# Township of Hillsborough – PLANNING BOARD
# Approved Public Meeting Minutes

## October 10, 2024

Chairman Carl Suraci called the Planning Board Public Meeting of October 10, 2024, to order at 7:07 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 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*** | Present - | Angelo Vitale (*Alt. #1*) |
| Present - | **Carl Suraci, *Chairman*** | Absent - | 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)*

Chairman Suraci takes a moment to acknowledge Mr. Deb's absence is due to attending a ceremony as his son is commissioned into the United States Army and thanks Mr. Deb's son for his service.

**CONSIDERATION OF MEETING MINUTES**

- **September 5, 2024,** regular meeting minutes were reviewed.

  Mr. Bernstein states the members eligible to vote.

  A motion to approve as written was made by Mr. Skobo, seconded by Mr. Wagner.
  No comments.

  **Roll Call:**

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

  Motion carries

- **September 12, 2024,** regular meeting minutes were reviewed.

Mr. Bernstein states the members eligible to vote.

A motion to approve as written was made by Mr. Wagner, seconded by Mr. Skobo.
No comments.

**Roll Call:**

| | | | |
|---|---|---|---|
| Yes - | Mr. Wagner | Yes - | Ms. Smith |
| Yes - | Mr. Vander Vliet | Yes - | Committeeman Lipani |
| Yes - | Mr. Skobo | | |

Motion carries

**CONSIDERATION OF RESOULTIONS**

- **Homestead 279 LLC (Redcom) – File 22-PB-05-S/MSPV**

  Mr. Bernstein explains this is the memorialization of the denial of the application for a warehouse on this site. He lists the members eligible to vote.

  A motion to deny the application was made by Committeeman Lipani, seconded by Mr. Radowitz.

  No comments.

**Roll Call:**

| | | | |
|---|---|---|---|
| Yes - | Mr. **Wagner** | Yes - | Ms. **Smith** |
| Yes - | Mr. **Radowitz** | Yes - | Committeeman **Lipani** |
| Yes - | Mr. **Skobo** | | |

Motion carries

**PLANNING BOARD BUSINESS**

- Announcement of the Master Plan Informational Session (10-30-24)

  Mr. Wagner, who is the Chair of the Master Plan subcommittee, discusses the workshop which will be held on October 30, 2024, for the purpose of soliciting input from the public and to educate the public on what a master plan is about. Please visit the Township website and/or social media to find links and QR codes to full details.

**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)

**None**

**APPLICATIONS – PUBLIC HEARING**

- **TEEVEE, LLC - File 23-PB-02-SV** – (TOD: 01-31-25 with Ext.) - Block 143, Lots 24.01 & 25 - Valley Road & 183 Valley Road. Applicant to consolidate two lots (house demolished) and seeking Preliminary and Final Major Subdivision Approval; 'c' bulk variances; and waivers, to subdivide approximately 5.483 acres into three SFD lots to be services by public sewer and well, with a private roadway, driveways, storm water, utilities, and associated improvements, on Property located in the R, Residential Zone. (EC Agenda: 09-23-24) **APPLICANT REQUESTED TO BE ADJOURNED TO DECEMBER 05, 2024 WITH NOTICE** (scheduling conflict). ***Extension of Time provided through January 31, 2025***.

  1. 7:14 pm start of hearing
  2. Mr. Skobo motions to approve with stated conditions, seconded by Deputy Mayor Ciccarelli.
     There is no further discussion.
     **Roll Call:**

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

     Motion carries
  3. 7:15 pm end of hearing

- **Evergreen Energy, LLC (Foothill Estates, LLC)** - File 24-PB-05-SP – (TOD: 11-01-24) - Block 12, Lot 27.01 – 39 East Mountain Road. Applicant seeking Minor Site Plan Approval to install a ground-mounted solar array at the rear of the existing Facility, with fencing and landscaping, on Property located in the AG, Agricultural District.
  *Participating for the Applicant: James W. Burns, Esq., of Dembo, Brown & Burns LLP; Clifton Quay PE, PP and Ryan Veasey, PE of Stantec; and Jacob Sussman and A. David Gottlieb of Evergreen Energy, LLC.*

  1. 7:16 pm start of hearing
  2. **James Burns,** attorney for applicant introduces himself.
  3. Mr. Bernstein states for the record there was a misprint on the original agenda and the correct address is 39 East Mountain Road.
  4. Mr. Burns summarizes the application. He states they have received and reviewed Mr. Kois' review letter dated September 25, 2024, and the Engineers letter dated October 1, 2024, both will be addressed it; they take no issue with them. He introduces his witnesses.
  5. **Ryan Veasy**, civil engineer for applicant, is sworn in and states his educational and professional background.
  6. The Board accepts the witness.

7. Mr. Burns asks him to describe the site and explain what is being proposed with the solar array.
8. Mr. Veasy gives hand-outs , identical to what is being projected.
9. Mr. Bernstein marks this Exhibit A-1.
10. Mr. Veasy states it is an aerial exhibit with the proposed layout over laid on the site, prepared by his office, to establish where the solar mounted array will be placed. The next items are: Exhibit A-2, the submitted site plan, prepared by his office dated June 14, 2024; Exhibit A-3, an construction detail sheet, prepared by his office and dated June 14, 2024, which includes detail of the proposed security fence and detail of a typical solar panel array; Exhibit A-4, a cut-sheet provided by the manufacturer of the array to provide additional detail on the look of the array and establishes how it will be connected to the ground; Exhibit A-5, the landscape plan prepared by his office dated June 14, 2024; Exhibit A-6, an existing conditions plan, prepared by his office, indicating the removal of vegetation in the area of the proposed array; Exhibit A-7 is the cover sheet which includes all zoning data and Exhibit A-8 is their boundary and topo survey prepared by his office and dated March 22, 2024.
11. Mr. Veasy discusses the current existing conditions on the site and describes what is being proposed as it relates to the ground mounted solar array.
12. Mr. Mayhew addresses the review letter from Chief Whittaker.
13. Mr. Wagner asks questions about the foundation and footing of the solar panels.
14. Mr. Vitale asks about the array crossing the side yard and fence.
15. Committeeman Lipani asks if there is any soil disruption in the plan.
16. Mr. Veasy states the panels are going on the existing grade so screws and fence will be the only soil disruption and they have agreed to include the total disturbance on their plan to demonstrate.
17. Mr. Skobo asks about tree removal.
18. Mr. Veasy states this is shown on Exhibit A-6 and their replacement trees will be along the northern property line which is shown on their landscape plan. He states 28 is the total number of compensatory trees required and a total of seven trees alive trees being removed.
19. Deputy Mayor Ciccarelli asks screws, expressing concern over possible shale in the ground.
20. There is a motion and second to open to public question for this witness. All are in favor, motion carries.
21. There are no questions from the public.
22. **Jacob Sussman,** Chief Operating Officer with Evergreen Energy, is sworn in.
23. Mr. Sussman discusses how much power is generated by the panels stating each panel generates 400 watts and the plan is to build a site to generate 1.2 million kilowatts hours for the year. He states nursing homes consume over two million kilowatt hr/yr and their goal is to generate 60% of their power, which would be a cost benefit for the nursing home.
24. Mr. Burns asks if there are any contamination or other concerns if panel breaks.
25. Mr. Sussman states he is not an expert in this field and discusses the panel manufacturing company.
26. Ms. Smith expresses concern regarding heat generation.
27. Mr. Sussman discusses the safety equipment, which is compliant with the NEC National Electrical Code 2017, and the protection system.
28. Mr. Burns asks him to discuss wind capacity.
29. Mr. Sussman discusses the wind capacity test they performed.

30. Mr. Wagner asks if the power is a closed-loop system and if it goes out to a utility provided.
31. Chairman Suraci asks if there are wind resistance requirements or regulations for solar arrays.
32. Mr. Mayhew states there will be regulations to follow when applying for the building permit but there is nothing in the Land Development Ordinance regulations that will regulate it.
33. There is a discussion about how the panels are anchored.
34. Chairman Suraci opens to questions from the public.
35. There are none.
36. Mr. Burns states he has no further witnesses, they are happy to comply with the professional review letters and work with the fire marshal to ensure he is satisfied with what is being proposed.
37. Chairman Suraci opens to public comment.
38. There is none.
39. There is a motion and second to close to the public. All are in favor, motion carries.
40. Mr. Skobo motions to approve this application pursuant all exhibits, conditions agreed upon and compliance with all professional reports and statements place on the record, seconded by Mr. Wagner.

    **Roll Call:**

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

    Motion carries
41. 7:55 pm hearing ends.

7:55 pm Chairman Suraci calls for a 10-minute recess.

8:05 pm Chairman Suraci calls the meeting back into session.

- **<u>RB Manufacturing LLC (Solar Array) – File 24-PB-08-SP(V)</u>** – (TOD: 12-12-24) - Block 201, Lot 11 – 799 Route 206. Applicant seeking Minor Site Plan Approval; ('c' bulk variance requested); and waivers to install a ground-mounted solar array in the front of the existing Warehouse facility, with fencing and landscaping, on Property located in the LI, Light Industrial Zone.

  *Participating for the Applicant: Participating for the Applicant: James W. Burns, Esq., of Dembo, Brown & Burns LLP; and Clifton Quay PE, PP and Ryan Veasey, PE of Stantec*

  1) 8:06 pm start of hearing
  2) Chairman Suraci questions if the year of the TOD is correct.
  3) Ms. Ball states the correct TOD year is 2024.
  4) **James Burns**, attorney for applicant, introduces himself and gives a brief summary of the application, stating they do not need any variances.

5) Mr. Bernstein asks Mr. Kois about the proposed location of the solar array in relation to other potential uses on nearby properties.
6) Mr. Kois states it is unrelated to the property Mr. Bernstein is referring to.
7) **Ryan Veasey** is sworn in.
8) Mr. Veasey reviews Exhibit A-1 which consists of an aerial of the property including the proposed array, landscaping and buffer; Exhibit A-2 which is the proposed site plan dated August 24, 2024 included with the application; Exhibit A-3 which is the construction detail dated August 24, 2024.
9) Mr. Burns asks Mr. Veasey to discuss how these arrays are installed and mounted.
10) Mr. Bernstein asks Mr. Veasey to discuss where the current solar array in located on the roof at the RB manufacturing.
11) Mr. Veasey continues reviewing the exhibits: Exhibit A-4, the proposed landscaping plan; Exhibit A-6, the cover sheet which includes the zoning chart; Exhibit A-7, the boundary and topo survey for the facility. He states they agree to work with the Board Engineer to identify appropriate species of trees for the proposed natural buffer; and they agree to comply with ordinance sections under the general comments heading of the Pennoni review letter.
12) Mr. Mayhew states he has no outstanding items to review.
13) Ms. Ball asks for clarification of the plans for moving the monument sign.
14) Mr. Wagner asks why the panels are being relocated off the current facility.
15) Mr. Veasey states the applicant has expressed their insurance is requiring the move due to a previous fire on the roof.
16) Mr. Burns clarifies the fire was not related to the solar panels.
17) Committeeman Lipani asks why the proposed fence is not comparable in height to the panels and if they would consider increasing the fence height to help conceal the panels.
18) Mr. Veasey explains the proposed height is the NEC requirement and they would consider increasing it.
19) Mr. Mayhew points out the material of the fencing is not conducive to screening.
20) Mr. Veasey confirms it is for security, not screening.
21) There is a discussion between Committeeman Lipani, Mr. Mayhew and Mr. Veasey about the height and spacing of the proposed trees and the transparency of the fencing and if something more can be done to improve the screening.
22) Mr. Vitale asks if anyone has questions the risk of a fast moving vehicle, i.e. a tractor trailer crashing into the area.
23) Mr. Burns discusses standard roadway safeguards.
24) Committeeman asks if there is a safety shutdown if something does happen to the area.
25) Mr. Veasley confirms there is.
26) Chairman Suraci asks for more information about the screw mechanism specifically the depth.
27) Mr. Bernstein asks if there is potential to widen hwy 206 at the buffer, right-of-way line as seen on page two of Exhibit A-2.
28) Ms. Ball states that they are not aware any such plan at this time.
29) There is a discussion about possibly shifting the plans back three-feet in anticipation of the state deciding to widen the highway.
30) Mr. Burns states they understand the need to return if the state does decide to widen the highway.

31) There is a motion and second to open to public questions for this witness. All are in favor, motion carries.
32) There are no questions from the public.
33) Mr. Burns states he has no further testimony.
34) Chairman Suraci opens to public comment. There is none. There is a motion and second to close public comment. All are in favor, motion carries.
35) Mr. Skobo motions to approve the application as submitted along with all agreements confirmed during the meeting, seconded by Committeeman Lipani.
    There is no further discussion
    **Roll Call:**

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

    Motion carries
36) 8:44 pm end of hearing

Committeeman Lipani announces Mr. Skobo's resignation from the Planning Board to take a position as the Hillsborough Township Code Enforcement Official. Committeeman Lipani expresses his thanks for his service on behalf of the Board and Township.

Mr. Skobo expresses his pleasure in serving and gratitude for the learning experience.

Chairman Suraci and Mr. Kois discuss if there is anything for October 24th agenda.

Mr. Skobo motions to cancel the October 24, 2024, meeting, second by Mr. Wagner. All are in favor. Motion carries.

**ADJOURNMENT**
A motion to adjourn was made by Mr. Skobo, seconded by Committeeman Lipani. Motion carries unanimously.
8:47 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo*
*Recording Secretary*