Township of Hillsborough – PLANNING BOARD
Public Meeting Minutes

September 5, 2024

Chairman Carl Suraci called the Planning Board Regular Public Meeting of September 5, 2024, to order at approximately 7:09 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*	Present -	Bruce Radowitz
Present -	Robert Wagner, Jr	Present -	Ron Skobo
Absent -	Deputy Mayor John Ciccarelli	Absent -	**Patricia Smith, *Secretary***
Present -	**Robert Peason, *Vice Chairman***	Present -	Angelo Vitale (*Alt. #1*)
Present -	**Carl Suraci, *Chairman***	Present -	Surajit Deb *(Alt. #2)*
Absent -	James Vander Vliet		

Also in attendance: David Kois, PP, AICP, *Township Planning Director*; Samantha Ball, *Assistant Planner / Sustainability Programs 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

- **May 9, 2024,** regular meeting minutes were reviewed.
  Mr. Bernstein states who is eligible to vote on the minutes.
  A motion to approve as written was made by Mr. Skobo, seconded by Mr. Deb.
  No comments.
  Roll Call:

Yes -	Mr. Radowitz	Yes -	Mr. Deb *(Alt. #2)*
Yes -	Mr. Skobo	Yes -	Committeeman Lipani
		Yes -	Chairman Suraci

Motion carries

- **June 6, 2024,** regular meeting minutes were reviewed.
  Mr. Bernstein states who is eligible to vote on the minutes.
  A motion to approve as written was made by Mr. Wagner, seconded by Committeeman Lipani.
  No comments.
  Roll Call:

Yes -	Mr. Wagner	Yes -	Mr. Vitale (*Alt. #1)*
Yes -	Mr. Radowitz	Yes -	Committeeman Lipani
Yes -	Mr. Skobo	Yes -	Chairman Suraci

Motion carries

- **June 13, 2024,** regular meeting minutes were reviewed.
  Mr. Bernstein states who is eligible to vote on the minutes.
  A motion to approve as written was made by Vice Chairman Peason, seconded by Mr. Skobo.
  No comments.
  Roll Call:

Yes -	Mr. Wagner	Yes -	Committeeman Lipani
Yes -	Mr. Radowitz	Yes -	Vice Chairman Peason
Yes -	Mr. Skobo	Yes -	Chairman Suraci
Yes -	Mr. Vitale (*Alt. #1)*		

Motion carries

- **July 11, 2024,** regular meeting minutes were reviewed.
  Mr. Bernstein states who is eligible to vote on the minutes.
  A motion to approve as written was made by Committeeman Lipani, seconded by Mr. Wagner.
  No comments.
  Roll Call:

Yes -	Mr. Wagner	Yes -	Committeeman Lipani
Yes -	Mr. Skobo	Yes -	Vice Chairman Peason

Motion carries

- **August 1, 2024,** special meeting minutes were reviewed.
  Mr. Bernstein states who is eligible to vote on the minutes.
  A motion to approve as written was made by Mr. Deb, seconded by Mr. Wagner.
  No comments.
  Roll Call:

Yes -	Mr. Wagner	Yes -	Mr. Deb *(Alt. #2)*
Yes -	Mr. Radowitz	Yes -	Committeeman Lipani
Yes -	Mr. Skobo	Yes -	Vice Chairman Peason
		Yes -	Chairman Suraci

Motion carries

CONSIDERATION OF RESOULTIONS

- **Sherman Tract – Phase II (M&M Camplain Road LLC) – File 23-PB-18-MSP - *Revised***
  Mr. Bernstein explains the condition which has been added into the Resolution.
  Mr. Kois has no additional comments.
  Mr. Bernstein states the members eligible to vote.
  A motion to approve was made by Mr. Radowitz, seconded by Mr. Wagner.
  Roll Call:

Yes -	Mr. Wagner	Yes -	Committeeman Lipani
Yes -	Mr. Radowitz	Yes -	Vice Chairman Peason
Yes -	Mr. Skobo	Yes -	Chairman Suraci
Yes -	Mr. Vitale (*Alt. #1)*	Yes -	

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)

David Brook - 7 Winding Way

- Mr. Brook asks the Board to consider livestreaming their meetings and in doing so to also consider electronically submitted public comments during the livestream.
- Mr. Brook asks the Board to consider getting a podium for the public to stand at during public comment.

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

- Ms. Janucik inquires as to why it takes as long as it does for the meeting minutes to be completed.

Mr. Kois states as it stands the meeting minutes are now up to date and explains the process.

- Ms. Janucik asks the status of the applications pertaining to properties being purchased by the Township.

Mr. Bernstein states one application is on next week's agenda to be addressed.

Committeeman Lipani confirms the other application is as well.

No further public comments.

APPLICATIONS – PUBLIC HEARING

- **Morton Street Realty Co. - File 23-PB-11-SV** – (TOD: 09-30-24 w/Ext.) - Block 67, Lot1 - 2320 Camplain Road (and 10 Old Camplain Road). Applicant seeking Minor Subdivision Approval; 'c' bulk variances; and waivers, to subdivide 3.528 acres into two lots; Proposed Lot 1.01 to be 2.522 acres and will contain an existing 19,507 SF building with associated site improvements; Proposed Lot 1.02 to be 1.006 acres and will contain an existing 6,002 SF building and associated site improvements, on Property located in the I-1, Light Industrial District. (Property with frontage on Route 206 follows I-2 Zoning standards).

  Participating for the Applicant: Edward Purcell, Esq., of Price, Meese, Shulman & D'Arminio, P.C.; David A. Stires, PE of David A. Stires Associates, LLC; John Taikina, PP of All Things Planning & Development, LLC; Randy Jones for Morton Street Realty, Co., Applicant

1. Approximately 7:22 pm start of the application
2. **Edward Purcell**, attorney for the applicant, introduces himself. He confirms with Mr. Bernstein their notice meets requirements and are under the proper jurisdiction.
3. Mr. Purcell summarizes the application, lists their witnesses, gives a brief history of the lot and explains how while it is one lot, it does function as two lots.
4. **David Stires** is sworn in and states his educational and professional background.
5. Mr. Purcell asks that Mr. Stires be accepted as an expert engineer.
6. Chairman Suraci states the Board accepts this witness.
7. Mr. Purcell asks if Mr. Stires prepared the minor subdivision plan dated February 27, 2023, including the last revision dated April 4, 2023, and if so to give summary of the plan.
8. Mr. Stires confirms he prepared the plan and reviews it discussing the traffic & loading patterns of trucks of both buildings, placement of current loading dock, and access points of the second building.
9. Mr. Bernstein marks the plan as Exhibit A-1.
10. Mr. Stires next reviews the existing tenants and uses on the property. He states the larger building houses Lumber Liquidators, a flooring company with an outlet store with accessory storage, the Arc of Somerset with offices for adult daycare services, and Bridgewater Volvo with offices and associated storage. He states all are uses permitted with the ordinance. The second building contains one tenant, Above All Party Rentals, which is considered a contractor facility permitted by ordinance.
11. Mr. Purcell asks him to discuss parking, loading areas, review the fencing on the property and if the applicant would be willing to remove any fencing on the adjacent property and/or obtain a license from the property owners to keep the fence.
12. Mr. Stires next discusses lot sizes, impervious coverage including offering a Deed Restriction of 60% for the combined two lots but no additional impervious coverage added to Lot 1.02
13. Mr. Purcell asks him to discuss the purpose of the subdivision, the zoning, if any variances are needed, design standards and approvals received.
14. Mr. Purcell asks him to review Mr. Mayhew's engineering report dated August 16, 2024, along with Mr. Taikina's response dated August 30, 2024. They review each point with Mr. Stires stating what the applicant will agree to.
15. Mr. Purcell asks if he reviewed Mr. Kois' report dated August 9, 2024, and if so what if any responses he has to it.
16. Mr. Stires states the only comment is the lot width issue for Lot 1.01 which will be corrected to 309.28 thus eliminating the need for the variance.
17. Mr. Mayhew discusses several items from his offices' letter dated August 16, 2024, in which he does not agree with the applicant's response. Those issues include depth under proposed variances, impervious coverage pavement and gravel removal, the buffer size, location and visibility on the plan, storm water easement description and access, and the dumpster issue.
18. Mr. Stires agrees with the lot depth correction, impervious coverage gravel removal, he requested a waiver pertaining to the buffer, agreed to show buffer on the plan, and agrees to stormwater easement description and access,
19. Mr. Kois agrees with Mr. Mayhew's concerns and has no further questions.
20. Committeeman Lipani asks the purpose of the two driveways off Camplain Road which seem to end in a walkway.
21. Mr. Stires explains they are loading driveways to garage doors which are not currently utilized.

22. Mr. Stires, Mr. Purcell and Committeeman Lipani discuss current and proposed dumpster location.
23. Committeeman Lipani asks clarifying questions about the loading dock, plantings and the buffer.
24. Mr. Radowitz asks where the parking would be.
25. There are no further questions from the Board.
26. There is a motion and second to open to public question for witnesses. All are in favor, motion carries.
27. There are no questions from the public.
28. **John Taikina**, planner for the applicant, is sworn in and offers his educational and professional background.
29. Mr. Purcell asks that he be accepted as an expert planner.
30. The Board accepts him as an expert planner.
31. Mr. Taikina discusses the bulk variances, positive and negative criteria, use and building history, condition of the buildings, impact of intent and purpose of Master Plan, design standards, dumpster placement, and curbing and drainage.
32. Mr. Mayhew and Mr. Kois have no questions.
33. There are no questions from the Board.
34. Chairman Suraci opens to public question.
35. **David Brook**, 7 Winding Way, asks if vegetation will be replacing the removed gravel.
36. Mr. Taikina confirms it will be grass.
37. Mr. Brook requests trees or some other vegetation be planted to act as a natural buffer for the neighboring residences.
38. Mr. Purcell states the applicant would prefer that area to be grass.
39. Chairman Suraci closes public questions for witnesses.
40. Chairman Suraci opens to public comment on the application.
41. There are no comments from the public.
42. There is a motion and second to close public comment. All were in favor, motion carries.
43. Mr. Purcell comments on the lot depth issue requesting an approval for a depth of 172 ft. with option to modify if it is more than 172 ft. He states they would accept the impervious coverage changes as pertaining to the gravel removal and meeting the 60% requirement and agree to moving and fencing-in the dumpster.
44. Mr. Bernstein asks for clarification on how, if more than 172 ft., it will be reflected on the record and which impervious coverage areas are being removed and what will be placed in the buffer area.
45. Vice Chairman Peason motions to approve adoption of the application as per the discussion including waivers, variances, and conditions requested, seconded by Mr. Wagner.

    Roll Call:

Yes -	Mr. Wagner	Yes -	Mr. Deb *(Alt. #2)*
Yes -	Mr. Radowitz	Yes -	Committeeman Lipani
Yes -	Mr. Skobo	Yes -	Vice Chairman Peason
Yes -	Mr. Vitale *(Alt. #1)*	Yes -	Chairman Suraci

    Motion carries
46. End of hearing at 8:29 pm

8:28 pm Chairman Suraci calls for recess to reconvene at 8:40 pm.

8:45 pm Chairman Suraci calls the meeting to order.

- **Weston RD, LLC (Guastella) – File 22-PB-03-MSPV** (TOD: 09-06-24) - 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; 04-04-24; 06-06-24). ***Application continued from June 06, 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. Start of hearing at approximately 8:45 pm.
2. **Michael O'Grodnick**, attorney for applicant, introduces himself.
3. **Jordan Asch** and **Michael Sinkevich,** representing Hearthstone Homeowners Association, introduces themselves.
4. Mr. Bernstein states he has a Certification by Absent Board Member Examination of Record Eligibility to Vote for Vice Chairman Peason for the April 4 and June 6, 2024 meetings therefore he is eligible to vote. He does not, however, have certificates from Mr. Deb and Mr. Vitale so while they are present on the dais, they will be observing the hearing but are not eligible to vote this evening.
5. Committeeman Lipani acknowledges for the record Mr. Mayhew's memo dated August 21, 2024, regarding the ongoing standing issue of the easement and how it effects the application in general, if it is still in effect, if it prohibits the design of the building as it is currently. He asks how this should be addressed.
6. Mr. O'Grodnick discusses why the easement was placed where it was, how wetlands have impacted the area, possible legal issues surrounding the easement i.e. abandonment of the easement by the Township, and the intent of the applicant for the easement, jurisdiction and the duration of the application hearings in total.
7. Mr. Jordan discusses the easement.
8. Mr. Bernstein discusses options for jurisdiction, easement relocation and whether to continue
9. Mr. O'Grodnick states the applicant does want to continue with the application.

10. Mr. Sinkevich states their opinion on moving forward.
11. Mr. Radowitz asks Mr. O'Grodnick if he, on behalf of the applicant, can point him to a previously submitted document which addresses what should happen to the easement in this application.
12. Mr. O'Grodnick states he refers to the engineered site plan prepared by Michael Ford of VanCleef Engineering and his testimony in which he states where he proposed to place an easement.
13. There is continued discussion about the easement and jurisdiction between Mr. Bernstein and Mr. O'Grodnick.
14. Mr. Bernstein states for the record if the Board chooses to allow this application to be completed, their determination to do such is a waiver by the Board of any claims and/or defenses it has going forward in any matter related to this application. He states this includes the expenditure of escrow money by Mr. Mayhew, himself or anyone else for claims that the money should never have been expended.
15. Chairman Suraci agree this is reasonable.
16. Mr. O'Grodnick states he believes it is an equitable stoppable issue and perhaps should have been a threshold issue and argues they have actually finished the applicant's case in chief and it would be unfair to not finish the application.
17. Committeeman Lipani states for clarification, the Board received a letter on March 15, 2022, from Fox Rothschild admitting to the fact there was an application "submitted for a warehouse though the personal letters to request the Township Committee accept the relocation of the existing easement in favor of Township of Hillsborough as discussed by Township Planner Maski in his completeness review memo." He explains this means they need to obtain access rights and reads the conclusion of the letter which asks to be pleased on the Township Committee agenda. He stated this is where the conversation about the easement ended and explains how both sides were responsible for seeing this necessary item move forward. He discusses why, if they will be asking for an easement removal, he along with possible two other members of the Board will have to abstain. He states he believes this should be done prior to anything else.
18. Mr. Radowitz states he is concerned about not having anything to look at in order to properly review where the proposed easement would be moved to, its effect on entry/exit of the property, stormwater management and the setbacks from the property. He agrees the application should be suspended or put on hold while the applicant deals with the easement in the proper procedural manner.
19. Mr. O'Grodnick states the site plan accurately depicts where the applicant is suggesting the easement relocation.
20. Mr. Bernstein states he is unsure if the settlement agreement allows for moving of the easement.
21. Mr. Sinkevich discusses his concerns with the jurisdictional issue not being clarified or waivable. He states they do not waive any of their arguments, defenses or assertions which they may bring up in the future and that does not change their position that they agree the application should be suspended while the matter is dealt with.
22. Mr. Bernstein discusses how the Board, if they choose, could suspend the application.
23. Chairman Suraci expresses his thoughts on submitting the matter to the Township Committee.
24. Mr. Bernstein, Mr. O'Grodnick, Mr. Sinkevich and Chairman Suraci continue to discuss the options. A date for extension is discussed.
25. Mr. Jordan requests to be copied on all information being submitted.

26. Chairman Suraci clarifies there is a request to extend the Time of Decision to November 15, 2024, which gives one more meeting. He asks where they stand if the Objectors are not finished presenting their witnesses.
27. Mr. Bernstein states they will be back to where they are this evening and explains the Boards options if they are left with no alternative.
28. Chairman Suraci sets the expectations for the November 15th meeting which included a hard stop for the hearing at 10:00 pm and if there is no extension in the Time of Decision the Board will be in a position of having to take an action.
29. Mr. Bernstein states neither his nor Mr. Kois' office will put anything else on the agenda for that meeting.
30. Chairman Suraci further clarifies this means no other items including reviews of meeting minutes, business matter etc. as he would like the hearing to start at the top of the meeting.
31. Mr. Kois states he understands.
32. Mr. O'Grodnick asks for clarification on what actions the Board would be permitted to take.
33. Committeeman Lipani motions to carry the application to November 14, 2024, without further notice, an extension of the Time of Decision to November 15, 2024, and that parties will advise Mr. Bernstein's office and each other as to their positions on-or-before October 15, 2024, seconded by Vice Chairman Peason.
    No further comments from the Board.
    Roll Call:

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

    Motion carries
34. End of hearing at approximately 9:47 pm.

ADJOURNMENT
There is a motion and second to adjourn.
Motion carries unanimously.
At approximately 9:48 pm the meeting is adjourned.

Submitted by Robyn Bittle-Abramo
Recording Secretary