LLC - File 22-PB-09-MSPV** - Extension of Time submitted through December 31, 2024

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

No comments.

Roll Call:

Yes -	Mr. Wagner	Yes -	Ms. Smith
Yes -	Mr. Radowitz	Yes -	Committeeman Lipani
Yes -	Mr. Skobo	Yes -	Chairman Pro Tem Peason

Motion carries

<u>BUSINESS FROM THE FLOOR</u> *(public comment for matters not on the agenda)*
Chairman Pro-Tem Peason 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)

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

- Ms. Janucik asks how it is possible to have another revision to the Resolution for the Sherman Tract (B/L 86 /21.02) since the application, along with another revision were approved just last week; Was there another meeting and if so what was changed and when.

Mr. Bernstein explains the condition of approval which impacted the Resolution.

- Ms. Janucik asks if M&M Camplain Road LLC currently owns Block 86 Lot 21.02 and if Hillsborough sold the property to them.

Mr. Bernstein states it is his understanding ownership has not yet been officially transferred. He states until the time when ownership is transferred, M&M Camplain Road LLC is the "designated redevelopers".

- Ms. Janucik expresses concern over approving a development to a developer who is not the owner of the property.

Committeeman Lipani explains how the Township has utilized this process, called a 'contract purchaser', with a neighboring property several years ago.

There is no further business from the public.

<u>APPLICATIONS – PUBLIC HEARING</u>

- **<u>303 Amwell Road (JMJ4 ABEEL LLC) - File 21-PB-17-MSP(V)</u>** – (TOD: 09-30-24 w/Ext.) - Block 198, Lot 2.03 (formerly Lot 2.B) – 303 Amwell Road (f/k/a as 301 Amwell Road). Revised Application 10-06-23: Applicant seeking preliminary and final major site plan approval; 'c' bulk variance; and design waivers, to construct an 85,348 80,000 square foot industrial building with revised associated stormwater management, parking, lighting and improvements, on Property located in the CDZ, Corporate Development Zone. Application adjourned from May 09, 2024, without further notice. Extension of Time submitted through December 31, 2024.

<u>Representing the Applicant</u>: Michael O'Grodnick, Esq. of Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick, & Fisher, P.A.

Objector: Craig Berlin

1. 7:13 pm start of hearing
2. **John Deluca**, attorney for applicant, introduces himself.
3. Mr. Deluca states he is requesting an adjournment of the hearing to the Board's December 12, 2024 or next available hear after hearing. He states the reason for the sale is the property is currently under contract to be sold and areas of environmental concern require more time to investigate before moving forward with the hearing.
4. Mr. Kois confirms the requested date is available and works within the current Time of Decision.
5. Committeeman Lipani motions to carry the application to December 12, 2024, without further notice, seconded by Mr. Skobo.
   Roll Call:

Yes -	Mr. Wagner	Yes -	Ms. Smith
Yes -	Mr. Radowitz	Yes -	Committeeman Lipani
Yes -	Mr. Skobo	Yes -	Chairman Pro Tem Peason

   Motion carries
6. 7:15 pm end of hearing

- **Homestead 279 LLC – File 22-PB-05-S/MSPV** (TOD: 09-30-24 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. Revised packet routed 09-19-22 / Further revised plans, documents, and reports received 06-28-23 through 06-30-23. (EC Review: 07-25-22)

  PB meeting Agenda Dates: 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; 10-05-23 – adjourned with discussion – 12-14-23 for scheduling only – without further notice; 12-14-23 - scheduled; 01-25-24 - 05-09-24 - adjourned. Application adjourned from May 09, 2024 without further notice.

  Participating for the Applicant: Michael O'Grodnick, Esq., Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A.; Joshua Tiner, PE of Redcom Design & Construction LLC (Civil Engineer); Roberto Martinez, RA, Redcom Design & Construction LLC (Architect); John McDonough, PE of John McDonough Associates, LLC; and Greg Redington Managing Member of Homestead 279, LLC and Redcom Design & Construction LLC, Applicant Representative.

  Objector: Sandro Iannella

1. 7:15 pm start of hearing
2. Mr. Bernstein states Chairman Pro-Tem Peason is recused on this application, so the Board needs to designate a member of the Board to be the acting chair for this application.
3. Committeeman Lipani motions to nominate Mr. Radowitz to be Chairperson for this hearing, seconded by Mr. Skobo. All were in favor, none opposed. Motion carries.
4. Mr. Bernstein states Deputy Mayor Ciccarelli also needs to recuse himself on this application.
5. Mr. Peason and Deputy Mayor Ciccarelli leave the dais.

6. Mr. Bernstein states for the record Mr. Vander Vliet is not eligible to participate in this hearing but may stay on the dais. He clarifies Mr. Skobo, Committeeman Lipani, Acting-Chairman Radowitz, Mr. Wagner and Ms. Smith are the eligible members for this application.
7. **John Deluca**, attorney for the applicant, introduces himself.
8. **Sandro Iannella**, Objector, introduces himself and his Planner, **Chris Melick**.
9. Mr. Deluca states the applicant is seeking an adjournment to the April 3, 2025, meeting or next available date thereafter with re-noticing of the application to be required. He explains states the applicant is exploring alternative uses for the site other than a warehouse.
10. Mr. Iannella states for the record that on May 9, 2024, Mr. Bernstein stated tonight's meeting was to be a peremptory meeting, that if the application is not ready by 30 days prior the applicant will either withdraw the application or the Board will render a decision based on what is before it. He asks that the September 12, 2024, agenda to be revised to indicate the Board will render a decision based on the information before it. Mr. Iannella reads a statement into the record with further reasons as to why he believes this application should not move forward.
11. Mr. Bernstein marks the email Mr. Iannella sent to the Board, received on September 11, 2024, as Exhibit O-1. He states it was distributed to all Board members, Mr. O'Grodnick's office and was placed on Civic Clerk.
12. Mr. Deluca reiterates their reason for requesting an adjournment is to rework the plan. He discusses the issue of standing.
13. Mr. Bernstein reads into the record the 'owner's authorization and consent for adjournment'.
14. Mr. Kois reminds the Board that residential is not a permitted use in the LI Zone and if the application is amended to include residential of any kind, i.e. townhouses, it would have go before the Zoning Board of Adjustment.
15. The Board chooses to hold their comment until after the public has spoken.
16. There is a motion and second to open to public comment. All are in favor, motion carries.
17. **David Brook**, 7 Winding Way, expresses how confusing he feels this lot and application has been and asks the Board to vote no to eliminate this application so the applicant can come back with a fresh application.
18. **Jo O'Connell**, 20 White Meadow Road, expresses her desire for the Board to vote 'no' on this application.
19. **Susan Gulliford**, 7 Hunt Club Road, states she feels it is radical to hear the applicant wants to create a completely new design. She asks at what point are the changes so radicle that it becomes a new application.
20. **Maria Janucik**, 720 East Frech Ave., Manville (residence) / 2155 Camplain Road, Hillsborough (property owner), states she agrees with the previous public comments and would like the Board to vote 'no' to this application.
21. **Brian Tarantino**, 235 Fairfield Lane, commends the Board on the patience he believes they have shown over the course of the application's history. He reminds the Board they have been clear with instructions and requests for the applicant, but the applicant has not been meeting those requests. He asks the Board to deny this application.
22. There are no further comments from the public.
23. There is a motion and second to close to public comment. All are in favor, motion carries.
24. Mr. Iannella discusses the lots around his property, their zoning, the impact of water and lighting and the lack of frontage on the proposed lot and accuses the applicant of using proposing townhouses as a scare tactic.

25. Mr. Deluca assures the Board it his statement about possibly exploring townhouses was in no way intended to be a scare tactic. His request and reasoning are on the record. He rests his case.
26. Mr. Bernstein states for the record there is no other application before the Board this evening and possibilities of what could go on the property is speculative and the Board should not render a decision based on possibilities.
27. Committeeman Lipani discuss how he feels their request for an adjournment to April 2024 is disingenuous. He states he sees no benefit to granting any further extension.
28. Ms. Smith states she agrees with Committeeman Lipani's comments; if a new plan is being created it will make everything currently before them immaterial and so there is no point to grant an extension for something that will not be before them in April.
29. Mr. Skobo agrees with the other Board members' comments.
30. Mr. Bernstein explains it may be necessary to hold two votes, the first is to motion to approve or deny the application extension and depending on the result a second vote regarding what to do with the application as a hold may be necessary.
31. Acting Chairman Radowitz calls for a motion to approve the request for extension.
32. There is none.
33. Committeeman Lipani motions to deny the request for application extension, seconded by Mr. Wagner.
34. Mr. Bernstein clarifies for the Board in this instance a 'yes' is a denial of the application and a 'no' is an approval.
35. **Roll Call:**

Yes -	Mr. Wagner	Yes -	Ms. Smith
Yes -	Mr. Skobo	Yes -	Committeeman Lipani
		Yes -	Acting Chairman Radowitz

Motion carries

36. Mr. Bernstein explains the necessary next step based on the results of the Board's vote.
37. Acting Chairman Radowitz gives the applicant's council and the Objector the opportunity for additional statements on the record.
38. There are none.
39. Acting Chairman Radowitz calls for a motion to approve the application as submitted.
40. There is none.
41. Acting Chairman Radowitz calls for a motion to deny the application as it presently stands for the reasons stated on the record.
42. Ms. Smith motions to deny the application, seconded by Committeeman Lipani.

Roll Call:

Yes -	Mr. Wagner	Yes -	Ms. Smith
Yes -	Mr. Skobo	Yes -	Committeeman Lipani
		Yes -	Acting Chairman Radowitz

Motion carries

43. Mr. Bernstein announces the application is denied.
44. 7:45 pm hearing ends.

Acting Chairman Radowitz calls for a five-minute recess.

7:53 pm Chairman Pro-Tem Peason calls the meeting back into order.

Mr. Bernstein states for the record and with his apologies for not stating it earlier he has a Certification by Absent Board Member Examination of Record Eligibility to Vote for Mr. Wagner for Homestead 279 LLC and therefore he was eligible to vote on the previous matter. He states this should be included in the hearings transcripts.

- **Homestead Road, LLC – File 21-PB-25-MS/MSP(V)** – (TOD: 11-30-24 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. Applicant, no longer seeking 'c' bulk variances. Last revised plans/reports/documents received 08-08-24. (EC Review: 03-28-22)

  PB Meeting Agenda Dates: 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; 03-07-24; 04-11-24; 07-11-24). ***Application continued from July 11, 2024 without further notice.***

  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 Pisauro, 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. 7:54 start of hearing.
  2. Mr. Radowitz announces he recuses himself from this hearing and leaves the dais.
  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 the applicant, introduces himself.
  5. The Objectors introduce themselves: (#1) **Michael Pisauro Jr**., Policy Director of The Watershed Institute; (#2) **Scott Gross**, representative of LCAT; (#3) **Brian Tarantino**, representative of SWAT; (#4) **John Lanahan**;
  6. Objector #5 is absent.
  7. **Clay Emerson** is sworn in.
  8. Mr. Gianetti reminds the Board on August 8 ,2024 the applicant's engineer submitted a letter to the Board and Objecting councils, which included an updated drainage report

and updated site plan dated February 2024, but there were only minor adjustments to the site plan.

9. Mr. Pisauro confirms they did receive the updated drain age report but points how long the applicant had this report before submitting it as it was dated October 16, 2023. He has not yet been able to complete reviewing the full report.
10. Mr. Gianetti explains how the report was not held but rather this is part of the process.
11. Mr. Bernstein states for the record that Mr. Ford's latest report is not currently in evidence before the Board, it has not been placed into evidence and for it to be Mr. Ford will have to appear to testify.
12. Mr. Gianetti asks him to discuss the width and depth of the ditch as it appears in the June 1971 aerial photo, figure #2 in his June 28, 2024, report.
13. Dr. Emerson states the exact width, or depth would be difficult to ascertain from this photo.
14. Mr. Gianetti asks questions pertaining stream visibility on maps and aerial photographs specifically from the US Soil Conservation Service, drainage area acreage, DEP regulations for areas less than 50 acres, and the DEP Flood Hazard Area verification from November 6, 2023.
15. Mr. Gianetti asks questions pertaining to the major tributary of the Royce Brook which flows along the northern border of the property.
16. Dr. Emerson states he'd be happy to answer questions pertaining to the ditch/stream in question, but their request to access it was denied.
17. Mr. Gianetti asks questions pertaining to vegetation contributing to the treatment of stormwater management.
18. Dr. Emerson discusses natural treatment he believes is occurring as compared to proposed stormwater treatment.
19. Mr. Gianetti asks if he has received and reviewed VanCleef Engineering's August 8, 2024, submission which included an updated drainage report.
20. Dr. Emerson states he had limited opportunity to review it and reminds it was submitted more than a month after his direct testimony.
21. Mr. Pisauro objects to the questions about the updated drainage report which has not yet been submitted into evidence.
22. Dr. Emerson clarifies that he reviewed the August 8, 2024, letter in detail but has not reviewed the appendix or drainage report Mr. Gianetti is referencing.
23. Mr. Pisauro objects to the line of questioning again pertaining to documents not yet into evidence.
24. Mr. Gianetti asks questions about required EPA testing, and structural soil reports.
25. Mr. Gianetti has no further questions.
26. There are no further questions from the Objectors.
27. There is a motion and second to open to public question for this witness. All are in favor, motion carries.
28. There are no questions from the public.
29. Mr. Pisauro has no further questions for Dr. Emerson.
30. Chairman Pro-Tem Peason calls for a short recess.
31. 8:46 pm Chairman Pro-Tem Peason calls the meeting back into order.
32. Scott Gross, Objector #2 introduces himself and his witness.
33. **Ken Housman,** Civil Engineer & Traffic Analyst, is sworn in, introduces himself and states his educational and professional background, license standing and experience testifying before municipal Boards.
34. Mr. Housman is accepted by the Board.

35. Mr. Gross asks if he has read Dolan & Dean's original traffic report, supplemental letter and supplemental trip generation summary.
36. Mr. Housman states he did review it and in response wrote his own report, without input from anyone else, dated October 6, 2022. He states he has also watched all videos of testimony and read most of the transcripts and has written a second report dated August 27, 2024.
37. Mr. Housman discusses his experience in reviewing traffic impact studies and what he plans to present.
38. M. Bernstein states they are marking Mr. Housman's report dated October 6, 2022, as Exhibit A-07 and the report dated August 27, 2024, as Exhibit A-08.
39. Mr. Housman discusses several specific pages, from his October 6, 2022 report, which are labeled as Exhibits A-09 – A-13.
40. Mr. Gianetti objects by stating there is nothing in his report about residential traffic generation.
41. Mr. Housman points out where in his August 27, 2024, report (page four) that he discusses causal relationships versus mathematical correlation and thing which are not mathematically correlated.
42. Mr. Gianetti reviews the section and maintains his objection.
43. Mr. Housman continues reviewing his report.
44. There is a discussion about traffic count, where information came from, accuracy and whose responsibility it is to supply accurate information.
45. Chairman Pro-Tem Peason notes they are nearing 10:00 pm.
46. A carry-over date is discussed.
47. Mr. Bernstein instructs Mr. Gross to have his expert provide whichever documents he needs to relative to the graphs no later than October 27, 2024.
48. A motion to carry the application without further notice to November 7, 2024, was made by Mr. Skobo, seconded by Mr. Wagner.
    There are no further comments.
    Roll Call:

Yes -	Mr. Wagner	Yes -	Committeeman Lipani
Yes -	Mr. Skobo	Yes -	Deputy Mayor Ciccarelli
Yes -	Ms. Smith	Yes -	Chairman Pro Tem Peason

    Motion carries
49. 10:03 pm end of hearing.

Chairman Pro-Tem Peason calls for a motion to cancel the business meeting on September 26, 2024.

Mr. Skobo motions to cancel the September 26, 2024, business meeting, seconded Committeeman Lipani.

Roll Call:

Yes -	Mr. Wagner	Yes -	Mr. Deb *(Alt. #2)*
Yes -	Mr. Vander Vliet	Yes -	Committeeman Lipani
Yes -	Mr. Skobo	Yes -	Deputy Mayor Ciccarelli
Yes -	Ms. Smith	Yes -	Chairman Pro Tem Peason

Motion carries

Mr. Bernstein reminds the Board there will be no regularly scheduled meeting on October 3, 2024, due Rosh Hashana so the next meeting will be on October 10, 2024.

Engage Hillsborough

Mr. Kois tells the public they can help shape the future of the Township by going to EngageHillsboroughNJ.org where they can participate in surveys about the township. Currently there is a survey related to the Master Plan. The link can also be found on the Planning and Zoning website.

ADJOURNMENT

A motion to adjourn was made by Mr. Wagner, seconded by Mr. Skobo. Motion carries unanimously.
10:05 pm meeting is adjourned.

Submitted by Robyn Bittle-Abramo
Recording Secretary