

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

November 14, 2024

Chairman Carl Suraci called the Planning Board Regular Public Meeting of Month 14, 2024, to order at 7:13 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, <i>Mayor’s Designee</i>	Present - Bruce Radowitz
Present - Robert Wagner, Jr	Vacant - Seat #8
Present - Deputy Mayor John Ciccarelli	Present - Patricia Smith, Secretary
Present - Robert Peason, Vice Chairman	Present - Angelo Vitale (<i>Alt. #1</i>)
Present - 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.*; Alex Pallis, *Township Videographer (Fuerza Strategy Group)*

CONSIDERATION OF MEETING MINUTES

- None

CONSIDERATION OF RESOLUTIONS

- **Evergreen Energy (Foothill Estates LLC) – File 24-PB-05-SP**
Mr. Bernstein states the Board members eligible to vote on the matter
A motion to approve as the resolution was made by Vice Chairman Peason, seconded by Ms. Smith.
No comments.

Roll Call:

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

Motion carries

- **RB Manufacturing LLC (Solar Array) – File 24-PB-08-SP(V)**
Mr. Bernstein states the Board members eligible to vote on the matter

A motion to approve as the resolution was made by Deputy Mayor Ciccarelli, seconded by Vice Chairman Peason.

No comments.

Roll Call:

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

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)

Ina Sivriver – 24 Tally Hoe Trail

- Ms. Sivriver expresses concern over the disrespectful tone used by an attorney in a previous meeting and states this is a theme she has seen in other meetings. She states she does not condone the use of intimidation and asks the Board to enforce or implement some rules of conduct for the meeting for all parties involved in meetings.

Chairman Suraci states he agrees with her statement.

Gail Martin – Hillsborough Road

- Ms. Martin states she attended the meeting which Ms. Sivriver referenced and stands by her statements.
- Ms. Martin states the representative for the applicant was aggressive, condescending and tried to intimidate the Objector and his witness and was disappointed no one from the Board stepped up to stop him. She asks the Board to make sure this is not how future hearings are conducted and demands the same respect be given to the residents which they have extended.

David Brook – 7 Winding Way

- Mr. Brook states he supports Ms. Sivriver and Ms. Martin's comments.

- Mr. Brook states at the previous meeting he witnessed rude and disrespectful behavior by the applicant's attorney towards the Objector member of the public. He states this "bad behavior" concerns him. He discusses his "word of the night, civility".

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

- Ms. Janucik asks whose responsibility it is to provide accurate property information, ie information on leans, easements, zones ect.

Mr. Bernstein states it is the applicant and/or the objectors where applicable; it is not the responsibility of the Board, Board attorney or township professionals' responsibility.

- Ms. Janucik asks clarifying questions.

There are no further comments from the public.

APPLICATIONS – PUBLIC HEARING

- **Weston RD, LLC (Guastella) – File 22-PB-03-MSPV** (TOD: 11-15-24) - 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; 09-05-24). ***Application continued from September 05, 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. 7:27 pm start of hearing.
2. **Michael O'Grodnick**, attorney for applicant, introduces himself.
3. **Jordan Asch**, attorney for Objector, introduces himself and **Michael Sinkevich**.

4. Mr. Bernstein states he has a Certification by Absent Board Member Examination of Record Eligibility to Vote for Deputy Mayor Ciccarelli and Ms. Smith for the September 5, 2024, meeting therefore they are eligible to vote.
5. Mr. Sinkevich states he, and he believes Mr. O'Grodnick submitted a letter about a jurisdictional issue he believes to exist regarding the easement
6. Mr. Bernstein recommends the Board allow the completion of the testimony and record of this application and then address the issues raised by both councils including but not limited to the issue of the easement and other issues.
7. The Board members agree with this recommendation.
8. **Clay Emerson**, witness for the Objectors, introduces himself.
9. Mr. Emerson gives a brief summary of his testimony from the previous meeting.
10. Mr. Emerson reviews Exhibit O-9 and discusses the series of manholes adjacent to the clubhouse, the diversion of water flow, the existing retaining wall and the concerns he has. He also discusses how it does not comply with 7:8.
11. Mr. Emerson reviews Exhibit O-10.
12. Mr. Asch asks if it is his opinion that this application complies with the stormwater management standards.
13. Mr. Emerson states he believes it does not comply.
14. Mr. Asch asks him to briefly outline his history as a testifying witness in the field of stormwater engineering.
15. Mr. Asch has no further questions.
16. Mr. O'Grodnick asks questions related to the soil testing including but not limited to asking for explanation on how NRC mapping works and if it is reliable.
17. Mr. O'Grodnick asks the importance of visual inspections; if he has personally observed the soils on the site or the test pits; if he was hired with the purpose to oppose this application.
18. Mr. O'Grodnick asks questions pertaining to Mr. Emerson's May 22, 2023, report; class 4 dams /walls and regulations pertaining to them; and the Environmental Commission's recommendations with regard to the 100 year storm.
19. Mr. O'Grodnick has no further questions.
20. Mr. Mayhew asks about the projected increase in stormwater runoff volume.
21. Mr. O'Grodnick objects based on relevance.
22. Mr. Mayhew discusses the method the applicant uses to come to the recharge criteria and his concern that there is really no recharge occurring. He asks if there will be an increase in volume from the 2-year storm and if Mr. Emerson agrees there will be an increase in volume of runoff in the 10-year and 100-year storms.
23. Mr. O'Grodnick objects based on relevance.
24. Mr. Mayhew asks questions pertaining to the possibility of releasing runoff toward Manville.
25. 8:47 pm Chairman Suraci calls for a short recess.
26. 8:55 pm Chairman Suraci calls the meeting back into session.
27. Mr. Kois asks Mr. Emerson if the proposed drainage could have any negative impact on the wetlands.
28. Mr. Emerson explains how there is a possibility.
29. Vice Chairman Peason asks if there is an emergency spillway in the retention basin at Hearthstone.
30. Mr. Emerson explains how there is an emergency spillway but not one to the pipe that goes past the clubhouse. He discusses the closed pipe system, the overflow area and potential problem areas.

31. There is a motion and second to open to public questions for this witness. All are in favor, motion carries.
32. **Maria Janucik**, 720 East Frech Ave., Manville (residence) / 2155 Camplain Road, Hillsborough (property owner) asks the classification of the soil.
33. Mr. Emerson explains how it is classified as a 'D'.
34. Ms. Janucik asks for better understanding regarding the diverting for acres.
35. **Amil DeVito**, staff scientist at NJ Conservation Foundation in Far Hills, asks if much of the acreage drains toward the wetland.
36. Mr. Emerson states yes, roughly 4.2 acres currently drains toward that feature.
37. Mr. DeVito asks if it would have been possible to design a system in the area of the wetland and wetland buffer that would have directed the water from the acreage toward the wetland so it could be filtered and eventually leave the wetland to make its way toward the emergency spillway.
38. Mr. Emerson states yes.
39. **Mayor Richard Onderko**, North Main Street, Manville, reads into the record NSA40:55 D-2. He asks, in Mr. Emerson's opinion, if the site plan for this site contributes more to flooding or less to flooding.
40. Mr. Emerson explains how converting a forested area to a developed area and increasing the runoff volume impacts the downstream flow.
41. **David Brook**, 7 Winding Way, asks with regard to "C verses D" which costs more, a storm water recharge basin per square footage or a stormwater detention basin and why would an applicant prefer one over another.
42. Mr. Emerson states there are other factors involved that impact the cost and he explains how one may be chosen over another.
43. There are no further questions from the public.
44. Mr. Asch calls his next witness.
45. **Pam Grigas** is sworn in.
46. Mr. Asch asks her to confirm she is a member of the Hearthstone Home Owners Association.
47. Ms. Grigas confirms and reads a prepared statement into the record which expresses her concerns regarding the proposed warehouse and a personal experience with a tractor trailer near Hearthstone.
48. Mr. O'Grodnick asks for clarification as to when Ms. Grigas moved into her home, if she was aware the 1990 approval of an industrial warehouse project, and if she received a mandatory disclosure upon purchase of her home which discussed the surrounding area
49. Ms. Grigas states they purchased in 2007, did not know about the 1990 approval and does not recall receiving a disclosure upon purchase of her home.
50. Mr. Mayhew asks for clarification of truck movements along Sunnymead Road.
51. Mr. Asch clarifies Ms. Grigas is here as a non-expert witness.
52. Mr. Mayhew and Mr. Kois have no further questions.
53. Chairman Suraci opens to public comment.
54. **Maria Janucik** asks if she received information from the Township upon purchase of her home about the easement on the property in question.
55. Mr. Bernstein advises Ms. Grigas not to answer the question and states for the record that the Township is not required to advise people whether or not there is an easement on an adjoining piece of property. He clarifies the legality of the notice that Mr. O'Grodnick referenced.
56. There are no further questions from the public.
57. **James Vonderhorst** is sworn in.

58. Mr. Asch asks him to clarify his position at Hearthstone Home Owners Association.
59. Mr. Vonderhorst gives a summary of the community.
60. There is a discussion between Mr. Bernstein, Mr. Asch and Mr. O'Grodnick regarding the timing of Mr. Vonderhorst's presentation submittal.
61. Mr. Vonderhorst's is permitted to continue with his presentation which includes but is not limited to discussion of situations with tractor trailers he has witnessed on Weston Road and video showing the shoulder of Weston Road.
62. Mr. O'Grodnick objects stating hearsay to the slide pertaining to a Consumer Reports study pertaining to risks of living in close proximity to warehouses.
63. Mr. Bernstein advises the Board to not take this slide into consideration as the reference study was not provided.
64. Mr. Vonderhorst continues with the remainder of his presentation which discusses and has video footage pertaining to flooding.
65. Chairman Suraci announce it is 10:10 pm.
66. Mr. O'Grodnick asks if he is aware how long the area has been zoned as industrial and that the builder sewed the Township over the matter.
67. Mr. Vonderhorst states he was not aware.
68. Mr. Mayhew and Mr. Kois have no questions.
69. Mr. Asch states for the record his clients have one more non-expert witness they would like to present before his testimony is over.
70. Mr. O'Grodnick requests their next meeting be either a special meeting or a meeting in which they are the only application.
71. Mr. O'Grodnick and Mr. Bernstein discuss his request and available dates.
72. Mr. O'Grodnick states this will be the final carry of this application.
73. A motion to carry to January 9, 2025 without further notice and an extension of TOD to January 10, 2025 was made by Committeeman Lipani, seconded by Mr. Wagner.

Roll Call:

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

Motion carries.

74. 10:18 pm end of hearing.

ADJOURNMENT

A motion to adjourn was made and seconded. Motion carries unanimously.
10:18 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*